



City of Fredericksburg

REGULAR CITY COUNCIL MEETING AGENDA MONDAY, FEBRUARY 3, 2020 ~ 6:00 P.M. LAW ENFORCEMENT CENTER ~ 1601 EAST MAIN STREET

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 regular session on Monday, February 3, 2020, at 6:00 p.m. in the Law Enforcement Center, 1601 East Main Street, 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 January 31, 2020, 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. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER

3. EMPLOYEE RECOGNITIONS

4. PUBLIC COMMENTS

The City Council welcomes citizen participation and comments at all City Council Regular 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.

5. CONSENT

THE FOLLOWING ITEMS MAY BE ACTED UPON IN A SINGLE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THESE ITEMS WILL BE HELD UNLESS PULLED AT THE REQUEST OF A MEMBER OF CITY COUNCIL.

- A. Consider approval of the January 21, 2020, City Council Regular Meeting Minutes.
(Agenda Packet Pages 3-10)

6. OTHER ACTION ITEMS AND UPDATES

- A. May 2, 2020 City of Fredericksburg General Election:
- i. Consider the approval of an Order Calling the May 2, 2020 General Election for the purpose of electing a Mayor and two Councilmembers.
(Agenda Packet Pages 11-14)

ii. Consider the approval of a contract for Election Services by Gillespie County Election Administrator and the estimated cost of the May 2, 2020 General Election.
(Agenda Packet Pages 15-28)

B. Receive an update and discuss the Ordinance 24-010, Parking of Trucks, Tractors, Trailers, and Recreational Vehicles, codified in Article IV, of Chapter 44, of the Code of Ordinances.
(Agenda Packet Pages 29-36)

C. Receive a presentation and discuss establishing a Civil Enforcement process for Code Violations.
(Agenda Packet Pages 37-50)

D. Receive a presentation and discuss the future plans for a City Hall, Police and Fire Station.
(Agenda Packet Pages 51-54)

E. Receive a presentation and discuss the Stormwater/Vegetation Management Program.
(Agenda Packet Pages 55-70)

7. CITY MANAGER'S REPORT

A. Joint Meeting with Planning and Zoning Commission and Historic Review Board-February 11

B. Joint Meeting with County Commissioners

C. Traffic Impact Study

D. Historic District Design Guidelines

8. ITEMS FOR FUTURE AGENDA

(Agenda Packet Pages 71-72)

9. COUNCIL COMMENTS

Reports about items of community interest, which no action will be taken.

10. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section 551.071 and 551.074

A. Consider and discuss the City Manager's Performance Goals for 2020 (Section 551.074 – Personnel Matters); and

B. Consider and discuss Penick R&C, LP vs. City of Fredericksburg, Texas, pending in the United States District Court for the Western District of Texas (Sec. 551.071)

11. BUSINESS ITEM

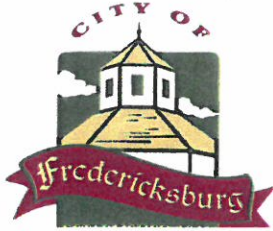
The City Council will reconvene into Regular Session upon the conclusion of the Executive Session, the City Council may take action on any item posted in Executive Session, as necessary.

12. ADJOURN

This is to certify that I, Shelley Goodwin, posted this Agenda at 3:25 p.m. on January 28, 2020, at the entrance and on the bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.



Shelley Goodwin, TRMC
City Secretary



CITY OF FREDERICKSBURG
MINUTES OF CITY COUNCIL REGULAR
MEETING
JANUARY 21, 2020

Members Present:

Mayor Linda Langerhans
Mayor Pro Tem Gary Neffendorf
Councilmember Charlie Kiehne
Councilmember Tom Musselman
Councilmember Bobby Watson

Members Absent:

None

City Staff Present:

Kent Myers, City Manager
Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities
Daniel Jones, City Attorney
Brian Jordan, Development Services Director
Steve Wetz, Police Chief
Russell Immel, Information Technology Director
Laura Hollenbeak, Director of Finance
Andrea Schmidt, Parks Department Director
Kris Kneese, Assistant Director of Public Works and Utilities
Garrett Bonn, Assistant Engineer
Lee Stubblefield, Electric Superintendent
Shelley Goodwin, City Secretary

1. PLEDGE OF ALLEGIANCE

Mayor Langerhans led the Pledge.

2. CALL TO ORDER

With a quorum of the City Council present, Mayor Langerhans called the regular meeting of the Fredericksburg City Council to order at 6:00 p.m. on Tuesday, January 21, 2020, in the Law Enforcement Center, 1601 East Main Street, Fredericksburg, Texas 78624.

3. EMPLOYEE RECOGNITIONS

Kent Myers, City Manager, stated he did not have any employee recognitions.

4. PUBLIC COMMENTS

No one wished to speak during this Agenda Item.

5. CONSENT

THE FOLLOWING ITEMS MAY BE ACTED UPON IN A SINGLE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THESE ITEMS WILL BE HELD UNLESS PULLED AT THE REQUEST OF A MEMBER OF CITY COUNCIL.

- A. Consider approval of the January 6, 2020, City Council Regular Meeting Minutes.**
- B. Consider approval of Resolution 2020-03R authorizing lease obligations in any amount not to exceed \$811,900.31 with respect to the acquisition, purchase, financing, and leasing of certain equipment for the public benefit, specifically a Pierce Impel PUC Pumper Fire Truck; authorizing the execution and delivery of documents required in connection therewith; and authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this Resolution.**

Motion: A motion was made by Councilmember Kiehne seconded by Councilmember Watson, to approve the Consent Agenda Items 5.A.-B., with amendments to 6. A. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

6. PUBLIC HEARING

- A. Hold a public hearing to receive comments for or against the voluntary annexation of 13.395 acres proposed as Stone Ridge Unit 10 located near the intersection of Lower Crabapple Road and Ellebracht Drive (second and final public hearing).**

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to go into the Public Hearing at 6:30 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Mayor Langerhans asked if anyone wished to speak. No one offered comments.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to go out of the Public Hearing and back into the regular session at 6:32 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Brian Jordan, Development Services Director, stated this public hearing is the second of two legally required public hearings. He reviewed the history of the voluntary annexation and the annexation schedule.

- B. Hold a public hearing to receive comments for or against and consider approval establishing R-1 Single Family Residential Zoning on 13.395 acres proposed as Stone Ridge Unit 10 located near the intersection of Lower Crabapple Road and Ellebracht Drive.**

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to go into the Public Hearing at 6:34 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Mayor Langerhans asked if anyone wished to speak. No one provided comments.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to go out of the Public Hearing and back into the regular session at 6:34 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Brian Jordan, Development Services Director, stated the Planning and Zoning Commission recommended the approval of establishing R-1 Single Family Residential of Stone Ridge Unity 10.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Kiehne, to approve the establishment of R-1 Single Family Residential Zoning on 13.395 acres proposed as Stone Ridge Unit 10 located near the intersection of Lower Crabapple Road and Ellebracht Drive. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

7. ORDINANCES AND RESOLUTIONS

- A. Consider, discuss, and take appropriate action regarding the Annexation of approximately 91.24 acres of land situated in Gillespie County, Texas along the south side of W. Live Oak, west of Post Oak road and the current City limits (January 7, 2020 City Council postponed and took no action on Ordinances 2020-01, 2020-02, and 2020-03).**

Brian Jordan, Development Services Director, stated the W. Live Oak annexation was on previous agendas and before the second and final hearing a resident pointed out the hearing notices were not on the City website. He stated this is a legal requirement, therefore he recommended starting the annexation process over. He reviewed the new annexation schedule.

- B. Consider the approval of Ordinance 2020-04 authorizing the issuance of a “City of Fredericksburg, Texas Utility System Revenue Notes, Series 2020”; providing for the payment of the principal of and interest on the Notes by a first and prior lien on and pledge of the pledged revenues of the City's Electric Utility System; providing the terms and conditions of such Notes; resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of such notes; authorizing the execution of a Paying Agent/Registrar Agreement and a Purchase and Investment Letter; and providing for an effective date (1st of two readings; City Council may waive second reading).**

Clay Binford, City of Bond Counsel with Norton Rose Fulbright, stated Dan Wegmiller went out for bids which were finalized earlier today. He reviewed the 2 different options of either call note or fixed rate note. He reviewed the advantages for both types of notes.

The City Council discussed the two different options of types of financing.

Motion: A motion was made by Councilmember Neffendorf, seconded by Councilmember Musselman, of Ordinance 2020-04 authorizing the issuance of a “City of Fredericksburg, Texas Utility System Revenue Notes, Series 2020”; providing for the payment of the principal of and interest on the Notes by a first and prior lien on and pledge of the pledged revenues of the City's Electric Utility System; providing the terms and conditions of such Notes; resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of such notes; authorizing the execution of a Paying Agent/Registrar Agreement and a Purchase and Investment Letter; for a fixed called rate of 1.865%, and wave the second reading. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

- C. Consider the approval of Resolution 2020-01R establishing the City of Fredericksburg's participation in the Property Assessed Clean Energy (“PACE Program”).**

John Clamp, AACOG, stated he is present to answer any questions the City Council may have.

Kent Myers, City Manager, stated the City Council received a presentation in November, voted to participate in the program and then held a public hearing. He stated this is the process to start the PACE Program.

Motion: A motion was made by Councilmember Kiehne, seconded by Councilmember Neffendorf, to approve Resolution 2020-01R establishing the City of Fredericksburg's participation in the Property Assessed Clean Energy ("PACE Program"). The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

D. Consider the approval of Resolution 2020-02R lease with TCF National Bank for golf course equipment at the LBJ Golf Course.

Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities, stated the Golf Course Maintenance Department currently utilizes three small golf course maintenance vehicles that have reached the end of their useful life and are proposing to lease new gasoline powered golf cart maintenance vehicles. He also stated the proposed lease terms are for 48 months with a monthly lease payment of \$504.09.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kiehne, to approve Resolution 2020-02R lease with TCF National Bank for golf course equipment at the LBJ Golf Course. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

8. OTHER ACTION ITEMS AND UPDATES

A. Consider the approval of the Professional Services Agreements with Avenu Insights & Analytics, LLC to perform professional services for Local Hotel Occupancy Tax , Sales and Use Tax Discovery and Recovery, and Short-term Rental Permitting.

Laura Hollenbeak, Director of Finance, stated as part of the 2020 budget discussion the City Council approved recommendations to outsource the Local Hotel Occupancy Tax Program of Discovery/Recovery, Audit and Administration Services, Sales and Use Tax Discovery and Recovery Services, and Short-term Rental Permitting Services. She stated staff recommends the approval of the Professional Services Agreement with Avenue Insights & Analytics, LLC.

The City Council discussed the benefits of the professional services.

Daniel Jones, City Attorney, reviewed the changes that were made to the Short-term Rentals agreement.

The City Council discussed the effects the new law regarding Short-term Rentals can have on the agreement.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Neffendorf, for approval of Professional Services Agreements with Avenu Insights & Analytics, LLC to perform professional services for Local Hotel Occupancy Tax , Sales and Use Tax Discovery and Recovery, and Short-term Rental Permitting . The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

B. Consider the appointments of members of the Market Square Redevelopment Commission.

Shelley Goodwin, City Secretary, stated she has been unable to find documentation of appointment of members to the Market Square Redevelopment Commission. She stated the Commission is asking that the membership be 15 members with 2 ex-officio members.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to appoint Tim Crenwelge, Linda Langerhans, Peggy Benson, Debbie Farquhar-Reeh, Marty Kaderli, Karen Oestreich, Tony Klein, Joe Kammlah, Robert Spies, Timothy Koock, Jimmy Alexander, Jerry Luckenbach, Jennifer Segner, Jessie Barter, Justin or Amy Cop, Ex Officio Member John Klein, and Ex Officio Member Stan Klein as members of the Market Square Redevelopment Commission. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

C. Consider the approval of a Property Assessed Clean Energy ("PACE Program") Interlocal Agreement with Alamo Area Council of Governments and the City of Fredericksburg.

Kent Myers, City Manager, stated he recommends Alamo Area Council of Governments administer the PACE Program. He also stated the Interlocal Agreement is for the approval of AACOG as the Program administrator.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Musselman, for approval of a Property Assessed Clean Energy ("PACE Program") Interlocal Agreement with Alamo Area Council of Governments and the City of Fredericksburg. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

D. Boot Ranch

i. Consider the approval of the 2nd Amendment to the Reclaim Water Service Utility Agreement with Boot Ranch to allow for the use of the City's groundwater for golf course irrigation.

Kris Kneese, Assistant Director of Public Works and Utilities, reviewed the three Boot Ranch Agenda Items and the history. He also stated Boot Ranch is not requesting any LUEs.

Larry Shaw spoke in opposition to the agreements and the lift station at Boot Ranch.

Allen Brecher spoke in opposition to the agreements and the lift station at Boot Ranch.

Angela Smith 483 Ranch Road 1436, spoke in opposition of Boot Ranch agreements and referenced concerns from the January 6, 2020 City Council Regular Meeting and the Fredericksburg Standard.

Mark Enderle, Boot Ranch, reviewed a PowerPoint objective and moving forward. He reviewed the issues they are trying to address and the economics of the relationship with the City.

Mr. Immel, Boot Ranch, provided the history of Boot Ranch and the relationship with the City. He also reviewed the original commitments made to the community and how they have grown to be a good neighbor.

The City Council discussed the affluent water and how they plan to blend water used for watering. They also discussed the growth of the City and the effects it will have on the City water system.

Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities, reviewed the data from the Texas Development Water Board and that the City of Fredericksburg should not have to pursue additional water for 30 years.

Alan Brecher, spoke regarding the City adding new water lines.

Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities, stated the new water line is to replace old waterlines and to increase integrity of the water system in certain areas of the City.

Councilmember Watson stated he is a property owner in Boot Ranch and owns property in the City of Fredericksburg, so he will be voting on these items.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Neffendorf, for approval of the 2nd Amendment to the Reclaim Water Service Utility Agreement with Boot Ranch to allow for the use of the City's groundwater for golf course irrigation. The City Council voted three (3) for and two (2) opposed (Councilmembers Musselman and Kiehne). The motion passed.

ii. Consider the approval of the Lift Station Easement granted from Boot Ranch as part of the Boot Ranch Lift Station Project.

Kris Kneese, Assistant Public Works Director, stated HDR Engineering designed the Lift Station to resolve the current operational problems with Boot Ranch Lift Station C.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, for approval of the Lift Station Easement granted from Boot Ranch as part of the Boot Ranch Lift Station Project. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

iii. Consider the approval of Amendments No. 2 to Boot Ranch Water and Sewer Service Agreement to include 37.217 acres, known as the Muncy Tract, to the original Water and Sewer Service Agreement.

The City Council discussed the City policy of extending serves outside the City limits. They also discussed the Boot Ranch's proposal to trade 37 acres of Muncy Tract with 37 acres of existing service area.

Motion: A motion was made by Councilmember Watson, to approve staff to work out the details on the exchange of 37 acres. He withdrew his motion.

Kent Myers, City Manager, stated he feels staff should do an analysis of cost or savings of the 37 acre trade. He also recommended staff meet with Boot Ranch and after the details and legal issues are worked out then bring back to City Council for consideration. The City Council did not take action on this Agenda Item.

E. Consider the award of bid for Marktplatz Pavilion and Arbor project to Hill Country Home and Ranch in the amount of \$161,682.00.

Andrea Schmidt, Parks & Recreation Director, reviewed the history of the repairs of Oktoberfest Halle, Kinder Halle, and the Arbors. She stated the roof will need to be removed to replace the rotten wood, but the new roof was not part of the original bid. She recommended reallocating \$63,682 out of the Oak Crest improvements fund to use for the new roof and to award the contract to Hill Country Home and Ranch.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kiehne, for awarding the bid for Marktplatz Pavilion and Arbor project to Hill Country Home and Ranch in the amount of \$161,682.00. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

F. Receive and discuss the Hotel Occupancy Tax Fund Applications for 2020.

Kent Myers, City Manager, stated the City received 40 applications which total \$610,134. He also stated \$480,000 is remaining to be allocated this year. He stated the City Council will hold a Workshop on January 29, 2020 to discuss the applications and then hold a Special Meeting in February to discuss the applications with the applicants.

A representative from each organization introduced themselves.

9. CITY MANAGER'S REPORT

A. Traffic Impact Study Open House-January 28

Kent Myers, City Manager, stated the Traffic Impact Study Open House will be held on January 28th at Law Enforcement Center from 5p.m.-8p.m.

B. Historic District Design Guidelines Open House-January 28

Kent Myers, City Manager, stated the Historic District Design Guidelines meeting will be from 6 p.m.-8 p.m. at the Pioneer Museum.

C. Meeting with Planning and Zoning Commission and Historic Review Board-February 11

Kent Myers, City Manager, stated the City Council will hold a Joint Meeting with Planning and Zoning Commission and Historic Review Board on February 11th at the Law Enforcement Center at 2 p.m.

10. ITEMS FOR FUTURE AGENDA

Kent Myers, City Manager, reviewed the upcoming agenda items.

11. COUNCIL COMMENTS

Councilmember Watson stated at the Airport Advisory Board the report on gas sales are up over last year's sales.

Councilmember Neffendorf stated he attended the Economic Development Commission planning meeting last week.

12. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section 551.071 and 551.087

- A. Consider and discuss E. 290 Owners Coalition vs. City of Fredericksburg, Texas, pending in the 216th District Court (Section 551.071); and**

B. Consider and discuss Penick R&C, LP vs. City of Fredericksburg, Texas, pending in the United States District Court for the Western District of Texas (Sec. 551.071); and

C. Consider and discuss economic development agreement related to the construction and operation of a Hotel and Conference Center in the City; and to receive legal advice concerning said economic development agreement (Section 551.087 and Section 551.071), and

D. Consider and discuss Hormuth and Farley v. Linda Langerhans, Mayor, pending in the 216th District Court (Section 551.071)

Motion: A motion was made by Councilmember Neffendorf, seconded by Councilmember Watson, to go out of Regular Session into Executive Session at 8:53 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Kiehne, seconded by Councilmember Watson, to go out of Executive Session into Regular Session at 10:19 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

13. BUSINESS ITEM

Motion: A motion was made by Councilmember Neffendorf, seconded by Councilmember Watson, to appoint Councilmembers Musselman and Kiehne to serve as mediators for the Penick R&C vs. City of Fredericksburg. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Neffendorf, to amend the Economic Development Agreement for the Hotel/Conference Center to require that all financing be completed by May 31, 2020 and that construction be started by January 1, 2021 and that construction be completed by December 31, 2022. The City Council voted four (4) for and one (1) opposed (Councilmember Neffendorf). The motion carried.

