



City of Fredericksburg

City Council Regular Meeting Agenda
Tuesday, June 18, 2024 ~ 9:00 AM
Law Enforcement Center
1601 E. Main Street
Fredericksburg, Texas 78624

Jeryl Hoover, Mayor
Tony Klein, Councilmember
Bobby Watson, Councilmember

Randy Briley, Councilmember
Emily Kirchner, Councilmember/Pro Tem
Clinton Bailey, City Manager

The City of Fredericksburg City Council will meet in a regular session on Tuesday, June 18, 2024, at 9:00 AM. The meeting will be live-streamed & available for re-watch on the City's website: fredericksburgtx.portal.civicclerk.com.

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 p.m. the day before the meeting.

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

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

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

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

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

1. CALL TO ORDER

2. INVOCATION

Pastor Bobby Vitek from Holy Ghost Lutheran Church will lead the Invocation

3. PLEDGE OF ALLEGIANCE

4. CEREMONIAL MATTERS/PROCLAMATIONS/EMPLOYEE RECOGNITION

- A. Recognition of Richard Laughlin for 15 years of service on the City's Historic Review Board
- B. Recognition of Steve Thomas for 14 years of service on the City's Planning & Zoning Commission

5. COUNCIL COMMENTS

6. CONSENT

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

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

May 7, 2024 Regular Council Meeting
May 13, 2024 Special-Called Council Meeting

7. ORDINANCES, RESOLUTIONS AND PUBLIC HEARINGS

- A. Consideration and Approval of a Resolution (2024-09R) Authorizing and Approving a Multiple Use Agreement with the Texas Department of Transportation for the use of automated license plate recognition cameras (Derek Seelig, Police Department Patrol Lieutenant)
- B. Request Z-2408 - By Margaret Klenzing to Consider a Conditional Use Permit per Sec. 3.220 to Allow for Commercial Off-Street Parking for a Property Located at 406 East Main Street (Anna Hudson, Director of Development Services)
 - i. presentation by applicant
 - ii. presentation by staff
 - iii. public hearing
 - iv. take action to adopt Ordinance 2024-18 for a Conditional Use Permit for a Commercial Off-Street Parking lot at 406 E. Main Street

8. OTHER ACTION ITEMS AND UPDATES

- A. Fiscal Year 2023 Annual Audit and Financial Statement based on the audit conducted by ABIP, P.C. (Krista Wareham, Director of Finance)
 - i. Presentation - Janet Pitman with ABIP, P.C.
 - ii. Take action on the FY2023 Audit and Financial Statement prepared by ABIP, P.C.
- B. Consideration of the creation of an Annexation Development Agreement for 9.37 acres known as Kinman Subdivision Lot 2BR on Mariposa Drive in the Extra Territorial Jurisdiction of the City of Fredericksburg. (Anna Hudson, Director of Development Services)
- C. Consider the award of Hotel Occupancy Tax Funding to the Fredericksburg Chamber of Commerce for the Fredericksburg Food and Wine Festival (Garret Bonn, Asst City Manager)
- D. Consider the approval of a Construction Contract Award for Connection of Back-up Generators at City Water Well and Lift Station Sites (Kris Kneese, Director of Public Works & Utilities)
- E. Consideration and Possible Action Relating to the Proposed Development of Transitional Housing for new City Employees on City-Owned Property Located on US 290E (Councilmember Briley and Mayor Hoover)
- F. Review and Provide Possible Amendments to the Council Rules of Procedure (Garret Bonn, Assistant City Manager)
- G. Consider and Take Action on Boards and Commission Appointments and Re-appointments (Garret Bonn, Assistant City Manager)

9. CITY MANAGER'S REPORT

- A. Comprehensive Plan Implementation Update: Sidewalks - presentation on Adopted Sidewalk Plan Map and strategies to improve connectivity (Development Services and Engineering)
- B. City Manager's Monthly Update

10. ITEMS FOR FUTURE AGENDA

- A. 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 the appointment, evaluation, reassignment, duties, or dismissal of a public officer, specifically the reappointment of existing members on the City's Boards and Commissions, and the appointment of persons to fill vacancies on the City's Boards and Commissions (Section 551.074)
- B. Consider and discuss Real Estate in the vicinity of US 290E and Old San Antonio Rd. (Section 551.072)
- C. Consider and discuss the value and possible disposition of city-owned real properties located throughout the City (Section 551.072)

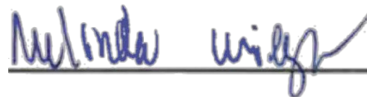
12. BUSINESS ITEM

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, Melinda Uriegas, posted this Agenda at 1:15 p.m. on Friday, June 14, 2024, on the bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.



Interim City Secretary



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Development Services
TO: Mayor & City Council Members
FROM: Anna Hudson, Director of Development Services
MEETING DATE: June 18, 2024

CATEGORY: CEREMONIAL
MATTERS/PROCLAMATIONS/EMPLOYEE
RECOGNITION

CAPTION: Recognition of Richard Laughlin for 15 years of service on the City's Historic Review Board

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMPREHENSIVE PLAN GUIDING PRINCIPLE:
Government Vision

ATTACHMENTS:
None

APPROVAL/REVIEW:

Anna Hudson, Director of Development Services

Date: June 13, 2024



Garret Bonn, Assistant City Manager

Date: June 13, 2024



William McKamie, City Attorney

Date: June 13, 2024



Clinton Bailey, City Manager

Date: June 14, 2024



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Development Services

TO: Mayor & City Council Members

FROM: Anna Hudson, Director of Development Services

MEETING DATE: June 18, 2024

CATEGORY: CEREMONIAL
MATTERS/PROCLAMATIONS/EMPLOYEE
RECOGNITION

CAPTION: Recognition of Steve Thomas for 14 years of service on the City's Planning & Zoning Commission

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMPREHENSIVE PLAN GUIDING PRINCIPLE:

Government Vision

ATTACHMENTS:

None

APPROVAL/REVIEW:

Anna Hudson, Director of Development Services

Date: June 13, 2024



Garret Bonn, Assistant City Manager

Date: June 13, 2024



William McKamie, City Attorney

Date: June 13, 2024



Clinton Bailey, City Manager

Date: June 14, 2024



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary

TO: Mayor & City Council Members

FROM: Garret Bonn, Assistant City Manager

MEETING DATE: June 18, 2024

CATEGORY: CONSENT

CAPTION: Consider approval of City Council Minutes for the following meetings:

May 7, 2024 Regular Council Meeting

May 13, 2024 Special-Called Council Meeting

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMPREHENSIVE PLAN GUIDING PRINCIPLE:

Government Vision

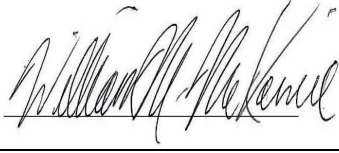
ATTACHMENTS:

1. May 7 Regular Meeting Minutes
2. May 13 Special-Called Meeting Minutes

APPROVAL/REVIEW:

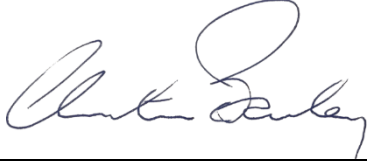
Krista Wareham, Director of Finance

Date: June 13, 2024



William McKamie, City Attorney

Date: June 13, 2024



Clinton Bailey, City Manager

Date: June 14, 2024



City of Fredericksburg
CITY COUNCIL REGULAR MEETING MINUTES
TUESDAY, MAY 7, 2024 ~ 9:00 a.m.
LAW ENFORCEMENT CENTER
1601 E. MAIN STREET
FREDERICKSBURG, TEXAS 78624

Members Present:

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

Members Absent:

None

City Staff Present:

Clinton Bailey, City Manager
Mick McKamie, City Attorney
Garret Bonn, Assistant City Manager
Lynn Bizzell, Fire Chief
Brian Vorauer, Police Chief
Andrea Schmidt, Director of Parks and Recreation
Kris Kneese, Director, Public Works and Utilities
Anna Hudson, Director, Development Services
Tammie Loth, Director, Human Resources
Sean Doerre, Public Information Officer
Aaron Anderegg, Director, Information Technology
Leslie Embrey, Assistant to the City Secretary
Melinda Uriegas, Interim City Secretary

1. CALL TO ORDER

Mayor Hoover called the May 7, 2024, Regular City Council Meeting to order at 9:00 a.m. and announced that a quorum had been met.

2. INVOCATION

Mayor Hoover introduced Michael Burdick, Pastor of Victory Fellowship Church, who led the Invocation.

3. PLEDGE OF ALLEGIANCE

Mayor Hoover led the Pledge of Allegiance.

4. CEREMONIAL MATTERS/PROCLAMATIONS/EMPLOYEE RECOGNITION

A. Proclamation – National College Savings (529) Awareness Month (May 2024)

Councilmember Kirchner read and presented a Proclamation to Gretchen Rose, Co-Chair of Edward Jones' Grassroots Legislative Task Force of Texas, recognizing May as National College Savings (529) Awareness Month.

B. Proclamation – Public Service Recognition Week (May 5-11)

Mayor Pro Tem Watson read and presented a Proclamation to Tammie Loth, Director, Human Resources, recognizing the week of May 5-11 as Public Service Recognition Week.

C. Proclamation – Municipal Clerks Week (May 5-11)

Mayor Hoover read and presented a Proclamation to Leslie Embry, Assistant to the City Secretary, and Melinda Uriegas, Interim City Secretary, commemorating the week of May 5-11 as Texas Municipal Clerks Week.

5. COUNCIL COMMENTS

Councilmember Briley:

- Congratulated Councilmembers Kirchner and Klein and Mayor Hoover on being re-elected and thanked Election staff and workers for their assistance
- Highlighted Chamber of Commerce events, the success of the Fire Department Annual Fish Fry, and assistance provided by the 100 Club of Gillespie County

Councilmember Klein:

- Thanked Election staff and workers for their hard work

Councilmember Kirchner:

- Thanked Election staff and congratulated re-elected Councilmember Klein and Mayor Hoover
- Highlighted accomplishments made by the Hill Country Alliance Leadership Institute

Mayor Pro Tem Watson:

- Thanked Charter Review Committee Members and Election staff for their help and congratulated fellow members of Council and the Mayor for being re-elected to another term of office
- Stated he would be attending the Hill County Alliance Leadership Institute

Mayor Hoover:

- Thanked Election staff for working the long hours needed to tabulate the election results

6. CONSENT

Mayor Hoover stated that no items were on the Consent Agenda.

7. ORDINANCES, RESOLUTIONS, AND PUBLIC HEARINGS

ORDINANCE 2024-14

- A. #Z-2407: INSTITUTE DIS-ANNEXATION PROCEEDINGS TO RELEASE JURISDICTION OF APPROXIMATELY 70.66 ACRES OF LAND, GENERALLY LOCATED ON THE WEST AND EAST SIDES OF POST OAK ROAD, FROM W. LIVE OAK TO 2,800 FEET NORTH OF S. BOWIE STREET. PROPERTIES WERE ORIGINALLY ANNEXED AS PART OF ORDINANCE NO. 2022-06 AND ARE COMMONLY REFERRED TO AS ANNEXATION AREAS 6A AND 6B.

Anna Hudson, Director, Development Services, reported that the City Council approved the annexation of approximately 72.5 acres of land along Post Oak Road on February 7, 2022. As part of the mediation settlement agreement reached on April 2, 2024, the City was required to hold a Public Hearing and take action to disannex 70.66 acres of land. She highlighted the difference in acreage originally annexed and that being disannexed today and impact to property owners being disannexed.

Mick McKamie, City Attorney, stated that previously enacted legislation changed the process in which a city could involuntarily annex land and provided a history of events leading to action required today by the City Council.

A motion was made by Councilmember Kirchner and seconded by Councilmember Klein to open the Public Hearing. All five (5) voted in favor, motion passed unanimously.

Mayor Hoover opened the Public Hearing at 9:21 a.m.

Stephen Allen, area property owner, stated that he was in favor of the proposed disannexation.

Clayton Klinksiek highlighted other methods for disannexation available to property owners.

Danny Elliott, stated that he was one of the parties to the lawsuit filed against the city and requested clarification on the process for selecting land to be disannexed.

Mr. McKamie responded that the Court determined that property owners for the identified parcels to be disannexed did not receive proper notification.

James Smith, area property owner, voiced concern with the City not informing him that his property was being disannexed. He stated that after the initial annexation of this property in 2022, he started the process to sub-divide his property. Mr. Smith requested to be reimbursed for fees paid to the City.

Mr. McKamie responded that State law did not have a mechanism for reimbursement of fees; however, property owners would be reimbursed for property taxes, as applicable. He stated that the City mailed notices about the disannexation to property owners at the addresses listed on the tax records and outlined State disannexation requirements.

A motion was made by Councilmember Klein and seconded by Councilmember Kirchner to close the Public Hearing. All five (5) voted in favor, motion passed unanimously.

Mayor Hoover closed the Public Hearing at 9:27 a.m. and reported that a total of 5 (five) comment cards were submitted on Item 7A with 2 (two) for disannexation and 3 (three) against.

Ms. Hudson clarified for the City Council that State law dictated the process for disannexation and that contiguity of the property to the city limits was the main consideration.

A motion was made by Mayor Pro Tem Watson and seconded by Councilmember Briley to approve Item 7A. All five (5) voted in favor, motion passed unanimously.

B. Fiscal Year 2024 Mid-Year Budget Amendments (Krista Wareham - Director of Finance)

- i. Presentation
- ii. Take action on Ordinance 2024-15 adopting and approving the proposed budget amendments to the City Budget for the Fiscal Year beginning October 1, 2023, and ending September 30, 2024, and making the amended appropriations for each department account

ORDINANCE 2024-15

An Ordinance adopting and approving amendments to the City Budget for the Fiscal Year beginning October 1, 2023, and ending September 30, 2024, and making amended appropriations for each affected department and account

Krista Wareham, Director, Finance Department, provided an overview of the proposed 2024 Revenue and Expenditure Budget Amendments for various city services to include municipal court, water, sanitation, and stormwater, as well as for street and park maintenance.

Councilmember Kirchner asked of the budget impact on hiring new staff. Ms. Wareham replied that there was no FY 2024 budget impact due to personnel cost-savings.

At the request of Councilmember Kirchner, Kris Kneese, Director, Public Works and Utilities, reported that rainwater collected from City Hall as part of the Rainwater Harvesting Pilot Program would be used to fill fire trucks. He reported that additional city facilities as well as uses of the collected water would be identified as the Program progressed.

As it relates to the purchase of heavy equipment, Mr. Kneese stated that the increased cost was due to the specifications required by the City and that staff recommended purchasing now as a cost-savings measure.

A motion was made by Mayor Pro Tem Watson and seconded by Councilmember Kirchner to approve Item 7B. All five (5) voted in favor, motion passed unanimously.

8. OTHER ACTION ITEMS AND UPDATES

- A. Review and Approval of FY 2025 Proposed Budget Directives (Krista Wareham - Director of Finance)**

Ms. Wareham provided an overview of the FY 2024-2025 Proposed Operating and Capital Budget activities and associated deadlines and reported that the Budget would be presented to the City Council on July 23rd with a County Commissioners Budget Work Session scheduled for August. She stated that the Tax Rate was scheduled to be approved on September 12th with the Budget on September 17th.

A motion was made by Councilmember Kirchner and seconded by Councilmember Briley to approve Item 8A. All five (5) voted in favor, motion passed unanimously.

B. Review and Approval of FY 2025 Proposed Budget Directives (Krista Wareham - Director of Finance)

Ms. Wareham highlighted directives and strategies used in developing the FY 2024-2025 Budget and stated that the goal of the City was to achieve a 3% reduction in maintenance and operation costs for a savings of approximately \$600,000.

A motion was made by Councilmember Klein and seconded by Councilmember Briley to approve Item 8B. All five (5) voted in favor, motion passed unanimously.

9. CITY MANAGER'S REPORT

Clinton Bailey, City Manager, introduced Mark Cornett with Fredericksburg Friends of the Fields, who provided an update on Soccer Field improvements.

Mr. Cornett stated that Fredericksburg Friends of the Fields was a partnership between the City, Scripps, and Create Healthy and the collaboration benefitted the community. He highlighted work completed to include the installation of an irrigation system, electrical upgrades, and safety measure improvements. Mr. Cornett reported that grass would be planted and equipment purchased by the start of the soccer season in September. He stated that the restroom redesign project was expected to be completed by the end of the year and that bleachers would not be provided as they made field maintenance more difficult.

10. ITEMS FOR FUTURE AGENDA

A. Review the Future Agenda spreadsheet

Mr. Bailey provided an overview of items to be discussed at the May 21st Regular City Council Meeting to include an Operating Agreement with the Texas Historical Society for Fort Martin Scott, presentation of the FY 2023 Audit Report, and the Fredericksburg Nature Center Construction Agreement.

Ms. Hudson stated that on May 21st, the City Council would also be considering zoning items that were scheduled to be heard by the Planning and Zoning Commission on May 8th.

11. EXECUTIVE SESSION

The City Council recessed its open meeting and convened in Executive Session pursuant to Texas Government Code Sections 552.133, 551.086 & 551.072:

- A. Discuss and consider a competitive matter related to a public utility as defined in Section 552.133, Local Government Code, and take action pursuant to Section 551.086, Local Government Code; Purchase of Wholesale Power
- B. Consider and discuss Real Estate in the vicinity of US 290E and Old San Antonio Rd. (Section 551.072)
- C. Consider and discuss Real Estate in the vicinity of US 290E and Industrial Loop (Section 551.072)
- D. Consider and discuss the value and possible disposition of city-owned real properties located throughout the City (Section 551.072)

A motion was made at 10:02 a.m. by Mayor Pro Tem Watson and seconded by Councilmember Kirchner to go into Executive Session. All five (5) voted in favor, motion passed unanimously.

A motion was made at 11:44 a.m. by Mayor Pro Tem Watson and seconded by Councilmember Kirchner to reconvene in Regular Session. All five (5) voted in favor, motion passed unanimously.

12. BUSINESS ITEM

Mayor Hoover reported that the City Council took action on a Competitive Matter during Executive Session.

13. ADJOURN

With no other business, Mayor Hoover adjourned the May 7, 2024, Regular City Council Meeting at 11:44 a.m.

Jeryl Hoover
Mayor

Melinda Uriegas
Interim City Secretary



City of Fredericksburg
CITY COUNCIL SPECIAL MEETING
ELECTION CANVASS MINUTES
MONDAY, MAY 13, 2024 ~ 9:00 a.m.
CITY HALL CONFERENCE ROOM
126 W. MAIN STREET
FREDERICKSBURG, TEXAS 78624

Members Present:

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

Members Absent:

None

City Staff Present:

Clinton Bailey, City Manager
Garret Bonn, Assistant City Manager
Shelley Becker, Presiding Municipal Court Judge
Melinda Uriegas, Interim City Secretary

1. CALL TO ORDER

Mayor Hoover called the May 13, 2024, Special City Council Meeting to order at 9:00 a.m. and announced that a quorum had been met.

2. RESOLUTIONS

A. Consider the approval of Resolution 2024-07R canvassing the returns and certifying the official results of the May 4, 2024 General Election held for the purpose of electing two (2) Councilmembers and a Mayor for a 2-year term of office (Melinda Uriegas, Interim City Secretary)

Melinda Uriegas, Interim City Secretary, presented the unofficial Election Results of the May 4, 2024, General Election and announced that Councilmember Kirchner, Councilmember Klein, and Mayor Hoover were re-elected to a 2-year term of office effective immediately.

A motion was made by Councilmember Klein and seconded by Councilmember Briley to approve **Resolution 2024-07R** declaring the results of the May 4, 2024, General Election electing Councilmember Kirchner, Councilmember Klein, and Mayor Hoover for a 2-year term of office effective immediately. All five (5) voted in favor, motion passed unanimously.

B. Consider the approval of Resolution 2024-08R canvassing the returns and certifying the official results of the May 4, 2024 Special Election held for the purpose of amending the City Charter (Melinda Uriegas, Interim City Secretary)

City Secretary Uriegas presented the unofficial Election Results of the May 4, 2024, Special Election and reported that all twenty-three (23) Charter Amendments passed.

