



City of Fredericksburg

REGULAR CITY COUNCIL MEETING AGENDA MONDAY, APRIL 15, 2019 ~ 6:00 P.M. LAW ENFORCEMENT CENTER ~ 1601 EAST MAIN STREET

Linda Langerhans, Mayor
Jerry Luckenbach, Councilmember
Tom Musselman, Councilmember

Gary Neffendorf, Councilmember
Charlie Kiehne, Councilmember
Kent Myers, City Manager

The City of Fredericksburg City Council will meet in a regular session on Monday, April 15, 2019 at 6:00 p.m. in the Law Enforcement Center, 1601 East Main Street, Fredericksburg, Texas. This is an open meeting, open to the public, subject to the Open Meetings Law of the State of Texas, and as required by law, notice is hereby posted on April 12, 2019 before 5:00 p.m., providing time, place, date and agenda thereof. The meeting facility is wheelchair accessible and accessible parking spaces are provided. Requests for accommodations or interpretative services must be made to the City Secretary 48 hours prior to this meeting.

(Please turn off all pagers and phones, except emergency on-call personnel.)

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER

3. EMPLOYEE RECOGNITIONS

4. PUBLIC COMMENTS

This time is for citizens to address the City Council on issues and items of concern not on this agenda. There will be no City Council action at this time.

5. 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 CITY COUNCIL.

A. Consider approval of the April 1, 2019 City Council Regular Meeting Minutes.
(Agenda Packet Pages 5-10)

B. Consider approval of a street closure request for the 10th annual Oktoberfest Kraut Run for W. Travis Street from N. Crockett to N. Adams beginning Saturday, October 5, 2019 from 6:30 a.m. - 12 p.m.
(Agenda Packet Pages 11-20)

C. Consider approval of two street closure requests for Oktoberfest 2019 for Adams Street between Main and Austin on Wednesday, October 2, 2019 at 5 p.m. – Monday, October 7, 2019 at 3 p.m. and second closure at Austin Street between Crockett and Adams on Thursday, October 3, 2019 at 12 p.m. – Monday, October 7, 2019 at 12 p.m.

(Agenda Packet Pages 21-28)

- D. Consider approval of a street closure request for the 2019 Fredericksburg Food & Wine Fest for parking lane and one southbound lane of Adams Street adjacent to Marktplatz between Main Street and Austin Street beginning Thursday, October 24, 2019 at 3 p.m.-Monday, October 28, 2019 at 3 p.m.

(Agenda Packet Pages 29-32)

6. PUBLIC HEARINGS

- A. Public hearing to receive comments on the annexation of approximately 213.64 acres of land situated in Gillespie County, Texas along U.S. Highway 290 East, consisting primarily of frontage properties located along U.S. Highway 290 East, extending from the existing City Limit line to the east approximately one (1) mile to the City's Extraterritorial Jurisdiction (ETJ). (2nd Public Hearing).
(Agenda Packet Pages 33-48)
- B. Public hearing to receive comments on request Z-1901 to consider Ordinance 2019-10 amending Section 7.825 - Special Provisions Applicable to Central Fredericksburg – of Appendix B – Zoning Ordinance of the Code of Ordinances; to reduce the area along W. Main Street subject to Special Parking Regulations.
(Agenda Packet Pages 49-58)
- C. Public hearing to receive comments on request Z-1902 to consider Ordinance 2019-11 amending the Appendix B-Zoning Ordinance of the Code of Ordinances; to prohibit use of Outdoor Amplified Sound when adjacent to property zoned for Single Family Residential Use.
(Agenda Packet Pages 59-76)
- D. Public hearing to receive comments on a request Z-1905 to consider Ordinance 2019- 12 amending the Appendix B-Zoning Ordinance of the Code of Ordinances to establish an additional Commercial Zoning District in the City (C-1.5, Medium Commercial Zoning District).
(Agenda Packet Pages 77-98)
- E. Public hearing to receive comments on request Z-1906 to consider Ordinance 2019-13 amending the Appendix B – Zoning Ordinance of the Code of Ordinances; to establish a Mixed Use Infill Zoning District in the City (MU-1; Mixed Use-Infill).
(Agenda Packet Pages 77-98)
- F. Public hearing to receive comments on a request Z-1907 to consider Ordinance 2019-14 amending the Appendix B-Zoning Ordinance of the Code of Ordinances to establish a Mixed Use Corridor Zoning District in the City (MU-2; Mixed Use – Corridor).
(Agenda Packet Pages 77-98)

7. ORDINANCES

- A. Consider approval of Ordinance 2019-10 amending Section 7.825 - Special Provisions Applicable to Central Fredericksburg – of Appendix B – Zoning Ordinance, of the Code of Ordinances; to reduce the area along W. Main Street subject to special parking regulations, and providing for an effective date (Z-1901).
(Agenda Packet Pages 49-58)
- B. Consider approval of Ordinance 2019-11 amending the Appendix B-Zoning Ordinance of the Code of Ordinances; to prohibit use of Outdoor amplified sound when adjacent to property zoned for single family residential use, and providing for an effective date (Z-1902).
(Agenda Packet Pages 59-76)

- C. Consider approval of Ordinance 2019-12 amending the Appendix B-Zoning Ordinance of the Code of Ordinances to establish an additional Commercial Zoning District in the City; and providing for an effective date (Z-1905) (C-1.5, Medium Commercial Zoning District).
(Agenda Packet Pages 77-98)
- D. Consider approval of Ordinance 2019-13 amending the Appendix B-Zoning Ordinance of the Code of Ordinances to establish a Mixed Use Infill Zoning District in the City; and providing for an effective date (Z-1906) (MU-1; Mixed Use – Infill).
(Agenda Packet Pages 77-98)
- E. Consider approval of Ordinance 2019-14 amending the Appendix B-Zoning Ordinance of the Code of Ordinances to establish a Mixed Use Corridor Zoning District in the City; and providing for an effective date (Z-1907) (MU-2; Mixed Use – Corridor).
(Agenda Packet Pages 77-98)
- F. Consider approval of Ordinance 2019-15 amending Article 16.500 – Impact Fees, of Appendix A – Fee Schedule, of the Code of Ordinances, to update and amend the Impact Fees assessed by the City.
(Agenda Packet Pages 99-102)

8. RESOLUTIONS – OTHER ACTION ITEMS - DISCUSSION ITEMS

- A. Consider the approval of Resolution 2019-03R opposing the routing of the proposed Permian Highway Pipeline through Gillespie County; requesting immediate action from the State Legislature; and providing an effective date.
(Agenda Packet Pages 103-106)
- B. Consider the approval of a Lease Agreement with Fort Martin Scott Friends for the facilities they exclusively use at Fort Martin Scott.
(Agenda Packet Pages 107-120)
- C. Consider setting time and place to hold Special Meeting to canvas the May 4, 2019 City General and Special Election, Issue the Certificate of Elections, and administer the Oath of Offices.
(Agenda Packet Pages 121-122)
- D. Discussion on the annexation of approximately 213.64 acres of land situated in Gillespie County, Texas along U.S. Highway 290 East, consisting primarily of frontage properties located along U.S. Highway 290 East, extending from the existing City Limit line to the east approximately one (1) mile to the City's Extraterritorial Jurisdiction (ETJ).
(Agenda Packet Pages 33-48)

9. CITY MANAGER'S REPORT

- A. Legislative Update
- B. Sports Park Election

10. ITEMS FOR FUTURE AGENDA

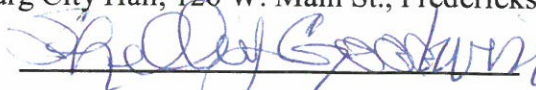
(Agenda Packet Pages 123-124)

11. COUNCIL COMMENTS

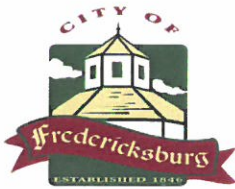
Reports about items of community interest, which no action will be taken.

12. ADJOURN

This is to certify that I, Shelley Goodwin, posted this Agenda at 3:55 p.m. on April 10, 2019 at the entrance and on the bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.



Shelley Goodwin, TRMC
City Secretary



City of Fredericksburg

ADDENDUM TO AGENDA OF CITY COUNCIL REGULAR MEETING MONDAY, APRIL 15 ~ 6:00 P.M. LAW ENFORCEMENT CENTER ~ 1601 EAST MAIN STREET

Notice is hereby given of a Regular Meeting of the Fredericksburg City Council, to be held on Monday, April 15, 2019 at 6:00 p.m. in the Law Enforcement Center, 1601 East Main Street, Fredericksburg, Texas.

The following item is hereby added to the previously posted agenda for the City Council Regular Meeting on Monday, April 15, 2019:

12. EXECUTIVE SESSION

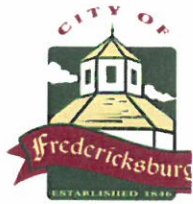
The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section 551.071 – Consider and discuss E. 290 Owner's Coalition (an Unincorporated Non-Profit Association) vs. City of Fredericksburg, Texas.

13. BUSINESS ITEMS

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

This is to certify that I, Shelley Goodwin, posted this Addendum to Agenda at 3:45 p.m. on April 12, 2019 on the entrance door and bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.

Shelley Goodwin, TRMC
City Secretary



CITY OF FREDERICKSBURG
MINUTES OF CITY COUNCIL REGULAR MEETING
APRIL 1, 2019

Members Present:

Mayor Linda Langerhans
Councilmember Charlie Kiehne
Councilmember Gary Neffendorf
Councilmember Jerry Luckenbach

Members Absent:

Councilmember Tom Musselman

City Staff Present:

Kent Myers, City Manager
Clinton Bailey, Assistant City Manager/Director Public Works and Utilities
Daniel Jones, City Attorney
Steve Wetz, Police Chief
Brian Jordan, Development Services Director
Russell Immel, Information Technology Director
Kris Kneese, Assistant Director Public Works and Utilities
Garret Bonn, Assistant City Engineer
Shelley Goodwin, City Secretary

1. Pledge of Allegiance

Mayor Langerhans led the Pledge of Allegiance.

2. Call to Order

With a quorum of the City Council present, Mayor Langerhans called the regular meeting of the Fredericksburg City Council to order at 6:00 p.m. on Monday, April 1, 2019, in the Law Enforcement Center, 1601 East Main Street, Fredericksburg, Texas 78624.

3. Employee Recognitions and Proclamation

A. Public Safety Telecommunications Week

Kent Myers, City Manager, stated he received a thank you from Larry Wertz for the Phase II of the sidewalk projects on S. Milam.

Mayor Langerhans announced that the City has proclaimed the week of April 14 through 20, 2019, as National Public Safety Telecommunicators Week

4. Public Comments

No one wished to speak.

5. CONSENT

A. Consider approval of the March 18, 2019 City Council Regular Meeting Minutes.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Kiehne to approve Consent Agenda 5. A. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

6. PUBLIC HEARINGS

A. Public hearing to receive comments on the annexation of approximately 213.64 acres of land situated in Gillespie County, Texas along U.S. Highway 290 East, consisting primarily of frontage properties located along U.S. Highway 290 East, extending from the existing City Limit line to the east approximately one (1) mile to the City's Extraterritorial Jurisdiction (ETJ).

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Neffendorf, to go out of Regular Session into a Public Hearing at 6:04 p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

Curtis Cameron spoken in opposition of the annexation. He stated he felt the tax base will bring in less than the City's expenses for providing services.

Jean Polichino spoke regarding the annexation and she was not aware of what properties along 290 E. were included. She inquired to the City services that will be provided and cost for annexation.

Bob Welch spoke regarding the annexation. He supports annexation but was not included in the annexation.

Sue Fairman read a letter on behalf of Tim Woodburn, who opposes the annexation. She also inquired as to when the services would be provided and the cost for the services.

Sharon Hodges spoke in opposition to the annexation. She also wanted to know when the services would begin and the cost for those services.

Don Dietz spoke in opposition to the annexation and stated he felt the City was trying to annex all the area that is undeveloped properties along 290 E.

