

City of Fredericksburg

CITY COUNCIL WORK SESSION AGENDA TUESDAY, OCTOBER 29, 2019 ~ 8:30 A.M. LADY BIRD GOLF COURSE – CARDINAL ROOM – 341 GOLFERS LOOP FREDERICKSBURG, TEXAS 78624

Linda Langerhans, Mayor
Tom Musselman, Councilmember
Bobby Watson, Councilmember

Charlie Kiehne, Councilmember
Gary Neffendorf, Councilmember
Kent Myers, City Manager

The City of Fredericksburg City Council will meet in a work session on Tuesday, October 29, 2019, at 8:30 a.m. in the Lady Bird Golf Course – Cardinal Room – 341 Golfers Loop, Fredericksburg, Texas. This is an open meeting, open to the public, subject to the Open Meetings Law of the State of Texas, and as required by law, notice is hereby posted on October 25, 2019, before 5:00 p.m., providing time, place, date and agenda thereof. The meeting facility is wheelchair accessible and accessible parking spaces are provided. Requests for accommodations or interpretative services must be made to the City Secretary 48 hours prior to this meeting.

(Please turn off all pagers and phones, except emergency on-call personnel.)

1. Call Meeting to Order

2. PUBLIC COMMENTS

The City Council welcomes citizen participation and comments at all City Council Meetings. The City Council offers citizens the opportunity to address them by signing up to speak prior to the meeting and to limit comments to 3-minutes.

NOTE: The Texas Open Meetings Act permits a member of the public or a member of the governmental body to raise a subject that has not been included in the notice for the meeting. However, any discussion of the subject must be limited to a proposal to place the subject on the agenda for a future meeting and any response to a question posed to the City Council is limited to either a statement of specific information or recitation of existing policy. TEX. GOV'T CODE § 551.042.

3. Consider Discussion on Short-Term Rentals

(Agenda Packet Pages 1 - 8)

4. Consider Report and Discussion on City PTO Policy

(Agenda Packet Pages 9 - 11)

5. Consider Report and Discussion on Affordable Housing

(Agenda Packet Pages 12 - 17)

6. Consider Report and Discussion on Marktplatz User Fees

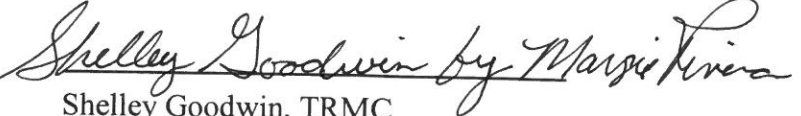
(Agenda Packet Pages 18 - 47)

7. Consider Report and Discussion on Civil Penalties for City Code Violations

(Agenda Packet Pages 48 - 61)

8. ADJOURN

This is to certify that I, Shelley Goodwin, posted this Agenda at 11:10 p.m. on October 24, 2019 on the entrance door and bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.


Shelley Goodwin, TRMC
City Secretary



Date: October 23, 2019

To: Mayor and City Council

From: Kent Myers, City Manager *KM*

Subject: Council Work Session-October 29, 2019

As you know, we have scheduled our next City Council Work Session for October 29th at the Cardinal Room at Lady Bird Johnson Golf Course. We will start gathering about 8:00 a.m. for breakfast and begin the meeting around 8:30 a.m. The meeting will adjourn before noon. Attached to this memo is the agenda and several documents related to the agenda items.

The first item on the agenda for discussion is status of our short-term rentals. Now that our ordinance has been in place for about 18 months, we wanted to provide the Council an update on how the permitting and inspection process has been going. We also want to discuss possible changes to the STR ordinance and plans to change our STR software in the near future. I have attached a report with additional information related to this agenda item.

The second item scheduled for discussion is the City's current policy for paid time off (PTO). During the recent budget discussions, we mentioned the need to budget the payments of accrued PTO time for several employees who are retiring during the coming year. With this budgetary impact, the Council discussed the need to revisit our PTO policy. Attached is a copy of a report from Tammie summarizing our PTO policy. Also attached is a spreadsheet comparing our PTO policy with the vacation and sick leave policies of other cities in the area. Unfortunately, each city is different, and it is difficult to compare the various policies. Tammie will attend the work session to explain the numbers included on the spreadsheet.

A third item on the agenda involves an update on the steps that the City has taken over the past several years to address affordable housing needs in our community. This includes both single-family and multi-family housing. Attached is a copy of a report summarizing our recent affordable housing efforts. Also attached is an update from EDC on the local multi-family housing inventory. We are seeking Council direction regarding any additional actions that you would like us to consider to address this significant community issue.

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The next item on the agenda is a report and discussion on the possible adoption of new fees for use of Marktplatz. If approved by the City Council, all revenues from these fees would be deposited into a separate account and will only be used for improvements at Marktplatz. Clinton, Andrea and Jennifer have met with several organizations to discuss these fees and they will share with the Council the outcome of these discussions. Andrea has prepared the attached staff report on these fees including a listing of possible improvements that would be funded from the new fee revenues if approved by the Council.

The final agenda item scheduled for discussion is a possible change in the way we handle code violations that would classify these violations as civil rather than criminal violations. Daniel has prepared the attached memo covering specific information regarding this item.

Please let us know if you have any questions prior to Tuesday's meeting.

The City of Fredericksburg

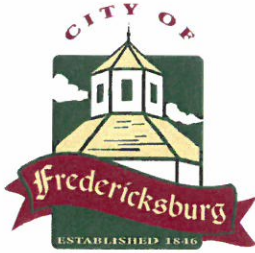
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City Council Work Session

October 29, 2019 8:30 A.M.

Cardinal Room-Lady Bird Johnson Golf Course

	<u>Estimated Time</u>
1. Call Meeting to Order	8:30 a.m.
2. Consider Discussion on Short-Term Rentals	8:30-9:30 a.m.
3. Consider Report and Discussion on City PTO Policy	9:30-10:00 a.m.
4. Consider Report and Discussion on Affordable Housing	10:00-10:30 a.m.
5. Consider Report and Discussion on Marktplatz User Fees	10:30-11:30 a.m.
6. Consider Report and Discussion on Civil Penalties for City Code Violations	11:30 a.m.-Noon
7. Adjournment	Noon



Date: October 23, 2019

To: Mayor and City Council

From: Kent Myers, City Manager

Subject: Short-Term Rentals (STRs)

At Tuesday's Council meeting, we want to provide an update on our short-term rental permitting and inspection program. We would also like to discuss possible changes to the STR ordinance that the Council adopted about 18 months ago. Following discussion on these changes, we will prepare a proposed amendment to our STR ordinance for Council consideration in the next 30-60 days.

STR Overview

Currently the City has 430 STRs that have been permitted and inspected by the City. In addition, we have 44 STRs that are now in the permitting and inspection process. Another 67 STR permits have recently expired and 68 additional permits will be expiring in the next 90 days. The City will be contacting the property owners to schedule them to renew their permits.

As you will recall, 2-3 years ago we were getting a large number of complaints about STRs on a weekly basis from local residents. This included concerns about noise, parking, trash and other problems that were beginning to have a significant impact on some of our residential neighborhoods. Many of these complaints also centered on the operation of "party houses" on many of the weekends.

Over the past year, the number of complaints has decreased dramatically. During the past several months we have received only a handful of complaints about STRs. This includes several complaints about watering violations; trash cans left at the curbs for extended periods and a few other assorted concerns. We have not received any complaints about "party houses" operating in residential neighborhoods. So, it appears that generally the new STR ordinance has been working well.

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During this same period, we have had numerous problems with the STR permitting software provided by STR Helper. This company has recently been sold to Host Compliance so we will be changing our software to another provided in the next several months. The contract for the new software provider will be presented to the City Council before the end of the year.

STR Ordinance

As previously indicated, overall the new ordinance has been working well and has addressed most of the previous concerns expressed by our residents. However, there are still a few issues that need to address in order for the City to accommodate STRs while also protecting the quality of our neighborhoods.

At Tuesday's meeting, we will present and discuss several changes that are recommended to the current STR ordinance which is attached to this report. These changes include the following:

- Increase in annual permit fees from \$150 to \$250
- Requirement that STR owners in R-1 zoning areas live on site with current STRs grandfathered
- Requirement for a certain number of parking spaces per unit
- Regulating advertising signage
- Installing small violation signs by Code Enforcement Officer for non-compliance
- Setting inspection deadline following expiration of permits
- Setting deadline for renewal of permit
- Establishing new density requirements

ARTICLE V. - SHORT TERM RENTALS

Sec. 23-100. - Purpose.

The purpose of this Article is to establish regulations for the use of privately owned dwellings as Short Term Rentals, to minimize negative ancillary impact on surrounding properties, and to ensure the collection and payment of Hotel Occupancy Tax.

(Ord. No. 28-001, § 1, 1-2-2018)

Sec. 23-101. - Definitions.

As used in this Article, the following terms shall have the following meanings:

City. The City of Fredericksburg, Texas.

Guest. The overnight occupants renting a Short Term Rental Unit for a specified period and the daytime visitors of the overnight occupants.

Local Contact Person. The Owner, Operator, or person designated by the Owner or the Operator, who shall be available 24 hours per day for the purpose of responding to concerns or requests for assistance related to the Owner's Short Term Rental.

Operator. The Owner or the Owner's authorized representative who is responsible for compliance with this Article while advertising and/or operating a Short Term Rental.

Owner. The person or entity that holds legal or equitable title to the Short Term Rental property.

Short Term Rental. A privately owned dwelling, including but not limited to, a single family dwelling, multiple family attached dwelling, apartment house, condominium, duplex, mobile home, or any portion of such dwellings, rented by the public for consideration, and used for dwelling, lodging or sleeping purposes for any period less than 30 consecutive days.

The following are exempt from the regulations under this Article: hotel, motel, dormitory, public or private club, recreational vehicle park, hospital and medical clinic, nursing home or convalescent home, foster home, halfway house, transitional housing facility, any housing

operated or used exclusively for religious, charitable or educational purposes, and any housing owned by a governmental agency and used to house its employees or for governmental purposes.

Short Term Rental Permit. A permit issued by the City authorizing the use of a privately owned dwelling as a Short Term Rental.

Short Term Rental Unit. One or more habitable rooms forming a single habitable division within a Short Term Rental, or an entire undivided Short Term Rental, which is advertised to be occupied, is occupied, or is intended to be occupied by a single party of Guests under a single reservation and/or single rental payment.

(Ord. No. 28-001, § 1, 1-2-2018)

Sec. 23-102. - Short Term Rental Permit required.

It shall be unlawful for any person or entity to rent, or offer to rent, any Short Term Rental without a valid Short Term Rental Permit issued under this Article.

(Ord. No. 28-001, § 1, 1-2-2018)

Sec. 23-103. - Short Term Rental Permit registration fee and application.

- (a) An applicant shall submit an application for a Short Term Rental Permit using a format and method promulgated by the City Manager or his/her designee. The application form shall require, at a minimum, the following information from applicants:
 - (1) The name, address, email and telephone number of the Owner of the Short Term Rental.
 - (2) The name, address, email and telephone number of the Operator of the Short Term Rental.
 - (3) The name, address, email and 24 hour telephone number of the Local Contact Person.
 - (4) The name and address of the Short Term Rental.
 - (5) The number of bedrooms and the proposed overnight and daytime occupancy limit of the Short Term Rental.
 - (6) A diagram showing the proposed layout of the property use and any on-site

parking available for the Short Term Rental.

- (7) A general description of any food service to be offered to Guests of the Short Term Rental.
- (b) An applicant for a Short Term Rental Permit shall pay to the City a permit fee of \$150.00.
- (c) A separate Short Term Rental Permit application and permit fee must be submitted for each individual Short Term Rental Unit. Each individual Short Term Rental Unit shall be assigned a unique permit number upon permit issuance by the City.
- (d) Prior to issuance of a Short Term Rental Permit, the Operator shall allow an on-site inspection of the Short Term Rental Unit by a City Code Enforcement officer, to ensure compliance with the following:
 - (1) The requirements set forth in Section 23-104(a) of this Article; and
 - (2) The requirements set forth in Sections 23-104(b)(1) through 23-104(b)(3) of this Article.
- (e) A Short Term Rental Permit issued under this Article shall be valid for a period of one calendar year from the date of issuance. The Short Term Rental Permit shall expire immediately upon any change in Owner of the Short Term Rental Unit.
- (f) The Owner has a duty to notify the City within 20 calendar days, in writing, of any changes to information submitted as part of a Short Term Rental Permit application under this Article.
- (g) An application for Short Term Rental Permit may be denied if the Owner has had a Short Term Rental Permit suspended or revoked during the previous 365 calendar days.

