

CITY OF FREDERICKSBURG CITY COUNCIL MEETING

MONDAY, MARCH 5, 2018 ~ 6:00 p.m.

Law Enforcement Center ~ 1601 East Main Street

Linda Langerhans, Mayor
Jerry Luckenbach, Council Member
Charlie Kiehne, Council Member

Gary Neffendorf, Council Member
Bobby Watson, Council Member
Kent Myers, City Manager

(REQUEST ALL PAGERS AND PHONES BE TURNED OFF, EXCEPT EMERGENCY ON-CALL PERSONNEL)

A G E N D A

CALL TO ORDER.

PLEDGE OF ALLEGIANCE

Page Ref

1. **EMPLOYEE RECOGNITIONS**
2. **MINUTES** - Consider Approving Minutes of January 2018 meetings 1-8
3. **ORDINANCES - RESOLUTIONS - ACTION ITEMS**
 - A. Consider Sanitary Sewer Line Maintenance Agreement and Resolution for Boot Ranch 9-31
 - B. Consider Ordinance for Historic District Signage 32-45
4. **INDIVIDUAL ITEMS FOR CONSIDERATION AND POSSIBLE ACTION**
 - A. Consider Approval of Bid for Friendship Lane Mill/Overlay Project 46-49
 - B. Consider City Funding for Retail Strategy Study 50-79
5. **CITY MANAGERS REPORT**
 - A. Short-Term Rental Briefings
 - B. Community Visioning Process
 - C. Community Foundation
 - D. Council Agenda Packet
6. **ITEMS FOR FUTURE AGENDAS**
7. **PUBLIC COMMENTS** This time is for citizens to address the City Council on issues and items of concern not on this agenda. There will be no City Council action at this time.
8. **COUNCIL COMMENTS** - No discussion or action may take place
9. **EXECUTIVE SESSION** - Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.086 (Economic Development).
 - A. Consider and Discuss the Exchange, Lease, or Value of Real Property Owned by the City, Located on Friendship Lane (Sec. 551.072)
 - B. Consider and Discuss Penick R&C, LP vs. City of Fredericksburg, Texas (Sec. 551.071)
10. **TAKE ACTION ON EXECUTIVE SESSION ITEMS, IF NECESSARY**
11. **ADJOURN**

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

REGULAR CITY COUNCIL MEETING
JANUARY 2, 2018
6:00 PM

On this the 2nd day of January, 2018, the City Council of the CITY OF FREDERICKSBURG convened in regular session at the Law Enforcement Center, with the following members present to constitute a quorum:

LINDA LANGERHANS - MAYOR
BOBBY WATSON - COUNCIL MEMBER
GARY NEFFENDORF - COUNCIL MEMBER
CHARLIE KIEHNE - COUNCIL MEMBER
JERRY LUCKENBACH - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
CLINTON BAILEY - A.C.M./D.P.W.U.
SHELLEY BRITTON - CITY SECRETARY
DANIEL JONES - CITY ATTORNEY
RUSSELL IMMEL - IT MANAGER

The meeting was called to order at 6:00 PM following the Pledge of Allegiance.

EMPLOYEE RECOGNITIONS - City Manager Kent Myers recognized the leaf pickup service.

CONSENT AGENDA - It was moved by Council Member Watson, seconded by Council Member Luckenbach, to approve the consent agenda, including the following:

1. Purchase of Two Power Mowers for Parks Department
2. Request from Habitat for Humanity for RV Reservation Fee Waiver
3. Interlocal Agreement with FISD Regarding Fiber Optics

All voted in favor and the motion carried.

SHORT TERM RENTAL ORDINANCE (2ND READING) - Comments were received from several citizens concerning the STR Ordinance. It was moved by Council Member Watson, seconded by Council Member Luckenbach, to adopt the Short Term Rental Ordinance as presented. The vote was as follows: AYE: Langerhans, Neffendorf, Kiehne, Luckenbach, and Watson. NAY: None. Motion carried.

ORDINANCE NO. 28-001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, CREATING ARTICLE V. – SHORT TERM RENTALS, OF CHAPTER 23-PLANNING – OF THE CODE OF ORDINANCES, ESTABLISHING REGULATIONS AND

A PERMITTING REQUIREMENT FOR OPERATION OF A SHORT TERM RENTAL, AND PROVIDING A PENALTY CLAUSE FOR VIOLATIONS. (Recorded in Ordinance Book)

ORDINANCE FOR DISCHARGE OF FIREARMS (2ND READING) - Chief Wetz presented the Ordinance proposed regarding Discharge of Firearms. Following a lengthy discussion, it was moved by Council Member Kiehne, seconded by Council Member Luckenbach, to take no action to adopt the ordinance as presented. The vote was as follows: AYE: Kiehne, Luckenbach, and Neffendorf. NAY: Watson and Langerhans. Motion carried.

AGREEMENT WITH TxDOT ON THE RELIEF ROUTE FEASIBILITY STUDY - It was moved by Council Member Luckenbach, seconded by Council Member Watson, to approve the Agreement with TxDOT on the Relief Route Feasibility Study as presented. The vote was as follows: AYE: Langerhans, Neffendorf, Kiehne, Luckenbach, and Watson. Motion carried.

CITY MANAGERS REPORT - City Manager Kent Myers reported on (1) Attainable Housing, (2) Community Visioning Process, (3) Special City Council Meeting - January 8, (4) Golf Course Operations, (5) New Special Events Coordinator.

FUTURE AGENDA ITEMS - Council discussed future agenda items.

PUBLIC COMMENTS - None

COUNCIL COMMENTS - None

EXECUTIVE SESSION - It was moved by Council Member Luckenbach, seconded by Council Member Kiehne, to recess the regular session and go into Executive Session at 7:15 PM. All voted in favor and the motion carried. At 7:30 PM, it was moved by Council Member Luckenbach, seconded by Council Member Watson, to adjourn the Executive Session and reconvene the regular session. All voted in favor and the motion carried.

Following Executive Session, the following action was taken:

PERFORMANCE EVALUATION FOR CITY MANAGER - It was moved by council Member Watson, seconded by Council Member Kiehne, to approve a 2% Cost of Living Adjustment, and a 2% Merit Increase for the City Manager. The vote was as follows: AYE: Langerhans, Watson, Kiehne, and Luckenbach; NAY: None. (Council Member Neffendorf was absent for the vote) Motion carried.

With no further discussion, Council Member Luckenbach made a motion to adjourn the meeting at 7:35 PM. Council Member Watson seconded the motion. Motion carried.

PASSED AND APPROVED this the 5th day of March, 2018.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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**STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG**

**REGULAR CITY COUNCIL MEETING
JANUARY 15, 2018
6:00 PM**

On this the 15th day of January, 2018, the City Council of the CITY OF FREDERICKSBURG convened in regular session at the Law Enforcement Center, with the following members present to constitute a quorum:

LINDA LANGERHANS - MAYOR
GARY NEFFENDORF - COUNCIL MEMBER
JERRY LUCKENBACH - COUNCIL MEMBER
BOBBY WATSON - COUNCIL MEMBER
CHARLIE KIEHNE - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
CLINTON BAILEY - ACM/D.P.W.U.
BRIAN JORDAN - DIR OF DEVELOPMENT SERVICES
SHELLEY BRITTON - CITY SECRETARY
LAURA HOLLENBEAK - FINANCE DIR
DANIEL JONES - CITY ATTORNEY
RUSSELL IMMEL - IT MANAGER

The meeting was called to order at 6:00 PM., followed by the Pledge of Allegiance.

EMPLOYEE RECOGNITIONS - No employee recognitions at this meeting.

CONSENT AGENDA - It was moved by Council Member Watson, seconded by Council Member Neffendorf, to approve the Consent Agenda as follows:

- Approval of Minutes of November and December 2017 Meetings
- Approval of Tree Trimming Contract with LCRA

The vote was as follows: AYE: Langerhans, Neffendorf, Luckenbach, and Watson; NAY: None. Motion carried.

PUBLIC HEARING Z-1713 FOR AN AMENDMENT TO THE PUD FOR HEB TO ALLOW CHANGES IN SIGNAGE FOR NEW CURBSIDE PICK - It was moved by Council Member Luckenbach, seconded by Council Member Kiehne, to recess the regular session and open

the Public Hearing on Z-1713 for an amendment to the PUD for HEB to allow changes in signage for new curbside pick. All voted in favor and the motion carried.

Following comments from HEB representative Kathy Strimple, it was moved by Council Member Watson, seconded by Council Member Luckenbach, to adjourn the public hearing and reconvene the regular session. All voted in favor and the motion carried.

REQUEST Z-1713 - Council Member Watson moved, seconded by Council Member Kiehne, to approve ordinances for Z-1713 for an amendment to the PUD for HEB to allow changes in signage for new curbside pick. The vote was as follows: AYE: Langerhans, Watson, Luckenbach, and Neffendorf; NAY: None. Motion carried.

ORDINANCE NO. 28-002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY TO APPROVE AN AMENDMENT TO THE PLANNED UNIT DEVELOPMENT PERTAINING TO 10.23 ACRES OF LAND BEING LOT 1 HEB-FREDERICKSBURG SUBDIVISION, SITUATED IN THE CITY OF FREDERICKSBURG, TEXAS. (Recorded in Ordinance Book)

NOISE ORDINANCE REPORT – Chief Steve Wetz briefed council on the Community Survey regarding the Noise Ordinance. No action was taken.

SIGN ORDINANCE AMENDMENT AFFECTING HISTORIC PROPERTIES - After a lengthy discussion, council agreed to place this on a future agenda.

HISTORIC LANDMARK DESIGNATION FOR 502 E. MAIN ST. - Following a lengthy discussion, it was moved by Council Member Kiehne, seconded by Council Member Neffendorf, to approve a Historic Landmark Designation for 502 E. Main. The vote was as follows: AYE: Langerhans, Neffendorf, Kiehne, and Watson; NAY: Luckenbach. Motion carried.

2018 HOT APPLICATIONS – Council received requests for Hotel Occupancy Tax from the following organizations:

1. Hill Country Antique Tractors	3,000
2. Fbg 4 th of July Parade	5,000
3. Fbg Art Guild	4,400
4. Optimist - Hill Country Run	5,000
5. 2018 Veterans Day Parade	8,000
6. GCFFA	45,000
7. Fbg Chamber - Christmas Parade	12,000
8. Vereins Quilt Guild of Fbg	5,000
9. Systems GO	3,500
10. Fbg Tennis Association	3,150

11. Fbg Band Boosters	8,000
12. Friends of the Fbg Nature Center	2,500
13. Hill Country Film Festival	8,000
14. GCHS	65,250
15. Hill Country Food Truck Festival	7,500
16. Church of Colored People of Gillespie County	92,854
17. Holy Ghost - Global Leadership Summit	10,000
18. Fbg Social Turn Verein - Turner Hall	50,000
19. Cherry Mtn Community Club	7,220
20. BGC - Mah Jongg Tournament	1,500
21. Heritage School - Eisbahn	5,000
22. BGC - Shopping Tournament	1,500
23. Admiral Nimitz Foundation	125,000
24. Fbg Chorale	2,500
25. Fbg Theater Company	40,000
26. Friends Gillespie County Country Schools	61,730
27. Former Texas Rangers - Celebrate Texas	20,000
28. Former Texas Rangers - History Symposium	15,000
29. German Choirs of Fredericksburg	2,500
30. Die Kunstler von Fbg	3,000
31. Fbg Community Orchestra	3,000
32. Friends of Enchanted Rock	5,000
33. Fbg Texas 175 th Anniversary Committee	15,000
34. Ft Martin Scott Friends	14,930
35. Farmers Market	3,000
36. Jaycees - Crawfish Festival	15,000

2018 PERFORMANCE GOALS FOR CITY MANAGER - It was moved by Council Member Watson, seconded by Council Member Luckenbach, to approve the 2018 Performance Goals for the City Manager as follows:

City of Fredericksburg
City Manager Performance Goals – 2018

1. Continue to work with the Assistant City Manager and Touchstone Golf Company to make actual reductions in the deficit for operation of the Golf Course.
2. Implement new short-term rental ordinance including permitting of all STRs operating within the City, effectively addressing any complaints about STRs and collecting HOT funds from all STRs operating in the City and ETJ.
3. Work closely with TXDOT officials, TXDOT consultants and Relief Route Task Force on feasibility study including public outreach efforts.

4. Complete community-wide visioning process including final report and assist in presenting final report to key organizations.
5. Continue efforts on hotel/conference center project including completion of economic development agreement and construction plans.
6. Work with EDC to complete affordable housing marketing study by February, 2018. Following completion of the study work with City Council, County officials, School District officials, Hospital officials, developers and other key stakeholder to develop specific strategies that will create additional affordable housing.
7. Work with City Council and Development Services Director on 2018 annexation plan. If approved by Council, assist in implementation of plan including public outreach efforts.
8. Work with City Council, Assistant City Manager and Parks Director to develop a new strategy for development of the Sports Park at Oakcrest Park.
9. Work with new Public Information Officer to improve efforts in effectively and accurately telling the City's story in terms of our many success stories and accomplishments throughout the year.

The vote was as follows: AYE: Langerhans, Watson, Luckenbach, and Neffendorf; NAY: None. Motion carried.

CITY MANAGER'S REPORT - City Manager Kent Myers reported on (1) Final Report – Animal Shelter Project, (2) Community Visioning Meetings, (3) City Council Retreat, and (4) Performance Evaluation for City Attorney.

FUTURE AGENDA ITEMS - Council discussed future agenda items.

PUBLIC COMMENTS – Russ Rose commented on the tree trimming contract and called the Historical Landmark Designation a “taking”.

