



City of Fredericksburg

City Council Regular Meeting Agenda
Tuesday, December 19, 2023 ~ 9:00 AM
Law Enforcement Center
1601 E. Main Street
Fredericksburg, Texas 78624

Jeryl Hoover, Mayor
Bobby Watson, Mayor Pro Tem
Randy Briley, Councilmember

Emily Kirchner, Councilmember
Tony Klein, Councilmember
Clinton Bailey, City Manager

The City of Fredericksburg City Council will meet in a regular session on Tuesday, December 19, 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 City Council may adjourn into Executive Session to consider any item listed on this agenda if a matter that is appropriate for discussion is raised. 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

Esther Schneider, Gillespie County resident, will lead the Invocation

3. PLEDGE OF ALLEGIANCE

4. CEREMONIAL MATTERS/PROCLAMATIONS/EMPLOYEE RECOGNITION

5. COUNCIL COMMENTS

6. CONSENT

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

- A. Consider approval of the December 5, 2023, City Council Regular Meeting Minutes (Shelley Goodwin, City Secretary).
- B. Consider the approval of Stephanie Oris, Wesley Health Nurse, to be appointed to a three-year term expiring December 2026 and the reappointment of Amy Montgomery, RN with Methodist Hospital Hill Country, to another 3-year term to expire in December 2026 to the Gillespie County Health Board (Kelli Olfers, Gillespie County Health Department)
- C. Consider the approval of the reappointments of Brad Hardin and Jim Jarreau to another 3-year term expiring December 2026 to the Economic Development Board

7. ORDINANCES, RESOLUTIONS AND PUBLIC HEARINGS

- A. Consider a request by Earline Lund for a Land Use Change and a Zoning Change at 305 East Highway Street (#Z-2325) (Anna Hudson, Director of Development Services)
 - i. Presentation by the applicant
 - ii. Staff presentation
 - iii. Hold a Public Hearing to receive comments for or against the request
 - iv. Take action on Ordinance 2023-23 adopting a change in the Comprehensive Plan of the City of Fredericksburg, specifically in the Land Use Map, as to approximately 9.94 acres of land comprised of German Emigration Company Lot #519 located at 305 East Highway Street; changing said property from Industrial (I) to Commercial (C); providing that the change become a part of the Comprehensive Plan and providing for an effective date
 - v. Take action on Ordinance 2023-24 amending the Zoning Ordinance of the City and changing the zoning district to approximately 9.94 acres of land comprised of German Emigration Company Lot # 519 located at 305 East

Highway Street; changing said properties from Medium Manufacturing (M2) to Commercial (C); and providing for an effective date

- B. Consider the approval of Resolution 2023-21R approving the acquisition and lease purchase financing of public equipment and authorizing the execution and delivery of documents required in connection with BankFunding, LLC (a designee of Cogent Leasing & Financing, Inc.) (Krista Wareham, Director of Finance)

8. OTHER ACTION ITEMS AND UPDATES

- A. Consider taking action regarding the City of Fredericksburg sponsoring the 175th Anniversary event at Fort Martin Scott (Andrea Schmidt, Director of Parks and Recreation)
- B. Consider Conveyance of Right of Way and Roadway Easement Agreement at 407 East Orchard (Kris Kneese, Director of Public Works/Utilities)
- C. Consider the approval of the extension of the City of Fredericksburg Investment Policy (Krista Wareham, Director of Finance)

9. CITY MANAGER'S REPORT

- A. City Manager's Update
- B. Fredericksburg Citizen University Update

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 Sections - 551.072 (Deliberations Regarding Real Property) and 551.074 (Personnel Matters):

- A. Consider and discuss Real Estate in the vicinity of US 290 East and Industrial Loop (Section 551.072) and
- B. Consider and discuss the annual evaluation of the City Manager (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 11:40 a.m. on December 15, 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 written above a horizontal line.

Shelley Goodwin, TRMC/CMC
City Secretary



City of Fredericksburg
CITY COUNCIL REGULAR MEETING MINUTES
TUESDAY, DECEMBER 5, 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
Brian Vorauer, Police 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
Aaron Anderegg, Assistant Director of Information Technology
Lea Feuge, Public Information Officer
Leslie Embrey, Assistant to the City Secretary
Shelley Goodwin, City Secretary

1. CALL TO ORDER

Mayor Hoover called the Regular Meeting of the Fredericksburg City Council to order at 9:00 a.m. on Tuesday, December 5, 2023. He announced that a quorum had been met.

2. INVOCATION

Austin Loza, Fellowship of Christian Athletes, lead the Invocation.

3. PLEDGE OF ALLEGIANCE

Mayor Hoover led the Pledge of Allegiance.

4. CEREMONIAL MATTERS/PROCLAMATIONS/EMPLOYEE RECOGNITION

A. Proclaiming December 2023-December 2024 as the 175th Anniversary of Fort Martin Scott

Mayor Hoover read the Proclamation proclaiming December 2023 - December 2024 as the 175th

Anniversary of Fort Martin Scott and presented it to Eric Hammersen.

Krista Wareham, Director of Finance, introduced two new Finance employees:

- Kim Houy
- Tyler Baethge

Kris Kneese, Director of Public Works/Utilities, introduced three new employees:

- Alek Vasquez - Electric Department
- Jorge Marin - Water Department
- Caleb Cannon - Stormwater/Vegetation Management Department Crew Worker

5. COUNCIL COMMENTS

Councilmember Briley provided the following updates on events he attended:

- Thanked the Gillespie County Chamber of Commerce and the Parks and Recreation Department for an amazing Christmas Parade
- Attended another outstanding Neighborhood Town Hall Meeting on November 28th
- Attended the Pioneer Museum KinderFest where over 600 participants also attended

Councilmember Klein reported that the ribbon cutting for the new building on Marktplatz will be conducted in late January or February. He also spoke about the need to revisit the Ordinance regarding parking advertising busses on Main Street.

Councilmember Kirchner thanked the Pioneer Museum and Gillespie Heritage Committee for their singing Christmas Tree. She also announced that Wednesday, December 13, 2023, is the deadline for submitting an application for the Fredericksburg Citizen University.

Mayor Pro Tem Watson provided an update on the following:

- Gillespie County Eclipse - noted 290 will be cut down to two lanes and trash bags have been ordered
- The Santa Fly-In is December 16, 2023, from 1:00 p.m. to 4:00 p.m.
- CivicReady mass communication has been launched and he encouraged everyone to sign up for it

6. CONSENT

A. Consider approval of November 21, 2023, City Council Regular Minutes

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

7. ORDINANCES, RESOLUTIONS AND PUBLIC HEARINGS

A Consider amending Articles 5.000, “Constructions Permits and Fees” and 5.400, “[Application Fees],” of Appendix A, “Fee Schedule,” of the Fredericksburg Municipal Code, to revise fees for applications related to short-term rental permits

Councilmember Briley abstained and left the dias.

i. Motion to take from the table

Motion: A motion was made by Councilmember Klein, seconded by Councilmember Kirchner, to remove from the table from the November 21, 2023, City Council Regular Meeting. The City Council voted four (4) for, none (0) opposed, and one (1) abstain (Councilmember Briley). The motion carried unanimously.

ii. Presentation by Staff

Anna Hudson, Director of Development Services, reviewed the cost of Constructions Permits and fees and fees for applications related to short-term rental permits. She noted the FY 2024 budget did not include new ordinance expenses, which should be covered by those requesting permits instead taxpayers. She also reviewed different municipalities' charges for short-term rentals. She noted staff is recommending approval.

The City Council discussed the following:

- Proposed fees to cover the cost
- Inspections one time a year
- Revenue annually
- Renewal and transfers

iii. Consider the approval of Ordinance 2023-21, amending Articles 5.000 “Constructions Permits and Fees” and 5.400, “[Application Fees],” of Appendix A, “Fee Schedule,” of the Fredericksburg Municipal Code, to revise fees for applications related to short-term rental permits; providing that this ordinance shall be cumulative of all ordinances; providing a severability clause; and providing an effective date

Motion: A motion was made by Mayor Pro Tem Watson, seconded by Councilmember Kirchner, to approve of Ordinance 2023-21, amending Articles 5.000 “Constructions Permits and Fees” and 5.400, “[Application Fees],” of Appendix A, “Fee Schedule,” of the Fredericksburg Municipal Code, to revise fees for applications related to short-term rental permits; providing that this ordinance shall be cumulative of all ordinances; providing a severability clause; and providing an effective date. The City Council voted four (4) for, none (0) opposed, and (1) abstain (Councilmember Briley). The motion carried.

B. Consider approval of Ordinance 2023-22 zoning for traffic and rate of speed on FM 2093 in the City limits of the City of Fredericksburg, defining speeding and fixing a penalty; therefore, declaring what may be sufficient complaint in prosecutions hereunder, with a saving clause repealing conflicting laws and declaring an emergency

Evan Williamson, Assistant City Engineer, stated TxDOT performed a Traffic Study and recommended lowering the speed limit by 5 miles. He noted TxDOT will cover the cost of the signage.

Motion: A motion was made by Mayor Pro Tem Watson, seconded by Councilmember Kirchner, to approve of Ordinance 2023-22 zoning for traffic and rate of speed on FM 2093 in the City limits of the City of Fredericksburg, defining speeding and fixing a penalty; therefore, declaring what may be sufficient complaint in prosecutions hereunder, with a saving clause repealing conflicting laws and declaring an emergency. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

C. Consider approval of Resolution 2023-19R approve the City Manager to sign a Fund

Agreement with the Community Foundation of the Texas Hill Country to establish the Fredericksburg Police Department Foundation Fund

Brian Vorauer, Police Chief, reviewed the need for a foundation and the roles the Community Foundation. He noted that all the items eligible for funding and noted funding salaries are not included.

The City Council discussed the following:

- Funding cap
- Reserve
- Agreement

Motion: A motion was made by Councilmember Klein, seconded by Councilmember Briley, to approve of Resolution 2023-19R approve the City Manager to sign a Fund Agreement with the Community Foundation of the Texas Hill Country to establish the Fredericksburg Police Department Foundation Fund. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

D. Consider the approval of Resolution 2023-20R authorizing the City Manager to execute an Interlocal Agreement between the City of Fredericksburg, the City of Kerrville, and the City of Boerne for a Mutual Aid Agreement for Multi-Jurisdictional Tactical Response Team

Brian Vorauer, Police Chief, reviewed the agreement that allows all three cities to support one another with aid and assistance. He reviewed the reasons for the agreement and why the previous agreement with City of Boerne and Kerr County ended. He reviewed assets that each entity has which benefits the agreement.

The City Council discussed:

- The Express News article
- Renew automatically every year
- Process for notifying the other agencies

Motion: A motion was made by Mayor Pro Tem Watson, seconded by Councilmember Kirchner, to approve of Resolution 2023-20R authorizing the City Manager to execute an Interlocal Agreement between the City of Fredericksburg, the City of Kerrville, and City of Boerne for a Mutual Aid Agreement for Multi-Jurisdictional Tactical Response Team. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

8. OTHER ACTION ITEMS AND UPDATES

A. Receive a presentation by Eric Hammersen and discuss the City of Fredericksburg sponsoring the 175th Anniversary event at Fort Martin Scott

Eric Hammersen, volunteer, reviewed the history of the Fort, Captain Eastman and March 8th when regiment arrived. He reviewed the events that are being planned to at the Fort to celebrate the 175th Anniversary. He noted in order to make all of this possible, he would like the City to sponsor the event.

The City Council requested this agenda item be brought back to December 19, 2023, for action.

The City Council discussed the following:

- The cost of the proposed event
- Private donations and possible Hotel Occupancy Tax
- CVB involvement

9. CITY MANAGER'S REPORT

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

10. ITEMS FOR FUTURE AGENDA

A. Review the Future Agenda spreadsheet

Clinton Bailey, City Manager, reviewed the Future Agenda Spreadsheet.

11. EXECUTIVE SESSION

A. Consider and discuss the annual evaluation of the Municipal Judge (Section 551.074)

Motion: A motion was made by Councilmember Klein and a second by Councilmember Kirchner to go out of Regular Session into Executive Session at 10:00 a.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Klein, seconded by Councilmember Kirchner to go out of the Executive Session and into the Regular Meeting at 10:50 a.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

12. BUSINESS ITEM

Motion: A motion was made by Mayor Pro Tem Watson and a second by Councilmember Briley to raise Judge Becker's annual salary to \$150,000 immediately. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

13. ADJOURN

With no other business, Mayor Hoover adjourned the Tuesday, December 5, 2023, City Council Regular Meeting at 10:55 a.m.

Jeryl Hoover
Mayor

Shelley Goodwin, TRMC/CMC
City Secretary



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Health Department

TO: Mayor & City Council Members

FROM: Kelli Olfers, GC Health Director

MEETING DATE: December 19, 2023

CATEGORY: CONSENT

CAPTION: Consider the approval of Stephanie Oris, Wesley Health Nurse, to be appointed to a three-year term expiring December 2026 and the reappointment of Amy Montgomery, RN with Methodist Hospital Hill Country, to another 3-year term to expire in December 2026 to the Gillespie County Health Board (Kelli Olfers, Gillespie County Health Department)

PRESENTATION:

SUMMARY:

The Gillespie County Health Division is in need of fulfilling two positions on the Gillespie County Health Board starting January 1, 2024.

BACKGROUND:

Requesting approval for Stephanie Oris, Wesley Health Nurse, to be confirmed to a three-year term expiring December 2026. Also requesting the reappointment of Amy Montgomery, RN with Methodist Hospital Hill Country, to another 3 year term to expire in December 2026.

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

Staff recommends these two appointments to the Gillespie County Health Board.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

ATTACHMENTS:

None

APPROVAL/REVIEW:

Kelli Olfers

Kelli Olfers, GC Health Director

Date: December 04, 2023

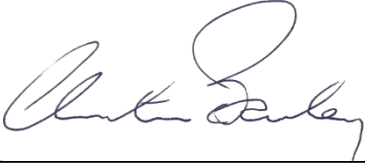
William McKamie, City Attorney

Date: December 13, 2023



Shelley Goodwin, City Secretary

Date: December 14, 2023



Clinton Bailey, City Manager

Date: December 15, 2023



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary

TO: Mayor & City Council Members

FROM:

MEETING DATE: December 19, 2023

CATEGORY: CONSENT

CAPTION: Consider the approval of the reappointments of Brad Hardin and Jim Jarreau to another 3-year term expiring December 2026 to the Economic Development Board

PRESENTATION:

SUMMARY:

The City of Fredericksburg currently has two appointees with terms coming up. Both appointees are eligible for another term and have expressed an interest in serving another term. Tim Lehmberg with the Gillespie County EDC will be present to answer any questions.

