



City of Fredericksburg

City Council Regular Meeting Agenda
Tuesday, April 16, 2024 ~ 9:00 AM
Law Enforcement Center
1601 E. Main Street
Fredericksburg, Texas 78624

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

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

The City of Fredericksburg City Council will meet in a regular session on Tuesday, April 16, 2024, at 9:00 AM. To watch a live stream visit the City's website:
<https://fredericksburgtx.portal.civicclerk.com/event/1095/files>

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 Charter Review Committee may also publicly discuss any item listed on the agenda for the Executive Session.

Attendance By Other Elected or Appointed Officials: It is anticipated that the Planning & Zoning Commission, Historic Review Board, Charter Review Committee, and Board of Adjustments members may attend the City Council Meeting at the date and time above in numbers that may constitute a quorum. Notice is hereby given that at the City Council Meeting at the date and time above, no Board or Commission action will be taken by such in attendance unless such item and action are specifically provided on a separate agenda

1. CALL TO ORDER

2. INVOCATION

Kate Walker will lead the Invocation

3. PLEDGE OF ALLEGIANCE

4. CEREMONIAL MATTERS/PROCLAMATIONS/EMPLOYEE RECOGNITION

- A. Recognition of Larry Jackson for 20 years of service on the City's Historic Review Board

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. Approve a street closure request for the Fredericksburg Morning Rotary Club's 14th annual Kraut Run, taking place on Saturday, October 5, 2024 (Jennifer Krupa, Assistant Director of Parks and Recreation/Special Events Coordinator)
- B. Approve a street & lane closure request for the Fredericksburg Craft Beer Festival scheduled for Saturday, June 8, 2024, at Marktplatz (Jennifer Krupa, Assistant Director of Parks and Recreation/Special Events Coordinator)
- C. Approve street closures and parking lot usage for Oktoberfest 2024, taking place the first full weekend of October 2024 at Marktplatz (Jennifer Krupa, Assistant Director of Parks and Recreation/Special Events Coordinator)
- D. Consider approving a street closure request for the Gillespie County 4-H Adult Leaders BBQ, scheduled for Friday, August 23, 2024, at Marktplatz (Jennifer Krupa, Special Events Coordinator and Assistant Parks and Recreation Director)
- E. Approve a street closure request for the Fredericksburg Car Fest, scheduled for Saturday, June 1, 2024, at Marktplatz (Jennifer Krupa, Assistant Director of Parks and Recreation/Special Events Coordinator)

7. ORDINANCES, RESOLUTIONS AND PUBLIC HEARINGS

- A. Request #Z-2403: By Charles And Janet Chenoweth To Consider The Following (Anna Hudson, Development Services Director):

1. Land Use Change From Low Density Residential (LDR) To Commercial (C) For Property Located At 105 West Creek Street

2. Zoning Change From Single Family Residential (R1) To Neighborhood Commercial (C1) For Property Located At 105 West Creek Street.

i. Presentation By The Applicant

ii. Staff Report

iii. Hold A Public Hearing To Receive Comments For Or Against The Request

iv. Take Action On Ordinance 2024-13 For A Land Use Change And Zoning Change amending the comprehensive land use plan relating to approximately 0.2008 acres of land located at 105 west creek street by changing the land use designation from low density residential to commercial; amending appendix b, "zoning ordinance," of the fredericksburg municipal code, as amended, by changing the zoning classification of said property from r1: single family residential to c- 1: neighborhood commercial; revising the official zoning map in accordance therewith; providing that this ordinance shall be cumulative of all ordinances; providing a penalty clause; providing a savings clause; providing a severability clause; providing for publication in the official newspaper; and providing an effective date.

B. Consider the approval of Resolution 2024-06R suspending for 45 days the effective date proposed by Atmos Energy-Mid-Texas Division (Atmos-MidTex) in its application filed on or about February 23, 2024, pursuant to Section 104.301 of the Gas Utility Regulatory Act (Mick McKamie, City Attorney)

8. OTHER ACTION ITEMS AND UPDATES

A. Consider accepting the Phase 2 - Boot Ranch Water Tank Site Property (Kris Kneese, Director of Public Works and Utilities)

B. Consider the approval of an agreement with the Fredericksburg Chamber of Commerce relating to the Fredericksburg Food and Wine Fest (Garret Bonn, Assistant City Manager)

C. Consider a petition for release from the City of Fredericksburg's Extraterritorial Jurisdiction (Mick McKamie, City Attorney):

i. The property located at 1076 Boerner-Weirich Rd (+/- 107 acres)

9. CITY MANAGER'S REPORT

A. City Manager's Monthly Update

B. Eclipse Report

10. ITEMS FOR FUTURE AGENDA

- A. Review the Future Agenda spreadsheet

11. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Sections (551.072 & 551.074):

- 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 US 290E and Industrial Loop (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 appointment, evaluation, reassignment, duties, or dismissal of a public officer, specifically the appointment of new member a new member to fill a vacancy on the City's Historic Review Board (Section 551.074)

12. BUSINESS ITEM

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

13. ADJOURN

CERTIFICATION

This is to certify that I, Garret Bonn, posted this Agenda at 3:00pm on April 12, 2024, on the bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.



Garret Bonn, P.E., CFM
Interim City Secretary



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Development Services

TO: Mayor & City Council Members

FROM:

MEETING DATE: April 16, 2024

CATEGORY: CEREMONIAL
MATTERS/PROCLAMATIONS/EMPLOYEE
RECOGNITION

CAPTION: Recognition of Larry Jackson for 20 years of service on the City's Historic Review Board

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMPREHENSIVE PLAN GUIDING PRINCIPLE:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

ATTACHMENTS:

None

APPROVAL/REVIEW:

Anna Hudson, Director of Development Services

Date: April 11, 2024

Date: April 11, 2024

Garret Bonn, Assistant City Manager



Date: April 11, 2024

William McKamie, City Attorney



Date: April 11, 2024

Clinton Bailey, City Manager



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Parks and Recreation
TO: Mayor & City Council Members
FROM: Jennifer Krupa, Asst. PARD Director/
Special Events
MEETING DATE: April 16, 2024

CATEGORY: CONSENT

CAPTION: Approve a street closure request for the Fredericksburg Morning Rotary Club's 14th annual Kraut Run, taking place on Saturday, October 5, 2024 (Jennifer Krupa, Assistant Director of Parks and Recreation/Special Events Coordinator)

PRESENTATION:

SUMMARY:

The 14th annual Oktoberfest Kraut Run, which raises money for literacy and reading programs at FISD primary, elementary, and middle schools, will take place on Saturday, October 5, 2024. The start/finish area for the run is on and adjacent to the horseshoe entry drive of Fredericksburg Middle School. The event takes runners through the residential area northeast of downtown Fredericksburg, between SH 16 North and North Milam/965, returning to the start/finish area via North Adams and Travis St.

While the start/finish areas are on the school grounds on the NW side of Travis, the post-race celebration and awards ceremony are held on the SE side of Travis. In addition, event organizers rent the Town Pool bathhouse, which is also on the SE side of Travis. The bathhouse allows runners to prepare for the race and clean-up after the race, so that they have the option of enjoying Oktoberfest events. This arrangement, which is necessary because the post-race party is prohibited on FISD grounds, causes a large amount of pedestrian traffic back and forth across Travis St.

Run organizers requested to close one block of W. Travis St. from N. Crockett to N. Adams during the event. During that time, through traffic on Travis St. will need to detour one block to W. Schubert.

BACKGROUND:

The street closure request has been approved by City Council for the past five years and a completed special event application is on file.

Lt. Seelig (Police Department) and Garrett Durst (Streets Division) have both reviewed and approved the request. Emergency vehicle access will be allowed throughout the closure.

The Fredericksburg Morning Rotary will mail notification letters to those affected by the closure. A copy of the letter is attached to this request.

The streets division will deliver the closure equipment on October 4, 2024, and the Morning Rotary Club will install the closure equipment on Saturday morning. The event organizers will be responsible for removing the equipment at 12 p.m. on the event day and placing the equipment on the side of the street for pick-up by the streets division on Monday, October 7, 2024.

Chapter 44, Article II, Section 44-24, of the City's Code of Ordinances states:

Sec. 44-24. - Authority of chief of police to enforce traffic regulations.

(a) The chief of police is hereby empowered to take all actions as may be necessary or advisable to enforce traffic regulations to make effective the provisions of this chapter and other traffic laws or ordinances and to make and enforce temporary or experimental regulations to cover emergencies or special events or conditions. No such temporary or experimental regulation shall remain in effect for more than 90 days, nor shall it be effective until approved by the City Manager.

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

FUNDING SOURCE: General Fund

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

Recommend City Council consider adoption of a motion to allow the Fredericksburg Morning Rotary Club to close W. Travis St. from N. Crockett to N. Adams from 6:30 a.m. to 12:00 p.m. on Saturday, October 5, 2024, for the 14th annual Kraut Run.

COMPREHENSIVE PLAN GUIDING PRINCIPLE:

Quality of Life Vision

ATTACHMENTS:

1. Street Closure_2024
2. kraut_run_2024_residents_list
3. Kraut Run 10K Homeowner Notification letter 2024
4. Barricade Location Plan

APPROVAL/REVIEW:

Andrea Schmidt

Andrea Schmidt, Parks and Recreation Director

Date: March 26, 2024

Krista Wareham

Krista Wareham, Director of Finance

Date: March 26, 2024



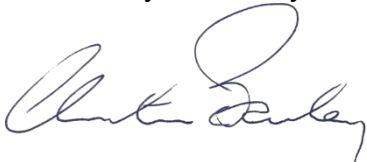
William McKamie, City Attorney

Date: March 26, 2024



Shelley Goodwin, City Secretary

Date: April 03, 2024



Clinton Bailey, City Manager

Date: April 11, 2024

SPECIAL EVENTS STREET CLOSURE REQUEST



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

Event Name:	Kraut Run (Fredericksburg Morning Rotary)
Event Date(s):	Saturday October 05, 2024
Contact Name:	Hugh Reeves
Contact Phone:	(832) 971 4547

Closure Area:

☒ Entire Street

☐

Parking Lane Only

☐

Partial Street

☐

Blocking City owned property

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

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

Street Closure Details:

Street Name	Between (cross street)	And (cross street)	Start Date	Start Time	End Date	End Time
Example:	Crockett Street	Adams Street	Friday, 4/2/21	6:00 PM	Sunday, 4/4/21	12:00 PM
W. Travis	n. Crockett Street	N. Adams Street	Saturday 10/05/2024	6:30AM	Saturday 10/05/2024	12:00PM

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

Date notice provided: March 15, 2024

Printed Name: Hugh Reeves

Date: March 15, 2024

Signature: _____

Date: March 15, 2024

Street Department:

G. Duvst via email

Date:

1-27-24

Police Department:

Lt. Seelig via email

Date:

1-27-24

Parks Department:

Zeifer via email

Date:

1-27-24

Kraut Run 2024 Street Closure Residents List

Note: there are only 2 residences which are affected by the closure of the 100 block of W. Travis

RESIDENT

109 W. Travis

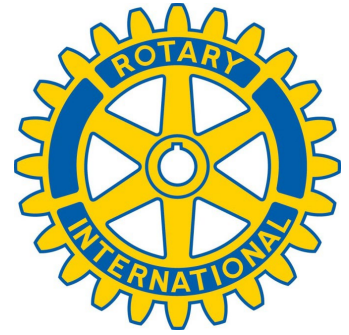
Fredericksburg, TX 78624

RESIDENT

111 W. Travis

Fredericksburg, TX 78624

Fredericksburg Morning Rotary



Kraut Run/Walk 8K/5K 2024

From: Fredericksburg Morning Rotary

Subj: Information on the Kraut Run event for 2024

In accordance with the City of Fredericksburg event procedures, we are providing information on this Rotary event which will be conducted in your neighborhood on Oct 5, 2024.

The 14th annual Kraut Run 8K/5K Run and 5K Walk will be held on Saturday, October 5, 2024, starting at 8:00 a.m. at the Fredericksburg Middle School grounds, 110 West Travis, Fredericksburg.

The Kraut Run course runs through the residential and rural area northeast of Fredericksburg between RR 965 and SH 16 north. See map on reverse for detail.

We will begin set-up of the start/finish area at 6:00 a.m. Runners will start to arrive at 7:00 a.m., and we will attempt to make as little noise as possible, until we approach the 8:00 a.m. start time.

Due to congestion at the start/finish area at Fredericksburg Middle School, we have requested the closure of W. Travis St. from N. Crockett to N. Adams from 6:30 a.m. to 12:00 p.m. During that time, through traffic on Travis St. will need to detour one block to W. Schubert.

Proceeds of the Kraut Run benefit the literacy efforts of the Fredericksburg Morning Rotary in support of the primary, elementary and middle schools of Fredericksburg ISD, as well as Books for Babies, a community program. Our Rotary club is one of the most important sources of books for the libraries of these schools.

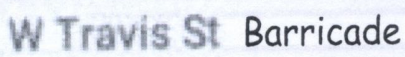
Donations to our literacy efforts can be made by mail to Fredericksburg Morning Rotary, P.O. Box 3031, Fredericksburg, TX 78624.

For more information on our event, visit our website at <https://athleteguild.com/running/fredericksburg-tx/2022-oktoberfest-kraut-run> or our Facebook page at www.facebook.com/krautrun/. Race coordinator Hugh Reeves can be reached at hugh@hughandbecky.com or call him at 832 971 4547.

The Fredericksburg Morning Rotary Charity Fund is a 501(c)(3) exempt nonprofit corporation

EIN#35-2300785. Contributions are tax-deductible in accordance with current IRS regulations.

Barricade Location Plan



Barricade

E Tra



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Parks and Recreation
TO: Mayor & City Council Members
FROM: Jennifer Krupa, Asst. PARD Director/
Special Events
MEETING DATE: April 16, 2024

CATEGORY: CONSENT

CAPTION: Approve a street & lane closure request for the Fredericksburg Craft Beer Festival scheduled for Saturday, June 8, 2024, at Marktplatz (Jennifer Krupa, Assistant Director of Parks and Recreation/Special Events Coordinator)

PRESENTATION:

SUMMARY:

The Fredericksburg Noon Rotary Club and Debbie Reeh of Creative Marketing, submitted a street closure request for review and approval to host the 3rd annual Fredericksburg Craft Beer Festival on Saturday, June 8, 2024, at Marktplatz. A completed special event application is on file. The event organizer has requested the following:

- 1) To close the parking lane and one southbound traffic lane, adjacent to Marktplatz on Adams Street beginning Friday, June 7, 2024, at 7:00 a.m., until Monday, June 10, 2024, at noon.
- 2) To close W. Austin Street between N. Crockett and N. Adams, beginning Saturday, June 8, 2024, at 7:00 a.m., until 7:00 p.m.

BACKGROUND:

The Fredericksburg Craft Beer Festival is sponsored by the Fredericksburg Noon Rotary Club. The Noon Rotary Club has hired Debbie Reeh of Creative Marketing to oversee the event coordination and execution. Due to the need to place dumpsters, large trucks, and ice trailers near the event site at Adelsverein & Oktoberfest Halles, a request to approve the partial closure of Adams Street and full closure of W. Austin Street is included for your consideration.

The request to close one southbound and the parking lane on Adams Street coincides with the hours of the streets division; therefore, no overtime is required to close the street, traffic lane, and parking lane. In addition, the traffic and parking lane closure will not block any business on Adams Street. Event organizers will be responsible for the W. Austin Street closure on Saturday morning and for the reopening on Saturday evening, and also placing the closure equipment on the side of the street for pick-up on Monday, June 10, 2024. The streets division will reopen the traffic and parking lane closure on Monday, June 10, 2024, at noon.

Lt. Derek Seelig (Fredericksburg Police Department) and Garrett Durst (Streets Division) have reviewed and approved the street closure request. Debbie Reeh, has communicated and coordinated with Bethany Lutheran Church and San Saba Soap Company on the closures.

Chapter 44, Article II, Section 44-24, of the City's Code of Ordinances states:

Sec. 44-24. - Authority of chief of police to enforce traffic regulations.

(a) The chief of police is hereby empowered to take all actions as may be necessary or advisable to enforce traffic regulations to make effective the provisions of this chapter and other traffic laws or ordinances and to make and enforce temporary or experimental regulations to cover emergencies or special events or conditions. No such temporary or experimental regulation shall remain in effect for more than 90 days, nor shall it be effective until approved by the City Manager.

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

FUNDING SOURCE: General Fund

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

Recommend City Council to consider adoption of a motion:

- 1) To close the parking lane and one southbound lane adjacent to Marktplatz on Adams Street beginning on Friday, June 7, 2024, at 7:00 a.m. until Monday, June 10, 2024, at noon; and
- 2) To close W. Austin Street between N. Crockett and N. Adams beginning on Saturday, June 8, 2024, at 7:00 a.m. and ending on Saturday, June 8, 2024, at 7:00 p.m.