14. ADJOURN

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kiehne, to adjourn the Tuesday, January 21, 2020, City Council Regular Meeting at 10:23 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Linda Langerhans
Mayor

ATTEST

Shelley Goodwin, TRMC
City Secretary



CITY COUNCIL MEMO

DATE: January 27, 2020

TO: Mayor and City Council

FROM: Shelley Goodwin, City Secretary

SUBJECT: Order calling the May 2, 2020 General Election and conducting the Election.

Summary:

The deadline for calling the General Election is Friday, February 14th. The Order calling the General Election is to elect a Mayor and two (2) Councilmembers.

Recommendation:

Staff recommends the approval of the Order calling the May 2, 2020 General Election.

Background / Analysis:

The City of Fredericksburg is required to Order the May 2, 2020, General Election by February 14, 2020.

Attachments:

Order Calling Election

Department Approval

City Manager Approval

City Attorney Approval

**ORDER OF GENERAL ELECTION FOR
CITY OF FREDERICKSBURG, TEXAS
(ORDEN DE ELECCIÓN GENERAL PARA
CIUDAD DE FREDERICKSBURG)**

An election is hereby ordered to be held on Saturday, May 2, 2020 for the purpose of electing a Mayor and two Councilmembers.

(Se ordena que se celebren elecciones el sábado 2 de mayo de 2020 con el propósito de elegir a un alcalde y a dos concejales.)

Early Voting by personal appearance will be conducted at the:

(La votación anticipada por comparecencia personal se llevará a cabo en:)

Girl Scout Cabin
202 W. Austin Street
Fredericksburg, Texas 78624

The hours will be as the following schedule:

Monday (Lunes)	April (Abril)	20 th	from (de)	7:30 a.m.	to (para)	4:30 p.m.
Tuesday (Martes)	April (Abril)	21 st	from (de)	7:30 a.m.	to (para)	4:30 p.m.
Wednesday (Miércoles)	April (Abril)	22nd	from (de)	7:00 a.m.	to (para)	7:00 p.m.
Thursday (Jueves)	April (Abril)	23 rd	from (de)	7:30 a.m.	to (para)	4:30 p.m.
Friday (Viernes)	April (Abril)	24 th	from (de)	7:30 a.m.	to (para)	4:30 p.m.
Monday (Lunes)	April (Abril)	25 th	from (de)	7:30 a.m.	to (para)	4:30 p.m.
Tuesday (Martes)	April (Abril)	26th	from (de)	7:00 a.m.	to (para)	7:00 p.m.

Election Day Polling Place for the General Election will be conducted at the:

(El lugar de votación del día de las elecciones para las elecciones generales se llevará a cabo en el:)

Fredericksburg Middle School
110 W. Travis St.
Fredericksburg, Texas 78624

The Election Day Polling Place for the General Election shall be open from 7:00 a.m. to 7:00 p.m. on May 2, 2020, in accordance with and pursuant to the requirements of the Texas Election Code.

(El Lugar de Votación del Día de las Elecciones para las Elecciones Generales estará abierto a partir de las 7:00 a.m. para 7:00 p.m. del 2 de mayo de 2020, de acuerdo con y de acuerdo con los requisitos del Código Electoral de Texas.)

Application for ballot by mail shall be mailed to:

(La solicitud de boleta por correo se enviará por correo a:)

Shelley Goodwin, City Secretary

City of Fredericksburg

126 W. Main Street

Fredericksburg, Texas 78624

Applications for ballots by mail must be received no later than the close of business, at 4:30 p.m. on (application in person) April 17th or (application by mail) April 20th.

(Las solicitudes de papeletas por correo deben recibirse a más tardar en el cierre de la empresa, a las 4:30 p.m. del 17 de abril o (solicitud por correo) el 20 de abril.)

Approved and adopted by the City Council of the City of Fredericksburg on ____ day of February 2020.

(Aprobado y aprobado por el Ayuntamiento de la Ciudad de Fredericksburg el ____ día de febrero de 2020.)

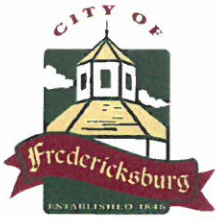
Signature of Mayor
(Firma del Alcalde)

Councilmember
(Concejal)

Councilmember
(Concejal)

Councilmember
(Concejal)

Councilmember
(Concejal)



CITY COUNCIL MEMO

DATE: January 27, 2020
TO: Mayor and City Council
FROM: Shelley Goodwin, City Secretary
SUBJECT: Contract for Election Services.

Summary:

The Gillespie County Election Administrator has provided an Election Services Contract and an estimate of expenses.

Recommendation:

Staff recommends City of Fredericksburg conduct their own May 2, 2020 General Election.

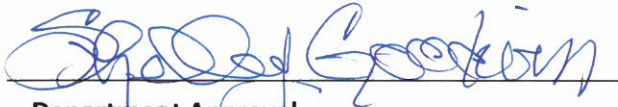
Background / Analysis:

The City Council will need to take action on the contract submitted by Gillespie County for Election Services.

If the City Council approves the contract for Election Services, then Staff will provide a Resolution amending the Order of Election to set the times and locations provided by the Gillespie County Election Administrator. If the City Council chooses to not contract for Election Services then Staff will provide a Resolution with the appointments of Early Voting Clerk, Early Voting Deputy Clerk, Election Judges, Election Alternate Judges, and pay rate.

Attachments:

Contract for Election Services
Election Services estimated expenses



Department Approval



City Manager Approval



City Attorney Approval

Anissa Herrera
Elections Administrator
Gillespie County



PO Box 351
Fredericksburg, Texas 78624

Office (830) 997-6518
elections@gillespiecounty.org

December 30, 2019

City of Fredericksburg
CONTRACT FOR ELECTION SERVICES
May 2, 2020 City of Fredericksburg Election

This contract for election services made by and between the **City of Fredericksburg** hereinafter called ENTITY and **Gillespie County Elections Administrator**, hereinafter called CONTRACTING OFFICER is based on the following:

The ENTITY and CONTRACTING OFFICER have determined that it is in the public interest of the inhabitants of the ENTITY that the following contract be made and entered into for the purpose of having the CONTRACTING OFFICER furnish the ENTITY certain election services and equipment needed by the ENTITY for their May 2, 2020 Election for City of Fredericksburg. Electronic voting equipment will be used, specifically the Hart InterCivic KNOWiNK Poll Pad (if available), ES&S AutoMARK and ES&S M650 Central Scanner.

DUTIES AND SERVICES OF THE CONTRACTING OFFICER:

1. The Gillespie County Elections Administrator shall be designated the Early Voting Clerk for the election, and shall conduct early voting in person and by mail.
2. Forward all information to vendor KNOWiNK poll pad and (ES&S) for the Coding and Audio files for AutoMARK and ES&S M650 Central Scanner.
3. Advertise, prepare, and conduct the Logic and Accuracy Tests as required by State Law.
4. Conduct Early Voting for Ballot by Mail at Elections Office located at 102 E. San Antonio Street, Suite C, Fredericksburg, Texas 78624.
MAILING ADDRESS: PO Box 351, Fredericksburg, Texas 78624.

5. Conduct Early Voting by Personal Appearance from April 20 – 28, 2020, at main Early Voting location 102 E. San Antonio Street, Suite C, Conference Room, Fredericksburg, Texas 78624.
6. Create and post on Gillespie County Elections webpage every day by 11:00 am the list of voters from previous day whom voted by mail and personal appearance. Provide same list to ENTITY, upon request.
7. Procure Election Judge, Alternate Judge and recommended number of clerks/ personnel, with approval from ENTITY, by February 14, 2020 and notify of training and Writ of Election by February 17, 2020.
8. Procure Early Voting Ballot Board Judge, with approval from ENTITY, by February 14, 2020.
9. Pay Early Voting Ballot Board who will meet at the Gillespie County Elections Office, 102 E. San Antonio Street, Suite C, Fredericksburg, Texas 78624, on May 1, 2020 and other dates as prescribed by law to process Ballots by Mail and Provisional Ballots.
10. Provide election training for all Early Voting and Election Day workers on KNOWiNK Poll Pads, AutoMARK equipment, paperwork and procedures.
11. Require ES&S to provide proofs for ENTITY's approval. Once ENTITY has approved proof, CONTRACTING OFFICER will place order with ES&S.
12. Procure and provide election supplies including but not limited to, the printing of Ballot by Mail requests, sample ballots, Ballot by Mail kits, and Pizza Boxes.
13. Prepare and provide adequate election equipment for the election (AutoMARK and Poll Pads and voter lists).
14. Prepare Early Voting and Election Day packets and supply bags for Early Voting and Election Day polling locations.
15. Provide the Official Registered Voter lists to the ENTITY, upon request.
16. Have personnel available in Elections office from 7am – 7pm on May 2, 2020 to assist with any Voter Registration related questions.
17. Deliver all voting equipment and election supplies for Early Voting to polling location.
18. Have Election Judge retrieve all voting equipment, Registered Voter list, Provisional Ballot bag, and election supplies for Election Day on May 1, 2020.
19. Return voting equipment and supplies from Early Voting after polls close on April 28, 2020.
20. Ensure Election Judge returns voting equipment and supplies from Election Day polling location after polls close on May 2, 2020.