(Ord. No. 28-001, § 1, 1-2-2018)

Sec. 23-104. - Short Term Rental operational requirements.

- (a) The Operator shall post the following information in a prominent location within the Short Term Rental Unit, using a form promulgated by the City:
 - (1) The unique Short Term Rental Permit number assigned to the Short Term Rental Unit;
 - (2) Operator name and number;
 - (3) Local Contact Person name and number;

- (4) The location of any on-site and off-site parking spaces available for Guests;
 - (5) The overnight and daytime occupancy limits;
 - (6) Instructions to Guests concerning disposal of garbage and handling of garbage containers;
 - (7) Notification that the Guests are responsible for compliance with all applicable laws, rules and regulations pertaining to the use and occupancy of the Short Term Rental, and that Guests may be fined by the City for violations of this Article; and
 - (8) Notification that all functions such as weddings, parties or other gatherings are prohibited at the Short Term Rental, excepting Short Term Rentals located in the Commercial Zoning District.
- (b) The Operator shall operate a Short Term Rental in compliance with the following:
- (1) Zoning regulations prescribed for the zoning district in which such Short Term Rental is located, set forth in Appendix B of the Code of Ordinances.
 - (2) City of Fredericksburg Sign Ordinance, as applicable, set forth in Chapter 29 of the Code of Ordinances.
 - (3) Maximum occupancy limits prescribed by the City Fire Marshal, pursuant to the International Fire Code as adopted in Chapter 17 of this Code of Ordinances.
 - (4) City of Fredericksburg Hotel Occupancy Tax Ordinance, set forth in Chapter 41 of this Code of Ordinances.
 - (5) City of Fredericksburg Noise and Sound Level Regulation Ordinance, set forth in Chapter 20 of this Code of Ordinances.
 - (6) City of Fredericksburg Garbage Collection Ordinance, set forth in Chapter 32 of this Code of Ordinances.
 - (7) During any period when a Short Term Rental is occupied or intended to be occupied by Guests, the Local Contact Person shall be available 24 hours per day for the purpose of responding to concerns or requests for assistance related to the condition, operation, or conduct of Guests of the Short Term Rental. The Local Contact Person shall respond within 60 minutes of being notified of concerns or requests for assistance regarding the condition,

operation, or conduct of Guests of the Short Term Rental, and shall take immediate remedial action as needed to resolve such concerns or requests for assistance.

- (c) Any advertisement that promotes the availability of a Short Term Rental, listed in any medium, including but not limited to newspaper, magazine, brochure, website, or mobile application, shall include the current Short Term Rental Permit number assigned by the City.

(Ord. No. 28-001, § 1, 1-2-2018)

Sec. 23-105. - Notification of complaints.

Complaints related to the operation of a Short Term Rental, including but not limited to complaints concerning noise, garbage, parking, and disorderly conduct by Guests, shall be reported to the City Code Enforcement office.

(Ord. No. 28-001, § 1, 1-2-2018)

Sec. 23-106. - Compliance with other law.

The Owner, Operator, Local Contact Person, and Guests shall comply with all applicable laws, rules and regulations pertaining to the operation, use, and occupancy of a Short Term Rental. The Owner shall not be relieved from any civil or criminal liability for a violation of this Article, regardless of whether such violation is committed by the Owner, Operator, Local Contact Person, or Guest of the Owner's Short Term Rental.

Nothing in this Article shall be construed to relieve any person or Owner of any other applicable requirements of federal, state, or local law, rules, or regulations. Nothing in this Article shall be construed to provide any property owner with the right or privilege to violate any private conditions, covenants, and restrictions applicable to the Owner's property that may prohibit the use of such Owner's property as a Short Term Rental as defined in this Article.

(Ord. No. 28-001, § 1, 1-2-2018)

Sec. 23-107. - Compliance and Penalty provision.

- (a)

It shall be unlawful for any person or entity to violate any provision of this Article. Proof that a violation of this Article occurred at a Short Term Rental shall create a rebuttable presumption that the Owner of said Short Term Rental committed the violation.

- (b) Any violation of this Article is a Class C misdemeanor offense, and upon conviction, shall be punished by a fine as set forth in Section 1-6 of this Code of Ordinances.
- (c) Prosecution under this Article shall not require the pleading or proving of any culpable mental state.
- (d) Penalties provided for in this Article are in addition to any other criminal or civil remedies that the City may pursue under federal, state, or local law.

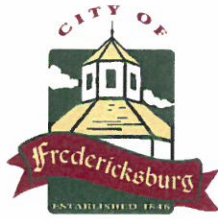
(Ord. No. 28-001, § 1, 1-2-2018)

Sec. 23-108. - Permit suspension or revocation; appeal.

Upon conviction for a violation of this Article, the City Manager may suspend or revoke any Short Term Rental Permit issued for the same Short Term Rental where the violation occurred. The City Manager shall notify an Owner of a suspension or revocation under this Section in writing, delivered by Certified Mail, Return Receipt Requested, and mailed to the address of the Owner as set forth on the most recent Short Term Rental Permit application submitted to the City.

An Owner may appeal a notice of suspension or revocation under this Section by filing a written appeal with the City Manager within ten business days following the date said notice was deposited in the U.S. Mail. Following a timely filing of an appeal hereunder, the Owner may present evidence to the City Manager related to the suspension or revocation under this Section. Following the City Manager's final decision on appeal, the Owner may appeal an adverse decision of the City Manager by filing a written appeal with the City Council within five business days following the date of the City Manager's final decision.

(Ord. No. 28-001, § 1, 1-2-2018)



CITY COUNCIL MEMO

DATE: October 22, 2019

TO: Mayor and City Council

FROM: Tammie Loth, Human Resources Manager

SUBJECT: Personal Time Off Accruals

Many years ago, the City of Fredericksburg provided both sick leave and vacation leave to their employees. The administration felt sick leave was being abused and transitioned to Personal Time Off only. At that time, a calculation was completed of accrued sick leave and vacation leave for every employee and an amount of PTO, which could be used for any personal need, was given to the employee.

A survey was conducted of the ten cities that were used when the City of Fredericksburg performed a salary survey in 2016. Those cities are Bastrop, Boerne, Brenham, Buda, Georgetown, Kerrville, Marble Falls, New Braunfels, San Marcos, and Seguin. All of these cities provide vacation leave and sick leave. The City of Fredericksburg provides Personal Time Off (PTO), which encompasses both vacation and sick leave.

Based on the results of the survey, I do not believe the City of Fredericksburg is more generous in our accrual rates than our peer cities. The survey shows a wide range of payout options for vacation, sick leave and PTO and depending when an employee would retire, the City of Fredericksburg's payout policy could be more generous. However, many of the other city's pay outs at time of separation could also be very comparable, or greater than, our policy if an employee separates at the correct time of year. A spreadsheet depicting the accrual rate, pay out rate, and buy back allowance for each city is attached. Also attached is a comparison of the accrual amounts for each of the cities at 1 year, 10 years, 20 years, and 30 years.

Fredericksburg PTO (Vacation/Sick)	Bastrop Vacation	Boerne Vacation	Brenham Vacation	Buda Vacation	Georgetown Vacation	Kerrville Vacation	Marble Falls Vacation	New Braunfels Vacation	San Marcos Vacation	Seguin Vacation
96 hrs - yr 1 144 hrs - yrs 2 - 10 168 hrs - yrs 11 - 15 192 hrs - yrs 16 - 25 216 hrs - 25+	80 hrs - 1 - 2 yrs 88 hrs - 3 - 4 yrs 96 hrs - 5 - 6 yrs 104 hrs - 7 - 9 yrs 120 hrs - 10 - 12 yrs 128 hrs - 13 - 14 yrs 136 hrs - 15 - 16 yrs 144 hrs - 17 - 18 yrs 152 hrs - 19 - 20 yrs 160 hrs - 20 + yrs	80 hrs - 1 - 4 yrs 96 hrs - 5-9 yrs 120 hrs - 10 - 14 yrs 144 hrs - 15 - 19 yrs 160 hrs - 20 - 25 yrs 175 hrs - 25+ yrs	80 hrs - 1- 5 yrs 8 additional hours for each year of service after 5 years to a maximum of 160 hours per year	40 hrs - yr 1 80 hrs - yrs 2 - 4 120 hrs - yrs 5 - 7 160 hrs - 8+	80 hrs - 1 - 4 yrs 120 hrs - 5 - 9 yrs 136 hrs - 10 - 14 yrs 160 hrs - 15+ years	96 hrs - yrs 1 - 5 128 hrs - yrs 6-10 160 hrs - yrs 11 -20 192 hrs - 21+	80 hrs - yrs 1 - 5 120 hrs - yrs 5-10 160 hrs - 10+	80 hrs - 0 - 2 yrs 90 hrs - 3 - 5 yrs 120 hrs - 6 - 10 yrs 136 hrs - 11 -15 yrs 160 hrs - 16+ yrs	120 hrs - yrs 1 -9 160 hrs - 10+ yrs	80 hrs - yr 1 120 hrs - 5 - 14 160 hrs - 15+
Carry Over - 480 hrs	Carry Over - 240 hrs	Carry Over - 240 hrs	Carry Over 80 hrs- less than 10 yrs 120 hrs-10 yrs or more	Carry Over - 160 hrs	Carry Over - 240 hrs	Carry Over - 192-288 dependent on yrs of service	Carry Over - 120-240 dependent on yrs of service	Carry Over - Amount accrued from previous year	Carry Over - No Max	Carry Over - 2 times current allowance

ALL VACATION ACCRUAL IS PAID OUT AT RETIREMENT / RESIGNATION / TERMINATION

Sick Leave	Sick Leave	Sick Leave	Sick Leave	Sick Leave	Sick Leave	Sick Leave	Sick Leave	Sick Leave	Sick Leave	Sick Leave
96 hrs / year Carry Over 960 hrs	96 hrs / year Carry over 960 hrs	96 hours per year Carry Over 600 hrs	120 hrs per year Carry Over 720 hrs	96 hrs per year Carry Over-no max	96 hrs/year - 1-5 yrs Amount increases each 5 years of employment Carry over - 960 hrs	104 hrs/year Carry Over -no max	96 hours per year Carry over -960 hrs	120 hours per year Carry Over - No Max	96 hrs Carry over - 480 hrs	
Pay Out: 50% of sick leave accrued at separation	Pay Out: 160 hrs (10 yrs) 240 hrs (15 yrs) 320 hrs (20 yrs) 400 hrs (25 yrs) 480 hrs (30 yrs)						Pay Out: 480 hours IF retires after 10 yrs OR Resignation or termination after 15 yrs			
No buy back policy	No buy back policy	Buy Back - Yes 1 week of sick & 1 week of vacation IF employee has 120 hrs of vacation & 300 hrs of sick leave	No buy back policy	No buy back policy	No buy back BUT After 480 accrued sick hours may trade sick leave for personal leave	No buy back policy	No buy back policy	No buy back policy	No buy back policy	No buy back policy

1 year accrual	Fredericksburg 96 hours	Bastrop 176 hours 80 vacation 96 sick	Boerne 176 hours 80 vacation 96 sick	Brenham 176 hours 80 vacation 96 sick	Buda 160 hours 40 vacation 120 hours	Georgetown 176 hours 80 vacation 96 sick	Kerrville 192 hours 96 vacation 96 sick	Marble Falls 184 hours 80 vacation 104 sick	New Braunfels 176 hours 80 vacation 96 sick	San Marcos 240 hours 120 vacation 120 sick	Seguin 176 hours 80 vacation 96 sick
10 year accrual	144 hours	216 hours 120 vacation 96 sick	216 hours 120 vacation 96 sick	216 hours 120 vacation 96 sick	280 hours 160 vacation 120 sick	232 hours 136 vacation 96 sick	224 hours 128 vacation 96 sick	224 hours 120 vacation 104 sick	216 hours 120 vacation 96 sick	280 hours 160 vacation 120 sick	216 hours 120 vacation 96 hours
20 year accrual	192 hours	248 hours 152 vacation 96 sick	240 hours 144 vacation 96 sick	256 hours 160 vacation 96 sick	280 hours 160 vacation 120 sick	256 hours 160 vacation 96 sick	256 hours 160 vacation 96 sick	264 hours 160 vacation 104 sick	256 hours 160 vacation 96 sick	280 hours 160 vacation 120 sick	256 hours 160 vacation 96 sick
30 year accrual	216 hours	256 hours 160 vacation 96 sick	271 hours 175 vacation 96 sick	256 hours 160 vacation 96 sick	280 hours 160 vacation 120 sick	256 hours 160 vacation 96 sick	288 hours 192 vacation 96 sick	264 hours 160 vacation 104 sick	256 hours 160 vacation 96 sick	280 hours 160 vacation 120 sick	256 hours 160 vacation 96 sick



Date: October 23, 2019

To: Mayor and City Council

From: Kent Myers, City Manager

Subject: Affording Housing

We wanted to take some time at the City Council Work Session on Tuesday to update the Council on recent steps we have taken to address local affordable housing issues. Following this update, we would be interested in any additional steps that the Council would like to consider as we continue to address this important community issue.