COMPREHENSIVE PLAN GUIDING PRINCIPLE:

Quality of Life Vision

ATTACHMENTS:

1. FBG Craft Beer Festival_Street Closure Request 2024

APPROVAL/REVIEW:

Andrea Schmidt

Date: March 26, 2024

Andrea Schmidt, Parks and Recreation Director

Krista Wareham

Date: March 26, 2024

Krista Wareham, Director of Finance

William McKamie

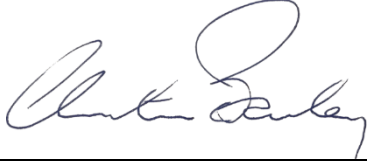
Date: March 26, 2024

William McKamie, City Attorney



Date: April 04, 2024

Shelley Goodwin, City Secretary



Date: April 11, 2024

Clinton Bailey, City Manager

SPECIAL EVENTS STREET CLOSURE REQUEST



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

Event Name:	<i>Fredericksburg Craft Beer Festival</i>
Event Date(s):	<i>June 8, 2024</i>
Contact Name:	<i>Debbie Reeh</i>
Contact Phone:	<i>() 830-456-1461</i>

Closure Area:

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

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

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

We are requesting the parking lane and one southbound traffic lane adjacent to Marktplatz be closed for this event

Also requesting partial closure of Austin Street (southside) *⇒ Full closure or a TCP is required.*

Street Closure Details:

Street Name	Between (cross street)	And (cross street)	Start Date	Start Time	End Date	End Time
Example:	Crockett Street	Adams Street	Friday, 4/2/21	6:00 PM	Sunday, 4/4/21	12:00 PM
Adams	Austin	Main	June 7	7:00 am	June 10	12 Noon
Austin	Adams	Crockett	June 8	7:00 am	June 8	7:00 pm

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

Streets will close Adams & Rotary to close w. Austin.

Date notice provided: *FEB. 16, 2024*

Printed Name: *see attached letters-JTC*

Date: _____

Signature: _____

Date: _____

Street Department: _____

Date: _____

Police Department: _____

Date: _____

Parks Department: *Jeff K*

Date: *2-28-24*



February 16, 2024

*Bethany Lutheran Church
Layne Petty
110 West Austin Street
Fredericksburg, Texas 78624*

Dear Layne,

We are contacting you and San Saba Soap Company to let you know the Fredericksburg Craft Beer Festival is requesting from the City a street closure of Austin Street. The closure will be from 7:00 am through 7:00 pm on Saturday, June 8.

We are looking forward to this year's festival, which is continuing to grow in popularity as we celebrate all things Texas.

The Fredericksburg Craft Beer Festival is presented by the Rotary Club of Fredericksburg Foundation, a non-profit 501(c)(3) organization focused on improving our community and the world. With funds raised from this festival, 80% of proceeds will support Rotary's local charitable efforts, and this year 20% will go to the Hill Country Community Needs Council.

We thank you and value the relationship we have with everyone in the community.

Sincerely,

*Debbie Reeh, Event coordinator
Ken Esten Cooke
Dale E. Cook
Jody Donovan
Patrick Moore*



February 16, 2024

*San Saba Soap Company
Leanne Holley
102 West Austin Street
Fredericksburg, Texas 78624*

Dear Leanne,

We are contacting you and Bethany Lutheran Church to let you know the Fredericksburg Craft Beer Festival is requesting from the City a street closure of Austin Street. The closure will be from 7:00 am through 7:00 pm on Saturday, June 8.

We are looking forward to this year's festival, which is continuing to grow in popularity as we celebrate all things Texas.

The Fredericksburg Craft Beer Festival is presented by the Rotary Club of Fredericksburg Foundation, a non-profit 501(c)(3) organization focused on improving our community and the world. With funds raised from this festival, 80% of proceeds will support Rotary's local charitable efforts, and this year 20% will go to the Hill Country Community Needs Council.

We thank you and value the relationship we have with everyone in the community.

Sincerely,

*Debbie Reeh, Event coordinator
Ken Esten Cooke
Dale E. Cook
Jody Donovan
Patrick Moore*



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Parks and Recreation
TO: Mayor & City Council Members
FROM: Jennifer Krupa, Asst. PARD Director/
Special Events
MEETING DATE: April 16, 2024

CATEGORY: CONSENT

CAPTION: Approve street closures and parking lot usage for Oktoberfest 2024, taking place the first full weekend of October 2024 at Marktplatz (Jennifer Krupa, Assistant Director of Parks and Recreation/Special Events Coordinator)

PRESENTATION:

SUMMARY:

Pedernales Creative Arts Alliance/Oktoberfest (PCAA) is requesting the complete closure of Adams Street between Main and Austin, and Austin Street between Crockett and Adams for the 2024 Oktoberfest event. Debbie Reeh, Oktoberfest manager and event producer, communicated and coordinated with the Adams Street merchants, Bethany Lutheran Church, and San Saba Soap Company on the closures. The PCAA has made allowances for Sunday church services and emergency access lanes on both Adams and Austin will be maintained throughout the closure. A completed special event application is on file. In addition, Oktoberfest is asking for permission to use the parking lot on Crockett Street across from City Hall.

The requests include:

- 1) N. Adams Street between Main Street and Austin Street beginning on Wednesday, October 2, 2024, at 7:00 a.m., through Monday, October 7, 2024, at 3:00 p.m.
- 2) W. Austin Street between N. Crockett and N. Adams beginning Thursday, October 3, 2024, at 7:00 a.m., until Monday, October 7, 2024, at 12:00 p.m.; and,
- 3) Use of the parking lot on Crockett Street across from City Hall and next to Broadway Bank beginning on Friday, October 4, 2024, at 5:00 p.m., until Sunday, October 6, 2024, at 8:00 p.m.

BACKGROUND:

Oktoberfest is the premier special event for the City of Fredericksburg. Oktoberfest has coordinated extensively with City staff and has adopted all recommendations. Lt. Derek Seelig (Fredericksburg Police Department) and Garrett Durst (Streets Division) have reviewed and approved the street closure request.

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

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

ordinances and to make and enforce temporary or experimental regulations to cover emergencies or special events or conditions. No such temporary or experimental regulation shall remain in effect for more than 90 days, nor shall it be effective until approved by the City Manager.

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

FUNDING SOURCE: General Fund

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

Recommend City Council consider a motion to approve the use of the parking lot across from City Hall (beginning Friday, October 4, 2024, at 5 p.m. and ending on Sunday, October 6, 2024, at 8:00 p.m.), and the following two street closure requests for Oktoberfest 2024:

- 1) N. Adams Street between Main Street and Austin Street beginning on Wednesday, October 2, 2024, at 7:00 a.m., through Monday, October 7, 2024, at 3:00 p.m., and,
- 2) W. Austin Street between N. Crockett and N. Adams beginning Thursday, October 3, 2024, at 7:00 a.m., until Monday, October 7, 2024, at 12:00 p.m.

COMPREHENSIVE PLAN GUIDING PRINCIPLE:

Quality of Life Vision

ATTACHMENTS:

1. 2024 Oktoberfest Street Closure Request

APPROVAL/REVIEW:

Andrea Schmidt

Andrea Schmidt, Parks and Recreation Director

Date: March 26, 2024

Krista Wareham

Krista Wareham, Director of Finance

Date: March 26, 2024

William McKamie

William McKamie, City Attorney

Date: March 26, 2024

Steve Gooding

Date: April 04, 2024

Shelley Goodwin, City Secretary

A handwritten signature in blue ink, appearing to read "Clinton Bailey", is written over a horizontal line.

Date: April 11, 2024

Clinton Bailey, City Manager

SPECIAL EVENTS STREET CLOSURE REQUEST



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

Event Name:	<i>Oktoberfest in Fredericksburg</i>
Event Date(s):	<i>October 4-6, 2024</i>
Contact Name:	<i>Debbie Reeh</i>
Contact Phone:	<i>() 830-456-1461</i>

Closure Area:

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

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

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

Use of parking area behind Police Substation beginning Tuesday October 1 at 5PM until Monday October 7 at 3PM and

use of City Hall Lot on Crockett, beginning Friday, October 4 at 5PM until Sunday, October 6 at 8PM , plus the following:

Street Closure Details:

Street Name	Between (cross street)	And (cross street)	Start Date	Start Time	End Date	End Time
Example:	Crockett Street	Adams Street	Friday, 4/2/21	6:00 PM	Sunday, 4/4/21	12:00 PM
Adams Street	Austin Street	Main Street	Wed, 10/02	7:00 am	Mon, 10/07	3:00 pm
Austin Street	Adams Street	Crockett Street	Thu, 10/03	7:00 am	Mon, 10/07	Noon

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

Date notice provided: *Feb. 16, 2024*

Printed Name: *DR*

Date: *2-16-24*

Signature: _____

Date: _____

Street Department: *A. Duvst via email*

Date: _____

Police Department: *Lt. Seelig via email*

Date: _____

Parks Department: *Jeiffer KPC*

Date: *2-29-24*



February 16, 2024

First Weekend

In October!!

OCTOBER 4-6, 2024

MarktPlatz

Downtown

Fredericksburg

Oompah at its best!

Oktoberfest
Celebrates
44 Years
of Texas
Gemütlichkeit



OktoberfestinFbg.com

830-997-4810

Fest Office:

703 N Llano

Danke Schön!

Bethany Lutheran Church

Layne Petty

110 West Austin Street

Fredericksburg TX 78624

Dear Layne,

We are grateful for your continued support of the street closure request. The working relationship we have with you and the community certainly help Oktoberfest.

Oktoberfest is requesting the Austin Street closure (same logistical plan):

Austin Street -- Thursday, October 3rd at 7:00am – Monday, October 7th at noon.

Pedernales Creative Arts Alliance, sponsors of Oktoberfest, is a non-profit, 501(c)(3) organization. Through Oktoberfest's success, PCAA gives back to the community.

How the community benefits from Oktoberfest:

- Up to sixteen students will receive scholarships this year .
- Over 25 grants for local art programs were awarded. Some of the recipients include local art guilds, school programs, concerts, theater, band instruments, and more.
- Six MarktPlatz PCAA Musical Evenings are scheduled for Sundays in April through September and are free to the public. This is our way to thank the community for their support and volunteerism.
- Along with many enhancements to MarktPlatz through the years: Oktoberfest Halle, Maibaum, new picnic tables, new tables/chairs for new room on northwest corner of Marktplatz, landscape/hardscape, Fest Zimmer, public restroom remodels and Die Küche.

When Oktoberfest opened its gate in 1981, there was one stage, a handful of artisans and three food concessionaires. Today we have grown the Festival where:

- We feature five entertainment stages (Oompah at its Best!), fun kid's area, hi-strikers, polka and waltz contests, local artisans tent, arts and crafts vendors, German, Texas craft and domestic beer selection, wine, food concessionaires, a 42 tournament, OktUBAFest, stein hoist contests, a family Lederhosen and Dirndl contest, Hauptstrasse Chicken Dance and thousands of content fest-goers

Debbie Farquhar Reeh

Oktoberfest Manager and Event Producer



February 16, 2024

First Weekend
In October!!

Texas Jack Wild West
Jamie and Bryce Wayt
117 N Adams St
Fredericksburg TX 78624

OCTOBER 4-6, 2024

Dear Jamie and Bryce,

MarktPlatz

We are grateful for your continued support of the street closure request. The working relationship we have with you and the community certainly help Oktoberfest.

Downtown

Oktoberfest is requesting the Adams Street closure (same logistical plan):

Fredericksburg

Adams Street -- Wednesday, October 2nd at 7:00am – Monday, October 7th at 3:00pm.

Oompah at its best!

Pedernales Creative Arts Alliance, sponsors of Oktoberfest, is a non-profit, 501(c)(3) organization. Through Oktoberfest's success, PCAA gives back to the community.

How the community benefits from Oktoberfest:

- Up to sixteen students will receive scholarships this year.
- Over 25 grants for local art programs were awarded. Some of the recipients include local art guilds, school programs, concerts, theater, band instruments, and more.
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Oktoberfest
Celebrates
44 Years
of Texas
Gemütlichkeit



OktoberfestinFbg.com

830-997-4810

Fest Office:

703 N Llano

When Oktoberfest opened its gate in 1981, there was one stage, a handful of artisans and three food concessionaires. Today we have grown the Festival where:

- We feature five entertainment stages (Oompah at its Best!), fun kid's area, hi-strikers, polka and waltz contests, local artisans tent, arts and crafts vendors, German, Texas craft and domestic beer selection, wine, food concessionaires, a 42 tournament, OktUBAFest, stein hoist contests, a family Lederhosen and Dirndl contest, Hauptstrasse Chicken Dance and thousands of content fest-goers

Danke Schön!

Debbie Farquhar Reeh
Oktoberfest Manager and Event Producer



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Parks and Recreation
TO: Mayor & City Council Members
FROM: Jennifer Krupa, Asst. PARD Director/
Special Events
MEETING DATE: April 16, 2024

CATEGORY: CONSENT

CAPTION: Consider approving a street closure request for the Gillespie County 4-H Adult Leaders BBQ, scheduled for Friday, August 23, 2024, at Marktplatz (Jennifer Krupa, Special Events Coordinator and Assistant Parks and Recreation Director)

PRESENTATION:

SUMMARY:

The Gillespie County 4-H Adult Leaders BBQ is requesting to close two streets for a total of three hours on Friday, August 23, 2024, to host to-go plate serving lines at Bethany Lutheran Church.

BACKGROUND:

Code of Ordinances, Section 44-24. - Authority of chief of police to enforce traffic regulations.

(a)The chief of police is hereby empowered to take all actions as may be necessary or advisable to enforce traffic regulations to make effective the provisions of this chapter and other traffic laws or ordinances and to make and enforce temporary or experimental regulations to cover emergencies or special events or conditions. No such temporary or experimental regulation shall remain in effect for more than 90 days, nor shall it be effective until approved by the City Manager.

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

The streets division will be on-site on Friday, August 23, 2024, to deliver the closure equipment due to the Gillespie County Fair Parade.

Garret Durst with the Streets Division and Lt. Derek Seelig, Police Department, have both reviewed and approved this request.

An identical street closure request was approved for the event in August 2022 & 2023.

FUNDING SOURCE: N/A

FINANCIAL IMPACT:
N/A

STAFF RECOMMENDATION: City Council should consider adoption of a motion to approve the street closure requests on Friday, August 23, 2024, beginning at 10:00 a.m. and ending at 1:00 p.m., for the Gillespie County 4-H Adult Leaders BBQ:

- N. Crockett Street between W. Schubert and W. Travis; and
- W. Schubert between N. Crockett and N. Adams

COMPREHENSIVE PLAN GUIDING PRINCIPLE:

Quality of Life Vision

ATTACHMENTS:

1. 2024 4-H BBQ Street Closure Request Form
2. City of Fbg map 2018

APPROVAL/REVIEW:

Andrea Schmidt

Andrea Schmidt, Parks and Recreation Director

Date: March 26, 2024

Krista Wareham

Krista Wareham, Director of Finance

Date: March 26, 2024

William McKamie

William McKamie, City Attorney

Date: March 26, 2024

Shelley Goodwin

Shelley Goodwin, City Secretary

Date: April 04, 2024

Clinton Bailey

Clinton Bailey, City Manager

Date: April 11, 2024

SPECIAL EVENTS STREET CLOSURE REQUEST



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

Event Name:	<u>Gillespie County 4-H BBQ</u>
Event Date(s):	<u>8/23/2024</u>
Contact Name:	<u>Karen Lochte</u>
Contact Phone:	<u>(830) 456-7028</u>

Closure Area:

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

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

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

Street Closure Details:

Street Name	Between (cross street)	And (cross street)	Start Date	Start Time	End Date	End Time
Example:	Crockett Street	Adams Street	Friday, 4/2/21	6:00 PM	Sunday, 4/4/21	12:00 PM
N Crockett	W Schubert	W Travis	Friday 8/23/24	10 am	Friday, 8/23/24	1 pm
W Schubert	N Crockett	N Adams	friday 8/23/24	10 am	Friday 8/23/24	1 pm

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

Date notice provided: 8/12/2024

Printed Name: Karen Lochte

Date: _____

Signature: _____

Date: _____

Street Department: _____

Date: _____

Police Department: _____

Date: _____

Parks Department: Jeige Kyp

Date: 3-13-24

N ORANGE

MISTLETOE

W. SCHUBERT

W TRAVIS

N CROCKETT

WIMBLES

N ADAMS

NADAI

CORA

W L L A N O

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S

62



CONCLUSIONS



Close Street

Close
Street

Dave & Thru
@
Bethany

87



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Parks and Recreation
TO: Mayor & City Council Members
FROM: Jennifer Krupa, Asst. PARD Director/
Special Events
MEETING DATE: April 16, 2024

CATEGORY: CONSENT

CAPTION: Approve a street closure request for the Fredericksburg Car Fest, scheduled for Saturday, June 1, 2024, at Marktplatz (Jennifer Krupa, Assistant Director of Parks and Recreation/Special Events Coordinator)

PRESENTATION:

SUMMARY:

The Fredericksburg Car Fest, hosted by Fredericksburg Morning Rotary Club, is an annual event held the first Saturday in June at Marktplatz. Event organizers have requested to close W. Austin Street between N. Adams Street and N. Crockett Street during the 2024 event, in order to park cars on the street for public viewing. A completed special event application is on file and an emergency access lane will remain open on W. Austin Street during the closure.

BACKGROUND:

The request to close Austin Street was approved by City Council for the 2022 & 2023 events. The event footprint has expanded as the number of cars participating in the car show has increased year after year. Therefore, some of the car show entries will need to be parked on Austin Street for judging. In addition, during the 2019 event, the event organizers invited local first responders to participate in a meet-and-greet and it was very well received by the event attendees. A few of the first responder vehicles and equipment have proven to be too large to place on Marktplatz during the car show (i.e. Fire Engine & Ambulance), so Austin Street would be used instead. For 2021, a new car expo was added to allow attendees to get up close and personal to new vehicles from leading manufacturers.

Closing Austin Street will allow car show participants that use the grass parking lot at Bethany Lutheran Church to safely cross Austin Street to and from Marktplatz.

The Fredericksburg Morning Rotary Club contacted Bethany Lutheran Church and San Saba Soap Company and alerted them of the closure request; no negative feedback was received. In addition, Lt. Derek Seelig (Fredericksburg Police Department) and Garrett Durst (Streets Division) have reviewed and approved the street closure request. The streets division will leave the equipment on Austin Street during normal working hours on Friday, May 31, 2024, and either the event organizer or night patrol will close the street at 6:00 a.m., on Saturday, June 1, 2024. Event organizers and Jennifer Krupa will reopen the street on Saturday by 5:00 p.m.

Chapter 44, Article II, Section 44-24, of the City's Code of Ordinances states:

Sec. 44-24. - Authority of chief of police to enforce traffic regulations.

(a) The chief of police is hereby empowered to take all actions as may be necessary or advisable to enforce traffic regulations to make effective the provisions of this chapter and other traffic laws or ordinances and to make and enforce temporary or experimental regulations to cover emergencies or special events or conditions. No such temporary or experimental regulation shall remain in effect for more than 90 days, nor shall it be effective until approved by the City Manager.

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

FUNDING SOURCE: General Fund

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

Recommend City Council consider a motion to approve closing W. Austin Street between N. Adams and N. Crockett Street beginning at 6:00 a.m. on Saturday, June 1, 2024, and ending at 5:00 p.m., for the Fredericksburg Car Fest.

COMPREHENSIVE PLAN GUIDING PRINCIPLE:

Quality of Life Vision

ATTACHMENTS:

1. Street Closure Request

APPROVAL/REVIEW:

Andrea Schmidt

Date: March 26, 2024

Andrea Schmidt, Parks and Recreation Director

Krista Wareham

Date: March 26, 2024

Krista Wareham, Director of Finance

William McKamie

Date: March 26, 2024

William McKamie, City Attorney

Steve Gooding

Date: April 04, 2024

Shelley Goodwin, City Secretary

A handwritten signature in blue ink, appearing to read "Clinton Bailey", is written over a horizontal line.

Clinton Bailey, City Manager

Date: April 11, 2024

SPECIAL EVENTS STREET CLOSURE REQUEST



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

Event Name:	Fredericksburg Car Fest
Event Date(s):	Saturday, June 1, 2024
Contact Name:	Max Beckmann
Contact Phone:	(830) 456-2735

Closure Area:

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

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

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

Leann Holley at San Saba Soap Company and Layne Petty at Bethany Lutheran Church were contacted about the closure and no

negative feedback was received.

Street Closure Details:

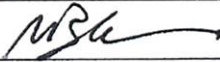
Street Name	Between (cross street)	And (cross street)	Start Date	Start Time	End Date	End Time
Example:	Crockett Street	Adams Street	Friday, 4/2/21	6:00 PM	Sunday, 4/4/21	12:00 PM
W. Austin Street	N. Crockett	N. Adams	Sat., 6/1/2024	6:00 a.m.	Sat., 6/1/2024	5:00 p.m.

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

Date notice provided: February 22, 2024

Printed Name: Max Beckmann

Date: 2/22/2024

Signature: 

Date: 2/22/2024

Street Department: G. Dust via email

Date: 3-26-24

Police Department: Lt. Seelig via email

Date: 3-26-24

Parks Department: Zeifer Krupa

Date: 3-26-24



CITY COUNCIL **AGENDA MEMO**

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM: Anna Hudson, Director of Development Services
MEETING DATE: April 16, 2024

CATEGORY: ORDINANCES, RESOLUTIONS
AND PUBLIC HEARINGS

CAPTION: Request #Z-2403: By Charles And Janet Chenoweth To Consider The Following (Anna Hudson, Development Services Director):

1. Land Use Change From Low Density Residential (LDR) To Commercial (C) For Property Located At 105 West Creek Street
2. Zoning Change From Single Family Residential (R1) To Neighborhood Commercial (C1) For Property Located At 105 West Creek Street.
 - i. Presentation By The Applicant
 - ii. Staff Report
 - iii. Hold A Public Hearing To Receive Comments For Or Against The Request
 - iv. Take Action On Ordinance 2024-13 For A Land Use Change And Zoning Change amending the comprehensive land use plan relating to approximately 0.2008 acres of land located at 105 west creek street by changing the land use designation from low density residential to commercial; amending appendix b, "zoning ordinance," of the fredericksburg municipal code, as amended, by changing the zoning classification of said property from r1: single family residential to c- 1: neighborhood commercial; revising the official zoning map in accordance therewith; providing that this ordinance shall be cumulative of all ordinances; providing a penalty clause; providing a savings clause; providing a severability clause; providing for publication in the official newspaper; and providing an effective date.

PRESENTATION:

SUMMARY:

The Applicant is requesting a Land Use change from Low Density Residential (LDR) to Commercial (C) and a Zoning change from Single Family Residential (R1) to Neighborhood Commercial (C1). The property currently operates as a second home for the applicant but historically operated as a Short-Term Rental until 2019. The property is in the historic district and has a high rating making demolition and redevelopment of the site difficult. The development pattern of the neighborhood has limited access to the rear of the property and it is not physically possible to add a driveway on either side of the structure to add parking behind the house.

BACKGROUND:

Address: **105 W Creek**

Current Zoning: **R1**

Requested Zoning: **C1**

Lot size: 0.2 acres

Designation: Located within the Historic District with High Rating but not within the Historic Shopping District.

The Applicant first obtained an STR Permit in 2014 and operated as an STR until 2019. The property has been listed for sale since August 2023 with little to no activity. The property is located close to South Adams Street (Hwy 16).

This block of West Creek Street has both Commercial and Residential Zones. Across West Creek, to the north, is the Central Business District (CBD) and Neighborhood Commercial (C1). To the immediate east is Neighborhood Commercial (C1) and to the west and south is Single Family Residential (R1). With that said, the property to the west is an STR and 1 of the 2 properties to the south is an STR. The commercial uses within 200 ft include Hill and Vine and Creek Street Dental as well as 4 STR's. The property does not qualify to apply for a Special Exception.

Sec. 3.100 - R1, Single Family Residential

Intent: This zone is intended to provide for single family residential. Single family living may include a guest house or STR if the lot is 10,000 sq ft or larger.

Sec. 3.200 - Neighborhood Commercial

Intent: This zone is intended to provide for the establishment of restricted commercial facilities, to serve the conveniences and needs of the immediate neighborhood and include businesses such as medical services, multi-family residential, professional offices and STR-uses. Uses must be compatible with the residential character and environment of the neighborhood. These uses generally result in limited traffic generation.

Allowed uses in C1 include:

Administrative and Business Office

Convalescent Services

Cultural Services

Day Care Services

Group Residential

Local Utility Services

Medical Services

Multiple Family Residential

Personal Services

Private Primary Educational Services

Private Secondary Educational Facilities

Professional Office

Religious Assembly

Single Family Residential

Short-term Rental, Unoccupied

Short-term Rental, Accessory

Short-term Rental, B&B

Short-term Rental, Facility

Corporate Housing

Sec. 3.220 - Central Business District

Intent: This zone is intended to provide for the intense commercial activities of the Central Business District or central trading area of the City. This district establishes the character of the City by serving the tourists as well as the residents.

Comprehensive Plan

Future Place Type Map 2.5 - identifies this area as Mixed Density Residential, which allows for up to 20% commercial uses, such as personal services, and professional office uses. These areas may be designed in a more urban character in a walkable pedestrian environment. Buildings are intended to be street-oriented, with on-street parking or rear parking, pedestrian and bicycle facilities, short blocks with good street connectivity and nearby goods and services. Appropriate zoning districts would be R1, R2 and C1.

Public Notice Responses:

As of April 5, 2024, four letters in opposition have been received.

STAFF RECOMMENDATION:

Planning and Zoning considered the request on April 3, 2024, and gave a 4-3 recommendation of approval. Given the property's location across from CBD and C1 zoned properties, as well as abutting C1 zoning to the east and the Comprehensive Plan's new Place Type of Mixed Residential recommending C1 as an appropriate zoning for this area, Staff recommends approval of the zoning and land use changes. The land use and zoning change would bring the west block of creek into alignment with existing uses along north creek and C1 provides an appropriate buffer to the remaining R1 properties to the west and south.

ATTACHMENTS:

1. photos and aerial map
2. Z-2403 Zoning Application
3. Z-2403 Public Hearing Map
4. Future Place Type map and definitions
5. Mixed Density Residential pages
6. Z-2403 Mailing Labels
7. Welch protest
8. Wunderlich Protest
9. Kemp Protest
10. Simpson protest
11. Z-2403 Public Hearing Protest Map
12. 105 W Creek Ordinance rezone_unsigned

APPROVAL/REVIEW:



Anna Hudson, Director of Development Services

Date: April 11, 2024



Garret Bonn, Assistant City Manager

Date: April 11, 2024



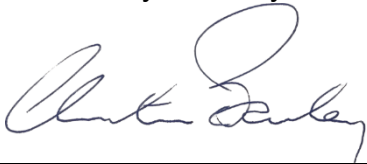
Krista Wareham, Director of Finance

Date: April 11, 2024



William McKamie, City Attorney

Date: April 11, 2024



Clinton Bailey, City Manager

Date: April 11, 2024



105 W Creek currently zoned R1

Requesting C1

103 and 101 W Creek have C1 zoning

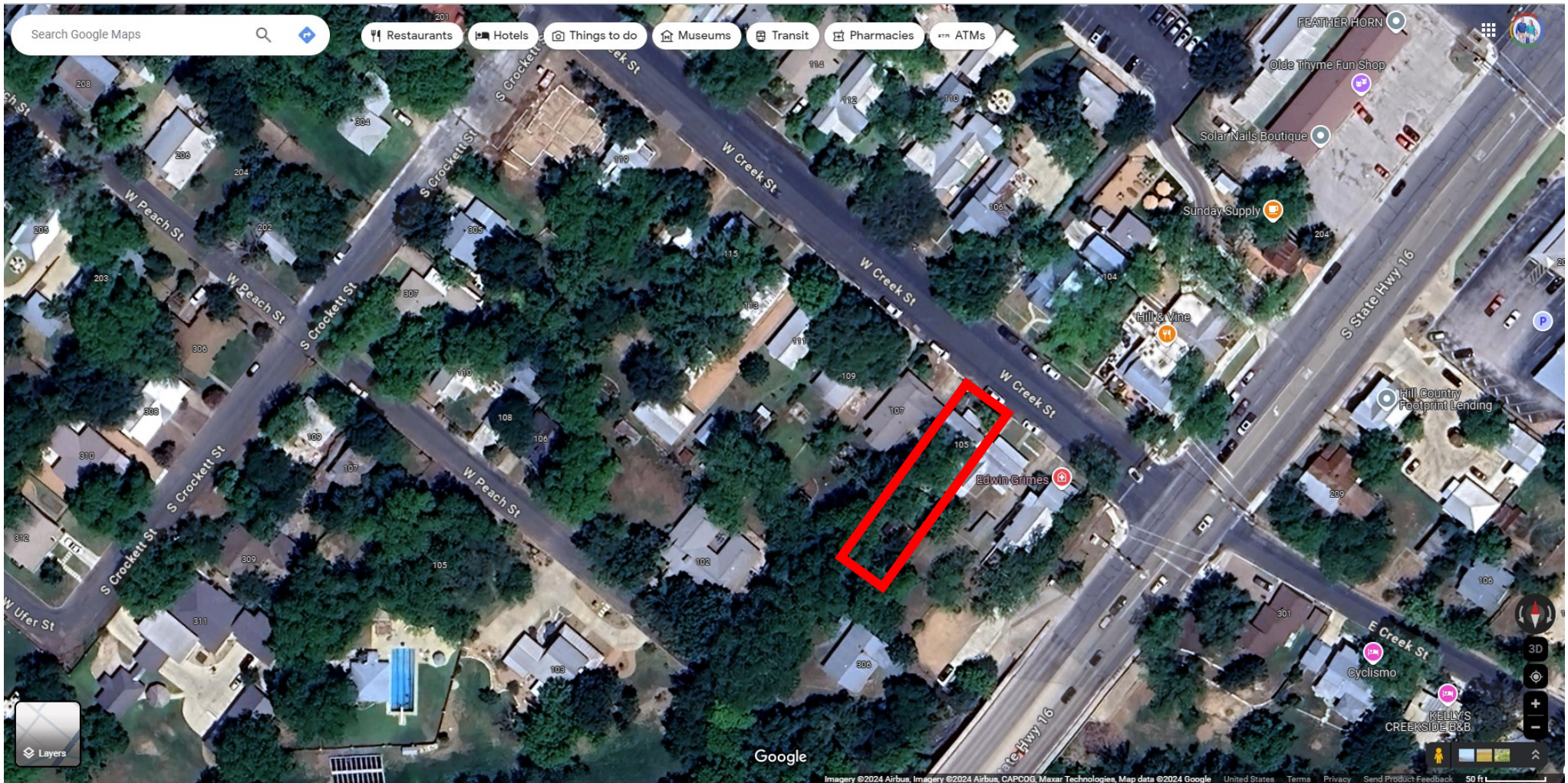
107 W Creek zoned R1 with STR Unoccupied Permit



View from Hwy 16 (S. Adams St)

Hill & Vine Restaurant (CBD Zoning)

103 and 101 W Creek have C1 zoning



105 W. Creek



Zoning Application

City of Fredericksburg – Development Services Department

126 W. Main St, Fredericksburg, TX 78624

A. Project Information

Project Name: Abend Haus

Project Address: 105 W Creek Fredericksburg, TX 78624

Property Tax ID Numbers: 29196

B. Application Type: Appendix A – Fee Schedule

- ☐ Voluntary Annexation - \$750.00
- ☐ Conditional Use Permit - \$500.00
- ☒ Land Use Change - \$300.00
- ☒ Zoning Change - \$600.00
- ☐ Amendment to existing PUD - \$500.00
- ☐ Creation of PUD - \$750.00

❖ All applications will be charged the following fees for the required Public Hearing notifications.

- ☒ Public Hearing Newspaper - \$150.00
- ☒ Public Hearing 200 ft notification letter - \$100.00

~~850~~
\$1150

C. Applicant/Owner Information

Property Owner

Owner Name: Charles Dan and Janet Chenoweth

Owner Address: 6918 Buffkin Ln Houston, TX 77069

Owner Phone Number: 713-907-9330 Owner Email Address: danc@4csgroup.com

Applicant

Applicant Name: same as owner

Applicant Address:

Applicant Phone Number:

Applicant Email Address:

Applicant's Signature

I hereby certify that the information supplied with this application is true and correct, and that the paper and electronic copies of the materials submitted are consistent with each other, to the best of my knowledge. I also certify, if I am not the owner, that I have authorization from the owner to act on his/her behalf.

Signature: _____

Printed Name: C. Dan Chenoweth

Staff Use Only

Application Number: Z-2403

Date: 03/01/24

APRIL 3, 2024 P&Z Meeting
APRIL 16, 2024 City Council
\$1150 - CK#



Project Application

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

A. Project Information (Please complete all items.)

Project Name: Abend Haus
Project Address: 105 W. Creek Fredericksburg, TX 78624
Tax ID Number (s): N/A

Application Type (Check all items that apply.)

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

Jurisdiction: ☒ City Limits ☐ ETJ Total Acres: 0.201 No. of Lots: 1

Original Survey & Abstract No:

Legal Description: PT of Lot 434, Block 31, Fredericksburg Addition
Current Land Use Plan: Residence and Previous B&B Proposed Land Use Plan: Property for Sale
Current Zoning: R1 Proposed Zoning: C1

Location: 105 W. Creek Fredericksburg, TX 78624
Proposed Use(s):

Applicant's Signature

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

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

Signature: Charles Dan Chenoweth Janet H. Chenoweth
Printed Name: Charles Dan & Janet H. Chenoweth Date: March 1, 2024

Staff Use Only

Application No.: _____ Date: _____

*Copy of current Title Search required with application.



Project Application

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

B. Contact Information (Please complete all items.)

I. Property Owners

Firm Name (if applicable):

Owner Name: Charles Dan and Janet H. Chenpwoth

Address:

Phone: (713) 907-9330 Fax:

Email: dane@4csgroup.com
janetc@4csgroup.com

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

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

Firm Name (if applicable):

Address:

Primary Contact Name:

Phone:

Fax:

Email:

Secondary Contact Name:

Phone:

Fax:

Email:

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

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

D. Recording Fee Schedule

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

WILLIAM E. BOHNER
0.64 ACRES
VOLUME 118, PAGES 640-641
DEED RECORDS



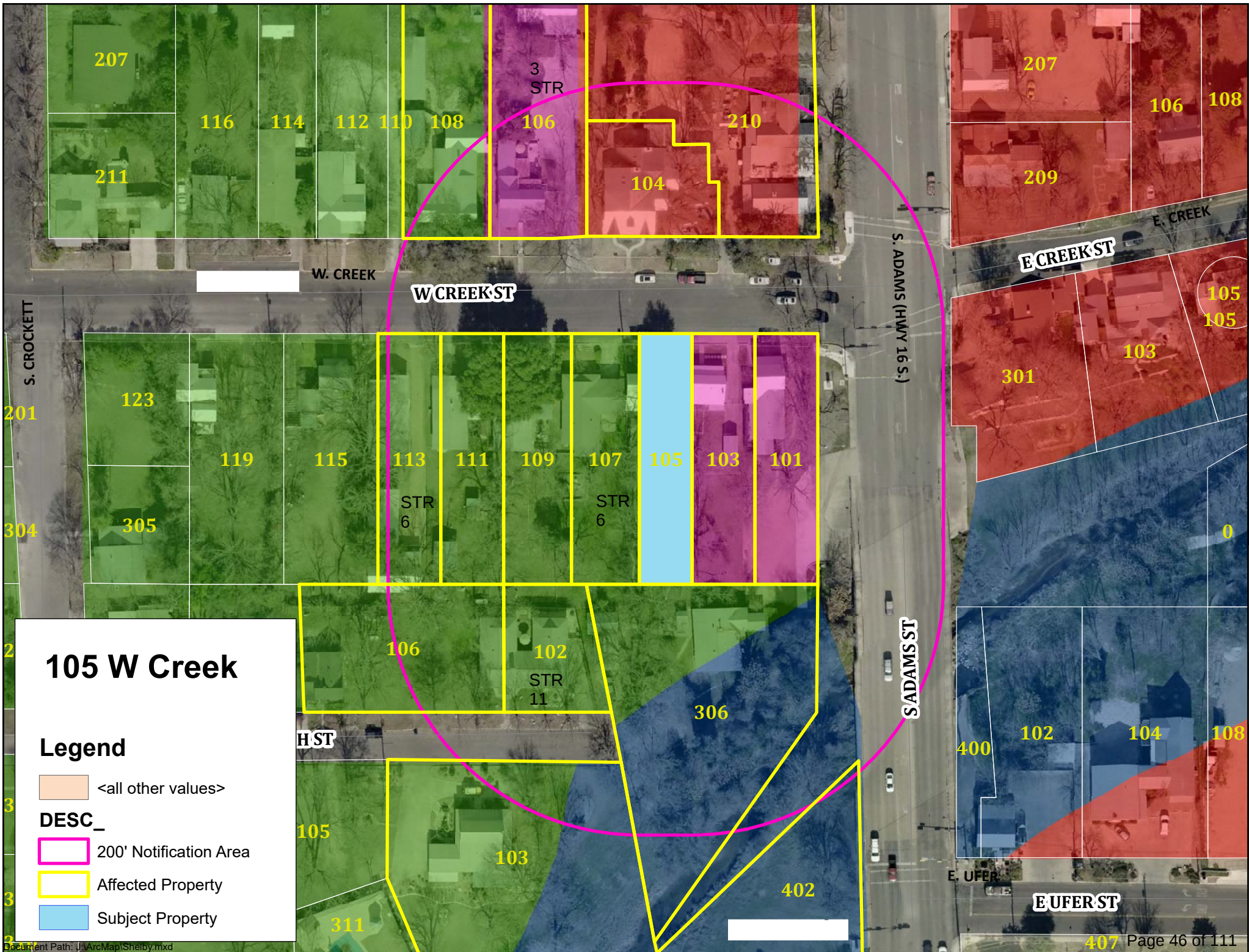
REFERENCES:
VOLUME 33 PAGE 562-563 D.R.
VOLUME 33 PAGE 561 D.R.

LEGEND

12-22-03

SCOTT AND
JENNIFER INMEL
0.862 ACRES
VOLUME 482, PAGES 86-102
OFFICIAL PUBLIC RECORDS

Scale: 1" = 30'



FUTURE PLACE TYPES

The future place types are an important component of the vision, focusing on how land uses are distributed across the planning area. **Map 2.4: Future Place Type Map** graphically depicts the preferred building patterns in both the city limits and the ETJ and is a strategic tool for consideration of development and capital infrastructure. Building consensus in a plan requires acknowledging today's built environment while also recognizing that the future will bring changes to the way citizens live and function. The process of creating this Plan was careful to balance the vision for desired growth, market realities, public infrastructure and services, and consideration of what is present today.

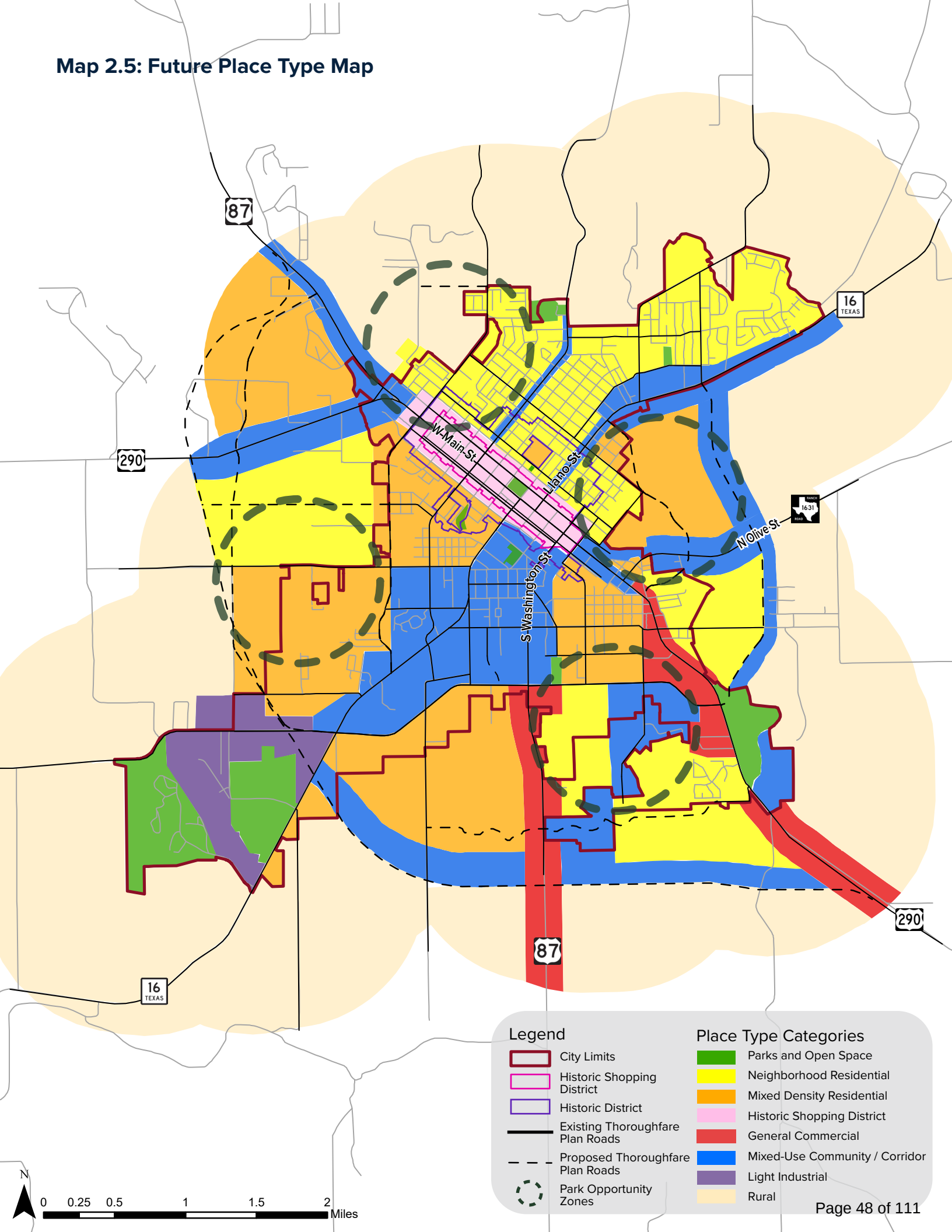
This planning framework is built on a philosophy that focuses on building form, site character, and land use, while being sensitive to the location of growth areas. The Plan reflects the community's desire for more commercial and retail land use, more housing and varied housing types, and "complete" neighborhoods which promote walkability. Complete neighborhoods are places with integrated green space, neighborhood serving commercial spaces, and an integrated mobility system with pedestrian focus and convenient access to services and institutions. Most importantly, complete neighborhoods provide housing opportunity for different ages, family size, price point, and income level.



A variety of land uses are present in the area adjacent to Old Fair Park near downtown Fredericksburg.



Map 2.5: Future Place Type Map



USAGE AND INTERPRETATION

The future place types are intended to be used as a planning tool, and as such, are subject to modification over time based upon new or changing information and circumstances. The map component will be used regularly to evaluate zoning requests; however, by State law, a future land use plan or future place type map does not have the same force of law as a zoning map. Therefore, when considering plan amendments or zoning requests, interpretation is critical.

The place type categories are not tied directly to specific land parcels but are representative of general areas consistent with plan goals. The place types are arranged on the map to generally represent the balance of land uses desired by the community. While these areas often follow parcel lines or streets, decisions for the practical application of place types are made using more nuanced contextual considerations regarding site specificity, compatibility, timing, and other factors.

Since the place type designations are not tied directly to specific land parcels, it is essential to consider the existing conditions of the area. If a major street or natural feature bisects a place type area, it may be beneficial to analyze the area based on these natural or man-made boundaries. Staff and decision-makers should review all development proposals for plan consistency. Land use characteristics allowed in zoning districts should be aligned with the intent and character of the place types described in the following pages.

DEVELOPMENT INTENSITY TARGETS

Each category has suggested percentages of residential and commercial uses. These percentages are included as an informative tool to describe the character and intent of the place type and they should not be viewed as a strict regulation. The percentages of residential and commercial land use should be used to determine appropriateness of a zoning proposal and evaluate the mix of uses. The percentage breakdown should be applied across larger geographic areas rather than by parcel, common ownership, or proposed zoning area. While an individual development proposal could include a single land use and the overall place type mix would still be maintained, it is best practice to encourage some amount of the targeted mix. A single land use may also be appropriate when a parcel is too small to accommodate a mix of uses.

Timing is also an important element in land use consideration. The first parcels to develop in a large area of a mixed-use category might be considered foundational in the context of market demand. In such a scenario, it might be acceptable to include more residential land use than the recommended percentage, but the City should hesitate to reduce the recommended percentage for commercial use without careful consideration.

Each proposal should be analyzed to understand the land use impacts in the area. Ultimately, these metrics will be used with discretion and consideration of context to best implement the intent of each place type.



PLACE TYPE CATEGORY DESCRIPTIONS

The following pages include defining attributes and decision-making guidance for each place type. The information presents the intent of each of place type and is intended as a helpful guide when considering future development proposals.

The descriptions and representative imagery guide decision-making regarding land development appropriateness, character, and compatibility. The goal is to ensure that a proposed development pattern will complement or align with existing land uses, proximate land uses, and general character of an area (i.e., building design, site layout, scale).

For most place type categories, a mix of uses is desired to provide a balance and supportive synergy. Each category includes a target range of land use mix percentages as a guide to help promote the desired character and intent. These are guiding quantitative elements more than regulatory burdens. Ultimately, discretion and context should be used to determine how the recommend targets are applied to best achieve the intent of these land uses.

Each place type category page contains the following components:

Attributes	Definitions
Intent & Character	A general description of the desired type and form of development.
Appropriate Land Use Types	Guidance for the primary, and in many cases, secondary uses that may be appropriate in certain areas.
Guidance and Interpretation	Recommendations for decision-making in regards to zoning proposals, location and site considerations, and interpretation.
Representative Imagery	Photo or graphic examples representative of each place type. These are intended to help provide a visual guide to the types of uses, structures, and scale that would be appropriate.
Development Code Considerations	Guidance as to which established zoning district(s) may be most appropriate to implement the intent of the future land use category. Not intended to be an exhaustive list or a final list of zoning districts but a snapshot of existing compatible districts at time of plan adoption. This section also includes recommended considerations in a review or revision to the Development Code, which may be warranted to fully achieve the envisioned character of each category.



Mixed Density Residential

INTENT AND CHARACTER

The Mixed Density Residential category is envisioned to provide a greater level of residential density in a variety of forms. This category best accommodates residences built to meet the “missing middle” segment of the marketplace. This may include townhomes, attached dwellings, patio homes, apartments in the appropriate context, or a mix of several of these in a planned setting. Missing middle housing bridges the gap between single-family homes and mid-rise apartments. By integrating these housing types, communities can enhance affordability, create walkable neighborhoods, and modestly boost density.

In some instances, these areas may be designed in a more urban character in a walkable pedestrian environment. Buildings are intended to be street-oriented, with on-street parking or rear parking, pedestrian and bicycle facilities, short blocks with good street connectivity, and nearby goods and services.

Within the Historic District special care and review is required. The intent of this place type is not to change the character but allow for infill to create more housing where appropriate. This place type is found in both greenfield and infill situations, with seamless transition to nearby conventional residential neighborhoods.

APPROPRIATE LAND USE TYPES

Commercial

- In limited circumstances, commercial retail, office, restaurant (no drive-thru), and personal service uses may be considered if supporting the residential intent of the category.

Residential

- Single-family detached; single-family attached uses; cottage court/garden homes; townhouses (up to six attached units); low-rise multi-family (2 to 2.5 stories); garden-style apartments; and some contextual mixed-use urban lofts in places with more urban character.
- Within the Historic District, maintaining context with the existing character, single-family detached; single-family attached uses; duplex; triplex; townhouses (up to four attached units); single-family small lot; and some contextual mixed-use urban lofts in places with more urban character.

Industrial

- Not appropriate

Institutional

- Places of public assembly; utility and service use (e.g., electrical substations, fire stations, etc.).

Green Spaces

- Parks and recreation facilities; natural areas; open spaces; trail corridors; water quality features

Development Intensity Target

Residential	80 - 100%
Commercial	0 - 20%



GUIDANCE AND INTERPRETATION

The following recommendations should be considered for decision-making for zoning requests, development approvals, and regulatory adjustments:

- New development shall be built with a more urban or semi-urban character, including larger sidewalks and street trees.
- This land use can be a good transitional use from lower density residential to higher density or nonresidential uses, including near downtown.
- Connectivity to adjacent developments through trails and sidewalks is critical to maintaining access for transportation and recreation.
- Vehicle access through rear alleys and side or rear parking is desired instead of a front-loaded product.
- Social gathering spaces should be prioritized, including either public parks, passive open space or active private spaces within a development.
- Regional stormwater retention facilities and infrastructure should be utilized to create greenways and pedestrian/bicycle paths.
- Infill and development within the Historic District is subject to the Historic Preservation Ordinance and review by the Historic Review Board.

DEVELOPMENT CODE CONSIDERATIONS

Appropriate Existing Zoning Districts:

- R1-A, R2, R3, R5, NC

Implementation - Development Code Review:

- Review building height and setbacks for consistency
- Review buffers and screening to ensure compatibility (urban scale)
- Ensure street and pedestrian connectivity requirements to maintain connected street patterns
- Require sidewalks along all streets for development applications regardless of the Sidewalk and Trails Plan.
- Connectivity and efficient infrastructure requirements to add value
- Establish standards and requirements for alley facing garages, driveway requirements related to frontage on public streets versus alleys, garage door facing locations, and ensure front doors face the public street
- Maintain high standard of review from the Historic Review Board for development in the Historic District

REPRESENTATIVE IMAGERY



S

SHAWNEEWOOD RANCH LTD
108 W CREEK
FREDERICKSBURG, TX 78624

KO HOLDINGS LLC
3038 CHAMPION CIR
SAN ANGELO, TX 76904

SARAH BARTER
104 W CREEK ST
FREDERICKSBURG, TX 78624

TEXAS FOOD & WINE HUNTER LLC
315 W COLLEGE
FREDERICKSBURG, TX 78624

JF ROOTS LLC
1207 RUNNING BUCK LN
FREDERICKSBURG, TX 78624

MARY MOOD
701 TIMBER CREEK CV
ROUND ROCK, TX 78665

BETTY HOWARD
337 E MAIN
FREDERICKSBURG, TX 78624

TESSA WELCH
109 W CREEK
FREDERICKSBURG, TX 78624

ARTHUR & DONNA WUNDERLICH
111 W CREEK
FREDERICKSBURG, TX 78624

CONFIDENTIAL
1626 DEL NORTE
HOUSTON, TX 77018

JOHN & LYNEE ROBINSON
487 COORNROD-GRONA
FREDERICKSBURG, TX 78624

DOUBLE W DEVELOPMENTS LLC
8312 UPLAND AVE
LUBBOCK, TX 79424

WILLIAM BOHNERT
306 S ADAMS
FREDERICKSBURG, TX 78624

JAMES & KAREN KEMP
311 S CROCKETT
FREDERICKSBURG, TX 78624

KENNETH & JODIE KELLER
P.O. BOX 2985
FREDERICKSBURG, TX 78624

Z-2403

Public Comment Form
Please return this form to:
Development Services – Zoning
126 W. Main Street
Fredericksburg, TX 78624
830-997-7521



REQUEST NO. Z-2403

As an interested property owner, I (PROTEST) / (APPROVE) the requested LAND USE AND ZONING CHANGE, represented by the above file number because:

This is my residence & the parking on this street has become a parking area for all the commercial businesses on the street. We as homeowners can't even park in front of our homes. There isn't enough parking as it is let alone adding another

Tessa Welch
Signature

4/2/2024
Date *Comm'l business*

Tessa Welch
Printed Name

109 W. Creek St.
Address *Fb, TX 78624*

I have lived here most all of my life & I know things change but enough is enough

REQUEST NO. Z-2403

As an interested property owner, I (PROTEST) (APPROVE) the requested LAND USE AND ZONING CHANGE, represented by the above file number because:

PROTEST

Arthur & Donna K. Wunderlich
Signature

4-2-'24
Date

Arthur & Donna K. Wunderlich
Printed Name

111 West Creek Street
Address
Fredericksburg, Texas
78624

Planning & zoning & City Council;

Our residence at 111 W. Creek Street, is overwhelmed by people parking on this street. We wish that something could be done with the B+B & businesses that are already on this street block in consideration of those ~~at~~ who are a residence. Possibly 1 hour parking for business & B+B & color code it a separate color; & a residence parking be color coded another color for a residence use. Please consider the home owner in respect to the parking situation.

Page 2 of 2

Arthur & Donna Wunderlich

Public Comment Form
Please return this form to:
Development Services – Zoning
126 W. Main Street
Fredericksburg, TX 78624
830-997-7521



REQUEST NO. Z-2403

As an interested property owner, I (PROTEST) (APPROVE) the requested LAND USE AND ZONING CHANGE, represented by the above file number because:

Signature

Karen Kemp

Date

3-26-24

Printed Name

Karen Kemp

Address

311 S. Crockett St
Fredericksburg

Public Comment Form
Please return this form to:
Development Services – Zoning
126 W. Main Street
Fredericksburg, TX 78624
830-997-7521



REQUEST NO. Z-2403

As an interested property owner, I (PROTEST) / (APPROVE) the requested LAND USE AND ZONING
CHANGE, represented by the above file number because:

See Attached

Signature

Date

Printed Name

Address

William Wesley Simpson

4/3/24

William Wesley Simpson

108 W. Creek St
FB6

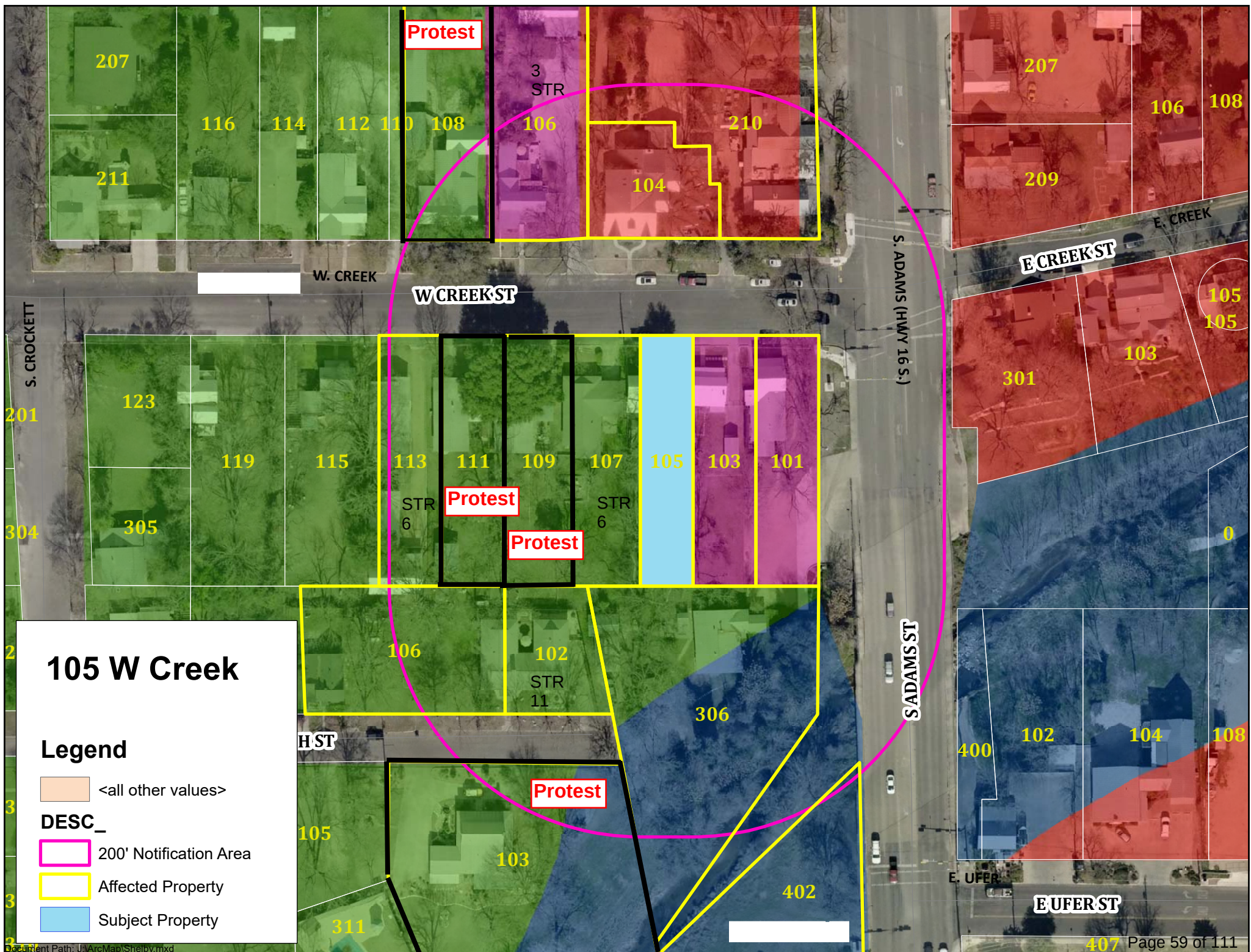
My name is William Wesley Simpson, I live at 108 W. Creek St. and I thank you all for your time. My wife and I purchased our home in the Spring of 2019, but with renovations, permits, Covid etc. we didn't move until fall 2021.

During that 2 1/2 year period we traveled to Fred regularly checking on progress... We always stayed at STR's for the convenience of staying near downtown. We know how the STR's and wineries work together to attract bridal showers and reunions to the city and county. Its much more fun to get together in a living room than a hotel lobby.

The two existing C1 properties, Dr McBrine and the Hill and Vine, are very good neighbors and provide ample parking for their customers. However, to my knowledge their employees have to park on Creek St. or Adams St. Another successful commercial enterprise can only add to this pressure. While unknowable, the impact on property values in the neighborhood is unlikely to be positive.

Finally, the current owners purchased their property with full knowledge of the restrictions as did every other owner on Creek St.

In closing, I believe that neither the county, city nor neighborhood will benefit by this rezoning.



105 W Creek

Legend

- <all other values>
- DESC_
 - 200' Notification Area
 - Affected Property
 - Subject Property

ORDINANCE NO. 2024-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING THE COMPREHENSIVE LAND USE PLAN RELATING TO APPROXIMATELY 0.2008 ACRES OF LAND LOCATED AT 105 WEST CREEK STREET BY CHANGING THE LAND USE DESIGNATION FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL; AMENDING APPENDIX B, "ZONING ORDINANCE," OF THE FREDERICKSBURG MUNICIPAL CODE, AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION OF SAID PROPERTY FROM R1: SINGLE FAMILY RESIDENTIAL TO C- 1: NEIGHBORHOOD COMMERCIAL; REVISING THE OFFICIAL ZONING MAP IN ACCORDANCE THEREWITH; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, pursuant to Chapter 211 of the Local Government Code, the City has adopted a comprehensive zoning ordinance, codified as Appendix B of the Fredericksburg Municipal Code, and a comprehensive zoning map, regulating the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes, and providing for a method to amend said ordinance and map for the purpose of promoting the public health, safety, morals, and general welfare, all in accordance with a comprehensive plan; and

WHEREAS, the City Council has previously passed an ordinance adopting a Comprehensive Land Use Plan as the primary document on which to base all zoning, platting, and other land use decisions; and

WHEREAS, the Comprehensive Land Use Plan provides guidance for future development in conformance with the adopted Future Place Type Map; and

WHEREAS, in accordance with Sections 5.200 through 5.310 of the City's zoning ordinance, the owner of the property referenced below has filed an application to change the property's zoning classification from R1: Single Family Residential to C-1: Neighborhood Commercial uses; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City on April 3, 2024, and by the City Council of the City on April 16, 2024, with respect to the use changes described herein; and

WHEREAS, the Planning and Zoning Commission provided a final report to the City Council as required by Section 211.007 of the Texas Local Government Code, and has recommended that the City Council approve the application described herein by a vote of 4 to 3, with certain conditions as described herein; and

WHEREAS, all requirements of law dealing with notice to other property owners, publication, and all procedural requirements have been complied with in accordance with the comprehensive zoning ordinance and Chapter 211 of the Local Government Code; and

WHEREAS, the City Council has determined that an amendment to the Zoning Map, as provided herein, rezoning the below-referenced property from the R1: Single Family Residential to the C-1: Neighborhood Commercial zoning district is appropriate and is in accordance with the growth goals, objectives, and planning principles set forth in the Comprehensive Plan.

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

SECTION 1

The findings above are found to be true and correct and are incorporated herein.

SECTION 2

The Comprehensive Land Use Plan of the City of Fredericksburg, Texas, as amended, is hereby amended by changing the Future Land Use Map to change the land use designation of the property and area described in Section 3 herein from Low Density Residential to Commercial.

SECTION 3

Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code, as amended, is hereby amended by changing the Zoning Map to change the zoning classification of the property and area as shown and described below:

Applicant:	Charles and Janet Chenoweth
Property Owner:	CDC Revocable Trust & JMHC Revocable Trust
Property Address:	105 West Creek St., Fredericksburg, Texas 78624
Legal Description:	A 0.2008 acre tract located FBG ADDN BLK 31 LOT 434-PT
Zoning Change:	The zoning classification of the property is hereby changed from R1: Single Family Residential to C1: Neighborhood Commercial.

SECTION 4

The zoning districts, boundaries, and uses as herein established have been made in accordance with the Comprehensive Land Use Plan for the purpose of promoting the health, safety, morals, and general welfare of the community. They have been designed to lessen congestion in the streets; to secure safety from fire, panic, flood, and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provisions of transportation, water, sewerage, parks, and other public requirements. They have been made after a full and complete hearing with reasonable consideration among other things of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of the buildings and encouraging the most appropriate use of land throughout the community.

SECTIONS

The official Zoning Map of the City of Fredericksburg is hereby amended in accordance with the foregoing, and the City Secretary is hereby directed to revise the Zoning Map to reflect zoning classifications as set forth above.

SECTION 6

The use of the property described herein shall be subject to all the applicable regulations contained in the Comprehensive Zoning Ordinance and all other applicable and pertinent ordinances of the City for the zoning district into which they have been assigned.

SECTION 7

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

SECTION 8

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 1-6 of the Fredericksburg Municipal Code. Each day that a violation is permitted to exist shall constitute a separate offense. In addition, any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance may be subjected to such civil penalties as authorized by law.

SECTION 9

All rights or remedies of the City are expressly saved as to any and all violations of Appendix B of the Fredericksburg Municipal Code, as amended, or any other ordinance affecting zoning and land use that have accrued at the time of the effective date of this Ordinance and as to such accrued violations and all pending litigation, both civil and criminal, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the Courts.

SECTION 10

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

SECTION 11

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

SECTION 12

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED on this the 16th day of April, 2024.

Jeryl Hoover, Mayor

ATTEST:

Garret Bonn, Interim City Secretary

APPROVED AS TO FORM:

Mick McKamie, City Attorney

Published in the Fredericksburg Standard on Wednesday, April 24, 2024.



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary
TO: Mayor & City Council Members
FROM: Garret Bonn, Assistant City Manager
MEETING DATE: April 16, 2024

CATEGORY: ORDINANCES, RESOLUTIONS
AND PUBLIC HEARINGS

CAPTION: Consider the approval of Resolution 2024-06R suspending for 45 days the effective date proposed by Atmos Energy-Mid-Texas Division (Atmos-MidTex) in its application filed on or about February 23, 2024, pursuant to Section 104.301 of the Gas Utility Regulatory Act (Mick McKamie, City Attorney)

PRESENTATION:

SUMMARY:

The City is a member of the coalition of cities known as the Atmos Texas Municipalities (ATM). ATM was organized by a number of municipalities served by Atmos Energy Corporation's Mid-Tex Division (Atmos Energy-MidTex) and has been represented by the law firm of Herrera Law & Associates, PLLC to assist in reviewing applications to change rates submitted by Atmos Energy-MidTex.

BACKGROUND: Under section 104.301 of the Gas Utility Regulatory Act (GURA), a gas utility is allowed to request increases in its rates to recover a return on investments it makes between rate cases. This section of GURA is commonly referred to as the "GRIP" statute (the "Gas Reliability Infrastructure Program"). The statutory term for "GRIP" filings is an interim rate adjustment ("IRA").

The Supreme Court of Texas concluded that a filing made under the GRIP statute permitted gas utilities the opportunity to recover a return on capital expenditures made during the interim period between rate cases by applying for interim rate adjustment and that proceedings under the GRIP statute did not contemplate either adjudicative hearings or substantive review of utilities' filings for interim rate adjustments. Instead, the GRIP statute provides for a *ministerial* review of the utility's filings to ensure compliance with the GRIP statute and the Railroad Commission's rules, and that it is within the Railroad Commission's authority to preclude cities from intervening and obtaining a hearing before the Railroad Commission. In turn, under the GRIP statute, the Railroad Commission conducts only a ministerial review of a utility's application to increase rates. Consequently, any meaningful review of the expenditures related to a utility's GRIP application are not undertaken until the utility's next general rate case. A utility may file five GRIP applications between rate cases.

On or about February 23, 2024, Atmos-MidTex filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program ("GRIP") statute. Atmos-MidTex' application when approved by the Railroad Commission will result in an increase in the monthly customer charges as shown below:

Rate Schedule	Current Customer Charge	Proposed 2023 Interim Rate Adjustment	202 Adjusted Charge	Increase Per Bill
Rate R – Residential Sales	\$41.23 per customer per month	\$6.73 per customer per month	\$47.96 per customer per month	\$6.73
Rate C – Commercial Sales	\$114.34 per customer per month	\$22.32 per customer per month	\$136.66 per customer per month	\$22.32
Rate I – Industrial Sales	\$2,079.40 per meter per month	\$412.61 per meter per month	\$2,492.01 per meter per month	\$412.61
Rate T – Transportation	\$2,079.40 per meter per month	\$412.61 per meter per month	\$2,492.01 per meter per month	\$412.61

Note that Atmos-MidTex refers to its application as its “2023” interim adjustment because the increase in rates Atmos-MidTex presents in its application is based on capital expenditures it made from January 1, 2023 through December 31, 2023.

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

Although the City’s ability to review and effectuate a change in Atmos-MidTex requested increase is limited, the City should exercise due diligence with regard to rate increases by monopoly utilities who operate within its boundaries, including increases requested under the GRIP statute to ensure compliance with the requirements of that law.

To exercise its due diligence, it is necessary to suspend Atmos-MidTex proposed effective date of April 23, 2024, for forty-five days, so that the City can evaluate whether the data and calculations in Atmos-MidTex’ rate application are correctly done, and whether Atmos-MidTex’ application otherwise conforms to the requirements of the GRIP statute.

Therefore, the City’s Special Counsel, the law firm of Herrera Law & Associates, PLLC (through Alfred R. Herrera) recommends that the City adopt a resolution suspending Atmos-MidTex’ proposed effective date for 45 days. Assuming a proposed effective date of April 23, 2024, Atmos-MidTex’ proposed effective date is suspended until June 7, 2024.

The City must take action to suspend Atmos-MidTex’ proposed effective date by no later than April 23, 2024.

COMPREHENSIVE PLAN GUIDING PRINCIPLE:

Government Vision

ATTACHMENTS:

1. Atmos-MidTex-GRIP-3-2024-Suspension Resolution-032024

APPROVAL/REVIEW:



Garret Bonn, Assistant City Manager

Date: April 03, 2024



William McKamie, City Attorney

Date: April 03, 2024



Clinton Bailey, City Manager

Date: April 11, 2024

RESOLUTION NO. 2024-06R

A RESOLUTION BY THE CITY OF FREDERICKSBURG, TEXAS, (“CITY”) RESPONDING TO THE APPLICATION OF ATMOS ENERGY – MID-TEX DIVISION, TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM; SUSPENDING THE EFFECTIVE DATE OF THIS RATE APPLICATION FOR FORTY-FIVE DAYS; AUTHORIZING THE CITY’S PARTICIPATION IN COORDINATION WITH OTHER CITIES IN A COALITION OF CITIES KNOWN AS THE ATMOS TEXAS MUNICIPALITIES; REQUIRING THE REIMBURSEMENT OF COSTS; DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS: on or about February 23, 2024, Atmos Energy – Mid-Tex Division (Atmos-MidTex) filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program (‘GRIP’), resulting in a requested increase in the monthly customer charge as shown in the table below:

Rate Schedule	Current Customer Charge	Proposed 2023 Interim Rate Adjustment	Adjusted Charge	Increase Per Bill
Rate R – Residential Sales	\$41.23 per customer per month	\$6.73 per customer per month	\$47.96 per customer per month	\$6.73
Rate C – Commercial Sales	\$114.34 per customer per month	\$22.32 per customer per month	\$136.66 per customer per month	\$22.32
Rate I – Industrial Sales	\$2,079.40 per meter per month	\$412.61 per meter per month	\$2,492.01 per meter per month	\$412.61
Rate T – Transportation	\$2,079.40 per meter per month	\$412.61 per meter per month	\$2,492.01 per meter per month	\$412.61

and

WHEREAS: the City has a duty to exercise due diligence with regard to rate increases of monopoly utilities who operate within its boundaries; and

WHEREAS: the application to increase rates by Atmos-MidTex is complex; and

WHEREAS: it is necessary to suspend the effective date for the increase in rates for forty-five days, so that the City can assure itself that the data and calculations in Atmos-MidTex' rate application are correctly done, and whether Atmos-MidTex' application otherwise conforms to the requirements of Texas Utilities Code § 104.301, commonly referred to as the GRIP statute; and

WHEREAS: the effective date proposed by Atmos-MidTex is April 23, 2024, but a suspension by the City will mean that the rate increase cannot go into effect prior to June 7, 2024.

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

Section 1. That the statements and findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. The City suspends the requested effective date by Atmos-MidTex for forty-five days pursuant to the authority granted the City under Section 104.301 of the Texas Utilities Code. The City finds that additional time is needed in order to review the data and calculations that provide the basis for the rate increase application, and to determine whether Atmos-MidTex' application otherwise conforms to the requirements of the GRIP statute.

Section 3. The City continues to act in coordination with a group of cities known as the Atmos Texas Municipalities in its review of Atmos-MidTex' rates.

Section 4. The City authorizes the law firm of Herrera Law & Associates, PLLC, to represent the City in connection with Atmos-MidTex' application to increase rates.

Section 5. Atmos-MidTex is ordered to reimburse the City's reasonable rate case expenses incurred in response to Atmos-MidTex' rate increase application within 30 days of receipt of invoices for such expenses to the extent allowed by law.

Section 6. The meeting at which this resolution was approved was in all things conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 7. This resolution shall be effective immediately upon passage.

PASSED AND APPROVED this _____ day of _____ 2024.

MAYOR

ATTEST:

INTERIM CITY SECRETARY



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Public Works and Utilities

TO: Mayor & City Council Members

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

MEETING DATE: April 16, 2024

CATEGORY: OTHER ACTION ITEMS AND
UPDATES

CAPTION: Consider accepting the Phase 2 - Boot Ranch Water Tank Site Property (Kris Kneese, Director of Public Works and Utilities)

PRESENTATION:

SUMMARY:

Consider accepting the Boot Ranch Water Storage Tank Site Property and access easement in Phase 2.

BACKGROUND:

In 2005, the City and Boot Ranch entered an agreement to serve water and sanitary sewer utilities to the Boot Ranch development. The development was broken into two phases. The developer installed the Phase 1 water and sanitary sewer infrastructure between 2005 and 2007, including a water ground storage tank. Over the last 18 months, the developer has installed the water and sanitary sewer infrastructure to serve the Phase 2 development; including a 500,000 gallon evaluated prestressed concrete water storage tank that sits on approximately 1.5 acres.

All water storage tanks under the City's public water system operation are constructed on property owned by the City. Therefore, the City has requested that the approximately 1.5 acre property that the Phase 2 - Boot Ranch water tank sits on be conveyed to the City.

Below are the conveyance documents and access easement to the property.

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

City staff recommends approval.

COMPREHENSIVE PLAN GUIDING PRINCIPLE:

Government Vision

ATTACHMENTS:

1. Special Warranty Deed
2. 1.507 AC FN 20230627
3. Permanent Access Easement
4. 0.777 AC EASEMENT FN 20230627

APPROVAL/REVIEW:

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

Date: April 09, 2024



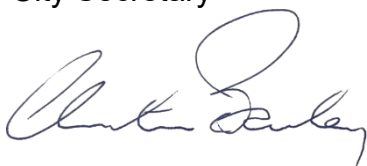
William McKamie, City Attorney

Date: April 09, 2024



Shelley Goodwin, City Secretary

Date: April 09, 2024



Clinton Bailey, City Manager

Date: April 11, 2024

BOOT RANCH HOLDINGS, LLC

TO

CITY OF FREDERICKSBURG, TEXAS

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

SPECIAL WARRANTY DEED

THE STATE OF TEXAS §

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF GILLESPIE §

THAT, BOOT RANCH HOLDINGS, LLC, a Delaware limited liability company ("Grantor"), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration paid to Grantor, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto CITY OF FREDERICKSBURG, TEXAS ("Grantee"), a home rule municipal corporation organized under the laws of the State of Texas and located in Gillespie County, Texas, whose address is 126 W. Main Street, Fredericksburg, Texas 78624, all of the following described real property ("Property") in Gillespie County, Texas, to-wit:

Being a 1.507 acre tract of land out of the W. Wartenbach Survey No. 794, Abstract No. 723, Gillespie County, Texas, said 1.507 acre tract also being out of that certain 12.89 acre tract of land recorded in Document No. 20224999, Official Public Records, Gillespie County, Texas, said 1.507 acre tract being more particularly described on Exhibit "A", attached hereto and incorporated for all purposes.

Together with all and singular the tenements, hereditaments, easements, rights, privileges and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all estate, right and interest in and to the Property, as well in law as in equity, including, without limitation, all Grantor's right, title and interest in and to any minerals (except as may be herein reserved unto Grantor), utilities, adjacent streets, alleys, strips, gores and rights of way and Grantor's rights in all license and permits relating to the Property (individually and collectively, the "Appurtenances").

This conveyance is made and accepted subject to all and singular, the restrictions, prescriptive rights, reservations, including mineral reservations, conditions, rights, rights-of-way, claims, easements and covenants, if any, applicable to and enforceable against the above-described property as reflected by the records of the County Clerk of Gillespie County, Texas.

Notwithstanding anything in this Deed to the contrary, the Exceptions shall only affect the Property to the extent that such Exceptions are valid and effective as of the date of this Deed and the mere reference to such Exceptions in this Deed shall not be deemed to impose, reimpose, or reinstate such Exceptions if such Exceptions are not valid and effective as of the date of this Deed, but only to the extent any such Exceptions are valid and subsisting and affects the Property, and without waiving rights or defenses relating to any such exception and without ratifying, creating or reviving any such Exceptions.

TO HAVE AND TO HOLD the above described Property, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee, its successors and assigns forever, and Grantor does hereby bind itself, its successors and assigns, to WARRANT AND FOREVER DEFEND, subject to the foregoing exceptions, all and singular the said Property unto the said unto Grantee and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under Grantor, but not otherwise.

EXCEPT AS SPECIFICALLY PROVIDED IN THIS DEED AND THE LIMITED WARRANTY PROVIDED IN CONNECTION HERewith, GRANTOR MAKES NO REPRESENTATIONS OR WARRANTIES IN CONNECTION WITH THE SUBJECT PROPERTY. BY ACCEPTANCE OF THIS DEED, GRANTEE ACKNOWLEDGES AND AGREES THAT GRANTEE IS ACQUIRING THE SUBJECT PROPERTY "AS IS" AND "WHERE IS" AND THAT, TO THE EXTENT ALLOWED BY APPLICABLE LAW, GRANTOR HAS DISCLAIMED ANY AND ALL OTHER WARRANTIES, BOTH EXPRESS AND IMPLIED, SPECIFICALLY INCLUDING, WITHOUT LIMITATION, THE WARRANTIES OF MERCHANTABILITY, HABITABILITY, AND FITNESS FOR A PARTICULAR USE OR PURPOSE.

EXECUTED this _____ day of _____, 2024.

GRANTOR:

BOOT RANCH HOLDINGS, LLC
a Delaware limited liability company

By: _____
Name: _____
Title: _____

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

STATE OF TEXAS §

COUNTY OF _____ §

This instrument was acknowledged before me on this the ____ day of _____, 2024, by _____, _____ of Boot Ranch Holdings, LLC, a Delaware limited liability company.

Notary Public, State of Texas

PFEIFFER LAND SURVEYING

918 Adler Street, Boerne, Texas 78006
Phone: 830-249-3385

FIELD NOTES FOR A 1.507 ACRE TRACT OF LAND

Being a 1.507 acre tract of land out of the W. Wartenbach Survey No. 794, Abstract No. 723, Gillespie County, Texas, said **1.507 acre** tract also being out of that certain 12.89 acre tract of land recorded in Document No. 20224999, Official Public Records, Gillespie County, Texas, said **1.507 acre** tract being more particularly described by metes and bounds as follows:

Beginning at a ½" iron rod set with an orange "PFEIFFER SURVEY" plastic cap for the south corner of the herein described tract, said point also being in the southwest line of the above referenced 12.89 acre tract and the northeast line of Lot 843 in Boot Ranch Phase 2 Subdivision, Section 26 recorded in Volume 6, Page 176, Plat Records, Gillespie County, Texas.

Thence, with the southwest line of said 12.89 acre tract and in part with the northeast line of said Lot 843 and the northeast line of Lot 842 in said Boot Ranch Phase 2 Subdivision, Section 26 **North 61 degrees 23 minutes 01 seconds West**, at 17.22 feet passing a ½" iron rod found with an orange "PFEIFFER SURVEY" plastic cap at the northeast corner of said Lot 842 and the northwest corner of said Lot 843 and continuing a total distance of **230.29 feet** to a ½" iron rod set with an orange "PFEIFFER SURVEY" plastic cap for the west corner of the herein described tract, said point bears South 61 degrees 23 minutes 01 seconds East, a distance of 156.51 feet from a ½" iron rod found with an orange "PFEIFFER SURVEY" plastic cap at the westernmost corner of said 12.89 acre tract;

Thence, crossing through said 12.89 acre tract, the following three (3) courses and distances:

North 28 degrees 36 minutes 59 seconds East, a distance of **284.98 feet** to a ½" iron rod set with an orange "PFEIFFER SURVEY" plastic cap for the north corner of the herein described tract;

South 61 degrees 23 minutes 22 seconds East, a distance of **230.26 feet** to a ½" iron rod set with an orange "PFEIFFER SURVEY" plastic cap for the east corner of the herein described tract;

and **South 28 degrees 36 minutes 38 seconds West**, a distance of **285.00 feet** to the **Point of Beginning** containing **1.507 acres** of land.

Note: The bearings are based on the Texas State Plane Coordinate System, Central Zone, 4203, NAD83. A drawing was prepared for this tract.



A handwritten signature in red ink, appearing to read "Wes Rexrode", written over a horizontal line.

Wes Rexrode
Registered Professional Land Surveyor No. 6001
Job Number: 94-15 (1.507 acre tract)

BOOT RANCH HOLDINGS, LLC

TO

CITY OF FREDERICKSBURG, TEXAS

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

PERMANENT ACCESS EASEMENT

THE STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

§

COUNTY OF GILLESPIE

§

THAT, BOOT RANCH HOLDINGS, LLC, a Delaware limited liability company ("Grantor"), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to Grantor, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto CITY OF FREDERICKSBURG, TEXAS ("Grantee"), a home rule municipal corporation organized under the laws of the State of Texas and located in Gillespie County, Texas, whose address is 126 W. Main Street, Fredericksburg, Texas 78624, a permanent and perpetual access easement for the purpose of pedestrian and vehicular ingress and egress to Grantee's adjoining real property, together with the customary uses attached thereto, in, into, upon, over, across, under and through all of that certain real property described as follows:

Being a 0.777 acre tract of land out of the W. Wartenbach Survey No. 794, Abstract No. 723, Gillespie County, Texas, said 0.777 acres also being a portion of that certain 12.89 acre tract of land recorded in Document No. 20224999, Official Public Records, Gillespie County, Texas and a portion of that certain 1.87 acre Common Area in Boot Ranch Phase 2 Subdivision, Section 26 recorded in Volume 6, Page 176, Plat Records, Gillespie County, Texas, said 0.777 acre tract of land being more particularly described on Exhibit "A", attached hereto and incorporated herein for all purposes.

Grantor covenants and agrees that Grantor and Grantor's heirs, representatives, successors and assigns shall at no time do either of the following: (1) erect, place or construct, or cause to be erected, placed or constructed, in, into, upon, over, across or under the easement granted herein any temporary or permanent structures of any kind other than roadway improvements to facilitate the purpose of this permanent access easement; or (2) use the property subject to this permanent access easement in any

manner which interferes in any material way or which is inconsistent with the rights granted to Grantee in this permanent access easement.

Grantor further covenants to maintain the roadway improvements within the permanent access easement in a condition that is usable by Grantee in the exercise of the rights granted in this permanent access easement. Grantee shall have the right, but not the obligation, to improve the property within this permanent access easement as necessary in order to exercise the rights granted in this permanent access easement should Grantor fail to maintain said roadway improvements, but Grantee's exercise of its right to improve the property within this permanent access easement shall in now way relieve Grantor of its obligation to maintain said improvements.

It is further intended that the permanent access easement herein granted to Grantee shall run with the land and is binding on Grantor's heirs, successors and assigns, and the grant of the permanent access easement is expressly excepted from any right of reversion of the underlying property under any prior deeds in Grantor's chain of title. Grantor further covenants that Grantor will not convey any other easement, interest in property, or conflicting rights within the underlying property covered by this permanent access easement to any other person without Grantee's written consent.

Except as otherwise provided herein, Grantor reserves the right to use the land within the above described easement area for purposes not inconsistent with Grantees' use of such property, provided such use shall not interfere with the exercise by Grantee of the rights granted in this permanent access easement.

Grantor grants to Grantee this permanent access easement to have and to hold with all and singular the rights and appurtenances thereto in any wise belonging or conveyed herein unto Grantee, its successors and assigns, forever, to have and to hold with all and singular the rights and appurtenances thereto in any wise belonging or conveyed herein unto Grantee, its successors and assigns, for the term described, and Grantor does hereby bind Grantor, and Grantor's heirs, successors and assigns, to warrant and forever defend, all and singular, the said premises unto the Grantee, its successors and assigns,

PFEIFFER LAND SURVEYING

918 Adler Street, Boerne, Texas 78006
Phone: 830-249-3385

FIELD NOTES FOR A 0.777 ACRE 30' WIDE ACCESS EASEMENT

Being a 0.777 acre, 30' wide access easement out of the W. Wartenbach Survey No. 794, Abstract No. 723, Gillespie County, Texas, said **0.777 acre**, 30' wide access easement also being a portion of that certain 12.89 acre tract of land recorded in Document No. 20224999, Official Public Records, Gillespie County, Texas and a portion of that certain 1.87 acre Common Area in Boot Ranch Phase 2 Subdivision, Section 26 recorded in Volume 6, Page 176, Plat Records, Gillespie County, Texas, said **0.777 acre**, 30' wide access easement being more particularly described by metes and bounds as follows:

Beginning at a calculated point in the northerly right-of-way line of Sutton Drive for the southwest corner of the herein described easement, said point also being in a southwesterly line in the above referenced 1.87 acre Common Area and bears a chord of South 82 degrees 46 minutes 26 seconds East, a distance of 41.39 feet from a ½" iron rod found with an orange "PFEIFFER SURVEY" plastic cap at the southwest corner of said 1.87 acre Common Area and the southeast corner of Lot 843 in said Boot Ranch Phase 2 Subdivision, Section 26;

Thence, crossing through said 1.87 acre Common Area, **North 14 degrees 01 minutes 44 seconds East**, a distance of **39.79 feet** to a calculated point in the northeast line of said 1.87 acre Common Area and the southwest line of the above referenced 12.89 acre tract;

Thence, crossing through said 12.89 acre tract, the following nineteen (19) courses and distances:

North 14 degrees 01 minutes 44 seconds East, a distance of **23.34 feet** to a calculated point;

around a curve in a counterclockwise direction having a central angle of **40 degrees 50 minutes 55 seconds**, an arc distance of **131.89 feet**, a radius of **185.00 feet** and a chord that bears **North 06 degrees 23 minutes 43 seconds West**, a distance of **129.12 feet** to a calculated point;

North 26 degrees 49 minutes 10 seconds West, a distance of **191.51 feet** to a calculated point;

around a curve in a counterclockwise direction having a central angle of **09 degrees 56 minutes 26 seconds**, an arc distance of **32.10 feet**, a radius of **185.00 feet** and a chord that bears **North 31 degrees 47 minutes 23 seconds West**, a distance of **32.06 feet** to a calculated point;

North 36 degrees 45 minutes 36 seconds West, a distance of **178.30 feet** to a calculated point;

around a curve in a counterclockwise direction having a central angle of **49 degrees 39 minutes 49 seconds**, an arc distance of **160.36 feet**, a radius of **185.00 feet** and a chord that bears **North 61 degrees 35 minutes 31 seconds West**, a distance of **155.38 feet** to a calculated point;

North 86 degrees 25 minutes 25 seconds West, a distance of **167.10 feet** to a calculated point;

around a curve in a clockwise direction having a central angle of **25 degrees 02 minutes 03 seconds**, an arc distance of **93.94 feet**, a radius of **215.00 feet** and a chord that bears **North 73 degrees 54 minutes 24 seconds West**, a distance of **93.19 feet** to a calculated point;

North 61 degrees 23 minutes 22 seconds West, a distance of **90.79 feet** to a calculated point for the westernmost corner of the herein described easement, said point also being in the southeast line of a 1.507 acre tract of land surveyed this same day and bears North 28 degrees 36 minutes 38 seconds East, a distance of 265.61 feet from a ½" iron rod set with an orange "PFEIFFER SURVEY" plastic cap at the south corner of said 1.507 acre tract;

North 28 degrees 36 minutes 38 seconds East, a distance of **30.00 feet** to a calculated point for the northernmost corner of the herein described easement, said point also being in the southeast line of said 1.507 acre tract and bears South 28 degrees 36 minutes 38 seconds West, a distance of 19.39 feet from a ½" iron rod set with an orange "PFEIFFER SURVEY" plastic cap at the east corner of said 1.507 acre tract;

South 61 degrees 23 minutes 22 seconds East, a distance of **90.79 feet** to a calculated point;

around a curve in a counterclockwise direction having a central angle of **25 degrees 02 minutes 03 seconds**, an arc distance of **80.83 feet**, a radius of **185.00 feet** and a chord that bears **South 73 degrees 54 minutes 24 seconds East**, a distance of **80.19 feet** to a calculated point;

South 86 degrees 25 minutes 25 seconds East, a distance of **167.10 feet** to a calculated point;

around a curve in a clockwise direction having a central angle of **49 degrees 39 minutes 49 seconds**, an arc distance of **186.36 feet**, a radius of **215.00 feet** and a chord that bears **South 61 degrees 35 minutes 31 seconds East**, a distance of **180.58 feet** to a calculated point;

South 36 degrees 45 minutes 36 seconds East, a distance of **178.30 feet** to a calculated point;

around a curve in a clockwise direction having a central angle of **09 degrees 56 minutes 26 seconds**, an arc distance of **37.30 feet**, a radius of **215.00 feet** and a chord that bears **South 31 degrees 47 minutes 23 seconds East**, a distance of **37.25 feet** to a calculated point;

South 26 degrees 49 minutes 10 seconds East, a distance of **191.51 feet** to a calculated point;

around a curve in a clockwise direction having a central angle of **40 degrees 50 minutes 55 seconds**, an arc distance of **153.28 feet**, a radius of **215.00 feet** and a chord that bears **South 06 degrees 23 minutes 43 seconds East**, a distance of **150.06 feet** to a calculated point;

and **South 14 degrees 01 minutes 44 seconds West**, a distance of **31.15 feet** to a calculated point in the northeast line of said 1.87 acre Common Area and the southwest line of said 12.89 acre tract, said point bears North 61 degrees 23 minutes 01 seconds West, a distance of 408.80 feet from a ½" iron rod found with an orange "PFEIFFER SURVEY" plastic cap at the southernmost corner of said 12.89 acre tract;

Thence, crossing through said 1.87 acre Common Area, **South 14 degrees 01 minutes 44 seconds West**, a distance of **31.99 feet** to a calculated point in the northerly right-of-way line of Sutton Drive for the southeast corner of the herein described easement, said point also being in the southwesterly line of said 1.87 acre Common Area;

Thence, with the northerly right-of-way line of Sutton Drive and a southwesterly line of said 1.87 acre Common Area, around a curve in a counterclockwise direction having a central angle of **05 degrees 43 minutes 55 seconds**, an arc distance of **30.01 feet**, a radius of **300.00 feet** and a chord that bears **North 75 degrees 57 minutes 09 seconds West**, a distance of **30.00 feet** to the **Point of Beginning** containing **0.777 acres** of land.

Note: The bearings are based on the Texas State Plane Coordinate System, Central Zone, 4203, NAD83. A drawing was prepared for this easement.



A handwritten signature in red ink, appearing to read "Wes Rexrode", is written over a horizontal line.

Wes Rexrode
Registered Professional Land Surveyor No. 6001
Job Number: 94-15 (0.777 acre access easement)



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Manager

TO: Mayor & City Council Members

FROM: Garret Bonn, Assistant City Manager

MEETING DATE: April 16, 2024

CATEGORY: OTHER ACTION ITEMS AND
UPDATES

CAPTION: Consider the approval of an agreement with the Fredericksburg Chamber of Commerce relating to the Fredericksburg Food and Wine Fest (Garret Bonn, Assistant City Manager)

PRESENTATION:

SUMMARY:

This item is for the consideration and approval of an agreement with the Fredericksburg Chamber of Commerce relating to the Fredericksburg Food and Wine Fest.

BACKGROUND: In the late 1980's, there was one winery and vineyard in Gillespie County, owned by Bob Oberhellman (Bell Mountain Winery). In an effort by Mr. Oberhellman to promote only Texas Wine, the Fredericksburg Food & Wine Fest event was created. When Mr. Oberhellman approached the City of Fredericksburg, the Market Square Redevelopment Commission had already been formed and adopted the "Food and Wine Fest" event concept as an annual fundraiser for improvements to Market Square. Their mission was and still is to only showcase Texas wine, Texas food products, Texas music. The sole purpose of the Fest is to promote everything Texas. The first Food and Wine Fest event was held in 1991.

Over the past four to five years, the City Council has discussed enhancing the Food and Wine Fest event. During a recent Council meeting, the decision was made to allow the Chamber of Commerce to run the event and a steering committee was formed to provide direction. Based on input received at the April 2nd City Council meeting, the following revisions have been made to the draft agreement:

- Initial term extended to 5 years with performance/termination provisions added (Section IV.9 & 10)
- Benefactor information added (Section I.14)
- City retains first right of refusal for intellectual property rights (Section III.4)

FUNDING SOURCE: HOT Funds

FINANCIAL IMPACT:
TBD

STAFF RECOMMENDATION:

City staff recommends approval of the contract with revisions, as prepared by the City Attorney.

COMPREHENSIVE PLAN GUIDING PRINCIPLE:

Business Visioning

Family Life Vision

ATTACHMENTS:

1. Food and Wine Fest Agreement.04112024.Final for Agenda

APPROVAL/REVIEW:



Krista Wareham, Director of Finance

Date: April 09, 2024



William McKamie, City Attorney

Date: April 09, 2024



Garret Bonn, Assistant City Manager

Date: April 09, 2024



Clinton Bailey, City Manager

Date: April 11, 2024

Food and Wine Fest Agreement

This Food and Wine Fest Agreement, (hereinafter referred to as “Agreement”) is entered into this _____ day of _____, 2024, by and between the Fredericksburg Food and Wine Fest and Fredericksburg Chamber of Commerce, a 501 (c)(6)Non-Profit Corporation, (hereinafter referred to as “Contractor”), and the City of Fredericksburg, Texas, a home-rule municipality in the state of Texas with its city hall located at 126 West Main Street, Fredericksburg, Texas 78624, (hereinafter referred to as “Lessor”).

WHEREAS, Lessor owns Marktplatz located in the center of Fredericksburg, which is used to host community events; and

WHEREAS, the Lessor hereby contracts with the Contractor, to host the appearance of a Food and Wine Fest, (hereinafter referred to as “festival”), which celebrates, showcases, and nurtures the region's rich agricultural heritage, outstanding culinary experiences, and award-winning wineries on the fourth weekend each October in the City of Fredericksburg, Texas, on the grounds known as Marktplatz with the physical address of 100 West Main Street; and

WHEREAS, the event is intended to benefit the public at large, and is not intended to serve only the citizens of the City of Fredericksburg; and

WHEREAS, through its programs and events, the Food and Wine Fest supports charitable organizations in the Texas Hill Country, ensuring prosperity and innovation within the community.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

I. Contractor’s Duties and Responsibilities

CONTRACTOR agrees to provide the following services, including all equipment and labor as necessary at no cost to LESSOR:

1. A Certificate of Public Liability & Property Damage in the amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) naming additional insured, the Lessor and property owner.
2. Contractor shall be responsible for providing, maintaining, cleaning (as needed), and removing all necessary restroom facilities (porta-potties) during the festival. Any permanent restroom(s) inside a fenced-in area must also be cleaned by the contractor.
3. Trash collection and disposal. Trash must be collected and disposed of by not later than one (1) day after the conclusion of the festival but roll offs/dumpsters may be picked up three (3) days afterwards.

4. Fully implement and comply with the security plan and personnel requirements as established by the City of Fredericksburg Police Department.
5. Lighting for the festival.
6. Maintain event website and social media.
7. Hiring of all event entertainment.
8. Fencing for the site, as required.
9. Ticket booths, as required.
10. Trained security personnel to direct traffic, both vehicular and pedestrian, as required to ensure a safe and orderly event, and in conformance with the Security Plan established by the City of Fredericksburg Police Department
11. Hosting of a traditionally held Patron's Party as part of event schedule.
12. Complete and follow all rules and regulations in the City of Fredericksburg Special Events application and planning guide (to remain in effect for a period of 5 years).
13. Comply with any TCEQ, TABC and TFER requirements regarding the sale and service of food and alcohol.
14. The Contractor commits to continuing to reinvest a portion of proceeds from the event back into improvements and maintenance of Marktplatz, in coordination with the Lessor.
15. Provide an annual report to the City no later than the end of the calendar year that includes information relating to:
 - a. Number of attendees
 - b. Financial data (ticket sales, revenues, expenses, etc.)
 - c. Advertising information
 - d. Participating businesses, vendors, and sponsors
 - e. Benefactors
 - f. Identified issues and concerns.
 - g. Plan/changes for the following year's event.

II. Lessor's Duties and Responsibilities

LESSOR agrees to furnish at no cost to CONTRACTOR:

1. Suitable festival grounds (Marktplatz), reserved in an as-is condition, and additional space for parking in the City Hall parking lot on N. Crockett St.
2. Placement of traffic control devices utilized during October event season and setting of barricades for closure of public roadways, as approved by City Council.

III. Intellectual Property Provisions

1. The City owns the Fredericksburg Food and Wine Festival name and related written and printed materials, internet materials, and social media materials;
2. The City shall license the name, and all rights to related intellectual properties to the

- Contractor (a 501(c)(6) non-profit organization.
3. Any and all changes and updates to such intellectual properties completed by the Contractor shall become the property of the Lessor at the termination of this agreement for any reason.
 4. After the 2028 festival, the Lessor agrees to transfer the ownership of the Food and Wine Festival intellectual property to the Contractor. The Lessor shall retain first right of refusal to retain ownership of intellectual property after the 2028 festival should the Contractor propose to sell or change the intellectual property rights.

IV. General Terms and Conditions

1. Assignment

This Agreement is not assignable.

2. Compliance

In performing its obligations under the Agreement, Contractor agrees to fully comply with all applicable federal, state, and local laws and regulations. Contractor's failure to comply with the obligations of this section shall be considered a default of the Agreement, and Lessor may immediately terminate the Agreement without any payment of damages to Contractor.

3. Insurance

Contractor agrees to maintain comprehensive general liability insurance, including host liquor liability, in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000) to cover its activities performed under the Agreement. Contractor shall provide Lessor with evidence of such coverage in a form which is acceptable to the Lessor. Such policies shall name Lessor, their officials, officers, and employees as additional insureds, and shall provide for a waiver of subrogation against all additional insureds. Contractor shall provide notice to Lessor in the event of any material change in coverage, cancellation, or nonrenewal not less than thirty (30) days prior to the change. Should Contractor change insurance carriers, the replacement policy shall include a prior acts provision to eliminate any lapse in coverage. Each such insurance policy shall be procured from a company authorized to do business in the state of Texas and shall be satisfactory to Lessor. Contractor shall provide evidence satisfactory to Lessor that such coverage has been procured and is being maintained at all times during the performance of the Agreement. Contractor's failure to comply with the obligations of this section shall be considered a default of the Agreement, and Lessor or its assignees may immediately terminate the Agreement and seek any damages or remedies available at law or in equity.

4. Indemnification

CONTRACTOR COVENANTS AND AGREES TO INDEMNIFY, HOLD HARMLESS AND DEFEND THE LESSOR, ITS OFFICERS, AGENTS, SERVANTS AND EMPLOYEES (THE "INDEMNITEES"), FROM AND AGAINST ANY AND ALL CLAIMS OR SUITS FOR PROPERTY DAMAGE OR LOSS AND/OR PERSONAL INJURY, INCLUDING DEATH, TO ANY AND ALL PERSONS, OF WHATSOEVER KIND OR CHARACTER, WHETHER REAL OR ASSERTED, (INCLUDING, WITHOUT LIMITATION, REASONABLE FEES AND EXPENSES OF ATTORNEYS, EXPERT WITNESSES AND OTHER CONSULTANTS), ARISING OUT OF OR IN CONNECTION WITH ANY AND ALL ACTS OR OMISSIONS OF CONTRACTOR, ITS OFFICERS, AGENTS, SERVANTS, EMPLOYEES, CONTRACTORS, SUBCONTRACTORS, LICENSEES, INVITEES OR TRESPASSERS, WHETHER OR NOT SUCH DAMAGES OR INJURIES ARE CAUSED DIRECTLY OR INDIRECTLY BY THE NEGLIGENCE OF THE INDEMNITEES. CONTRACTOR'S OBLIGATIONS UNDER THIS SECTION SHALL SURVIVE THE TERMINATION OF THE AGREEMENT.

5. Applicable Law and Venue

This Agreement shall be interpreted in accordance with the laws of the state of Texas and the venue of any legal action relating to this Agreement shall lie in state district court in Gillespie County, Texas.

6. Litigation

If any legal proceeding is brought to interpret or enforce the terms of the Agreement, the prevailing party in such action shall be entitled to recover from the non-prevailing party, in addition to the prevailing party's actual damages, reasonable attorney's fees and court costs.

7. Amendments

No amendment, modification, cancellation or alteration of the terms of the Agreement shall be binding on any party hereto unless the same is in writing, dated subsequent to the date hereof, and is duly authorized and executed by the Parties.

8. Severability

If any term or provision of the Agreement shall, to any extent, be held invalid or unenforceable, the remainder of the Agreement shall not be affected thereby, and each provision of the Agreement shall remain valid and enforceable to the fullest extent permitted by law.

9. Term

a. This Agreement shall commence on the Effective Date and shall remain in effect for an initial term of five (5) years, as per the provisions of this Agreement.

10. Performance Review.

The City shall conduct a review of Contractor's performance within ninety (90) days after the conclusion of each annual event. If the City Council of the City of Fredericksburg determines that Contractor's performance under the terms of this Agreement does not meet or exceed the expectations of the City, then the City shall promptly provide Contractor written notice of the grounds of such determination. Contractor shall have thirty (30) days after receive of such notice to cure the grounds of the determination. If cure is not deemed adequate, the City may terminate this Agreement on sixty (60) days prior written notice.

11. Execution

Contractor agrees that its undersigned representative has the authority to act on Contractor's behalf and enter into the Agreement. Each of the Parties have caused this Agreement to be executed as of the date written below its signature:

CITY OF FREDERICKSBURG, TEXAS

By: _____
Jeryl Hoover Mayor

Date: _____

ATTEST:

By: _____
_____, City Secretary

FREDERICKSBURG CHAMBER OF COMMERCE

By: _____

Name: Jim Mikula

Title: President/CEO

Date: _____



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Attorney

TO: Mayor & City Council Members

FROM: William McKamie, City Attorney

MEETING DATE: April 16, 2024

CATEGORY: OTHER ACTION ITEMS AND
UPDATES

CAPTION: Consider a petition for release from the City of Fredericksburg's Extraterritorial Jurisdiction (Mick McKamie, City Attorney):

- i. The property located at 1076 Boerner-Weirich Rd (+/- 107 acres)
-

PRESENTATION:

SUMMARY:

The City currently has received a petition requesting the release from its ETJ. The petition meets the signature requirements and the other required processes provided in Ordinance 2024-01.

BACKGROUND:

The Texas Legislature passed Senate Bill 2038, which allows residents of the Municipality's Extraterritorial Jurisdiction (ETJ) to petition for release from the ETJ and provides a timeline for approving the release of property. The subject tract is approximately 107 acres and is located on Boerner-Weirich Rd. (off of Old San Antonio Rd.), immediately adjacent to the Pedernales River.

