



City of Fredericksburg

City Council Special Meeting Agenda
Tuesday, January 3, 2023 ~ 9:00 AM
Law Enforcement Center
1601 E. Main Street
Fredericksburg, Texas 78624

Jeryl Hoover, Mayor
Tony Klein, Councilmember
Bobby Watson, Mayor Pro Tem

Sharon Joseph, Councilmember
Emily Kirchner, Councilmember
Clinton Bailey, City Manager

The City of Fredericksburg City Council will meet on January 3, 2023, at 9:00 a.m. Link to City of Fredericksburg YouTube Channel (Fredericksburg, Texas USA - YouTube <https://www.youtube.com/c/FredericksburgTexasUSA>).

The City Council welcomes citizen participation and comments at all City Council Meetings on Agenda Items.

Comment Card for Written or Verbal Comments-submitted by 4:00 p.m. the day before the meeting.

- i. Complete the Comment Card online at www.fbgtx.org;
- ii. Make sure to check the appropriate box (verbal or written);
- iii. Only one (1) agenda item per Comment Card.

Sign up in person between 8:30 a.m. and 9:00 a.m. at the meeting location.

- i. Only one (1) agenda item per Comment Card;
- ii. Speakers will be limited to 3 minutes to speak. **Please Note:** The Mayor can reduce the number of minutes for any speaker during Public Comment on a single agenda item depending on the number of people who sign up for it.
- iii. Any citizen with handouts should provide them to the City Secretary before speaking. If you wish the City Council to receive your handouts for the meeting, please provide ten (10) copies; if not, the City Council will receive your handouts the following day.

1. CALL TO ORDER

2. INVOCATION

- A. Annette Bennett, City resident, will provide the Invocation.

3. PLEDGE OF ALLEGIANCE

4. CEREMONIAL MATTERS/PROCLAMATIONS/EMPLOYEE RECOGNITION

5. COUNCIL COMMENTS

6. 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 THE CITY COUNCIL.

- A. Consider approval of City Council Minutes for the December 20, 2022 Regular Meeting (Shelley Goodwin, City Secretary).

7. OTHER ACTION ITEMS AND UPDATES

- A. Consider the approval of a Conditional Use Permit requested by Bethany McCullough for property located at 511 W. San Antonio Street (public hearing was held on December 20, 2022) (#Z-2228) (Anna Hudson, Interim Development Services Director)
 - i. Presentation
 - ii. Consider the approval of a Conditional Use Permit per Section 6.110 to expand the use of a non-conforming property.
- B. Consider, discuss, and take action regarding a presentation on the Agenda Management processes (Shelley Goodwin, City Secretary).

8. CITY MANAGER'S REPORT

- A. Short-Term Rental (STR) Permitting and Code Enforcement Update.

9. ITEMS FOR FUTURE AGENDA

- A. Review the Future Agenda Spreadsheet (Clinton Bailey, City Manager)

10. ADJOURN

CERTIFICATION

This is to certify that I, Shelley Goodwin, posted this Agenda at 12:45 p.m. on December 28, 2022, on the bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.

A handwritten signature in blue ink, reading "Shelley Goodwin", is positioned above a horizontal line.

Shelley Goodwin, TRMC/CMC
City Secretary



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary

TO: Mayor & City Council Members

FROM: Shelley Goodwin, City Secretary

MEETING DATE: January 3, 2023

CATEGORY: INVOCATION

CAPTION: Annette Bennett, City resident, will provide the Invocation.

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

ATTACHMENTS:

None

APPROVAL/REVIEW:

Date: December 27, 2022

Laura Hollenbeak, Finance Director

Date: December 28, 2022

Shelley Goodwin, City Secretary

Date: December 28, 2022

Clinton Bailey, City Manager



City of Fredericksburg

CITY COUNCIL REGULAR MEETING MINUTES

TUESDAY, DECEMBER 20, 2022 ~ 9:00 A.M.

LAW ENFORCEMENT CENTER

1601 E. MAIN STREET

FREDERICKSBURG, TEXAS 78624

Mayor Jeryl Hoover
Mayor Pro-Tem Bobby Watson
Councilmember Emily Kirchner
Councilmember Sharon Joseph

Members Absent:

Councilmember Tony Klein

City Staff Present:

Clinton Bailey, City Manager
Daniel Jones, City Attorney
Garret Bonn, Assistant City Manager
Lynn Bizzell, Fire Chief
Eric Whiting, Director of Information Technology
Kris Kneese, Director of Public Works and Utilities
Andrea Schmidt, Parks & Recreation Director
Derek Seelig, Police Lieutenant
Braxton Roemer, Police Lieutenant
Justin Calhoun, Emergency Management Coordinator
Anna Hudson, Interim Director of Development Services
Evan Williamson, Assistant City Engineer
Lea Feuge, Public Information Officer
Leslie Embrey, Administrative Assistant
Shelley Goodwin, City Secretary

1. CALL TO ORDER

Mayor Hoover called the Regular Meeting of the Fredericksburg City Council to order at 9:00 a.m. on Tuesday, December 20, 2022. He announced that Councilmember Klein was excused and that a quorum had been met.

2. INVOCATION

Susan King, Gillespie County resident, provided the Invocation.

3. PLEDGE OF ALLEGIANCE

Mayor Hoover led the Pledge of Allegiance.

4. CEREMONIAL MATTERS/PROCLAMATIONS/EMPLOYEE RECOGNITION

Clinton Bailey, City Manager, stated he had received the following employee recognitions:

- Officer Victor Martinez, Police Department, for his professionalism and assistance when the homeowner set off a burglar alarm.
- Quinten Moellering, Water Department, for his assistance catching a safety issue with a tire and changing the tire.

- Daniel Jones, City Attorney, for his dedication and service to the City.

5. COUNCIL COMMENTS

Councilmember Watson wished everyone a very Merry Christmas and a Happy New Year.

Councilmember Kirchner also wished everyone a very Merry Christmas and a Happy New Year.

6. CONSENT

A. Consider approval of City Council Minutes for the December 6, 2022, Special Meeting

Motion: A motion was made by Councilmember Joseph, seconded by Councilmember Watson, to approve the December 6, 2022, City Council Special Meeting Minutes. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

7. ORDINANCES, RESOLUTIONS, AND PUBLIC HEARINGS

A. Consider proposed Text Amendments to the City's Zoning Code regarding Short-Term Rental for Section 2.100 Definitions (Z-2231)

- i. Hold a Public Hearing to receive comments for or against the proposed amendments
- ii. Presentation
- iii. Consider the approval of Ordinance 2022-40 amending Section 2.100 - Definitions, of Appendix B - Zoning Ordinance, of the Code of Ordinances, to amend the residency requirement for operation of Short-Term Rental, Accessory units and Short-Term Rental, B&B Units; and providing for an effective date

Anna Hudson, Interim Development Services Director, reviewed the process of the Ordinance and the need for the proposed amendments. She noted that Ordinance 2022-13 has two STR definitions, STR-Accessory and STR B&B, that require Owner Occupancy, which the Court of Appeals agreed with the plaintiffs that the STR residency requirement violated their constitutional rights.

Mayor Hoover stated that the Task Force is still working together and have made some great suggestions. He noted that today's Agenda Item is related to the 5th Circuit Court of Appeals ruling. The U.S. Court of Appeals for the Fifth Circuit recently issued an opinion in the case of Hignell-Stark. The City of New Orleans struck down portions of the New Orleans short-term rental (STR) ordinance as unconstitutional. Because Texas is one of three states included in the Fifth Circuit's jurisdiction, the Court's opinion is binding on Texas cities. He noted Ordinance 2022-13 has two STR definitions, STR-Accessory and STR B&B, that require Owner Occupancy.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, to go out of the Regular Meeting and into the Public Hearing at 9:18 a.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

Jason Lutz, City resident, spoke regarding changing definitions will create other issues within the Ordinance.

Tom Musselman, City resident and member of the Planning and Zoning Commission, spoke regarding the Accessory Unit and whether it applies to R1 and R2.