Mickey Poole spoke regarding the volunteer annexation agreement he submitted but has not heard if the agreement was received and/or accepted.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Kiehne, to go out of the Public Hearing and back into Regular Session at 6:17 p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

Brian Jordan, Development Services Director, reviewed the statue regarding annexation and provided the directions that were received from the City Council. He also reviewed the letters that went to the residents who owned property in the proposed annexation area. He also reviewed the history of the annexation, the proposed Service Plan, and the timeline.

Daniel Jones, City Attorney, reviewed the process used for the voluntary annexation. He also reviewed the Texas Open Meeting Act regarding the Agenda language. He stated normally the first public hearing is to receive comments from the public and at the second public hearing a City Council discussion is also posted on the Agenda.

Kent Myers, City Manager, reviewed the annexation calendar.

B. Public hearing to receive comments on the Water and Wastewater Impact Fee.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Neffendorf, to go out of Regular Session into a Public Hearing at 6:37 p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

Polly Rickert, Planning and Zoning Commission and Impact Fee Member, reviewed the process that was used for determining the proposed Impact Fees. She stated she feels the proposed Impact Fees are necessary to assist with trying to re-coop the cost of the expenses and upcoming projects. She stated during the meetings there was a discussion about having a tiered fee structure.

Mayor Langerhans asked if anyone wished to speak. No one wished to speak.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Neffendorf, to go out of the Public Hearing and back into Regular Session at 6:41 p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

Mayor Langerhans then moved to Agenda Item 7. C.

7. RESOLUTIONS – OTHER ACTION ITEMS - DISCUSSION ITEMS

A. Consider approval of the Pioneer Museum contract for Hotel/Motel Occupancy Tax be extended to December 2020 due to finalization of building project.

Kent Myers, City Manager, stated the Pioneer Museum has requested that their Hotel/Motel Occupancy Tax contract with the City be extended to December 31, 2020, to allow time for them to complete major construction of Vereins Kirche.

Jeryl Hoover, Executive Director, thanked the City Council for their support and reviewed the Vereins Kirche project.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Neffendorf, to extend the Pioneer Museum Hotel/Motel Occupancy Tax contract until December 31, 2020. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

B. Consider approval of change in project scope of contract for Hotel/Motel Occupancy Tax for Friends of Gillespie County Country Schools, Inc.

Kent Myers, City Manager, stated the Friends of Gillespie County Country Schools has requested that they be allowed to apply \$7,895 of the Hotel/Motel Occupancy Tax funds that they previously received to expand the scope of work at Rheingold School.

Patsy Hauptrief, Treasure for the Friends of Gillespie County Country Schools, thanked the City Council for their support and reviewed the Rheingold School project.

Motion: A motion was made by Councilmember Kiehne, seconded by Councilmember Luckenbach, to amend the Friends of Gillespie County Country Schools, Inc. Hotel/Motel Occupancy Tax contract to include applying \$7,895 of funds previously received to be used on the expanded scope of work at Rheingold School project. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

C. Presentation and update on the Water and Wastewater Impact Fee.

Kris Kneese, Assistant Director of the Public Works Department, provided the history and required process for reviewing the Impact Fee. He recommended setting the recommended maximum allowable impact fee of \$3,707 for water and \$3,480 for wastewater. He also stated the Committee recommended a phased approach to increasing the impact fees.

Grady Reed, HDR Engineering, reviewed the PowerPoint Presentation regarding the process, current impact fees, fee design, and fee determination. He also reviewed the application areas, 10 year CIP, and a comparison of fees from other municipalities.

The City Council discussed the component used during the fee design and the proposed maximum fee determination. They also discussed the number of platted, non-platted properties, the annual effective date, and a discount for different sizes of homes.

The City Council agreed by consensus to bring back an Ordinance setting the maximum impact fee of \$3,707 for water and \$3,480 for wastewater and 3 tiers with the effective date being July for next three years.

D. Presentation and update on the Municipal Drainage Utility Fee and Stormwater/Vegetation Management Program Implementation.

Garret Bonn, Assistant City Engineer, reviewed the PowerPoint Presentation on Municipal Drainage Utility & Stormwater/Vegetation Management Program. He provided the process being used to prepare for the start of the program (this summer), the implementation, and timeline.

The City Council discussed the arborist requirement for the Supervisor position and how this crew will benefit the other departments.

Kent Myers, City Manager, stated he received a call from Richard Grey who walks around the City and picks up recycling. He stated Mr. Grey invited him on a walk to see certain areas of the City that need to be addressed. He stated several of these areas were creeks, which is what will be addressed by this crew. He recommended the crew take pictures of the creeks before they begin their work and then again when they finish their work.

8. CITY MANAGER'S REPORT

A. Sports Park Bond Proposal

Kent Myers, City Manager, stated City Staff continues to hold education sessions. He stated there will be an education presentation at the Rotary Club, Optimist Club, and a Public presentation on April 22nd at 6 p.m. at the Law Enforcement Center. He also stated a Fact Sheet regarding the Bond will go in the utility bills this month.

B. Legislative Update

Kent Myers, City Manager, stated there are 60 days left in this Legislative Session. He reviewed a Legislative Session handout on bills that would affect the City. He stated that he will continue to keep this item on the Agenda.

C. Fluoridation of City Water

Kent Myers, City Manager, stated a meeting was held with the Clean Fred Fluoridation group to clarify wording for the ballot. They are requesting that the ballot language is for "not adding additional fluoridation to the City water supply". He stated an Ordinance calling for the November election will come before City Council on May 20, 2019.

D. Community Visioning

Kent Myers, City Manager, stated the Community Visioning has been presented to different organization within the community. He also stated the committee is still working on certain areas; one begins child care in the community. There has been a meeting to address this which involves the need for training potential employees.

7. ITEMS FOR FUTURE AGENDA

Kent Myers, City Manager, reviewed the Future Agenda items for the April 15, 2019 and May 6, 2019 City Council Regular Meetings.

8. COUNCIL COMMENTS

Councilmember Luckenbach stated the airport hangar is full and jet fuel sales are up.

9. ADJOURN

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Neffendorf, to adjourn the Monday, April 1, 2019 City Council Regular Meeting at 7:49 p.m. p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

Linda Langerhans
Mayor

ATTEST

Shelley Goodwin, TRMC
City Secretary



CITY COUNCIL MEMO

DATE: April 8, 2019

TO: Mayor and City Council

FROM: Jennifer Krupa, Special Events Coordinator

SUBJECT: Request from Fredericksburg Morning Rotary for Kraut Run Street Closure

Summary:

The 10th annual Oktoberfest Kraut Run, which raises money for literacy and reading programs at Fisd primary, elementary, and middle schools will take place on Saturday, October 5, 2019. The start/finish area for the run is on and adjacent to the horseshoe entry drive of Fredericksburg Middle School. The event takes runners through the residential area northeast of downtown Fredericksburg, between SH 16 north and north Milam/965, returning to the start/finish area via north Adams and Travis St.

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

Run organizers have requested to close one block of W. Travis St. from N. Crockett to N. Adams from 6:30 AM to 12:00 PM. During that time, through traffic on Travis St. will need to detour one block to W. Schubert.

Recommendation:

Recommend Council consider the request to close W. Travis St. from N. Crockett to N. Adams from 6:30 AM to 12:00 PM on Saturday, October 5, 2019.

Background / Analysis:

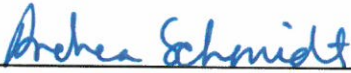
The request above is the identical request that was approved by City Council for the 2018 Kraut Run.

Emergency vehicle access will be allowed throughout the closure.

The Fredericksburg Morning Rotary mailed notification letters to those affected by the closure. A copy of the letter and address labels are attached to this request.

Attachments:

Street Closure Request Form; 2019 Kraut Street Closure Request Letter; Site Layout; Street Closure Map; Notification Letter; Race Route; and Address Label List



Department Approval



City Attorney Approval



City Manager Approval

SPECIAL EVENTS STREET CLOSURE REQUEST



Street closure requests must be made two (2) months in advance to City Council for any closure four (4) hours or more. Please consider this timeline when submitting your request. Please also attach the notification letter you will send to abutting property owners (if applicable) with this request to the Special Events Coordinator.

Event Name:	Kraut Run
Event Date(s):	Saturday, October 5, 2019
Contact Name:	Bob Hickerson
Contact Phone:	(806) 543-3926

Closure Area:

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

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

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

Oktoberfest is requesting use of the following: Lot across from City Hall next to Broadway Bank on Fri., Oct. 4 at 6 PM until Sun., Oct. 6 until 8 PM;

Street Closure Details:

Street Name	Between (cross street)	And (cross street)	Start Date	Start Time	End Date	End Time
Example:	Crockett Street	Adams Street	Friday, 4/2/18	6:00 PM	Sunday, 4/4/18	12:00 PM
W. Travis	N. Crockett	N. Adams	Sat., Oct. 5, 2019	6:30 AM	Sat., Oct. 5, 2019	12:00 PM

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

Date notice provided: 3/13/2019

Printed Name: Robert Hickerson

Date: _____

Signature:

Date: 3/13/2019

Street Department: Glenn Koennecke via email

Date: 3-15-19

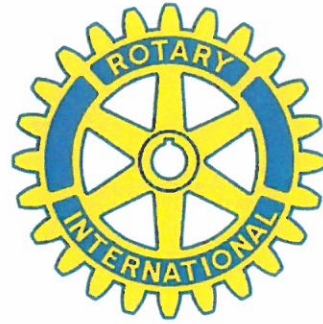
Police Department: Lt. Haley - verbal

Date: 3-15-19

Parks Department: John K...

Date: 3-15-19

Fredericksburg Morning Rotary



From: Fredericksburg Morning Rotary/Bob Hickerson

BH

To: Jennifer Krupa/Special Events Coordinator

Info: Debbie Farquhar/Creative Marketing

Subj: Street Closure Request – 10th Annual Oktoberfest Kraut Run

In accordance with the City of Fredericksburg event approval procedures, we request permission to close one block of West Travis street from 6:30 a.m. to 12:00 noon on the morning of Oct 5, 2019, to conduct the 10th annual Oktoberfest Kraut Run, which raises money for literacy and reading programs at FISD primary, elementary and middle schools.

The start/finish area for our run is on and adjacent to the horseshoe entry drive of Fredericksburg Middle School. Runners line up on the western side of the horseshoe (the exit lane of the horseshoe drive), then immediately turn right to proceed west on Travis. The event takes runners through the residential area northeast of downtown Fredericksburg, between SH 16 north and north Milam/965, returning to the start/finish area via north Adams and Travis St.

While the start/finish areas are on the school grounds on the NW side of Travis, the post-race celebration and the awards ceremony are held on the SE side of Travis. In addition, we rent the Town Pool bathhouse, which is also on the SE side of Travis. The bathhouse allows runners to prepare for the race and clean-up after the race, so that they have the option of enjoying Oktoberfest events. This arrangement, which is necessary because we can't have the post-race party on FISD grounds, causes a large amount of pedestrian traffic back and forth across Travis St.

Because we have some 400 to 450 runners, volunteers and spectators circulating back and forth across Travis St. all morning, we are again asking for the closure of one block of West Travis St. from 6:30 a.m. to 12:00 ~~a.m.~~ ^{pm}. This has been granted in previous years.

Based on our experience, we firmly believe that the safety of our participants depends on closing Travis St. for the five and one-half hours duration of our event.

The placement of barricades (see attached map) is such that traffic traveling north on N. Crockett can turn left onto W. Travis, and traffic headed east on Travis can turn south on N. Crockett. Similarly, traffic can proceed north and south on N. Adams without interference. This placement of barricades allows through traffic on Travis an easy detour around the race area via W. Schubert St.

I've attached a map which shows our site layout and exact placement of barricades, if approved.

I've also attached the notification letter we send to residents who live adjacent to the start/finish area. I've also included the mailing list.