21. Procure and pay Early Voting Ballot Board personnel, with approval from ENTITY, who will meet at the Gillespie County Elections Office, 102 E. San Antonio Street, Suite C, Fredericksburg, Texas 78624, on May 1, 2020 and other dates as prescribed by law to process Ballots by Mail and Provisional Ballots.
22. Set up the Central Count Station (judge, alternate judge, manager, tabulation supervisor) and appoint personnel to tabulate the results of the Early and Election Day votes and provide Final Unofficial results for Canvass.
23. Provide advisory services for the administration and supervision of the election.
24. Meet ADA requirements for the election, as the law relates to polling locations, voter assistance, and other ADA requirements, if any.
25. Report results to ENTITY.
26. Report precinct results to the Secretary of State, if required.
27. Maintain election materials (voted ballots) and paperwork in storage for the allotted time as prescribed by law.

DUTIES OF THE ENTITY:

1. Prepare all election orders, the Notice of Election, and publish the Notice of Election as required by law.
2. Provide the County Elections Office with ENTITY's ballot information. ENTITY shall conduct its ballot position drawing on or about, February 24, 2020, and send the CONTRACTING OFFICER the ballot order so that it may be forwarded for Coding and Audio to ES&S. ENTITY will be responsible for approving the proofs from ES&S.
3. Deliver notice of the election to the CONTRACTING OFFICER not later than the 60th day before the Election Day, Tuesday, March 3, 2020.
4. Procure Fredericksburg location and access for Election Day.
5. ENTITY shall be responsible for any loss and/or physical damage to the equipment while it is in ENTITY's possession and control.
6. Only the actual expenses directly attributable to the Contract may be charged. (Section 31.100(b), Texas Election Code) The County Elections Officer will submit the actual costs for items contracted for pursuant to this Contract with the ENTITY as soon as all invoices are received from the vendors. The ENTITY agrees to pay costs of the election within thirty (30) ENTITY workdays of receipt of the statement.

GENERAL PROVISIONS:

- A. **ENTIRE AGREEMENT:** This Agreement contains the entire agreement between the parties and correctly sets forth the rights, duties, and obligations of each to the other as of the Effective Date. Any oral representations or modifications concerning this Agreement will be of no force or effect excepting a subsequent written modification executed by both parties.
- B. **NONTRANSFERABLE FUNCTIONS:** In accordance with Section 31.096 of the Texas Election Code, nothing in this contract shall be construed as changing:
1. The authority with whom the applications of candidates for a place on the ballot are filed;
 2. The authority with whom documents relating to political funds and campaigns under Title 15 of the Texas Election Code are filed; or
 3. The authority to serve as custodian of voted ballots or other election records, except that the CONTRACTING OFFICER will become the custodian of the voted ballots.
- C. **JOINT ELECTION:** The parties acknowledge that the Elections Administrator may contract with other entities holding elections at the same time as the ENTITY on May 2, 2020. They also acknowledge that the ENTITY may share the early voting location.
- D. **CANCELLATION OF ELECTION:** If the ENTITY cancels its election pursuant to Chapter 2, Subchapter C of the Texas Election Code, the CONTRACTING OFFICER shall only be entitled to receive the actual expenses incurred before the date of cancellation in connection with the election and an administrative fee of \$75. The CONTRACTING OFFICER shall submit an invoice for such expenses as soon as reasonably possible after the cancellation and ENTITY shall make payment therefore within 30 days from the date of receipt.
- E. **PAYMENT:** ENTITY shall pay the CONTRACTING OFFICER'S invoice within 30 days from the date of receipt.
- F. **EXPENSE ITEM LARGER THAN \$500:** If a single election expense exceeds \$500, the CONTRACTING OFFICER reserves the right to invoice ENTITY for such expense at the time it is incurred, supported by an invoice or receipt, rather than waiting until after Election Day. ENTITY shall pay such invoice within 30 days from the date of receipt. See attached estimate of expenses (Exhibit C).
- G. **SEVERABILITY:** If a court of competent jurisdiction determines that any term of this contract is invalid or unenforceable to any extent under applicable law, the remainder of this Agreement (and the application of this Agreement to other circumstances) shall not be affected thereby; and each remaining term shall be valid and enforceable to the fullest extent permitted by law.

- H. **CONTRACT COPIES TO TREASURER AND AUDITOR:** In accordance with Section 31.099 of the Texas Election Code, the CONTRACTING OFFICER agrees to file copies of this contract with the County Treasurer of Gillespie County, Texas and the County Auditor of Gillespie County, Texas.
- I. **CHOICE OF LAW AND VENUE:** This agreement is entered into under and pursuant to, and is to be construed and enforceable in accordance with the laws of the State of Texas, without regard to its conflict of laws principles. Exclusive venue shall be in a court of competent jurisdiction in Gillespie County, Texas.
- J. **RELATIONSHIP OF THE PARTIES:** Each party to this contract, in the performance of this contract, shall act in an individual capacity and not as agents, employees, partners, joint ventures, or associates of one another. The employees or agents of one party shall not be deemed or construed to be the employees or agents of the other party for any purposes whatsoever.
- K. **FORCE MAJEURE:** In the event that CONTRACTING OFFICER shall be prevented from performing any of its obligations due under the terms of this contract by an act of God, by acts of war, riot, or civil commotion, by an act of State, by strikes, fire, flood, or by the occurrence of any other event beyond the control of the parties hereto, CONTRACTING OFFICER shall be excused from such obligations beyond its control and undertakings set forth under the terms of this agreement.

DATED this the _____ day of _____, 2020

KENT MYERS
City of Fredericksburg
City Manager

ANISSA HERRERA
Gillespie County
Elections Administrator

EXHIBIT A

EARLY VOTING LOCATIONS AND TIME PERIOD

April 20, 2020 through April 28, 2020

Early Voting:

Gillespie County Annex 2, 102 E. San Antonio Street, Suite C, Conference Room,
Fredericksburg, Texas 78624

Hours 8:00 AM – 4:00 PM Monday through Friday with the following exceptions:

Tuesday, April 21, 2020 and Tuesday, April 28, 2020 – Polls open 7:00 AM – 7:00 PM

Voting by Mail:

Applications for ballot by mail shall be mailed to:

Gillespie County Elections

PO Box 351

Fredericksburg, Texas 78624

Applications for ballot by mail must be received no later than the close of
business on **April 20, 2020.**

Elections Office located at 102 E. San Antonio Street, Suite C, Fredericksburg,
Texas 78624.

EXHIBIT B

ELECTION DAY POLLING LOCATION

May 2, 2020

All Precincts:

Fredericksburg Middle School, Cafeteria, 110 W. Travis Street, Fredericksburg, Texas
78624

Polls open 7:00 AM – 7:00 PM

EXHIBIT C

STATEMENT CITY ELECTION 5/2/2020			
ITEM	QUANTITY	COST PER ITEM	TOTAL COST
Rental of ES&S AutoMARK - EV	1	\$122.94 x 6 Days	\$737.64
Rental of ES&S AutoMARK - ED	1	\$122.94 x 1 Days	\$122.94
Rental of KNOWINK Poll Pad - EV	1	\$145 x 6 Days	\$870.00
ES&S Coding and Audio Fees AutoMARK & M650, lay out, & 3500 ballot printing	1	\$2,952.50	\$2,952.50
Shipping Media Cards	1	\$25.00	\$25.00
Advertise Logic and Accuracy Testing in Fredericksburg Standard			\$40.00
Logic and Accuracy Testing			\$25.00
Coordinating and forwarding all election info to ES&S, proofing, etc.			\$50.00
Tabulation of Early and Election Days Results and prepare Canvass Forms			\$50.00
Early Voting, Election Day, Central Count Kits	3	\$41.75	\$125.25
Early Voting workers	4	temp worker hours & clerk hours beyond workday	\$2,998.18
Early Voting Ballot Board (4 Members)	4	1 judge 3 clerk at rate of \$12 each for 9 hours	\$432.00
Central Counting Station (7 Members)		1 judge, 1 alt judge, 1 CCM, 1 Tabulation Sup, 3 clerk 12 hours	\$993.00
Election Day workers	4	1 judge, 1 alt judge, 2 clerk 14 hours @ \$12	\$672.00
Delivery Fee paid to ED Judge			\$25.00
Processing Ballot by Mail Requests, postage, etc.	350	\$1.50	\$525.00
		SUBTOTAL	\$10,643.51
Administrative Costs (10% of total)			\$1,064.35
		GRAND TOTAL	\$11,707.86

Updated 12-30-19

EXHIBIT C continued

Programming for 1 AutoMARK & M650 based on 3 positions on ballot and 3,500 ballots ordered.