The lack of affordable housing continues to be one of the most important issues facing Fredericksburg and many other communities across the country. In our City the issue is even more critical due to our expanding workforce needs. Over 500 new jobs will likely be created over the next several years. These employees are currently not available in the local area primarily due to the lack of housing that they can afford.

Multi-Family Housing

It should be recognized that many of our local employees simply cannot afford to purchase their own homes. Many of these individuals work in the hospitality industry with wages of \$12 to \$15 an hour. So, it is important that safe, clean, convenient and affordable multi-family rental housing is available in our community. Over the past 2-3 years we have been able to get several of the local apartment complexes improved to meet city code requirements. In addition, several new multi-family complexes have been developed with a total of 180 new units. This week we permitted 24 additional units at Vineyard Crossing behind Whataburger.

With these changes in the local multi-family market, Tim Lehmberg recently updated the apartment inventory report which is attached. As shown, most of the local complexes are still close to 100% occupancy with the total adjusted occupancy at 97%. The one exception is the Ten19 Apartments that were formerly known as Highland Oaks. These units were recently taken

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off the market for refurbishment and have only been available for rental for about 60 days. The occupancy at this complex should be over 90% in the next 60-90 days.

We currently have several developers looking at sites for possible development of additional multi-family housing. Included with this memo is a map showing the areas that are currently zoned R-3 Multi-Family Residential. These are the areas that will likely be considered by these developers as they review possible projects. The City has traditionally not provided any incentives to these developers.

So, several questions need to be considered concerning the need for affordable rental housing. Do we have sufficient multi-family housing currently available? Do we have enough areas zoned R-3 for future development of multi-family housing? Do we want to consider any incentives to developers who might be interested in building additional multi-family housing?

Single-Family Housing

The City has been actively engaged in the development of affordable single-family housing with mixed results. Specific actions that we have taken over the past two years include the extension of utilities to the Beginnings Subdivision; the approval of an ordinance waiving impact fees for affordable housing and the rezoning of lots to R-1A. At the work session we will discuss the impact of each of these actions and any additional steps that the City should consider that might help address this issue.

The rezoning of residential lots to R-1A has been one of the most important steps that the City has taken since the cost of land is one of the main cost drivers for housing. The smaller lots, and the development of smaller houses on these lots, should reduce the housing costs significantly. Unfortunately, these costs savings are somewhat offset by increases in the costs for labor and materials that we are experiencing. Currently we have 604 residential lots rezoned and platted R-1A including Crabapple Grove (78 lots), Friendship Oaks (474 lots) and the Beginning (52 lots). At the recent City Manager's Coffee, concerns were expressed about the increasing number of R-1A lots in our community.

With the recent completion of The Beginnings Subdivision, we have started to see some interest in developing housing that would qualify for waiver of our utility impact fees (\$247,000 or less). The Habitat for Humanity has been approved for a waiver of these fees and several other developers may be applying for these waivers in the next several months. However, it continues to be a challenge for local builders to meet this threshold to qualify for these waivers.

Other local activity related to the development of affordable single-family housing includes the Haus Verein project. This is still in the proposal stage and it is unknown if local employers will support this development. In terms of recruitment of major builders to develop in the Friendship Oaks Subdivision, we have not received any commitments from these builders at this time.

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So, in discussing single-family affordable housing, several questions should be addressed. Are we doing enough to encourage and provide incentives for this type of housing? Are there any other steps that we should be taking? Does the City have any interest in reconsidering the use of City property for affordable housing? Do these City want to participate in any additional partnership efforts with the Chamber, County or other entities?

We look forward to the discussion on this issue at Tuesday's meeting.

EXISTING MULTIFAMILY HOUSING
10/15/2019

Name	Year Built	#/Units	Total #/Units Vacant	#/Units Off Mkt	Target Market	Type of Units	Rent	Occupancy	Rental Subsidy	Water	Electric
Evergreen Villa 805 E. Highway St. 997-9458 (Kelli)	1990	23	2		Senior (62+)	1 BR	30% of Income Range \$66-\$302	91%	Yes/HUD 202	Landlord	Tenant
Fredericksburg Seniors Apts. 591 E. Highway St. 997-6803 (Christopher)	1991	48	3		Senior (62+)	(40) 1 BR (8) 2 BR/1 BA	\$491 - \$631 \$551 - \$706	94%	No	\$10/mo	Tenant
Luckenbach Retirement Apts. 202 Billie Drive 997-8028 (Janet)	1967	30	2	1	Senior (55+)	(21) 1 BR (9) 2 BR	\$625 - \$700 \$850 - \$900	93%	No	Landlord	Tenant
Towne Park 1125 S. Adams 990-9086 (Sonja)	2003	48	0		Senior (55+)	(16) 2 BR/1 BA (32) 2 BR/2 BA	\$398 - \$877	100%	Yes, Tax Credit	Landlord	Tenant
Towne Park Phase II 1125 S. Adams 990-9086 (Sonja)	2006	44	1		Senior (55+)	1 BR	\$337 - \$736 \$800	98%	39 Tax Credit Units 5 Market Units	Landlord	Tenant
Vineyard Crossing 1003 E. Highway St. 713-455-2100 (Kris Gant)	Unknown	16	0		Mixed	(8) 1 BR (8) 2 BR/2 BA	\$985 \$1,185	100%	No	Landlord	Tenant
Driftwood Apartments 101 E. Driftwood Drive 997-8722 (Shana)	1981	52	5	4	Family	(16) 1 BR (8) 2 BR/1 BA (8) 2 BR/2 BA (20) 2 BR/ 2.5 BA	\$700 - \$750 \$795 \$795 \$875 - \$975	90%	No	Landlord	Tenant
Ten19 Friendship (Highland Oaks) 1019 Friendship Lane 990-0304 (Monica)	1998	132	34	29	Mixed	(80) 2 BR/1 BA (32) 2 BR/2 BA (20) 3 BR/2 BA	\$850 - \$950 \$1,000 - \$1,100 \$1,300	74%	No	Tenant	Tenant
Friendship Place 709 S. Creek St. 990-8885 (Jennifer)	2005	76	0		Family	(20) 1 BR (32) 2 BR/2 BA (24) 3 BR/2 BA	\$587 - \$724 \$695 - \$863 \$991	100%	Yes, Tax Credit	Tenant	Tenant
Terraces at Creek Street	2008	80	3		Family	(21) 1 BR	\$1,018 - \$1,161 *	96%	No	Tenant	Tenant

707 S. Creek St.
990-0300 (Barbara)
* Economic leasing, rates fluctuate daily based on availability and demand

Brentwood Oaks Apartments
604 S. Eagle St.
990-0296 (Emily)

Sunrise Townhomes
705 S. Creek St.
990-0300 (Barbara)

Orchard Grove Apartments
108 E. Lower Crabapple Rd.
998-5933 (Melissa)

Rolling Hills Townhomes
1625 N. Adams St.
998-5445 (Melissa)

Totals

PENDING MULTIFAMILY HOUSING

Vineyard Crossing (Phase 2)	24	N/A	Mixed	(16) 1 BR
1003 E. Highway St.				(8) 2 BR/2 BA

713-455-2100 (Kris Gant)

The City of Fredericksburg, Texas Zoning Map

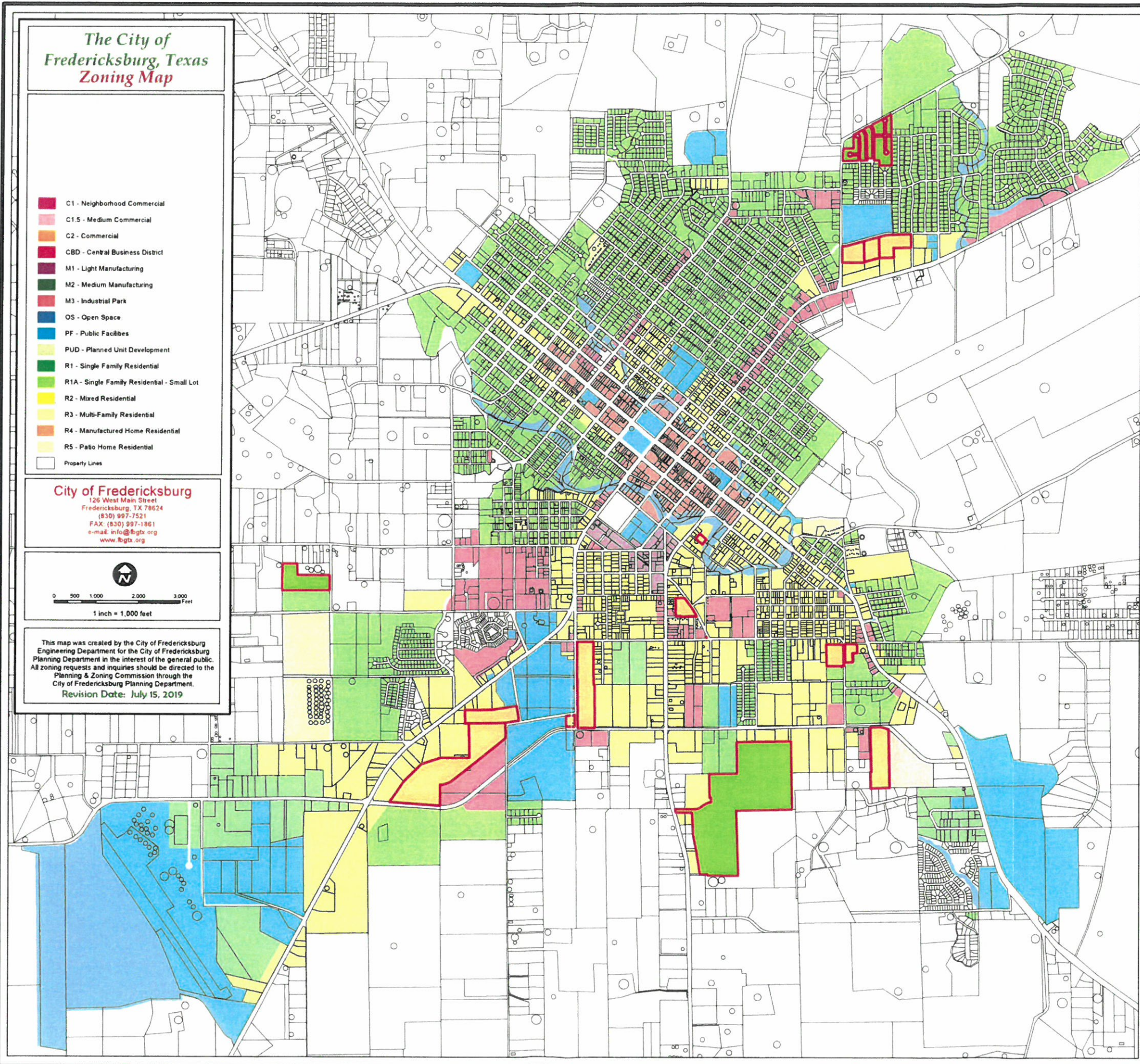
- C1 - Neighborhood Commercial
- C1.5 - Medium Commercial
- C2 - Commercial
- CBD - Central Business District
- M1 - Light Manufacturing
- M2 - Medium Manufacturing
- M3 - Industrial Park
- OS - Open Space
- PF - Public Facilities
- PUD - Planned Unit Development
- R1 - Single Family Residential
- R1A - Single Family Residential - Small Lot
- R2 - Mixed Residential
- R3 - Multi-Family Residential
- R4 - Manufactured Home Residential
- R5 - Patio Home Residential
- Property Lines

City of Fredericksburg

126 West Main Street
Fredericksburg, TX 78624
(830) 997-7521
FAX: (830) 997-1861
e-mail: info@fbgtx.org
www.fbgtx.org



This map was created by the City of Fredericksburg Engineering Department for the City of Fredericksburg Planning Department in the interest of the general public. All zoning requests and inquiries should be directed to the Planning & Zoning Commission through the City of Fredericksburg Planning Department.
Revision Date: July 15, 2019





CITY COUNCIL MEMO

DATE: October 29, 2019
TO: Mayor and City Council
FROM: Andrea Schmidt, Parks & Recreation Director
SUBJECT: Marktplatz Reservation & Special Event Fees

Summary:

Marktplatz generates approximately \$13,000 annually in reservation fees for special events and private parties. The fees generated go directly into the City's general fund. Because over \$1,000,000 in maintenance projects have been identified at Marktplatz, parks staff has been directed to research options to increase fees and create a dedicated line item to fund improvements on Market Square. The list of maintenance projects and estimates are attached. The first five projects will be completed through the general fund in fiscal year 2020. Many of the maintenance projects are recurring and some will need to be completed annually while others every 5 to 7 years. Others are a one-time expense.