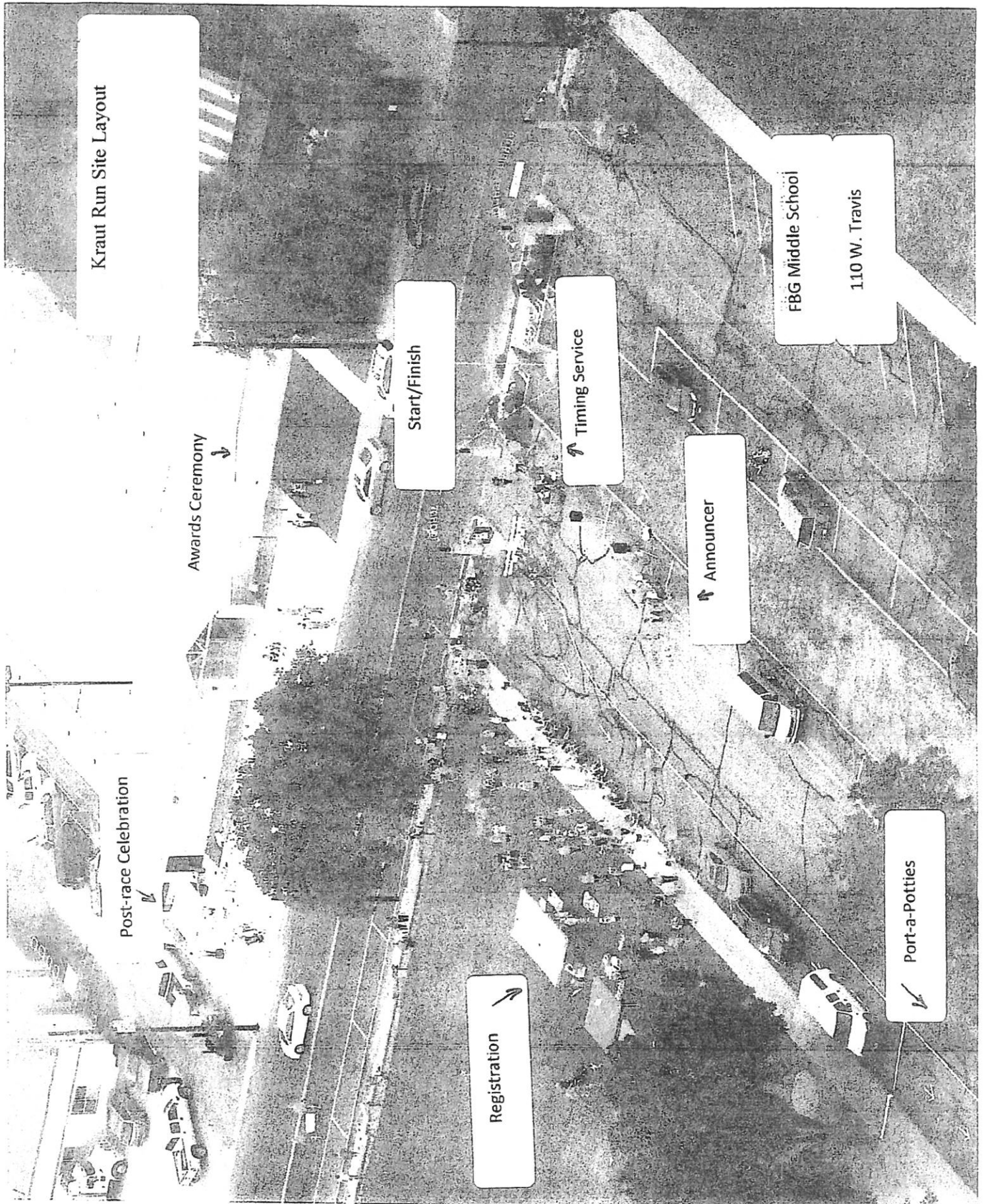
If you have any questions, please contact me at 806-543-3926, or email rhickerson9@gmail.com.

ATTACHMENTS

1 – Kraut Run 2019 Site Map

2 – Kraut Run 2019 Resident Notification Letter

3 – Kraut Run 2019 Resident Mailing List



Kraut Run Site Layout

Awards Ceremony

Start/Finish

Timing Service

Announcer

FBG Middle School

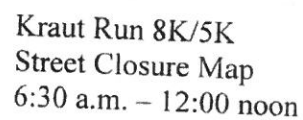
110 W. Travis

Post-race Celebration

Registration

Port-a-Potties

Google Maps



Fredericksburg Morning Rotary



Kraut Run/Walk 8K/5K 2019

From: Fredericksburg Morning Rotary

Subj: Information on the Kraut Run event for 2019

In accordance with the City of Fredericksburg event procedures, we are providing information on this Rotary event which will be conducted in your neighborhood on Oct 5, 2019.

The 10th annual Kraut Run 8K/5K Run and 5K Walk will be held on Saturday, October 5, 2019, starting at 8:00 a.m. at the Fredericksburg Middle School grounds, 110 West Travis, Fredericksburg.

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

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

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

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

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

For more information on our event or to volunteer to help with the race, visit our website at www.fbgkrautrun.com or our Facebook page at www.facebook.com/krautrun/. Race coordinator Bob Hickerson can be reached at rhickerson9@gmail.com or call him at 806-543-3926.

The Fredericksburg Morning Rotary Charity Fund is a 501(c)(3) exempt nonprofit corporation EIN#35-2300785. Contributions are tax-deductible in accordance with current IRS regulations.

St. Philip's Di
St. Shepherd's
Lutheran Ch



Resident
412 N. Adams
Fredericksburg, TX 78624

Resident
109 W. Travis
Fredericksburg, TX 78624

Resident
302 N. Crockett
Fredericksburg, TX 78624

Resident
201 W. Travis
Fredericksburg, TX 78624

Resident
303 N. Adams
Fredericksburg, TX 78624

Resident
404 N. Adams
Fredericksburg, TX 78624

Resident
508 N. Adams
Fredericksburg, TX 78624

Resident
517 N. Adams
Fredericksburg, TX 78624

Resident
205 W. Travis
Fredericksburg, TX 78624

Resident
505 N. Adams
Fredericksburg, TX 78624

Resident
207 W. Travis
Fredericksburg, TX 78624

Resident
208 W. Travis
Fredericksburg, TX 78624

Resident
407 N. Adams
Fredericksburg, TX 78624

Resident
410 N. Adams
Fredericksburg, TX 78624

Resident
405 N. Adams
Fredericksburg, TX 78624



CITY COUNCIL MEMO

DATE: April 8, 2019

TO: Mayor and City Council

FROM: Jennifer Krupa, Special Events Coordinator

SUBJECT: Street Closure Request: Oktoberfest

Summary:

Pedernales Creative Arts Alliance/Oktoberfest is requesting the complete closures of Adams Street between Main and Austin and Austin Street between Crockett and Adams for the 2019 Oktoberfest event. Debbie Reeh, Oktoberfest manager and event producer, has communicated and coordinated with the Adams Street merchants and Bethany Lutheran Church on the closures. The Committee has made allowances for Sunday church services and emergency access lanes on both Adams and Austin will be maintained at all times.

Recommendation:

Recommend Council consider the following two street closure requests for Oktoberfest 2019:

- 1) Adams Street between Main and Austin beginning on Wednesday, October 2nd at 5:00 PM through Monday, October 7th at 3:00 PM; and
 - 2) Austin Street between Crockett and Adams beginning Thursday, October 3rd at 12:00 PM until Monday, October 7th at 12:00 PM.
-

Background / Analysis:

Oktoberfest is the premier special event for the City of Fredericksburg. Oktoberfest has coordinated extensively with City staff and has adopted all recommendations. The request above is the identical request that was approved by City Council for the 2018 Oktoberfest event.

Attachments:

Street Closure Request Form; Oktoberfest Request Letter; Merchant Notification Letter; and two aerial maps



Department Approval



City Manager Approval



City Attorney Approval

SPECIAL EVENTS STREET CLOSURE REQUEST



Street closure requests must be made two (2) months in advance to City Council for any closure four (4) hours or more. Please consider this timeline when submitting your request. Please also attach the notification letter you will send to abutting property owners (if applicable) with this request to the Special Events Coordinator.

Event Name:	Oktoberfest
Event Date(s):	Friday, October 4, 2019; Saturday, October 5, 2019; and Sunday, October 6, 2019
Contact Name:	Debbie Reeh
Contact Phone:	(830) 997-8515

Closure Area:

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

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

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

Oktoberfest is requesting use of the following: lot across from City Hall next to Broadway Bank on Fri., Oct. 4 at 6 PM until Sun., Oct. 6 until 8 PM; ar

Drive-in bays area (corner of Crockett & Austin) on Friday, October 4 at 5 PM until Sunday, October 6 at 10 PM in addition to the requests below.

Street Closure Details:

Street Name	Between (cross street)	And (cross street)	Start Date	Start Time	End Date	End Time
Example:	Crockett Street	Adams Street	Friday, 4/2/18	6:00 PM	Sunday, 4/4/18	12:00 PM
Adams Street	Main Street	Austin Street	Wed., 10/2/19	5:00 PM	Monday, 10/7/19	3:00 PM
Austin Street	Crockett St.	Adams Street	Thurs., 10/3/19	12:00 PM	Monday, 10/7/19	12:00 PM

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

Date notice provided: March 6, 2019

Printed Name: Debbie Reeh

Signature: _____

Date: 3/6/19

Date: _____

Street Department: Glenn Koehnnecke - verbal

Date: 3-12-19

Police Department: Lt. Haley: via email

Date: 3-7-19

Parks Department: Zeifer KP

Date: 3-7-19

March 7, 2019



**First Weekend
In October!!**

**October 4 | 5 | 6
MarktPlatz
Downtown
Fredericksburg
Oompah at its best!**

**Oktoberfest
Celebrates
39 Years
of Texas
Gemütlichkeit**



OktoberfestinFbg.com

830-997-4810

Fest Office:

703 N Llano

Danke Schön!

Mayor Linda Langerhans

Council Members Charlie Kiehne; Jerry Luckenbach; Tom Musselman; Gary Neffendorf

Dear Mayor Langerhans and Council members;

I would like to start, again, by thanking you for supporting of our street closure requests in past years. The working relationship we have with you, City Police, and City staff certainly help Oktoberfest.

We appreciate your consideration of our 2019 request.

Oktoberfest requests two street closures:

- Adams Street -- Wednesday, October 2nd at 5:00pm - Monday, October 7th at 3:00pm
- Austin Street -- Thursday, October 3rd at noon - Monday, October 7th at noon

Oktoberfest would like to use of the following:

- Lot across from City Hall next to Broadway Bank -- Friday, October 4th at 6:00pm - Sunday, October 6th at 8:00pm.
- Drive-in bays area (corner of Crockett and Austin) -- Friday, October 4th at 5:00pm - Sunday, October 6th at 10:00pm.

We can work with City staff on securing Staff parking on the West end of Austin Street.

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

How the community benefits from Oktoberfest:

- Sixteen students will receive money for fall and spring semesters 2019/2020.
- Twenty-eight grants for local art projects are awarded. Some of the recipients include local art guilds, school programs, concerts, theater, band instruments, and more. Along with many enhancements to MarktPlatz: Oktoberfest Halle, Maibaum, landscape/hardscape, Fest Zimmer and Die Küche.
- Six MarktPlatz PCAA Concerts are scheduled for Sunday evenings and are free. This is our way to thank the community for their support and volunteerism.

The street closures have had a positive impact with Oktoberfest's continued growth.

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

- We feature four entertainment stages (***Oompah at its Best!***), kid's area, arts and crafts, a nice selection of German, domestic and Texas Craft beer, wine, food booths, a 42 tournament, OKTUBAFest, a stein hoist contest, Hauptstrasse Chicken Dance and thousands of content festival-goers
- Over 21,000 visitors joined us in 2018
- New this year will be a waltz contest on Friday and family Lederhosen and Dirndl contest on Sunday

Festively,

Debbie Reeh

Oktoberfest Manager and Event Producer

March 4, 2019



**First Weekend
In October!!**

October 4 | 5 | 6

**MarktPlatz
Downtown
Fredericksburg
*Oompah at its best!***

**Oktoberfest
Celebrates
39 Years
of Texas
*Gemütlichkeit***



OktoberfestinFbg.com

830-997-4810

Fest Office:

703 N Llano

Danke Schön!