			
2019 Texas - Election Estimate Sheet			
PLEASE NOTE THAT THIS TOOL IS FOR ESTIMATION PURPOSES ONLY.			
County:			
Paper Ballot Layout Services		Quantity	
1. Ballot Faces (up to 500)	\$36.75	1	\$36.75
2. Ballot Faces (over 500)	\$31.50		\$0.00
3. Base charge for Ballot On Demand (BOD) Set-up	\$561.91		\$0.00
Total Paper Ballot Layout Charges			\$36.75
Paper Ballot Printing Services		Quantity	
1. Base charge per ballot (price per ballot)	\$0.24	3500	\$840.00
2. 2 sided ballot (price per ballot)	\$0.03		\$0.00
3. Numbering and/or Stub (price per ballot)	\$0.03	3500	\$105.00
4. Packaging (price per ballot)	\$0.01	3500	\$35.00
5. Color Bar down right side of ballot	\$0.02		\$0.00
6. Shipping Estimate (about \$30 per box of 2000 ballots)	\$30.00	2	\$60.00
Ballot Printing prices are for standard 14" and 17" ballots			
Total Ballot Printing Charges			\$1,040.00
Programming Services for M100 & 650		Quantity	
1. Base Charge per Equipment Type	\$525.00	1	\$525.00
3. Base Charge for Election Reporting Manager (ERM) File Set-up	\$525.00		\$0.00
4. Ballot Types	\$78.75	1	\$78.75
5. Precincts	\$9.45	4	\$37.80
6. Splits	\$9.45		\$0.00
7. Ballot Faces	\$16.80	4	\$67.20
8. Contests / Issues	\$18.50	3	\$55.50
9. Candidates / Responses	\$8.00	6	\$48.00
10. Electronic File Transfers	\$125.00		\$0.00
11. Media Burns	\$12.50		\$0.00
12. Media Rental	\$15.00		\$0.00
13. Shipping Estimate (about \$25 per box)	\$25.00	1	\$25.00
Total Tabulator Coding Charges			\$837.25
Programming Services for AutoMARK		Quantity	
1. English Set-up Charge	\$350.00	1	\$350.00
2. Spanish Set-up Charge	\$350.00	1	\$350.00
3. All other Languages Set-up Charge	\$525.00		\$0.00
4. Political Parties	\$5.25		\$0.00
5. Ballot Faces	\$15.75	1	\$31.50
6. Contests / Issues	\$17.00	3	\$102.00
7. Candidates / Responses	\$10.25	6	\$123.00
8. Propositions / Amendments / Instructions	\$21.00	1	\$42.00
9. Price per word over 1200 words	\$0.40		\$0.00
11. Media Rental	\$15.00	1	\$15.00
12. Media Burns	\$12.50		\$0.00
13. Shipping Estimate (about \$25 per box)	\$25.00	1	\$25.00
Total AutoMARK Coding Charges			\$1,038.50
ESTIMATE GRAND TOTAL			\$2,952.50

All prices are subject to change by ES&S at any time.

**STATEMENT
CITY ELECTION
5/2/2020**

ITEM	QUANTITY	COST PER ITEM	TOTAL COST
Rental of ES&S AutoMARK - EV	1	\$122.94 x 6 Days	\$737.64
Rental of ES&S AutoMARK - ED	1	\$122.94 x 1 Days	\$122.94
Rental of KNOWiNK Poll Pad - EV	1	\$145 x 6 Days	\$870.00
ES&S Coding and Audio Fees AutoMARK & M650, layout, & 3500 ballot printing	1	\$2,952.50	\$2,952.50
Shipping Media Cards	1	\$25.00	\$25.00
Advertise Logic and Accuracy Testing in Fredericksburg Standard			\$40.00
Logic and Accuracy Testing			\$25.00
Coordinating and forwarding all election info to ES&S, proofing, etc.			\$50.00
Tabulation of Early and Election Days Results and prepare Canvass Forms			\$50.00
Early Voting, Election Day, Central Count Kits	3	\$41.75	\$125.25
Early Voting workers	4	temp worker hours & clerk hours beyond workday	\$2,998.18
Early Voting Ballot Board (4 Members)	4	1 judge 3 clerk at rate of \$12 each for 9 hours	\$432.00
Central Counting Station (7 Members)		1 judge, 1 alt judge, 1 CCM, 1 Tabulation Sup, 3 clerk 12 hours	\$993.00
Election Day workers	4	1 judge, 1 alt judge, 2 clerk 14 hours @ \$12	\$672.00
Delivery Fee paid to ED Judge			\$25.00
Processing Ballot by Mail Requests, postage, etc.	350	\$1.50	\$525.00
		SUBTOTAL	\$10,643.51
Administrative Costs (10% of total)			\$1,064.35
		GRAND TOTAL	\$11,707.86

Updated 12-30-19



2019 Texas - Election Estimate Sheet

PLEASE NOTE THAT THIS TOOL IS FOR ESTIMATION PURPOSES ONLY.

County:			
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1. Base Charge per Equipment Type	\$525.00	1	\$525.00
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10. Electronic File Transfers	\$125.00		\$0.00
11. Media Burns	\$12.50		\$0.00
12. Media Rental	\$15.00		\$0.00
13. Shipping Estimate (about \$25 per box)	\$25.00	1	\$25.00
Total Tabulator Coding Charges			\$837.25
Programming Services for AutoMARK		Quantity	
1. English Set-up Charge	\$350.00	1	\$350.00
2. Spanish Set-up Charge	\$350.00	1	\$350.00
3. All other Languages Set-up Charge	\$525.00		\$0.00
4. Political Parties	\$5.25		\$0.00
5. Ballot Faces	\$15.75	1	\$31.50
6. Contests / Issues	\$17.00	3	\$102.00
7. Candidates / Responses	\$10.25	6	\$123.00
8. Propositions / Amendments / Instructions	\$21.00	1	\$42.00
9. Price per word over 1200 words	\$0.40		\$0.00
11. Media Rental	\$15.00	1	\$15.00
12. Media Burns	\$12.50		\$0.00
13. Shipping Estimate (about \$25 per box)	\$25.00	1	\$25.00
Total AutoMARK Coding Charges			\$1,038.50
ESTIMATE GRAND TOTAL			\$2,952.50

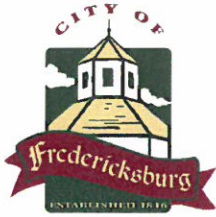
All prices are subject to change by ES&S at any time.

**STATEMENT
CITY ELECTION/FISD**

5/2/2020

ITEM	QUANTITY	COST PER ITEM	TOTAL COST	City COST
Rental of ES&S AutoMARK - EV	1	\$122.94 x 6 Days	\$737.64	\$368.82
Rental of ES&S AutoMARK - ED	1	\$122.94 x 1 Days	\$122.94	\$61.47
Rental of KNOWINK Poll Pad - EV	1	\$145 x 6 Days	\$870.00	\$435.00
ES&S Coding and Audio Fees AutoMARK & M650, layout, & 3500 ballot printing	1	\$2,952.50	\$2,952.50	\$2,277.50
Shipping Media Cards	1	\$25.00	\$25.00	\$12.50
Advertise Logic and Accuracy Testing in Fredericksburg Standard			\$40.00	\$40.00
Logic and Accuracy Testing			\$25.00	\$25.00
Coordinating and forwarding all election info to ES&S, proofing, etc.			\$50.00	\$50.00
Tabulation of Early and Election Days Results and prepare Canvass Forms			\$50.00	\$50.00
Early Voting, Election Day, Central Count Kits	3	\$41.75	\$125.25	\$62.63
Early Voting workers	4	temp worker hours & clerk hours beyond workday	\$2,998.18	\$1,499.09
Early Voting Ballot Board (4 Members)	4	1 judge 3 clerk at rate of \$20 each for 9 hours	\$720.00	\$360.00
Central Counting Station (7 Members)		1 judge, 1 alt judge, 1 CCM, 1 Tabulation Sup, 3 clerk 12 hours	\$993.00	\$496.50
Election Day workers	4	1 judge, 1 alt judge, 2 clerk 14 hours @ \$20	\$1,120.00	\$560.00
Delivery Fee paid to ED Judge			\$25.00	\$12.50
Processing Ballot by Mail Requests, postage, etc.	350	\$1.50	\$525.00	\$525.00
		SUBTOTAL	\$11,379.51	\$6,836.01
Administrative Costs (10% of total)				\$683.60
		GRAND TOTAL	\$11,379.51	\$7,519.61

Updated 12-30-19



CITY COUNCIL MEMO

DATE: January 27, 2020
TO: Mayor and City Council
FROM: Kent Myers, City Manager
SUBJECT: Amendment to City Parking Regulations

Summary:

The attached parking regulations were adopted by the City Council in 2014. The majority of the City Council has indicated that you would like to discuss possible changes to this ordinance.

Recommendation:

It is recommended that the City Council discuss this ordinance at Monday's meeting and let City staff know what changes, if any, you would like to make to this ordinance. If the consensus of the Council is to make changes to these regulations, then staff will prepare an amendment to be considered at the February 17 City Council meeting.

Background / Analysis:

Since the attached ordinance was approved about six years ago, there has been an increase in parking in residential neighborhoods particularly in areas with STRs and areas near the downtown area. We have also recently received complaints about parking large vehicles in residential neighborhoods. At Monday's meeting the Police Chief will be present to offer comments about this parking. There will also likely be several residents at the meeting to offer their comments.

Attachments:

Ordinance # 24-010 regarding parking on public parking

Department Approval



City Attorney Approval

City Manager Approval



7/16/14

ORDINANCE NO. 24-010

AN ORDINANCE AMENDING CHAPTER 44, TRAFFIC AND MOTOR VEHICLES, ARTICLE VI, STOPPING, STANDING AND PARKING, SECTION 44-224, DEFINITIONS, ADDING SECTION 44-225 NUISANCE DECLARED, SECTION 44-226 OF THE CODE OF ORDINANCES OF THE CITY OF FREDERICKSBURG PARKING IN APPROVED SPACES, SECTION 44-227 PARKING ON PUBLIC PROPERTY IN RESIDENTIALLY ZONED AREAS, AND AMENDING CHAPTER 14, ENVIRONMENT, ARTICLE II, UNSIGHTLY OR INSANITARY ACCUMULATIONS- PUBLIC NUISANCE ADDING SECTION 14- 19 (b) TO PROVIDE THAT IT IS A NUISANCE TO USE A VEHICLE FOR THE STORAGE OF TRASH; PROVIDING FOR PENALTIES, AND SETTING AN EFFECTIVE DATE.

