



City of Fredericksburg

City Council Regular Meeting Agenda
Tuesday, February 20, 2024 ~ 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, February 20, 2024, at 9:00 AM. The City Council's Regular Meetings are broadcast using CivicPlus and can be located on the Agenda page of the City website.

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 is raised that is appropriate for discussion. An announcement will be made on the basis of the Executive Session discussion. The City Council 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

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 February 6, 2024, City Council Regular Meeting Minutes (Shelley Goodwin, City Secretary)

7. OTHER ACTION ITEMS AND UPDATES

- A. Consider the appeal of a denial for a Short-Term Rental Permit Application requested by Justin Hrabovsky for the address located at 110 S. Olive Street (Anna Hudson, Director of Development Services)
- B. Consider a fee reduction request for "Local Dance Hall Nights" at Adelsverein Halle at Marktplatz, up to five days each calendar year (Andrea Schmidt, Director of Parks and Recreation)
- C. Discussion and the consideration of an Agreement with Fredericksburg Parks Foundation, a Texas non-profit organization (Emily Kirchner, Councilmember and Jeryl Hoover, Mayor)
- D. Discussion and provide direction regarding the Hotel Occupancy Tax Recipient Program (Randy Briley, Councilmember and Jeryl Hoover, Mayor)

8. CITY MANAGER'S REPORT

- A. City Manager's Monthly Update
- B. Fire/EMS and Police Department 2023 Annual Report Presentations
- C. Live-streaming meetings

9. ITEMS FOR FUTURE AGENDA

- A. Review the Future Agenda spreadsheet

10. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Sections - 551.071 (Consultation with Attorney) and 551.072 (deliberation Regarding Real Property):

- A. Consider and discuss Real Estate in the vicinity of US 290E and Old San Antonio Rd. (Section 551.072)
- B. Consider and discuss Real Estate in the vicinity of Friendship Ln. and S. Creek St. (Section 551.072)
- C. Consider and discuss the value and possible disposition of city-owned real properties located throughout the City (Section 551.072)
- D. Consider and discuss the State of Texas, et al. Association Against Fredericksburg Annexations vs. City of Fredericksburg, Texas, pending in 216th District Court (551.071)

11. 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.

12. ADJOURN

CERTIFICATION

This is to certify that I, Shelley Goodwin, posted this Agenda at 5:15 p.m. on February 15, 2024, on the bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.



Shelley Goodwin, TRMC/CMC
City Secretary



City of Fredericksburg
CITY COUNCIL REGULAR MEETING MINUTES
TUESDAY, FEBRUARY 6, 2024 ~ 9:00 a.m.
LAW ENFORCEMENT CENTER
1601 E. MAIN STREET
FREDERICKSBURG, TEXAS 78624

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

Members Absent:

None

City Staff Present:

Clinton Bailey, City Manager
Mick McKamie, City Attorney
Garret Bonn, Assistant City Manager
Lynn Bizzell, Fire Chief
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
Justin Calhoun, Emergency Management Coordinator
Krista Wareham, Director of Finance
Aaron Anderegg, Assistant Director of Information Technology
Jennifer Krupa, Assistant Director of Parks and Recreation/Special Events Coordination
Leslie Embrey, Assistant to the City Secretary
Shelley Goodwin, City Secretary

1. CALL TO ORDER

Mayor Hoover called the February 6, 2024, Regular Meeting to order and announced that a quorum had been met.

2. INVOCATION

Mayor Hoover introduced Dave White, Fredericksburg resident who led the invocation.

3. PLEDGE OF ALLEGIANCE

Mayor Hoover led the Pledge of Allegiance.

4. CEREMONIAL MATTERS/PROCLAMATIONS/EMPLOYEE RECOGNITION

Kris Kneese, Director of Public Works and Utilities, introduced a new employee to the Department of Stormwater Vegetation Management, Christian Henkle.

5. COUNCIL COMMENTS

Councilmember Kirchner reported on the following:

- Sidewalk budget increase and current project at Old Fair Park to Ufer Street and how this improved walkability in this area. She also noted the addition of a Security Guard, which is beneficial to the park. She also thanked Andrea Schmidt, Director of Parks and Recreation, for helping make this area safer.
- She thanked the members of the Comprehensive Planning Advisory Committee-Brady Closson, Tim Crenwelge, Todd Eidson, Jacob Grant, Cindy Heifner, Jim Jarreau, Tony Klein, Keith Kramer, Richard Laughlin, Tim Lehmberg, Penny McBride, Jim Mikula, Polly Rickert, Joe Rodriguez, Mike Starks, Amanda Stevens, and Sarah Washburne.
- Lennar Development and Eagle Nest STRs, a lot of runoff into the low crossing, the process to ensure the Development are good neighbors.

Councilmember Briley stated he attended the first Fredericksburg Citizen University on January 23rd. He thanked all of those who participated and felt it is a great way to get others involved within our City and for the City to provide transparency.

Councilmember Klein stated he attended the Market Square Redevelopment Commission meeting on January 29th where the Fredericksburg Food and Wine Fest was discussed.

Mayor Pro Tem Watson provided the following report:

- January 17th Airport Advisory Board Strategic Planning Meeting and then the Regular Meeting
 - T- Hangers are 100% filled with 30 on the waiting
 - Fuel Sales were behind, but this last quarter had an increase
- January 19th Gillespie County Economic Development Commission Strategic Planning Meeting, where great things are going on within the City

7. ORDINANCES, RESOLUTIONS AND PUBLIC HEARINGS

- A. Consider the approval of Ordinance 2024-06, amending Section 24.500, "Fees For Use of Marktplatz," of Article 24.000, "Recreational Fees," of Appendix A, "Fee Schedule," of the Code of Ordinances, City of Fredericksburg, Texas, by providing for fees for the use of John Wm. Klein Meeting Room; providing that this Ordinance shall be cumulative of all ordinances; providing a severability clause; and providing an effective date**

Andrea Schmidt, Director of Parks and Recreation, stated the project's construction has been completed. She feels the fees should be adopted so reservations may begin, and suggested fees should be based on a cost recovery and not for profit. The Market Square Redevelopment Commission approved the staff recommendations for the fees. The recommended fees for the new John Wm. Klein Room are as follows:

Daily rental fee for Monday through Friday from 8:00 a.m. until 10:00 p.m.

- Gillespie County residents and non-profit organizations is \$500.00
- Non-Gillespie County residents and for-profit organizations is \$650.00.

Weekend rental fee for Saturday and Sunday rental, Saturday 8:00 a.m. until 10:00 p.m.

- Gillespie County residents and non-profit organizations is \$1,000.00.
- Non-Gillespie County residents and for-profit organizations is \$1,300.00.

Security Deposit (all rentals): \$500.00 for events without alcohol;\$1,000.00 for events with alcohol.

Security Deposits are refundable if the facility is returned to the same or better condition than found.

The City Council discussed the following:

- A great addition to the community
- Rental fees
- Deposits
- Adding another employee to assist with bookings

Motion: A motion was made by Mayor Pro Tem Watson, seconded by Councilmember Kirchner, for the approval of Ordinance 2024-06, amending Section 24.500, "Fees For Use of Marktplatz," of Article 24.000, "Recreational Fees," of Appendix A, "Fee Schedule," of the Code of Ordinances, City of Fredericksburg, Texas, by providing for fees for the use of John Wm. Klein Meeting Room; providing that this Ordinance shall be cumulative of all ordinances; providing a severability clause; and providing an effective date. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

B. Consider the approval of Ordinance 2024-07, amending Section 24.500, "Fees For Use of Marktplatz," of Article 24.000, "Recreational Fees," of Appendix A, "Fee Schedule," of the Code of Ordinances, City of Fredericksburg, Texas; providing that this Ordinance shall be cumulative of all ordinances; providing a severability clause; and providing an effective date

Andrea Schmidt, Director of Parks and Recreation, reviewed the history of the fee schedule and the directions she was given during the budget. She stated a fee increase for using Marktplatz is being proposed over three years to double the current reservation fees. In addition, staff would also like to charge a refundable security deposit for all events held at Marktplatz. Staff would also like to charge for races, runs, walks, and rides, an additional service fee, remove the option to rent Marktplatz for a week at a time, and only allow rentals on a daily basis.

The City Council discussed the following:

- Fees
- Deposits
- Documentation before and after each rental

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Briley, for the approval of Ordinance 2024-07, amending Section 24.500, "Fees For Use of Marktplatz" of Article 24.000, "Recreational Fees," of Appendix A, "Fee Schedule," of the Code of Ordinances, City of Fredericksburg, Texas; providing that this Ordinance shall be cumulative of all ordinances; providing a severability clause; and providing an effective date. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

C. Consider the approval of Ordinance 2024-08 calling a General Election on May 4, 2024, for the City of Fredericksburg for the purpose of electing a Mayor and two (2) City Councilmembers to the City Council, making provisions for conducting such an election and resolving other matters related to the conduct of such election

Shelley Goodwin, City Secretary, reviewed the Ordinance and stated the purpose of the General Election is to elect a Mayor and two (2) Councilmembers. She reviewed the hours of Early Voting and the hours of the Fredericksburg ISD Election.

The City Council discussed the voting hours for Early Voting.

Motion: A motion was made by Councilmember Klein, seconded by Councilmember Briley, to amend the Early Voting hours, with the last two days being 12-hour days. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Mayor Pro Tem Watson, seconded by Councilmember Klein, to approve Ordinance 2024-08, calling a General Election on May 4, 2024, for the City of Fredericksburg to elect a Mayor and two (2) City Councilmembers to the City Council, make provisions for conducting

such an election and resolving other matters related to the conduct of such election. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

D. Consider the approval of Ordinance 2024-09 ordering a Special Election by the qualified voters of the City of Fredericksburg, Texas, on May 4, 2024, for the purpose of submitting to the qualified voters of said City, for adoption or rejection, twenty-three (23) proposed amendment to the existing Charter of the City of Fredericksburg and ordaining related matters

Shelley Goodwin, City Secretary, reviewed the Ordinance and the reason for the Special Election.

The City Council discussed the italics and periods after the Section titles and the Early Voting hours.

Motion: A motion was made by Councilmember Klein, seconded by Councilmember Briley, to amend the Early Voting hours, with the last two days being 12-hour days. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Kirchner, seconded by Mayor Pro Tem Watson, for the approval of Ordinance 2024-09 ordering a Special Election by the qualified voters of the City of Fredericksburg, Texas, on May 4, 2024, for the purpose of submitting to the qualified voters of said City, for adoption or rejection, twenty-three (23) proposed amendment to the existing Charter of the City of Fredericksburg and ordaining related matters with amendment to remove the italics. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

E. Consider the approval of Resolution 2024-01R related to City support of MAC-RE, LLC's proposed rehabilitation of the Fredericksburg Senior Apartments located at 591 E. Highway St.

Robbie Meyers, Mac-RE, LLC., provided a PowerPoint presentation. She stated they applied for housing credit on January 5th. She reviewed the USDA housing tax credit program and point system. She also reviewed the process and timeline that will be used to rehabilitate the senior apartments. She reviewed the need for the Resolution.

The City Council discussed the following:

- The need for the remodeling
- Low-income housing
- The year the complex was built

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, for approval of Resolution 2024-01R related to City support of MAC-RE, LLC's proposed rehabilitation of the Fredericksburg Senior Apartments located at 591 E. Highway St. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

8. OTHER ACTION ITEMS AND UPDATES

A. Consider awarding the Pioneer Pavilion Roof replacement bid for \$86,850 to Diamond K Construction

Andrea Schmidt, Director of Parks and Recreation, reviewed the project and the bid process. She also noted the bids came in under budget. She recommended awarding the bid to Diamond K Construction.