Lauren Smith, City resident, spoke regarding the need to change the Ordinance to allow one unit as a Short-Term Rental and another as a Long-Term Rental.

Mike Mahoney, City resident, stated that this change would not change anything in R2. He spoke regarding the intent of the change.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, to go out of the Public Hearing and into the Regular Meeting at 9:30 a.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

Anna Hudson, Interim Development Services Director, reviewed the project and the proposed definition changes to the Ordinance.

The City Council discussed the following:

- Wording on the Notices that go out to the residents
- Needing additional data from the recent Ordinance change
- Needing the number of Accessory Units permitted by right
- Penalty for making a false statement on the affidavit; Civil Penalties, Falsifying Government Document which is complaint driven
- Tightening up the Ordinance without creating more issues with STRs
- Task Force continues to look at the Ordinance

Motion: A motion was made by Councilmember Joseph, seconded by Councilmember Watson, to approve the amending Ordinance 2022-40 Section 2.100 - Definitions, of Appendix B - Zoning Ordinance, of the Code of Ordinances, to amend the residency requirement for operation of Short-Term Rental, Accessory units and Short-Term Rental, B&B Units; and providing for an effective date. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

B. Consider the following actions related to a Conditional Use Permit requested by Bethany McCullough for property located at 511 W. San Antonio Street (#Z-2228)

- i. **Hold a public hearing to receive comments for or against the request**
- ii. **Presentation**
- iii. **Consider the approval of a Conditional Use Permit per Section 6.110 to expand the use of a non-conforming property**

Anna Hudson, Interim Development Services Director, reviewed the process for this Agenda Item. She noted that the requestor cannot attend due to illness and requested that any action by the City Council be postponed until January 3, 2023, Special Meeting.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, to go out of the Regular Meeting and into the Public Hearing at 9:46 a.m. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

Denise Morris, on behalf of the requestor, requested that this item be considered on January 3, 2023.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, to go out of the Public Hearing and into the Regular Meeting at 9:47 a.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

This item will be considered on January 3, 2023, City Council Special Meeting.

8. OTHER ACTION ITEMS AND UPDATES

A. Consider the approval of a lease agreement with the Fredericksburg Convention and Visitor Bureau (CVB) for property located at 302 E. Austin

Clinton Bailey, City Manager, stated that CVB has requested this item be postponed until January 2023 City Council Meeting. He noted that CVB needs more time to review the lease.

The Mayor announced that this Agenda Item is postponed until January City Council Meeting.

B. Consider awarding a Construction Contract for the East Main Street Waterline Rehabilitation Project to QRO MEX Construction Company for \$1,790,655.00

Kris Kneese, Director of Public Works and Utility, reviewed the history and location of the project. He noted this project is for a replacement of an aging water distribution pipe infrastructure, which has an increase in water main breaks and leaks. Additionally, the water line is within TxDOT right-of-way, most of which is under pavement and City Staff is currently working with TxDOT on an asphalt mill and overlay project along this section of roadway. The goal is to replace this waterline prior to the TxDOT's mill and overlay project. He also noted that Staff is recommending awarding the project to QRO MEX Construction Company.

Clinton Bailey, City Manager, stated that the contract estimate, and the bid were much lower. He noted that these project savings will be included in the mid-year budget review.

Mayor Hoover encouraged City Staff to only look at adding additional projects once we know how the economy is doing.

The City Council discussed:

- Construction process
- Timing of the project
- Communication with the business owners along the street

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Joseph, to award a Construction Contract for the East Main Street Waterline Rehabilitation Project to QRO MEX Construction Company for \$1,790,655.00. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

C. Consider, discuss, and take action on the Lady Bird Johnson Golf Course Facility Management Agreement with Touchstone Golf, LLC.

Clinton Bailey, City Manager, reviewed the agreement's history and the great job Touchstone has done at the Lady Bird Johnson Golf Course. He reviewed the proposed lease and noted that the proposed lease is for a longer term. He also stated that the Staff recommends the 10-year lease.

Chris Meade, Touchstone Golf Regional Manager, spoke regarding the need for a longer term.

The City Council discussed the process for terminating the lease by both parties, if ever needed, and the Management Fee.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, to approve the Lady Bird Johnson Golf Course Facility Management Agreement with Touchstone Golf, LLC. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

D. Consider the approval of a Performance Agreement and associated financial security for 110 percent of the cost of the remaining public improvements required for completion of the Altstadt Village Phase I Subdivision

Evan Williamson, Assistant City Engineer, reviewed the history of the project. He reviewed the need for the approval of the Performance Agreement. He stated that once the Agreement is approved, the plat can be filed, and the building can begin.

Mark Cornett, the Developer, stated that the clearing and preparation for the building are nearing completion, and the building should start in January or February, pending weather.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kirchner approve the Performance Agreement and associated financial security for 110 percent of the cost of the remaining public improvements required for the completion of the Altstadt Village Phase I Subdivision. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

8. CITY MANAGER'S REPORT

A. Short Term Rental (STR) Permitting and Code Enforcement Update

Anna Hudson, Interim Development Services Director, provided the following updates:

STR Permits

- 486 active
- 512 pending
- 300 not active or expired
- 29- denied

She also reviewed the answers to some questions she was sent:

1. How many STR CUP applications for R-1 properties have been submitted after April 1?
She stated that R1 properties have yet to submit for an STR-Unoccupied CUP since April 1, 2022.
2. Same question for R-2.
She stated 6 R2 properties have submitted for a CUP since April 1, 2022.
 - 109 E. College, STR - Unoccupied in the Historic District
 - 112 E. Schubert, STR - Unoccupied in the Historic District
 - 507 Cora, STR - Unoccupied in the Historic District
 - 405 N. Orange, STR - Unoccupied in the Historic District
 - 111 E. Schubert, STR - Unoccupied in the Historic District
 - 511 W. San Antonio - Expansion of a non-conforming use Sec.6.110
3. How many STR applications for R-1 properties are in the pending category?
She stated that this would be restricted to those in the pipeline before April 1. Thirty-two applications are pending in R1 for a "new" permit as submitted before April 1, 2022.
4. Same question for R-2.
She stated that 28 applications are pending in R2 for a "new" permit. Twelve are pending under the 2018 STR Ordinance, and 16 are under the 2022 STR Ordinance.

- **Code Enforcement**

Clinton Bailey, City Manager, reviewed the recent meetings, including those with Granicus. He reviewed the different options that Staff is researching. He also reviewed the meeting City Staff had with two Councilmembers from the City of Port Aransas.

The City Council discussed the modifications Granicus is willing to make at this time and the number of City Staff currently working on STRs.

Garret Bonn, Assistant City Manager, stated he felt that, at this time, Granicus is not willing to modify their system. He noted that currently, there are 10, but soon there will be 12 people. He noted that another Code Enforcement Officer would begin on January 9, and the STR Hotel Occupancy Tax person would begin on January 5.

Clinton Bailey, City Manager, reviewed the recent violations and the process for those violations.

B. Recent Staff Promotions

Clinton Bailey, City Manager, reviewed the promotions:

- Garret Bonn, Assistant City Manager
- Kris Kneese, Director of Public Works and Utilities
- Evan Williamson, Assistant City Engineer

9. ITEMS FOR FUTURE AGENDA

Clinton Bailey, City Manager, reviewed the December 20th meeting agenda items.

Daniel Jones, City Attorney, announced an error on the STR Ordinance first Whereas. He stated it should read WHEREAS, an application for a text amendment of the Zoning Ordinance, related to the residency requirement for operation of Short-Term Rental, Accessory units and Short-Term Rental, B&B units within the City, has been initiated by the motion of the City Council.

Motion: A motion was made by Councilmember Joseph, seconded by Councilmember Kirchner, to revisit Agenda Item 7.A.iii. Consider the approval of Ordinance 2022-40 amending Section 2.100 - Definitions, of Appendix B - Zoning Ordinance, of the Code of Ordinances, to amend the residency requirement for operation of Short-Term Rental, Accessory units and Short-Term Rental, B&B Units; and providing for an effective date. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Kirchner, seconded by Councilmember Watson, to amend the first paragraph to read WHEREAS, an application for a text amendment of the Zoning Ordinance, related to the residency requirement for operation of Short-Term Rental, Accessory units and Short-Term Rental, B&B units within the City, has been initiated by the motion of the City Council. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

10. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Sections –551.074 (Personnel Matters) and 551.072 (Real Estate).