If the open events rates were doubled and a \$1 per admission/registration fee was added, the revenue would increase from about \$13,000 to about \$56,000. If the open event rates were doubled and a \$3 per admission/registration fee was added, the revenue would increase to \$145,450. These revenue increases are based on all events remaining on Marktplatz and on current estimated attendance. Please see the attachment for annual revenues based on doubling the open event fees and adding \$1 to \$5 per admission.

New fees to consider are broken into two parts based on the type of event:

1. Reservation Fees: Events that are free and open to the general public or private:

Facility Name:	Current Fee:	New Fee:
Adelsverein Halle	\$250.00/day	\$500.00/day

The City of Fredericksburg

Oktoberfest Halle	\$150.00/day	\$300.00/day
Kinder Halle	\$150.00/day	\$300.00/day
Catering Kitchen	\$50.00/day	\$100.00/day
Fest Room	\$50.00/day	\$100.00/day
Entire Square (one week)	\$2,400.00/week	\$4,800.00/week
Entire Square (add-on day)	\$650.00/day; max. 10 days	\$1,300.00/day; max. 10 days
Banner Hanging Fee	\$25.00/24-hours	\$50.00/24-hours

*Non-profits are eligible for 50% discount, excluding the banner hanging fee.

2. Admission/Gate/Participant Fee: all events for which the event organizers or sponsors charge a registration, admission, ticket or gate fee:

A dollar amount per person, to be paid within 30 days of the conclusion of the event. A post-event report will be required. The per person fee is for each person that is charged a fee to participate in or enter the event.

The required post-event report will promote financial transparency when calculating the payment due to the City for the event. Event organizers will complete the report within 30-days of the conclusion of the event and the report will be presented to the City Manager (or City Council) for approval.

A starting date for these proposed fees would need to be discussed that gives event organizers time to plan for the proposed fee increases.

Recommendation:

Consider fee increase options at Marktplatz. No formal action is requested today.

Background / Analysis:

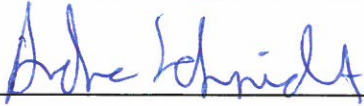
The special events coordinator contacted the 19 recurring special events that use Marktplatz in July and August of 2019 and asked for input on the potential fee increases. She had many phone conversations but asked for written responses from the events. 18 of the 19 events responded. Of the 18 responses 4 thought the new fees were acceptable. The other 14 thought the fee increase was too much. All responses are attached.

The Assistant City Manager, Special Events Coordinator and PARD Director attended an Oktoberfest Board meeting to discuss the possible new fees as well. The background for why the new fees was discussed. The Board said Oktoberfest makes donations to the maintenance and upkeep of Marktplatz already and wants to continue to do that. All proceeds for this event go back to Fredericksburg. Debbie Reeh also wrote a letter summarizing this meeting which is attached.

Parks staff contacted the cities of Kerrville, Boerne, San Antonio, and New Braunfels to gather information on how they assess fees for gated fairs & festivals, fun runs, and races. None of the cities contacted currently use a per person or percentage of the gross profit fee structure. However, there are cities around the country that do assess a per person or percentage of the gross profit fee for gated/ticketed events. After much research staff found cities varied greatly on how they charged events including: no charge, charging a flat rate (we currently do this), charging a percentage of the gross revenue, adding a fee to gate/registration, or charging for every service i.e. police, barricades, staff overtime, water connections, etc.

Attachments:

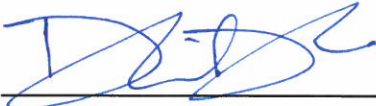
Marktplatz Maintenance Projects, Calendar Year 2019 Marktplatz Events with fees; Event Organizer Feedback, Post Event Report sample



Department Approval



City Manager Approval



City Attorney Approval

The City of Fredericksburg

Marktplatz Maintenance Projects

October 2019

CIP #	Description	Estimate	Priority	Notes	Recurring?
P77	Arbors at MP repaint/repair:	\$ 34,000	1	FY20	Yes, every 5 - 7 years
P75	Oktoberfest Halle repaint/repairs	\$ 32,000	2	FY20	Yes, every 5 - 7 years
P79	Light pole replacements (6)	\$ 22,000	3	FY20	As needed but probably every 3 to 5 years
P74	Electric pedestal replacements	\$ 72,000	4	FY20	As needed but probably every 5 to 7 years
P76	Kinder Halle repaint/repairs	\$ 32,000	5	FY20	Yes, every 5 - 7 years
P73	Playground replacement	\$ 300,000	6	MP Commission project	Will need shade replaced possibly in the next 5 years
P80	Paver replacement	\$ 375,000	7	Future expense: If stamped concrete, cost will increase ~\$600,000,	No
P83	Picnic tables/garbage can replacements	\$ 75,000	8	Future expense	As needed - Picnic tables should last 10+ years
P28	Pavilion flaps	\$ 50,000	9	Future expense	Do away with - have events provide their own shade
P87	Limestone repairs	\$ 40,000	10	Future expense	No
P78	Auto flush fixture upgrade	\$ 10,000	11	Future expense	No
P21	Public address system	\$ 50,000	12	Future expense	No
P84	Adelsverein Halle repaint	\$ 40,000	13	Repainted in 2017 so needed again in 2022, FY22	Yes, every 5 - 7 years
None	Turf replacement	\$ 2,000	14	Some turf needs to be replaced annually due to wear and tear - amount will vary	Yes, annually
None	Restroom upgrades	\$ 50,000	15	Small restroom upgraded in 2017, large restroom is due some upgrades	No
None	Christmas decorations	\$ 60,000	16	Lights replaced this year but will need to be replaced every 5 years	Yes, every 5 years
None	Replace special event fencing	\$ 50,000	17	Options vary greatly - events or rental company would need to put up any new fencing	No
TOTAL*		\$ 1,294,000			

*some projects are being completed this year but will need to be done every 3 to 7 years depending on the project, others are one time expenses

Calendar Year 2019 Marktplatz Events

Event Name	Current Reservation Fees	\$1 per person	\$2 per person	\$3 per person	\$4 per person	\$5 per person	Fee Type	Notes
Wanderlust Half Marathon - Race/Run	\$ 250.00	\$ 750.00	\$ 1,500.00	\$ 2,250.00	\$ 3,000.00	\$ 3,750.00	\$ per person; approx. 750 runners	
Busy Bee Handmade Market; 2nd quarter	\$ 150.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	Double current reservation fee	
Zooma Run - Race/Run	\$ 500.00	\$ 500.00	\$ 1,000.00	\$ 1,500.00	\$ 2,000.00	\$ 2,500.00	\$ per person; approx. 500 runners	New event: TBD
Busy Bee Handmade Market; 4th quarter	\$ 150.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	Double current reservation fee	
Wounded Warriors at NEBO	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	First-come, first serve event	
Leadership Gillespie County	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	First-come, first serve event	
Birthday Party	\$ 50.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	Double current reservation fee	
Memorial Service	\$ 150.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	Double current reservation fee	
City Hall Open House & Touch-A-Truck	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Internal Event	
Family Reunion	\$ 150.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	Double current reservation fee	
Founder's Day Ceremony	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	First-come, first serve event	
Birthday Party	\$ 150.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	Double current reservation fee	
Birthday Party	\$ 150.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	Double current reservation fee	
Wedding	\$ 200.00	\$ 400.00	\$ 400.00	\$ 400.00	\$ 400.00	\$ 400.00	Double current reservation fee	
Church Celebration	\$ 175.00	\$ 350.00	\$ 350.00	\$ 350.00	\$ 350.00	\$ 350.00	Double current reservation fee	
Realtor Event	\$ 150.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	Double current reservation fee	
Die Kunstler Art Show	\$ 150.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	Double current reservation fee	
Fredericksburg Volunteer Fire Dept. Fish Fry	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Internal Event	
Palmz in the Platz	\$ 350.00	\$ 700.00	\$ 700.00	\$ 700.00	\$ 700.00	\$ 700.00	Double current reservation fee	
Farmers Market	\$ 650.00	\$ 1,300.00	\$ 1,300.00	\$ 1,300.00	\$ 1,300.00	\$ 1,300.00	Renegotiate?	Fee reduction by City Council
Lions Club Pancake Breakfast	\$ 75.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	Double current reservation fee	
Wildflower Run - Race/Run	\$ 125.00	\$ 300.00	\$ 600.00	\$ 900.00	\$ 1,200.00	\$ 1,500.00	\$ per person; approx. 300 runners	
PCAA Summer Concerts	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	300 people per concert	Fee waiver by City Council
National Day of Prayer	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Annual event	Fee waiver by City Council
Pioneer Memorial Library Book Sale	\$ 250.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	Double current reservation fee	
Crawfish Festival - gated/ticketed event	\$ 1,200.00	\$ 10,000.00	\$ 20,000.00	\$ 30,000.00	\$ 40,000.00	\$ 50,000.00	\$ per person; approx. 10K	One week rental
Masonic Car Show	\$ 350.00	\$ 700.00	\$ 700.00	\$ 700.00	\$ 700.00	\$ 700.00	Double current reservation fee	
Wear Orange	\$ 75.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	Double current reservation fee	
VFW Children's Parade on July 4th	\$ 75.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	Double current reservation fee	
July 4th Patriotic Program	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Music program at Adelsverein Halle	No charge
4-H BBQ	\$ 200.00	\$ 400.00	\$ 400.00	\$ 400.00	\$ 400.00	\$ 400.00	Double current reservation fee	
Fight Like a Kid in Gold Fundraiser	\$ 75.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	Double current reservation fee	
Lutheran Fall Festival - Race/Run & Free Festival	\$ 600.00	\$ 1,300.00	\$ 1,400.00	\$ 1,500.00	\$ 1,600.00	\$ 1,700.00	Double current reservation fee + 100 runners	
Oktoberfest - gated/ticketed event	\$ 2,400.00	\$ 20,000.00	\$ 40,000.00	\$ 60,000.00	\$ 80,000.00	\$ 100,000.00	\$ per person; approx. 20K	Two week rental
Mesquite Arts Festival	\$ 1,200.00	\$ 2,400.00	\$ 2,400.00	\$ 2,400.00	\$ 2,400.00	\$ 2,400.00	Double current reservation fee	One week rental
Bestfest - gated/ticketed event	\$ 1,200.00	\$ 3,000.00	\$ 6,000.00	\$ 9,000.00	\$ 12,000.00	\$ 15,000.00	\$ per person; approx. 3K	One week rental
Eisbahn - gated/ticketed event	\$ 1,800.00	\$ 10,000.00	\$ 20,000.00	\$ 30,000.00	\$ 40,000.00	\$ 50,000.00	\$ per person; approx. 10K	Fee reduction by City Council
Holy Ghost Balloon Release for Lost Children	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	First-come, first serve event	
Christmas Tree & Pyramid Lighting	\$ -	\$ -	\$ -	\$ -	\$ -			No charge
Afterglow Market	\$ 225.00	\$ 450.00	\$ 450.00	\$ 450.00	\$ 450.00	\$ 450.00	Double current reservation fee	
Countdown to the New Year	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	Internal Event	
	\$ 13,225.00	\$ 56,150.00	\$ 100,800.00	\$ 145,450.00	\$ 190,100.00	\$ 234,750.00		

Events in red would be charged Admission/Gate/Participant Fee rates

Five-Year Total* \$ 727,250.00

*based on all events remaining at the site and estimated attendance

Fee Increase Feedback

Recurring Events	Response?	Notes
4-H BBQ	Yes	See write-up
AfterGlow Market	Yes	OK with new fees per conversation with Penny on 7/29
Bestfest	Yes	See email from John Eihlers
Busy Bee Handmade Market	Yes	See email
Crawfish Festival	Yes	See letter from the Jaycees
Cross Trails Ministry Fall Festival	Yes	See write-up
Die Kunstler Art Show	Yes	See letter from Ruby Lee Clark
Eisbahn	Yes	See letter from Heritage School
Farmers Market	Yes	OK with fees per conversation with Mark Mazur on 8/15
Fight Like a Kid in Gold	Yes	Canceled 2019 event
Lions Club Breakfast	Yes	OK with fee increase as long as the fees go towards maintenance
Masonic Car Show	Yes	See email from Walter Pletz
Mesquite Arts Festival	Yes	See write-up
Oktoberfest	Yes	See notes from Debbie Reeh
Palmz in the Platz	No	Emailed Vanessa 7/29 and left message on 8/20
Pioneer Memorial Library	Yes	See write-up
Wanderlust	Yes	See email from Bart Childers
Wildflower Run	Yes	OK with new fees per conversation with Jessie Aleman on 7/29
Zooma Run	Yes	New event for 2019; is OK with the fees as she has seen this done in other places

4-H BBQ Leaders Breakfast

Per phone calls with Sheree Burrow and Danny Crenwelge: doubling the fees wouldn't deter them from having the event at Marktplatz due to the parade. However, could council think about a smaller, incremental increase vs. doubling the fee at once?

