City of Fredericksburg

REGULAR CITY COUNCIL MEETING AGENDA
TUESDAY, SEPTEMBER 8, 2020 ~
THIS MEETING WILL BEGIN IMMEDIATELY FOLLOWING
THE CITY/COUNTY JOINT WORKSHOP
FOR THE PROPOSED RELIEF ROUTE
THAT,starts at 6 p.m.

Gary Neffendorf, Mayor
Tom Musselman, Councilmember
Bobby Watson, Councilmember

Charlie Kiehne, Councilmember
Polly Rickert, Councilmember
Kent Myers, City Manager

The City of Fredericksburg City Council will meet in a regular session on Tuesday, September 8, 2020, immediately following the City/County Joint Workshop for the proposed Relief Route that starts at 6 p.m. This meeting will be held remotely via Zoom Teleconferencing, and in person attendance will not be available. Members of the public may attend the meeting remotely by web or telephone via Zoom Teleconferencing (see details below). These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code.

Members of the public may attend using one of the following:

Computer:
Join Zoom Meeting
https://us02web.zoom.us/j/89582067264?pwd=cWV5RzI2bTJOcmpEZEa2dtK0x4dz09
Meeting ID: 895 8206 7264
Passcode: 786247521

Phone:
One tap mobile
+13462487799,,89582067264# US (Houston)
+12532158782,,89582067264# US (Tacoma)
Dial by your location
877 853 5247 US Toll-free
888 788 0099 US Toll-free
Meeting ID: 895 8206 7264

You may also access this meeting through livestream on the City of Fredericksburg's Facebook page.

Audio of this meeting will be recorded and uploaded to the City website following the conclusion of the meeting.

1. CALL TO ORDER

2. UPDATE ON CORONAVIRUS (COVID-19) PANDEMIC
3. EMPLOYEE RECOGNITIONS

4. PUBLIC COMMENTS
During the COVID-19 pandemic, the City of Fredericksburg is allowing written or verbal public comments:

**Written Comments:** to be submitted remotely:
1. Must be received by 3 p.m. on September 8, 2020
2. Complete the Citizen Comment Form online at www.fbgtx.org; or
3. Email your comments to sgoodwin@fbgtx.org; or
4. Complete a Citizen Comment Form located inside the Public Access entrance at 126 W. Main Street, Fredericksburg, Texas, and place in the box marked Citizen Comment Form.

Copies of the submitted comments will be provided to the City Council and made public on the City website under the “**September 8, 2020, City Council Regular Meeting**” tab.

**Verbal Comments:**
1. Must submit your name, address and contact information to sgoodwin@fbgtx.com by 3 p.m. on September 8, 2020.
2. Please log on to the meeting 15 minutes early.
3. Set your name in the ID on the Zoom Meeting
4. Wait for your name to be called.
5. You will be limited to 3 minutes to speak.

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 following Minutes:
   i. August 17, 2020, City Council Regular Meeting
   (Agenda Packet Pages 5-16)

6. PUBLIC HEARING
A. Reopen public hearing on the Conditional Use Permit for an Indoor Market including several uses in addition to the C-1.5 District, including, a club or lodge, cocktail lounge, food sales, general retail sales, liquor sales, mobile food establishments and a microbrewery/distillery located at 206 N. Milam (Z-2011) (public hearing was recessed at the August 17, 2020 City Council Regular Meeting).
   (Agenda Packet Pages 17-50)

7. OTHER ACTION ITEMS AND UPDATES
A. Consider the approval of a Conditional Use Permit for an Indoor Market including several uses in addition to the C-1.5 District, including, a club or lodge, cocktail lounge, food sales, general retail sales, liquor sales, mobile food establishments and a microbrewery/distillery located at 206 N. Milam (Z-2011) (public hearing was held on August 17, 2020 City Council Regular Meeting).
   (Agenda Packet Pages 17-50)

B. Consider, discuss, and take appropriate action regarding approval of the Fredericksburg Convention and Visitor Bureau 2021 Budget.
   (Agenda Packet Pages 51-52)
C. Consider, discuss, and take appropriate action regarding the appointments to the Board of Directors of the Fredericksburg Convention and Visitor Bureau.
   (Agenda Packet Pages 53-56)

D. Consider, discuss, and take appropriate action regarding temporary changes to City business regulations during COVID-19.
   (Agenda Packet Pages 57-28)

E. Consider, discuss, and take appropriate action regarding format of future City Council and City Boards and Commission meetings.
   (Agenda Packet Pages 59-82)

8. CITY MANAGER'S REPORT
   A. Water Bond Project
   B. Budget Update
   C. Recent Personnel Changes
   D. COVID-19 Task Force

9. ITEMS FOR FUTURE AGENDA
   (Agenda Packet Pages 83-84)

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

11. EXECUTIVE SESSION
    The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section 551.071 (Consultation with Attorney):
        A. Consider and discuss E. 290 Owners Coalition vs. City of Fredericksburg, Texas, pending in the 216th District Court (Section 551.071).

12. 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.

13. ADJOURN
    This is to certify that I, Shelley Goodwin, posted this Agenda at 1:50 p.m. on September 2, 2020, at the entrance and on the bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.

   [Signature]
   Shelley Goodwin, TRMC
   City Secretary
CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL REGULAR MEETING
AUGUST 17, 2020

The City of Fredericksburg City Council met in a regular session on Monday, August 17, 2020, at 6:00 p.m. This meeting was held remotely via Zoom Teleconferencing, and in-person attendance was not available. Members of the public attended the meeting remotely by web or telephone via Zoom Teleconferencing. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code.

Members Present on the Teleconferencing:
Mayor Gary Neffendorf
Councilmember Charlie Kiehne
Councilmember Tom Musselman
Councilmember Polly Rickert
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
Lynn Bizzell, Fire Chief
Steve Wetz, Police Chief
Brian Jordan, Development Services Director
Russell Iimmel, Information Technology Director
Andrea Schmidt, Parks Department Director
Lea Feuge, Public Information Officer
Kelli Olfers, Gillespie County Health Department Director
Laura Hollenbeak, Finance Director
Kris Kneese, Assistant Director of Public Works and Utilities
Garrett Bonn, Assistant Engineer
Jennifer Krupa, Special Events Coordinator
Shelley Goodwin, City Secretary

1. CALL TO ORDER
Mayor Neffendorf called the regular meeting of the Fredericksburg City Council to order at 6:00 p.m. on Monday, August 17, 2020, via Zoom Teleconference. Mayor Neffendorf announced a quorum of the City Council present.

2. UPDATE ON CORONAVIRUS (COVID-19) PANDEMIC
Lynn Bizzell, Fire Chief, reported as of 8-17-2020 at 4 p.m.: 
<table>
<thead>
<tr>
<th>World</th>
<th>United States</th>
</tr>
</thead>
<tbody>
<tr>
<td>20,439,814 Positive Cases</td>
<td>5,176,018 Positive Cases</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Texas Positive Cases</th>
<th>Texas Total Deaths</th>
<th>Texas Active Cases</th>
<th>Texas Recovered Cases</th>
<th>Texas Testing</th>
<th>Texas Counties</th>
</tr>
</thead>
<tbody>
<tr>
<td>542,950</td>
<td>10,034</td>
<td>127,099</td>
<td>405,817</td>
<td>4,476,167</td>
<td>251 out of 254</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Region 8 Total Cases</th>
<th>Region 8 Deaths</th>
<th>Region 8 Active Cases</th>
<th>Region 8 Recovered Cases</th>
<th>Region 8 Pending investigation cases</th>
<th>Region 8 Probable cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>64,856</td>
<td>970</td>
<td>10,530</td>
<td>28 out of 28</td>
<td>1,118</td>
<td>8,927</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Surrounding Counties</th>
<th>Total Cases</th>
<th>Deaths</th>
<th>Active Cases</th>
<th>Recovered Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gillespie County</td>
<td>188</td>
<td>6</td>
<td>34</td>
<td>148</td>
</tr>
<tr>
<td>Kerr County</td>
<td>416</td>
<td>6</td>
<td>98</td>
<td>312</td>
</tr>
<tr>
<td>Kendall County</td>
<td>180</td>
<td>4</td>
<td>40</td>
<td>136</td>
</tr>
<tr>
<td>Mason County</td>
<td>60</td>
<td></td>
<td>21</td>
<td>39</td>
</tr>
<tr>
<td>Llano County</td>
<td>92</td>
<td>1</td>
<td>12</td>
<td>79</td>
</tr>
<tr>
<td>Burnet County</td>
<td>586</td>
<td>11</td>
<td>82</td>
<td>483</td>
</tr>
<tr>
<td>Blanco County</td>
<td>130</td>
<td>5</td>
<td>25</td>
<td>86</td>
</tr>
</tbody>
</table>

He also reviewed the community testing.
- August 26, 2020, testing will occur at the HEB Basketball Court, from 8 a.m. to 4 p.m. No sign up is necessary.

- **Hospital Data**

<table>
<thead>
<tr>
<th>Date</th>
<th># Patients</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td># Cases</td>
</tr>
<tr>
<td>------------</td>
<td>---------</td>
</tr>
<tr>
<td>8-10-2020</td>
<td>7,304</td>
</tr>
<tr>
<td>8-11-2020</td>
<td>7,216</td>
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<tr>
<td>8-12-2020</td>
<td>7,028</td>
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<td>6,879</td>
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<td>8-14-2020</td>
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<td>8-15-2020</td>
<td>6,481</td>
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<tr>
<td>8-16-2020</td>
<td>6,266</td>
</tr>
<tr>
<td>8-17-2020</td>
<td>6,200</td>
</tr>
</tbody>
</table>

- **Daily Confirmed COVID-19 Cases**

3. **EMPLOYEE RECOGNITIONS**

Kent Myers, City Manager, stated he received the following recognitions:
- Police Officers Harry Dawes and Jonathan Prado received recognition for helping bring a resident home that has Alzheimer's.
- Police Officers Shane Purvis, Preston Schmidt, and Victor Martinez received recognition for going above and beyond with assisting a couple with their RV.
- Police Officer Hugo Alvarez received recognition for his politeness and professionalism during a traffic stop.
- Police Officer Pablo Martinez received recognition for his professionalism during a traffic stop.
- Garrett Zenner, Street Department, received recognition for his courtesy and politeness while driving the street sweeper.
- Jeff Rich, Water Superintendent, received recognition for his assistance with a water bill.