Motion: A motion was made by Councilmember Briley, seconded by Mayor Hoover, to award the Pioneer Pavilion Roof replacement bid for \$86,850 to Diamond K Construction. The City Council voted four (4) for, none (0) opposed, and one (1) abstain (Councilmember Klein). The motion carried unanimously.

B. Discussion and the consideration of an Agreement with FBG Friends of the Fields, a Texas non-profit organization, relating to a soccer complex located at Oak Crest Park

Garret Bonn, Assistant City Manager, reviewed the Agreement and recent change to Article 6, Naming Rights. He stated FBG Friends of Fields would like to have the naming rights, which they believe will assist them with their fundraising efforts. He noted the differences between Phase 1 and 2 and the City's financial responsibilities.

The City Council discussed the following:

- The Phases
- Estimated budget for water, maintenance, and janitorial
- Thanked Dan Kemp and the soccer group for their hard work on the project

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, for of an Agreement with FBG Friends of the Fields, a Texas non-profit organization, relating to a soccer complex located at Oak Crest Park. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

C. Consider the approval of a Right Of Way Joint Use Agreement with Samuel K. Weber and the City of Fredericksburg for the property located at 209 N. Crockett Street

Kris Kneese, Director of Public Works/Utilities, stated this Agreement is a clean-up item brought to City Staff. He reviewed the property and the need for the R-O-W Use Agreement and stated that the staff recommended approval.

The City Council discussed the Agreement and whether there is an impact on City services.

Motion: A motion was made by Councilmember Klein, seconded by Councilmember Kirchner, for the approval of a Right Of Way Joint Use Agreement with Samuel K. Weber and the City of Fredericksburg for the property located at 209 N. Crockett Street. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

D. Discussion and possible action regarding the Fredericksburg Food and Wine Fest

Mayor Pro Tem Watson stated that the City Council made the necessary changes to the Fredericksburg Food and Wine Fest and that the Chamber of Commerce has requested to take over the Festival.

Councilmember Klein stated the Market Square Redevelopment Commission recently met to discuss the Fredericksburg Food and Wine Fest.

Jim Mikula, Director of the Chamber of Commerce, provided the attached PowerPoint.

Tim Crenwelge, Chair of the Market Square Redevelopment Commission, stated he is glad to see an organization taking the Festival over and hopes the profits will continue to fund the improvement of Market Square.

The City Council discussed the following:

- The history of the Festival
- Keeping the event in October and focusing on holding events throughout the week
- The Chambers of Commerce's vision of the Festival
- Honoring the previous committee and their hard work
- Adding Tim Crenwelge to the Festival Steering Committee

Motion: A motion was made by Councilmember Briley, seconded by Mayor Pro Tem Watson, to approve the Chamber of Commerce to host the Fredericksburg Food and Wine Fest and include past Steering Committee members. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

E. Discussion and the consideration of an update to the City of Fredericksburg and Gillespie County Hazard Mitigation Plan

Justin Calhoun, Emergency Management Coordinator, reviewed the City of Fredericksburg and Gillespie County Hazard Mitigation Plan. He noted the need for the Plan and once approved, then he will send to FEMA. Once the FEMA approves, they will be eligible for FEMA funds if an emergency occurs.

Motion: A motion was made by Mayor Pro Tem Watson, seconded by Councilmember Kirchner, to approve the update to the City of Fredericksburg and Gillespie County Hazard Mitigation Plan. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

9. CITY MANAGER'S REPORT

A. Update on Comprehensive Plan and Parks Master Plan

Anna Hudson, Director of Development Services, stated the draft of the Comprehensive and Parks Master Plan is available on the City website. She stated a City Council and Planning and Zoning Commission Joint Meeting will be held on February 20th at 5:30 p.m. at the University Center. She also reviewed the adoption process and timeline.

10. ITEMS FOR FUTURE AGENDA

A. Review the Future Agenda spreadsheet

Eric Hammersen, City resident, spoke regarding the Fort Martin Scott and the Texas Historical Commission listed on the Future Agenda spreadsheet.

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

Councilmember Briley asked that the Hotel Occupancy Tax Receipt process be added to the February 20, 2024 Regular Meeting.

11. EXECUTIVE SESSION

- A. Consider and discuss the State of Texas, ex rel. Association Against Fredericksburg Annexations vs. City of Fredericksburg, Texas, pending in 216th District Court (551.071)**
- B. Consider and discuss Real Estate in the vicinity of Old San Antonio Rd. and Gravel Lane (Section 551.072)**
- C. Consider and discuss Real Estate in the vicinity of US 290E and Industrial Loop (Section 551.072)**
- D. Consider and discuss the value and possible disposition of city-owned real properties located throughout the City (Section 551.072)**

Motion: A motion was made by Councilmember Kirchner and a second by Councilmember Klein to go out of Regular Session into Executive Session at 11:30 a.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Mayor Pro Tem Watson, seconded by Councilmember Klein, to go out of the Executive Session and into the Regular Meeting at 11:30 a.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

12. BUSINESS ITEM

No action was taken.

13. ADJOURN

With no other business, Mayor Hoover adjourned the Tuesday, February 6, 2024, City Council Regular Meeting at 11:32 a.m.

Jeryl Hoover
Mayor

Shelley Goodwin, TRMC/CMC
City Secretary



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Development Services

TO: Mayor & City Council Members

FROM: Anna Hudson, Director of Development Services

MEETING DATE: February 20, 2024

CATEGORY: OTHER ACTION ITEMS AND UPDATES

CAPTION: Consider the appeal of a denial for a Short-Term Rental Permit Application requested by Justin Hrabovsky for the address located at 110 S. Olive Street (Anna Hudson, Director of Development Services)

PRESENTATION:

SUMMARY:

The 2024 Short Term Rental Ordinance requires appeals of denials of new or renewing Short Term Rental permit applications to be reviewed by City Council.

STR Permits must be posted on-site and show both the date issued and expiration date.

Since 2018 STR permits have expired after a year and must be renewed.

Hotel Occupancy Taxes are to be collected by the operator and remitted to the City (7%) and State (6%) separately.

BACKGROUND:

The new STR Ordinance went into effect on January 1, 2024, and STR Unoccupied is no longer an allowed use in R2 zoning. 110 S. Olive has R2 zoning and applied to renew an STR Unoccupied permit after the 2024 Ordinance went into effect.

110 S. Olive first applied for an STR permit on December 13, 2021. It was inspected on January 21, 2022 and the permit was issued through Avenu to McGregor LLC. The house then underwent a major remodel. The current owner purchased the property in September 2022. The buyer had experience with STRs and knew permits needed to be transferred within 10 days and so he reached out to staff to make the transfer in September of 2022. There are no records of the inspection being scheduled or completed. The remodel triggered the need for a new inspection as did the transfer of ownership. The original STR permit expired in November 2022. During the transition from Avenu to Granicus staff allowed a "grace" period of 90 days for expired properties to come into compliance given issues with switching software.

Having a physical copy of the permit posted in the STR is a requirement and shows the expiration date. After the initial email to staff in September 2022, no contact with the City was made.

During the fall of 2023 changes to the STR Ordinance were proposed and staff notified all property owners by letters via USPS and an STR newsletter was e-mailed to all STR owners out explaining the proposed STR changes. The STR webpage was updated with proposed changes and included

dates of public meetings.

The STR specialist discovered the 110 S Olive permit was expired and delinquent on HOT and reached out by e-mail on NOVEMBER 20, 2023, letting the owner know he needed to register/transfer and also renew for 2 years' worth of permits. A separate e-mail was sent on December 22, 2023, to the same owner regarding his other property at 109 S. Edison that also failed to remit HOT or renew. The e-mail highlighted the importance of updating the permit before December 31st as the new STR ordinance would go into effect. The owner was also notified by letter by the finance department that H.O.T. was delinquent each quarter of 2023 and no responses were made.

An STR Violation letter was left on the property on January 2, 2024, by Code Enforcement and the owner finally made contact with staff on January 3, 2024.

H.O.T. funds were not remitted to City of Fredericksburg finance department for any rentals and so the property accrued \$3,076 in back H.O.T and late fees that were paid on January 31, 2024.

Sec. 20-225. – Appeal.

(a) The director's denial of an application for a permit to operate a short-term rental, whether an initial application or a renewal application, may be appealed to the city council in accordance with the provisions of this section. Enforcement of this article shall be stayed during the pendency of any appeal pursuant to this section.

(b) An appeal filed under this section must be filed with the director no later than the 20th day following the date on which the permit was denied. The appeal must be sworn and must identify each alleged point of error, facts and evidence supporting the appeal, and reasons why the action of the director should be modified or reversed.

(c) The city council shall, at the next regularly scheduled city council meeting following the expiration of fourteen (14) calendar days following the perfection of the appeal, hear the appeal, and may affirm, modify, or reverse an application denial. The city council shall give written notice of a decision on an appeal to the appellant.

(d) An appellant who seeks judicial review of the city council's review on appeal, or of the city council's decision to revoke or suspend a permit, must file a petition with a court of competent jurisdiction located in Gillespie County, Texas. Such judicial review shall be governed by the procedural rules contained in section 211.011 of the Texas Local Government Code as if the board of adjustment had conducted the review on appeal.

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

The initial permit became invalid when it was not reinspected after transfer or remodel. It also expired for lack of renewal . Hotel Occupancy Taxes were not paid. Staff reached out multiple times. The owner failed to keep the permit in compliance and is now not eligible for permit renewal.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning
Government Vision

ATTACHMENTS:

1. STR 110 S Olive Permit
2. Appeal for 110 S Olive
3. initial email to staff regarding transfer
4. email from Jan Nov 2023 status of 110 S Olive
5. email from Jan M in Jan 2024pdf
6. delinquent HOT letters 2023 for 110 S olive
7. email from Darren lack of HOT remittance
8. email with mayor and anna
9. 110 S Olive Zoning STR Map
10. photos and GCAD info 110 S Olive

APPROVAL/REVIEW:



Anna Hudson, Director of Development Services

Date: February 14, 2024



Krista Wareham, Director of Finance

Date: February 14, 2024

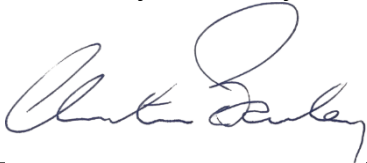
William McKamie, City Attorney

Date: February 14, 2024



Shelley Goodwin, City Secretary

Date: February 15, 2024



Clinton Bailey, City Manager

Date: February 15, 2024

City of Fredericksburg, TX

Short Term Rental Certificate of Compliance

NON-TRANSFERABLE - POST IN A CONSPICUOUS PLACE
THIS CERTIFICATE EXPIRES 11/30/2022

Date Issued: 1/21/2022

Permit No: 8056001723

Permit Issued to: 8001 MCGREGOR LLC
OLIVE STREET RETREAT
217 US 87
COMFORT, TX 780130000

Account No: 686689

Zoning: R2

Unit Location: 110 S OLIVE STREET
FREDERICKSBURG, TX 78624

Daytime Occupancy Limit: 8

Operator: 8001 MCGREGOR LLC

Nighttime Occupancy Limit: 8

Contact Person: TYLER OBRIEN 512-844-0183

Parking Location: 4 - DRIVEWAY/GARAGE

Other Information: Refuse is handled by the operator. Do not overload cart. No exposed refuse.