Jennifer Krupa

From: Penny McBride <[REDACTED]>
Sent: Tuesday, September 3, 2019 3:08 PM
To: Jennifer Krupa
Subject: Tonight's Meeting

Hi again, Jennifer. With the change of meeting schedule to accommodate the Labor Day holiday, I will be unable to attend tonight's City Council meeting because the first Tuesday of the month is when the hospital's board of trustees meet.

I know we had a quick conversation on the matter, but I remain unopposed to the fee increase for Marktplatz for the Light The Night Christmas Parade.

I regret that I am unable to attend tonight for the ordinance and fee discussions, but believe I have provided you our feedback. Just wanted to let you know.

Thanks,
Penny

—
Penny C. McBride | President & CEO
Fredericksburg Chamber of Commerce
P: 830.997.5000
306 E. Austin | Fredericksburg, Texas 78624
Open für business since 1920.

From: John Eilers [REDACTED]
Sent: Tuesday, August 20, 2019 10:41 AM
To: Jennifer Krupa <jkrupa@fbgtx.org>
Subject: Re: Bestfest street closure and special event committee meeting

Jennifer

The obvious thought on this, since Bestfest is a 100% charity event, is that we would be against any cost increase that would decrease our annual budget for charity. Therefore we would potentially look elsewhere to have the event.

Jennifer Krupa

From: Amy Kirk
Sent: Monday, July 29, 2019 3:41 PM
To: Jennifer Krupa
Subject: Re: Marktplatz reservation fee increase: your feedback is requested

Jennifer,
I understand the need for the increase, but doubling in one year seems excessive..
Just my opinion.
Thanks for the information
Amy

Busy Bee
Handmade
market

Sent from my iPhone

On Jul 29, 2019, at 3:08 PM, Jennifer Krupa <jkrupa@fbgtx.org> wrote:

Dear Amy,

As you probably know, Marktplatz is Fredericksburg's most used park property to host special events. In addition, you are most likely aware that Marktplatz is in dire need of repairs. City staff has discovered over \$1 million dollars in needed improvement projects; including leveling and replacement of pavers and limestone, replacing rusty arbors & lighting fixtures, replacement of rotted wood & painting, upgrades to electrical connections, playground equipment replacement, and the list goes on. Due to the overwhelming list of projects and their associated costs, City Council is looking at ways to fund the projects by increasing reservations fees for use of Marktplatz. Fees for Marktplatz have not been increased in many years. The new reservation fees collected would be used to fund improvements to Marktplatz.

The information presented in this email is for discussion, and nothing has been voted on or made official. However, we do anticipate City Council to move forward with a decision here in the very near future as the fiscal year 2020 budget will be adopted this September.

- What would this mean to your event? Please see the bullet points below based upon the type of event.
 - For events that are OPEN and FREE to the general public to attend: Current reservation fees would double. This means that if you rented the large pavilion (Adelsverein Halle) in 2019 for one day at \$250.00, it would now be \$500.00, per day. **Busy Bee Handmade Market would fall into this category**
 - For events that are free and open to the public with an approved agreement through City Council for a reduced reservation fee: The fee listed in your agreement would double; so if you currently pay \$650.00, your new fee would be \$1300.00. The number of days and facilities reserved through your agreement would stay the same.
 - Participant Fee for fun runs, races, rides, walks AND Gated/Ticketed events: Your event fee would now be based on attendance at a range of \$1-\$3 per person of paid registrations, admissions, tickets, etc. For event set-up and clean-up, your event would

have the same number of days to set-up and clean-up (using historical data). Should you need additional time for set-up and clean-up, reservation fees may apply based on the facility and number of days needed for either. Attendance based fees would be due 30-days after the event conclusion and a post-event form would be required to be completed and accepted by city management or city council. Your participant, registration, admission, or ticket fees could be increased by the \$1-3 amount to cover the additional cost.

- **When would these changes go into effect?** January 1, 2020
- **Would I still need to pay a security deposit based on attendance?** Yes, security deposits will stay the same at \$1,000.00 for events with anticipated attendance of 300-1000 and \$3,000.00 for events with over 1,000 attendees.
- **What do I need to do to solicit my feedback on the proposed fees?** I would like to gather all of your comments no later than Friday, August 16th at noon. The comments collected will be submitted to the parks director for discussion with City Council at a future date. If I do not hear back from you by the deadline, I will have to assume that you are OK with the proposed fees. Talk the information over with your event committee, board, council, etc. and try to give me the pros and cons you see with the proposed fees.
- **I would rather meet in person to discuss this, can I schedule a time to come in and meet with you?** Of course. Email me, call me, text me, and we will find time.

In closing, I want to reiterate again that this has not been finalized or approved to take effect. Your feedback is very important to us in this process. As always, please call me if you need clarification on what this would mean for your event.

Again, please submit your feedback **no later than Friday, August 16th at noon.**

Thank you,
Jennifer

Jennifer Krupa
Special Events Coordinator
City of Fredericksburg
126 W Main St
Fredericksburg, Texas 78624
(830) 990-2044
jkrupa@fbgtx.org

<image002.png>

August 13, 2019

Dear Fredericksburg City Council,

The Fredericksburg Jaycees would like to reach out to you in regards to the proposed rental fee increases for the use of Market Platz.

The Fredericksburg Jaycees understand and agree that Market Platz is in need of some repairs and updates. With that being said, the Jaycees are not in favor of the proposed fee increase of \$1.00 - \$3.00 per paid attendee. A \$1.00 fee would cost us six times more than what we paid this year. A portion, if not all of this fee increase, could be added to the ticket price. However, every year a decent number of people already balk or turn away when told how much a ticket costs. If the fee is \$3.00 per attendee our event would most likely have to cease. This increase would kill the profitability of this event.

Other Viable options that could be pursued include the use of H.O.T. funds, fund raisers, and donations.

Every dollar that is taken from our event is a dollar that will not be given back to the community. Every dollar that is added to our ticket prices will make more families turn away at the gate and unable to enjoy the event that the Jaycees work so hard to put on.

Thank you for your time,

Sloan McBride
Fredericksburg Jaycees – President
830-998-5220

William Motloch
Fredericksburg Jaycees – Treasurer
830-998-3013

Cross Trails Ministry/Lutheran Fall Festival

Phone call with Kelly Krupicka on Tuesday, August 13th

- In 32 years, they did not pay for the event until 2017 (2016 there was an issue with a double-booking with this event and a wedding).
- If the fees would double to \$1,200, they would have to move the event.

Crawfish Festival

Phone call with Wil Motloch, Treasurer on Tuesday, August 13th

- Average attendance is 7,500
- Going from \$1,200 to \$7,500 is a 625% increase if you adopt the \$1 per person
- If you adopt the \$3 per person rate, it would collapse the festival. They already have a majority of complaints about the general admission fee being too high since they have to pay for everything else once inside (food, drinks, children's entertainment, vendor items, etc.)

August 13, 2019

To City Leaders:

We have been notified that the city of Fredericksburg is considering raising the rental fees for the Marktplatz pavilions. Die Kunstler von Fredericksburg, a local non-profit organization of artists, opposes this move. We are concerned that an increase in fees would adversely affect the ability of small, volunteer groups like us to use the area. The Marktplatz is a public space that should be available to all community groups for use without a prohibitive price. We are required to procure Insurance, as well as pay the rental fee, when we hold our Spring Sale and Show at the Marktplatz; so the financial obligation for Die Kunstler is great. We are serving the community and visitors with this sale, as it affords the public the ability to purchase original, local art at reasonable price. We advertise the availability of art instruction through our monthly guest artist demonstrations at this sale, and we encourage community involvement in the arts. All this is good for Fredericksburg. We are worried that our ability to use the Marktplatz will be limited, or even out of the question, if the increase in price is enacted. Please consider the small groups that would like to utilize this public space and could be excluded in the face of rising costs. Not all renters are large entities that can easily absorb an increase in fees. Perhaps a separate fee schedule could be devised for small non-profit groups that are from Gillespie County.

Ruby Lee Clark

Ruby Lee Clark Pres.

On behalf of the Die Kunstler Board of Directors

P.S. We are losing the feeling of community, where people with like interest work together, without pay, for a common good. We have many small clubs who will be limited in what they are able to do.



HERITAGE SCHOOL

Dear Jennifer,

Thank you for the opportunity to provide input and express our concerns regarding the proposed fee increases.

Eisbahn is a significant holiday draw for the city and county. The event attracts skaters and their families, all of whom eat, shop and potentially stay in the area during their visits.

In addition, Eisbahn is the only event held at Marktplatz that is specifically designed for children and families. In a town where we often hear that there is nothing for children to do, it seems that anything done to jeopardize this event would not be prudent.

The proposed fee increase would have a significant negative impact on Eisbahn. Last year we had 9,740 skaters at a cost per skater of approximately \$7. As you may recall, our costs are able to remain relatively low because the event is staffed with parent volunteers from Heritage. Your proposed fee represents a cost increase of 29% (\$2/skater) to 43% (\$3/skater).

Eisbahn proceeds fund tuition assistance enabling nearly 25% of our students to attend Heritage School. In addition, Eisbahn funds provide significant donations to two local charitable organizations: Fredericksburg Lifeline Foundation and the Boys & Girls Club. The negative impact of the city's additional proposed fee increase on these three charitable organizations would be insurmountable.

Rink upkeep and improvements periodically needed to maintain excellent skating conditions are costly. Our ability to make these types of improvements would be severely limited by the imposition of these additional fees. Rink improvements benefit the city's image as well as Eisbahn's.

Heritage School is requesting that the city grant a variance to exempt Eisbahn from these fees based on the event's family friendly holiday focus and direct charitable benefits. If an exemption from the fee is not possible, we request that the city consider continuing the current rent arrangement at a more reasonable rate increase.

Again, we thank you for the opportunity to comment. We hope that you will take our concerns into serious consideration and look forward to your response.

Sincerely,

Nancy Hierholzer

Head of School

Jennifer Krupa

From: Krystal Kahler [REDACTED]
Sent: Tuesday, July 30, 2019 9:03 AM
To: Jennifer Krupa
Subject: Re: Marktplatz reservation fee increase: your feedback is requested

I am going to cancel my event at Marketplatz . I need an annual place for my event that I can afford.

Please send refund to
Krystal Kahler
[REDACTED]

Sent from my iPhone

Fight Like a
Kid in a Old
Cancer fundraiser

On Jul 30, 2019, at 8:23 AM, Jennifer Krupa <jkrupa@fbgtx.org> wrote:

Hi Krystal,

This would not go into effect until Jan. 1, 2020 so this year's event would be at the rate already established. Thank you for your feedback.

Thank you,
Jennifer

Jennifer Krupa
Special Events Coordinator
City of Fredericksburg
126 W Main St
Fredericksburg, Texas 78624
(830) 990-2044
jkrupa@fbgtx.org

From: Krystal Kahler [REDACTED]
Sent: Monday, July 29, 2019 8:48 PM
To: Jennifer Krupa <jkrupa@fbgtx.org>
Subject: Re: Marktplatz reservation fee increase: your feedback is requested

So this September will be double?

I'm a small non profit - I am the only means of money for this cause (unfortunately) I cant get any help from the public as it is and now and to charge admission- not happening . I can't believe they want to raise the price for non profit events in Marketplatz.

Next year is my third year trying to Raise awareness and funding for families that need my help. There is no way I can pay for my event space Marketplatz every year with this ridiculous price increase.

Fredericksburg has plenty of revenue from so many different areas of taxation from everyone here. The fact it's going to cost over 1 Million is mind blowing in its self.

I am totally against this proposal from city council.