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

ATTACHMENTS:

1. EDC 2023 Officers and Terms

APPROVAL/REVIEW:

Guista Wauharn

Date: December 13, 2023

Krista Wareham, Director of Finance

Date: December 13, 2023

William McKamie, City Attorney

A handwritten signature in blue ink, appearing to read "Shelley Goodwin", written over a light blue rectangular background.

Date: December 13, 2023

Shelley Goodwin, City Secretary

A handwritten signature in black ink, appearing to read "Clinton Bailey", written over a light blue rectangular background.

Date: December 15, 2023

Clinton Bailey, City Manager

Gillespie County Economic Development Commission 2023 Officers and Board of Directors

President:	Amanda Stevens
Vice President:	Wade Dittmar
Treasurer:	Brad Hardin
Secretary:	Julie Kuhlken
Executive Director:	Tim Lehmberg

The 2023 GCEDC Board of Directors with term expiration

Appointed by the City:	Term Expires:
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Brad Hardin	Dec. 31, 2023
Jim Jarreau	Dec. 31, 2023
Stephen Harris	Dec. 31, 2024
Julie Kuhlken	Dec. 31, 2024

Appointed by the County:

Ross Allen	Dec. 31, 2023
Ross Burtwell	Dec. 31, 2023
Steve McAnally	Dec. 31, 2024
Wade Dittmar	Dec. 31, 2024

Appointed by the GCEDC Board of Directors:

Amanda Stevens	Dec. 31, 2023
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Ex-Officio Members: By Position (Confirmed Annually)

County of Gillespie	Charles Olfers, Daniel Jones
City of Fredericksburg	Bobby Watson, Clinton Bailey
Chamber of Commerce	Penny McBride
Convention/Visitors Bureau	Brady Closson
Harper Community	Dan Abbott
Stonewall Chamber	Jamey Vogel
Airport Manager	Tony Lombardi
Board of Realtors	Mike Starks



CITY COUNCIL **AGENDA MEMO**

DEPARTMENT: Development Services

TO: Planning and Zoning Commission

FROM: Anna Hudson, Director of Development Services

MEETING DATE: December 19, 2023

CATEGORY: ORDINANCES, RESOLUTIONS
AND PUBLIC HEARINGS

CAPTION: Consider a request by Earline Lund for a Land Use Change and a Zoning Change at 305 East Highway Street (#Z-2325) (Anna Hudson, Director of Development Services)

- i. Presentation by the applicant
 - ii. Staff presentation
 - iii. Hold a Public Hearing to receive comments for or against the request
 - iv. Take action on Ordinance 2023-23 adopting a change in the Comprehensive Plan of the City of Fredericksburg, specifically in the Land Use Map, as to approximately 9.94 acres of land comprised of German Emigration Company Lot #519 located at 305 East Highway Street; changing said property from Industrial (I) to Commercial (C); providing that the change become a part of the Comprehensive Plan and providing for an effective date
 - v. Take action on Ordinance 2023-24 amending the Zoning Ordinance of the City and changing the zoning district to approximately 9.94 acres of land comprised of German Emigration Company Lot # 519 located at 305 East Highway Street; changing said properties from Medium Manufacturing (M2) to Commercial (C); and providing for an effective date
-

PRESENTATION:

SUMMARY:

The applicant is seeking a future land use classification change from Industrial (I) to Commercial (C) and a zoning change from M2, Medium Manufacturing to C2, Commercial for property located at 305 E. Highway Street.

BACKGROUND:

The property is currently operating as the Fredericksburg RV Park which obtained a Conditional Use Permit to operate a "campground" in the early 2000's. The new owners purchased the property in 2022 and would like to add 2 Short Term Rentals to the property, which the M2 zoning does not allow and would require a zoning change from M2, Medium Manufacturing, to C2, Commercial to operate an STR-Facility in addition to the "Campground" use already established on the property.

Land uses surrounding the property include Industrial (I) to the west and Commercial (C) to the north, south and east.

Zoning to the west is M2, Medium Manufacturing and to the north, south and east is C2, Commercial.

The uses found in C2, Commercial are compatible with the area. [Sec. 3.210](#)

There have been no letters in support or opposition received for this application.

The desire to have STRs on the property is consistent with the current use as an RV Park. STR uses is limited to 8 total units. Above 8 units is considered hotel/motel use which is allowed by right in C2.

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

Planning & Zoning recommended approval on December 6, 2023, finding the STR use compatible with existing and future use of the property and the change to C2 compatible with the area. Staff recommends approval of the requested land use and zoning change. The property abuts C2, Commercial and is a natural extension of the zoning found to the east and north. In addition, it would create a cohesive zoning block, given that the property across E Highway is also zoned C2, Commercial. The existing CUP for campground use will stay in place.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning

Government Vision

Family Life Vision

Quality of Life Vision

ATTACHMENTS:

1. Z-2325 Landuse Map
2. Z-2325 Zoning Map
3. Z-2325 PH Map
4. Z-2325 Mailing Labels
5. Sec 3.210 C2 Commercial Zone
6. Sec 3.320 M2 Zoning
7. Z-2325 Project Application
8. M2 to c2 rezoning
9. Exhibit A
10. Z-2325 Ordinance Landuse (1)
11. Z-2325 Ordinance Zoning

APPROVAL/REVIEW:



Anna Hudson, Director of Development Services

Date: December 12, 2023



Garret Bonn, Assistant City Manager

Date: December 13, 2023



Krista Wareham, Director of Finance

Date: December 13, 2023

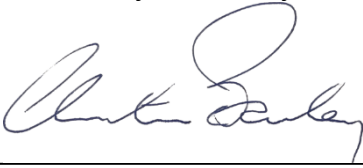
William McKamie, City Attorney

Date: December 13, 2023



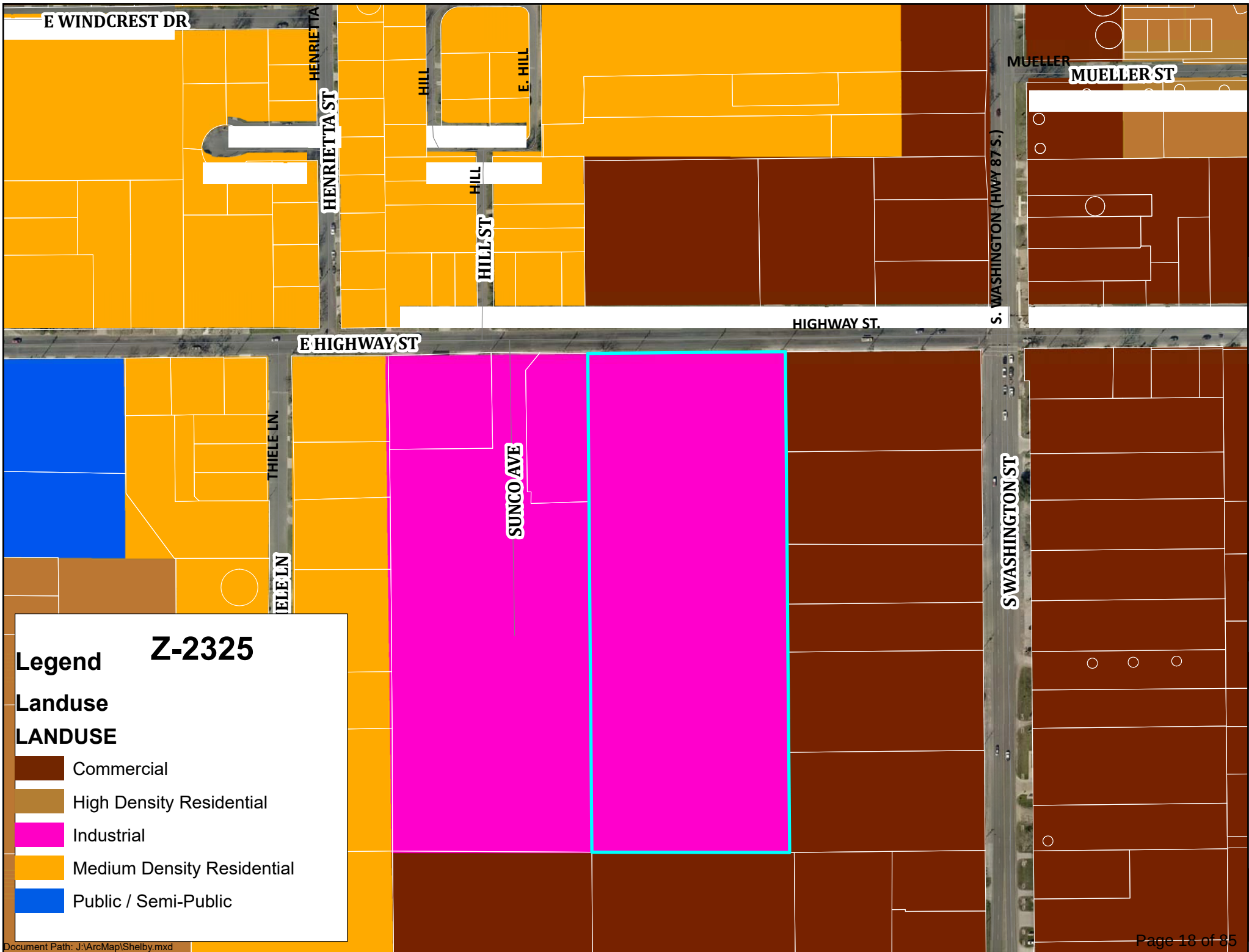
Shelley Goodwin, City Secretary

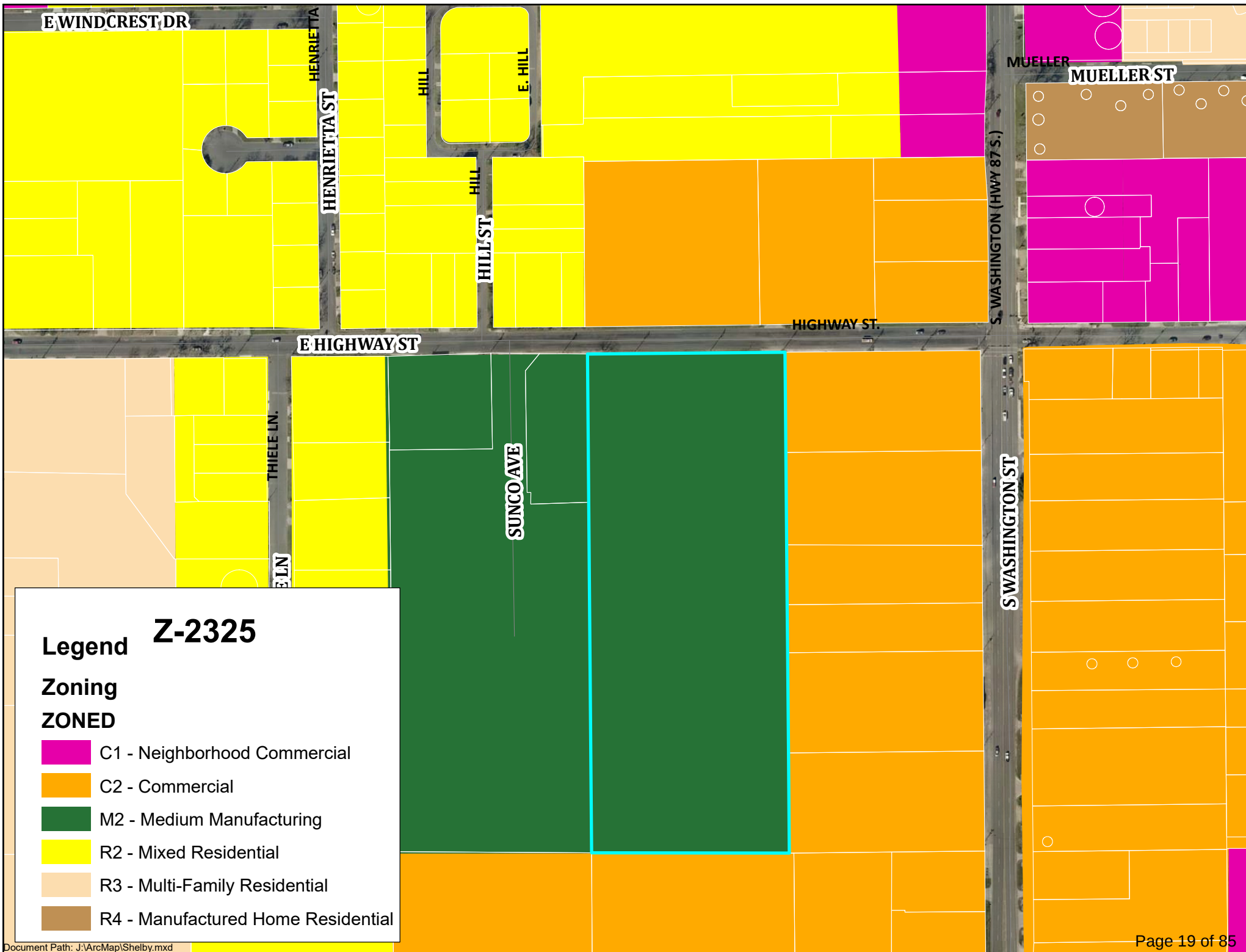
Date: December 14, 2023



Clinton Bailey, City Manager

Date: December 15, 2023





Z-2325

Legend

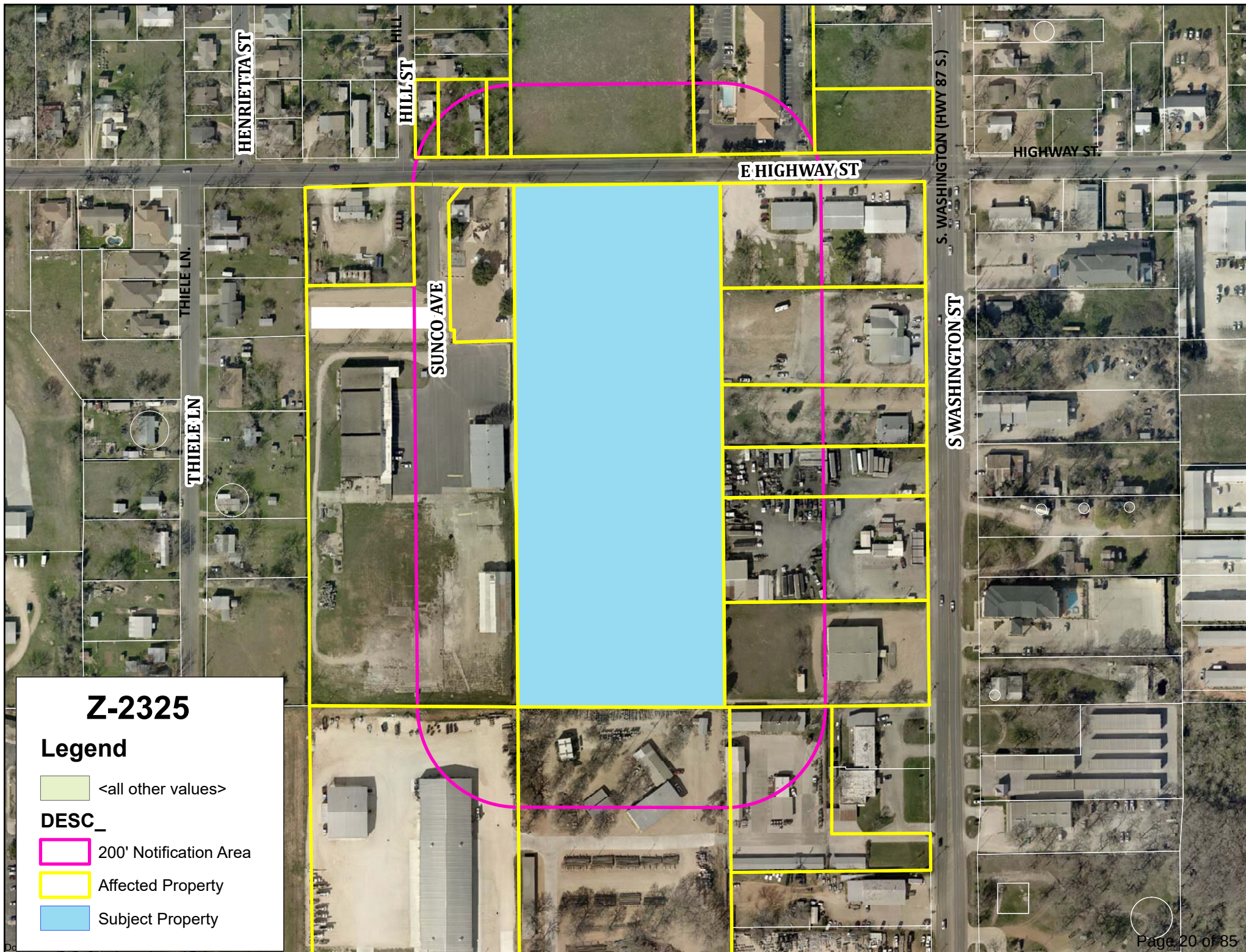
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DESC_

 200' Notification Area

 Affected Property

 Subject Property



FIDELIA ONTIVEROZ
1013 E HILL
FREDERICKSBURG, TX 78624

DOROTHY ZEY
442 BARRACUDA PLACE
CORPUS CHRISTI, TX 78411

JANINE ENGEL
922 HAWTORN LN
FREDERICKSBURG, TX 78624

MAHESHKUMAR PATEL
314 E HIGHWAY ST
FREDERICKSBURG, TX 78624

MILTON & REGINA CARLENE GROBE
LIVING TRUST
104 WINDING OAK DR
FREDERICKSBURG, TX 78624

FRANTZEN AHRENS VFW POST 7105
P.O. BOX 952
FREDERICKSBURG, TX 78624

PEACH BLOSSOM HOLDINGS LLC
157 COUNTRY CREEK LN
FREDERICKSBURG, TX 78624

KENNETH & KATHERINE CRENWELGE
P.O BOX 452
FREDERICKSBURG, TX 78624

CRENWELGE OIL CO
P.O. BOX 452
FREDERICKSBURG, TX 78624

AMERICAN LEGION POST #244
P.O. BOX 754
FREDERICKSBURG, TX 78624

CENTRAL TEXAS ELECTRIC COOP
P.O. BOX 553
FREDERICKSBURG, TX 78624

SEITZ FOUR OAPS LP
1108 SUNCO AVE
FREDERICKSBURG, TX 78624

TRUCK GRUB LLC
P.O. BOX 1489
FREDERICKSBURG, TX 78624

STROEHER AND OLFERS PROPERTIES
509 S ADAMS
FREDERICKSBURG, TX 78624

Z-2325 – 305 E Highway

Sec. 3.210. - C-2: COMMERCIAL.

Intent

This zone is intended to provide for businesses and services that serve persons throughout the city and the area. These uses generally require frontages on major cross street intersections of highways or other major arterial, given their high visibility and traffic generation ability.

Principal Permitted Uses

Administrative and Business Office
Agricultural Sales and Services
Arts and Crafts
Automotive Rentals
Automotive Repair Services
Automotive Sales
Automotive Washing
Building Maintenance Services
Business or Trade School
Business Support Services
Club or Lodge
Cocktail Lounge
Commercial Off-Street Parking
Communication Services
Construction Sales and Services

Consumer Convenience Services
Consumer Repair Services
Convalescent Services
Convenience Store/Self Serve Gas
Cultural Services
Custom Manufacturing
Day Care Services
Equipment Repair Services
Equipment Sales
Exterminating Services
Financial Services
Food Sales
Funeral Services
Group Residential
Single Family Residential (detached) if structure was not used as other than residential in its most recent use
General Retail Sales
Guidance Services
Hotel/Motel

Horticulture
Hospital Services (Limited)
Indoor Entertainment
Indoor Sports and Recreation
Kennels
Laundry Services
Liquor Sales
Local Utility Services
Maintenance and Service Facilities
Medical Offices
Mobile Food Establishments, but not in any right-of-way or public easement
Multiple Family Residential
Outdoor Entertainment
Outdoor Sports and Recreation
Pawn Shop Services
Personal Improvement Services
Personal Services
Pet Services
Private Primary Educational Facilities

Private Secondary Educational Facilities
Professional Offices
Religious Assembly
Research Services
Restaurant - Drive-In/Fast Food
Restaurant
Service Station
Veterinary Services
Short-term Rental, Unoccupied: (With a STR permit and adherence to <u>Section 5.401</u>)
Short-term Rental, Accessory: (With a STR permit and adherence to <u>Section 5.401</u>)
Short-term Rental, B & B: (With a STR permit and adherence to <u>Section 5.401</u>)
Short-term Rental, Facility: (With a STR permit and adherence to <u>Section 5.401</u>)
Corporate Housing (Section <u>5.401</u>)

Buildings, structures and lands shall be used, and buildings and structures shall hereinafter be erected, altered or enlarged only for the following uses, plus such other uses as the City Council, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare.

Uses Permitted Subject to Conditional Use Permit

The following uses may be permitted subject to a Conditional Use Permit as provided for in section 5.400.

Camp Grounds
Condominiums (Section <u>7.610</u>)

Convenience Storage
Drive through facilities associated with any use
Single Family Residential (detached)- new construction or after cessation of use other than residential
Duplex Residential Condominium Residential(section <u>7.610</u>)
Single Family Residential (Detached)
Townhouse Residential (section <u>7.610</u>)
Transportation Terminals
Short-term Rental, Condominium: (With a STR permit and adherence to <u>Section 5.401</u>)

Property Development Regulations

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered or converted for any use permitted in this district unless it is in conformity with all the standards and regulations herein specified for lot area, lot width, lot depth, dwelling unit area, lot coverage, yards and building height. The following standards shall apply except in cases where a lot does not meet the following standards herein required but was an official "lot of record" prior to the adoption of this ordinance. In such cases, the present dimension shall be maintained as a minimum standard until such time as the use is removed. The replacement shall meet the standards and regulations herein specified.

Site Development Regulations

Each site in the C-2 District shall be subject to the following site development regulations.

Feature	Regulation
Lot Size	Minimum Lot Area, 5000 Square feet
Lot Width	Minimum Lot Width, 50 feet
Height	Maximum Building Height, 3 stories, 38 feet
Front Yard	Minimum Required Setback, 15 feet
Street Side Yard	Minimum Required Setback, 15 feet

Interior Side Yard	Minimum Required Setback, 0 feet; or 10 feet when abutting residential zoning districts; or 15 feet for 2 story structures, when abutting residential zoning districts
Rear Yard	Minimum Required Setback, 0 feet; or 15 feet when abutting residential zoning districts; or 25 feet for 2 or more stories, when abutting residential zoning districts
Maximum Impervious Coverage	80%
Maximum Building Coverage	Percent of Lot Area, 75%
Residential Density	<u>Section 3.120</u>
Nonconforming Uses	<u>Section 6.100</u>
Site Development Regulations	<u>Section 7.000</u>
Special Yard Regulations	<u>Section 7.300</u>
Fences, Walls and Visibility	<u>Section 7.530</u>
Parking	<u>Section 7.800</u>
Landscaping and Screening Regulations	<u>Section 7.900</u>
Temporary/Accessory Building	<u>Section 8.100</u>
Signs	Sign Ordinance
Outdoor Amplified Sound	Prohibited when abutting R-1, R-1-A, or R5

(Ord. No. 23-007, 5-20-2013; Ord. No. 23-014, 9-16-2013; Ord. No. 25-004, 5-4-2015; Ord. No. 2019-11, § 2, 4-15-2019; Ord. No. 2022-13, § 7(Exh. G), 3-21-2022)

Intent

This zone is intended to allow the establishment of intermediate industrial uses permitting the processing or producing of materials which may produce smoke, noise, vibration, light, heat, glare or fumes, provided measures are taken from the specified development standards to minimize the impact beyond the boundaries of the property upon which the use is located.

Principal Permitted Uses

Buildings, structures and lands shall be used, and buildings and structures shall hereinafter be erected, altered or enlarged only for the following uses, plus such other uses as the City Council, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Administrative and Business Office	Food Sales
Agricultural Sales and Service	Funeral Services
Automotive Rentals	General Retail Sales
Automotive Repair Services	Horticulture
Automotive Sales	Hospital Services (Limited)
Automotive Washing	Indoor Entertainment
Building Maintenance Services	Indoor Sports and Recreation
Business Support Services	Kennels
Business or Trade School	Laundry Services
Club or Lodge	Local Utility Service
Commercial Off-Street Parking	Maintenance and Service Facilities
Communication Services	Mobile Food Establishments, but not in any right-of-way or public easement

Construction Sales and Services	Outdoor Sports and Recreation
Convenience Storage	Pawn Shop Services
Convenience Store/Self Serve Gas	Professional Offices
Custom Manufacturing	Religious Assembly
Equipment Repair Services	Research Services
Equipment Sales	Restaurant
Exterminating Services	Service Station
Financial Services	Veterinary Services

Uses Permitted Subject to Conditional Use Permit

The following uses may be permitted subject to a Conditional Use Permit as provided for in Section 5.400.

Campground	Restaurant-Drive In/Fast Food
Drive through facilities associated with any use	Scrap and Salvage Services
General Warehousing and Distribution	Stockyards
Light Manufacturing	Transportation Terminal
Limited Warehousing & Distribution	Vehicle Storage

Bed and Breakfast use is specifically prohibited.

Property Development Standards

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered or converted for any use permitted in this district unless it is in conformity with all the standards and regulations herein specified for lot area, lot width, lot depth, dwelling unit area, lot coverage, yards and building height. The following standards shall apply except in cases where a lot does not meet the standards herein required but was an official "lot of record" prior to the adoption of this ordinance. In such cases, the present dimension shall be maintained as a minimum standard until such time as the use is removed. The replacement shall meet the standards and regulations herein specified prior to the adoption of this ordinance. In such cases, the present dimension shall be maintained as a minimum standard until such time as the use is removed. The replacement shall meet the standards and regulations herein specified.

Site Development Regulations

Each site in the "M-2" district shall be subject to the following site development regulations.

Feature	Regulation
Lot Size	Minimum Lot Area, 10,000 Square feet
Lot Width	Minimum Lot Width, 100 feet
Height	Maximum Building Height, 3 stories, 38 feet
Front Yard	Minimum Required Setback, 10 feet
Street Side Yard	Minimum Required Setback, 10 feet
Interior Side Yard	Minimum Required Setback, 10 feet*
Rear Yard	Minimum Required Setback, 10 feet*
Maximum Impervious Coverage	85%
Maximum Building Coverage	Percent of Lot Area, 80%
Nonconforming Uses	<u>Section 6.100</u>
Site Development Regulations	<u>Section 7.000</u>
Special Yard Regulations	<u>Section 7.300</u>
Fences, Walls and Visibility	<u>Section 7.530</u>
Parking	<u>Section 7.800</u>
Landscaping and Screening Regulations	<u>Section 7.900</u>
Temporary/Accessory Building	<u>Section 8.000</u>
Signs	Sign Ordinance
Outdoor Amplified Sound	Prohibited when adjacent to R-1, R-1-A, or R5

* 25 feet when adjacent to Residential Uses outside subject district

(Ord. No. 23-014, 9-16-2013; Ord. No. 25-004, 5-4-2015; Ord. No. 2019-11, § 5, 4-15-2019)



Project Application

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

A. Project Information (Please complete all items.)

Project Name: Lund Ventures, LLC dba Fredericksburg RV Park
Project Address: 305 E. Highway Street, Fredericksburg, TX 78624
Tax ID Number (s):

Application Type (Check all items that apply.)

- | | | |
|--|--|---|
| ☐ Conditional Use Permit | ☐ Minor Plat* | ☐ Site Plan |
| ☒ Land Use Plan Change | ☐ Replat* | ☐ Entry Corridor Design |
| ☒ Zoning Change | ☐ Amending Plat* | ☐ Civil Construction Plans |
| ☐ Annexation* | ☐ Preliminary Plat* | |
| | ☐ Final Plat* | |

Jurisdiction: ☒ City Limits ☐ ETJ Total Acres: 9.94 No. of Lots: Not Applicable

Original Survey & Abstract No: Tract Vol 80 Page 340-341 D.R.

Legal Description: A 9.94 acre tract of land, being part of NO. 51

Current Land Use Plan: Industrial

Proposed Land Use Plan: Commercial

Current Zoning: M2, Medium Manufacturing

Proposed Zoning: C2, Commercial

Location: 305 E. Highway Street, Fredericksburg, TX 78624

Proposed Use(s): Campground and Short Term Rentals (STR)

Applicant's Signature

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

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

Signature: 

Printed Name: Earline Lund

Date: Oct. 20, 2023

Staff Use Only

Application No.: 7-2325

Date: 11/3/23

*Copy of current Title Search required with application.