WHEREAS, The City Council has determined that the parking of vehicles such as large commercial vehicles, tractors, trailers and the like over sidewalks and in the streets can cause a safety hazard in certain areas, and that the same need to be regulated; and

WHEREAS, the City Council of the City of Fredericksburg has determined that the following regulations should be adopted to further the health, safety and welfare of the citizens of the City of Fredericksburg; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS THAT THE FOLLOWING ORDINANCE BE AND IS HEREBY ENACTED AND THAT SECTION 44-224 BE AMENDED, THAT SECTIONS 44-225, 44-226 AND 44-227 BE ADDED AND THAT SECTION 14-19 (b) BE ADDED AND EXISTING 14-19 (b) BE RE-NUMBERED TO BE SECTION 14-19 (c) ALL OF THE CODE OF ORDINANCES OF THE CITY OF FREDERICKSBURG AS FOLLOWS:

Chapter 44

TRAFFIC AND MOTOR VEHICLES

Article VI Stopping, Standing and Parking

Sec. 44-224. Definitions

The following definitions shall apply to the provisions of Sections 44-224 through 44-227 and to Section 14-19 below:

Daylight hours: are 7 am on one day and 8 pm on the same day.

Defense to Prosecution: Except as otherwise set forth in specific sections, it is a defense to prosecution under any provision of the sections to which these definitions apply that a prohibited vehicle is parked:

- (a) during daylight hours, or
- (b) for the purpose of construction on the property in question if in front of the property where work is occurring and only for the duration of the work for which it is needed, or
- (c) for an emergency, or
- (d) because it is actively being utilized in the loading or unloading of material, goods or passengers, or
- (e) because the vehicle is disabled and is awaiting tow or repair for no more than 72 hours.

No Defense to Prosecution shall excuse compliance with any traffic or safety law, specific direction of a peace officer or regulation.

Emergency: any occurrence or set of circumstances involving actual or imminent physical trauma or property damage or loss that demands immediate action.

Publicly Owned Property: property owned by any governmental entity, including but not limited to streets, rights of way, alleys or public easements.

Residentially Zoned Areas: any area which is located in any residential zoning district of the City as described in the Zoning Ordinance of the City of Fredericksburg, and shall include all publicly owned property which borders any residentially zoned property.

Vehicle: any vehicle as defined in the Transportation Code of the State of Texas, or any equipment, boat, trailer, recreational vehicle or camper whether operative or not, or whether containing all of its parts or not, and any parts thereof. Specific types of vehicles or equipment described in Sec 44-227 below shall mean the commonly understood definition of the same.

Sec. 44-225. Nuisance declared

It is declared to be a nuisance and is unlawful for any person or entity to park, store, allow to remain, or permit another to park, store or allow to remain (referred to herein as Park or Parking) any vehicle, not an emergency vehicle authorized by the City of Fredericksburg, State of Texas or United States, which is not in compliance with Sections 44-226 and 44-227 of this Code of Ordinances. For enforcement purposes, and without limiting the persons or entities against whom or against which enforcement may be had, it shall be a prima facie presumption that the owner of a vehicle as registered with the appropriate agency of the State of Texas has committed the offense.

Sec. 44-226. Parking in approved spaces

No vehicle or other trailer or equipment which is listed in Sec. 44-226 below shall be Parked in any area of the City so as to extend into any sidewalk, public right of way or easement unless it is properly parked in approved parking spaces or areas. The only defense to prosecution applicable to this provision is that of emergency.

Sec. 44-227 Parking on public property in residentially zoned areas

The following are prohibited from Parking on Public Property within Residentially Zoned Areas:

- (a) tractor (farm or other),
- (b) construction or landscape type equipment,
- (c) semi-tractor/trailer,
- (d) bus with over fourteen person capacity,
- (e) truck over 30,000 Gross Vehicle Weight,
- (f) construction or work type trailer. It is an additional defense to prosecution that a construction or work trailer is parked on the street in front of the property owned or controlled by the owner or user of the trailer and does not have a utility connection crossing or obstructing a sidewalk or other public easement.
- (g) farm trailer. It is an additional defense to prosecution that a farm trailer is parked on the street in front of the property owned or controlled by the owner or user of the trailer and does not have a utility connection crossing or obstructing a sidewalk or other public easement.
- (h) boat, jet ski or trailer for either or the like, or
- (i) recreational vehicle. It is an additional defense to prosecution that a recreational vehicle is parked on the street in front of the property owned, controlled or visited by the occupant of the recreational vehicle, and does not have a utility connection crossing or obstructing a sidewalk or other public easement.

Chapter 14

ENVIRONMENT

ARTICLE I. IN GENERAL

Sec. 14-19 Public nuisance declared.

(b) It shall be unlawful for any person or entity who shall own or occupy any property in the City to use or allow the use of a vehicle, boat, trailer, recreational vehicle, container,

part of a vehicle or trailer or other vehicle attachment for the storage of junk, trash and/or debris or for housekeeping, living or sleeping quarters not normally associated with the intended use of the said item. It is a defense to prosecution under this section that the same was used for the collection of construction debris or materials during a construction project on the property upon which the item is placed.

Sec. 14-19 (b) beginning: "For the purposes hereof....., the following definitions are used:" is hereby re-numbered to be **Sec. 14-19 (c)**.

Other than as hereinabove set out, all sections and parts of sections not changed shall remain as written.

-----End of Code Text-----

Severability / Invalidity.

If any provision of this ordinance or the application hereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without defeating the purpose or objective of the provisions, and to this end, the provisions of this ordinance are declared to be severable.

Repealer.

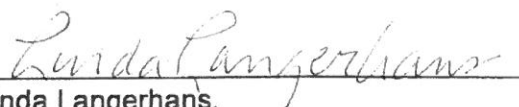
All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Penalties.

Penalties provided for in the Code Ordinances of the city of Fredericksburg shall apply to violations hereof.

This ordinance shall take effect from and after the date of its passage and publication in accordance with the law.

PASSED AND APPROVED this the 21st day of July, 2014.



Linda Langerhans,
Mayor, City of Fredericksburg

ATTEST:



Shelley Britton, City Secretary

APPROVED AS TO FORM:



Pat McGowan, City Attorney

PUBLISHER'S AFFIDAVIT

ORDINANCE NO. 24-011

An Ordinance of the City of Fredericksburg, Texas, setting traffic rate of speed for school zones within the city limits of the City of Fredericksburg; defining speeding, fixing a penalty therefor; declaring what may be a sufficient complaint in prosecutions hereunder; adding a savings clause, effective date and repealing conflicting laws.

ORDINANCE NO. 24-010

An Ordinance amending Chapter 44, Traffic and Motor Vehicles, Article VI, Stopping, Standing and Parking, Section 44-224, Definitions, adding Section 44-225 Nuisance Declared, Section 44-226 of the Code of Ordinances of the City of Fredericksburg Parking in Approved Spaces, Section 44-227 Parking on Public Property in Residentially Zoned Areas, and amending Chapter 14, Environment, Article II, Unsightly or Insanitary Accumulations-Public Nuisance adding Section 14-19(b) to provide that it is a nuisance to use a vehicle for the storage of trash; providing for penalties, and setting an effective date.

Passed and approved the 21st day of July, 2014.

/s/ Linda Langerhans,
Mayor

Attest: Shelley Britton,
City Secretary

08

THE STATE OF TEXAS,
COUNTY OF GILLESPIE

On this 31st of July 2014, personally appeared before me the undersigned authority, Ken Esten Cooke who states that he is the publisher of the Fredericksburg Standard-Radio Post, published at Fredericksburg, Texas, Gillespie County, and upon being duly sworn by me on oath, states that the attached advertisement is a true and correct copy of the advertising published in said newspaper in one issue thereof, on the following date :

July 30, 2014

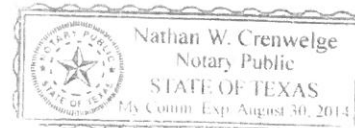
Ken Esten Cooke

[Publisher]

Sworn to and subscribed before me on the 31st day of July, A.D. 2014

Nathan W. Crenwelge
Notary Public Signature

(SEAL)





CITY COUNCIL MEMO

DATE: February 3, 2020

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, in lieu of criminal prosecution as a Class C criminal misdemeanor.

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

Background / Analysis: The City Council may want to 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.

The City of Fredericksburg

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 sets forth the allegation for the violation. 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, and who fails to appear at the designated hearing, is deemed to have admitted liability and a written default judgment may be entered, finding the citizen liable and assessing the appropriate civil penalty. When a citizen appears at the hearing to contest the violation, 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

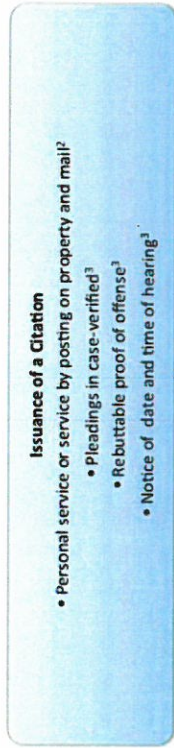
126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861