**Easterling Boot Company
107 N Adams Street
Fredericksburg TX 78624**

Dear Mary and Lloyd,

I want to start by thanking you AGAIN for your support of my street closure request. The working relationship we have with you, the Mayor, Council, Police, and City staff certainly help Oktoberfest.

Oktoberfest is requesting the Adams street closure (same logistical layout as 2018):
Adams Street -- Wednesday, October 2nd at 5:00pm - Monday, October 7th at 3:00pm

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

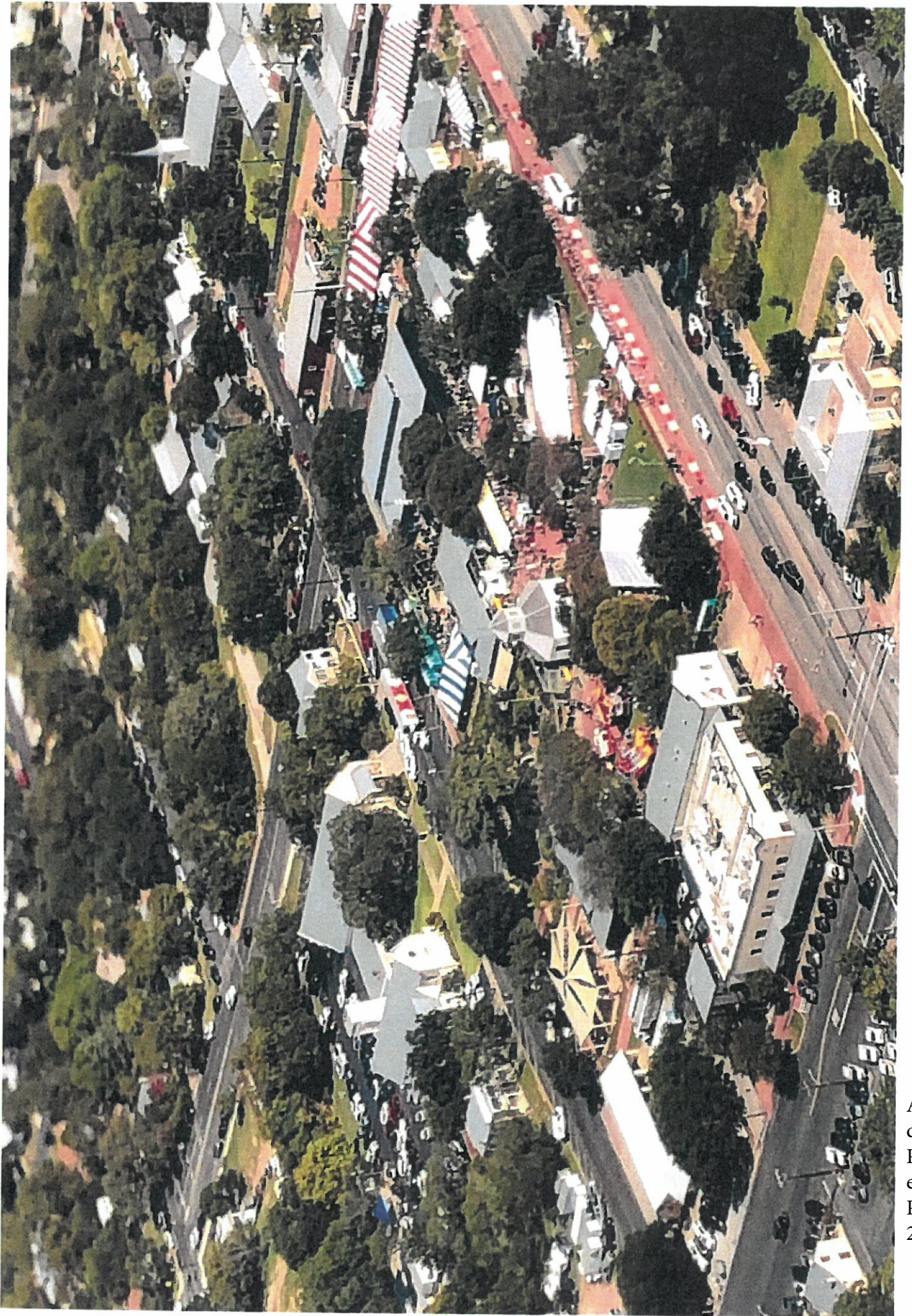
How the community benefits from Oktoberfest:

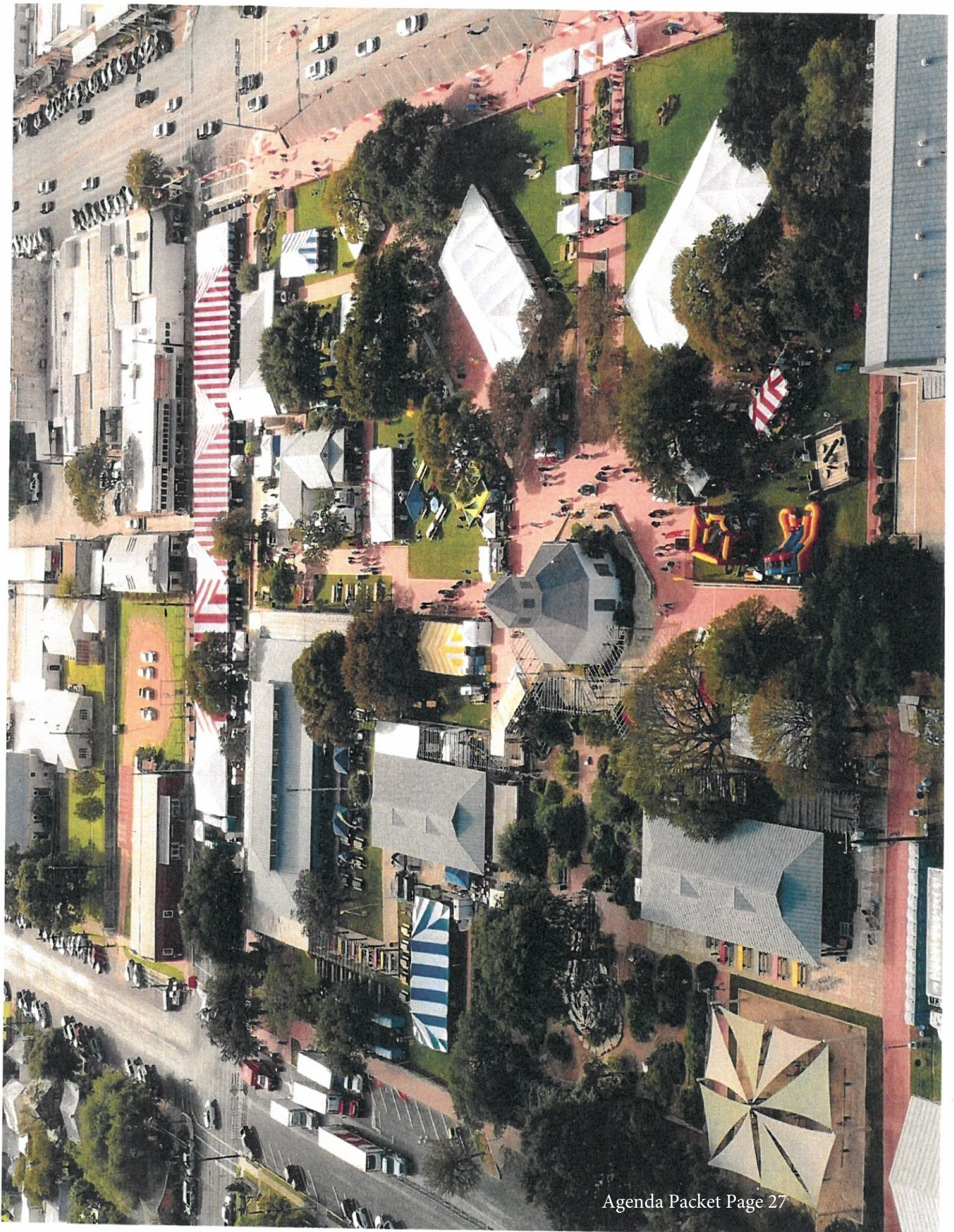
- Sixteen students will receive money for fall and spring semesters 2019/2020.
- Twenty-eight grants for local art projects are awarded. Some of the recipients include local art guilds, school programs, concerts, theater, band instruments, and more. Along with many enhancements to MarktPlatz: Oktoberfest Halle, Maibaum, landscape/hardscape, Fest Zimmer and Die Küche.
- Six MarktPlatz PCAA Concerts are scheduled for Sunday evenings and are free. This is our way to thank the community for their support and volunteerism.

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

- We feature four entertainment stages (*Oompah at its Best!*), bountiful kid's area, hi-strikers, stilt walker, local artisans tent, arts and crafts, German, Texas Craft and domestic beer selection, wine, food concessionaires, a 42 tournament, OktUBAFest, a lederhosen and stein hoist contests, Hauptstrasse Chicken Dance and thousands of content festival-goers
- New this year will be a waltz contest on Friday and family Lederhosen and Dirndl contest on Sunday

Debbie Farquhar Reeh
Oktoberfest Manager and Event Producer







CITY COUNCIL MEMO

DATE: April 8, 2019

TO: Mayor and City Council

FROM: Jennifer Krupa, Special Events Coordinator

SUBJECT: Street Closure Request: Fredericksburg Food & Wine Fest

Summary:

Fredericksburg Food & Wine Fest is requesting to close the parking lane and one southbound lane of Adams Street adjacent to Marktplatz between Main Street and Austin Street beginning Thursday, October 24, 2019 at 3:00 PM until Monday, October 28, 2019 at 12:00 PM.

Recommendation:

Recommend Council consider the street closure request for the 2019 Fredericksburg Food & Wine Fest:
1) Adams Street (parking lane and one southbound lane) between Main Street and Austin Street beginning on Thursday, October 24, 2019 at 3:00 PM through Monday, October 28, 2019 at 3:00 PM.

Background / Analysis:

This year will be the 29th annual Fredericksburg Food & Wine Fest. As the event has grown with wine and specialty booth vendors, so has the need for space and additional time for these vendors to load-in and load-out. Vendors begin to drop off wine and event supplies in the week leading up to the event with the majority of supply drop-offs taking place Friday morning. In addition, the event dumpsters are delivered Friday morning and placed on Adams Street in the parking & southbound lane (please see aerial map) for easy access by the event clean-up crew and are not removed until Monday morning.

The Street Department and Police Department have both reviewed the closure request.

Attachments:

Street Closure Request Form; and Aerial Map



Department Approval



City Attorney Approval



City Manager Approval

SPECIAL EVENTS STREET CLOSURE REQUEST



Street closure requests must be made two (2) months in advance to City Council for any closure four (4) hours or more. Please consider this timeline when submitting your request. Please also attach the notification letter you will send to abutting property owners (if applicable) with this request to the Special Events Coordinator.

Event Name:	Fredericksburg Food & Wine Fest
Event Date(s):	Saturday, October 26, 2019
Contact Name:	Debbie Reeh
Contact Phone:	(830) 997-8515

Closure Area:

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

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

Additional details (attach additional pages as needed for more streets and describe details of use below):
 Fredericksburg Food & Wine Fest is asking to close the parking lane and one southbound lane on Adams Street adjacent to Marktplatz

Street Closure Details:

Street Name	Between (cross street)	And (cross street)	Start Date	Start Time	End Date	End Time
Example:	Crockett Street	Adams Street	Friday, 4/2/18	6:00 PM	Sunday, 4/4/18	12:00 PM
Adams Street	Main Street	Austin Street	Thurs., Oct. 24	3:00 PM	Monday, Oct. 28	12:00 PM

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

Date notice provided: N/A

Printed Name: Debbie Reeh

Date: 3/6/19

Signature: *Debbie Reeh*

Date: _____

Street Department: Glenn Koehnnecke - via email

Date: 3-7-19

Police Department: Lt. Haley - via email

Date: 3-7-19

Parks Department: *[Signature]*

Date: 3-6-19





CITY COUNCIL MEMO

DATE: April 9, 2019

TO: Mayor and City Council

FROM: Brian Jordan, AICP

SUBJECT: : Public hearing on the annexation of approximately 213.64 acres of land situated in Gillespie County, Texas located along U.S. Highway 290 East. (2nd of Two required hearings)

Summary:

The annexation area consists primarily of frontage properties located along U.S. Highway 290 East, extending from the current city limit line to the east approximately one (1) mile to the City's Extraterritorial Jurisdiction (ETJ). The property is characterized by a mix of existing commercial businesses, residences, improved land and ranch land. The required public hearings are scheduled for April 1 and April 15, 2019. The Institution of Annexation Proceedings is scheduled for May 6, 2019.