- A. Consider and discuss the appointment of a public officer or employee, specifically the City Attorney [Sec. 551.074]; and**
- B. Consider and discuss the purchase, exchange, lease, or value of real property, specifically public utility easements located in the vicinity of the intersection of S. State Highway 16 at E. Highway St., in the City of Fredericksburg [551.072]**

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, to go out of the Regular Meeting and into the Executive Session at 10:37 a.m. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Klein, seconded by Councilmember Watson, to go out of the Executive Session and into the Regular Meeting at 2:13 p.m. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

11. BUSINESS ITEM

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, to approve contract with William “Mick” McKamie as City Attorney and to provide services effective January 1, 2023. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

12. ADJOURN

Motion: A motion was made by Councilmember Joseph, seconded by Councilmember Watson, to adjourn the Tuesday, December 20, 2022, City Council Regular Meeting at 11:21 a.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

Jeryl Hoover
Mayor

Shelley Goodwin, TRMC/CMC
City Secretary



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Development Services
TO: Mayor & City Council Members
FROM: Anna Hudson, Interim Director of
Development Services
MEETING DATE: January 3, 2023

CATEGORY: OTHER ACTION ITEMS AND
UPDATES

CAPTION: Consider the approval of a Conditional Use Permit requested by Bethany McCullough for property located at 511 W. San Antonio Street (public hearing was held on December 20, 2022) (#Z-2228) (Anna Hudson, Interim Development Services Director)

- i. Presentation
 - ii. Consider the approval of a Conditional Use Permit per Section 6.110 to expand the use of a non-conforming property.
-

PRESENTATION:

SUMMARY:

The property is zoned R2 in the Historic District. The Applicant is requesting a Conditional Use Permit per Sec. 6.110 of the Zoning Ordinance to expand the use of STR-Nonconforming units (Ranch Haus and Stone Haus) located at 511 W. San Antonio St. The property currently has 3 units: Stone Haus; Ranch Haus and Cottage, with a total combined occupancy of 10. The requested combined occupancy is 15.

BACKGROUND:

The property is zoned R2 and within the Historic District. The Applicant is requesting a Conditional Use Permit per Sec. 6.110 of the Zoning Ordinance to expand the use of STR-Nonconforming units (Ranch Haus and Stone Haus) located at 511 W. San Antonio St. The property currently has 3 units: Stone Haus, Ranch Haus and Cottage, with a total combined occupancy of 10. The requested combined occupancy is 15.

When the applicant first submitted their STR Applications, they requested an occupancy of 2 for Ranch Haus and an occupancy of 4 for Stone Haus. The applicant has now requested that they be allowed to entertain guests to the max allowable amount per Ordinance Number 28-001 (2018 STR Ordinance) which allowed for an occupancy of 1 guest per 200 sq ft of living space.

Currently, Stone Haus (1881 sq ft) has an occupancy of 4 and the applicant is requesting an occupancy of 8. Ranch Haus (668 sq ft) has an occupancy of 2 and the applicant is requesting an occupancy of 3. Cottage has an occupancy of 4 and the applicant is not requesting a change of occupancy for this unit.

The subject tract is bordered by residences to the west and east with a 1 unit STR to the south that has an occupancy of 2. Across West San Antonio Street, to the North, is a mix of residential and STR properties. 514 W. San Antonio has 2 units that have a combined occupancy of 8 and 512 W. San

Antonio is a 1 unit STR with an occupancy of 4.

The existing layout provides 4 parking spaces. 1 parking space per unit was required per Ordinance Number 28-001 (2018 STR Ordinance). However, Sec. 6.110 of the 2022 Ordinance requires an increase in occupancy to provide 1 parking space per 2 occupants, resulting in the need for a total of 6 spaces, 2 more than currently provided. The applicant provided an updated site plan at the P&Z meeting showing 6 on-site spaces as required by Sec. 5.460 – Adequate off-street parking and Sec. 7.863 – Off Street Parking. In addition, the property is located in a neighborhood that possesses an even mix of residences and STR's. The average occupancy per unit is 5. All but one of the 16 properties in this neighborhood operate with fewer than 10 occupants. The property in question is the only STR on the block that is operating 3 STR Units, which currently have a combined occupancy of 10 and to further increase that occupancy could potentially create unfavorable effects or impacts on other permitted uses in the neighborhood.

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

Planning and Zoning met on December 7, 2022, and unanimously recommended denial . Five written comment cards have been received in opposition to the request.

As presented, the proposed occupancy is greater than other STR properties and the block still has 8 non-STR properties. As presented, the proposed increase in occupancy does not meet the requirements necessary to obtain a conditional use permit (Sec. 5.460). Given the surrounding uses and the low occupancy average of 5 per unit, an increase in occupancy that would result in 15 guests on site is not compatible with the neighborhood. Staff recommends denial of the CUP request relating to an increase in occupancy.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Quality of Life Vision

ATTACHMENTS:

1. Sec. 5.460 Review & Evaluation Criteria, Floor Plan, Application
2. Site plan, Neighboring uses, Average occupancy
3. Letters of opposition
4. Emails in support
5. 511 W San antonio street view and aerial with support

APPROVAL/REVIEW:



Garret Bonn, Assistant City Manager

Date: December 22, 2022



Date: December 27, 2022

Laura Hollenbeak, Finance Director

Date: December 28, 2022

Daniel Jones, City Attorney

Date: December 28, 2022

Clinton Bailey, City Manager

A handwritten signature in blue ink, appearing to read "Shelley Goodwin", is positioned above the name of the City Secretary.

Shelley Goodwin, City Secretary

Date: December 28, 2022

Sec. 5.460. Review and Evaluation Criteria.

The Planning and Zoning Commission and City Council shall review and evaluate Conditional Use Permit applications using the following criteria:

Conformance with applicable regulations and standards established by the Zoning Regulations.

Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, access and circulation features.

Potentially unfavorable affects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site for a permitted use.

Modifications (including variance from property development regulations) to the site plan which would result in increased compatibility, would mitigate potentially unfavorable impacts, would be necessary to conform to applicable regulations and standards and would protect the public health, safety, morals and general welfare.

Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area; existing zoning and land uses in the area.

Protection of persons and property from erosion, flood or water damage, fire, noise, glare and similar hazards and impacts.

Location, lighting, and type of signs; the relation of signs to traffic control and adverse effect of signs on adjacent properties.

Adequacy and convenience of off-street parking and loading facilities.