A motion was made by Councilmember Briley and seconded by Councilmember Klein to approve **Resolution 2024-08R** declaring the results of the May 4, 2024, Special Charter Amendment Election. All five (5) voted in favor, motion passed unanimously.

3. OTHER ACTION ITEMS AND UPDATES

- A. Statement of Officer
- B. Oath of Office

Shelley Becker, Presiding Municipal Court Judge, administered the Statement of Officer and Oath of Office to Councilmember Kirchner, Councilmember Klein, and Mayor Hoover.

- C. Issuance of Certificates of Election

City Secretary Uriegas presented the Certificates of Election to Councilmember Kirchner, Councilmember Klein, and Mayor Hoover.

D. ADJOURN

With no other business, Mayor Hoover adjourned the May 13, 2024, Special City Council Meeting at 9:14 a.m.

Jeryl Hoover
Mayor

Melinda Uriegas
Interim City Secretary



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Police Department

TO: Mayor & City Council Members

FROM: Brian Vorauer, Police Chief

MEETING DATE: June 18, 2024

CATEGORY: ORDINANCES, RESOLUTIONS
AND PUBLIC HEARINGS

CAPTION: Consideration and Approval of a Resolution (2024-09R) Authorizing and Approving a Multiple Use Agreement with the Texas Department of Transportation for the use of automated license plate recognition cameras (Derek Seelig, Police Department Patrol Lieutenant)

PRESENTATION:

SUMMARY:

The Fredericksburg Police Department's automated license plate recognition cameras are to be used for enforcement and investigative capabilities, expand collection of relevant data, and expedite the process of comparing vehicle license plates with lists from the Texas DPS Alert Program as well as lists of stolen, wanted, and vehicles of interest.

BACKGROUND:

License plate recognition (LPR) has been used for decades across the world by law enforcement agencies to help generate leads and close cases. LPR camera systems deployed in fixed, portable and mobile configurations take photos of vehicles and accurately extract license plate, make and model data with date, time and GPS. Detections can trigger real-time alerts to improve safety and productivity, but more importantly, can be searched and analyzed to uncover insights that aid investigations and inform future decisions.

FUNDING SOURCE: General Fund

FINANCIAL IMPACT:

\$24,200 was approved in the FY2024 budget under Computer Software and Maintenance, GL# 01-22-4070.

STAFF RECOMMENDATION:

Recommend City Council approve the resolution as presented.

COMPREHENSIVE PLAN GUIDING PRINCIPLE:

Government Vision

ATTACHMENTS:

1. Resolution 2024-09R MUA LPR Cameras
2. MUA TXDOT LPR Cameras City of FBG

APPROVAL/REVIEW:

Brian Vorauer, Police Chief

Date: June 13, 2024



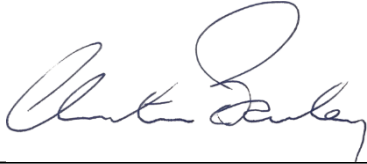
Krista Wareham, Director of Finance

Date: June 13, 2024



William McKamie, City Attorney

Date: June 13, 2024



Clinton Bailey, City Manager

Date: June 14, 2024

RESOLUTION NO. 2024-09R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ENTER INTO A MULTIPLE USE AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO PERMIT THE INSTALLATION AND OPERATION OF AUTOMATED LICENSE PLATE RECOGNITION (ALPR) CAMERAS IN THE DESIGNATED POINTS WITHIN THE CITY.

WHEREAS, the Fredericksburg Police Department is needing approval to submit a Multiple Use Agreement to the Texas Department of Transportation (TXDOT) to request a permit for the installation and operation of automated license plate recognition (ALPR) cameras at various locations within the city limits of the City of Fredericksburg.

WHEREAS, the City Council authorizes the execution of a Multiple Use Agreement with TXDOT for the purposes provided above.

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

The City Council of the City of Fredericksburg, Texas, hereby enters into the Exhibit A Mutual Use Agreement with TXDOT, which will permit the installation and operation of automated license plate recognition (ALPR) cameras within the city limits of the City of Fredericksburg.

PASSED, APPROVED, AND ADOPTED ON this 18 day of June 2024.

Jeryl Hoover
Mayor

ATTEST:

Garret Bonn
Interim City Secretary



MULTIPLE USE AGREEMENT

STATE OF TEXAS §

COUNTY OF TRAVIS §

THIS AGREEMENT made by the State of Texas by and between the Texas Department of Transportation, hereinafter referred to as "State", party of the first part, and the City of Fredericksburg _____, hereinafter called City of Fredericksburg , party of the second part, is to become effective when fully executed by both parties.

WITNESSETH

WHEREAS, on the 18 day of June, 20 24, the governing body for the City of Fredericksburg entered into Resolution/Ordinance No. 2024-18 hereinafter identified by reference, authorizing the City of Fredericksburg 's participation in this agreement with the State; and

WHEREAS, the City of Fredericksburg has requested the State to permit the construction, maintenance and operation of a public license plate readers on the highway right of way, (ROADWAY Various CONTROL SECTION NO. Various). (General description of area including either the control number or GPS coordinates.)

shown graphically by the preliminary conceptual site plan in Exhibit "A" and being more specifically described by metes and bounds of Exhibit "B", which are attached and made a part hereof; and

WHEREAS, the State has indicated its willingness to approve the establishment of such facilities and other uses conditioned that the City of Fredericksburg will enter into agreements with the State for the purpose of determining the respective responsibilities of the City of Fredericksburg and the State with reference thereto, and conditioned that such uses are in the public interest and will not damage the highway facilities, impair safety, impede maintenance or in any way restrict the operation of the highway facility, all as determined from engineering and traffic investigations conducted by the State.

AGREEMENT

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto to be by them respectively kept and performed as hereinafter set forth, it is agreed as follows:

1. DESIGN AND CONSTRUCTION

City of Fredericksburg will prepare or provide for the construction plans for the facility, and will provide for the construction work as required by said plans at no cost to the State. Said plans shall include the design of the access control, necessary horizontal and vertical clearances for highway structures, adequate landscape treatment, adequate detail to ensure compliance with applicable structural design standards, sufficient traffic control provisions, and general layout. They shall also delineate and define the construction responsibilities of both parties hereto. Completed plans will be submitted to State for review and approval and when approved shall be attached to the agreement and made a part thereof in all respects. Construction shall not commence until plans have been approved by the State. Any future revisions or additions shall be made after prior written approval of the State. Any sidewalks, curb ramps and other pedestrian elements to be constructed, either on site or off site, by the

City of Fredericksburg shall be in accordance with the requirements of Title II of the Americans With Disabilities Act (ADA) and with the Texas Accessibility Standards (TAS). Elements constructed by the City of Fredericksbu and found not to comply with ADA or TAS shall be corrected at the entire expense of the- City of Fredericksbur

2. INSPECTION

Ingress and egress shall be allowed at all times to such facility for Federal Highway Administration personnel and State Forces and equipment when highway maintenance operations are necessary, and for inspection purposes; and upon request, all parking or other activities for periods required for such operations will be prohibited.

3. PARKING REGULATIONS

Parking regulations shall be established limiting parking to single unit motor vehicles of size and capacity no greater than prescribed for 1 $\frac{1}{2}$ ton trucks, such vehicles to conform in size and use to governing laws. Parking shall be permitted only in marked spaces.

Parking shall be prohibited when a security threat, as determined by TxDOT, exists.

4. PROHIBITION/SIGNS

Regulations shall be established prohibiting the parking of vehicles transporting flammable or explosive loads and prohibiting use of the area in any manner for peddling, advertising or other purposes not in keeping with the objective of a public facility. The erection of signs other than those required for proper use of the area will be prohibited. All signs shall be approved by the State prior to the actual erection.

5. RESPONSIBILITIES

Timely maintenance, repair and operation of the facility shall be entirely the responsibility of the City of Fredericksburg. Such responsibility shall not be transferred, assigned or conveyed to a third party without the advanced written approval of the State. These responsibilities expressly include the timely maintenance and repair of any portion of the facility necessary to comply with the Americans with Disabilities Act. Further, such responsibility shall include picking up trash, mowing and otherwise keeping the facility in a clean and sanitary condition, and surveillance by police patrol to eliminate the possible creation of a nuisance or hazard to the public. Hazardous or unreasonably objectionable smoke, fumes, vapor or odors shall not be permitted to rise above the grade line of the highway, nor shall the facility subject the highway to hazardous or unreasonably objectionable dripping, droppings or discharge of any kind, including rain or snow.

If the State determines that City of Fredericksburg has failed to comply with these responsibilities, it will perform the necessary work and charge City of Fredericksburg the actual cost of the work.

6. FEES

Any fees levied for use of the facilities in the area shall be nominal and no more than are sufficient to defray the cost of construction, maintenance and operations thereof, and shall be subject to State approval.

A. Retention Period. The City of Fredericksburg shall maintain all books, documents, papers, accounting records and other evidence pertaining to fees collected and costs (hereinafter called the Records). The City of Fredericksburg shall make the records available during the term of the Agreement and for four years from the date the Agreement is terminated, until completion of all audits, or until pending litigation has been completely and fully resolved, whichever occurs last.

B. Audit Report. If fees are collected by the City of Fredericksburg for the use of the facility under this agreement, the City of Fredericksburg will provide the State an annual audit report detailing the fees collected for the use of the facility and the costs associated with constructing, maintaining, and operating the facility within the same period. If the report shows more fees collected than expenses for the construction, operation, or maintenance of the facility the City of Fredericksburg must provide a multiple year plan detailing how the additional revenue will be used for construction, operation, or maintenance of the facility.

C. Availability. The State or any of its duly authorized representatives, the Federal Highway Administration, the United States Department of Transportation, Office of Inspector General, and the Comptroller General shall have access to the City of Fredericksburg 's records that are directly pertinent to this Agreement for the purpose of making audits and examinations.

7. TERMINATION UPON NOTICE

This provision is expressly made subject to the rights herein granted to both parties to terminate this agreement upon notice, and upon the exercise of any such right by either party, all obligations herein to make improvements to said facility shall immediately cease and terminate and

City of Fredericksburg shall be responsible for the facility's timely removal at no cost to the State. If the State determines that City of Fredericksburg has failed to timely remove the facility, it will perform the necessary work and charge City of Fredericksburg the actual cost of the work.

8. MODIFICATION/TERMINATION OF AGREEMENT

If in the sole judgment of the State it is found at any future time that traffic conditions have so changed that the existence or use of the facility is impeding maintenance, damaging the highway facility, impairing safety or that the facility is not being properly operated, that it constitutes a nuisance, is abandoned, or if for any other reason it is the State's judgment that such facility is not in the public interest, this agreement under which the facility was constructed may be: (1) modified if corrective measures acceptable to both parties can be applied to eliminate the objectionable features of the facility; or (2) terminated and the use of the area as proposed herein discontinued.

9. PROHIBITION OF STORAGE OF FLAMMABLE MATERIALS

All structures located or constructed within the area covered by the agreement shall be fire resistant. The storage of flammable, explosive or hazardous materials is prohibited. Operations deemed to be a potential fire hazard shall be subject to regulation by the State.

10. RESTORATION OF AREA

The City of Fredericksburg shall provide written notification to the State that such facility will be discontinued for the purpose defined herein. The City of Fredericksburg shall, within thirty (30) days from the date of said notification, clear the area of all facilities that were its construction responsibility under this agreement and restore the area to a condition satisfactory to the State.

11. PREVIOUS AGREEMENTS

It is understood that this agreement in no way modifies or supersedes the terms and provisions of any existing agreements between the parties hereto.

12. INDEMNIFICATION

THE City of Fredericksburg WILL INDEMNIFY THE STATE AGAINST ANY AND ALL DAMAGES AND CLAIMS FOR DAMAGES, INCLUDING THOSE RESULTING FROM INJURY OR DEATH OF PERSONS OR FOR LOSS OF OR DAMAGE TO PROPERTY, ARISING OUT OF, INCIDENT TO OR IN ANY MANNER CONNECTED WITH THE CONSTRUCTION, OPERATION OR MAINTENANCE OF THE FACILITY, WHICH INDEMNIFICATION SHALL EXTEND TO AND INCLUDE ANY AND ALL COURT COSTS, ATTORNEY'S FEES AND EXPENSES RELATED TO OR CONNECTED WITH ANY CLAIMS OR SUITS FOR DAMAGES AND SHALL, IF REQUESTED IN WRITING BY THE STATE TO DO SO, ASSIST THE STATE OR RELIEVE THE STATE FROM DEFENDING ANY SUCH SUITS BROUGHT AGAINST IT. THE INDEMNIFICATION OF THE STATE SHALL EXTEND FOR A PERIOD OF TWO (2) YEARS BEYOND THE DATE OF TERMINATION OF THIS AGREEMENT.

DURING EACH YEAR WHILE THERE IS ANY LIABILITY BY REASON OF THE AGREEMENT CONTAINED IN THIS SUBSECTION OF THIS RESOLUTION, INCLUDING THE CALENDAR YEAR 2024, THE City of Fredericksburg (CITY) SHALL COMPUTE AND ASCERTAIN THE RATE AND AMOUNT OF AD VALOREM TAX, BASED ON THE LATEST APPROVED TAX ROLLS OF SAID ENTITY, WITH FULL ALLOWANCES BEING MADE FOR TAX DELINQUENCIES AND COSTS OF TAX COLLECTION, WHICH WILL BE SUFFICIENT TO RAISE AND PRODUCE THE MONEY REQUIRED TO PAY ANY SUMS WHICH MAY BE OR BECOME DUE DURING ANY SUCH YEAR, IN NO INSTANCE TO BE LESS THAN TWO (2%) PER CENT OF SUCH OBLIGATION, TOGETHER WITH INTEREST THEREON, BECAUSE OF THE OBLIGATION HEREIN ASSUMED.

SAID RATE AND AMOUNT OF AD VALOREM TAX IS HEREBY ORDERED TO BE LEVIED AND IS HEREBY LEVIED AGAINST ALL TAXABLE PROPERTY IN SAID ENTITY FOR EACH YEAR WHILE ANY LIABILITY EXISTS BY REASON OF THE OBLIGATION UNDERTAKEN BY THIS SUBSECTION OF THIS RESOLUTION, AND SAID AD VALOREM TAX SHALL BE ASSESSED AND COLLECTED EACH SUCH YEAR UNTIL ALL OF THE OBLIGATIONS HEREIN INCURRED SHALL HAVE BEEN DISCHARGED AND ALL LIABILITY HEREUNDER DISCHARGED.

No party to this agreement intends to waive, relinquish, limit or condition its general governmental immunity from liability in any way.

Each party agrees and acknowledges that it is not an agent, servant, or employee of the other party and that under this provision each party is responsible only for its own acts and for those of its agents, servants, independent contractors or employees. Such responsibility includes, but is not

limited to any claims or amounts arising or recovered under the "Workers Compensation Law," the Texas Tort Claims Act, Chapter 101, Texas Civil Practice and Remedies Code; or any other applicable laws or regulations, all as time to time may be amended.

Nothing in this agreement shall be construed as creating any liability in favor of any third party against the State and the City of Fredericksburg. Additionally, this agreement shall not ever be construed as relieving any third party from any liability against the State. Furthermore, the City of Fredericksburg shall become fully subrogated to the State's rights of recovery and shall be entitled to maintain any action over and against any third party who may be liable for damages. The State agrees to execute and deliver instruments and papers and to otherwise do that which is necessary to secure such rights.

13. INSURANCE

The City of Fredericksburg, shall provide necessary safeguards to protect the public on State maintained highways including adequate insurance for payment of any damages which might result during the construction, maintenance, repair and operation of the facility. City of Fredericksburg shall include TxDOT as an additional insured by endorsement in City of Fredericksburg's commercial general liability insurance policy. Prior to beginning work on the State's right of way, the City of Fredericksburg's construction contractor shall submit to the State a completed insurance form (TxDOT Form No. 1560) or appropriate certificate of self-insurance and shall maintain the required coverage during the construction of the facility.

14. USE OF RIGHT OF WAY

It is understood that the State by execution of this agreement does not impair or relinquish the State's right to use such land for highway purposes when it is required for the construction or re-construction of the traffic facility for which it was acquired, nor shall use of the land under such agreement ever be construed as abandonment by the State of such land acquired for highway purposes, and the State does not purport to grant any interest in the land described herein but merely consents to such use to the extent its authority and title permits.

15. ADDITIONAL CONSENT REQUIRED

The State asserts only that it has sufficient title for highway purposes. The City of Fredericksburg shall be responsible for obtaining such additional consent, permits or agreement as may be necessary due to this agreement. This includes, but is not limited to, appropriate permits and clearances for environmental, ADA and public utilities.

16. FHWA ADDITIONAL REQUIREMENTS

If the Facility is located on the Federal-Aid Highway System, "ATTACHMENT A", which states additional requirements as set forth in the Federal Highway Administration's Title 23, Code of Federal Regulations, § 710, shall be attached to and become a part of this agreement.

17. CIVIL RIGHTS ASSURANCES

The City of Fredericksburg, for itself, its personal representatives, successors and interests and assigns, as part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that: (1) no persons, on the grounds of race, color, sex, age, national origin, religion or disabling condition, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facility; (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of race, color, sex, age, national origin, religion or disabling condition, shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination; (3) that the

City of Fredericksburg shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That if in the event of any breach of the above non-discrimination covenants, the State shall have the right to terminate the agreement and reenter and repossess said land and the facilities thereon, and hold the same as if said agreement had never been made or issued.

18. AMENDMENTS

Any changes in the time frame, character or responsibilities of the parties hereto shall be enacted by a written amendment executed by both parties hereto.

19. LEGAL CONSTRUCTION

In case one or more of the provisions contained in this agreement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any provision hereof and this agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in this agreement.

20. AUDIT

The State may conduct an audit or investigation of any aspect of this agreement. The City of Fredericksburg must provide the State with access to any information the State considers relevant to the investigation or audit. The audit can include, but is not limited to, any contract for construction or maintenance of any facility or structure authorized by this agreement or any contract to provide a service to the City of Fredericksburg if that service is authorized by this agreement.

21. AUTHORITY OF STATE AUDITOR

The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under the contract or indirectly through a subcontract under the contract. Acceptance of funds directly under the contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

22. NOTICES

All notices required under this agreement shall be mailed or hand delivered to the following respective addresses:

STATE (Mailing Address)	(Name of other party) (Mailing Address)
Texas Department of Transportation	City of Fredericksburg
Maintenance Division	Attn: Garret Bonn
125 East 11th Street	126 West Main Street
Austin, Texas 78701-2483	Fredericksburg, Texas 78624

23. TIMELY PAYMENT

When required by any provision of this agreement requires a payment to be made to the State, the other party hereto shall within thirty (30) days from receipt of the State's written notification pay the State for the full cost of repairing any damages to the highway facility which may result from the other party's construction, maintenance, repair or operation of the facility.

24. WARRANTS

The signatories to this agreement warrant that each has the authority to enter into this agreement on behalf of the party represented.

List of Attached Exhibits:

- Exhibit A - General Layout
- Exhibit B - Metes and Bounds Description
- Exhibit C - Approved Construction Plans
- Exhibit D - Certificate of Insurance (TxDOT Form 1560)
- Exhibit E - Attachment A (FHWA Additional Requirements)

IN WITNESS WHEREOF, the parties have hereunto affixed their signature, the
City of Fredericksburg on the 18 day of June, 20 24, and the
State on the day of , 20 .

STATE OF TEXAS

City of Fredericksburg
(Name of other party)

By: Signature

Garret Bonn
Printed Name

Assistant City Manager
Title

City of Fredericksburg
Agency

830-997-7521
Contact Office and Telephone No.

Executed and approved for the Texas
Transportation Commission for the purpose and
effect of activating and/or carrying out the orders,
and established policies or work programs
heretofore approved and authorized by the Texas
Transportation Commission.

By: Director, Maintenance Division

Printed Name

Date

APPROVAL RECOMMENDED:

District Engineer

Printed Name

Date

ATTACHMENT A

Inasmuch as this project is on the Federal-Aid highway system, the following additional requirements as applicable with the Federal Highway Administration's Title 23, Code of Federal Regulations, § 710.105.