Recommendation:

Conduct the Public Hearing and receive comments. No action is required.

Background / Analysis:

At the retreat in January, 2018, the City Council prioritized areas of the community for annexation. It was determined that the U.S. Highway 290 East corridor was the highest priority. Staff initiated the annexation process by first establishing a map of the area that would meet the statutory requirements in terms of minimum width. The map was also prepared based on Council direction to include those properties fronting on the highway on the south side of the roadway and increase the width on the north side of the roadway. The attached map was used as the final map for notification purposes.

In June, 2018, a letter was sent to property owners who had a tax exemption for agricultural, wildlife or timber purposes, offering them a pre-annexation development agreement. This agreement allowed these property owners the ability not to be annexed as long as their property remained undeveloped and met certain requirements. It was at this time that a number of property owner's contacted staff to determine if a mutual annexation agreement could be considered. Following a number of meetings and significant discussion, it was staff's opinion that such an agreement could not be met.

On February 27, 2019, letters were sent to all property owners whose properties were included in the proposed annexation (sample copy attached), advising them of the upcoming public hearings. And, on March 1, 2019, new letters were sent to property owners qualifying for the pre-annexation development agreement. To date, we have received one email in opposition to being annexed and three property owners (Dietz, Davenport and Bradshaw) who have signed the pre-annexation development agreement.

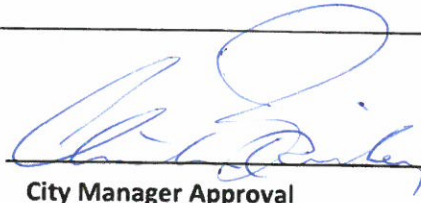
The City is required by statute to prepare a Service Plan for the areas being considered for annexation. The plan sets forth the timing and responsibilities for providing public services. A copy of the Service Plan is attached.

Attachments:

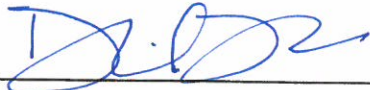
Map of Area, list of property owners, annexation schedule, sample annexation notice letter, sample tax-exempt property letter, service plan, opposition email.



Department Approval



City Manager Approval

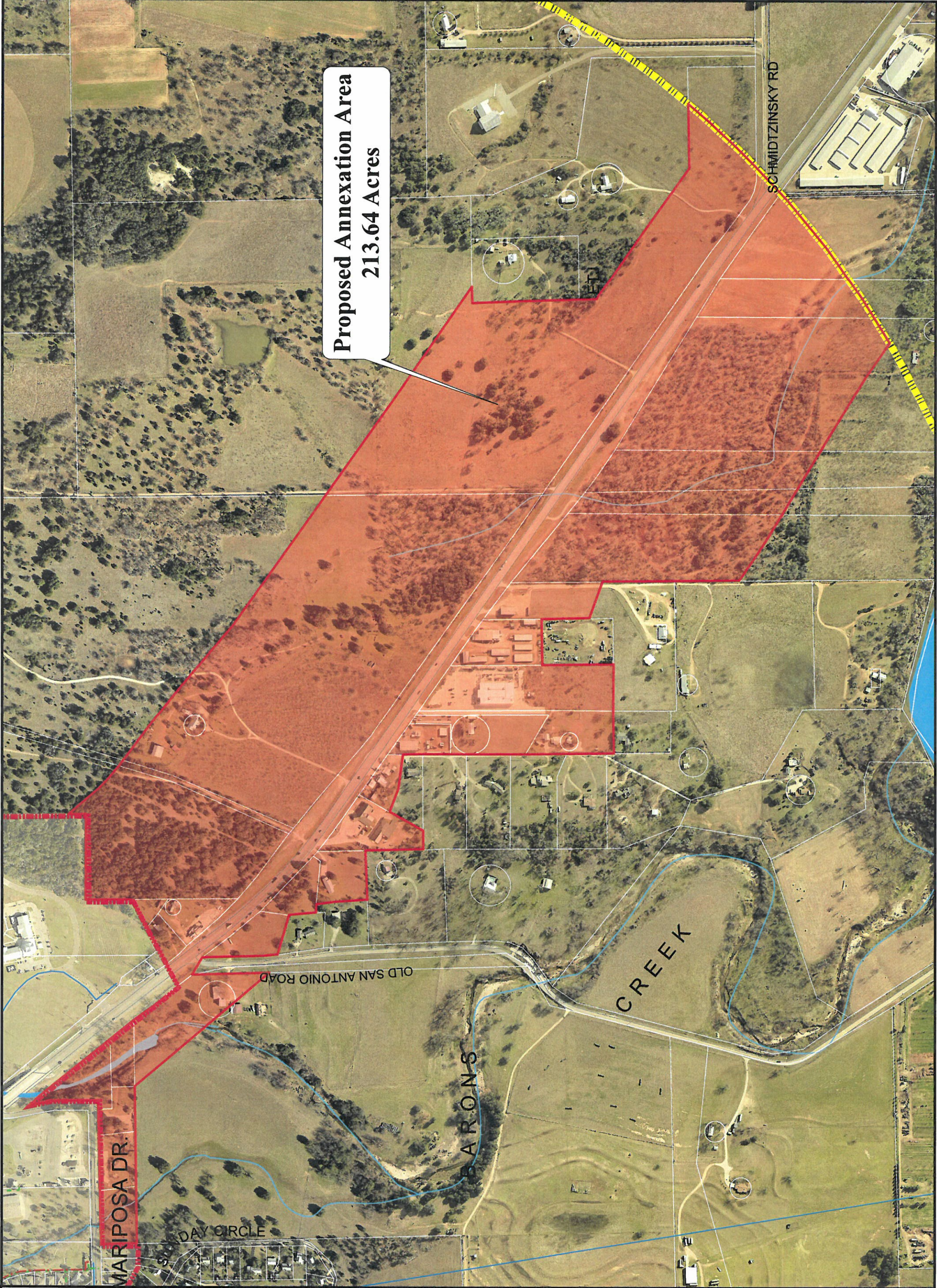


City Attorney Approval

**City of Fredericksburg
Proposed Annexation**

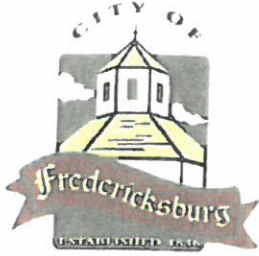
-  Sewer Force Main
-  Sewer Main
-  Water Main
-  City Limit Boundary
-  1-Mile ETJ Boundary
-  ROW / Property Line
-  Proposed Annexation Area

*NOTE: City Limit Boundary currently contains approximately 5,818 acres.
1 inch = 500 feet
March 14, 2019



Property Owner	Mailing Address	Site Address
Gilbert and Betty Esensee	2948 E. US Highway 290, FBG TX 78624	Same
Gilbert and Betty Esensee	2948 E. US Highway 290, FBG TX 78624	2964 E. US Highway 290
Daisy Dee Incorporated	2966 E. US Highway 290	2966 E. US Highway 290
E. Donald and Marcia G. Dietz	3132 E. US Highway 290, FBG TX 78624	3132 E. US Highway 290
William D. and Clare D. Davenport	P.O. Box 2464, FBG TX 78624	3136 E. US Highway 290
Curtis A. Cameron, Etal	111 Cameron Road, FBG TX 78624	173 Cameron Road
Carol L. Bradshaw	655 Bradshaw Ln FBG, TX 78624	755 Bradshaw Ln
William A. Scripps	97 Pioneer Ln. Fredericksburg, TX 78624	
C. Hollmig LLC & Heimer Fam. Partnership	130 S. Seguin, Suite 100 New Braunfels, TX 78130	
Kenneth J Schindler	105 Mariposa Dr. Fredericksburg, TX 78624	Mariposa Drive
Kenneth J Schindler	105 Mariposa Dr. Fredericksburg, TX 78624	Lot 2, Schindlers Orchard
Kenneth J Schindler	105 Mariposa Dr. Fredericksburg, TX 78624	Lot 3, Schindlers Orchard
Kenneth J Schindler	105 Mariposa Dr. Fredericksburg, TX 78624	Lot 4, Schindlers Orchard
Kenneth J Schindler	105 Mariposa Dr. Fredericksburg, TX 78624	Lot 5, Schindlers Orchard
Sharon Hodges	26 Old San Antonio Road FBG, TX 78624	26 Old San Antonio Rd
Mr. W Fireworks Inc.	P.O. Box 114 Somerset, TX 78069	
Daniel Patrick and Amy Oneil	261 Blue Jay Way, FBG TX 78624	3187 E. Highway 290
Timothy and Kay Woodburn	3131 E. US Highway 290 FBG, TX 78624	
Daniel Patrick and Amy Oneil	261 Blue Jay Way, FBG TX 78624	3187 E. Highway 290
William V. and Susan Johnson, Living Trust	P.O. Box 2288 FBG TX 78624	3245 E. Highway 290
William V. and Susan Johnson, Living Trust	P.O. Box 2288 FBG TX 78624	32 Danz Lane
Vernon P. Weber	3273 E. US Highway 290, FBG TX 78624	
Vernon P. Weber	202 Weber Ln FBG, TX 78624	60 Hillview Ln
Joseph and Jean Polichino	181 Danz Ln FBG, TX 78624	
Spirit TS Fredericksburg Tx. LLC	16767 N. Perimeter Dr. Suite 210 Scottsdale, AZ 85260	3325 E. US Highway 290
William H. and Colleen Haley	3411 E. US Highway 290, FBG TX 78624	
Morales King Ranch LLC	8143 Ranch Road 1222 Mason, TX 76856	3443 E. US Highway 290
Akery Investments LLC	105 Cristol Drive.	3567 E. US Highway 290
David William & Karen Katherine Harris	1037 Hidden Hills Dr. Dripping Springs, TX 78620	
David William & Karen Katherine Harris	1037 Hidden Hills Dr. Dripping Springs, TX 78620	
Fredericksburg Pedernales Ranch LP	13100 Trautwein Rd. Austin TX 78737	3567 E. US Highway 290
Fredericksburg Pedernales Ranch LP	13100 Trautwein Rd. Austin TX 78737	3915 E. US Highway 290
Russell and Mitchell, Donna Hutton	1347 Tivydale Road, FBG TX 78624	

Tax Exempt Properties



February 27, 2019

Akery Investments LLC
3567 E. US Highway 290
Fredericksburg, TX 78624

The purpose of this letter is to notify you that your property is included in a proposed annexation area by the City of Fredericksburg. The Gillespie County Appraisal District records indicate that you own property in the proposed annexation area. Under state law, the City may annex the area after following certain notice and hearing procedures contained in Chapter 43 of the Texas Local Government Code.

State law establishes the procedure the City must follow to annex the area. City staff will prepare a proposed service plan describing the services the City will provide to the area upon annexation. The City Council will then hold public hearings to discuss the annexation and the service plan.

The public hearings will be held at the Law Enforcement Center, 1601 E. Main Street, Fredericksburg, Texas at 6:00 p.m. on April 1, 2019, and at the Law Enforcement Center, 1601 E. Main Street, Fredericksburg, Texas at 6:00 p.m. on April 15, 2019.

If you have questions concerning the annexation process, we encourage you to contact Brian Jordan at 830-997-7521. If you no longer own property in the area, we would appreciate it you would contact Brian Jordan so that we can provide this notice to the current owner.