CH# 001427 \$700.00



Project Application

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

B. Contact Information (Please complete all items.)

I. Property Owners

Firm Name (if applicable): Lund Ventures, LLC

Owner Name: Earline Lund

Address: P O Box 222, Paradise, CA 95967

Phone: 209-471-6705

Fax:

Email: earline.lund@gmail.com

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

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

Firm Name (if applicable): Fredericksburg RV Park Administrative Office

Address: P O Box 222, Paradise, CA 95967

Primary Contact Name: Kelley Mc Robbie

Phone: 408-655-6455

Fax:

Email: kelleymcrobbe@gmail.com

Secondary Contact Name: Susie Prater

Phone: 530-520-1035

Fax:

Email: susieprater@yahoo.com

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

- ☐ Conditional Use Permit Application - \$400
- ☐ Site Plan Application Admin - \$300
- ☐ Site Plan Application P&Z - \$400
- ☐ Entry Corridor Design - \$100
- ☒ Application for Zoning Change - \$400
- ☒ Application for Land Use Change - \$300
- ☐ Minor Plat - \$300
- ☐ Replat - \$300 plus \$20 per lot
- ☐ Amending Plat - \$200
- ☐ Preliminary Plat - \$400 plus \$20 per lot
- ☐ Final Plat - \$500 plus \$10 per lot

D. Recording Fee Schedule

For plats, a recording fee will be collected when mylars are presented. The check should be made payable to Gillespie County Clerk and the recording fees are \$121.00 plus \$10.00 per lot.

The property is currently zoned M2, Medium Manufacturing. The previous owner obtained a CUP many years ago to operate as a campground (RV Park). The current owners were unaware that Short Term Rentals (STR) could not be done on this property as it had been doing STR of sites for RV's for approximately 20 years.

When the current owners of Fredericksburg RV Park were notified that the zoning did not allow for Short Term, Rentals (STR), even with a permit, they investigated and applied for a Rezoning of the property to C2 (Commercial), which will allow for STR, for no more than 8 units, along with the current campgrounds (RV Park).

The current owners have explained that the new trend in RVing is for RV'ers to book at parks that also have STR, so that multiple generations (aging parents and adult children) could stay at the same park.

Thank you,
Kelley McRobbie

Z-2325

Legend

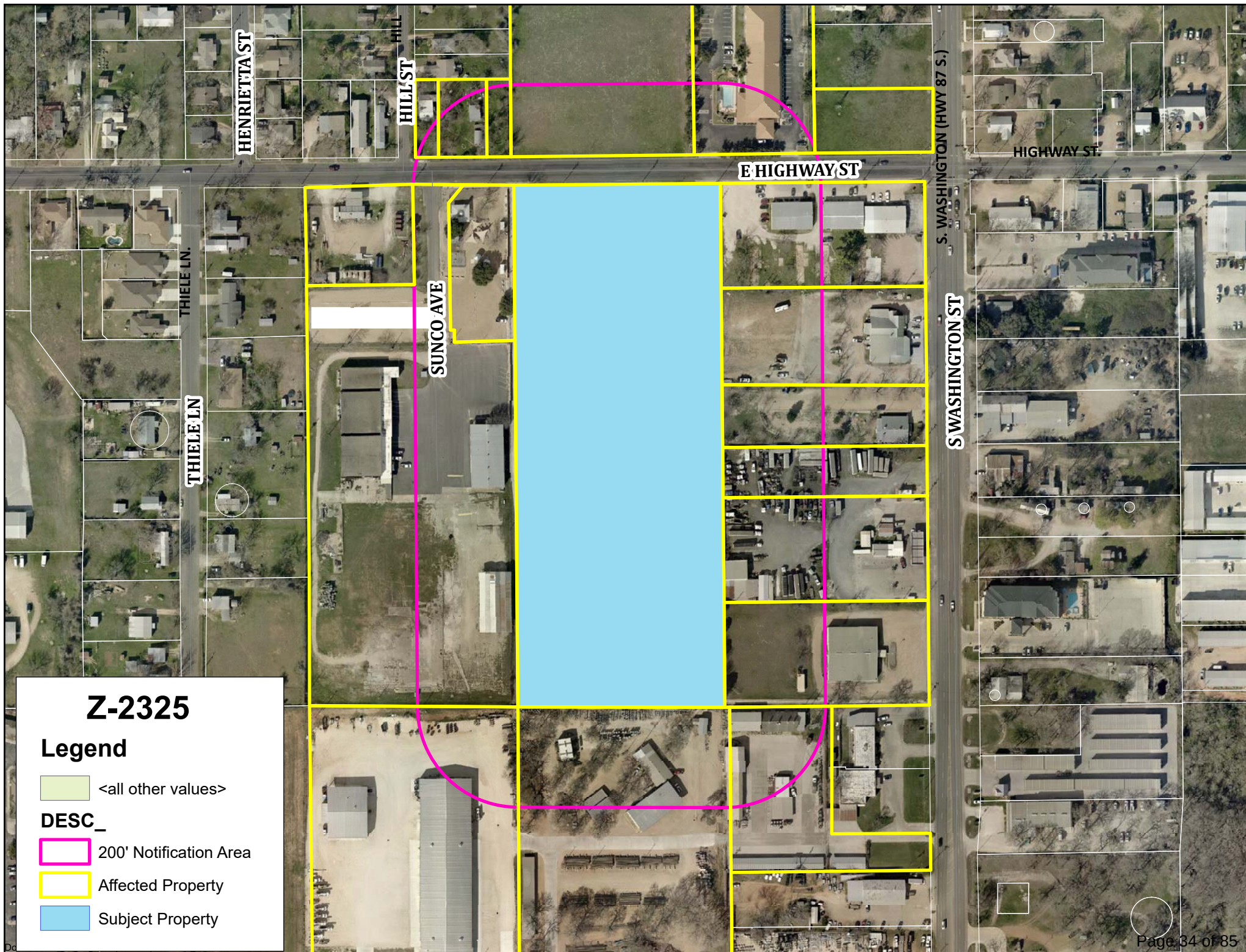
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DESC_

 200' Notification Area

 Affected Property

 Subject Property



ORDINANCE NO. 2023-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, ADOPTING A CHANGE IN THE COMPREHENSIVE PLAN OF THE CITY OF FREDERICKSBURG, SPECIFICALLY IN THE LAND USE MAP, AS TO APPROXIMATELY 9.94 ACRES OF LAND COMPRISED OF GERMAN EMIGRATION COMPANY LOT #519 LOCATED AT 305 EAST HIGHWAY STREET; CHANGING SAID PROPERTY FROM INDUSTRIAL (I) TO COMMERCIAL (C); PROVIDING THAT THE CHANGE BECOME A PART OF THE COMPREHENSIVE PLAN AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, upon adoption of the Comprehensive Plan for the City of Fredericksburg, the City Council recognized, as is required by such Plan, that such Plan is not static but must be re-evaluated in terms of physical, environmental, social, economic and public value factors which have occurred since the adoption of the Plan; and

WHEREAS, the Planning and Zoning Commission of the City of Fredericksburg has re-evaluated such Plan and has recommended that such Plan be changed, and that the Land Use Plan be amended to reflect such change in the land use.

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

Section 1. That the Comprehensive Plan of the City of Fredericksburg is hereby amended to incorporate the certain change to the Land Use Plan as follows:

All of those certain lots, tracts or parcels of land situated in the City of Fredericksburg, Gillespie County, Texas, said land being known as 9.94 acres of land, comprised of German Emigration Company Lot # 519 located at 305 East Highway Street in the City of Fredericksburg, Gillespie County, Texas and as additionally shown and designated on the Map attached hereto as Exhibit A, are hereby designated as Commercial (C).

Section 2. That all references in City of Fredericksburg Code of Ordinances to the Comprehensive Plan or to the Land Use Map shall henceforth refer to such as are amended hereby.

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

PASSED AND APPROVED on this the 19th date of December, 2023.

Jeryl Hoover, Mayor
City of Fredericksburg, Texas

ATTEST

Shelley Goodwin, City Secretary, TRMC/CMC

APPROVED AS TO FORM:

Mick McKamie, City Attorney

ORDINANCE NO. 2023-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY AND CHANGING THE ZONING DISTRICT AS TO APPROXIMATELY 9.94 ACRES OF LAND COMPRISED OF GERMAN EMIGRATION COMPANY LOT # 519 LOCATED AT 305 EAST HIGHWAY STREET; CHANGING SAID PROPERTIES FROM MEDIUM MANUFACTURING (M2) TO COMMERCIAL (C); AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an Application for Rezoning has been submitted by the owner of a lot described as approximately 9.94 acres of land comprised of German Emigration Company Lot #519 located at 305 East Highway Street in the City of Fredericksburg, Texas, to change the present zoning district of said lots from Medium Manufacturing (M2) to Commercial (C); 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, based upon positive findings under the review and evaluation criteria established by such ordinance, that the rezoning be enacted in modified form: 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 either 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 situation in the City of Fredericksburg, Gillespie County, Texas, said land being described as 9.94 acres of land, comprised of German Emigration Company Lot #519 located at 305 East Highway Street in the City of Fredericksburg, Gillespie County, Texas and as additionally shown and designated on the Map attached hereto as Exhibit A, to be and are hereby rezoned and designated as Commercial (C).

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

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

PASSED AND APPROVED on this the 19th date of December, 2023.

Jeryl Hoover, Mayor
City of Fredericksburg, Texas

ATTEST

Shelley Goodwin, City Secretary, TRMC/CMC

APPROVED AS TO FORM:

Mick McKamie, City Attorney



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Finance Department
TO: Mayor & City Council Members
FROM: Krista Wareham, Director of Finance
MEETING DATE: December 19, 2023

CATEGORY: ORDINANCES, RESOLUTIONS
AND PUBLIC HEARINGS

CAPTION: Consider the approval of Resolution 2023-21R approving the acquisition and lease purchase financing of public equipment and authorizing the execution and delivery of documents required in connection with BankFunding, LLC (a designee of Cogent Leasing & Financing, Inc.) (Krista Wareham, Director of Finance)

PRESENTATION:

SUMMARY:

The FY 2024 Adopted Budget includes approved funding for the acquisition of capital equipment through lease purchase financing. \$2,404,701.00 will be financed over three years. The financing was bid with the low bid received from BankFunding LLC (a designee of Cogent Leasing & Financing, Inc.) with an interest rate of 4.65%.

BACKGROUND:

City Council approved acquiring capital equipment through Lease Purchase Financing in the FY 2024 adopted budget. The approved amount for FY 2024 for the equipment is \$2,404,701.00.

FUNDING SOURCE: Lease Purchase Financing
Principal & Interest payments will be funded with operating revenues from the General, Electric, Water, Sanitation, and EMS funds.

FINANCIAL IMPACT:

Total for Lease Purchase Financing:
\$2,404,701.00 (principal) and \$110,086.59 (interest) for a total of \$2,514,787.59.
General Fund: \$284,701.00 (principal), \$13,033.55 (interest) for a total of \$297,734.55
Electric Fund: \$425,000.00 (principal), \$19,456.39 (interest) for a total of \$444,456.39
Water Fund: \$610,000.00 (principal), \$27,925.64 (interest) for a total of \$637,925.64
Sanitation Fund: \$595,000 (principal), \$27,238.94 (interest) for a total of \$622,238.94
EMS Fund: \$490,000.00 (principal), \$22,432.07 (interest) for a total of \$512,432.07.

FY 2024 Financial Impact:

The first payment of \$838,262.53 will be due on December 22, 2023. This payment will go towards the principal on the note.
General Fund: \$99,244.85
Electric Fund: \$148,152.13
Water Fund: \$212,641.88
Sanitation Fund: \$207,412.98
EMS Fund: \$170,810.69

STAFF RECOMMENDATION:

Staff recommends approval of Resolution 2023-21R and contract with BankFunding LLC (a designer of Cogent Leasing & Financing, Inc.) for the 3-year lease purchase financing of our FY 2024 approved capital equipment.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Government Vision

ATTACHMENTS:

1. Resolution 2023 R Lease Purchase Equipment

APPROVAL/REVIEW:

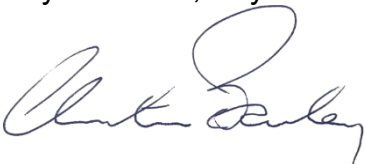
William McKamie, City Attorney

Date: December 14, 2023



Shelley Goodwin, City Secretary

Date: December 14, 2023



Clinton Bailey, City Manager

Date: December 15, 2023

RESOLUTION NO. 2023-21 R

**A RESOLUTION OF THE CITY COUNCIL OF
FREDERICKSBURG, TEXAS, APPROVING THE ACQUISITION
AND LEASE PURCHASE FINANCING OF PUBLIC
EQUIPMENT, AND AUTHORIZING THE EXECUTION AND
DELIVERY OF DOCUMENTS REQUIRED IN CONNECTION
THEREWITH.**

WHEREAS, the City of Fredericksburg ("City") desires to procure equipment using lease purchase financing; and

WHEREAS, the City has awarded the bid to provide said financing to *Cogent Leasing and Financing, Inc.*, based on competitive bidding and procurement practices as required by Texas Law.

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

1. The City Council hereby approves the acquisition and financing of equipment, using financing provided by Cogent Leasing and Financing, INC., said equipment being generally described as:

- a. one (1) Water Truck with Tank #56
- b. one (1) Pneumatic Roller S-7
- c. one (1) International Digger/Derrick Truck
- d. one (1) Backhoe Loader
- e. one (1) Vac-Jet Truck
- f. one (1) Track Loader
- g. one (1) Chipper
- h. two (2) Ambulance- Replace Med Remount

2. The City Council hereby approves the Master Lease-Purchase Agreement dated as of December 22, 2023, a copy of which is attached hereto as Exhibit "A", (the "Master Agreement", and together with the Equipment Schedule known collectively as the "Lease"); and

3. The City Council hereby approves the financing at a total cost and interest rate as set forth on the Lease Schedule No. 1 dated as of December 22, 2023 ("Equipment Schedule"), a copy of which is attached hereto as Exhibit "B", which is made a part of that certain Master Lease-Purchase Agreement dated as of December 22, 2023;and

4. The City Council hereby authorizes Clinton Bailey, in his capacity as City Manager, and Krista Wareham, in her capacity as Director of Finance, to execute the Lease and other documents related to said financing, on behalf of the City.