1. Any significant revision in the design or construction of the facility shall receive prior approval by the Texas Department of Transportation subject to concurrency by the FHWA.
2. Any change in the authorized use of real property interest shall receive prior approval by the Texas Department of Transportation subject to concurrence by the FHWA.
3. Real property interest shall not be transferred, assigned or conveyed to another party without prior Texas Department of Transportation approval subject to concurrence by the FHWA.
4. This agreement will be revocable in the event that the real property interest facility ceases to be used or is abandoned.

EXHIBIT E



CITY COUNCIL **AGENDA MEMO**

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM: Shelby Collier, Senior Planner
MEETING DATE: June 18, 2024

CATEGORY: ORDINANCES, RESOLUTIONS
AND PUBLIC HEARINGS

CAPTION: Request Z-2408 - By Margaret Klenzing to Consider a Conditional Use Permit per Sec. 3.220 to Allow for Commercial Off-Street Parking for a Property Located at 406 East Main Street (Anna Hudson, Director of Development Services)

- i. presentation by applicant
 - ii. presentation by staff
 - iii. public hearing
 - iv. take action to adopt Ordinance 2024-18 for a Conditional Use Permit for a Commercial Off-Street Parking lot at 406 E. Main Street
-

PRESENTATION:

SUMMARY:

The applicant is requesting a Conditional Use Permit to allow for a Commercial Off-Street Parking use for property located at 406 East Main Street. The property currently consists of a parking lot with 28 spaces that was intended to supply required parking (13 spaces) for the Emigrant located at 341 East Main Street and was approved through an off-site parking agreement (SP-2130). The approval was for the construction of 13 spaces and the Historic Review Board required the applicant to screen the parking from public view. The parking lot has been constructed and consists of 28 spots. It is a "right in and right out only" entrance and exit. Adding a parking lot in the middle of the 400 block of East Main Street adds a physical and visual disruption to the block. In addition, virtually every person traveling to the Historic Shopping District will eventually become a pedestrian on foot that deserves to have the enjoyment of walking enhanced and the conflict with vehicular traffic minimized and the reality is that the addition of a parking lot will create competition between the pedestrian and vehicles for transportation. Where possible, the creation of a parking lot should minimize the risk to the pedestrian and plan for safe transportation of both pedestrian and vehicle users.

BACKGROUND:

Zoning: CBD, Central Business District, Historic District

Site Area: 1.635 Acres - 71,220 sq ft

Use: Commercial Off-Street Parking - Parking of motor vehicles on a temporary basis within a privately owned off-street parking facility, other than accessory to a principal use. Typical uses include commercial parking lots or commercial parking garages. **Sec. 2.100**

Parking: 28 Spaces - 13 spaces are allocated to the Emigrant Bar leaving 15 Spaces for Commercial Off-Street Parking Use.

Comprehensive Plan: This future place type for this property is described as the Historic Shopping District. New development within this place type should respect the historic patterns of development. Development should be thoughtful and replicate, where possible, the character of the traditional Historic Shopping District.

City Center - Action C1.B1 - C1.B4

Mobility M.1.A.1

Historic Review Board Design Requirements: The HRB approved the design on January 11, 2022, and required a solid fence on the east property line.
(See attached exhibit)

Public Hearing Response: 2 letters in support

Sec. 5.460 - Review and Evaluation Criteria contains 13 items that must be considered when reviewing a Conditional Use Permit (CUP). Of these 13 items, Staff found that the applicant has met or responded to all requirements. The criteria and review are as follows. Staffs review is in **RED**.

Conformance with applicable regulations and standards established by the Zoning Regulations. **Met**

Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk, and scale, setbacks and open spaces, landscaping and site development, access and circulation features. **The development of a parking lot on Main Street is unique and deviates from the existing or permitted uses on abutting sites. With that said, 13 parking spaces were previously approved as part of the off-street parking agreement for SP-2130.**

Potentially unfavorable affects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site for a permitted use. **Aside from the disruption of pedestrian traffic, Staff foresees no unfavorable affects to other uses on neighboring sites.**

Modifications (including variance from property development regulations) to the site plan which would result in increased compatibility, would mitigate potentially unfavorable impacts, would be necessary to conform to applicable regulations and standards and would protect the public health, safety, morals and general welfare. **Screening is required per the previously approved site plan and would help mitigate the visual and physical disruption as would landscaping.**

Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area; existing zoning and land uses in the area. **Staff have concerns regarding the traffic generated by the advertised parking lot. Vehicles will need the opportunity to drive through the parking lot and exit if no parking is available to prevent backing up onto East Main Street. A possible solution to reducing the number of pedestrian/vehicle interactions could be a monthly/yearly lease agreement with neighboring businesses to**

reduce the amount of vehicular traffic.

Protections of persons and property from erosion, flood or water damage, fire, noise, glare and similar hazards and impacts. **Met**

Location, lighting, and type of signs; the relation of signs to traffic control and adverse effect of signs on adjacent properties. **Parking lot lighting is provided via two pole lights.**

Adequacy and convenience of off-street parking and loading facilities. **Met**

Determination that the proposed use is in accordance with the objectives of these zoning regulations and the purposes of the zone in which the site is located. **Met**

Determination that the proposed use and site development, together with any modifications applicable thereto, will be compatible with existing or permitted uses in the vicinity. **The development of the parking lot is unique in mid block but compatible with neighboring uses.**

Determination that any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with existing or permitted uses in the same district and the surrounding area. **Screening should be required as it was previously approved as part of the original parking agreement.**

Determination that the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. **The proposed mid block parking lot will create more vehicle and pedestrian interactions which is contrary to enhancing pedestrian safety.**

Sec. 7.920. - Landscaping Requirements.

e. Required Landscaping Adjacent to Public Right-of-Way.

On the site of a building or open lot use providing an off-street parking area or other vehicular use area, where such area will not be entirely screened visually by an intervening building or structure from any abutting right-of-way, excluding dedicated alleys, **there shall be provided landscaping between such area and such right-of-way**, as follows:

A strip of land at least five (5) feet in depth located between the abutting right-of-way and the off-street parking area or other vehicular use area which is exposed to an abutting right-of-way shall be landscaped. Such landscaping shall include one tree for each fifty (50) lineal feet or fraction thereof of right-of-way (street) frontage. Such trees shall be located between the abutting right-of-way and off-street parking area or other vehicular use area and shall be planted in a planting area of at least twenty-five (25) square feet with each dimension at least (5) feet in length. In addition, a hedge, wall, or other durable landscape barrier of at least two (2) feet in height shall be placed along the perimeter of such landscaped strip. If such durable barrier is of non-living material, for each ten (10) feet thereof, one shrub or vine shall be planted abutting such barrier but need not be spaced ten (10) feet apart. Such shrubs or vines shall be planted along the street side of such barrier unless they are of sufficient height at the same time of planting to be readily visible over the top of such barrier. The remainder of the required landscaped areas shall be landscaped with grass, ground cover or other landscape treatment, excluding paving.

All property other than the required landscaped strip lying between the right-of-way and off-street parking area or other vehicular use area shall be landscaped with grass or other ground cover.

Necessary access from the public right-of-way through all such landscaping shall be permitted to

service the parking or other vehicular use areas.

The property needs to add additional landscaping to comply with Sec 7.920 specifically a hedge, wall or other durable landscape barrier of at least 2 feet in height along the perimeter of the 5 ft landscape strip adjacent to the ROW.

STAFF RECOMMENDATION: Planning and Zoning held a public hearing on June 5, 2024, and voted unanimously in favor of the request with the requirement that the current fencing found on the empty lot be extended across the front of the parking lot.

The parking does respond to a need downtown and if developed with the necessary screening, landscape and safety concerns addressed, staff would support the project with the following conditions:

- Construction of fencing to screen the parking lot
 - Addition of Landscaping per Sec. 7.920 plus additional trees to soften the parking lot and do not impact the visibility triangle.
 - Ability for stacked cars to access the parking lot in the event the lot is full
 - Review of proposed directional and business signage
-
-

ATTACHMENTS:

1. Z-2408 Site Plan
2. Z-2408 Zoning Application
3. Approved COA
4. Approved COA Renderings
5. Current Parking Lot View East
6. Current Parking Lot View West
7. Barron Support
8. Walvoord Support
9. Oehler Support
10. 406 E Main CUP Ordinance Number 24-18docx

APPROVAL/REVIEW:



Anna Hudson, Director of Development Services

Date: June 12, 2024



Garret Bonn, Assistant City Manager

Date: June 12, 2024



Krista Wareham, Director of Finance

Date: June 13, 2024



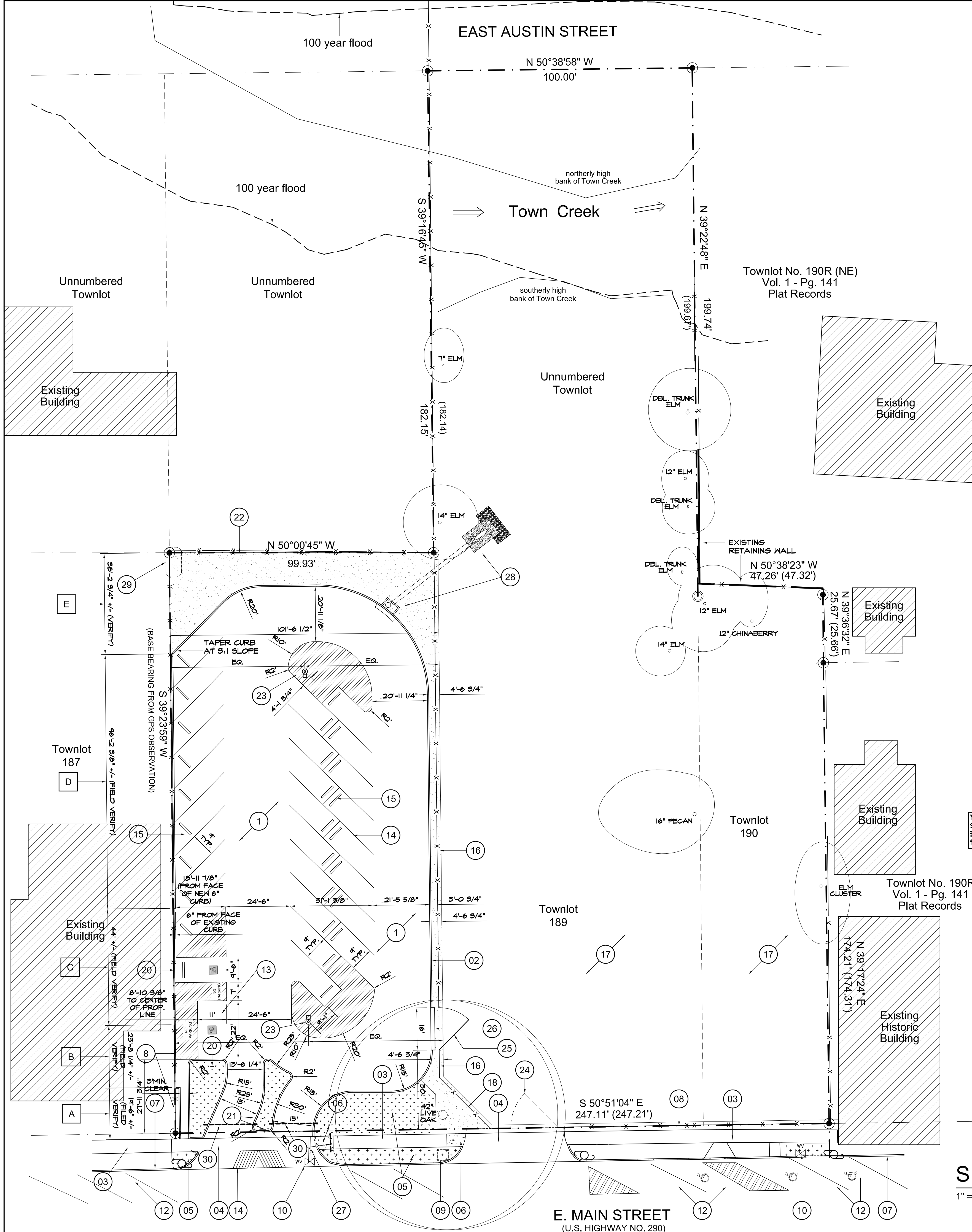
William McKamie, City Attorney

Date: June 13, 2024



Clinton Bailey, City Manager

Date: June 14, 2024



INDEX TO DRAWINGS	
C1.0	SITE DIMENSION PLAN
C2.0	SITE GRADING PLAN
C3.0	SWPP PLAN
C4.0	SITE DETAILS
C5.0	CIVIL DETAILS
ES.1	ELECTRICAL SITE PLAN

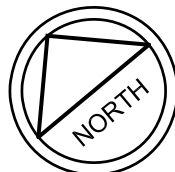
LEGEND	
	NEW CONCRETE AS NOTED
	NEW LANDSCAPE AREA
	NEW GRASS
	NEW DECOMPOSED GRANITE
	PAVEMENT TO BE PATCHED
	PROPERTY LINE
	EXISTING OVERHEAD UTILITY
	FENCE AS NOTED
	TREE AS NOTED
	EXISTING UTILITY POLE

NOTE:
SHAPE AND LOCATION OF
BUILDINGS ADJACENT TO
PROPERTY IS APPROXIMATE

WEST FENCE / CURB KEYED NOTES	
A	SECTION OF EXISTING FENCE TO REMAIN WITH NEW 6" CURB ON EAST SIDE OF FENCE. FIELD VERIFY EXACT LOCATION AND LENGTH OF NEW CURB.
B	SECTION OF EXISTING FENCE AND CURB TO REMAIN. FIELD VERIFY EXACT LOCATION AND LENGTH OF EXISTING FENCE. NO NEW CURB.
C	SECTION OF EXISTING CURB TO REMAIN WITH NEW FENCE POST CENTERED ON PROPERTY LINE BEHIND (WEST SIDE) OF NEW TALL CURB. SEE TALL CURB DETAIL PROVIDED BY CIVIL ENGINEER.
D	SECTION OF NEW TALL CURB WITH NEW FENCE POST CENTERED ON PROPERTY LINE BEHIND (WEST SIDE) OF NEW TALL CURB. SEE TALL CURB DETAIL PROVIDED BY CIVIL ENGINEER.
E	SECTION OF NEW FENCE CENTERED ON PROPERTY LINE. NO NEW CURB.

SITE PLAN

1" = 20'



SITE KEYED NOTES

- 1 NEW CONCRETE PAVEMENT - SEE DETAILS
- 2 NEW CONCRETE STAND UP CURB
- 3 EXISTING SIDEWALK TO REMAIN
- 4 EXISTING SIDEWALK AND DRIVEWAY TO REMAIN
- 5 NEW GRASS / LANDSCAPE AREA
- 6 NEW TAS COMPLIANT CONCRETE CURB RAMP
- 7 EXISTING CONCRETE CURB
- 8 EXISTING FENCE TO REMAIN
- 9 EXISTING FOOTING TO REMAIN
- 10 EXISTING WATER METER TO REMAIN
- 11 PATCH PAVEMENT DISTURBED BY CONSTRUCTION OF NEW CURB
- 12 EXISTING PUBLIC PARKING SPACE
- 13 NEW HANDICAP ACCESSIBLE PARKING SPACE
- 14 NEW STRIPING TO DELINEATE PARKING SPACES AND DRIVEWAY APPROACH
- 15 NEW CONCRETE WHEEL STOP
- 16 NEW FENCE AS DETAILED
- 17 EXISTING GRASS / GROUNDCOVER TO REMAIN
- 18 NEW FENCE AS DETAILED. MATCH HEIGHT OF WIRE FENCE (THIS SECTION ONLY).
- 19 REMOVE EXISTING PRIVACY FENCE. INSTALL NEW PRIVACY FENCE AS DETAILED.
- 20 NEW PARKING SPACE SIGN TO COMPLY WITH TEXAS ACCESSIBILITY STANDARDS
- 21 NEW CONCRETE MEDIAN WITH DIRECTIONAL SIGNAGE PER CITY OF FREDERICKSBURG SIGN ORDINANCE.
- 22 EXISTING FENCE TO REMAIN. INSTALL NEW PRIVACY AS DETAILED.
- 23 NEW POLE LIGHT - SEE SITE ELECTRICAL PLAN.
- 24 REMOVE EXISTING GATE(S) AND INFILL OPENING WITH NEW FENCE TO MATCH EXISTING.
- 25 NEW 16" W GATE WITH WELDED STEEL FRAME AND WOOD PICKETS TO MATCH FENCE.
- 26 NEW MOUNTABLE CURB AS DETAILED.
- 27 REPLACE EXISTING BRICK PAVERS WITH CONCRETE DOWELED INTO EXISTING DRIVEWAY. MATCH EXISTING DRIVEWAY FINISH.
- 28 STORM DRAIN - SEE GRADING PLAN AND DETAILS.
- 29 ELECTRICAL PANEL AND IRRIGATION CONTROL - SEE SITE ELECTRICAL PLAN.
- 30 4" SCHEDULE 40 PVC IRRIGATION SLEEVE. COORDIANTE EXACT LOCATION WITH IRRIGATION CONTRACTOR.

DEVELOPMENT NOTES

ZONED:	CBD: CENTRAL BUSINESS DISTRICT						
LOT SIZE (5,000 SF MIN.):	71,220 SF (1.635 ACRES) 63,312 SF ABOVE 100 YEAR FLOOD						
SETBACKS:	0' FT FRONT YARD, SIDE YARD, INTERIOR SIDE YARD, AND REAR YARD						
IMPERVIOUS COVERAGE:	Existing: 0 SF Proposed: 17,865 SF = 33.5% (MAX. ALLOWED - 90%)						
341 EAST MAIN OFF-STREET PARKING REQUIREMENTS:							
EXISTING 2 STORY STR (Emigrant's Inn):							
1 SPACE PER B&B UNIT = 8 SPACES							
EXISTING STR - House (Cottage at Emigrant's Inn):							
1 SPACE PER UNIT = 1 SPACES							
EXISTING STR - Out Building (Cottage at Emigrant's Inn):							
1 SPACE PER UNIT = 1 SPACE							
NEW BUILDING (The Emigrant):							
STRs: 1 SPACE PER UNIT = 5 SPACES							
RETAIL: 1 SPACE PER 400 SF 981 SF / 400 = 2.4 SPACES x 50% per Sec. 7.825 = 1.2 (1) SPACES							
COCKTAIL LOUNGE: 1 SPACE PER 3 PERSONS CAPACITY 140 PERSONS / 3 = 46.67 SPACES x 50% per Sec. 7.825 = 23.3 (23) SPACES							
TOTAL:	= 38 SPACES						
<table><tr><td># OF SPACES PROVIDED AT 341 E. MAIN:</td><td>24 SPACES</td></tr><tr><td># OF REMOTE SPACES PROVIDED AT 406 E. MAIN:</td><td>28 SPACES</td></tr><tr><td>TOTAL SPACES PROVIDED:</td><td>52 SPACES</td></tr></table>		# OF SPACES PROVIDED AT 341 E. MAIN:	24 SPACES	# OF REMOTE SPACES PROVIDED AT 406 E. MAIN:	28 SPACES	TOTAL SPACES PROVIDED:	52 SPACES
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# OF REMOTE SPACES PROVIDED AT 406 E. MAIN:	28 SPACES						
TOTAL SPACES PROVIDED:	52 SPACES						

UTILITIES.
EXISTING WATER METERS SHALL REMAIN. NO UTILITIES WILL BE BROUGHT ON SITE EXCEPT FOR ELECTRICAL TO PROVIDE POWER TO POLE LIGHTS.

DRIVEWAYS AND SIDEWALKS.
ALL DRIVEWAY AND SIDEWALK WORK IN TxDOT RIGHT-OF-WAY WILL COMPLY WITH THE CITY OF FREDERICKSBURG AND TxDOT STANDARDS AND TEXAS ACCESSIBILITY STANDARDS (TAS).

EXTERIOR LIGHTING:
SEE SITE PLAN FOR LOCATION OF POLE LIGHTS. LIGHTING WILL COMPLY WITH THE CITY OF FREDERICKSBURG LIGHTING ORDINANCE.

LANDSCAPING:
PROPOSED LANDSCAPED AREAS SHOWN ON SITE PLAN. FINAL LANDSCAPING WILL BE SHOWN ON LANDSCAPE PLAN TO BE INCLUDED WITH FINAL CONSTRUCTION DOCUMENTS. LANDSCAPING WILL BE INSTALLED PER CITY ORDINANCE.