On Jul 29, 2019, at 3:22 PM, Jennifer Krupa <jkrupa@fbgtx.org> wrote:

Dear Krystal,

As you probably know, Marktplatz is Fredericksburg's most used park property to host special events. In addition, you are most likely aware that Marktplatz is in dire need of repairs. City staff has discovered over \$1 million dollars in needed improvement projects; including leveling and replacement of pavers and limestone, replacing rusty arbors & lighting fixtures, replacement of rotted wood & painting, upgrades to electrical connections, playground equipment replacement, and the list goes on. Due to the overwhelming list of projects and their associated costs, City Council is looking at ways to fund the projects by increasing reservations fees for use of Marktplatz. Fees for Marktplatz have not been increased in many years. The new reservation fees collected would be used to fund improvements to Marktplatz.

The information presented in this email is for discussion, and nothing has been voted on or made official. However, we do anticipate City Council to move forward with a decision here in the very near future as the fiscal year 2020 budget will be adopted this September.

- What would this mean to your event? Please see the bullet points below based upon the type of event.
 - For events that are OPEN and FREE to the general public to attend: Current reservation fees would double. This means that if you rented the large pavilion (Adelsverein Halle) in 2019 for one day at \$250.00, it would now be \$500.00, per day. **Fight Like a Kid in Gold would fall into this category unless you decide to charge admission, etc.**
 - For events that are free and open to the public with an approved agreement through City Council for a reduced reservation fee: The fee listed in your agreement would double; so if you currently pay \$650.00, your new fee would be \$1300.00. The number of days and facilities reserved through your agreement would stay the same.
 - Participant Fee for fun runs, races, rides, walks AND Gated/Ticketed events: Your event fee would now be based on attendance at a range of \$1-\$3 per person of paid registrations, admissions, tickets, etc. For event set-up and clean-up, your event would have the same number of days to set-up and clean-up (using historical data). Should you need additional time for set-up and clean-up, reservation fees may apply based on the facility and number of days needed for either. Attendance based fees would be due 30-days after the event conclusion and a post-event form would be required to be completed and accepted by city management or city council. Your participant, registration, admission, or ticket fees could be increased by the \$1-3 amount to cover the additional cost.
- When would these changes go into effect? January 1, 2020

Lions Club Pancake Breakfast
Email from Ronnie Stotz

From: Ronnie Stotz [REDACTED]
Sent: Wednesday, August 21, 2019 2:00 PM
To: Jennifer Krupa <jkrupa@fbgtx.org>
Subject: Re: City Council Work Session: Marktplatz Fees

Hey Jennifer I'm fine with increasing the fees as long as it is going towards maintenance of the facilities.

Ronnie

Sent from my iPhone

masonic
car show

Jennifer Krupa

From: Walter Pletz
Sent: Monday, August 12, 2019 2:46 PM
To: Jennifer Krupa
Subject: Re: Marktplatz reservation fee increase: your feedback is requested

The feedback from our meeting is pretty much the same. Certainly understand an increase in the fees but doubling is a bit much and unreasonable. We all feel the same way. I guess we just have to wait and see what the City council does. Let me k now when this is decided and also when the new forms, etc. are available



Sender notified by
[Mailtrack](#)



On Tue, Jul 30, 2019 at 5:35 PM Walter Pletz <walterpletz20@gmail.com> wrote:
What is the process for hot funds

On Tue, Jul 30, 2019, 8:31 AM Jennifer Krupa <jkrupa@fbgtx.org> wrote:

Thank you! Please send me the feedback from your meeting as well.

Jennifer Krupa

Special Events Coordinator

City of Fredericksburg

126 W Main St
Fredericksburg, Texas 78624

(830) 990-2044

jkrupa@fbgtx.org

From: Walter Pletz <walterpletz20@gmail.com>
Sent: Monday, July 29, 2019 4:26 PM
To: Jennifer Krupa <jkrupa@fbgtx.org>
Subject: Re: Marktplatz reservation fee increase: your feedback is requested

First-The proposed \$1300 would include everything as we did this year including the access to the catering kitchen and MarktPlatz to mark parking places with the understanding we don't interfere with an event on Thursday. I think raising prices is always inevitable just not doubling the cost all at one time. Almost like the city is getting everyone's attention at once with the probable outcome of an increase but just not all at once. Will discuss at our officers meeting on August 8th.



Sender notified by
[Mailtrack](#)



On Mon, Jul 29, 2019 at 3:12 PM Jennifer Krupa <jkrupa@fbgtx.org> wrote:

Dear Walter,

As you probably know, Marktplatz is Fredericksburg's most used park property to host special events. In addition, you are most likely aware that Marktplatz is in dire need of repairs. City staff has discovered over \$1 million dollars in needed improvement projects; including leveling and replacement of pavers and limestone, replacing rusty arbors & lighting fixtures, replacement of rotted wood & painting, upgrades to electrical connections, playground equipment replacement, and the list goes on. Due to the overwhelming list of projects and their associated costs, City Council is looking at ways to fund the projects by increasing reservations fees for use of Marktplatz. Fees for Marktplatz have not been increased in many years. The new reservation fees collected would be used to fund improvements to Marktplatz.

The information presented in this email is for discussion, and nothing has been voted on or made official. However, we do anticipate City Council to move forward with a decision here in the very near future as the fiscal year 2020 budget will be adopted this September.

- **What would this mean to your event? Please see the bullet points below based upon the type of event.**
 - **For events that are OPEN and FREE to the general public to attend:** Current reservation fees would double. This means that if you rented the large pavilion (Adelsverein Halle) in 2019 for one day at \$250.00, it would now be \$500.00, per day. **The Masonic Car Show would fall into this category**
 - **For events that are free and open to the public with an approved agreement through City Council for a reduced reservation fee:** The fee listed in your agreement would double; so if you currently pay \$650.00, your new fee would be \$1300.00. The number of days and facilities reserved through your agreement would stay the same.
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Texas Mesquite Arts Festival

Per phone call with Al Carr on 8/15: he is OK with the doubling of the fees as long as 100% of the additional funds are earmarked for projects at Marktplatz. He did want to emphasize that he takes the rental fee and the cost for his rentals and divides that among his artists to keep the event equitable for his vendors. Doubling the fee could make some vendors decide not to attend.



First Weekend In October!!

October 4 | 5 | 6

MarktPlatz | Downtown | Fredericksburg

Oompah at its best!

To: City Council, Mayor Langerhans and City Staff

From: Debbie Reeh- Oktoberfest Manager

RE: Add on to Admission Fees for Festivals held on Marktplatz

Date: August 16, 2019

Andrea, Jennifer and Clinton invited me to a meeting on July 29th to share some ideas being discussed that *will* impact festivals on MarktPlatz.

To summarize our conversation:

- Parks Department is looking at a one-million-dollar expenditure for much needed repairs on MarktPlatz
- They are looking for resources to help fund the repairs
- We talked about the City's general fund, 3.5% tax cuts, and annual increases in the budget
- Research was done to see what other cities are charging festivals taking place on City property, and how they recoup additional costs

They shared some of the Council/City discussion during a meeting:

- With the heavy use of MarktPlatz and the much-needed repairs, one idea is adding a \$1-\$3 per person fee (on top of the admission the festivals charges) for paid registrations, admissions, or tickets, to be paid to the City 30 days after the event conclusion

I scheduled a meeting, following this one, with my Oktoberfest Advisory Committee to let them know what is being discussed on the City level. I did invite Andrea, Jennifer and Clinton to attend this meeting to answer questions. We all learned a lot at this meeting.



First Weekend In October!!

October 4 | 5 | 6

MarktPlatz | Downtown | Fredericksburg

Oompah at its best!

After sharing the letter I received outlining all of this, and our discussion with Clinton, Jennifer and Andrea, the added fee per person was met unfavorably by my Oktoberfest Advisory Committee.

Pedernales Creative Arts Alliance (PCAA), through the profits made from Oktoberfest, has been a great partner to the City for many years:

PCAA/Oktoberfest fully paid:

- Oktoberfest Halle
- Maibaum and upkeep

PCAA/Oktoberfest contributed to:

- Fest Zimmer
- Die Küche
- 2017/2018 sod and turf replacement project
- WiFi
- Extra barricades for street closures

What else does PCAA/Oktoberfest do for the City of Fredericksburg and Gillespie County:

- Presently we have 16 scholarship students going to college to study the arts. Each receiving between \$1500-\$2500 per semester, if their grades are kept up, until they graduate
- About \$120,000 in grants to art-related projects are awarded in Gillespie County annually
- MarktPlatz PCAA Concert Series (six in total annually), free to all
- Oktoberfest conducted an economic impact study several years ago and at that time generated \$6.2 million in Gillespie County (this does not include what Oktoberfest took in)
- Oktoberfest employs a lot of local contractors: Unlimited Security, Jym Chenault, Class A Rentals, Itz Electric, Stephen Itz just to name a few

We feel if the City and Council imposes a \$1 - \$3 per person park use fee to everyone, it will have an unfavorable reaction from our guests.

OktoberfestinFbg.com 830-997-4810

Fest Office: 703 N Llano



First Weekend In October!!

October 4 | 5 | 6

MarktPlatz | Downtown | Fredericksburg

Oompah at its best!

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OktoberfestinFbg.com 830-997-4810 Fest Office: 703 N Llano



First Weekend In October!!

October 4 | 5 | 6

MarktPlatz | Downtown | Fredericksburg

Oompah at its best!

It could impact the number of people coming due to a higher cost. Which in turn will affect PCAA/Oktoberfest's annual "give back" to the community, as well as total funds spent by our attendees outside of our gates.

I would be delighted to visit with all of you again and attend a possible workshop being planned this Fall.

PCAA/Oktoberfest and I do appreciate the relationship we, together, have built with you over the last 39 years. Fredericksburg, years ago, was designated the *Polka Capital of Texas*, and there is no better place than MarktPlatz to host this event that celebrates our German heritage.

I welcome a phone call and/or further questions.

Festively,
Debbie Reeh - Oktoberfest Manager

Brian MacWithey

Friends of the Pioneer Memorial Library Book Sale

Fee would double to \$500 to rent Adelsverein Halle for two days

They are against the increase. They fund their children's programs with the proceeds from the sale and finding alternate funding is almost impossible. Moving the book sale to a location near the library on the lawn would be catastrophic as they would need to rent tents, etc. Close the golf course to fund the improvements at Marktplatz since it loses money each year.

wanderlust half marathon

Jennifer Krupa

From: Bart Childers
Sent: Monday, July 29, 2019 3:13 PM
To: Jennifer Krupa
Subject: Re: Marktplatz reservation fee increase: your feedback is requested

Yes, very difficult. Because we are small and this is out of town, it not been a huge money maker.

We impact the venue very little. Our goal is to grow the race to 1000 with huge discounts. So paying 2000-3000 for the venue, would probably impact us to seek another venue.

But I will put together something before your deadline. We do avoid venues that want to have a price based on attendance. Venues don't want to help you grow the race, just take money based on the attendance that they did not build.

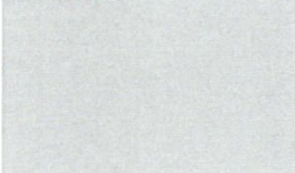
We have to discount to get higher numbers, and venue per person cost, eliminates that option for us.

Some events have a impact on the venue but running events do not. Why, runners are out running and when they return, they all leave within minutes or within 1-2 hours.

Let me think about it more.

Hope you are doing great.

Bart Childers



On Jul 29, 2019, at 3:06 PM, Jennifer Krupa <jkrupa@fbgtx.org> wrote:

Correct.

Jennifer Krupa
Special Events Coordinator
City of Fredericksburg
126 W Main St
Fredericksburg, Texas 78624
(830) 990-2044
jkrupa@fbgtx.org

From: Bart Childers <[REDACTED]>
Sent: Monday, July 29, 2019 3:06 PM
To: Jennifer Krupa <jkrupa@fbgtx.org>
Subject: Re: Marktplatz reservation fee increase: your feedback is requested

so is our date penciled in?
so that someone can not take our date?

Bart Childers
[REDACTED]

On Jul 29, 2019, at 3:05 PM, Jennifer Krupa <jkrupa@fbgtx.org> wrote:

Hi Bart,

No, sorry. City council has the authority to change fees at any time. I have the Wanderlust date on hold for 2020; no funds have been deposited. They are planning to make a decision on this before October 1st (our new fiscal year) so that I will have an answer. I cannot take any payments for next fiscal year (other than deposits) at this time.

So, please submit any feedback on the proposed change prior to August 16th at noon so I can get it compiled. Positive and negative please.