Sincerely yours,

Brian Jordan, AICP
Director of Development Services



March 1, 2019

Akery Investments LLC
3567 E. US Highway 290
Fredericksburg, TX 78624

Dear Property Owner:

The City of Fredericksburg mailed you a letter in June, 2018, offering you the opportunity to enter into a development agreement with the City in lieu of annexation. That development agreement in lieu of annexation was offered pursuant to Section 43.016 of the Texas Local Government Code. The original deadline for your acceptance of the proposed development agreement was established as June 25, 2018. Following this deadline, the City and a number of property owners represented by Mr. Chris Weber entered into discussions concerning numerous issues related to annexation. At this time, no agreement has been reached between the property owners and the City.

Therefore, the City's original offer for you to enter into the development agreement in lieu of annexation remains in effect. Should you elect to accept the offered development agreement, please sign, notarize and return the development agreement to my attention on or before March 15, 2019. Should you elect to decline the City's offered development agreement, you are not required to take any action, your property may be annexed by the City, and you will receive City services following annexation in accordance with the annexation service plan. Said annexation service plan will be available for review during the annexation public hearing process. If the City does not receive an executed development agreement from you on or before March 15, 2019, the City will assume that you have declined to enter into the offered development agreement.

Sincerely,

Brian Jordan, AICP
Director of Development Services

City of Fredericksburg
Annexation Service Plan For
Annexation Parcel 2019-01

I. TERRITORY

This service plan is applicable to approximately 213.64 acres of land located in Gillespie County, Texas (the "Annexation Parcel"), as additionally shown on a map of the area set forth in Exhibit A, a copy of which is attached hereto and incorporated herein by reference. The Annexation Parcel consists primarily of frontage properties located along US Hwy 290 E, extending to the east approximately one (1) mile from intersection of US Hwy 290 E and Old San Antonio Road.

II. GENERAL PROVISIONS

a. Effective Term. This service plan shall be in effect for a ten-year period commencing on the effective date of the annexation.

b. Amendment or Renewal. This service plan may be amended from time to time as provided by Local Government Code, Sec. 43.056(k). Renewal of this service plan shall be at the sole option of the Fredericksburg City Council.

c. Intent. It is the intent of the City of Fredericksburg that this service plan shall provide for the delivery of full municipal services to the annexed area in accordance with State law. The failure of this plan to describe any particular service shall not be deemed to be an attempt to omit the provision of such services from the annexed area. The delivery of municipal services may be accomplished through any means permitted by law.

d. Level of Services to be Provided. It is the intent of the City of Fredericksburg to provide the level of services required by State law. The City Council finds and determines that the level of services, infrastructure and infrastructure maintenance provided within the area prior to annexation is not greater than is provided in the City. The City Council finds and determines that the services, infrastructure and infrastructure maintenance proposed by this plan are comparable to that provided to other parts of the City with reasonably similar topography, land use, and population density. The City Council finds and

determines that implementation of this plan in the manner proposed will not reduce the level of fire, police, and emergency medical services available within the City.

III. SERVICES TO BE PROVIDED AT ANNEXATION

The following services will be provided within the annexed area immediately upon the effective date of the annexation. In the case of a gated subdivision, it will be the responsibility of the Property Owners Association (POA) of the gated subdivision to allow timely emergency service access and City staff access, particularly in cases where the access mechanism changes on or after annexation.

a. Police Protection. The City of Fredericksburg Police Department will provide police services, including criminal investigations, routine patrol, traffic enforcement, and dispatched response to both emergency and non-emergency service calls. It is anticipated that police services within the annexed area will be provided utilizing existing levels of personnel and equipment. Currently, the nearest police station is the City of Fredericksburg Police Department headquarters, located at 1601 E. Main Street.

b. Fire Protection and Emergency Medical Services. The City of Fredericksburg Fire Department will provide emergency fire suppression and routine fire prevention services within the annexed area. The City of Fredericksburg Emergency Medical Services (EMS) Department will provide primary EMS services within the annexed area. Firefighters may be dispatched to the scene of accidents or other medical emergencies to assist EMS personnel or to provide "first responder" services pending the arrival of EMS personnel.

c. Solid Waste Collection. The City provides fee based household garbage and recycling collection services to single family residences within the City. The City does not collect garbage from commercial establishments. Commercial garbage collection and disposal and/or recycling and is available from privately owned collection businesses.

The City currently provides residential garbage collection at the street curb using an automated collection system that requires use of specific collection containers. In accordance with the City's current policy, each residential garbage customer will be provided a collection container for waste disposal.

Privately owned solid waste management service providers currently provide collection services within the annexed area and may continue to provide such services. Pursuant to Local Government Code, Sec. 43.056(n), at any time before the second anniversary of the date an area is included within the corporate boundaries of a the City by annexation, the City may not (1) prohibit the collection of solid waste in the area by a privately owned solid waste management service provider; or (2) offer solid waste management services in the area unless a privately owned solid waste management service provider is unavailable. The City will commence residential collections services prior to the second anniversary of annexation if requested to do so in writing by any property owner. Any such request must be made at least 90 days prior to the proposed effective date for initiation of City service.

d. Maintenance of Water and Wastewater Facilities. The annexation territory is not currently within the service area of the City of Fredericksburg. The extension of City utility services to areas not within the service area of another water or wastewater utility service provider will be provided in accordance with the City's capital improvement plan described in Article IV of this service plan, and the City's water and wastewater utility extension policies that are described in Article V of this service plan.

The City does not maintain privately owned water wells or septic or aerobic wastewater systems. Property owners who currently have water wells, septic or aerobic wastewater systems may keep them as long as they are maintained in proper working order. When City wastewater disposal facilities are available to serve existing development the City may require connection to the City system instead of permitting the installation of new septic or aerobic disposal systems. Mandatory connection to the City wastewater system will not be required where existing systems remain in good working order and do not present a threat to public health or safety.

e. Maintenance of Roads, Streets and Street Lighting. The City is currently not responsible for the maintenance of public streets or roads in the annexed

area.

The City will assume the responsibility for maintenance of public streets and roads previously accepted for maintenance by official action of the Commissioners Court of Gillespie County. Any such streets or roads formerly maintained by Gillespie County that become subject to City maintenance will be maintained in a condition which is at least equal to the Gillespie County maintenance standard, however, the City will not be required to reconstruct or upgrade such streets to a higher standard.

It is the responsibility of a developer to construct or provide new streets or roads necessary to serve the demands of new development in the areas to be annexed. The City may accept the dedication of public streets constructed in accordance with applicable development regulations of the City and will thereafter be responsible for their maintenance.

f. Maintenance of Parks, Playgrounds and Swimming Pools. There are no public parks, public playgrounds, or public swimming pools within the area to be annexed.

g. Maintenance of any other Public Building, Facility or Service. Annexation does not transfer ownership of most public buildings, facilities or services, all of which should continue to be maintained or provided by the public entity that currently owns or provides them. Privately owned facilities, including privately owned and operated storm water detention facilities, are not affected by the annexation.

An appropriate City Department will be assigned to assume responsibility for the maintenance or provision of any required facilities or services which become the responsibility of the City and are not expressly provided for by this service plan.

IV. CAPITAL IMPROVEMENTS PLAN

Construction of the following capital improvements related to the annexation will be substantially completed within 2 ½ years, except for certain services that the City cannot reasonably provide within that period, and for which the City proposes a schedule set forth below to provide for the provision of full municipal services no later than 4 ½ years after the effective date of the annexation.

a. Police Protection. No additional capital improvements are needed at this time to provide police services.

b. Fire Protection. No capital improvements are needed at this time to provide fire protection services.

c. Solid Waste Collection. No capital improvements are needed at this time to provide solid waste collection services.

d. Water and Wastewater Facilities. The City cannot reasonably provide full water and wastewater services to the annexed area within 2 ½ years. To provide for the provision of full municipal water and wastewater services to the annexed area no later than 4 ½ years after the effective date of the annexation, the City proposes a schedule set forth below:

Water Service - Design and construction of water infrastructure including, but not limited to water lines, boring water line infrastructure under HWY 290 East, water valves, fire hydrants, and other appurtenances necessary.

Design of water line infrastructure to be complete by March 2020.

Construction of water line infrastructure to be complete by June 2021.

Wastewater Service - Design and construction of wastewater infrastructure including, but not limited to gravity sanitary sewer system, force main pipe, lift station, and other appurtenance necessary.

Design of wastewater infrastructure to be complete by September 2020.

Construction of wastewater infrastructure to be complete by January 2022.

e. **Roads, Streets and Streetlights.** No new roads, streets or street lights are needed at this time. It will be the responsibility of a developer of any property to provide the new roads and streets necessary to serve new development within the annexed area.

f. **Parks, Playgrounds and Swimming Pools.** No capital improvements are needed at this time to provide recreational services.

g. **Other Public Buildings, Facilities or Services.** No capital improvements are needed at this time to provide other public services.

V. WATER AND WASTEWATER SERVICE EXTENSION POLICIES

The City provides fee based water and wastewater services to the portions of the City which are not within the service area of another water or wastewater utility provider. For lots that have water or wastewater lines in an abutting street or easement, the owner may receive water or wastewater service by applying for a City tap and paying any required fees.

The provision of water and wastewater facilities for new development within the City is primarily governed by the City's building code and subdivision ordinances that are found in Chapters 14 and 94 of the City Code of Ordinances. New development must be served by owner/developer provided public water and wastewater facilities that meet the City's standard requirements. Upon construction and dedication by the owner/developer the City agrees to provide services via the facilities and thereafter to maintain them.

Facilities necessary to serve any new development are generally provided at the sole cost of the developer. Such facilities include not only those which are located within the developer's property, but also any exterior mains which must be extended to connect the property under development to the point of connection with the City's existing facilities. The City need not compensate the developer for the ordinary costs of extending exterior mains.

The City may require that the developer provide oversized water or wastewater facilities. In such cases the City will pay the reasonable cost of such oversizing. Whether or not a particular line sizing constitutes "oversizing," is determined upon the basis of generally accepted sound engineering design

E

practices.

In newly annexed areas the City examines the need for line extensions to serve existing development that does not currently receive water or wastewater services. The City will determine the need for the construction of lines and facilities to serve existing development after giving due consideration to the topography, land use, population density, the adequacy of existing private water wells and septic tanks and anticipated levels of demand. The City will not undertake line extensions to serve such existing development unless the new lines will be logical, reasonable and prudent extensions of the City's existing facilities. From time to time, upon the request of an interested property owner the City will consider whether or not line extensions previously deemed unnecessary have become necessary as a result of changed conditions. The City may recover the capital costs of extending water or wastewater facilities to serve existing development through the use of impact fees, assessments or any other method authorized by law.

Brian Jordan

From: Tim Woodburn
Sent: Wednesday, March 06, 2019 4:50 PM
To: Brian Jordan
Subject: Proposed annexation area

Dear Mr. Jordan,

Since my home is in the area on highway 290 East that would be affected by this proposed annexation, and I am unable to attend the two public hearings scheduled in April, I'm writing to express my opinion on this issue.

I see the growth that has occurred on highway 290 East and understand the city's desire to control it. And if that were all there was to the matter, I would support this annexation.

But the prospect of providing me with services I already have, such as police and fire protection, has no appeal. Or street sweeping or leaf pickup.

Likewise with the water and sewer utilities. I have these resources now. They were paid for at the time the house was built in the form of well and septic system costing thousands of dollars. Trash pickup has been arranged with a third party.

The only effect for me of this annexation is an increase in my property taxes for services I do not need and have not requested. And an increase in revenue for the city of Fredricksburg.

We do not want this annexation, and will not support it.

Tim and Kay Woodburn
3131 E. US Hwy 290
Fredricksburg, Texas

Proposed Annexation and Zoning Schedule for 290 E.

February 7, 2019	Joint Meeting City Council/P&Z to discuss Mixed Use
February 18, 2019	Action by City Council to direct P&Z to make recommendation on MU
Feb. 25, 2019	Prepare/send letters to tax exempt properties, and written notice sent to property owners being annexed (minimum 30 days prior to public hearing)
March 13, 2019	Deadline for tax exempt property owners (Bradshaw and Weber) to decide on selecting non-annexation agreement
March 15, 2019	Deadline for remaining tax exempt properties to decide on selecting non-annexation agreement.
March 13, 2019	Advertisement in Paper for April 3, 2019 P&Z Public Hearing on Mixed Use Zoning District
March 20, 2019	Deadline for preparing Service Plan
March 20, 2019	Advertisement in Paper for April 15, 2019 City Council Public Hearing on Mixed Use Zoning District and April 1, 2019 Annexation Public Hearing
April 1, 2019	1 st Public Hearing on Annexation
April 3, 2019	P&Z consider and make recommendation on MU-1, MU-2 and C-1.5 zoning
April 3, 2019	Advertisement in Paper for April 15, 2019 Annexation Public Hearing
April 15, 2019	2 nd Public Hearing on Annexation, consider ordinance for MU-1, MU-2 and C-1.5 zoning
May 6, 2019	City Council Meeting – Institute Annexation Proceedings (start 90 days)
May 8, 2019	P&Z to recommend establishing MU-2 zoning on annexed property
August 5, 2019	End of 90 Day time frame (decision to annex must be made)



CITY COUNCIL MEMO

DATE: April 9, 2019

TO: City Council

FROM: Brian Jordan, AICP

SUBJECT: : Z-1901, Public Hearing to consider amending Section 7.825 of the Zoning Ordinance pertaining to Special Parking Provisions applicable to Central Fredericksburg.

Summary:

The Council adopted Ordinance 24-005 in May 2014. This ordinance amended Section 7.825 of the Zoning Ordinance, Special Parking Provisions Applicable to Central Fredericksburg by extending these provisions from Washington Street to Elk Street on the east end of town and from Milam Street to Bowie Street on the west end of town. In September, 2015, the Council adopted Ordinance 25-017 that extended these provisions from Bowie Street to Acorn Street. The 600 block of W. Main Street is zoned C-2 Commercial and the property immediately adjacent is zoned R-1 Single Family Residential. By allowing the special parking provisions to be extended into this location, the existing properties are not required to provide on-site parking unless the buildings are expanded (see existing ordinance provisions).

Recommendation:

The Planning and Zoning Commission voted unanimously to recommend approval of the proposed ordinance. Staff concurs with this recommendation. There were several individuals present at the meeting who spoke in support of the ordinance. In addition, we have received 11 letters in support of the ordinance.

Background / Analysis:

In 2015, the Planning and Zoning Commission voted to recommend that the special parking provisions be extended to Acorn Street to correspond with the Historic District. The City Council agreed and approved the ordinance amendment. At that time, staff did not recommend approval of the change to include the block between Bowie Street and Acorn Street.

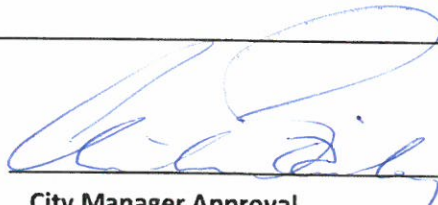
There are several factors that should be considered as part of this evaluation. First of all, the speed limit along Main Street transitions from 30 MPH to 45 MPH at Bowie Street heading west. There are no cross-walks or traffic signals within the blocks west of Milam Street to protect pedestrians crossing the street. The zoning and uses of property adjacent to and behind the lots fronting on Main Street is single family residential. The potential negative affect of this would be if on street parking is not available, parking would likely extend into the residential areas.

Attachments:

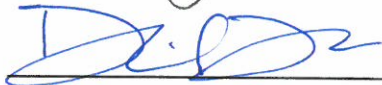
Map of Area, proposed ordinance, current regulations



Department Approval



City Manager Approval



City Attorney Approval

ORDINANCE NO. 2019-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING SECTION SEC. 7.825 - SPECIAL PROVISIONS APPLICABLE TO CENTRAL FREDERICKSBURG - OF APPENDIX B - ZONING ORDINANCE, OF THE CODE OF ORDINANCES; TO REDUCE THE AREA ALONG W. MAIN STREET SUBJECT TO SPECIAL PARKING REGULATIONS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 7.825 of the Zoning Ordinance of the City of Fredericksburg sets forth an area of the City wherein parking regulations are specific to the area which are intended to promote pedestrian-oriented street frontages and discourage inharmonious parking facilities; and

WHEREAS, an application for a text amendment to Section 7.825 of the Zoning Ordinance has been initiated by motion of the City Council; and

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

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

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

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

Section 1. That, Section 7.825 - Special Provisions Applicable to Central Fredericksburg - of Appendix B - Zoning Ordinance, of the Code of Ordinances, is hereby amended by the deletion of Section 7.825(B) in its entirety, and the following substituted therefore:

Sec. 7.825 - Special Provisions Applicable to Central Fredericksburg

B. The Special parking requirements and provisions in this Section shall apply to all areas of blocks 15, 16, 21, 22, 27, 28, 33, 34, 42, 43, 47, 48, 52, 53, 57, 58, 67 and 68 of the Fredericksburg Addition, and which is further described as those blocks bordered by Austin Street, San Antonio Street, Elk Street and Bowie Street.

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

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

PASSED AND APPROVED on this the ____ day of _____, 20____.

Linda Langerhans, Mayor
City of Fredericksburg, Texas

ATTEST:

Shelley Goodwin, City Secretary

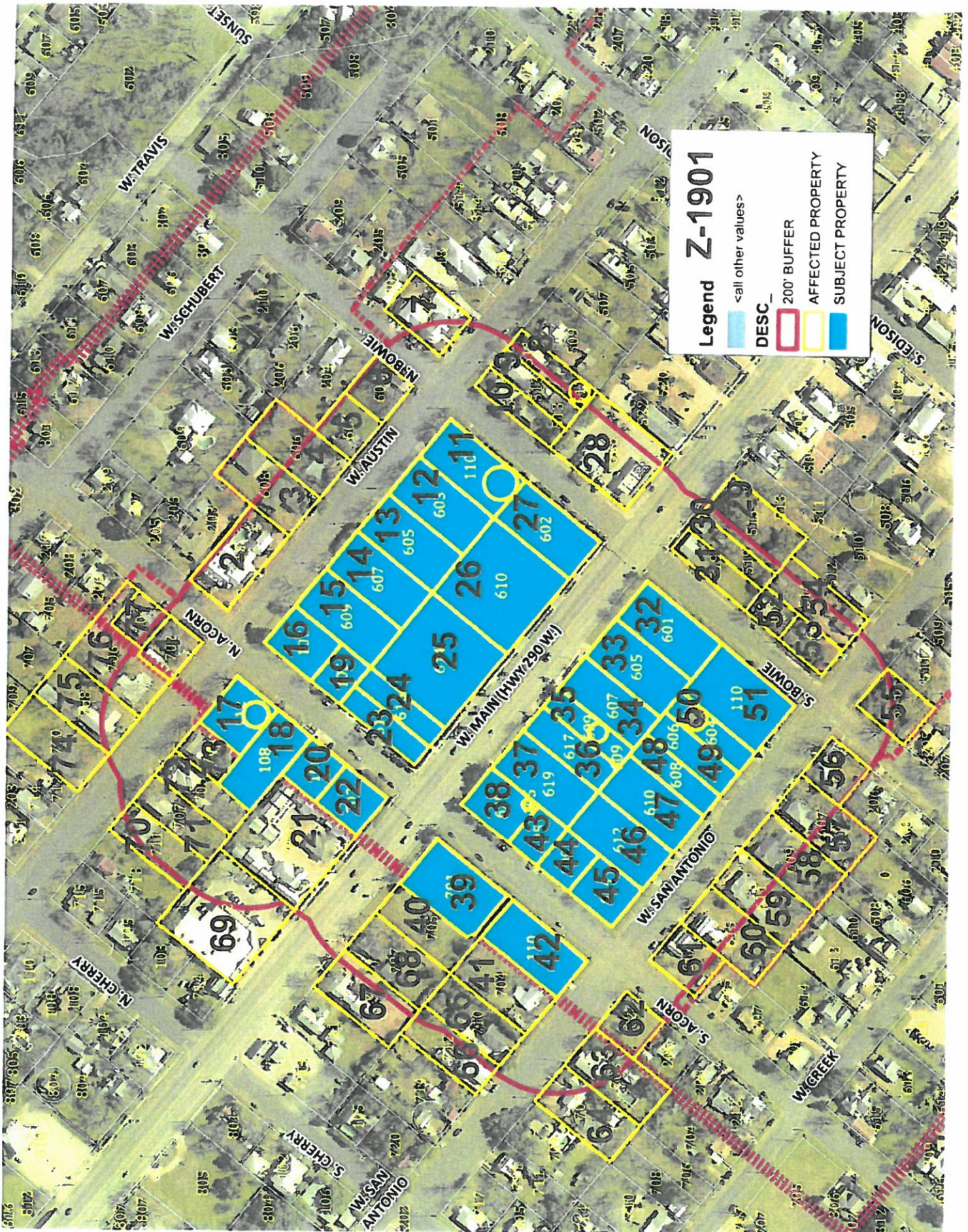
APPROVED AS TO FORM:

Daniel Jones, City Attorney

Sec. 7.825. - Special Provisions Applicable To Central Fredericksburg.

- A. Special parking requirements shall apply within designated portions of Central Fredericksburg in order to further enhance the unique historical character and discourage inharmonious parking facilities in such historical districts or on sites occupied by historic structures and to reduce intrusion on pedestrian-oriented street frontages by parking facility access.
- B. Special Parking Requirements Area, including all of blocks 9, 10, 28, 34, 68, 43, 48, 53, 52, 47, 42, 67, 33 and 27 of the Fredericksburg Addition further described as those blocks bordered by Austin Street, San Antonio Street, Elk Street, and Acron Street, and including lots 127, 127R and 138, Block 4 and lots 271R and 282, Block 3 Fredericksburg Addition (lots fronting on Acron Street).
- C. Special Provisions.
 - 1. For those businesses which construct their own off-street, off-premises parking, the distance to the parking lot may be extended fifty percent (50%) in addition to the provisions in Section 7.850.
 - 2. When any existing building is: (1) converted to another use; or (2) has the usable floor area within the existing building perimeter enlarged, rehabilitated or remodeled, without enlarging said building perimeter, then said building conversion or improvement shall not require additional off-street parking, other than the number of existing off-street parking spaces which are utilized by said building.
 - 3. For new buildings or expanded building space, the following uses shall provide fifty percent (50%) of the off-street parking requirements of Table 7.863.
 - 4. The provisions as provided herein shall not apply for sites where a historic structure is removed and a new building built.
 - 5. The Special Parking Provisions shall not apply to properties utilized as Bed and Breakfasts, hotels, motels, or other lodgings.