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

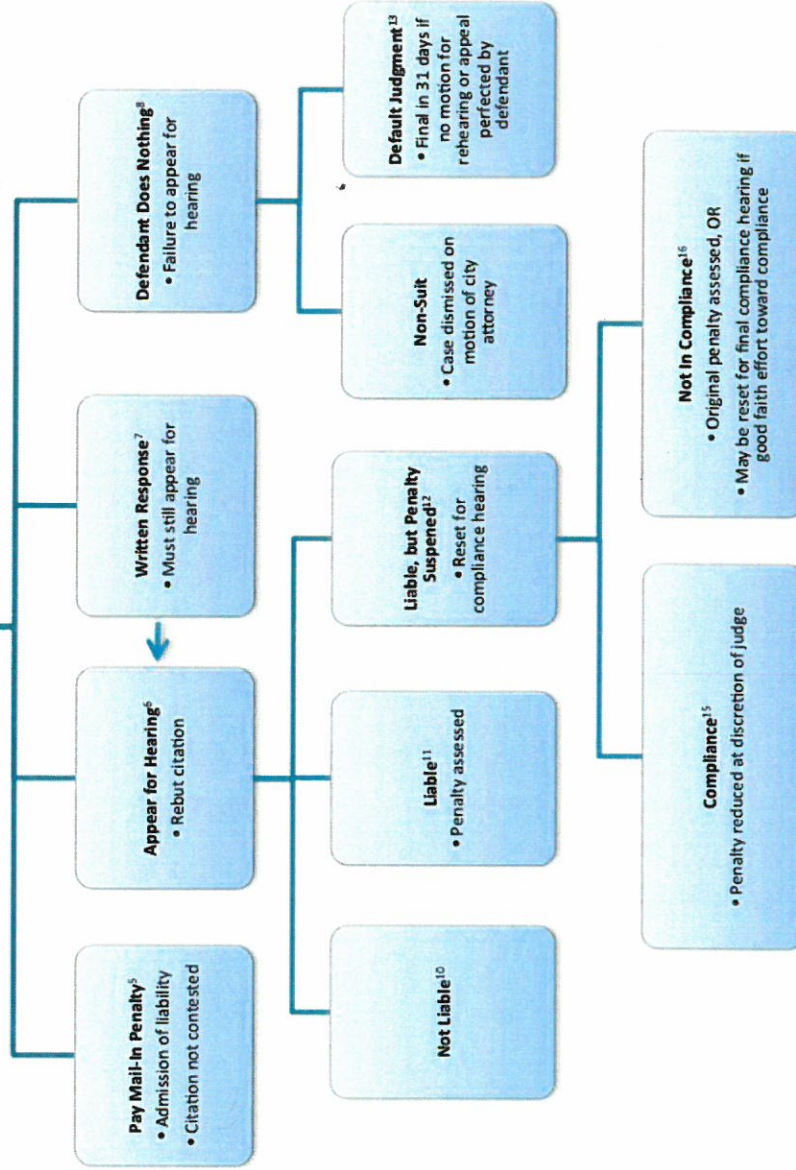
	Criminal Court	Alternative Adjudication Hearing
Type of Hearing	Jury trial or trial by court in Municipal Court. Formal trial procedure; Rules of Evidence apply.	Administrative Hearing. Simplified and informal procedure; Rules of Evidence do not apply.
Pleadings	Strict requirements for filing criminal 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

Initiation of Case¹



Defendant's Response⁴



Original Hearing⁹

Compliance Hearing¹⁴

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.

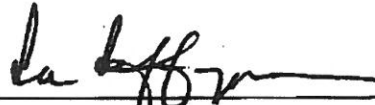
- (A) An order issued under this chapter may be enforced by:
- (1) filing a civil suit for the collection of a penalty assessed against the violator; and
 - (2) obtaining an injunction that:
 - (a) prohibits specific conduct that violates the ordinance; or
 - (b) requires specific conduct necessary for 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

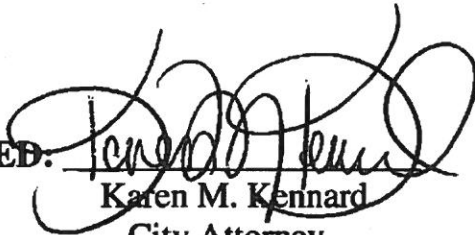
October 23, 2014

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Lee Leffingwell
Mayor

APPROVED:



Karen M. Kennard
City Attorney

ATTEST:



Jannette S. Goodall
City Clerk

COPY FOR REVIEW

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

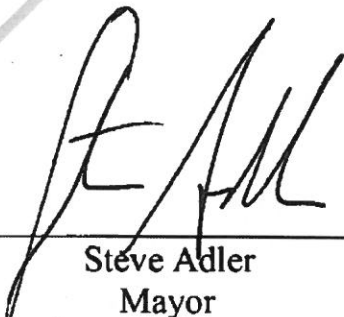
	FY 2015-16	FY 2016-17	Note	Change
<u>Administrative</u> <u>Hearing Costs</u> <u>(Chapter 2-13)</u>	<u>\$0.00</u>	<u>\$80.00</u>	<u>if violator is liable</u>	<u>New</u>

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.

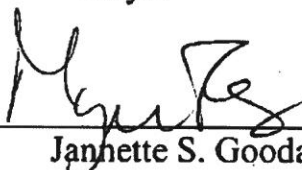
PART 5. This ordinance takes effect on April 24, 2017.

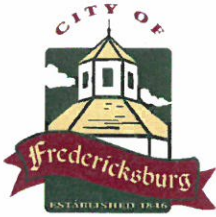
PASSED AND APPROVED

_____, April 13, 2017 §
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Steve Adler
Mayor

APPROVED: 
Anne L. Morgan
City Attorney

ATTEST: 
Jannette S. Goodall
City Clerk



CITY COUNCIL MEMO

DATE: January 27, 2020
TO: Mayor and City Council
FROM: Kent Myers, City Manager
SUBJECT: Future Plans-City Hall, Police Station and Central Fire Station

Summary:

At the recent Council Work Session, the Mayor had requested that we discuss future plans for City Hall, Police Station and Fire Station. We were not able to discuss this item at the Work Session, so it has been rescheduled for discussion at Monday's Council meeting.

Recommendation:

This item is scheduled for a discussion only and no action is recommended at this time.

Background / Analysis:

About four years ago the City Council organized a subcommittee that met with City staff to develop preliminary plans and initial cost estimates for construction of a new City Hall and Police Station. An architect was engaged at the time to assist with preparing preliminary information for discussion. No action was taken at this time and it was subsequently decided that pursuing a new Sports Park was a higher City priority.

The Mayor has suggested that City Council discussion is needed at this time to determine future direction with the planning, financing and possible construction of these facilities at some time in future. There are no costs in this year's Budget for architectural services necessary to prepare updated plans and cost

estimates for these improvements. However, the Council may want to discuss your thoughts and ideas on how, when and where you would like to move forward on these improvements.

I will share information at Monday's meeting on some of the impacts to City services that are occurring with the current lack of office and meeting space at City Hall. I will also share some of the options for acquisition or leasing additional space over the next several years as our need continues to increase.

Attached to this report is a listing of property that the City has acquired over the past six years in anticipation of the need for additional facilities. Also attached are preliminary cost estimates that were prepared by the architect in 2016.

Attachments:

Listing of property purchased by City in past six years

Cost estimates for construction of new City Hall and Police Station (2016)


Department Approval


City Manager Approval


City Attorney Approval

Recent City Property Purchases

2014	Heinemann Property	8.91 Acres	\$388,120	\$43,560 Acre
2015	Mitchell Family Property*	2.08 Acres	\$300,000	\$144,231 Acre
2016	Hospital Foundation	3.5 Acres**	\$525,000	\$150,000 Acre
2017	Bill Hamm Property	52.23 Acres***	\$3,412,708	\$65,340 Acre

*Property adjacent to Consolidated Warehouse.

**Includes single-family residence which can be sold at some future date.

***Sold approximately 10 acres of property to Gillespie County in 2017 for same price per acre (\$674,433 total purchase price)

City of Fredericksburg New City Hall, Police and Fire Building Renovation Anticipated Potential TOTAL Project Budgets Analysis

	City Hall (Approx. 24,000 Sq. Ft. Anticipated)	Police and Fire Department Headquarters Renovation (Approx. 22,500 Sq. Ft. Anticipated)
Anticipated New Construction Cost (Budget of \$300.00/SF) Recent Experience ranges between \$280 - \$310 SF	\$7,200,000.00	
Anticipated Renovation Construction Cost (Budget of \$300.00/SF) Recent Experience ranges between \$280 - \$310 SF		\$6,750,000.00
A&E Fees Typically 10% (Includes Structural Engineering, MEP Engineering)	\$720,000.00	\$675,000.00
FF&E \$18.00/SF Budget (Furniture, Fixtures, & Equipment)	\$432,000.00	\$405,000.00
Additional A&E Services Civil Engineering	\$65,000.00	\$20,000.00
Landscape Architect and Irrigation (Security, Data/Telecom/and A/V Consultants)	\$15,000.00	\$5,500.00
FF&E Selection, Specification and Procurement	TBD	TBD
	In FF&E Budget Above	In FF&E Budget Above
Additional City Soft Costs - Listed Below (3.5%) <i>Topographic/Tree/Utility Surveying</i>	\$252,000.00	\$236,250.00
<i>Geotechnical Engineering Report</i>		
<i>Aesbestos Survey</i>		
<i>Phase 1 Environmental</i>		
<i>Construction Materials Testing</i>		
<i>Phone/ Data Equipment</i>		
<i>Permitting/Impact/Tap/Plan Review</i>		
<i>Fees</i>		
Owner's Construction Contingency (5%)	360,000.00	337,500.00
CMAR Fees (4.5% of Construction)	In Construction	In Construction
TOTAL PROJECT COSTS	\$9,044,000.00	\$8,429,250.00

1/27/2016

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CITY COUNCIL MEMO

DATE: February 3, 2020
TO: Mayor and City Council
FROM: Garret Bonn, P.E., CFM – Assistant City Engineer
SUBJECT: Stormwater/Vegetation Management Program Update

Summary:

Receive presentation on Stormwater/Vegetation Management Program.