This Certificate has been issued according to the requirements of the City of Fredericksburg Code of Ordinance, Chapter 23 Planning, Article V, Short Term Rental, certifying that at the time of the inspection, this structure complied with the various ordinances of the Jurisdiction regulating STR use.

NOTICE: Guests are responsible for compliance with all applicable laws, rules, and regulations pertaining to the use of the Short Term Rental unit. Guests may be fined by the City for violations of this article.

NOTICE: All functions such as weddings, parties, or other gatherings are prohibited at the short term rental excepting Short Term Rentals located in the commercial zoning district.



The City of Fredericksburg

THIS CERTIFICATE DOES NOT PERMIT BUSINESS OPERATION UNLESS YOUR BUSINESS IS PROPERLY ZONED, AND/OR IN COMPLIANCE WITH ALL APPLICABLE LAWS/RULES.

This is NOT A BILL.

This certificate must be posted.

Avenu
Issuing Authority

Questions regarding this license should be addressed to Avenu at (866) 240-3665

Justin Hrabovsky
16265 Sawyer Ranch Rd
Dripping Springs, TX 78737
justinh@cmgfi.com
512-665-8353
1/24/2024

City of Fredericksburg / Director of Development Services
Anna Hudson

Subject: Appeal for Denial of renewal of expired Short-Term Rental Permit Application

Dear Anna Hudson,

I am writing to appeal the denial of my short-term rental permit application, which was issued by City of Fredericksburg based on the new city ordinance. The existing permit number for this dwelling is permit # 8056001723 and was issued as a non-conforming unoccupied permit. and I received the denial email 1/09/2024.

I appreciate the work that the city is doing to regulate short-term rentals and ensure the well-being of the community. However, I believe that my application should be considered differently because the dwelling unit at 110 Olive St that I purchased had an existing/active Non-conforming Unoccupied permit # 8056001723 when I purchased the property in September of 2022. I did as told, and what I knew to be done at that time and requested to City of Fredericksburg within 10 days for transfer of ownership for that permit. I also followed up 2 more times that same month in Sept 2022 and got no response by the City's department regarding my request for transfer of ownership. This is documented which you already have. I admit was unfamiliar with all the processes and protocol that City had per STR permit renewal requirements. Also the city was going through software permit change back then from one system to another which I believe made it more cumbersome and was a manual process. I let the permit expire negligently. Not intentionally but again was unfamiliar with the processes the city had in place. The process Fredericksburg has is very different than many jurisdictions have around STR's and was unfamiliar to me. I am fully aware now. I assure you that. I have paid all HOT taxes owed now since I owned and operated as an STR.

Property has a Non-Conforming Unoccupied Permit: My property has a permit as being zoned R2 and having had an existing Non-conforming Unoccupied permit #8056001723 created 12/29/2021. Currently expired.

Property Suitability: My property is well-suited for a short-term rental (non-conforming unoccupied), and I have taken all necessary measures to address any concerns regarding noise, parking, dark skies and overall neighborhood impact. The property has been operating as a short term rental by my wife and I with no documented complaints by anyone or neighbors. We are also located near what I'm told are 2 active unoccupied properties on same street at corner side of home and over 5 commercially zoned properties within 200 ft since we are half block off main street behind what was Navajo Grill.

Community Benefits: I believe that my short-term rental will contribute positively to the community by benefits such as increased tourism, local economy support, taxes, supporting several local sole proprietor business support (cleaners, landscapers, laundry services, design services, décor shops, electrician and plumbers) on an ongoing basis.

I kindly request a reconsideration of my application and an opportunity to address any concerns or provide additional information as needed. I am more than willing to work collaboratively with the city to ensure that my short-term rental complies with all regulations going forward and contributes positively to the neighborhood on an ongoing basis. I am just requesting to have the permit back that expired on this same dwelling unit. This isn't adding additional STR's to the pool in area and allowing a reactivation of a permit that I let expire. I didn't know next steps after I went un-responded too for transfer of ownership by City after 3 requests and was not familiar with the protocol afterwards and went along with life at the time. I am attempting to make everything right and better than it was before. My wife and I have nothing but 5-star guest reviews, a guest favorite for area, and refer many local businesses for various services constantly. We are not a detriment to the community. My family and I also personally frequent the home often with friends, family ect. My wife and I got married in Fredericksburg in 2008. We share many experiences in area ourselves often throughout the year by staying at the home and have introduced many to the area that wouldn't have been before. Not allowing us to continue to have the Non-conforming unoccupied permit would be a series of devastating economic, emotional and physiological events for my family.

Thank you for your time and consideration. I look forward to the opportunity to discuss my appeal and variance further.

Sincerely,

Justin Hrabovsky

JURAT

State/Commonwealth of TEXAS)
)
☐ City ☒ County of Tarrant)

On 01/29/2024, before me, Danielle L Harvey,
Date *Notary Name*

the foregoing instrument was subscribed and sworn (or affirmed) before me by:
Justin Robert Hrabovsky

Name of Affiant(s)

- ☐ Personally known to me -- **OR** --
- ☐ Proved to me on the basis of the oath of _____ -- **OR** --
Name of Credible Witness
- ☒ Proved to me on the basis of satisfactory evidence: driver_license
Type of ID Presented

WITNESS my hand and official seal.

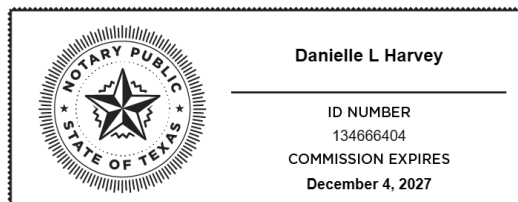
Notary Public Signature: _____
Notary Name: Danielle L Harvey
Notary Commission Number: 134666404
Notary Commission Expires: 12/04/2027
Notarized online using audio-video communication

DESCRIPTION OF ATTACHED DOCUMENT

Title or Type of Document: Letter of appeal
29th January 2024

Document Date: _____

Number of Pages (including notarial certificate): 2



Electronically signed and notarized online using the Proof platform

RE: Follow up

Justin Hrabovsky <justinh@cmgfi.com>

Sat 9/17/2022 8:32 PM

To: Shelby Collier <scollier@fbgtx.org>

Cc: Justin Hrabovsky <justinh@cmgfi.com>; justin_hrabovsky <justin_hrabovsky@yahoo.com>

 2 attachments (386 KB)

STR 110 S Olive Permit.pdf; dvbdysuf5imageuploadOpenSenseCMGAssetstestimonial_TestimonialTreeinline1.jpg;

Hi Shelby,

We meet again 😊 I am emailing you as I need to inform you of transfer of Application. I bought another property in town at 110 S Olive St. Fredericksburg TX. That I closed on September 2nd. I am to notify yall within 10 business days after that date of transfer of ownership to transfer the existing STR permit. With Monday the 4th being Federal holiday (labor day) the 10th business day would be Monday the 19th. So sending now. 😊 Also attached is the existing permit on property for ref. The contact info for me for owner/operator is same as last time we connected which is below. Please let me know if I need to email inspections again to schedule that again too? Thank you.

The 5H Legacy Revocable Living Trust
16265 Sawyer Ranch Rd
Dripping Springs TX 78737

Operator: The 5H Legacy Revocable Living Trust

Contact Person:
Justin Hrabovsky
512-665-8353
Justin_hrabovsky@yahoo.com
16265 Sawyer Ranch Rd
Dripping Springs TX 78737

**Justin Hrabovsky**

Branch Manager / Sr Loan Officer

✉ justinh@cmgfi.com

📞 (512) 874-3780 | 📠 (512) 665-8353

📍 11200 Menchaca Rd Bldg 4 Suite 5, Austin, TX 78748

[APPLY NOW](#) | [MYSITE](#) |

NMLS# 1022103 | BRANCH NMLS# 1635099 | CORPORATE NMLS# 1820

CMG

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 **4.83** 315 Reviews >

From: Shelby Collier <scollier@fbgtx.org>
Sent: Tuesday, May 3, 2022 10:31 AM
To: Justin Hrabovsky <justinh@cmgfi.com>
Cc: justin_hrabovsky <justin_hrabovsky@yahoo.com>; inspections <inspections@fbgtx.org>
Subject: RE: Follow up

This message originated from outside CMG. Please use caution when opening links and attachments.

Thank you Justin,

This information has been updated.

Please schedule the necessary inspection to complete the transfer of this permit.

You may do so by emailing an inspection request to inspections@fbgtx.org copied in this email for your convenience.

Have a blessed day!



"We're leading with integrity while providing the best customer services to our community."

Shelby Collier/ Associate Planner/ City of Fredericksburg
O. 830-990-2013/ scollier@fbgtx.org

From: Justin Hrabovsky <justinh@cmgfi.com>
Sent: Friday, April 29, 2022 3:44 PM
To: Shelby Collier <scollier@fbgtx.org>
Cc: Justin Hrabovsky <justinh@cmgfi.com>; justin_hrabovsky <justin_hrabovsky@yahoo.com>
Subject: RE: Follow up

Thanks for reply. Below I highlighted from new ordinance shows I am to be complete a transfer of permit application? This is was what I am referencing help with since I cannot locate anywhere on FBTX site.. I have copies of all the ordinance changes but it specifically referencing transfer of permit application... This is where I need direction on where to complete this application asap per new ordinance and the application is not on new vendor Granicus website either...

- d. A new owner of an STR shall notify the City in writing, within ten (10) business days after the change in ownership, notifying of any changes in ownership, contact information, management company information, and local contact person. A new owner of an STR shall submit a transfer of permit application to the City within ten (10) business days after the change in ownership.

But per your email, ownership change info for the attached existing permit on my property is as follows:

The 5H Legacy Revocable Living Trust
16265 Sawyer Ranch Rd

Dripping Springs TX 78737

Operator: The 5H Legacy Revocable Living Trust

Contact Person:

Justin Hrabovsky

512-665-8353

Justin_hrabovsky@yahoo.com

16265 Sawyer Ranch Rd

Dripping Springs TX 78737

Thank you



[Call Me](#) | [Directions](#) | [MySite](#) | [Apply Now](#) | [Secure Document Transfer](#)
P.S. Please take a second to fill out a quick testimonial! [Click Here](#).



From: Shelby Collier <scollier@fbgtx.org>
Sent: Friday, April 29, 2022 3:21 PM
To: Justin Hrabovsky <justinh@cmgfi.com>
Subject: RE: Follow up

This message originated from outside CMG. Please use caution when opening links and attachments.

Good afternoon Justin,

Upon adoption of Ordinance No. 2022-13 (STR Ordinance Amendment) STR Permits are transferable to new ownership and would require an email to staff updating the necessary information such as ownership phone, email, mailing address and local contact phone, email and mailing address.

Then an inspection is required to confirm the transfer. Inspections may be requested by emailing inspections@fbgtx.org.

Please click [here](#) to view the recently adopted Short-Term Rental Ordinance (No. 2022-13) or [here](#) for a Summary of the changes.

For more information regarding Short-Term Rentals please [here](#) to visit the Short-Term Rental Webpage.

Please feel free to contact me if you have additional questions.

Have a blessed day!



"We're leading with integrity while providing the best customer services to our community."