PASSED, APPROVED, AND ADOPTED ON this ____ day of December, 2023.

Jeryl Hoover
Mayor

ATTEST

Shelley Goodwin
City Secretary, TRMC/CMC



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Public Works and Utilities

TO: Mayor & City Council Members

FROM: Kris Kneese, Director of Public Works,
Utilities, and Engineer

MEETING DATE: December 19, 2023

CATEGORY: OTHER ACTION ITEMS AND
UPDATES

CAPTION: Consider Conveyance of Right of Way and Roadway Easement Agreement at 407 East Orchard (Kris Kneese, Director of Public Works/Utilities)

PRESENTATION:

SUMMARY:

Consider conveyance of right-of-way and dedication of roadway and roadway easement agreement at 407 East Orchard Street.

BACKGROUND:

For at least 50 years, a 3,342 sq foot portion of City Right of Way (Orchard Street) has been taken in and exclusively appropriated by prior property owners, being improved to include portions of a single family residence, fences, landscaping, irrigation, sidewalk, etc ("Subject Tract"). In 1979, "proof of possession" was filed in the county records evidencing the care, custody and control of the Subject Tract by the property owner. Three separate and independent surveyors combined the 0.293 acre original tract with the 3,342 sq foot tract to make a single, 0.370 acre tract.

A recent survey reverted the property back to the 2 tracts, and it was discovered that the City had never conveyed or otherwise given up any rights to the Subject Tract. Given that there are now significant improvements on the Subject Tract, the current owner is requesting that the 20 feet along the right-of-way be conveyed to him by a Deed without Warranty. With the conveyance, the City is requesting a roadway easement agreement of 10 feet.

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

City Staff recommends approving the 20 feet right-of-way conveyance and 10 feet roadway easement agreement at 407 East Orchard Street.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning

ATTACHMENTS:

1. Roberts - Easement Agreement
2. Roberts - Deed without Warranty
3. 407 E Orchard Street PLAT
4. 23-6847 - 0.038 ACRE FIELD NOTES
5. 23-6847 - 0.077 ACRE FIELD NOTES
6. 23-6847 - 0.288 ACRE FIELD NOTES

APPROVAL/REVIEW:



Kris Kneese, Director of Public Works, Utilities, and Engineer

Date: December 13, 2023



Garret Bonn, Assistant City Manager

Date: December 14, 2023

William McKamie, City Attorney

Date: December 15, 2023



Shelley Goodwin, City Secretary

Date: December 15, 2023



Clinton Bailey, City Manager

Date: December 15, 2023

GARY A. ROBERTS, SR., TRUSTEE

TO

CITY OF FREDERICKSBURG, TEXAS

NOTICE OF CONFIDENTIALITY RIGHTS - IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER AND/OR YOUR DRIVER'S LICENSE NUMBER.

Easement Agreement

Date: _____, 2023

Grantor: GARY A. ROBERTS, SR., TRUSTEE
OF THE GARY A. ROBERTS, SR. MANAGEMENT TRUST
407 East Orchard Street
Fredericksburg, TX 78624

Grantee: CITY OF FREDERICKSBURG, TEXAS
126 W. Main Street
Fredericksburg, TX 78624

Easement Property: Being a 0.038 acre easement and being a portion of East Orchard Street in the City of Fredericksburg, Gillespie County, Texas County, Texas, and being a portion of that certain 0.077 acre tract surveyed this same day by Searchers, being a portion of said East Orchard Street; Said 0.038 acre easement tract being more particularly described on Exhibit "A", attached hereto and incorporated herein for all purposes.

Easement Purpose: For the installation, construction, operation, maintenance, replacement, repair, upgrade, and removal of electric, water and sewer utilities (collectively, the "Facilities"), and for providing free and uninterrupted ingress to and egress along the Easement Property for access to the Facilities.

Consideration: Good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantor.

Reservations from Conveyance: Grantor reserves and shall continue to enjoy fee ownership of the Easement Property, for any and all purposes which do not unreasonably interfere with and prevent the use of the Easement Purpose as contemplated herein.

Exceptions to Warranty: This Easement Agreement ("Agreement") is made and accepted subject to all valid existing easements, rights of way, prescriptive rights, whether or not of record, all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and other instruments, if any, other than liens and conveyances, that affect the Easement Property, rights of adjoining property owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines, if any.

Grant of Easement: Grantor, for the Consideration and subject to the Reservations from Conveyance and Exceptions to Warranty, grants, sells, and conveys to Grantee and Grantee's

successors, and assigns, an easement over, on, and across the Easement Property for the Easement Purpose, together with all and singular the rights and appurtenances thereto in any way belonging (collectively, the “**Easement**”), to have and to hold the Easement to Grantee and Grantee’s successors and assigns forever. Grantor binds Grantor and Grantor’s heirs, successors, and assigns to warrant and forever defend the title to the Easement in Grantee and Grantee’s successors and assigns against every person whomsoever lawfully claiming or to claim the Easement or any part thereof, except as to the Reservations from Conveyance and Exceptions to Warranty to the extent that such claim arises by, through, or under Grantor but not otherwise.

Terms and Conditions: The following terms and conditions apply to the Easement granted by this Agreement:

1. **Character of Easement.** The Easement is nonexclusive and irrevocable. The Easement is for the benefit of Grantee and Grantee’s successors and assigns (as applicable, the “**Holder**”).
2. **Duration of Easement.** The duration of the Easement is perpetual.
3. **Reservation of Rights.** Grantee/Holder’s right to use the Easement Property is nonexclusive, and Grantor reserves for Grantor and Grantor’s heirs, successors and assigns the right to use all or part of the Easement Property in conjunction with Grantee/Holder as long as such use by Grantor and Grantor’s heirs, successors, and assigns does not interfere with the use of the Easement Property by Holder for the Easement Purpose, and the right to convey to others the right to use all or part of the Easement Property in conjunction with Holder, as long as such further conveyance is subject to the terms of this Agreement.
4. **Equitable Rights of Enforcement.** This Easement may be enforced by restraining orders and injunctions (temporary or permanent) prohibiting interference and commanding compliance. Restraining orders and injunctions will be obtainable on proof of the existence of interference or threatened interference, without the necessity of proof of inadequacy of legal remedies or irreparable harm, and will be obtainable only by the parties to or those benefited by this Agreement; provided, however, that the act of obtaining an injunction or restraining order will not be deemed to be an election of remedies or a waiver of any other rights or remedies available at law or in equity.
5. **Attorney’s Fees.** If any party retains an attorney to enforce this Agreement, the party prevailing in litigation is entitled to recover reasonable attorney’s fees and court and other costs.
6. **Binding Effect.** This Agreement binds and inures to the benefit of the parties and their respective heirs, successors, and permitted assigns.
7. **Choice of Law.** This Agreement will be construed under the laws of the State of Texas, without regard to choice-of-law rules of any jurisdiction. Venue is in the county in which the Easement Property is located.
8. **Counterparts.** This Agreement may be executed in any number of counterparts with the same effect as if all signatory parties had signed the same document. All counterparts will be construed together and will constitute one and the same instrument.

9. **Waiver of Default.** It is not a waiver of or consent to default if the nondefaulting party fails to declare immediately a default or delays in taking any action. Pursuit of any remedies set forth in this Agreement does not preclude pursuit of other remedies in this Agreement or provided by law.
10. **Further Assurances.** Each signatory party agrees to execute and deliver any additional documents and instruments and to perform any additional acts necessary or appropriate to perform the terms, provisions, and conditions of this Agreement and all transactions contemplated by this Agreement.
11. **Indemnity.** To the extent allowed by law, each party agrees to indemnify, defend, and hold harmless the other party from any loss, attorney's fees, expenses, or claims attributable to breach or default of any provision of this Agreement by the indemnifying party.
12. **Integration.** This Agreement contains the complete agreement of the parties and cannot be varied except by written agreement of the parties. The parties agree that there are no oral agreements, representations, or warranties that are not expressly set forth in this Agreement.
13. **Legal Construction.** If any provision in this Agreement is for any reason unenforceable, to the extent the unenforceability does not destroy the basis of the bargain among the parties, the unenforceability will not affect any other provision hereof, and this Agreement will be construed as if the unenforceable provision had never been a part of the Agreement. Whenever context requires, the singular will include the plural and neuter include the masculine or feminine gender, and vice versa. Article and section headings in this Agreement are for reference only and are not intended to restrict or define the text of any section. This Agreement will not be construed more or less favorably between the parties by reason of authorship or origin of language.
14. **Notices.** Any notice required or permitted under this Agreement must be in writing. Any notice required by this Agreement will be deemed to be delivered (whether actually received or not) when deposited with the United States Postal Service, postage prepaid, certified mail, return receipt requested, and addressed to the intended recipient at the address shown in this Agreement. Notice may also be given by regular mail, personal delivery, courier delivery, facsimile transmission, or other commercially reasonable means and will be effective when actually received. Any address for notice may be changed by written notice delivered as provided herein.
15. **Recitals.** Any recitals in this Agreement are represented by the parties to be accurate, and constitute a part of the substantive Agreement.
16. **Time.** Time is of the essence. Unless otherwise specified, all references to "**days**" mean calendar days. Business days exclude Saturdays, Sundays, and legal public holidays. If the date for performance of any obligation falls on a Saturday, Sunday, or legal public holiday, the date for performance will be the next following regular business day.

[SIGNATURES TO FOLLOW ON NEXT PAGES]

GRANTOR:

GARY A. ROBERTS, SR., TRUSTEE
OF THE GARY A. ROBERTS, SR.
MANAGEMENT TRUST

This instrument was prepared based on information furnished by the Grantor, and no independent title search has been made, and no responsibility for validity of real estate title is assumed by the attorney preparing this instrument.

STATE OF TEXAS §

COUNTY OF GILLESPIE §

This instrument was acknowledged before me on this the ____ day of _____, 2023, by GARY A. ROBERTS, SR., TRUSTEE OF THE GARY A. ROBERTS, SR. MANAGEMENT TRUST.

Notary Public, State of Texas

GRANTEE:

CITY OF FREDERICKSBURG, TEXAS

By: _____
Name: _____
Title: _____

STATE OF TEXAS §

COUNTY OF GILLESPIE §

 This instrument was acknowledged before me on this the ____ day of _____, 2023, by
_____, _____ of the City of Fredericksburg,
Texas.

Notary Public, State of Texas

CITY OF FREDERICKSBURG, TEXAS

TO

GARY A. ROBERTS, SR., TRUSTEE

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

DEED WITHOUT WARRANTY

Date: _____, 2023

Grantor: CITY OF FREDERICKSBURG, TEXAS

Grantor's Mailing Address: 126 W Main Street, Fredericksburg, Texas 78624

Grantee: GARY A. ROBERTS, SR., TRUSTEE OF THE GARY A. ROBERTS, SR. MANAGEMENT TRUST

Grantee's Mailing Address: 407 East Orchard Street, Fredericksburg, Texas 78624

Consideration: TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements):

Being 0.077 acres of land and being a portion of East Orchard Street in the City of Fredericksburg, Gillespie County, Texas; Said 0.077 acre tract being more particularly described on Exhibit "A", attached hereto and incorporated herein.

Reservations from Conveyance: **None**

Exceptions to Conveyance and Warranty:

1. Liens described as part of the Consideration and any other liens described in this Deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and taxes for **2023**, which Grantee assumes and agrees to pay.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever, without express or implied warranty. All warranties that might arise by common law as well as the warranties in section 5.023 of the Texas Property Code (or its successor) are excluded.

This conveyance is intended to include any property interests obtained by after-acquired title.

When the context requires, singular nouns and pronouns include the plural.

GRANTOR:

CITY OF FREDERICKSBURG, TEXAS

By: _____
Clinton Bailey, City Manager

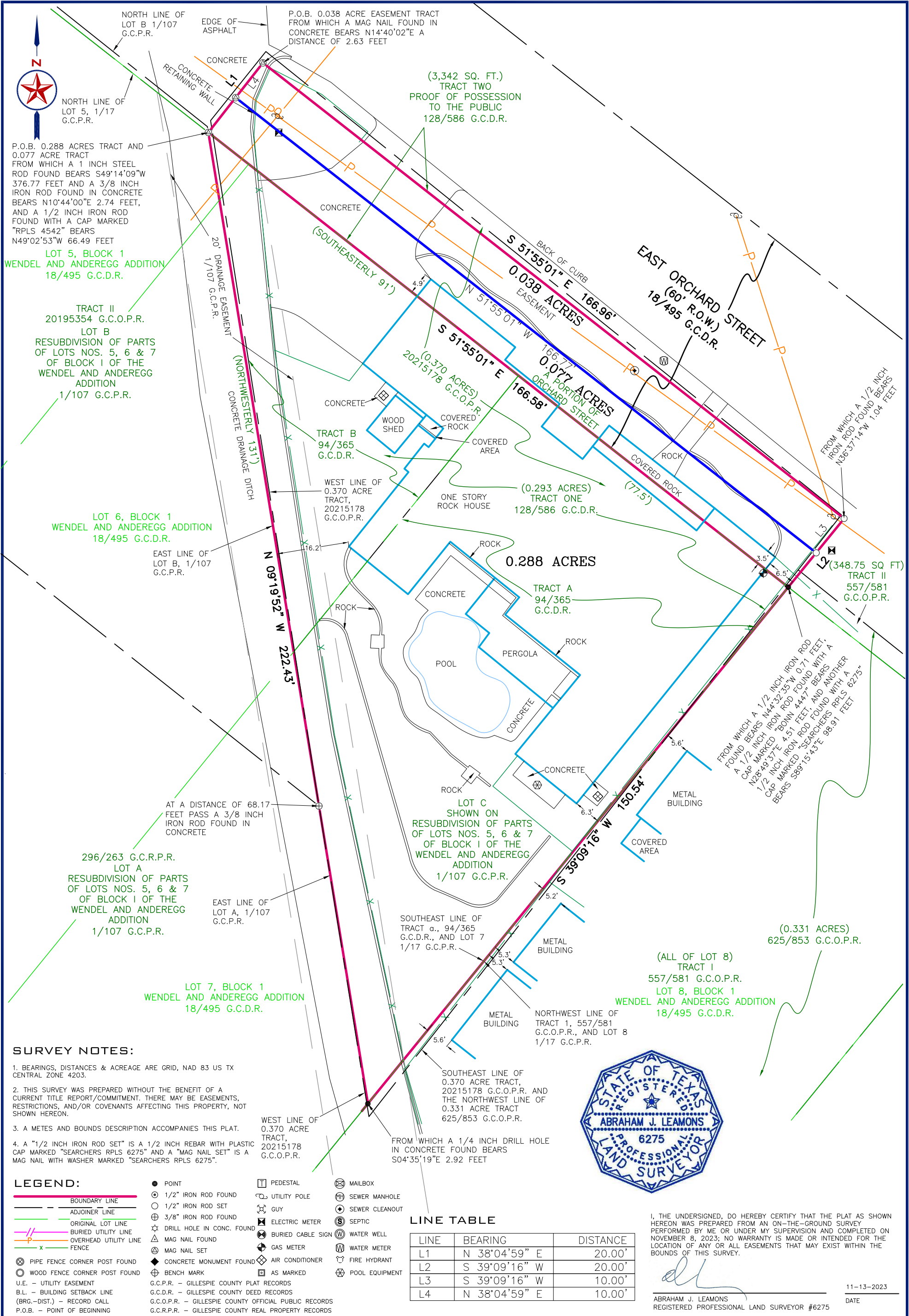
This instrument was prepared based on information furnished by the Grantor, and no independent title search has been made, and no responsibility for validity of real estate title is assumed by the attorney preparing this instrument.