**PUBLIC COMMENTS**

Mayor Neffendorf reviewed the different ways the public could provide comments. He stated the City received two citizens who signed up for verbal comments and six written citizen comments. The Staff will get back with the citizens who provided written comments.

Timothy Riley encouraged everyone to continue to speak at City Council meetings. He also encouraged everyone to assist with the Census Bureau by submitting your information, and if someone knocks on your door, open it, and answer the questions.

Todd Eidson spoke on behalf of the Chamber of Commerce in support of Agenda Item 8.E. Oaks of Windcrest Phase 5.

4. **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 following Minutes:
   i. July 22, 2020, City Council Workshop
   ii. July 28, 2020, City Council Workshop
   iii. August 3, 2020, City Council and County Commissioners Court’s Joint Workshop
   iv. August 3, 2020, City Council Regular Meeting

B. Consider approval of a Fee Waiver Request for the 2020 Census to utilize City-owned facilities to conduct official 2020 Census training and activities through December 31, 2020.

The City Council pulled Agenda Item 5.B. off the Consent Agenda to be considered separately.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Kiehné, to approve the City Council Minutes for July 22, 2020, City Council Workshop, July 28, 2020, City Council Workshop, August 3, 2020, City Council and County Commissioners Court’s Joint Workshop, and August 3, 2020, City Council Regular Meeting. On roll call vote:
   Councilmember Musselman    aye
   Mayor Neffendorf             aye
   Councilmember Kiehné         aye
   Councilmember Rickert        aye
   Councilmember Watson         aye

The motion carried unanimously.

5. B. Consider approval of a Fee Waiver Request for the 2020 Census to utilize City-owned facilities to conduct official 2020 Census training and activities through December 31, 2020.

Kent Myers, City Manager, stated the President has moved the completion date for the 2020 Census, to the end of September due to COVID-19. He stated the local Census is about 60% completed.

Lea Feuge, Public Information Officer, stated she has been coordinating the local effort with the Census. She reviewed all the promotions she has done to encourage residents to complete their Census. She reviewed the State and local response rates. She stated the Census wants to find a local facility to assist residents in completing their forms.

Councilmember Musselman reviewed the importance and the effects the Census has on funding.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Kiehné, to approve the Fee Waiver Request for the 2020 Census to utilize City-owned facilities to conduct official 2020 Census training and activities through December 31, 2020.
On roll call vote:
   Councilmember Musselman    aye
   Mayor Neffendorf             aye
   Councilmember Kiehné         aye
   Councilmember Rickert        aye
   Councilmember Watson         aye
6. ORDINANCE AND RESOLUTION

A. Hold Public Hearing to receive comments for or against a Conditional Use Permit for an Indoor Market including several uses in addition to the C-1.5 District, including, a club or lodge, cocktail lounge, food sales, general retail sales, liquor sales, mobile food establishments and a microbrewery/distillery located at 206 N. Milam (Z-2011).

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.

Brian Jordan, Development Services Director, reviewed the project and the variance request. He stated the Planning and Zoning Commission voted 7 for and 1 against the request. They also approved with a stipulation to set a limit of 33% for the uses at any given time, to alcohol-related businesses, and the operation hours be limited to 10 p.m. He also noted he received 3 protest letters. He also noted the requestor called today and asked to postpone the meeting to meet with some of the residents.

James Griffin stated he supports postponing the consideration of this project so that a meeting can be held.

Veronica Truan stated she owns the property across the street from the Super S and asked who the application was and the person representing the applicant.

Mayor Neffendorf asked if anyone wished to speak. No one did.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Rickert, to go recess the Public Hearing and back into the regular session at 6:43 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

B. Hold Public Hearing to receive comments for or against a Conditional Use Permit for Short Term Rentals on the First Floor at 411 E. Main (Z-2007)

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Rickert, to go into the Public Hearing at 6:44 p.m. The City Council voted five (5) for, and none (0) opposed.

Brian Jordan, Director of Development Services, stated he received an application from Todd Christian and the Fancy Goat to add four Bed & Breakfast (Short Term Rentals) unit on the first floor. He reviewed the proposed project. The Planning and Zoning Commission voted unanimously to approve the proposed short-term rentals on the first floor at 411 E. Main Street. He also noted that he did not receive any letters in support or opposed to the project.

Mayor Neffendorf asked if anyone wished to speak. No one did.

Motion: A motion was made by Councilmember Rickert, seconded by Councilmember Musselman, to go out of the Public Hearing and back into the regular session at 6:48 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.
C. Hold Public Hearing to receive comments for or against the following changes at 110 N. Bowie Street, 603 W. Austin Street, and 605 W. Austin Street:

i. Change in the Land Use Plan from Low Density Residential to Medium Density Residential; and

ii. Change in Zoning from R-1, Single Family Residential to R-2 Mixed Residential (Z-2012)

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to go into the Public Hearing at 6:52 p.m. The City Council voted five (5) for, and none (0) opposed.

Brian Jordan, Director of Development Services, stated he received an application for a change in Land Use Plan and change in zoning to R-2 Mixed Residential. He also reviewed the history of the project and surrounding land use. He noted the Planning and Zoning Commission voted to deny this request.

Harold Coates stated he has a concern with the traffic in this area that this change will create.

Mayor Neffendorf asked if anyone wished to speak. No one did.

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 6:58 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

7. ORDINANCE AND RESOLUTION

A. Consider the approval of Ordinance 2020-17 amending Article 24.000-Recreational Fees, of Appendix A-Fee Schedule, of the Code of Ordinances to establish a tiered pricing structure for occupancy of the RV Park Campsites at Lady Bird Johnson Municipal Park; to provide authority for the Director of Parks and Recreation to designate certain dates as requiring a two (2) night minimum occupancy for said RV Park; and providing for an effective date (1st of two readings; City Council may waive second reading).

Andrea Schmidt, Park Department Director, stated the RV Park rates have not gone up in four years due to ongoing construction that has now been completed. She believed rates should be raised to be competitive with the current market. She reviewed the proposed rates.

Motion: A motion was made by Councilmember Rickert, seconded by Councilmember Watson, to approve Ordinance 2020-17 amending Article 24.000-Recreational Fees, of Appendix A-Fee Schedule, of the Code of Ordinances to establish a tiered pricing structure for occupancy of the RV Park Campsites at Lady Bird Johnson Municipal Park; to provide authority for the Director of Parks and Recreation to designate certain dates as requiring a two (2) night minimum occupancy for said RV Park; and providing for an effective date and waive the second reading. On roll call vote:

Councilmember Musselman    aye
Mayor Neffendorf             aye
Councilmember Kiehne         aye
Councilmember Rickert        aye
Councilmember Watson         aye

The motion carried unanimously.
B. Consider the approval of Resolution 2020-14R, supporting the passage of legislation during the 87th Regular Session of the Texas Legislature (2021), to allow for the expenditure of Municipal Hotel Occupancy Tax Revenue by the City for construction of improvements in Municipal Parks.

Kent Myers, City Manager, stated State law provides nine specific uses for HOT revenues, including funding for tourist promotion, arts promotion, historic preservation, and tourists' signage. Our City parks such as Marktplatz, Cross Mountain Park, and Lady Bird Johnson Park are used extensively by visitors, but the State does not allow HOT revenues to be used to support improvements to these parks. He noted the City of Fredericksburg had identified the need for over $16 million in park improvements in our Capital Improvement Plan (CIP), including over $9 million needed in the next five years. We currently do not have a funding source for these improvements, and some of these improvements, such as the new restrooms at Marktplatz and new trails, directly benefit tourists. City Staff recommends City Council approve the attached Resolution supporting changes to State Law so that HOT revenues would be allowed to be used for improvements to park systems.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to approve Resolution 2020-14R, supporting the passage of legislation during the 87th Regular Session of the Texas Legislature (2021), to allow for the expenditure of Municipal Hotel Occupancy Tax Revenue by the City for construction of improvements in Municipal Parks. On roll call vote:

- Councilmember Musselman: aye
- Mayor Neffendorf: aye
- Councilmember Kiehne: aye
- Councilmember Rickert: aye
- Councilmember Watson: aye

The motion carried unanimously.

8. OTHER ACTION ITEMS AND UPDATES

A. Consider the approval of a Conditional Use Permit for an Indoor Market including several uses in addition to the C-1.5 District, including, a club or lodge, cocktail lounge, food sales, general retail sales, liquor sales, mobile food establishments and a microbrewery/distillery located at 206 N. Milam (Z-2011).

This item will be considered at the September 8, 2020, City Council Regular Meeting.

B. Consider the approval of a Conditional Use Permit for Short Term Rentals on the First Floor at 411 E. Main (Z-2007).

The City Council discussed the curb cuts, ambulance and Fire Truck access, and the Planning and Zoning Commission.

Motion: A motion was made by Councilmember Kiehne, seconded by Councilmember Musselman, to approve the Conditional Use Permit for Short Term Rentals on the First Floor at 411 E. Main (Z-2007). The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

C. Consider the approval of the following changes at 110 N. Bowie Street, 603 W. Austin Street, and 605 W. Austin Street:

   i.   Change in the Land Use Plan from Low Density Residential to Medium Density Residential; and
ii. Change in Zoning from R-1, Single Family Residential to R-2 Mixed Residential (Z-2012)

**Motion:** A motion was made by Councilmember Musselman, seconded by Councilmember Kiehne, to approve the Planning and Zoning Commission recommendation of deny for the request of Z-2021. On roll call vote:
- Councilmember Musselman  aye
- Mayor Neffendorf  aye
- Councilmember Kiehne  aye
- Councilmember Rickert  aye
- Councilmember Watson  aye

The motion to deny was carried unanimously.

D. **Consider the approval of Joint Election Agreement with Gillespie County for polling places for the November 3, 2020, General Election.**

Shelley Goodwin, City Secretary, reviewed the Joint Election Agreement and the requirement for the City Council and Gillespie County to enter into an agreement.