Thank you,
Jennifer

Jennifer Krupa
Special Events Coordinator
City of Fredericksburg
126 W Main St
Fredericksburg, Texas 78624
(830) 990-2044
jkrupa@fbgtx.org

From: Bart Childers <[REDACTED]>
Sent: Monday, July 29, 2019 2:59 PM
To: Jennifer Krupa <jkrupa@fbgtx.org>
Subject: Re: Marktplatz reservation fee increase: your feedback is requested

Jennifer Krupa

Zooma
Run - new
event
in 2019

From: Sarah Ratzlaff
Sent: Tuesday, August 13, 2019 10:49 AM
To: Jennifer Krupa
Subject: Re: Marktplatz reservation fee increase: your feedback is requested

Hi Jennifer - Yes, I've seen this with some of my other events and shouldn't be an issue.

On Mon, Jul 29, 2019 at 4:34 PM Jennifer Krupa <jkrupa@fbgtx.org> wrote:

Dear Sarah,

I know we haven't had your event yet but wanted to let you know the plans for the future....not sure if you have encountered this at other venues so if you do have any feedback, please provide.

Thanks - Jennifer

As you probably know, Marktplatz is Fredericksburg's most used park property to host special events. In addition, you are most likely aware that Marktplatz is in dire need of repairs. City staff has discovered over \$1 million dollars in needed improvement projects; including leveling and replacement of pavers and limestone, replacing rusty arbors & lighting fixtures, replacement of rotted wood & painting, upgrades to electrical connections, playground equipment replacement, and the list goes on. Due to the overwhelming list of projects and their associated costs, City Council is looking at ways to fund the projects by increasing reservations fees for use of Marktplatz. Fees for Marktplatz have not been increased in many years. The new reservation fees collected would be used to fund improvements to Marktplatz.

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- What would this mean to your event? Please see the bullet points below based upon the type of event.
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Marktplatz Post-Event Report

This report is due 30-days upon conclusion of a special event at Marktplatz when gate/admission/participant fees are charged. All fields are required unless noted.

Please return the completed form to: specialevents@fbgtx.org or mail: Special Events, 126 West Main Street, Fredericksburg, TX 78624, or drop-off in person at City Hall during regular business hours.

Name of Event: _____

Event Date(s): _____

Contact Name: _____

Phone Number:() _____ E-mail: _____

Gate/Admission/Participant Numbers (paid)

Last Year's Attendance (if applicable): _____

This Year's Attendance: _____

If your event attendance has decreased from last year to this year, please explain why below:

I certify the information above is true and correct:

Approved by:

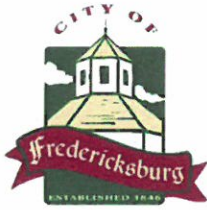
Event Contact Printed Name:

City Manager Date

Event Contact Signed Name: Date

The City of Fredericksburg

126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861



CITY COUNCIL MEMO

DATE: October 29, 2019

TO: Mayor and City Council

FROM: Daniel Jones, City Attorney

SUBJECT: Discussion of establishing an alternative civil process to handle City ordinance violations.

Summary: By creating an alternative adjudication process, City code violations are enforced as an administrative civil matter, rather than as a Class C criminal misdemeanor case.

Recommendation: Discuss and consider the establishment of an alternative adjudication process.

Background / Analysis: The City Council will discuss the concept of creating an alternative process to handle City ordinance violations, through a civil administrative hearing process. By using an alternative adjudication process, code violations are treated as an administrative matter, rather than as a Class C criminal misdemeanor case. The goals are to promote code compliance and increase efficiency of code enforcement, while improving the City-public relationship by disposing of cases in a less adversarial manner.

Local Government Code, Section 54.044, provides the required procedure for administrative adjudication of certain ordinances. Common cases that could be handled by an alternative adjudication process include trash can violations, water conservation violations, animal control violations (animals at large), and public nuisances (overgrown grass/weeds, accumulations of refuse/debris).

An alternative adjudication process operates with one administrative hearing officer, in lieu of the municipal court judge. The duties and powers of the hearing officer can include: (1) administer oaths to witnesses or an interpreter; (2) hear and determine contested cases; (3) issue orders compelling the attendance of witnesses and the production of documents; (4) assess administrative penalties; and (5) question witnesses and examine evidence. The findings of the hearing officer are reflected in a written administrative order.

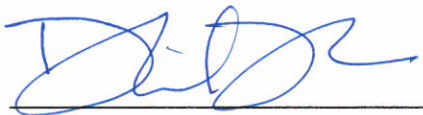
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126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861

Under an alternative adjudication process, a typical code violation case would start with the issuance of a "citation" by a Code Enforcement officer. This administrative citation serves as the summons with notice of a specific hearing date/time, and as the allegation for the violation charged. When a citation is received, a citizen may respond in one of two ways: (1) pay the mail-in penalty amount, which constitutes an admission of liability and disposes of the case without a hearing; or (2) contest the case by appearing at the designated hearing date and time. A person issued an administrative citation in due and proper form who fails to appear at the designated hearing is deemed to have admitted liability and a written default judgment is ordered, finding the citizen liable and assessing the appropriate penalty. When a citizen appears at the hearing to contest the case, the hearing is informal. The citizen has the right to rebut the alleged violation. A dissatisfied citizen may appeal a final administrative order to the municipal court.

Benefits of an alternative adjudication process may include faster disposition of cases, more flexibility in penalties assessed due to lack of required court costs, and removal of the "criminal" stigma attached to Class C misdemeanor cases enforced by prosecution in the municipal court.

Attachments: Comparison chart of Criminal Court vs. an Alternative Adjudication process; Flowchart of the civil code enforcement process used in the City of Dallas; Copy of ordinance from the City of Austin creating an administrative hearing process for code violations.



Daniel Jones
Department Approval



Kent Myers
City Manager Approval

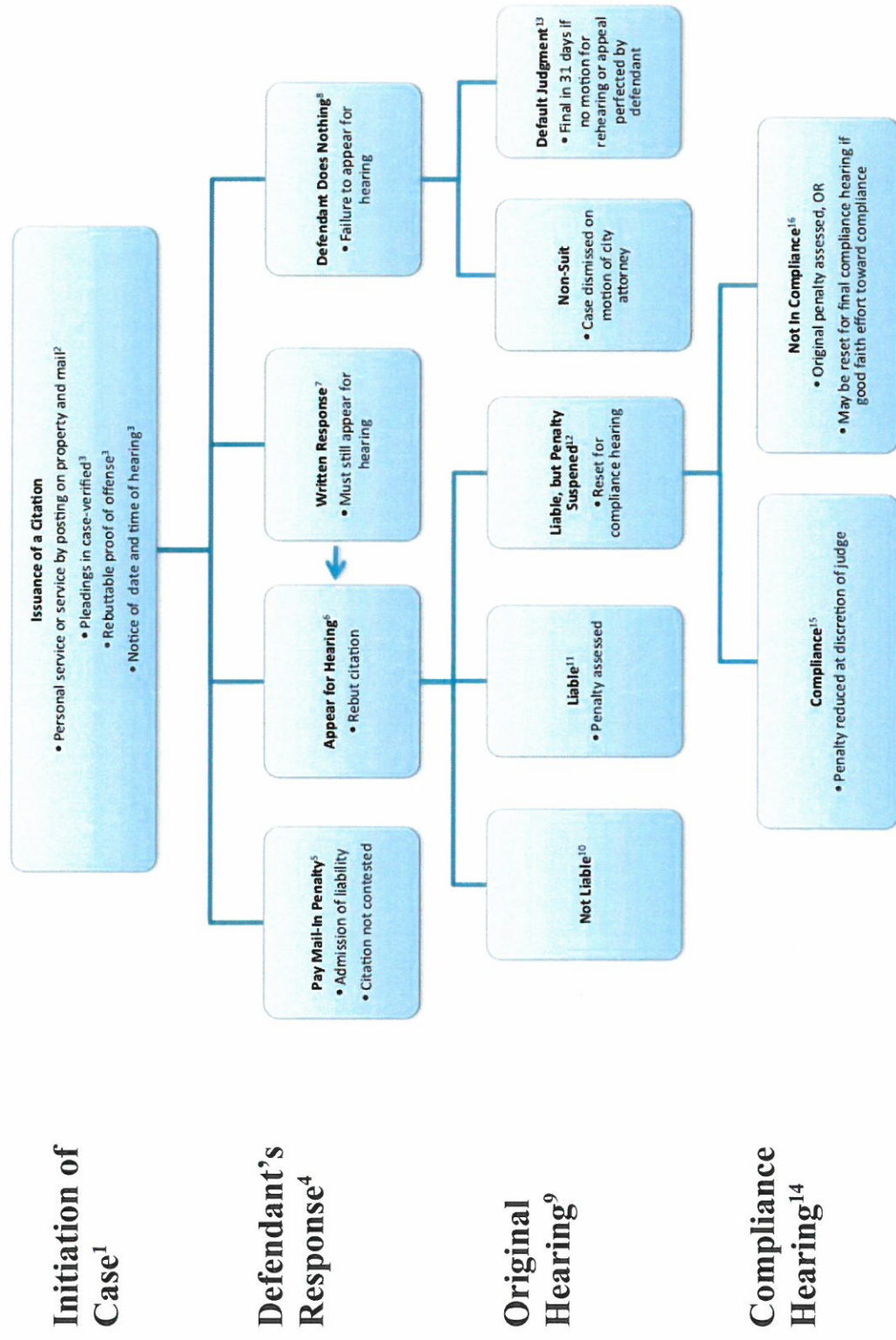
The City of Fredericksburg

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**Comparison of processing code violation cases in
Criminal Court vs. an Alternative Adjudication process**

	Criminal Court	Alternative Adjudication Hearing
Type of Hearing	Jury trial or trial by court in Municipal Court. Formal trial procedure; Rules of Evidence apply.	Administrative Hearing. Simplified and informal procedure; Rules of Evidence do not apply.
Pleadings	Strict requirements for filing criminal complaint	Pleading by sworn citation from Code Enforcement officer
Burden of Proof	Beyond a Reasonable Doubt. City must prove all elements of offense.	Preponderance of the Evidence. Proof of violation by sworn citation, rebuttable by defendant.
Failure of Defendant to Appear	Results in arrest warrant, additional criminal charge for FTA.	Results in default judgment, penalty assessed.
Court Costs	Mandatory, shared with State.	Not mandatory, allows for flexibility in penalty assessed.
Case Type	Criminal case, Class C Misdemeanor	Civil administrative case, no criminal record created

Diagram of Operation of the Dallas Civil Adjudication Court



All references are for Dallas City Code, Ordinance No. 25927

¹ Sec. 27-16.12
² Sec. 27-16.13
³ Sec. 27-16.14
⁴ Sec. 27-16.15
⁵ Sec. 27-16.15(b)(1)
⁶ Sec. 27-16.15(b)(2)

⁷ Sec. 27-16.15(b)(3)
⁸ Sec. 27-16.16(a)
⁹ Sec. 27-16.18
¹⁰ Sec. 27-16.18(f)(2)
¹¹ Sec. 27-16.18(f)(1)
¹² Sec. 27-16.17(c)(6)

¹³ Sec. 27-16.16(c)(2)
¹⁴ Sec. 27-16.18(f)(3)
¹⁵ Sec. 27-16.18(f)(3)(B)
¹⁶ Sec. 27-16.18(f)(3)(C)

ORDINANCE NO. 20141023-056

AN ORDINANCE AMENDING TITLE 2 OF THE CITY CODE TO CREATE AN ADMINISTRATIVE HEARING PROCESS FOR CERTAIN CITY CODE VIOLATIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Title 2 (*Administration*) is amended to add a new Chapter 2-13 (*Administrative Adjudication of Violations*) to read as follows:

CHAPTER 2-13. ADMINISTRATIVE ADJUDICATION OF VIOLATIONS.

ARTICLE 1. GENERAL PROVISIONS

§ 2-13-1 DEFINITIONS.

In this chapter:

- (1) **CODE OFFICIAL** means the city employee designated by the City Manager as the Director of the Austin Code Department.
- (2) **HEARING COORDINATOR** means the Code Official's designee that manages the administrative hearing process created by this chapter.
- (3) **ISSUING OFFICER** means a city employee with the authority to issue administrative citations for violations described in Section 2-13-3 (*Violations Subject to Administrative Adjudication*).
- (4) **VIOLATOR** means the person charged with violating an ordinance described in Section 2-13-3 (*Violations Subject to Administrative Adjudication*).

§ 2-13-2 PURPOSE; ESTABLISH ADMINISTRATIVE HEARING PROCESS.

- (A) The purpose of this chapter is to protect the health, safety, and welfare of the citizens of the City, by providing for an administrative hearing process for violations of ordinances described in Local Government Code Section 54.032 (*Ordinances Subject to Quasi-Judicial Enforcement*).
- (B) This chapter establishes a procedure for administrative hearings pursuant to and consistent with Local Government Code Section 54.044 (*Alternative Procedure for Administrative Hearing*).