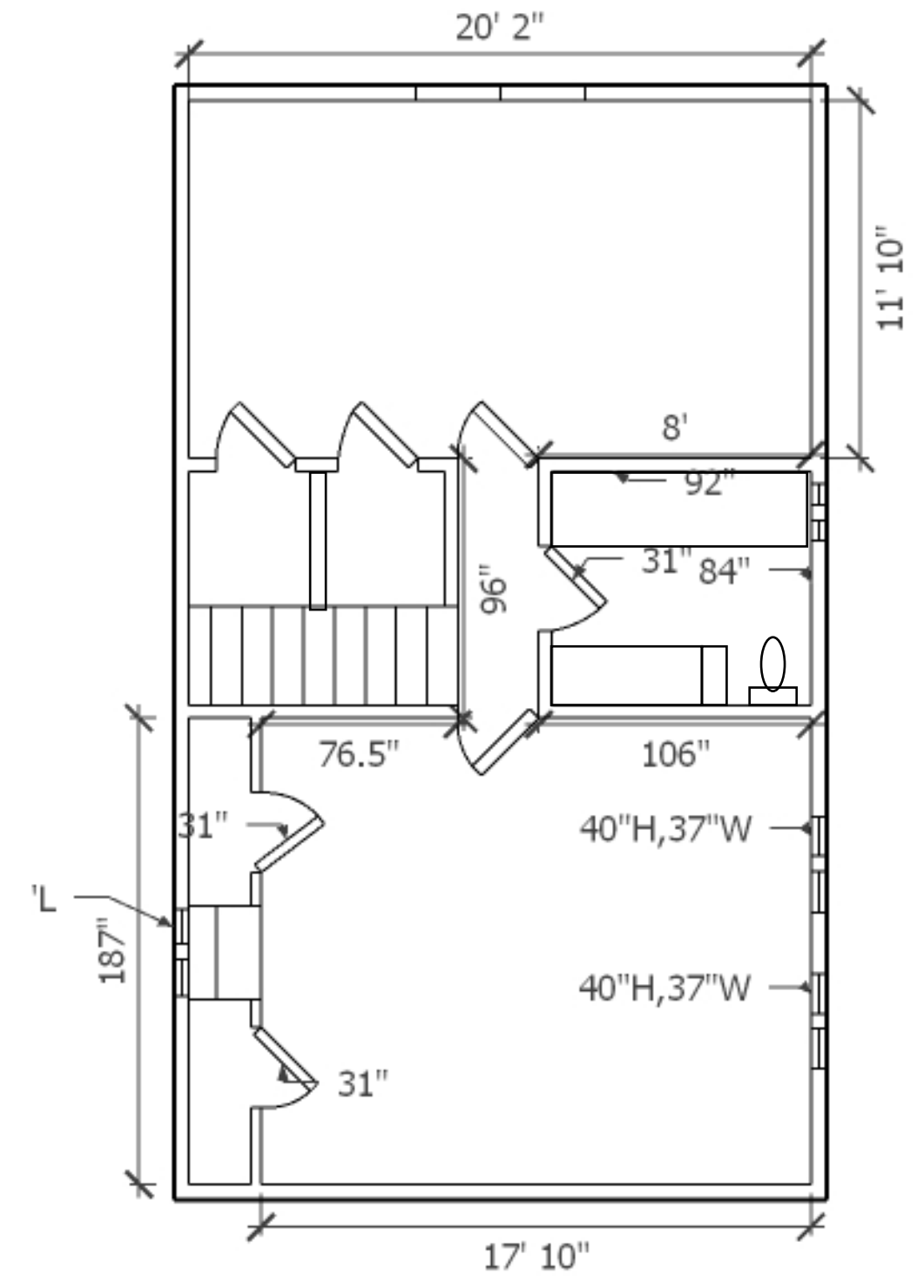
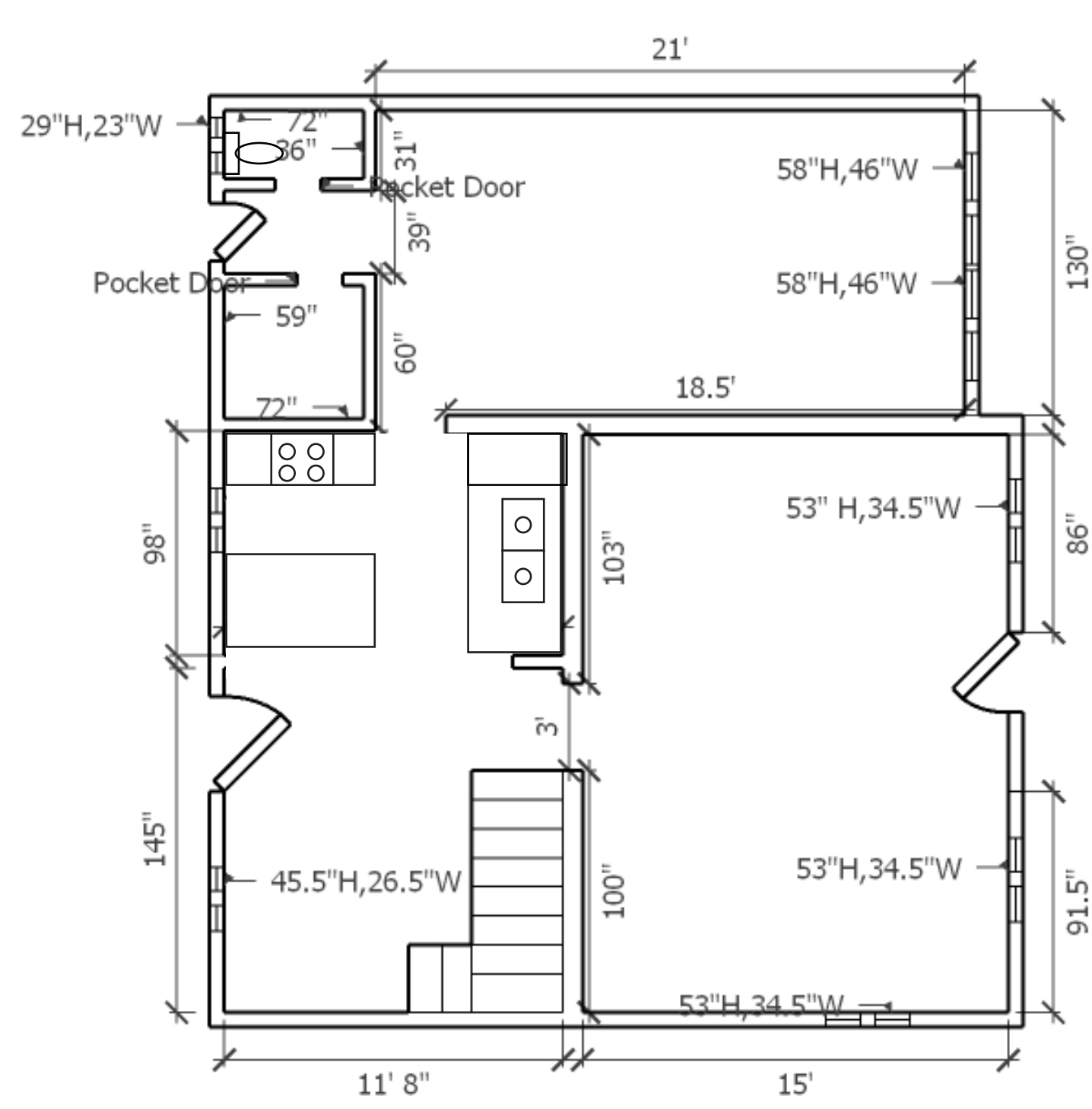
Determination that the proposed use is in accordance with the objectives of these Zoning Regulations and the purposes of the zone in which the site is located.

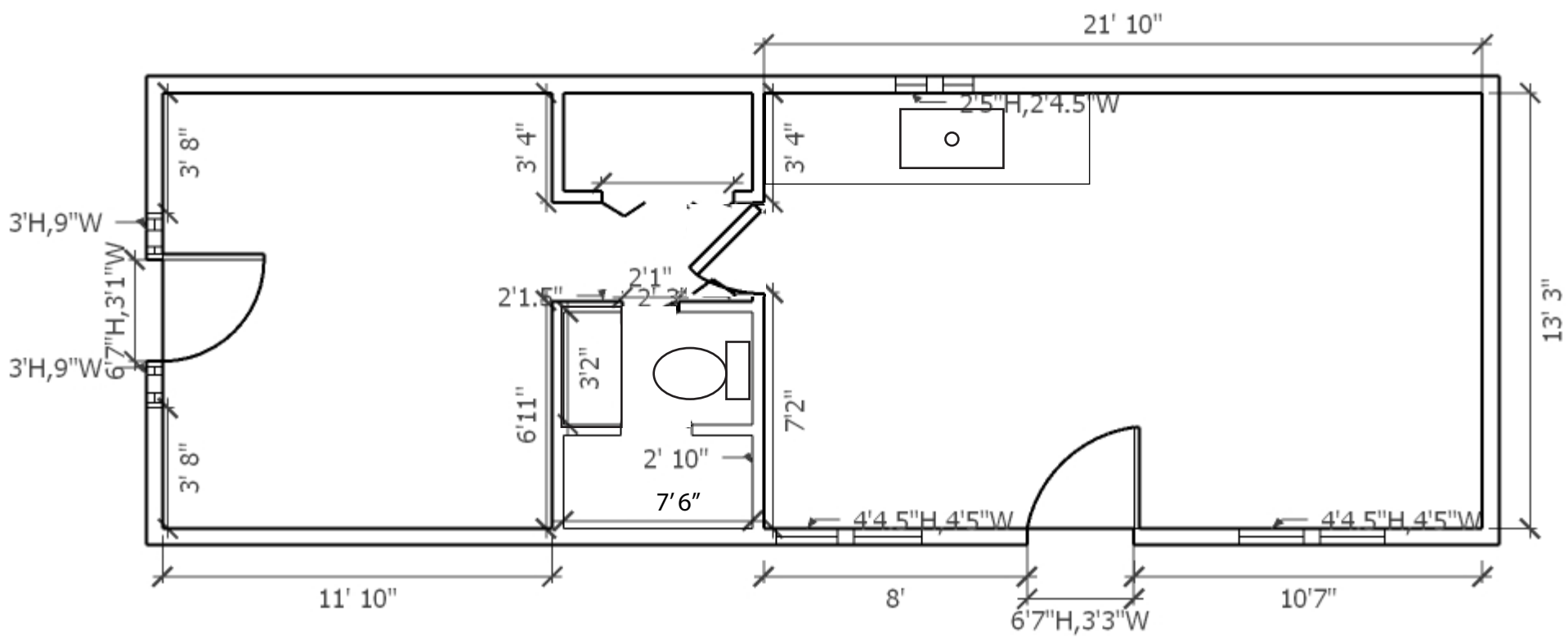
Determination that the proposed use will comply with each of the applicable provisions of these Zoning Regulations.

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.

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.

Determination that the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.







Project Application

City of Fredericksburg - Development Services Department
126 W. Main St., Fredericksburg, TX 78624 – (830)997-7521

A. Project Information (Please complete all items)

Project Name: Sunday Haus Estate

Project Address: 511 W San Antonio St, Fredericksburg, Texas 78624

Tax ID Number (s): 24524

Application Type (Check all items that apply)

PDF COPIES ARE REQUIRED FOR ALL SUBMISSIONS

- | | | |
|--|--|--|
| ☒ Conditional Use Permit | ☐ Minor Plat* | ☐ Plat Vacation |
| ☐ Site Plan | ☐ Replat* | ☐ Annexation* |
| ☐ Zoning Change | ☐ Amending Plat* | ☐ Final Plat* |
| ☐ Land Use Plan Change | ☐ Preliminary Plat* | |

Revision of Approved Plan / Plat? ☐ Yes ☒ No Name:

Jurisdiction: ☒ City Limits ☐ ETJ Total Acres: .298 No. of Lots: 1

Original Survey & Abstract No:

Legal Description: FBG ADDN BLK 14 LOT 377-PT

Current Land Use Plan: Residential

Proposed Land Use Plan: Residential

Current Zoning: R-2

Proposed Zoning: R-2

Location:

Proposed Use(s): Increase occupancy on permitted STR property

Applicant's Signature

Applicant's Role: ☐ Owner ☐ Developer ☒ Other (note role): Owner/Applicant Agent

I hereby certify that the information supplied with this application is true and correct, and that the paper and electronic copies of the materials submitted are consistent with each other, to the best of my knowledge. I also certify I have authorization from the owner to act on his / her behalf.

Signature: 

Printed Name: Bethany McCullough

Date: Oct 26, 2022

CK#1006 \$400.00

Staff Use Only

Application No.: **Z-2228**

Date: **10/31/22**

*Copy of current Title Search required with application.



Project Application

City of Fredericksburg - Development Services Department
126 W. Main St., Fredericksburg, TX 78624 – (830)997-7521

B. Contact Information (Please complete all items. Attach additional pages as necessary.)

I. Property Owner(s)

Firm Name (if applicable): N/A

Owner Name: Chelsea McCullough, Kristy Owen, Hsiao Chen Jane Ko

Address: 3300 Bee Caves Rd, Ste 650-1233, Austin, Texas 78746

Phone: 830-282-1661

Fax: N/A

Email: stay@sundayhausfbg.com

II. Owner's Agent/Engineer/Surveyor (Main contact person responsible for application)

Role: ☒ Agent ☐ Engineer ☐ Surveyor ☐ Other (note role):

Firm Name (if applicable): N/A

Address: 3300 Bee Caves Rd, Ste 650-1233, Austin, Texas 78746

Primary Contact Name: Bethany McCullough Ross

Phone: 512-914-7802

Fax: N/A

Email: bethany@insite-austin.com

Secondary Contact Name: Adam Hahn

Phone: 830-456-3277

Fax: N/A

Email: ahahn@kw.com

III. Applicant

Firm Name (if applicable): N/A

Applicant Name (s): Chelsea McCullough, Kristy Owen, Hsiao Chen Jane Ko

Address: 511 W San Antonio St, Fredericksburg, Texas 78624

Phone: 830-282-1661

Fax: N/A

Email: stay@sundayhausfbg.com

IV. Applicant's Agent/Engineer/Surveyor (Main contact person responsible for application)

Role: ☒ Agent ☐ Engineer ☐ Surveyor ☐ Other (note role):

Firm Name (if applicable): N/A

Address: 3300 Bee Caves Rd, Ste 650-1233, Austin, Texas 78746

Primary Contact Name: Bethany McCullough Ross

Phone: Fax: Email: bethany@insite-austin.com



Project Application

City of Fredericksburg - Development Services Department
126 W. Main St., Fredericksburg, TX 78624 – (830)997-7521

C. Fee Schedule (Please attach appropriate fee to application.)

- ☒ Conditional Use Permit Application - \$400
- ☐ Site Plan Application Admin - \$300
- ☐ Site Plan Application P&Z - \$400
- ☐ Application for Zoning Change - \$400
- ☐ Application for Land Use Change - \$300
- ☐ Minor Plat - \$300
- ☐ Amending Plat - \$300
- ☐ Replat - \$300 plus \$20 per lot
- ☐ Preliminary Plat - \$400 plus \$20 per lot
- ☐ Final Plat - \$500 plus \$10 per lot

D. Recording Fee Schedule

For plats, a recording fee will be collected when mylars are presented. The check should be made payable to Gillespie County Clerk and the recording fees are \$121.00 for a single lot plat. Each additional lot will increase the recording fee by \$10.00.

Z-2228



<all other values>

desc_



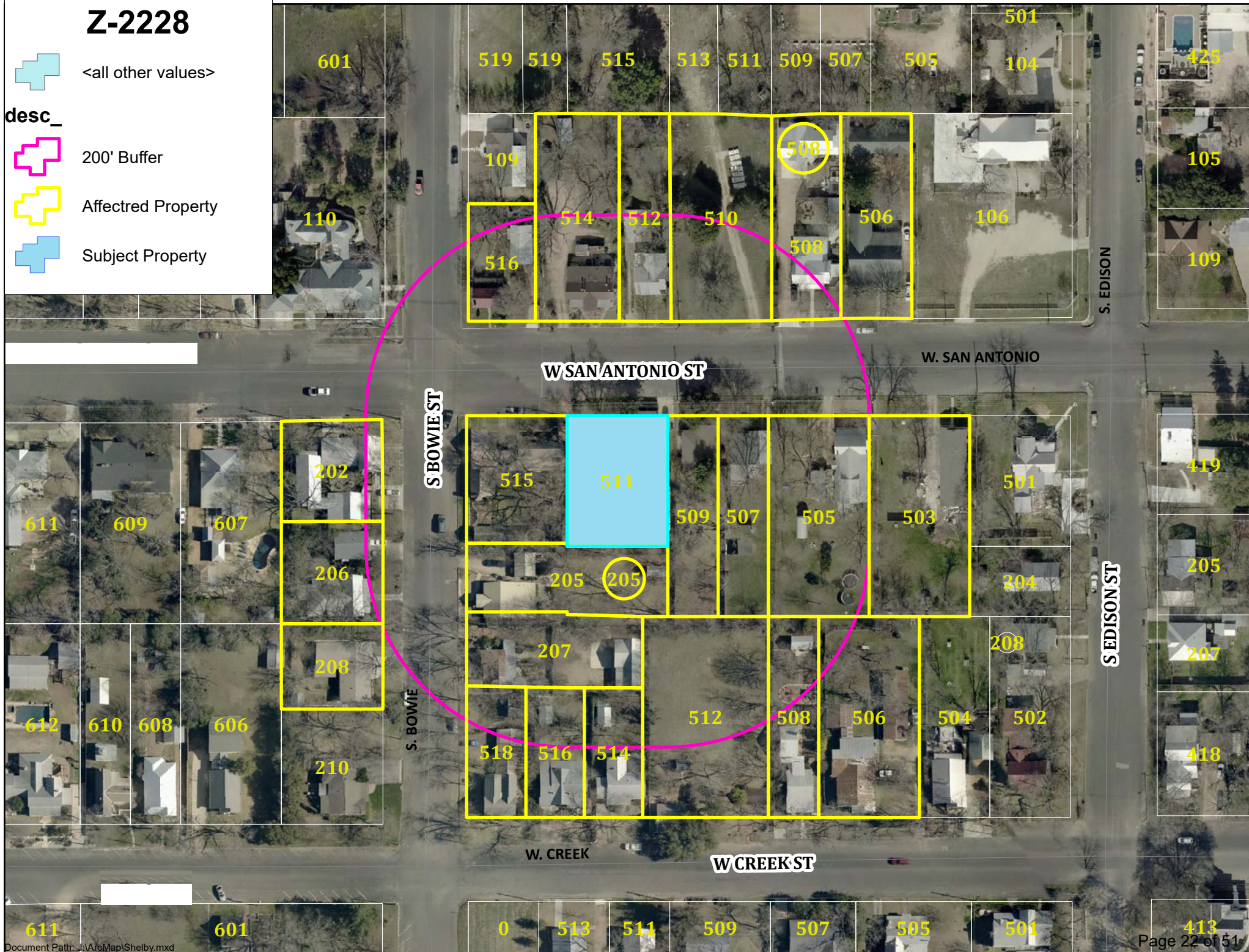
200' Buffer



Affected Property



Subject Property





November 22, 2022

Bethany McCullough
bethany@insite-austin.com

RE: Z-2228 Review Comments for a STR – Nonconforming property located at 511 W. San Antonio St.

Dear Bethany,

Please review the following comments and address appropriately. Please provide a written response as to how the items are addressed in addition to the revised Plan.

Plans will not be reviewed or considered without a response sheet.

- Please provide interior floor plans to determine density. [Sec. 3.110](#)

See Exhibit D attached to email.

- Please update the Zoning Summary to include Density Calculations. [Sec. 3.110](#)

See page 3 of CUP Application.

- Please update the Zoning Summary to include Parking Calculations (STR-Facility) and dimension all parking spaces to show compliance with [Sec. 7.863](#)

See page 3 of CUP Application.

- Site Plan requires Planning and Zoning Approval, scheduled for December 7, 2022.

Noted. We will be present to represent and answer any questions.

- ADA unit is required.

The Ranch Haus and Stone Haus were existing properties and were not altered structurally upon our ownership. We ask that it be considered they be grandfathered in their current historic conditions.

- If existing driveway onto property will not be utilized or parking along frontage is needed, call for removal of driveway and replacement with City standard curbing.

Existing driveway will be utilized.

- Provide drainage flow arrows to ensure historical drainage patterns are maintained and adjacent and downstream properties are not adversely impacted.

No additional structures were added to the property and therefore any flow on the property would not be altered from its historical patterns.

- Please update CUP Narrative with specific responses to each of the review and evaluation criteria noted in [Sec.5.460](#). This will be used by the Planning and Zoning Commission and City Council to make their determination.

This has been updated. Please see page 5 & 6 of the CUP application.

- Provide a note regarding all exterior lighting shall by night sky compliant.

See page 2 of CUP Application.

The City of Fredericksburg

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

For information regarding these comments please contact Shelby Collier with Development Services at 830-990-2013 or scollier@fbgtx.org

Please feel free to contact me with any comments or questions, and I will be happy to assist you.

Please return the revised plans along with your written response as to how the comments have been addressed by Tuesday, November 29th to ensure consideration by Planning & Zoning Commission on Wednesday, December 7th.

Shelby Collier
Development Review Committee (DRC)

The City of Fredericksburg

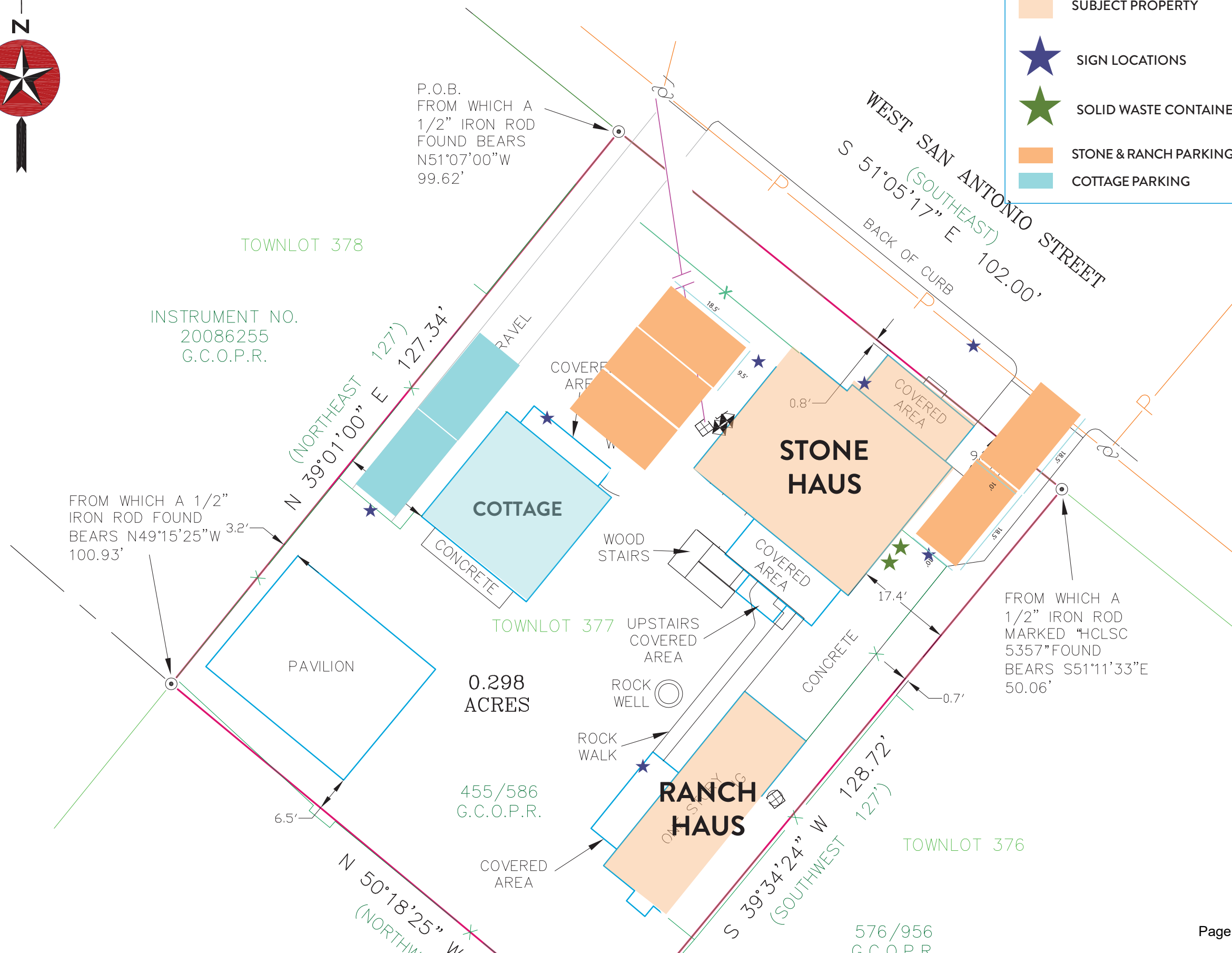
126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861