STATE OF TEXAS §

COUNTY OF GILLESPIE §

This instrument was acknowledged before me on this the ____ day of _____, 2023, by Clinton Bailey, City Manager of City of Fredericksburg, Texas.

Notary Public, State of Texas



SEARCHERS
SURVEYORS | CONSULTANTS
MASON | FREDERICKSBURG

4585 OLD PONTOTOC ROAD, MASON, TEXAS 76856
720 MUSTANG STREET, FREDERICKSBURG, TEXAS 78624
830-383-1211 | F-10193966 | SEARCHERS.NET



SCALE: 1" = 20'

BOUNDARY SURVEY

0.288 ACRES BEING A PORTION OF LOT 5, A PORTION OF LOT 6, AND A PORTION OF LOT 7, BLOCK 1, OF THE WENDEL AND ANDEREGG ADDITION IN THE CITY OF FREDERICKSBURG, GILLESPIE COUNTY, TEXAS AS SHOWN ON PLAT RECORDED IN VOLUME 18, PAGE 495 OF THE DEED RECORDS OF GILLESPIE COUNTY, TEXAS AND A 0.077 ACRES AND A 0.038 ACRE EASEMENT BEING A PORTION OF EAST ORCHARD STREET IN THE CITY OF FREDERICKSBURG, GILLESPIE COUNTY, TEXAS.

REFERENCE: ----- JOB NO. 23-6847
ADDRESS: 407 EAST ORCHARD STREET DRAWN BY: JMW



LEGAL DESCRIPTION: Being a 0.038 acre easement and being a portion of East Orchard Street in the City of Fredericksburg, Gillespie County, Texas County, Texas and being a portion of that certain 0.077 acre tract surveyed this same day by Searchers, being a portion of said East Orchard Street; Said 0.038 acre easement tract being more particularly described as follows and as surveyed under the supervision of Searchers in November – December 2023:

BEGINNING at a mag nail set with a washer marked "SEARCHERS RPLS 6275" in East Orchard Street for the north corner of said 0.77 acre tract, and the north corner hereof, and from which a mag nail in concrete found bears North 14°40'02" East a distance of 2.63 feet;

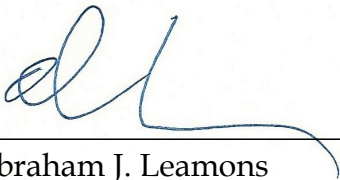
THENCE crossing said East Orchard Street, the following 4 courses:

1. South 51°55'01" East a distance of 166.96 feet along the northeast line of said 0.077 acre tract to a 1/2 inch iron rod set for the east corner of said 0.077 acre tract, and the east corner hereof, and from which a 1/2 inch iron rod found bears North 36°37'14" West a distance of 1.04 feet;
2. South 39°09'16" West a distance of 10.00 feet along the southeast line of said 0.077 acre tract to a 1/2 inch iron rod set for the south corner hereof, and from which a calculated point in the southwest line of said East Orchard Street for the south corner of said 0.077 acre tract bears South 39°09'16" West a distance of 10.00 feet, and from said calculated point a 1/2 inch iron rod found bears North 44°32'35" West a distance of 0.71 feet, a 1/2 inch iron rod found with a cap marked "BONN 4447" bears North 28°49'37" East a distance of 4.51 feet, and another 1/2 inch iron rod found with a cap marked "SEARCHERS RPLS 6275" at the intersection of the northwest line of North Pine Street and the northeast line of said East Orchard Street, for the south corner of Block 3 of the Wendel and Anderegg Addition in the City of Fredericksburg, Gillespie County, Texas as shown on plat recorded in Volume 18, Page 495 of the Deed Records of Gillespie County, Texas and the south corner of that certain Lot 4 of said Block 3 bears South 89°15'43" East a distance of 98.91 feet;

3. North 51°55'01" West a distance of 166.77 feet crossing said 0.077 acre tract to a mag nail set with a washer marked "SEARCHERS RPLS 6275" in the northwest line of said 0.077 acre tract for the west corner hereof, and from which a mag nail set with a washer marked "SEARCHERS RPLS 6275" in the southwest line of said East Orchard Street and the northeast line of that certain Lot 5 of Block 1 of said Wendel and Anderegg Addition, for the west corner of said 0.077 acre tract, a corner of that certain Lot B of the Resubdivision of parts of Lots Nos. 5, 6, & 7 of Block 1 of the Wendell and Anderegg Addition in the City of Fredericksburg, Gillespie County, Texas, as shown on plat recorded in Volume 1, Page 107 of the Plat Records of Gillespie, and the north corner of that certain 0.288 acre tract surveyed this same day by Searchers, being all of those certain tracts, Tract A and Tract B, described in Volume 94, Page 365 of said Deed Records bears South 38°04'59" West a distance 10.00 feet;
4. North 38°04'59" East a distance of 10.00 feet along the northwest line of said 0.077 acre tract to the POINT OF BEGINNING containing 0.038 acres, more or less, and as shown on certified plat herewith.

Note: Bearings, distances and acreage shown hereon are Grid, NAD 83, Texas Central Zone 4203 and are derived from GPS techniques. A "1/2 inch iron rod set" is a 1/2 inch rebar with plastic cap marked "Searchers RPLS 6275".

Surveyed by;



Abraham J. Leamons
Registered Professional Land Surveyor #6275
Date: December 13, 2023
Job# 23-6847





LEGAL DESCRIPTION: Being 0.077 acres of land and being a portion of East Orchard Street in the City of Fredericksburg, Gillespie County, Texas; Said 0.077 acre tract being more particularly described as follows and as surveyed under the supervision of Searchers in November - December 2023:

BEGINNING at a mag nail set with a washer marked "SEARCHERS RPLS 6275" in the southwest line of East Orchard Street for a corner of Lot B of the Resubdivision of Lot Nos. 5, 6, & 7 of Block 1 of the Wendel and Anderegg Addition in the City of Fredericksburg, Gillespie County, Texas as shown on the plat recorded in Volume 1, Page 107 of the Plat Records of Gillespie County, Texas, the north corner of that certain 0.288 acre tract surveyed this same day by Searchers, being a portion of Lot 5, a portion of Lot 6 and a portion of Lot 7, Block 1, of the Wendel and Anderegg Addition in the City of Fredericksburg, Gillespie County, Texas as shown on the plat recorded in Volume 18, Page 495 of the Deed Records of Gillespie County, Texas and all of Lot C of said Resubdivision being out of those certain tracts described as Tract A and Tract B in Volume 94, Page 365 of said Deed Records, and the west corner hereof, and from which a 1 inch steel rod found at the intersection of the southeast line of North Washington Street and the northeast line of East Travis Street, for the west corner of said Block 1 of the Wendel and Anderegg Addition bears South 49°14'09" West a distance of 376.77 feet, a 3/8 inch iron rod found in concrete bears North 10°44'00" East a distance of 2.74 feet, and a 1/2 inch iron rod found with a cap marked "RPLS 4542" bears North 49°02'53" West a distance of 66.49 feet;

THENCE crossing said East Orchard Street, the following 3 courses:

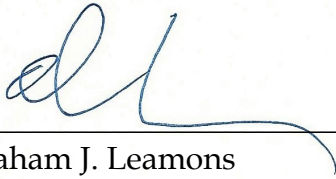
1. North 38°04'59" East a distance of 20.00 feet to a mag nail set with a washer marked "SEARCHERS RPLS 6275" for the north corner hereof, and from which a mag nail found in concrete bears North 14°40'02" East a distance of 2.63 feet;
2. South 51°55'01" East a distance of 166.96 feet to a 1/2 inch iron rod set for the east corner hereof and from which a 1/2 inch iron rod found bears North 36°37'14" West distance of 1.04 feet;
3. South 39°09'16" West a distance of 20.00 feet to a calculated point in the southwest line of said East Orchard Street for the north corner of Lot 8 of said Block 1 of the Wendel and Anderegg Addition, the east corner of said Lot 7, Block 1, the east corner of said 0.288 acre tract, the north corner of that certain

tract, Tract I, described in Volume 557, Page 581 of the Official Public Records of Gillespie County, Texas, and the south corner hereof, and from which a 1/2 inch iron rod found bears North 44°32'35" West a distance of 0.71 feet, a 1/2 inch iron rod found with a cap marked "BONN 4447" bears North 28°49'37" East a distance of 4.51 feet and a 1/2 inch iron rod found with a cap marked "SEARCHERS RPLS 6275" at the intersection of the northwest line of North Pine Street and the northeast line of said East Orchard Street, for the south corner of said Block 3 and the south corner of said Lot 4 of said Block 3 bears South 89°15'43" East a distance of 98.91 feet;

THENCE North 51°55'01" West a distance of 166.58 feet along the southwest line of said East Orchard Street, the northeast lines of said Lots 7, 6, and 5, Block 1, the northeast line of said 0.288 acre tract, to the POINT OF BEGINNING containing 0.077 acres of land, more or less, and as shown on certified plat herewith.

Note: Bearings, distances and acreage shown hereon are Grid, NAD 83, Texas Central Zone 4203 and are derived from GPS techniques. A "1/2 inch iron rod set" is a 1/2 inch rebar with plastic cap marked "Searchers RPLS 6275".

Surveyed by;



Abraham J. Leamons
Registered Professional Land Surveyor #6275
Date: December 13, 2023
Job# 23-6847





LEGAL DESCRIPTION: Being 0.288 acres of land being a portion of Lot 5, a portion of Lot 6 and a portion of Lot 7, Block 1, of the Wendel and Anderegg Addition in the City of Fredericksburg, Gillespie County, Texas as shown on the plat recorded in Volume 18, Page 495 of the Deed Records of Gillespie County, Texas and all of Lot C of the Resubdivision of parts of Lots Nos. 5, 6 & 7 of Block 1 of the Wendel and Anderegg Addition as shown on plat recorded in Volume 1, Page 107 of the Plat Records of Gillespie County, Texas and being out of those certain tracts described as Tract A and Tract B in Volume 94, Page 365 of said Deed Records Said 0.288 acre tract being more particularly described as follows and as surveyed under the supervision of Searchers in November – December 2023:

BEGINNING at a mag nail set with a washer marked "SEARCHERS RPLS 6275" in the southwest line of East Orchard Street for the east corner of Lot B of said Resubdivision, the west corner of that certain 0.077 acre tract surveyed this same day by Searchers, being a portion of said East Orchard Street, and the north corner hereof, and from which a 1 inch steel rod found at the intersection of the southeast line of North Washington Street and the northeast line of East Travis Street for the west corner of said Block 1 bears South 49°14'09" West a distance of 376.77 feet, a 3/8 inch iron rod found in concrete bears North 10°44'00" East a distance of 2.74 feet, and a 1/2 inch iron rod with cap marked "RPLS 4542" found bears North 49°02'53" West a distance of 66.49 feet;

THENCE South 51°55'01" East a distance of 166.58 feet along the southwest line of said East Orchard Street, the southwest line of said 0.077 acre tract, the northeast line of said Lot 5, the northeast line of said Lot 6, the northeast line of said Lot 7, to a calculated point for the north corner of Lot 8 of said Block 1, the east corner of said Lot 7, the south corner of said 0.077 acre tract, the north corner of that certain tract, Tract I, described in Volume 557, Page 581 of the Official Public Records of Gillespie County, Texas, and the east corner hereof and from which a 1/2 inch iron rod found bears North 44°32'35" West a distance of 0.71 feet, a 1/2 inch iron rod found with a cap marked "BONN 4447" bears North 28°49'37" East a distance of 4.51 feet, and a 1/2 inch iron rod found with a cap marked "SEARCHERS RPLS 6275" at the intersection of the northwest line of North Pine Street and the northeast line of said East Orchard Street for the south corner of Block 3 of said Wendell and Anderegg Addition and the south corner of Lot 4 of said Block 3 bears South 89°15'43" East a distance of 98.91 feet;

THENCE South 39°09'16" West a distance of 150.54 feet along the northwest line of said Lot 8, Block 1, the southeast line of said Lot 7, Block 1, and the northwest line of said tract, Tract I, described in Volume 557, Page 581 to a calculated point for the east corner of Lot A of said Resubdivision, and the south corner hereof, and from which a 1/4 inch diameter drill hole in concrete found bears South 04°35'19" East a distance of 2.92 feet;

THENCE North 09°19'52" West, crossing said Lot 7, Block 1, along the east line of said Lot A of said Resubdivision at a distance of 68.17 feet pass a 3/8 inch iron rod found in concrete for a corner of said Lot A, and the south corner of said Lot B, continuing crossing said Lots 7, 6, and 5, Block 1, along the east line of said Lot B of said Resubdivision for a total distance of 222.43 feet to the POINT OF BEGINNING containing 0.288 acres of land, more or less, and as shown on certified plat herewith.

Note: Bearings, distances and acreage shown hereon are Grid, NAD 83, Texas Central Zone 4203 and are derived from GPS techniques. A "1/2 inch iron rod set" is a 1/2 inch rebar with plastic cap marked "Searchers RPLS 6275".