COUNCIL COMMENTS - Bobby Watson commented on the two Visioning meetings he attended; Jerry Luckenbach commented on the airport board.

EXECUTIVE SESSION - It was moved by Council Member Luckenbach, seconded by Council Member Kiehne, to recess the regular session and go into Executive Session at 8:50 PM. All voted in favor and the motion carried. At 9:25 PM, it was moved by Council Member Luckenbach, seconded by Council Member Watson, to adjourn the Executive Session and reconvene the regular session. All voted in favor and the motion carried.

Following Executive Session, the following action was taken:

PERFORMANCE EVALUATION FOR CITY ATTORNEY – It was moved by council Member Neffendorf, seconded by Council Member Kiehne, to approve a 2% Cost of Living Adjustment, and a 2% Merit Increase for the City Attorney. The vote was as follows: AYE: Langerhans, Watson, Luckenbach, and Neffendorf; NAY: None. Motion carried.

With no further discussion, Council Member Neffendorf made a motion to adjourn the meeting at 9:26 PM. Council Member Luckenbach seconded the motion. Motion carried.

PASSED AND APPROVED this the 5th day of March, 2018.

SHELLEY BRITTON, CITY SECRETARY

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LINDA LANGERHANS, MAYOR

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**STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG**

**CITY COUNCIL RETREAT
JANUARY 30, 2018
1:00 PM**

On this the 30th day of January, the City Council of the CITY OF FREDERICKSBURG convened in special session at the Cardinal Room, Lady Bird Johnson Golf Course, with the following members present to constitute a quorum:

LINDA LANGERHANS - MAYOR
GARY NEFFENDORF - COUNCIL MEMBER
JERRY LUCKENBACH - COUNCIL MEMBER
BOBBY WATSON - COUNCIL MEMBER
CHARLIE KIEHNE - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
CLINTON BAILEY – ACM/DPWU
LAURA HOLLENBECK – DIR OF FINANCE
BRIAN JORDAN – DIR OF DEVELOPMENT SERVICES
DANIEL JONES - CITY ATTORNEY

CITY COUNCIL RETREAT – Council held a quarterly retreat to discuss a variety of issues, including:

1. 2018 Annexations: Four areas were discussed. Following the discussion, staff was directed to precede sending letters to the property owners in the four areas with Ag Exemptions. Following responses from the property owners, the city will consider how to proceed. Council ranked the areas by priority: (1) Area 4, (2) Area 6, (3) Area 1b, and (4) Area 5.

2. Storm Water Fees: Following the discussion, staff was directed to develop additional information for Storm Water Fees with an effective date of either Oct 1 or Jan 1.
3. Sports Park: Following the discussion on citizen input, Council indicated the next step was to meet with County Commissioners to discuss possible County participation in the project

With no further discussion, Council Member Watson made a motion to adjourn the meeting at 2:45 PM. Council Member Kiehne seconded the motion. Motion carried.

PASSED AND APPROVED this the 5th day of March, 2018.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR



CITY COUNCIL MEMO

DATE: March 5, 2018

TO: Mayor and City Council

FROM: Kris Kneese, P.E., Assistant Director of Public Works and Utilities

SUBJECT: Boot Ranch Sewer Line Maintenance Agreement and Resolution

Summary:

The Sewer Line Maintenance Agreement places the responsibility of future maintenance and repairs of the individual private lift stations and low pressure sanitary sewer lines to the property owner and Boot Ranch Property Owners' Association, respectively.

Recommendation:

City Staff recommends approval of the Sewer Line Maintenance Agreement and Resolution with Boot Ranch.

Background / Analysis:

The Boot Ranch Development has engineering challenges regarding the gravity flow sanitary sewer collection system with the hills and valleys throughout the development. As a result, Boot Ranch Development has chosen to install a pressurized sanitary sewer collection system, known as a Lower Pressure Sanitary Sewer System (LPSS), which includes individual private lift stations at properties that cannot be served with a gravity flow sewer collection system. The LPSS pumps into the City's sanitary sewer main and is treated at the City's Water Reclamation Facility.

The City of Fredericksburg

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The attached Sewer Line Maintenance Agreement places the responsibility of maintenance and repairs of the individual private lift stations and low pressure sanitary sewer lines to the property owners and Boot Ranch Property Owners' Association, respectively.

Attachments:

Sewer Line Maintenance Agreement
Boot Ranch Line Agreement Resolution

Department Approval


City Manager Approval

The City of Fredericksburg

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**A RESOLUTION OF THE CITY OF FREDERICKSBURG, TEXAS,
APPROVING A SEWER LINE MAINTENANCE AGREEMENT
RELATED TO BOOT RANCH**

WHEREAS, the City of Fredericksburg ("City") desires to specify the allocation of responsibilities, related to installation and maintenance of lower pressure sanitary sewer pipelines and associated equipment and materials, located in the Boot Ranch development.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL of the City of Fredericksburg, Texas, that:

1. The City Council hereby approves the *Sewer Line Maintenance Agreement*, a copy of which is attached hereto as Exhibit A; and

2. The City Council hereby authorizes Kent Myers, in his capacity as City Manager, to execute said *Sewer Line Maintenance Agreement* on behalf of the City.

PASSED AND APPROVED this _____ day of February, 2018.

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney

SEWER LINE MAINTENANCE AGREEMENT

This Sewer Line Maintenance Agreement (this "Agreement") is made and entered into as of January 9, 2018, by and among Boot Ranch Holdings, LLC, a Delaware limited liability company ("BRH"), Big Sky Contractors, LLC, a Texas limited liability company ("BSC"), BRC Village Homes I, LLC, a Delaware limited liability company ("BRCV"), Boot Ranch Property Owners' Association, Inc., a Texas nonprofit association ("POA"), and the City of Fredericksburg, Texas, a municipal corporation of Gillespie County, Texas (the "City"), each herein called a "Party" and collectively, the "Parties".

RECITALS

WHEREAS, BSC is the current owner of the following lots located within the boundaries of the Boot Ranch, Phase 1 Subdivision, located in the City of Fredericksburg, Gillespie County, Texas (collectively, the "BSC Lots");

Lots 213, 214, 215, 206R, 205R and 204R, Boot Ranch, Phase 1 Subdivision, situated in Gillespie County, Texas, according to the map or plat thereof recorded in Volume 5, Pages 105-106, Plat Records of Gillespie County, Texas (the "Plat"); and

WHEREAS, BRCV is the current owner of the following lot located within the boundaries of the Boot Ranch, Phase 1 Subdivision, located in the City of Fredericksburg, Gillespie County, Texas (the "BRCV Lot"; the BRCV Lot and the BSC Lots are referred to herein as the "Lots" and each as a "Lot");

Lot 203R, Boot Ranch, Phase 1 Subdivision, situated in Gillespie County, Texas, according to the map or plat thereof recorded in Volume 5, Pages 105-106, Plat Records of Gillespie County, Texas; and

WHEREAS, the City has approved certain plans for paving, drainage and improvements relating to the Lots, dated April 2017, and prepared by Justin Thomas, P.E. No. 98403, of TRC Engineers, Inc. under Job. 241446 (the "Plans"), which Plans are incorporated herein in their entirety by reference thereto. Sheets 1, 34, 35, 36, 37, 38, 39, 42 and 43 of the Plans are attached as Exhibit A-1 attached hereto and incorporated herein; and

WHEREAS, the Plans identify (a) certain low pressure sanitary sewer pipelines to be located to and on each of the Lots, as shown on Sheets 35 and 36 of the Plans (each, the "1 1/4\" Line"), and (b) a low pressure sanitary sewer pipeline, as shown on Sheets 35 and 36 of the Plans (the "2\" Line"), to be located on and along Putting Park Drive and Burke Lane, as shown on the Plat and on Sheets 35 and 36 of the Plans; and

WHEREAS, it is the desire of the Parties to enter into this Agreement regarding their respective responsibilities for each 1 1/4" Line and the 2" Line, as illustrated in the Low Pressure Sanitary Sewer Service Exhibit attached as Exhibit A-2.

NOW, THEREFORE, for and in consideration of mutual covenants set forth herein, the Parties hereby agree as follows:

1. BRH shall, at BRH's expense, be responsible for the initial installation of (a) the 2" Line, as shown on the Plans, and all related equipment and materials for same, and (b) each 1¼" Line, as shown on the Plans, and all related equipment and materials for same, including, but not limited to, each 1¼" check valve for each such 1¼" Line.
2. Each owner of a Lot shall, at such owner's expense, be responsible for the repair, maintenance and replacement of (a) the 1¼" Line on such Lot, and all additional pipeline connected to the 1¼" Line, but only from the 1¼" check valve for such 1¼" Line to the building located on the Lot, and (b) all related equipment for the portion of the pipeline described in clause (a), including but not limited to any grinder pump associated with such 1¼" Line, but excluding the 1¼" check valve for such 1¼" Line. An example of the location of a 1¼" check valve along a 1¼" Line is shown on Sheet 42 of the Plans. The owner of a Lot is referred to as "HOME OWNER" in "Exhibit A-2" attached hereto.
3. The POA shall, at the POA's expense, be responsible for the repair, maintenance and replacement of (a) the 2" Line and all related equipment and materials for same, (b) each 1¼" Line, from the 1¼" check valve for such 1¼" Line to and including the connection of such 1¼" Line to the 2" Line, and all related equipment and materials for same, and (c) each 1¼" check valve located on a Lot and all related equipment and materials for same. So long as the POA shall remain in existence, the POA shall keep and maintain a complete copy of the Plans and make same available to the City or an owner of a Lot upon request. The POA is referred to as "BOOT RANCH" in "Exhibit A-2" attached hereto.
4. In the event a Party institutes any legal action or proceeding for the enforcement of any right or obligation in this Agreement, the prevailing Party after a final adjudication will be entitled to recover its costs and reasonable attorneys' fees incurred in their preparation and prosecution.
5. No waiver of any default of any obligation by any Party will be implied from the failure of the other Party to take any action with respect to a default.
6. Nothing in this Agreement will be deemed or construed by any Party or by any third person to create the relationship of principal and agent or of limited or general partners or of joint venturers or of any other association between the Parties.
7. This Agreement will inure to the benefit of the Parties and their successors, assigns, heirs, and personal representatives. This Agreement is a covenant that shall run with the land.
8. Time is of the essence of this Agreement. This Agreement shall be construed under and in accordance with laws of the State of Texas and all obligations of the Parties created hereunder are performable in Gillespie County, Texas.
9. In the event that any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

IN WITNESS WHEREOF, the Parties have executed this Agreement, to be effective as of the date first written above.

BOOT RANCH HOLDINGS, LLC,
a Delaware limited liability company

By: _____

Name: _____

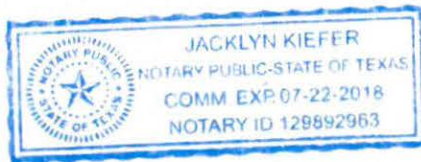
Title: _____

THE STATE OF TEXAS

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COUNTY OF DENTON

This instrument was acknowledged before me on the 15th day of January, 2018, by D. Craig Martin, Authorized Signatory of BOOT RANCH HOLDINGS, LLC, a Delaware limited liability company, on behalf of said company.



Notary Public – State of TEXAS

BRC VILLAGE HOMES I, LLC
a Delaware Limited Liability Company

By: _____

Name: _____

Title: _____

THE STATE OF TEXAS

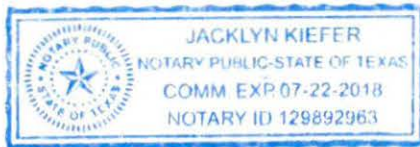
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COUNTY OF DENTON

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This instrument was acknowledged before me on the 10th day of January, 2018, by D. Craig Martin, Authorized Signatory of BRC Village Homes I, LLC, a Delaware limited liability company, on behalf of said company.



Notary Public – State of TEXAS

BOOT RANCH PROPERTY OWNERS' ASSOCIATION, INC.,
a Texas nonprofit association

By: DLR Blom

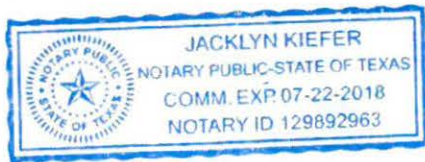
Name: David R. Blom

Title: Vice President

THE STATE OF TEXAS §

COUNTY OF DENTON §

This instrument was acknowledged before me on the 10th day of January, 2018, by David R. Blom, Vice President of BOOT RANCH PROPERTY OWNERS' ASSOCIATION, INC., a Texas nonprofit association, on behalf of said association.



[Signature]
Notary Public – State of TEXAS

CITY OF FREDERICKSBURG, TEXAS,
a municipal corporation

By: _____

Name: _____

Title: _____

THE STATE OF TEXAS §
 §
COUNTY OF GILLESPIE §

 This instrument was acknowledged before me on the ____ day of _____, 201_, by
_____, as _____ of CITY OF FREDERICKSBURG, TEXAS,
a municipal corporation.

Notary Public – State of Texas

BIG SKY CONTRACTORS, LLC,
a Texas limited liability company

By: _____

Name: Ron Burns

Title: Manager

THE STATE OF TEXAS §
 §
COUNTY OF GILLESPIE §

This instrument was acknowledged before me on the 24 day of January, 2018, by Ron Burns, Manager of Big Sky Contractors, LLC, a Texas limited liability company, on behalf of said company.



Notary Public - State of TEXAS

CONSENT AND JOINDER

The undersigned, Centennial Bank ("Lender"), the beneficiary under that certain Deed of Trust (the "Deed of Trust") recorded as Instrument No. 20172464 in the Official Public Records of Gillespie County, Texas, and encumbering, among other property, the BRCV Lot, hereby joins in the execution of this Agreement for the purpose of evidencing (i) Lender's consent to this Agreement, and (ii) Lender's agreement that any foreclosure of the Deed of Trust or any other liens or security interests held by Lender encumbering the BRCV Lot (collectively, the "Liens"), or any conveyance of the BRCV Lot or any portion thereof in lieu of foreclosure, or any other exercise of any remedial rights by Lender under or relating to the Liens or the indebtedness secured thereby, shall not extinguish this Agreement or any of the rights, interests, obligations or remedies contained therein or created thereby, all of which shall survive any such foreclosure, conveyance or other remedial action and shall remain in full force and effect and shall be binding upon the BRCV Lot and all parties having any right, title or interest therein as a covenant running with the BRCV Lot.

CENTENNIAL BANK

By: _____

Name: _____

Title: _____

THE STATE OF TEXAS

COUNTY OF _____

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This instrument was acknowledged before me on the 25th day of January, 2018 by Austin Hammack, as SVP of CENTENNIAL BANK, on behalf of said bank.

Kandice Bethke

Notary Public - State of Texas

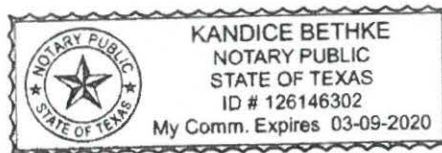
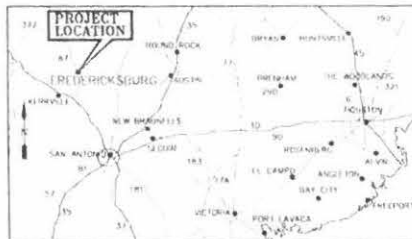


EXHIBIT A-1

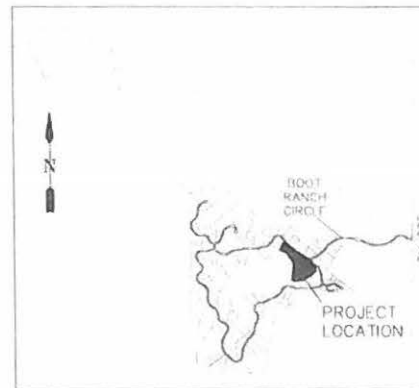
Sheets 1, 34, 35, 36, 37, 38, 39, 42 and 43 of the Plans

[Nine pages attached hereto]

BOOT RANCH LOWER MEADOW SITE IMPROVEMENTS (PAVING, DRAINAGE, AND UTILITIES IMPROVEMENTS)



VICINITY MAP
N.T.S.



LOCATION MAP
N.T.S.

APRIL 2017

OWNER/DEVELOPER
BOOT RANCH HOLDINGS LLC
776 BOOT RANCH CIRCLE
FREDERICKSBURG, TX 78642
PHONE: 830-990-7624
CONTACT: CADE EMERSON

ENGINEER
TRC ENGINEERS, INC.
700 HIGHLANDER BLVD, SUITE 210
ARLINGTON, TX 76015
T.B.P.E. FIRM REGISTRATION #B-632
PHONE: 817-522-1014
CONTACT: JUSTIN THOMAS, P.E.

INDEX

SHEET NUMBER

TITLE

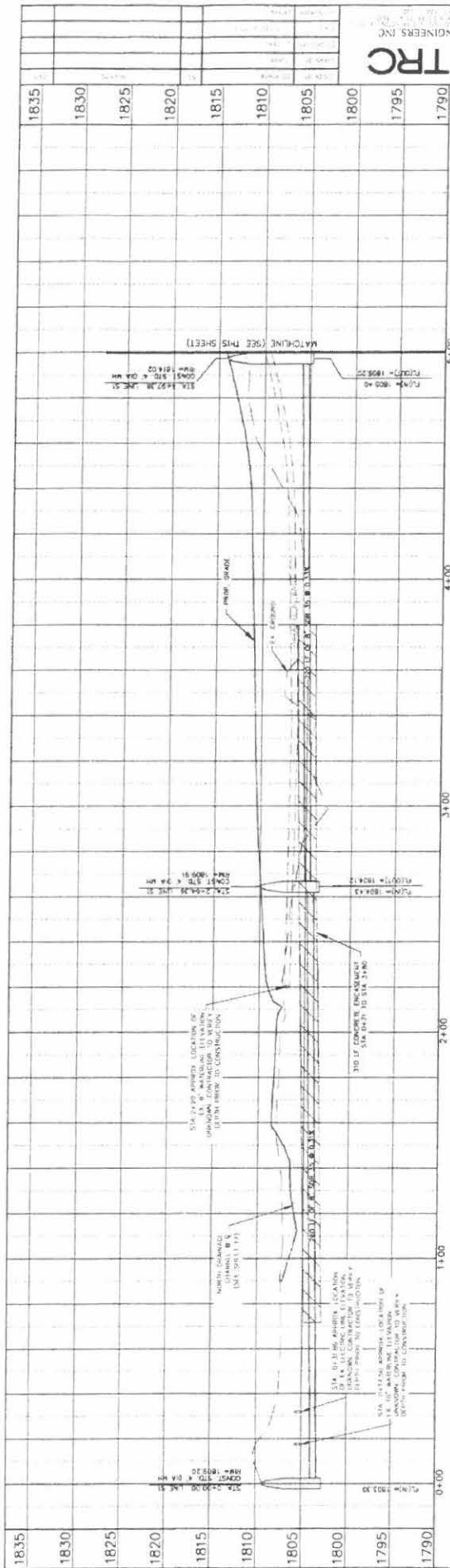
1	COVER SHEET
2	DRAFT PLAT 1
3	DRAFT PLAT 2
4	LOCATION MAP
5	GENERAL NOTES
6	PROJECT LAYOUT
7	EXISTING TREE SURVEY
8	PAVING PLAN & PROFILE PUTTING PARK DR - STA. 0+00 TO STA. 5+00
9	PAVING PLAN & PROFILE PUTTING PARK DR - STA. 5+00 TO STA. 10+00
10	PAVING PLAN & PROFILE PUTTING PARK DR - STA. 10+00 TO END
11	PAVING PLAN & PROFILE ROAD B - STA. 0+00 TO STA. 5+00
12	PAVING PLAN & PROFILE ROAD B - STA. 5+00 TO STA. 10+00
13	PAVING PLAN & PROFILE ROAD B - STA. 10+00 TO STA. 15+00
14	PAVING PLAN & PROFILE ROAD B - STA. 15+00 TO END
15	PAVING PLAN & PROFILE BURKE LN - STA. 0+00 TO END
16	PAVING PLAN & PROFILE ROAD D - STA. 0+00 TO END
17	PLAN & PROFILE NORTH DRAINAGE CHANNEL
18	CROSS SECTIONS - PUTTING PARK DR - STA. 0+00 TO STA. 7+00
19	CROSS SECTIONS - PUTTING PARK DR - STA. 8+00 TO END
20	CROSS SECTIONS - ROAD B - STA. 0+00 TO STA. 7+00
21	CROSS SECTIONS - ROAD B - STA. 8+00 TO STA. 15+00
22	CROSS SECTIONS - ROAD B - STA. 16+00 TO END
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24	CROSS SECTIONS - ROAD D - STA. 0+00 TO END
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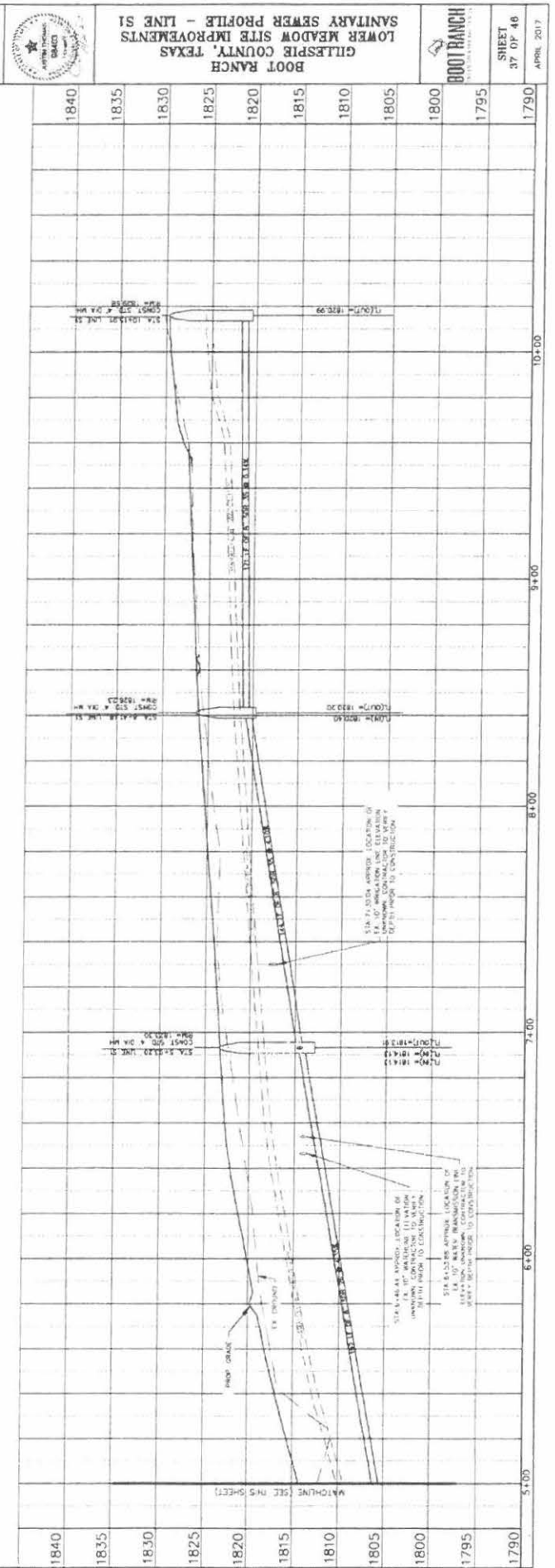
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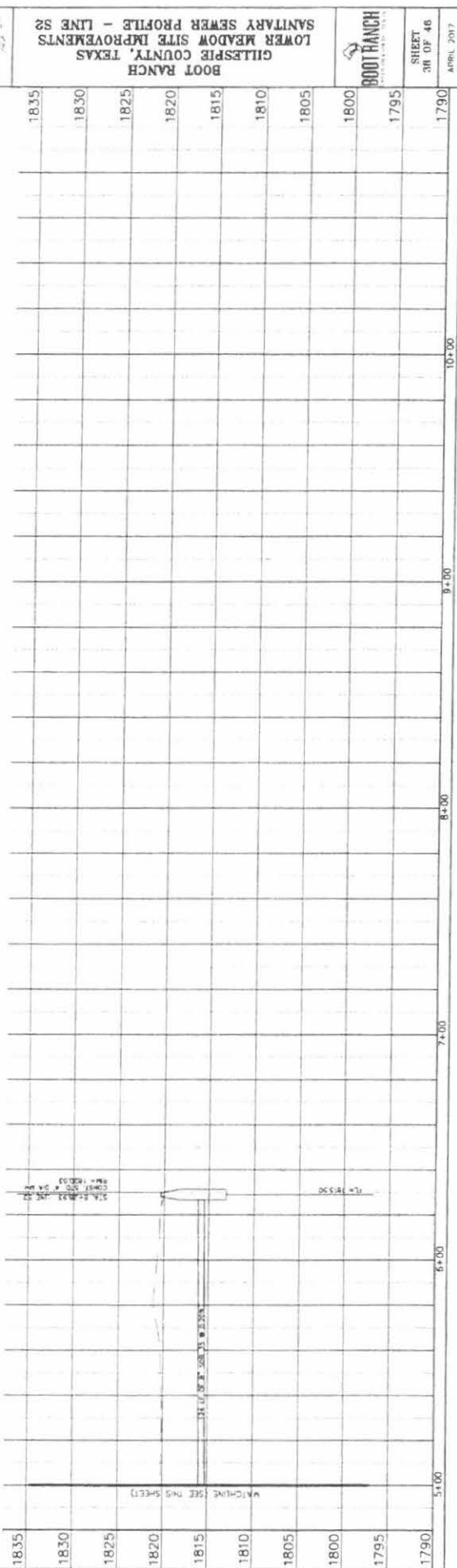
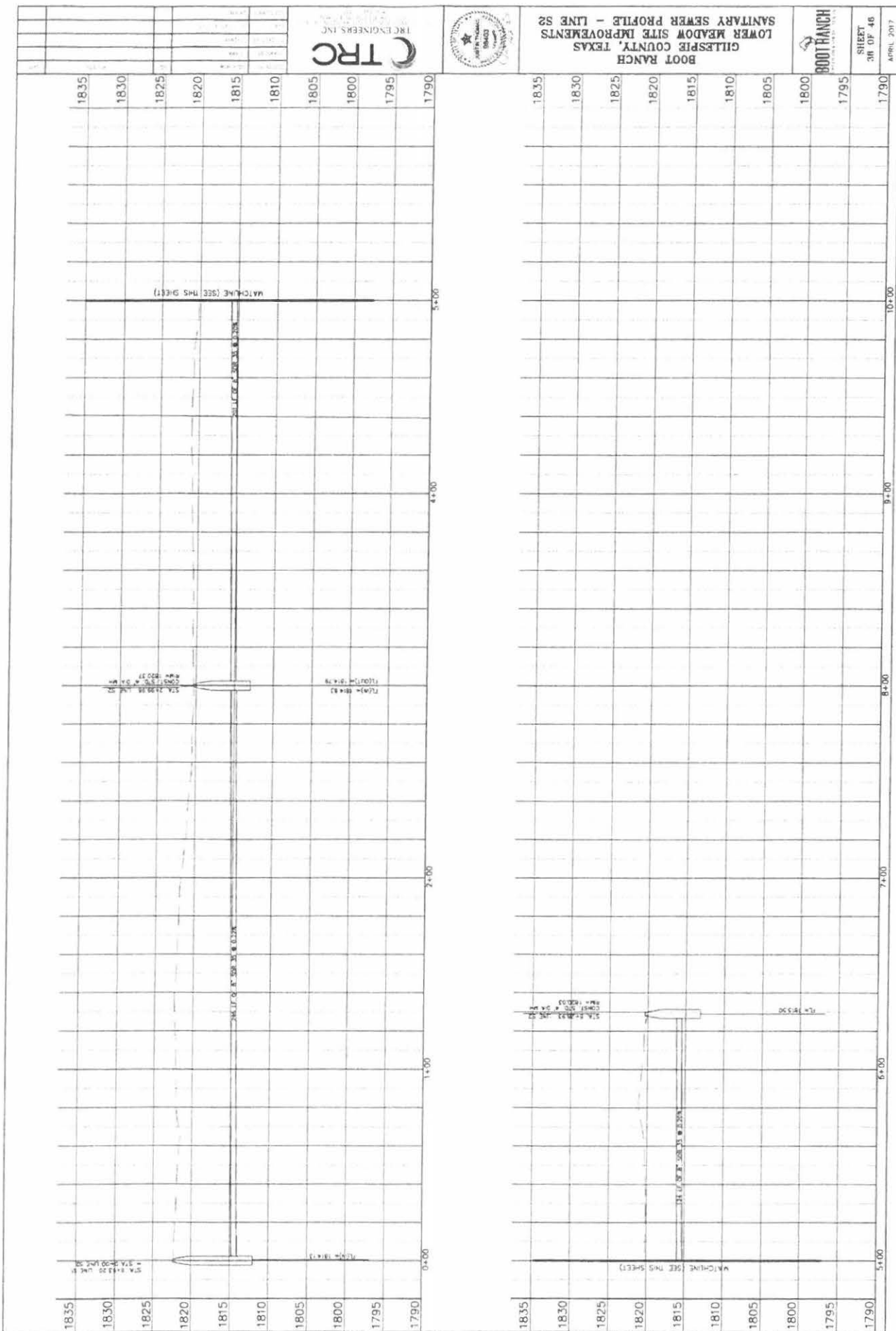


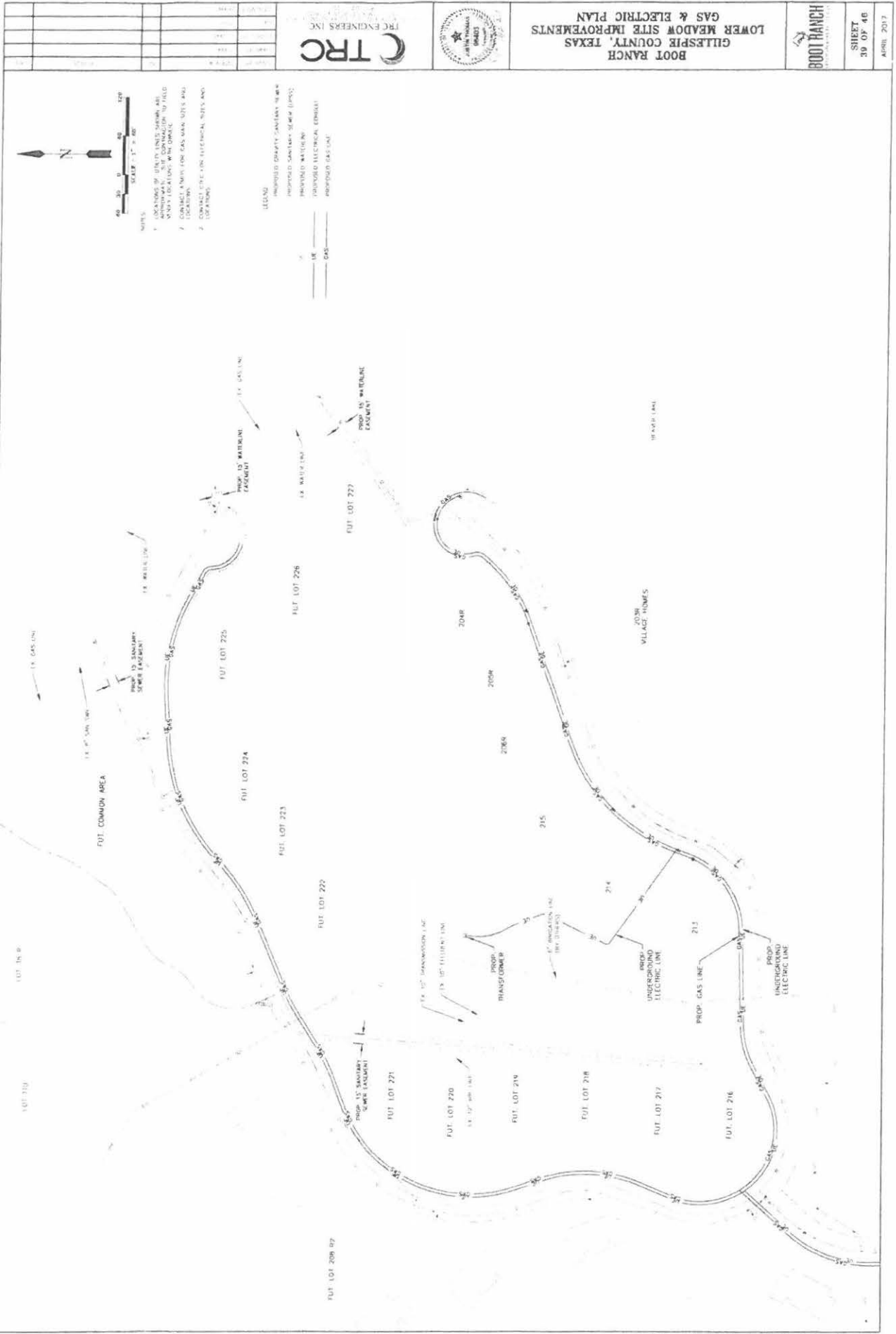
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BOOT RANCH
GILLESPIE COUNTY, TEXAS
LOWER MEADOW SITE IMPROVEMENTS
SANITARY SEWER PROFILE - LINE S1

SHEET
37 OF 46
APRIL 2017





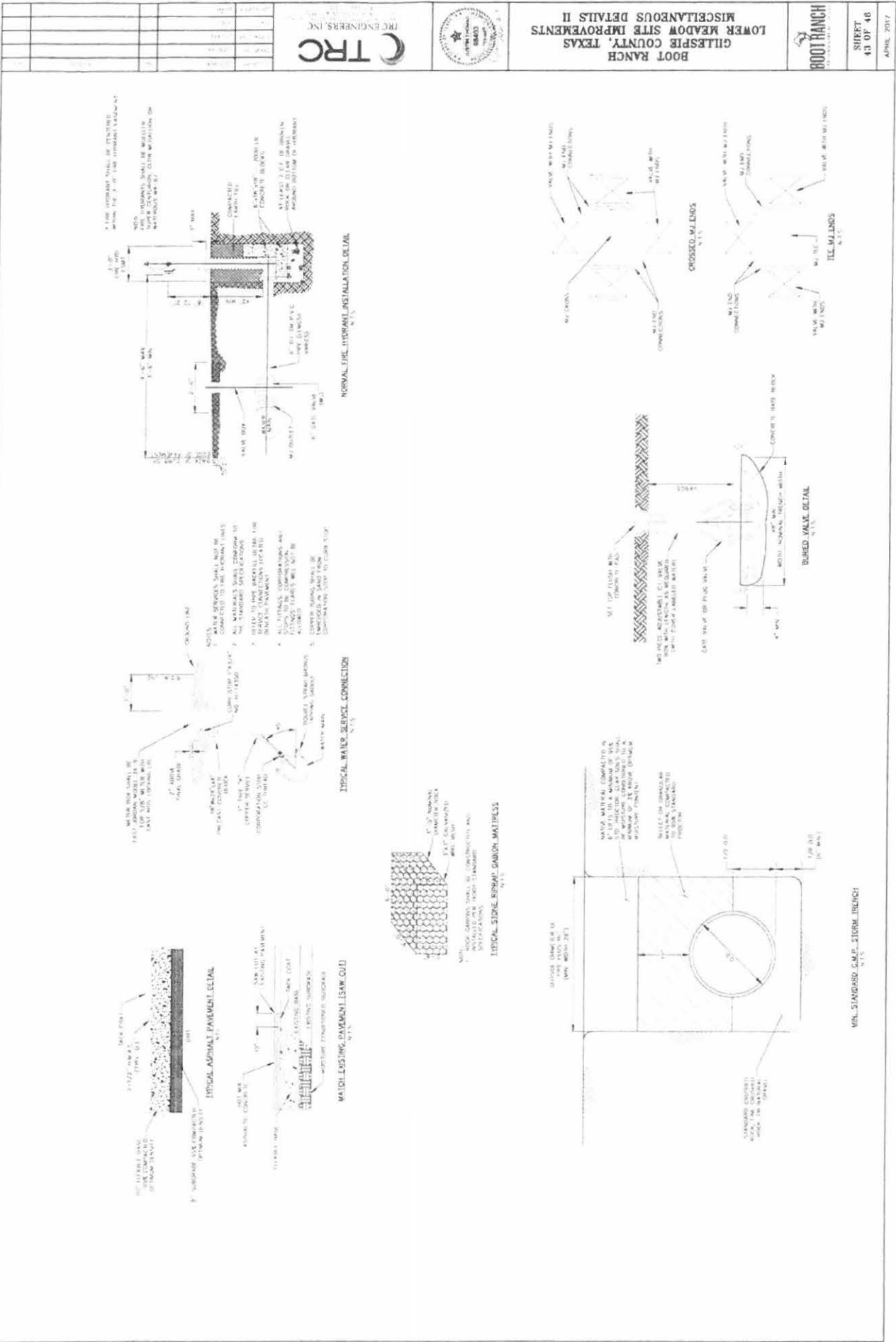
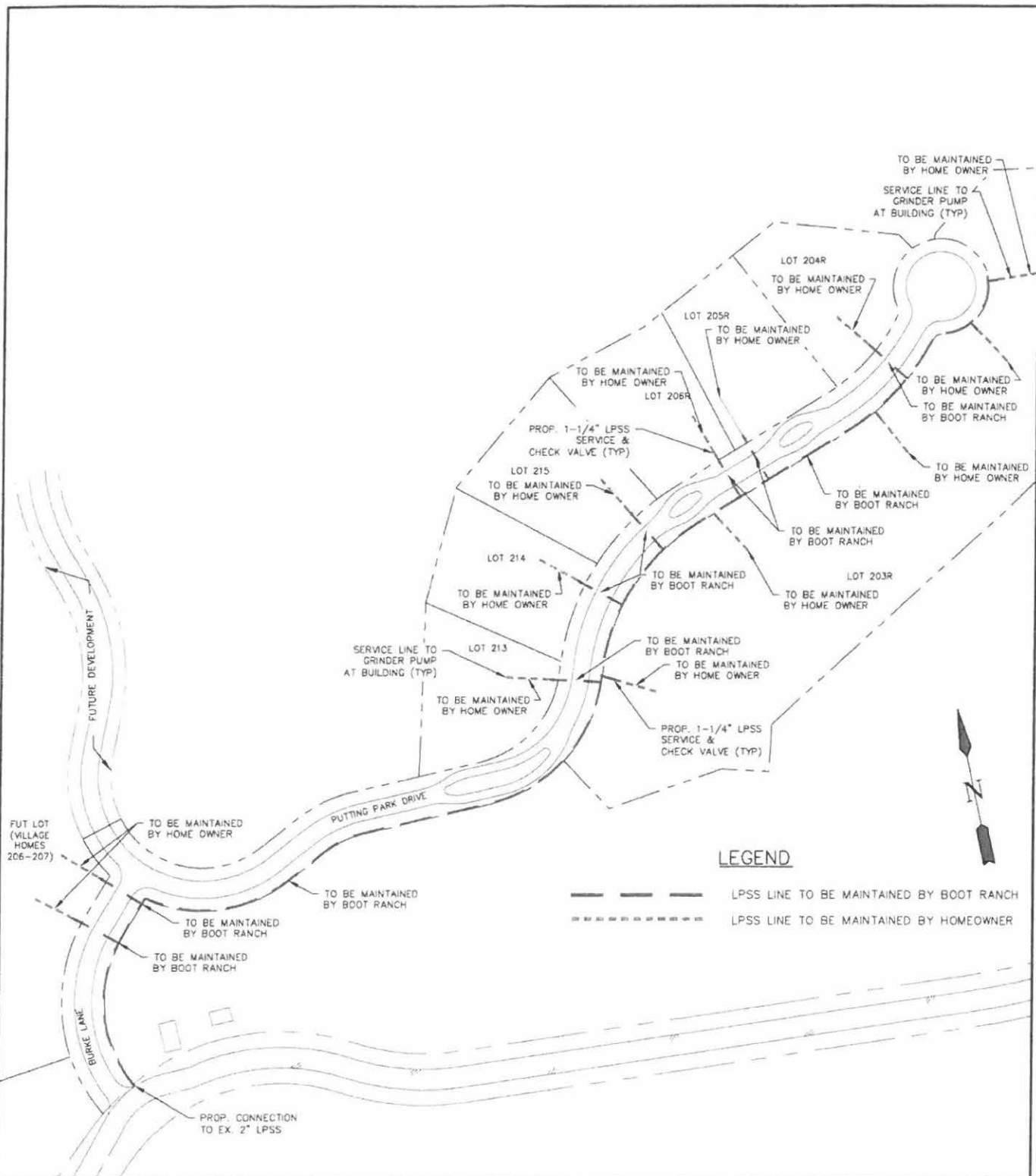


EXHIBIT A-2

Low Pressure Sanitary Service Illustration

[One page attached hereto]

WORK IN PROGRESS/NOT A FINAL DESIGN/LOWER MEADOW PHASE 1 LPSS SERVICE EXHIBIT - 6/23/17



TRC ENGINEERS, INC.
 P.C. - CHANDLER & CO. ST. 212 440-1000, TX 76015
 T.R.P. - P.W. REGISTRATION # 7-8032
 (817) 529 - 1000

LOWER MEADOW PHASE 1
 LPSS SERVICE EXHIBIT
 BOOT RANCH
 GILLESPIE COUNTY, TEXAS

SCALE:

1"=150'

JOB NUMBER:

241446



CITY COUNCIL MEMO

DATE: February 26, 2018

TO: Mayor and City Council

FROM: Anna Hudson, Historic Preservation Officer

SUBJECT: Changes to Chapter 29 Signage Ordinance

Summary:

When reviewing the historic preservation ordinance in 2017 it became evident that signage in the historic district was treated as other commercial corridors without any consideration given to nature of the historic district or how signs are attached to historic structures. The HRB first made a recommendation at its December 2017 meeting for City Council to adopt changes to Chapter 29 Signage ordinance. City Council first considered adoption of changes at their January 15, 2018, meeting. City Council expressed some concern for the limitation of overall signage and number of signs. The HPO subsequently met with Main Street business owners and other city staff to find areas for compromise. The HRB recommended approval of the changes at their February 13, 2018, meeting. The major changes include:

1. Limit number of total signs based on linear business frontage ranging from 3-6 signs.
2. Limit total square footage based on 1 to 1 ratio of linear business frontage to square feet of signage (i.e. business with 50 feet of frontage is allowed 50 sf of signage).
3. Include window signage in permit/review. Window signs not to exceed 25% of glass area.
4. Allow sandwich board "A-frame" signs that do not impede pedestrian traffic.

Recommendation:

Staff recommends approval of the signage ordinance changes. Most municipalities with historic districts have sign regulations that are specific to historic commercial districts. The intent is clear to reduce visual clutter and to respect the architectural value of the downtown commercial corridor.

The City of Fredericksburg

32

Background / Analysis:

The City of Fredericksburg is widely known for its historic architecture and charming Main Street. While businesses have changed along Main Street the historic architecture remains intact and attracts visitors from all over. Many visitors and residents alike have commented that you can tell when you enter the City Limits because of the lack of pole signs and overabundance of competing signs. It's something most people take for granted, but in comparing the aesthetics of Fredericksburg to our neighbors, one of the biggest differences is that Fredericksburg has stricter sign regulations than other towns. Regulating signage is not easy or popular, but the effects are self-evident. Regulating the number of signs, sign height, and sign size, as well as location can help avoid visual clutter and prevent businesses from competing for attention of pedestrians and motorists

Attachments:

1. Ordinance updating Chapter 29
2. Tracked changes from previously proposed changes



Department Approval





City Manager Approval

The City of Fredericksburg

33

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING SECTION 29-7, SUBSECTION (7) – HISTORIC DISTRICT, AND AMENDING SECTION 29-5, SUBSECTION 13, OF CHAPTER 29 - SIGNS - OF THE CODE OF ORDINANCES, ESTABLISHING ADDITIONAL REGULATIONS FOR SIGNS IN THE HISTORIC DISTRICT AND UPON HISTORIC LANDMARKS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS:

Section 1. That, SECTION 29-7, Subsection (7) – entitled Historic District, of Chapter 29 - SIGNS, of the Code of Ordinances, is hereby deleted and replaced in its entirety as follows:

Sec. 29-7 (7). - Historic District and Historic Landmarks.

- a) **Specific Regulations.** In addition to the general regulations provided for in this Chapter 29, all signs erected within a historic district or on a historic landmark shall be pre-approved by the historic preservation officer and comply with the specific regulations contained in this Subsection 29-7(7).
- i) **Design Guidelines.** In considering whether to recommend approval or disapproval of an application to construct, erect, or alter a sign in a historic district or on a historic landmark, the following design guidelines shall be considered by the historic preservation officer:
 - a. Respect the Historic Context - New signs should complement, rather than compete with, the character of a historic building and the surrounding district. Not all allowed signage types are appropriate to individual historic districts or landmarks. Therefore, careful consideration should be given to historic context, building forms, and site layout when selecting, designing, and reviewing new signage. Appropriate uses for individual signage types are addressed in this Subsection, as applicable.
 - b. Encourage a Visually Interesting Streetscape Free of Clutter - Signs have the ability to create a visually pleasing streetscape as well as improve pedestrian and traffic safety; however, they can also be distracting if not designed properly. Consider the overall number, type, and design of signs used on individual buildings and along the streetscape to ensure new signs respect the historic surroundings and do not result in visual clutter.

- c. Reinforce the Pedestrian Oriented Nature of Commercial Uses - Signage was historically most prevalent in areas and on buildings that were used for commercial purposes. Regardless of the location or building type, signage should be designed and scaled with pedestrians in mind.
 - d. Signs should respect and respond to the environment and landmark or district character in which constructed.
 - e. Special consideration may be given to the character or inherently historic characteristics of a proposed sign which may fall outside of the design guidelines presented herein, but which would contribute to the historic district, landmark or area for which it is being proposed.
- ii) **Design Standards.** In considering whether to recommend approval or disapproval of an application to construct or alter a sign in a historic district or landmark, the following standards shall be considered by the historic preservation officer in addition to any design guidelines herein:
- a. Primary sign design considerations shall be identification and legibility. Size, scale, height, color and location of signs shall be harmonious with, and properly related to, the overall character of the district and structure. Sign materials shall be compatible with that of the building facade. Highly reflective materials are not permitted.
 - b. Sign width and height must be in proportion to the facade, respecting the size, scale and mass of the facade, building height, and rhythms and sizes of window and door openings. The building facade shall be considered as part of an overall sign program but the sign shall be subordinate to the overall building composition. Additionally, signs shall respect and respond to the character and/or period of the area in which they are being placed.
 - c. All graphic elements shall reinforce the architectural integrity of any building. Signs shall not disfigure, damage, mar, alter, or conceal architectural features or details and shall be limited to sizes that are in scale with the architecture and the streetscape.
 - d. Signs may be illuminated, provided all illumination is steady and stationary. Neon lighting may be permitted when used as an integral architectural element or artwork appropriate to the site. If internal illumination is used, it shall be designed to be subordinate to the overall building composition. Light fixtures shall reflect the design period of the building on which they are placed. The use of ambient light from storefront or streetlights is encouraged.
 - e. Signs for multi-tenant buildings must complement existing signage with regards to size, number, placement and design, unless such existing signage is

not in conformity with regulations in this Chapter. It is recommended that the building owner or their agent develop a master signage plan or signage guidelines for the total building or property. If a property has an approved master signage plan on file with the historic preservation officer, then applications for signage may be approved administratively provided that they comply with such master signage plan.

b) Number and Size of Signs.

- i) The total number of signs erected or displayed shall comply with the following table:

Linear Feet (LF) of Building Frontage	Total Allowable Number of Signs Erected Or Displayed
≤ 40 LF	shall not exceed three (3) signs per business location
> 40 LF and ≤ 55 LF	shall not exceed four (4) signs per business location
> 55 LF and ≤ 70 LF	shall not exceed five (5) signs per business location
> 70 LF	shall not exceed six (6) signs per business location

- ii) The total sign area of all of signs erected or displayed per business location shall not exceed 1 square foot of sign area for each linear foot of building frontage, but in no case shall total sign area of all of signs erected or displayed exceed eighty (80) square feet per business location.
- iii) Signs with more than one sign face, including but not limited to double-faced signs, back-to-back signs, or overhanging signs, shall be counted as one (1) sign.
- iv) For the purposes of this Subsection 29-7(7), building frontage shall be defined as the linear width of the ground floor storefront of a business, as measured in a single straight line parallel to any public streets abutting the building.
- v) The area of a sign shall be computed on the actual area of the sign. Sign area shall be calculated as the area within a parallelogram, triangle, circle, semicircle or other regular geometric figure that includes all letters, figures, graphics or other elements of the sign, together with the framework or background of the sign. In computing the area for signs with more than one sign face, including but not limited to double-faced signs, back-to-back signs, or overhanging signs, only the largest sign face of the sign shall be included in computing the actual area of the sign.

- a. The supporting framework of the sign shall not be included in determining sign area unless such supporting framework forms an integral part of the sign display, as determined by the historic preservation officer.
 - b. If the sign is located on a decorative fence or wall, when such fence or wall otherwise complies with all City ordinances or regulations and is clearly incidental to the display itself, the fence or wall shall not be included in the sign area.
- c) **Window signs.**
- i) For the purposes of this Subsection 29-7(7), a Window Sign is defined as any sign that is applied, painted, or affixed to a window, or otherwise placed inside a window within two (2) feet of the glass, facing the outside of the building and visible from the outside of the building. Customary displays of merchandise or objects, placed inside a window and visible from the outside of the building, are not a Window Sign.
 - ii) Window Signs shall not be included in computing the total number of signs under Subsection 29-7(7)(b)(i).
 - iii) Window Signs shall not be included in computing the total sign area under Subsection 29-7(7)(b)(ii).
 - iv) The total Window Sign area of all Window Signs applied, painted, affixed to, or otherwise placed inside a window shall not exceed 25% of the Total Window Area.
 - a. The Window Sign area shall be calculated as the area within a parallelogram, triangle, circle, semicircle or other regular geometric figure that includes all letters, figures, graphics or other elements of the Window Sign.
 - b. The Total Window Area shall be calculated as the actual area of all glass portions of all windows in the ground floor storefront of a business.
- d) **Sandwich Boards.** Notwithstanding any other provisions of this Chapter 29, sandwich board signs are not prohibited within a historic district or on a historic landmark. Sandwich board signs shall be excluded in computing both the total number of signs under Subsection 29-7(7)(b)(i) and the total sign area under Subsection 29-7(7)(b)(ii). Sandwich board means a free standing, portable, A-frame or single panel double sided sign designed for placement on the ground in front of the place of business, which is no larger than two (2) feet wide and three (3) feet tall when extended. Sandwich board signs shall remain clear of any pedestrian pathway and shall not interfere with pedestrian traffic.

- e) **Prohibited Signs.** The following signs are prohibited within a historic district or on a historic landmark:
- i) Any sign placed upon a building, object, site, or structure in any manner so as to disfigure, damage, or conceal any window opening, door, wall, masonry, or significant architectural feature or detail of any building.
 - ii) Any non-contributing sign which is abandoned or damaged beyond fifty (50) percent of its replacement value, including parts of old or unused signs and remnants such as supports, brackets and braces.
 - iii) Channel letters.
 - iv) Notwithstanding the above, signs designated as a contributing sign or structure by the historic preservation officer shall not be prohibited unless or until such designation is revoked.

{End of code text}

Section 2. That, SECTION 29-5, Subsection (13) – addressing window signs, of Chapter 29 - SIGNS, of the Code of Ordinances, is hereby deleted and replaced in its entirety as follows:

- (13) Window signs, excepting window signs erected within a historic district or upon property designated as a historic landmark.

{End of code text}

Section 3. Severability or Invalidity. If any provision of this ordinance or the application hereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without defeating the purpose or objective of the provisions, and to this end, the provisions of this ordinance are declared to be severable.

Section 4. Repealer. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Effective Date. This ordinance shall be effective on and after the date of passage.

PASSED AND APPROVED on this the ____ day of _____, 20____.

Linda Langerhans, Mayor
City of Fredericksburg, Texas

ATTEST:

Shelley Britton, City Secretary

APPROVED AS TO FORM:

Daniel Jones, City Attorney

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING SECTION 29-7, SUBSECTION (7) – HISTORIC DISTRICT, AND AMENDING SECTION 29-5, SUBSECTION 13, OF CHAPTER 29 - SIGNS - OF THE CODE OF ORDINANCES, ESTABLISHING ADDITIONAL REGULATIONS FOR SIGNS IN THE HISTORIC DISTRICT AND UPON HISTORIC LANDMARKS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS:

Section 1. That, SECTION 29-7, Subsection (7) – entitled Historic District, of Chapter 29 - SIGNS, of the Code of Ordinances, is hereby deleted and replaced in its entirety as follows:

Sec. 29-7 (7). - Historic District and Historic Landmarks.

- a) **Specific Regulations.** In addition to the general regulations provided for in this Chapter 29, all signs erected within a historic district or on a historic landmark shall be pre-approved by the historic preservation officer and comply with the specific regulations contained in this Subsection 29-7(7).
- i) **Design Guidelines.** In considering whether to recommend approval or disapproval of an application to construct, erect, or alter a sign in a historic district or on a historic landmark, the following design guidelines shall be considered by the historic preservation officer:
 - a. Respect the Historic Context - New signs should complement, rather than compete with, the character of a historic building and the surrounding district. Not all allowed signage types are appropriate to individual historic districts or landmarks. Therefore, careful consideration should be given to historic context, building forms, and site layout when selecting, designing, and reviewing new signage. Appropriate uses for individual signage types are addressed in this Subsection, as applicable.
 - b. Encourage a Visually Interesting Streetscape Free of Clutter - Signs have the ability to create a visually pleasing streetscape as well as improve pedestrian and traffic safety; however, they can also be distracting if not designed properly. Consider the overall number, type, and design of signs used on individual buildings and along the streetscape to ensure new signs respect the historic surroundings and do not result in visual clutter.

- c. Reinforce the Pedestrian Oriented Nature of Commercial Uses - Signage was historically most prevalent in areas and on buildings that were used for commercial purposes. Regardless of the location or building type, signage should be designed and scaled with pedestrians in mind.
 - d. Signs should respect and respond to the environment and landmark or district character in which constructed.
 - e. Special consideration may be given to the character or inherently historic characteristics of a proposed sign which may fall outside of the design guidelines presented herein, but which would contribute to the historic district, landmark or area for which it is being proposed.
-

ii) **Design Standards.** In considering whether to recommend approval or disapproval of an application to construct or alter a sign in a historic district or landmark, the following standards shall be considered by the historic preservation officer in addition to any design guidelines herein:

- a. Primary sign design considerations shall be identification and legibility. Size, scale, height, color and location of signs shall be harmonious with, and properly related to, the overall character of the district and structure. Sign materials shall be compatible with that of the building facade. Highly reflective materials are not permitted.
- b. Sign width and height must be in proportion to the facade, respecting the size, scale and mass of the facade, building height, and rhythms and sizes of window and door openings. The building facade shall be considered as part of an overall sign program but the sign shall be subordinate to the overall building composition. Additionally, signs shall respect and respond to the character and/or period of the area in which they are being placed.
- c. All graphic elements shall reinforce the architectural integrity of any building. Signs shall not disfigure, damage, mar, alter, or conceal architectural features or details and shall be limited to sizes that are in scale with the architecture and the streetscape.
- d. Signs may be illuminated, provided all illumination is steady and stationary. Neon lighting may be permitted when used as an integral architectural element or artwork appropriate to the site. If internal illumination is used, it shall be designed to be subordinate to the overall building composition. Light fixtures shall reflect the design period of the building on which they are placed. The use of ambient light from storefront or streetlights is encouraged.
- e. Signs for multi-tenant buildings must complement existing signage with regards to size, number, placement and design, unless such existing signage is

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b) **Number and Size of Signs.**

- i) ~~The total number of signs erected or displayed shall not exceed three (3) signs per business location.~~ comply with the following table:

<u>Linear Feet (LF) of Building Frontage</u>	<u>Total Allowable Number of Signs Erected Or Displayed</u>
<u>≤40 LF</u>	<u>shall not exceed three (3) signs per business location</u>
<u>>40 LF and ≤55 LF</u>	<u>shall not exceed four (4) signs per business location</u>
<u>>55 LF and ≤ 70 LF</u>	<u>shall not exceed five (5) signs per business location</u>
<u>>70 LF</u>	<u>shall not exceed six (6) signs per business location</u>

- ~~i) Signs with more than one sign face, including but not limited to double faced signs, back to back signs, or overhanging signs, shall be counted as one (1) sign.~~
- ii) The total sign area of all of signs erected or displayed per business location shall not exceed 1 square foot of sign area for each linear foot of building frontage, but in no case shall total sign area of all of signs erected or displayed exceed ~~forty~~ (40) eighty (80) square feet per business location.
- ~~iii) Signs with more than one sign face, including but not limited to double-faced signs, back-to-back signs, or overhanging signs, shall be counted as one (1) sign.~~
- ~~iii)iv)~~ iv) For the purposes of this Subsection 29-7(7), building frontage shall be defined as the linear width of the ground floor storefront of a business, as measured in a single straight line parallel to any public streets abutting the building.
- ~~iv)v)~~ v) The area of a sign shall be computed on the actual area of the sign. Sign area shall be calculated as the area within a parallelogram, triangle, circle, semicircle or other regular geometric figure that includes all letters, figures, graphics or other elements of the sign, together with the framework or background of the sign. In computing the area for signs with more than one sign face, including but not limited to double-faced signs, back-to-back signs, or overhanging signs, only the

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- a. The supporting framework of the sign shall not be included in determining sign area unless such supporting framework forms an integral part of the sign display, as determined by the historic preservation officer.
- b. If the sign is located on a decorative fence or wall, when such fence or wall otherwise complies with all City ordinances or regulations and is clearly incidental to the display itself, the fence or wall shall not be included in the sign area.

c) **Window signs.**

- i) For the purposes of this Subsection 29-7(7), a Window Sign is defined as any sign that is applied, painted, or affixed to a window, or otherwise placed inside a window within ~~three (3)~~^{two (2)} feet of the glass, facing the outside of the building and visible from the outside of the building. Customary displays of merchandise or objects, placed inside a window and visible from the outside of the building, are not a Window Sign.
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- iii) Window Signs shall not be included in computing the total sign area under Subsection 29-7(7)(b)(ii).
- iv) The total Window Sign area of all Window Signs applied, painted, affixed to, or otherwise placed inside a window shall not exceed 25% of the Total Window Area. ~~The total Window Sign area of all Window Signs applied, painted, affixed to, or otherwise placed inside a window shall not exceed forty (40) square feet per business location.~~
 - a. The Window Sign area shall be calculated as the area within a parallelogram, triangle, circle, semicircle or other regular geometric figure that includes all letters, figures, graphics or other elements of the Window Sign.
 - b. The Total Window Area shall be calculated as the actual area of all glass portions of all windows in the ground floor storefront of a business.

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Section 4. Repealer. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Effective Date. This ordinance shall be effective on and after the date of passage.

PASSED AND APPROVED on this the ____ day of _____, 20____.

Linda Langerhans, Mayor
City of Fredericksburg, Texas

ATTEST:

Shelley Britton, City Secretary

APPROVED AS TO FORM:

Daniel Jones, City Attorney



CITY COUNCIL MEMO

DATE: March 5, 2018

TO: Mayor and City Council

FROM: Garret Bonn, P.E., CFM - Assistant City Engineer

SUBJECT: Friendship Lane Phase I Mill and Overlay Project Construction Contract Award

Summary:

Receive construction bids for the Friendship Lane Phase I Mill and Overlay Project.

Recommendation:

City staff recommends award of the construction contract including alternate A1 (10% Contingency) in the total amount of \$211,812.98 to Asphalt Inc., dba Lone Star Paving.

Background / Analysis:

The Friendship Lane Phase I Mill and Overlay Project is a FY 2018 Capital Improvement Project with an approved budget amount of \$425,000. The project includes a 1-1/2" mill and overlay (hot mix asphalt) of Friendship Lane from S. Washington (US 87S) to Eagle St. The project will address asphalt deterioration and failures along Friendship Lane that would continue to worsen and could lead to failure of the roadway if not addressed, requiring a more costly full reconstruction project. Phase I is the first of a proposed three phase plan to address these issues on the entire length of Friendship Lane from US 290E to SH 16S. In preparation for the project, the City's Street Department has repaired known areas of concern with the aid of the asphalt zipper milling machine to allow the contractor to complete the work in a timely manner and to ensure the project remains within budget.

The City of Fredericksburg

Restoration of all pavement markings and raised pavement markers, base repair, traffic control, and erosion control is included in the base bid. The bid documents also include alternates such as contingency (10%) to address unforeseen issues during the construction process and alternative paving materials. The contract documents include 45 calendar days for substantial completion of the project and 60 calendar days for final completion with liquidated damages set at \$500 per day.

After public advertisement, seven (7) secure bids were received at the bid opening on January 24, 2018. Asphalt, Inc., dba Lone Star Paving submitted the low bid, including alternates. The bid has been reviewed by City staff and has been found to be complete and competitive.

The following table provides a summary of the recommended base bid and alternate for the project:

Contractor	Base Bid	Alt A1 – 10% Contingency	Recommended Total Bid Award Amount
Asphalt Inc., dba Lone Star Paving	\$192,557.25	\$19,255.73	\$211,812.98

A copy of the project map and bid opening form is attached for your reference.

Attachments:

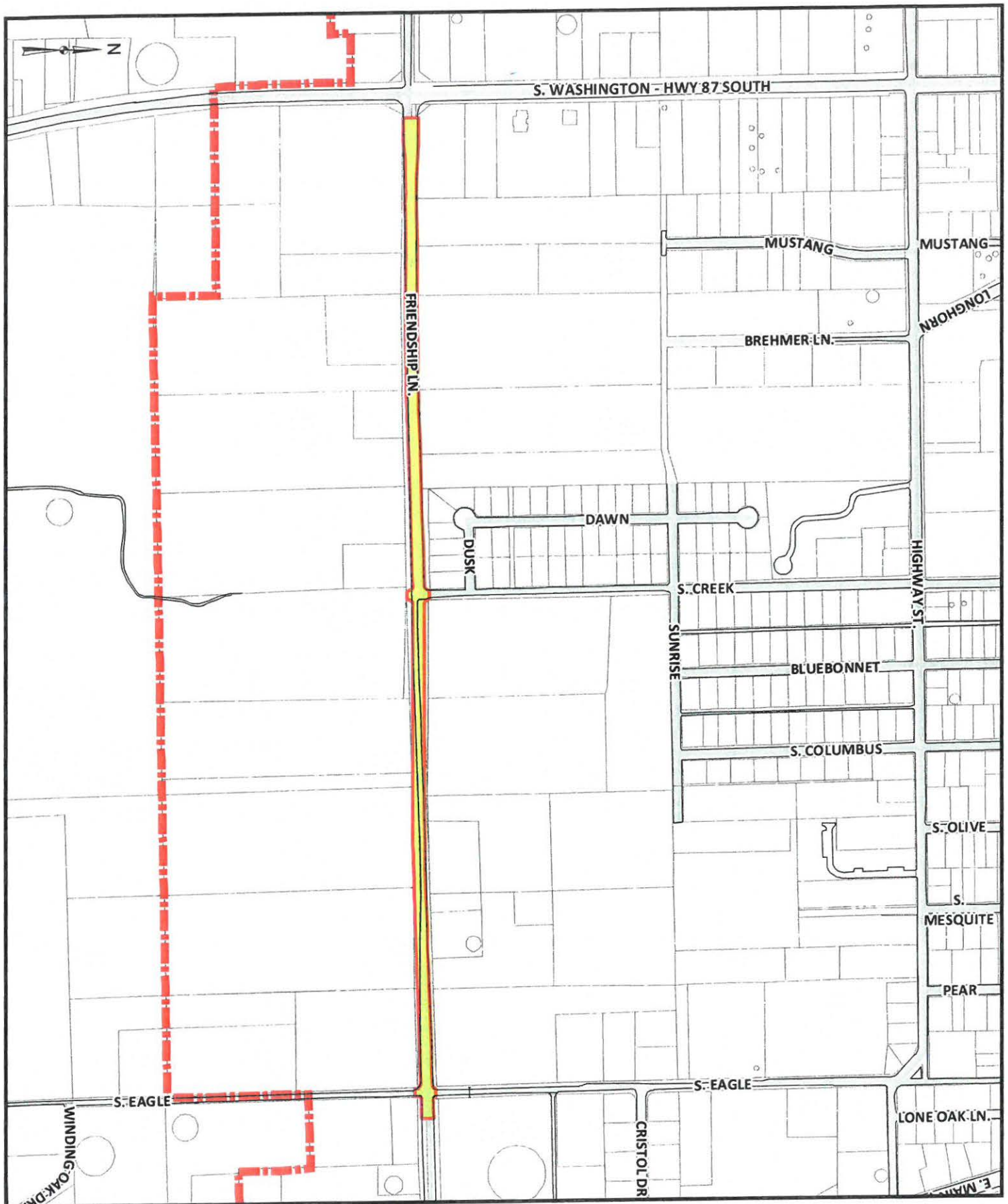
Project Map
Bid Opening Form


Department Approval


City Manager Approval

The City of Fredericksburg

47.



Friendship Lane Reconstruction Phase 1 - Project Area

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BID OPENING FORM
City of Fredericksburg - Friendship Lane Phase I Mill & Overlay Project
1/24/18 2:00:00 PM

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Contractor	Bid Bond	Acknowledgement of Addenda	Total Base Bid Amount	Alt A1 - 10% Cont.	Alt A2 - Add/Deduct HMA PG64-22 in place of PG70-22	Alt A3 - Add/Deduct Prime (Tack) Coat CSS-1H in place of SS-1H
Hayden Paving	Yes	Yes	\$ 291,450.30	NB	\$ 4,455.00	\$ (485.75)
Angel Brothers Enterprises	Yes	Yes	\$ 269,314.85	\$ 26,931.48	\$ (3,960.00)	\$ -
Clark Construction of Texas	Yes	Yes	\$ 298,251.42	\$ 29,825.14	\$ (7,920.00)	\$ -
Allen Keller Co.	Yes	Yes	\$ 254,180.86	\$ 25,418.00	\$ (14,355.00)	\$ -
Ray Faris, Inc.	Yes	Yes	\$ 274,870.02	\$ 27,487.00	\$ (7,920.00)	\$ -
Alpha Paving Industries	Yes	Yes	\$ 273,510.70	\$ 27,351.07	\$ 3,960.00	\$ (1,943.00)
Asphalt Inc., LLC; dba Lone Star Paving	Yes	Yes	\$ 192,557.25	\$ 19,255.73	\$ (4,950.00)	\$ -



CITY COUNCIL MEMO

DATE: February 27,, 2018

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: Funding for Retail Strategy Study

Summary:

The CVB and EDC have requested that the City help fund the costs to conduct a Retail Strategy Study to determine the types of retail businesses that we need to attract to our community.

Recommendation:

It is recommended that the City Council approve a maximum of \$9,500 to partner with the EDC and CVB on the Retail Strategy Study to be conducted by Retail Coach based in Dripping Springs.

Background / Analysis:

As indicated in the attached request from Tim Lehmberg, the EDC Board has voted to spend up to \$10,000 on a retail strategy study. Also, the CVB has budgeted \$20,000 for this study. They are requesting that the City be a funding partner at a cost not to exceed \$9,500. The benefits of the study are outlined in the attached request.

As you likely know, a lot of our retail dollars are leaked to other communities. Although we don't necessarily want to attract big box retail establishments, there are some additional retailers that we might want to attract to make sure that more of our dollars are spent on a local basis. This study will help identify what retailers we might be able to attract based upon demographic and psychographic

The City of Fredericksburg

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data that Retail Coach will collect and present in their report. Other aspects of this study are included in the attached proposal from Retail Coach.

This is currently an unbudgeted expense and the costs would have to be included in our budget as an amendment during the mid-year budget process. Sources of funding could include excess sales tax revenues or savings from other projects such as the Friendship Lane street improvements.

Aaron Farmer from Retail Coach will attend Monday's Council meeting to present additional information on his company and what this report will accomplish. Both Aaron and Tim Lehmberg will be available for any questions.

Attachments:

Memo from Tim Lehmberg
Retail Strategy Proposal from Retail Coach


Department Approval


City Manager Approval

The City of Fredericksburg

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CITY COUNCIL MEMORANDUM

DATE: February 19, 2018

TO: Mayor and City Council

FROM: Tim Lehmborg

SUBJECT: Partial funding for The Retail Coach strategy proposal

Summary:

At their meeting on January 19th the EDC Board voted to contribute up to \$10,000 toward the retail strategy proposal, subject to the City of Fredericksburg funding the remaining balance not covered by the CVB and EDC. The Fredericksburg CVB has budgeted \$20,000 for the initiative. The balance of funding that we are requesting the City provide would be up to \$9,500 which would include the standard reimbursable expenses noted in the proposal.

Background:

On October 18, 2016, Kent Myers and I met with Aaron Farmer, Vice-President of The Retail Coach organization. The Retail Coach is a national retail consulting, market research and development firm, based in Tupelo, Mississippi, that provides retail recruitment and development strategies for local governments and economic development organizations. Kent had met Mr. Farmer at a TML event and suggested that we all meet. On October 28, 2016, The Retail Coach provided us with a Retail Strategy proposal, a copy of which is attached. They prefer to define their proposals as strategies versus studies because studies have a tendency to get put on a shelf somewhere and not implemented.

We put the proposal on hold at that point because of various other more pressing initiatives plus the need to find the requisite funding. I continued to communicate with Mr. Farmer on a regular basis as he lives in Dripping Springs, is a big fan of Fredericksburg, and visits here on a regular basis. Since that time Kent, Ernie and I have each participated in webinars that The Retail Coach hosts on a regular basis.

Ernie and I believe that the proposed study is needed and is a bigger priority that it may have been a year ago. Benefits from the report would include:

- A determination of what our retail trade area is along with demographic and psychographic information on who is shopping here and specifically where. The Retail Coach has been collecting data in Fredericksburg for several years using geofencing and cell phone analysis.

- A leakage/gap analysis based off that that trade area which looks at 85 different retail (and restaurant) sectors. Specifically, it will tell us what kinds of items area residents are leaving town to purchase or are buying online. This will help us answer the common question of “what does Fredericksburg need” and may help existing retailers determine how to modify their product mix to capture sales that are currently leaving town.
- Identify specific retailers and restaurants that are not here that would be a good fit for our market. The Retail Coach does business nationally and sees unique types of businesses that we would never be aware of. Their proposal includes one year of marketing and recruiting. Every two weeks they will provide us with an update of the recruitment efforts they have made on behalf of Fredericksburg.
- Help us maximize our retail potential for existing locations plus new development that is certain to occur. We know that 40,000 square feet of retail space is being planned as part of the hotel/conference center project. In addition, I am aware that a 5.63 acre tract on East Main has been purchased for retail/restaurant development. The Retail Coach could provide valuable assistance in targeting the appropriate users for such new developments.
- There has been significant discussion in the Business Visioning Committee and the associated Retail Subcommittee about how retail is changing and the challenges associated with that business segment. On November 1, 2017, Aaron Farmer made a presentation to the Business Visioning Committee which was very well received. Committee members seem to be in agreement regarding the need for a retail strategy and believe that such a program would be the appropriate first step.
- As part of the contract, Mr. Farmer will make one or more presentations to local retailers and other interested parties upon completion of their report.

Should the City agree to provide the requested balance of funding, Ernie and I are prepared to move this initiative forward immediately. The process would start with Mr. Farmer and other members of his team coming to Fredericksburg and meeting with stakeholders to confirm what we want to achieve from this process. They seem to be pretty flexible in being able to tailor the strategy to fit our needs. In addition, representatives from their firm will meet with and gather input from selected existing retailers. I really believe that the City of Fredericksburg stands to benefit most from this effort, namely in the form of enhanced sales tax revenue. Council’s favorable consideration of this request would be appreciated.

Respectfully submitted,

Tim Lehmberg
Executive Director



RETAIL STRATEGY

FREDERICKSBURG, TEXAS

OCTOBER 28, 2016





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C. KELLY COFER, CCIM
PRESIDENT & CEO, THE RETAIL COACH, LLC



Firm Profile

For more than 16 years, The Retail Coach (TRC) has been the “go-to firm” for municipalities, economic development organizations, chambers of commerce, real estate developers, and retailers seeking practiced advice on retail strategy, property development, property redevelopment, and urban revitalization.

As the first transaction-oriented retail real estate advisory firm in the nation—with experience in more than 400 communities and repeat assignments with over 88 percent of them—we provide tailored, end-to-end retail economic development strategies for clients.

Our success lies in our unique private-sector perspectives and experiences—that of a retailer and a retail real estate practitioner. These unique abilities and insights are based on knowledge gained from working as a national site selector in the corporate real estate department for an NYSE-traded national retailer and as a real estate broker representing retailers with programmed market analyses and site selection.

Our Retail:360[®] Process approach is tailored to each client’s specific needs, goals, and opportunities, and includes the following phases:

- Metro Research
- Community Core Analysis
- Marketing & Branding
- GIST Site Mapping Platform
- Retailer Recruitment
- Action Plan
- Developer Recruitment
- Supportive Retail Coaching to ensure clients gain a competitive edge in the marketplace
- Urban Revitalization

Our experiences and strategies have assisted in the leasing, selling, development, and redevelopment of millions of square feet of freestanding, urban, strip center, mixed-use, and mall projects throughout the United States.

LEADERSHIP TEAM

C. KELLY COFER, CCIM PRESIDENT & CEO
More than 30 years experience in retail real estate and economic development
Extensive experience in market research and site selection
Guest speaker for national industry organizations
Earned prestigious Certified Commercial Investment Member (CCIM) award
Attended Economic Development Institute at University of Oklahoma
Holds Bachelor of Science degree from Texas A&M University
SCOTT EMISON DIRECTOR - RETAIL STRATEGY
Expertise in architecture, site planning, and business development
Seven years experience in project management
Five years experience in marketing strategy
Graduated Cum Laude with Bachelor's degree in Architecture from Mississippi State University
Holds Urban Planning Certification from MSU Gulf Coast Community Design Studio
Previously served on Downtown Tupelo Main Street Association Committee

AARON FARMER SENIOR VICE PRESIDENT - RETAIL STRATEGY
Marketing degree from Mays Business School at Texas A&M University
MBA from Texas A&M University
Experience in market research and retail development
Has worked with leading retailers such as FedEx, Kinkos, Adidas, and the National American Association of Subway Franchises
BRYCE LONDON DIRECTOR - RETAIL STRATEGY
Bachelor of Science in Industrial Distribution from Texas A&M University
MBA from Mays Business School at Texas A&M University
Seven years technical professional experience
Awarded Western Hemisphere- Upsell award for Enhancer 923 national rollout representing \$100M in new product sales
Business Leadership Development I & II at Center for Executive Development at Texas A&M University, Mays Business School

TJ MICHELIC DIRECTOR - OPERATIONS
Experienced in public speaking and public relations
Noted history of community involvement
Former director of Madron Services, Inc.
Experienced in organizational training
Received Bachelor's degree from University of the Southwest in Hobbs, New Mexico
SUZANNE BROOKE DIRECTOR - MARKETING
More than 20 years of marketing experience
Bachelor of Arts in Communication with a minor in marketing from University of Texas
Extensive consulting experience
Former director of communications for one of the largest real estate trade associations in the nation
NANCY DEES DIRECTOR - FINANCE
Extensive management experience
Directs all administrative functions at The Retail Coach
Experienced retail buyer and store inventory control manager
Accounting experience benefiting leading American retailers

MADDIN McCORD PROJECT MANAGER - RETAIL STRATEGY
Bachelor of Arts in Communication Studies from Clemson University
Studied abroad at University of Otago in Dunedin, New Zealand
Worked as English teacher in Puerto Varas, Chile
Managed Pure Barre in Aspen, Colorado
Quality Monitoring Professional at Yodel, Inc. in Austin, Texas
KIMBERLY ALLRED PROJECT MANAGER - RETAIL STRATEGY
Graduated cum laude from the University of Mississippi
Bachelor's degree in International Studies and Spanish
Student of Croft Institute for International Studies and a member of the Sally McDonnell Barksdale Honors College
Career experience in political campaign scheduling, finance and business consulting
Retail management experience with the iconic retail brand Anthropologie

Scope of Services



PHASE 1: METRO RESEARCH

TRC will perform extensive market research to evaluate the metro area and local economy. Using a “macro to micro” approach, economic, and competitive forces that may impact the community’s retail strategy will be analyzed. We will gather market-specific data to identify competition, potential customer bases, and retail brand opportunities.

1.1 | ANALYZING COMPETITIVE MARKET AREAS

A community must have a clear understanding of the competitive nature of retail recruitment. The community that secures the retail will receive the eventual benefits of increased sales tax revenues and improved quality of life.

Monitoring what is occurring in competing market areas is essential. What are their advantages? What are their challenges? Are they experiencing significant growth or a shift in their demographic base? What are their current retail offerings? Before analyzing the Fredericksburg community, TRC will look at competing communities to:

- Identify economic and market forces that may have a direct and significant impact on retail recruitment and retail development in Fredericksburg.
- Document and evaluate primary national and regional retail brands.
- Create demographic profiles.
- Identify development trends and challenges that may provide Fredericksburg a competitive recruitment advantage.
- Assess retail recruitment incentive programs.

1.2 | ANALYZING THE COMMUNITY

A community, regardless of size, is composed of multiple retail districts.

Each retail district has its own, unique retail trade area and related retail opportunity based on several different factors: retail trade area population served, demographic profile of consumers in the trade area, and road systems serving the district. Some districts have a regional consumer draw, while others may only serve a specific neighborhood within the community. To determine and analyze retail districts, TRC will:

- Tour primary and secondary traffic corridors to evaluate development and redevelopment potential based on an investigation of access, streetscapes, neighborhoods, zoning, topography, and other pertinent factors.
- Document regional and national retail brands.
- Identify, confirm, and map each retail district.
- For each district, identify community and economic development issues.
- For each district, document real estate sites suited for new development and redevelopment.
- For each district, document major retail vacancies.

1.3 | STAKEHOLDER DISCUSSIONS

Community leadership and stakeholder buy-in is key to the strategy. Stakeholders who are not “in on it” may be “down on it.” Buy-in is best accomplished through individual and group meetings.

Discussing the strategy and timelines with public and private stakeholders is a part of our process. Stakeholders may include city staff and representatives, community leaders, real estate brokers, retail developers, property owners, and owners of independent businesses. By gathering stakeholder input, TRC will gain a more comprehensive view of the community’s opportunities and possible challenges.



PHASE 2: COMMUNITY CORE ANALYSIS

2.1 | DETERMINING RETAIL TRADE AREAS

The retail trade area is the foundation of the strategy, and its accuracy is critical. The retail trade area is the geographical area from which a community's retail derive a majority of their business. To best confirm a community's retail trade area, we will execute the following strategic steps:

Mobile Data for Location Decisions

TRC will utilize mobile location technology that analyzes location and behavioral data collected from mobile devices to determine consumer visits to Fredericksburg and its retail districts. This high-confidence data is used to verify retail trade areas and validate retail site selection and expansion decisions.

Discussions with Retailers

TRC will interview national and regional retailers, seeking input on their business performance and, most importantly, where consumers are traveling from—based on point-of-sale data. No one knows the travel and shopping behavior of consumers better than the retailers themselves. This point-of-sale data is significantly more accurate than computer-generated estimates of radial and drive-time populations.

Retail Trade Area Mapping

TRC will delineate a boundary map of the retail trade area using mobile data collected and retailer interviews.

Retail Trade Area Mapping Using Driving Times

TRC will delineate a boundary map of the retail trade area using three (3) unique drive times—areas from which a consumer can reach the community or retail site within designated commute times.

2.2 | DEMOGRAPHIC PROFILING

A community must be able to instantaneously provide information and data sets sought by retailers during the site selection process. The data must be accurate, current, and readily available.

The Retail Coach will create comprehensive 2010 Census, 2016, and 2021 demographic profiles for the retail trade area, Fredericksburg community, and appropriate drive times. The profile includes the following characteristics:

- Population and projected population growth
- Population growth trends
- Ethnicities
- Average and median household incomes
- Median age
- Households and household growth
- Educational attainment

2.3 | PSYCHOGRAPHIC PROFILING

As retail site selection has evolved from an art to a science, psychographic lifestyle segmentation has become an essential element of retailers' preferred location criteria. Understanding a consumer's propensity to purchase certain retail goods and services—as well as specific retail brands—is valuable to national, regional, and independent retailers.

Understanding consumer behavior and their retail purchasing habits eliminates risk for retailers to make site decisions. Based on the market segmentation system developed by ESRI, TRC will develop a Tapestry Segmentation profile of the households in the retail trade area by using the most advanced socioeconomic and demographic data to:

- Measure consumer attitudes, values, lifestyles, and purchasing behaviors to understand the categories and brands of retailers that may be of interest.
- Graph lifestyle classifications, highlight dominant lifestyle segments, and provide comprehensive definitions of lifestyle segments.
- Rank lifestyle segments and categorize them by summary group, segment code, and segment name.

2.5 | DETERMINING THE DAYTIME POPULATION

The workplace population or labor market area is important to quick-serve and casual dining restaurants that rely heavily on lunch business.

A community's labor market may be confined to city boundaries, or it may include areas of employment outside the boundaries. TRC will provide an employment summary report detailing the total number of establishments, by industry, and employee counts within the designated labor market area. This report will provide insight into the "work here" population versus the "live here" population.

2.6 | IDENTIFYING RETAIL GAPS

A retail gap analysis will determine the level of retail demand for a designated retail trade area. The analysis computes the retail potential of the retail trade area and then compares it to estimated actual sales in the community. The difference is either a leakage, where consumers are traveling outside the community for certain retail goods and services, or a surplus, where consumers are traveling from outside the community for certain retail goods and services. TRC will perform a retail gap analysis to calculate the approximate flow of retail dollars in and out of Fredericksburg. The retail gap analysis will:

- Identify retail sales surpluses and leakages for more than 88 retail categories.
- Distinguish retail categories with the highest prospect for success and quantify their retail potential.
- Develop and provide summary tables and graphs of each retail category, illustrating potential sales versus estimated actual sales.

2.7 | IDENTIFYING & MARKETING RETAIL SITES

Retailers are interested not only in the market data on your community, but also in evaluating all available sites that fit their site selection criteria and location preferences. A community must create and maintain a database of prime available properties along with accurate and current marketing information.

TRC will identify five prime retail sites to market. Selection criteria will be based on the essential factors of regional and national retailers' site selection criteria, including location and character of the area, retail trade area population, traffic and traffic patterns, visibility, adequate parking, available signage, and safety.

2.8 | IDENTIFYING RETAIL DEVELOPMENT & REDEVELOPMENT OPPORTUNITIES

TRC's strategy will reveal new development and redevelopment opportunities in the community.



TRC will analyze five sites and recommend their highest and best uses. Sites to be analyzed will be approved in advance by Fredericksburg staff. Recommendations of higher uses will be made in the context of economic conditions, the vision of the community and its stakeholders, and optimal financial impact. Site criteria includes:

- Existing market conditions
- Retail trade area population
- Traffic counts
- Site-line visibility from major and secondary traffic arteries
- Ingress/egress for primary and secondary traffic arteries
- Existence of median cuts or possibilities
- Traffic signal existence or possibilities
- Site characteristics and topography
- Current zoning
- Proximity to "anchor" retailer/retail clusters
- Workplace population

2.9 | RECOMMENDATIONS FOR ECONOMIC AND COMMUNITY DEVELOPMENT

Retailers tend to locate where their investment is the most secure. By looking at your community from their perspective, we provide specifics that lead to retail recruitment and development success.

TRC has differentiated itself within the industry by creating recommendations and next steps that are unique to each community. Because successful community development precedes successful economic development, we look at your community through the "eyes of a retailer" to deliver a retail strategy that includes specific recommendations for community and economic development.



PHASE 3: MARKETING + BRANDING

The most critical step in attracting targeted retailers is providing accurate and current site-specific information to corporate site selectors, real estate brokers and developers.

3.1 | RETAIL MARKET PROFILE

TRC will develop a retail market profile tailored to the specific needs of targeted retailers' essential location criteria. The profile serves as a community introduction and includes:

- Retail trade area map
- Location map
- Traffic count map
- Demographic profile summary
- Appropriate logo and contact information

3.2 | RETAIL FEASIBILITY PACKAGES

TRC will create a retailer-specific retailer feasibility package to address retailers' essential location criteria. The feasibility package includes:

- Community overview
- Real estate sites
- Location map
- Retail trade area map
- Existing retailer aerial map
- Retailer location map
- Retail trade area demographic profile summary
- Retail gap analysis summary table
- Retail trade area psychographic profile
- Retail trade area demographic profile
- Community demographic profile
- Area traffic generators
- Retail site profiles
- GIS interactive maps
- Appropriate logo and contact information

TRC will create an online community dashboard, which is available at www.theretailcoach.net, for visual presentation and easy downloading of marketing information and data sets.

3.3 | RETAIL SITE PROFILES

TRC will create a retail site profile for each identified site with current site-specific information, including:

- Location
- Aerial photographs
- Site plan
- Demographic profile
- Property size and dimensions
- Traffic count
- Appropriate contact information

3.4 | REAL ESTATE DEVELOPER OPPORTUNITY PACKAGE

TRC will create a developer opportunity package for development and redevelopment sites that are identified and analyzed. The package will profile each site based on real estate developers' site selection criteria. The developer package includes:

- Community overview
- Location map
- Retail trade area
- Demographic trends
- Aerial imagery
- Traffic counts
- Site-line visibility from major and secondary traffic arteries
- Ingress/egress for primary and secondary traffic arteries
- Median cuts or possibilities
- Traffic signal existence or possibilities
- Site characteristics and topography
- Appropriate zoning
- Area retail
- Residential clustering and support
- Proximity to "anchor" retailers
- Top employers



- Workplace population
- Potential retail tenants

TRC will also upload the developer opportunity package to the online community dashboard at www.theretailcoach.net.

3.5 | RETAIL CONFERENCES

TRC will represent Fredericksburg and market its real estate sites to retailers and real estate developers at retail industry conferences attended.



PHASE 4: GIST DATA PLATFORM

4.1 | SITE MAPPING

As an accredited ESRI Partner, TRC is able to deliver concise, easy-to-access data for the Fredericksburg community, along with the preloaded 5 prime sites and the 5 new development and redevelopment sites we will be marketing to retailers and developers (Sections 2.7 and 2.8). Considering retail site selectors do much of their research while in hotel rooms and in airports, this is a great advantage to Fredericksburg. Unique GIST maps and data can be hosted as a stand-alone application on your iPad or embedded within your community's website for "touch of a button" universal usage by retailers, developers, real estate brokers, and existing retailers in Fredericksburg.

GIST is a powerful platform that streamlines sites and data into one interactive and centralized location. Demographic, socioeconomic, psychographic, and retail spending layers are detailed down to the block level. With customizable layers to meet the needs of each individual user, real estate brokers, site selectors, and developers can see a community's potential like never before. Each user-friendly map includes clickable layers revealing:

- Median household income
- Population density
- Population growth
- Psychographic lifestyle segmentation
- Ethnicity median home value
- Median age



PHASE 5: RETAILER RECRUITMENT PLAN

5.1 | RECRUITMENT OF RETAILERS

TRC is the first national retail real estate advisory firm to introduce retail recruitment for communities. Sixteen years and more than 400 projects later, the recruitment of retailers remains one of the primary metrics of success.

While accurate and current data are necessary, one of the most important components of a retail strategy is proactive recruitment. Since recruitment is a process, not an event, TRC team is actively engaged in recruitment efforts over a 12-month period to ensure success.

Our recruitment process includes the following steps:

Step 1: Identification of Retail Prospects

TRC must target retail brands that are a good “fit” for the community which means the retail trade area population, disposable incomes, ethnicities, ages, and education levels should meet the retailers’ ideal location criteria.

TRC will identify regional and national retailers whose essential location criteria fit within findings from the metro analysis, community core analysis, retail trade area demographic and psychographic profiles, and retail gap analysis. These retailers will be matched with the specific real estate sites identified.

TRC team will review a preliminary target list with Fredericksburg staff and work together to prepare a final target list of 25 retailers for recruitment.

Step 2: Recruitment

- Introductory emails and retail market profiles are sent to each targeted retailer.
- Personal telephone calls are placed to measure interest level.
- Personal emails and retailer feasibility packages are sent to each targeted retailer.
- Personal emails and retail site profiles for prime sites are sent to the appropriate targeted retailer.
- Personal emails are sent to inform targeted retailers of significant market changes.
- A retailer status report is provided with each retailer’s complete contact information and comments resulting from recruitment activities.
- Personal emails are sent to decision makers once per quarter to continue to seek responses regarding their interest level.

A retailer status report is provided with retailer responses resulting from our continued recruitment activities.



PHASE 6: DEVELOPER RECRUITMENT PLAN

6.1 | RECRUITMENT OF REAL ESTATE DEVELOPERS

Much of recruitment success comes from establishing a network of national retail developers over the past 16 years.

Developer networking and developer recruitment have become key components in a community's retail recruitment and development success. Retailers have specific property requirements based on their site location criteria. A mid- to high-tier retailer might show interest in a community; however, there may not be sufficient ready-to-lease properties matching their needs and brand requirements. Relationships with developers are important in these situations to capitalize on retailer interest and opportunity.

Step 1: Identification of Developer Prospects

Identify 20 retail real estate developers active in the Region and the United States.

Step 2: Recruitment

- Introductory emails and developer opportunity packages are sent to developers.
- Personal telephone calls are placed to measure interest level.
- Personal emails are sent to inform developers of the status of interested retailers and any significant community changes.
- A developer status report is provided with each developer's complete contact information and comments resulting from recruitment activities.



PHASE 7: ACTION PLAN

7.1 | NEXT STEPS

Once the retail strategy has been completed, a detailed "road map" to implementing the strategies and recommendations becomes just as important.

The retail strategy includes specific community and economic development recommendations for Fredericksburg gained through our research and analysis. The strategy and recommendations are combined with more than 30 years of experience serving more than 400 clients throughout the U.S. to create an action plan.

By looking at Fredericksburg through the eyes of a retailer and real estate developer, we will provide a "next step" plan that ensures the momentum set in motion during each completed phase of this project.

From simply keeping community data current, to conducting special marketing programs and participating in retail conferences, the action plan will be a logical, feasible, and cost-effective approach to achieving your retail recruitment and development goals.



PHASE 8: RETAIL COACHING

8.1 | RETAIL COACHING

Because retail recruitment is a process, not an event, TRC partners with Fredericksburg on a long-term basis. TRC team will be available when you have questions, new ideas, need access to GIS mapping, or just want to brainstorm with someone who understands your opportunities as your community grows and develops.

It is critical you continue the recruitment process with the most current data and statistics available to capture these positive changes. In this regard, consider TRC both a sounding board and an experienced resource. We will be available via email and telephone at no additional charge in an off-site advisory capacity for the entirety of the 12-month agreement.

This approach is unique to TRC, and it will contribute to ensuring your community will achieve its retail recruitment and development goals.

8.2 | EXISTING BUSINESS SEMINAR

The Retail Coach will hold a seminar to explain how and why the use of the Retail Economic Development Plan information is important and how local business can use this information to expand their business and/or open a new business.

Project Expectations

1 | PROJECT REPORTING

The Retail Coach will utilize a reporting process to provide written or electronic project updates on a bimonthly basis.

2 | COMMUNITY TRIPS

TRC team will make a minimum of three site visits to Fredericksburg during the project.

3 | PROJECT TIMELINE & PRICING

TRC team is available to begin this work immediately upon agreement of terms. The project period is 12 months and Phases 1-3 will be completed within 120 business days. A project timeline will be submitted to staff at the kickoff meeting, indicating trip details and potential delivery dates.

4 | PROJECT PRICING

Project Fees

The total fee for completion of this work is \$38,000 payable in three installments:

- a) \$15,000 upon execution of the agreement;
- b) \$15,000 upon 90 days;
- c) \$8,000 upon 180 days.

Project fees are payable within 30 days after receipt of the invoice.

Should Fredericksburg request a special assignment or additional work not specifically referenced in the contract, TRC will prepare a written authorization to be signed by Fredericksburg in advance of commencing any additional work.

Reimbursable Project Expenses

It is estimated that reimbursable expenses will be approximately \$1,500. Reimbursable expenses include:

- a) All travel costs;
- b) Cost of special renderings and maps, if any;

Cost of copies for reports and maps/drawings; and

- c) Cost of shipping expenses, if any.

Project expenses are payable within 30 days after receipt of the expense invoice.

TRC will provide the following deliverables on a flash drive.

Deliverables

TRC has found that communities must have accurate, current information at their fingertips and be able to respond to the requests of corporate retail site selectors, real estate brokers, and developers instantaneously. To enable communities to better meet these demands, we provide select reports in a package format, which includes cover page, appropriate logo and contact information, and sourcing.

PHASE 1: METRO ANALYSIS

- Competing community retailer maps
- Competing community demographic profiles
- Competing community incentive outline
- Retail district map
- Retail district retailer maps
- Stakeholder discussion summary
- Retailer discussion summary

PHASE 2: COMMUNITY CORE ANALYSIS

- Retail trade area map with demographic profile (historical/current/projected)
- Drive time retail trade area maps with demographic profiles (historical/current/projected)
- Fredericksburg community demographic profile (historical/current/projected)
- Retail trade area psychographic profile, including dominant lifestyle segmentations
- Daytime population summary
- Retail gap analysis, including a summary table showing surpluses and/or leakages
- Land use analysis of five sites along with recommended uses
- Community and economic development observations and recommendations

PHASE 3: MARKETING & BRANDING

- Fredericksburg retail market profile
- 25 retailer-specific feasibility studies
- Five retail site profiles
- GIST interactive site mapping platform
- Developer opportunity package

PHASE 4: GIST DATA PLATFORM

PHASES 5-6: RETAILER & DEVELOPER RECRUITMENT PLAN

- Target list of 25 retailers with contact information
- Retailer status report based on retailer contacts
- Target list of 25 real estate developers with contact information
- Developer status report based on developer outreach

PHASE 7: ACTION PLAN

- Strategy implementation plan

PHASE 8: COACHING

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