Z-2228



LEGEND

-  SUBJECT PROPERTY
-  SIGN LOCATIONS
-  SOLID WASTE CONTAINER
-  STONE & RANCH PARKING
-  COTTAGE PARKING



Z-2228



19

STR DENSITY

W San Antonio

Property Address	Unit #	Occupancy
514 W San Antonio		2 Units
	Unit 1	6
	Unit 2	2
512 W San Antonio		1 Unit
	Unit 1	4
508 W San Antonio		2 Units
	Unit 1	8
	Unit 2	10
503 W San Antonio		1 Unit
	Unit 1	4
501 W San Antonio		1 Unit
	Unit 1	6
109 Bowie		1 Unit
	Unit 1	8
205 Bowie		1 Unit
	Unit 1	2
<i>Average Unit Occupancy</i>		5.6

Subject Property

511 W San Antonio		3 Units
	Unit 1	8
	Unit 2	4
	Unit 3	3
<i>Average</i>		5



wesgicshere@gmail.com

NOTICE OF PLANNING & ZONING PUBLIC HEARING:
A CONDITIONAL USE PERMIT

According to Tax Records, you are the owner of real property within 200' of the proposed changes, listed below. You are not required to attend the meeting, but if you care to attend, you will be given full opportunity to be heard. If you cannot attend the hearing, but wish to comment on the request, please detach the response card below and return it to the City of Fredericksburg, 126 W. Main St., Fredericksburg, TX 78624. All protests must be submitted in writing.

1st HEARING

DATE: December 7, 2022

TIME: 5:30 PM

REQUEST

NUMBER: Z-2228

The City of Fredericksburg **Planning and Zoning Commission** will meet in a regular session on December 7, 2022, at 5:30 PM. The meeting will be held at the Law Enforcement Center, 1601 East Main Street, Fredericksburg, TX 78624.

The decision of the **PLANNING & ZONING COMMISSION** is a recommendation only.
Final approval must be by action of the **CITY COUNCIL**.

2nd HEARING

DATE: December 20, 2022

TIME: 9:00 AM

REQUEST

NUMBER: Z-2228

The City of Fredericksburg **City Council** will meet in a regular session on December 20, 2022, at 9:00 AM. The meeting will be held at the Law Enforcement Center, 1601 East Main Street, Fredericksburg, TX 78624.

REQUEST: REQUEST #Z-2228, TO CONSIDER A CONDITIONAL USE PERMIT PER SECTION 6.110 TO EXPAND THE USE OF A STR-NONCONFORMING PROPERTY LOCATED AT 511 WEST SAN ANTONIO STREET.

APPLICANT: BETHANY MCCULLOUGH

LOCATION: 511 WEST SAN ANTONIO STREET (See attached map)

(detach and return this section to City of Fredericksburg, Att: DSD)

REQUEST NO. Z-2228

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

NOISE, LIGHTS, TRAFFIC AND LESS HOUSING FOR FULL TIME RESIDENTS

Signed

Christopher P. Danze
Printed Name

Date

12/6/22

Address

206 S. Bowie Street



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APPLICANT: BETHANY MCCULLOUGH

LOCATION: 511 WEST SAN ANTONIO STREET (See attached map)

(detach and return this section to City of Fredericksburg, Att: DSD)

REQUEST NO. Z-2228

As an interested property owner, I (Protest) (Approve) the requested zoning amendment represented by the above file number because: *We do not need anymore non-conforming STR properties within the city limits.*

Debert Jacobson
Signed

DEBERT JACOBSON
Printed Name

Dec 6/2022
Date

Fredericksburg City, TX
Address

THE OWNERS HAVE ADDED A SECOND GUEST HOUSE; AN OUT DOOR COVERED PARTY AREA NEXT TO MY BACK YARD FENCE; A HUGE HOT TUB ALSO NEXT TO MY BACK YARD FENCE; AND LOTS OF BACK YARD OUTDOOR LIGHTING AND A LARGE "FIRE PIT" WHICH IN MY VIEW WILL BE, ON A WINDY DAY, QUIT DANGEROUS DUE TO ALL THE TREES AND WOOD FENCES IN THE IMMEDIATE AREA.

WHEN THE MAIN HOUSE AND THE TWO GUEST HOUSES ARE RENTED (STR'S) AT THE SAME TIME THE NOISE, LIGHTING, AND COMMOTION WILL BE UNBEARABLE, ESPECIALLY AT NIGHT!

I RETIRED HERE TO ENJOY THE PEACE AND QUIET OF A SMALL WELL RUN TOWN - NOW I'M FACED WITH A SMALL "STR" RESORT GOING INTO BUSINESS RIGHT NEXT TO MY PROPERTY AND RUINING THAT!

GEOFFREY ROGERS

P.S. IF THE OWNERS ARE GOING TO BE STR PERMITTED THEY SHOULD BE REQUIRED TO LIVE ON THAT PROPERTY -



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APPLICANT: BETHANY MCCULLOUGH

LOCATION: 511 WEST SAN ANTONIO STREET (See attached map)

(detach and return this section to City of Fredericksburg, Att: DSD)

REQUEST NO. Z-2228

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

ON REVERSE SIDE

Geoffrey S. Rogers
Signed

GEOFFREY ROGERS
Printed Name

12/6/22
Date

205 S. BOWIE ST.
Address
FREDERICKSBURG

511 has already been denied.

The issue at 514 is separate. We can discuss, but not tonight, it seems. It has been approved for late now

Nb its not.



REQUEST NO. **Z-2228**

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

Parking has been a minor problem with the
at 514
current unit. With 3 additional units, we expect a major problem.
and protest 511 having parking for 15 cars.

Signed

James A. Richmond

Printed Name

Date

Dec. 7, 2022

Address

516 W. San Antonio St
Fredericksburg, TX



Z-2228

PLANNING & ZONING PUBLIC HEARING:
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APPLICANT: BETHANY MCCULLOUGH

LOCATION: 511 WEST SAN ANTONIO STREET (See attached map)

(detach and return this section to City of Fredericksburg, Att: DSD)

REQUEST NO. Z-2228

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

Signed

Printed Name

Mary H. Montgomery

Date

Address

Dec 1, 2022

515 W. San Antonio

In reference to the STR at 511 W San Antonio Street, we have no objection to an increase in occupancy from 10 to 15 ppl if there is adequate parking for maximum occupancy.

Thank you

DeLana Littleton

202 S. Bowie St

Fredericksburg TX 78624

Good afternoon,

As a long time resident of 518 W. Creek Street I support Bethany McCullough Ross in her endeavor to increase the occupancy at 511 W. San Antonio Street.

Kind regards

George Richard Stewart Jr.

Hello,

My name is Nick Zuiker. I own the property at 204 S Edison. I have no problem with 511 W San Antonio increasing there occupancy limit.

Thank you and have a great day,

--

Nick Zuiker

Hello Bethany Ross

Your neighbors at 510 W San Antonio Street Fredericksburg Tx 78624 don't mind that your occupancy increases to an additional 5 guests at our property, 511 W San Antonio street Fredericksburg Tx 78624.