Surveyed by;



Abraham J. Leamons
Registered Professional Land Surveyor #6275
Date: December 13, 2023
Job# 23-6847





CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary

TO: Mayor & City Council Members

FROM: Krista Wareham, Director of Finance

MEETING DATE: December 19, 2023

CATEGORY: OTHER ACTION ITEMS AND
UPDATES

CAPTION: Consider the approval of the extension of the City of Fredericksburg Investment Policy
(Krista Wareham, Director of Finance)

PRESENTATION:

SUMMARY:

The Public Funds Investment Act requires that the City's investment policy be reviewed and approved by the City Council annually.

BACKGROUND:

A City must adopt a written investment policy by ordinance or resolution. Texas Government Code 2256.00S(a). Therefore, regardless of a city's population, it must have a written investment policy if it has cash or bank investments. A formal policy protects the city's cash assets and the elected and finance management officials.

The governing body of an investing entity shall review its investment policy and investment strategies not less than annually. The governing body shall adopt a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the investment policy and investment strategies and that the adopted written instrument shall record any changes made to either the investment policy or investment strategies. Texas Government Code 2256.00S(e).

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

It is recommended that City Council review and approve the Investment Policy.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

ATTACHMENTS:

1. Investment Policy - Final 5-9-22_202205181511402541

APPROVAL/REVIEW:



Krista Wareham, Director of Finance

Date: December 14, 2023

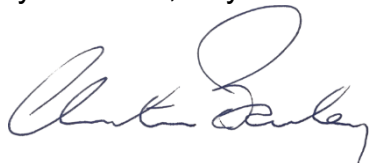
William McKamie, City Attorney

Date: December 14, 2023



Shelley Goodwin, City Secretary

Date: December 14, 2023



Clinton Bailey, City Manager

Date: December 15, 2023



CITY OF FREDERICKSBURG, TEXAS

Investment Policy

Revised May 2022

The Public Funds Investment Act, Chapter 2256, Texas Government Code, as amended, prescribes that each City is to adopt rules governing its investment practices and to define the authority of the investment officer. The following Investment Policy addresses the methods, procedures, and practices, which must be exercised to ensure effective and judicious fiscal management of the City's funds.

The Finance Director and Finance Managers are designated as the investment officers of the City of Fredericksburg, Texas, and are responsible for all investment decisions and activities.

I. Scope

This Policy applies to all investment activities of the City's funds under its control, except those subject to other investment covenants, or excluded by contract. The Investment Policy will govern the activities of the investment officers and designated deputies in their management of all public funds covered by this Investment Policy.

In order to make effective use of the City's resources, all funds shall be pooled for investment purposes, except for those funds required to be accounted for in other accounts as stipulated by applicable laws, bond covenants, contracts, or City policy. The pooled funds will include, but are not limited to, the funds of the General Fund, Electric, Water & Wastewater, Golf, Landfill, Emergency Medical Services and Drainage Funds. Any investments donated to the City for a particular purpose or under terms of use specified by the donor are outside the scope of this Investment Policy.

This Policy also requires the formal adoption of an Investment Strategy that specifically addresses each of the City's fund groups (See Attachment A).

II. Objectives

The primary objectives, in order of priority, of the City investment activities shall be:

- A. Safety – Investments shall be undertaken in a manner that seeks to ensure the preservation of principal.
- B. Liquidity – The City's investment portfolio will remain sufficiently liquid to enable the

City to meet all operating requirements, which might be reasonably anticipated.

- C. Yield – The City’s investment strategy is conservative. Given this strategy, the benchmark used by the Finance Director and Finance Managers to determine whether market yields are being achieved shall be the 90-day T-bill rate. Return on investment is of least importance compared to the safety and liquidity objectives.

Each investment transaction shall seek to first ensure that principal losses are avoided, whether they are from security defaults or erosion of market value.

III. Delegation of Authority

The Investment Officers may designate deputies to assist with the management of the investment portfolio.

The Investment Officers or designated deputy shall be responsible for all transactions, compliance with internal controls, and ensuring that all safekeeping, custodial, and collateral duties are in compliance with this investment policy and other applicable laws and regulations.

IV. Standard of Care

Investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person’s own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived. This investment principle shall be applied in the context of managing the overall investment portfolio.

The Investment Officers or designated deputy acting in accordance with written procedures and exercising due diligence, shall not be held personally responsible for an individual security’s credit risk or market price changes, provided that deviations from expectations are reported in a timely manner to the City Manager, and appropriate action is taken to control adverse developments.

V. Ethics And Conflicts of Interest

The Investment Officers and designated deputies shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. An individual who has a personal business relationship with a business organization offering to engage in an investment transaction with the City shall file a statement with the Texas Ethics Commission and the City Council disclosing that personal business interest. A disclosure statement will also be filed if the Investment Officers or any designated deputy is related within the second degree by affinity of consanguinity, as determined under Chapter 573, to an individual seeking to sell an investment to the City.

For the purpose of this section, an individual has a personal business relationship with a business organization if:

- A. The individual owns 10 percent or more of the voting stock or shares of the business organization or owns \$5,000 or more of the fair market value of the business organizations.
- B. Funds received by the individual from the business organization exceed 10 percent of the individual's gross income for the previous year; or
- C. The individual has acquired from the business organization during the previous year investments with a book value of \$2,500 or more for the personal account of the individual.

VI. Accounting/Reporting

The Finance Director and Finance Managers, not less than quarterly, prepare and submit to the City Council a written report of investment transactions for all funds covered by this investment policy for the preceding reporting period. The report should:

- A. Describe the investment position of the entity on the date of the report;
- B. Be prepared and signed by the Finance Director, Finance Manager – General or Finance Manager – Projects;
- C. Contain a summary statement prepared in compliance with generally accepted accounting principles that states the beginning market values, additions and changes to the market value, ending market value and fully accrued interest for the reporting period;
- D. State the book value and market value of each separately invested asset at the beginning and end of the reporting period by type of asset and fund type invested;
- E. State the maturity date of each separately invested asset that has a maturity date;
- F. State the compliance of the investment portfolio as it relates to the City's Investment Policy, the City's Investment Strategy and the Public Funds Investment Act; and;
- G. The reports should be formally reviewed at least annually by an independent auditor. The method used to monitor the market price of acquired investments is to obtain market rates for the total portfolio from at least two independent brokers or from a recognized entity that provides a similar service.

VII. Internal Controls

The management of the City of Fredericksburg, Texas, is responsible for establishing and maintaining an internal control structure. In fulfilling this responsibility, estimates and judgments by management are required to assess the expected benefits and related costs of internal control structure policies and procedures. The objective of an internal control structure is to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or disposition, and that transactions are executed in accordance with management's authorization and recorded properly to permit the preparation of financial statements in accordance with generally accepted accounting principles. Because of inherent limitations in any internal control structure, errors or irregularities may nevertheless occur and not be detected. Also, projection of any evaluation of the structure to future periods is subject to the risk that procedures may become inadequate because of changes in conditions or that the effectiveness of the design and operation of policies and procedures may deteriorate.

For the purpose of this policy, we have identified procedural controls for the purchase of investments (See Attachment B). Significant internal control structure policies and procedures are beyond the scope of this policy. The Finance Director and Finance Managers shall always comply with the City's Internal Control Policies and Procedures.

VIII. Diversification

The City will diversify use of investment types and issuers to avoid incurring unreasonable risks inherent in over-investment in specific instruments, individual issuers or maturities.

The investment portfolio shall not exceed the following guidelines without prior approval of the City Manager:

- A. With the exception of U.S. Treasury securities, Certificates of Deposits, and authorized pools, no more than 50% of the total investment portfolio will be invested in a single investment type. U.S. Treasury securities have no percentage restriction. Certificates of Deposit and authorized pools individually may be no more than 75% of the total investment portfolio.
- B. Investment in any one single U.S. Agency Issue shall not exceed 30% of the total investment portfolio.
- C. Commercial Paper shall not exceed more than 5% of the total investment portfolio.
- D. With the exception of U.S. Treasury securities and Certificates of Deposits, no more than 40% of the total investment portfolio shall be invested with a single issuer. U.S. Treasury securities have no percentage restriction. Certificates of Deposit invested with a single issuer may not exceed 50% of the total portfolio.
- E. Investment with maturities of three years shall be limited to a maximum of 20%

of the total portfolio.

- F. The minimum maturity on any individual investment shall be one day (overnight). Maturities will be scheduled to meet liquidity and operating requirements.
- G. The maximum maturity for each investment and the total portfolio will be timed to maturity to meet cash flow needs established by the cash flow analysis. The maximum maturity of any individual investment shall not exceed three (3) years.
- H. The maximum dollar-weighted average maturity of the total investment portfolio is 270 days.

Maturity schedules shall be timed according to anticipated liquidity needs. Investments, from time to time, may be liquidated before maturity for cash-flow purposes. To meet these disbursement schedules, market gains or losses may be required. Any losses for early maturity liquidation should be minimized, and they should be reported as such to the City Manager in a timely manner. Actual risk of default shall be minimized by adequate collateralization. Market risk shall be minimized by diversification of investment type and maturity.

The Finance Director and Finance Managers routinely monitor the contents of the investment portfolio, the available markets, and the relative values of competing instruments, and will adjust the investment portfolio, accordingly, keeping in mind the overall objectives of the investments.

IX. Cash Flow Analysis

The Finance Director and Finance Managers will develop and maintain a comprehensive cash flow analysis for all the City's fund types. The purposes will be to determine liquidity needs and the available funds for investing. The summarized cash flow analysis reports will be provided to the City Council and the City Manager on a quarterly basis.

X. Authorized Investments

The following is a list of authorized investments:

- A. Obligations issued, guaranteed, insured by, or backed by the full faith and credit of the United States or its agencies and instrumentalities (i.e. U.S. Treasury and Agency Issues).
- B. Certificates of Deposit, which are guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor and are secured by obligations of the United States or its agencies and instrumentalities that have a market value of not less than the principal amount of the certificates.
- C. Fully collateralized repurchase agreements that have a defined termination date

and are secured by obligations of the United States or its agencies and instrumentalities. The securities purchased by the City must be pledged to the City, held in the City's name and deposited at the time the investment is made with the City's custodial bank. Repurchase agreements can only be placed through primary government securities dealers or financial institutions doing business in Texas. The maximum term for repurchase agreements is ninety (90) days from the date the reverse security repurchase agreement is delivered, and securities held as collateral must not mature later than the agreement's expiration date.

- D. Commercial paper with a stated maturity of 270 days or less from the date of issuance. Must be rated not less than A-1 or P-1, or an equivalent, by at least two nationally recognized credit rating agencies or rated by one credit rating agency plus fully secured by an irrevocable letter of credit issued by a domestic bank.
- E. Investment pools that are authorized by Council, invest only in investments approved by the Public Funds Investment Act, have an advisory board and are continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating agency. Investment pools must provide an offering circular, investment transaction confirmations, and monthly reports.
- F. S.E.C. registered no-load money market mutual funds that have a dollar-weighted average stated maturity of ninety (90) days or less and include in its investment objectives the maintenance of a stable net asset value of \$1 for each share.

An investment that requires a minimum rating under this policy does not qualify as an authorized investment during the period the investment does not have the minimum rating. The Finance Director and Finance Managers will take all prudent measures that are consistent with this policy to liquidate an investment that does not have the minimum rating; however, the Finance Director and Finance Managers will not be required to liquidate investments that were authorized investments at the time of purchase.

The Finance Director and Finance Managers are specifically prohibited from investing in:

- A. Structured notes, investments with inverse-floaters, collateralized mortgage obligations, or any other form of derivatives;
- B. Any investment not authorized by this Policy or the Public Funds Investment Act;
- C. Any instrument for which there would not be a ready market for immediate resale;
- D. Any investment pool in which the City would own more than 20% of the market value of the pool;

- E. Highly sophisticated investments not freely conducted in the marketplace e.g., derivatives; and
- F. Any one mutual fund in which the City would own more than 10% of the total assets of the mutual fund.

The Finance Director and Finance Managers are prohibited from borrowing funds for the purpose of reinvesting the funds to leverage return.

XI. Eligible Institutions

The following financial institutions are eligible for consideration for investment transactions by the Investment Officers:

- A. State or national banks domiciled in the State of Texas.
- B. Savings banks domiciled in the State of Texas.
- C. State or federal credit unions domiciled in the State of Texas.
- D. Brokers approved and designated as primary dealers by the Federal Reserve Bank of New York.
- E. Secondary or regional brokers who meet the following requirements:
 - 1. National Association of Security Dealers certified;
 - 2. Carry Texas State Registration;
 - 3. Have net capital of \$1 million or more for Delivery Versus Payment investment transactions or net capital of \$50 million or more for Repurchase Agreement transactions; and
 - 4. Have at least five (5) years of operation.
- F. Local government investment pools, i.e. Texpool, TexSTAR, etc.
- G. S.E.C. registered money market mutual funds.

Due to possible conflicts of interest, we feel that it is in the best interest of the City for the City's depository to be ineligible for quote-qualified investment transactions. Other routine investment transactions, not covered in the scope of this policy such as sweep accounts, certificates of deposit, and float interest earnings, would be allowed with the City's depository.

A written copy of the City's investment policy shall be presented to any financial institution offering to engage in an investment transaction with the City. The qualified representative of the financial institution offering to engage in an investment transaction with the City shall execute an Investment Policy Certification substantially to the effect that the financial institution has:

- A. Received and reviewed the City's investment policy; and

- B. Acknowledged that the financial institution has implemented reasonable procedures and controls to preclude investment transactions conducted between the City and the institution that are not authorized by the City's investment policy, except to the extent that this authorization is dependent on an analysis of the makeup of the City's entire portfolio or requires an interpretation of subjective investment standards.

A list of individual qualified institutions authorized to engage in investment transactions with the City shall, at least annually, be reviewed, revised, and adopted by the City Council (See Attachment C).

All broker/dealers will have on file, with the City, Trading Authorization Agreements.

XII. Security Purchases/Trades

The City will purchase securities on an "as needed" basis only. The City will determine investment requirements based on cash flow analysis and current cash positions. The City will evaluate all bids given for determination of the securities best suited for the City's requirements.

Security selections and term will be determined in accordance with, (1) safety of principal, (2) cash flow needs, (3) investment-type as a percentage of total investment portfolio and (4) yield.

Brokers/dealers are not encouraged to contact the City on currently available securities that the broker/dealers believe are items of interest to the City.

All securities placed will be solicited from no less than three qualified institutions. The Finance Director and Finance Managers will obtain the quotes. All security purchases and trades conducted through the City will be settled with the City's third party custodial bank. The use of Delivery versus Payment (DVP) for investment transactions/purchases, except with investment pools and money market mutual funds, will be continually used by the Finance Director and Finance Managers at the City's third party custodian bank.