The City of Fredericksburg adopted Ordinance 2024-01, which provided the process and procedures the City Secretary and City Council must follow. The Ordinance also provides a \$1,000 fee to cover the cost and additional expenses to City encounters when a petition is filed.

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

Staff recommends approval of the ETJ release request.

COMPREHENSIVE PLAN GUIDING PRINCIPLE:

Business Visioning

ATTACHMENTS:

1. Buck ETJ Release Petition Info

APPROVAL/REVIEW:



William McKamie, City Attorney

Date: April 08, 2024



Garret Bonn, Assistant City Manager

Date: April 08, 2024



Clinton Bailey, City Manager

Date: April 11, 2024

**PETITION FOR RELEASE OF AREA
FROM THE EXTRATERRITORIAL JURISDICTION**

**THE STATE OF TEXAS §
 §
COUNTY OF GILLESPIE §**

**TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF
FREDERICKSBURG, TEXAS:**

The undersigned (hereinafter called “Petitioners”), pursuant to Section 42.102 of the Texas Local Government Code, as amended, hereby respectfully petition the City of Fredericksburg, Texas (hereinafter called the “City”), for the removal of the area described in Exhibit A herein (the “Property”) from the extraterritorial jurisdiction (the “ETJ”) of the City.

In support of this Petition, Petitioners would respectfully show:

I.

Petitioners have authority, pursuant to Section 42.102(b) of the Texas Local Government Code, to file this Petition as the owner(s) of the majority in value of an area of land in a municipality’s ETJ.

II.

This Petition is signed by a majority in value of the holders of title of land in the area as described by the Petition, as indicated by the tax rolls of the Gillespie County Central Appraisal District and evidenced by Certificate attached as Exhibit B. The Petitioners constitute all of the owners of the land covered by this Petition.

III.

This Petition has satisfied the signature requirements described by Sections 42.103 and 42.104(a) of the Texas Local Government Code and Chapter 277, Election Code, and is not later

than the 180th day after the date the first signature for the Petition is obtained.

IV.

The signatures collected for this Petition is in writing, pursuant to Section 42.104(c) of the Texas Local Government Code.

V.

The Property is located in Gillespie County, Texas, and totals approximately 107 acres, as described in Exhibit "A", which is located within the extraterritorial jurisdiction of the City and, to the best of the Petitioners' knowledge, is not subject to any of the exceptions from applicability described in Section 42.101, Texas Local Government Code.

VI.

This Petition shall be verified by the City Secretary of the City or other person at the City responsible for verifying signatures.

VII.

The City must notify the residents or landowners of the District of the results of the Petition, which notification requirement may be satisfied by notifying the Petitioners in writing.

VIII.

If Petitioners have obtained the signatures on the Petition required under Section 42.104, Texas Local Government Code to release the District from the City's ETJ, the City shall immediately release the District from its ETJ pursuant to Section 42.105(c), Texas Local Government Code.

WHEREFORE, PREMISES CONSIDERED, Petitioners pray that this Petition be filed with the City Secretary of the City of Fredericksburg, Texas, and that, thereafter, the Property be removed from the extraterritorial jurisdiction of the City, in the manner provided by law, including particularly Sections 42.102-105 of the Texas Local Government Code, as amended, that after this

Petition has been granted, that it and the Petitioners' action thereon be filed of record and be recorded in the Office of the City Secretary of Fredericksburg, Texas; and that Petitioners have such other order and relief to which they may show itself entitled. If the City Council has not released the Property from the ETJ by the later of the 45th day after the date the City receives this Petition or the next meeting of the City Council that occurs after the 30th day after the date the City receives this Petition, the Property shall be released by operation of law pursuant to Chapter 42.105(d), Texas Local Government Code.

PETITIONERS:

Charles L. Buck, III

CHARLES L. BUCK, III

Karen Ann Buck

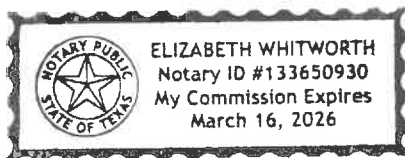
KAREN ANN BUCK

Marla Elise Buck

MARLA ELISE BUCK

THE STATE OF TEXAS §
 §
COUNTY OF GILLESPIE §

This instrument was acknowledged before me on March 14th, 2024, by
CHARLES L. BUCK, III.



Elizabeth Whitworth
Notary Public, State of Texas

Buck.petition.release.etj

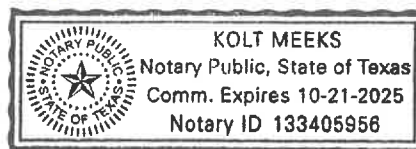
Page 3

THE STATE OF TEXAS §
 §
COUNTY OF GILLESPIE §

This instrument was acknowledged before me on March 18th, 2024, by
KAREN ANN BUCK.

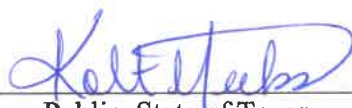


Notary Public, State of Texas



THE STATE OF TEXAS §
 §
COUNTY OF GILLESPIE §

This instrument was acknowledged before me on March 18th, 2024, by
MARLA ELISE BUCK.



Notary Public, State of Texas

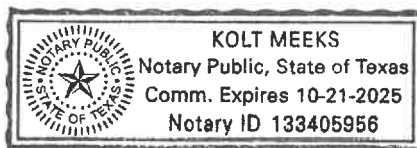


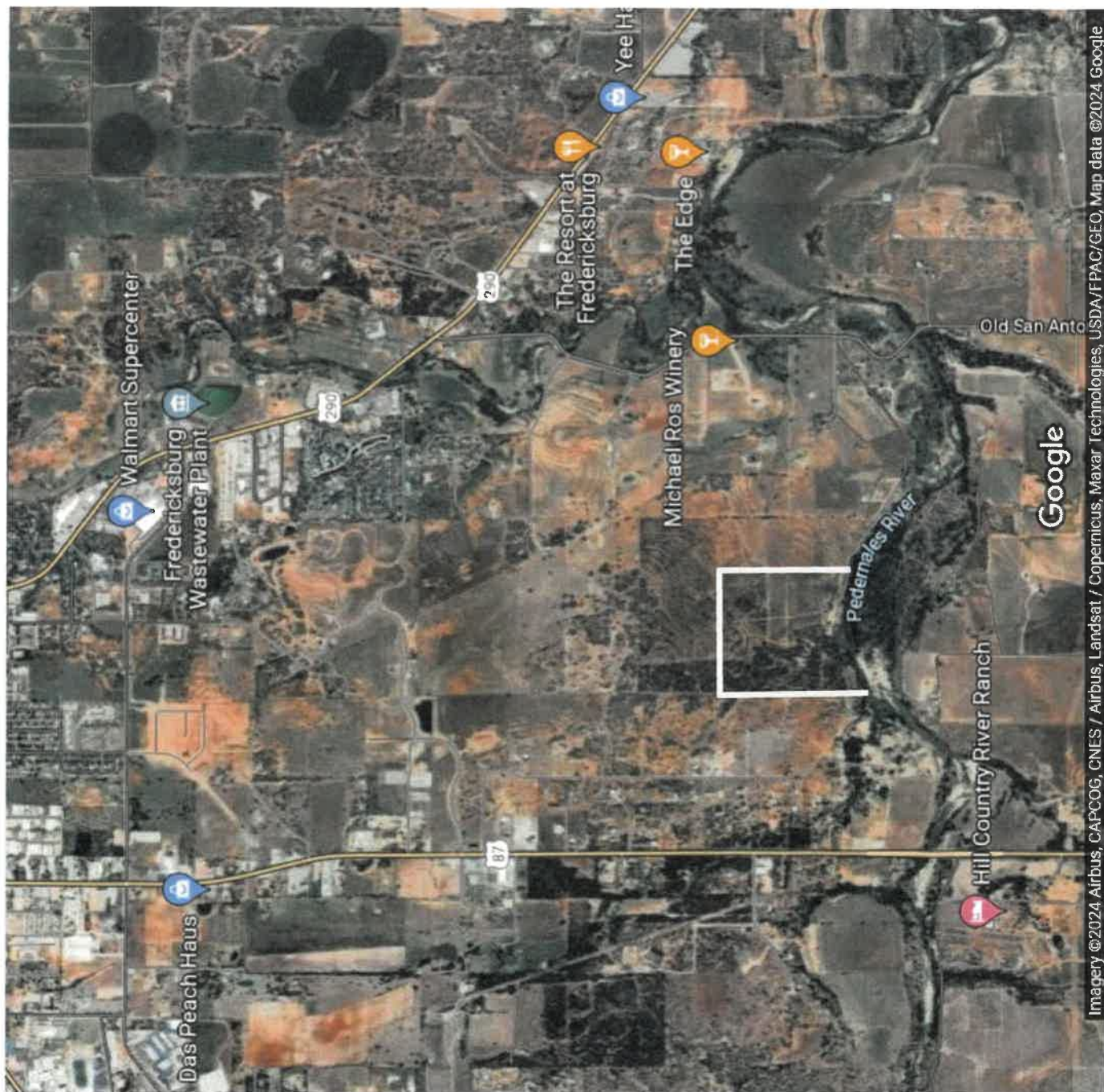
EXHIBIT "A"
LEGAL DESCRIPTION OF AREA TO BE REMOVED FROM THE
EXTRATERRITORIAL JURISDICTION

BEING 107 Acres of land out of and part of Survey No. 54, patented to Nathaniel Townsend assignee of John Owens, by Patent No. 119, Volume 2, dated December 15, 1845, recorded in Volume B, Page 414, Deed Records of Gillespie County, Texas, Abstract No. 537. Said tract of 107 acres of land is described by metes and bounds as follows, to wit: BEGINNING at a stake set on the North bank of the Pedernales River at the line of permanent vegetation for the S.E. corner of that 100 acre tract of land conveyed by Fritz Stitte, et ux, to Alfred A. Grobe, et ux by Warranty Deed dated April 17, 1957, recorded in Volume 75, Pages 401-402 Deed Records of Gillespie County, Texas, it being a point 173.5 varas North and 309.5 varas West of the S.E. corner of Survey No. 54, THENCE North with fence 825 varas to a fence corner post; THENCE N. 89 deg. 45' W. with fence 709 varas to a fence corner post; THENCE South with fence 194.5 varas to a stake on the South bank of a spring branch; THENCE N. 87 deg. W. 26.5 varas to a fence line on the West line of Survey No. 54; THENCE South with fence 700 varas to the North bank of the Pedernales River at the line of permanent vegetation; THENCE down the said river with the meanders of its north bank with the following approximate courses: N. 71 deg. 55' E. 208 varas; East 538.2 varas to the place of beginning; as surveyed on December 9, 1957 by B.L. Enderle, Licensed State Surveyor.

Map attached as A-2

EXHIBIT "B"
CERTIFICATE OF OWNERSHIP OF AREA TO BE REMOVED FROM THE
EXTRATERRITORIAL JURISDICTION

TAX ID #	PHYSICAL ADDRESS	PROPERTY OWNER'S NAME AND ADDRESS
4543	1076 Boerner-Weirich Road Off Old San Antonio Road Fredericksburg, Texas	Charles L. Buck, III 334 Grand Creek Dr. League City, TX 77573 1/3 undivided interest Karen Ann Buck P.O. Box 183 Fredericksburg, TX 78624 1/3 undivided interest Marla Elise Buck 1603 E Main Street Unit Z Fredericksburg, TX 78624 1/3 undivided interest
13481	1076 Boerner-Weirich Road Off Old San Antonio Road Fredericksburg, Texas	Charles L. Buck, III 334 Grand Creek Dr. League City, TX 77573 1/3 undivided interest Karen Ann Buck P.O. Box 183 Fredericksburg, TX 78624 1/3 undivided interest Marla Elise Buck 1603 E Main Street Unit Z Fredericksburg, TX 78624 1/3 undivided interest
184938	1076 Boerner-Weirich Road Off Old San Antonio Road Fredericksburg, Texas (Improvements only)	Karen Ann Buck P.O. Box 183 Fredericksburg, TX 78624





CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary
TO: Mayor & City Council Members
FROM:

MEETING DATE: April 16, 2024

CATEGORY: CITY MANAGER'S REPORT

CAPTION: City Manager's Monthly Update

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMPREHENSIVE PLAN GUIDING PRINCIPLE:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

ATTACHMENTS:

None

APPROVAL/REVIEW:

Clinton Bailey, City Manager

Date: April 11, 2024



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Manager
TO: Mayor & City Council Members
FROM:
MEETING DATE: April 16, 2024

CATEGORY: CITY MANAGER'S REPORT

CAPTION: Eclipse Report

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMPREHENSIVE PLAN GUIDING PRINCIPLE:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

ATTACHMENTS:

None

APPROVAL/REVIEW:

Clinton Bailey, City Manager

Date: April 11, 2024



Date: April 11, 2024

Garret Bonn, Assistant City Manager

City Council Regular Meeting May 7, 2024

2023-105	City Council Minutes - April 2, 2024 Regular Meeting - April 16, 2024 Regular Meeting	Consent - Approve		City Secretary
2024-___	Mid-Year Budget Amendments	Approve	Krista Wareham	Finance
2024-___	FY 25 Budget Calendar	Approve	Krista Wareham	Finance
2024-___	FY 23 Audit Report	Approve	Krista Wareham	Finance
2024-___	Disannexation Relating to Settlement	Public Hearing	Anna Hudson	Dev. Services
2024-___	Consider Contract for 3 rd Party Plan Reviewer	Approve	Michael Erwin	Dev. Services

Future Agenda Items

2024-___	Canvass the May 4, 2024 Election (May 13 th with the effective day May 15 th)	Special Meeting		City Secretary
2024-___	Award HOT Funding (June 4 th Meeting)	Approve		City Secretary
2023-656	Consider conveying Fort Martin Scott to the Texas Historical Commission	Approve	Andrea Schmidt	Parks and Recreation
2024-756	Consider construction agreement relating to FBG Nature Center	Approve	Andrea Schmidt	Parks and Recreation
2023-635	Consider Professional Design & Engineering Service Contract for Sanitary Sewer Lift Station Projects	Approve	Kris Kneese	Public Works
2023-487	Consider a Request from the Fredericksburg Independent School District (FISD) For Vacation and Abandonment of	Approve	Evan Williamson	Asst. City Engineer

Upcoming City Council Meetings

May 7, 2024 – City Council Regular Meeting at 9:00 a.m. at the Law Enforcement Center

May 13, 2024 – Canvass May Election

May 21, 2024 - City Council Regular Meeting at 9:00 a.m. at the Law Enforcement Center

May 30, 2024 - City Council Special-Called Meeting to Interview HOT Funding Request Applicants

June 4, 2024 - City Council Regular Meeting at 9:00 a.m. at the Law Enforcement Center



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Manager
TO: Mayor & City Council Members
FROM:
MEETING DATE: April 16, 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:

COMPREHENSIVE PLAN GUIDING PRINCIPLE:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

ATTACHMENTS:

None

APPROVAL/REVIEW:

Clinton Bailey, City Manager

Date: April 05, 2024



Garret Bonn, Assistant City Manager

Date: April 05, 2024



William McKamie, City Attorney

Date: April 05, 2024



Clinton Bailey, City Manager

Date: April 11, 2024



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Manager
TO: Mayor & City Council Members
FROM:
MEETING DATE: April 16, 2024

CATEGORY: EXECUTIVE SESSION

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

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMPREHENSIVE PLAN GUIDING PRINCIPLE:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

ATTACHMENTS:

None

APPROVAL/REVIEW:

Clinton Bailey, City Manager

Date: April 05, 2024



Garret Bonn, Assistant City Manager

Date: April 05, 2024



William McKamie, City Attorney

Date: April 05, 2024



Clinton Bailey, City Manager

Date: April 11, 2024



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary
TO: Mayor & City Council Members
FROM: Garret Bonn, Assistant City Manager
MEETING DATE: April 16, 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:

COMPREHENSIVE PLAN GUIDING PRINCIPLE:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

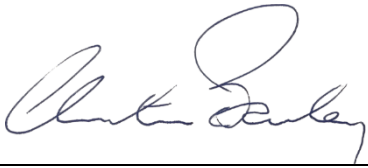
ATTACHMENTS:

None

APPROVAL/REVIEW:

William McKamie, City Attorney

Date: April 05, 2024



Clinton Bailey, City Manager

Date: April 11, 2024



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Development Services

TO: Mayor & City Council Members

FROM:

MEETING DATE: April 16, 2024

CATEGORY: EXECUTIVE SESSION

CAPTION: Consider and discuss the appointment, evaluation, reassignment, duties, or dismissal of a public officer, specifically the appointment of new member a new member to fill a vacancy on the City's Historic Review Board (Section 551.074)

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMPREHENSIVE PLAN GUIDING PRINCIPLE:

Business Visioning

Government Vision

Family Life Vision

Quality of Life Vision

ATTACHMENTS:

None

APPROVAL/REVIEW:

Anna Hudson, Director of Development Services

Date: April 11, 2024



Garret Bonn, Assistant City Manager

Date: April 11, 2024



William McKamie, City Attorney

Date: April 11, 2024



Clinton Bailey, City Manager

Date: April 11, 2024