Recommendation:

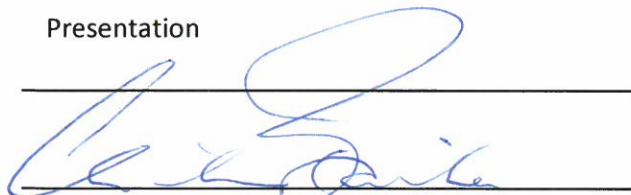
N/A

Background / Analysis:

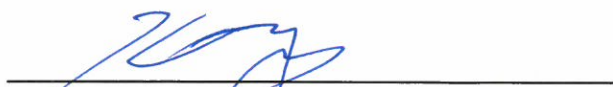
City Engineering Department staff will provide an update on the Stormwater/Vegetation Management Program which began operations in July of 2019.

Attachments:

Presentation



Department Approval



City Manager Approval



City Attorney Approval



Stormwater/Vegetation Management Program Update

Stormwater/Vegetation Management Program Update

Presentation Overview

- Program Goals/Implementation
- FY 2019 Completed Projects
- Ongoing Projects
- Future Program Projects and Needs

The screenshot displays the official website of the City of Fredericksburg, Texas. The header features the city's logo and name, along with a search bar and navigation links for Home, Departments, Services, Visitors, and Government. The main content area is titled "Storm Water / Drainage" and includes a paragraph about the city's efforts to preserve waterways and enhance the quality of life for its citizens. It mentions the development of a [Drainage Master Plan](#) and provides a link to the [Quick Links](#) page. A sidebar on the right contains a list of links related to stormwater and drainage, including "Municipal Drainage Utility Ordinance", "Drainage Master Plan", "Drainage CIP Projects", "Stormwater & Vegetation Management Program", "Drainage Utility Fee", and "Statewide Stormwater Utility Fee Comparison". The footer includes contact information for the City Hall, social media icons, and a "Quick Links" section with links to Home, Contact Us, Accessibility, Privacy, Copyright Notices, and Government Websites by CivicPlus®.

Stormwater/Vegetation Management Program Update

Goals & Implementation

- General Fund Relief/Federal Mandates
- Improve Drainage Infrastructure & Waterway Maintenance
- Program Funded by Stormwater Utility Fee and Electric Dept.
- Began Operations in July 2019
 - David Feller – Foreman Arborist
 - Brandon Vollmar/Floyd McLaughlin – Apprentice Arborists



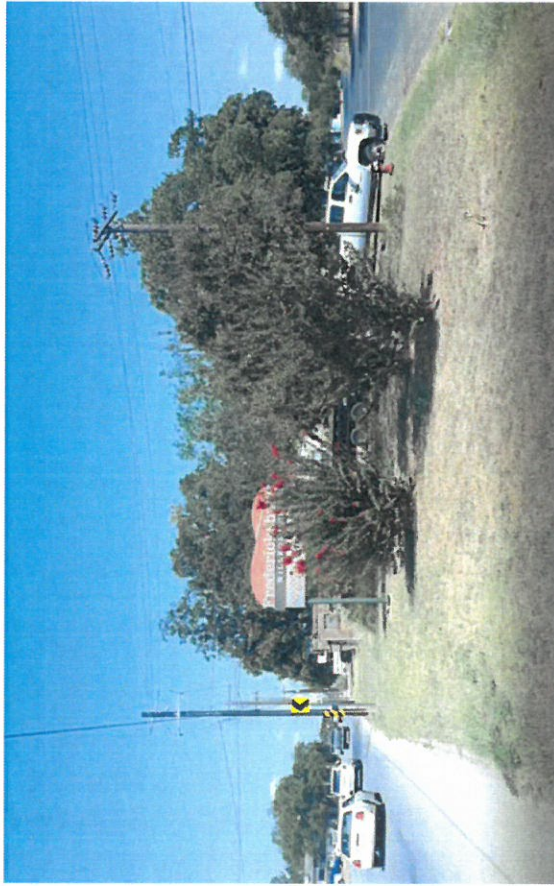
Stormwater/Vegetation Management Program Update

Current Operations

- Assisting Street & Parks with mowing and weed control
- Assisting Electric Dept. with tree trimming
- Erosion repairs/prevention
- Creek/Drainageway clean up efforts
- Planning/Design of In-House Drainage projects



Stormwater/Vegetation Management Program Update



**E. Main Street
Gateway Sign**

Stormwater/Vegetation Management Program Update



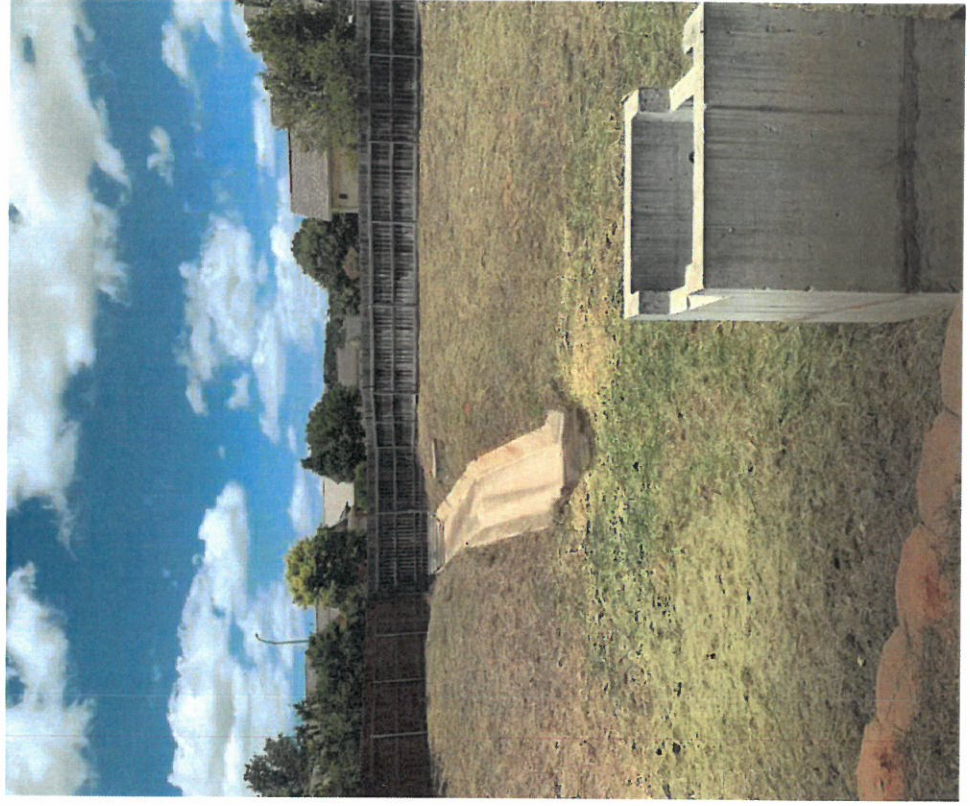
S. Bowie near Barons Creek

Stormwater/Vegetation Management Program Update



**Consolidated Warehouse
Drainage Channel**

Stormwater/Vegetation Management Program Update



Crabapple Grove Detention Pond

Stormwater/Vegetation Management Program Update



Town Creek near Town Pool



Stormwater/Vegetation Management Program Update



S. Adams near Live Oak



Stormwater/Vegetation Management Program Update

TASK	Fall	Winter	Spring	Summer
Normal Operations				
Creeks/Drainageway Maintenance				
Erosion Control/Repair				
Invasive Species Control				
Tree Trimming				
Power Lines				
Creeks/Parks				
Roadways (Paving Program)				
Mowing/Weed Control				
Right of Way				
Drainageways				
Drainage Projects				
In-House Improvements				
CIP				
Storm/Flood Event Response (as needed)				
Roadway/Power Line Assistance				
Drainageway Debris Removal				

Stormwater/Vegetation Management Program Update

Program Moving Forward

- Complete equipment purchases to fully-equip crews
- Review staffing needs
- Continue to coordinate with other Public Works divisions
- Complete CIP projects identified in Drainage Master Plan
 - Review funding needs and schedules
 - Partnerships/Grants



Questions



**For more information regarding this presentation,
please contact:**

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City of Fredericksburg
(830) 997-7521

gbonn@fbgtx.org

Future Agenda Items

City Council

February 17, 2020 Regular Meeting

City Council = Red

3rd and 17th Regular Meetings @ 6p.m.

Planning & Zoning = Green

Historic Review Board = Purple

Board of Adjustment = Blue

City Events = Yellow

February 11th at 2 p.m. Joint meeting (City Council, HRB and P&Z)

February 14th -Last day to file as a candidate for office

Sun	Mon	Tues	Wed	Thur	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

Consent

1. 2-3-20 City Council Regular Meeting Minutes
2. 2-11-20 City Council Joint Meeting Minutes (P&Z and HRB)

Ordinances

Resolutions

1. Amending Election Order

Public Hearing

Approvals-Misc.

Presentations, Discussions and Updates:

Executive Session

March 2, 2020 Regular Meeting

City Council = Red

2nd and 16th Regular Meetings @ 6p.m.

Planning & Zoning = Green

Historic Review Board = Purple

Board of Adjustment = Blue

City Events = Yellow

Sun	Mon	Tues	Wed	Thur	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Consent

1. 2-17-20 City Council Regular Meeting Minutes

Ordinances

Resolutions

Public Hearing

1. W. Live Oaks Annexation

Approvals-Misc.

1. Award HOT Funds

Presentations, Discussions and Updates:

Executive Session