Shelby Collier/ Associate Planner/ City of Fredericksburg

O. 830-990-2013/ scollier@fbgtx.org

From: Justin Hrabovsky <justinh@cmgfi.com>

Sent: Friday, April 29, 2022 10:44 AM

To: Shelby Collier <scollier@fbgtx.org>

Subject: RE: Follow up

Resending below because your auto reply directing to Granicus doesn't address my concern and need about the transfer of permit application due to ownership change.. Please advise. Thanks so much!

Hi Shelby!

I am following up on a VM I left you yesterday. I was transferred to you yesterday morning for information on steps to notify change of ownership (within 10 days) as being new of an active STR. Cannot seem to find the transfer of permit application on city site? Any way you can send to me and next steps please!? Thank you. Happy Friday! 😊



[Call Me](#) | [Directions](#) | [MySite](#) | [Apply Now](#) | [Secure Document Transfer](#)

P.S. Please take a second to fill out a quick testimonial! [Click Here](#).



From: Shelby Collier <scollier@fbgtx.org>

Sent: Friday, April 29, 2022 9:20 AM

To: Justin Hrabovsky <justinh@cmgfi.com>

Subject: Automatic reply: Follow up

This message originated from outside CMG. Please use caution when opening links and attachments.

If you are inquiring about a Short-term Rental Permit, please note, as of April 1, 2022, we officially moved from Avenu Insights and Analytics to Granicus LLC for Short-term Rental (STR) management and Hotel Occupancy Tax Collections and implemented the new Short Term-Rental Ordinance.

Please see the following link to access the Granicus online portal:

<https://secure.hostcompliance.com/fredericksburg-tx/permit-registration/welcome>

At the moment, the link is the same for a renewal and new applications.

If you have already remitted your HOT, please answer no when asked if you have revenue to report for the previous quarter.

Please click [here](#) to view the recently adopted Short-Term Rental Ordinance. For more information regarding Short-Term Rentals please click [here](#) to visit the Short-Term Rental Webpage.

Thank you for your patience as we transition to Granicus for our Short-term Rental and Hotel Occupancy Tax services.

Have a blessed day!

FW: 110 S Olive - STR PERMIT EXPIRED - HOT ISSUES

Jan Musgrove <jmusgrove@fbgtx.org>

Wed 2/14/2024 3:28 PM

To: Anna Hudson <ahudson@fbgtx.org>

Cc: Shelby Collier <scollier@fbgtx.org>

From: Jan Musgrove

Sent: Monday, November 20, 2023 11:17 AM

To: justinh@cmgfi.com

Subject: 110 S Olive - STR PERMIT EXPIRED - HOT ISSUES

Good morning,

City staff have identified that 110 S OLIVE – currently does not have an active STR permit (Expired 11/30/22), and it appears that HOT (Hotel Occupancy Tax) is delinquent for all of 2022 and 2023..

Please contact Darren Eckhardt, HOT (Hotel Occupancy specialist) for the City of Fredericksburg, to come in compliance with HOT.

As there is no evidence of a renewal for 2022/2023 permit year, 2 registrations are necessary to bring this property into compliance for the 2024 permitted year and avoid a notice of violation.

To remain in compliance with the [Ordinance Sec. 5.401](#), please renew using the instructions below at your earliest convenience.

This property appears to have changed hands in September of 2022, and a remodel was completed. A STR inspection is required when modifications are made to a STR, please see the attached STR inspection checklist. Once you have addressed all the items on the list, please email me to schedule a STR inspection.

STR Inspections are performed on Wednesdays only from 9am to 11am and again from 2pm to 4pm. Access information will need to be supplied when scheduling in the inspection.

Here are step by step instructions:

[Granicus online Portal](#). Create an account if you don't already have one– get your email verified.

Log in - Go to the top of the website and select the **services tab**, click on **Short-term rental registration** – answer the question, **“Do you have an existing short-term rental?” – with NO**

Fill out the required information.

You will need your parcel Id – found on 20981 - [Gillespie County cad website](#)

You will need your zone – R2 - [City of FBG Zoning map](#)

You will need your type of STR – nonconforming – identifies the property as “grandfathered.”

You will need a parking/floor plan – I have attached for your convenience, please use this as a place holder as the city has your originals on file.

FYI – fees are as follows \$150 for the 1st bedroom and \$100 for each additional bedroom – e.g., 3 bedrooms would be \$350 plus processing fees – you may pay with an ACH or a credit/debit card on the Granicus site.

If you have any questions, please contact me, I am happy to help.

Regards,



"We're leading with integrity while providing the best customer services to our community."

Jan Musgrove / STR Specialist / City of Fredericksburg

[SHORT TERM RENTAL WEBSITE](#)

str@fbgtx.org

O. 830-997-7521 ext: 2028

RE: str permit for 109 S Edison expired 3/11/23 - and HOT Delinquent

Jan Musgrove <jmusgrove@fbgtx.org>

Wed 1/3/2024 1:37 PM

To: Justin Hrabovsky <justinh@cmgfi.com>

Cc: Darren Eckhardt <deckhardt@fbgtx.org>; Anna Hudson <ahudson@fbgtx.org>

 1 attachments (864 KB)

2024 STR Life Safety Inspection Checklist.pdf;

Good afternoon, Justin,

Thank you for your email.

The permit is an annual permit and needs to be renewed prior to the expiration date in order to stay in compliance with the ordinance.

I see that you recently registered both 109 S Edison and 110 S Olive thru the Granicus system, which is the instructions I sent in November of 2023 on 110 S Olive. I am sorry to say that on January 1, 2024, the city switched software companies and Granicus should not have allowed access to registrations after midnight on December 31, 2023.

I will be refunding your registrations thru Granicus. You should receive your refund soon. Please renew your permits thru our new software provider, [MGO](#)

109 S Edison – requires 1 renewal as it expired 3/11/23.

110 S Olive requires 2 renewals as it expired on 11/30/2022 – so will need one for 2023 and for 2024.

An inspection is now required on all renewals – new ordinance passed on November 7th, 2023, adopted January 1, 2024. [STR Website](#), to view the new ordinance and fees.

Staff will contact you once renewals are received to schedule the STR inspections on the properties. I have attached the STR Life Safety inspection Checklist for your review.

Darren Eckhardt, the HOT specialist will assist you with your HOT remittance on the property's. I have copied him in on this email.

If you have any questions, please feel free to contact me.

Sincerely,



"We're leading with integrity while providing the best customer services to our community."

Jan Musgrove / STR Specialist / City of Fredericksburg

[SHORT TERM RENTAL WEBSITE](#)

jmusgrove@fbgtx.org

O. 830-997-7521 ext: 2028

From: Justin Hrabovsky <justinh@cmgfi.com>
Sent: Wednesday, January 3, 2024 12:38 PM
To: Jan Musgrove <jmusgrove@fbgtx.org>
Subject: RE: str permit for 109 S Edison expired 3/11/23 - and HOT Delinquent

Hi Jan,

When I bought this property last year I already had property reinspected and paid the fees. This was when FBTX was going thru transition I believe for Granicus from previous company so did everything thru. Shelby and inspection...

See this link where passed reinspection <https://dsa.cityoffbg.com/report/7bdeeeda-ae4c-4372-a9c1-3faae2cc6cab/and> also attached email..

Please advise this satisfies need to not have another reinspection and fees... Thank you



 Email the Team:
justinteamaustrin@cmgfi.com
 Call the Team: 512-874-3780

MEET THE REST OF THE HRABOVSKY TEAM

 Jeff Cameron Sr. Loan Officer	 Cesar Favela Sr. Loan Officer	 Kim Allen Sr. Loan Officer	 Breanne Goertz Prod. Assistant	 Desdanie Oneal Transaction Mgr.
--	--	--	---	--



Justin Hrabovsky

Branch Manager / Sr Loan Officer

✉ justinh@cmgfi.com

📞 (512) 874-3780 | 📠 (512) 665-8353

📍 11200 Menchaca Road Bldg 4, Suite 5, Austin, TX 78748

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NMLS# 1022103 | BRANCH NMLS# 1635099 | CORPORATE NMLS# 1820



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From: Jan Musgrove <jmusgrove@fbgtx.org>
Sent: Friday, December 22, 2023 12:58 PM
To: Justin Hrabovsky <justinh@cmgfi.com>
Subject: str permit for 109 S Edison expired 3/11/23 - and HOT Delinquent

This message originated from outside CMG. Please use caution when opening links and attachments.

Good Afternoon,

City staff have identified that 109 S Edison – does not currently have an active STR permit, it expired on 3/11/23 and it appears that HOT (Hotel Occupancy Tax) all of 2023 and 3rd and 4th quarters of 2022 are delinquent.

Please contact Darren Eckhardt, HOT specialist for the City of Fredericksburg to become compliant with HOT (Hotel Occupancy Tax). [Appendix B - Zoning Ordinance, Section 5.401.11.c.iv](#)

To remain in compliance with the [Ordinance Sec. 5.401](#) and avoid a notice of violation, please renew using the instructions below at your earliest convenience and before December 31, 2023 as the 2024 ordinance will no longer allow for a unoccupied STR in R2

Here are step by step instructions:

[Granicus online Portal](#). Create an account if you don't already have one– get your email verified.

Log in - Go to the top of the website and select the **services tab**, click on **Short-term rental registration** – answer the question, **“Do you have an existing short-term rental?” – with NO**

Fill out the required information.

You will need your parcel Id – found on - 26274 - [Gillespie County cad website](#)

You will need your zone – R2 - [City of FBG Zoning map](#)

You will need your type of STR – nonconforming – identifies the property as “grandfathered.”

You will need a parking/floor plan – I have attached for your convenience, please use this as a place holder as the city has your originals on file.

FYI – fees are as follows \$150 for the 1st bedroom and \$100 for each additional bedroom – e.g., 3 bedrooms would be \$350 plus processing fees – you may pay with an ACH or a credit/debit card on the Granicus site.

If you have any questions, please contact me, I am happy to help.

Regards,



“We're leading with integrity while providing the best customer services to our community.”

Jan Musgrove / STR Specialist / City of Fredericksburg

[SHORT TERM RENTAL WEBSITE](#)

jmusgrove@fbgtx.org

O. 830-997-7521 ext: 2028



The City of Fredericksburg

November 9, 2023

5H LEGACY REVOCABLE LIVING TRUST
16265 SAWYER RANCH RD
AUSTIN, TX 78737

Dear Taxpayer,

The City of Fredericksburg has not received your Hotel Occupancy Tax Remittance for the following quarter(s).

Quarter	Period	Quarter Due Date
3 RD QUARTER	JULY 1 – SEPT. 30, 2023	OCT 31, 2023

for the following property:

STR or Hotel/Motel Name	Physical Address
8056001723	110 S OLIVE ST, Fredericksburg, TX 78624

Under City Ordinance, [Article IV, Hotel Occupancy Tax](#), Section 41-70 for the Collection of Tax, "Every person owning, operating, managing or controlling any hotel shall collect the tax imposed by Section 41-69 hereof for the City of Fredericksburg. The use of any agent or booking service shall not relieve any person from responsibility for payment of tax."

Section 41-68 defines a Hotel as "a building in which members of the public obtain sleeping accommodations for consideration. The term includes a hotel, motel, tourist house, tourist court, lodging house, inn, rooming house, or bed and breakfast."

Section 41-71 states, Hotel Occupancy Tax shall be remitted on the last day of the month following each quarterly period.