The Finance Director and Finance Managers are the only individuals authorized to wire funds for the City. Dual authorization shall be used for all non-repetitive wire transfers.

The City must approve any Substitution of securities on repurchase agreements. The City will only enter repurchase agreements under the terms of the Public Securities Agreement (PSA) – Master Repurchase Agreement format.

XIII. Collateralization Requirements

Consistent with the requirements of the Public Funds Collateral Act, Chapter 2257, Texas Government Code, as amended, the City will require full collateralization of all deposits with depository institutions. To anticipate market changes and provide a level of security, the collateralization level will be 102% of market value of principal and accrued interest on the

deposits less the amount insured by the Federal Deposit Insurance Corporation. Securities pledged as collateral shall be held in the City's name by an independent third party with whom the City has a current custodial agreement. A clearly marked evidence of ownership must be supplied to the City for retention. The City must approve any release and/or substitution of collateral before such action is taken. Collateral shall be reviewed daily to assure that the market value of the securities pledged equals or exceeds the related deposit.

Securities authorized by the Public Funds Collateral Act are acceptable for collateralization purposes.

Private insurance coverage is not an acceptable collateralization form.

XIV. Investment Training

The Finance Director and Finance Managers shall attend:

- A. At least one training session relating to the Finance Director or designated deputies' responsibilities within 12 months after taking office or assuming duties.
- B. Investment training sessions not less than once in a two-year period and receive not less than ten (10) ten hours of instruction relating to investment responsibilities.

Training must include education in investment controls, security risks, strategy risks, market risks, diversification of the investment portfolio, and compliance with the Public Funds Investment Act.

All training shall be from an independent source on the list of approved training seminar sponsors (See Attachment D).

XV. Conclusion

The Finance Director and Finance Managers will adhere to the investment policy in all investment decisions of the City. The Finance Director and Finance Managers will provide quarterly written reports to the City Manager and City Council on the investment activity of the City's investment portfolio.

All current investment activity, which does not comply with the above stated policy, will be allowed to mature, and all future investment activity will be negotiated under the terms of the stated policy.

In conjunction with the annual financial audit, a compliance audit will be performed on management controls and adherence to this policy.

An annual review of the Investment Policy and Strategy will be conducted by the Finance Director and Finance Managers. The Investment Policy and Strategy, with any changes, will then be presented for the City Council to review. Formal adoption of the Investment Policy and Strategy will be documented in the minutes of the City Council meeting and the adopting ordinance.

INVESTMENT STRATEGY – Attachment A

The investment strategy of the City of Fredericksburg, Texas, is adopted to provide investment guidelines that will minimize the risk of loss. To make effective use of the City's resources, all monies shall be pooled into one fund, except for those monies required to be accounted for in other accounts as stipulated by applicable laws, bond covenants, contracts, or City policy. Investment priorities (in order of importance) are as follows:

- A. Suitability – Any investment allowed by the Investment Policy is suitable. Maturity schedules shall be timed according to anticipated needs.
- B. Safety of Principal – All investments should be of high quality with no perceived default risk.
- C. Liquidity – Local government investment pools and mutual funds shall provide daily liquidity. Fixed maturity investments shall provide liquidity as required by anticipated needs.
- D. Marketability – Investments should have an active and efficient secondary market to enable the City to liquidate investments prior to the maturity for unanticipated cash requirements.
- E. Diversification – The city will diversify use of security types, issuers and maturities. With the exception of U.S. Treasury securities, Certificates of Deposits, and authorized pools, no more than 50% of the total investment portfolio shall be invested in a single security type. U.S. Treasury securities have no percentage restriction. Certificates of Deposit and authorized pools individually may be no more than 75% of the total investment portfolio. With the exception of U.S. Treasury securities and Certificates of Deposits, no more than 40% of the total investment portfolio shall be invested with a single issuer. U.S. Treasury securities have no percentage restriction. Certificates of Deposit invested with a single issuer may not exceed 50% of the total portfolio. Maturity schedules shall be timed according to anticipated liquidity needs. The maximum dollar-weight average maturity is 270 days.
- F. Yield – The City's investment strategy is conservative. The benchmark used by the Finance Director and Finance Managers to determine whether market yields are being achieved shall be the 90-day T-bill rate.

INVESTMENT PURCHASING PROCEDURAL CONTROLS – Attachment B

- A. Finance Director and Finance Managers analyze cash flow and determines specific cash flow needs of the City before any current securities mature or any new money is invested.
- B. Finance Director agrees to type of security (as allowed or as authorized by law, contract, or investment policy), denominations, and durations.
- C. Finance Director or designee
 - Obtains three (3) net quotes for securities from authorized brokers listed on Attachment C.
 - Prepares quote listing with relevant information from the officers.
 - Contacts selected offeror with instructions to buy.
- D. Broker faxes, emails, or calls Finance Director with details of the purchase (discount, etc.).
- E. Finance Director or designee contacts safekeeping with details and faxes or emails copy of CUSIP to safekeeping for security verification.
- F. Safekeeping compares CUSIP to delivered securities to initiate payment. The purchase of individual securities shall be executed “delivery versus payment” (DVP) through the Federal Reserve System. By so doing, City funds are not released until the City has received, through the Federal Reserve wire, the securities purchased.
- G. A letter is prepared with Finance Director signature stating all details of the purchase and sent to the broker.
- H. The broker must verify the letter for understanding and correctness of securities purchased, sign it, and return it to the City of Fredericksburg.
- I. The investment portfolio and cash flow documents are updated to reflect security transactions. The Finance Manager reconciles the investment portfolio with the general ledger monthly. The reconciliation is reviewed and approved by the Finance Director.
- J. Safekeeping receipts are received by a finance employee who is independent from the initiating or approval of the purchase and verified with the Daily Balance Report; if correct, the receipts are filed for documentation upon arrival.

LIST OF QUALIFIED INSTITUTIONS - Attachment C

A list of institutions that are authorized to engage in investment transactions with the City shall, at least annually, be reviewed, revised, and adopted. The following institutions, listed by type, are authorized for use by the investment officer.

Brokers/Dealers	Local Government Investment Pools
First Southwest Company Edward Jones King's Capital Advisors	TexPool
Banking Institutions:	Guadalupe Bank
Arrowhead Bank	Happy State Bank
Broadway Bank	PNC Bank
Chase Bank	Security State Bank & Trust
FirstCapital Bank of Texas	Texas Hill Country Bank
First United Bank	Texas Regional Bank

This list shall be revised when necessary throughout the year to account for additions and deletions.

TRAINING SEMINAR SPONSORS – Attachment D

All investment training shall be from an independent source approved by the City Council.
The following sponsors are hereby approved:

- A. Government Finance Officer's Association (GFOA);
- B. Texas Society of Certified Public Accountants (TSCPA);
- C. Texas Municipal League (TML);
- D. Government Treasurer's Organization of Texas (GTOT);
- E. Sponsors approved by the TSCPA and GFOA, GFOAT, GTOT, to provide CEP credits;
or
- F. Other sponsors approved on an individual basis by the Finance Director.



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary

TO: Mayor & City Council Members

FROM:

MEETING DATE: December 19, 2023

CATEGORY: CITY MANAGER'S REPORT

CAPTION: City Manager's Update

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

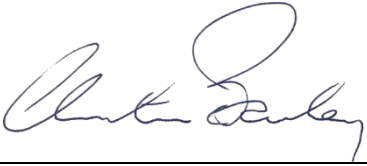
APPROVAL/REVIEW:

William McKamie, City Attorney

Date: December 13, 2023

Shelley Goodwin, City Secretary

Date: December 13, 2023

A handwritten signature in blue ink, appearing to read "Clinton Bailey". The signature is fluid and cursive, with a large loop at the end.

Clinton Bailey, City Manager

Date: December 15, 2023



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary

TO: Mayor & City Council Members

FROM:

MEETING DATE: December 19, 2023

CATEGORY: CITY MANAGER'S REPORT

CAPTION: Fredericksburg Citizen University Update

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: December 15, 2023

City Council Regular Meeting January 2, 2024

2023-105	City Council Minutes December 19, 2023 Regular Meeting	Consent - Approve	Shelley Goodwin	City Secretary
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Future Agenda Items

2023-471	Adopt fees for the John William Klein Meeting room (January)	Approve - 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
2023-489	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 (Spring 2024)	Approve - Ordinance	Andrea Schmidt	Parks and Recreation
2023-342	Approve new pavilion, Tatsch House and other recreational fees (2024)	Approve	Andrea Schmidt	Parks and Recreation
2023-556	Consider approving a bid for renovations at the Pioneer Pavilion to include roof replacement and wall repairs	Approve	Andrea Schmidt	Parks and Recreation

	Fiber Optic	Discuss and Approve	Eric Whiting	IT Department
2024-	Calling the General Election – May 4, 2024 (Ballot language, appointing judges, setting pay, setting voting hours) (2-6-2024)	Approve – Ordinance	Shelley Goodwin	City Secretary
2024-	Calling the Special Election and providing ballot language for Charter Propositions (2-6-2024)	Approve – Ordinance	Shelley Goodwin	City Secretary
2024-	Charter Review Committee Report (January 16, 2024)	Discuss	Bobby Watson	Mayor Pro Tem
2024-646	Consider the approval of a Street Closure Request for W. Austin Street, from N. Crockett to N. Adams from 7:00 a.m. until 7:00 p.m. for the City Hall Open House & Touch-A-Truck event scheduled for Thursday, March 21, 2024 (Jennifer Krupa, Assistant Parks and Recreation Director/Special Events Coordinator).	Approve	Jennifer Krupa	Parks and Recreation
2024-648	2024 parade approvals; consider approval the Fourth of July, Gillespie County Fair, and the Christmas "Light the Night" parades.	Approve	Jennifer Krupa	Parks and Recreation
2023-651	Consider the approval of a Street Closure Request for W. Austin Street, from N. Crockett to N. Adams from 6:00 a.m. until 12:00 p.m., for the Wanderlust Half Marathon event scheduled for Saturday, March 16, 2024	Approve	Jennifer Krupa	Parks and Recreation
2023-652	Consider the approval of a Street Closure Request for W. Austin Street, from N. Crockett Street to N. Adams Street from 3 p.m. to 10 p.m. for the Fredericksburg Volunteer Fire Department Fish Fry scheduled for Saturday, April 20, 2024.	Approve	Jennifer Krupa	Parks and Recreation
2023-654	Consider the approval of a Street Closure Request for the Crawfish Festival scheduled for Memorial Day weekend beginning Friday, May 24, 2024, until Sunday, May 26, 2024, for the following closure dates, times and streets	Approve	Jennifer Krupa	Parks and Recreation

- N. Adams Street - close the parking lane and one southbound lane adjacent to Marktplatz beginning at 7:00 a.m. on Friday, May 24, 2024, and reopen at 10:00 p.m. on Sunday, May 26, 2024; and
- W. Austin Street - close the entire street from N. Crockett to N. Adams Street, beginning at 7:00 a.m. on Friday, May 24, 2024, and reopen at 10:00 p.m. on Sunday, May 26, 2024

2023-656	Consider Texas Historical Commission possible management of Fort Martin Scott (Dec/Jan 2024)	Approve	Andrea Schmidt	Parks and Recreation
2023-638	Request #Z-2309: By Thomas Mackie, Sarah Dak, Raul Rodriguez and Austin Rodriguez to consider the following: A To change the Land Use from Low Density Residential (LDR) to Medium Density Residential (MDR) for properties located at 107, 109, 111, and 113 Shaw Avenue. B. To change the Zoning from R1, Single Family Residential to R2, Mixed Residential for properties located at 107, 109, 111, and 113 Shaw Avenue. i. Presentation by the 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	Approve	Anna Hudson	Development Services
2023-639	Request #Z-2323: By Emmett Gold to consider a Conditional Use Permit per Section 3.220 of the Zoning Ordinance, to operate a Hotel/Motel in a CBD zoned area located at 108 E Ufer Street. i. Presentation by the 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	Approve	Anna Hudson	Development Services
2023-640	Request #Z-2324: By John Scribner to consider a Conditional Use Permit per Section. 3.210 of the Zoning	Approve - Ordinance	Anna Hudson	Development Services

Ordinance to operate a Drive Through in a C2 Zoned area located at the Southeast corner of Friendship Lane and Highway 87 South.

- i. Presentation by the 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
- v. Take action on the Ordinance

2023-638	Request #Z-2309: By Thomas Mackie, Sarah Dak, Raul Rodriguez and Austin Rodriguez to consider the following: A To change the Land Use from Low Density Residential (LDR) to Medium Density Residential (MDR) for properties located at 107, 109, 111, and 113 Shaw Avenue. B. To change the Zoning from R1, Single Family Residential to R2, Mixed Residential for properties located at 107, 109, 111, and 113 Shaw Avenue. i. Presentation by the 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	Approve	Anna Hudson	Development Services
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Upcoming City Council Meetings

January 2, 2024 – City Council Regular Meeting at 9:00 a.m. at the Law Enforcement Center

January 16, 2024 – City Council Regular Meeting at 9:00 a.m. at the Law Enforcement Center

Joint Meeting with Planning and Zoning Commission – to be scheduled for January 2024

Work Session to discuss potential Ordinances.

Special Meeting for Annexation Hearing



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Manager

TO: Mayor & City Council Members

FROM: Garret Bonn, Assistant City Manager

MEETING DATE: December 19, 2023

CATEGORY: EXECUTIVE SESSION

CAPTION: Consider and discuss Real Estate in the vicinity of US 290 East and Industrial Loop (Section 551.072) and

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Government Vision

Quality of Life Vision

ATTACHMENTS:

None

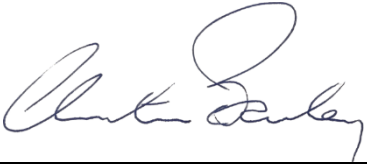
APPROVAL/REVIEW:

Date: December 13, 2023

William McKamie, City Attorney

Date: December 14, 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: December 15, 2023



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Manager

TO: Mayor & City Council Members

FROM: Garret Bonn, Assistant City Manager

MEETING DATE: December 19, 2023

CATEGORY: EXECUTIVE SESSION

CAPTION: Consider and discuss the annual evaluation of the City Manager (Section 551.074)

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Government Vision

ATTACHMENTS:

None

APPROVAL/REVIEW:

William McKamie, City Attorney

Date: December 13, 2023

Shelley Goodwin, City Secretary

Date: December 14, 2023

Date: December 15, 2023