**Motion:** A motion was made by Councilmember Watson, seconded by Councilmember Musselman, to approve the Joint Election Agreement with Gillespie County for polling places for the November 3, 2020, General Election. On roll call vote:
- Councilmember Musselman  aye
- Mayor Neffendorf  aye
- Councilmember Kiehne  aye
- Councilmember Rickert  aye
- Councilmember Watson  aye

The motion carried unanimously.

E. **Consider the approval of cost sharing in infrastructure for Vineyard Oaks a development of affordable housing apartment complex between Sunrise Street and Friendship Lane.**

Kent Myers, City Manager, stated the McDonald Companies are proposing a new 110-unit apartment complex on Friendship Lane. This project will be funded using 4% housing tax credits from the State. He noted by using these credits, the developer is required to maintain affordable rents for all apartment units. He also reviewed the rental rates for the different sizes of units. The McDonald Company has informed the City that in order to provide this affordable housing, they have also requested that the City participate in the project by funding a water line extension (about $15,500) and the extension of curb and gutter along Eagle Street (about $6,000).

Tim Lehmburg, Gillespie County Economic Development CEO, reviewed the current housing market in Fredericksburg.

The City Council discussed the water line extension funding request, agreement, street extension, proposed agreement, and the 4% grant funding.

**Motion:** A motion was made by Councilmember Musselman, to approve the Reserve at Vineyard Oaks Cost Share Agreement with McDonald Companies and share the utility (water line extension), but not the street extension. Motion failed due to no second.
Motion: A motion was made by Councilmember Watson, seconded by Mayor Neffendorf, to approve the cost sharing in infrastructure for Vineyard Oaks a development of affordable housing apartment complex between Sunrise Street and Friendship Lane contingent upon the award of the 4% bond. On roll call vote:

Councilmember Musselman      aye
Mayor Neffendorf               aye
Councilmember Kiehne           nay
Councilmember Rickert          aye
Councilmember Watson           aye

The motion carried 4 to 1.

F. Consider the approval of the Professional Services Agreement with Kimley Horn for the development of a Rough Proportionality Assessment for the Oaks of Windcrest Phase 5 subdivision development.

This Agenda Item will be taken up after Executive Session.

8. CITY MANAGER’S REPORT

A. Budget Update

Kent Myers, City Manager, reported there will be a Special Meeting on August 24, 2020, via Zoom at 6 p.m. This meeting is to review and discuss the proposed FY 2021 Budget and hold a public hearing. The City Council will also review and discuss the proposed 2020 Tax Rate and approve the proposed 2020 Tax Rate. He also noted the FY2021 proposed Budget has been filed with the City Secretary and residents wanting to view the Budget can do so on the City website or in person at City Hall on the lobby’s 2nd floor.

B. Reopening of City Hall and City Hall Annex

Kent Myers, City Manager, reported three City employees had tested positive for COVID-19, and all three have rebounded. City Hall and City Annex are now open with restrictions regarding following CDC Guidelines and Governor’s Orders.

C. September Public Meetings

Kent Myers, City Manager, reported he needs directions on how the City Council would like to hold their meetings. The City Council agreed by consensus to hold the September 8, 2020 Regular Meeting via Zoom and then revisit this topic at the September 8, 2020, Regular Meeting.

D. COVID-19 Task Force

Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities, stated the stakeholder’s updates were regarding the new normal for businesses and agreed to meet twice a month.

Councilmember Musselman stated there was some discussion regarding the uncertainty of the start of school and Labor Day. He also noted he met with Dr. Lindley and Judge Stroehrer regarding the Local Health Authority.

E. Temporary Changes to City Business Regulations During COVID-19

Kent Myers, City Manager, reported on all the ways the City helped customers who struggled during COVID-19 shutdowns. He also noted many businesses are struggling and have approached the City regarding allowing outdoor dining and food trucks.
Daniel Jones, City Attorney, reviewed the process that could be used to relax some of the Business Regulations within the City temporarily.

The City Council discussed food trucks, TABC regulations, effects on the Historic District. They also asked for Staff to look at how other Cities are handling this issue and bring this item back at the September 8, 2020, City Council Regular Meeting.

9. ITEMS FOR FUTURE AGENDA
Kent Myers, City Manager, reviewed the Future Agenda Items.

10. COUNCIL COMMENTS
Mayor Neffendorf thanked the CVB and Chamber of Commerce for their recent mask campaign.

11. EXECUTIVE SESSION
The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section 551.071 (Consultation with Attorney):

A. Receive legal advice regarding Texas Local Government Code Section 212.904, rough proportionality, and apportionment of City infrastructure costs for development in the City (551.071)

Motion: A motion was made by Mayor Neffendorf, seconded by Councilmember Rickert, to go out of Regular Session into Executive Session at 8:08 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Rickert, seconded by Councilmember Watson, to go out of Executive Session into Regular Session at 8:41 p.m. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

12. BUSINESS ITEM

8. F. Consider the approval of the Professional Services Agreement with Kimley Horn for the development of a Rough Proportionality Assessment for the Oaks of Windcrest Phase 5 subdivision development.

Motion: A motion was made by Councilmember Rickert, seconded by Councilmember Musselman, to approve the Professional Services Agreement with Kimley Horn for the development of a Rough Proportionality Assessment for the Oaks of Windcrest Phase 5 subdivision development. On roll call vote:

Councilmember Musselman    aye
Mayor Neffendorf           aye
Councilmember Kiehne         aye
Councilmember Rickert       aye
Councilmember Watson       aye

The motion carried unanimously.

13. ADJOURN
Motion: A motion was made by Councilmember Kiehne, seconded by Councilmember Musselman, to adjourn the Monday, August 17, 2020, City Council Regular Meeting at 8:42 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.
ATTEST

Shelley Goodwin, TRMC
City Secretary

Gary Neffendorf
Mayor
CITY COUNCIL MEMO

DATE: September 8, 2020
TO: Mayor and City Council
FROM: Brian Jordan, AICP

SUBJECT: Z-2011 - Conditional Use Permit for an Indoor Market including several uses in addition to the C-1.5 District, including, a club or lodge, cocktail lounge, food sales, general retail sales, liquor sales, mobile food establishments and a microbrewery/distillery.

Summary:

The proposed Fredericksburg Market is an adaptive reuse of the long vacant Super S grocery store located at 206 N. Milam Street. The intent is to divide the main floor area into multiple suites for use by local businesses, to create a vibrant urban space (see attached project summary). The building is approximately 13,800 square feet in size and the site contains 1.6 acres. The applicants are requesting a Conditional Use Permit for several uses that they intended for the proposed space. These uses include a club or lodge, cocktail lounge, food sales, general retail sales, liquor sales, mobile food establishments and a microbrewery/distillery. Access to the property is from N. Milam Street and Schubert Street. Access to the rear of the site is via an access easement. The existing parking lot in front of the building will be reconfigured to establish additional parking and provide for landscaping for a much-improved appearance. The surrounding zoning C-1 to the north, R-1 to the west, C-1 to the south and C-1 to the east. Surrounding land uses include commercial businesses to the south, a mix of residences and businesses to the north and east and residences to the west.

Recommendation:

The Planning and Zoning Commission voted 7-1 in favor of the request with a limit of 33% of the uses at any given time be alcohol related, and that the hours of operation be limited to 10 pm. At the City Council meeting on August 17, 2020, the applicant's requested that this item be postponed allowing the owner to meet with nearby property owners. A meeting was held on August 20th on site. Although no
conclusions were made, the property owners were able to offer their concerns. A copy of the email from the property owner is attached. There was significant opposition voiced at the Planning and Zoning Commission Meeting, and we received 3 protest letters and an inquiry letter from a representative of several nearby property owners. Staff recommends approval of the request as submitted.

Regarding the Mobile Food Establishment use, it would simply not be permitted because it is prohibited within the Historic Overlay District. An amendment to the Historic District Overlay would be necessary to allow the mobile food establishment by Conditional Use Permit. A discussion item regarding temporary relief of certain business ordinances is part of the agenda.

---

**Background / Analysis:**

See the attached Conditional Use Permit Brief for a summary of the existing and proposed land use and zoning.

**Attachments:**

Maps of Area, Conditional Use Permit Brief, Property owner list, project plans, project summary, opposition letters

---

Department Approval

City Manager Approval

City Attorney Approval

---

The City of Fredericksburg

126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861
Shelby Collier and Brian Jordan
City of Fredericksburg
126 W Main Street
Fredericksburg Texas, 78624

Re: Fredericksburg Market – 206 N. Milam Street
Conditional Use Permit

Dear Shelby and Brian:

Land Strategies, Inc., on behalf of the property owner, respectfully submits this Conditional Use Permit application packet for the proposed Fredericksburg Market, located at 206 N. Milam Street, with respect to the allowance of specific land uses, for your review and approval.

The Proposed Project

The Fredericksburg Market is an adaptive reuse of the long vacant Wegman's grocery store. The intent is to divide the main floor area into multiple suites (an estimated 8 internal suites) for use by local businesses, such as cheese shops and wineries, to create a vibrant urban space. The project will renovate the abandoned grocery store with new landscaping, new signage, and a new façade that deliberately incorporates elements of traditional Main Street Fredericksburg, such as vertically oriented windows with transoms above shaded awnings and colonnades. The project obtained a Certificate of Appropriateness from the Historic Review Board on June 9, 2020.

Required Information about the Proposed Project

<table>
<thead>
<tr>
<th>Description</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Square Footage of Existing Building:</td>
<td>±13,800 s.f.</td>
</tr>
<tr>
<td>Required Parking (per City staff, 1:200)</td>
<td>69 spaces</td>
</tr>
<tr>
<td>Provided Parking</td>
<td>72 spaces (includes 3 accessible spaces)</td>
</tr>
<tr>
<td>Provided Loading</td>
<td>Loading will be via the front entrance and existing parking lot</td>
</tr>
<tr>
<td>Additional Improvements</td>
<td>Seating in existing backyard</td>
</tr>
</tbody>
</table>

Please refer to the exhibits included with this submittal package, which reflect the proposed building façade, site layout, and proposed improvements to the backyard area. Additional exhibits have been provided which show the relationship of the proposed project to the surrounding land uses, as well as pedestrian and vehicular circulation.

Existing Zoning and Proposed Land Uses

The property is zoned C-1.5, Medium Commercial. It is situated north of Main Street and adjacent to other C-1.5 zoned sites; therefore, medium commercial development is appropriate, which was confirmed with City staff in meetings and discussions about the
proposed project. Fredericksburg Market may include uses such as a tavern, food sales, liquor sales, and tasting rooms which would qualify as a cocktail lounge. These uses are allowed under the existing C-1.5 zoning ordinance for the subject property with a Conditional Use Permit. Therefore, we are requesting a Conditional Use Permit to cover the following uses:

- Club or Lounge
- Cocktail Lounge
- Food Sales
- Mini-Distillery
- General Retail Services
- Liquor Sales
- Mobile Food Establishments

While the Fredericksburg Market may not ultimately include all the above uses, the project's concept requires flexibility to allow various small businesses to vend at the market, regardless of their exact nature.

Fredericksburg Market proposes to be a vibrant redevelopment of currently unused space. Its design incorporates features of historic Main Street and will reintegrate a lifeless tract back into the fabric of the town. As referenced above, the Historic Review Board granted the project a Certificate of Appropriateness. Accordingly, we request your support of this Conditional Use Permit.

Please do not hesitate to contact me if you have questions or need additional information. Thank you for your consideration.

Sincerely,

[Signature]

Erin N. Welch
Sr. Project Manager

Attachments

cc: Kenneth Satterlee – Fixing Fred, LLC (property owner)
<table>
<thead>
<tr>
<th>Letter</th>
<th>Owner</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>FIXING FRED LLC</td>
<td>901 S. MOPAC EXPWY LP PLAZA 1 STE 160 AUSTIN, TX 78746</td>
</tr>
<tr>
<td>2</td>
<td>FIXING FRED LLC</td>
<td>901 S. MOPAC EXPWY LP PLAZA 1 STE 160 AUSTIN, TX 78746</td>
</tr>
<tr>
<td>3</td>
<td>JOHN HOERSTER</td>
<td>204 W. WINDCREST FREDERICKSBURG, TX 78624</td>
</tr>
<tr>
<td>4</td>
<td>ANDREA KONUMA</td>
<td>207 N. EDISON FREDERICKSBURG, TX 78624</td>
</tr>
<tr>
<td>5</td>
<td>JR &amp; JB HUTCHERSON LIVING TRUST</td>
<td>4545 ECKERT RD, FREDERICKSBURG, TX 78624</td>
</tr>
<tr>
<td>6</td>
<td>CHERYL LONGORIA</td>
<td>P.O. BOX 6250 LAREDO, TX 78042</td>
</tr>
<tr>
<td>7</td>
<td>INN HAUS LLC - 403 W. TRAVIS STREET SERIES</td>
<td>92 SUNILAND DR FREDERICKSBURG, TX 78624</td>
</tr>
<tr>
<td>8</td>
<td>Z-TOWER REAL ESTATE INVESTMENTS PROPERTIES, LLC</td>
<td>1449 HWY 6 STE 400 SUGARLAND, TX 77478</td>
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<tr>
<td>9</td>
<td>BEBE MORGAN - DANZ LIVING TRUST</td>
<td>211 N. EDISON FREDERICKSBURG, TX 78624</td>
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<td>BEBE MORGAN - DANZ LIVING TRUST</td>
<td>211 N. EDISON FREDERICKSBURG, TX 78624</td>
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<td>11</td>
<td>JOHN &amp; MARY GRAHAM</td>
<td>281 CJ RANCH RD FREDERICKSBURG, TX 78624</td>
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<tr>
<td>12</td>
<td>MADLYNS INC</td>
<td>202 N. MILAM FREDERICKSBURG, TX 78624</td>
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<tr>
<td>13</td>
<td>ALPHA SECURITIES LLC</td>
<td>602 N. MILAM FREDERICKSBURG, TX 78624</td>
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<tr>
<td>14</td>
<td>MELISSA TRIPLETT</td>
<td>4111 W. MAHOGANY DR FAYETTEVILL, AR 72704</td>
</tr>
<tr>
<td>15</td>
<td>MD GATHERING HOLDINGS LLC</td>
<td>632 POST OAK FREDERICKSBURG, TX 78624</td>
</tr>
<tr>
<td>16</td>
<td>ALICE N LINDSAY WELDER EXEMPT TRUST</td>
<td>P.O. BOX 1609 FREDERICKSBURG, TX 78624</td>
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<tr>
<td>17</td>
<td>MADLYNS INC</td>
<td>202 N. MILAM FREDERICKSBURG, TX 78624</td>
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<tr>
<td>18</td>
<td>CURTIS TATSCH</td>
<td>301 N. EDISON FREDERICKSBURG, TX 78624</td>
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<tr>
<td>19</td>
<td>CYDNEY DONNELL</td>
<td>309 W. SCHUBERT FREDERICKSBURG, TX 78624</td>
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<tr>
<td>20</td>
<td>MADLYNS INC</td>
<td>202 N. MILAM FREDERICKSBURG, TX 78624</td>
</tr>
<tr>
<td>21</td>
<td>MARY SCHMIDT</td>
<td>P.O. BOX 149 FREDERICKSBURG, TX 78624</td>
</tr>
<tr>
<td>22</td>
<td>JOHN HOERSTER</td>
<td>204 W. WINDCREST FREDERICKSBURG, TX 78624</td>
</tr>
<tr>
<td>23</td>
<td>Z-TOWER REAL ESTATE INVESTMENTS PROPERTIES, LLC</td>
<td>1449 HWY 6 STE 400 SUGARLAND, TX 77478</td>
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<tr>
<td>24</td>
<td>VERONICA TRUAN</td>
<td>489 BRIDESTONE WAY BUDA, TX 78610</td>
</tr>
<tr>
<td>25</td>
<td>JOSHUA &amp; BARBARA BAR-YADIN</td>
<td>4 DE ZAVALA PL SHAVANO PARK, TX 78231</td>
</tr>
<tr>
<td>26</td>
<td>DAVID &amp; CYNTHIA CLEMENTS</td>
<td>727 FISHER - BONN RD FREDERICKSBURG, TX 78624</td>
</tr>
<tr>
<td>27</td>
<td>CYDNEY DONNELL</td>
<td>309 W. SCHUBERT FREDERICKSBURG, TX 78624</td>
</tr>
<tr>
<td>28</td>
<td>TOWN CREEK HAUS LLC</td>
<td>706 HILLCREST RICHMOND, TX 77469</td>
</tr>
</tbody>
</table>

Z-2011 - 206 N. MILAM
CONDITIONAL USE PERMIT BRIEF
Request Z-2011

Applicant: Land Strategies, Inc.

Location: 206 N. Milam Street

Existing Zoning: C-1.5 Medium Commercial, Historic District Overlay

Request: Conditional Use Permit for an Indoor Market including a number of proposed uses.

Site Plan Overview:

- The proposed Fredericksburg Market is an adaptive reuse of the long vacant Super S grocery store located at 206 N. Milam Street.
- The intent is to divide the main floor area into multiple suites for use by local businesses, to create a vibrant urban space (see attached project summary).
- The building is approximately 13,800 square feet in size and the site contains 1.6 acres.
- The applicants are requesting a Conditional Use Permit for a number of uses that they intended for the proposed space. These uses include a club or lodge, cocktail lounge, food sales, general retail sales, liquor sales, mobile food establishments and a micro brewery/distillery.
- Access to the property is from N. Milam Street and Schubert Street. Access to the rear of the site is via an access easement.
- The existing parking lot in front of the building will be reconfigured to establish additional parking and provide for landscaping for a much improved appearance.
- The surrounding zoning C-1 to the north, R-1 to the west, C-1 to the south and C-1 to the east.
- Surrounding land uses include commercial businesses to the south, a mix of residences and businesses to the north and east and residences to the west.

Review and Evaluation Criteria:

A. CONFORMANCE WITH APPLICABLE REGULATIONS:

- The site will comply with applicable zoning regulations.

B. COMPATIBILITY WITH EXISTING OR PERMITTED USES IN ABUTTING SITES:

- The use of the property for a mix of retail and restaurant uses within the existing building would support the retail and commercial activities within the area.

C. POTENTIALLY UNFAVORABLE EFFECTS OR IMPACTS ON OTHER EXISTING OR PERMITTED USES ON ABUTTING PROPERTY:

- Outdoor amplified sound or music could be a nuisance to the adjoining properties to the west. The City currently has an ordinance in place prohibiting amplified music adjacent to residentially zoned property.
D. MODIFICATIONS TO THE SITE PLAN WHICH WOULD RESULT IN INCREASED COMPATIBILITY AND WOULD MITIGATE POTENTIALLY UNFAVORABLE IMPACTS:

- None.

E. SAFETY AND CONVENIENCE OF VEHICULAR AND PEDESTRIAN CIRCULATION IN THE VICINITY:

- The proposed drive access into and out of the property would be an improvement to the current conditions. Pedestrian circulation into the property will be from Milam Street.

F. PROTECTION OF PERSONS AND PROPERTY FROM EROSION, FLOOD OR WATER DAMAGE, FIRE, NOISE, GLARE:

- A portion of the property currently lies within the 100-year floodplain. As such, any development or substantial improvements that lie within the FEMA Special Flood Hazard Area will require submission of a floodplain development permit application and compliance with the City’s Flood Hazard Reduction Ordinance.
- The Fire Marshal has been working with the Architect to verify the required improvements necessary to comply with the 2015 IFC. Approval will be conditional upon Fire Marshal approval.

G. LOCATION OF LIGHTING AND TYPE OF SIGNS; THE RELATION OF SIGNS TO TRAFFIC CONTROL AND ADVERSE EFFECTS OF SIGNS ON ADJACENT PROPERTIES:

- No specific detail provided on exterior lighting. All lighting shall be shielded and ordinance compliant.

H. ADEQUACY AND CONVENIENCE OF OFF STREET PARKING AND LOADING FACILITIES:

- Sufficient parking is provided based on the code. Not knowing the ultimate mix of uses, the applicant has based the parking on a ratio of .1 space per 200 square feet.

I. DETERMINATION THAT THE PROPOSED USE IS IN ACCORDANCE WITH THE OBJECTIVES OF THESE ZONING REGULATIONS AND PURPOSES OF THE ZONE IN WHICH THE SITE IS LOCATED:

- The intent of the C-1.5 Medium Commercial District is to provide a district between the Neighborhood Commercial District and the Commercial District. Uses have been selected from each of the various districts, with the intent that the proposed uses could function as a transition between highway commercial and residential neighborhoods, but could also provide a lower impact zone along major roadways.
J. **DETERMINATION THAT THE PROPOSED USE WILL COMPLY WITH EACH OF THE APPLICABLE PROVISIONS OF THE ZONING ORDINANCE:**

- Affirmative. The project has received approval of a Certificate of Appropriateness by the Historic Review Board.

K. **DETERMINATION THAT THE PROPOSED USE AND SITE DEVELOPMENT, TOGETHER WITH ANY MODIFICATIONS APPLICABLE THERETO, WILL BE COMPATIBLE WITH EXISTING OR PERMITTED USES IN THE VICINITY:**

- Affirmative.

L. **DETERMINATION THAT ANY CONDITIONS APPLICABLE TO APPROVAL ARE THE MINIMUM NECESSARY TO MINIMIZE POTENTIALLY UNFAVORABLE IMPACTS ON NEARBY USES AND TO ENSURE COMPATIBILITY OF THE PROPOSED USE WITH EXISTING OR PERMITTED USES IN THE SAME DISTRICT AND THE SURROUNDING AREA:**

- No additional changes are recommended.

M. **DETERMINATION THAT THE PROPOSED USE TOGETHER WITH THE CONDITIONS APPLICABLE THERETO, WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, OR WELFARE OR MATERALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY:**

- No additional changes are recommended.

**OPPOSITION/SUPPORT OF REQUEST:** There were several comments and questions at the meeting. There was significant opposition voiced at the Planning and Zoning Commission Meeting, and we received 3 protest letters and an inquiry letter from a representative of several nearby property owners.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** The Planning and Zoning Commission voted 7-1 in favor of the request with a limitation that 33% of the businesses within the proposed location be alcohol related and that the business hours be limited to closing at 10 pm.

**STAFF RECOMMENDATION:** In staff's opinion, the proposed Fredericksburg Market project represents an appropriate reuse of an otherwise underutilized property. It is our recommendation to approve this project as proposed.
Brian Jordan

From: Kenneth R. Satterlee <ksatterlee@stcroixca.com>
Sent: Friday, August 28, 2020 9:19 AM
To: Brian Jordan; Erin Welch
Cc: Michael Linehan
Subject: RE: Fredericksburg Market: Postponement Request for City Council

Brian: As you are aware, we ask for postponement of our item on the August 17th calendar, in order to meet and address concerns of a number of residents, that had originally arisen in the P/Z meeting.

The primary issue at hand, was our request for a portion of our space to be allowed as a bar. There were also some issues about closing times.

On Thursday morning, August 20th, I met at the building with the following individuals:

Clark Welder
Dickie Longoria
Robert Lotito

All three were very pleasant, and I discussed our overall plan for the redevelopment of the property.
I then very specifically stated that I was NOT interested in leasing space to a conventional ‘bar’ operation, but due to TABC laws and regulations, both wine tasting rooms as well as spirit tasting rooms, were considered bars.

Mr. Welder spoke about how we might limit it to those types of uses, and I was open to suggestions.
We also spoke about how our sit down restaurant would have a full bar. None of them had any opposition to that, or to the extended hours.

Mr. Lotito, who spoke the least, is directly across the street. He made it clear that only a park was an acceptable use to him.
He also said he lived for years having to smell the smoke from the restaurant. I don’t think there is a circumstance that he would be in favor of. However, he prefers it be redeveloped than left in its current condition.

We all agreed that if there were any thoughts or ideas we would communicate them to each other. As the owner, I am not looking to further hamper my ability to execute on our plan, but I do NOT intend to lease space to a conventional bar.

Mr. Welder and Mr. Longoria even went so far to as to provide a couple of ‘referral’s to my agents, for possible tenants. I think they are look forward to the final product.

Ken Satterlee

Kenneth R. Satterlee
CEO / President
REQUEST NO. Z-2011

As an interested property owner, I (Protest) [Approve] the requested zoning amendment represented by the above file number because:

Signed

[Signature]

Printed Name

[Printed Name]

Address

[Address]

Date

08-05-20
REQUEST NO. Z-2011

As an interested property owner I (Protest/Approve) the requested zoning amendment represented by the above file number because:

Signed:
Donnell, Sydney E.

Date
08-05-20

Address
309 W. Schubert St.
REQUEST NO. Z-2011

As an interested property owner I (Protest)/(Approve) the requested zoning amendment represented by the above file number because:

Signed

Printed Name

Date

Address
Brian Jordan

From: Emilie Weissler <Emilie@KGFTX.com>
Sent: Wednesday, August 05, 2020 1:49 PM
To: Shelby Collier
Subject: Public Comments for Items 5B & 6B- P&Z Agenda for August 5th 2020
Attachments: Hearing Notice -- 3rd Page.pdf

Importance: High

Ms. Collier,

Please accept the correspondence below as our submittal for public commentary as well as a request for both a postponement/denial on these items (5B and 6B) and the opportunity for James B. Griffin to speak at tonight’s P&Z hearing on behalf of several adjacent property owners with serious concerns about the proposed Conditional Use Permit in connection with 206 N. Milam Street.

On behalf of the list of property owners below (including Cydney Donnell – see attached response to the mailed notice), who were just informed of the proposed conditional use request for 206 N. Milam, there is more information needed as to the specifics of this request from the applicant, and there are significant concerns about alcohol and related uses based on the information posted for this case.

James B. Griffin, on behalf of the owners, would like a few moments of the commission’s time this evening to express and elaborate on these concerns.

Property Owners:
Clark & Alice Welder
Robert Lotito
Cydney Donnell
Dickie Longoria
John Graham

Please confirm receipt of this public commentary and request for time to virtually address the commission during tonight’s zoom P&Z hearing.

Thank you so much,
Emilie

Emilie Christian Weissler
Director of Land Use and Development
KILLEN, GRIFFIN & FARRIMOND
100 N.E. Loop 410, Suite 650
San Antonio, Texas 78216
emilie@kgftx.com
www.kgftx.com

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CITY COUNCIL MEMO

DATE: September 1, 2020
TO: Mayor and City Council
FROM: Kent Myers, City Manager
SUBJECT: CVB FY 2021 Budget

Summary:
The Convention and Visitor’s Bureau (CVB) has submitted their proposed FY 2021 Budget for consideration by the City Council.

Recommendation:
Following discussion, it is recommended that the Budget be approved subject to any changes made by the City Council.

Background / Analysis:
The proposed FY 2021 CVB Budget was provided to the City Council under separate cover. Ernie Loeffler will attend the City Council meeting to provide a summary of the Budget and respond to any questions.

Attachments:

Department Approval
City Manager Approval

The City of Fredericksburg
126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-7525
CITY COUNCIL MEMO

DATE: September 1, 2020
TO: Mayor and City Council
FROM: Kent Myers, City Manager
SUBJECT: Appointment of CVB Board Members

Summary:
The CVB is required to get City Council approval for appointment of new Board members.

Recommendation:
It is recommended that the Council approve one reappointment to the CVB Board and two new appointments to their Board.

Background / Analysis:
Currently the CVB has three vacancies. The Board has recommended that Miguel Lecuona be reappointed for a three-year term and that Dr. Rorie Cartier and Doug Cochran both be appointed for three-year terms.

Attachments:
Bios for the two new members that are recommended for appointment

Department Approval

City Manager Approval

The City of Fredericksburg
126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-7501
Nominees for the Board of Directors of the
Fredericksburg Convention and Visitor Bureau
(each will serve a three year term starting October 1, 2020)

Doug Cochran

Park Superintendent at Enchanted Rock State Natural Area since 2013. Previously, retired Parks and Recreation Director with the City of Victoria. Worked in the public sector most of his career. Graduate of Texas A&M University in 1982 with a BS in Parks and Recreation. While only being with Texas Parks and Wildlife a short time, he got here as fast as he could. Since, 2013 Enchanted Rock was one of the first state parks in Texas to achieve the Dark Sky Park Gold Tier status with the International Dark Sky Association. The goal at Enchanted Rock is to become the “Greenest Park” in Texas.

Previously, served on Board of Directors of Fredericksburg CVB as Chairperson. Member of many trade organizations in the tourism field. A Certified Tourism Executive with the Texas Travel Alliance since 2017.

Dr. Rorie Cartier

Rorie Cartier is the Museum Director of The National Museum of the Pacific War, the only institution in the U.S dedicated exclusively to telling the story of the Pacific and Asiatic Theaters in World War II.

A native of New Orleans, La, Dr. Cartier has B.A. and MA history degrees from the University of North Carolina Greensboro, an MA degree in European Studies from the Universiteit van Amsterdam in the Netherlands, and a PhD in history from Trinity College Dublin.

Dr. Cartier has spent the past several years teaching at the university level and working within the museum profession including time at the National WWII Museum from 2014-2017. Dr. Cartier moved to Fredericksburg in 2017 with his wife Erin and their dogs to accept a position as the Assistant Director Development and Membership of the Admiral Nimitz Foundation which, preserves the historic resources of the National Museum of the Pacific War and helps guide the expansion of the Museum.

In 2018, Dr. Cartier was promoted to the role of Museum Director at the National Museum of the Pacific War. Dr. Cartier has spent the past several years teaching at the university level and working within the museum profession. With a wide range of previous museum experience, his prior positions included curatorial and collections management, development, and visitor services.

Rorie takes great pride in representing The National Museum of the Pacific War globally through public presentations and programs. Rorie sits on sits on several boards representing the museum community and higher education.

Miguel Lecuona

Has served a three year term on the FCVB board representing the wine industry in Gillespie County. Miguel been nominated by the FCVB Board to serve another three year term.
CITY COUNCIL MEMO

DATE: September 1, 2020
TO: Mayor and City Council
FROM: Kent Myers, City Manager
SUBJECT: Future City Council Meetings

Summary:
This item is a continuation of the discussion regarding future City Council meetings and whether these meetings should be in-person or remote using Zoom to access the meeting

Recommendation:
It is recommended that the City Council decide on the format for the September 21, October 5 and October 19 meetings.

Background / Analysis:
Previously the City Council had discussed the possibility of having the City Council meeting on September 21 in a hybrid format where attendees would have the choice to meet in person at the University Center or use Zoom to access the meeting.

Attachments:
None

The City of Fredericksburg
126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-7509
CITY COUNCIL MEMO

DATE: September 8, 2020
TO: Mayor and City Council
FROM: Brian Jordan, AICP
SUBJECT: Consider temporary changes to various business regulations.

Summary:

In recent weeks, several business owners have requested that the City Council consider amending certain regulations during the current Covid-19 Pandemic. We have been asked to provide relief to our Mobile Food Establishment regulations in the Historic District and to allow outdoor seating in areas currently prohibited.

Mobile Food Establishments: Our ordinance pertaining to Mobile Food Establishments adopted in 2015 permits such establishments under a very specific set of standards (see attached ordinance). These standards include a Health Division Permit, fire inspection, appropriate zoning, sanitation requirements, parking, restroom facilities for staff, limitations on signage, waste collection, business/property owner consent, and others. An application (attached) must be completed prior to issuance of the permit. Mobile Food Establishments are currently permitted in the C-2, M-1, M-2, M-3, MU-1 and MU-2 Districts, and by Conditional Use Permit in the C-1.5 District. However, Mobile Food Establishments are specifically prohibited in the Historic District Overlay. We have attached examples of how some other cities are dealing with this situation.

Outdoor Seating: The City currently permits outdoor seating for any restaurant that has available space on property. In addition, on-site parking is not required for outdoor seating. The recent request to allow outdoor dining in the 300 Block of E. Main was related to a business (Jennies Burgers) that was required to provide parking when the additional building was constructed. And, while this driveway and parking was rarely used, it was required, nonetheless. If the Council is inclined to permit outdoor dining in this circumstance, such dining should be available in all similar situations and should be considered on
a temporary basis only. We would not recommend the use of alleys or driveways that serve multiple properties.

As for allowing the use of the public sidewalk in front of a business, our ordinance specifically prohibits this because of the number of pedestrians utilizing this space. Again, if the Council wishes to consider this option, we recommend that a minimum space be reserved for through access for pedestrians. Another option that the City of Georgetown (proposed ordinance attached) is considering is the use of public parking spaces adjacent to the business for outdoor dining. In considering this option, the use of TxDOT roadways such as Main Street, N. Llano Street and S. Adams Street would not be permitted.

**Recommendation:**

Regarding Mobile Food Establishments, one option would be to amend the current Historic District Overlay to permit uses allowed in the underlying zoning district. Since most of the underlying zoning in the Historic District Overlay is C-2, C-1.5 or CBD, Mobile Food Establishments would only be permitted in the C-2 District and by Conditional Use Permit in C-1.5 District. Staff will be available to discuss and provide information on the use of certain areas for outdoor dining.

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**Background / Analysis:**

The request for the use of a mobile food truck in the Historic District was made by the owner of Buc’s Bar and Grill and the proposed Fredericksburg Market at 206 N. Milam Street, and the request to allow outdoor dining in a driveway and parking area was made by the owner of 319 E. Main Street (formerly Jennies Burgers).

**Attachments:**

Mobile Food Establishment Ordinance and Application, City of Georgetown proposed ordinance pertaining to outdoor dining, Other City examples

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**Department Approval**

**City Manager Approval**

**City Attorney Approval**

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The City of Fredericksburg

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

Agenda Packet Page 60
Sec. 8-117. - Mobile food establishments.

(a) Permit application. A person who, or entity (hereinafter referred to as applicant, person or operator) which seeks to operate a mobile food establishment must submit to the Regulatory Authority a written application for a permit on a form provided by the Regulatory Authority. The application must include:

(1) name and address of the applicant and the applicant's identification number as shown on a current and valid government-issued identification document that includes a photograph of the applicant,
(2) type of vehicle to be used for the proposed Mobile Food Establishment,
(3) proof of sales tax and use permit,
(4) an itinerary of locations where sales occur,
(5) other information reasonably required by the Regulatory Authority,
(6) the authorized signature of each applicant,
(7) a notarized statement from the owner of a Central Preparation Facility, when the same is required by the TAC, stating the Mobile Food Establishment uses the facility as its base of operation. For the purposes hereof a Central Preparation Facility is a facility that is an approved and permitted retail food establishment at which food is prepared, stored, and wrapped; and the Mobile Food Establishment is supplied with fresh water and ice; and emptied of waste water into a proper waste disposal system, and cleaned, including washing, rinsing, and sanitizing of those food-contact surfaces or items not capable of being immersed in the Mobile Food Establishment utensil-washing sink. Use of a private residence as a Central Preparation Facility is prohibited), however, when a Central Preparation Facility is not required, water may be supplied from a public water system as defined by the TAC rules,
(8) a notarized statement from the owner of the property to be used for the Mobile Food Establishment permitting such use,
(9) if at one location for more than two hours, a written agreement from a business within 150 feet for employees of the Mobile Food Establishment to have use of flushable (not port-a-potty) restrooms (or other facilities as approved by the health authority) during hours of operation,
(10) proof of fire inspection where applicable,
(11) proof of compliance with parking regulations,
(12) location of trash receptacles separate from the main business on the same property if any,
(13) a notarized statement from the owner of a waste disposal facility stating the Mobile Food Establishment uses the facility in its disposal operation, and
(14) the required fee for a Mobile Food Establishment which shall be the same as for other food establishments, may be temporary or annual, and which must accompany an application.

(b) Regulatory authority permit. For a Mobile Food Establishment permit, the Regulatory Authority shall:

(1) issue a permit (and this may be the same as an approved application) provided all of the requirements of all applicable laws, ordinances and regulations including fire safety procedures established by the Fire Marshal pursuant to the Fire Safety Code of the City of Fredericksburg are met,
(2) describe on the permit any operating restrictions, and
(3) provide the permit holder a permit listing such restrictions, if any, and that indicates the permit expiration date.

(c) Must display permit. A person operating a Mobile Food Establishment shall promptly display the permit on the unit where it is readily visible (as designated by the Regulatory Authority).

(d) Suspension or revocation of permit. The Regulatory Authority may inspect a Mobile Food Establishment at any time, and may suspend or revoke a Mobile Food Establishment permit if the Regulatory Authority determines that:

(1) the operator fails to continue to comply with all applicable laws, ordinances and regulations,
(2) an applicant obtained the Mobile Food Establishment permit by knowingly providing false information on the application,
(3) a person is infected with or is a carrier of any foodborne communicable disease,
(4) the continuation of the person’s Mobile Food Establishment permit presents a significant public health or fire threat, or
(5) the Mobile Food Establishment violates the terms and conditions of any restriction or written agreement with the Regulatory Authority. If a written agreement with the Regulatory Authority terminates without fault by the Mobile Food Establishment, the operator has ten days to replace the required written agreement without constituting a violation.

(e) **Items to be sold.**
(1) A person operating a Mobile Food Establishment may only sell a food item described in the permit.
(2) A person operating a Mobile Food Establishment may not sell a non-food item except for items which are related to the food served (for example souvenir cups containing the beverage sold).

(f) **Sanitary requirements.**
(1) A person operating a Mobile Food Establishment shall equip the interior of the Mobile Food Establishment with an attached trash receptacle approved by the Regulatory Authority for the use of persons working in the Mobile Food Establishment. The operator must hold, store, and dispose of solid and liquid waste in a receptacle approved by the Regulatory Authority and must comply with any other applicable City Code requirements.
(2) A person who operates a Mobile Food Establishment must meet all of the following additional requirements:
   a. A Mobile Food Establishment shall provide only single service articles for use by the consumer.
   b. A Mobile Food Establishment shall comply with any regulations the Regulatory Authority adopts regarding time, temperature, plumbing, access to water, operation and maintenance requirements for Mobile Food Establishments.
   c. A Mobile Food Establishment shall comply with any regulations the Regulatory Authority adopts regarding a Mobile Food Establishment’s provisions, mandatory central preparation facility, serving area and operations.
   d. A Mobile Food Establishment shall demonstrate that the vehicle is readily moveable if requested by the Regulatory Authority.
   e. A Mobile Food Establishment shall comply with all requirements of the Regulatory Authority prohibiting alteration, removal, attachments, placement or change in, under, or upon the Mobile Food Establishment that would prevent or otherwise reduce ready mobility of the Mobile Food Establishment unit.
   f. If at one location for more than two hours, a written agreement from a business within 150 feet of the Mobile Food Establishment, allowing employees of the mobile food establishment to have use of flushable (no-porta-potty) restrooms (or other facilities as approved by the health authority) during hours of operation must be provided.
   g. The Regulatory Authority shall require each Mobile Food Establishment to come, on an annual basis, to a location designated by the Regulatory Authority for an inspection.
   h. All food and food supplies must be stored within the mobile unit.
   i. Except as provided in Subsection (g) of this section, a person who operates a Mobile Food Establishment may not place waste, food, equipment, or supplies outside of the permitted unit and must conduct its operational activities within the Mobile Food Establishment.
   j. Mobile Food Establishments must comply with all regulations of the zoning district in which it is located with regard to parking, setbacks and any others that are applicable.
   k. No signage shall be placed anywhere other than on the Mobile Food Establishment unit.

(3) The Regulatory Authority may require that Mobile Food Establishments found by it to violate mobile food establishment regulations to come for a re-inspection at a location designated by the Regulatory Authority.

(g) **Recycling.** Subsection (2)i. of this section does not apply to trash, recycling, or composting receptacles that a person uses while operating a Mobile Food Establishment. An operator of a Mobile Food Establishment may place trash, recycling, or composting receptacles outside of, and detached from, the Mobile Food Establishment when the establishment is open for business.
(h) Use of public property. A person who operates a Mobile Food Establishment may not go into a City park or other City owned property to sell, offer for sale, or display a food item, unless the person’s activity is authorized by:

(1) a park property rental agreement; or
(2) written permission of the director of the Parks and Recreation Department.

(Ord. No. 25-004, 5-4-2015; Ord. No. 25-028, 11-16-2015)

Sec. 8-118. - Posting Requirements for Permits, Inspection Reports and Certified Food Protection Manager certificates.

(a) Each person or entity having a permit under this Article shall post his, her or its current permit, the most recent inspection report, and all current food manager's certificates in a conspicuous place, which is visible to the public, within the premises where such food establishment is authorized to operate.

(b) No person shall, and it is unlawful to, move, remove, deface, camouflage, alter or conceal from public view any current permit, most recent inspection report or current food manager's certificate.

(c) It shall be unlawful to operate a food establishment unless the posting requirements of this Section are met and continue to be met.


Secs. 8-119—8-143. - Reserved.
City of Fredericksburg
Mobile Food Establishment Application

Name of Applicant: 

Property Address: 

Property Owner: 

Property Zoning: 

Driver's License Number (copy): 

Vehicle Year/Make/Model/Color: 

Tax ID: 

Attachments:

☐ 1. Notarized Statement from the Owner of the property to be used for the Mobile Food Establishment

☐ 2. Notarized Statement from the Owner of a Central Preparation Facility stating the Mobile Food Establishment uses the facility as its base of operation

☐ 3. Notarized Statement from the Owner of a Waste Disposal Facility stating the Mobile Food Establishment uses the facility in its disposal

☐ 4. Written agreement from a business within 150 feet for employees of the Mobile Food Establishment to have use of flushable restrooms during hours of operation. (Only applicable if on site for more than 2 hours)

☐ 5. Proof of Fire Inspection where applicable

☐ 6. Proof of compliance with parking regulations

☐ 7. Location of trash receptacles separate from the main business on the same property if any (Pictures/Map Preferred)

Itinerary of Locations used for Sale:

1. 

2. 

3. 

4. 

5. 

Signature of Applicant: 

Date: 

Signature of City: 

Date: 

Agenda Packet Page 64
Georgetown to expand space outdoors for dining, retail

By Claire Osborn

Posted Aug 26, 2020 at 4:19 PM

The Georgetown City Council has approved an ordinance allowing for the temporary expansion of outdoor seating and outdoor shopping in its downtown area.

“This program will provide residents and visitors with opportunities to dine and shop outdoors and give a needed economic boost to downtown businesses,” said a city news release.

Downtown business owners who apply and are approved for the expansion program can use portions of the sidewalks and streets in front of their storefronts during specified days and times for dining and the display of retail goods, the release said.

The kickoff for the expansion will begin during the Labor Day weekend from Sept. 4-6, the release said. Residents and visitors will be able to shop at sidewalk sales and dine outside downtown. Traffic barriers will be installed in the parking spaces from Sept. 4-6.

Businesses may continue to request traffic barriers after the Labor Day weekend but they can only be used at parking spaces in front of their spaces.

Signs about alternative parking spaces will be posted and parking areas on one side of each street will remain open, according to the release.

The downtown parking lots are also available for all-day free parking as well. The program will continue until Jan. 31.
"This program will give businesses the opportunity to bring a higher level of comfort for our guests," said Jeana Aliani, the owner of Roots restaurant in the release.

"With our current health conditions, patrons feel more at ease dining outdoors versus indoors. Our business has suffered a tremendous loss in sales this year. ... We appreciate the approval of the outdoor dining to help with a stronger and much needed recovery."

The City asks participants to maintain 6 feet physical distancing, use hand sanitizer and/or wash hands, and to wear a mask unless seated for food or beverage consumption.
City of Georgetown, Texas
City Council Regular Meeting
August 25, 2020

SUBJECT:
First Reading of an ordinance of the City Council of the City of Georgetown, Texas, establishing a temporary license to encroach process for expanded downtown seating and retail areas within city right of way and parking as a result of the Covid-19 pandemic; repealing conflicting ordinances and resolutions; providing a severability clause; and setting an effective date — Travis Baird, Real Estate Services Coordinator

ITEM SUMMARY:
The COVID-19 pandemic has created unprecedented complications for our community. The need to provide additional space to maintain social distancing as significantly reduced the occupancy limits of business premises and requires novel ways of providing sufficient capacity to support the local business community. The hardship introduced by this space constraint is especially acute in more densely developed areas, such as Georgetown's Downtown, in which business premises are often fully developed and lack additional space to re-purpose at this time.

This item is the first reading of an ordinance which would allow for the temporary extension of retail and/or food/drink service on premises service into on-street parking spaces. The ordinance provides for a temporary license program, authorizes the City manager to issue such licenses, and provides specific regulations as well as direction to create a final license form and process for issuance.

Staff recommends approval of this item.
Project No. 600-2000-0002

FINANCIAL IMPACT:
Costs are as outlined in Item C, Council Workshop 8/11/2020. They are dependent on program demand.

SUBMITTED BY:
Travis Baird- Real Estate Services Manager

ATTACHMENTS:

Presentation
Draft Ordinance
Extended Downtown Dining & Retail:
Temp. License to Encroach Ordinance
City Council Regular
August 25, 2020
**Issue**

- Social distancing and lower occupancy requirements are in place for retail businesses and restaurants.
- Businesses in other areas of the city are able to utilize their parking lots for expanded space if they wish, or participate in property events.
- Downtown businesses are limited in space due to public parking and right-of-way.
- Crowded sidewalks are dangerous and can discourage patronage.
Survey Results Map

Map of downtown businesses that indicated a desire for parking space closures to accommodate outdoor dining/retail.
Proposed Solution

Open parking spots in public rights of way to seating and retail
License - Ordinance Reqs.

- Administrative Approval
  - CM or designee will issue license
- Revocable
  - CM may revoke for violations
- Expiration
  - Ordinance expires 12/31/2020
  - All licenses expire 1/30/2021
- Indemnity and Insurance
  - Alcohol: $1 million
  - Worker’s Comp.: $500,000
License-Ordinance Reqs.

- **Location**
  - 7th, 8th, and 9th Streets between Rock and Church Streets
  - Rock, Main, and Church Streets between 7th and 9th Street

- **Prohibitions on Use**
  - Adverse impacts on neighboring properties
  - Traffic hazard, interfere w/ roadway operations
  - Block sigh triangle
  - Require utility relocation
  - Interfere with ADA spots, safety or other regulations

- **COVID-19 regulation compliance**
License-Administrative Reqs.

- **Submittal**
  a) Form to be posted on City real estate site with directions on submittal
  b) Modified version of existing license submittal form
  c) Submitted to ROW@georgetown.org to enable flexible submittal and avoid difficulty in fee waiver.

- **Tech. requirements**
  a) Minimum distance from roadway intersections (10')
  b) Minimum distance from intersections of driveways with public rights of way (10')
  c) Minimum distance from travel lanes (3')
  d) Maintenance of the license areas including removal of refuse/waste and abatement of nuisances (removal w/in 1 hr of posted closing)
ORDINANCE NO. ______________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS, ESTABLISHING A TEMPORARY LICENSE TO ENCROACH PROCESS FOR EXPANDED DOWNTOWN SEATING AND RETAIL AREAS WITHIN CITY RIGHT OF WAY AND PARKING AS A RESULT OF THE COVID 19 PANDEMIC; REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the COVID 19 pandemic has resulted in social distancing requirements and reduced capacity limits adversely affecting downtown businesses;

WHEREAS, establishing a temporary program that would allow downtown businesses to utilize certain adjacent parking spots to provide extended retail and dining service areas will help support the downtown businesses during the pandemic and promote the health and safety of the City's residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS, THAT:

Section 1. The meeting at which this ordinance was approved was in all things conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 2. The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

Section 3. The 2020 Downtown Temporary License to Encroach Program is hereby established.

Section 4. Authority to issue Downtown Temporary License to Encroach is delegated by City Council as follows:

A. The City Manager or the City Manager's Designee is authorized to issue a temporary license to encroach to businesses to allow use of certain street parking for extended food/drink service areas or retail service areas pursuant to the requirements of this Ordinance.

B. All other improvements in or uses of a public right-of-way not specified in this Ordinance may only be approved as specifically provided by other ordinances or by the city council, subject to applicable laws.

C. A Temporary License to Encroach issued under this Ordinance is a revocable grant of a privilege and is not a property right, nor conveyance of an interest in real property.
Section 5. The following requirements shall apply to all Downtown Temporary License to Encroach.

A. Locations allowed. Downtown Temporary License to Encroach may only be issued for existing, marked parking spaces within the following rights of way: 7th, 8th, and 9th Streets between Rock and Church Streets; and Rock, Main, and Church Streets between 7th and 9th Street. A license shall only be granted for the areas in the right-of-way that abuts any face of the business premises, unless a business owner has obtained the written consent of a business that is an immediate neighbor of said business.

B. Permitted Uses. Downtown temporary licenses to encroach may only be granted for an extension of on-premises services, and all food and drink service in license areas must comply with all applicable regulations.

C. Uses and improvements not allowed. No downtown temporary license to encroach may be granted for:
   1. any building or structure requiring a building permit; or
   2. any use or improvement requiring permanent alteration to the right of way including but not limited to bolting or securing improvements to the right of way or the removal of paint, a markings, surface treatment or any other City property or improvement; or
   3. any improvement, facility or use, the installation or allowance of which would:
      a. result in interference with marked ADA parking or any other applicable local, state or federal health or safety law or regulation;
      b. unduly interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk;
      c. create a traffic hazard; unduly interfere with the safe and efficient operation of a utility facility;
      d. create undue adverse impacts on adjacent property owners and businesses; or
      e. block the sight visibility triangle at an intersection; or.
      f. require the relocation of any utility or utility facility.

D. General requirements for all downtown temporary licenses to encroach. A license applicable to permitted uses and improvements allowed under this Ordinance, shall include, as applicable:
   1. all technical standards and specifications developed to implement this Ordinance including the following:
      a. Minimum distance from roadway intersections
      b. Minimum distance from intersections of driveways with public rights of way
      c. Minimum distance from travel lanes
d. Maintenance of the license areas including removal of refuse/waste and abatement of nuisances

2. terms and restrictions necessary to protect public use of the public right-of-way or the facilities and access needs of a public or private utility provider;

3. specifications for required clearances between the improvements and utility facilities, whether above ground, underground or overhead, as prescribed by applicable building and health and safety codes, franchise agreements or state or federal laws;

4. authorization for the city or a utility provider to remove, without liability, all or part of the improvements, if necessary, to obtain access to an affected utility facility;

5. provisions approved by the City Attorney that require the licensee to indemnify, defend, hold harmless and release the city, its officers, agents, and employees from any and all claims, losses, damages, causes of action, suits, and liability of every kind, including all expenses of litigation for injury or death of any person, or for damage to any property, arising out of or in connection with licensee’s use of public right-of-way;

6. a provision specifying that the term or expiration date of the license shall not exceed January 30, 2021;

7. a provision for termination of the license for violation of its terms, subject to notice of the violation and an opportunity to cure the violation within ten (10) calendar days after receipt of the notice, except that violation of the expiration date shall be addressed immediately;

8. a provision for termination of the license by the city without recourse before the end of the license term when necessary to implement a capital improvements or utility project, to address threats to public health or safety, or to mitigate adverse impacts to adjacent property owners and businesses caused by the improvement or use for which the license is granted;

9. a provision providing for the prompt removal of all improvements or cessation of uses upon termination of the license at the Licensee's expense, including the right of the city to remove improvements upon failure of the Licensee to do so and to recover the city's cost for such removal; and

10. COVID-19 Requirements. All licensees shall have read and shall follow the protocols, practices, and guidelines, as applicable to their business, specified in the Governor's Executive Orders and Local Emergency Orders, and any potential amendments. Violations of this section shall result in the licensee receiving a verbal warning and an opportunity to comply with this section. If a second violation occurs, the license may be revoked immediately and the improvements may be removed.

Section 6. The following insurance requirements shall apply to all Downtown Temporary License to Encroach.
A. Insurance for Downtown Temporary License to Encroach

1. No downtown temporary license to encroach shall be granted unless the licensee files with the city manager or city manager’s designee a certificate of liability insurance or other proof of insurance in a form acceptable to the City confirming that the applicant has procured the general liability insurance, alcohol service insurance if applicable and worker’s compensation required by this section. If the policy is not kept in full force and effect throughout the term of the license, the license shall automatically become void and the improvements must be removed at that time.

2. Minimum coverages. Licensee must maintain the following minimum coverages:
   a. The general liability insurance shall provide coverage in an amount of not less than $1,000,000.00 for each single occurrence, and $2,000,000.00 aggregate.
   b. If applicable, alcohol service insurance coverage in amount not less than $1,000,000.00.
   c. Worker’s compensation coverage in an amount of not less than $500,000.00.

3. The insurance policy shall be issued by an insurance company authorized to do business in the state. The policy shall provide in substance that the insurer will defend against all claims and lawsuits which arise and will pay any final judgment of a court of competent jurisdiction against the city, its officers, agents or employees. The minimum amounts of insurance coverage may be increased by the city when it is in the best interest of the public. The policy of insurance shall name both the licensee and the city as insured parties to the full amount of the policy limits.

Section 7. An application for a downtown temporary license to encroach under this ordinance must be filed with the department designated by the City Manager on a form approved by the City Manager or the City Manager’s Designee.

Section 8. In addition to any other remedies and penalties that may be pursued for a violation of this ordinance, the City Manager or the City Manager’s Designee may revoke a license issued under this article to a licensee that commits a violation under this section.

Section 9. All ordinances and resolutions or parts of ordinances and resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent of the conflict and all other ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.
Section 10. The Mayor is hereby authorized to sign this ordinance and the City Secretary to attest. This Ordinance shall become effective in accordance with the provisions of the Charter of the City of Georgetown, and shall remain in effect until December 31, 2020.

PASSED AND APPROVED on First Reading on the ___ day of _____________, 2020.

PASSED AND APPROVED on Second Reading on the ___ day of _____________, 2020.

ATTEST:                  THE CITY OF GEORGETOWN

_________________________        __________________________
Robyn Densmore, City Secretary    Dale Ross, Mayor

APPROVED AS TO FORM:

_________________________
Skye Masson, City Attorney
SAN MARCOS

In 2015, the City adopted a Streetscape Improvements Program to help address the movement to reclaim & repurpose underused spaces. You can find the ordinance HERE. There is also a Streetscape Manual associated with the ordinance. If a sidewalk café is located in our Downtown Historic District, any exterior improvements are taken to HPC for a COA.

Food trucks are allowed by right in our CD-5 (Character District 5) & CD-5D (Character District 5-Downtown) zoning categories [Section 5.1.5.5(D)]. The Downtown Historic District is zoned CD-5D. They’re mostly regulated via our Environmental Health Department.

I have been asked by certain bars on the Square, whether or not they would be allowed to use a food truck to meet the new TABC regulations for bars & food and if so, would the food truck have to go to HPC for a COA. Because the food trucks are required to leave the site each night, we have determined that no COA would be required.

http://sanmarcostx.gov/969/Parklets-Sidewalk-Cafes

GEORGETOWN

We just created a program to allow for the use of Downtown parking spaces for restaurant and retail, but haven’t talked changing requirements for food trucks yet. Currently we allow them on a temporary basis without a permit, long term they have to go through an approval process.

The use of Downtown parking spaces in the ROW is being managed through a temporary license to encroach: https://georgetown.org/2020/08/26/expanded-outdoor-seating-retail-service-areas-coming-to-downtown/ and

https://georgetowntx.novusagenda.com/AgendaPublic/CoverSheet.aspx?ItemID=28821&MeetingID=3253 for the Council agenda materials

CORPUS CHRISTI

no prohibition of food trucks for historic landmarks. Already allows outdoor dining on sidewalks in CDBG with a use privilege agreement. Here are the code provisions and the use privilege agreement application. http://online.encodeplus.com/regs/corpuschristi-tx/doc-viewer.aspx?secid=892&keywords=sidewalk#secid=893

NEW BRAUNFELS

We are drafting an ordinance in New Braunfels to allow for outdoor dining in off-street parking spaces, it would include our downtown historic district. No special provisions for food trucks other than what is typically allowed by our code. We are most likely going to allow mobile kitchens as opposed to standalone food trucks, though they have to be an extension of a brick and mortar establishment. Our thought is that it will allow for bars to operate as restaurants when they don’t necessarily have the space for a full-fledged kitchen.
SEGUNIN

We allow restaurants and retailers to use the sidewalk in front of them as long as they leave a four foot path for ADA. And a food truck with a yearly permit is allowed to be in the City’s ROW for up to ten or eight hours.

DENISON

Re: Use of City Sidewalk and Parking Spaces for Main Street Businesses

Dear Restaurant and/or Retail Owner:

As you know, we find ourselves dealing with an unprecedented situation in the COVID-19 pandemic. It has been dynamic and intense for all of us in the past weeks. The City’s priority has been to help our customers and our community stay safe, while at the same time trying to keep our economy productive. As we continue to move through the reopening phases and try to keep our community safe, the City would like to extend to you the ability to use the sidewalk and parking space in front of your building to help expand capacity and accommodate more people while still maintaining social distancing. Below are the guidelines the City requires to be followed:

1. Tables and chairs may be set up in the space in front of your business to include the sidewalk and parking spaces, leaving a minimum of a six-foot walkway along the sidewalk. The space could also be used for product displays, think: sidewalk sale.

2. Before setting up, you must provide the City of Denison:
   a. A Certificate of Insurance, with the City of Denison named as an additional insured, with the following coverage: Commercial General Liability in the amount of $1,000,000 for each occurrence and $2,000,000 General Aggregate.
   b. A detailed written plan outlining your usage of the space, submitted to the Main Street Department.
   c. An Amplification Permit will be required if sound amplification will be utilized.

3. Several special events are scheduled downtown in the coming months, so there may be times that your sidewalk/parking space will be needed for the event. City staff will work with you when adjustments are needed for special events.

4. The effective period will begin immediately and run through September 30, 2020.

5. All other guidelines per the Governor’s current Executive Orders shall also apply.

6. You are encouraged to fill the space with items that will help soften the hardscape. This could include potted plants and trees to help create a park-like environment.

7. Please work with your neighboring businesses and be creative as you consider how best to utilize your new space. Consider coordinating how the space will be used to make an attractive and efficient layout.
Future Agenda Items
City Council

September 21, 2020
Regular Meeting

City Council = Red
8th and 21st Regular Meetings @ 6p.m.
Special Mtgs 9th @ TBA
Planning & Zoning = Green 9-9-2020 @ 5:30 p.m.
Historic Review Board = Purple 9-15-2020 @ 5:30 p.m.
Board of Adjustment = Blue 9-17-2020 @ 5:30 p.m.
City Events = Yellow
September 7, 2020 City Holiday

Proclamation
1. Hill Country Night Sky Month

Consent
1. 8-24-2020 City Council Special Meeting Minutes
2. 9-8-2020 City Council Regular Meeting Minutes

Ordinances
1. Budget
2. Tax Rate (M&O, I&S)

Resolutions
1. Appointment of Presiding Judges and Alternate Judges

Public Hearing
1. CUP for 1203 N. Llano Street-Eckert

Approvals-Misc.
1. CUP for 1203 N. Llano Street-Eckert

Presentations, Discussions and Updates:
1. COVID-19 Update

Executive Session
October 5, 2020
Regular Meeting

City Council = Red
5th and Regular Meetings @ 6p.m.

Special Mtgs 9th @ TBA
Planning & Zoning = Green 10-14-2020 @ 5:30 p.m.
Historic Review Board = Purple 10-13-2020 @ 5:30 p.m.
Board of Adjustment = Blue 10-15-2020 @ 5:30 p.m.
City Events = Yellow

Proclamation

Consent
1. 9-21-2020 City Council Regular Meeting Minutes

Ordinances

Resolutions

Public Hearing

Approvals-Misc.

Presentations, Discussions and Updates:

Executive Session