Under [Tax Code Chapter 351 for Municipal Hotel Occupancy Taxes](#), Interest on Delinquent Tax, interest of 4.25 percent will accrue from the first day after the date due until the tax is paid. Additionally, under Tax Code Chapter 351 for Tax Collection, a penalty of 15 percent of the tax due shall be due if the tax has been delinquent for at least one fiscal quarter.

If you did not have any receipts during the quarter, you are required to submit a remittance form declaring you did not have any receipts for the quarter.

If you are a short-term rental owner/operator, failure to remit hotel occupancy taxes could affect your ability to obtain or retain a short-term rental permit ([Appendix B - Zoning Ordinance, Section 5.401.11.c.iv](#)).

Under [Article IV, Hotel Occupancy Tax, Section 41-74](#), the City may file against you in Municipal Court for failure to collect, make reports and/or pay tax, which could yield up to a \$500.00 fine, or proceed against you in District Court to enjoin you from operating your short-term rental or overnight lodging facility. You could also be liable to the City for the City Attorney's fees for collection.

Please remit within 10 days of the date of this letter. For assistance filing your Hotel Occupancy Taxes, call 830-990-2069, or send an email to deckhardt@fbgtx.org

Thank you for your time and prompt attention to this matter.

Sincerely,

Darren Eckhardt
Finance Department
Hotel Occupancy Tax Collections Specialist
830-990-2069 Direct
eMail: deckhardt@fbgtx.org
Enclosure



The City of Fredericksburg

August 29, 2023

THE 5H LEGACY REVOCABLE LIVING TRUST
16265 SAWYER RANCH RD
AUSTIN TX 78737

Dear Taxpayer,

The City of Fredericksburg has not received your Hotel Occupancy Tax Remittance for the following quarter(s).

Quarter	Period	Quarter Due Date
2 nd Quarter 2023	April 1 st – June 30th	July 31 st 2023

for the following property:

STR or Hotel/Motel Name	Physical Address
8056001723	110 S OLIVE ST, Fredericksburg, TX 78624

Under City Ordinance, [Article IV. Hotel Occupancy Tax](#), Section 41-70 for the Collection of Tax, "Every person owning, operating, managing or controlling any hotel shall collect the tax imposed by Section 41-69 hereof for the City of Fredericksburg. The use of any agent or booking service shall not relieve any person from responsibility for payment of tax."

Section 41-68 defines a Hotel as "a building in which members of the public obtain sleeping accommodations for consideration. The term includes a hotel, motel, tourist house, tourist court, lodging house, inn, rooming house, or bed and breakfast."

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If you did not have any receipts during the quarter, you are required to submit a remittance form declaring you did not have any receipts for the quarter.

If you are a short-term rental owner/operator, failure to remit hotel occupancy taxes could affect your ability to obtain or retain a short-term rental permit ([Appendix B - Zoning Ordinance, Section 5.401.11.c.iv](#)).

Under [Article IV. Hotel Occupancy Tax, Section 41-74](#), the City may file against you in Municipal Court for failure to collect, make reports and/or pay tax, which could yield up to a \$500.00 fine, or proceed against you in District Court to enjoin you from operating your short-term rental or overnight lodging facility. You could also be liable to the City for the City Attorney's fees for collection.

Please remit within 10 days of the date of this letter. For assistance filing your Hotel Occupancy Taxes, call 830-990-2069, or send an email to deckhardt@fbgtx.org

Thank you for your time and prompt attention to this matter.

Sincerely,

Darren Eckhardt
Finance Department
Hotel Occupancy Tax Collections Specialist
830-990-2069 Direct
eMail: deckhardt@fbgtx.org

Enclosure



The City of Fredericksburg

May 30, 2023

8001 MCGREGOR LLC
16265 SAWYER RANCH RD
AUSTIN, TX 78737

Dear Taxpayer,

The City of Fredericksburg has not received your Hotel Occupancy Tax Remittance for the following quarter(s).

Quarter	Period	Quarter Due Date
1st quarter 2023	Jan 1 - Mar 31, 2023	4/30/2023

for the following property:

STR or Hotel/Motel Name	Physical Address
8056001723	110 S OLIVE ST, Fredericksburg, TX 78624

Under City Ordinance, [Article IV. Hotel Occupancy Tax](#), Section 41-70 for the Collection of Tax, "Every person owning, operating, managing or controlling any hotel shall collect the tax imposed by Section 41-69 hereof for the City of Fredericksburg. The use of any agent or booking service shall not relieve any person from responsibility for payment of tax."

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If you did not have any receipts during the quarter, you are required to submit a remittance form declaring you did not have any receipts for the quarter.

If you are a short-term rental owner/operator, failure to remit hotel occupancy taxes could affect your ability to obtain or retain a short-term rental permit ([Appendix B - Zoning Ordinance, Section 5.401.11.c.iv](#)).

Under [Article IV. Hotel Occupancy Tax, Section 41-74](#), the City may file against you in Municipal Court for failure to collect, make reports and/or pay tax, which could yield up to a \$500.00 fine, or proceed against you in District Court to enjoin you from operating your short-term rental or overnight lodging facility. You could also be liable to the City for the City Attorney's fees for collection.

Please remit within 10 days of the date of this letter. For assistance filing your Hotel Occupancy Taxes, call 830-990-2069, or send an email to deckhardt@fbgtx.org

Thank you for your time and prompt attention to this matter.

Sincerely,

Darren Eckhardt
Finance Department
Hotel Occupancy Tax Collections Specialist
830-990-2069 Direct
eMail: deckhardt@fbgtx.org

Enclosure

FW: str permit for 109 S Edison expired 3/11/23 - and HOT Delinquent

Jan Musgrove <jmusgrove@fbgtx.org>

Wed 1/10/2024 3:43 PM

To: Anna Hudson <ahudson@fbgtx.org>

fyi

From: Darren Eckhardt <deckhardt@fbgtx.org>

Sent: Wednesday, January 10, 2024 3:01 PM

To: Jan Musgrove <jmusgrove@fbgtx.org>

Subject: FW: str permit for 109 S Edison expired 3/11/23 - and HOT Delinquent

FYI

Darren Eckhardt

City of Fredericksburg / Finance Department

Hotel Occupancy Tax Collections Specialist

830-990-2069

deckhardt@fbgtx.org

Click [here](#) for information about Hotel Occupancy Taxes (HOT)

-

From: Justin Hrabovsky <justinh@cmgfi.com>

Sent: Wednesday, January 10, 2024 2:58 PM

To: Darren Eckhardt <deckhardt@fbgtx.org>

Subject: RE: str permit for 109 S Edison expired 3/11/23 - and HOT Delinquent

Hi Darren,

Thank you for pointing this out to me. I was completely unaware AIRBNB is not collecting/paying HOT for Fredericksburg. I specifically asked their support on more than one occasion and was told Gillespie county is a jurisdiction they pay occupancy taxes too since they are deducting these taxes from my payouts. I did not mean to intentionally not pay proper HOT taxes owed I promise. I am in the process of trying to get both my STR permits active and reinstated again and have full intention on paying all back HOT taxes to you and city. I promise.

CMG HOME LOANS

**THE
HRABOVSKY TEAM**



Email the Team:

justinteamaustrin@cmgfi.com



Call the Team: 512-874-3780

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Sr. Loan Officer



Cesar
Favela
Sr. Loan Officer



Kim
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Oneal
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Justin Hrabovsky

Branch Manager / Sr Loan Officer

✉ justinh@cmgfi.com

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From: Darren Eckhardt <deckhardt@fbgtx.org>

Sent: Wednesday, January 3, 2024 3:21 PM

To: Justin Hrabovsky <justinh@cmgfi.com>

Cc: Jan Musgrove <jmusgrove@fbgtx.org>

Subject: RE: str permit for 109 S Edison expired 3/11/23 - and HOT Delinquent

This message originated from outside CMG. Please use caution when opening links and attachments.

Good afternoon Justin,

Unfortunately, Airbnb does not remit hotel occupancy taxes to the City of Fredericksburg. They do remit the HOT tax to the State of Texas (6%) and maybe that's where the confusion is. You will have to go to your Airbnb account and set it up so that you charge your customers the 7% HOT tax that goes to the City of Fredericksburg, then you would be the one to remit them per quarter.

Here is a link to Airbnb on how to collect the hotel occupancy taxes manually to remit to the City of Fredericksburg: <https://www.airbnb.com/help/article/2496>

Also, here is a link to our website for hotel occupancy taxes: <https://fbgtx.org/487/Hotel-Occupancy-Taxes>. If you scroll down to where it says 'Reservation Services', it will explain how Airbnb and other sites do not collect HOT for the City of Fredericksburg.

According to my records for both 109 S Edison St & 110 S Olive St, no HOT tax has been remitted for all of 2022 and 2023.

Below are instructions on how to file hotel occupancy taxes to the City of Fredericksburg:

In order to accommodate online payment for Hotel Occupancy Taxes, you may complete the remittance form, available [here](#), and request a secure online payment link. Staff will send you an invoice with a payment link. You can pay by credit card or ACH bank draft. Please note, the taxpayer will incur a 2.9% credit card fee (\$2.90 per \$100) or up to a \$5.00 ACH bank draft fee depending on which payment method you use. Please let me know which payment method (ACH Bank Draft or Credit Card) you wish to pay for when you send your remittance form.

If you choose not to remit HOT online, you may complete the remittance form available [here](#). You may mail or drop off your remittance form with a check or money order. Checks/money orders should be payable to City of

Fredericksburg.

During business hours, you may drop off your remittance form and payment on the 1st floor in the Utility Billing Dept. at City Hall located at 126 W. Main St. *After business hours*, you may drop off your remittance form and payment in the drop box located on the Crockett Street side of the City Hall building.

You may mail your check/money order to:

City of Fredericksburg
c/o Hotel Occupancy Tax
126 W Main St
Fredericksburg, TX 78624

You may also fill out the remittance form online and email it back to us with instructions on which payment method you prefer.

Additional information about how to remit/pay Hotel Occupancy Taxes is available [here](#).

If you have any questions, feel free to ask.

I appreciate your patience!

Thank you!

Darren Eckhardt

City of Fredericksburg / Finance Department

Hotel Occupancy Tax Collections Specialist

830-990-2069

deckhardt@fbgtx.org

Click [here](#) for information about Hotel Occupancy Taxes (HOT)

-

From: Justin Hrabovsky <justinh@cmgfi.com>

Sent: Wednesday, January 3, 2024 2:29 PM

To: Jan Musgrove <jmusgrove@fbgtx.org>

Cc: Darren Eckhardt <deckhardt@fbgtx.org>; Anna Hudson <ahudson@fbgtx.org>

Subject: RE: str permit for 109 S Edison expired 3/11/23 - and HOT Delinquent

Ok thank you. 3 software providers in 3 years. I bet yall are busy 😊

Hi Darren,

What is your phone number so we can discuss? All taxes are paid thru Airbnb who is exclusively booking site is through. They file a monthly tax return on all Airbnb hosts behalf.. Thank you

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From: Jan Musgrove <jmusgrove@fbgtx.org>

Sent: Wednesday, January 3, 2024 1:38 PM

To: Justin Hrabovsky <justinh@cmgfi.com>

Cc: Darren Eckhardt <deckhardt@fbgtx.org>; Anna Hudson <ahudson@fbgtx.org>

Subject: RE: str permit for 109 S Edison expired 3/11/23 - and HOT Delinquent

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Good afternoon, Justin,

Thank you for your email.