SKT Architects, PLLC
300 West Main, Suite C
Fredericksburg, TX 78624
www.sktarchitects.com
P: 830-997-0383



REMOTE PARKING FOR THE EMIGRANT
406 & 412 EAST MAIN ST.
FREDERICKSBURG, TEXAS

PROJECT #	17-04
DATE	11-3-22
REVISION	1-26-23
	2-17-23
	3-30-23

SITE DIMENSION PLAN

C1.0



Zoning Application

City of Fredericksburg – Development Services Department

126 W. Main St, Fredericksburg, TX 78624

A. Project Information

Project Name: Parking Lot at 406/412 East Main

Project Address: 406 & 412 East Main Street

Property Tax ID Numbers:

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

C. Applicant/Owner Information

Property Owner

Owner Name: 406-412 East Main, LLC

Owner Address: P.O. Box 814, Fredericksburg, TX 78624

Owner Phone Number: 830-992-1206 Owner Email Address: mariposasprings@gmail.com

Applicant

Applicant Name: Magaret Klenzing

Applicant Address: P.O. Box 814, Fredericksburg, TX 78624

Applicant Phone Number: 830-992-1206 Applicant Email Address: mariposasprings@gmail.com

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: Margaret S. Klenzing
Printed Name: Margaret Klenzing

Staff Use Only Application Number: Z-2408 Date: 04/22/24

CK# 1006 \$500.00

**Parking Lot at
406-412 East Main**

Conditional Use Request

Current Zoning: CBD
Proposed Zoning: CBD

Current Use: Remote Parking for The Emigrant
Proposed Use: Remote Parking & Commercial Parking

Summary:

The existing parking lot located at 406/412 East Main was constructed to provide remote off-street parking for The Emigrant (341 East Main) in order to meet minimum parking requirements; an additional 14 spaces were required. However, a total of 28 spaces are provided at 406/412 East Main.

The 14 spaces required for the Emigrant will be designated as “Emigrant Parking Only”. The owner is requesting a conditional use to allow the 14 undedicated spaces to be used for commercial parking (paid public parking). The proposed use should not negatively impact adjacent properties as the property will continue to be used for parking.



Historic Review Board Application Information

Application Number: 22-064
Date: July 12, 2022
Address: 406 E Main Street
Zoning: CBD
Owner: 406 & 412 E Main St LLC
Applicant: SKT Architects
Rating: low
Proposal: expansion of previously approved new parking lot

Request:

The applicant is requesting to expand the previously approved off-site parking lot at 406 E Main.

Relevant Sections Fredericksburg Design Guidelines/Standards:

To maximize a historic property's integrity of setting and feeling, avoid removing or damaging any significant tree or identified significant historic landscape feature.

3.4.1 Lot Coverage

Preservation

Avoid removing historic resources or landscape features in order to construct a parking area, new accessory building, or new landscape feature (SOI Standard 2).

Low Priority -Required

Service Areas and Parking

(j) Locate off-street parking to the rear of the site, unless it will entail impacting a historic resource or landscape feature; the side of the property may be permitted in some instances.

High Priority	Medium Priority	Low Priority
Required	Required	Required

(k) Always use landscaping as a buffer between service areas/parking lots and streets or buildings, as well as to break up the visual effect of a parking lot – regardless of the location of the service area or parking lot.

High Priority	Medium Priority	Low Priority
Required	Required	Required

Staff Findings/Recommendation:

The proposed parking lot is meant to provide parking for the Immigrant being built at Washington & E Main. That property requires 38 parking spaces of which it has 24 on-site. 13 spots were previously approved for off-site. The new request expands the new parking lot to 28 spots.

Board Action January 11, 2022: Approval of new parking lot at 406 E Main Street with a solid fence to be the same height as the existing fence.

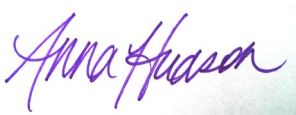
Adding a parking lot in the middle of the 400 block of E. Main Street adds a physical and visual disruption to the block. Parking is required to be in the rear and to be screened with landscaping. (3.4.1.j & k). Since the new number of spots is over what is required, every effort should be made to mitigate the visual and physical impacts of the parking lot by reducing the number to allow more screening between Main Street and the parking spots. Negative impacts to the large live oak tree should be mitigated

Case Comments:

The updated off-site parking agreement is subject to P&Z approval.

Board Action:

Approved as submitted.



Anna Hudson
Historic Preservation Officer













Marktplatz
↑
Pacific War
Museum
→
Visitor
Center
→

From: [stuart barron](#)
To: [Shelby Collier](#)
Subject: CUP Public Comment Z-2408
Date: Thursday, May 30, 2024 2:54:12 PM

Shelby

I am going to try and make the Public Hearing but in case I don't, I want to make sure the commission hears that this property owner supports the request for more commercial parking the in the 400 block of Main Street. Please approve the requested CUP

Stuart Barron

From: [Clayton Walvoord](#)
To: [Anna Hudson](#); [Bradley Oehler](#)
Cc: [Shelby Collier](#)
Subject: Re: Request #Z-2408
Date: Monday, June 3, 2024 9:47:37 AM

Public Comment Form
Please return this form to:
Development Services - Zoning
126 W. Main Street
Fredericksburg, TX 78624
830-597-7521

REQUEST NO. Z-2408

As an interested property owner, I (PROTEST) (APPROVE) the requested CONDITIONAL USE PERMIT REQUEST, represented by the above file number because:

Signature: [Signature] Date: 6/3/2024
Printed Name: CLAYTON WALVOORD Address: 412 E AUSTIN ST

Page 2 of 2

Clayton Walvoord
Lone Star Incentives, Inc
214-564-4653

On Monday, June 3, 2024, 8:14 AM, Anna Hudson <ahudson@fbgtx.org> wrote:

Yes, you can scan and e-mail it.

Anna Hudson, AICP-C
Director of Development Services/
Historic Preservation Officer
City of Fredericksburg

830-990-2026

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

From: Bradley Oehler <bradleyoehler@gmail.com>
Sent: Monday, June 3, 2024 8:08 AM
To: Anna Hudson <ahudson@fbgtx.org>
Cc: Clayton Walvoord <claytonw@lonestarinc.net>; Shelby Collier <scollier@fbgtx.org>
Subject: Re: Request #Z-2408

Thank you for the clarification. I approve this proposal. Do I still need to complete the form for P&Z to document my approval?

Brad

On Mon, Jun 3, 2024 at 8:03 AM Anna Hudson <ahudson@fbgtx.org> wrote:

Brad,

The lot is already in place on E. Main Street. It was required for the full finish out of the Emigrant basement. They're now asking to have paid parking for the spots that were built in addition to the minimum required for the Emigrant. There will be no access to or from Austin St, only a right-in and right-out on Main Street.

Anna Hudson, AICP-C

Director of Development Services/

Historic Preservation Officer

City of Fredericksburg

830-990-2026

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

From: Bradley Oehler <bradleyoehler@gmail.com>
Sent: Saturday, June 1, 2024 9:20 AM
To: Anna Hudson <ahudson@fbgtx.org>; Clayton Walvoord <claytonw@lonestarinc.net>; Shelby Collier <scollier@fbgtx.org>
Subject: Request #Z-2408

Good morning to everyone I have a question regarding this request where I received a notice for a Conditional Use Permit to allow for commercial offstreet parking. Are they wanting parking on all of East Austin Street or just in front of 406?

As it currently stands, we already have parking outlined in front of our houses so I'm curious if this parking will be the same just on the other side of the street?

Please let me know as this will affect my decision.

Thank you



**NOTICE OF PLANNING & ZONING & CITY COUNCIL
PUBLIC HEARINGS:
CONDITIONAL USE PERMIT**

Dear Property Owner:

According to Gillespie Appraisal District Tax Records, you are the owner of real property the City Limits of Fredericksburg. This is a notification of a conditional use permit application that will result in two public hearings. You are not required to attend the hearing, but if you care to attend, you will be given a full opportunity to be heard. The hearing will be held at the City of Fredericksburg, 1601 East Main Street, Fredericksburg, TX 78624. All requests must be submitted in writing. Agendas, with more information, for both public hearings will be available at: <https://www.fbgtx.org/agendaenlight>

APPLICANT: MARGARET KLENZING **LOCATIONS IMPACTED: See attached Map**

REQUEST NUMBER: Z-2408

1st HEARING: The City of Fredericksburg **PLANNING AND ZONING COMMISSION** will meet in a regular session on **JUNE 5, 2024, at 5:30 PM.** The meeting will be held at the **Law Enforcement Center**, 1601 East Main Street, Fredericksburg, TX 78624.

The decision of the **PLANNING & ZONING COMMISSION** is a recommendation only.

Final approval must be by action of the CITY COUNCIL.

2nd HEARING: The City of Fredericksburg **CITY COUNCIL** will meet in a regular session on **JUNE 18, 2024, at 9:00 AM.** The meeting will be held at the **Law Enforcement Center**, 1601 East Main Street, Fredericksburg, TX 78624.

REQUEST: #Z-2408: By Margaret Klenzing to Consider a Conditional Use Permit per Sec. 3.220 to Allow for A Commercial Off-Street Parking use for Property Located at 406 – 412 East Main Street.

This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodation or interpretive service must be made 48 hours prior to the meetings. Please contact the City Secretary's Office at (830) 997-7521 for further information. If you would like to see the broadcast of the public hearings, you can watch on the City's YouTube Channel <https://www.youtube.com/c/FredericksburgTexasUSA/streams>.

Page 1 of 2

From: [Bradley Oehler](#)
To: [Shelby Collier](#)
Cc: [Anna Hudson](#); [Clayton Walvoord](#)
Subject: Re: Request #Z-2408
Date: Wednesday, June 5, 2024 10:44:02 AM

My approval is attached.

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

REQUEST NO. Z-2408
As an interested property owner, I (PROTEST) / (APPROVE) the requested CONDITIONAL USE PERMIT REQUEST, represented by the above file number because:

Signature: Bradley Oehler Date: 6-5-24
Printed Name: BRADLEY OEHLEH Address: 414 EAST AUSTIN
FRED.

Page 2 of 2

On Mon, Jun 3, 2024 at 3:28 PM Shelby Collier <scollier@fbgtx.org> wrote:

Thank you Clayton,

Staff will be sure to provide your letter of support to the Planning and Zoning Commission and City Council.

Have a blessed day!

ORDINANCE NO. 2024-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING APPENDIX B, "ZONING ORDINANCE," OF THE FREDERICKSBURG MUNICIPAL CODE, AS AMENDED, BY GRANTING A CONDITIONAL USE PERMIT PERMITTING A COMMERCIAL OFF-STREET PARKING LOT USE ON CERTAIN PROPERTY LOCATED AT 406 EAST MAIN STREET, FREDERICKSBURG, TEXAS; 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, in accordance with the Comprehensive Zoning Ordinance, the owner of the property referenced below has filed an application for a Conditional Use Permit for a Commercial Off-Street Parking use located in the CBD: Central Business District zoning districts; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City on June 5, 2024, and by the City Council of the City on June 18, 2024, with respect to the use changes 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 of the City does hereby deem it advisable and in the public interest to grant such conditional use permit on the terms and conditions described herein.

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

Appendix B, "Zoning Ordinance," of the Fredericksburg Municipal Code, as amended, is hereby amended to grant a Conditional Use Permit as shown and described below:

Applicant: Margaret Klenzing

Property Owner: 406-412 EAST MAIN LLC

Property Address: 406 East Main Street, Fredericksburg, TX 78624

Legal Description: FBG ADDN BLK 58 LOT 188,189,PT UNMBR N OF 188 (B1),& UNMBR NE OF 188 (, UNMBR LOT NE OF 189, City of Fredericksburg, Gillespie County, Texas, according to the map or plat of record in Instrument Number: 20212360, Deed Records of Gillespie County, Texas.

Zoning Change: The property shall remain located in the CBD: Central Business District zoning district, and a Conditional Use Permit for a Commercial Off-Street Parking Lot use is hereby granted subject to the terms and conditions provided herein.

SECTION 3

The zoning districts, boundaries, and uses as herein established have been made in accordance with the comprehensive 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.

SECTION 4

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.

SECTIONS

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 6

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 7

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 8

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 9

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

SECTION 10

This Ordinance shall be in full force and effect from and after its passage and publication as required by law and in accordance with Section 3.12 of the City Charter, and it is so ordained.

PASSED AND APPROVED on this the 18th day of June, 2024.

Jeryl Hoover, Mayor

ATTEST:

Letticia Vanek, City Secretary

APPROVED AS TO FORM:

William McKamie, City Attorney



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Finance Department
TO: Mayor & City Council Members
FROM: Krista Wareham, Director of Finance
MEETING DATE: June 18, 2024

CATEGORY: OTHER ACTION ITEMS AND
UPDATES

CAPTION: Fiscal Year 2023 Annual Audit and Financial Statement based on the audit conducted by ABIP, P.C. (Krista Wareham, Director of Finance)

- i. Presentation - Janet Pitman with ABIP, P.C.
 - ii. Take action on the FY2023 Audit and Financial Statement prepared by ABIP, P.C.
-

PRESENTATION:

SUMMARY:

The accounting firm of ABIP, P. C., has performed an audit of the City's Annual Financial Statements for the fiscal year that ended September 30, 2023. The financial statements are the responsibility of the City's administration. The auditor's responsibility is to express an opinion on the financial results presented based on their audit. At Tuesday's City Council meeting, our auditing firm will present a summary report on our Annual Financial Statements for September 30, 2023.

Janet Pitman, CPA, will present an overview of the City's financials and answer questions regarding the audit and the financial statements.

BACKGROUND:

The City Charter requires an annual audit and examination of the City records and accounts of each department of the City. A complete audit in accordance with standards set by the American Institute of Certified Public Accountants shall be made at the end of each fiscal year by an Independent Certified Public Accountant approved by the City Council.

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

It is recommended that the Financial Statements be accepted into the records of the City as presented. If the Council wishes to discuss the financial statements in greater detail, staff suggests that we do so as part of a Council Retreat, a separate workshop, or on a one-on-one basis.

COMPREHENSIVE PLAN GUIDING PRINCIPLE:

Government Vision

ATTACHMENTS:

None

APPROVAL/REVIEW:



Krista Wareham, Director of Finance

Date: May 17, 2024



William McKamie, City Attorney

Date: May 17, 2024



Clinton Bailey, City Manager

Date: June 14, 2024



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Development Services

TO: Mayor & City Council Members

FROM: Anna Hudson, Director of Development Services

MEETING DATE: June 18, 2024

CATEGORY: OTHER ACTION ITEMS AND UPDATES

CAPTION: Consideration of the creation of an Annexation Development Agreement for 9.37 acres known as Kinman Subdivision Lot 2BR on Mariposa Drive in the Extra Territorial Jurisdiction of the City of Fredericksburg. (Anna Hudson, Director of Development Services)

PRESENTATION:

SUMMARY:

A voluntary annexation request has been made by the owner of 9.37 acres of land in the City's ETJ for property accessed from Mariposa Drive and abutting Sunday Circle. The owner intends to develop a single family residential subdivision and is requesting R1-A zoning. The 2024 Comprehensive Plan calls for Neighborhood Residential for the area.

INTENT AND CHARACTER -The Residential Neighborhood category is intended to be primarily single-family neighborhoods but with a variety of lot sizes and housing types. Conventional detached residential products are typical while other types of residences such as attached residential products are allowed up to a maximum density. Accessory Dwelling Units should be permitted by right. Neighborhoods proposed as planned unit developments are encouraged to include a variety of housing types and provide walkability and quality of life amenities such as sidewalks, street trees, parks, etc.

Building height and massing should not vary dramatically unless thoughtfully arranged. Streets are typically local and collector sections with curb and gutter, sidewalks, slow speeds, and accessible driveways.

Parks are strategically located and often a school or similar use is integrated or in proximity. On some occasions where the neighborhood abuts a more significant street, a neighborhood service business, such as a day care, coffee shop, or bodega, may be appropriate if designed at a compatible scale.

Appropriate land use types include: Single-family detached residential; Single-family attached residential; Cottage Courts; Townhouses (up to three units). Green Spaces

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

DEVELOPMENT CODE CONSIDERATIONS

Appropriate Existing Zoning Districts:

R1, R1-A, R2, R5, NC

Implementation - Development Code Review:

Create a zoning district allowance to encourage flexible residence types in a master planned community without a PD

Ensure connectivity, both vehicular and pedestrian, to other neighborhoods, trail systems, greenways and major street system

Require sidewalks along all streets for development applications regardless of the Sidewalk and Trails Plan.

BACKGROUND:

The property owner previously considered a multi-family project for the property but based on feedback from the City and neighbors they have changed the layout to single family lots. In order to receive City services including water and waste water, the property must be in the City Limits.

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

The recently adopted Comprehensive Plan has a Place Type Map that covers this area and calls for for Neighborhood Residential for the area. The applicant is requesting a R1-A small lot development which can be as small as 4,500 sf. This zoning category is in keeping with the Neighborhood Residential Place Type. Staff could recommend approval if Comp Plan guiding principles can be met. Staff suggests the following items be considered in a development agreement.

The Comp Plan has 7 Guiding Principles, three of which are relevant to this potential annexation: Neighborhood Quality, Mobility, and Small-Town Sensitive Growth. Within each of those principles are action items with specific recommendations including:

Action N.1.A.6: Neighborhood place-making elements such as pocket parks, street trees, sidewalks, etc.

Action N.2.B.5: Prioritize inclusion of affordable housing in future development agreements between the City and developers.

Action M.1.A.1: Continue to work in partnership with TxDOT to find solutions regarding transportation issues on US Highway 290 and other state roads, such as enhanced crosswalk safety, improved parking egress and visibility, intersection timing, and safe turning movements.

Action M.1.B.1:...require new residential developments to include a connected network of sidewalks, paths and/or bike routes within neighborhoods and connecting to nearby collector and arterial streets. Designs should prioritize adequate buffering between bike lanes and sidewalks from vehicular traffic using National Association of City Transportation Officials (NACTO) standards.

Action G.1.B.1: Create an evaluation method that considers infrastructure economics, community character, adherence to the official maps, and the economic impact of each proposed development.

Action G.1.B.2: Use Annexation Criteria to determine whether annexation requests are fiscally sustainable and meet the City's desired principles of contextually sensitive growth.

Action G.1.A.9: Proactively pursue the conservation and protection of existing open space to maintain the picturesque Hill Country setting and rural atmosphere of Fredericksburg.

COMPREHENSIVE PLAN GUIDING PRINCIPLE:

Neighborhood Quality

Mobility

Small-Town Sensitive Growth

ATTACHMENTS:

1. Barron's Landing at Mariposa.annexation request REVISED (1)
2. Mariposa Request for Voluntary Annexation
3. Future Place Type Map
4. Neighborhood Residential Place Type Description
5. 7 Guiding Principles of Comp Plan
6. Mariposa Fiscal Impact analysis
7. Annexation subchapter c3 request of owners
8. Development Agreements 212. 172
9. Mariposa Development Agreement DRAFT

APPROVAL/REVIEW:



Anna Hudson, Director of Development Services

Date: June 12, 2024



Garret Bonn, Assistant City Manager

Date: June 12, 2024



Krista Wareham, Director of Finance

Date: June 13, 2024



William McKamie, City Attorney

Date: June 13, 2024



Clinton Bailey, City Manager

Date: June 14, 2024



May 14, 2024 (Revised)

City of Fredericksburg, Texas
Attn: Mayor and Members of the City Council
126 W Main Street
Fredericksburg, TX 78624-3708

Dear Mayor and Members of the City Council,

HMWK has been working with a fabulous group of landowners, developers, and community partners to bring the Baron's Landing at Mariposa concept to the City of Fredericksburg for annexation. We hope this leads to the goal of bringing a high-quality neighborhood residential development of single-family homes to the Fredericksburg community within an affordable range.

Our team currently owns 9.37 acres of land in the Fredericksburg ETJ just south of Barons Creek on Mariposa Drive. Our team has been researching various uses and land plans for the site that could constitute a good investment for the owners and the property. Entry level housing, desperately needed by the community is an ideal use for the site. Additionally, this use is consistent with Fredericksburg's adopted future land use plan. That document identifies this property as suited for "neighborhood residential" with allowable uses of R-1 (Single Family Residential), R-1-A (Single Family Residential – Small Lots) and R-2 (Mixed Residential including Multi-Family).

Fredericksburg, like much of central Texas, is experiencing a critical shortage of attainable and entry level housing suitable for the employment base of the area. Raw land values, utility requirements and water quality initiatives make density a must for an entry level single family residential product. This site's proximity to other wonderful neighborhood communities indicates that R-2 may not be appropriate, but that R-1-A Single Family Residential would confer the density necessary for the appropriate entry level product while enhancing the residential character of the surrounding area.

Concept: Baron's Landing contemplates an elegant single family residential development consisting of approximately 58-62 home sites that will enhance and contribute to the city. The development only uses Mariposa Drive as an access point.

Our team recognizes the changing nature of Fredericksburg ETJ including the desires and needs of the surrounding neighbors and community at large. We look forward to seeing the fruits of the new Fredericksburg Land Use Masterplan with different types of Neighborhood Residential projects in this area of town. This voluntary annexation request and our planned R-1-A Baron's Landing concept benefit the community and further Fredericksburg's strategic objectives.

Based on our R-1-A concept plan, we would request the city annex this property to provide Water / Wastewater service to the development. R-1-A Zoning designation better facilitates the City's Land Use plan and will enable our team to develop and deliver a single-family product to the Fredericksburg real estate market that fills a vital need for entry-level and first time owner-occupied home ownership in Fredericksburg.

In accordance with the state's new entitlement process, we formally request voluntary annexation into the City Limits and will subsequently work with the city to further refine specific plans for R-1-A zoning, utilities, design, and site planning. We are certain a project with these features is consistent with Fredericksburg's long term community land use goal and can gain widespread community support. Our team pledges to work diligently with neighboring landowners, community organizations and local officials to make this a project the entire community can support and embrace.

Formal Request:

As the owner(s) of the below referenced property, we would like the City of Fredericksburg to approve this request for voluntary annexation. The property is located on Mariposa Drive, Fredericksburg Texas, 78624. The property is currently undeveloped. The size of the tract is 9.31 acres. The reason for this voluntary annexation request is to subdivide within the limits of R-1-A zoning, connect to city utility services and develop the tract for Neighborhood Residential purposes consistent with the City's Land Use plan.

Any additional information may be obtained by contacting John Kroll at 512-657-4028 or Mark Pavlicek at 516-318-6096.

Sincerely,

Mark Pavlicek
N. Cherry Builders

STATE OF TEXAS COUNTY §
 §
OF GILLESPIE §

REQUEST FOR VOLUNTARY ANNEXATION

To the Mayor and City Council of the City of Fredericksburg:

The undersigned owner(s) of the tract(s) of land described below (the "tract") hereby petition the City of Fredericksburg to extend the present City Limits so as to include the property described on Exhibit "A", which is attached and incorporated herein for all purposes.

I/We certify and swear that:

1. I/We are the sole owners of the tract; and
2. The tract is contiguous (i.e., adjacent) to the City Limits as it exists upon the date of the execution of this petition; and
3. The tract is not located within the ETJ of any other municipality; and
4. *Initial:* W The tract is not currently appraised, per Chapter 23 of the Texas Tax Code, for ad valorem tax purposes as land for agricultural use under Subchapter C, wildlife management use under Subchapter D, or as timber land under Subchapter E; - **OR** -
5. The tract is currently appraised for ad valorem tax purposes as land for agricultural use, wildlife management use, or timber land under Subchapter E, under Chapter 23 of the Texas Tax Code, **AND**
 - a. The City of Fredericksburg has offered to make a development agreement with me/us pursuant to Section 43.016 of the Texas Local Government Code; and
 - b. *Initial:* _____ I/We decline the City's offer to make such an agreement and deem such agreement to be unnecessary.
6. This request for annexation into the City Limits of Fredericksburg, Texas is made freely and voluntarily.

The following documents are hereby submitted in conjunction with this Petition (*Please acknowledge each accompanying document submitted with an "X" on the space provided. Reasons for not submitting a required document must be provided on the Letter of Intent.*)

Validity of any reasons provided will be determined by Staff and may affect the application's progress.):

- ☒ Letter of Intent (*REQUIRED*)
- ☒ Tax Certificates indicating no outstanding ad valorem taxes on the subject tract (*REQUIRED*)
- ☒ Metes-and-bounds description, signed and sealed by a registered and qualified professional (*REQUIRED*)
- ☒ Survey Map, signed and sealed by a registered and qualified professional (*REQUIRED*)
- ☐ Electronic media containing either a shape file, *.dwg or *.dgn file of the subject tract (*OPTIONAL, but encouraged*)

I/We certify and swear that this request is signed and acknowledged by each and every person and corporation owning said tract or having an interest in any part thereof.

MARK Pavlicek
Print Name

Print Name

President / N. Cherry Builders
Title/Name of Entity

Title/Name of Entity

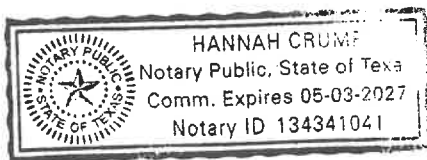
[Signature]
Signature

Signature

5/14/2024
Date

Date

This instrument was sworn to, signed, and acknowledged before me by the persons named above on the 14th day of May 2024.



[Signature]
Notary Public, State of Texas

221-2130

5 pgs
LD

202110255

JOHN WEBBER

TO

N. CHERRY BUILDERS LLC

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

WARRANTY DEED WITH VENDOR'S LIEN

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF GILLESPIE §

THAT, JOHN WEBBER ("Grantor"), a single person, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt and sufficiency of which is hereby acknowledged and confessed, and for the further consideration of the execution and delivery by said Grantee of the Promissory Note(s) in the original principal sum, being in the amount specified in that certain Deed of Trust referenced below, being of approximate even date herewith, payable to the order of Grantor, also known as "Lender", and as identified in the hereinafter referenced Deed of Trust, and bearing interest at the rate therein provided; said Note(s) containing an attorney's fee clause and acceleration of maturity clause in case of default, and being secured by Vendor's Lien and Superior Title retained herein in favor of said Grantor, and also being secured by a Deed of Trust of approximate even date herewith from Grantee to GORDON E. SAUER, Trustee, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto N. CHERRY BUILDERS LLC ("Grantee"), whose address is 11 Cold Spring Court, Mount Kisco, NY 10549, all of the following described real property ("Property") in Gillespie County, Texas, to-wit:

Being all that certain lot, tract or parcel of land known as Tract 2BR, Kinman Subdivision, situated in Gillespie County, Texas, a Resubdivision of Tract 2, Kinman Subdivision, as said lot is shown, designated and delineated on the map or plat of said Resubdivision found of

record in Volume 6, Page 120 of the Plat Records of Gillespie County, Texas, here referred to and made a part hereof for all pertinent 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").

Property taxes for the current year have been prorated and paid.

This conveyance is made and accepted subject to the following exceptions ("Exceptions"), to the extent the Exceptions are valid and subsisting and affect the property herein conveyed, and without waiving rights or defenses relating to any such Exceptions and without ratifying, creating or reviving any such Exceptions:

1. Restrictive covenants recorded at Volume 344, Pages 29-30, Real Property Records of Gillespie County, Texas; Volume 6, Page 120, Plat Records of Gillespie County, Texas.
2. Right of Way Easement executed by Henry W. Braeutigam and wife, Clara Braeutigam, to Central Power and Light Company, dated November 5, 1935, recorded in Volume 47, Pages 354-355, Deed Records of Gillespie County, Texas.
3. Right of Way Easement executed by Mrs. Anna Braeutigam, Walter C. Braeutigam, Max H. Braeutigam, Antonie Eckhardt and husband, Otto A. Eckhardt, Sophie Gold and husband, Arthur Gold, Elfriede Eckhardt and husband, Harry F. Eckhardt, Dora Behrends and husband, Alex Behrends, Udo H. Braeutigam, and Emil Braeutigam, Jr. to Central Power and Light Company, dated November 1, 1935, recorded in Volume 47, Pages 355-358, Deed Records of Gillespie County, Texas.
4. Easement executed by Willie F. Siggel to the City of Fredericksburg, dated September 14, 1967, recorded in Volume 92, Pages 576-578, Deed Records of Gillespie County, Texas.

5. Right of Way Easement executed by James T. Hancock and wife, Eve Hancock, to Central Texas Electric Cooperative, Inc., dated August 18, 1987, recorded in Volume 183, Pages 674-675, Deed Records of Gillespie County, Texas.
6. Right of Way Easement executed by Sally Kinman to Central Texas Electric Cooperative, Inc., dated October 12, 1992, recorded in Volume 245, Pages 908-909, Real Property Records of Gillespie County, Texas.
7. Right of Way Easement executed by Sally Kinman to GTE Southwest Incorporated, dated August 12, 1996, recorded in Volume 316, Pages 616-617, Real Property Records of Gillespie County, Texas.
8. Well Site Setback Easement executed by Sally E. Kinman, dated April 13, 1998, recorded in Volume 344, Pages 29-30, Real Property Records of Gillespie County, Texas.
9. Utility easements dedicated, Water well setback lines and Well site setback easement as shown on plat recorded in Volume 6, Page 120, Plat Records of Gillespie County, Texas.
10. Right of Way Easement executed by John Webber to Central Texas Electric Cooperative, Inc., dated February 28, 2019, recorded under Register No. 20191772, Official Public Records of Gillespie County, Texas.
11. Right of Way Easement executed by John Webber to Central Texas Electric Cooperative, Inc., dated August 6, 2019, recorded under Register No. 20194703, Official Public Records of Gillespie County, Texas.
12. The following matters, all as shown on survey prepared by Cody J. Musick, Registered Professional Land Surveyor No. 6454, dated December 28, 2021:
 - a. Water well setback lines
 - b. Utility easements
 - c. Encroachment of fence along East property line.

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 I do hereby bind myself, my heirs, successors and assigns, to WARRANT AND FOREVER DEFEND, subject to the foregoing exceptions, all and singular the said Property unto the said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

But it is expressly agreed that the VENDOR'S LIEN, as well as the Superior Title in and to the above described Property, is retained against the above described property, Property and improvements until the above described note and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute.

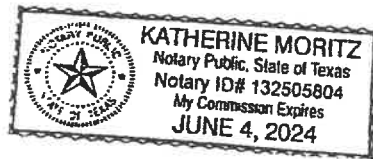
EXECUTED this 29th day of December, 2021.

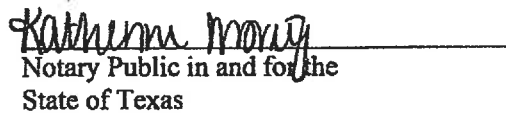

JOHN WEBBER

THE STATE OF TEXAS §

COUNTY OF GILLESPIE §

This instrument was acknowledged before me on this the 29 day of December, 2021,
by JOHN WEBBER.




Katherine Moritz
Notary Public in and for the
State of Texas

c:\hct.wdvl.webber 12-23-21
Warranty Deed with Vendor's Lien - Page 5

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS



Mary Lynn Rusche, County Clerk
Gillespie County Texas
December 30, 2021 12:27:51 PM



FEE: \$42.00 LBROWN
LD

202110255

TAX RECEIPT

05/14/2024 01:39PM

GILLESPIE CENTRAL APPRAISAL DISTRICT
1159 S MILAM ST
FREDERICKSBURG, TX 78624

Receipt Number	
807626	
Date Posted	12/31/2023
Payment Type	P
Payment Code	Full
Total Paid	\$3,986.09

PAID BY:

N CHERRY BUILDERS LLC
%PAVLICEK, MARK
501 N CHERRY
FREDERICKSBURG, TX 78624

Property ID	Geo	Legal Acres					Owner Name and Address				
187238	S0873-0000-000200	9.3700					N CHERRY BUILDERS LLC %PAVLICEK, MARK 501 N CHERRY FREDERICKSBURG, TX 78624				
Legal Description											
KINMAN SUBD LOT 2BR, 9.37											
Situs	DBA Name										
SUNDAY CIR MARIPOSA DR, TX											
Entity	Year	Rate	Taxable Value	Stmnt #	Void	Original Tax	Discnts	P&I	Att Fees	Overage Amount Pd	
GILLESPIE WCID	2023	0.00018	376,090	23899	N	0.66	0.00	0.00	0.00	0.66	
HILL CNTRY UWCD	2023	0.00470	376,090	23899	N	17.68	0.00	0.00	0.00	17.68	
GILLESPIE COUNTY	2023	0.27960	376,090	23899	N	1,051.55	0.00	0.00	0.00	1,051.55	
FREDBG ISD	2023	0.77540	376,090	23899	N	2,916.20	0.00	0.00	0.00	2,916.20	
										3,986.09	

Balance Due As Of 12/31/2023: .00

Tender	Details	Description	Amount
Credit Card	ECHK XX-0000 Conv.Charge 0.00		3986.09
			3986.09

Operator	Batch	Total Paid
LEAHS	14085 (CERTPAY B 12.31.23)	3,986.09

GILLESPIE CENTRAL APPRAISAL DISTRICT

Phone: 830-997-9809

Fax:

2023 TAX STATEMENT

STATEMENT NUMBER

23899

PROPERTY ID NUMBER

187238

www.gillespiecad.org

NAME & ADDRESS

Owner ID: 341976 Pct: 100.000%
 N CHERRY BUILDERS LLC
 %PAVLICEK, MARK
 501 N CHERRY
 FREDERICKSBURG, TX 78624

PROPERTY DESCRIPTION

KINMAN SUBD LOT 2BR, 9.37

Acreage: 9.3700

Type: R

PROPERTY GEOGRAPHICAL ID

S0873-0000-000200

PROPERTY SITUS / LOCATION

SUNDAY CIR MARIPOSA DR, TX

LAND MARKET VALUE	IMPROVEMENT MARKET VALUE	AG/TIMBER USE VALUE	AG/TIMBER MARKET	ASSESSED VALUE
376,090	0	0	0	376,090

100% Assessment Ratio

Appraised Value: 376,090

Taxing Unit	Assessed	Homestead Exemption	OV65 or DP Exemption	Other Exemptions	Freeze Year and Ceiling	Taxable Value	Rate Per \$100	Tax Due
HILL CNTRY UWCD	376,090	0	0	0		376,090	0.0047000	17.68
GILLESPIE WCID	376,090	0	0	0		376,090	0.0001760	0.66
FREDBG ISD	376,090	0	0	0		376,090	0.7754000	2,916.20
GILLESPIE COUNTY	376,090	0	0	0		376,090	0.2796000	1,051.55

COUNTY TAXES REDUCED BY SALES TAX 232.80

Total Taxes Due By Jan 31, 2024 3,986.09

Penalty & Interest if paid after Jan 31, 2024

If Paid in Month	P&I Rate	Tax Due*
February 2024	7%	4,265.13
March 2024	9%	4,344.86
April 2024	11%	4,424.53
May 2024	13%	4,504.29
June 2024	15%	4,584.01

Property taxes in Texas are assessed as of January 1st each year and cover a period of one year from that date. Tax statutes make no provisions for proration; therefore, a change of address during the year would have no effect on the tax liability established on January 1st of the calendar year. These tax statutes also make no provisions for proration in case the property is disposed of during the calendar year. Also, if you owned personal property described on the tax statement on January 1st, then you are personally liable for the taxes. IF YOU ARE 65 YEARS OF AGE OR OLDER OR ARE DISABLED, AND YOU OCCUPY THE PROPERTY DESCRIBED IN THIS DOCUMENT AS YOUR RESIDENCE HOMESTEAD, YOU SHOULD CONTACT THE APPRAISAL DISTRICT REGARDING ANY ENTITLEMENT YOU MAY HAVE TO A POSTPONEMENT IN THE PAYMENT OF THESE TAXES.

*Total Tax Due may include Additional Penalty up to 20% incurred on April 1 or July 1 of the year of delinquency [Tax Code Sec 33.11] or Additional Late Filing Penalty of 10% [Tax Code Sec 23.54, Tax Code Sec 21.10] or Late Correction penalty of 10% [Tax Code Sec 25.25(d)].

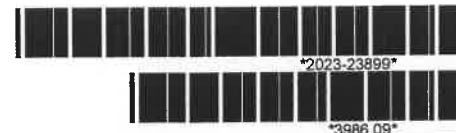
* DETACH HERE AND RETURN WITH PAYMENT *

Make checks payable to:

GILLESPIE CENTRAL APPRAISAL DISTRICT
 1159 S MILAM ST
 FREDERICKSBURG, TX 78624

RETURN SERVICE REQUESTED

N CHERRY BUILDERS LLC
 %PAVLICEK, MARK
 501 N CHERRY
 FREDERICKSBURG, TX 78624



Owner Name and Address	Statement Number
N CHERRY BUILDERS LLC	2023 23899
%PAVLICEK, MARK	
501 N CHERRY	Prop ID Number
FREDERICKSBURG, TX 78624	187238
	Geographical ID
	S0873-0000-000200

See payment schedule below for tax due.

If Paid in Month	Tax Due	In January Pay
October 2023	3,986.09	3,986.09
November 2023	3,986.09	
December 2023	3,986.09	
January 2024	3,986.09	
February 2024	4,265.13	
March 2024	4,344.86	
April 2024	4,424.53	
May 2024	4,504.29	
June 2024	4,584.01	

Taxes are payable
 October 1, 2023 and
 become delinquent
 on February 1, 2024

Comparison of Tax History

Year	Taxing Unit	Stmnt ID	Assessed Value	Taxable Value	Rate per \$100	Tax Amount	% Change in Tax
2023	FREDBG ISD	23899	376,090	376,090	0.775400	2,916.20	-5.47
	GILLESPIE COUNTY	23899	376,090	376,090	0.279600	1,051.55	-1.54
	GILLESPIE WCID	23899	376,090	376,090	0.000176	0.66	11.86
	HILL CNTRY UWCD	23899	376,090	376,090	0.004700	17.68	7.94
2022	FREDBG ISD	26036	321,090	321,090	0.960800	3,085.04	N/A
	GILLESPIE COUNTY	26036	321,090	321,090	0.332600	1,067.95	N/A
	GILLESPIE WCID	26036	321,090	321,090	0.000184	0.59	N/A
	HILL CNTRY UWCD	26036	321,090	321,090	0.005100	16.38	N/A
2021	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2020	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2019	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2018	N/A	N/A	N/A	N/A	N/A	N/A	N/A

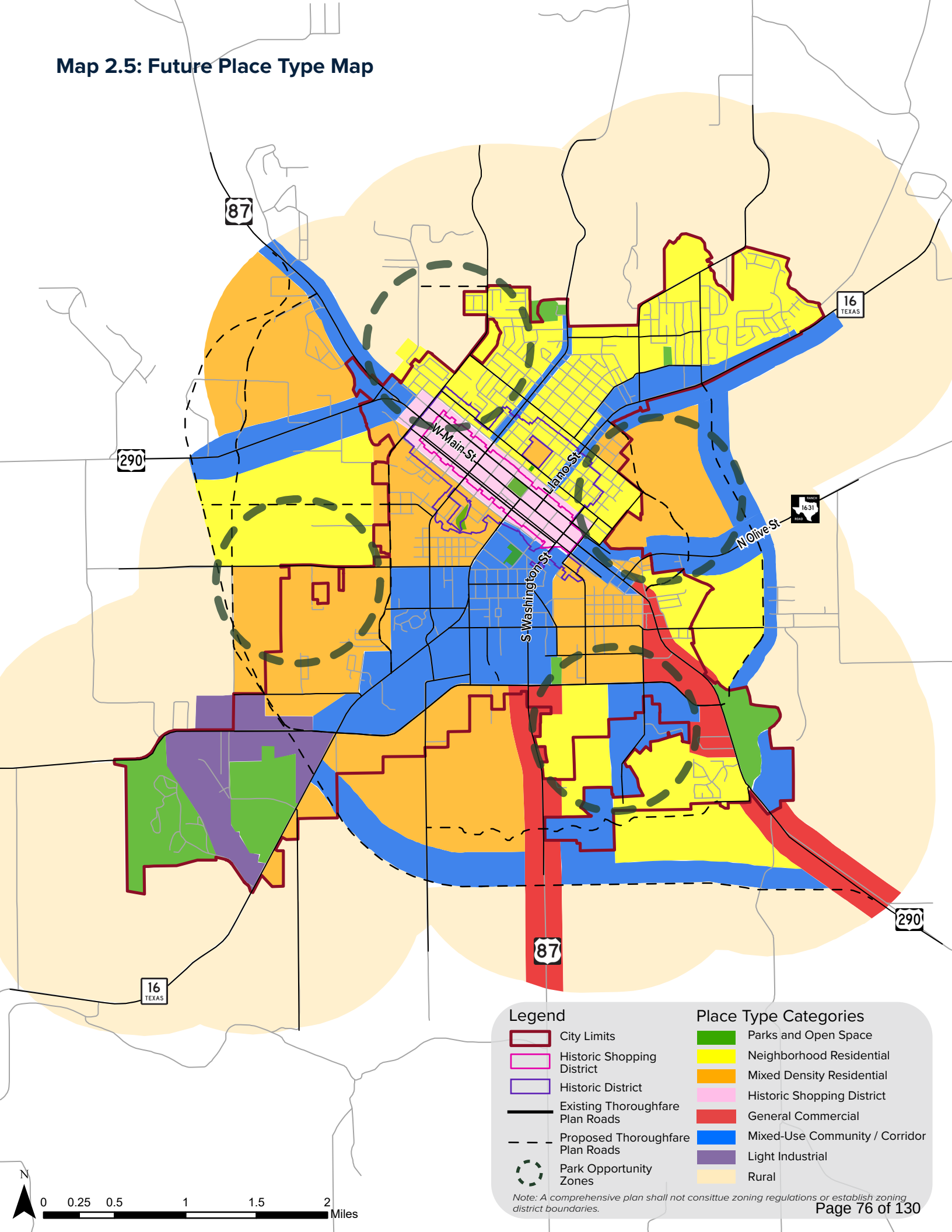
% Change 5th Year Comparison(Compare 2023 to 2018)

Taxing Unit	Assessed Value	Taxable Value	Rate per \$100	Tax Amount
N/A	N/A	N/A	N/A	N/A

FREDBG ISD Tax Rate Breakdown

Year	M&O Rate	I&S Rate	Total Rate
2023	0.669200	0.106200	0.775400
2022	0.854600	0.106200	0.960800

Map 2.5: Future Place Type Map



Legend

- City Limits
- Historic Shopping District
- Historic District
- Existing Thoroughfare Plan Roads
- Proposed Thoroughfare Plan Roads
- Park Opportunity Zones

Place Type Categories

- Parks and Open Space
- Neighborhood Residential
- Mixed Density Residential
- Historic Shopping District
- General Commercial
- Mixed-Use Community / Corridor
- Light Industrial
- Rural

Note: A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.



Neighborhood Residential

INTENT AND CHARACTER

The Residential Neighborhood category is intended to be primarily single-family neighborhoods but with a variety of lot sizes and housing types. Conventional detached residential products are typical while other types of residences such as attached residential products are allowed up to a maximum density. Accessory Dwelling Units should be permitted by right. Neighborhoods proposed as planned unit developments are encouraged to include a variety of housing types and provide walkability and quality of life amenities such as sidewalks, street trees, parks, etc.

Building height and massing should not vary dramatically unless thoughtfully arranged. Streets are typically local and collector sections with curb and gutter, sidewalks, slow speeds, and accessible driveways. Parks are strategically located and often a school or similar use is integrated or in close proximity. In some occasions where the neighborhood abuts a more significant street, a neighborhood service business, such as a day care, coffee shop, or bodega, may be appropriate if designed at a compatible scale.

APPROPRIATE LAND USE TYPES

Commercial

- At significant intersections, or in a planned unit development, neighborhood-serving retail, personal service, and office uses are encouraged with specific design standards and compatibility criteria. These uses should typically be found along higher-classification streets and sited at or near intersections.

Residential

- Single-family detached residential; Single-family attached residential; Cottage Courts; Townhouses (up to three units).

Industrial

- Not appropriate

Institutional

- Education (e.g., elementary schools) integrated into neighborhoods; Middle Schools and High Schools; Public assembly; community centers; and utility and service uses (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	90 - 100%
Commercial	0 - 10%



GUIDANCE AND INTERPRETATION

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

- Zoning proposals should be for districts that provide a mix of residence types, lot sizes, and architectural sizes.
- Zoning proposals for districts allowing single family attached uses, patio homes, and townhouses are consistent with the land use category when a transition between single family detached residential uses and other more intensive uses are appropriate. Attached single family should be secondary to detached product types.
- Smaller lots and denser development can serve as a transition from the local commercial areas. Infill that increases density should be visually compatible with the character of the surrounding structures.
- Existing street stubs should be connected regardless of density and new street connections should be made to encourage a well-integrated network. Internal streets should be highly connected with shortened blocks, pedestrian facilities and connections to off-street paths.
- Small-scale commercial uses can be appropriate along larger streets and should be compatible with the intensity of the surrounding residential development.
- Parks and common spaces should be centralized, focal points of the community, and easily walkable.
- Regional stormwater retention facilities and infrastructure should be utilized to create greenways and pedestrian/bicycle paths.

DEVELOPMENT CODE CONSIDERATIONS

Appropriate Existing Zoning Districts:

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

Implementation - Development Code Review:

- Create a zoning district allowance to encourage flexible residence types in a master planned community without a PD
- Ensure connectivity, both vehicular and pedestrian, to other neighborhoods, trail systems, greenways and major street system
- Consider infill incentives and design standards
- Require sidewalks along all streets for development applications regardless of the Sidewalk and Trails Plan.

REPRESENTATIVE IMAGERY



Comprehensive Plan Guiding Principles

The following 13 guiding principles, categorized into seven themes, were developed as a result of community input and are intended to guide the City’s priorities and decision-making throughout the course of this Plan.



NEIGHBORHOOD QUALITY

- Fredericksburg will strengthen and enhance the livability of neighborhoods where families can live.
- Fredericksburg will encourage the creation and maintenance of quality, affordable housing for residents of all backgrounds and income levels.



WORKFORCE

- Fredericksburg will foster an environment for developing and retaining quality talent in targeted industries.
- Fredericksburg will maintain a resilient, diverse, and sustainable economy that supports both existing and new locally-owned businesses.



TOURISM

- Fredericksburg will prioritize a unique, small-town character which promotes its heritage.
- Fredericksburg will attract visitors for its diverse retail, service, entertainment, and recreation options.



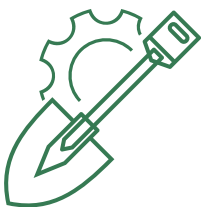
CITY CENTER

- Fredericksburg will preserve the historic charm of Main Street while cultivating a sense of place and expanding the City Center to better serve the residents.



MOBILITY

- Fredericksburg will have a well-planned thoroughfare network that reduces vehicular congestion within the city.
- Fredericksburg will support safe, comfortable, and convenient transportation systems.



SMALL-TOWN SENSITIVE GROWTH

- Fredericksburg will implement land use patterns and related policies to support its unique community character and natural resources, improve residents’ quality of life, and deliver incremental growth that optimizes its infrastructure and service capacity.



GOVERNANCE

- Fredericksburg will provide communication and engagement to create a healthy, safe, and informed community.
- Fredericksburg will invest efficiently in infrastructure to ensure a vibrant, livable, and economically robust community.

Fredericksburg Development Fiscal Analysis Spreadsheet

Project Name:

Mariposa

Date:

6/11/2024

Quick evaluation of any development's new contribution to, and demands from, the City of Fredericksburg.

Instructions: Enter estimates from County/plans/developer information in black outlined boxes.

Contribution to Paying for City Services		Descriptions
Land Market Value	\$375,000	Value of land according to the Appraisal District (most recent market land value, excluding exemptions)
Estimated New Development Market Value	\$26,125,000	Projected value of new development (per the developer) (projecting 55 lots at \$475,000/each)
Total Estimated Taxable Value	\$26,500,000	Sum of land value and new development value
City Property Tax Rate	0.1651	Current city property tax rate (M&O only)
Expected Year 1 Property Tax to City	\$43,752	Tax rate applied to the total taxable value
Expected Property Taxes to City over 40 years	\$1,750,060	Year 1 property tax value extrapolated over 40 year timeframe
Expected Taxable Sales Revenues	\$-	Expected annual taxable revenue from sales
Sales Tax Rate	0.015	Current City sales tax rate
Expected Annual Sales Tax to City	\$-	Sales tax rate applied to the expected annual taxable sales
Year 1 Contribution to City	\$43,752	Sum of expected property tax and sales tax to the City for Year 1
Ongoing Costs for Providing Services		Descriptions
Developed Acres	9.37	Number of acres within the development with proposed improvements
Total Estimated Public Road Replacement Cost	\$-	Estimated cost to replace public roads (0.25x for perimeter collector streets, 0.5x for internal; 0.5x for perimeter local streets, 1.0x for internal). Based on 2022 City Engineer est. of \$2 million per lane mile construction cost or developer's cost estimate.
Estimated Year 1 Public Road Cost	\$-	Total public road replacement cost divided by the number of years (40 on average) before infrastructure needs to be completely replaced; represents unfunded liability
New Single Family Units	55	Number of SF units proposed within the development
New Multifamily Units	-	Number of MF units proposed within the development
New Commercial/Industrial Square Feet	-	Amount of commercial or industrial square footage proposed within the development
Estimated Year 1 City Service Costs	\$84,920	[Est. cost to serve a SF unit (\$1,544) x # proposed units] plus [the est. cost to serve a MF unit (\$696) x # proposed units] plus [SF (commercial/industrial)/10,000 times \$1,544]
Productivity		Descriptions
Estimated Taxable Value Per Acre	\$2,828,175	Total Estimated Taxable Value divided by total acres
Estimate Net Value Per Acre	\$2,828,175	Total Estimated Taxable Value minus Public Road Replacement Cost, divided by total acres
Annual Project Net Revenue	\$(41,169)	Difference between the annual contribution to the city and total annual city cost (based on Year 1 values)
Annual Project Net Revenue with Roads	\$(41,169)	Difference between the annual contribution to the city and total annual city cost plus annualized road depreciation costs (based on Year 1 values)
Gain/(Loss) over 40-year period	\$(1,646,740)	Total escalated expected property taxes (5%) plus total expected sales taxes minus annual city service costs over 40 years
Gain/(Loss) over 40-year period with Roads	\$(1,646,740)	[Total expected property taxes plus total expected sales taxes] minus [annual city service costs plus annual city road depreciation costs] over 40 years
Revenue to Cost Ratio	0.52:1	Year 1 estimated revenue divided by the annual cost to the city (>1:1 is net positive)
Revenue to Cost Ratio with Roads	0.5:1	Year 1 estimated revenue divided by the annual cost to the city (>1:1 is net positive); includes road depreciation
Private to Public Ratio	#DIV/0!:1	Total taxable value divided by total estimated road replacement cost (40:1 is net positive target)
Est Years to repay public liabilities	0	# of years from cumulative property tax revenues to repay total public road replacement cost

SUBCHAPTER C-3. ANNEXATION OF AREA ON REQUEST OF OWNERS

Sec. 43.0671. AUTHORITY TO ANNEX AREA ON REQUEST OF OWNERS.

Notwithstanding Subchapter C-4 or C-5, a municipality may annex an area if each owner of land in the area requests the annexation.

Added by Acts 2017, 85th Leg., 1st C.S., Ch. 6 (S.B. 6), Sec. 26, eff. December 1, 2017.

Sec. 43.0672. WRITTEN AGREEMENT REGARDING SERVICES. (a) The governing body of the municipality that elects to annex an area under this subchapter must first negotiate and enter into a written agreement with the owners of land in the area for the provision of services in the area.

(b) The agreement must include:

(1) a list of each service the municipality will provide on the effective date of the annexation; and

(2) a schedule that includes the period within which the municipality will provide each service that is not provided on the effective date of the annexation.

(c) The municipality is not required to provide a service that is not included in the agreement.

Added by Acts 2017, 85th Leg., 1st C.S., Ch. 6 (S.B. 6), Sec. 26, eff. December 1, 2017.

Sec. 43.0673. PUBLIC HEARING. (a) Before a municipality may adopt an ordinance annexing an area under this subchapter, the governing body of the municipality must conduct one public hearing.

(c) During the public hearing, the governing body:

(1) must provide persons interested in the annexation the opportunity to be heard; and

(2) may adopt an ordinance annexing the area.

(d) The municipality must post notice of the hearing on the municipality's Internet website if the municipality has an Internet website and publish notice of the hearing in a newspaper of general circulation in the municipality and in the area proposed for annexation. The notice for the hearing must be:

(1) published at least once on or after the 20th day but before the 10th day before the date of the hearing; and

(2) posted on the municipality's Internet website on or after the 20th day but before the 10th day before the date of the hearing and must

remain posted until the date of the hearing.

Added by Acts 2017, 85th Leg., 1st C.S., Ch. 6 (S.B. 6), Sec. 26, eff. December 1, 2017.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 155 (H.B. 347), Sec. 3.01, eff. May 24, 2019.

SUBCHAPTER G. AGREEMENT GOVERNING CERTAIN LAND IN A MUNICIPALITY'S
EXTRATERRITORIAL JURISDICTION

Sec. 212.171. APPLICABILITY. This subchapter does not apply to land located in the extraterritorial jurisdiction of a municipality with a population of 1.9 million or more.

Added by Acts 2003, 78th Leg., ch. 522, Sec. 1, eff. June 20, 2003.

Sec. 212.172. DEVELOPMENT AGREEMENT. (a) In this subchapter:

(1) "Adjudication" of a claim means the bringing of a civil suit and prosecution to final judgment in county or state court and includes the bringing of an authorized arbitration proceeding and prosecution to final resolution in accordance with any mandatory procedures established in the contract agreement for the arbitration proceedings.

(2) "Contract" means a contract for a development agreement authorized by this subchapter.

(3) "Extraterritorial jurisdiction" means a municipality's extraterritorial jurisdiction as determined under Chapter 42.

(b) The governing body of a municipality may make a written contract with an owner of land that is located in the extraterritorial jurisdiction of the municipality to:

(1) guarantee the continuation of the extraterritorial status of the land and its immunity from annexation by the municipality;

(2) extend the municipality's planning authority over the land by providing for a development plan to be prepared by the landowner and approved by the municipality under which certain general uses and development of the land are authorized;

(3) authorize enforcement by the municipality of certain municipal land use and development regulations in the same manner the regulations are enforced within the municipality's boundaries;

(4) authorize enforcement by the municipality of land use and development regulations other than those that apply within the municipality's boundaries, as may be agreed to by the landowner and the municipality;

(5) provide for infrastructure for the land, including:

(A) streets and roads;

(B) street and road drainage;

(C) land drainage; and

(D) water, wastewater, and other utility systems;

(6) authorize enforcement of environmental regulations;

(7) provide for the annexation of the land as a whole or in parts and to provide for the terms of annexation, if annexation is agreed to by the parties;

(8) specify the uses and development of the land before and after annexation, if annexation is agreed to by the parties; or

(9) include other lawful terms and considerations the parties consider appropriate.

(b-1) At the time a municipality makes an offer to a landowner to enter into an agreement under this subchapter, the municipality must provide the landowner with a written disclosure that includes:

(1) a statement that the landowner is not required to enter into the agreement;

(2) the authority under which the municipality may annex the land with references to relevant law;

(3) a plain-language description of the annexation procedures applicable to the land;

(4) whether the procedures require the landowner's consent; and

(5) a statement regarding the municipality's waiver of immunity to suit.

(b-2) An agreement for which a disclosure is not provided in accordance with Subsection (b-1) is void.

(c) A contract must:

(1) be in writing;

(2) contain an adequate legal description of the land;

(3) be approved by the governing body of the municipality and the landowner; and

(4) be recorded in the real property records of each county in which any part of the land that is subject to the contract is located.

(d) The total duration of the contract and any successive renewals or extensions may not exceed 45 years.

(e) A municipality in an affected county, as defined by Section 16.341, Water Code, may not enter into a contract that is inconsistent with the model rules adopted under Section 16.343, Water Code.

(f) The contract between the governing body of the municipality and the landowner is binding on the municipality and the landowner and on their respective successors and assigns for the term of the contract. The contract is not binding on, and does not create any encumbrance to title as to, any end-buyer of a fully developed and improved lot within the development, except for land use and development regulations that may apply to a specific lot. Annexation by a municipality of land subject to a

contract does not invalidate the enforceability of the contract or infringe on the rights of a party to adjudicate a claim arising under the contract.

(g) A contract:

(1) constitutes a permit under Chapter [245](#); and

(2) is a program authorized by the legislature under Section [52-a](#), Article III, Texas Constitution.

(h) A contract between a municipality and a landowner entered into prior to the effective date of this section, or any amendment to this section, and that complies with this section is validated, enforceable, and may be adjudicated subject to the terms and conditions of this subchapter, as amended.

(i) A municipality that enters into a contract waives immunity from suit for the purpose of adjudicating a claim for breach of the contract.

(j) Except as provided by Subsection (k), actual damages, specific performance, or injunctive relief may be granted in an adjudication brought against a municipality for breach of a contract. The total amount of money awarded in an adjudication brought against a municipality for breach of a contract is limited to the following:

(1) the balance due and owed by the municipality under the contract as it may have been amended;

(2) any amount owed by the landowner as a result of the municipality's failure to perform under the contract, including compensation for the increased cost of infrastructure as a result of delays or accelerations caused by the municipality;

(3) reasonable attorney's fees; and

(4) interest as allowed by law, including interest as calculated under Chapter [2251](#), Government Code.

(k) Damages awarded in an adjudication brought against a municipality for breach of a contract may not include:

(1) consequential damages, except as expressly allowed under Subsection (j)(2); or

(2) exemplary damages.

Added by Acts 2003, 78th Leg., ch. 522, Sec. 1, eff. June 20, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 281 (H.B. [1643](#)), Sec. 1, eff. June 17, 2011.

Acts 2021, 87th Leg., R.S., Ch. 103 (S.B. [1338](#)), Sec. 2, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 678 (H.B. [1929](#)), Sec. 1, eff. September 1, 2021.

STATE OF TEXAS §

COUNTY OF GILLESPIE §

CITY OF FREDERICKSBURG §

DEVELOPMENT AGREEMENT

This **DEVELOPMENT AGREEMENT** (this “**Agreement**”) is made and entered into as of the ____ day of _____, 2024, (the “**Effective Date**”), by and between the **CITY OF FREDERICKSBURG, TEXAS**, a Texas home-rule municipal corporation (the “**City**”) and _____ and _____ (“**Owners**”). The City and Owners are sometimes hereinafter referred to individually as “Party”, and collectively as the “Parties”. The Parties agree as follows:

RECITALS

WHEREAS, Owners currently own approximately _____ acres (“the **Property**”) located in the Extraterritorial Jurisdiction (“**ETJ**”) of the City, Gillespie County, Texas, and more particularly described by metes and bounds in **Exhibit “A”**, which is attached hereto and incorporated herein for all purposes; and

WHEREAS, Owners desires to develop the Property as a _____ under the “R-1” Single Family Residential standards, pursuant to the City’s Development Code, as that code exists on the Effective Date of this Agreement, subject to the modifications set forth herein, and generally in accordance with the Conceptual Land Use Plan, as more particularly described in **Exhibit “B”** attached hereto; and

WHEREAS, the City is authorized to make and enter into this Agreement with Owners in accordance with Subchapter G, Chapter 212, Local Government Code to accomplish the following purposes:

- a) Extend the City’s planning authority in accordance with the Conceptual Land Use Plan and the development regulations contained herein under which certain uses and development of the Property is authorized, including but not limited to a _____; and
- b) Authorize enforcement by the City of municipal land use and development regulations, as required and/or authorized by Fredericksburg Zoning Ordinance and Comprehensive Plan, as applicable, to the extent the same are consistent with the development regulations contained herein and in the same manner the applicable regulations are enforced within the City’s municipal boundaries; and
- c) Provide the terms for annexation of the Property.

NOW THEREFORE, the City and Owners in consideration of the premises, the mutual covenants and agreements of the Parties hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Parties, agree as follows:

ARTICLE 1: GENERAL TERMS AND CONDITIONS

1.01 Conceptual Land Use Plan

The City hereby approves the general use as a _____ and development of the Property in accordance with the Conceptual Land Use Plan, which is incorporated herein as **Exhibit “B”**. Development applications for the Property shall be consistent with the Conceptual Land Use Plan.

1.02 Proposed Schedule of Development and Phasing

The Property will be developed in one (1) phase.

1.03 Equivalent Zoning District(s)

The Property will be developed using standards of the “R1-A”, Small Lot Single Family Residential zoning district. _____ shall be a permitted use on the Property.

1.04 Development Standards:

- a. All City of Fredericksburg codes and ordinances in effect on the Effective Date of this Agreement shall govern throughout the term of this Project, except as noted within this Agreement. In the event of a conflict between this Agreement and the Comprehensive Plan or the City’s Codes and Ordinances, this Agreement shall control.
- b. Variations and modifications to the “R-1A” standards are hereby granted and allowed as follows:

1. Dimensional Standards for Residential Zones stating that the minimum lot width is 45 feet is modified as follows: 60 feet.

1.05 Application Procedures

Development of the Property shall be governed by the following:

- a. All procedures outlined in the Comprehensive Plan and City of Fredericksburg Code of Ordinances including the Subdivision Ordinance, as they exist on the Effective Date of this Agreement, shall apply.

- b. Plat Approval: The Parties agree that the approved land uses in each final plat of portions of the Property shall be consistent with the Conceptual Land Use Plan as depicted in **Exhibit “B”** attached hereto.

1.06 Public Facilities Schedule & Financing

- a. Provisions for providing Water Service to the Property. City of Fredericksburg shall be the water service provider, has the necessary Capacity to serve and shall serve the Property.
- b. Provisions for providing Wastewater Service to the Property. City of Fredericksburg shall be the wastewater service provider, has the necessary capacity to serve and shall serve the Property.

1.07 Annexation & Zoning

Upon approval of this Agreement, Owners agrees to full purpose annexation of the Property. A copy of the form of Annexation Petition is attached as **Exhibit C**. Concurrent with annexation of the Property, the Owners shall initiate a zoning change to establish a zoning district that is consistent with the terms and conditions of this Agreement. The City cannot contractually agree to the zoning designation the Property shall receive; however, the City recognizes the Owners’ rights under Section 43.002 and Chapter 245 of the Texas Local Government Code. Owners agree to submit an application for Annexation and Zoning of the entire 9.37-acre Property within ninety (90) days of the Effective Date of this Agreement. City agrees to institute annexation proceedings within ninety (90) days of the receipt an application for Annexation.

ARTICLE 2: MISCELLANEOUS PROVISIONS

2.01 Term

The term of this Agreement will commence on the Effective Date and continue for thirty (30) years thereafter (“**Initial Term**”), unless sooner terminated under this Agreement. After the Initial Term, the Agreement may be extended for a fifteen (15) year period by Owners, with City’s approval, by delivering written notice of such election to the City on or before the expiration of the then-current term.

2.02 Enforcement and Default and Remedies for Default

- a. The Parties agree that the City shall be entitled to enforce the Fredericksburg Development Code as it exists on the Effective Date of this Agreement, as modified by this Agreement. If either Party defaults in its obligations under this Agreement, the other Party must, prior to exercising a remedy available to that Party due to the default, give written notice to the defaulting Party, specifying the nature of the alleged default and the manner in which it

can be satisfactorily cured, and extend to the defaulting Party at least thirty (30) days from receipt of the notice to cure the default. If the nature of the default is such that it cannot reasonably be cured within the thirty (30) day period, the commencement of the cure within the thirty (30) day period and the diligent prosecution of the cure to completion will be deemed a cure within the cure period. The City may issue Stop Work Orders for violations arising under this Agreement or the City of Fredericksburg Code of Ordinances, as applicable.

- b. If either Party defaults under this Agreement and fails to cure the default within the applicable cure period, the non-defaulting Party will have all rights and remedies available under this Agreement or applicable law, including the right to institute legal action to cure any default, to enjoin any threatened or attempted violation of this Agreement or to enforce the defaulting Party's obligations under this Agreement by specific performance or writ of mandamus, or to terminate this Agreement or other enforcement remedies the City may possess under its municipal regulatory authority.
- c. Notwithstanding anything herein to the contrary, no party shall be deemed to be in default hereunder until the passage of ten (10) business days after receipt by such party of notice of default from the other party. Upon the passage of ten (10) working days without cure of the default, such party shall be deemed to have defaulted for purposes of this Agreement.

2.03 Authority, Applicable Rules and Right to Continue Development

- a. This Agreement is entered under the statutory authority of Sections 42.042, 43.0672 and 212.172 of the Texas Local Government Code. The Parties intend that this Agreement authorize certain land uses, such as a _____, and development on the Property; provide for the uniform review and approval of plats and development plans for the Property; provide exceptions to certain ordinances; and provide other terms and consideration, including the continuation of land uses and zoning upon annexation of the Property to the City.
- b. Execution of this Agreement, under Section 212.172 of the Texas Local Government Code, constitutes a permit under Chapter 245 of the Texas Local Government Code. In addition, the City acknowledges and agrees that (1) the uses and development contemplated in and authorized by this Agreement were planned for the Property more than ninety (90) days prior to the Effective Date of this Agreement and, therefore, more than ninety (90) days prior to the Effective Date of annexation of the Property, and (2) the Owners has filed a completed application for the initial authorization with the City prior to the institution of any annexation proceedings related to the Property. As a result of the foregoing sentence, Section 43.002 of the Texas Local Government Code applies to the uses and development of the Property contemplated in and authorized by this Agreement.
- c. In consideration of Owners' agreements hereunder, the City agrees that, during the term of this Agreement, it will not impose or attempt to impose: (a) any moratorium on building or development within the Property, or (b) any land use or development regulation that limits the rate or timing of land use approvals, whether affecting preliminary plans, final

plats, site plans, building permits, certificates of occupancy or other necessary approvals, within the Property. No City-imposed moratorium, growth restriction, or other limitation affecting the rate, timing or sequencing of development or construction of all or any part of the Property will apply to the Property if such moratorium, restriction or other limitation conflicts with this Agreement or would have the effect of increasing Owners' obligations or decreasing Owners' rights and benefits under this Agreement. This Agreement on the part of the City will not apply to temporary moratoriums uniformly imposed throughout the City and ETJ due to an emergency constituting an imminent threat to the public health or safety, provided that the temporary moratorium continues only during the duration of the emergency or a moratorium authorized by Subchapter E, Chapter 212 of the Texas Local Government Code.

2.04 Exhibits/Amendment

- a. All exhibits attached to this Agreement are incorporated into and made a part of this Agreement for all purposes. The paragraph headings contained in this Agreement are for convenience only and do not enlarge or limit the scope or meaning of the paragraphs. Wherever appropriate, words of the masculine gender may include the feminine or neuter, and the singular may include the plural, and vice-versa. Each of the Parties has been actively and equally involved in the negotiation of this Agreement. Accordingly, the rule of construction that any ambiguities are to be resolved against the drafting Party will not be employed in interpreting this Agreement or its exhibits. This Agreement may be executed in any number of counterparts, each of which will be deemed to be an original, and all of which will together constitute the same instrument. This Agreement will become effective only when one or more counterparts, individually or taken together, bear the signatures of all of the Parties.
- b. Owners may make minor changes to the Conceptual Land Use Plan and other attachments to this agreement with approval from the Planning Director and may make major changes with approval by City Council. Minor changes shall consist of but are not limited to:
 - i. Changes that do not materially affect lot layout contemplated by this Agreement by more than ten percent (10%).
 - ii. Changes to accommodate public safety or public infrastructure requirements.
 - iii. Changes to bring the plan more into conformance with the Subdivision Ordinance.
- c. Owners may appeal the Director of Development Services's determination of a minor change to the City Manager within 10 days of the date of notification of the decision.
- d. Major changes shall consist of but are not limited to:
 - i. The addition of land area;
 - ii. Density beyond what is permitted in zoning, except as allowed by this Agreement;
 - iii. Changes in roadway alignments more than what is necessary to meet Code;
 - iv. Change in the base zoning equivalent.

2.05 Recordation

- a. Pursuant to the requirements of Section 212.172(f), Texas Local Government Code, this Agreement shall be recorded in the official public records of Gillespie County, Texas. The terms of this Agreement shall be binding upon: (a) the Parties; (b) the Parties' successors and assigns; (c) the Property; and (d) future owners of all or any portion of the Property.
- b. Owners agree that all restrictive covenants for the Property shall not be inconsistent with the requirements herein. Owners further agree to memorialize the terms of this Agreement through inclusion in the plat notes. The Agreement shall be recorded in the Gillespie County land records to place subsequent purchasers on notice at Owners' expense and Owners shall provide a copy of all such restrictive covenants to the City prior to filing.

2.06 Assignment and Binding Effect Upon Successors

- a. Owners hereunder, may assign this Agreement, and the rights and obligations of Owners to a subsequent purchaser of all or a portion of the undeveloped property within the Property or to an affiliate of the Owners provided that the assignee assumes all of the obligations hereunder, without any consent of the City being required. Any assignment must be in writing, specifically describe the property in question, set forth the assigned rights and obligations and be executed by the proposed assignee. A copy of the assignment document must be delivered to the City and recorded in the real property records as may be required by applicable law within thirty (30) days after execution of document(s) evidencing the assignment. Upon any such assignment, the assignor will be released of any further obligations under this Agreement as to the property sold and obligations assigned.
- b. The provisions of this Agreement shall run with the land, will be binding upon, and inure to the benefit of the Parties, future owners of the Property, and their respective successors and assigns. This Agreement will not, however, be binding upon, or create any encumbrance to title as to, any ultimate consumer who purchases a fully developed and improved lot within the Property.

2.07 Miscellaneous

- a. Force Majeure. The term "force majeure" as used herein shall mean and refer to Acts of God, strikes, lockouts, or other industrial disturbances, acts of public enemies, orders of any kind of the government of the United States, the State of Texas or any civil or military authority, insurrections, riots, epidemics, landslides, lightning, earthquake, fire, hurricanes, storms, floods, washouts, droughts, arrests, restraint of government and people, explosions, breakage or accidents to machinery, pipelines, or canals, or other causes not reasonably within the control of the party claiming such inability.
 - i. If, by reason of force majeure, any party hereto shall be rendered wholly or partially unable to carry out its obligations under this Agreement, then such party shall give written notice of the full particulars of such force majeure to the other party within ten (10) days after the occurrence thereof. The obligations of the party giving such notice, to the extent effected by the force majeure, shall be suspended during the

continuance of the inability claimed, except as hereinafter provided, and the party shall endeavor to remove or overcome such inability with all reasonable dispatch.

- b. Governing Law, Jurisdiction and Venue. This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, as it applies to contracts performed within the State of Texas and without regard to any choice of law rules or principles to the contrary. The parties acknowledge that this Agreement is performable in Gillespie County, Texas and hereby submit to the jurisdiction of the courts of that County, and hereby agree that any such Court shall be a proper forum for the determination of any dispute arising hereunder.
- c. Severability. If any provision of this Agreement is illegal, invalid, or unenforceable, under present or future laws, it is the intention of the Parties that the remainder of this Agreement not be affected, and, in lieu of each illegal, invalid, or unenforceable provision, that a provision be added to this Agreement which is legal, valid, and enforceable and is as similar in terms to the illegal, invalid or enforceable provision as is possible. The Parties agree to reasonably cooperate to effectuate the intent of this Agreement.
- d. Parties If any of the ownership entities fail or refuse to sign this Agreement or choose to opt out of this Agreement, those entities and their property shall be excluded. The Conceptual Land Plan will be amended to reflect the change and will automatically become part of this Agreement. Further, the county deed records will be amended by the Owners to reflect the change and evidence of the recordation will be provided to the City.
- e. Notices All notices, demands and requests required hereunder shall be in writing and shall be deemed to have been properly delivered and received (i) as of the date of delivery to the addresses set forth below if personally delivered or delivered by facsimile machine, with confirmation of delivery (in the event a facsimile is sent after 5:00 p.m. local Fredericksburg, Texas time, it shall be deemed to have been received on the next day), or email (as indicated below); (ii) three (3) business days after deposit in a regularly maintained receptacle for the United States mail, certified mail, return receipt requested and postage prepaid; or (iii) one (1) business day after deposit with Federal Express or comparable overnight delivery system for overnight delivery with all costs prepaid. All notices, demands and requests hereunder shall be addressed as follows:

If to City:

City of Fredericksburg
Attn: City Manager
126 W. Main Street
Fredericksburg, Texas 78624

With a copy to:

Mick McKamie
Taylor, Olson, Adkins, Sralla & Elam, LLP
6000 Western Place, Suite 200

Fort Worth, Texas 76107
mmckamie@toase.com

If to the Owner/ Owners:
(full name/names)
(address 1)
(address 2)

With a copy to:
(full name of attorney for owners/owners)
(firm name)
(address 1)
(address 2)
(email)

Any party may change the address for notice to it by giving notice of such change in accordance with the provisions of this Section.

ARTICLE 3: GOVERNMENTAL FUNCTION; IMMUNITY

THE CITY'S EXECUTION OF AND PERFORMANCE UNDER THIS AGREEMENT WILL NOT ACT AS A WAIVER OF ANY IMMUNITY OF THE CITY TO SUIT OR LIABILITY UNDER APPLICABLE LAW. THE PARTIES ACKNOWLEDGE THAT THE CITY, IN EXECUTING AND PERFORMING THIS AGREEMENT, IS A GOVERNMENTAL ENTITY ACTING IN A GOVERNMENTAL CAPACITY.

* * *

Signature Pages Follows

This Agreement is entered into and effective as of the date set forth above.

City of Fredericksburg, Texas:

By: _____
_____, Mayor

Date: _____

THE STATE OF TEXAS §
§
COUNTY OF GILLESPIE §

This instrument was acknowledged before me on _____, 2024, by
_____, _____ of _____.

Notary Public in and for the State of Texas

Owner/Owners:

By: _____
(Typed name)

Date: _____

By: _____
(Typed name)

Date: _____

THE STATE OF TEXAS §
§
COUNTY OF GILLESPIE §

This instrument was acknowledged before me on _____, 2024, by
_____, _____ of _____.

Notary Public in and for the State of Texas

Exhibit A

PROPERTY DESCRIPTION
(metes and bounds)

DRAFT

Exhibit B
CONCEPTUAL LAND USE PLAN

DRAFT

EXHIBIT C
FORM OF ANNEXATION PETITION

DRAFT



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary

TO: Mayor & City Council Members

FROM: Garret Bonn, Assistant City Manager

MEETING DATE: June 18, 2024

CATEGORY: OTHER ACTION ITEMS AND
UPDATES

CAPTION: Consider the award of Hotel Occupancy Tax Funding to the Fredericksburg Chamber of Commerce for the Fredericksburg Food and Wine Festival (Garret Bonn, Asst City Manager)

PRESENTATION:

SUMMARY:

The Fredericksburg Chamber of Commerce has requested \$185,000 in HOT funds for the Fredericksburg Food and Wine Festival.

BACKGROUND: In April, the City of Fredericksburg and the Fredericksburg Chamber of Commerce entered into an agreement to allow the Chamber to host the Fredericksburg Food and Wine Festival. The requested funds are in-line with what the City has historically budgeted in HOT funding for the event, which has ranged from \$150,000-\$200,000.

Jim Makula, President & CEO of the Chamber, will be in attendance to update the Council on plans for the 2024 Food & Wine Festival and answer any questions the Council may have. If approved, the Chamber has requested HOT funds be distributed based on the following payment schedule:

- June \$60,000
- July \$60,000
- August \$65,000

FUNDING SOURCE: HOT Funds

FINANCIAL IMPACT:
\$185,000

STAFF RECOMMENDATION:

City staff recommends approval of the request with the understanding that proceeds from the event will continue to be reinvested back into improvements and maintenance of Marktplatz.

COMPREHENSIVE PLAN GUIDING PRINCIPLE:

Quality of Life Vision

ATTACHMENTS:

1. Food & Wine Festival HOT Fund Application

APPROVAL/REVIEW:



Krista Wareham, Director of Finance

Date: June 11, 2024



William McKamie, City Attorney

Date: June 11, 2024



Clinton Bailey, City Manager

Date: June 14, 2024



City of Fredericksburg, Texas

HOTEL OCCUPANCY TAX FUNDING APPLICATION

2024

FOR EVENTS//PROJECTS JULY 1, 2024
AND DECEMBER 30, 2024

Date Application received (To be completed by City Staff):		
Official Name of Organization/Entity: Fredericksburg Chamber of Commerce	Is Organization/ Entity a non-profit? Yes	Date Organization/ Entity Founded: 1920
Organization/Entity Mailing Address: Fredericksburg Chamber of Commerce 306 E Austin St. Fredericksburg, Texas 78624		
Organization/Entity website: https://www.fredericksburg-texas.com/ and https://www.fbgfoodandwine.com/		
Name and Title of Person authorized to act on behalf of Organization/Entity for this application ("Applicant"): Hayley Wakefield	Organization/Entity Phone: 512-671-0035 Organization/Entity Email: hayley@fbgtxchamber.org	

SECTION A – FUNDING REQUEST DESCRIPTION

Name of Project/Event: Fredericksburg Food & Wine Festival		Project/Event Date(s): 10/25/24 & 10/26/24
Estimated number of room nights that will be occupied at local hotels, motels, & short- term rentals by attendees of your event(s) or project(s)? 1,000	Estimated number of the annual attendance at your event(s) or project(s)? 3,500 - 5,000	Amount of funds requested: \$185,000

Project/Event location(s): Off-site brunch at Fischer & Wieser, Austin Street for closed-off dinner and Marktplatz for main festival events

In the space below, please describe each individual project/event for which funding is sought, and explain how each project/event will directly enhance and promote tourism and the hotel/motel/short term rental (STR) industry in the City of Fredericksburg:

The Fredericksburg Food & Wine Festival has long been a cornerstone of the local community. We are thrilled to be a part of its 2024 rebranding and revitalization, marking a new chapter in its storied history. Attached here is a comprehensive deck detailing the event schedule, layout, marketing plan, target market, and a high-level overview of its anticipated impact on local tourism and overnight stays, not only for 2024 but for years to come.

According to numbers provided by the CVB, last year's festival brought in 2,400 visitors with an estimated 596 potential room night bookings. Our goal is to double those numbers for the 2024 festival.

We would also like to note that Sinclair Broadcast Group is a secured media partner for the 2024 event - Sinclair Broadcast Group owns KEYE CBS Austin, WOAI NBC San Antonio, and KABB FOX San Antonio. (Note: KEYE broadcasts the Light the Night Christmas Parade live). Through their robust marketing partnership alone we will be achieve 200,000 website banner impressions split between Austin and San Antonio, 100,000 email impressions and social retargeting, and 95,000 streaming impressions leading up to the event. In addition to day-of event coverage, they will also be doing a LIVE weather segment from our Austin St. dinner on Friday, October 25th.

SECTION B – FUNDING CATEGORIES AUTHORIZED BY TEXAS LAW (Please indicate which funding categories are applicable to your project/event – multiple categories may be selected)

	Check box below
1. Advertising and promotional programs to attract tourists	X
2. Encouragement and promotion of the arts	
3. Historical restoration and preservation projects, advertising to encourage tourists to visited historic sites and museums	
4. Sporting events for which the majority of participants come from out of town	

SECTION C – ASSURANCES

The Applicant hereby certifies to the City of Fredericksburg that, to the best of the Applicant’s knowledge and belief, the:

1. Project(s)/event(s) for which financial assistance is sought will be administered in accordance with Federal, State, and local law;
2. HOT funds received as a result of this application will be used solely for the project(s)/event(s) described herein;
3. Applicant has read, understands, and will conform to the City HOT Guidelines; and
4. Figures, facts and representations made in this application, including any attachments hereto, are true and correct.

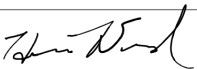
Receipt of any HOT funds awarded pursuant to this application is conditioned upon the execution of a Hotel Occupancy Tax Grant Agreement with the City.

PLEASE ATTACH TO APPLICATION:

1. Copy of the organization/entity IRS 501(c)(3) ruling letter, if applicable.
2. If you cannot provide an estimated number of room nights to be occupied at local hotels, motels, short term rentals, or bed and breakfast inns by attendees of your project/event, or if you cannot provide an estimated number of attendees of your project/event, please attach an explanation of why your project/event prevents you from estimating the number of local room nights or attendees for your event(s) or project.

PLEASE MAKE SURE ALL HOT REPORTS THAT ARE DUE FOR THE PREVIOUS YEAR HAVE BEEN SUBMITTED.

D. AUTHORIZING OFFICIAL:

Applicant Signature: 	Date signed: 04 / 25 / 2024
Applicant Name & Title (print or type): Hayley Wakefield, Fredericksburg Food & Wine Festival Event Producer	Applicant Phone (if different from phone # listed on page 1): 512-671-0035
Applicant Address (if different from Mailing Address listed on page 1): 306 E Austin St. Fredericksburg, Texas 78624	Applicant E-Mail Address (if different from e-mail address listed on page 1): hayley@fbgtxchamber.org

CITY USE ONLY

Date Received the Application
City Attorney's Comments
Convention and Visitor Bureau Comments
Previous Year's Final Report Filed



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: June 18, 2024

CATEGORY: OTHER ACTION ITEMS AND
UPDATES

CAPTION: Consider the approval of a Construction Contract Award for Connection of Back-up Generators at City Water Well and Lift Station Sites (Kris Kneese, Director of Public Works & Utilities)

PRESENTATION:

SUMMARY:

The City of Fredericksburg has purchased and received generators for critical administration and utility facilities. Upon receipt of all the generators, construction documents for the electrical connections for each facility were generated. This construction project was advertised for bidding and three bids were received. The lowest qualified bid for the project was submitted by D W Electric Co. The bid amount was \$259,212.00.

BACKGROUND: In fiscal year 2022, the City of Fredericksburg purchased generators for critical administration and public works facilities. Due to the long lead times for these materials, the generators were not received until fiscal year 2023. During that time, sites were prepared for the delivery of the generators. Once all the generators received construction plans and bid documents for the connection of the generators to serve the facilities were developed. The project was advertised for bid for three weeks. Bids were opened on June 6, 2024. Three bids for the project were received and are shown below:

- D W Electric Co. - \$259,212.00
- McDonald Municipal & Industrial - \$594,469.00
- Texas Municipal & Industrial - \$796,169.00

Upon review of the bid documents and amounts, the bid from D W Electric Co. was determined to be complete and the lowest qualified bid for the project. The budgeted amount for this project in fiscal year 2024 was \$125,000. This was estimated under the assumption that the electrician position within the water department would complete the generator connections for many of the smaller facilities. The larger facility connections would go out to bid for completion by a contractor. Since the electrician position had been advertised since the previous year with few applications and no offers, it was determined that connecting the generator should continue to move forward and all the facilities were included in the bid documents. The timeline for completing all the generator connections is 180

days from the notice to proceed. Staff recommends approving the contract with DW Electric Co for \$259,212.00, which is \$134,212.00 over budget. Engineering Staff recommends using cost savings from other Water Dept CIP projects that will not be completed in fiscal year 2024 to cover this projects' budget overage.

FUNDING SOURCE: Water Enterprise Fund

FINANCIAL IMPACT:
\$259,212.00

STAFF RECOMMENDATION:

Staff recommends awarding the contract for the advertised work to D W Electric Co. in the amount of \$259,212.00.

COMPREHENSIVE PLAN GUIDING PRINCIPLE:

Governance

ATTACHMENTS:

None

APPROVAL/REVIEW:



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

Date: June 13, 2024



Garret Bonn, Assistant City Manager

Date: June 13, 2024



Krista Wareham, Director of Finance

Date: June 13, 2024



William McKamie, City Attorney

Date: June 13, 2024



Clinton Bailey, City Manager

Date: June 14, 2024



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Manager

TO: Mayor & City Council Members

FROM: Garret Bonn, Assistant City Manager

MEETING DATE: June 18, 2024

CATEGORY: OTHER ACTION ITEMS AND
UPDATES

CAPTION: Consideration and Possible Action Relating to the Proposed Development of Transitional Housing for new City Employees on City-Owned Property Located on US 290E (Councilmember Briley and Mayor Hoover)

PRESENTATION:

SUMMARY:

Consideration and possible action relating to the proposed development of a pilot program to provide transitional housing for new City staff on City-owned property at 6472 US 290E.

BACKGROUND:

The City owns approx. 20 acres of land at 6472 US 290E, commonly referred to as the Knauth Property. This pilot program would provide 6-12 month transitional housing to new City staff in all departments. Housing would consist of tiny homes, RV hook-ups, and/or single-family housing options. The housing would be managed by the City and tailored to fit new employee needs by offsetting relocation costs for new employees.

FUNDING SOURCE: Private
Donations/Foundation(s)

FINANCIAL IMPACT:
TBD

STAFF RECOMMENDATION:

City staff supports the idea of additional housing options for new employees.

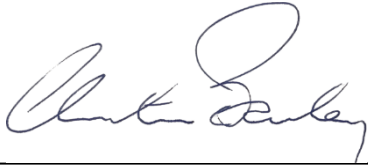
COMPREHENSIVE PLAN GUIDING PRINCIPLE:

Workforce
Governance

ATTACHMENTS:

1. City Employee Housing Pilot Program

APPROVAL/REVIEW:



Clinton Bailey, City Manager

Date: June 11, 2024



Garret Bonn, Assistant City Manager

Date: June 11, 2024



Krista Wareham, Director of Finance

Date: June 11, 2024



William McKamie, City Attorney

Date: June 11, 2024



Clinton Bailey, City Manager

Date: June 14, 2024

Fredericksburg City Staff Transitional Rent Housing Pilot Program

Goal: To provide 6-12 month transitional housing to new city staff in all departments.

Property location: 6472 Hwy 290 East.

Site: City owned 20 acre parcel located in the county.

Engineering: City services to develop the site plan, infrastructure and density.

Housing offered: RV hookups, tiny homes and single family housing options.

Funding: On-going private donations, capital campaign drive, police/fire foundations.

Rent: City managed and tailored to fit new employee needs to offset relocating costs.





CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary

TO: Mayor & City Council Members

FROM: Garret Bonn, Assistant City Manager

MEETING DATE: June 18, 2024

CATEGORY: OTHER ACTION ITEMS AND
UPDATES

CAPTION: Review and Provide Possible Amendments to the Council Rules of Procedure (Garret Bonn, Assistant City Manager)

PRESENTATION:

SUMMARY:

The City Council reviews the Rules of Procedure annually after the City Elections.

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMPREHENSIVE PLAN GUIDING PRINCIPLE:

Government Vision

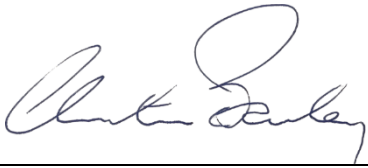
ATTACHMENTS:

1. City Council Rule of Procedures June 2023

APPROVAL/REVIEW:

William McKamie, City Attorney

Date: June 11, 2024



Clinton Bailey, City Manager

Date: June 14, 2024



City of Fredericksburg

City Council Rules of Procedure

Section 1 – Rules

These Rules shall govern the procedures followed by the City of Fredericksburg City Council for the conduct of Council meetings and other Council activities pursuant to state law and the City Charter.

Section 2 – Open Public Meetings Act

The Council shall comply with the Texas Open Meetings Act's provisions in conducting all meetings to which said Act is applicable.

Section 3 – Executive Session

The Council may discuss topics in executive session that are specified in state law or relate to potential or pending litigation and are subject to attorney-client privilege. The City Attorney shall inform the Council whenever any proposed discussion in the executive session is not legally allowed.

No member of the City Council, an employee of the City, or any other person present during the executive session of the City Council shall disclose to any person, the content or substance of any discussion which took place during said executive session, except during discussion of this issue in open meeting immediately following the executive session.

Section 4 – Work Session

Special meetings designated as work sessions shall be advertised and conducted in the same manner as regular meetings. Work sessions are for the purpose of in-depth review and discussion of specified issues. Council actions shall not be taken at designated work sessions.

Section 5 – Quorum

At all meetings of the Council, a majority of the Council members shall constitute a quorum for the transaction of business.

Section 6 – Attendance

Attendance via telephone conference call or video conference call – To participate in a meeting, all members of the Council shall be present, except that a meeting held by telephone conference call or video conference may be held if:

1. an emergency or public necessity exists within the meaning of Section 551.045 of the Government Code; and
2. the convening at one location of a quorum of the government body is difficult or impossible; and
3. the other requirements of Section 551.125 are met

Additionally, a member may attend a meeting via videoconference if a quorum of the government body is physically present at one location of the meeting, the proper communication equipment is available, and the other requirements of Section 551.127 of the Government Code are met.

Section 7 – Chair of the Council

The Mayor shall be the Chair of the Council and shall preside at all Council meetings. A Mayor Pro-Tem shall be selected annually at the first regular meeting of a new Council. In the absence of the Mayor, the Mayor Pro-Tem shall preside. If neither the Mayor nor the Mayor Pro-Tem is present at a meeting, the presiding officer for that meeting shall be selected by a majority of the vote of those Council Members present, providing there is a quorum.

The Chair of the Council may vote on all matters coming before the Council and may offer seconds to motions.

The Chair of the Council shall state all questions coming before the Council, provide the opportunity for discussion from the Council Member, and announce the decisions of the Council on all subjects. Procedural decisions shall be made by the Chair of the Council, who may request advice on such matters from the City Attorney.

Section 8 – Agenda

The City Manager shall prepare the agenda of business for all Council meetings. Topics may be added to the agenda:

1. When deemed appropriate by the City Manager
2. At the direction of the Mayor
3. As directed by at least two City Council Members

Every agenda action item must be supported by a written staff report informing the Council and staff of the issue, background and/or analysis, and recommendation and/or conclusion, unless the item is self-explanatory or the City Manager has waived this requirement.

Agendas will be made available to the public at least 72 hours prior to Regular Council Meetings, Special Meetings, and Work Sessions in the following ways:

1. A copy is placed on the City website at www.fbgtx.org
2. Copies are placed on the front counter at City Hall in the Utility Cashier services area
3. A copy is posted on the main entrance bulletin board at City Hall

Section 9 – Order of Business

The Mayor may determine the order of business for a particular City Council meeting.

The agenda should be arranged to best serve the needs and/or convenience of the Council and the public.

Public Comment: The Mayor will invite citizens to address the Council on an item on the Agenda. In offering input, one should address the City Council, not the audience. All persons wishing to be heard are asked to give their names and whether or not they are a City resident. To allow the Council to complete its legislative agenda, comments should be limited to no more than three (3) minutes per person. At the discretion of the Mayor or upon vote of the Council, this time may be lengthened or shortened. Following any public comment, the Mayor or any member of the City Council may direct staff to research the issue or concern raised by the public and report back to the Council. The Council shall not deliberate or discuss issues raised in the Public Comment. Written comments may be submitted into the record of a Council meeting by presenting the written document to the City Secretary prior to the meeting and be posted on the City website under Agendas. All written comments will be provided to the City Council prior to the meeting. If any speaker wishes to provide documents to the City Council for them to have while they speak, they must provide ten (10) copies of the documents to the City Secretary before the start of the meeting. Anyone only providing one copy, will not have their document distributed to the City Council and Staff until the following day.

The City Council requests that the format of the Agenda Items be as follows:

- i. Staff Presentation
- ii. Public Comments
- iii. City Council deliberation/discussion and action

The items of business for Regular Council meetings may include the following:

1. Call to Order
2. Pledge of Allegiance
3. Invocation
4. Ceremonial Matters/Proclamations/Employee Recognition
5. Council Comments
6. Consent Agenda
7. Public Hearings and action items
8. Ordinances and Resolutions
9. Other Action Items and Updates
10. City Manager's Report

11. Future Agenda Items
12. Executive Session
13. Business Items (if an Executive Session is posted)
14. Adjournment

Section 10 – Voting

Each Council Member shall vote on all questions put to the Council unless a conflict of interest or appearance of fairness problem requires a Council Member to excuse him/herself, which shall be noted in the minutes.

Section 11 – Reconsideration of Previous Vote

The City Council may, at time want to reconsider a vote previously taken. In order to proceed with reconsideration, a motion should be made for reconsideration, and such motion should be voted on and passed by a majority of the Council before the agenda item can be discussed or reconsidered.

Section 12 – Decorum and Debate

When a measure is presented for consideration to the Council, the Mayor shall recognize the appropriate individual to present the matter. When two or more members wish to speak, the Mayor shall name the member who is to speak first. No member of the Council shall interrupt another while speaking except to make a point of order or privilege.

Under the Texas Open Meetings Act, the City Council may not prohibit criticism of the governing body, including criticism of any act, omission, policy, procedure, program, or service, provided the criticism is not otherwise prohibited by law. Notwithstanding the previous sentence, behavior that fails to yield the floor when the speaker's time is concluded; is not relevant to the agenda item when required; repeatedly interrupts a Council or board member; disturbs the order of the meeting; involves defamatory, threatening, abusive, vulgar or obscene language; or disrupts the Council meeting is prohibited.

All speakers are asked to be respectful and courteous to Councilmembers, staff, other speakers, and those in attendance at the meeting.

Any speaker or audience member that violates these rules of decorum or engages in disruptive behavior may be subject to removal from the meeting.

Section 13 – Questions of Parliamentary Procedure

Questions of parliamentary procedure not covered by these Rules shall be governed by the current version of Robert's Rules of Order.

Section 14 – Notice of Public Hearings

Notice of all public hearings to be conducted by the City Council or any of its advisory boards and commissions shall be given by publishing written notice, as required by law, ordinance, or other statutes, or if there is no particular requirement, then at least once in the City's official newspaper prior to the date of the hearing.

Passed and approved by the City of Fredericksburg City Council July 1, 2013

Amended by the City of Fredericksburg City Council February 3, 2014

Amended by the City of Fredericksburg City Council June 4, 2018

Amended by the City of Fredericksburg City Council June 7, 2021

Amended by the City of Fredericksburg City Council December 6, 2021

Amended by the City of Fredericksburg City Council September 6, 2022

Reviewed by the City of Fredericksburg City Council May 25, 2023



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary

TO: Mayor & City Council Members

FROM: Garret Bonn, Assistant City Manager

MEETING DATE: June 18, 2024

CATEGORY: OTHER ACTION ITEMS AND
UPDATES

CAPTION: Consider and Take Action on Boards and Commission Appointments and Re-appointments (Garret Bonn, Assistant City Manager)

PRESENTATION:

SUMMARY:

Consider and take action on appointments and re-appointments for terms that expire on June 30, 2024 and any other vacant positions on the City's Historic Review Board, Planning & Zoning Commission, Zoning Board of Adjustment, and Market Square Redevelopment Commission.

BACKGROUND: The following positions for each board or commission will need to be filled:

- Historic Review Board - 3
- Zoning Board of Adjustment - 4
- Planning & Zoning Commission - 2
- Market Square Redevelopment Commission - 3

A number of current members have indicated they are willing to serve for another term and the City has received a total of 17 applications from community members who are interested in serving on various boards and commissions.

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

Staff recommends action be taken to fill all boards and commissions.

COMPREHENSIVE PLAN GUIDING PRINCIPLE:

Government Vision

ATTACHMENTS:

None

APPROVAL/REVIEW:



Anna Hudson, Director of Development Services

Date: June 13, 2024



Garret Bonn, Assistant City Manager

Date: June 13, 2024



Krista Wareham, Director of Finance

Date: June 13, 2024



William McKamie, City Attorney

Date: June 13, 2024



Clinton Bailey, City Manager

Date: June 14, 2024



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Development Services

TO: Mayor & City Council Members

FROM: Anna Hudson, Director of Development Services

MEETING DATE: June 18, 2024

CATEGORY: CITY MANAGER'S REPORT

CAPTION: Comprehensive Plan Implementation Update: Sidewalks - presentation on Adopted Sidewalk Plan Map and strategies to improve connectivity (Development Services and Engineering)

PRESENTATION:

SUMMARY:

BACKGROUND:

The current Sidewalk Master Plan was last amended in 2015. The 2024 Comprehensive Plan makes several references to ways to increase the number of sidewalks.

FUNDING SOURCE: General Fund

Grants

TIRZ (if created)

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMPREHENSIVE PLAN GUIDING PRINCIPLE:

Neighborhood Quality

Tourism

City Center

Mobility

Small Town Sensitive Growth

ATTACHMENTS:

None

APPROVAL/REVIEW:



Anna Hudson, Director of Development Services

Date: June 14, 2024



Garret Bonn, Assistant City Manager

Date: June 14, 2024



Krista Wareham, Director of Finance

Date: June 14, 2024



William McKamie, City Attorney

Date: June 14, 2024



Clinton Bailey, City Manager

Date: June 14, 2024



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Manager
TO: Mayor & City Council Members
FROM: Clinton Bailey, City Manager
MEETING DATE: June 18, 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: June 14, 2024



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Manager
TO: Mayor & City Council Members
FROM: Garret Bonn, Assistant City Manager
MEETING DATE: June 18, 2024

CATEGORY: ITEMS FOR FUTURE AGENDA

CAPTION: Future Agenda Spreadsheet

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMPREHENSIVE PLAN GUIDING PRINCIPLE:
Government Vision

ATTACHMENTS:

1. Latest Future Agenda Spreadsheet 2024

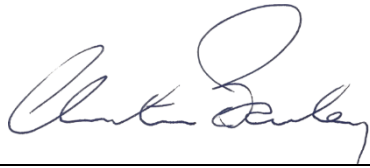
APPROVAL/REVIEW:

Clinton Bailey, City Manager

Date: June 12, 2024

Garret Bonn, Assistant City Manager

Date: June 12, 2024

A handwritten signature in blue ink, appearing to read "Clinton Bailey". The signature is fluid and cursive, with the first name "Clinton" and last name "Bailey" clearly distinguishable.

Clinton Bailey, City Manager

Date: June 14, 2024

City Council Regular Meeting July 2, 2024

2024-109	Consider Modifications to Make Municipal Court a Court of Record and Update Associated Fees/Fines	Ordinances	Shelley Becker	Mun. Court
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Future Agenda Items

2023-635	Consider Professional Design & Engineering Service Contract for Sanitary Sewer Lift Station Projects	Approve	Kris Kneese	Public Works
2024-____	Consider a Request for an Extension of a 380 Development Agreement with Former Tx Rangers Foundation (July 16 th)	Consideration	Garret Bonn	Asst. City Manager
2024-____	Consider Revised Fee Structure for Gillespie Co. Health Division	Ordinance	Kelli Olfers	Health Division
2023-487	Consider a Request from the Fredericksburg Independent School District (FISD) For Vacation and Abandonment of Public Right of Way in the Vicinity of the New Middle School Campus	Approve	Evan Williamson	Asst. City Engineer

Upcoming City Council Meetings

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

July 23, 2024 – Budget Workshop – Time/Place TBD



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Manager

TO: Mayor & City Council Members

FROM: Garret Bonn, Assistant City Manager

MEETING DATE: June 18, 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:

Government Vision

ATTACHMENTS:

None

APPROVAL/REVIEW:

Clinton Bailey, City Manager

Date: June 10, 2024

Garret Bonn, Assistant City Manager

Date: June 10, 2024



William McKamie, City Attorney

Date: June 11, 2024



Clinton Bailey, City Manager

Date: June 14, 2024



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary

TO: Mayor & City Council Members

FROM: Garret Bonn, Assistant City Manager

MEETING DATE: June 18, 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

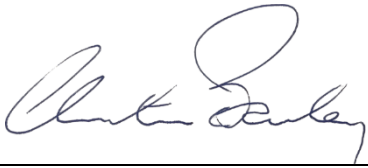
ATTACHMENTS:

None

APPROVAL/REVIEW:

William McKamie, City Attorney

Date: June 11, 2024

A handwritten signature in blue ink, appearing to read "Clinton Bailey". The signature is fluid and cursive, with the first name "Clinton" and last name "Bailey" clearly distinguishable.

Clinton Bailey, City Manager

Date: June 14, 2024