Thanks

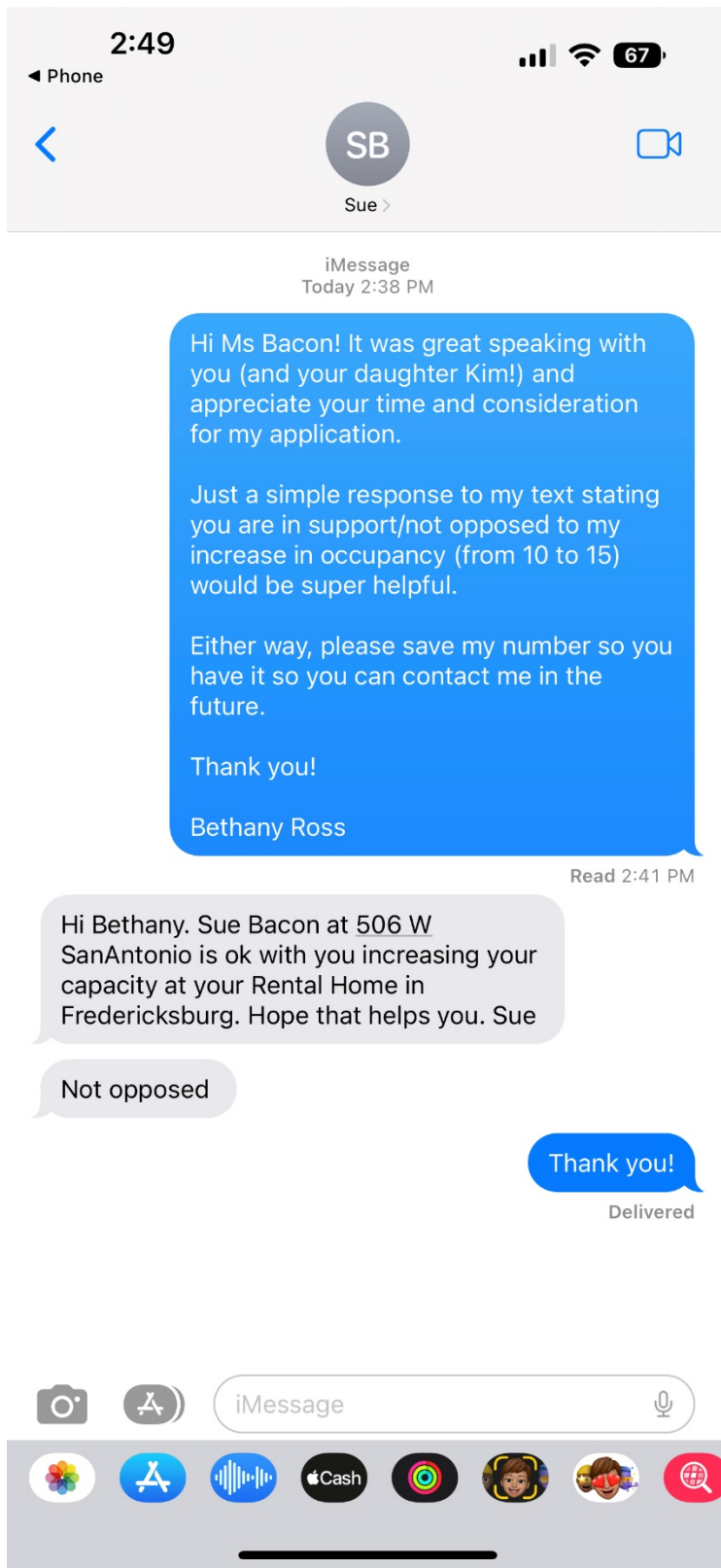
Rebecca's Rental LLC

Samantha 8309929443

To Whom It May Concern:

I am the owner of and live at 505 W San Antonio St. The owner of 511 W San Antonio St has contacted me concerning their request for a Conditional Use Permit to allow the number of guest they are allowed in their 3 unit STR to be raised from 10 to 15. As a neighbor, I have no objection to this request being granted by the City.

Thank you,
Sally Staudt
505 W San Antonio St
Fredericksburg, TX



Hi Bethany! My husband Wes and I own 514 w San Antonio as well as Absolute Charm and we fully support your receiving a CUP for your property. Best wishes and Merry Christmas!

Tammy Pack

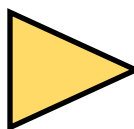
Sent from my iPhone



Google Street view of 511 W San Antonio June 2022.

Property has two curb cuts/driveways.

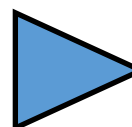




Emails in support submitted by
applicatn



Subject property—511 W San Antnio



Letter of opposition received by
City



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary
TO: Mayor & City Council Members
FROM: Shelley Goodwin, City Secretary
MEETING DATE: January 3, 2023

CATEGORY: OTHER ACTION ITEMS AND
UPDATES

CAPTION: Consider, discuss, and take action regarding a presentation on the Agenda Management processes (Shelley Goodwin, City Secretary).

PRESENTATION:

SUMMARY:

A presentation will be provided to demonstrate to the City Council and the public the new look of the Agendas and Live Streaming.

BACKGROUND:

As part of the FY2023 Budget the City Council approved the purchase of the CivicClerk Agenda Management Software. The January 3, 2023 City Council Special Meeting is the roll out meeting for the Agenda Management Program. This Software will be used by City Boards and Commissions as well. There are several features and benefits this program will provide for all users and for the public.

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

Receive the presentation of the CivicClerk Agenda Management Program features.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision

ATTACHMENTS:

None

APPROVAL/REVIEW:



Laura Hollenbeak, Finance Director

Date: December 28, 2022

Clinton Bailey, City Manager

Date: December 28, 2022



Shelley Goodwin, City Secretary

Date: December 28, 2022



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary
TO: Mayor & City Council Members
FROM:
MEETING DATE: January 3, 2023

CATEGORY: CITY MANAGER'S REPORT

CAPTION: Short-Term Rental (STR) Permitting and Code Enforcement Update.

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision

ATTACHMENTS:

None

APPROVAL/REVIEW:

Clinton Bailey, City Manager

Shelley Goodwin, City Secretary

Date: December 28, 2022

Date: December 28, 2022



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary
TO: Mayor & City Council Members
FROM: Shelley Goodwin, City Secretary
MEETING DATE: January 3, 2023

CATEGORY: ITEMS FOR FUTURE AGENDA

CAPTION: Review the Future Agenda Spreadsheet (Clinton Bailey, City Manager)

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision

ATTACHMENTS:

1. January 17 and Feb 7 spreadsheet

APPROVAL/REVIEW:

Shelley Goodwin, City Secretary

Date: December 27, 2022

Clinton Bailey, City Manager

Date: December 28, 2022

Future Agenda Worksheet

	CITY COUNCIL MEETING DATES & FUTURE AGENDA ITEMS	ACTION	PRESENTER
	Tuesday, January 17, 2023 (Regular Meeting)		
1	January 3, 2023, Minutes	Consent - Approval	Shelley
2	Z-2232 Land use and Zoning Change	Public Hearing and Ordinances	Anna
3	Z-2230 CUP STR-Unoccupied	Public Hearing and approval	Anna
4	Street Closures • City Hall Open House & Touch-A-Truck • Wanderlust Half Marathon • Fredericksburg Volunteer Fire Department Fish Fry • Vintage Motor Car Club of America • Wildflower Run • Crawfish Festival	Consent - Approval	Jennifer
5	Landfill Cell 9 Construction – Bid Award	Approval	Garret
6	Landfill Cell 9 Geosynthetics – Bid Award	Approval	Garret
7	N. Llano Storm Sewer Project Design - Contract Award	Approval	Garret
8	CVB lease	Approval	Andrea
	Tuesday, February 7, 2023 (Special Meeting)		
1	January 17, 2023, Minutes	Consent - Approval	Shelley
2	Ordinance calling the Election, appointing the judges, and polling location	Approval	Shelley
3	HOT Recipient Process	Approval	Shelley
	FUTURE AGENDA ITEMS		
1	Capital Improvement Fund in General Fund (postponed from 5-16-2022)	Resolution	Laura
2	Naming rights for Market Square	Approval	Andrea
3	Boards and Commissions (1 Market Square Redevelopment vacancy)	Appoint	Shelley

Future Agenda Worksheet

4	W. Live Oak Zoning & Land Use Change	Public Hearing & Approval	Anna
5	Intersection Traffic Control Device Modifications	Public Hearing/Approval	Garret
6	Soccer Fields	Update	Andrea
7	Events - mass event rentals and fees at Market Square (January 2023)	Discussion	Andrea
8	Future Plans for Landfill	Discussion	Garret
9	Performance Agreement - Friendship Oaks Phase I	Approval	Evan
10	Purchasing Policy	Approval	Laura
11	Ordinance for collection of debits on City Admin Hearing items	Approval	Joe M