The permit is an annual permit and needs to be renewed prior to the expiration date in order to stay in compliance with the ordinance.

I see that you recently registered both 109 S Edison and 110 S Olive thru the Granicus system, which is the instructions I sent in November of 2023 on 110 S Olive. I am sorry to say that on January 1, 2024, the city switched software companies and Granicus should not have allowed access to registrations after midnight on December 31, 2023.

I will be refunding your registrations thru Granicus. You should receive your refund soon. Please renew your permits thru our new software provider, [MGO](#)

109 S Edison – requires 1 renewal as it expired 3/11/23.

110 S Olive requires 2 renewals as it expired on 11/30/2022 – so will need one for 2023 and for 2024.

An inspection is now required on all renewals – new ordinance passed on November 7th, 2023, adopted January 1, 2024. [STR Website](#), to view the new ordinance and fees.

Staff will contact you once renewals are received to schedule the STR inspections on the properties. I have attached the STR Life Safety inspection Checklist for your review.

Darren Eckhardt, the HOT specialist will assist you with your HOT remittance on the property's. I have copied him in on this email.

If you have any questions, please feel free to contact me.

Sincerely,



"We're leading with integrity while providing the best customer services to our community."

Jan Musgrove / STR Specialist / City of Fredericksburg

[SHORT TERM RENTAL WEBSITE](#)

jmusgrove@fbgtx.org

O. 830-997-7521 ext: 2028

From: Justin Hrabovsky <justinh@cmgfi.com>
Sent: Wednesday, January 3, 2024 12:38 PM
To: Jan Musgrove <jmusgrove@fbgtx.org>
Subject: RE: str permit for 109 S Edison expired 3/11/23 - and HOT Delinquent

Hi Jan,

When I bought this property last year I already had property reinspected and paid the fees. This was when FBTX was going thru transition I believe for Granicus from previous company so did everything thru. Shelby and inspection...

See this link where passed reinspection <https://dsa.cityoffbg.com/report/7bdeeeda-ae4c-4372-a9c1-3faae2cc6cab/and> also attached email..

Please advise this satisfies need to not have another reinspection and fees... Thank you

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justinteamaustrin@cmgfi.com



Call the Team: 512-874-3780

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Kim
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Sr. Loan Officer



Breanne
Goertz
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Desdanie
Oneal
Transaction Mgr.



Justin Hrabovsky

Branch Manager / Sr Loan Officer

✉ justinh@cmgfi.com

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From: Jan Musgrove <jmusgrove@fbgtx.org>

Sent: Friday, December 22, 2023 12:58 PM

To: Justin Hrabovsky <justinh@cmgfi.com>

Subject: str permit for 109 S Edison expired 3/11/23 - and HOT Delinquent

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Good Afternoon,

City staff have identified that 109 S Edison – does not currently have an active STR permit, it expired on 3/11/23 and it appears that HOT (Hotel Occupancy Tax) all of 2023 and 3rd and 4th quarters of 2022 are delinquent.

Please contact Darren Eckhardt, HOT specialist for the City of Fredericksburg to become compliant with HOT (Hotel Occupancy Tax). [Appendix B - Zoning Ordinance, Section 5.401.11.c.iv](#)

To remain in compliance with the [Ordinance Sec. 5.401](#) and avoid a notice of violation, please renew using the instructions below at your earliest convenience and before December 31, 2023 as the 2024 ordinance will no longer allow for a unoccupied STR in R2

Here are step by step instructions:

[Granicus online Portal](#). Create an account if you don't already have one– get your email verified.

Log in - Go to the top of the website and select the **services tab**, click on **Short-term rental registration** – answer the question, “**Do you have an existing short-term rental?**” – **with NO**

Fill out the required information.

You will need your parcel Id – found on - 26274 - [Gillespie County cad website](#)

You will need your zone – R2 - [City of FBG Zoning map](#)

You will need your type of STR – nonconforming – identifies the property as “grandfathered.”

You will need a parking/floor plan – I have attached for your convenience, please use this as a place holder as the city has your originals on file.

FYI – fees are as follows \$150 for the 1st bedroom and \$100 for each additional bedroom – e.g., 3 bedrooms would be \$350 plus processing fees – you may pay with an ACH or a credit/debit card on the Granicus site.

If you have any questions, please contact me, I am happy to help.

Regards,



"We're leading with integrity while providing the best customer services to our community."

Jan Musgrove / STR Specialist / City of Fredericksburg

[SHORT TERM RENTAL WEBSITE](#)

jmusgrove@fbgtx.org

O. 830-997-7521 ext: 2028

Re: Follow up

Justin Hrabovsky <justinh@cmgfi.com>

Fri 1/12/2024 9:26 AM

To: Jeryl Hoover <jhoover@fbgtx.org>

Cc: Anna Hudson <ahudson@fbgtx.org>

📎 1 attachments (2 KB)

dvbdysuf5imageuploadOpenSenseCMGAssetstestimonial_TestimonialTreeinline1;

Also what does the city of Fredericksburg actually gain or benefit from this current stance on me? Really.. what is the benefit to the city of Fredericksburg? And do those benefits outweigh the losses for me specifically? I really just don't get the city purpose and decision making on this for my specific situation. It's truly unbelievable and seems very closed minded. 😞 I'm at a loss and dumbfounded. I'm trying everything to make it right and seems like I'm just was tardy in making it right so it's even more frustration because it's all about timing.. which is just even more crazy. I hope and pray the city sees my side and allows me to have an active unoccupied permit as the property was before and see the benefit of tax revenue, tourism, and local economics and jobs I help create that in turn gets put back in the city..

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Justin Hrabovsky

Branch Manager / Sr Loan Officer

📧 justinh@cmgfi.com

📞 (512) 874-3780 | 📱 (512) 665-8353

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From: Justin Hrabovsky <justinh@cmgfi.com>

Sent: Friday, January 12, 2024 8:13:56 AM

To: Jeryl Hoover <jhoover@fbgtx.org>

Cc: Anna Hudson <ahudson@fbgtx.org>

Subject: RE: Follow up

Hi Jeryl,

I'm not disagreeing the response isn't appropriate per new policy although doesn't make any sort of commonsense whatsoever. I'm asking for an exception under the circumstances that I'm sure the new current

ordinance is having on me as unintended consequences. As you said yourself the ordinance isn't to put people out of business nor do harm. Which is exactly what the current stance is doing to me and my family.



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Email the Team:

justinteamaustrin@cmgfi.com



Call the Team: 512-874-3780



Jeff
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Sr. Loan Officer



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Sr. Loan Officer



Kim
Allen
Sr. Loan Officer



Breanne
Goertz
Prod. Assistant



Desdanie
Oneal
Transaction Mgr.

From: Jeryl Hoover <jhoover@fbgtx.org>
Sent: Friday, January 12, 2024 6:57 AM
To: Justin Hrabovsky <justinh@cmgfi.com>
Cc: Anna Hudson <ahudson@fbgtx.org>
Subject: Re: Follow up

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Justin,

As you requested, I looked into your situation by talking with members of staff. It appears to me they have responded appropriately based on the dictates of our STR regulation ordinance, so I have no cause to intervene.

Jeryl Hoover
Mayor

From: Justin Hrabovsky <justinh@cmgfi.com>
Sent: Thursday, January 11, 2024 8:40 AM
To: Anna Hudson <ahudson@fbgtx.org>; Jeryl Hoover <jhoover@fbgtx.org>
Cc: Shelby Collier <scollier@fbgtx.org>; Jan Musgrove <jmusgrove@fbgtx.org>; Darren Eckhardt <deckhardt@fbgtx.org>; Ted Boyer <tboyer@fbgtx.org>
Subject: RE: Follow up

Hi Anna,

I just sent attached in to get online payment links sent to me so I can pay the HOT taxes for partial year owned 2022 and all of 2023 quarters 1-3 with applicable OT tax, 15% penalty and 4.25% interest expense for both properties. Total about \$9600. Once I have a online payment link sent to me I will pay asap today as I just got my payroll check yesterday. 4th quarter last year will get paid on my next paycheck at end of month if though that portion not due until end of Feb.

I sent attached forms to email that lists on the HOT form. Thank you Darren for pointing out that Airbnb was only collecting and deducting 6% state taxes from me. I was never collecting the 7% from guests so I will pay on their behalf per attached. This was not an intentional omission it was error and miscalculation on my part.

Thank you

THE HRABOVSKY TEAM

Email the Team:
justinteam@austincmgfi.com

Call the Team: 512-874-3780



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Justin Hrabovsky

Branch Manager / Sr Loan Officer

✉ justinh@cmgfi.com

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From: Justin Hrabovsky <justinh@cmgfi.com>

Sent: Wednesday, January 10, 2024 4:24 PM

To: Anna Hudson <ahudson@fbgtx.org>; jhoover@fbgtx.org

Cc: Shelby Collier <scollier@fbgtx.org>; Jan Musgrove <jmusgrove@fbgtx.org>; Darren Eckhardt

<deckhardt@fbgtx.org>; Ted Boyer <tboyer@fbgtx.org>

Subject: RE: Follow up

Hi Anna,

Regarding HOT, I was under impression that Airbnb was making those on my behalf since they deduct occupancy taxes on every booking. They have commented on Airbnb support that Gillespie is a county they remit taxes too. I was truly under impression that these HOT taxes were already being paid on my behalf through Airbnb on one lump sum monthly tax returns they remit monthly to you (FBTX) as they do for me in another state for me. Only until when Darren reached out to me, I believe the first week of Jan and showed me specific links discussing this was I made aware that I was not correct in this assumption. This was not intentional. I have every full intention of paying all back HOT taxes owed to FBTX and making it correct when applied to a valid permit in my name and doing this immediately once we can resolve this.

I honestly don't know what I don't know. Yes my fault. I missed the email by Jan on 11/20 and received the email by Jan end of Dec is when I've been contacting and responding to get in compliance and trying to remedy.

I'm asking and begging you all to reconsider this decision and have some GRACE on me and my family. Have me pay a fine/fee. Have me pay all HOT taxes owed and past due. I never again will have an expired permit and I understand the process that FBTX has as well as policies in place to adhere too going forward.

What I do know is this:

I intentionally bought properties in Fredericksburg with non-owner STR use specifically sited in the real estate contracts when purchased.

I paid prices that reflect the peak of market in 2022 with STR use in the prices.

I have the highest "guest favorite" rating for Airbnb for FBTX (hard to get less than 4% have) meaning guests love the service, hospitality, referrals to local vendor ect given by us. Nothing but 5 star ratings and can share how much they love the home and love the host. How its their favorite pace booked on site.

We support the FBTX economy by paying property taxes, HOT taxes (now I know Airbnb wasn't collecting appropriate amount and have 100% full intention to pay all owed and back owed) bringing in tourism, personally spending money at local vendors, shops, designers, décor stores, supplies, supporting 3 local families sole proprietor businesses (cleaning, laundry services, landscaping) and consistently giving business to local electricians, plumbers and handyman for ongoing wear and tear.

Have the most curb appeal, well maintained property in area (noticeable if you drive the street).

Have had zero documented complaints by neighbors or law enforcement for activity onsite ever.

I have ties in FBTX being that my wife and I got married in FBTX in 2008 and frequently use our homes personally throughout the year often for nightly and weekly stays with my own family and kids as well as family of ours and guests non paying guests of ours, friends and coworker perks supporting the local economy in many ways.

We are real people that below is affecting. My wife and I would be drastically affected financially by this. My 3 kids would be affected by this in many ways that I do not want to go in detail on. I'm personally affected by this emotionally and physically not being able to sleep with anxiety and stress that you can take this all away from my family and I.

I know the city ordinances are not designed to put real local people out of business and do harm financially to individuals who are good for the community. I am one of those people. Please reconsider a solution for me to get an active unoccupied str license again as it was prior.

Thank you.



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justinteam@austincmgfi.com



Call the Team: 512-874-3780



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Kim
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Sr. Loan Officer



Breanne
Goertz
Prod. Assistant



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From: Anna Hudson <ahudson@fbgtx.org>

Sent: Wednesday, January 10, 2024 3:54 PM

To: Justin Hrabovsky <justinh@cmgfi.com>

Cc: Shelby Collier <scollier@fbgtx.org>; Jan Musgrove <jmusgrove@fbgtx.org>; Darren Eckhardt <deckhardt@fbgtx.org>; Ted Boyer <tboyer@fbgtx.org>

Subject: Re: Follow up

This message originated from outside CMG. Please use caution when opening links and attachments.

Mr. Hrabovsky,

Thank you for reaching to explain your situation.

Here is my understanding of 110 S. Olive. You purchased the property in September of 2022 and from your experience with another STR permit in town knew permits needed to be transferred within 10 days and so you reached out to Shelby Collier. We do not have a record of her getting back to you or using Granicus software to make the transfer of the permit. *However*, the permit you bought with the property expired in November of **2022**. Having a physical copy of the permit is a requirement. Since then, you have made no contact with the City and have not remitted H.O.T. to City of Fredericksburg finance department. More than a year went by. Jan reached out on NOVEMBER 20th letting you know you needed to register/transfer and then renew for 2 years' worth of permits. You did not respond to Jan's email. The new STR Ordinance went into effect on January 1, 2024, and STR Unoccupied is no longer an allowed use in R2 zoning. If this is not an accurate summary of events, please let me know, but the STR permit expired and is now not eligible to obtain a new one.

Anna Hudson, AICP-C

Director of Development Services/

Historic Preservation Officer

City of Fredericksburg

830-990-2026

[Stay up to date on our Comprehensive Plan process](#)

From: Justin Hrabovsky <justinh@cmgfi.com>

Sent: Wednesday, January 10, 2024 9:24 AM

To: Anna Hudson <ahudson@fbgtx.org>; Shelby Collier <scollier@fbgtx.org>

Subject: Re: Follow up

Hi Anna,

Following up again.. I did attempt to transfer permit into my name on 110 S Olive St after I closed with previous email and attempted 3 times with no reply.. I attempted to be a legal operator and was not given that opportunity

by no reply.. I really need that to be leg to stand on to get my unoccupied permit. I should be grandfathered in and attempted to transfer existing permit into my name on 3 occasions and didn't get that assistance. We are a "guest favorite" for area on airbnb which is almost unheard of to come by on airbnb. We always direct to local businesses for referrals in many capacities to serve guests that are tourists and spend much money in the city. This is shown in review comments ect. There has been zero complaints my any neighbors to us or law enforcement. We maintain the home to the highest degree for curb appeal for the area with weekly full service landscaping. We help provide for 3 local families of FBTX by providing consistent, landscape, cleaning and laundry services. We are good people and good for the community and businesses. We personally got married in Fredericksburg many years ago and are patrons ourselves throughout the year which is also why we bought in FBTX for nostalgic reasons. The home does have 2 STRs and 5 commercially zoned properties within 200 ft, just doesn't have one adjacent to us since on corner. But again I attempted 3 times to transfer permit into my name with no response or assistance and no proof by city that they ever replied to me in those attempts. I think this qualifies for an exception under those circumstances. Please reconsider this request and fine/fee me what is deemed necessary...thank you

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Justin Hrabovsky

Branch Manager / Sr Loan Officer

✉ justinh@cmgfi.com

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From: Justin Hrabovsky
Sent: Tuesday, January 9, 2024 3:14:58 PM
To: ahudson@fbgtx.org <ahudson@fbgtx.org>; scollier@fbgtx.org <scollier@fbgtx.org>
Subject: Follow up

Hi Anna and Shelby,

Thanks for your time today. I'm following up to email the application and process to apply for special exceptions for the zoning board of adjustment please per call. For both 109 S Edison St (transferred permit to me expired March/April 2023 forgot to renew timely) and 110 S Olive St please (never heard back from City of being able to transfer to my name per attached 3 emails regarding transfer after sale). I hope we can resolve as both properties are zoned R2 and both were STR use prior to me purchasing. Nothing has changed, no remodel no addition occupancy requests ect. So renew expired permits as they were before and previous use is what I'm seeking pretty please. This would be a huge family financial burden without this in so many ways.

Thank you

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Breanne
Goertz
Prod. Assistant



Desdanie
Oneal
Transaction Mgr.

E MAIN ST

E. MAIN (HWY 290 E.)

S. COLUMBUS

S COLUMBUS ST

S. OLIVE

S OLIVE ST

S. MESQUITE

S MESQUITE ST

E. SAN ANTONIO

E SAN ANTONIO ST

S MESQUITE ST

FRANKLIN ST

FRANKLIN

S. OLIVE

S OLIVE ST

BELL

110 S Olive

24 Properties within 200 ft

Legend

<all other values>

desc_

200 notification area

affected property

subject property

Zoning

ZONED

C2 - Commercial

OS - Open Space

R2 - Mixed Residential

STR

STR

STR

STR

STR

STR



110 S. Olive - before conversion to STR

Photo from Zillow Listing https://www.zillow.com/homedetails/110-S-Olive-St-Fredericksburg-TX-78624/90361824_zpid/?mmlb=g,0





110 S. Olive - during conversion to STR

Photos from Google Street view dated May 2022



Property Land Back to Top							
Type	Description	Acreage	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
UI	URBAN INTERIOR	0.2583	11,250.00	75.00	150.00	\$176,630	\$0

Property Roll Value History Back to Top						
Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap Loss	Assessed
2024	N/A	N/A	N/A	N/A	N/A	N/A
2023	\$410,180	\$176,630	\$0	\$586,810	\$0	\$586,810
2022	\$230,750	\$99,900	\$0	\$330,650	\$0	\$330,650
2021	\$174,490	\$84,830	\$0	\$259,320	\$0	\$259,320
2020	\$153,970	\$68,290	\$0	\$222,260	\$0	\$222,260
2019	\$153,970	\$68,290	\$0	\$222,260	\$0	\$222,260
2018	\$151,950	\$65,360	\$0	\$217,310	\$0	\$217,310
2017	\$145,290	\$65,360	\$0	\$210,650	\$0	\$210,650
2016	\$136,600	\$65,360	\$0	\$201,960	\$0	\$201,960
2015	\$148,640	\$58,610	\$0	\$207,250	\$6,500	\$200,750
2014	\$148,640	\$33,860	\$0	\$182,500	\$0	\$182,500
2013	\$148,640	\$33,860	\$0	\$182,500	\$0	\$182,500

Property Deed History Back to Top							
Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Number
9/2/2022	WDVL	WARRANTY DEED VENDORS LIEN	8001 MCGREGOR LLC ETAL	5H LEGACY REVOCABLE LIVING TRUST	20226257		
11/19/2021	WDVL	WARRANTY DEED VENDORS LIEN	ECKHARDT, LORNA ETAL	8001 MCGREGOR LLC ETAL	20219093		
7/29/2017			KUHLMANN, DAYTON -LIFE ESTATE-	ECKHARDT, LORNA ETAL	20175987		
9/29/2006	GD	GIFT DEED	KUHLMANN, DAYTON & MARY	KUHLMANN, DAYTON -LIFE ESTATE-	20066496		0



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Parks and Recreation
TO: Mayor & City Council Members
FROM: Andrea Schmidt, Parks and Recreation
Director

MEETING DATE: February 20, 2024

CATEGORY: OTHER ACTION ITEMS AND
UPDATES

CAPTION: Consider a fee reduction request for "Local Dance Hall Nights" at Adelsverein Halle at Marktplatz, up to five days each calendar year (Andrea Schmidt, Director of Parks and Recreation)

PRESENTATION:

SUMMARY:

City council approved a reservation fee increase for Marktplatz facilities that took effect on Tuesday, February 6, 2024. We have several individual community members that raise funds through donations to host a local dance hall night five times a year at Marktplatz. These dance hall nights bring in many locals and are free to attend. We are asking that city council consider a discounted fee to allow these individual community members to pay the previous Marktplatz reservation fees that were in effect before 2/6/24, of \$250.00 per day, for up to five events in a calendar year.

BACKGROUND:

Pat's Hall Night was held at Marktplatz during the City's 175th anniversary celebration in 2022. The event was so successful, that a group of community members joined together to fundraise and begin a tradition of local dance hall nights five times a year at Marktplatz. These dance hall nights have grown in popularity and attendance. The individuals are not making a profit and are using the funds to pay for the band, sound, and reservation fees in order to provide these dances for free to our community.

FUNDING SOURCE: General Fund

FINANCIAL IMPACT:

2024: New rate to rent Adelsverein Halle as of
2/6/24: \$332.50, with a previous rate of \$250.00,
difference of \$82.50. $\$82.50 \times 5 \text{ events} = \412.50

2025: New rate to rent Adelsverein Halle on
1/1/25: \$417.50, with a previous rate of \$250.00,
difference of \$167.50.
 $\$167.50 \times 5 \text{ events} = \837.50

2026: New rate to rent Adelsverein Halle on

1/1/26: \$500.00, with a previous rate of \$250.00,
difference of \$250.00.
\$250.00 x 5 events = \$1,250.00

STAFF RECOMMENDATION:

Consider the adoption of a motion to allow the Local Dance Hall Nights to continue to rent Adelsverein Halle, for up to five days in a calendar year, for \$250.00 per day.

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Quality of Life Vision

ATTACHMENTS:

None

APPROVAL/REVIEW:

Andrea Schmidt

Andrea Schmidt, Parks and Recreation Director

Date: February 08, 2024

Krista Wareham

Krista Wareham, Director of Finance

Date: February 09, 2024

William McKamie, City Attorney

Date: February 09, 2024

Shelley Goodwin

Shelley Goodwin, City Secretary

Date: February 12, 2024

Clinton Bailey

Clinton Bailey, City Manager

Date: February 15, 2024



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Manager

TO: Mayor & City Council Members

FROM: Garret Bonn, Assistant City Manager

MEETING DATE: February 20, 2024

CATEGORY: OTHER ACTION ITEMS AND
UPDATES

CAPTION: Discussion and the consideration of an Agreement with Fredericksburg Parks Foundation, a Texas non-profit organization (Emily Kirchner, Councilmember and Jeryl Hoover, Mayor)

PRESENTATION:

SUMMARY:

Discussion and consideration of an agreement with the Fredericksburg Parks Foundation, a local, non-profit organization.

BACKGROUND:

The Fredericksburg Parks Foundation is a local, non-profit organization dedicated to supporting and improving parks and recreation activities within the City of Fredericksburg. The foundation's goal is to collaborate with the City through a public-private partnership to achieve common goals and objectives for both residents and visitors by developing, maintaining, and enhancing the City's parks and recreational facilities.