§2-13-3 VIOLATIONS SUBJECT TO ADMINISTRATIVE ADJUDICATION.

- (A) The administrative hearing process established in this chapter may be used to enforce ordinances:
 - (1) for the preservation of public safety, relating to the materials or methods used to construct a building or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances, or exits;
 - (2) relating to the fire safety of a building or improvement, including provisions relating to materials, types of construction or design, warning devices, sprinklers or other fire suppression devices, availability of water supply for extinguishing fires, or location, design, or width of entrances or exits;
 - (3) relating to dangerously damaged or deteriorated buildings or improvements;
 - (4) relating to conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents; or
 - (5) relating to a building code or to the condition, use, or appearance of property in a municipality.
- (B) Nothing in this chapter shall preclude the City's pursuit of any and all other remedies allowed under the civil and criminal statutes, and in equity, to address violations of ordinances described in this section.

§2-13-4 HEARING OFFICER.

- (A) One or more hearing officers must be appointed to administratively adjudicate violations of ordinances described in Section 2-13-3 (*Violations Subject to Administrative Adjudication*).
- (B) A hearing officer may:
 - (1) administer oaths;
 - (2) issue orders that compel the attendance of witnesses and the production of documents;
 - (3) issue an order that includes the disposition of the hearing and the amount of penalties and costs; and

- (4) act pursuant to the authority granted in Texas Local Government Code Section 54.044 (*Alternative Procedure for Administrative Hearing*).
- (C) A hearing officer must be a licensed attorney in good standing with the State Bar of Texas.
- (D) An order to compel the attendance of witnesses and the production of documents is enforceable by the Municipal Court.

§2-13-5 ADMINISTRATIVE CITATIONS.

- (A) An administrative citation must be on a form prescribed by the Code Official and must include:
 - (1) the nature, date, and location of the violation;
 - (2) a notification that the violator has the right to a hearing;
 - (3) the time and place of the hearing;
 - (4) a notification that failure to appear for a hearing is considered an admission of liability for the violation charge and will result in the assessment of penalties and costs; and
 - (5) the name of the individual issuing the citation.
- (B) The original or copy of an administrative citation is kept in the ordinary course of City business and is rebuttable proof of the facts it states.

ARTICLE 2. HEARINGS.

§2-13-21 HEARING FOR AN ADMINISTRATIVE CITATION.

- (A) A hearing to adjudicate an administrative citation described in this chapter shall be conducted by a hearing officer appointed pursuant to Section 2-13-4 (*Hearing Officer*).
- (B) The Texas Rules of Evidence do not apply to a hearing under this chapter.
- (C) The hearing officer shall hear and consider:
 - (1) evidence presented by the person charged;
 - (2) presumptions and prima facie evidence established by this chapter or other applicable law; and
 - (3) evidence presented by the issuing officer, if required to attend the hearing;

- (D) The hearing officer shall make a decision based on a preponderance of the evidence.
- (E) The testimony at the hearing shall be recorded. If an audio recording is made, each voice shall be identified.
- (F) The recorded testimony, documents, and other evidence shall constitute the record for appeal. The acceptance of documents or other evidence shall be noted on the record.
- (G) The issuing officer is not required to attend a hearing.
- (H) The issuing officer shall attend a hearing:
 - (1) if requested in writing by the violator; and
 - (2) the request is filed with the hearing coordinator at least seven business days before the scheduled hearing date.
- (I) A scheduled hearing may be reset for cause if the violator submits a written request for a reset to the hearing coordinator at least five days before the scheduled hearing date. If the hearing coordinator does not respond to a request for a reset, the request is denied, and the violator must appear as scheduled.
- (J) At the conclusion of the hearing, the hearing officer shall issue an order that
 - (1) finds the violator liable and assesses penalties and costs; or
 - (2) finds the violator not liable for the violation.
- (K) The hearing officer's order may be filed with the City Clerk in a separate index and file. The order may be recorded using microfilm, microfiche, or other data processing techniques.

§2-13-22 FAILURE TO APPEAR AT A HEARING.

If a violator fails to attend a scheduled hearing, including an appeal hearing, the violator is considered to admit liability for the violation charged.

§2-13-23 ESTABLISHING A PENALTY.

- (A) The penalty range that may be assessed against a violator found liable under this chapter shall be no more than \$1,000 per day and:
 - (1) not less than \$20.00 for a first violation;
 - (2) not less than \$250.00 for a second violation; and
 - (3) not less than \$500.00 for a third or subsequent violation.

- (B) In addition to the penalty assessed, the hearing officer may require the violator to pay costs.
- (C) In determining the amount of penalty to be assessed, the hearing officer shall consider the following factors:
 - (1) the gravity of the violation;
 - (2) any actions taken by the violator to correct the violation;
 - (3) any previous violations committed by the violator;
 - (4) indigence of the violator; and
 - (5) any other relevant evidence.

ARTICLE 3. APPEALS AND ENFORCEMENT

§2-13-31 APPEAL FROM A HEARING.

- (A) A violator found liable by a hearing officer may appeal the determination by:
 - (1) filing a petition with the Clerk of the Municipal Court before the 31st day after the hearing officer's determination is filed with the City Clerk; and
 - (2) paying a non-refundable filing fee.
- (B) A violator that fails to appear at a hearing described in Section 2-13-21 (*Hearing for an Administrative Citation*) is not entitled to an appeal hearing.
- (C) An appeal hearing is conducted by a municipal court judge.
- (D) The judge shall review the record and hear oral arguments of the parties at the appeal hearing.
- (E) The judge may receive evidence of procedural irregularities alleged to have occurred at the hearing that are not reflected in the record.
- (F) The judge may not substitute his or her judgment for that of the hearing officer as to the weight of the evidence given by the hearing officer for questions that fall within the hearing officer's discretion.
- (G) The court may reverse the hearing officer's order or remand the case for a rehearing if the appellant's substantial rights have been violated because the administrative findings or orders:
 - (1) violate constitutional or statutory provisions;

- (2) exceed statutory authority;
 - (3) are made upon unlawful procedure;
 - (4) are affected by other error of law;
 - (5) are not supported by substantial evidence, as that term is used in Local Government Code Section 54.039 (*Judicial Review*), in light of the reliable and probative evidence in the record as a whole; or
 - (6) are arbitrary, capricious, characterized by abuse of discretion, or clearly unwarranted exercise of discretion.
- (H) If the findings of the hearing officer are affirmed, the penalties and costs may not be modified except that additional costs may be added.

§2-13-32 ENFORCEMENT OF ORDER.

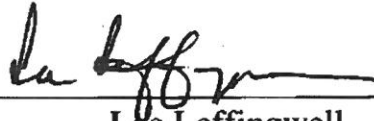
- (A) An order issued under this chapter may be enforced by:
- (1) filing a civil suit for the collection of a penalty assessed against the violator; and
 - (2) obtaining an injunction that:
 - (a) prohibits specific conduct that violates the ordinance; or
 - (b) requires specific conduct necessary for compliance with the ordinance.
- (B) Unless the violator posts a bond with the Austin Code Department before filing an appeal, an appeal of an order issued under this chapter does not stay enforcement and collection of the penalties and costs.
- (C) The amount of the bond shall equal to all penalties and costs assessed against the violator.

PART 2. This ordinance takes effect on November 3, 2014.

PASSED AND APPROVED

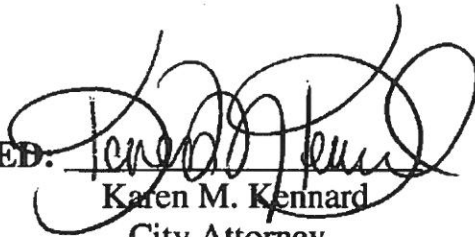
October 23, 2014

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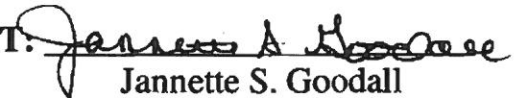
Lee Leffingwell
Mayor

APPROVED:



Karen M. Kennard
City Attorney

ATTEST:



Jannette S. Goodall
City Clerk

ORDINANCE NO. 20170413-002

AN ORDINANCE AMENDING CITY CODE CHAPTER 2-13(ADMINISTRATIVE ADJUDICATION OF VIOLATIONS) RELATING TO THE HEARING PROCESS AND PENALTIES; AND AMENDING EXHIBIT A TO ORDINANCE NO. 20160914-003 TO REVISE THE FISCAL YEAR 2016-2017 AUSTIN CODE DEPARTMENT FEE SCHEDULE TO ADD AN ADMINISTRATIVE HEARING COSTS FEE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Section 2-13-21 (*Hearing for an Administrative Citation*) is amended to amend Subsections (C) and (K) to read as follows:

§2-13-21 HEARING FOR AN ADMINISTRATIVE CITATION.

- (C) The hearing officer shall hear and consider:
- (1) evidence presented by the person charged;
 - (2) presumptions and prima facie evidence established by this chapter or other applicable law; ~~[and]~~
 - (3) evidence presented by the issuing officer, if required to attend the hearing; ~~and[-]~~
 - (4) evidence presented by individuals who attend the hearing.
- (K) The hearing officer's order shall ~~[may]~~ be filed with the City Clerk in a separate index and file. ~~[The order may be recorded using microfilm, microfiche, or other data processing techniques.]~~

PART 2. City Code Section 2-13-23 (*Establishing a Penalty*) is amended to amend Subsections (A) and (B); and to add new Subsections (D) through (I) to read as follows:

§2-13-23 ESTABLISHING A PENALTY.

- (A) Except as provided in Subsections (D) and (G), t[F]he penalty range that may be assessed against a violator found liable under this chapter shall be no more than \$1,000 ~~[per-day]~~ and:
- (1) not less than \$250.00 ~~[20.00]~~ for a first violation;
 - (2) not less than \$500.00 ~~[250.00]~~ for a second violation; and
 - (3) not less than \$750.00 ~~[500.00]~~ for a third or subsequent violation.

- (B) In addition to the penalty assessed, the hearing officer must ~~[may]~~ require the violator found liable under this chapter to pay costs set by separate ordinance.
- (D) Except as provided in Subsection (G), the penalty range that may be assessed against a violator found liable under this chapter for violating Chapter 25-2 (Zoning) of the City Code shall be no more than \$1,000 and:
- (1) not less than \$500.00 for a first violation;
 - (2) not less than \$750.00 for a second violation; and
 - (3) not less than \$1,000.00 for a third or subsequent violation.
- (E) A violator who has been found liable for a violation may assert a financial inability to pay the penalty. If a violator asserts a financial inability to pay the penalty, the hearing officer must make a determination of financial inability to pay. The determination must be made based on documentary evidence provided to the hearing officer.
- (F) A violator claiming a financial inability to pay the penalty must have an income that does not exceed 60 percent of the United States Department of Housing and Urban Development (HUD) median family income (MFI) in the Austin-Round Rock-San Marcos area and must be a resident of the property or premises subject of the administrative citation and the sole owner of the property or premises, except that a violator may be a co-owner of the property or premises if all other co-owners cannot be located or are financially unable to pay the penalty.
- (G) If the hearing officer determines that the violator does not have the financial ability to pay the penalty, the hearing officer must make the finding in writing and must reduce the penalty to an amount that is within the violator's ability to pay.
- (H) A violator cannot appeal the hearing officer's determination related to the violator's financial inability to pay.
- (I) A violator who has been found liable for a violation may request to pay the penalty in equal installments during the six months from the date the hearing officer issues an order. A violator must request to pay the penalty in installments within 20 calendar days from the date the hearing officer issues the order and must waive the appeal described in Section 2-13-31 (Appeal From a Hearing). The Code Official is

authorized to grant a request to pay the penalty as described in this subsection.

PART 3. The 2016-2017 Fee Schedule, attached as Exhibit "A" to Ordinance No. 20160914-003, is amended to add a fee associated with "Administrative Hearings" to read as follows:

Austin Code Department

	FY 2015-16	FY 2016-17	Note	Change
<u>Administrative</u> <u>Hearing Costs</u> <u>(Chapter 2-13)</u>	<u>\$0.00</u>	<u>\$80.00</u>	<u>if violator is liable</u>	<u>New</u>

PART 4. The penalty range established in Part 2 and the fee set in Part 3 are only applicable to an administrative citation issued after the effective date of this Ordinance.

PART 5. This ordinance takes effect on April 24, 2017.

PASSED AND APPROVED

_____, April 13, 2017 §
§
§ _____
Steve Adler
Mayor

APPROVED: _____
Anne L. Morgan
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk