



City of Fredericksburg

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

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

Randy Briley, Councilmember
Emily Kirchner, Councilmember
Clinton Bailey, City Manager

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

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

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

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

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

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

NOTE: The Charter Review Committee may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for discussion. An announcement will be made on the basis of the Executive Session discussion. The Charter Review Committee may also publicly discuss any item listed on the agenda for the Executive Session.

Attendance By Other Elected or Appointed Officials: It is anticipated that the Planning & Zoning Commission, Historic Review Board, Charter Review Committee, and Board of Adjustments members may attend the City Council Meeting at the date and time above in numbers that may constitute a quorum. Notice is hereby given that at the City Council Meeting at the date and time above, no Board or Commission action will be taken by such in attendance unless such item and action are specifically provided on a separate agenda posted subject to the Texas Open Meeting Act. This is not an agenda of an official meeting of the City Boards and Commissions, and minutes will not be taken.

1. CALL TO ORDER

2. INVOCATION

Pastor Jimmy Pruitt, Bridge Church, will lead the Invocation

3. PLEDGE OF ALLEGIANCE

4. CEREMONIAL MATTERS/PROCLAMATIONS/EMPLOYEE RECOGNITION

A. Hill Country Night Sky Month Proclamation

5. COUNCIL COMMENTS

6. CONSENT

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

- A. Consider approval of City Council Minutes for the following meetings (Shelley Goodwin, City Secretary):
 - i. September 13, 2023, Special Meeting
 - ii. September 19, 2023, Regular Meeting
- B. Consider the approval of street closure requests for (1) N. Crockett Street from Austin Street to Travis Street, (2) W. Schubert (eastbound lane only) from Crockett Street to Adams Street, and (3) N. Adams Street (southbound lane only) from Schubert Street to Austin Street; from 5:30 p.m. to 8:45 p.m., on both Friday and Saturday, December 8 & 9, 2023, for the Christmas Journey event hosted by Bethany Lutheran Church (Jennifer Krupa, Assistant Director of Parks and Recreation//Special Events Coordinator).

7. ORDINANCES, RESOLUTIONS AND PUBLIC HEARINGS

- A. Consider the proposed amendments to the Zoning Municipal Ordinances as part of the City of Fredericksburg Code of Ordinances regarding Short-Term Rentals (#Z-2318) (Anna Hudson, Director of Development Services)
 - i. Presentation by Staff
 - ii. Discussion by City Council
 - iii. Hold a Public Hearing to receive comments for or against Request Z-2318
 - iv. Consider the approval of Ordinance 2023-18, repealing Section 5.401, "Additional Requirements for Short-Term Rental Uses," of Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code; amending Section 2.100, "Definitions," of Appendix B, "Zoning Ordinance," by revising definitions related to Short-Term Rentals; adding a new Article VII, "Short-Term Rentals," to Chapter 20, "Offenses And Miscellaneous Provisions," to provide for the regulation and permitting of Short-Term Rentals; creating a new Section 4.400, "General Regulations for Short-Term Rentals," in Appendix B, "Zoning Ordinance," to provide for zoning regulations related to Short-Term Rentals;

amending Section 5.500, "Board of Adjustment," of Appendix B, "Zoning Ordinance," to authorize the Board of Adjustment to grant Special Exceptions related to Short-Term Rentals; amending miscellaneous provisions in Appendix B, "Zoning Ordinance," to ensure consistency with the amendments herein; providing this Ordinance shall be cumulative; providing a severability clause; providing a penalty for violation; providing a savings clause; providing for publication in the official newspaper; and providing an effective date

- B. Consider approval of Resolution 2023-14R approving the Assignment of an Annexation Agreement, Dated September 4, 2018, to FBRG Hospitality Developers, LP (Garret Bonn, Asst. City Manager)
- C. Consider the approval of Resolution 2023-15R nominating candidates for the Board of Directors of the Gillespie Central Appraisal District for the 2024-2025 term (Clinton Bailey, City Manager) (This item will be considered after the Executive Session)

8. OTHER ACTION ITEMS AND UPDATES

- A. Consider the approval of a Construction Contract Award for the S. Llano Shared Use Bridge & Ufer St. Sidewalk Project (Garret Bonn, Asst. City Manager)
- B. Continued discussion regarding the need for affordable housing (Mayor Hoover)
- C. Consider and discuss the phasing out of the Administrative Adjudication Process (Shelley Becker, Municipal Judge/Mick McKamie, City Attorney)

9. CITY MANAGER'S REPORT

- A. Upcoming Work Sessions
- B. Update on recent Town Hall Meeting

10. ITEMS FOR FUTURE AGENDA

- A. Review the Future Agenda Spreadsheet

11. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section 551.074 (Personnel Matters):

- A. Consider and discuss the appointment, evaluation, reassignment, duties, or dismissal of a public officer, specifically the nominations of members of the Gillespie Central Appraisal District Board of Directors (Section 551.074)

12. BUSINESS ITEM

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

13. ADJOURN

CERTIFICATION

This is to certify that I, Shelley Goodwin, posted this Agenda at 5:40 p.m. on September 28, 2023, on the bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.

A handwritten signature in blue ink, appearing to read "Shelley Goodwin", is centered on the page.

Shelley Goodwin, TRMC/CMC
City Secretary



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Public Information Office
TO: Mayor & City Council Members
FROM: Lea Feuge, Public Information Officer
MEETING DATE: October 3, 2023

CATEGORY: CEREMONIAL
MATTERS/PROCLAMATIONS/EMPLOYEE
RECOGNITION

CAPTION: Hill Country Night Sky Month Proclamation

PRESENTATION:

SUMMARY:

The City of Fredericksburg obtained its designation as an International Dark Sky Community in 2020, joining the efforts of other communities including the neighboring areas of Horseshoe Bay, Dripping Springs, and Wimberley Valley to preserve the night sky through the implementation and enforcement of a quality outdoor lighting ordinance, dark sky education, and citizen support of dark skies. Dark Sky Communities excel in their efforts to promote responsible lighting and dark sky stewardship, and set good examples for surrounding communities.

The Hill Country Alliance has announced its inaugural, month-long celebration of our region's night skies and the hard work the Hill Country communities have put forth to preserve it.

BACKGROUND:

The City of Fredericksburg encourages citizens to enjoy the night sky and to participate in the City of Fredericksburg, Texas and the Hill Country region's events and programs celebrating the night sky and promoting the ways in which communities are working to preserve it. We also encourage citizens to learn about light pollution and why it matters, night sky friendly lighting, and lighting regulations, and to implement practices and lighting improvements that will reduce light pollution, thereby preserving our night skies.

By proclaiming October as "Hill Country Night Sky Month," the City of Fredericksburg will continue to show its support for the Dark Sky initiative and encourage our citizens and visitors to do their part to preserve our night sky for generations to come.

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

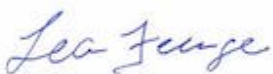
City of Fredericksburg Staff along with the support of the Hill Country Alliance recommend designating October as Hill Country Night Sky Month.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

ATTACHMENTS:

1. CoF - 2023 Proclamation - Hill Country Night Sky Month - October

APPROVAL/REVIEW:

Lea Feuge, Public Information Officer

Date: September 25, 2023



Krista Wareham, Director of Finance

Date: September 25, 2023

Date: September 25, 2023

William McKamie, City Attorney

Shelley Goodwin, City Secretary

Date: September 26, 2023



Clinton Bailey, City Manager

Date: September 28, 2023



PROCLAMATION

WHEREAS, the aesthetic beauty and wonder of star-filled skies are the heritage of all humankind and locally to the inhabitants of the City of Fredericksburg, Texas, and are therefore worthy of celebration; and

WHEREAS, the experience of standing beneath a star-filled night sky inspires feelings of wonder and awe and may encourage interest in science and nature, especially among young peoples; and

WHEREAS, the opportunity to view star-filled skies attracts tourists to our region and, therefore economic benefit to the City of Fredericksburg, Texas; and

WHEREAS, “light pollution,” which is wasted light that performs no function or task, and artificial light that goes where it is not supposed to go, is created by glare, light trespass, sky glow, and overlighting; and

WHEREAS, the historical view of the night skies has been eroding in many nearby areas, and generations are growing up with limited, if any, views of the wonders of the universe; and

WHEREAS, the influx of people into the Texas Hill Country region and the accompanying light pollution from area lighting fixtures has been steadily on the rise; and

WHEREAS, solving the problem of light pollution involves making better use of outdoor lighting to direct light down to where it is needed instead of upward into the sky, putting outdoor lights on timers and using outdoor lighting only where necessary; and

WHEREAS, Hill Country communities are increasingly dedicated to the preservation of the region’s night skies, as evidenced by the frequent educational activities conducted in our region and by the increasing number of places in our region recognized as International Dark-Sky Places by the International Dark-Sky Association; and

WHEREAS, this regional effort and the preservation and celebration of our night skies is worthy of a month-long celebration

NOW, THEREFORE, I, Jeryl Hoover, Mayor of the City of Fredericksburg, Texas, in the State of Texas, by virtue of the authority vested in me, do hereby proclaim the month of October 2023 as

Hill Country Night Sky Month

In the City of Fredericksburg encourages citizens to enjoy the night sky and to participate in regional events and programs celebrating the night sky and promoting how communities work to preserve it.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City to be affixed this 3rd day of October 2023.

Jeryl Hoover
Mayor



City of Fredericksburg
CITY COUNCIL SPECIAL MEETING MINUTES
WEDNESDAY, SEPTEMBER 13, 2023 ~ 6:00 p.m.
LADY BIRD JOHNSON GOLF COURSE - CARDINAL ROOM
341 GOLFERS LOOP
FREDERICKSBURG, TEXAS 78624

Members Present:

Mayor Jeryl Hoover
Mayor Pro-Tem Bobby Watson
Councilmember Emily Kirchner
Councilmember Tony Klein
Councilmember Randy Briley

Members Absent:

None

City Staff Present:

Clinton Bailey, City Manager
Garret Bonn, Assistant City Manager
Lynn Bizzell, Fire Chief
Brian Vorauer, Police Chief
Andrea Schmidt, Director of Parks and Recreation
Kris Kneese, Director of Public Works and Utilities
Evan Williamson, Assistant City Engineer
Anna Hudson, Director of Development Services
Justin Calhoun, Emergency Management Coordinator
Krista Wareham, Director of Finance
Eric Whiting, Director of Information Technology
Shelley Becker, Municipal Judge
Tammie Loth, Director of Human Resources
David Jung, EMS Director
Reagan Rabke, Fire Marshal
Darren Eckhardt, HOT/SUT Collections Specialist
Leslie Embrey, Administrative Assistant
Shelley Goodwin, City Secretary

1. CALL TO ORDER

Mayor Hoover called the Work Session Meeting of the Fredericksburg City Council to order at 6:00 p.m. on Wednesday, September 13, 2023. He announced that a quorum had been met.

2. FISCAL YEAR 2023/2024 PROPOSED BUDGET AND 2023 TAX RATE

Clinton Bailey, City Manager, reviewed the process being used tonight.

Krista Wareham, Director of Finance, reviewed the attached PowerPoint.

A. Hold a public hearing to receive comments for or against the proposed 2023 proposed Tax Rate of \$0.181386 per \$100 of value (Voter-Approval Tax Rate)

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Klein, to go out of the Special Meeting and into the Public Hearing at 6:09 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Sharon Dailey, City resident, spoke about property values and Ad Valorem Tax Rate. She encouraged the City Council to adopt a lower tax rate.

Jerry McCorkle, City resident, spoke about the property appraisals tax rate and requested the City Council to lower the tax rate.

Annette Bennette, City resident, spoke about the budget not meeting the economy and encouraged the City Council to adjust according to the inflation. She also encouraged the City Council to reduce the tax rate.

Tonya Benson, City resident, spoke regarding reducing the tax rate. She encouraged the City to make a balanced budget the goal. She also stated the surplus funds belong to the people. She also reviewed several line items that should be reduced.

Jeannette Hormuth, City resident, stated property values increased 33% during inflation. She spoke about the chart she previously provided and managing growth. She also spoke about reducing the budget by 5% every year.

Jules Fewox, City resident, spoke regarding the ripple effect of inflation. She noted that the tax rates also affect businesses, which causes additional increases.

Debra Habecker, City resident, spoke about the struggles people face due to inflation. She encouraged the City Council to adopt a No New Revenue like the County.

MaryLee Marshall, City resident, spoke regarding the effects that the Voter Approval Rate could have on the City Council elections. She encouraged the City Council to adopt the No New Revenue or lower rate.

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

The City Council then moved to Agenda Item 3.

B. FY 2024 Budget discussion on outstanding items

Krista Wareham, Director of Finance, reviewed a PowerPoint presentation with the changes made since the last Budget Work Session.

Clinton Bailey, City Manager, reviewed the Impact Fees.

Garret Bonn, Assistant City Manager, reviewed the Water & Wastewater Capital Project Fund and Grant Funds.

Krista Wareham, Director of Finance, reviewed the fund balance, Intergovernmental Transfers.

Jeannette Hormuth, City resident, spoke regarding the Fund Balance, high estimated expenses, and the effects on the budget.

Clinton Bailey, City Manager, reviewed the process of estimating projects and their timeframes.

He also reviewed the property values and the 3.5% tax cap. Gillespie County has \$8 million in new property coming on the roll, and at the No New Revenue Rate they are still bringing in a large amount of taxes.

The City Council discussed the following:

- General Fund recurring annual expenses; Clarified the General Fund
- Sales Tax projections
- Support Tourism District
- Tourism (STR Tax and Fees on Market Square)
- Finding avenues to take the burden off residents and put more on tourists
- Outstanding items from budget - Food & Wine Festival, leave the \$100,000 in revenue and expenditures

Tim Lemberg, CEO of Gillespie County Economic Development Commission, stated neighborhood communities are starting to trend down. He recommends projecting a flat sales tax.

C. Announcements of the adoption of the FY2024 Budget and 2023 Tax Rate are scheduled for September 19, 2023, at 9:00 a.m. at the Law Enforcement Center

Clinton Bailey, City Manager, announced the upcoming adoption of the FY2024 Budget and the 2023 Tax Rate.

3. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Sections - 551.074 (Personnel Matters):

- A. Consider and discuss the appointment, evaluation, reassignment, and/or duties of a public officer or employee (Municipal Court Employees and the Administrative Hearing Officer) [Section 551.074]**

Motion: A motion was made by Councilmember Kirchner, seconded by Councilmember Watson, to go out of the Special Meeting and into the Executive Session at 6:34 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Kirchner, seconded by Councilmember Watson, to go out of the Executive Session and into the Special Meeting at 6:54 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

4. BUSINESS ITEM

The City Council did not take any action.

5. ADJOURN

With no other business, Mayor Hoover adjourned the September 13, 2023, City Council Special Meeting at 7:42 p.m.

Jeryl Hoover
Mayor

Shelley Goodwin, TRMC/CMC
City Secretary



Public Hearing – September 13, 2023

FY 2024 Proposed Budget (Proposed Property Tax Rate Increase)

Today's Discussion

City of Fredericksburg Public Hearing on Proposed Property Tax Increase

1. *Proposed Tax Rate*
2. *Property Tax Revenue Allocation*
3. *Voter Approval Tax Rate Definition*
4. *Property Tax Rate Calculation*
5. *Property Tax Rate History*
6. *Property Tax Rate Comparison*
7. *Next Steps*

Proposed Tax Rate

- At the Public Hearing on Monday, August 21, City Council set the proposed tax rate for our FY 2024 proposed budget at the Voter Approval Rate of \$.181386.
- City Council can adopt a tax rate that is the same as or less than the proposed tax rate, but not greater than the proposed tax rate.

Property Tax Revenue Allocation

The City of Frederickburg receives approximately 13% of your total tax bill. 58% of your tax dollars go directly to Police, Fire, and Emergency Medical Services.



Voter-Approval Tax Rate

□ Voter-Approval Tax Rate

- The voter-approval tax rate is the highest tax rate that a taxing unit may adopt without holding an election to seek voter approval of the rate. The voter-approval tax rate is split into two separate rates:
 - Maintenance and Operations (M&O) Tax Rate: The M&O portion is the tax rate that is needed to raise the same amount of taxes that the taxing unit levied in the prior year plus the applicable 3 ½ percent allowed by law. This rate accounts for such things as salaries, utilities and day-to-day operations.
 - Debt Rate: The debt rate includes the debt service necessary to pay the taxing unit's debt payments for the coming year. This rate accounts for principal and interest on bonds and other debt secured by property tax revenue.

2023 Property Tax Calculation using the Voter Approval Tax Rate

- ❑ Your taxes can be calculated as follows:
- ❑ $\text{Property Value} \times \text{Tax Rate} / 100$
- ❑ A property valued at \$450,000
- ❑ $\$450,000 \times \$0.181386 / \$100 = \816.24
- ❑ Current property tax rate of \$.195823 = \$881.20
 - ❑ Reduction of \$64.96

Property Tax Calculation

- ❑ Taxes assuming Voter Approval rate of \$0.181386 per \$100
- ❑ 2023 Non Frozen Tax \$5,614,126
- ❑ 2023 Frozen Tax \$965,875
- ❑ 2023 Total Property Taxes \$6,580,001

Property Tax History

PROPERTY TAX HISTORY											
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	
CITY OF FREDERICKSBURG	\$0.2600	\$0.2482	\$0.2313	\$0.2400	\$0.2256	\$0.2256	\$0.227284	\$0.220775	\$0.195823	\$0.195823	
Gillespie County	\$0.3805	\$0.3971	\$0.4147	\$0.4342	\$0.3999	\$0.4081	\$0.4125	\$0.4044	\$0.3577	\$0.3326	
Gillespie WCID	\$0.0002	\$0.0002	\$0.0002	\$0.0002	\$0.0002	\$0.0002	\$0.0002	\$0.0002	\$0.000191	\$0.000184	
Hill Country UWCD	\$0.0080	\$0.0085	\$0.0078	\$0.0078	\$0.0071	\$0.0067	\$0.0062	\$0.0062	\$0.0057	\$0.0051	
Fredericksburg ISD	\$1.1462	\$1.1462	\$1.1462	\$1.1462	\$1.1462	\$1.1462	\$1.0762	\$1.0553	\$0.9782	\$0.9608	
Harper ISD	\$1.0400	\$1.0400	\$1.0400	\$1.0400	\$1.0400	\$1.0400	\$0.9700	\$0.9453	\$0.8720	\$0.8546	
Doss CCSD	\$0.9267	\$0.9267	\$0.9267	\$0.9267	\$0.9267	\$0.9267	\$0.9267	\$0.9537	\$0.8720	\$0.8546	
Stonewall WCID	\$0.3350	\$0.3633	\$0.3550	\$0.3813	\$0.3767	\$0.3767	\$0.3701	\$0.3701	\$0.3500	\$0.3278	
CITY OF FREDERICKSBURG TAX RATE	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	
Maintenance & Operations	\$0.1879	\$0.1992	\$0.1761	\$0.2025	\$0.1627	\$0.1880	\$0.189749	\$0.184625	\$0.168029	\$0.169967	
Interest & Sinking	\$0.0721	\$0.0490	\$0.0552	\$0.0375	\$0.0629	\$0.0376	\$0.037535	\$0.036150	\$0.027794	\$0.025856	
Total Tax Rate	\$0.2600	\$0.2482	\$0.2313	\$0.2400	\$0.2256	\$0.2256	\$0.227284	\$0.220775	\$0.195823	\$0.195823	

2023 Property Tax Rate Comparison

2023 Property Tax Rate Comparison											
Property Value	No New Revenue 0.16518	0.16768	0.17018	0.17268	0.17518	0.1768	0.18018	Last Year's Property Tax Rate 0.195823	Tax Rate Currently in Budget 0.16518	Voter Approval 0.181386	Voter Approval vs No New Revenue
100,000	165.18	167.68	170.18	172.68	175.18	176.80	180.18	195.82	165.18	181.39	16.21
125,000	206.48	209.60	212.73	215.85	218.98	221.00	225.23	244.78	206.48	226.73	20.26
150,000	247.77	251.52	255.27	259.02	262.77	265.20	270.27	293.73	247.77	272.08	24.31
175,000	289.07	293.44	297.82	302.19	306.57	309.40	315.32	342.69	289.07	317.43	28.36
200,000	330.36	335.36	340.36	345.36	350.36	353.60	360.36	391.65	330.36	362.77	32.41
225,000	371.66	377.28	382.91	388.53	394.16	397.80	405.41	440.60	371.66	408.12	36.46
250,000	412.95	419.20	425.45	431.70	437.95	442.00	450.45	489.56	412.95	453.47	40.52
275,000	454.25	461.12	468.00	474.87	481.75	486.20	495.50	538.51	454.25	498.81	44.57
300,000	495.54	503.04	510.54	518.04	525.54	530.40	540.54	587.47	495.54	544.16	48.62
325,000	536.84	544.96	553.09	561.21	569.34	574.60	585.59	636.42	536.84	589.50	52.67
350,000	578.13	586.88	595.63	604.38	613.13	618.80	630.63	685.38	578.13	634.85	56.72
375,000	619.43	628.80	638.18	647.55	656.93	663.00	675.68	734.34	619.43	680.20	60.77
400,000	660.72	670.72	680.72	690.72	700.72	707.20	720.72	783.29	660.72	725.54	64.82
410,979	678.86	689.13	699.40	709.68	719.95	726.61	740.50	804.79	678.86	745.46	66.60
425,000	702.02	712.64	723.27	733.89	744.52	751.40	765.77	832.25	702.02	770.89	68.88
450,000	743.31	754.56	765.81	777.06	788.31	795.60	810.81	881.20	743.31	816.24	72.93
475,000	784.61	796.48	808.36	820.23	832.11	839.80	855.86	930.16	784.61	861.58	76.98
500,000	825.90	838.40	850.90	863.40	875.90	884.00	900.90	979.12	825.90	906.93	81.03
550,000	908.49	922.24	935.99	949.74	963.49	972.40	990.99	1,077.03	908.49	997.62	89.13
600,000	991.08	1,006.08	1,021.08	1,036.08	1,051.08	1,060.80	1,081.08	1,174.94	991.08	1,088.32	97.24
650,000	1,073.67	1,089.92	1,106.17	1,122.42	1,138.67	1,149.20	1,171.17	1,272.85	1,073.67	1,179.01	105.34
700,000	1,156.26	1,173.76	1,191.26	1,208.76	1,226.26	1,237.60	1,261.26	1,370.76	1,156.26	1,269.70	113.44
750,000	1,238.85	1,257.60	1,276.35	1,295.10	1,313.85	1,326.00	1,351.35	1,468.67	1,238.85	1,360.40	121.55
800,000	1,321.44	1,341.44	1,361.44	1,381.44	1,401.44	1,414.40	1,441.44	1,566.58	1,321.44	1,451.09	129.65
850,000	1,404.03	1,425.28	1,446.53	1,467.78	1,489.03	1,502.80	1,531.53	1,664.50	1,404.03	1,541.78	137.75
900,000	1,486.62	1,509.12	1,531.62	1,554.12	1,576.62	1,591.20	1,621.62	1,762.41	1,486.62	1,632.47	145.85
950,000	1,569.21	1,592.96	1,616.71	1,640.46	1,664.21	1,679.60	1,711.71	1,860.32	1,569.21	1,723.17	153.96
1,000,000	1,651.80	1,676.80	1,701.80	1,726.80	1,751.80	1,768.00	1,801.80	1,958.23	1,651.80	1,813.86	162.06

Next Steps

- September 19, 2023 – Council Adopts Budget and Tax Rate Ordinances at the LEC at 9:00 AM)
 - Motions to be included:
 - Adoption of the FY 2024 Budget Ordinance
 - Ratify the Property Tax Revenue Increase reflected in the FY 2024 Budget
 - Adopt the Maintenance & Operations Tax Rate
 - Adopt the Interest & Sinking Fund Tax Rate
 - Adopt the 2023 Tax Rate
 - Adopt the ordinance setting the Ad Valorem Property Tax Rate for the 2023 Tax Year

Conclusion



☐ Questions?

FY 2024 Projected Fund Balance

Fund	Beginning Fund Balance	FY 2024 Revenues	FY 2024 Expenditures	(Decrease) Fund Balance	Ending Fund Balance	3 Months Expenditures	Reserve at FYE 2024
General Fund	\$11,020,332	\$23,646,722	\$27,096,283	(\$3,449,561)	\$7,570,771	\$5,982,214	\$1,588,558
Food and Wine Fest	\$109,026	193,575	196,350	(2,775)	106,251	49,088	\$57,163
Electric	\$1,426,642	14,655,827	14,647,763	8,064	1,434,706	1,353,895	\$80,810
Water	\$10,089,309	9,501,011	16,330,142	(6,829,131)	3,260,178	2,890,111	\$370,067
Golf	\$124,371	142,842	142,842	-	124,371	35,711	\$88,661
Sanitation	\$1,906,018	3,041,300	3,445,029	(403,729)	1,502,289	861,257	\$641,032
EMS	\$107,714	5,628,084	5,628,084	-	107,714	-	\$107,714
Storm Water/Vegetation Mgt	\$561,439	3,258,909	3,547,978	(289,069)	272,370	225,487	\$46,882
Water & Wastewater Capital Project Fund	\$2,521,374	-	-	-	2,521,374	-	\$2,521,374
Debt Service	\$99,820	466,500	462,024	4,476	104,296	-	\$104,296
Tourism	\$3,706,161	6,125,700	6,387,367	(261,667)	3,444,494	1,541,092	\$1,903,402
Emergency Management	\$24,703	323,098	323,097	1	24,704	-	\$24,704
Police Forfeiture	\$14,475	1,040	2,500	(1,460)	13,015	-	\$13,015
Animal Shelter	\$499,221	5,600	365,326	(359,726)	139,495	-	\$139,495
Parks & Recreation Special Revenue	\$26,056	44,030	44,000	30	26,086	-	\$26,086
Hospitalization Insurance	\$1,016,059	2,499,708	2,496,567	3,141	1,019,200	624,142	\$395,058
Totals	\$33,252,718	\$69,533,946	\$81,115,353	(\$11,581,408)	\$21,671,310	\$13,562,995	\$8,108,316

Three month reserve calculations exclude nonrecurring capital requests for FY 2024

FY 2024 Water Fund expenditures include \$4,381,700 of Water projects to be funded with Impact Fees

Impact fee revenues are restricted per state law. Intended for water/sewer infrastructure on new developments, not for existing infrastructure maintenance. Impact fees are collected and transferred to a restricted account on an annual basis.

Fund Balance – General Fund Actuals

General Fund (Historical Actuals):

	2014-15 Actual	2015-16 Actual	2016-17 Actual	2017-18 Actual	2018-19 Actual	2019-20 Actual	2020-21 Actual	2021-22 Actual
REV	\$ 12,166,122	\$ 12,080,643	\$ 13,777,740	\$ 14,710,469	\$ 15,243,622	\$ 16,000,475	\$ 19,036,901	\$ 22,125,836
EXP	12,161,250	13,420,969	13,768,436	14,353,137	15,030,960	14,155,213	15,502,669	18,570,155
NET	\$ 4,872	\$ (1,340,326)	\$ 9,304	\$ 357,332	\$ 212,661	\$ 1,845,262	\$ 3,534,232	\$ 3,555,681

During FY2020-FY2022 actual expenses were lower than budgeted due to being conservative through the pandemic period (elimination of travel and training, hiring freeze for nonessential personnel, curtailing major purchases, and postponement of major projects). Revenue budgets were conservative as well, although actual revenues came in higher during the pandemic due to a continued strong tourism trend. The actual results came in significantly stronger than budgeted creating an excess fund balance going into FY 2023 and FY 2024.

Fund Balance Reserve Requirement

City of Fredericksburg Financial Policy Reserve Requirement:

V. RESERVES

The City will maintain the fund balance and working capital of the various operating funds at levels sufficient to protect the City's credit worthiness as well as its financial position during emergencies or economic fluctuations. In addition, the City may accumulate Fund Balances for a specific purpose and for unexpected financial opportunities.

A. *General Fund Unrestricted Fund Balance*

- The City shall maintain the General Fund unrestricted fund balance to no less than 3 months of regular General Fund operating expenditures.
- Excess fund balance levels may be used to fund emergencies, nonrecurring expenditures or major capital purchases that cannot be accommodated through the current year's budgeted revenues with Council approval.
- Funds accumulated for a specific purpose should be identified as such in the City's Financial Statements.
- Methods used to replenish fund balances that fall below required levels include an increase in property tax revenues and a decrease in budgeted expenses as economic conditions allow. The City should seek to replenish fund balance levels within 1 to 2 years of use.

City Wide: Revenue vs Expenses

Expand All	2021-22 Actual	2022-23 YTD Actual	2022-23 Budget	2023-24 Budget
► Revenues	\$ 64,355,074	\$ 64,318,010	\$ 66,922,261	\$ 69,533,946
► Expenses	52,642,975	61,443,840	80,621,989	81,115,352
Revenues Less Expenses	\$ 11,712,100	\$ 2,874,170	\$ -13,699,727	\$ -11,581,406

Overall revenues up 4% compared to FY 2023 budget (Property Tax, Sales Tax/2% increase, and Intergovernmental Transfers-In offset with reduction in Water revenues \$1M)

Overall expenses up 1% compared to FY 2023 budget (Increases in Personnel, M&O, Intergovernmental, and Debt offset with reduction in Capital)

Capital Expenditure Requests for FY 2024 = \$11.9M. Recurring capital includes Fire Rescue Truck \$120k, Street equipment \$95k, Electric truck \$142k, Water backhoe loader and vac-jet truck \$203k, Sanitation track loader and chipper \$198k, EMS (2) ambulance remounts \$163k (\$921k total recurring).

General Fund: Revenue vs Expenses

Expand All	2021-22 Actual	2022-23 YTD Actual	2022-23 Budget	2023-24 Budget
► Revenues	\$ 21,928,438	\$ 21,208,066	\$ 22,178,160	\$ 23,646,722
► Expenses	18,403,010	19,929,373	26,160,211	27,096,282
Revenues Less Expenses	\$ 3,525,428	\$ 1,278,693	\$ -3,982,051	\$ -3,449,560

Revenues for General Fund up 7% (Property Tax, Sales Tax, and Intergovernmental Transfers In)

Expenses for General Fund up 4% (Increases in Personnel, M&O, Intercompany, Intergovernmental, and Debt offset with reduction in Capital)

Capital Expenditure Requests for FY 2024 = \$3.4M *includes \$1.2M Street project (shared use bridge)

General Fund: Revenue vs Expenses

Recurring Annual Expenses

Personnel \$13,548,812
Maintenance & Ops \$9,029,297
Capital \$350,000
Debt \$912,624
Total \$23,840,733

Property Tax Revenue

Voter Approval Tax Rate \$996,437
NNR Tax Rate \$494,842

Revenues - Expenses

- Voter approval tax rate: \$23,646,722 - \$23,840,733 = (\$194,011)
- NNR tax rate: \$23,145,126 - \$23,840,733 = (\$695,607)

FY 2024 Proposed Budget Outstanding Items

Outstanding items from budget workshops:

- Food & Wine Festival
- Administrative Hearing Process

FY 2024 Proposed Budget

Questions?



City of Fredericksburg
CITY COUNCIL REGULAR MEETING MINUTES
TUESDAY, SEPTEMBER 19, 2023 ~ 9:00 a.m.
LAW ENFORCEMENT CENTER
1601 E. MAIN STREET
FREDERICKSBURG, TEXAS 78624

Mayor Jeryl Hoover
Mayor Pro-Tem Bobby Watson
Councilmember Emily Kirchner
Councilmember Tony Klein
Councilmember Randy Briley

Members Absent:

None

City Staff Present:

Clinton Bailey, City Manager
Mick McKamie, City Attorney
Garret Bonn, Assistant City Manager
Lynn Bizzell, Fire Chief
Andrea Schmidt, Director of Parks and Recreation
Kris Kneese, Director of Public Works and Utilities
Anna Hudson, Director of Development Services
Braxton Roemer, Police Lieutenant
Justin Calhoun, Emergency Management Coordinator
Krista Wareham, Director of Finance
Eric Whiting, Director of Information Technology
Tammie Loth, Director of Human Resources
Leslie Embrey, Administrative Assistant
Shelley Goodwin, City Secretary

1. CALL TO ORDER

Mayor Hoover called the Regular Meeting of the Fredericksburg City Council to order at 9:00 a.m. on Tuesday, September 19, 2023. He announced that a quorum had been met.

2. INVOCATION

Annette Bennett, City resident, led the Invocation.

3. PLEDGE OF ALLEGIANCE

Mayor Hoover led the Pledge of Allegiance.

4. CEREMONIAL MATTERS/PROCLAMATIONS/EMPLOYEE RECOGNITION

Clinton Bailey, City Manager, stated he did not have any recognitions.

5. COUNCIL COMMENTS

Councilmember Briley stated he attended the POW-MIA ceremony on Friday, September 11, 2023, at the VFW Post 7105. He thanked Tami King for her hard work on this event.

Councilmember Kirchner stated she attended the Little Hearts Child Development Center open house on Friday, September 15, 2023.

6. CONSENT

A. Consider approval of City Council Minutes for the following meetings

- i. August 21, 2023, Work Session**
- ii. September 5, 2023, Regular Meeting**
- iii. September 5, 2023, Work Session**

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, to approve Consent Agenda item 6. A. i. -iii. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

7. ORDINANCES, RESOLUTIONS AND PUBLIC HEARINGS

A. Consider the adoption and approval of the City Budget for the Fiscal Year beginning October 1, 2023, and ending September 30, 2024, and making appropriations for each department and account

- i. Receive a presentation and Public Hearing on the Proposed Budget for the City of Fredericksburg, Texas, for Fiscal Year 2023-2024**
- ii. Consider Ordinance No.2023-12, an Ordinance adopting the Annual Budget for the City of Fredericksburg, Texas, for the Fiscal Year, beginning October 1, 2023, and ending September 30, 2024, in accordance with Chapter 102, Local Government Code; and appropriating the various amounts thereof**

Clinton Bailey, City Manager, thanked the City Staff and especially Krista Wareham, Director of Finance, and David Kellam, Finance Manager, for their hard work on the budget. He also thanked the public for their input.

Mick McKamie, City Attorney, reviewed the legal process for the adoption of the budget and tax rate. All notices were published in accordance with the Tax Code. He stated that the tax rate that is adopted must cover the budget.

Krista Wareham, Director of Finance, stated that the budget is written using the Voter Approval Tax Rate.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Briley, to go out of the Regular Meeting and into the Public Hearing at 9:14 a.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Adam Curry, City resident, spoke about projecting the budget surplus. He encouraged the City Council to adopt a lower tax rate and budget.

Tonya Benson, City resident, encouraged the City Council to adopt a balanced budget. She encouraged the City Council to reject the budget and bring back one with cuts.

Jeannette Hormuth, City resident, spoke regarding not spending money the City doesn't have. She reminded the City Council that they are spending public funds. She also encouraged the City Council to bring back a budget using the no-new-revenue or below that rate.

Motion: A motion was made by Councilmember Kirchner, seconded by Councilmember Watson, to go out of the Public Hearing and into the Regular Meeting at 9:24 a.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

The City Council discussed the following:

- Roll as a leader to find other revenue sources
- Look at a Tourism District
- The importance of Police and Fire Departments
- Fire and EMS Department rotating shifts
- Importance of adopting the Voter Approval
- Importance of hiring quality employees
- Taking care of employees and services this year instead of waiting

Motion: A motion was made by Councilmember Kirchner, seconded by Councilmember Watson, to adopt Ordinance No.2023-12, An Ordinance Adopting the Annual Budget for the City of Fredericksburg, Texas, for the Fiscal Year Beginning October 1, 2023, and ending September 30, 2024, in accordance with Chapter 102, Local Government Code; and Appropriating the Various Amounts Thereof. The City Council voted by roll call.

Mayor Hoover	X	Yes	No	Abstain	Absent
Mayor Pro-Tem Watson	X	Yes	No	Abstain	Absent
Councilmember Briley	X	Yes	No	Abstain	Absent
Councilmember Kirchner	X	Yes	No	Abstain	Absent
Councilmember Klein	X	Yes	No	Abstain	Absent

The motion carried unanimously.

B. Consider the adoption of the 2023 Tax Rate

i. Presentation and Public Hearing on the Proposed Ad Valorem Property Tax Rate for the 2023 Tax year at 0.181386 cents per each \$100 of taxable value

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Klein, to go out of the Work Session Meeting and into the Public Hearing at 9:39 a.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Jerry McCorkle, City resident, spoke about the increases of development and permits and their positive impact on the FY 2024 Budget, so he encouraged the City Council to reduce the tax rate.

Motion: A motion was made by Councilmember Klein, seconded by Councilmember Watson, to go out of the Public Hearing and into the Regular Meeting at 9:41 a.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Mayor Hoover stated he was proposing the No-New-Revenue Rate. He reviewed the following reasons:

- Large beginning fund balance
- Ad Valorem Tax is 26%, and 62% is Sales Tax.
- 11 million in the fund balance and projected revenues were based on conservative numbers
- Watch tourism and sales tax, and if they drop, then we will adjust

Councilmember Briley stated he also supports the No-new-Revenue Rate and is requesting monthly reports from the Economic Development Commission to watch the trends.

Councilmember Kirchner stated that the difference between the Voter Approval Rate and the No-New-Revenue Rate is \$502,000, and the City portion of tax bills is only 13%. She noted the Legislature has been no help for cities. She noted that when putting together a budget, City staff do their best at predictions, and with the severe drought and two upcoming eclipse events, she will be going with the Voter Approval Rate.

Councilmember Watson stated he agreed with Councilmember Kirchner's comments. He noted the Voter Approval Rate is less than last year. He also noted that the City has done a great job supporting maintenance, safety, and employees, and anything less than the Voter Approval Rate jeopardizes things. Employees do so much for the City, and the City provides excellent services to residents, and he would hate to see services go away.

Councilmember Klein stated it comes down to buckling down and reducing expenses.

Motion: A motion was made by Councilmember Klein, seconded by Councilmember Briley, to adopt a tax rate of \$0.012749 per one hundred dollars (\$100.00) of assessed valuation.

It was discovered that the wrong motions were made and out of the required order. Both Councilmember Klein and Councilmember Briley withdrew their motions.

ii. Ratify the Property Tax Revenue Increase Reflected in the Fiscal Year 2023-224 Budget

This motion was not required for No-New-Revenue Tax Rates.

iii. Consider the tax rate of \$0.168637 per one hundred dollars (\$100.00) of assessed valuation for the General Fund Maintenance and Operations

Motion: A motion was made by Councilmember Briley, seconded by Councilmember Klein, to adopt a tax rate of \$0.152612 per one hundred dollars (\$100.00) of assessed valuation for the General Fund Maintenance and Operations. The City Council voted by roll call.

Mayor Hoover	X	Yes	No	Abstain	Absent
Mayor Pro-Tem Watson		Yes	X No	Abstain	Absent
Councilmember Briley	X	Yes	No	Abstain	Absent
Councilmember Kirchner		Yes	X No	Abstain	Absent
Councilmember Klein	X	Yes	No	Abstain	Absent

The motion passed three (3) aye and two (2) opposed.

iv. Consider a tax rate of \$0.012749 per one hundred dollars (\$100.00) if assessed

valuation for the retirement of debt service through the Interest and Sinking Fund

Motion: A motion was made by Councilmember Briley, seconded by Councilmember Klein, to adopt a tax rate of \$0.012568 per one hundred dollars (\$100.00) of assessed valuation for the retirement of debt service through the Interest and Sinking Fund. The City Council voted by roll call.

Mayor Hoover	X	Yes	No	Abstain	Absent
Mayor Pro-Tem Watson		Yes	X	No	Abstain
Councilmember Briley	X	Yes	No	Abstain	Absent
Councilmember Kirchner		Yes	X	No	Abstain
Councilmember Klein	X	Yes	No	Abstain	Absent

The motion passed three (3) aye and two (2) opposed.

v. Consider a tax rate of \$0.181386 per one hundred dollars (\$100.00) of assessed valuation

Motion: A motion was made by Council Briley, I move that the property tax rate be increased by the adoption of a tax rate of \$0.165180, which is effectively a 0 percent increase in the tax rate, seconded by Councilmember Klein. The City Council voted by roll call.

Mayor Hoover	X	Yes	No	Abstain	Absent
Mayor Pro-Tem Watson		Yes	X	No	Abstain
Councilmember Briley	X	Yes	No	Abstain	Absent
Councilmember Kirchner		Yes	X	No	Abstain
Councilmember Klein	X	Yes	No	Abstain	Absent

The motion passed three (3) aye and two (2) opposed.

vi. Consider Ordinance No. 2023-13, an Ordinance setting the Ad Valorem Property Tax Rate for the 2023 Tax Year at 0.181386 cents per each \$100 of taxable value

Motion: A motion was made by Councilmember Briley, seconded by Councilmember Klein, to adopt Ordinance No. 2023-13, an Ordinance setting the Ad Valorem Property Tax Rate for the 2023 Tax Year at \$0.0152431 per one hundred dollars (\$100.00) consisting of the approved Maintenance and Operation Rate and Debt Service Rate of assessed valuation for the City of Fredericksburg to be effective for the 2023 Tax Year. The City Council voted by roll call.

Mayor Hoover	X	Yes	No	Abstain	Absent
Mayor Pro-Tem Watson		Yes	X	No	Abstain
Councilmember Briley	X	Yes	No	Abstain	Absent
Councilmember Kirchner		Yes	X	No	Abstain
Councilmember Klein	X	Yes	No	Abstain	Absent

The motion passed three (3) aye and two (2) opposed.

It was discovered that the wrong tax rate was used.

Motion: A motion was made by Councilmember Briley, seconded by Councilmember Klein, to reconsider and adopt Ordinance No. 2023-13 an Ordinance setting the Ad Valorem Property Tax Rate for the 2023 Tax Year at \$0.0165180 per one hundred dollars (\$100.00) consisting of the

approved Maintenance and Operation Rate and Debt Service Rate of assessed valuation for the City of Fredericksburg to be effective for the 2023 Tax Year. The City Council voted by roll call.

Mayor Hoover	X	Yes	No	Abstain	Absent
Mayor Pro-Tem Watson		Yes	X	No	Abstain
Councilmember Briley	X	Yes	No	Abstain	Absent
Councilmember Kirchner		Yes	X	No	Abstain
Councilmember Klein	X	Yes	No	Abstain	Absent

The motion passed three (3) aye and two (2) opposed.

C. Consider the approval of Ordinance 2023-14 amending Section 24.400, "Fees For Use of Ladybird Johnson Park and Campgrounds," of Article 24.000, "Recreational Fees," of Appendix A, "Fee Schedule," of the Code of Ordinances, City of Fredericksburg, Texas, by amending the fee schedule for the use of Ladybird Johnson Park and Campgrounds; providing that this Ordinance shall be cumulative of all Ordinances; providing a severability clause; and providing an effective date

Andrea Schmidt, Director of Parks and Recreation, reviewed the history and the rates and needs to increase the fees.

The City Council discussed the following:

- The different types of fees
- Winter Texans
- Percentage of renter stay

Motion: A motion was made by Councilmember Briley, seconded by Councilmember Klein, to approve Ordinance 2023-14 amending Section 24.400, "Fees For Use of Ladybird Johnson Park and Campgrounds," of Article 24.000, "Recreational Fees," of Appendix A, "Fee Schedule," of the Code of Ordinances, City of Fredericksburg, Texas, by amending the fee schedule for the use of Ladybird Johnson Park and Campgrounds; providing that this Ordinance shall be cumulative of all Ordinances; providing a severability clause; and providing an effective date and amend Daily Rates for premiere sites to \$80.00 and non-premiere sites to \$60.00. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

D. Consider the approval of Public Works Utility Fees amendments, including Water/Wastewater and Sanitation Department Fees

- i. **Ordinance 2023-15, amending Article 16.000 - Water and Sewer Rates and Fees, of Appendix A - Fee Schedule, of the Code of Ordinances, to update and amend the Fees for Water and Sewer Utility Services provided by the City**
- ii. **Ordinance 2023-16, amending Article 18.000 - Fees for Sanitary Landfill Service provided by the City**

Kris Kneese, Director of Public Works and Utilities, reviewed the history and the need for the increases. The solid waste dumping fee of \$55.00 per ton was approved in 2014. City Staff has been working on the average rate for the surrounding landfills to have a solid waste dumping fee of around \$98.00 per ton. With the conclusion of the rate study, City Staff recommends increasing the solid waste dumping fee to \$85 per ton.

Kris Kneese, Director of Public Works and Utilities, stated the City accepts raw sewage from septic haulers at the City's Water Reclamation Facility and currently charges 5 ((\$.05) cents per gallon. The last time this rate was evaluated is unknown, but it's been more than 15 years. As a result, City Staff gathered information from surrounding municipalities to compare the septic hauler dumping rates to other treatment facilities, and City Staff recommends increasing the septic dumping rate to 12 (\$.12) cents per gallon for septic waste generated within Gillespie County and 20 (\$.20) cents per gallon for septic waste generated outside Gillespie County.

The City Council discussed the different rates and TCEQ requirements.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, to approve Ordinance 2023-15, amending Article 16.000 - Water and Sewer Rates and Fees, of Appendix A - Fee Schedule, of the Code of Ordinances, to update and amend the Fees for Water and Sewer Utility Services provided by the City. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Klein, to approve Ordinance 2023-16, amending Article 18.000 - Fees for Sanitary Landfill Service provided by the City. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

8. OTHER ACTION ITEMS AND UPDATES

A. Consider approving the extension of a Maintenance Agreement with Jani-King for janitorial services at City facilities not to exceed \$171,000

Andrea Schmidt, Director of Parks and Recreation Department, reviewed the history of the janitorial services. She noted that the City went out for bids again and Jani-King was the only one to submit a bid. She stated that the staff recommends the approval of the extension with Jani-King.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Klein, to approve the extension of a Maintenance Agreement with Jani-King for janitorial services at City facilities not to exceed \$171,000. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

B. Consider approving the extension of the Agreement to provide Aquatics Facilities Cleaning Services to Cornerstone Pools

Andrea Schmidt, Director of Parks and Recreation, reviewed the history of the pool cleaning services. She noted that the City went out for bids again, and Aquatics Facilities Cleaning Services to Cornerstone Pools was the only one to submit a bid. She stated that the staff recommends the approval of the extension.

Motion: A motion was made by Councilmember Klein, seconded by Councilmember Watson, to approve the extension of the Agreement to provide Aquatics Facilities Cleaning Services to Cornerstone Pools. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

C. Continued discussion regarding the need for affordable housing

Mayor Hoover stated he had talked to the developers of the Mariposa Project, and they have been open to a new proposal and meet affordable housing projects. He was pleased they were open to other opportunities. He noted that additional apartments will be coming online soon and the possibility of provisions allowing STRs to go into Long-Term Rentals for two years and not lose their STR permit.

Councilmember Kirchner stated that Fredericksburg ISD has created a Task Force to seek affordable housing for their employees.

Councilmember Klein stated Hays ISD is also looking into affordable housing for their employees.

9. CITY MANAGER'S REPORT

A. Renewable Energy Update

John Rodriguez, City resident, provided the attached articles. He reviewed the need for Renewable Energy and its benefits.

Clinton Bailey, City Manager, stated you will start seeing many Renewable Energy programs focusing on solar fields. He stated he would work with John Rodriguez to bring some Renewable Energy options back to the City Council for discussion.

B. City Manager Monthly Update

Clinton Bailey, City Manager, inquired whether the City Council wanted to have the City Manager's Update monthly or every other month, with the other month being an Economic Development Update.

The City Council agreed by consensus to provide the update monthly and include the Economic Development as part of the update.

Clinton Bailey, City Manager, provided the attached PowerPoint on the following:

- Permits issued
- Single Family Residential Subdivision
- Multi-Family Under Construction
- Finance - Sales Tax
- Electric Revenue and Consumption
- Water Revenue and Consumption
- Property Tax Collections
- Police Department stats
- Fire/EMS Department stats
- City Employment Openings
- Community Outreach

City Council discussed the following:

- Keller Subdivision
- Water levels
- Time tracking for EMS calls

10. ITEMS FOR FUTURE AGENDAS

A. Review the Future Agenda Spreadsheet

Clinton Bailey, City Manager, reviewed the upcoming meeting Agenda Items.

11. ADJOURN

With no other business, Mayor Hoover adjourned the September 19, 2023, City Council Regular Meeting at 11:15 a.m.

Jeryl Hoover
Mayor

Shelley Goodwin, TRMC/CMC
City Secretary



City of Georgetown Texas > Uncategorized > Georgetown's energy 100 percent renewable with solar plant

Georgetown's energy 100 percent renewable with solar plant

May 8, 2019

Georgetown is now one of the largest cities in the U.S. to be powered by 100 percent renewable energy. Photovoltaic cells converting sunlight into power became one of our primary energy sources this summer. That happened on July 1 when the city started receiving electricity from the Buckthorn solar plant near Fort Stockton.

The 154-megawatt Buckthorn solar farm, owned by NRG Yield and operated by NRG Renewables, is the result of an agreement the City signed in 2015 to be the sole customer for power from the facility.

I attended a ribbon-cutting for the Buckthorn solar facility in late June. At the event, I met officials from NRG Energy and from Wells Fargo, who provided financing for the project. I also met Joe Shuster, county judge in Pecos County where the Buckthorn Plant is located. He shared that our solar plant is one of five located in Pecos County as a result of the county's solar radiance factor, which is the second highest in the state. The electricity from Buckthorn is sent to our region on transmission lines.

The scale of our newest power plant is impressive. The Buckthorn solar plant is a mile long. It covers 1,250 acres, which is an area the size of 947 football fields. The plant contains 1.7 million solar panels which are mounted on a single-axis tracking system that rotate over the course of each day. This allows the panels to maintain a 90-degree angle to the sun and maximizes their electricity output.

In addition to the Buckthorn solar farm, Georgetown's energy providers include Spinning

Spur 3, a wind farm near Amarillo owned by EDF Renewable Energy, and the Southwest Mesa and South Trent wind farms in West Texas owned by AEP.

The wind turbines at Spinning Spur 3 in the Panhandle and the two AEP farms produce energy throughout the day. The solar panels at Buckthorn produce power in the daylight hours and especially in the afternoon, which matches our peak demand. The complementary nature of these two power sources is a good fit for our customer demand profile.

Power from wind- and solar-generated energy contracts for Georgetown's publicly-owned electric utility provide more energy to the Texas electric grid than Georgetown uses. This is why our energy is 100 percent renewable.

Our 20- and 25-year contracts for this energy at a fixed price provide stability for our wholesale power costs. Currently, wind and solar power are among the lowest cost forms of energy in the Texas energy market.

With the startup of the Buckthorn solar plant, Georgetown takes another step forward in continuing to provide customers with 100 percent renewable energy.

So on the hottest days in the summer when the temperatures hit 100 degrees under a blue sky, we can feel a little better about all that Texas sunshine, knowing that it's working to power our city.



Empowering Rural America Program (New ERA)

What does this program do?

The Empowering Rural America (New ERA) program helps rural Americans transition to clean, affordable, and reliable energy. By reducing air and water pollution, New ERA funding improves health outcomes and lower energy costs for people in rural communities. New ERA program funding is available to member-owned rural electric cooperatives, which have been the backbone of America's rural power delivery for nearly a century.

This \$9.7 billion program is part of the Inflation Reduction Act (IRA – information is available at this link: <https://tinyurl.com/548c8tb7>) and represents the largest investment in rural electrification since President Franklin Delano Roosevelt signed the Rural Electrification Act into law in 1936.

Who can apply for this program?

The New ERA program is available only to rural electric cooperatives, including:

- Existing or former USDA Rural Utilities Service (RUS) borrowers
- Borrowers of the former Rural Electrification Administration
- Rural electric cooperatives that serve predominantly rural areas
- Wholly or jointly owned subsidiaries of rural electric cooperatives

Note: For the purposes of the New ERA program, the term “predominantly rural” means a service territory where at least 50 percent of its consumers are rural.

To create opportunities for rural electric cooperatives of all sizes – and to ensure cooperatives compete only against their peers – New ERA applicants are separated into three categories:

- Category 1: Total utility plant value equal to or more than \$500 million
- Category 2: Total utility plant value more than \$200 million and less than \$500 million
- Category 3: Total utility plant value equal to or less than \$200 million

Are there any additional eligibility requirements?

Yes. You must demonstrate that your proposed project is eligible, financially and technically feasible, affordable, and reliable. If selected, you will be required to provide reasonably

adequate security for financed investments. All projects must be completed and verified by September 30, 2031.

How can funds be used?

Funds can be used to make energy efficiency improvements to eligible generation and transmission systems, to purchase, build, or deploy renewable energy, zero-emission systems, carbon capture storage systems, or to purchase renewable energy.

The New ERA program is designed to be flexible. The program prioritizes greenhouse gas reductions rather than requiring the use of specific technologies. For example, you can seek funding for renewable and zero-emission systems that eliminate aging, obsolete, or expensive infrastructure. You can also change your purchased-power mixes to support cleaner portfolios, manage stranded assets, and boost your transition to clean energy.

Applications will be scored and ranked on the greatest reduction in cost-per-unit measure of greenhouse gases. Projects must be reliable, resilient (able to recover quickly following an unexpected disruption), and affordable. The cost of unit of reduction will be considered. We encourage applicants to think ambitiously! Maximize your technical options to bring about the greatest reduction in greenhouse gas emissions to create jobs and economic opportunity, and improve the quality of life in your rural communities.

What types of funding are available?

You can apply for the following types of financial assistance:

- **Loan only:** The interest rate for loans will be set either at the U.S. Treasury rate or at a fixed rate as low as 2 percent. Treasury interest rates are set at the time funds are drawn. These rates are set periodically, and can be found at this link: <https://tinyurl.com/u5uu742h>.

A zero percent interest rate is available to refinance stranded assets or for projects that serve predominantly distressed, disadvantaged, or energy communities (as defined in the funding notice).

- **Grant only:** Applicants can apply for a grant only that equals no more than 25 percent of the total project cost. Applicants would have to demonstrate the ability to meet the remaining 75 percent of the project cost.
- **Loan and Grant Combinations:** Applicants can request loan and grant combination financing for proposed projects.
- **Loan Refinancing or Loan Modification:** In addition to loan and grant combinations, applicants may propose to refinance debt related to a stranded asset if the applicant

utilizes the refinancing savings to fund an eligible project.

No single borrower or awardee can receive more than 10 percent of the available funding, which is \$970 million of the \$9.7 billion available in this program.

How do we get started?

To be considered for funding, you must first submit a Letter of Interest (LOI). The application window is open from July 31 through August 31, 2023. You are welcome to partner with other eligible cooperatives and submit your proposal or proposals in a single LOI.

- RUS will begin evaluating and scoring LOIs after the August 31, 2023 deadline.
- Invitations to submit an application will be sent to top-ranking LOIs.
- A successful application must meet all program requirements. Scoring and ranking will be re-evaluated prior to funding.

Additional information about the New ERA program is available in the Notice of Funding Opportunity (NOFO) published in the *Federal Register* and available on the New ERA program webpage at this link: <https://tinyurl.com/3d96vxuf>, and on the USDA Rural Development Information Reduction Act webpage at <https://tinyurl.com/548c8tb7>. Click the plus sign to the right of "Funding Opportunities," and see the first bullet point: "Section 22004."

Who can answer questions?

- A list of Frequently Asked Questions (FAQs) can be found on the New ERA webpage at this link: <https://tinyurl.com/3d96vxuf>.
- You can email New ERA program questions to: SM.RD.RUS.IRA.Questions@usda.gov

What governs this program?

Section 22004 of the Inflation Reduction Act (7 USC 8103 (j)) – available at this link: <https://tinyurl.com/2p8m9k7v> - PDF) governs the New ERA program.



USDA's New ERA program website

NOTE: Because information changes, always consult official program instructions or contact your local Rural Development office for help. A list is available at this link: <https://go.usa.gov/xJHPE>. You will find additional resources, forms, and program information at <https://rd.usda.gov>.
USDA is an equal opportunity provider, employer, and lender.



Department of Energy

DOE Launches New \$50 Million Program to Help Communities Meet Their Clean Energy Goals

JANUARY 18, 2023

[Energy.gov »](#)

DOE Launches New \$50 Million Program to Help Communities Meet Their Clean Energy Goals

‘Clean Energy to Communities’ Program Will Connect Local Leaders with DOE’s National Laboratories to Help Communities Transition to a Clean Energy Future

WASHINGTON, D.C. — The U.S. Department of Energy (DOE) today launched a new up to \$50 million program to help communities across the country transition to clean energy systems that are reliable, affordable, equitable, and reflective of local priorities. The Clean Energy to Communities program (C2C) will connect local governments, electric utilities, community-based groups, and others with the innovative modeling and testing tools developed at DOE’s world-class national laboratories to transform their clean energy goals and ambitions into reality. By helping communities reach their clean energy targets, this new program reflects President Biden’s continued commitment to ensuring that every community unlocks the public health and cost-saving benefits of a clean energy future and support President Biden’s goals to decarbonize the electric grid by 2035 and

achieve a net-zero emissions economy by 2050.

“With C2C, we’re helping all kinds of communities – from small rural communities to sprawling urban areas – access the tools and scientific and technological expertise they need to bring their energy systems into the 21st Century” said **U.S. Secretary of Energy Jennifer M. Granholm**. “This exciting program will help communities make informed decisions about their own energy needs and ensure reliable and affordable clean energy is available to Americans everywhere.”

C2C provides integrated technical support to communities across renewable power, grid, mobility, and buildings sectors. The program seeks to provide the type and amount of support communities require to meet their unique interests and needs in transitioning to a clean energy economy. For C2C’s in-depth partnerships, this includes funding to support program participation.

C2C offers three levels of technical assistance:

- **In-depth technical partnerships:** Multi-year partnerships that provide cross-sector modeling, analysis, and validation, paired with direct funding to help four to five selected teams of local governments, electric utilities, and community-based organizations each their goals and/or overcome specific challenges.
- **Peer-learning cohorts:** Small groups of local governments, electric utilities, or community-based organizations that meet regularly for approximately six months to learn from each other and lab experts in a collaborative environment to develop program proposals, action plans, strategies, and/or best practices on a pre-determined clean energy topic. Cohorts will include approximately 100 communities in total.
- **Expert match:** Short-term assistance (40-60 hours) with one or more technical experts to help address near-term clean energy questions or challenges for up to 200 communities.

C2C is led and managed by the National Renewable Energy Laboratory (NREL), with additional support from Pacific Northwest National Laboratory, Argonne National

Laboratory, Lawrence Berkeley National Laboratory, and Oak Ridge National Laboratory. It leverages expertise and capabilities from across these labs, including NREL's Advanced Research on Integrated Energy Systems platform, on which local leaders can see how a virtual model of their community interacts with actual and emulated clean energy infrastructure and devices, such as wind turbines, controllers, and electric charging stations—helping to de-risk future investments. C2C is funded by DOE's Office of Energy Efficiency and Renewable Energy (EERE)

C2C builds upon NREL's *Los Angeles 100% Renewable Energy Study*, which evaluated a wide range of scenarios to help stakeholders understand possible pathways to the city's goal of 100% renewable energy by 2045, and the implications of these pathways for people who live and work in the city. The study found that meeting Los Angeles' goal of reliable, 100% renewable electricity by 2045 is achievable and will provide significant health and climate benefits.

Learn more about EERE, NREL, and C2C, including how to apply for technical assistance.

Ver en español.

###

Media Inquiries:

(202) 586-4940 or

DOENews@hq.doe.gov

Read more at the
[energy.gov](https://www.energy.gov) Newsroom

1000 Independence Ave. SW
Washington DC 20585
202-586-5000

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AISD campuses to get solar panels

Jul 5, 2023 | News, Solar News of Note

Source: Austin American-Statesman

Thanks to the U.S. Department of Energy's Renew America's Schools grant program, the Austin Independent School District (AISD) will install solar panels on 16 campuses to build more energy-efficient infrastructure at its facilities.

The project, which could cost up to \$15 million, is meant to reduce costs, lower the district's carbon footprint and educate students on energy efficiency.

The Austin district was one of 24 districts nationwide – and the only one in Texas – to receive an energy grant, according to the federal government.

More

Search

Address

Texas Solar Energy Society
P.O. Box 1447

LCRA Owned Power Generation

- Total Generation = 3,570 MW
- Hydroelectric = 310 MW (~8.7%)
- Solar = 155 MW (~4%)

AEP Owned Power Generation

Energy	2020	2021	2022
Owned Generation Capacity (MW)¹			
Total Owned Nameplate Generation Capacity	25,496	24,857	25,050
Coal	13,230	11,858	11,263
Natural Gas	7,684	7,615	7,613
Nuclear	2,288	2,296	2,296
Total Renewable Energy Resources	2,294	3,088	3,858
Hydroelectric	853	805	805
Solar	229	362	369
Wind	1,212	1,921	2,684
Other	0	0	20

¹2020 data includes capacity retired throughout the year. 2021 and 2022 reflects year-end capacity.



City Manager's Monthly Update

September 19, 2023

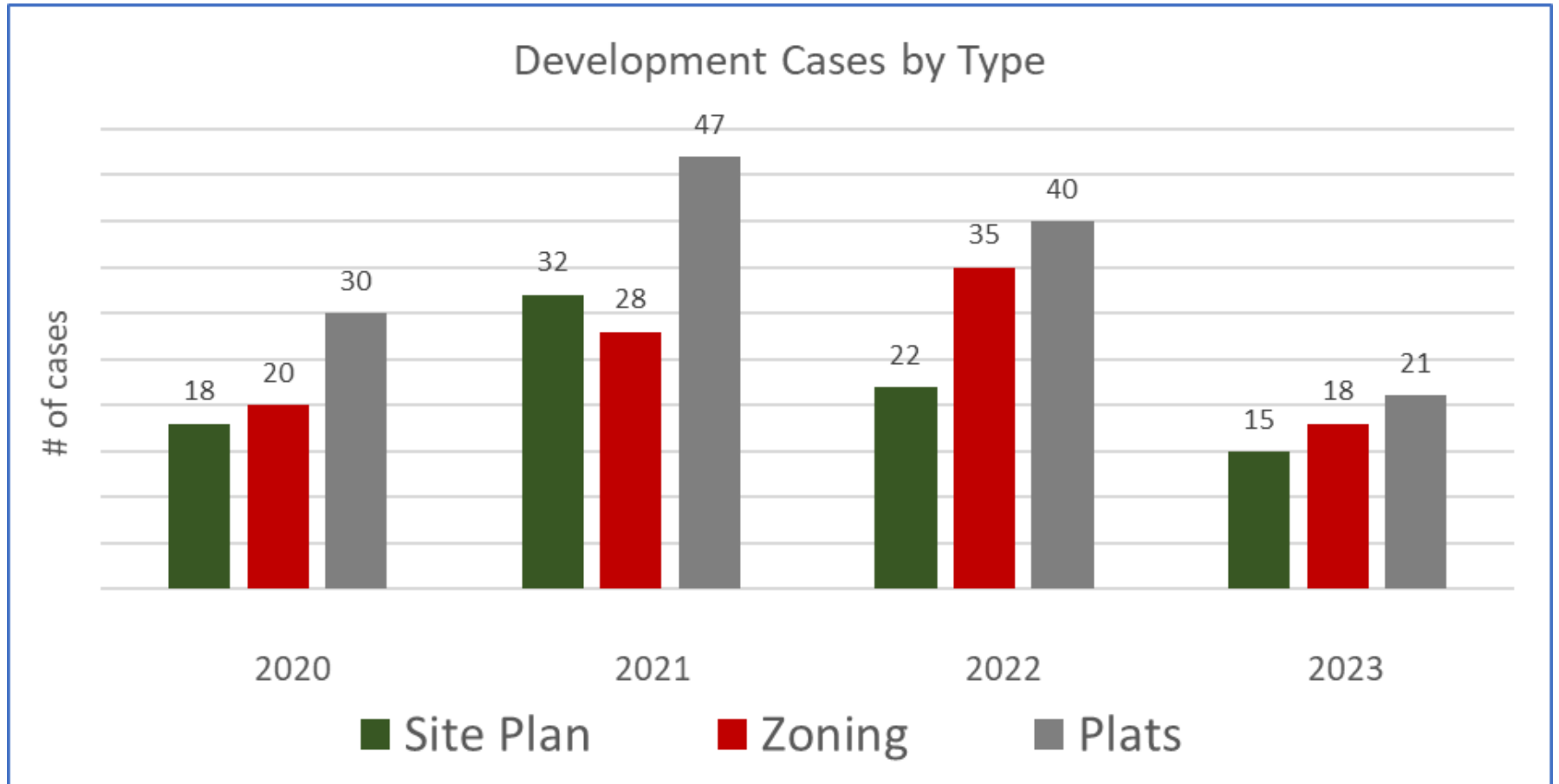
Page 50 of 268

City Manager's Monthly Update

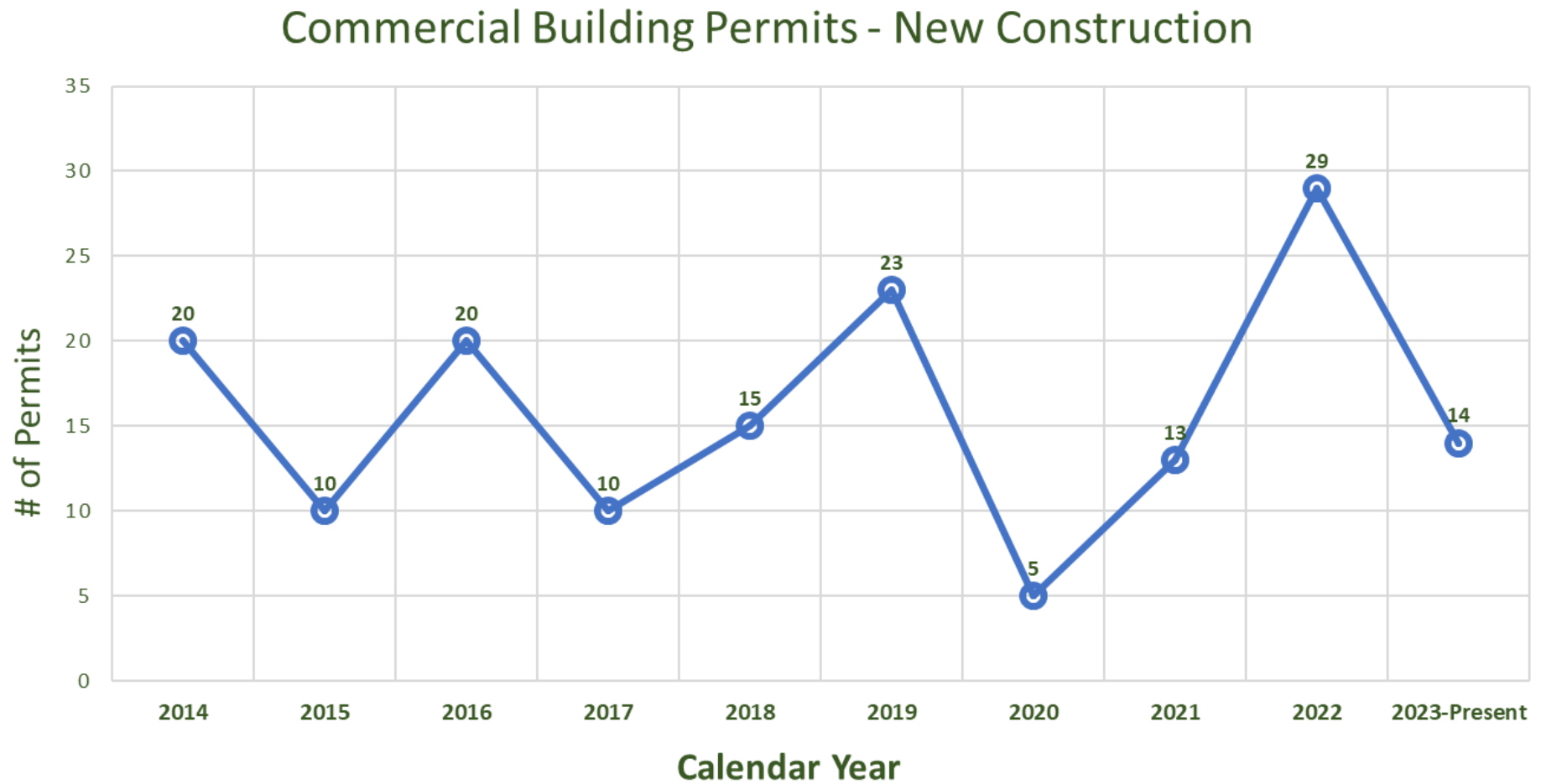


1. Development
2. Projects
3. Financial
4. Miscellaneous

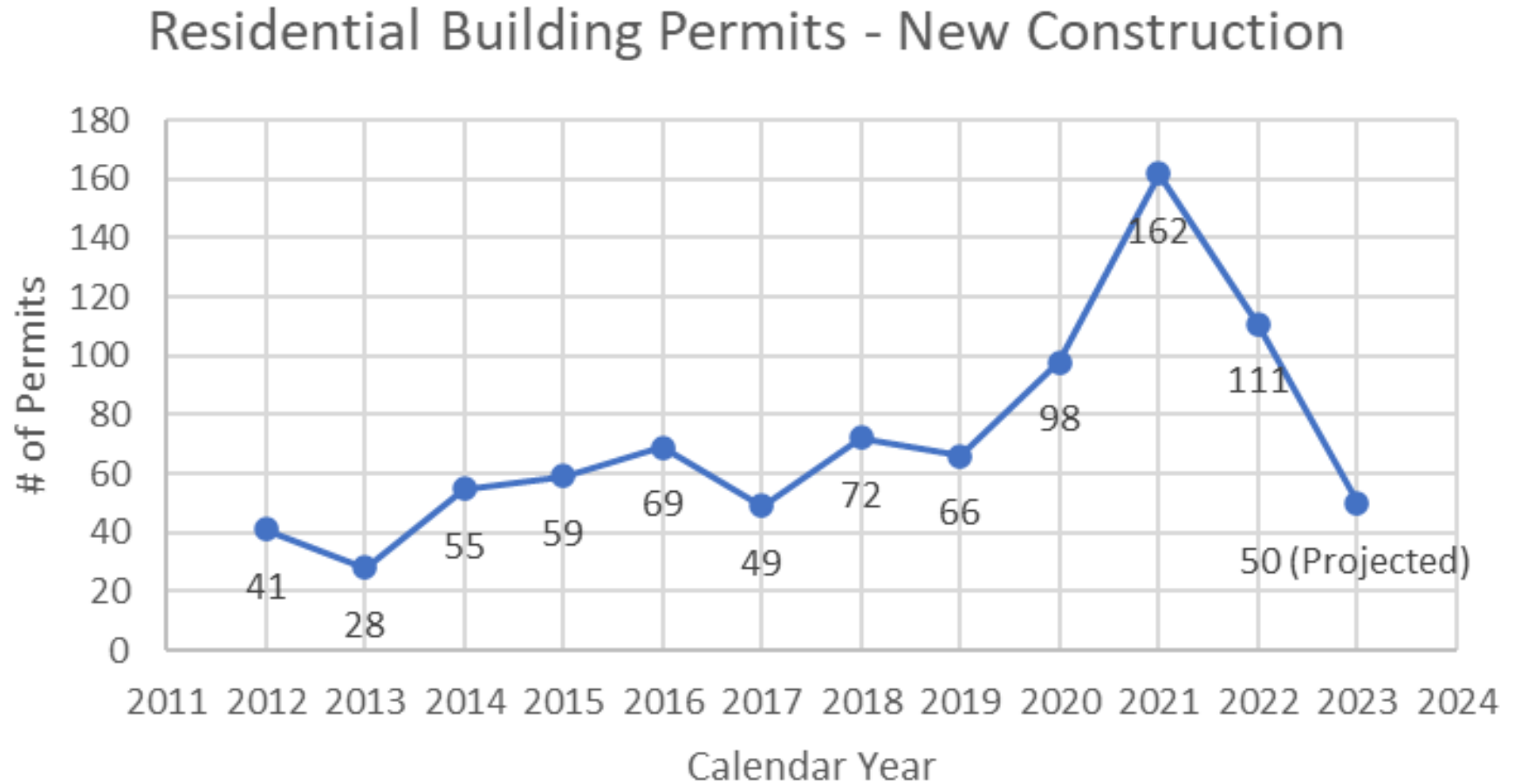
Development Activity



Commercial New Construction Permits



Single Family Residential Permits



Single Family Residential Subdivisions

Name	~ Acres	Units	Status	Year Approved
Crabapple Grove	40	159	All lots sold	2015
Oaks of Windcrest	70	243	All lots sold	Phase 5
Heights of Windcrest			All lots sold	2020
Madrona	13	54	All lots sold	2022
The Beginning	11	52	All lots built out	
Harmony Hills	21	72	Under construction	2023
Post Oak Village	6	39	Homes under construction	2022
Friendship Oaks (4 phases)	117	418	Phase 1 building permits being issued	2022
Frieden	218	112	Homes under construction	2022
Woodcrest	3	9	Plat approved	2023
Altstadt Phase 1	10	22	Development for sale	2022
Altstadt Phase 2	6	19	Civil plan review	
Stoneridge Phase 11	11	24	Homes under construction	2022
W. Walch		5	Plat approved	2023
1228 total lots				

Multi-Family: Recently Completed

Name	Acres	Units	Status
Eagle's Village (STRs)	4	24	Completed
Vineyard Crossing Apartments	3	38	Completed
Friendship Lane Cottages (STRs)	1	8	Completed
		70	

Multi-Family: Under Construction

Name	Acres	Units	Status	Location
Algarita	3	63	Under Construction	619 W. Live Oak
Baron's Park Apts	4	88	Under Construction	202 E. Ufer
Orchard Grove Apartments	5	90	Under Construction	N. Llano
The 1846 Luxury Apts & The Woodland Cottages	18	296	Under Construction	175 Friendship Lane
West Live Oak Duplexes	2.4	46	Under Construction	W. Live Oak
		583		

Multi-Family: Approved Not Started

Name	Acres	Units	Status	Location
Friendship Oaks Ranch duplexes	6	60	Site Plan Approved	S. Creek at Friendship (Friendship Oaks Phase 4)
SECO	32	95	Civil Plan Approved	Friendship at S. Eagle
Botanica	13	148	Civil Plan Approved	Friendship near Eagle
Keller Oaks Phase 1 Townhomes	14	21	Plat Approved	Between Windcrest and Burger King
Verandas at Frieden	25	305	Site Plan Approved	Frieden
		629		

Multi-Family:



583 Under Construction

70 Recently Completed

629 Approved not started

1,282 total Multi Family units

Parks




SEPTEMBER

2023

Special Events

SUN	MON	TUE	WED	THU	FRI	SAT
					1: REDBUD ARTISAN MARKET SET-UP ONLY	2: REDBUD ARTISAN MARKET 10 AM - 5 PM
3: REDBUD ARTISAN MARKET 10 AM - 4 PM	4: LABOR DAY; CITY HOLIDAY	5	6	7	8: WALK TO END ALZHEIMER'S SET-UP ONLY	9: WALK TO END ALZHEIMER'S & EDWARD JONES COMPANY PICNIC (PRIVATE)
10: HILL COUNTRY FELLOWSHIP: THE AWAKENING	11	12: OPTIMIST CLUB: RESPECT THE LAW BREAKFAST (FC,FS)	13	14	15: CROSS TRAILS MINISTRY FALL FESTIVAL SET-UP ONLY	16: CROSS TRAILS MINISTRY FALL FESTIVAL
17: PCAA MUSICAL EVENING (FINAL)	18	19	20	21	22: BOOK SALE SET-UP ONLY	23: BOOK SALE 9 AM - 2 PM
24: BETHANY LUTHERAN CHURCH (PRIVATE)	25	26	27: OKTOBERFEST SET-UP	28: OKTOBERFEST SET-UP	29: OKTOBERFEST SET-UP	30: OKTOBERFEST SET-UP & AMBLESIDE 5K

Date Details

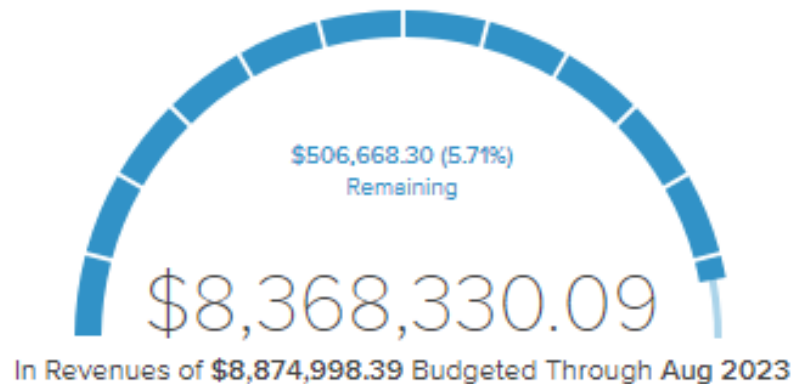
- September 1: Redbud Artisan Market - set-up only at Adelsverein/Oktoberfest Halles & catering kitchen
- September 2: Redbud Artisan Market at Adelsverein/Oktoberfest Halles at Marktplatz from 10 a.m. to 5 p.m.
- September 3: Redbud Artisan Market at Adelsverein/Oktoberfest Halles at Marktplatz from 10 a.m. to 4 p.m.
- September 4: Labor Day, City Holiday
- September 8: Walk to End Alzheimer's Set-Up Only at Oktoberfest Halle
- September 9: Walk to End Alzheimer's at Oktoberfest Halle and City Streets; walk at 9:30 a.m.
- September 9: Edward Jones Company Picnic at Oktoberfest Halle, following Walk to End Alzheimer's
- September 10: Hill Country Fellowship "The Awakening" from 2 p.m. to 5 p.m. at Adelsverein Halle
- September 12: Optimist Club Respect the Law Breakfast at Adelsverein Halle (first-come, first served) at 6:30 a.m.
- September 15: Cross Trails Ministry Fall Festival set-up at Marktplatz
- September 16: Cross Trails Ministry Fall Festival at Marktplatz from 9 a.m. to 3 p.m.
- September 17: Final 2023 PCAA Musical Evening at 6:30 p.m. at Adelsverein Halle (Marktplatz)
- September 22: Book sale set up at Adelsverein Halle
- September 23: Friends of the Pioneer Memorial Library Book Sale at Adelsverein Halle from 9 a.m. to 2 p.m.
- September 24: Bethany Lutheran Church at Adelsverein Halle & kitchen on Marktplatz (private)
- September 27: Oktoberfest has use of the entire Square through Tuesday, October 10 (two weeks)
- September 30: Ambleside 5K at the school and City/County roads

Finance-Sales Tax

Sales Tax Collected as of August 2023

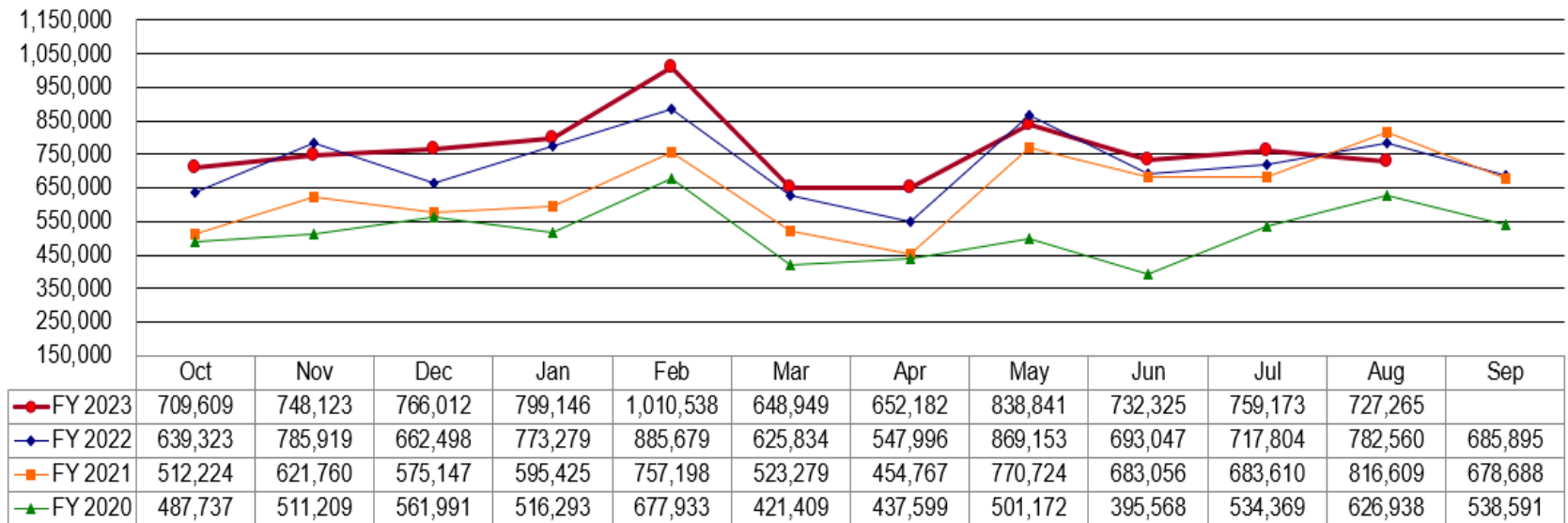
Actual \$8,368,330.09

Budget \$8,874,998.39 (94.3% of Budget)



Finance-Sales Tax

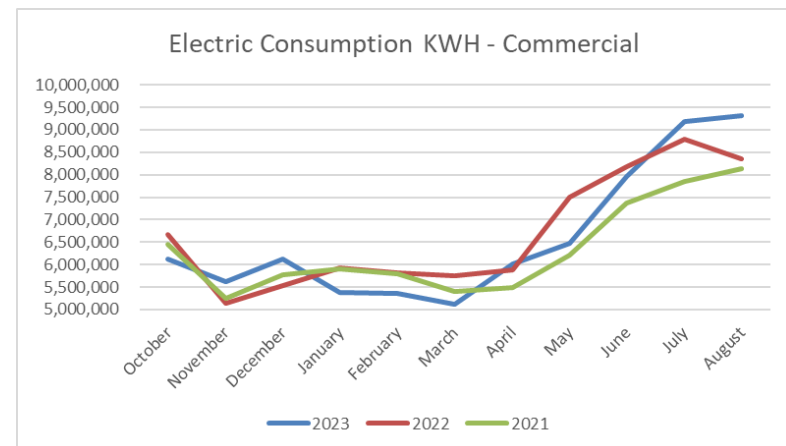
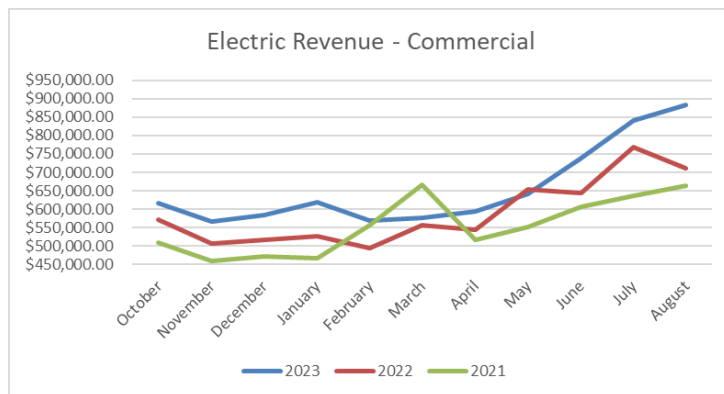
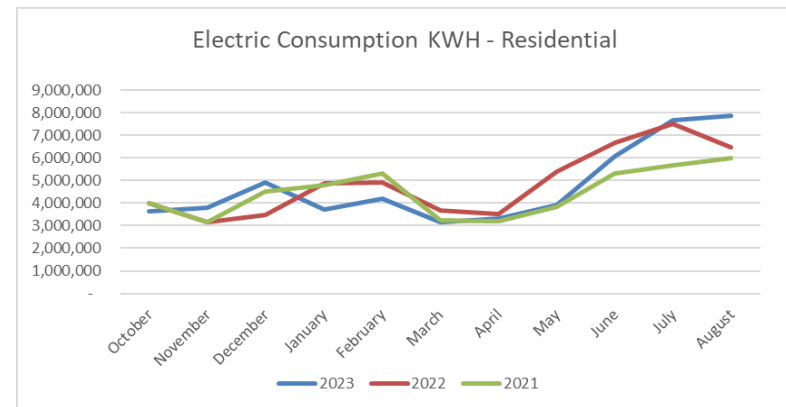
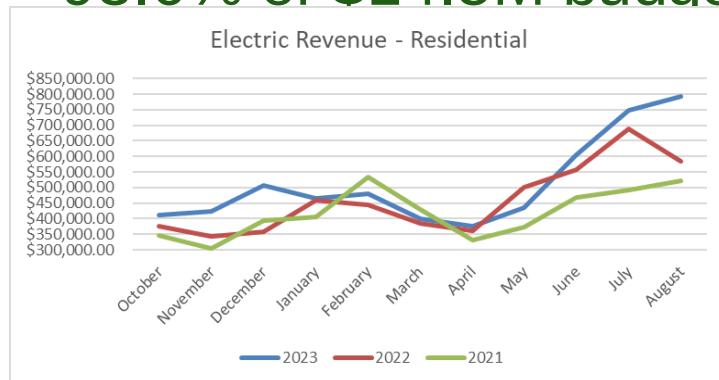
Actual Sales Tax Receipts - FY 2020, FY 2021, FY 2022, & FY 2023



FY 23 sales tax collections up 5.1% over FY 22.

Finance-Electric Revenue and Consumption

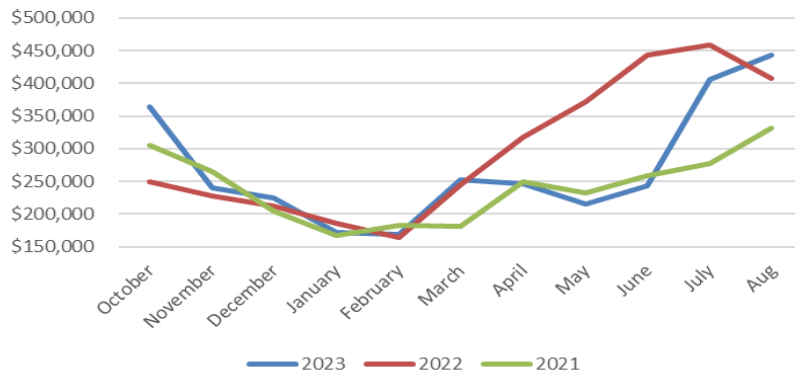
Electric revenues through August, 2023, \$13.6M,
93.6% of \$14.5M budget



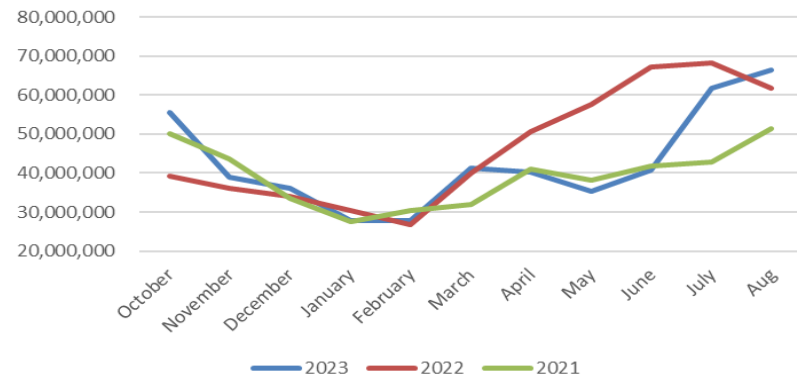
Finance-Water Revenue and Consumption

Water & WW revenues through August, 2023, \$9.2M,
86.9% of \$10.6M budget

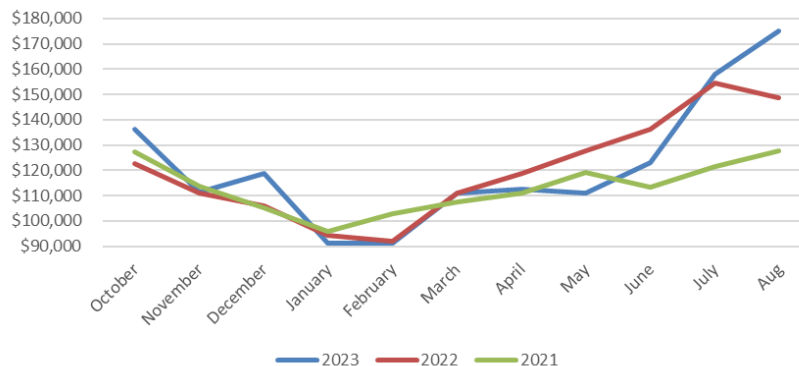
Water Revenue - Residential



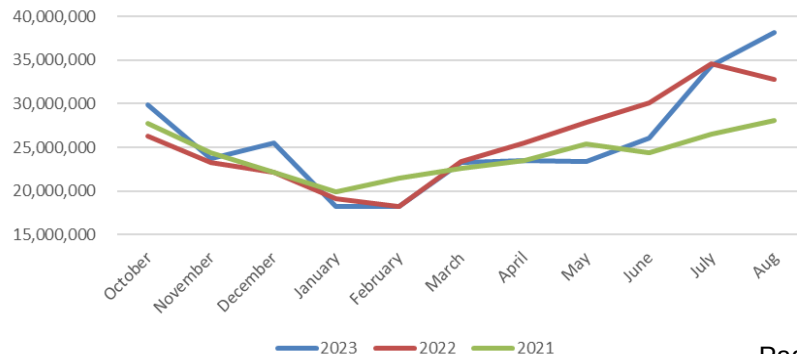
Water Consumption - Residential



Water Revenue - Commercial



Water Consumption - Commercial

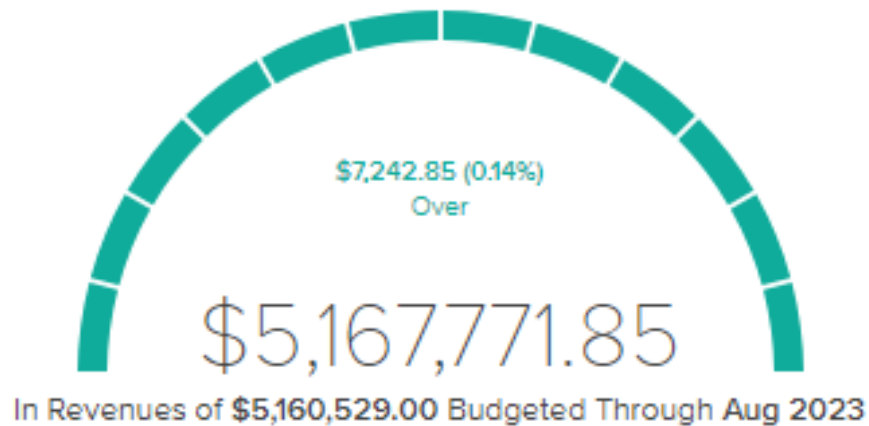


Finance-Property Tax

Property Tax Collected as of August 2023

Actual \$5,167,771.85

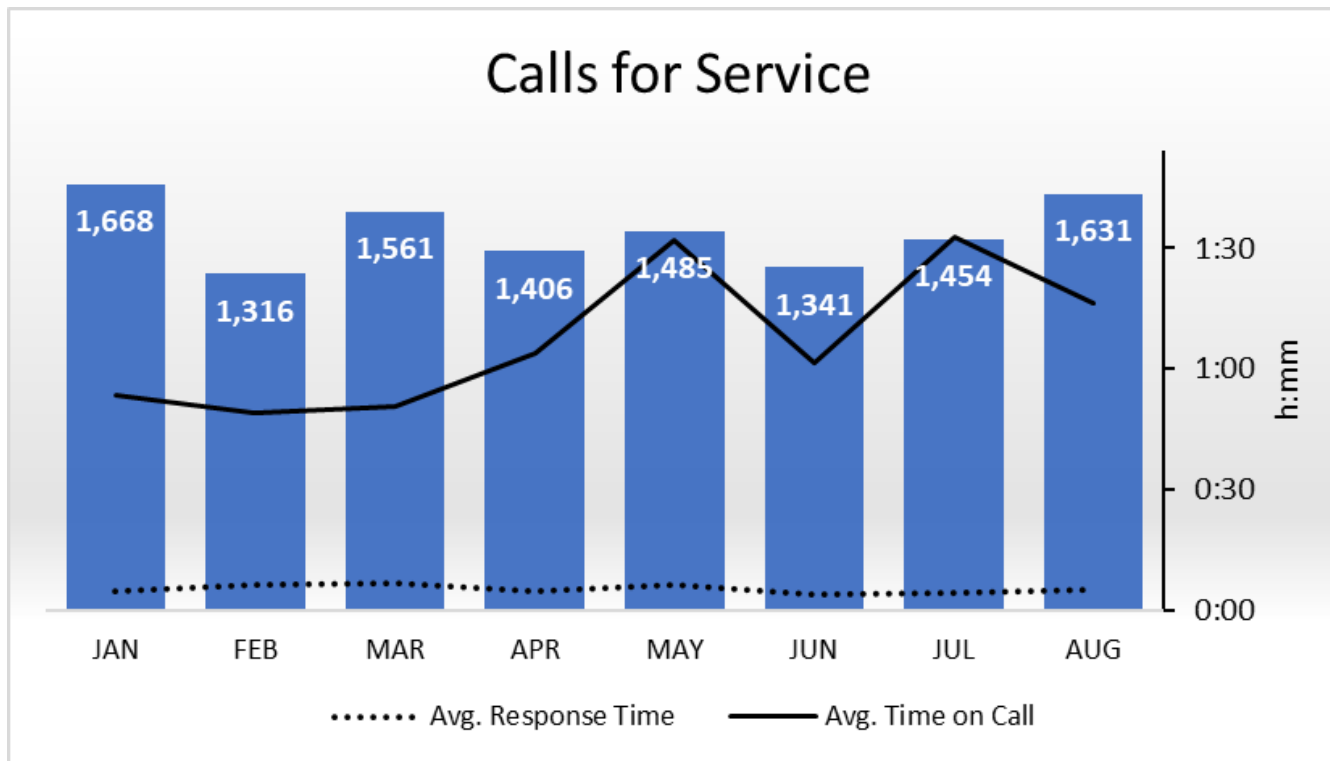
Budget \$5,160,529.00



Police Department

August 2023 Calls for Service – 1,631

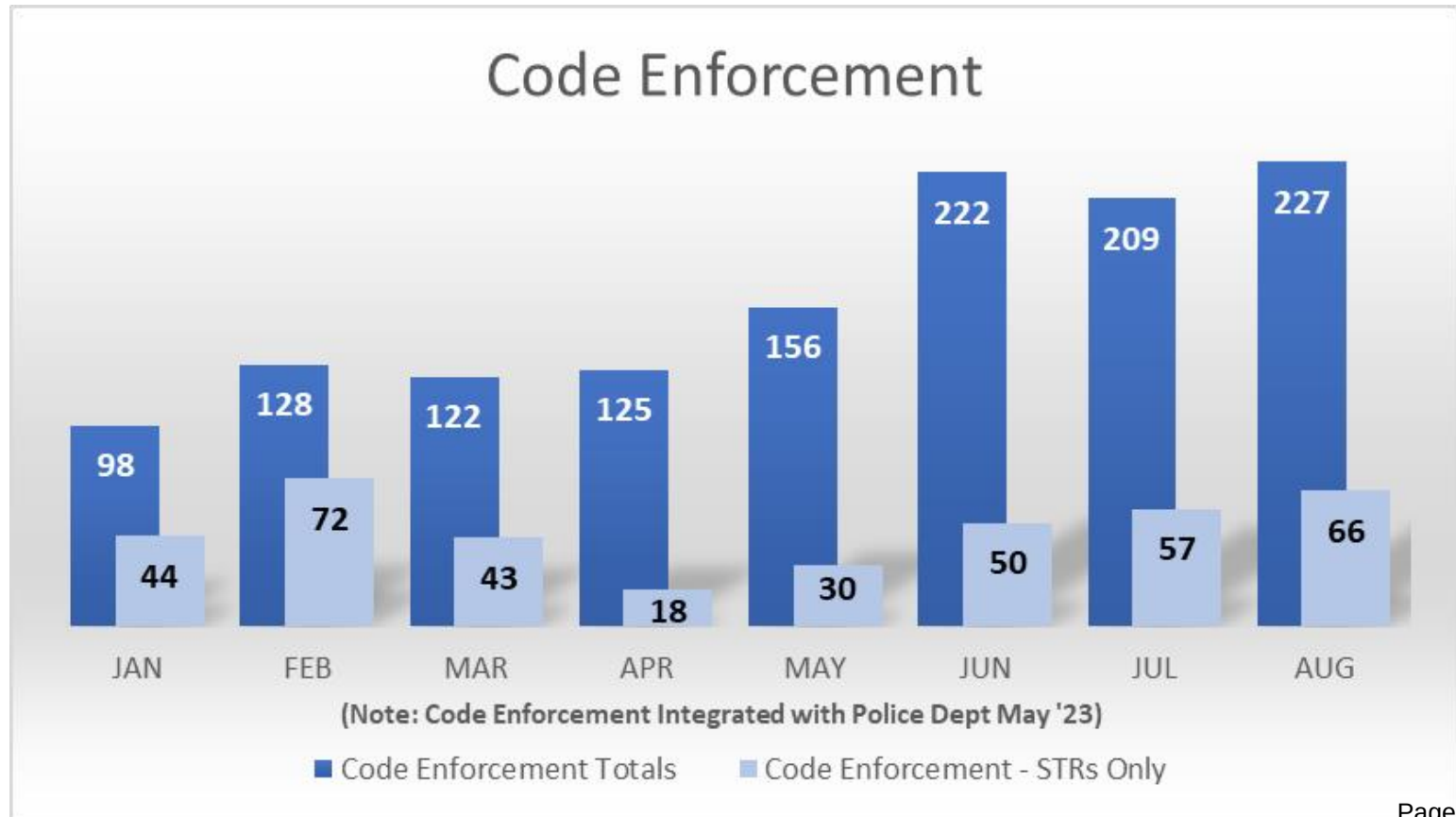
- ▣ Average Response Time - 5 minutes 22 seconds
- ▣ Average Time on Calls - 1 hour 8 minutes



Police Department

August 2023 Code Enforcement Activity - 227

▣ 66 of the 227 were STR Activity



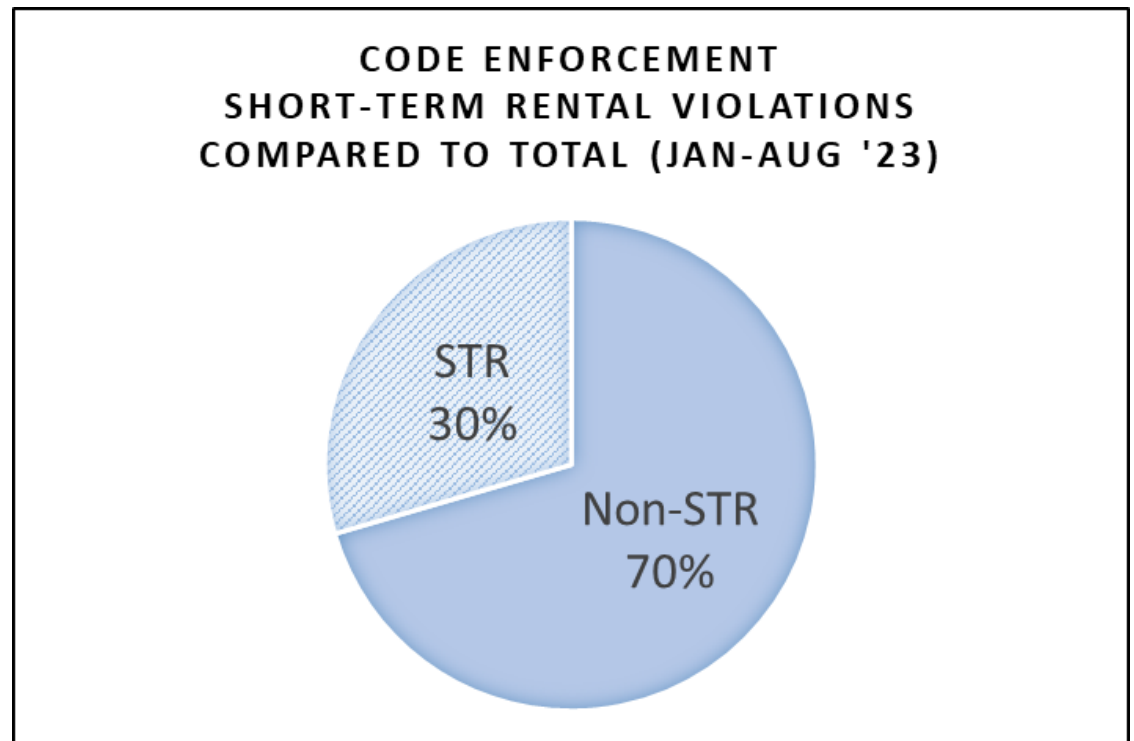
Police Department

January - August 2023 Code Enforcement Totals

1,287 Code Enforcement Violations

907 Non – STR

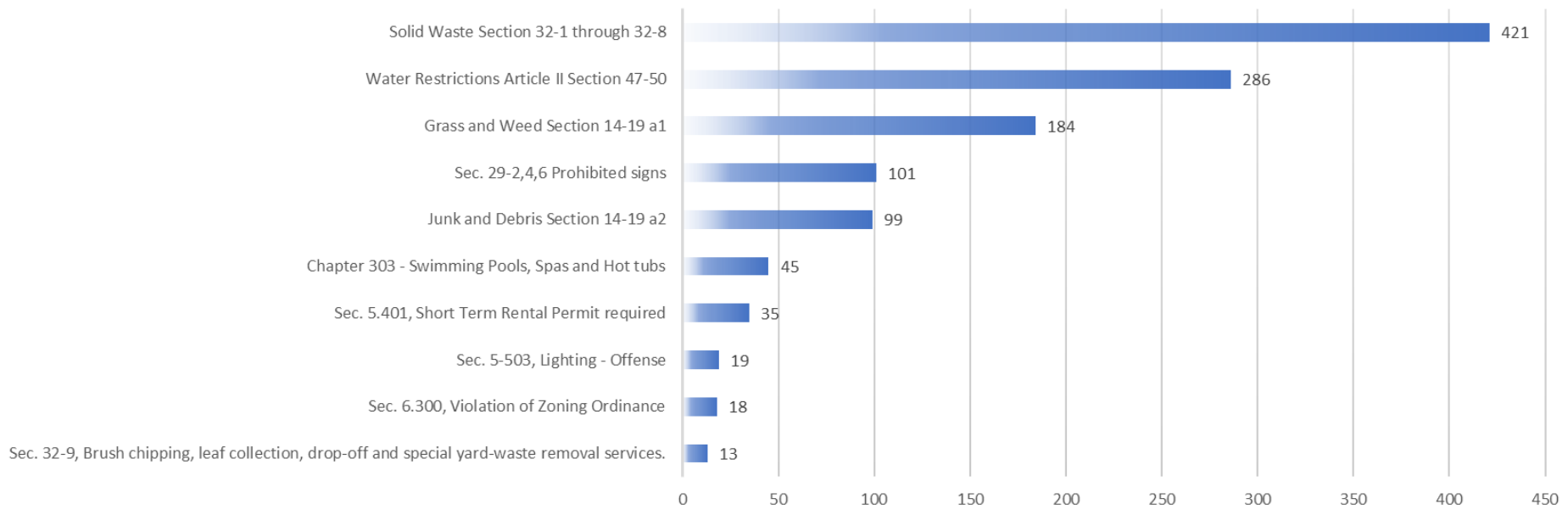
380 STR



Police Department

January - August 2023 Code Enforcement Top Ten

TOP TEN CODE ENFORCEMENT VIOLATIONS (JAN-AUG '23)



August 2023 RMS Report



Department Volume

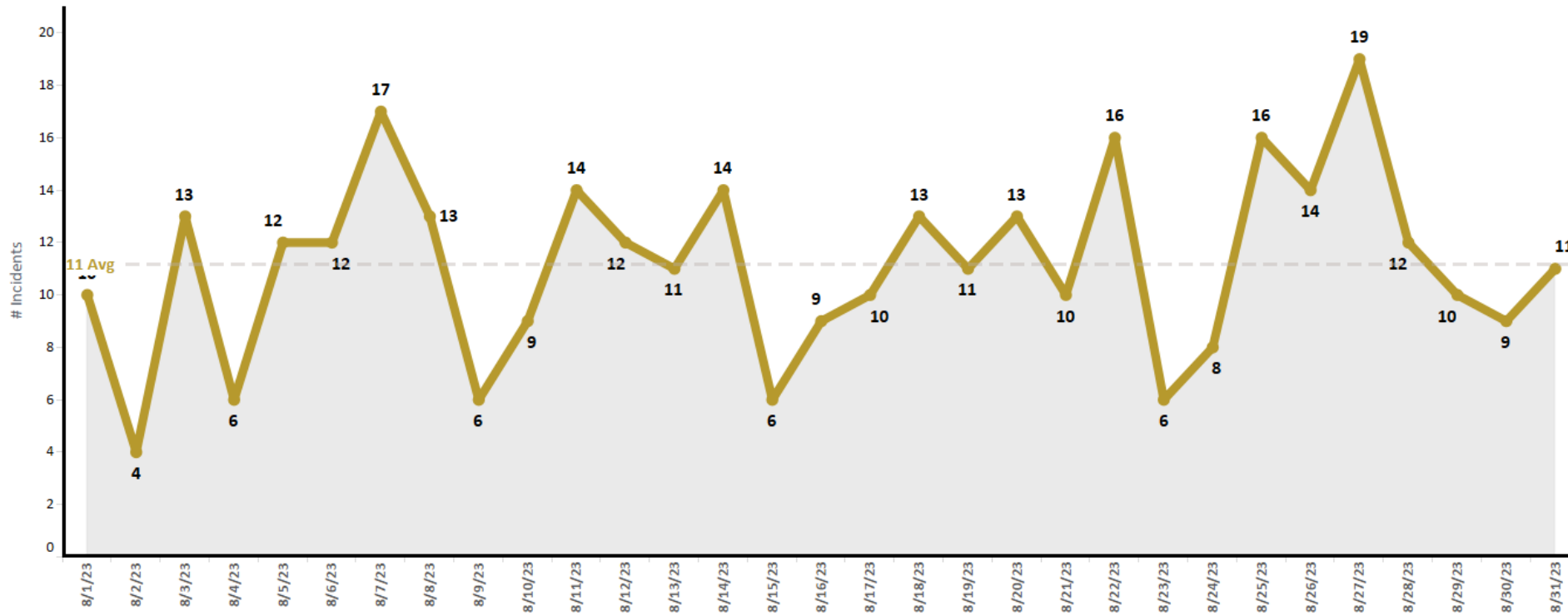
Fredericksburg Fire and EMS



Incident Measures per *Day*

346 Incidents	11 Average	11 Median	4 Minimum	19 Maximum
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Incidents per *Day*



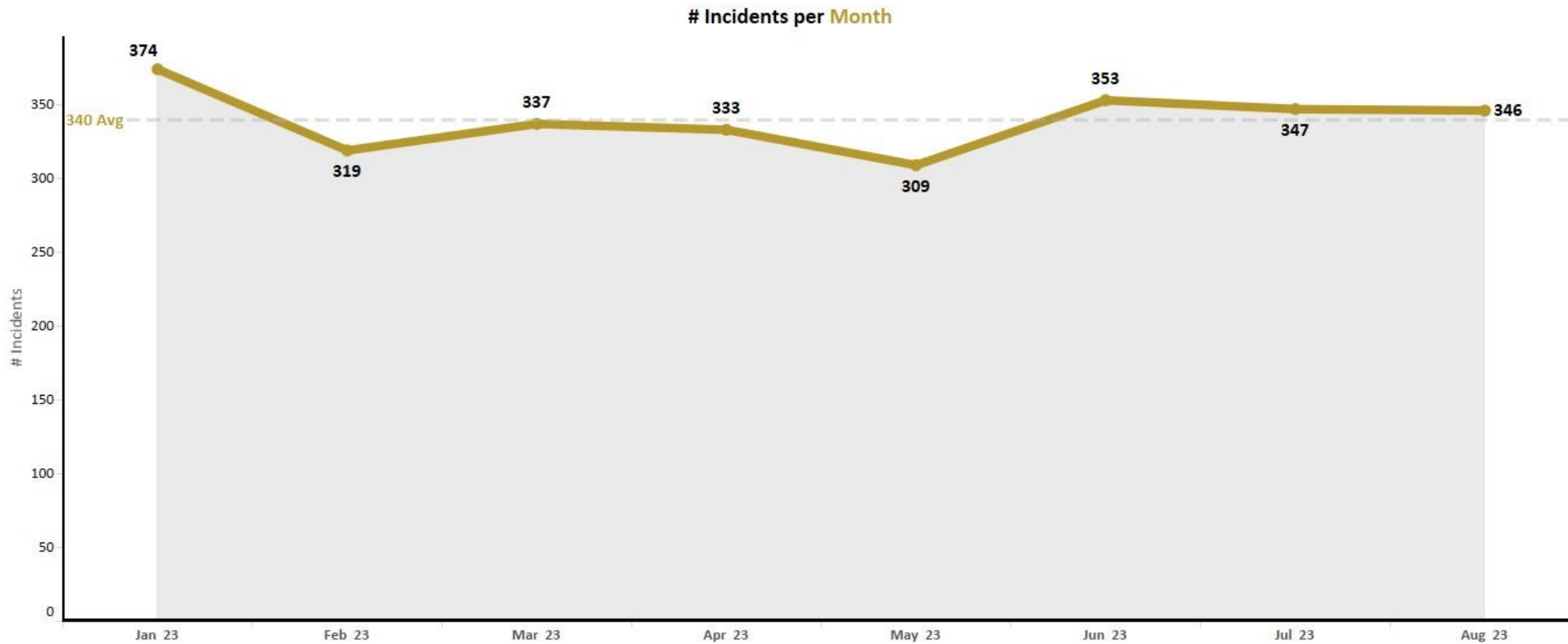
Department Volume

Fredericksburg Fire and EMS



Incident Measures per *Month*

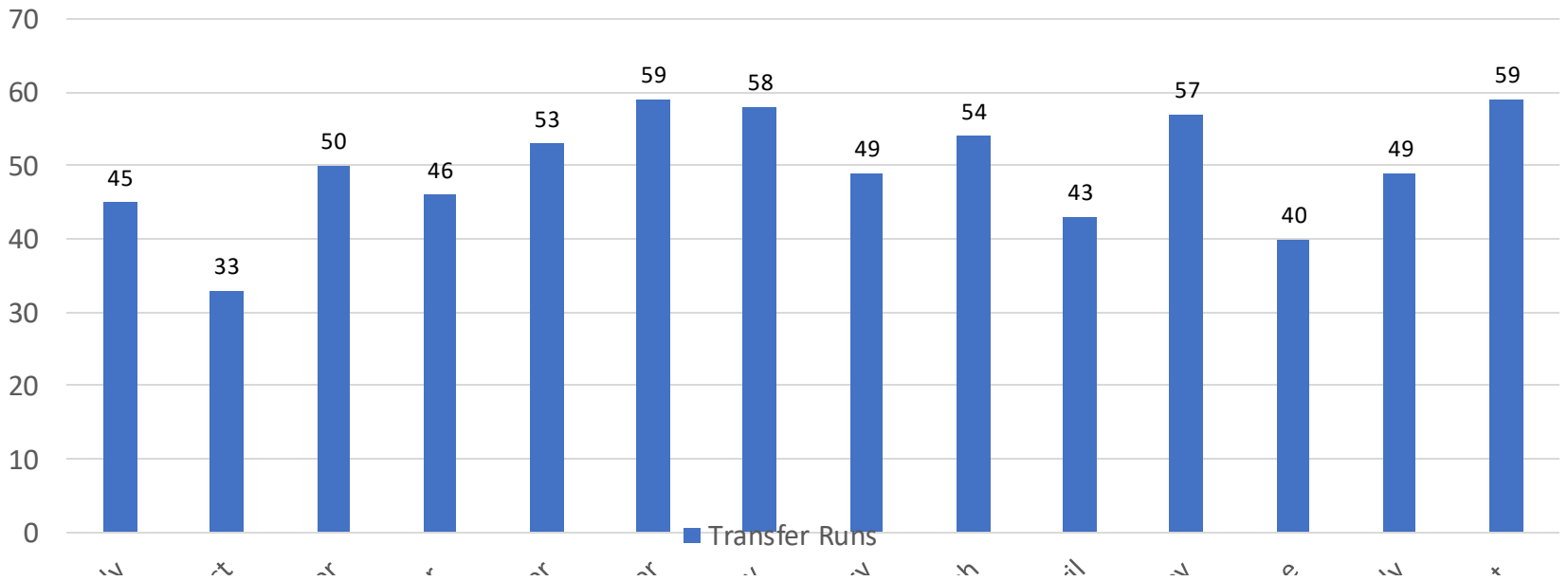
2,718 Incidents	340 Average	342 Median	309 Minimum	374 Maximum
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YTD 2022 vs YTD 2023 Comparison

- Total Runs 2671 vs 2718
 - Delta 47 runs or 1.8% increase
- 100 Fire Runs 183 vs 95
 - Delta - 88 runs or 97% decrease
- 300 EMS Runs 2087 vs 2231
 - Delta 144 runs or 6.9% increase
 - Delta Med/Trauma runs 80 or 5.5% increase
 - Delta Transfers runs 93 or 30% increase

2022-23 Transfers Per Month



Department Incidents by Day & Hour

Fredericksburg Fire and EMS



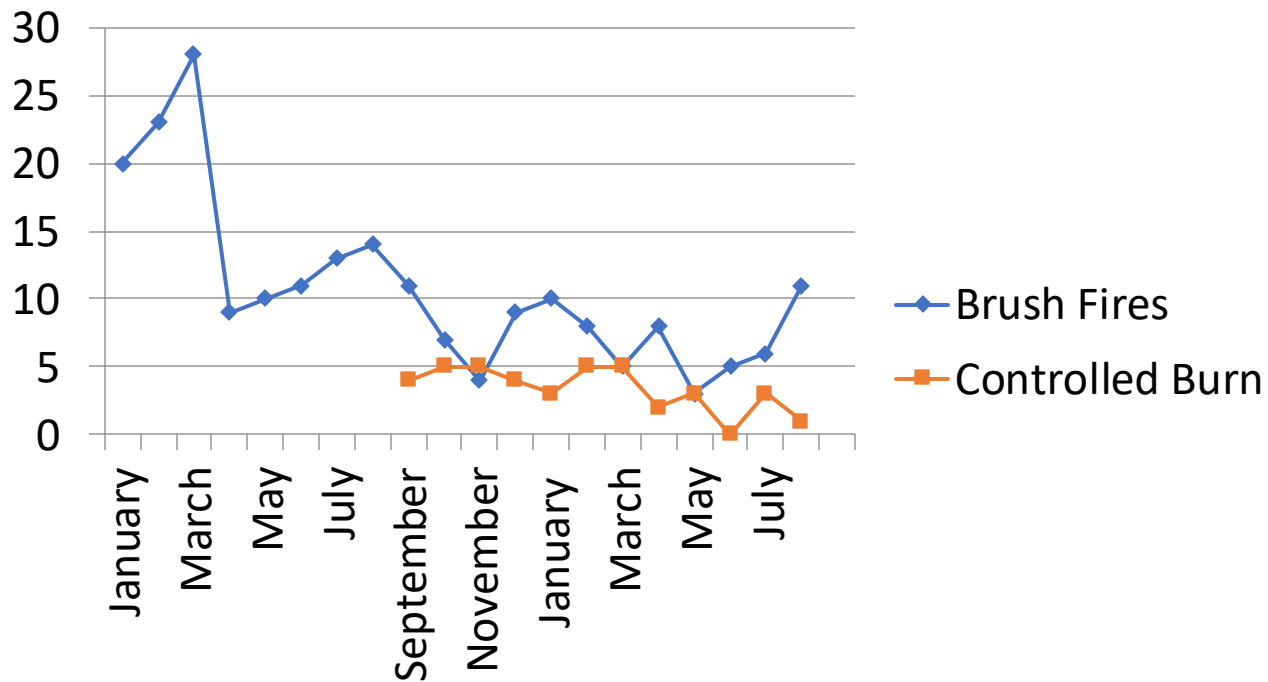
346
Incidents



Sun	Mon	Tue	Wed	Thu	Fri	Sat
55	53	55	34	51	49	49
2	1	2	1	1	2	2
	1	1	1	1	2	2
	1		1	1		1
2		3				2
	2	2	1	2	1	2
		1		2	1	
		1	2		1	1
3	3	1	1	3	1	2
4	3	3	1	1	5	2
3	4	1	1	5	2	2
4	5	4	2	6	2	4
3	4		1	3	1	3
6	3	3	2		3	3
4	6	4	4	4	1	3
2		5	1	5	3	2
4	4		1	1	4	3
1	3	4	3	2	4	3
2	3	5	5	2	2	2
2	2	4	2	4	4	4
5		4		2	2	1
1	3	3	1		4	2
2	3	2	2	3	1	1
3	1	2	1	1	2	
2	1			2	1	2

00:00	11
01:00	8
02:00	4
03:00	7
04:00	10
05:00	4
06:00	5
07:00	14
08:00	19
09:00	18
10:00	27
11:00	15
12:00	20
13:00	26
14:00	18
15:00	17
16:00	20
17:00	21
18:00	22
19:00	14
20:00	14
21:00	14
22:00	10
23:00	8

2022-23 Brush Fire Season



Incident Locations by Type

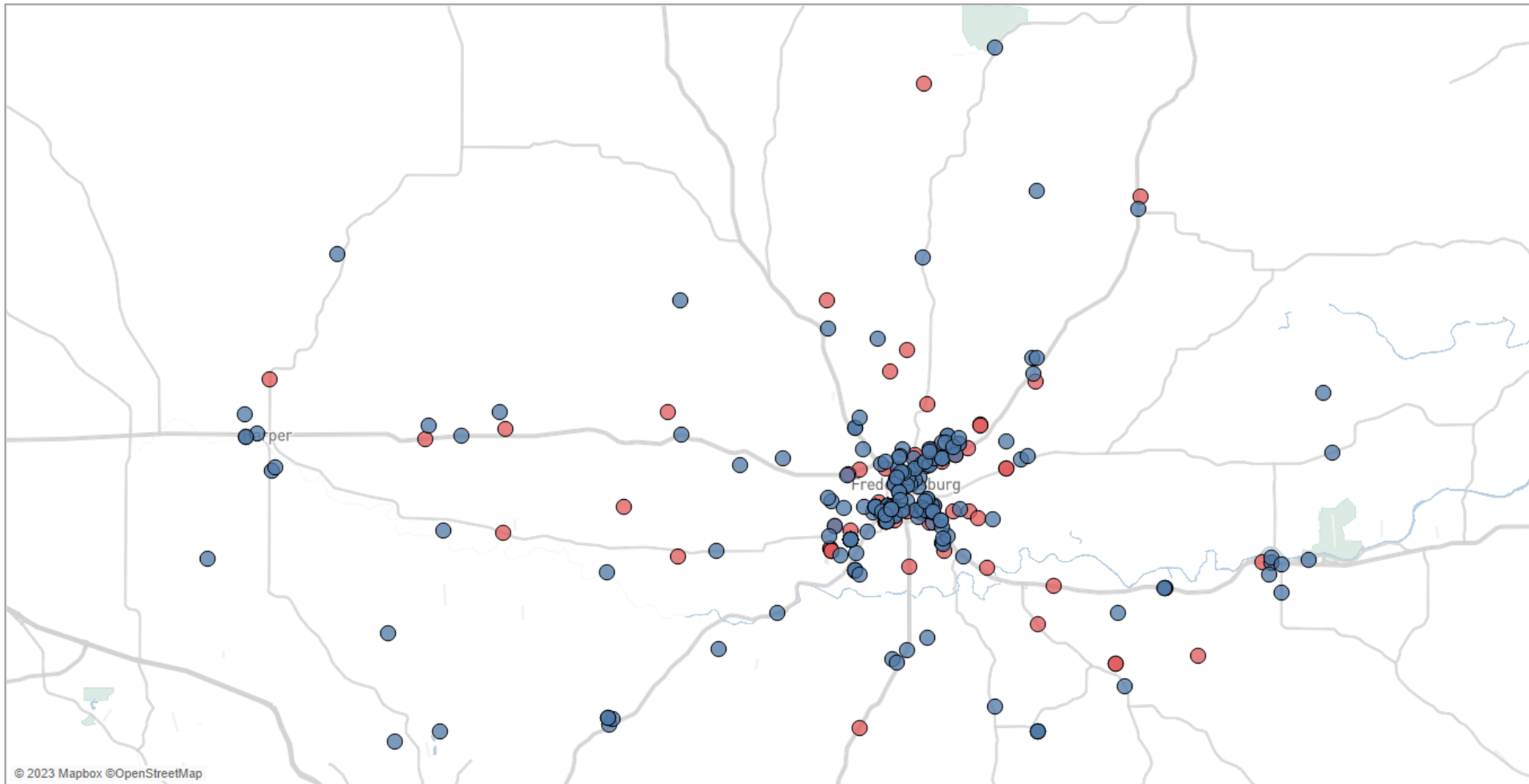
Click to highlight Fire or EMS

Fire

EMS

345 (99.7%) incidents have coordinates out of 346 incidents total.
Incidents without coordinates are not shown.

Fredericksburg Fire and EMS



Incident Locations by Mutual Aid

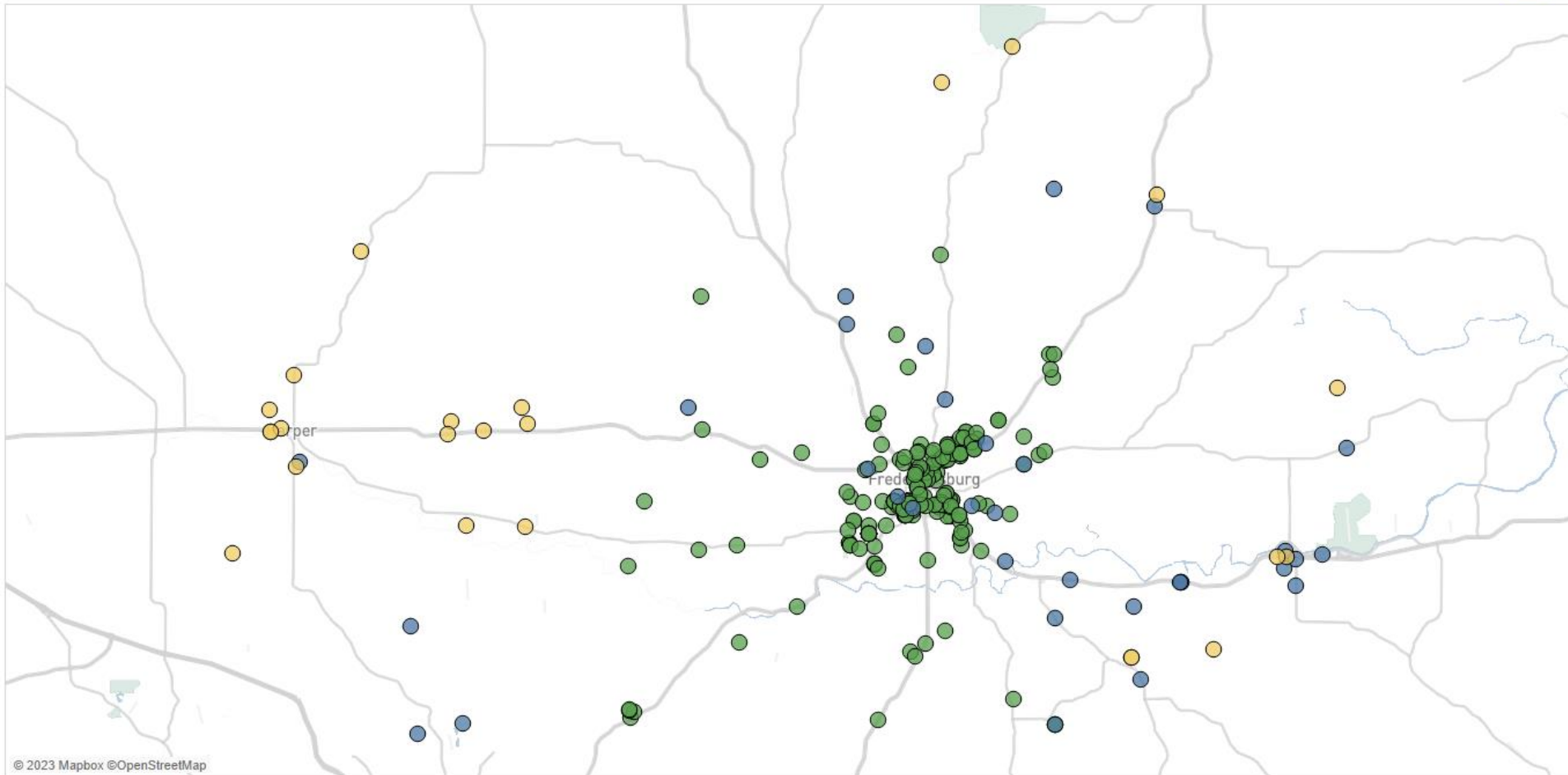
Click to Highlight a Mutual Aid Category

● Aid Given

● Aid Received

● None

Fredericksburg Fire and EMS

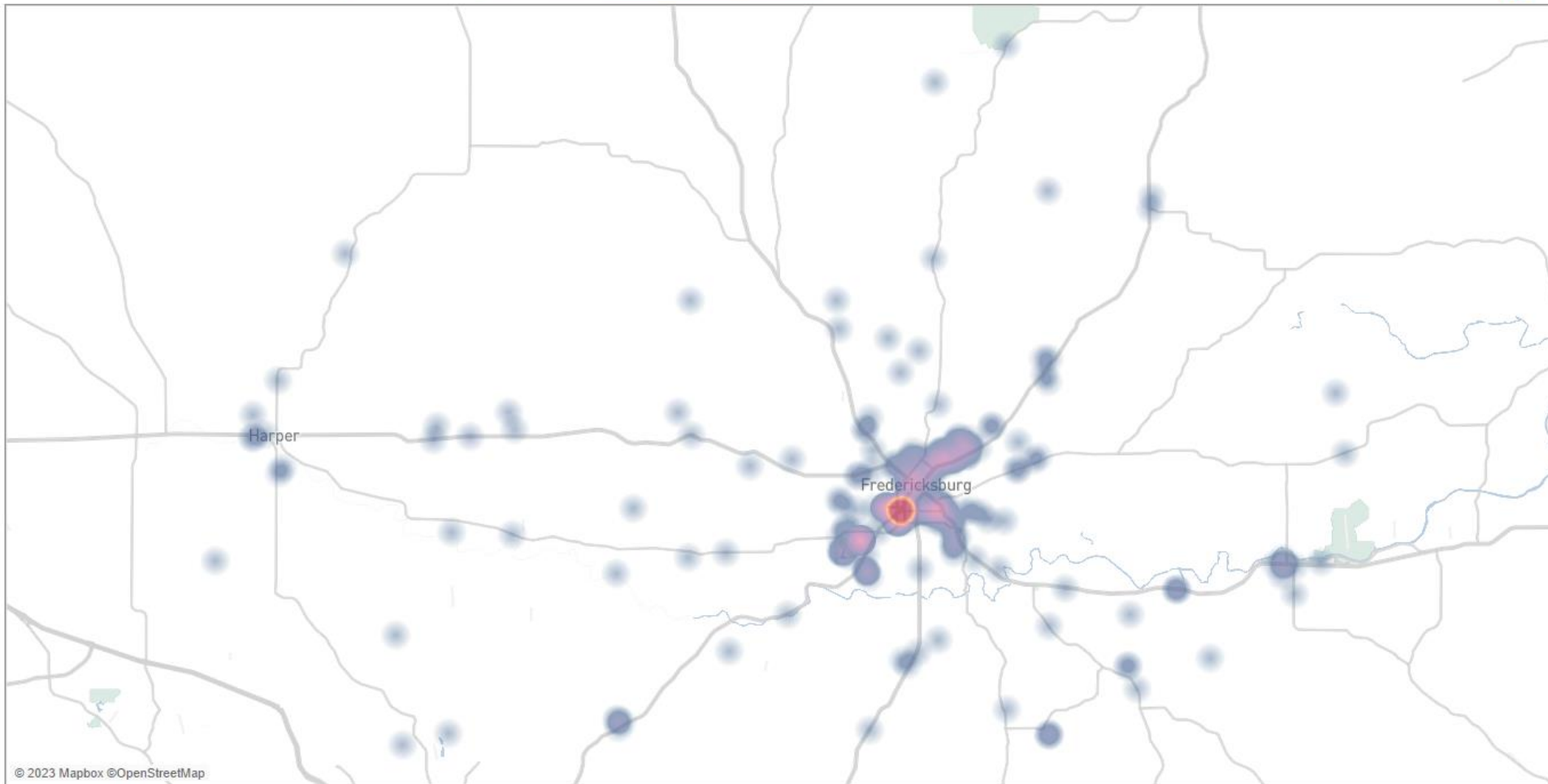


345 (99.7%) incidents have coordinates out of 346 incidents total. Incidents without coordinates are not shown.

Incident Location Heat Map



Fredericksburg Fire and EMS



345 (99.7%) incidents have coordinates out of 346 incidents total. Incidents without coordinates are not shown.

City Department Openings

Open Positions – September 8, 2023

- | | |
|-----------------------------|--|
| Finance | - Utility Account Analyst / Customer Service Representative |
| Fire/EMS Department | - Captain (Promotional testing process is being scheduled)
- Fire Fighter / EMT |
| Police Department | - 3 Police Officers |
| Water Department | - Crew Chief (probable internal promotion, leaving crew worker open)
- Master Electrician |
| Engineering | - Staff Engineer |
| Street Department | - Heavy Equipment Specialist |
| Development Services | - Senior Planner / Historic Preservation Officer |

City Department Openings

Recently Filled Positions

Police Cadet (for future Patrol Officer) - Hunter Saunders

Patrol Officer - Trevor Mason (currently in field training)

Animal Control Officers

☐ **Whitney Long**

☐ **Kaleb Jacoby**

Parks Crew Worker – Jesse Hanson



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Parks and Recreation
TO: Mayor & City Council Members
FROM: Jennifer Krupa, Asst. PARD Director/
Special Events
MEETING DATE: October 3, 2023

CATEGORY: CONSENT

CAPTION: Consider the approval of street closure requests for (1) N. Crockett Street from Austin Street to Travis Street, (2) W. Schubert (eastbound lane only) from Crockett Street to Adams Street, and (3) N. Adams Street (southbound lane only) from Schubert Street to Austin Street; from 5:30 p.m. to 8:45 p.m., on both Friday and Saturday, December 8 & 9, 2023, for the Christmas Journey event hosted by Bethany Lutheran Church (Jennifer Krupa, Assistant Director of Parks and Recreation//Special Events Coordinator).

PRESENTATION:

SUMMARY: Bethany Lutheran Church hosts an annual Christmas Journey Drive-Thru experience each December. The church, in consultation with the police department, streets division, and special events coordinator, are asking City Council to approve the following street closures on Friday & Saturday, December 8 & 9, 2023, from 5:30 p.m. until 8:45 p.m.:

- W. Schubert Street (south side/eastbound lane only) between Crockett and Adams Streets
- N. Adams Street (west side/southbound lane only) between Schubert and Austin Streets
- N. Crockett Street between Austin and Travis Streets

Emergency access will remain open on all streets during the closures.

BACKGROUND:

The streets division will deliver the equipment needed to close the streets on Friday, December 8, 2023. The church will be responsible to close and remove the equipment both days, and then place the equipment on the side of each street for pick-up by the streets division on Monday, December 11, 2023.

Chapter 44, Article II, Section 44-24, of the City's Code of Ordinances states:
Sec. 44-24. - Authority of chief of police to enforce traffic regulations.

(a)
The chief of police is hereby empowered to take all actions as may be necessary or advisable to enforce traffic regulations to make effective the provisions of this chapter and other traffic laws or ordinances and to make and enforce temporary or experimental regulations to cover emergencies or

special events or conditions. No such temporary or experimental regulation shall remain in effect for more than 90 days, nor shall it be effective until approved by the City Manager.

(b)

The chief of police is hereby empowered, in addition to the traffic engineer, to close streets for emergencies, special events or other conditions. Street closures which are expected to be for periods in excess of two hours, except for emergencies, shall require approval by the City Council.

FUNDING SOURCE: General Fund

FINANCIAL IMPACT:

N/A

STAFF RECOMMENDATION:

Recommend City Council consider the adoption of a motion to approve street closures for N. Crockett Street from Austin to Travis Streets; W. Schubert (eastbound lane only) from Crockett to Adams Streets, and N. Adams Street (southbound lane only) from Schubert to Austin Street; from 5:30 p.m. to 8:45 p.m., on both Friday and Saturday, December 8 & 9, 2023, for the Christmas Journey event hosted by Bethany Lutheran Church.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Quality of Life Vision

ATTACHMENTS:

1. 2023 BLC Christmas Drive-Thru Street Closure Request

APPROVAL/REVIEW:

Andrea Schmidt

Andrea Schmidt, Parks and Recreation Director

Date: September 08, 2023

Krista Wareham

Krista Wareham, Director of Finance

Date: September 11, 2023

William McKamie, City Attorney

Date: September 11, 2023

Shelley Goodwin

Shelley Goodwin, City Secretary

Date: September 27, 2023

Clinton Bailey

Clinton Bailey, City Manager

Date: September 28, 2023

SPECIAL EVENTS STREET CLOSURE REQUEST



Street closure requests must be made two (2) months in advance to City Council for any closure two (2) hours or more. Please consider this timeline when submitting your request. Please also attach the notification letter you will send to abutting property owners (if applicable) with this request to the Special Events Coordinator.

Event Name:	Bethany Lutheran's Christmas Journey Drive-Thru
Event Date(s):	Friday December 8th & Saturday December 9th, 2023
Contact Name:	Layne Petty
Contact Phone:	(830) 997-2069 or (830) 456-1817

Closure Area:

☐ Entire Street
 ☐ Parking Lane Only
 ☒ Partial Street
 ☐ Blocking City owned property

Side of street: _____ (N,S,E,W) Side of street: S & W Location: _____

Additional details (attach additional pages as needed for more streets and describe details of use below):

Asking to close the South side of West Schubert Street between Crockett & Adams Street.

Asking to close the West side of Adams Street between Schubert & Austin Street.

Street Closure Details:

Street Name	Between (cross street)	And (cross street)	Start Date	Start Time	End Date	End Time
Example:	Crockett Street	Adams Street	Friday, 4/2/21	6:00 PM	Sunday, 4/4/21	12:00 PM
W. Schubert St.	Crockett St.	Adams St.	Friday 12/8/23 Saturday 12/9/23	5:30 PM	Same day	8:45PM
N Adams St.	Schubert St.	Austin St.	Friday 12/8/23 Saturday 12/9/23	5:30PM	Same day	8:45PM
N. Crockett St.	Austin St.	Travis St.	Friday 12/8/23 Saturday 12/9/23	5:30PM	Same day	8:45PM

If the event will impact surrounding property owners, a notification letter is required to be sent to property owners at least two weeks prior to the event date. Attach a copy of the notification letter and a list of addresses the letter will be sent to.

Date notice provided: _____

Printed Name: Layne Petty

Date: 09/06/2023

Signature: *Layne Petty*

Date: 09/06/2023

Street Department: A. Durst via email

Date: 9-7-23

Police Department: Lt. Seelig / St. Lovelady

Date: 9-8-23

Parks Department: Feiben Kupa

Date: 9-8-23



CITY COUNCIL **AGENDA MEMO**

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM: Anna Hudson, Director of Development Services

MEETING DATE: October 3, 2023

CATEGORY: ORDINANCES, RESOLUTIONS
AND PUBLIC HEARINGS

CAPTION: Consider the proposed amendments to the Zoning Municipal Ordinances as part of the City of Fredericksburg Code of Ordinances regarding Short-Term Rentals (#Z-2318) (Anna Hudson, Director of Development Services)

- i. Presentation by Staff
- ii. Discussion by City Council
- iii. Hold a Public Hearing to receive comments for or against Request Z-2318
- iv. Consider the approval of Ordinance 2023-18, repealing Section 5.401, "Additional Requirements for Short-Term Rental Uses," of Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code; amending Section 2.100, "Definitions," of Appendix B, "Zoning Ordinance," by revising definitions related to Short-Term Rentals; adding a new Article VII, "Short-Term Rentals," to Chapter 20, "Offenses And Miscellaneous Provisions," to provide for the regulation and permitting of Short-Term Rentals; creating a new Section 4.400, "General Regulations for Short-Term Rentals," in Appendix B, "Zoning Ordinance," to provide for zoning regulations related to Short-Term Rentals; amending Section 5.500, "Board of Adjustment," of Appendix B, "Zoning Ordinance," to authorize the Board of Adjustment to grant Special Exceptions related to Short-Term Rentals; amending miscellaneous provisions in Appendix B, "Zoning Ordinance," to ensure consistency with the amendments herein; providing this Ordinance shall be cumulative; providing a severability clause; providing a penalty for violation; providing a savings clause; providing for publication in the official newspaper; and providing an effective date

PRESENTATION:

SUMMARY:

The proposed amendments will repeal the existing STR ordinance and shift the majority of STR regulations to Chapter 20 of the Fredericksburg Municipal Code. Highlights from the amendments include provisions relating to the following functions:

- To clarify and update the regulations to be applied to STRs;
- To create a specific enforcement structure for repeated major STR permit violations;
- To create new appeals procedures related to STR permits to ensure due process of law;

- To clarify procedures for transferring and renewing permits, particularly by allowing greater flexibility with respect to permit transfers; and
- To establish that certain types of STRs may continue operations as legal nonconforming uses.

BACKGROUND:

In April 2022, new regulations governing short-term rentals (STR) were adopted along with the implementation of a new software package for permitting and compliance monitoring. The Mayor appointed an STR Task Force in the Fall of 2022 to analyze the particular issues faced by the City and to provide recommendations on approaches to improve the 2022 STR Ordinance. The task force's final report was presented to City Council on March 7, 2023.

Since the completion of the Task Force's report, the City Council and the Planning & Zoning Commission have held three joint work sessions to evaluate the recommendations of the Task Force and City staff and to review STR-related data. As part of this process, numerous members of the public community have voiced their support and opposition of STR's within the City.

As of August 1, 2023, there were 1,058 active STR permits within the City Limits.

City staff has worked closely with the City Attorney's office to prepare an ordinance that is legally enforceable and addresses the issues and concerns that have been brought up with the 2022 ordinance. The first draft ordinance was made public on August 15, 2023, along with an [interactive map](#) that shows permitted STRs operating within the City Limits and ETJ. Public Hearing notices were also mailed to all property owners within the City and as of September 25th, 2 letters in support and 30 letters in opposition have been submitted and are included as exhibits.

The Planning & Zoning Commission held a Public Hearing on September 6, 2023. They recommended approval of the draft with 11 changes. The Redline version (tracked changes) of the ordinance is included along with a summary of the changes.

FUNDING SOURCE:

FINANCIAL IMPACT:

Short Term Rental permits currently renew annually. The proposed amendment would change to 2-year permits with fees adjusted accordingly. A separate fee ordinance amendment will be submitted by staff at a subsequent meeting.

7% Hotel Occupancy Taxes (HOT) are collected by the Finance Department quarterly for all STR properties.

Requiring all STR units to be inspected at renewal would have a significant impact on staff time and would require new employee(s).

STAFF RECOMMENDATION:

Staff is recommending amendments to the ordinance to address ongoing issues and provide additional clarification for future permitting, remittance of hotel occupancy taxes, and enforcement. Planning and Zoning held a Public Hearing on September 7, 2023 and made a recommendation for approval with 11 changes. The motion was approved by a 6-0 vote. Staff suggests further discussion regarding the following:

Nonconforming uses: Senate Bill 929 took effect on September 1, 2023. It deals with non-

conforming uses, specifically uses that a municipality requires to cease operations. The current ordinance draft allows non-conforming uses to continue operations, but requires compliance with new permit requirements which may be difficult for some operating STRs to meet. The current draft allows for such properties to obtain a Special Exception to be able to continue operations without meeting all new permit requirements. Based on the number of non-conforming properties, staff anticipates this Section of the Ordinance Sec.20-226 (a) will create a sharp increase in new Special Exception requests with little benefit to the City. Staff suggests that non-conforming properties be allowed to operate under the rules in place when they were initially permitted (2018 Ordinance and 2022 Ordinance). P&Z recommended that existing STRs come into compliance with life safety regulations, an occupancy maximum of 12 and new parking requirements. Providing sufficient on-site parking will be one of the most difficult requirements for existing STR operators to meet. The current draft does not require new parking regulations to be met as part of life safety. The 2018 Ordinance only required 1 parking spot per unit. The 2022 Ordinance increased that requirement to 1 spot per bedroom. Staff sent out a survey to STR operators and found that 25% of respondents would not be able to park per bedroom. *Sec 20-221(c), Sec 20-226 (c) (d), Section 8.*

Long Term Rentals: The current draft allows an STR to switch to a Long Term Rental by notifying staff and continuing to remit a zero-dollar HOT report.(P&Z Recommendation) *Sec 20-222.(a) and 20-226(d)*

Parking: The 2022 Ordinance increased on-site parking requirements but gave credit for on-street parking. No other uses (residential or commercial) are given credit for on-street parking, since all on-street parking within the City is free and open to the public. The current draft removes the on-street credit, allows tandem parking, and sets a minimum of two spots per parcel.(P&Z Recommendation) *Sec 20-222(c), Sec 20-223 (4), Sec 20-224(b)*

Occupancy: The current draft proposes occupancy at 2 people per bedroom plus 2 with an overall max occupancy of 12 (P&Z Recommendation). In the 2022 Ordinance occupants are defined as anyone over the age of 18 but in the current draft, occupant ages are not taken into consideration, so a child would still be counted in the maximum occupancy. Maximum occupancies of 8 and 10 were also discussed by the STR Task Force and as part of the joint meetings.

There are currently 58 permitted units with occupancy greater than 10 (41 of those units are in R1 zones/8 in R2). There are 23 units with occupancy greater than 12. The current draft allows for a Special Exception to increase occupancy above 12 but a maximum could also be set for the Special Exception process. *Sec 20-222(b)(d)(i), Sec 20-223(4), 20-224 (b), Section 6*

Special Exceptions: Currently, a Conditional Use Permit is required for an STR-Unoccupied in R2 in the Historic District, to expand a non-conforming STR, a new STR- Unoccupied in R1 if it meets certain criteria, and for new first floor STRs in the Historic Shopping District. A CUP requires Planning & Zoning recommendation and City Council approval. In place of the CUP process, the proposed ordinance creates a Special Exception that would require approval by the Zoning Board of Adjustment based on new criteria along with other variance procedures. To date, all R2 Historic District CUPs have been approved and no R1 properties have qualified to apply for an Unoccupied permit. This draft also provides for Special Exceptions to increase occupancy or to reduce parking requirements. *Sec 20-222(b), 20-223, 20-226 (b), Section 5, Section 6*

Transfers: Currently, transfers are allowed and must be completed within 10 days so the 24 hr contact information is up-to-date. The proposed language continues to allow transfers (including non-conforming uses in good standing) but allows up to 90 days for the new owner or property manager to submit a transfer request. If operating an STR within the 90-day transfer period, a new STR owner must comply with all applicable regulations in the new ordinance, regardless of whether or not the

transfer application has been submitted. Transfers would also require a new inspection. (P&Z Recommendation) *Sec 20-221(c)(d)*

Inspections: As currently drafted, inspections are required for new applications and renewals with alterations. The director or designee may require an inspection during a renewal with no changes. STR cannot be occupied while in violation of inspection. As amended with the P&Z Recommendation, all existing STR permits would require an inspection to ensure they are in compliance with new Life Safety requirements and occupancy maximums. Staff currently conducts about 10 STR inspections a week for new applications, transfers, and changes to permits. Requiring all renewals to have an inspection would significantly increase the workload for staff. *Sec 20-221*

STR Regulations/Requirements: Currently located in Sec 5.401 - proposed moves to Sec 20-222

Density: The biggest change in the 2022 Ordinance was limiting new Unoccupied STRs in R1 in an attempt to preserve neighborhoods and address negative impacts to surrounding properties. R2 properties outside the Historic District still allow one STR-unoccupied by right. A previous draft presented on June 19th did include a density limitation for unoccupied based on 12.5% of a block. The current draft does not change permitted uses in the R2 zone as P&Z did not take on this recommendation. If a new density limit is considered for R2, staff suggests it be based on a 200' boundary instead of by block since block lengths/number of parcels varies greatly across the city. If R2 density is implemented, new Special Exception criteria will need to be added to allow an additional STR-unoccupied to operate if such operations would not adversely affect the surrounding area.

Condos/R3: Currently, all STR Condos require a Conditional Use Permit. The proposed draft prohibits new STR Condos in any zoning district. The current draft also removes STR use in R3 Multi-family zoning. (P&Z Recommendation) Staff recommends the change in order to preserve R3 housing stock for affordable housing. *Section 2, Section 7, Section 8*

Enforcement: This draft clarifies when citations can be issued, allows permit suspension for failure to pay HOT, addresses repeat offenses and clarifies major and minor violations. Three minor violations will equal 1 major violation and 3 majors within 12 months will send a permit to City Council to consider suspension for up to 90 days. The appeal of a permit denial will be sent to City Council. City Council will have the ability to revoke or suspend a permit. Staff recommends more specific language be added to address whether a conviction from Municipal Court is required to count as a major violation and clarify when timelines start. *Section 3, Sec 20-224, 20-225*

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

ATTACHMENTS:

1. STR Ordinance for CC with PZ Recs Redline
2. Summary of PandZ recommendations on STR Amendments
3. Written Public Hearing Comments
4. Z-2318 List of Public Hearing Responses

APPROVAL/REVIEW:



Garret Bonn, Assistant City Manager

Date: September 26, 2023

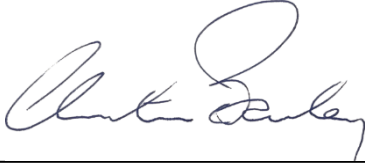
William McKamie, City Attorney

Date: September 26, 2023



Shelley Goodwin, City Secretary

Date: September 26, 2023



Clinton Bailey, City Manager

Date: September 28, 2023

ORDINANCE NO. 2023-18

AN ORDINANCE OF THE CITY OF FREDERICKSBURG, TEXAS, REPEALING SECTION 5.401, "ADDITIONAL REQUIREMENTS FOR SHORT-TERM RENTAL USES," OF APPENDIX B, "ZONING ORDINANCE," OF THE FREDERICKSBURG MUNICIPAL CODE; AMENDING SECTION 2.100, "DEFINITIONS," OF APPENDIX B, "ZONING ORDINANCE," BY REVISING DEFINITIONS RELATED TO SHORT-TERM RENTALS; ADDING A NEW ARTICLE VII, "SHORT-TERM RENTALS," TO CHAPTER 20, "OFFENSES AND MISCELLANEOUS PROVISIONS," TO PROVIDE FOR THE REGULATION AND PERMITTING OF SHORT-TERM RENTALS; CREATING A NEW SECTION 4.400, "GENERAL REGULATIONS FOR SHORT-TERM RENTALS," IN APPENDIX B, "ZONING ORDINANCE," TO PROVIDE FOR ZONING REGULATIONS RELATED TO SHORT-TERM RENTALS; AMENDING SECTION 5.500, "BOARD OF ADJUSTMENT," OF APPENDIX B, "ZONING ORDINANCE," TO AUTHORIZE THE BOARD OF ADJUSTMENT TO GRANT SPECIAL EXCEPTIONS RELATED TO SHORT-TERM RENTALS; AMENDING MISCELLANEOUS PROVISIONS IN APPENDIX B, "ZONING ORDINANCE," TO ENSURE CONSISTENCY WITH THE AMENDMENTS HEREIN; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Fredericksburg, Texas (the "City"), is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution, and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City ("City Council") recognizes the City's desirability as a premier tourist destination, as well as the importance of maintaining affordable housing for long-term residents of the City, and has therefore determined that the regulation of short-term rental properties is in the best interest of the public; and

WHEREAS, the City Council has previously adopted regulations governing short-term rentals and appointed a Short-Term Rental Task Force in Fall 2022 to analyze the particular issues faced by the City and to provide recommendations on approaches to improve the previously adopted regulations; and

WHEREAS, the City Council and Planning & Zoning Commission of the City have held multiple joint work sessions to evaluate the recommendations of the Task Force, recommendations of City staff, and data on short-term rental issues within the City; and

WHEREAS, the City Council and Planning & Zoning Commission have heard and reviewed extensive comments by members of the public, including citizens of the City expressing complaints as to noise, density, parking, and other adverse effects related to

the operation of short-term rentals in residential areas, as well as non-resident owners of short-term rental properties within the City expressing their commitment to supporting the City's tourism industry; and

WHEREAS, in consideration of the information, recommendations, and public comments provided, the City Council now seeks to amend the City's short-term rental regulations; and

WHEREAS, the purpose of the regulations set forth herein is to provide a procedure to allow the rental of private residences to visitors on a short-term basis, while ensuring that such rental use does not cause adverse impacts to residential neighborhoods due to the intensive nature of the use creating excessive traffic, noise, density, and other adverse effects, and additionally to ensure that the number of occupants within such rental units do not exceed the design capacity of the structure causing health and safety concerns, and that minimum health and safety standards are maintained in such units to protect visitors from unsafe or unsanitary conditions; and

WHEREAS, the City Council has determined that the enforcement of such regulations will promote the public health, safety and welfare of its citizens and the general public; ensure consistency in land uses and development; and protect the rights of property owners, residents, and visitors in the City of Fredericksburg.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS;

SECTION 1

Section 5.401, "Additional requirements for short-term rental uses," of Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code is hereby repealed.

SECTION 2

Section 2.100, "Definitions," of Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code is amended by deleting the following definitions:

"LOCAL CONTACT PERSON.

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

OPERATOR.

The Owner or the Owner's authorized representative who is responsible for advertising and/or operating a Short-term Rental.

SHORT-TERM RENTAL (STR).

Any structure used for transient or guest lodging accommodations, rented for compensation of a dwelling unit, which includes but is not limited to a single-family residence, townhouses, and other residential use real estate improvements, in which the public may obtain sleeping accommodations for a period less than 30 consecutive days. This term applies regardless of whether the dwelling was originally constructed or zoned as a residential dwelling. This term does not apply to multi-family projects or apartment complexes. This term is a general definition and the various types of STRs are further defined in this Section 2.100.

SHORT-TERM RENTAL, ACCESSORY.

A short-term rental providing transient or guest lodging accommodations for compensation within a lawful Guest House on the same lot as the primary structure which is the principal residence of the Owner (as evidenced by a current residence homestead exemption filed with the Gillespie Central Appraisal District) or the Local Contact Person (as evidenced by a sworn affidavit of principal residency). The Guest House shall not exceed the size of the primary structure. For purposes of this definition, the term "principal residence" refers to a person's primary or chief residence that the person actually occupies on a regular basis.

SHORT-TERM RENTAL, B&B.

A short-term rental providing transient or guest lodging accommodations for compensation within the rooms of the primary structure which is the principal residence of the Owner (as evidenced by a current residence homestead exemption filed with the Gillespie Central Appraisal District) or the Local Contact Person (as evidenced by a sworn affidavit of principal residency). Separate short-term rental permits shall be required for each separate bedroom unit within a Short-Term Rental, B&B which may be rented. For purposes of this definition, the term "principal residence" refers to a person's primary or chief residence that the person actually occupies on a regular basis.

SHORT-TERM RENTAL, BEDROOM.

A short-term rental, bedroom shall be defined as a room within a structure used for Short-Term Rental purposes, with a minimum size of 70 square feet, plus a closet directly accessible from the room, that meets all the minimum international building code and fire code regulations regarding bedroom sizes, ingress, and egress.

SHORT-TERM RENTAL, CONDOMINIUM.

Short-term rental located in a complex or housing group that is part of a declared and recorded condominium regime.

SHORT-TERM RENTAL, DWELLING UNIT.

A structure or room that is rented separately from other rental units on the property, for the purpose of transient or guest lodging. Each individual short-term rental dwelling unit shall be required to obtain a separate short-term rental permit.

SHORT-TERM RENTAL, FACILITY.

A facility or complex containing multiple short-term rental dwelling units (up to eight units) on a single lot, for transient or guest lodging where sleeping accommodations are provided for compensation. Any facility or complex, located in a commercial zoning district, containing multiple short-term rental dwelling units on a single lot, shall be developed in accordance with the multi-family regulations of the base zoning district.

SHORT-TERM RENTAL PERMIT.

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

SHORT-TERM RENTAL, UNOCCUPIED.

A short-term rental providing transient or guest lodging accommodations for compensation within a lawful structure, that is not located on the same lot as the property owner's principal residence, and which includes, but is not limited to, a single-family residence, townhouses, duplexes, and other residential real estate improvements."

SECTION 3

Chapter 20, "Offenses and Miscellaneous Provisions," of the Fredericksburg Municipal Code is hereby amended by adding a new Article VII to read as follows:

"ARTICLE VII. – SHORT-TERM RENTALS

Sec. 20-220. – Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

24-hour contact. The local responsible party who can be contacted regarding emergencies, immediate concerns, and complaints from the public. Said individual must be available in person or by phone at all times during any occupant's rental term for the short-term rental. If called, the 24-hour contact must respond to such call within thirty (30) twenty (20) minutes, and shall either resolve the issue or be present at the premises within one (1) hour of receiving a call from the director, the police department, code enforcement, or other city staff. A 24-hour contact must be authorized to make decisions regarding the premises and its occupants.

Bathroom. An enclosed space containing one or more bathtubs, showers, or both, as well as one or more toilets, lavatories or fixtures serving similar purposes.

Bedroom. A room used or intended to be used for sleeping purposes and not as a kitchen, bathroom, living room, closet, hallway, utility space, reading nook, alcove, entry way, garage, patio or breezeway.

Block. A tract of land bounded by streets, or a combination of streets, public parks, railroad rights-of-way, shorelines of waterways or corporate limits.

Code or city code. The Fredericksburg Municipal Code.

Department. The development services department of the city.

Director. The director of development services of the city or their designee.

Long-term rental. The rental of any residence or residential structure, or portion of a residence or residential structure, to a residential tenant for a period of thirty (30) or more days.

Occupant. The person(s) who has/have lawfully obtained the exclusive use and possession of a short-term rental from the owner and/or operator, as well as any invitee(s) of such person(s).

Operator. The owner or local responsible party tasked with managing a property operating as a short-term rental on behalf of the owner.

Owner. The individual or entity who owns a property operating as a short-term rental.

Permit. The permit issued pursuant to the terms of this article authorizing the operation of a short-term rental.

Short-term rental or STR. The rental for compensation of any residence or residential structure, or a portion of a residence or residential structure, for the purpose of transient or guest overnight lodging accommodations for a period of less than thirty (30) consecutive days. Short-term rentals may include but are not limited to single-family residences, townhomes, duplexes, and other residential dwelling units, regardless of whether the dwelling was originally constructed or zoned as a residential dwelling. Short-term rentals shall not include hotels or motels. A short-term rental is further subject to the provisions of this article.

Short-term rental accessory or STR-ADU. A short-term rental operating within a lawful accessory dwelling unit on the same lot as the primary structure, in which the primary structure is (a) the owner's homestead as evidenced by a current homestead exemption filed with the Gillespie Central Appraisal District or (b) the primary residence of the 24-hour contact, as evidenced by a sworn affidavit to be provided with the short-term rental permit application. The accessory dwelling unit shall comply with section 8.220 of the city zoning ordinance.

Short-term rental B&B or STR-B&B. A short-term rental that operates on a residential property in which the owner, operator, or 24-hour contact resides as their principal residence (as evidenced by a current residence homestead exemption filed

with the Gillespie Central Appraisal District or a sworn affidavit). Separate short-term rental permits, with a maximum of four units, shall be required for each separate bedroom unit operating as a short-term rental within a short-term rental B&B.

Short-term rental facility or STR-FACILITY. A facility or complex, owned or operated by a single owner or operator, containing multiple short-term rental units (up to eight units) operated for short-term rental purposes on a single lot. Each unit within an STR-facility shall require a separate short-term rental permit.

Short-term rental unoccupied or STR-unoccupied. A short-term rental within a lawful residential dwelling that is not occupied by the owner, operator, or 24-hour contact and is not an accessory dwelling unit.

Sec. 20-221. – Short-term rental permitting and inspections.

It shall be unlawful for any owner, operator, or other person to advertise, offer to rent or rent, lease, sublease, license or sublicense a residential property within the city as a short-term rental for which a permit application has not been properly made and filed with the department, and a permit issued.

- (1) Permit application; fees.
 - a. A separate permit application must be submitted for each individual short-term rental.
 - b. A permit application shall be made upon forms furnished by the city for such purpose and shall be accompanied by the nonrefundable application fee identified in the city fee schedule.
- (2) Permit term; renewals; conditions.
 - a. Each individual short-term rental shall be assigned a unique permit number by the city to remain assigned to the short-term rental through any property ownership transfers.
 - b. An owner and/or operator shall obtain a unique permit for each short-term rental unit operating within an STR-facility or STR-B&B.
 - c. Permits shall be valid for a term of two (2) years.
 - d. A permit holder shall apply for renewal prior to permit expiration on a form furnished by the city for such purpose. The permit holder shall either update the information required on the initial application form or provide a certification affirming that the information previously submitted is still accurate. A complete application for renewal received after the expiration of a current permit shall be treated as an application for a new permit in accordance with section 20-221(1). Notwithstanding the foregoing, the permit holder of a short-term

rental located in a zoning district where the short-term rental use is no longer permitted by right may transfer said permit pursuant to section 20-221(3).

- e. Upon issuance, each short-term rental shall receive a physical permit, indicating the permit number, property address, maximum occupancy, [the name and phone number of the 24-hour contact](#), and expiration date, that shall be posted at or near the exterior front door of every short-term rental. The physical permit may be posted inside a front window at or near the exterior front door such that it is easily viewed from the exterior of the structure.

(3) Transfers of ownership.

- a. A short-term rental permit may be transferred to a new property owner upon submission of a complete short-term rental permit application prior to commencing short-term rental operations under new ownership. A permit transfer shall be required upon transfer of more than fifty percent (50%) of the ownership interest in any short-term rental, including any such transfer of interest in a legal entity owning a short-term rental.
- b. For properties located in zoning districts where short-term rental uses are no longer permitted by right, a short-term rental permit may be transferred subject to the following regulations.
 - 1. A permit transfer shall be required upon transfer of more than fifty percent (50%) of the ownership interest in any short-term rental, including any such transfer of interest in a legal entity owning a short-term rental.
 - 2. The new owner must submit a new permit application in accordance with this section 20-220 within the time period for voluntary discontinuance of a nonconforming use identified in section 6.110, ["Continuance of a Nonconforming Use,"](#) of the city zoning ordinance, beginning on the date of closing on the property or, in the absence of a closing date, other effective date of the transfer of interest.
 - 3. In the event the new owner fails to submit a short-term rental permit application within the time period identified in section 6.110, the short-term rental use must be discontinued, and the short-term rental permit shall not be transferred or issued, pursuant to section 6.110 of the city zoning ordinance governing the abandonment of nonconforming uses.
 - 4. Notwithstanding the foregoing, the owner of any short-term rental located in a zoning district where the short-term rental

use is no longer permitted by right who, on the effective date of this article, has timely filed an appeal of a short-term rental permit application denial with the city manager, may obtain a vesting determination from the city manager allowing said owner to obtain a short-term rental permit without regard to such zoning prohibition but subject to all other regulations herein. The city manager may issue a formal vesting determination based on a short-term rental's prior lawful operations, relevant application dates, and any other mitigating factors.

(4) Inspections.

- a. Prior to permit issuance, the director shall perform an initial inspection of the short-term rental premises to determine compliance with all applicable codes, laws, and regulations. No permit shall be issued until the premises successfully passes such inspection.
- b. Prior to permit renewal, the director may perform a renewal inspection of the short-term rental premises to determine compliance with all applicable codes, laws, and regulations.
- c. Additional inspections shall be conducted in the following circumstances:
 1. Upon transfer of ownership;
 2. When an owner or operator makes modifications to the short-term rental property that would increase or reduce the property's maximum occupancy, alter the property's evacuation plan, or otherwise affect the health and safety of any occupant; and
 3. When complaints are filed regarding property conditions related to health and safety concerns.
- d. An owner or operator may refuse to consent to an inspection. In the event the owner or operator does not authorize the director to enter and inspect the premises, the director is authorized to seek a warrant pursuant to article 18.05 of the Texas Code of Criminal Procedure, as amended. Any warrants issued will constitute authority for the director to enter upon and inspect the rental unit described therein.
- e. If, upon completion of any inspection, the premises are found to be in violation of one or more provisions of this section, the director shall provide written notice of such violation and shall set a re-inspection date. If a property fails to pass an inspection, a re-inspection fee will be charged in accordance with the city fee schedule. A property

cannot be occupied as a short-term rental while its status is noted as being in violation.

- (5) Public information. All permits issued under this article constitute public information, subject to the terms of the Public Information Act.

Sec. 20-222. –Regulations.

- (a) Duration of rental period. An owner and/or operator shall not rent or lease a short-term rental unit for a period of less than one (1) night. If an owner and/or operator seeks to operate a short-term rental property as a long-term rental for a rental term of thirty (30) or more consecutive days, the owner and/or operator shall notify staff in accordance with section 20-226(d) in order to preserve the property's short-term rental permit.
- (b) Occupancy. The maximum number of persons permitted to stay in a short-term rental is limited to two (2) persons per bedroom as defined herein, plus two (2) additional persons; however, no short-term rental shall permit the cumulative total number of occupants to exceed twelve (12) persons. An owner or operator may indicate a reduced occupancy maximum on a short-term rental permit application or an advertisement for a short-term rental. Notwithstanding the foregoing, an owner or operator may apply for a special exception in accordance with this article and section 5.500 of the city zoning ordinance in order to increase the occupancy maximum for a short-term rental.
- (c) Parking restrictions. A short-term rental owner and/or operator must provide one on-site parking spot per bedroom operating as a short-term rental. Additionally, it shall be unlawful for an occupant to park a motor vehicle on an unimproved surface, or for an owner and/or operator to permit such parking. All motor vehicles are further subject to the parking requirements of chapter 44, article VI of the code. Tandem parking is permitted for a maximum depth of multiple two (2) vehicles, so long as no part of any parked vehicle obstructs a public right-of-way.
- (d) Life safety.
- (1) The short-term rental must be equipped with life safety measures meeting the standards of the International Building Code regulations for R-3 occupancies, as adopted by the city. :
1. Working smoke alarms, meeting the requirements of Section 92.254 of the Texas Property Code, with a minimum of one on each floor level and one in each room used as a bedroom; and
 2. A minimum of one working carbon monoxide detector on each floor or level; and
 3. A minimum of one 2A:10B:C type fire extinguisher (a standard five-pound extinguisher) properly mounted within seventy-five

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~~(75) feet of all portions of the structure on each floor.~~

~~(2) All gas appliances shall be properly ventilated outside the home.~~

~~(3) Emergency escape openings shall comply with the City's currently adopted International Residential Code (IRC), with at least one emergency escape opening for each bedroom opening directly to the outdoors.~~

~~(4) An evacuation plan shall be posted in each bedroom.~~

~~(5)(2)~~ Any room that does not comply with this subsection ~~(ed)~~ shall not be used as a bedroom, and where equipped with a door, shall remain locked at all times when the dwelling is being used as a short-term rental. Any non-compliant bedroom shall not be included in the maximum occupancy calculation for the short-term rental, nor be advertised as a bedroom.

~~(e) Access to basic sanitation. Each bedroom of a residence or portion of a residence used as a short-term rental must provide interior access to a bathroom, such that an occupant shall have access to a bathroom without exiting the residence, regardless of whether such bathroom is private or shared.~~

~~(f)(e)~~ Signage. All signs must comply with the city sign ordinance, as applicable, set forth in chapter 29 of the code. Short-term rental uses may erect a nameplate sign, which shall be considered a sign exempted from certain regulations under section 29-5(3) of the code, provided that such sign is not more than two square feet in area and is attached to the structure.

~~(g)(f)~~ Food service. Only overnight guests may be served meals except in zones permitting restaurant use. Such meals shall be limited to a continental-type breakfast consisting of, for example, pastries prepared by a licensed provider, milk, cereal, fruit, fruit juice and coffee, unless the facility meets the State of Texas and Gillespie County Health Division requirements for commercial food service.

~~(h)(g)~~ 24-hour contact. The owner and/or operator must designate the name and contact information of a 24-hour contact who shall be the local responsible party who can be contacted regarding emergencies, immediate concerns, and complaints from the public. Said individual must be available in person or by phone at all times during any occupant's rental term for the short-term rental. If called, the 24-hour contact must respond to such call within twentythree (320) minutes, and shall either resolve the issue or be present at the premises within one (1) hour of receiving a call from the director requesting the 24-hour contact's presence. A 24-hour contact must be authorized to make decisions regarding the premises and its occupants.

~~(i)(h)~~ Advertising. The owner and/or operator shall not advertise or promote, or allow another to advertise or promote, the short-term rental without including the following information on the listing: City permit number, occupancy maximum, parking plan, house rules, and a street-view image of the front of the property.

~~(j)~~(i) Conduct on premises. Each short-term rental owner, operator, and occupant shall comply with all requirements of the city code. Owners and/or operators shall be responsible for informing occupants of all relevant city codes and occupants' liability for violations of same. In addition, the following shall be unlawful:

- (1) Conduct that would violate the city noise ordinance contained in chapter 20, article VI of the code, in residential zoning districts or planned unit developments with residential uses, including, but not limited to, the following outside areas: decks, portals, porches, balconies, patios, hot tubs, pools, saunas or spas;
- (2) Conduct that would violate the city trash ordinance contained in chapter 32 of the code;
- (3) Operating exterior string and flood lights in violation of chapter 5, article XV ("[Outdoor Lighting](#)," or the City's [Dark Sky regulations](#)) of the code; and
- (4) Using or permitting the use of the short-term rental for the purpose of selling illegal drugs; selling alcohol or another activity that requires a permit or license under the Alcoholic Beverage Code; or operating as a sexually oriented business.

~~(k)~~(i) Host Rules. The owner and/or operator shall post in a conspicuous location of the short-term rental premises a packet containing, at a minimum, host rules with the following information:

- (1) Maximum number of occupants;
- (2) Location of required off-street parking and prohibition of parking on unimproved areas;
- (3) Quiet hours (10:00 p.m. to 7:00 a.m. in residential zones);
- (4) Waste pick-up requirements, including location of waste and recycling receptacles;
- (5) Exterior lighting requirements due to Dark Sky regulations;
- (6) List of HOA rules, if applicable;
- (7) 24-hour contact name and phone number;
- (8) Operator contact name and phone number;
- (9) Property cleanliness requirements, [if applicable](#);
- (10) Flooding hazards and evacuation routes, as well as information on the emergency siren system and other safety features;

- (11) Emergency and non-emergency numbers; and
- (12) Notice that failure to conform to city ordinances constitutes a violation of the code for which an occupant may be cited.

~~(+)(k)~~ Hotel occupancy taxes. In accordance with chapter 41, article IV, the owner and/or operator of the short-term rental property shall ~~register with~~ contact the ~~c~~City finance department ~~to pay hotel occupancy taxes~~ prior to the date that the short-term rental permit application is submitted, and the owner and/or operator must remit all applicable hotel occupancy taxes in a timely manner pursuant to applicable laws.

~~Request for occupancy history.~~ Upon request of the director, the owner of a property used as a short-term rental shall remit, within thirty (30) days, an accounting of all rental activity and the hotel occupancy taxes paid therefor.

~~(m)(l)~~ Application information to be updated. Within ten (10) business days of any change to information provided on the permit application form, other than a change of ownership, the owner or operator of a short-term rental shall notify the city of such change by providing an amended application form.

Sec. 20-223. – Special exceptions available.

An owner and/or operator seeking to operate a short-term rental may apply for a special exception in the following circumstances, subject to the regulations outlined in section 5.500 of the city zoning ordinance:

- (1) To permit short-term rental unoccupied operations within the Historic Overlay district where it overlaps with the R-2 zoning district.
- (2) To permit short-term rental facility operations in the R-2 zoning district if the property immediately abuts a non-residential zoning district or a planned unit development district with commercial uses.
- (3) To permit short-term rental unoccupied operations in the R-1 zoning district if (1) the property shares two (2) or more lot lines, or one (1) or more lot lines for a corner lot, with a property lawfully operating as a short-term rental unoccupied use, and (2) more than ~~fifty-seventy-five~~ (7550) percent of the properties within a two hundred (200) foot radius are lawfully operating as a short-term rental unoccupied use.
- (4) To permit short-term rental operations with an expanded occupancy maximum or exception to parking requirements.
- (5) To permit short-term rental operations in the historic shopping district overlay involving the operation of a short-term rental use on the first floor of any new construction or converted existing structure.

Sec. 20-224 - Enforcement; repeat offenses; suspension; revocation.

(a) Enforcement.

- (1) If the owner, operator, or any occupant of the short-term rental property fails or refuses to comply with the standards and requirements contained herein, the city may initiate enforcement action against the owner, operator, or any occupant, including, but not limited to, the immediate issuance of a citation.
- (2) Failure to timely remit applicable hotel occupancy tax is a violation under this article and shall result in a ~~60~~90-day permit suspension upon notice by the director if all applicable tax is not paid within ~~ninety (90)~~thirty (30) days of the issuance of a delinquency notice. The city retains the right to pursue all available remedies prescribed under chapter 351 of the Local Government Code.
- (3) Any advertisement, whether it be online or in print, promoting the availability of a property within the city for rent for a period of less than thirty (30) days shall constitute prima facie evidence of the property's use as a short-term rental.
- (4) For citations issued to the owner and/or operator of a short-term rental, the address information provided for each owner and/or operator on the permit application shall be presumed valid for the purposes of serving such citations.

(b) Repeat offenses; suspension; revocation.

- (1) Violations of this article shall be classified as follows:
 - a. Minor violations shall include violations related to parking, solid waste, water, vegetation or brush, lighting, signage, and other miscellaneous code violations not specific to short-term rental operations and not presenting a threat to health and safety.
 - b. Major violations shall include violations related to health and safety, occupancy, noise, a failure to update application information ~~or provide occupancy history~~, an unresponsive 24-hour contact, non-remittance of hotel occupancy tax, unlawful advertisements, and operations without a permit. Three (3) citations for minor violations within a twelve (12) month period shall constitute one major violation.
- (2) If the director finds that the owner, operator, or any occupant of a short-term rental accumulates three (3) citations for major violations within a 12-month period, the director shall refer the short-term rental permit to city council for review. Upon consideration of evidence presented by staff, city council may suspend the permit for up to ninety (90) days.

- (3) If the director finds that a property is the subject of five (5) or more violations of federal law, state law, or the other provisions of the city code outside of this article within the previous 24-month period, the director shall refer the short-term rental permit to city council for review. Upon consideration of evidence presented by staff, the city council may suspend the permit for ninety (90) days. City council may consider factors including (1) the frequency of any repeated violations; (2) whether a violation was committed intentionally or knowingly; and (3) any other information that demonstrates the degree to which the owner or occupant has endangered public health, safety, or welfare.
- (4) If a permit is referred to city council for review more than two (2) times within a 24-month period and the property ownership has not changed, city council may revoke the permit or suspend the permit for a period between ninety (90) and one hundred eighty (180) days, based on factors including (1) the frequency and severity of any repeated violations; (2) whether a violation was committed intentionally or knowingly; and (3) any other information that demonstrates the degree to which the owner or occupant has endangered public health, safety, or welfare.

Sec. 20-225. – Appeal.

- (a) The director's denial of an application for a permit to operate a short-term rental, whether an initial application or a renewal application, may be appealed to the city council in accordance with the provisions of this section. Enforcement of this article shall be stayed during the pendency of any appeal pursuant to this section.
- (b) An appeal filed under this section must be filed with the director no later than the 20th day following the date on which the permit was denied. The appeal must be sworn and must identify each alleged point of error, facts and evidence supporting the appeal, and reasons why the action of the director should be modified or reversed.
- (c) The city council shall, at the next regularly scheduled city council meeting following the expiration of fourteen (14) calendar days following the perfection of the appeal, hear the appeal, and may affirm, modify, or reverse an application denial. The city council shall give written notice of a decision on an appeal to the appellant.
- (d) An appellant who seeks judicial review of the city council's review on appeal, or of the city council's decision to revoke or suspend a permit, must file a petition with a court of competent jurisdiction located in Gillespie County, Texas, not later than the 30th day after receipt of the written notice of the decision.

Sec. 20-226. – Applicability to existing operations; nonconforming uses; discontinuance of operations.

- (a) The regulations identified herein pertaining to life safety and occupancy shall apply uniformly to existing and new short-term rentals. Existing short-term rentals shall come into compliance with applicable life safety and occupancy regulations upon renewal of the existing short-term rental permit.
- (b) The owner and/or operator of a property used as a short-term rental who held a valid short-term rental permit prior to the effective date of this article, and who is unable, fails, or refuses to obtain a permit renewal due to noncompliance with the regulations herein following the effective date of this article shall discontinue the short-term rental use within sixty (60) days of the notice of permit denial. Notwithstanding the foregoing and to the extent applicable, such owner and/or operator may apply for a special exception in accordance with section 5.500 of the city zoning ordinance.
- (c) All legal nonconforming short-term rental uses located in zoning districts where short-term rental uses are no longer permitted by right shall be subject to the abandonment of nonconforming use provisions contained in section 6.110 of the city zoning ordinance.
- (d) It shall be a defense to any permit denial based on the abandonment of a nonconforming use that the short-term rental use was suspended, for a period of ninety (90) or more days, for repair or renovation, for the property owner's use as a primary residence, or for use as long-term rental housing, and the property owner (1) notified the department of such suspension of use before the expiration of the voluntary discontinuance period described by subsection 20-226(c) and (2) files a zero-dollar hotel occupancy tax report on a quarterly basis as required by chapter 41, article IV of the code.

SECTION 4

Section 2.100, "Definitions," of Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code is amended by adding the following definitions, inserted alphabetically to read as follows:

"SHORT-TERM RENTAL or STR.

The rental for compensation of any residence or residential structure, or a portion of a residence or residential structure, for the purpose of transient or guest overnight lodging accommodations for a period of less than thirty (30) consecutive days. Short-term rentals may include but are not limited to single-family residences, townhomes, duplexes, and other residential dwelling units, regardless of whether the dwelling was originally constructed or zoned as a residential dwelling. Short-term rentals shall not include hotels or motels. A short-term rental is further subject to the provisions of chapter 20, article VII of the city code.

SHORT-TERM RENTAL ACCESSORY or STR-ADU.

A short-term rental operating within a lawful accessory dwelling unit on the same lot as the primary structure, in which the primary structure is (a) the owner's homestead as evidenced by a current homestead exemption filed with the Gillespie Central Appraisal District or (b) the primary residence of the 24-hour contact, as evidenced by a sworn affidavit to be provided with the short-term rental permit application. The accessory dwelling unit shall comply with section 8.220 of the city zoning ordinance.

SHORT-TERM RENTAL B&B or STR-B&B.

A short-term rental that operates on a residential property in which the owner, operator, or 24-hour contact resides as their principal residence (as evidenced by a current residence homestead exemption filed with the Gillespie Central Appraisal District or a sworn affidavit). Separate short-term rental permits, with a maximum of eight units, shall be required for each separate bedroom unit operating as a short-term rental within a short-term rental B&B.

SHORT-TERM RENTAL FACILITY or STR-FACILITY.

A facility or complex, owned or operated by a single owner or operator, containing multiple short-term rental units (up to eight units) on a single lot, for transient or guest lodging where sleeping accommodations are provided for compensation. Any facility or complex located in a commercial zoning district and containing multiple short-term rental dwelling units on a single lot shall be developed in accordance with the multi-family regulations of the base zoning district.

SHORT-TERM RENTAL UNOCCUPIED or STR-UNOCCUPIED.

A short-term rental within a lawful residential dwelling that is not occupied by the owner, operator, or 24-hour contact and is not an accessory dwelling unit."

SECTION 5

Section 4.400 of Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code is hereby added to read as follows:

"Sec. 4.400. – GENERAL REGULATIONS FOR SHORT-TERM RENTAL USES.

- (a) Short-term rentals shall be subject to the permitting requirements and regulations contained in chapter 20, article VII of the code. Such uses shall be permitted ("P") in only specific zoning districts as follows, as well as planned unit developments where short-term rental use is identified as a permitted use, and shall otherwise comply with all regulations identified in chapter 20, article VII:

STR USE	ZONING DISTRICT
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	R-1	R-1-A	R-2	R-3	R-4		R-5	RURAL RESIDENTIAL	C-1	C-1.5	C-2	CBD	MU-1	MU-2
STR -ADU	P		P	P					P	P	P	P	P	P
STR -B&B	P		P	P					P	P	P	P	P	P
STR -FACILITY				P					P	P	P	P	P	P
STR -UNOCCUPIED			P (except in HO)	P					P	P	P	P	P	P

(b) The zoning board of adjustment is authorized to hear applications for special exceptions in order to allow short-term rental operations, subject to this section, section 5.500 of the zoning ordinance, and in conjunction with section 20-223 of the code, in the following circumstances and subject to the regulations outlined in chapter 20, article VII:

- (1) To permit short-term rental unoccupied operations within the Historic Overlay district where it overlaps with the R-2 zoning district.
- (2) To permit short-term rental facility operations in the R-2 zoning district if the property immediately abuts a non-residential zoning district or a planned unit development district with commercial uses.
- (3) To permit short-term rental unoccupied operations in the R-1 zoning district if (1) the property shares two (2) or more lot lines, or one (1) or more lot lines for a corner lot, with a property lawfully operating as a short-term rental unoccupied use; and (2) more than ~~fifty-seventy-five~~ (7550) percent of the properties within a two hundred (200) foot radius are lawfully operating as a short-term rental unoccupied use.
- (4) To permit short-term rental operations with an expanded occupancy maximum or exception to parking requirements.
- (5) To permit short-term rental operations in the historic shopping district overlay involving the operation of a short-term rental use on the first floor of any new construction or converted existing structure."

SECTION 6

Section 5.500 of Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code is hereby amended to add a special exception provision as follows:

"Special Exceptions. To hear and decide, upon application, special exceptions to

the terms of the zoning ordinance. The term "special exception" shall mean a deviation from the requirements of the zoning regulations herein established. Special exceptions shall be granted only when the board finds that such special exceptions will not adversely affect the value and use of adjacent or neighboring property or be contrary to the public interest. The variance procedures outlined in sections 5.600-5.690 shall be utilized for special exceptions to the extent applicable.

- (a) Special exceptions may be granted only in the following circumstances:
- (1) To permit short-term rental unoccupied operations within the Historic Overlay district where it overlaps with the R-2 zoning district.
 - (2) To permit short-term rental facility operations in the R-2 zoning district if the property immediately abuts a non-residential zoning district or a planned unit development district with commercial uses.
 - (3) To permit short-term rental unoccupied operations in the R-1 zoning district if (1) the property shares two (2) or more lot lines, or one (1) or more lot lines for a corner lot, with a property lawfully operating as a short-term rental unoccupied use, and (2) more than ~~fifty-seventy-five~~ (5975) percent of the properties within a two hundred (200) foot radius are lawfully operating as a short-term rental unoccupied use.
 - (4) To permit short-term rental operations with an expanded occupancy maximum or exception to parking requirements.
 - (5) To permit short-term rental operations in the Historic Shopping District Overlay involving the operation of a short-term rental use on the first floor of any new construction or converted existing structure.
- (b) In hearing an application for a special exception, the board may consider factors such as the following:
- (1) Whether such operation is likely to disrupt adjacent owners' right to the quiet enjoyment of their property (for example, by considering whether lot sizes are small enough that noise is likely to affect neighboring property owners);
 - (2) Whether operation as a short-term rental in the property's zoning district is compatible with the quality of the surrounding area;
 - (3) Whether such operation will substantially impact nearby streets, including whether the property provides only limited off-street parking;
 - (4) Which type of short-term rental, as defined in section 20-220, the applicant seeks to operate;

- (4)(5) For a short-term rental existing prior to the effective date of chapter 20, article VII of the code, the duration of that short-term rental's operations and the number and type of complaints and/or citations related to that short-term rental;
- (5)(6) Whether operation with a higher occupancy limit the terms of the special exception will not adversely impact the residential quality of the surrounding neighborhood; and
- (6)(7) Specific property characteristics of the short-term rental like lot size or large square footage of the structure."

SECTION 7

Table 7.863 "Off-Street Parking" of Section 7.860 "Design Standards" of Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code is hereby amended by deleting the use classification and minimum off-street parking requirements for the short-term rental, condominium use classification and by amending the use classifications and minimum off-street parking requirements for the following use classifications: short-term rental, unoccupied; short-term rental, accessory; short-term rental, B&B; and short-term rental, facility.

USE CLASSIFICATION	MINIMUM OFF-STREET PARKING REQUIREMENTS

Short-term Rental Unoccupied	Parking spaces shall be provided at a ratio of one (1) space per bedroom. In no case shall the number of required off-street parking spaces be reduced below two (2) spaces <u>per parcel</u> . Tandem parking is allowed for <u>a maximum depth of two multiple</u> vehicles, so long as no part of any parked vehicle obstructs a public right-of-way.
Short-term Rental Accessory	Two (2) spaces for the primary structure, plus one (1) space per each bedroom in the accessory structure used for short-term rental operations. In no case shall the number of required off-street parking spaces be reduced below two (2) spaces <u>per parcel</u> . Tandem parking is allowed for <u>multiple a maximum depth of two</u> vehicles, so long as no part of any parked vehicle obstructs a public right-of-way.
Short-term Rental B&B	Two (2) spaces for the primary structure, plus one (1) space per each bedroom within the primary structure used for short-term rental operations. Tandem parking is allowed for <u>multiple a maximum depth of two</u> vehicles, so long as no part of any parked vehicle obstructs a public right-of-way.

Short-term Rental Facility	<u>Parking spaces shall be provided at a ratio of 60% of the permitted occupancy. 2 spaces for the primary structure, plus 1 space per each bedroom within the primary structure used for short-term rental operations.</u> Tandem parking is allowed for <u>multiple a maximum depth of two</u> vehicles, so long as no part of any parked vehicle obstructs a public right-of-way.

SECTION 8

The following sections of Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code are hereby amended as follows:

- A. Section 3.100, "R-1: Single Family Residential," is hereby amended by replacing the references to "Section 5.401" with references to "Chapter 20, Article VII of the Code" and by deleting the provision that reads as follows:

"Short-term Rental, Unoccupied (With a STR permit and adherence to Section 5.401)

- If 2 or more lot lines (only 1 or more lot lines required for a corner lot) are abutting a lawfully permitted "STR Unoccupied" use (STR B&B and STR Accessory uses are not included in this calculation); and

- If 75% or more of the properties on the same side of the street, between intersecting streets, are a lawfully permitted "STR Unoccupied" use (STR B&B and STR Accessory uses are not included in this calculation)."

- B. Section 3.110, "R-2: Mixed Residential," is hereby amended by replacing the references to "Section 5.401" with "Chapter 20, Article VII of the Code" and by deleting the provision that reads as follows:

"Short-term Rental, Condominium (With a STR permit and adherence to Section 5.401) If the property is immediately abutting a Non-Residential Zoning District (Open Space not included), or a PUD that allows commercial uses."

- C. Section 3.120, "R-3: Multi-Family Residential," is hereby amended by replacing the references to "Section 5.401" with "Chapter 20, Article VII of the Code" and by deleting the provision that reads as follows:

"Short-term Rental, Condominium (With a STR permit and adherence to Section 5.401)."

- D. Section 3.200, "C-1: Neighborhood Commercial," is hereby amended by replacing the references to "Section 5.401" with "Chapter 20, Article VII of the Code" and by deleting the provision that reads as follows:

"Short-term Rental, Condominium (Section 5.401)."

- E. Section 3.205: "C-1.5: Medium Commercial," is hereby amended by replacing the references to "Section 5.401" with "Chapter 20, Article VII of the Code" and by deleting the provision that reads as follows:

"Short-term Rental, Condominium (With a STR permit and adherence to Section 5.401)."

- F. Section 3.210, "C-2: Commercial," is hereby amended by replacing the references to "Section 5.401" with "Chapter 20, Article VII of the Code" and by deleting the

provision that reads as follows:

“Short-term Rental, Condominium (With a STR permit and adherence to Section 5.401).”

- G. Section 3.220, “CBD: Central Business District,” is hereby amended by replacing the references to “Section 5.401” with “Chapter 20, Article VII of the Code” and by deleting the provision that reads as follows:

“Short-term Rental, Condominium (Section 5.401).”

- H. Section 3.510, “HSD: Historic Shopping District Overlay,” of Appendix B, “Zoning Ordinance,” of the Fredericksburg Municipal Code is hereby amended by deleting the following provision:

“A Conditional Use Permit is required for any new construction of any type of STR use, or for conversion of any existing structure to any type of STR use, if located on the first floor, and the review and evaluation criteria of section 5.461 shall be used as applicable.”

- I. Section 3.800, “MU-1: Mixed Use – Infill,” is hereby amended by replacing the references to “Section 5.401” with “Chapter 20, Article VII of the Code” and by deleting the provision that reads as follows:

“Short-term Rental, Condominium (With a STR permit and adherence to Section 5.401).”

- J. Section 3.810, “MU-2: Mixed Use – Corridor,” is hereby amended by replacing the references to “Section 5.401” with “Chapter 20, Article VII of the Code” and by deleting the provision that reads as follows:

“Short-term Rental, Condominium (With a STR permit and adherence to Section 5.401).”

- K. Section 6.110, “Continuance of a Nonconforming Use,” is hereby amended by deleting the following provision:

“A non-conforming short-term rental use shall not be considered voluntarily discontinued if the use is suspended for repairs, modifications, additions, or remodels, or if the owner of the property utilizes the property as their personal residence, for a period not to exceed 365 consecutive days.”

SECTION 9

This Ordinance shall be cumulative of all provisions of ordinances and of the Fredericksburg Municipal Code, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such code are hereby

repealed.

SECTION 10

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 11

Any person, firm, or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 1-6 of the Fredericksburg Municipal Code. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

SECTION 12

All rights and remedies of the City of Fredericksburg are expressly saved as to any and all violations of the provisions of the Fredericksburg Municipal Code, as amended or revised herein, or any other ordinances affecting the matters regulated herein which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance, but may be prosecuted until final disposition by the courts.

SECTION 13

The City Secretary is hereby directed to publish the caption and penalty clause of this Ordinance in the official newspaper of the City as required by Section 3.12 of Article III of the Charter of the City of Fredericksburg.

SECTION 14

This Ordinance shall be in full force and effect from and after the date of its passage, as provided by the Fredericksburg City Charter and the laws of the State of Texas.

PRESENTED AND PASSED this ____ day of _____, 2023, at a regular meeting of the City Council of the City of Fredericksburg, Texas.

Mayor

ATTEST:

City Secretary

P&Z RECOMMENDATION



MEMO

DATE: September 13, 2023

FROM: Anna Hudson, Director of Development Services

SUBJECT: DRAFT STR Amendments – Planning & Zoning Recommendations

This serves as a summary of the recommendation made by the Planning & Zoning Commission on September 7, 2023, of the draft Short Term Rental Ordinance. A formal red-line version will be made available before the City Council Public Hearing meeting on Tuesday, October 3, 2023, at 9:00 am. Please check the City's STR webpage for updates. <https://www.fbgtx.org/845/Short-Term-Rentals>

P&Z's recommendations include the following changes to the August 15th Draft:

- Remove R3 as a permitted use district for STRs
- Further define Long Term Rentals and allow switching from STR to LTR
- Add 24 Hr Contact name & number to physical permit to be posted on STR
- At permit renewal:
 - Life Safety requirements of new ordinance must be met
 - Occupancy limit of 12 for all new and existing STR permits
 - Parking regulations to apply to renewals but ease burden on 1 and 2-bedroom existing units
 - Special Exception can be applied for if unable to meet new requirements
- Allow tandem parking without limit
- Remove basic sanitation language and remove history requirements
- Life Safety requirements to align with International Building Code
- Change Response Time of 24 Hr Contact from 20 minutes to 30 minutes
- Change Special Exception requirements in R1 to 75% density instead of 50%
- Require remittance of H.O.T. within 30 days of notification of delinquency

If the proposed draft is approved as currently presented, the following changes will go into effect:

- No new Condominium STRs

The City of Fredericksburg

- Require 1 parking space per bedroom with no parking credit for on-street parking (on-street parking still allowed, but no credit given towards obtaining a permit)
- Special Exceptions will be handled by Zoning Board of Adjustment instead of Conditional Use Permits by City Council and Planning & Zoning Commission
- Special Exceptions would apply to:
 - R1 Unoccupied (two property lines & 75% of other properties have STR permit)
 - R2 Historic District Unoccupied
 - R2 Facility abutting a non-residential zoning district or a PUD that allows commercial uses
 - Increase of occupancy
 - Inability to meet parking/occupancy requirements
- Existing Permits may transfer within 90 days
- No Change to R2 density
- Max occupancy of 12
- Enforcement will include 3 minor violations counting as 1 Major Violations. 3 Major violations within 12 months will require City Council review and permit may be suspended for up to 90 days.

You are not required to attend the meeting(s), but if you attend, you will be given a full opportunity to be heard. If you cannot attend the hearing but wish to comment, please detach the response form below and return it to the City of Fredericksburg. Alternatively, you may submit comments by e-mail to ahudson@fbqtx.org with the subject RE: STR Amendments. All protests must be submitted in writing.

THE CITY DOES NOT ANTICIPATE THAT THE AMENDMENTS TO BE CONSIDERED WILL REQUIRE THE DISCONTINUANCE OF NONCONFORMING STR USES. HOWEVER, PURSUANT TO RECENT STATE LEGISLATION, S.B. 929, EFFECTIVE JUNE 1, 2023, THE FOLLOWING NOTICE IS NOW REQUIRED TO BE PROVIDED BECAUSE CERTAIN PORTIONS OF THE AMENDMENTS TO BE CONSIDERED INCLUDE MODIFICATIONS TO THE CITY'S ZONING ORDINANCE: IF YOU CURRENTLY OWN AND/OR OPERATE A SHORT-TERM RENTAL, THE CITY OF FREDERICKSBURG IS HOLDING A HEARING THAT WILL DETERMINE WHETHER YOU MAY LOSE THE RIGHT TO CONTINUE USING YOUR PROPERTY FOR ITS CURRENT USE. PLEASE READ THIS NOTICE CAREFULLY.

✂ _____

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, Magdelys Santrano AM THE OWNER OF PROPERTY LOCATED AT 213 E. Travis St
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: ① what happens if neighbor is currently operating
STR & in future is no longer doing STR
will that affect my STR permit?
② we have a bigger lot R2 zoning
we need to increase max allowed occupants
which falls under special exception - will that need a public hearing?

✂ _____

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, Camille, AM THE OWNER OF PROPERTY LOCATED AT 205 S. Elk
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: _____

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, A.E. Mc Mary Kast, AM THE OWNER OF PROPERTY LOCATED AT 814 Sunset
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: STR's are ruining our town. We think that because
of STR's, the rent is way out of control. Residential
neighborhoods should be for those who live and work here,
Hotels and motels are and should be for visitors. Get
rid of STR's.

Page 2 of 2

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, ALLAN JOHNSON, AM THE OWNER OF PROPERTY LOCATED AT 107 NATURE TRL
AND I (SUPPORT PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: I believe the proposed changes do not go far enough to restrict further growth of STRs in Fredericksburg. In particular, increases in the number of STRs in R1, R2, R3 must be eliminated and, in fact, STRs should be reduced. I support including STR regs in the Municipal Code. But more study and revision is necessary to create regs that are more restrictive.
Thank you! Allan Johnson

Page 2 of 2

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✂ _____

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, Donald L. Allen, AM THE OWNER OF PROPERTY LOCATED AT 2311 Summit Forest
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: _____

You are not required to attend the meeting(s), but if you attend, you will be given a full opportunity to be heard. If you cannot attend the hearing but wish to comment, please detach the response form below and return it to the City of Fredericksburg. Alternatively, you may submit comments by e-mail to ahudson@fbgtx.org with the subject RE: STR Amendments. All protests must be submitted in writing.

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Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, Josh Allen, AM THE OWNER OF PROPERTY LOCATED AT DHS Holdings / Jack & Adam's Bicycles 206 S. Lincoln St.
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: _____

You are not required to attend the meeting(s), but if you attend, you will be given a full opportunity to be heard. If you cannot attend the hearing but wish to comment, please detach the response form below and return it to the City of Fredericksburg. Alternatively, you may submit comments by e-mail to ahudson@fbgtx.org with the subject RE: STR Amendments. All protests must be submitted in writing.

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Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, Holly Allen, AM THE OWNER OF PROPERTY LOCATED AT Breakaway Guest House @ 206 S. Lincoln St.
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: Although our guest house is in CBD and not affected we feel the proposed ordinance is over reaching and singles out B&B properties from residential properties. The market will correct itself naturally if allowed, as it is already doing.

I, Bryan & Suzanne Alston AM THE OWNER OF PROPERTY LOCATED AT 107 W Mulberry St
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: I/We will/could support changes in zoning IF
regulations on STR's are more restrictive and
tightened up AND NO MORE STR's are allowed
in R1 R2 R3 neighborhoods AND even reduced.

I still see house listings say STR permit has been
applied for in R1 neighborhoods. I thought that was
stopped in Apr 2022. Why have those not been resolved
by now? How long can a permit be left "in limbo"?

From: [Leonard Bentsch](#)
To: [Shelby Collier](#)
Cc: [Emily Kirchner](#)
Subject: Planning and Zoning
Date: Wednesday, September 6, 2023 3:52:53 AM

Hi Shelby,

I will appreciate your forwarding this comment I wrote to Mayor Hoover and the city council concerning the proposed ordinance changes concerning STR's to the P&Z members

Thanks you,

Leonard

Dear Mr. Mayor and Council Members,

Thank you for your consideration of zoning ordinances to help preserve our neighborhoods and sense of local community. The pendulum of ordinances and enforcement must swing back toward the preservation of our town for those of us who call Fredericksburg our home and away from those who would monetize our history, culture, and quality of life for their own self financial gains.

I favor all those suggestions published by the Neighborhood Coalition. All are well reasoned, provide long term restraint to further intrusion, and serve only to enhance our quality of life.

I urge you to support a zoning change IE: 1) regulations on STRs are Tightened; and 2) the expansion of STRs in R1, R2, & R3 is Reduced as has been proposed by the Mayor.

1. Change the Draft to provide that permits for STRs issued after the eff. date of the revised ordinance are not transferable. In zones where STRs are allowed, owners establishing new STR operations will be aware going into the business that they have no right to transfer an STR permit.
2. This Draft provides that permits will be issued for 2 years instead of 1 year (as in the past). Change the Draft to provide that an inspection is required prior to any renewal – it should not be optional as it is in this Draft. Inspections will verify that the STR is in compliance and safety requirements are in place.
3. Change the Draft to require that the City maintain on its website a database or map indicating the address of every property holding an STR permit, along with the permit number and maximum occupancy. The City has just recently posted such a map, but it should not be optional for the City to do so.
4. Change the Draft to provide that the maximum occupancy of any STR is limited to 10 persons, not 12 as is currently in the Draft. The currently allowed maximum has proven problematic and even the diverse members of the STR task force agreed that a 10 maximum is needed.
5. Change the Draft to provide that upon request from the City the 24-hour contact must be

present at an STR within 30 minutes – not 1 hour as is currently in the Draft.

6. Change the Draft to require the current STR permit holder to notify the City 10 days prior to any change of ownership of the property.

7. Change the Draft for R1 to eliminate the “stranded property” exception that is now in the current ordinance and this Draft. That provision allows a property that is surrounded on 2 sides and on a block that is 75% STRs to apply for a permit. This exception has served its purpose over

the past 1 ½ years and few if any properties have applied under it. The current Draft would lower the block requirement from 75% to 50%, which is moving in the wrong direction and could potentially enable more R1 properties to apply for an STR permit. This exception should be removed entirely and no new STRs should be allowed in R1.

8. Change the Draft for R2 to allow new STRs in R2 only if the block is currently less than 1/8 (12.5%) STRs. This will preserve the remainder of R2 for non-STR uses. The 12.5% provision was

included in the 6/19/23 Draft but not included in this one – why?

9. Change the Draft for R3 to provide that no new STRs will be permitted in R3. R3 consists of

smaller and closely spaced properties which are ill-suited for STR use from a quality of life and a

safety standpoint. These smaller properties are also some of the most affordable homes in Fredericksburg and should be retained for permanent residents.

10. Change the Draft to provide that after notice of delinquent HOT tax, an STR must pay in full

within 30 days or be suspended. The current Draft allows 90 days – this is an excessive grace period.

11. Change the Draft to provide that an STR operating without a permit will be shut-down, fined,

and not permitted to obtain a permit for 365 days. This is in the current ordinance and has been

deleted from this Draft – why. A one-year suspension (if enforced) serves as a substantial deterrent for scofflaw owners to take the risk of operating an STR without a permit.

12. Change the Draft to provide that an STR permit for a nonconforming property will expire if the

property is under repair/renovation and not used as an STR for more than 1 year.

13. Change the Draft to provide that an STR permit for a nonconforming property will expire if the

property is used as the owner’s homestead for more than 365 days. The 365 day limit is in the current ordinance, but eliminated from this Draft – why?

14. Change the Draft to allow an STR permit to be retained if the property is used as a long-term

rental for 2 years or less. This may encourage some STR owners to convert to LTR use.

15. Change the Draft to tighten up the language for when special exceptions can be granted. The

Draft should provide that In order to grant a special exception, the Board of Adjustment must make a finding that: a) the special exception will not adversely affect the value and use of the properties within a 200 foot radius AND b) the special exception is not contrary to the public schools.

Regards,

Leonard Bentsch
205 N. Bowie St.

Sent from my iPhone

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, Brett Zaeske, AM THE OWNER OF PROPERTY LOCATED AT 312 ~~W.~~ Travis
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: I oppose the proposal to not allow more than 2 cars stacked in a private driveway even if there is room for more. STR's should not have "less" property rights than residents! I would also oppose existing STR's not being "grandfathered" in regards to parking.

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, Carleton Jackson AM THE OWNER OF PROPERTY LOCATED AT 1008 HLL ST
AND I (SUPPORT PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: _____

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, Cavan McMahon, AM THE OWNER OF PROPERTY LOCATED AT 518 1/2 W. Peach
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: _____

September 7th, 2034

City of Fredericksburg
Planning and Zoning Committee
126 W Main Street
Fredericksburg, TX 78624

Chair Menking and Members of the Committee,

On behalf of the more than 350 members of the Central Hill Country Board of REALTORS® and the many homebuyers, sellers, and tenants we represent in the City of Fredericksburg, we write today to respectfully ask that you table request #Z-2318: to consider proposed amendments to the City's zoning code regarding short-term rentals.

We have significant concerns with the currently proposed language to this recently drafted amendment. We certainly acknowledge the City's interest in ensuring that residents of all types and terms respect our community and that housing should remain accessible to people of all income levels.

However, this proposal unnecessarily restricts private property rights, makes broad changes to our housing development code that will impact current and future residents and local businesses, without accomplishing the goals the City seeks. Furthermore, the Council made wholesale revisions to this code just last year – we suggest letting the current ordinance mature before contemplating further changes.

Concerns and Objections

The Central Hill Country Board of REALTORS® has reviewed the proposed ordinance and would like to express the following concerns and objections:

- **Page 10, section G** of the ordinance relates to food service for short-term rental guests and states, “Only overnight guests may be served meals except in zones permitting restaurant use. Such meals shall be limited to continental-type breakfast consisting of pastries prepared by a licensed provider, milk, cereal, fruit, fruit juice and coffee, unless the facility meets the State of Texas and Gillespie County Health Division requirements for commercial food service.” The **definition of “served” isn’t clear** and could catch up food delivery services and other similar provisions.
- **Page 10, section K** of the ordinance seeks to establish rules that any short-term rental host must follow and disclose to those renting a property. This section states that “property cleanliness requirements” be posted. Our concern is the lack of clarification of **who manages and enforces** this and who determines the minimal cleanliness requirements a property owner must enforce. We believe the choice to have a guest maintain a **level of cleanliness** inside their property **is the property owner’s right to enforce**, not the local government.
- We have a specific concern regarding the **various Health & Safety ordinances** proposed. For example, mandating the usage of any particular type of fire extinguisher be used in a home. Based on the proposed written language of this ordinance, if a property owner installed an extinguisher different than the one specified, they would be subject to an immediate violation and a misdemeanor.

- Another concern is the requirement that an **evacuation plan** be posted in each bedroom of a property. While we certainly understand the goal of protecting the safety of the occupants of any property, we believe the Council has gone too far in determining what is under their purview to govern. If evacuation plans are so critical to resident safety, they should be imposed on ALL residences, not just short-term rentals.
- When considering action on such a significant ordinance, we believe **transparency** is an essential part of the process. We're seeing exactly the same lack of transparency that we saw in 2022, and that didn't end well. Specifically, we have **significant concerns regarding this body's interpretation of Conflict-of-Interest laws** and the decision to force any member of the Commission who owns an STR to recuse themselves from voting in this matter. Such a decision calls into question the true goal of this body and **whether they are genuinely considering all points of view** on this issue.
- In its definition of a "short-term rental bedroom", the proposed ordinance states that there must be a "closet directly accessible from the room". As members of the Council are aware, many of the homes in historic districts do not have closets in every bedroom because they were built long before such codes were in place. Without significant mechanical or structural improvements to those properties, they should be allowed to continue their existing definitions of "bedrooms," as is customary to comply with international property codes.
- Finally, we are concerned with **the drastic rewrite of the proposed STR ordinance and the deletion of the previous ordinance that the City Council approved just last year**. The ordinance passed in 2022 was a significant revision to the previous ordinance, and it is our responsibility to allow time for the current regulations to mature and take full effect before we consider how to change them again. In 2018, when the Council originally sought to create ordinances governing short-term rentals in our City, the ordinance was nine pages long. Now, just five years later, this proposal would make the entire ordinance 128 pages long.

Questions

In addition to the stated concerns and objections stated above, we also seek clarification from the Council on the following questions:

- How does the Council plan to **define who is a "provider"** of food service in city limits, and how would this impact the many residents who are employed by food-delivery services such as Uber Eats, Doordash, etc. who make a living off being able to serve residents of STRs?
- How does the Council **plan to enforce** who is delivering food to STRs?
- If someone rents an Accessory Dwelling Unit (ADU) on their property, does the property owner or 24-hour contact have to be at the main complex throughout the entirety of their stay?
- Regarding the transfer of ownership – why would a new property owner need to re-apply for an STR permit if an existing one is already in place? What if you're transferring the property to a family member or your own LLC? It's unintended consequences like this that demonstrate the Council's lack of awareness about the nuance of property transfers.
- On page 4 of the Council's proposed ordinance, it states that, "an individual must be available in person or by phone at all times during any occupant's rental term for the short-term rental. If called, the 24-hour contact must respond to such call within 20 minutes and shall either resolve

the issue or be present at the premises within one (1) hour of receiving a call from the director, the police department, code enforcement, or other City staff.” When the Council proposed this revision, how did they determine that “20 minutes” was a reasonable response time and subsequently that “one hour” would be enough time to address an issue?

Closing

Arbitrarily and subjectively limiting or eliminating private property rights is not the answer to the housing concerns currently facing Fredericksburg. When considering the positive impact of short-term rentals in Fredericksburg, it is important to consider both the direct impact for property owners, but also the indirect contribution that renters provide to our community. According to data from the US Census Bureau, for every dollar of STR accommodation-spending, an additional \$1.43 is spent locally on food & beverage, entertainment, retail, arts & culture, etc. In 2021, Gillespie County saw short-term rental occupants spend \$81.2 million in accommodations, which translated to \$197.7 million in economic impact. This, along with the thousands of local jobs that are aided by a robust tourism industry, is why this issue is not just impactful for property owners but all residents.

The Central Hill Country Board of REALTORS® agrees that **housing affordability continues to be an issue** in Fredericksburg, and **we are excited to work collaboratively** with all stakeholders, including the City Council, **to increase the supply** of housing in our great City.

We urge the Council to **table this proposed ordinance** until more work can be done.

Respectfully,

Aaron Beeman
Central Hill Country Board of REALTORS®
2023 Board President

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, Brett Zaeske, AM THE OWNER OF PROPERTY LOCATED AT 312 ^{W.} ~~W.~~ Travis
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: I oppose the proposal to not allow more than 2 cars stacked in a private driveway even if there is room for more. STR's should not have "less" property rights than residents! I would also oppose existing STR's not being "grandfathered" in regards to parking.

8-23-2023

I Am not where you
got my name/business
that I own property
for Short term Rentals

" I Do Not own Any
Property That I rent
out

I rent my building from
Donna & Ray Heredia -

Donna Solbrig
The Party Affair LLC
733 Brekner Ln
Box 3 Unit 1
Hwy 7A 78624

830-997-1921

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, Harold Coates, AM THE OWNER OF PROPERTY LOCATED AT 608 W. Austin
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: Save our neighborhoods. No changes to R's.

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, Kathleen R. Lutes, AM THE OWNER OF PROPERTY LOCATED AT 407 N. Milan
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: This is zoned E1.

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, Mardi Zaeske, AM THE OWNER OF PROPERTY LOCATED AT 404 W. Creek St.
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: STRs should not have different parking
requirements than residents. Homeowners made
purchasing decisions based on previous ordinance, and
that should not be changed. What issues have been
caused by more than 2 cars stacked in a driveway?

Page 2 of 2

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, Mardi Zaeske, AM THE OWNER OF PROPERTY LOCATED AT 310 S. Crockett
AND I (SUPPORT PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: I specifically oppose the proposal to not allow more than 2 cars stacked in a private driveway, even when there is room. I do not believe STRs should have different rules than residents.
If this proposal does pass, I would oppose existing STRs not being "grandfathered" in regards to the parking. Purchasing decisions were made based on the previous ordinance and I believe that should be upheld. If you want to change it moving forward, I would say that would be more reasonable.



Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, MELISSA BURTON, AM THE OWNER OF PROPERTY LOCATED AT 405 E. SCHUBERT
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: WE DO NOT WISH TO LOSE OUR STR-NONCONFORMING
STATUS UNLESS IT IS TO CHANGE OUR PERMIT TO
"SHORT TERM RENTAL-UNOCCUPIED" WE, OURSELVES,
ALSO USE THIS PROPERTY. THANK YOU, Melissa Burton
325-446-8999

You are not required to attend the meeting(s), but if you attend, you will be given a full opportunity to be heard. If you cannot attend the hearing but wish to comment, please detach the response form below and return it to the City of Fredericksburg. Alternatively, you may submit comments by e-mail to ahudson@fbqtx.org with the subject RE: STR Amendments. All protests must be submitted in writing.

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Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, Kelli Garcia, AM THE OWNER OF PROPERTY LOCATED AT 1004 W. Travis
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: I am specifically protesting the parking portion of the new draft.
It makes no sense that property should be limited to how many cars can be
parked if the property has ample room. As well as protesting the mandatory
closet per bedroom if alternative storage is provided or ample room is given.

STR Amendments

Robert Henke <roberthenke15@gmail.com>

Thu 8/17/2023 4:27 PM

To: Anna Hudson <ahudson@fbgtx.org>

I oppose the wording in highlight number 2. Strike the words "Repeated major" from the proposal. The way it is written promotes selective enforcement. Laws or regulations should leave no room for loopholes.

Robert S Henke

210 W Trailmoor Dr

Fredericksburg, Tx 78624

You are not required to attend the meeting(s), but if you attend, you will be given a full opportunity to be heard. If you cannot attend the hearing but wish to comment, please detach the response form below and return it to the City of Fredericksburg. Alternatively, you may submit comments by e-mail to ahudson@fbgtx.org with the subject RE: STR Amendments. All protests must be submitted in writing.

THE CITY DOES NOT ANTICIPATE THAT THE AMENDMENTS TO BE CONSIDERED WILL REQUIRE THE DISCONTINUANCE OF NONCONFORMING STR USES. *HOWEVER, PURSUANT TO RECENT STATE LEGISLATION, S.B. 929, EFFECTIVE JUNE 1, 2023, THE FOLLOWING NOTICE IS NOW REQUIRED TO BE PROVIDED* BECAUSE CERTAIN PORTIONS OF THE AMENDMENTS TO BE CONSIDERED INCLUDE MODIFICATIONS TO THE CITY'S ZONING ORDINANCE: IF YOU CURRENTLY OWN AND/OR OPERATE A SHORT-TERM RENTAL, THE CITY OF FREDERICKSBURG IS HOLDING A HEARING THAT WILL DETERMINE WHETHER YOU MAY LOSE THE RIGHT TO CONTINUE USING YOUR PROPERTY FOR ITS CURRENT USE. PLEASE READ THIS NOTICE CAREFULLY.



Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, _____, AM THE OWNER OF PROPERTY LOCATED AT _____
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: _____

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Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, William A. Scriapi, AM THE OWNER OF PROPERTY LOCATED AT 107 South Lincoln St.
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: this is a personal property and NOT a rental

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✂ _____

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, William A Scripps, AM THE OWNER OF PROPERTY LOCATED AT 290 West 97 Pioneer Lane
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)
107 South Lincoln St.

Comments: this is a personal property and NOT rental

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, Helena David Pedregon, ^{DALE} ~~AM~~ THE OWNER OF PROPERTY LOCATED AT 615 W Peach
AND I (SUPPORT (PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: I could support a zoning change IF 1) regulations on STRs
are tightened; and 2) the expansion of STRs in R1, R2, and R3 is
Reduced as proposed by the Mayor.

From: [Diane Schofield](#)
To: [Shelby Collier](#); ahudson@fbgtx.com
Subject: Resident/Realtor Opinion
Date: Wednesday, September 6, 2023 6:37:51 PM
Attachments: [image001.png](#)
[image002.png](#)

Hello,

If it is not too late, I would like my opinion to be read aloud at the Planning and Zoning Committee meeting that is being held tomorrow, Thursday the 7th of September at 5:30.

My family and I live at 426 Plum Street, which has many STRs as neighbors. I would like to state my opinion of the Amendment to the 2022 STR Ordinance. My stance is to leave the 2022 ordinance in place, and enforce the code. I know there are several STRs that are operating in violation of the current ordinance. So, let's get rid of the few bad apples. There was a frenzy to get an STR permit before the changes were made and the market became flooded. Post covid, we experienced less tourism, and the overnight guests were spread out among all of these STRs thus reducing their occupancy rates.

As a real estate agent, I see that supply and demand is taking care of the surplus. In the city limits of Fredericksburg there are currently 173 residential properties for sale and 46 of these properties have STR permits. That is 26.6% of all of the listings. Earlier this summer it was nearly 30%. This is substantial! Having an STR permit made a property more valuable in the past, but that value is declining. The rise in cost of owning an STR (permit cost, increase appraised values and commercial taxation), plus the lower occupancy rates, has forced many to abandon their dream of an income producing second home.

Keep the 2022 Ordinance in place and enforce the existing rules. The

market is regulating itself. Thank you!



Diane Schofield *GRI, RSPS, ePro, PSA*
REALTOR®

Phyllis Browning Company
116 E. Travis Street
Fredericksburg, Texas 78624

O (830) 219-2633

C (830) 822-3010

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 _____

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, Donna McIndoo, AM THE OWNER OF PROPERTY LOCATED AT 205 S Elk
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: _____

8-23-2023

I Am not where you
got my name/business
that I own property
for Short term Rentals

" I Do Not own Any
Property That I rent
out

I rent my building from
Donna & Ray Heredia -

Donna Solbrig
The Party Affair LLC
733 Brekner Ln
Box 3 Unit 1
Hwy 7A 78624

830-997-1921

For example, there have been discussions about parking. In our specific case, we have more than the minimum driveway parking for all guests. Yet a cross street neighbor has had a truck on jacks on the street for at least 6 months or more. In most cases, the STRs are some of the best maintained, most attractive properties on a block. While there have been isolated problems in the past, and unfortunately will be isolated problems in the future, I urge you not to take a broad-brush approach that unfairly disadvantages STRs, because of the mistakes and violations of a few. The STR community of owners in Fredericksburg as a whole has a significant vested interest in the community. We strive to be good neighbors. As a whole, STRs have more than a \$100 million annual economic impact on the city. Chronic, repeat offenders should be dealt with. There appears to be quite a sufficient number of current ordinances that compel STR properties to far exceed community standards, and enforcement that far exceeds that of the general residential population.

I simply ask that you carefully consider the ramifications and perhaps unintended consequences of additional regulations that are paralyzing or punitive on STR properties, that are owned by individuals who really do care and really are good for the city as a whole.

Sincerely,




Dwight and Stephanie Albers

2368

Bed and Biscotti, LLC
851 Blackshire Lane
Houston TX 77055-1929

(936) 520-3947
dwightcalbers@gmail.com

Planning and Zoning Commission
City of Fredericksburg
126 West Main Street
Fredericksburg TX 78624

8/28/2023

Ladies and Gentlemen of the Commission,

We are in receipt of the notification of public hearings regarding the shift of STR ordinances to the Municipal Code. While we currently do not reside in Fredericksburg, we have purchased property on which to build shortly and will become part of the Fredericksburg community on a permanent basis in just a few years. In addition, we have a pair of STR's which we purchased just this year. We have a substantial, permanent interest in the City of Fredericksburg and the surrounding community, thus we are aware of the concerns and needs of city residents, particularly as they pertain to STRs in the city. Our goal is to be outstanding neighbors, contributing and constructive to the community as a whole.

We are so pleased with every city employee and city department with whom we've dealt during the last six months. Everyone around town always has a smile on their face. And every call, voicemail, or email from city employees includes a "Have a blessed day", or something of that sort. It has been a breath of fresh air. We can't wait to be there permanently!

We do understand the concern of some long-time residents about STRs. But some of the articles and letters in the Standard-Radio Post and other publications do not accurately reflect the scope and influence of STR's in the community. In reading the articles, an uninformed person would be led to believe that a third or more of all homes have been converted into STRs. I know that Commission members and Council members are better informed than the general public. But we were surprised to find that less than 8% of properties in residential zones in the city are licensed as STRs. That hardly justifies the exaggerations made by those trying to make a case against STRs.

We own a grandfathered/non-conforming STR property. One of our concerns is the contradictory messages in the letter from Development Services received this past week. In the letter's highlights, it says that one of the proposed amendments include provisions "To establish that certain types of STRs may continue operations as legal nonconforming uses." But, on page 2 of the letter it states in 'all caps, "THE CITY OF FREDERICKSBURG IS HOLDING A HEARING THAT WILL DETERMINE WHETHER YOU MAY LOSE THE RIGHT TO CONTINUE USING YOUR PROPERTY FOR ITS CURRENT USE." That sounds contradictory, threatening, and adversarial. I do not believe that is the tone and spirit that the City of Fredericksburg and its leaders operate from. I am hoping that this is not a paradigm shift in philosophies and spirit of the governance of the city. I would also hope that the changes are truly just a streamlining of ordinances, and not an attempt to slip in more restrictive or punitive provisions and hope that it goes unnoticed. The fear is that the law of unintended consequences" could create overly restrictive or punitive guidelines, whether intentionally or unintentionally.

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, GAINES TEAGUE AM THE OWNER OF PROPERTY LOCATED AT 205-1/2 W. Peach
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: I will support a zoning change
THAT results in tightening STR rules
we need to get results promised by the Mayor
when Mirona elected
LESS STRs! Do what the FRG we ASKS!

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

We, ^{ARE} I, Gary & Mary J. Green AM THE OWNERS OF PROPERTY LOCATED AT 1003 Avenue A
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: We would support a zoning change IF regula-
tions on STRs are tightened and IF expansion of
STRs is reduced throughout ALL of the city
as proposed by our mayor. The recent CVB sur-
vey indicated a strong negative tone to tourism.

Page 2 of 2

Please listen to your city's residents - you represent us,
not tourists!

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, Harold Coates, AM THE OWNER OF PROPERTY LOCATED AT 608 W. Austin
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: Save our neighborhoods. No changes to R1.

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, JAMES ROEDER, AM THE OWNER OF PROPERTY LOCATED AT 403 W. LIVE OAK
AND I (SUPPORT (PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: ANY CHANGES NEED TO BE MORE RESTRICTIVE OF STRS IN
ALL RESIDENTIALLY ZONED NEIGHBORHOODS, ESPECIALLY R-1, AS HAS BEEN
MADE CLEAR IN THE SURVEYS.

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

GREGORY KADEALI

611 W. SAN ANTONIO

I, _____, AM THE OWNER OF PROPERTY LOCATED AT FBG

AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: I WOULD SUPPORT IF

1. REGULATIONS ON STR ARE TIGHTENED

2. EXPANSION OF STR IN R1, R2 + R3 IS REDUCED

Page 2 of 2

CURRENTLY OWN AND/OR OPERATE A SHORT-TERM RENTAL, THE CITY OF FREDERICKSBURG IS HOLDING A HEARING THAT WILL DETERMINE WHETHER YOU MAY LOSE THE RIGHT TO CONTINUE USING YOUR PROPERTY FOR ITS CURRENT USE. PLEASE READ THIS NOTICE

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, William Culwell, AM THE OWNER OF PROPERTY LOCATED AT 410 W COLLEGE ST
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: I AM NOT SURE WHAT ALL THE STR ORDINANCE CHANGES MEAN, BUT WE WOULD LIKE TO SEE THEM STAY AS IS. WE HAVE HEAVENLY HOSTS AS A PROPERTY MANAGER AND THEY MONITOR GUESTS IN A PROPER MANNER.

Page 2 of 2

I, CLAYTON WALBORO, AM THE OWNER OF PROPERTY LOCATED AT 412 E. AUSTIN
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: _____

Page 2 of 2

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, Katherine A. Shearer, AM THE OWNER OF PROPERTY LOCATED AT 2156 Amberstone
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: Regulations on STR's need to be tightened
and expansion of STR's in R1, R2 & R3 is reduced
as proposed by the Mayor.

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, Kathleen R. Lutes, AM THE OWNER OF PROPERTY LOCATED AT 407 N. Milan
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: This is zoned E1.

From: [Jason Kemp](#)
To: [Shelby Collier](#)
Cc: [Hailey Kemp](#)
Subject: Comments on proposed STR ordinance change
Date: Thursday, September 7, 2023 1:53:52 PM

To whom this may concern,

Our home is located at 407 E. Schubert St.

We are writing to voice our concerns with the proposed STR ordinance changes. We strongly oppose the changes and specifically oppose the proposed change to require off-street parking of 1 space per bedroom. Most non-conforming use STRs will not be able to meet this new standard. We respectfully oppose this proposed change as it would be next to impossible and extremely costly for most non-conforming use STRs to come into compliance with the new standards.

We have room for at least two large size vehicles in front of our house. Why penalize us when there is adequate parking on our property and directly in front of our property along the street?

Respectfully,

Jason and Hailey Kemp

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, Mardi Zaeske, AM THE OWNER OF PROPERTY LOCATED AT 404 W. Creek St.
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: STRs should not have different parking
requirements than residents. Homeowners made
purchasing decisions based on previous ordinance, and
that should not be changed. What issues have been
caused by more than 2 cars stacked in a driveway?

Page 2 of 2

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, Mardi Zaeske, AM THE OWNER OF PROPERTY LOCATED AT 310 S. Crockett
AND I (SUPPORT PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: I specifically oppose the proposal to not allow more than 2 cars stacked in a private driveway, even when there is room. I do not believe STRs should have different rules than residents.
If this proposal does pass, I would oppose existing STRs not being "grandfathered" in regards to the parking. Purchasing decisions were made based on the previous ordinance and I believe that should be upheld. If you want to change it moving forward, I would say that would be more reasonable.

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I, MARILYN S. TATSCH, AM THE OWNER OF PROPERTY LOCATED AT 208 S. BOWIE ST.
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: I am a member of the Fbg. Neighborhood Coalition, a large group of Fbg. resident citizens committed to preserving at least a few real neighborhoods like the one I grew up in here. I support the enclosed changes to the Draft Ordinance requested by the Fbg. Neighborhood Coalition. Thank you for giving me this opportunity to protest. May your deliberations & decisions be guided by a Higher Authority.

Page 2 of 2

— Marilyn S. Tatsch

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I, Mary Nell, AM THE OWNER OF PROPERTY LOCATED AT 120 Frederick Rd.
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: _____

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, Melanie Boop, AM THE OWNER OF PROPERTY LOCATED AT 6116 S. Columbus
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: I can support a change of zoning if
regulations are tightened up and the expansions
reduced (as the mayor suggested) in R1, R2 & R3.
As a life-long local I am pushing for tighter
regulations and limitations.

Page 2 of 2



Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, MELISSA BURTON, AM THE OWNER OF PROPERTY LOCATED AT 405 E. SCHUBERT
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: WE DO NOT WISH TO LOSE OUR STR-NONCONFORMING
STATUS UNLESS IT IS TO CHANGE OUR PERMIT TO
"SHORT TERM RENTAL-UNOCCUPIED" WE, OURSELVES,
ALSO USE THIS PROPERTY. THANK YOU, Melissa Burton

325-446-8999

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, Patricia Ann Cantwell, AM THE OWNER OF PROPERTY LOCATED AT 311 West College St.
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: I would support a zoning change if Regulations on STRs
are Tightened, and the expansion of STRs in R1, R2 and R3
is reduced as the Mayor suggested. Please help us keep living
in neighborhoods instead of hotel centrals! Do Not make it easy
for the STRs to take over our town.

Page 2 of 2

Thank you!

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I, Kelli Garcia, AM THE OWNER OF PROPERTY LOCATED AT 1004 W. Travis
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: I am specifically protesting the parking portion of the new draft.
It makes no sense that if property should be limited to how many cars can be
parked if the property has ample room. As well as protesting the mandating
close per bedroom if alternative storage is provided or ample room is given.

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, Bernabe R Castor ^{110 W Schubert &} AM THE OWNER OF PROPERTY LOCATED AT 708 W Main
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: Vesting is not defined in the ordinance
confusing about grandfathering

Page 2 of 2

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, Natalie Dickey ^{2:1 Rental Properties} AM THE OWNER OF PROPERTY LOCATED AT ~~3010~~ 203 S. Creek
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318) Street

Comments:

Page 2 of 2

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, Julia Walker AM THE OWNER OF PROPERTY LOCATED AT 724 S. Creek St
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: I do not have a STR. I live here. I paid for this
land + built my house. I will live here till I die. Will
never rent it out. if I decided to move I'd sell it. But
it's my home + I plan to live in it. No plans to move.

PS the traffic is so bad on Friendship Ln. We don't need all the
traffic that all this building will bring.

Page 2 of 2

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, KERNIX SUTHERLAND, AM THE OWNER OF PROPERTY LOCATED AT 455 + 453 WALNUT
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments:

1. I can support this STR ordinance change but would prefer that it could not be changed again for a minimum of 4 years or sunset it and start all over.
2. Permits should be renewed at least every 2 years with a drive by, current information and the fee.
3. The 24/7 contact should have up to 3 contacts who might be available. A single contact might not be available if they are in the ICU. Maybe their stroke did not allow them enough time to appoint someone else.
4. Why do we need to have the STR owner contact the City to tell them we have a 2 month rental? You'll not be getting the 7% tax and that could be a clue.
5. Why require a mounted 5 lb. fire extinguisher mounted in a specific area. One that is easily accessible and visible should be adequate
6. A 2 ft Sign mounted on the side of the building is a bit too specific.
7. Why is the STR business required to provide parking when other businesses are not?

Many of us do not have access to or want to learn how to navigate the web sites that the City uses to keep up with STR. All renewal should be allowed to be done by paper and pen at the City where the money is collected for the permits. The web sites in the past have been horrible to deal with.

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, Ray Rodgers, AM THE OWNER OF PROPERTY LOCATED AT 109 Llano St.
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: I want no more STRs.

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, Ray Rodgers, AM THE OWNER OF PROPERTY LOCATED AT 306 N Kay St.
AND I (SUPPORT / ~~PROTEST~~) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: I want no more STFs.

7 -----
Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, Ray Rodgers, AM THE OWNER OF PROPERTY LOCATED AT 330 Redding Rd
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: I want no more STRs.

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, Ray Rodgers, AM THE OWNER OF PROPERTY LOCATED AT 513 W Creek St.
AND I (SUPPORT ☒ PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: I want no more STRs.

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, 1105 N Llano - Ray Rodgers AM THE OWNER OF PROPERTY LOCATED AT 1105 N Llano St
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: I want no more STRs.

STR Amendments

Robert Henke <roberthenke15@gmail.com>

Thu 8/17/2023 4:27 PM

To: Anna Hudson <ahudson@fbgtx.org>

I oppose the wording in highlight number 2. Strike the words "Repeated major" from the proposal. The way it is written promotes selective enforcement. Laws or regulations should leave no room for loopholes.

Robert S Henke

210 W Trailmoor Dr

Fredericksburg, Tx 78624



CITY OF FREDERICKSBURG
DEVELOPMENT SERVICES
126 W. MAIN ST
FREDERICKSBURG, TX 78624

*Dear City,
Please update
my new address.
Thank you!
Happy*

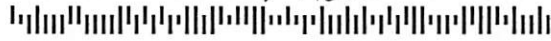
T16 P1 ****AUTO**ALL FOR AADC 786

Salt Branch Holdings LTD

2200 Wheeler Ln P. O. Box 3462

Austin TX 78723-2012

FREDERICKSBURG TX 78624



**NOTICE OF PLANNING & ZONING AND
CITY COUNCIL PUBLIC HEARINGS FOR
ZONING CASE #Z2318
AMENDMENTS TO THE CITY'S ZONING CODE
REGARDING SHORT-TERM RENTALS**

Dear Property Owner,

According to Gillespie Central Appraisal District, you are the owner of real property within the Fredericksburg city limits. This is a notification of proposed text amendments to sections of the City's Zoning Ordinance regarding Short-Term Rentals (STRs) that the Planning and Zoning Commission and the City Council will be considering at upcoming meetings.

PUBLIC HEARINGS ARE HELD AT THE LAW ENFORCEMENT CENTER AT 1601 E. MAIN STREET.

PUBLIC HEARING #1: PLANNING & ZONING COMMISSION (Recommendation Only)

Thursdsday, September 7, 2023, at 5:30 p.m.

PUBLIC HEARING #2: CITY COUNCIL

Tuesday, October 3, 2023, at 9:00 a.m.

The proposed amendments will repeal the existing STR ordinance and shift the majority of STR regulations to Chapter 20 of the Fredericksburg Municipal Code. The full text of the proposed amendments and a summary of proposed changes will be available in the agenda packet at <https://fredericksburgtx.portal.civicclerk.com/> at least 3 days before the public hearing and on the City's STR webpage <https://www.fbgtx.org/845/Short-Term-Rentals> on August 15, 2023. Please note that the proposed amendments have been updated since the most recent Joint Session of the City Council and the Planning & Zoning Commission held on June 19, 2023.

Highlights from the amendments include provisions relating to the following functions:

- To clarify and update the regulations to be applied to STRs;
- To create a specific enforcement structure for repeated major STR permit violations;
- To create new appeals procedures related to STR permits to ensure due process of law;
- To clarify procedures for transferring and renewing permits, particularly by allowing greater flexibility with respect to permit transfers; and
- To establish that certain types of STRs may continue operations as legal nonconforming uses.

From: [A+ Leasing & Mgmt](#)
To: [Jan Musgrove](#); [Shelby Collier](#)
Subject: Fwd: STR Amendments - Meeting, Thursday Sept 7, 2023.
Date: Wednesday, September 6, 2023 7:19:06 PM

----- Forwarded message -----

From: **A+ Leasing & Mgmt** <aplusleasingandmanagement@gmail.com>
Date: Wed, Sep 6, 2023 at 7:17 PM
Subject: STR Amendments - Meeting, Thursday Sept 7, 2023.
To: <ghudson@fbgtx.org>

I, Benjamin Sanders and Sheri Ginn -Sanders ARE THE OWNER OF PROPERTY LOCATED AT 811 W. Schubert St AND I (~~SUPPORT~~ / **PROTEST) (circle one)THE PROPOSED CHANGES TO THE ZONING ORDINANCE.**

We purchased our home with the intent to use it as a short term rental and then possibly our personal home after our retirement. We bought the home in 2019 and went through COVID without a single guest until the last part of 2020. We are one of at least 3 STR on the block. There were two homes SOLD on our street last year and the two newest may be STR.

We have never had a complaint from the City Code Enforcement Officer, our Neighbors or our Guest. Our home has received a 5 Star rating from our guest and I think our neighbors would also say we have improved the appearance of the street except for our crispy yard that watering one day a week has caused it to die.

We shop local and support the local economy by using local vendors; Pest Control, HVAC, Lawn Service, Carpet Cleaning Co.. Dry Cleaners, ACE Hardware, Restaurants with, too many more to list.

We **PROTEST the proposed changes to the STR Zoning Ordinance.**

Respectfully,

Ben & Sheri Sanders

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, Lynn Gentry
Don Gentry AM THE OWNER OF PROPERTY LOCATED AT 2218 Stone Mdw.
AND I (SUPPORT) / PROTEST (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: STR's encourage more traffic and
larger population growth, which will be
detrimental to current residents.

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, MARY GALLAGHER AM THE OWNER OF PROPERTY LOCATED AT 102 S. Cherry
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: I'm very grateful to all who have
worked long & hard on this project!

You are not required to attend the meeting(s), but if you attend, you will be given a full opportunity to be heard. If you cannot attend the hearing but wish to comment, please detach the response form below and return it to the City of Fredericksburg. Alternatively, you may submit comments by e-mail to ahudson@fbqtx.org with the subject RE: STR Amendments. All protests must be submitted in writing.

THE CITY DOES NOT ANTICIPATE THAT THE AMENDMENTS TO BE CONSIDERED WILL REQUIRE THE DISCONTINUANCE OF NONCONFORMING STR USES. HOWEVER, PURSUANT TO RECENT STATE LEGISLATION, S.B. 929, EFFECTIVE JUNE 1, 2023, THE FOLLOWING NOTICE IS NOW REQUIRED TO BE PROVIDED BECAUSE CERTAIN PORTIONS OF THE AMENDMENTS TO BE CONSIDERED INCLUDE MODIFICATIONS TO THE CITY'S ZONING ORDINANCE: IF YOU CURRENTLY OWN AND/OR OPERATE A SHORT-TERM RENTAL, THE CITY OF FREDERICKSBURG IS HOLDING A HEARING THAT WILL DETERMINE WHETHER YOU MAY LOSE THE RIGHT TO CONTINUE USING YOUR PROPERTY FOR ITS CURRENT USE. PLEASE READ THIS NOTICE CAREFULLY.



Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, William A. Scriapi, AM THE OWNER OF PROPERTY LOCATED AT 107 South Lincoln St.
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)

Comments: this is a personal property and NOT a rental

You are not required to attend the meeting(s), but if you attend, you will be given a full opportunity to be heard. If you cannot attend the hearing but wish to comment, please detach the response form below and return it to the City of Fredericksburg. Alternatively, you may submit comments by e-mail to ahudson@fbgtx.org with the subject RE: STR Amendments. All protests must be submitted in writing.

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✂ _____

Return Comment Card To: City of Fredericksburg c/o Zoning – 126 W Main St. Fredericksburg, TX 78624

I, William A Scripps, AM THE OWNER OF PROPERTY LOCATED AT 290 West 97 Pioneer Lane
AND I (SUPPORT / PROTEST) (circle one) THE PROPOSED CHANGES TO THE ZONING ORDINANCE. (Z2318)
107 South Lincoln St.

Comments: this is a personal property and NOT rental

Z-2318 STR ORDINANCE AMENDMENTS Public Hearing Comment Cards As of 9/25/23

Name	Address	Protes/Approve	Comments
Allan Johnson	107 Nature Trl	Protest	
Ben Sanders & Sheri Ginn	811 W Schubert St	Protest	
Bernabe Castor	110 W Schubert& 708 W Main	Protest	
Brett Zaeske	312 W Travis	Protest	
Bryan & Suzanne Alston	107 W Mulberry	Protest	
Carlton Sieckman	1008 Hill St	Protest	
Cavan McMahn	5181/2 W Peach	Protest	
Central Hill Country Board of Realtors (as of		Protest	Aaron Beeman on behalf of Board of Realtors
Clayton Walwoord	412 E Austin	Protest	
Collectible Etc Inc	453 Walnut	Protest	
Dennis Tatsch	908 Hill St	Support	
Donna McMahn	205 E Elk	Protest	
Donna Solbrig			Does not own any property that is rented
Dwight & Stephanie Albers	851 Blackshire Lane Houston Texas		See paperwork
Gaines Teague	205 1/2 W Peach	Protest	
Gary & Mary Green	1003 Ave A	Protest	
Gregory Kaderli	611 W San Antonio	Protest	
Harold Coates	608 W Austin		Did not Circle
Helana & David Pedregon	615 W Peach	Protest	
James Roeder	403 W Live Oak	Protest	
Jason Williams	113 E Wincrest	Protest	
Julia Walker	724 S Vreek St	Portest	
Katherine Shearer	2156 Amberstone	Protest	
Kathleen Cortes	407 N Milam		Did not Circle
Kermit Sultemeier	455 & 453 Walnut	Protest	
Lynn & Don Gentry	2218 Stone Meadow	Support	
Mardi Zaeske	310 S Crockett	Protest	
Mardi Zaeske	404 W Creek	Protest	
Marilyn Tatsch	208 S Bowie S	Protest	
Mary Gallagher	102 S Cherry		Did not circle
Melanie Bopp	616 S Columbus	Protest	
Melissa Burton	405 E Schbert		Did not circle
Natalie Dickey	203 S Creek	Protest	
Patricia Ann Cantwell	311 W College	Protest	
Richard Smith			Has never owned proerty in Fredericksburg - Please correct your records
Salt Branch Holdings			Did not Circle
William Culwell	410 W College		Did not circle
William Scripps	107 S Lincohn		Did not Circle

William Scripps	290 W 97 Pioneer Lane		Did not circle
John McManus	506 W Travis		Protest
Jose Plrego	105 S Cherry St		Did not Circle
Ray Rogers	330 Redding Rd		Did not Circle-No More
Ray Rogers	1105 N Llano		Did not Circle- No More
Ray Rogers	513 W Creek st		Did not Circle-No More
Ray Rogers	306 N Kay St		Did not Circle-No More
Ray Rogers	109 Llano St		Did not Circle- No More
Flordely Santiano	213 E Travos		Did not circle - had
Robert Henke	210 W Trailmoor		Did not circle - strike words repeated major (code enforcement should not be selective)
Carleton Sickman	1008 Hill St	Protest	
Randee Heddlesten			Did not circle
Leonard Bentch	205 N. Bowie		Did not circle
Diane Schofield	426 Plum St		Did not circle
Holly & Josh Allen	206 S Lincoln	Protest	
Donald Allen	2311 Smmit Forest		Did not circle
Mary Nall	120 Frederick Rd	Protest	
Aaron Beeman	Central Hill Country Board of Realtors		Did not circle
Clayton Walvoord	412 E Austin	Protest	
A.C. McMaryKast	814 Sunset		Did Not Circle - No more



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Manager

TO: Mayor & City Council Members

FROM: Garret Bonn, Assistant City Manager

MEETING DATE: October 3, 2023

CATEGORY: ORDINANCES, RESOLUTIONS
AND PUBLIC HEARINGS

CAPTION: Consider approval of Resolution 2023-14R approving the Assignment of an Annexation Agreement, Dated September 4, 2018, to FBRG Hospitality Developers, LP (Garret Bonn, Asst. City Manager)

PRESENTATION:

SUMMARY:

In September of 2018, the City Council adopted Ordinance No. 28-012 which annexed an 11.282-acre tract located near the intersection of US 87N and US 290W ("the Y") as part of the proposed Seven Hills Development. In addition, Ordinance No. 28-013 was duly adopted granting PUD zoning to the entire 22.031 acre development tract. The annexation agreement and the PUD zoning ordinance set forth certain requirements for development of the tract. The Seven Hills developer has since conveyed the property to FBRG Hospitality Developers, LP, and they have requested the City's consent of the assignment of the annexation agreement.

This assignment will not change any of the provisions of the original agreement and only serves to correctly note the current owners of the development tract, as it relates to the annexation agreement. Any changes to the previous agreement will require approval through the City's Planning & Zoning Commission and City Council development review processes.

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

The attached resolution has been prepared by the City Attorney and reviewed by City staff. Since the resolution will not impact the original provisions of the agreement, City staff recommends approval.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning

ATTACHMENTS:

1. Resolution to assign annexation agreement
2. Ordinance 28-012 Annexing 11.282 acres
3. Ordinance 28-013 amending Zoning 22.031 acres
4. Seven Hills Resort & Conv. Annex Agree

APPROVAL/REVIEW:

Garret Bonn, Assistant City Manager

Date: September 18, 2023



Krista Wareham, Director of Finance

Date: September 25, 2023

William McKamie, City Attorney

Date: September 25, 2023



Shelley Goodwin, City Secretary

Date: September 26, 2023



Clinton Bailey, City Manager

Date: September 28, 2023

RESOLUTION

NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, APPROVING THE ASSIGNMENT OF THE ANNEXATION AGREEMENT DATED SEPTEMBER 4, 2018 TO FBRG HOSPITALITY DEVELOPERS, LP; AND PROVIDING AN EFFECTIVE DATE.

Whereas, the City of Fredericksburg, Texas (the “City”), entered into that certain Annexation Agreement for The Seven Hills Resort and Conference Center (the “Agreement”) with BARONS CREEK II, LLC, a Texas limited liability company (referred to as the “Prior Owner”), dated as of the 4th day of September, 2018, for the annexation of that certain 11.282 acres of land, more or less, as more particularly described in the Agreement; and

Whereas, on September 4, 2018, the City duly adopted Ordinance No. 28-012 annexing such 11.282-acre tract into the city limits of the City (the “Annexation Ordinance”); and

Whereas, on September 4, 2018, the City also duly adopted Ordinance No. 28-013 granting PUD zoning to that certain 22.031 acres of land, more or less, (the “Development Tract”) owned by the Prior Owner which included the 11.282-acre tract being annexed under the Annexation Ordinance (the “Zoning Ordinance”); and

Whereas, the Annexation Agreement and the Zoning Ordinance set forth certain development requirements, including without limitation the approved PUD Plan, Zoning Notes, Permitted Signs, and Permitted Uses and other exhibits attached to the Agreement; and

Whereas, prior to the development of the Seven Hills Resort and Conference Center, the Prior Owner conveyed the Development Tract to the FBRG Hospitality Developers, LP (“Owner”) by Special Warranty Deed dated November 18, 2022, recorded as Document No. 20227956 of the Official Public Records of Gillespie County, Texas. As part of the conveyance, Prior Owner assigned its rights and obligations under the Agreement to Owner; and

Whereas, Owner has applied to the City to amend certain provisions of the Zoning Ordinance and Agreement; and

Whereas, the City desires to consent to the assignment of the Prior Owner’s rights and obligations under the Agreement so that Owner shall be the “Owner” for all purposes under the Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, THAT:

SECTION ONE. All of the above premises are found to be true and correct and are incorporated into the body of this Resolution as if copied in their entirety.

SECTION TWO. The City Council of the City of Fredericksburg hereby consents to the assignment of the Prior Owner’s rights and obligations under the Annexation Agreement to FBRG Hospitality Developers, LP; and providing that the utility infrastructure master plan may be

provided to the City as part of the Preliminary Plat approval process as Owner's option and expense.

SECTION THREE. This Resolution shall become effective immediately upon its passage.

PASSED AND APPROVED this the ____th day of September, 2023 at a Regular Council Meeting of the City Council of the City of Fredericksburg, Texas.

CITY OF FREDERICKSBURG

BY: _____
Jeryl Hoover, Mayor

ATTEST:

Shelley Goodwin, City Secretary

ORDINANCE NO. 28-012

AN ORDINANCE ANNEXING TO THE CITY OF FREDERICKSBURG, TEXAS APPROXIMATELY 11.282 ACRES OF LAND, BEING CERTAIN LOTS OF THE Klier SUBDIVISION AND A PORTION OF BLOCK III AS SAID BLOCK IS SHOWN ON THE MAP OF FREDERICKSBURG, TEXAS, AND ENVIRONS BY THE GERMAN EMIGRATION COMPANY; EXTENDING THE CORPORATE LIMITS OF THE CITY OF FREDERICKSBURG, TEXAS, SO AS TO INCLUDE SAID TERRITORY; GRANTING TO ALL INHABITANTS AND FUTURE INHABITANTS OF SAID TERRITORY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS OF THE CITY OF FREDERICKSBURG, TEXAS; BINDING THE INHABITANTS AND FUTURE INHABITANTS OF SAID TERRITORY BY ANY AND ALL ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF SAID CITY OF FREDERICKSBURG, TEXAS.

WHEREAS, the City of Fredericksburg has previously instituted annexation proceedings for the following tracts or parcels of land (the "Property") situated in Gillespie County, Texas, hereinafter described and shown on Exhibit "A", copy of which is attached hereto and made a part hereof, and legally described in three tracts as follows:

Lot No. 1B, Klier Subdivision, situated in Gillespie County, Texas, according to the map or plat of record in Volume 2, Page 144, Plat Records of Gillespie County, Texas; and

Lot No. 2, Klier Subdivision, situated in Gillespie County, Texas, according to the map or plat of record in Volume 2, Page 64, Plat Records of Gillespie County, Texas; and

BEING 1.004 acre of land, more or less, situated in Gillespie County, Texas, part of Block III; as said Block is shown on the map of Fredericksburg, Texas, and Environs by the German Emigration Company; said 1.004 acre tract of land is described by metes and bounds on Exhibit "B", attached hereto and made a part hereof; and

WHEREAS, the City Council of the City of Fredericksburg, Texas has heard arguments for and against the annexation of such Property at two (2) public hearings in accordance with Section 43.063 of the Local Government Code of the State of Texas and after having been requested to annex such Property by the owners thereof; and

WHEREAS, the City Council of the City of Fredericksburg, Texas has determined that said Property is contiguous and adjacent to the limits of the City of Fredericksburg, Texas; that the said Property to be annexed meets all requisites of law for annexation, and that

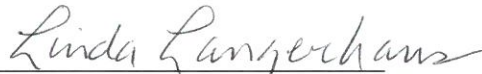
such Property should be annexed to the City of Fredericksburg, Texas, and the corporate limits of the City of Fredericksburg, Texas should be extended so as to include such territory; and that the City Council of the City of Fredericksburg, Texas, by the provisions of the Local Government Code of the State of Texas, and the Charter of the City of Fredericksburg, has the power to annex such Property.

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

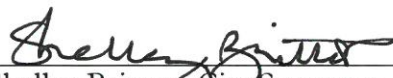
Section 1. That the Property is hereby annexed to the City of Fredericksburg, Texas; that the corporate limits of the City of Fredericksburg, Texas, be and they are hereby extended so as to include such Property within the city limits of the City of Fredericksburg, Texas; and that said Property shall hereafter be included within the territorial limits of the City of Fredericksburg, Texas.

Section 2. That the present and future inhabitants of such Property shall hereafter be entitled to all the rights and privileges of other citizens of the City of Fredericksburg, Texas; and that the inhabitants of such Property shall be bound by any and all the acts, ordinances, resolutions and regulations of the City of Fredericksburg, Texas.

PASSED AND APPROVED this the 4 day of Sept, 2018.


Linda Langerhans, Mayor
City of Fredericksburg, Texas

ATTEST:


Shelley Britton, City Secretary

APPROVED AS TO FORM:


Daniel Jones, City Attorney

EXHIBIT "A"

ANNEXATION TRACT

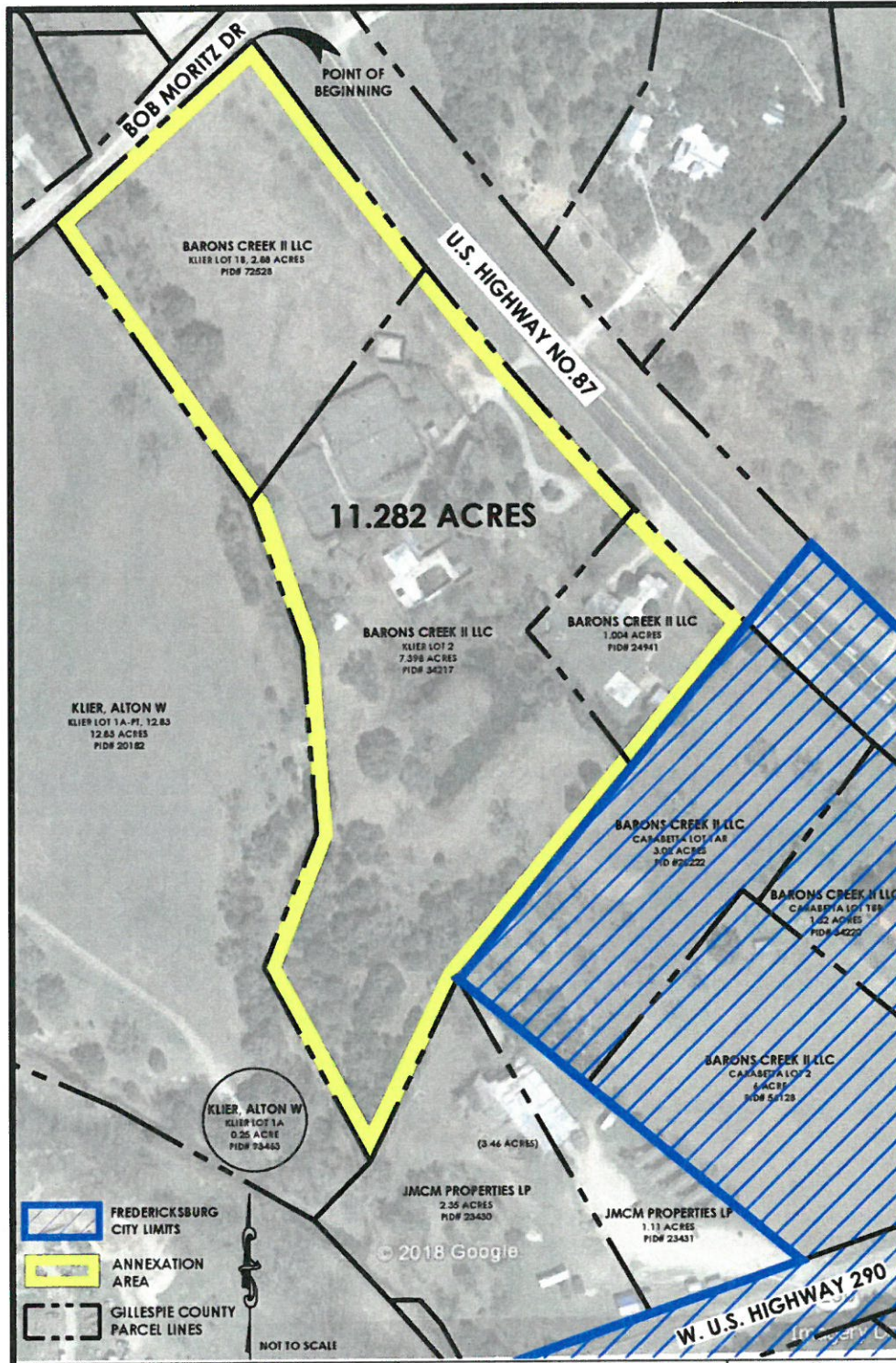


EXHIBIT "B"

SULTEMEIER

SURVEYING & ENGINEERING

**LICENSED SURVEYING FIRM: 100930-00
REGISTERED ENGINEERING FIRM: F-10608**

805 North Llano
Fredericksburg, TX 78624
Tel.: (830) 990-1221 Fax: (830) 990-1222

1.004 ACRES
CITY OF FREDERICKSBURG
GILLESPIE COUNTY, TEXAS

FN-14-5764
JUNE 2ND, 2014

A DESCRIPTION OF A 1.004 ACRE TRACT OF LAND OUT OF BLOCK III AS SAID BLOCK AND OUTLOTS ARE DESIGNATED ON THE MAP OR PLAT OF FREDERICKSBURG AND ENVIRONS BY THE GERMAN EMIGRATION COMPANY; BEING COMPRISED OF THAT CERTAIN 1.0 ACRE TRACT I AND THAT CERTAIN 164 SQUARE FOOT TRACT II (DEED/CALLED AREAS) DESCRIBED IN A CONVEYANCE FROM JOHN T. BOLTON AND WIFE, CAROL HICKS BOLTON TO MICHAEL IGARTA AND WIFE, CRYSTAL IGARTA, FOUND OF RECORD IN A WARRANTY DEED WITH VENDOR'S LIEN DATED MAY 1ST, 2005, RECORDED IN VOLUME 599, PAGE 295 ET SEQ. OF THE OFFICIAL PUBLIC RECORDS OF GILLESPIE COUNTY, TEXAS; SAID 1.004 ACRE TACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a ½ inch Iron rod found on the southwest R.O.W. (Right-of-Way) line of U. S. Highway No. 87 at the north corner of the said 1.0 acre tract, being at the easterly northeast corner of Lot 2 in the Killer Subdivision, a plat of record in Volume 2, Page 64 of the Plat Records of said County, Texas, for the north corner hereof;

THENCE with the said southwest R.O.W. line of U. S. Highway No. 87, a distance of 209.06 feet along the arc of a curve to the left having a radius of 5794.58 feet and a chord bearing of S 38° 23' 42" E, a distance of 209.05 feet to a ½ inch Iron rod found at the east corner of said Tract I, being at the north corner of Lot 1A in the Carabetta Subdivision, a plat of record in said Volume 2 at Page 147 of the Plat Records, for the east corner hereof;

THENCE with the southeast line of said Tract I, S 39° 03' 43" W (BASE BEARING FOR DIRECTIONAL CONTROL FROM GPS OBSERVATION), a distance of 213.60 feet to a ½ inch Iron rod found at the south corner of thereof, being at the easterly southeast corner of said Lot 2, for the south corner hereof;

THENCE with the southwest line of said Tract I, and continuing with the southwest line of said Tract II, N 37° 57' 45" W, at a distance of 191.65 feet an 8 inch diameter fence post found at the southwesterly corner of said Tract I and south corner of said Tract II, continuing for a total distance of 213.67 feet to the west corner of said Tract II, a point of the bank of a creek, for the west corner hereof;

THENCE with the northwest line of said Tract II, and continuing with the northwest line of said Tract I, N 40° 11' 27" E, at a distance of 16.02 feet an 8 inch diameter fence post found at the north corner of said Tract II and northwesterly corner of said Tract I, continuing for a total distance of 211.06 feet to the POINT OF BEGINNING, containing 1.004 acres of land, more or less.

ORDINANCE NO. 28-013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY AND ESTABLISHING THE ZONING DISTRICT FOR APPROXIMATELY 22.031 ACRES, INCLUDING CERTAIN LOTS OF THE Klier SUBDIVISION, CERTAIN LOTS OF THE CARABETTA SUBDIVISION, A PORTION OF BLOCK III AS SAID BLOCK IS SHOWN ON THE MAP OF FREDERICKSBURG, TEXAS, AND ENVIRONS BY THE GERMAN EMIGRATION COMPANY, AND A PORTION OF OUTLOT NO. 582 AS SAID OUTLOT IS SHOWN ON THE MAP OF FREDERICKSBURG, TEXAS, AND ENVIRONS BY THE GERMAN EMIGRATION COMPANY; ESTABLISHING PLANNED UNIT DEVELOPMENT (PUD) ZONING FOR SAID PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an Application for Rezoning has been submitted by the owner of approximately 22.031 acres of property located at the intersection of US Highway 87 N and US Highway 290 W, to establish Planned Unit Development (PUD) zoning upon said property; and

WHEREAS, public hearings before the Planning and Zoning Commission and the City Council of the City of Fredericksburg have been duly noticed and held regarding such application, as required by the City of Fredericksburg Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has determined that such zoning change is in conformity with the uses established by the Comprehensive Land Use Plan of the City of Fredericksburg and is consistent with the objectives of the City of Fredericksburg Zoning Ordinance, and has recommended to the City Council of the City of Fredericksburg, based upon positive findings under the review and evaluation criteria established by such ordinance, that the rezoning be enacted; and

WHEREAS, the City Council has specifically found, following public hearing, that such change is consistent with the objectives of the City of Fredericksburg Zoning Ordinance and Comprehensive Land Use Plan of the City of Fredericksburg and there has not been a protest against rezoning signed by owners of twenty per cent (20%) or more of the area of the property included in the zoning request, or of the area of the property immediately adjoining the same and extending two hundred feet (200') therefrom.

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

Section 1. That the zoning ordinance of the City of Fredericksburg is hereby amended to incorporate the certain change in zoning district as follows:

All of those certain lots, tracts, or parcels of land, totaling approximately 22.031 acres of land, and specifically identified as:

Lot No. 1B, Klier Subdivision, situated in Gillespie County, Texas, according to the map or plat of record in Volume 2, Page 144, Plat Records of Gillespie County, Texas; and

Lot No. 2, Klier Subdivision, situated in Gillespie County, Texas, according to the map or plat of record in Volume 2, Page 64, Plat Records of Gillespie County, Texas; and

Being 1.004 acre of land, more or less, situated in Gillespie County, Texas, part of Block III; as said Block is shown on the map of Fredericksburg, Texas, and Environs by the German Emigration Company; said 1.004 acre tract of land is described by metes and bounds on Exhibit "A", attached hereto and made a part hereof; and

Lot No. 1AR, Carabetta Subdivision, situated in Fredericksburg, Gillespie County, Texas, according to the map or plat of record in Volume 2, Page 147, Plat Records of Gillespie County, Texas; and

Lot No. 1BR, Carabetta Subdivision, situated in Fredericksburg, Gillespie County, Texas, according to the map or plat of record in Volume 2, Page 147, Plat Records of Gillespie County, Texas; and

Lot No. 2, Carabetta Subdivision, situated in Fredericksburg, Gillespie County, Texas, according to the map or plat of record in Volume 2, Page 96, Plat Records of Gillespie County, Texas; and

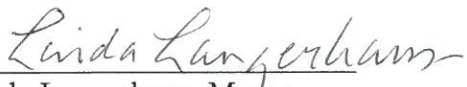
Being 0.399 acre of land, more or less, situated in Fredericksburg, Gillespie County, Texas, part of Outlot No. 582; as said Outlot is shown on the map of Fredericksburg, Texas, and Environs by the German Emigration Company; said 0.399 acre tract of land is described by metes and bounds on Exhibit "B", attached hereto and made a part hereof;

to be and are hereby zoned and designated as a Planned Unit Development ("PUD"), as more particularly described on the PUD Plan set forth in Exhibit "C", the PUD Notes set forth in Exhibit "D", the Permitted Signs set forth in Exhibit "E", and the Permitted Uses set forth in Exhibit "F", copies of which are attached hereto and made a part hereof.

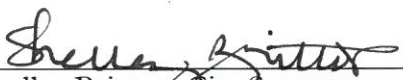
Section 2. That all references in City of Fredericksburg Code of Ordinances to the Zoning Ordinance shall henceforth refer to such as is amended hereby.

Section 3. That this Ordinance shall take effect upon the date of its passage.

PASSED AND APPROVED on this the 4th day of Sept, 2018.


Linda Langerhans, Mayor
City of Fredericksburg, Texas

ATTEST:


Shelley Britton, City Secretary

APPROVED AS TO FORM:

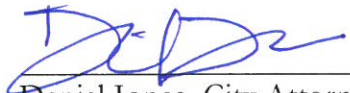

Daniel Jones, City Attorney

EXHIBIT "A"

SULTEMEIER

SURVEYING & ENGINEERING

**LICENSED SURVEYING FIRM: 100930-00
REGISTERED ENGINEERING FIRM: F-10608**

805 North Llano
Fredericksburg, TX 78624
Tel.: (830) 990-1221 Fax: (830) 990-1222

**1.004 ACRES
CITY OF FREDERICKSBURG
GILLESPIE COUNTY, TEXAS**

**FN-14-5764
JUNE 2ND, 2014**

A DESCRIPTION OF A 1.004 ACRE TRACT OF LAND OUT OF BLOCK III AS SAID BLOCK AND OUTLOTS ARE DESIGNATED ON THE MAP OR PLAT OF FREDERICKSBURG AND ENVIRONS BY THE GERMAN EMIGRATION COMPANY; BEING COMPRISED OF THAT CERTAIN 1.0 ACRE TRACT I AND THAT CERTAIN 164 SQUARE FOOT TRACT II (DEED/CALLED AREAS) DESCRIBED IN A CONVEYANCE FROM JOHN T. BOLTON AND WIFE, CAROL HICKS BOLTON TO MICHAEL IGARTA AND WIFE, CRYSTAL IGARTA, FOUND OF RECORD IN A WARRANTY DEED WITH VENDOR'S LIEN DATED MAY 1ST, 2005, RECORDED IN VOLUME 599, PAGE 295 ET SEQ. OF THE OFFICIAL PUBLIC RECORDS OF GILLESPIE COUNTY, TEXAS; SAID 1.004 ACRE TACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a ½ inch Iron rod found on the southwest R.O.W. (Right-of-Way) line of U. S. Highway No. 87 at the north corner of the said 1.0 acre tract, being at the easterly northeast corner of Lot 2 in the Killer Subdivision, a plat of record in Volume 2, Page 64 of the Plat Records of said County, Texas, for the north corner hereof;

THENCE with the said southwest R.O.W. line of U. S. Highway No. 87, a distance of 209.06 feet along the arc of a curve to the left having a radius of 5794.58 feet and a chord bearing of S 38 ° 23' 42" E, a distance of 209.05 feet to a ½ inch Iron rod found at the east corner of said Tract I, being at the north corner of Lot 1AR in the Carabetta Subdivision, a plat of record in said Volume 2 at Page 147 of the Plat Records, for the east corner hereof;

THENCE with the southeast line of said Tract I, S 39 ° 03' 43" W (BASE BEARING FOR DIRECTIONAL CONTROL FROM GPS OBSERVATION), a distance of 213.60 feet to a ½ inch Iron rod found at the south corner of thereof, being at the easterly southeast corner of said Lot 2, for the south corner hereof;

THENCE with the southwest line of said Tract I, and continuing with the southwest line of said Tract II, N 37 ° 57' 45" W, at a distance of 191.65 feet an 8 inch diameter fence post found at the southwesterly corner of said Tract I and south corner of said Tract II, continuing for a total distance of 213.67 feet to the west corner of said Tract II, a point of the bank of a creek, for the west corner hereof;

THENCE with the northwest line of said Tract II, and continuing with the northwest line of said Tract I, N 40 ° 11' 27" E, at a distance of 16.02 feet an 8 inch diameter fence post found at the north corner of said Tract II and northwesterly corner of said Tract I, continuing for a total distance of 211.06 feet to the POINT OF BEGINNING, containing 1.004 acres of land, more or less.

EXHIBIT "B"



SEARCHERS
LAND SURVEYING, LLC

MASON | FREDERICKSBURG

P.O. Box 528 Mason, TX 76856 | 325-347-7489 | TBPLS Firm #10193966
P.O. Box 1504 Fredericksburg, TX 78624 | 806-252-9810 | TBPLS Firm #10194211
www.searchersls.com

LEGAL DESCRIPTION: Being 0.399 acres of land, out of the J. M. Chapa Survey No. 131, Abstract No. 115 in Gillespie County, Texas, being a portion of Outlot 582 as shown on plat of Fredericksburg, Texas by the German Emigration Company and Environs and being all of that certain 0.399 acre tract described in Volume 242, Page 613 of the Real Property Records of Gillespie County, Texas; Said 0.399 acre tract being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found in the southwest line of U. S. Highway No. 87 for the northeast corner of Lot 2 of the Carabetta Subdivision as shown on plat recorded in Volume 2, Page 96 of the Plat Records of Gillespie County, Texas and the north corner hereof and from which a concrete monument found in the southwest line of said U. S. Highway No. 87 and the northeast line of said Lot 2 bears North 50°45'27" West a distance of 304.76 feet;

THENCE South 50°45'27" East a distance of 249.25 feet along the southwest line of said U. S. Highway No. 87 to a mag nail set for the northwest corner of that certain 0.003 acre tract described in Volume 80, Page 625 of the Deed Records of Gillespie County, Texas and the northeast corner hereof;

THENCE South 28°47'37" West a distance of 10.19 feet along the west line of said 0.003 acre tract to a mag nail set in the north line of U. S. Highway No. 290 for the southwest corner of said 0.003 acre tract and the southeast corner hereof;

THENCE along a curve turning to the left with an arc length of 250.21 feet, a radius of 1195.92 feet, a chord bears North 81°46'33" West a distance of 249.75 feet to a 1/2 inch iron rod found for southeast corner of said Lot 2 and the southwest corner hereof and from which a concrete monument found in the north line of said U. S. Highway No. 290 and the south line of said Lot 2 bears South 81°10'33" West a distance of 458.37 feet;

THENCE North 24°17'04" East a distance of 143.59 feet along the east line of said Lot 2 to the POINT OF BEGINNING containing 0.399 acres of land, more or less.

1" = 160'-0"

EXHIBIT "D"

THE SEVEN HILLS RESORT AND CONFERENCE CENTER PUD ZONING NOTES

_____, 2018
Planned Unit Development (PUD)

1. Lot Development Summary:

Lot 1 Retail and Restaurant Village

Maximum Height Allowed: 38 feet
Front Yard Setback: 20 feet
Street Yard: 20 feet
Interior Yard: 5 feet
Rear Yard: 5 feet

Lot Area: 341,300
Draft 100yr Floodplain Area: 2,900
Net Lot Area: 338,400

Building Cover Allowed: 256,000 (75%)
Building Cover Actual (fully developed): 70,800 (20.9%)

Impervious Cover Allowed: 270,700 (80%)
Paved Drive / Parking: 124,000 (36.6%)
Plaza / Sidewalk / Terrace: 68,700 (20%)
Impervious Cover Actual: 263,500 (77.8%)

Off-street Parking Required (100%): 247
Off-street Parking Required (75%): 186
Off-street Parking Provided on Lot 1: 186
Off-street Parking Provided on Lot 1 for Lot 3 use: 86
Reference Parking Table

Parking Area Interior Landscaping Required: 272 stalls x 10 = 2,720

Parking Area Interior Landscaping Provided: 4,900

Landscaping Required at Other Vehicular Use Area:

124,000 (paved area) - 108,800 (272 x 400) = 15,200

15,200 - 5,000 (exclusion) = 10,200

10,200 / 100 = 102

102 + 2,720 = 2,822

Minimum Number of Trees at Landscaped Areas (1 per 100): 2,820 / 100 = 28 Trees

Minimum Number of Trees along Business Frontage: 1,479' / 50' = 30 Trees

Minimum Number of Trees along Abutting non-PUD Property: 579' / 75' = 8 Trees

40 of the 66 Required Trees are existing

New Trees provided: 26

Lot 2 Klingelhofer and Sunday Houses

Maximum Height Allowed: 28 feet

Residential Density Allowed:

Efficiency: 2,500

1 Bedroom: 3,000

2 Bedroom: 3,500

Front Yard Setback: 15 feet

Street Yard: 15 feet

Interior Yard: 5 feet

Rear Yard: 5 feet

Unit Mix

Unit 0 = Klingelhofer = 2 Bedroom

Unit 1 = Type E = 2 Bedroom

Unit 2 = Type A = 1 Bedroom

Unit 3 = Type B = Studio

Unit 4 = Type C = 1 Bedroom

Unit 5 = Type A = 1 Bedroom

Unit 6 = Type D = 2 Bedroom

Unit 7 = Type A = 1 Bedroom

Unit 8 = Type B = Studio

Unit 9 = Type A = 1 Bedroom

Unit 10 = Type C = 1 Bedroom

Lot Area: 58,600

Draft 100yr Floodplain Area: 0

Net Lot Area: 58,600

Building Cover Allowed: 32,200 (55%)

Building Cover Actual: 12,300 (21%)

Impervious Cover Allowed: 38,100 (65%)

Paved Drive / Parking: 9,800 (16.7%)

Plaza / Sidewalk / Terrace: 11,700 (20%)

Impervious Cover Actual: 33,800 (57.7%)

Off-street Parking Required (100%): 17

Off-street Parking Required (75%): 13

Off-street Parking Provided on Lot 2: 13

Off-street Parking Provided on Lot 2 for Lot 3 use: 4

Reference Parking Table

Parking Area Interior Landscaping Required: 17 stalls x 10 = 170

Parking Area Interior Landscaping Provided: 170

Landscaping Required at Other Vehicular Use Area:

9,800 (paved area) - 6,800 (17 x 400) = 3,000

3,000 - 5,000 (exclusion) = 0

0 / 100 = 0

0 + 170 = 170

Minimum Number of Trees at Landscaped Areas (1 per 100): $170 / 100 = 1$ Trees

Minimum Number of Trees along Street Frontage: $235' / 50 = 5$ Trees

Minimum Number of Trees along Abutting non-PUD Property: $0' / 75 = 0$ Trees

12 of the 6 Required Trees are Existing

New Trees Provided: 0

6 Trees shall be credited to Lot 3 of the PUD

Lot 3 Resort and Conference Center

Maximum Height Allowed: 48 feet

Front Yard Setback: 20 feet

Street Yard Setback: 20 feet

Interior Yard Setback: 5 feet

Rear Yard Setback: 5 feet

Lot Area: 559,900

Draft 100yr Floodplain Area: 121,100

Net Lot Area: 438,800

Building Cover Allowed: 329,100 (75%)

Building Cover Actual: 85,100 (16.4%)

Impervious Cover Allowed: 351,000 (80%)

Paved Drive/Parking: 170,600 (38.9%)

Plaza / Sidewalk / Terrace: 65,800 (15%)

Impervious Cover Actual: 321,500 (73.3%)

Off-street Parking Required (100%): 466

Off-street Parking Required (83%): 386

Off-street Parking Provided on Lot 3: 285

Off-street Parking Provided on Lot 1 for Lot 3 use: 86

Reference Parking Table

Parking Area Interior Landscaping Required: 285 stalls x 10 = 2,850

Parking Area Interior Landscaping Provided: 24,900

Other Vehicular Use Area:

170,600 (paved area) - 114,000 (285 x 400) = 56,600

56,600 - 5,000 (exclusion) = 51,600

51,600 / 100 = 516

516 + 2,850 = 3,366

Minimum Number of Trees at Landscaped Areas (1 per 100): $2,850 / 100 = 29$ Trees
Minimum Number of Trees along Business Frontage: $1,505' / 50' = 30$ Trees
Minimum Number of Trees along Abutting non-PUD Property: $1,300' / 75' = 18$ Trees
104 of the 173 Required Trees are Existing
6 of the 173 Required Trees are credited from Lot 2 of the PUD
New Trees provided: 63

- 2) No building shall be erected at any location in the PUD other than the building locations shown on the PUD Plan. On Lot 1, buildings may be located anywhere within the Building Zones indicated on the PUD Plan, but such buildings must not exceed the Building Cover allowed for Lot 1.
- 3) Access to and from the PUD onto US Hwy 87 and US Hwy 290 shall be at the locations and widths as shown on the PUD Plan per the Traffic Impact Analysis, and as approved by TxDOT and the City of Fredericksburg.
- 4) Trees shown to be saved on the PUD Plan shall not be removed without the prior written approval of the City of Fredericksburg or unless diseased or dead.
- 5) Fire hydrants shall meet N.F.P.A. and City of Fredericksburg requirements.
- 6) No use shall be allowed within the PUD other than those uses listed on the PUD Plan or on the attachment hereto entitled Permitted Uses, Exhibit "F".
- 7) Drive through facilities associated with any permitted use shall require an administrative site plan review and approval.
- 8) Building height shall not exceed 4 stories and 48 feet above the average of the highest and lowest grade adjacent to the building corners of each building segment as reflected on the PUD Plan and Building Elevations.
- 9) All utility lines within the PUD site shall be installed underground, except utility lines designated to be installed above ground by the appropriate utility companies. Except as otherwise expressly set forth herein, all utilities shall comply with the City of Fredericksburg standards and specifications.
- 10) Parking spaces shall be provided as shown on the PUD Plan. Adjustments to the configuration and arrangement of parking spaces may be approved administratively.
- 11) All City codes, ordinances and regulations shall apply to the PUD except as expressly provided to the contrary as shown on the PUD Plan or in these and other notes to the plat.
- 12) All grounds within the PUD shall be maintained as to collection of trash, debris, litter and weeds.

13) All landscaped areas shall provide curbing or other protection from vehicular encroachment.

14) The owners, tenants, and their agents, if any, shall be jointly and severally responsible for the maintenance of all landscaping provided for under this PUD. All landscaping shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse, debris and weeds. All landscaped areas shall be provided with underground or drip irrigation systems.

15) All businesses shall provide suitable trash and refuse storage areas which are designed and constructed to prevent direct view from the street or parking lot and to prevent refuse from being displaced or stored about the site or onto public right-of-way and to permit safe, easy removal of refuse by truck or hand.

16) Entry ramps and curbing is provided for by the PUD Plan and Texas Accessibility Standard specifications.

17) A landscape plan prepared by a Texas Registered Landscape Architect will be submitted for approval at time of Site Plan review. The PUD Plan shall identify locations of landscape buffers and define the tree planting requirements as follows:

- a. One (1) tree for each fifty (50) linear feet of street frontage will be provided. A two and one-half (2 ½) foot wide landscape buffer will be provided between parking areas and public streets.
- b. One (1) tree for each seventy five (75) linear feet of abutting property zoned for residential uses will be provided. One (1) tree for each one hundred twenty five (125) linear feet of abutting property zoned for commercial uses will be provided. Property lines shared between lots within this PUD shall have no tree planting or buffer requirement.
- c. One (1) tree for each one hundred (100) square feet of Parking Area Interior Landscaping Required will be provided. Parking Area Interior Landscaping provided in excess of the requirement shall not require additional trees.
- d. The Parking Area Interior Landscaping Requirement shall be ten (10) square feet for each off-street parking stall provided.
- e. Dead, diseased or declining trees removed shall have no replacement requirement. Existing trees to remain may be applied to the New Tree requirement.
- f. The Interior Landscaping at Other Vehicular Use Area requirement shall be as calculated in Section 7.920.g, except as expressly contained herein.
- g. A minimum of 50% of the tree requirement will be provided from Fredericksburg's approved species list.

18) Signs shall be allowed in the PUD as specified in the attachment hereto entitled Exhibit "E", "Permitted Signs".

19) The Contractor shall be responsible for protecting all trees which are to remain during construction per City guidelines.

20) Paving under existing tree driplines shall be aerated.

21) No exterior lighting (pole or wall mounted) shall produce intense glare, or direct illumination across the bounding property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. All outside lights shall be made up of a light source/reflector so selected that acting together the light beam is controlled and not directed across any bounding property line, except as provided in paragraph 22.

22) Unshielded Exterior string lights shall be permitted with a maximum of 100 lumens per bulb (lamp) with no fixture maximum.

23) Internally and externally illuminated signs shall be permitted.

24) The Calculated Sign Area, Ground Sign Area Allowed, and Public Wall Sign Area Allowed shall be calculated in accordance with the attached Exhibit "E", "Permitted Signs". Internal Streetscape Sign Area Allowed and PUD Monument Sign Area Allowed are described on attached Exhibit "E", "Permitted Signs" and on the attached PUD Plan.

25) Continuous landscape barrier between off-street parking areas and abutting properties shall be provided in accordance with Appendix B Section 7.900, except that interior lot lines within the PUD, that is between Lots 1, 2, and 3 shall not require such barrier or tree planting.

26) Outdoor Sales and Mobile Food Establishments shall be permitted within the zones indicated on the PUD Plan.

27) Roof top equipment shall be shielded per the Entry Corridor Standards.

28) A 4ft Split-rail fence will be installed along public streets (US Hwy 87, US Hwy 290, Bob Moritz Dr). A 6ft Privacy fence with pedestrian and vehicular gates will be installed along Lot 2 interior lot lines. Fencing shall comply with the sight triangle requirements of Section 7.920.h.

29) Stabilized decomposed granite shall be a suitable paving material for off-street parking areas but shall not be used within fire lanes. Stabilized granite areas shall count 50% towards impervious cover calculations. Stabilized decomposed granite shall have permanent concrete or steel edging.

30) Public water and sanitary sewer utility lines shall be installed per attached PUD Plan where certain sections of lines along property frontage may be accomplished interior to the site within a public utility easement. Water and sanitary sewer utility line extensions shall only be provided as conceptually depicted on the attached PUD Plan. A Utility Master Plan will be provided at time of Site Plan review. The final utility alignments may be approved administratively and shall not require a PUD amendment.

- 31) Provided that applicant furnishes adequate signed and sealed engineering analysis to the Director of Public Works and Utilities at the time of Site Plan review process an exemption to Chapter 5 Article XIII Section 5-456(c)(1-3) will be granted.
- 32) Sidewalks within the ROW or lot lines adjoining dedicated or major Arterial Streets shall only be provided as depicted on the PUD Plan.
- 33) A covered arcade or structural canopy shall be not less than fifty (50) percent of the Primary Façade of multi-tenant commercial buildings on Lot 1.
- 34) With the exception of historic landmarks, at least 40 percent of the ground floor up to 12 feet above finish floor on the Primary Façade of commercial retail buildings that is facing a park, plaza, entry corridor or side street shall be constructed of clear windows. With the exception of historic landmarks, at least 20 percent of the ground floor up to 12 feet above finish floor on the Secondary Façade of commercial retail buildings that is facing a park, plaza, entry corridor or side street shall be constructed of clear windows.

EXHIBIT "E"

THE SEVEN HILLS RESORT AND CONFERENCE CENTER PUD

PERMITTED SIGNS

_____, 2018

Signs shall be in accordance with the regulations applicable to C-2 of Chapter 29 of the City of Fredericksburg Code of Ordinances (COF COO), and as modified and amended as follows:

Lot 1 Retail and Restaurant Village

Business Frontage: 681'

Non-PUD Abutting Property Frontage: 579'

Ground Signs allowed: 5

Calculated Sign Area: 400 sq. ft.

$$681' / 125' = 5 \text{ signs}$$

$$5 \times 80 = 400 \text{ sq. ft.}$$

Building Frontage: 275'

Ground Sign Area Allowed: 200 sq. ft.

Public Wall Sign Area Allowed: 200 sq. ft.

Internal Streetscape Sign Area Allowed: 1,100 sq. ft.

PUD Monument Sign Area Allowed: 150 sq. ft.

Lot 2 Klingelhoef and Sunday Houses

Business Frontage: 235'

Non-PUD Abutting Property Frontage: 0'

Ground Signs allowed: 1

Calculated Sign Area: 80 sq. ft.

$$235' / 125' = 1 \text{ sign}$$

$$1 \times 80 = 80 \text{ sq. ft.}$$

Building Frontage: 134'

Ground Sign Area Allowed: 50 sq. ft.

Public Wall Sign Area Allowed: 30 sq. ft.

Internal Streetscape Sign Area Allowed: 0

PUD Monument Sign Area Allowed: 0

Lot 3 Resort and Conference Center

Business Frontage: 1,239'

Non-PUD Abutting Property Frontage: 1,300'

Ground Signs allowed: 9

Calculated Sign Area: 720 sq. ft.

$$1,239' / 125' = 9 \text{ signs}$$

9 x 80 sf = 720 sq. ft.
Building Frontage: 514'
Ground Sign Area Allowed: 400 sq. ft.
Public Wall Sign Area Allowed: 320 sq. ft.
Internal Streetscape Sign Area Allowed: 80 sq. ft.
PUD Monument Sign Area Allowed: 150 sq. ft.

General

1. Off premises signs shall not be prohibited within the PUD. For example, a sign for a business on Lot 3 may physically exist on Lot 1 or Lot 2.
2. The provisions of COF COO Chapter 29 Section 29-7 (6) for integrated businesses shall apply to the PUD.
3. The Calculated Sign Area shall be eighty (80) square feet for each one hundred twenty five (125) linear feet of Business Frontage.
4. PUD Monument Signs serving the unified development shall be expressly allowed as described above.
5. Internal Streetscape Signs for individual businesses shall be expressly allowed as described above.
6. Changeable lighted message signs adjacent to public streets are prohibited. However, a changeable lighted message sign is allowed on Directional Signs on Lot 3. Changeable lighted message signs includes monochrome and full-color with text, graphics, and/or animation capability.
7. *Banners/Temporary* signs shall be in accordance with the regulations of the COF COO Chapter 29-7 Section (3)b for C-2 zoning district. Provided, however, Street Banners are allowed above the private driveways on Lot 1, but not adjacent to public streets or highways.

Exclusive Signs:

1. *PUD Monument* signs shall be permanent single-face, illuminated ground sign consisting of individual lettering on stone or masonry background. PUD Monument sign(s) shall not exceed one hundred fifty (150) square feet in area each and not exceed five (5) feet in height above adjacent grade. The PUD Monument Sign Area Allowed is in addition to, and shall not be calculated within, the Ground Sign Area Allowed for each Lot.
2. *Internal Streetscape Signs* shall be any permanent Building Sign, as defined herein, existing on the Primary Façade of buildings on Lot 1 Retail and Restaurant Village only. Internal Streetscape Signs shall not exceed one (1) square foot for each one (1) linear foot of building frontage along the Primary Façade for each individual business or lease space. Internal Streetscape Signs may not be illuminated except during the Retail and Restaurant Village posted hours of operation. The Internal Streetscape Sign Area Allowed is in addition to, and shall not be calculated within, the Public Wall Sign Area Allowed for each Lot.

Ground Signs:

1. *Monument* signs shall be permanent single or double-face, illuminated ground sign consisting individual lettering on stone or masonry background not exceed fifty (50) square feet in area and not exceed five (5) feet in height above adjacent grade. Sign area calculated in accordance with a single-face sign.
2. *Directional* signs shall be permanent single or double-face, illuminated ground sign with stone or masonry background providing wayfinding for general site amenities and proprietary businesses not exceeding one hundred fifty (150) square feet in total and five (5) feet in height above adjacent grade. Directional signs may be comprised of stylistically consistent individual plaques on stone or masonry background, individual channel lettering, and changeable message sign, or some combination thereof.
3. *Unattached* signs (also *Portable* or *Sandwich* or *Chalkboard* or *A-frame* signs) shall be allowed on Lot 1 only and limited to six (6) square feet per individual lease space.
4. Flags and flagpoles (freestanding and building) shall not be limited. Flags or flagpoles may be externally illuminated provided that the light source is shielded from view from adjacent properties.
5. *Snipe* Signs are prohibited.
6. *Feather Flags* are prohibited.

Building Signs:

1. *Wall* signs shall be permanent single-face, illuminated or non-illuminated individual lettering, cabinet, plaque, or medallion not exceeding eighty (80) square feet each. Wall signs shall be limited to one and one-half (1 ½) feet in height, and may not extend greater than one and one-half (1 ½) feet from the face of the building with no maximum elevation above grade.
2. *Canopy* signs shall be permanent illuminated or non-illuminated individual lettering, plaque, medallion or other insignia mounted above, below, or to the face of the fascia of the canopy.
3. *Projecting* signs shall be permanent double-face, illuminated or non-illuminated cabinet, plaque, medallion or other insignia mounted below the canopy or to the building façade. The face of a Projecting sign shall oriented to be perpendicular to the building façade. No portion of a Projecting Sign may exist below seven (7) feet above finish floor.
4. Medallion signs shall be in accordance with the regulations of COF COO Chapter 29-7 Section (3) for C-2 zoning district.
5. Roof signs are prohibited.

EXHIBIT "F"

PERMITTED USES

The following uses are permitted and shall have the definitions provided in the Fredericksburg Code of Ordinances existing at the time of the adoption of this Ordinance, as supplemented by the additional uses provided in this Exhibit "F".

Commercial Use:

Administrative and Business Offices

Arts and Crafts

Business Support Services

Cocktail Lounge

Commercial Off-Street Parking

Commercial Recreation, including (1) Indoor Sports and Recreation, (2) Outdoor Sports and Recreation, (3) Indoor Entertainment, and (4) Outdoor Entertainment. In addition, Permitted Uses shall include (i) conventions, (ii) conferences, (iii) trade shows, car shows and the like, (iv) public or private events including weddings, (v) food and wine festivals, (vi) music festivals, (vii) movie festivals, (viii) art festivals, and (ix) personal transportation rentals, both electric and non-electric.

Consumer Convenience Services

Drive Through Facilities limited to Coffee Shops and Financial Services

Financial Services

Food Sales

In addition, Permitted Uses shall include **farmer's markets** or other temporary or recurring markets primarily engaged in the sale of food for home consumption or household products.

General Retail Sales

Hotel-Motel

Laundry Services

Liquor Sales

Medical Offices

Personal Improvement Services

Personal Services, including spas and other similar services.

Pet Services

Professional Office

Restaurant

In addition, Permitted Uses shall include Mobile Food Establishments, food carts, and other similar mobile businesses primarily engaged in the retail sale of food and beverages.

Shopping Center or Mall

Veterinary Services

Civic Use:

Administrative Services
Club or Lodge
Community Recreation
Cultural Services
Day Care Services
Hospital Services (limited)
Local Utility Services
Major Utility Facilities
Postal Facilities
Religious Assembly

Residential Use:

Condominium Residential

In addition, Permitted Uses shall include live/work spaces.

Short-term Rentals
Bed and Breakfast

Industrial Use:

Light Manufacturing, but expressly prohibiting sheet metal shop, welding shop and machine shop.

In addition, Permitted Uses shall include winery, brewery, distilleries and other alcohol manufacturing. A business engaged primarily in Light Manufacturing shall also be permitted to have a tasting room and engage in the retail sale of alcoholic beverages manufactured by the business, for consumption on the premises. To the extent not covered by Food Sales or General Retail Sales, the preparation and on-site sale of agricultural products including, but not limited to olive oil and olive related products; cheeses and soaps.

Custom Manufacturing

**ANNEXATION AGREEMENT FOR
THE SEVEN HILLS RESORT & CONFERENCE CENTER**

This Annexation Agreement for The Seven Hills Resort and Conference Center (the "Agreement"), is made and entered into this 4th day of September, 2018, by and between the City of Fredericksburg, a municipal corporation, in the State of Texas, by and through its City Manager and the City Council (hereinafter referred to as "City") and BARONS CREEK II, LLC, a Texas limited liability company, whose address is 1221 Lamar St., Suite 1136, Houston, Texas 77010 (referred to as the "Owner").

Owner is the owner of record of certain real property, containing 11.282 acres of land, more or less, hereinafter described and shown on attached as Exhibit "A", which real property is subsequently sometimes referred to in its entirety as the "Annexation Tract" legally described in three tracts as follows:

Lot No. 1B, Klier Subdivision, situated in Gillespie County, Texas, according to the map or plat of record in Volume 2, Page 144, Plat Records of Gillespie County, Texas.

Lot No. 2, Klier Subdivision, situated in Gillespie County, Texas, according to the map or plat of record in Volume 2, Page 64, Plat Records of Gillespie County, Texas.

BEING 1.004 acre of land, more or less, situated in Gillespie County, Texas, part of Block III; as said Block is shown on the map of Fredericksburg, Texas, and Environs by the German Emigration Company; said 1.004 acre tract of land is described by metes and bounds on Exhibit "B", attached hereto and made a part hereof.

Owner is also the owner of record of certain real property, containing 10.749 acres of land, more or less, which real property is subsequently sometimes referred to in its entirety as the "Previously Annexed Property" legally described in four tracts as follows:

Lot No. 1AR, Carabetta Subdivision, situated in Fredericksburg, Gillespie County, Texas, according to the map or plat of record in Volume 2, Page 147, Plat Records of Gillespie County, Texas.

Lot No. 1BR, Carabetta Subdivision, situated in Fredericksburg, Gillespie County, Texas, according to the map or plat of record in Volume 2, Page 147, Plat Records of Gillespie County, Texas.

Lot No. 2, Carabetta Subdivision, situated in Fredericksburg, Gillespie County, Texas, according to the map or plat of record in Volume 2, Page 96, Plat Records of Gillespie County, Texas.

BEING 0.399 acre of land, more or less, situated in Fredericksburg, Gillespie County, Texas, part of Outlot No. 582; as said Outlot is shown on the map of Fredericksburg,

Texas, and Environs by the German Emigration Company; said 0.399-acre tract of land is described by metes and bounds on Exhibit "C", attached hereto and made a part hereof.

Such Annexation Tract is not currently within the city limits of the City of Fredericksburg, but is entirely within its extraterritorial jurisdiction, and is adjacent to the city limits. The Annexation Tract and the Previously Annexed Property are collectively called the "Development".

Owner desires to have said Annexation Tract annexed to the City of Fredericksburg, and the agreements contained herein are made in anticipation of the annexation of the Annexation Tract and the development of the entire Development.

The Annexation Tract will be annexed as a whole and the Development will be constructed in phases as designated by Owner, and this Agreement is made to set forth the terms and conditions of annexation and agreements and obligations of the Owner and the City regarding the Development.

The general plan of the Development is depicted on the "PUD Plan", Exhibit "D" attached hereto and made a part hereof.

The City Council, after due and careful consideration, has concluded that the annexation of said Annexation Tract to the City of Fredericksburg and the development of the Development under the terms and conditions set forth below, would promote economic development and further the growth of the City of Fredericksburg, enable the City of Fredericksburg's development ordinances to control the development of the area, serve the best interest of the City of Fredericksburg and therefore enters into this Agreement under its economic development and general authority.

For and in consideration of the mutual covenants contained herein, it is agreed as follows:

I. General Agreements applicable to Annexation

1.01. Process. An annexation petition, accompanied by the legal descriptions of the property to be annexed has been submitted. The City will process the annexation application in accordance with its usual procedures. However, this Agreement is based upon Owner obtaining the PUD zoning shown on Exhibit "D", and the Zoning Notes, Permitted Signs and Permitted Uses attached thereto.

Owner has submitted its re-zoning request (and subdivision plat, if desired) to commence processing of the same parallel with the annexation procedure. The City may annex any adjacent streets or highways as it deems advisable. This Agreement anticipates and is conditioned upon the approval of such annexation, and the re-zoning as herein described. Contemporaneously with the annexation of the Annexation Tract to the City of Fredericksburg, following the application and review procedures, the City shall process the preliminary subdivision plat, if applicable, for the Development and the final plat for each may be submitted as Owner desires. In the event the zoning anticipated by the Owner is not granted, the City will de-annex the Annexation Tract at

the option of the Owner to be exercised within 45 days following the zoning decision by the City Council and the agreements herein will no longer bind either party. The development of Owner's property will then be subject to all regulations applicable in the ETJ of the City.

1.02. Traffic Impact. Owner has provided a Traffic Impact Analysis ("TIA") which includes the impact of the Development on US Highway 87, US Highway 290, and the adjoining neighborhoods which is based on fully developed conditions. Owner, at Owner's expense, will make such improvements or alterations to US 290 and US 87 and any other improvements as described in said TIA as is finally approved by TxDOT and the City including any required traffic control signals. Such improvements or alterations shall be constructed with each phase at such time as outlined in the approved TIA. If Owner significantly changes its development plan at any time during the development process for the entire Development, the City may require subsequent studies and the attendant improvements or alterations and subsequent construction of the Development will not be processed by the City until a subsequent study, recommended improvements or alterations are complete or are provided for by deposit of funds or other security acceptable to the City and TxDOT. As commercial development is more accurately identified by Owner, Owner may, at its expense, perform a new TIA if Owner believes certain improvements are no longer necessary, and, if approved, the required improvement(s) may be waived by City and TxDOT.

1.03. Utility plan. At the time of Site Plan review Owner will, at Owner's expense, have a utility infrastructure master plan for streets, electric, gas, water, sewer and drainage prepared by a Texas registered professional engineer and have such master plan approved by the City, Atmos Energy, or other utility service providers as applicable for the entire Development. Such study will be based on fully developed conditions, shall incorporate the City's available engineering data which will be provided by the City to the Owner, and comply with the City of Fredericksburg Construction Standards and Specifications. Owner will incorporate such plan and improvements in each phase as it is approved. Except as provided in the approved PUD Plan, all utilities will be required to be extended to the boundary of the Development or beyond to connect to existing off-site utility connections to permit future extensions at locations shown on the approved utilities master plan. Primary facilities, necessary for the Development will be required to be built and dedicated prior to the recording of the plat for the Development. The size and specifications of the same shall be based on fully developed conditions of the entire Development. If Owner changes the layout of subsequent phases which necessitate relocation of such mains or other utilities, the same, including the cost of replacing any City upsizing paid for by the City, shall be at Owner's expense, and will require subsequent City approval in accordance with the City's usual development regulations notwithstanding any agreements herein.

1.04. Drainage. The Development's private, non-public drainage system facilities shall not be dedicated to the City and shall be privately maintained by the Owner. Prior to the annexation, Owner has performed a drainage study and master plan for the entire Development (Seven Hills Resort – Detention Study, dated August 13, 2018, prepared by Dunaway Associates, L.P.). All drainage system improvements shall be designed, approved and constructed to comply with all applicable local, state and federal regulations, including but not limited to, City, State of Texas Commission on Environmental Quality (TCEQ), including its stormwater permitting, dam

safety, and water rights permitting regulations, Federal Emergency Management Association (FEMA), Corps of Engineers, US Fish and Wildlife and Texas Parks and Wildlife, as applicable. The City will require that the said structures within all phases be designed and maintained to accept and convey waters from off the Development site. If Owner significantly changes its development plan, the City may require subsequent studies and the attendant approvals, improvements and alterations.

1.05. Sewer. In order to minimize ongoing maintenance costs to the City, whenever possible the Development will be served through a sanitary sewer gravity flow collection system as described in the development plans submitted to the City by the Owner. In the event that the sanitary sewer gravity flow collection system cannot be made to work at a pipe invert depth not exceeding twenty (20') feet for minimal lengths as approved by the City, then the Owner will install and dedicate such lift stations, subject to reimbursement by the City as set forth herein, as may be necessary to effectively carry wastewater for the entire Development. Installation and maintenance of private, non-public sanitary sewer grinder lift stations serving single lots will be the responsibility of the Owner, not the City, and shall be shown in the City-approved construction plans.

Owner will additionally dedicate, at its expense subject to reimbursement by the City as set forth herein, a public sewage lift station site location in the location shown on Exhibit "D", containing 2,500 square feet of land and access to Bob Moritz Dr. Such dedication shall be upon the earlier of: (i) demand for the same by the City, such demand is not to be made unless such lift station is needed due to the annexation of property not in the city limits as of the date of this agreement, or (ii) following completion of the lift station improvements by Owner and acceptance for maintenance by the City of the lift station. If the City oversizes any portion of the public sewage lift station to be constructed in connection with the Development, the City shall pay for the prorata portion (based on the percentage share of capacity) of the \$14,625.00 cost of such lift station site location, and hard and soft costs in connection with the design, surveying and construction of such lift station.

1.06. Streets and utilities. With regard to streets and utilities which will be constructed at the expense of the Owner:

A. Driveways and private utilities, if any, serving the Development will be maintained by the Owner with regard to all parts of the Development which have private common facilities.

B. Public utilities. The utility, drainage and other easements depicted as public improvements and shown on the attached Exhibit "E" will be constructed and, subject to Section 1.07 below, paid for by the Owner and dedicated to the City and maintained by the City following the end of a two-year warranty period from the date of City acceptance. Any easements which are not dedicated by subdivision plat, but which must be extended to any portion of the Development under construction will be dedicated by separate instrument in accordance with Section 3.08 hereof at Owner's expense and then shown on the plat for the relevant portion of the Development when later submitted.

C. Geotechnical report. All streets, if any, will be designed and constructed as set out in the geotechnical report/study, to be conducted by a Texas Registered Professional Engineer, provided by Owner approved by the City, but shall be constructed at least to minimum City standards for street and utility design and the materials and specifications on file with the City Engineering Department for the type of street being constructed, and will be dedicated to subsequent owners within the Development or to the City as applicable either on the plat containing the dedication or by separate instrument in a form reasonably approved by the City.

1.07. Oversizing. Subject to the terms hereof, the City may elect to oversize any or all of the public infrastructure to be constructed. For purposes hereof, oversize means that the City may require an increase in the size of any utility infrastructure beyond what is required to serve the Development pursuant to the applicable codes. In order to make an election to oversize any or all of the utility infrastructure, the City must send written notice to Owner on or before the date that is thirty (30) days after the date the relevant utility construction plans are submitted to the City for review prior to approval of the preliminary plat for the portion of the Development being platted.

A. Oversizing bids. If the City makes an oversizing request, then Owner shall obtain bids for the construction of the applicable oversizing as an alternate bid based on construction plans approved by the City.

It is understood that the Owner's responsibility for obtaining bids at its expense is for additive alternate bids for upsizing, and not for major re-engineering expense.

B. Oversizing notice. Owner will send written notice to City setting forth both the base bid Owner has received for its infrastructure and for the alternate bid. No more than thirty (30) days after receipt of this notice, the City shall provide written notice to Owner of its intention to pursue and pay all costs associated with the oversizing.

C. Upon making such election, the City shall provide Owner with 75% of the bid cost for the alternate bid for the oversizing and Owner shall construct the improvements set out in the alternate bid, and City shall be obligated to reimburse Owner for 100% of the difference between the base bid and the alternate bid.

D. Oversizing reimbursement. City shall reimburse Owner for the remaining 25% cost of oversizing the public infrastructure at the same time Owner pays for the portion of the infrastructure being constructed but not before completion and final acceptance by the City.

1.08. Maintenance guarantee. With regard to all public improvements, Owner will provide maintenance guarantee for the same in accordance with the City's development regulations.

II. General Agreements applicable to Zoning

2.01. Zoning application. Owner has submitted its desired re-zoning application and PUD covenants along with the annexation petition. It is understood that the entire Development will be designated as a PUD containing a commercial district.

2.02. Approval process. Contemporaneously with the submission of the annexation petition to the City of Fredericksburg and the re-zoning application, the City staff will begin the approval process required by ordinance, public hearings and Planning and Zoning Commission recommendation, the City Council of the City of Fredericksburg, shall adopt an Ordinance or Ordinances amending the provisions of the City of Fredericksburg's Zoning Ordinance and the City of Fredericksburg's Comprehensive Plan so as to provide that the Development be classified as the requested zoning/Planned Unit Development which will accommodate the above described uses in the Development. In the event any other zoning changes are requested after annexation, Owner shall be subject to the usual regulations and procedures of the Fredericksburg Zoning Ordinance.

2.03. Staff recommendation. City staff will, after approval of the overall zoning PUD Plan for the entire Development, recommend for approval to the Planning and Zoning Commission and the City Council as applicable: mixture of lot sizes, varying, non-uniform setbacks as well as appropriate commercial uses. This approval recommendation will be consistent with the development plan submitted by the Owner, and shall not be unreasonably withheld, recognizing that the staff cannot bind the actions of the relevant approval boards.

III. General Agreements applicable to Subdivision

3.01. Each Phase. At a minimum, and in addition to the other requirements of this Agreement, each phase of development shall include all access roads (if any), utilities and other infrastructure necessary to support the buildings and uses applicable to each phase. Development shall be in accordance with approved PUD Plan. The Owner shall be permitted a reasonable degree of flexibility with respect to changes or modification of said PUD Plan, preliminary and or final plat(s) due to engineering considerations. However, if the Owner makes a material alteration of the plat, the Owner will be required to seek approval from the Planning and Zoning Commission of the materially altered plat before the City will issue any building permits. If the Owner does seek such approval from the Planning and Zoning Council for a material alteration of the subdivision plat, the usual City ordinance procedures will apply. "Material alteration", for the purposes hereof, shall mean a change in the configuration of streets, entrances and exits, location of utilities and the like which may affect costs of construction or maintenance, the ability to deliver services, or which may affect safety.

3.02 Contiguity of public improvements. It is understood and agreed between the parties that, except as set forth in the approved PUD Plan or PUD Zoning Notes, the Owner agrees to complete those portions of the public improvements which the City requires in order to ensure contiguity and proper service for the public improvements to the parcel upon which the final plat approval is sought.

3.03. Construction plans. Except as set forth in the approved PUD Zoning Notes, each phase shall incorporate a utility and drainage construction plan as part of the plat application.

3.04. Street lights. Except as set forth in the approved PUD Zoning Notes, street lights shall be provided and those, as well as all other outdoor lighting, must meet or be more restrictive than

lighting requirements as set forth in the City's ordinance. Except as set forth in the approved PUD Zoning Notes, specialized or decorative lighting may be used if the same complies with the City's ordinances, and if the same are maintained by the Owner.

3.05. Water and sewer utilities specific agreements.

A. City utilities. All public water and public sewer utilities and attendant easements will belong to the City and will be built by Owner within street rights of way or in areas approved by the City where landscaping is installed to permit maintenance without interference with the landscape (collectively called, the "Approved Areas"). If such utilities are not installed in the Approved Areas, the City will not be liable for repair or maintenance of landscaping, or any sidewalks or curbs damaged as a result of any repair or maintenance. If concrete streets are installed for private streets, it is agreed and understood that the City will not be responsible for the repair or replacement of concrete streets that are damaged or cut as a result of utility repair, maintenance, or replacement; however, the City will fill any excavations with an all-weather material. Streets dedicated to the City will be maintained by the City.

B. Landscaping in public ROW. All landscaping and irrigation in the public rights-of-way shall be maintained by the Owner.

3.06. Impact fees. Impact Fees will be paid in accordance with, and at the time required by the City's Impact Fee Ordinance.

3.07. Intentionally deleted.

3.08. Easement dedication. Owner will dedicate the public utility easements which are required to loop facilities or carry the utility through the Development to adjoining properties as part of the recordation of the plat(s) for the Development or by separate instrument in the applicable form attached hereto as Exhibit "F". It is agreed that such easements shall be placed as shown on Exhibit "E" attached hereto and, except as provided in the approved PUD Plan, will stub out at the boundaries of the Development. Other dedications shall be made along with the relevant Subdivision Plat or Site Plan.

3.09 Signs. Signs for entrances to the Development will be permitted as shown on the approved PUD ordinance or the Sign Notes attached to the PUD Plan or ordinance, and may be erected by Owner after permitting.

IV. Miscellaneous Provisions

4.01. Commencement of proceedings. That the City Council of the City of Fredericksburg, contemporaneously with the effective date of this Agreement will, pursuant to the Petition for Annexation commence annexation procedures and enact an ordinance annexing the Development and any adjacent streets or highways as deemed advisable by the City.

4.02. Occupancy permits. In the event private streets, sidewalks, or other private utilities are employed in the Development, in addition to such improvements conforming to the City

ordinances as provided in this Agreement, the Owner shall not permit occupancy and the City shall not issue occupancy permits for any buildings or portions thereof until such improvements are fully completed to serve the developed area, and unless provision is made by Owner to assure the maintenance of the same. Compliance with this Section 4.02 shall be determined with respect to the requirements of each phase.

4.03. Default-subsequent Phases. In the event of default by Owner in the terms of this Agreement, the City will not be obligated to accept applications or process approvals for subsequent phases of the Development.

4.04. Default-building permits. No subsequent building permits will be issued by the City until completion of the requirements relevant to each phase, subject to the right of Owner to provide surety for completion as provided by the City's ordinances.

4.05. Other ordinances and laws. Except as provided by the terms set forth in this Agreement, in the approved PUD Plan or PUD Ordinance for the Development, Owner remains subject to and shall comply with all applicable laws, statutes, regulations and ordinances as currently exist or as may be amended from time to time. Any subjects not specifically addressed in this Agreement will be governed by the City ordinances in effect at the time the annexation application for each phase is submitted. It is agreed that any vesting rights conferred by state law will apply as provided by state law for the term of this Agreement as described in Section 4.11 below.

4.06. City maintenance. The City agrees to provide for the repair and maintenance of all public streets, public recreational facilities, public sanitary sewer and public water main, and other public rights-of-way in the Development as are dedicated to the City and shown on the approved final plats in fully functioning condition and in compliance with applicable governmental health, safety and building codes. Following any repair or maintenance of such public facilities and utilities located in Approved Areas, the City will be responsible for restoring the surface of any areas disturbed or damaged by such repair or maintenance to its condition existing immediately prior to such maintenance.

4.07. Legislative powers. The parties agree that this Agreement shall bind the parties hereto at such time as the Annexation Ordinance for the Development is duly enacted and adopted by the City. It is specifically understood that this Agreement shall not bind or hinder the independent or legislative powers of the City Council or any City boards or commissions but shall be effective only if and upon adoption of the ordinances hereby contemplated.

4.08. Order of Development. Nothing in this Agreement is based upon the various phases being developed in any particular order. In the event the Owner desires to develop in a non-sequential order or develop more than one phase at the same time, the requirements of this Agreement (for example, adjustment to street construction or dedication plan) may be adjusted as to the order of construction or required dedication as needed to accommodate the orderly development of the entire Development.

4.09. Time is of essence. It is understood and agreed by the parties hereto that time is of the essence of this Agreement, and that all the parties will make every reasonable effort, if necessary, to expedite the subject matters hereof; it is further understood that the successful consummation of this Agreement requires the parties continued cooperation.

4.10. Agreement to take action. That the parties mutually represent that they have taken and will take action as may be required to bring about the annexation of the various phases and the amendments, exceptions, and variances, as may be necessary or proper in order to zone and classify the phase so as to enable the same to be developed and used in the manner anticipated in this Agreement, and such other action as to enable the parties to execute this Agreement and to fully carry out all other covenants, agreements, duties and other obligations created and imposed by the terms and conditions of this Agreement.

4.11. Term. This Agreement shall be binding upon the parties to it, their respective grantees, successors, assigns or lessees for a full term of thirty (30) years commencing, as of the effective date of this Agreement, subject to limitations, provided by statute and to the extent permitted thereby and for such further term as may subsequently be agreed to by the parties. It is hereby agreed that if the property of the Development is annexed to the City of Fredericksburg and if the City does not grant the requested zoning, or if City does not perform its obligations hereunder, then Owner may petition for dis-annexation of the Annexation Tract and/or the City may dis-annex the Annexation Tract, such request to not be unreasonably withheld. In the event the Development is not completed within the term hereof, then any future subdivision, construction, zoning or other land use will be governed by the ordinances of the City which then exist, and neither party will be bound by the obligations hereof or by the land development ordinances currently in effect on the date of this Agreement or on the date of any first development application.

4.12. Amendment. The parties agree that this Agreement and any exhibits attached to it may be amended only by the written mutual consent of the parties.

4.13. Release of responsibility. Approval by the City of any plans, designs or specifications submitted by the Owner pursuant to this Agreement shall not constitute or be deemed to be release of the responsibility and liability of the Owner, its engineers, employees, officers or agents for the accuracy and competency of Owner's design and specifications prepared by the Owner, its engineers, officers, agents, servants or employees, it being the intent of the parties that the approval by the City signifies the City's approval on only the general design concept of the improvements to be constructed.

4.14. Assignment. This Agreement or any part hereof or any interest herein, shall not be assigned by the Owner without the express written consent of the City, following adequate notice of the desired assignment to the City. Consent to assignment under this Section 4.14 shall not be unreasonably withheld. However, it is agreed that the City may require proof of adequate financial ability as a condition of such consent and such assignee assumes all of Owner's obligations under this Agreement.

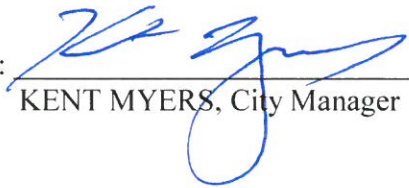
- 4.15. Fees. Any increases in City fees such as building permits, impact fees, platting or other application or review fees shall apply to any applications associated with the Development submitted after the date of enactment by the City.
- 4.16. The construction and validity of this Agreement shall be governed by the laws of the State of Texas. Venue for any legal action commenced hereunder shall be in a court of appropriate jurisdiction in Gillespie County, Texas.
- 4.17. Partial invalidity. In the event any portion of this Agreement is deemed illegal, invalid or unenforceable, then the remainder of this Agreement shall not in any way be affected thereby and may be enforced to the greatest extent permitted by applicable law.
- 4.18. Drafting. It is expressly understood and agreed that this Agreement was jointly drafted by the Parties with the assistance of legal counsel selected by each of the Parties. Accordingly, the Parties hereby agree that any and all rules of construction to the effect that ambiguity is construed against the drafting party shall be inapplicable in any dispute concerning the terms, meaning or interpretation of this Agreement. It is further agreed that the headings are inserted for convenience only.
- 4.19. Entire Agreement. This Agreement constitutes the entire agreement between the parties pertaining to the subject matter of this Agreement and supersedes any prior understandings or written or oral agreements between the parties concerning the subject matter of this Agreement.
- 4.20. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute a single agreement.
- 4.21. Authority. Each Party represents to the other Party that the individual signing this Agreement has the authority to bind that Party to the obligations set forth herein.
- 4.22. Independent parties. IT IS UNDERSTOOD AND AGREED BETWEEN THE PARTIES THAT, IN EXECUTING THIS AGREEMENT AND IN PERFORMING THE DUTIES AND OBLIGATIONS CONTAINED HEREIN, THE PARTIES ARE ACTING INDEPENDENTLY AND NOT IN ANY FORM OF PARTNERSHIP OR JOINT VENTURE WITH ONE ANOTHER. THE CITY ASSUMES NO RESPONSIBILITIES OR LIABILITIES TO ANY THIRD PARTIES IN CONNECTION WITH THIS AGREEMENT.
- 4.23. Indemnification and immunity. OWNER HEREBY AGREES TO INDEMNIFY AND HOLDS HARMLESS THE CITY, ITS ELECTED OFFICIALS, OFFICERS, DIRECTORS, PARTNERS, EMPLOYEES, AND AGENTS, FROM AND AGAINST ANY AND ALL COSTS, CLAIMS, LIENS, DAMAGES, AND LOSSES, INCLUDING BUT NOT LIMITED TO FEES AND CHARGES OF ENGINEERS, ARCHITECTS, ATTORNEYS, AND OTHER PROFESSIONALS AND ALL COURT OR ARBITRATION OR OTHER DISPUTE RESOLUTION COSTS, ARISING OUT OF OR RESULTING FROM OWNER'S ACTS OR OMISSIONS IN PERFORMANCE OF THIS AGREEMENT DURING THE TIME PERIOD THAT OWNER OWNS THE DEVELOPMENT.

THE CITY DOES NOT WAIVE ANY IMMUNITY AVAILABLE TO IT UNDER TEXAS OR FEDERAL LAW.

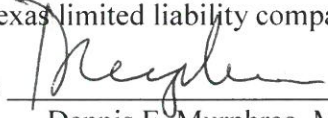
OWNER SHALL PROMPTLY ADVISE CITY IN WRITING OF ANY CLAIM OR DEMAND AGAINST CITY RELATED TO OR ARISING OUT OF OWNER'S ACTS OR OMISSIONS IN PERFORMANCE OF THIS AGREEMENT, AND SHALL SEE TO THE INVESTIGATION AND DEFENSE OF SUCH CLAIM OR DEMAND AT OWNER'S COST. CITY SHALL HAVE THE RIGHT, AT ITS OPTION AND AT ITS OWN EXPENSE, TO PARTICIPATE IN SUCH DEFENSE WITHOUT RELIEVING OWNER OF ANY OBLIGATIONS UNDER THIS PARAGRAPH.

Signatures on following pages

City of Fredericksburg

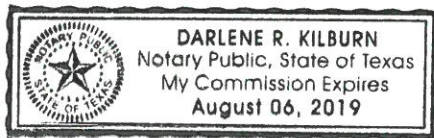
By: 
KENT MYERS, City Manager

BARONS CREEK II, LLC,
a Texas limited liability company

By: 
Dennis E. Murphree, Manager

STATE OF TEXAS §
 §
COUNTY OF Harris §

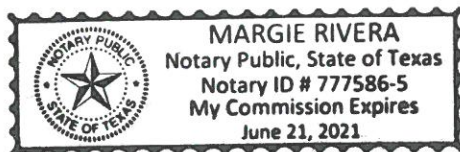
This instrument was acknowledged before me on the 19 day of December, 2018, by Dennis E. Murphree, known to me to be the Manager of BARONS CREEK II, LLC, a Texas limited liability company, on behalf of said limited liability company.

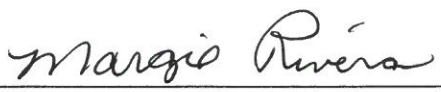



NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

STATE OF TEXAS §
 §
COUNTY OF GILLESPIE §

This instrument was acknowledged before me on the 10th day of December, 2018, by Kent Myers, known to me to be the City Manager of the City of Fredericksburg, Texas on behalf of said City.




NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

ANNEXATION TRACT

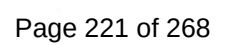


EXHIBIT "B"

SULTEMEIER

SURVEYING & ENGINEERING

**LICENSED SURVEYING FIRM: 100930-00
REGISTERED ENGINEERING FIRM: F-10608**

805 North Llano
Fredericksburg, TX 78624
Tel.: (830) 990-1221 Fax: (830) 990-1222

**1.004 ACRES
CITY OF FREDERICKSBURG
GILLESPIE COUNTY, TEXAS**

**FN-14-5764
JUNE 2ND, 2014**

A DESCRIPTION OF A 1.004 ACRE TRACT OF LAND OUT OF BLOCK III AS SAID BLOCK AND OUTLOTS ARE DESIGNATED ON THE MAP OR PLAT OF FREDERICKSBURG AND ENVIRONS BY THE GERMAN EMIGRATION COMPANY; BEING COMPRISED OF THAT CERTAIN 1.0 ACRE TRACT I AND THAT CERTAIN 164 SQUARE FOOT TRACT II (DEED/CALLED AREAS) DESCRIBED IN A CONVEYANCE FROM JOHN T. BOLTON AND WIFE, CAROL HICKS BOLTON TO MICHAEL IGARTA AND WIFE, CRYSTAL IGARTA, FOUND OF RECORD IN A WARRANTY DEED WITH VENDOR'S LIEN DATED MAY 1ST, 2005, RECORDED IN VOLUME 599, PAGE 295 ET SEQ. OF THE OFFICIAL PUBLIC RECORDS OF GILLESPIE COUNTY, TEXAS; SAID 1.004 ACRE TACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a ½ inch Iron rod found on the southwest R.O.W. (Right-of-Way) line of U. S. Highway No. 87 at the north corner of the said 1.0 acre tract, being at the easterly northeast corner of Lot 2 in the Killer Subdivision, a plat of record in Volume 2, Page 64 of the Plat Records of said County, Texas, for the north corner hereof;

THENCE with the said southwest R.O.W. line of U. S. Highway No. 87, a distance of 209.06 feet along the arc of a curve to the left having a radius of 5794.58 feet and a chord bearing of S 38° 23' 42" E, a distance of 209.05 feet to a ½ inch Iron rod found at the east corner of said Tract I, being at the north corner of Lot 1AR in the Carabetta Subdivision, a plat of record in said Volume 2 at Page 147 of the Plat Records, for the east corner hereof;

THENCE with the southeast line of said Tract I, S 39° 03' 43" W (BASE BEARING FOR DIRECTIONAL CONTROL FROM GPS OBSERVATION), a distance of 213.60 feet to a ½ inch Iron rod found at the south corner of thereof, being at the easterly southeast corner of said Lot 2, for the south corner hereof;

THENCE with the southwest line of said Tract I, and continuing with the southwest line of said Tract II, N 37° 57' 45" W, at a distance of 191.65 feet an 8 inch diameter fence post found at the southwesterly corner of said Tract I and south corner of said Tract II, continuing for a total distance of 213.67 feet to the west corner of said Tract II, a point of the bank of a creek, for the west corner hereof;

THENCE with the northwest line of said Tract II, and continuing with the northwest line of said Tract I, N 40° 11' 27" E, at a distance of 16.02 feet an 8 inch diameter fence post found at the north corner of said Tract II and northwesterly corner of said Tract I, continuing for a total distance of 211.06 feet to the POINT OF BEGINNING, containing 1.004 acres of land, more or less.

EXHIBIT "C"



SEARCHERS
LAND SURVEYING, LLC

MASON | FREDERICKSBURG
P.O. Box 528 Mason, TX 76856 | 325-347-7489 | TBPLS Firm #10193966
P.O. Box 1504 Fredericksburg, TX 78624 | 806-252-9810 | TBPLS Firm #10194211
www.searchersls.com

LEGAL DESCRIPTION: Being 0.399 acres of land, out of the J. M. Chapa Survey No. 131, Abstract No. 115 in Gillespie County, Texas, being a portion of Outlot 582 as shown on plat of Fredericksburg, Texas by the German Emigration Company and Environs and being all of that certain 0.399 acre tract described in Volume 242, Page 613 of the Real Property Records of Gillespie County, Texas; Said 0.399 acre tract being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found in the southwest line of U. S. Highway No. 87 for the northeast corner of Lot 2 of the Carabetta Subdivision as shown on plat recorded in Volume 2, Page 96 of the Plat Records of Gillespie County, Texas and the north corner hereof and from which a concrete monument found in the southwest line of said U. S. Highway No. 87 and the northeast line of said Lot 2 bears North 50°45'27" West a distance of 304.76 feet;

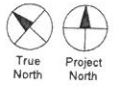
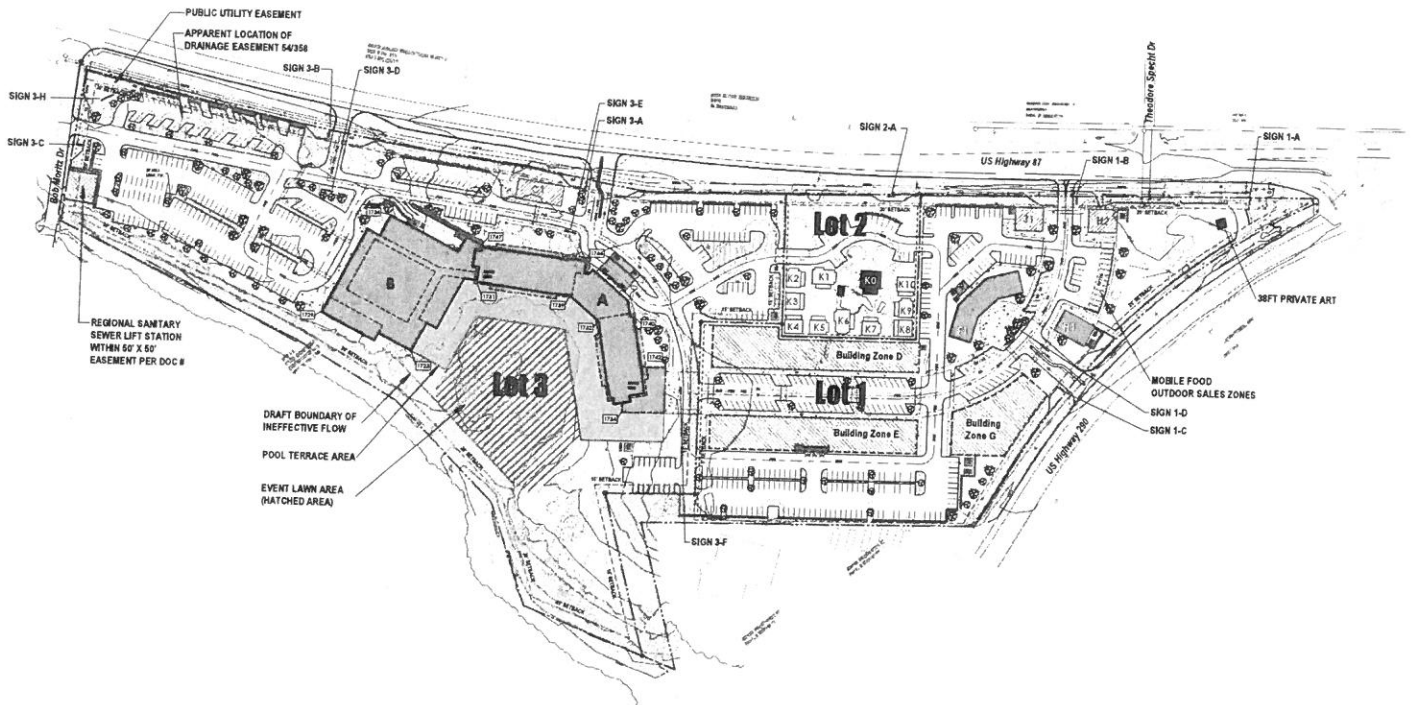
THENCE South 50°45'27" East a distance of 249.25 feet along the southwest line of said U. S. Highway No. 87 to a mag nail set for the northwest corner of that certain 0.003 acre tract described in Volume 80, Page 625 of the Deed Records of Gillespie County, Texas and the northeast corner hereof;

THENCE South 28°47'37" West a distance of 10.19 feet along the west line of said 0.003 acre tract to a mag nail set in the north line of U. S. Highway No. 290 for the southwest corner of said 0.003 acre tract and the southeast corner hereof;

THENCE along a curve turning to the left with an arc length of 250.21 feet, a radius of 1195.92 feet, a chord bears North 81°46'33" West a distance of 249.75 feet to a 1/2 inch iron rod found for southeast corner of said Lot 2 and the southwest corner hereof and from which a concrete monument found in the north line of said U. S. Highway No. 290 and the south line of said Lot 2 bears South 81°10'33" West a distance of 458.37 feet;

THENCE North 24°17'04" East a distance of 143.59 feet along the east line of said Lot 2 to the POINT OF BEGINNING containing 0.399 acres of land, more or less.

Exhibit "D"



The Seven Hills Resort & Conference Center

1" = 160'-0"

PUD Plan
Exhibit "D"

THE SEVEN HILLS RESORT AND CONFERENCE CENTER PUD
ZONING NOTES

_____, 2018
Planned Unit Development (PUD)

1. Lot Development Summary:

Lot 1 Retail and Restaurant Village

Maximum Height Allowed: 38 feet
Front Yard Setback: 20 feet
Street Yard: 20 feet
Interior Yard: 5 feet
Rear Yard: 5 feet

Lot Area: 341,300
Draft 100yr Floodplain Area: 2,900
Net Lot Area: 338,400

Building Cover Allowed: 256,000 (75%)
Building Cover Actual (fully developed): 70,800 (20.9%)

Impervious Cover Allowed: 270,700 (80%)
Paved Drive / Parking: 124,000 (36.6%)
Plaza / Sidewalk / Terrace: 68,700 (20%)
Impervious Cover Actual: 263,500 (77.8%)

Off-street Parking Required (100%): 247
Off-street Parking Required (75%): 186
Off-street Parking Provided on Lot 1: 186
Off-street Parking Provided on Lot 1 for Lot 3 use: 86
Reference Parking Table

Parking Area Interior Landscaping Required: 272 stalls x 10 = 2,720

Parking Area Interior Landscaping Provided: 4,900

Landscaping Required at Other Vehicular Use Area:

124,000 (paved area) - 108,800 (272 x 400) = 15,200

15,200 - 5,000 (exclusion) = 10,200

10,200 / 100 = 102

102 + 2,720 = 2,822

Minimum Number of Trees at Landscaped Areas (1 per 100): 2,820 / 100 = 28 Trees

Minimum Number of Trees along Business Frontage: 1,479' / 50' = 30 Trees

Minimum Number of Trees along Abutting non-PUD Property: 579' / 75' = 8 Trees

40 of the 66 Required Trees are existing

New Trees provided: 26

Lot 2 Klingelhofer and Sunday Houses

Maximum Height Allowed: 28 feet

Residential Density Allowed:

Efficiency: 2,500

1 Bedroom: 3,000

2 Bedroom: 3,500

Front Yard Setback: 15 feet

Street Yard: 15 feet

Interior Yard: 5 feet

Rear Yard: 5 feet

Unit Mix

Unit 0 = Klingelhofer = 2 Bedroom

Unit 1 = Type E = 2 Bedroom

Unit 2 = Type A = 1 Bedroom

Unit 3 = Type B = Studio

Unit 4 = Type C = 1 Bedroom

Unit 5 = Type A = 1 Bedroom

Unit 6 = Type D = 2 Bedroom

Unit 7 = Type A = 1 Bedroom

Unit 8 = Type B = Studio

Unit 9 = Type A = 1 Bedroom

Unit 10 = Type C = 1 Bedroom

Lot Area: 58,600

Draft 100yr Floodplain Area: 0

Net Lot Area: 58,600

Building Cover Allowed: 32,200 (55%)

Building Cover Actual: 12,300 (21%)

Impervious Cover Allowed: 38,100 (65%)

Paved Drive / Parking: 9,800 (16.7%)

Plaza / Sidewalk / Terrace: 11,700 (20%)

Impervious Cover Actual: 33,800 (57.7%)

Off-street Parking Required (100%): 17

Off-street Parking Required (75%): 13

Off-street Parking Provided on Lot 2: 13

Off-street Parking Provided on Lot 2 for Lot 3 use: 4

Reference Parking Table

Parking Area Interior Landscaping Required: 17 stalls x 10 = 170

Parking Area Interior Landscaping Provided: 170

Landscaping Required at Other Vehicular Use Area:

9,800 (paved area) - 6,800 (17 x 400) = 3,000

3,000 - 5,000 (exclusion) = 0

0 / 100 = 0

0 + 170 = 170

Minimum Number of Trees at Landscaped Areas (1 per 100): 170 / 100 = 1 Trees

Minimum Number of Trees along Street Frontage: 235' / 50 = 5 Trees

Minimum Number of Trees along Abutting non-PUD Property: 0' / 75 = 0 Trees

12 of the 6 Required Trees are Existing

New Trees Provided: 0

6 Trees shall be credited to Lot 3 of the PUD

Lot 3 Resort and Conference Center

Maximum Height Allowed: 48 feet

Front Yard Setback: 20 feet

Street Yard Setback: 20 feet

Interior Yard Setback: 5 feet

Rear Yard Setback: 5 feet

Lot Area: 559,900

Draft 100yr Floodplain Area: 121,100

Net Lot Area: 438,800

Building Cover Allowed: 329,100 (75%)

Building Cover Actual: 85,100 (16.4%)

Impervious Cover Allowed: 351,000 (80%)

Paved Drive/Parking: 170,600 (38.9%)

Plaza / Sidewalk / Terrace: 65,800 (15%)

Impervious Cover Actual: 321,500 (73.3%)

Off-street Parking Required (100%): 466

Off-street Parking Required (83%): 386

Off-street Parking Provided on Lot 3: 285

Off-street Parking Provided on Lot 1 for Lot 3 use: 86

Reference Parking Table

Parking Area Interior Landscaping Required: 285 stalls x 10 = 2,850

Parking Area Interior Landscaping Provided: 24,900

Other Vehicular Use Area:

170,600 (paved area) - 114,000 (285 x 400) = 56,600

56,600 - 5,000 (exclusion) = 51,600

51,600 / 100 = 516

516 + 2,850 = 3,366

Minimum Number of Trees at Landscaped Areas (1 per 100): 2,850 / 100 = 29 Trees

Minimum Number of Trees along Business Frontage: $1,505' / 50' = 30$ Trees
Minimum Number of Trees along Abutting non-PUD Property: $1,300' / 75' = 18$ Trees
104 of the 173 Required Trees are Existing
6 of the 173 Required Trees are credited from Lot 2 of the PUD
New Trees provided: 63

- 2) No building shall be erected at any location in the PUD other than the building locations shown on the PUD Plan. On Lot 1, buildings may be located anywhere within the Building Zones indicated on the PUD Plan, but such buildings must not exceed the Building Cover allowed for Lot 1.
- 3) Access to and from the PUD onto US Hwy 87 and US Hwy 290 shall be at the locations and widths as shown on the PUD Plan per the Traffic Impact Analysis, and as approved by TxDOT and the City of Fredericksburg.
- 4) Trees shown to be saved on the PUD Plan shall not be removed without the prior written approval of the City of Fredericksburg or unless diseased or dead.
- 5) Fire hydrants shall meet N.F.P.A. and City of Fredericksburg requirements.
- 6) No use shall be allowed within the PUD other than those uses listed on the PUD Plan or on the attachment hereto entitled Permitted Uses, Exhibit "D".
- 7) Drive through facilities associated with any permitted use shall require an administrative site plan review and approval.
- 8) Building height shall not exceed 4 stories and 48 feet above the average of the highest and lowest grade adjacent to the building corners of each building segment as reflected on the PUD Plan and Building Elevations.
- 9) All utility lines within the PUD site shall be installed underground, except utility lines designated to be installed above ground by the appropriate utility companies. Except as otherwise expressly set forth herein, all utilities shall comply with the City of Fredericksburg standards and specifications.
- 10) Parking spaces shall be provided as shown on the PUD Plan. Adjustments to the configuration and arrangement of parking spaces may be approved administratively.
- 11) All City codes, ordinances and regulations shall apply to the PUD except as expressly provided to the contrary as shown on the PUD Plan or in these and other notes to the plat.
- 12) All grounds within the PUD shall be maintained as to collection of trash, debris, litter and weeds.

- 13) All landscaped areas shall provide curbing or other protection from vehicular encroachment.
- 14) The owners, tenants, and their agents, if any, shall be jointly and severally responsible for the maintenance of all landscaping provided for under this PUD. All landscaping shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse, debris and weeds. All landscaped areas shall be provided with underground or drip irrigation systems.
- 15) All businesses shall provide suitable trash and refuse storage areas which are designed and constructed to prevent direct view from the street or parking lot and to prevent refuse from being displaced or stored about the site or onto public right-of-way and to permit safe, easy removal of refuse by truck or hand.
- 16) Entry ramps and curbing is provided for by the PUD Plan and Texas Accessibility Standard specifications.
- 17) A landscape plan prepared by a Texas Registered Landscape Architect will be submitted for approval at time of Site Plan review. The PUD Plan shall identify locations of landscape buffers and define the tree planting requirements as follows:
- a. One (1) tree for each fifty (50) linear feet of street frontage will be provided. A two and one-half (2 ½) foot wide landscape buffer will be provided between parking areas and public streets.
 - b. One (1) tree for each seventy five (75) linear feet of abutting property zoned for residential uses will be provided. One (1) tree for each one hundred twenty five (125) linear feet of abutting property zoned for commercial uses will be provided. Property lines shared between lots within this PUD shall have no tree planting or buffer requirement.
 - c. One (1) tree for each one hundred (100) square feet of Parking Area Interior Landscaping Required will be provided. Parking Area Interior Landscaping provided in excess of the requirement shall not require additional trees.
 - d. The Parking Area Interior Landscaping Requirement shall be ten (10) square feet for each off-street parking stall provided.
 - e. Dead, diseased or declining trees removed shall have no replacement requirement. Existing trees to remain may be applied to the New Tree requirement.
 - f. The Interior Landscaping at Other Vehicular Use Area requirement shall be as calculated in Section 7.920.g, except as expressly contained herein.
 - g. A minimum of 50% of the tree requirement will be provided from Fredericksburg's approved species list.
- 18) Signs shall be allowed in the PUD as specified in the attachment hereto entitled Exhibit "C", "Permitted Signs".

- 19) The Contractor shall be responsible for protecting all trees which are to remain during construction per City guidelines.
- 20) Paving under existing tree driplines shall be aerated.
- 21) No exterior lighting (pole or wall mounted) shall produce intense glare, or direct illumination across the bounding property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. All outside lights shall be made up of a light source/reflector so selected that acting together the light beam is controlled and not directed across any bounding property line, except as provided in paragraph 22.
- 22) Unshielded Exterior string lights shall be permitted with a maximum of 100 lumens per bulb (lamp) with no fixture maximum.
- 23) Internally and externally illuminated signs shall be permitted.
- 24) The Calculated Sign Area, Ground Sign Area Allowed, and Public Wall Sign Area Allowed shall be calculated in accordance with the attached Exhibit "C", "Permitted Signs". Internal Streetscape Sign Area Allowed and PUD Monument Sign Area Allowed are described on attached Exhibit "C", "Permitted Signs" and on the attached PUD Plan.
- 25) Continuous landscape barrier between off-street parking areas and abutting properties shall be provided in accordance with Appendix B Section 7.900, except that interior lot lines within the PUD, that is between Lots 1, 2, and 3 shall not require such barrier or tree planting.
- 26) Outdoor Sales and Mobile Food Establishments shall be permitted within the zones indicated on the PUD Plan.
- 27) Roof top equipment shall be shielded per the Entry Corridor Standards.
- 28) A 4ft Split-rail fence will be installed along public streets (US Hwy 87, US Hwy 290, Bob Moritz Dr). A 6ft Privacy fence with pedestrian and vehicular gates will be installed along Lot 2 interior lot lines. Fencing shall comply with the sight triangle requirements of Section 7.920.h.
- 29) Stabilized decomposed granite shall be a suitable paving material for off-street parking areas but shall not be used within fire lanes. Stabilized granite areas shall count 50% towards impervious cover calculations. Stabilized decomposed granite shall have permanent concrete or steel edging.
- 30) Public water and sanitary sewer utility lines shall be installed per attached PUD Plan where certain sections of lines along property frontage may be accomplished interior to the site within a public utility easement. Water and sanitary sewer utility line extensions shall only be provided as conceptually depicted on the attached PUD Plan.

A Utility Master Plan will be provided at time of Site Plan review. The final utility alignments may be approved administratively and shall not require a PUD amendment.

31) Provided that applicant furnishes adequate signed and sealed engineering analysis to the Director of Public Works and Utilities at the time of Site Plan review process an exemption to Chapter 5 Article XIII Section 5-456(c)(1-3) will be granted.

32) Sidewalks within the ROW or lot lines adjoining dedicated or major Arterial Streets shall only be provided as depicted on the PUD Plan.

33) A covered arcade or structural canopy shall be not less than fifty (50) percent of the Primary Façade of multi-tenant commercial buildings on Lot 1.

34) With the exception of historic landmarks, at least 40 percent of the ground floor up to 12 feet above finish floor on the Primary Façade of commercial retail buildings that is facing a park, plaza, entry corridor or side street shall be constructed of clear windows. With the exception of historic landmarks, at least 20 percent of the ground floor up to 12 feet above finish floor on the Secondary Façade of commercial retail buildings that is facing a park, plaza, entry corridor or side street shall be constructed of clear windows.

THE SEVEN HILLS RESORT AND CONFERENCE CENTER PUD
PERMITTED SIGNS

_____, 2018

Signs shall be in accordance with the regulations applicable to C-2 of Chapter 29 of the City of Fredericksburg Code of Ordinances (COF COO), and as modified and amended as follows:

Lot 1 Retail and Restaurant Village

Business Frontage: 681'

Non-PUD Abutting Property Frontage: 579'

Ground Signs allowed: 5

Calculated Sign Area: 400 sq. ft.

$$681' / 125' = 5 \text{ signs}$$

$$5 \times 80 = 400 \text{ sq. ft.}$$

Building Frontage: 275'

Ground Sign Area Allowed: 200 sq. ft.

Public Wall Sign Area Allowed: 200 sq. ft.

Internal Streetscape Sign Area Allowed: 1,100 sq. ft.

PUD Monument Sign Area Allowed: 150 sq. ft.

Lot 2 Klingelhoef and Sunday Houses

Business Frontage: 235'

Non-PUD Abutting Property Frontage: 0'

Ground Signs allowed: 1

Calculated Sign Area: 80 sq. ft.

$$235' / 125' = 1 \text{ sign}$$

$$1 \times 80 = 80 \text{ sq. ft.}$$

Building Frontage: 134'

Ground Sign Area Allowed: 50 sq. ft.

Public Wall Sign Area Allowed: 30 sq. ft.

Internal Streetscape Sign Area Allowed: 0

PUD Monument Sign Area Allowed: 0

Lot 3 Resort and Conference Center

Business Frontage: 1,239'

Non-PUD Abutting Property Frontage: 1,300'

Ground Signs allowed: 9

Calculated Sign Area: 720 sq. ft.

$$1,239' / 125' = 9 \text{ signs}$$

$$9 \times 80 \text{ sf} = 720 \text{ sq. ft.}$$

Building Frontage: 514'

Ground Sign Area Allowed: 400 sq. ft.
Public Wall Sign Area Allowed: 320 sq. ft.
Internal Streetscape Sign Area Allowed: 80 sq. ft.
PUD Monument Sign Area Allowed: 150 sq. ft.

General

1. Off premises signs shall not be prohibited within the PUD. For example, a sign for a business on Lot 3 may physically exist on Lot 1 or Lot 2.
2. The provisions of COF COO Chapter 29 Section 29-7 (6) for integrated businesses shall apply to the PUD.
3. The Calculated Sign Area shall be eighty (80) square feet for each one hundred twenty five (125) linear feet of Business Frontage.
4. PUD Monument Signs serving the unified development shall be expressly allowed as described above.
5. Internal Streetscape Signs for individual businesses shall be expressly allowed as described above.
6. Changeable lighted message signs adjacent to public streets are prohibited. However, a changeable lighted message sign is allowed on Directional Signs on Lot 3. Changeable lighted message signs includes monochrome and full-color with text, graphics, and/or animation capability.
7. *Banners/Temporary* signs shall be in accordance with the regulations of the COF COO Chapter 29-7 Section (3)b for C-2 zoning district. Provided, however, Street Banners are allowed above the private driveways on Lot 1, but not adjacent to public streets or highways.

Exclusive Signs:

1. *PUD Monument* signs shall be permanent single-face, illuminated ground sign consisting of individual lettering on stone or masonry background. PUD Monument sign(s) shall not exceed one hundred fifty (150) square feet in area each and not exceed five (5) feet in height above adjacent grade. The PUD Monument Sign Area Allowed is in addition to, and shall not be calculated within, the Ground Sign Area Allowed for each Lot.
2. *Internal Streetscape Signs* shall be any permanent Building Sign, as defined herein, existing on the Primary Façade of buildings on Lot 1 Retail and Restaurant Village only. Internal Streetscape Signs shall not exceed one (1) square foot for each one (1) linear foot of building frontage along the Primary Façade for each individual business or lease space. Internal Streetscape Signs may not be illuminated except during the Retail and Restaurant Village posted hours of operation. The Internal Streetscape Sign Area Allowed is in addition to, and shall not be calculated within, the Public Wall Sign Area Allowed for each Lot.

Ground Signs:

1. *Monument* signs shall be permanent single or double-face, illuminated ground sign consisting individual lettering on stone or masonry background not exceed fifty (50) square feet in area and not exceed five (5) feet in height above adjacent grade. Sign area calculated in accordance with a single-face sign.
2. *Directional* signs shall be permanent single or double-face, illuminated ground sign with stone or masonry background providing wayfinding for general site amenities and proprietary businesses not exceeding one hundred fifty (150) square feet in total and five (5) feet in height above adjacent grade. Directional signs may be comprised of stylistically consistent individual plaques on stone or masonry background, individual channel lettering, and changeable message sign, or some combination thereof.
3. *Unattached* signs (also *Portable* or *Sandwich* or *Chalkboard* or *A-frame* signs) shall be allowed on Lot 1 only and limited to six (6) square feet per individual lease space.
4. Flags and flagpoles (freestanding and building) shall not be limited. Flags or flagpoles may be externally illuminated provided that the light source is shielded from view from adjacent properties.
5. *Snipe* Signs are prohibited.
6. *Feather Flags* are prohibited.

Building Signs:

1. *Wall* signs shall be permanent single-face, illuminated or non-illuminated individual lettering, cabinet, plaque, or medallion not exceeding eighty (80) square feet each. Wall signs shall be limited to one and one-half (1 ½) feet in height, and may not extend greater than one and one-half (1 ½) feet from the face of the building with no maximum elevation above grade.
2. *Canopy* signs shall be permanent illuminated or non-illuminated individual lettering, plaque, medallion or other insignia mounted above, below, or to the face of the fascia of the canopy.
3. *Projecting* signs shall be permanent double-face, illuminated or non-illuminated cabinet, plaque, medallion or other insignia mounted below the canopy or to the building façade. The face of a Projecting sign shall oriented to be perpendicular to the building façade. No portion of a Projecting Sign may exist below seven (7) feet above finish floor.
4. Medallion signs shall be in accordance with the regulations of COF COO Chapter 29-7 Section (3) for C-2 zoning district.
5. Roof signs are prohibited.

PERMITTED USES

The following uses are permitted and shall have the definitions provided in the Fredericksburg Code of Ordinances existing at the time of the adoption of this Ordinance, as supplemented by the additional uses provided in this Exhibit "D".

Commercial Use:

Administrative and Business Offices

Arts and Crafts

Business Support Services

Cocktail Lounge

Commercial Off-Street Parking

Commercial Recreation, including (1) Indoor Sports and Recreation, (2) Outdoor Sports and Recreation, (3) Indoor Entertainment, and (4) Outdoor Entertainment. In addition, Permitted Uses shall include (i) conventions, (ii) conferences, (iii) trade shows, car shows and the like, (iv) public or private events including weddings, (v) food and wine festivals, (vi) music festivals, (vii) movie festivals, (viii) art festivals, and (ix) personal transportation rentals, both electric and non-electric.

Consumer Convenience Services

Drive Through Facilities limited to Coffee Shops and Financial Services

Financial Services

Food Sales

In addition, Permitted Uses shall include ~~farmer's markets~~ or other temporary or recurring markets primarily engaged in the sale of food for home consumption or household products.

General Retail Sales

Hotel-Motel

Laundry Services

Liquor Sales

Medical Offices

Personal Improvement Services

Personal Services, including spas and other similar services.

Pet Services

Professional Office

Restaurant

In addition, Permitted Uses shall include Mobile Food Establishments, food carts, and other similar mobile businesses primarily engaged in the retail sale of food and beverages.

Shopping Center or Mall

Veterinary Services

Civic Use:

Administrative Services
Club or Lodge
Community Recreation
Cultural Services
Day Care Services
Hospital Services (limited)
Local Utility Services
Major Utility Facilities
Postal Facilities
Religious Assembly

Residential Use:

Condominium Residential

In addition, Permitted Uses shall include live/work spaces.

Short-term Rentals

Bed and Breakfast

Industrial Use:

Light Manufacturing, but expressly prohibiting sheet metal shop, welding shop and machine shop.

In addition, Permitted Uses shall include winery, brewery, distilleries and other alcohol manufacturing. A business engaged primarily in Light Manufacturing shall also be permitted to have a tasting room and engage in the retail sale of alcoholic beverages manufactured by the business, for consumption on the premises. To the extent not covered by Food Sales or General Retail Sales, the preparation and on-site sale of agricultural products including, but not limited to olive oil and olive related products; cheeses and soaps.

Custom Manufacturing

EXHIBIT "F"

FORM OF DEDICATION OF EASEMENT

PUBLIC UTILITY EASEMENT (underground)

BARONS CREEK II, LLC, a Texas limited liability company, whose address is 1221 Lamar St., Suite 1136, Houston, Texas 77010 hereinafter referred to as "Grantor" (whether one or more), for and in consideration of ONE DOLLAR (\$1.00) in hand paid by the City of Fredericksburg, a municipal corporation, in the State of Texas, hereinafter referred to as "Grantee" (whether one or more), the receipt and sufficiency of which is hereby acknowledged, has granted, sold, and conveyed and by these presents does GRANT, SELL, AND CONVEY unto Grantee, a non-exclusive underground easement (the "Easement") as herein described for electric distribution and transmission lines, gas lines, raw, reclaimed, and potable water lines, wastewater lines, telecommunications lines, cable lines, and other public utilities with all associated appurtenances (collectively, the "Facilities") through, across, and under the tract of land located in Gillespie County, Texas more particularly described in **EXHIBIT A** attached hereto and incorporated herein for all purposes (the "Easement Tract").

TO HAVE AND TO HOLD the Easement perpetually to Grantee and its successors and assigns together with the right and privilege of ingress and egress over the Easement Tract for the purpose of constructing, operating, repair, reconstructing, inspecting, operating, maintaining, and removing the Facilities, including the right to place new or additional lines in the Facilities.

Grantor, for itself and its successors and assigns, reserves the right to enter upon and fully use the Easement Tract for all purposes that do not materially interfere with or interrupt the use or enjoyment of the Easement by Grantee for the easement purposes stated herein, including, but not limited to the right to construct, install, maintain, replace, and remove an all-weather surface roads, driveways, parking lots, sidewalks and other improvements across the Easement Tract ("Improvements"). The parties' rights and obligations to install, maintain and repair the Improvements and Facilities, shall be in accordance with the Annexation Agreement for The Seven Hills Resort and Conference Center, dated August __, 2018 executed by Grantor and Grantee.

Grantor, for itself and its successor and assigns, reserves the right to convey easements to others so long as any such further conveyance is made subject to this grant and does not interfere in any material way with the use and enjoyment of the Easement granted herein for the purpose herein stated. Grantee shall use the Easement and operate the Facilities in compliance with all material applicable federal, state and local laws, statutes, ordinances, rules, and regulations.

Grantor agrees to warrant and forever defend title to the Easement Tract granted herein unto Grantee and its successors and assigns against every person lawfully claiming or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise, subject to the matters set forth herein and further subject to all easements, rights of way, restrictions, reservations,

covenants, conditions, encumbrances, and other instruments presently recorded in the official records of Gillespie County, Texas that affect the Easement Tract.

By acceptance of this Public Utility Easement, Grantee agrees to comply with the terms hereof which shall be binding upon Grantee and its successors and assigns.

IN WITNESS WHEREOF, Grantor has cause this instrument to be executed on this ____ day of _____ 20__

GRANTOR:

BARONS CREEK II, LLC

By: _____
Dennis E. Murphree, Manager

STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____, 20__, by Dennis E. Murphree, known to me to be the Manager of BARONS CREEK II, LLC, a Texas limited liability company, on behalf of said limited liability company.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

After recording, return to:

EXHIBIT A

Easement Tract
[to be added]

LIFT STATION EASEMENT

BARONS CREEK II, LLC, a Texas limited liability company, whose address is 1221 Lamar St., Suite 1136, Houston, Texas 77010 hereinafter referred to as "Grantor" (whether one or more), for and in consideration of ONE DOLLAR (\$1.00) in hand paid by the City of Fredericksburg, a municipal corporation, in the State of Texas, hereinafter referred to as "Grantee" (whether one or more), the receipt and sufficiency of which is hereby acknowledged, has granted, sold, and conveyed and by these presents does GRANT, SELL, AND CONVEY unto Grantee, an easement (the "Easement") for the construction, operation, maintenance, replacement, upgrade and repair of a lift station and associated improvements (collectively, the "Facilities") over, across, and under the tract of land located in Gillespie County, Texas more particularly described in **EXHIBIT A** attached hereto and incorporated herein for all purposes (the "Easement Tract").

TO HAVE AND TO HOLD the Easement perpetually to Grantee and its successors and assigns together with the right and privilege of ingress and egress over the Easement Tract for the purpose of constructing, operating, maintaining, replacing, upgrading, repairing, reconstructing, and inspecting the Facilities.

Grantee shall use the Easement and operate the Facilities in compliance with all material applicable federal, state and local laws, statutes, ordinances, rules, and regulations. The parties' rights and obligations to install, maintain and repair the Improvements and Facilities, shall be in accordance with the Annexation Agreement for The Seven Hills Resort and Conference Center, dated August __, 2018 executed by Grantor and Grantee.

Grantor agrees to warrant and forever defend title to the Easement Tract granted herein unto Grantee and its successors and assigns against every person lawfully claiming or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise, subject to the matters set forth herein and further subject to all easements, rights of way, restrictions, reservations, covenants, conditions, encumbrances, and other instruments presently recorded in the official records of Gillespie County, Texas that affect the Easement Tract.

By acceptance of this Public Utility Easement, Grantee agrees to comply with the terms hereof which shall be binding upon Grantee and its successors and assigns.

IN WITNESS WHEREOF, Grantor has cause this instrument to be executed on this ____ day of _____ 20__

GRANTOR:

BARONS CREEK II, LLC

By: _____
Dennis E. Murphree, Manager

STATE OF TEXAS

§
§
§

COUNTY OF _____

This instrument was acknowledged before me on the _____ day of _____, 20__, by Dennis E. Murphree, known to me to be the Manager of BARONS CREEK II, LLC, a Texas limited liability company, on behalf of said limited liability company.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

After recording, return to:

EXHIBIT A

Easement Tract
[to be added]

EXHIBIT "G"

LIENHOLDER'S CONSENT to the ANNEXATION AGREEMENT for THE SEVEN HILLS HOTEL AND CONFERENCE CENTER OF GILLESPIE COUNTY, TEXAS

STATE OF TEXAS §
 §
COUNTY OF GILLESPIE §

The undersigned, The Ed Rachal Foundation (hereinafter, "Lienholder") being the sole owner and holder of an existing mortgage and lien recorded under Instrument No. 20180104 of the Official Public Records of Gillespie County, Texas, upon and against the real property described as follows:

- a. Lot No. 1B, Klier Subdivision, situated in Gillespie County, Texas, according to the map or plat of record in Volume 2, Page 144, Plat Records of Gillespie County, Texas;
- b. Lot No. 2, Klier Subdivision, situated in Gillespie County, Texas, according to the map or plat of record in Volume 2, Page 64, Plat Records of Gillespie County, Texas;
- c. BEING 1.004 acre of land, more or less, situated in Gillespie County, Texas, part of Block III; as said Block is shown on the map of Fredericksburg, Texas, and Environs by the German Emigration Company; said 1.004 acre tract of land is described by metes and bounds on EXHIBIT "A", attached hereto and made a part hereof;
- d. Lot No. 1AR, Carabetta Subdivision, situated in Fredericksburg, Gillespie County, Texas, according to the map or plat of record in Volume 2, Page 147, Plat Records of Gillespie County, Texas.
- e. Lot No. 1BR, Carabetta Subdivision, situated in Fredericksburg, Gillespie County, Texas, according to the map or plat of record in Volume 2, Page 147, Plat Records of Gillespie County, Texas.
- f. Lot No. 2, Carabetta Subdivision, situated in Fredericksburg, Gillespie County, Texas, according to the map or plat of record in Volume 2, Page 96, Plat Records of Gillespie County, Texas; and
- g. BEING 0.399 acre of land, more or less, situated in Fredericksburg, Gillespie County, Texas, part of Outlot No. 582; as said Outlot is shown on the map of Fredericksburg, Texas, and Environs by the German Emigration Company; said 0.399 acre tract of land is described by metes and bounds on EXHIBIT "B", attached hereto and made a part hereof,

, which is known (or is to be known as The Seven Hills Resort and Conference Center, and as such, mortgagee and lienholder, does hereby consent to and join in said Agreement.

The undersigned hereby executes this instrument for the sole purpose of subordinating the liens held by the undersigned to all of the provisions of the said Agreement. All parties to the Agreement specifically acknowledge that Lienholder is not a party to the said Agreement except for the sole purpose of subordinating the Lien(s) as set out above, and all parties to the Agreement hereby specifically and unconditionally releases and discharges said Lienholder from any claims or liability with respect to, or arising out of the Agreement, except as to actions which may hereafter be taken by Lienholder as a successor to the interest of Declarant.

DATE: _____, 2018

THE ED RACHAL FOUNDATION, Lender

By: _____

Name: Paul D. Altheide

Title: CEO

STATE OF TEXAS

§

COUNTY OF _____

§

§

This instrument was acknowledged before me on the _____ day of _____, 2018, by Paul D. Altheide, known to me to be the CEO of THE ED RACHAL FOUNDATION, a Texas nonprofit corporation, on behalf of said Lienholder.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

EXHIBIT "A"

SULTEMEIER

SURVEYING & ENGINEERING

LICENSED SURVEYING FIRM: 100930-00
REGISTERED ENGINEERING FIRM: F-10608

805 North Llano
Fredericksburg, TX 78624
Tel.: (830) 990-1221 Fax: (830) 990-1222

1.004 ACRES
CITY OF FREDERICKSBURG
GILLESPIE COUNTY, TEXAS

FN-14-5764
JUNE 2ND, 2014

A DESCRIPTION OF A 1.004 ACRE TRACT OF LAND OUT OF BLOCK III AS SAID BLOCK AND OUTLOTS ARE DESIGNATED ON THE MAP OR PLAT OF FREDERICKSBURG AND ENVIRONS BY THE GERMAN EMIGRATION COMPANY; BEING COMPRISED OF THAT CERTAIN 1.0 ACRE TRACT I AND THAT CERTAIN 164 SQUARE FOOT TRACT II (DEED/CALLED AREAS) DESCRIBED IN A CONVEYANCE FROM JOHN T. BOLTON AND WIFE, CAROL HICKS BOLTON TO MICHAEL IGARTA AND WIFE, CRYSTAL IGARTA, FOUND OF RECORD IN A WARRANTY DEED WITH VENDOR'S LIEN DATED MAY 1ST, 2005, RECORDED IN VOLUME 599, PAGE 295 ET SEQ. OF THE OFFICIAL PUBLIC RECORDS OF GILLESPIE COUNTY, TEXAS; SAID 1.004 ACRE TACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a ½ inch iron rod found on the southwest R.O.W. (Right-of-Way) line of U. S. Highway No. 87 at the north corner of the said 1.0 acre tract, being at the easterly northeast corner of Lot 2 in the Killer Subdivision, a plat of record in Volume 2, Page 64 of the Plat Records of said County, Texas, for the north corner hereof;

THENCE with the said southwest R.O.W. line of U. S. Highway No. 87, a distance of 209.06 feet along the arc of a curve to the left having a radius of 5794.58 feet and a chord bearing of S 38° 23' 42" E, a distance of 209.05 feet to a ½ inch iron rod found at the east corner of said Tract I, being at the north corner of Lot 1A in the Carabetta Subdivision, a plat of record in said Volume 2 at Page 147 of the Plat Records, for the east corner hereof;

THENCE with the southeast line of said Tract I, S 39° 03' 43" W (BASE BEARING FOR DIRECTIONAL CONTROL FROM GPS OBSERVATION), a distance of 213.60 feet to a ½ inch iron rod found at the south corner of thereof, being at the easterly southeast corner of said Lot 2, for the south corner hereof;

THENCE with the southwest line of said Tract I, and continuing with the southwest line of said Tract II, N 37° 57' 45" W, at a distance of 191.65 feet an 8 inch diameter fence post found at the southwesterly corner of said Tract I and south corner of said Tract II, continuing for a total distance of 213.67 feet to the west corner of said Tract II, a point of the bank of a creek, for the west corner hereof;

THENCE with the northwest line of said Tract II, and continuing with the northwest line of said Tract I, N 40° 11' 27" E, at a distance of 16.02 feet an 8 inch diameter fence post found at the north corner of said Tract II and northwesterly corner of said Tract I, continuing for a total distance of 211.06 feet to the POINT OF BEGINNING, containing 1.004 acres of land, more or less.

EXHIBIT "B"



SEARCHERS
LAND SURVEYING, LLC

MASON | FREDERICKSBURG

P.O. Box 528 Mason, TX 76856 | 325-347-7489 | TBPLS Firm #10193966
P.O. Box 1504 Fredericksburg, TX 78624 | 806-252-9810 | TBPLS Firm #10194211
www.searchersls.com

LEGAL DESCRIPTION: Being 0.399 acres of land, out of the J. M. Chapa Survey No. 131, Abstract No. 115 in Gillespie County, Texas, being a portion of Outlot 582 as shown on plat of Fredericksburg, Texas by the German Emigration Company and Environs and being all of that certain 0.399 acre tract described in Volume 242, Page 613 of the Real Property Records of Gillespie County, Texas; Said 0.399 acre tract being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found in the southwest line of U. S. Highway No. 87 for the northeast corner of Lot 2 of the Carabetta Subdivision as shown on plat recorded in Volume 2, Page 96 of the Plat Records of Gillespie County, Texas and the north corner hereof and from which a concrete monument found in the southwest line of said U. S. Highway No. 87 and the northeast line of said Lot 2 bears North 50°45'27" West a distance of 304.76 feet;

THENCE South 50°45'27" East a distance of 249.25 feet along the southwest line of said U. S. Highway No. 87 to a mag nail set for the northwest corner of that certain 0.003 acre tract described in Volume 80, Page 625 of the Deed Records of Gillespie County, Texas and the northeast corner hereof;

THENCE South 28°47'37" West a distance of 10.19 feet along the west line of said 0.003 acre tract to a mag nail set in the north line of U. S. Highway No. 290 for the southwest corner of said 0.003 acre tract and the southeast corner hereof;

THENCE along a curve turning to the left with an arc length of 250.21 feet, a radius of 1195.92 feet, a chord bears North 81°46'33" West a distance of 249.75 feet to a 1/2 inch iron rod found for southeast corner of said Lot 2 and the southwest corner hereof and from which a concrete monument found in the north line of said U. S. Highway No. 290 and the south line of said Lot 2 bears South 81°10'33" West a distance of 458.37 feet;

THENCE North 24°17'04" East a distance of 143.59 feet along the east line of said Lot 2 to the POINT OF BEGINNING containing 0.399 acres of land, more or less.



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary

TO: Mayor & City Council Members

FROM: Clinton Bailey, City Manager

MEETING DATE: October 3, 2023

CATEGORY: ORDINANCES, RESOLUTIONS
AND PUBLIC HEARINGS

CAPTION: Consider the approval of Resolution 2023-15R nominating candidates for the Board of Directors of the Gillespie Central Appraisal District for the 2024-2025 term (Clinton Bailey, City Manager) (This item will be considered after the Executive Session)

PRESENTATION:

SUMMARY:

The City has received a letter from Scott Fair, Chief Appraiser for the Gillespie County Central Appraisal District (GCAD) requesting each taxing unit nominate one candidate for each of five total Board of Director positions. The terms of the current Board of Directors will expire on December 31, 2023. Members of the Board are elected by resolution to two-year terms by the governing bodies of voting taxing units within the appraisal district. Nominee Resolutions must be submitted to the GCAD before October 15, 2023.

BACKGROUND:

Once GCAD receives the nominees, they will prepare a ballot of nominees and submit it to each taxing unit for consideration. Once the ballot is received, the City Council will take official action on an item during a future Council meeting by written resolution casting allotted votes to a single or multiple candidates and return the voting results to GCAD before December 15, 2023. The Chief Appraiser will then notify the taxing units of the outcome.

- Todd Bierschwale
- Donald Davis
- Tim Dooley
- James McAfee
- Jill Tabor

Tim Dooley has indicated he does not wish to continue to serve on the Board. The remaining four Board members are interested in serving an additional term.

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

Attached is a resolution for the City Council to add the names of their nominees to the GCAD Board of Directors, including a replacement for Tim Dooley who no longer wishes to serve on the Board. The Council motion should state that you approve the resolution nominating the following individuals to the Board of Directors of the Gillespie County Central Appraisal District.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Visioning

ATTACHMENTS:

1. 09252023_Gillespie Central Appraisal District
2. GCAD nominations Resolution

APPROVAL/REVIEW:

William McKamie, City Attorney

Date: September 25, 2023



Shelley Goodwin, City Secretary

Date: September 26, 2023



Clinton Bailey, City Manager

Date: September 28, 2023



GILLESPIE CENTRAL APPRAISAL DISTRICT

1159 S. Milam St.
Fredericksburg, TX 78624
(830) 997-9807

August 30, 2023

City of Fredericksburg
Attn: Clinton Bailey, City Manager
126 West Main Street
Fredericksburg, TX 78624

RE: Gillespie Central Appraisal District Board of Director's Nominations
for the 2024-2025 Term

Dear Mr. Bailey,

The terms of the current Directors of the Gillespie Central Appraisal District will expire on December 31, 2023. Directors are elected to two-year terms by the governing bodies of voting taxing units within the appraisal district. The Gillespie CAD Board of Directors has five elected positions; it is your taxing unit's duty to nominate members that you feel will represent your taxing unit, the district, and the taxpayers within the Gillespie CAD. Existing board members can serve again if they are renominated and reelected.

This process starts with the chief appraiser calculating the number of votes that a taxing unit receives. Each taxing unit's number of votes equals its percentage of overall 2022 tax levy in Gillespie County multiplied by 5,000.

The chief appraiser then notifies the taxing units of the number of votes it may cast. The following is a list of all voting taxing units and their number of votes.

Taxing Unit	2022 Levy in Gillespie County	Percent of Total Levy	Number of Votes
City of Fredericksburg	\$5,926,463.80	6.3512%	318
Doss CCSD	\$568,642.90	0.6094%	30
Fredericksburg ISD	\$58,665,989.92	62.8707%	3143
Gillespie County	\$23,380,339.17	25.0561%	1253
Harper ISD	<u>\$4,770,647.36</u>	<u>5.1126%</u>	<u>256</u>
	\$93,312,083.15	100.00%	5000

Each voting taxing unit can nominate, by resolution, one candidate for each of the positions to be filled (up to five nominees per taxing unit). Your nominee resolution **must be submitted** to the Gillespie Central Appraisal District before **October 15, 2023**.

The chief appraiser then prepares a ballot of nominees and submits it to the taxing units before **October 30, 2023**.

Each voting taxing unit casts their allotted votes to one candidate or splits their votes among multiple candidates. The votes are submitted to the chief appraiser by written resolution.

Taxing units must return voting results to Gillespie CAD before **December 15, 2023**. The chief appraiser will then notify the taxing units of the outcome.

For your information, the following is a list of the current board members:

Todd Bierschwale
Donald Davis
Tim Dooley
James McAfee
Jill Tabor

I have taken the liberty to ask if the current board members are willing to serve another term. Tim Dooley has indicated he does not wish to be nominated again. The other members have indicated they are willing to serve another term.

Board members qualifications include being a resident of the district (Gillespie County), having resided in the district for a minimum of the prior two years, not being an employee of a taxing unit within the district, and not owing delinquent property taxes. An elected official of a taxing unit is eligible to be a board member.

If you should have any questions on the process or qualification requirements of members then please do not hesitate to contact me.

Sincerely,



Scott Fair, RPA RTA CCA
Chief Appraiser

RESOLUTION NO. 2023-15R

**A RESOLUTION TO NOMINATE CANDIDATES FOR THE BOARD
OF DIRECTORS OF THE GILLESPIE CENTRAL APPRAISAL
DISTRICT FOR THE 2023-2024 TERM**

WHEREAS, the Gillespie Central Appraisal District has a board of directors comprised of persons who are nominated by the governing bodies of voting taxing units within the Gillespie Central Appraisal District, including the City of Fredericksburg.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
FREDERICKSBURG, TEXAS, THAT:**

The City Council of the City of Fredericksburg, Texas, hereby nominates the following persons as candidates for the Board of Directors for the Gillespie Central Appraisal District for the 2023-2024 term:

- 1.
- 2.
- 3.
- 4.
- 5.

PASSES AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG,
TEXAS, ON THIS ____ DAY OF _____, 2023.

Jeryl Hoover
Mayor

ATTEST

Shelley Goodwin
City Secretary, TRMC/CMC



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Manager

TO: Mayor & City Council Members

FROM: Garret Bonn, Assistant City Manager

MEETING DATE: October 3, 2023

CATEGORY: OTHER ACTION ITEMS AND
UPDATES

CAPTION: Consider the approval of a Construction Contract Award for the S. Llano Shared Use Bridge & Ufer St. Sidewalk Project (Garret Bonn, Asst. City Manager)

PRESENTATION:

SUMMARY:

The S. Llano Shared-Use Bridge and E. Ufer Street Sidewalk project will connect E. San Antonio St. to E. Ufer St. via a shared-use bridge that will cross Barons Creek in the S. Llano Right of Way and provide much needed connectivity between the historic shopping district and many other areas on the south side of Barons Creek such as Old Fair Park, the City's Recycling Center, etc. (refer to attached exhibit). On April 29, 2021, the Texas Transportation Commission formally approved the project and awarded \$902,748 in funding under the Transportation Alternatives Set Aside Program. This program is administered by TxDOT and provides funds for locally sponsored bicycle and pedestrian infrastructure projects.

The contract documents include 139 calendar days for substantial completion of the project and 170 calendar days for final completion with liquidated damages set at \$500 per day. After public advertisement, three (3) qualifying bids were received at the bid opening held on August 31, 2023. The final engineer's estimate for construction of the project was \$1,124,470.72 and bid amounts ranged from \$1,117,530.00 to \$1,215,843.50, with J3 Company, LLC submitting the low bid.

The bids have been reviewed by TxDOT, City staff, and Kimley Horn, the City's design consultant for the project, and have been found to be complete and competitive. A copy of the recommendation letters from Kimley Horn and TxDOT are attached.

BACKGROUND:

FUNDING SOURCE: TxDOT Grant/General Fund **FINANCIAL IMPACT:**
(Approved Budget of \$1,203,298) \$1,117,530.00

STAFF RECOMMENDATION:

City staff recommends awarding a construction contract for the S. Llano Shared-Use Bridge & Ufer St. Sidewalk Project in the total amount of \$1,117,530.00 to J3 Company, LLC.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Government Vision
Quality of Life Vision

ATTACHMENTS:

1. Aerial Exhibit
2. Kimley Horn Recommendation
3. TxDOT Concurrence Letter

APPROVAL/REVIEW:

Krista Wareham, Director of Finance

Date: September 26, 2023

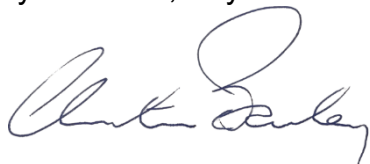
William McKamie, City Attorney

Date: September 26, 2023



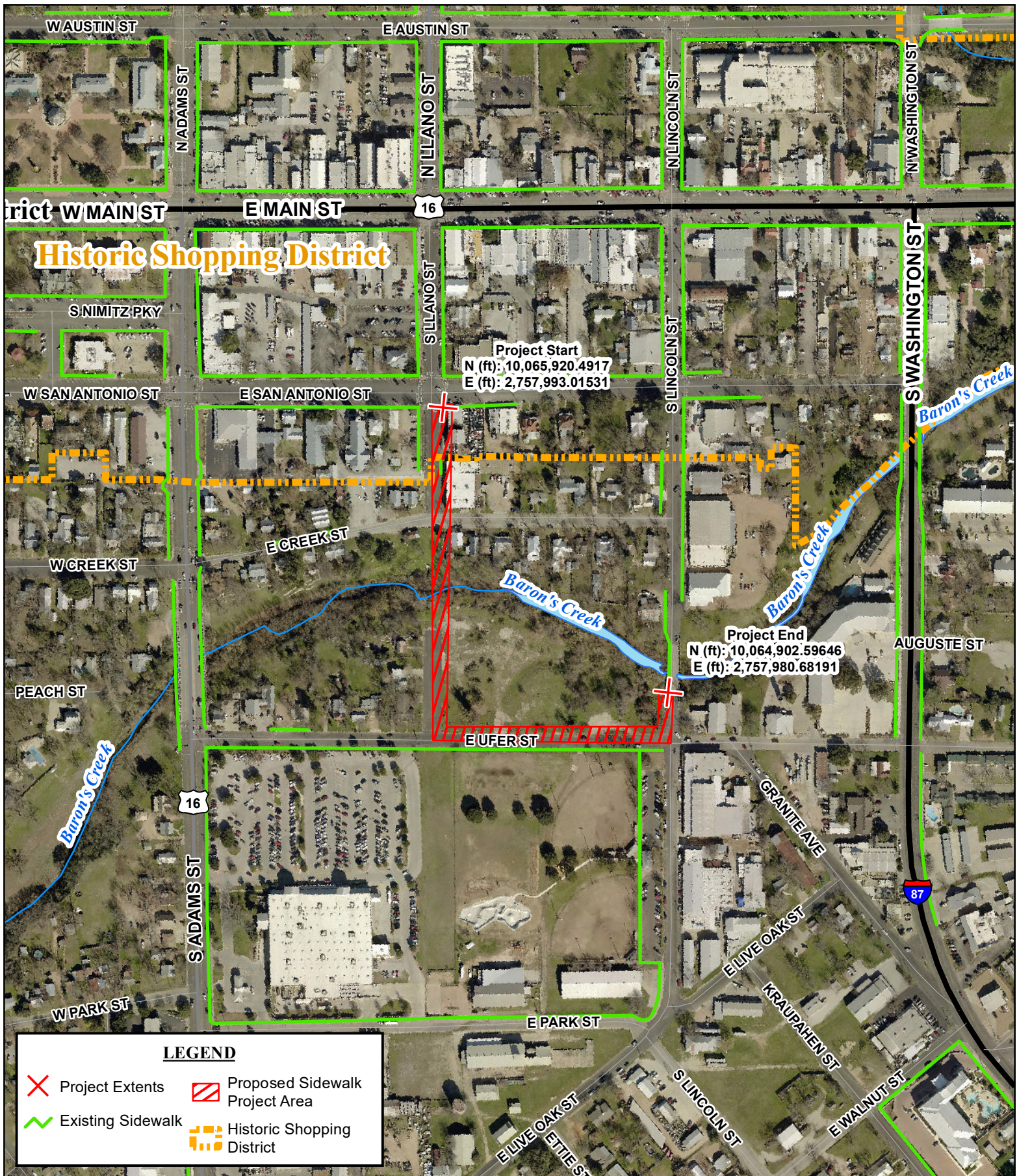
Shelley Goodwin, City Secretary

Date: September 26, 2023



Clinton Bailey, City Manager

Date: September 28, 2023



City of Fredericksburg

S. Llano Shared Use Bridge and Ufer Street Sidewalks

A - Project Location Information



0 400

SCALE IN FEET



September 13, 2023

To: TxDOT Austin District

RE: *S. Llano Shared-Use Path Bridge Bid Award Recommendation (CSJ 0914-19-034)*

Kimley-Horn has reviewed the bid documents submitted by E-Z Bel Construction, LLC; Allen Keller Company; and J3 Company, LLC. As of September 5, 2023, all contractors are Pre-Qualified by TxDOT.

All bids were found to be responsive. All bids have been reviewed by City staff as well as the City's professional design consultant, Kimley-Horn.

Attached bid tabulation summarizes the bids submitted by the contractors. We have also included a table below that shows variance from the Engineer's Estimate.

Contractor	Total Base Bid	Total Alt Bid	Variance From Engineer's Estimate	
Allen Keller Company	\$ 1,215,843.50	\$ 39,536.00	\$ 91,372.78	8.1%
E-Z Bel Construction, LLC	\$ 1,120,272.95	\$ 37,944.00	\$ (4,197.77)	-0.4%
J3 Company, LLC	\$ 1,117,530.00	\$ 32,400.00	\$ (6,940.72)	-0.6%

Kimley-Horn recommends that the bid be accepted and contract be awarded to J3 Company, LLC for \$1,117,530.00. The total alternative bid will not be used, as the City will be installing items included in the alternative bid.

Please contact me at (512) 418-4524 or sam.lundquist@kimley-horn.com should you have any questions.

Sincerely,

Sam Lundquist, P.E.
Kimley-Horn

Attachments: Bid Advertisement Record, Contractor Bids



MEMO

September 22, 2023

To: Lance Simmons, P.E.
Chief Engineer

Through: Jessica Butler, P.E.
Director of Engineering & Safety Operations

DocuSigned by:
Jessica Butler
00B7C02688034DD...

From: Duane S. Milligan, P.E.
Construction Division Director

DocuSigned by:
Duane S. Milligan
361344A1074C4B6...

Subject: Award a Local Government Project, Gillespie County

Control: 0914-19-034
Project: STP 2022 (310) TAPS
Highway: CS
Gillespie County

The above referenced bicycle and pedestrian improvements project has been reviewed. The City of Fredericksburg and the Austin District recommend awarding the contract to J3 Company, LLC. The total amount of the low bid was \$1,117,530.00, which is 9.3% percent above the engineer's estimate of \$1,022,246.11. Funds for this project are allocated in accordance with the Federal Project Authorization and Agreement (FPAA). The City is responsible for any costs above the maximum authorized federal amounts. The additive alternate was not used.

Attached is the State Letter of Authority (SLOA) for locally let projects and the FPAA, indicating clearances for the following:

- Right of way
- Encroachments
- Relocation assistance
- Environmental
- Utilities

DocuSigned by:
Lance W. Simmons
7A1E426988DE4A2... 9/23/2023

I concur with the recommendation.

We request your concurrence in the award of this project. If you have any questions, please call Duane S. Milligan, P.E., at 512/416-2456.



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary

TO: Mayor & City Council Members

FROM: William McKamie, City Attorney, Shelley
Becker, Municipal Judge

MEETING DATE: October 3, 2023

CATEGORY: OTHER ACTION ITEMS AND
UPDATES

CAPTION: Consider and discuss the phasing out of the Administrative Adjudication Process (Shelley Becker, Municipal Judge/Mick McKamie, City Attorney)

PRESENTATION:

SUMMARY:

The Administrative Adjudication process is currently used to process minor code violation cases. With recent and proposed changes to Municipal Court operations and Code Enforcement being transitioned to the Police Department, all code violations will now be processed using the Municipal Court procedures.

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

Staff recommends ending the use of the Administrative Adjudication process on October 3, 2023, with the understanding that all violations issued prior to that time will still require processing utilizing the current procedures.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Government Vision

ATTACHMENTS:

None

APPROVAL/REVIEW:

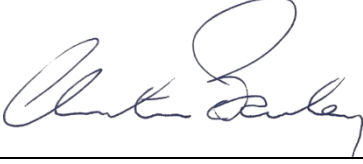
William McKamie, City Attorney

Date: September 12, 2023



Shelley Goodwin, City Secretary

Date: September 13, 2023



Clinton Bailey, City Manager

Date: September 28, 2023



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary

TO: Mayor & City Council Members

FROM:

MEETING DATE: October 3, 2023

CATEGORY: CITY MANAGER'S REPORT

CAPTION: Upcoming Work Sessions

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning

Government Vision

Family Life Vision

Quality of Life Vision

ATTACHMENTS:

None

APPROVAL/REVIEW:

Krista Wareham, Director of Finance

Date: September 26, 2023

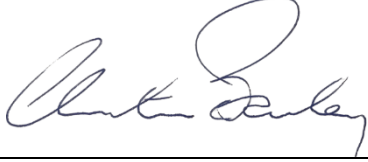
William McKamie, City Attorney

Date: September 26, 2023



Shelley Goodwin, City Secretary

Date: September 26, 2023



Clinton Bailey, City Manager

Date: September 28, 2023



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Manager
TO: Mayor & City Council Members
FROM:
MEETING DATE: October 3, 2023

CATEGORY: CITY MANAGER'S REPORT

CAPTION: Update on recent Town Hall Meeting

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

ATTACHMENTS:

None

APPROVAL/REVIEW:

Clinton Bailey, City Manager

Date: September 28, 2023

City Council Regular Meeting October 17, 2023

2023-105	City Council Minutes October 3, 2023 Regular Meeting	Consent - Approve	Shelley Goodwin	City Secretary
	Request #Z-2317: By William Joseph to Consider a Conditional Use Permit (CUP) per Section 3.110 to Operate a STR-Unoccupied in a R2 Zoned Area Located in the Historic Overlay District on Property Located at 411 East Creek Street.	Public Hearing and Approve	Anna Hudson	Development Services
2023-474	i. Presentation by applicant ii. Staff Report iii. Hold a Public Hearing to receive comments for or against the request iv. Take action on the Conditional Use Permit request			
	Request #Z-2319: By Mitchell Sharrock to Consider a Conditional Use Permit (CUP) per Section 3.200 to Operate a Restaurant - Limited Use on Property Located at 811 North Llano Street.	Public Hearing and Approve	Anna Hudson	Development Services
2023-475	i. Presentation by applicant ii. Staff Report iii. Hold a Public Hearing to receive comments for or against the request iv. Take action on the Conditional Use Permit request			
	Request #Z-2320: By Amelia Zesch to Consider a Conditional Use Permit to Operate a STR-Unoccupied in a R2 Zoned Area located in the Historic District on Property located at 407 W. San Antonio St.	Public Hearing and Approve	Anna Hudson	Development Services
2023-569	i. Presentation by applicant ii. Staff Report iii. Hold a Public Hearing to receive comments for or			

against the request

iv. Take action on the Conditional Use Permit request

2023-488	Consider a Request from Heritage Hill Country Subdivision Relating to Maintenance of Roadways within the Development (Garret Bonn, Asst. City Manager)	Approval	Garret Bonn	Asst. City Manager
2023-562	Consider revision to Stage 4 Water Restriction Times	Approval	Kris Kneese	Director of Public Works/Utilities
2023-563	Consider approval of Sidewalk Construction Contract	Approval	Kris Kneese	Director of Public Works/Utilities
	Fredericksburg Food & Wine Fest	Discussion	Clinton Bailey	City Manager

Future Agenda Items

2023-74	Consider naming rights for Marktplatz northwest corner project (Fall 2023)	Approve	Andrea Schmidt	Parks and Recreation
2023-341	Approve new fees for pool parties based on new pay rates for lifeguards (December 2023)	Approve	Andrea Schmidt	Parks and Recreation
2023-342	Approve new RV, pavilion, Tatsch House and other recreational fees (Fall 2023)	Approve	Andrea Schmidt	Parks and Recreation
2023-	Award Construction Bid for S. Llano Shared-Use Bridge & Ufer St. Sidewalk Project	Approve	Garret Bonn	City Manager

	Recognition of Patrolman Victor Martinez	Recognize	Clinton Bailey	City Manager
2023-471	Adopt fees for the John Klein Meeting room (Nov or Dec)	Ordinance	Andrea Schmidt	Parks and Recreation
2023-487	Consider a Request from the Fredericksburg Independent School District (FISD) For Vacation and Abandonment of Public Right of Way in the Vicinity of the New Middle School Campus	Approve	Garret Bonn,	Asst. City Manager
2023-488	Consider a Request from Heritage Hill Country Subdivision Relating to the Maintenance of Roadways within the Development	Approve	Garret Bonn,	Asst. City Manager
2023-489	Consider an Agreement with the Gillespie County Historical Society Relating to Public Restrooms at the Pioneer Museum and Operations and Maintenance of the Vereins Kirche	Approve	Garret Bonn,	Asst. City Manager
2023-341	Approve new fees for pool parties based on new pay rates for lifeguards (December 2023 or early 2024)	Ordinance	Andrea Schmidt	Parks and Recreation
2023-342	Approve new pavilion, Tatsch House and other recreational fees (Dec/Jan)	Ordinance	Andrea Schmidt	Parks and Recreation
2023-471	Approve ordinance to adopt fees for John Wm. Klein Meeting room (Nov. or Dec. 2023)	Ordinance	Andrea Schmidt	Parks and Recreation
2023-556	Consider approving a bid for renovations at the Pioneer Pavilion to include roof replacement and wall repairs	Ordinance	Andrea Schmidt	Parks and Recreation

Upcoming City Council Meetings

October 17, 2023 - City Council Regular Meeting at 9:00 a.m. at the Law Enforcement Center

November 7, 2023 - City Council Regular Meeting at 9:00 a.m. at the Law Enforcement Center

November 21, 2023 - City Council Regular Meeting at 9:00 a.m. at the Law Enforcement Center

December 5, 2023 - City Council Regular Meeting at 9:00 a.m. at the Law Enforcement Center

December 19, 2023 - City Council Regular Meeting at 9:00 a.m. at the Law Enforcement Center



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary

TO: Mayor & City Council Members

FROM:

MEETING DATE: October 3, 2023

CATEGORY: EXECUTIVE SESSION

CAPTION: Consider and discuss the appointment, evaluation, reassignment, duties, or dismissal of a public officer, specifically the nominations of members of the Gillespie Central Appraisal District Board of Directors (Section 551.074)

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning

Government Vision

Family Life Vision

Quality of Life Vision

ATTACHMENTS:

None

APPROVAL/REVIEW:

Date: September 28, 2023

William McKamie, City Attorney

Date: September 28, 2023

Shelley Goodwin, City Secretary

A handwritten signature in blue ink, appearing to read "Clinton Bailey", written over a horizontal line.

Clinton Bailey, City Manager

Date: September 28, 2023