The attached agreement has been drafted by the City Attorney and spells out the goals of the partnership.

FUNDING SOURCE: Private Donations &
General Fund (Parks Dept.)

FINANCIAL IMPACT:
Project Specific

STAFF RECOMMENDATION:

The proposed public-private partnership will assist the City in continuing to improve and expand its parks and recreational programs, so staff recommends approval.

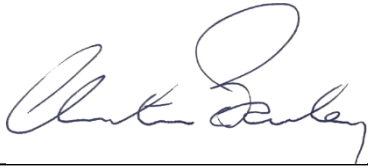
COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Quality of Life Vision

ATTACHMENTS:

1. PUBLIC PRIVATE PARTNERSHIP AGREEMENT - FBG PARKS FOUNDATION

APPROVAL/REVIEW:



Clinton Bailey, City Manager

Date: February 12, 2024



Garret Bonn, Assistant City Manager

Date: February 12, 2024



Krista Wareham, Director of Finance

Date: February 12, 2024

William McKamie, City Attorney

Date: February 12, 2024



Shelley Goodwin, City Secretary

Date: February 12, 2024



Clinton Bailey, City Manager

Date: February 15, 2024

PUBLIC PRIVATE PARTNERSHIP AGREEMENT

This Public Private Partnership Agreement (the "Agreement") is made and entered into on this [date] (the "Effective Date") by and between the City of Fredericksburg, Texas (hereinafter referred to as the "City"), and the Fredericksburg Parks Foundation (hereinafter referred to as the "Foundation").

WHEREAS, the City of Fredericksburg seeks to enhance its parks and recreational facilities and services for the benefit of its residents and visitors; and

WHEREAS, the Fredericksburg Parks Foundation is a non-profit organization dedicated to supporting and improving parks and recreational activities within the City of Fredericksburg; and

WHEREAS, the City and the Foundation desire to collaborate through a public-private partnership to achieve common goals and objectives related to the development, maintenance, and enhancement of parks and recreational facilities;

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the City and the Foundation agree as follows:

1. Purpose: The purpose of this Agreement is to establish a cooperative relationship between the City and the Foundation to promote the planning, development, funding, operations, maintenance, and improvement of parks and recreational facilities within the City of Fredericksburg.

2. Roles and Responsibilities:

2.1 City's Responsibilities:

- a. Provide necessary information related to the existing and planned parks and recreational facilities.
- b. Grant the Foundation access to city-owned parks and facilities for the purpose of carrying out agreed-upon projects. Terms of access, including dates, time, duration and persons and authorized for access, shall be determined in advance by City
- c. Collaborate with the Foundation in the planning and development of new parks and recreational amenities/programs, and volunteer opportunities.
- d. Assist the Foundation in obtaining necessary permits, approvals, and regulatory support, as required.

2.2 Foundation's Responsibilities:

- a. Raise funds through grants, donations, and other sources to support park development and improvement initiatives.
- b. Collaborate with the City in identifying priority areas for current and future park development and enhancement.
- c. Administer the funds raised diligently and transparently, ensuring they are utilized for agreed-upon park projects.
- d. Organize and execute community engagement and outreach programs to gather feedback on park development initiatives.

3. Funding and Resources:

3.1 The City's Contribution:

- a. The City shall provide in-kind support, such as staff assistance, equipment, or materials, for agreed-upon Foundation projects.

3.2 The Foundation's Contribution:

- a. The Foundation shall undertake fundraising activities to secure additional financial resources beyond the City's annual contribution.
- b. The Foundation will utilize its expertise and resources to assist the City in securing grants and sponsorships for park development initiatives.
- c. All money raised by the Foundation will be owned and controlled by the Foundation.

4. Project Implementation:

4.1 Project Selection:

- a. The City and the Foundation shall jointly identify and prioritize projects based on the needs and interests of the community.
- b. All projects must align with the City's parks and recreation master plan and relevant guidelines.

4.2 Project Execution:

- a. The Foundation will be responsible for managing and implementing the agreed-upon park projects.
- b. The City and the Foundation shall establish a project timeline and review progress regularly.

5. Reporting and Accountability:

5.1 Reporting:

- a. The Foundation shall provide regular written reports to the City on the status of ongoing projects, financial statements, and fundraising activities.
- b. The City will provide necessary data and information to the Foundation to facilitate their reporting requirements.

5.2 Accountability:

- a. Both parties shall act in good faith and exercise due diligence in fulfilling their respective responsibilities.
- b. The City and the Foundation shall address any disputes through open communication and mutual understanding.

6. Term and Termination:

6.1 Term: This Agreement shall commence on the Effective Date and shall remain in effect for two years unless terminated earlier as per the provisions of this Agreement.

6.2 Termination: Either party may terminate this Agreement by providing sixty (60) days' written notice to the other party. Termination shall not affect ongoing projects, which shall be completed as agreed upon.

7. Amendments:

Any amendments to this Agreement shall be made in writing and signed by both parties.

8. Governing Law:

This Agreement shall be governed by and construed in accordance with the laws of the State of Texas. Venue for any disputes under this Agreement shall lie in Gillespie County, Texas.

IN WITNESS WHEREOF, the parties hereto have executed this Public Private Partnership Agreement as of the Effective Date.

City of Fredericksburg, Texas:

Fredericksburg Parks Foundation:

Clinton Bailey, City Manager

[Foundation Representative Name and Title]



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary

TO: Mayor & City Council Members

FROM:

MEETING DATE: February 20, 2024

CATEGORY: OTHER ACTION ITEMS AND
UPDATES

CAPTION: Discussion and provide direction regarding the Hotel Occupancy Tax Recipient Program
(Randy Briley, Councilmember and Jeryl Hoover, Mayor)

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning

Government Vision

Family Life Vision

Quality of Life Vision

ATTACHMENTS:

None

APPROVAL/REVIEW:

Krista Wareham, Director of Finance

Date: February 12, 2024

Date: February 15, 2024

William McKamie, City Attorney

A handwritten signature in blue ink, appearing to read "Shelley Goodwin".

Date: February 15, 2024

Shelley Goodwin, City Secretary

A handwritten signature in blue ink, appearing to read "Clinton Bailey".

Date: February 15, 2024

Clinton Bailey, City Manager



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary

TO: Mayor & City Council Members

FROM:

MEETING DATE: February 20, 2024

CATEGORY: CITY MANAGER'S REPORT

CAPTION: City Manager's Monthly 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:

Krista Wareham, Director of Finance

Date: February 12, 2024

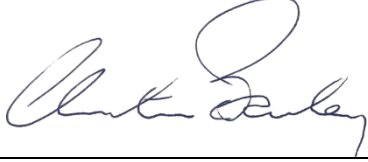
William McKamie, City Attorney

Date: February 15, 2024



Shelley Goodwin, City Secretary

Date: February 15, 2024



Clinton Bailey, City Manager

Date: February 15, 2024



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary

TO: Mayor & City Council Members

FROM:

MEETING DATE: February 20, 2024

CATEGORY: CITY MANAGER'S REPORT

CAPTION: Fire/EMS and Police Department 2023 Annual Report Presentations

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: February 15, 2024



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary

TO: Mayor & City Council Members

FROM:

MEETING DATE: February 20, 2024

CATEGORY: CITY MANAGER'S REPORT

CAPTION: Live-streaming meetings

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning

Government Vision

Family Life Vision

Quality of Life Vision

ATTACHMENTS:

None

APPROVAL/REVIEW:

Krista Wareham, Director of Finance

Date: February 12, 2024

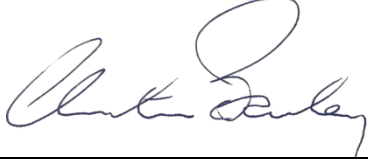
William McKamie, City Attorney

Date: February 12, 2024



Shelley Goodwin, City Secretary

Date: February 13, 2024



Clinton Bailey, City Manager

Date: February 15, 2024

City Council Regular Meeting

March 5, 2024

2023-105	City Council Minutes February 20, 2024 Regular Meeting	Consent - Approve	Shelley Goodwin	City Secretary
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Future Agenda Items

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
2023-656	Consider Texas Historical Commission possible management to Fort Martin Scott	Approve	Andrea Schmidt	Parks and Recreation
	Fiber Optic	Discuss and Approve	Eric Whiting	IT Department
2023-635	Consider Professional Design and Engineering Service Contract for Sanitary Sewer Lift Station Projects			
2023-648	2024 parade approvals; consider approval the Fourth of July, Gillespie County Fair, and the Christmas "Light the Night" parades.	Consent – approve	Jennifer Krupa	Parks and Recreation
	Canvass the May 4, 2024 Election (May 13 th with the effective day May 15 th)	Special Meeting	Shelley Goodwin	City Secretary
2024-698	Request #Z-2330: By Matthew Durette to Consider a Conditional Use Permit per Sec. 3.110 of the Zoning Ordinance, to Operate a STR-Facility in a R2 Zone Area on Property Located at 106 East Nimitz Street.	Approve	Anna Hudson	Development Services

- 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

2023-693	Request # Z-2327: By Nick Skuteris with DC Partners to Consider an Amendment to the Planned Unit Development (PUD) for Property Located at 1149, 1293, 1389, 1413 and 1449 US Hwy 87 North, Formerly Referred to as the Seven Hills Development.	Approve	Anna Hudson	Development Services
	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 PUD Amendments			
2024-741	Comprehensive Plan	Approve	Anna Hudson	Development Services
2024-734	Approve a street closure request for the Fredericksburg Morning Rotary Club's 14th annual Kraut Run, taking place on Saturday, October 5, 2024	Consent-Approve	Jennifer Krupa	Parks and Recreation

Upcoming City Council Meetings

March 5, 2024 – City Council Regular Meeting at 9:00 a.m. at the Law Enforcement Center
March 19, 2024 – City Council Regular Meeting at 9:00 a.m. at the Law Enforcement Center

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: February 20, 2024

CATEGORY: EXECUTIVE SESSION

CAPTION: Consider and discuss Real Estate in the vicinity of US 290E and Old San Antonio Rd.
(Section 551.072)

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: February 15, 2024



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Manager

TO: Mayor & City Council Members

FROM: Garret Bonn, Assistant City Manager

MEETING DATE: February 20, 2024

CATEGORY: EXECUTIVE SESSION

CAPTION: Consider and discuss Real Estate in the vicinity of Friendship Ln. and S. Creek St.
(Section 551.072)

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: February 15, 2024



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary

TO: Mayor & City Council Members

FROM: Garret Bonn, Assistant City Manager

MEETING DATE: February 20, 2024

CATEGORY: EXECUTIVE SESSION

CAPTION: Consider and discuss the value and possible disposition of city-owned real properties located throughout the City (Section 551.072)

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: February 15, 2024



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary

TO: Mayor & City Council Members

FROM: Anna Hudson, Director of Development
Services

MEETING DATE: February 20, 2024

CATEGORY: EXECUTIVE SESSION

CAPTION: Consider and discuss the State of Texas, et al. Association Against Fredericksburg Annexations vs. City of Fredericksburg, Texas, pending in 216th District Court (551.071)

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMMUNITY VISIONING/STRATEGIC INITIATIVES:

Business Visioning

Government Vision

Family Life Vision

Quality of Life Vision

ATTACHMENTS:

None

APPROVAL/REVIEW:

Date: February 12, 2024

William McKamie, City Attorney

Date: February 13, 2024

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: February 15, 2024