(Ord. No. 25-017, 9-21-2015)



Letter	Owner	Address
1	LANG FAMILY RANCHES INVESTMENTS LLC	625 WEATHERBY RD HARPER, TX 78631
2	BRENT & PAMELA GEISTWEIDT	612 W. AUSTIN FREDERICKSBURG, TX 78624
3	HAROLD & KATHLEEN COATES	P.O. BOX 877 FREDERICKSBURG, TX 78624
4	JACK & LUCY ARNOLD	606 W. AUSTIN FREDERICKSBURG, TX 78624
5	GINA WENDEL - LOCKHART	604 W. AUSTIN FREDERICKSBURG, TX 78624
6	MARGARET WENDEL	602 W. AUSITN FREDERICKSBURG, TX 78624
7	JOHN & SUZANNE SHORE	522 W. AUSTIN FREDERICKSBURG, TX 78624
8	CLARA HARRISON	11202 W US HWY 290 HARPER, TX 78631
9	SHEILA WRIGHT	513 W. AUSTIN FREDERICKSBURG, TX 78624
10	DONNA ATWOOD	3910 TOBIN TRL ROWLETT, TX 75088
11	JORDAN MURAGLIA & RICHARD BEAUPRE	P.O. BOX 1849 FREDERICKSBURG, TX 78624
12	MICKEY DUNN	605 W. AUSTIN FREDERICKSBURG, TX 78624
13	MICKEY DUNN	605 W. AUSTIN FREDERICKSBURG, TX 78624
14	LARRY & KATHLEEN BURSON	607 W. AUSITN FREDERICKSBURG, TX 78624
15	FBG TEXAS VACATION PROPERTIES LLC	12923 BEDFORD FALLS DR CYPRESS, TX 77429
16	GORDON TRAVIS	107 N ACORN FREDERICKSBURG, TX 78624
17	CAROLYN MOORE	112 N. ACORN FREDERICKSBURG, TX 78624
18	JOHN WALLACE	108 N. ACORN FREDERICKSBURG, TX 78624
19	GORDON TRAVIS	107 N ACORN FREDERICKSBURG, TX 78624
20	WAYNE & SHERRY RODE	1157 RR 2721 FREDERICKSBURG, TX 78624
21	THIS IS LIFE LLC	10 E LAKE DR ROCKPORT, TX 78382
22	WAYNE & SHERRY RODE	1157 RR 2721 FREDERICKSBURG, TX 78624
23	INN HAUS LLC - SPLENDID INN SERIES	92 SUNNILAND DR FREDERICKSBURG, TX 78624
24	RICHARD LAUGHLIN	616 W. MAIN FREDERICKSBURG, TX 78624
25	ELIZABETH BEHREND	715 W. CREEK FREDERICKSBURG, TX 78624
26	ST. JOSEPHS CREDIT UNION	610 W. MAIN FREDERICKSBURG, TX 78624
27	CARL D NEWTON III	602 W. MAIN FREDERICKSBURG, TX 78624
28	STROEHER & OLFERS PROPERTIES	509 S. ADAMS FREDERICKSBURG, TX 78624
29	REBECCAS RENTAL LLC	243 EMU LN FREDERICKSBURG, TX 78624
30	RAMONA CANCINO - LIFE ESTATE	519 W. MAIN FREDERICKSBURG, TX 78624
31	RAMONA CANCINO - LIFE ESTATE	519 W. MAIN FREDERICKSBURG, TX 78624
32	JOHNNIE & ELAINE WARD	510 JUDY DR DRIPPING SPRINGS, TX 78620
33	FRIEDHELM BOPP	905 W. MAIN FREDERICKSBURG, TX 78624

34	JIM GARNER	607 W. MAIN FREDERICKSBURG, TX 78624
35	COSME & DORIS AGUILAR	909 E. HIGHWAY ST FREDERICKSBURG, TX 78624
36	ROGER CRENWELGE	717 E. MORSE ST FREDERICKSBURG, TX 78624
37	WITTENBURG ENTERPRISES LLC	302 E. CENTRE ST FREDERICKSBURG, TX 78624
38	LAYTON LEISSNER	P.O. BOX 310235 NEW BRAUNFELS, TX 78131
39	KAREN HASCHKE	4208 VENADO DR AUSTIN, TX 78731
40	MARK HALLMAN ENTERPRISES LTD	226 S. GRAND CRU LANE FREDERICKSBURG, TX 78624
41	GEORGE & ESTHER WEBER	704 W. SAN ANTONIO FREDERICKSBURG, TX 78624
42	ROY & ANDREA GENTRY	110 S. ACORN FREDERICKSBURG, TX 78624
43	META DOLGENER	707 W. MORSE FREDERICKSBURG, TX 78624
44	META DOLGENER	707 W. MORSE FREDERICKSBURG, TX 78624
45	BETTY JOHNSON	1261 KNOPP SCHOOL RD FREDERICKSBURG, TX 78624
46	JAMES & BARBARA THOMAS	612 W. SAN ANTONIO ST FREDERICKSBURG, TX 78624
47	BONNIE WARD - LIFE ESTATE	610 W. SAN ANTONIO ST FREDERICKSBURG, TX 78624
48	JEAN BOURTIN & CHRISTY HARGROVE	3811 W. US HWY 290 FREDERICKSBURG, TX 78624
49	RDM PROPERTIES LLC	116 RIDGEWOOD DR FREDERICKSBURG, TX 78624
50	GRACE WALLACE	604 W. SAN ANTONIO FREDERICKSBURG, TX 78624
51	RONALD LEE	1800 POST OAK BLVD STE 6130 HOUSTON, TX 77056
52	TROY & MELISSA BURTON	P.O. BOX 163 JUNCTION, TX 76849
53	JAMES & PATRICIA RICHMOND	516 W. SAN ANTONIO ST FREDERICKSBURG, TX 78624
54	KENNETH & TAMARA SMITH	186 MAPLE ST FREDERICKSBURG, TX 78624
55	MARY MONTGOMERY	4617 S. VERSAILLES AVENUE DALLAS, TX 75209
56	LFP RENTAL INVESTMENTS LTD	420 E. COTTER AVE PORT ARANSAS, TX 78373
57	ADEAK ENTERPRISES LLC	2747 SAN NICOLO LN LEAGUE CITY, TX 77573
58	LOTTIE WEBER - LIFE ESTATE	609 W. SAN ANTONIO FREDERICKSBURG, TX 78624
59	GREGORY & EILEEN KADERLI	P.O. BOX 302 FREDERICKSBURG, TX 78624
60	WALTER & KARYN MOLDENHAUER	615 W. SAN ANTONIO FREDERICKSBURG, TX 78624
61	ELIZABETH WANNER	617 W. SAN ANTONIO FREDERICKSBURG, TX 78624
62	TRE CASA LLC	1341 FELIX LN HYE, TX 78635
63	DAVID & CARLA HERBIG	703 W. SAN ANTONIO FREDERICKSBURG, TX 78624
64	ROY ENDERLIN	707 W. SAN ANTONIO FREDERICKSBURG, TX 78624
65	DAVID SIDLO	547 SMITH RD FREDERICKSBURG, TX 78624
66	TOM & JULIE WARMBRODT	712 W. SAN ANTONIO FREDERICKSBURG, TX 78624
67	TAMMY SIKES	419 E. TRAVIS FREDERICKSBURG, TX 78624

68	DAVID SIDLO	547 SMITH RD FREDERICKSBURG, TX 78624
69	FBG PUBLISHING HOLDING CO.	105 E. MAIN STE 109A FREDERICKSBURG, TX 78624
70	MD GATHERING HOLDINGS LLC	632 POST OAK RD FREDERICKSBURG, TX 78624
71	DEAN MARSHAL & JILL KRAUS	807 SUNSET ST FREDERICKSBURG, TX 78624
72	DEBORAH FARQUHAR	705 W. AUSTIN FREDERICKSBURG, TX 78624
73	AGNES FAMILY LIMITED PARTNERSHIP	703 W. AUSTIN FREDERICKSBURG, TX 78624
74	JAMES & ANN BLAKE	710 W. AUSTIN FREDERICKSBURG, TX 78624
75	PAUL HANNEMANN	708 W. AUSTIN FREDERICKSBURG, TX 78624
76	KATHLEEN CRENWELGE - LIFE ESTATE	706 W. AUSTIN FREDERICKSBURG, TX 78624
77	TEXAS HILL COUNTRY HOLDINGS LLC	8605 COBBLESTONE AUSTIN, TX 78735
Z-1901		



CITY COUNCIL MEMO

DATE: April 9, 2019

TO: City Council

FROM: Brian Jordan, AICP

SUBJECT: : Z-1902, Public Hearing to consider an ordinance amending the Zoning Ordinance prohibiting outdoor amplified sound adjacent to Single Family Residential Zoning districts)

Summary:

On February 18, 2019, the Council voted to initiate the consideration of an ordinance to amend the Zoning Ordinance to prohibit outdoor amplified sound adjacent to single family residential zoning districts. Under current regulations, a business located in a Commercial zoning district that happens to adjoin a residential zone is only restricted by the current sound ordinance. The primary complaints come from neighborhoods located adjacent to commercial zones. The proposed ordinance would prohibit outdoor amplified sound for any use when located adjacent to a Single Family Residential District.

Recommendation:

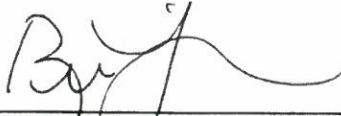
The Planning and Zoning Commission voted unanimously to recommend approval of the ordinance amendment to prohibit exterior amplified sound adjacent to Single Family Residential Zoning Districts. Staff concurs with this recommendation. There was one individual at the meeting who spoke in support of the proposed ordinance.

Background / Analysis:

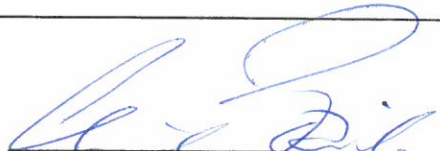
The Council discussed these matters at the joint meeting with the Planning and Zoning Commission recently and decided to direct staff to prepare an ordinance amendment for consideration.

Attachments:

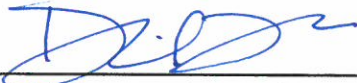
Ordinance, zoning maps showing where ordinance would apply



Department Approval



City Manager Approval



City Attorney Approval

ORDINANCE NO. 2019-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING APPENDIX B - ZONING ORDINANCE, OF THE CODE OF ORDINANCES; TO PROHIBIT USE OF OUTDOOR AMPLIFIED SOUND WHEN ADJACENT TO PROPERTY ZONED FOR SINGLE FAMILY RESIDENTIAL USE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an application for a text amendment of the Zoning Ordinance, related to the restriction of outdoor amplified sound in certain areas of the City, has been initiated by motion of the City Council; and

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

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

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

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

Section 1. That, Section 3.200 – C-1: Neighborhood Commercial - of Appendix B - Zoning Ordinance, of the Code of Ordinances, is hereby amended by the addition of the following Site Development Regulation, to be inserted and added to the table that follows the language “Each site in the C-1 District shall be subject to the following site development regulations” in said Section:

<i>Feature</i>	<i>Regulation</i>
Outdoor Amplified Sound	Prohibited when adjacent to R-1, R-1-A, or R5

Section 2. That, Section 3.210 – C-2: Commercial - of Appendix B - Zoning Ordinance, of the Code of Ordinances, is hereby amended by the addition of the following Site Development Regulation, to be inserted and added to the table that follows the language “Each site in the C-2 District shall be subject to the following site development regulations” in said Section:

<i>Feature</i>	<i>Regulation</i>
Outdoor Amplified Sound	Prohibited when adjacent to R-1, R-1-A, or R5

Section 3. That, Section 3.220 – CBD: Central Business District - of Appendix B - Zoning Ordinance, of the Code of Ordinances, is hereby amended by the addition of the following Site Development Regulation, to be inserted and added to the table that follows the language “Each site in the CBD District shall be subject to the following site development regulations” in said Section:

<i>Feature</i>	<i>Regulation</i>
Outdoor Amplified Sound	Prohibited when adjacent to R-1, R-1-A, or R5

Section 4. That, Section 3.310 – M-1: Light Manufacturing - of Appendix B - Zoning Ordinance, of the Code of Ordinances, is hereby amended by the addition of the following Site Development Regulation, to be inserted and added to the table that follows the language “Each site in the “M-1” district shall be subject to the following site development regulations” in said Section:

<i>Feature</i>	<i>Regulation</i>
Outdoor Amplified Sound	Prohibited when adjacent to R-1, R-1-A, or R5

Section 5. That, Section 3.320 – M-2: Medium Manufacturing - of Appendix B - Zoning Ordinance, of the Code of Ordinances, is hereby amended by the addition of the following Site Development Regulation, to be inserted and added to the table that follows the language “Each site in the “M-2” district shall be subject to the following site development regulations” in said Section:

<i>Feature</i>	<i>Regulation</i>
Outdoor Amplified Sound	Prohibited when adjacent to R-1, R-1-A, or R5

Section 6. That, Section 3.700 – PUD: Planned Unit Development - of Appendix B - Zoning Ordinance, of the Code of Ordinances, is hereby amended by the deletion of the following text in Section 3.700:

Uses Expressly Prohibited

Any use not included in the granting of a Conditional Use Permit shall be deemed as a use expressly prohibited, unless additional uses are included pursuant to an amendment to the Conditional Use Permit authorizing a Planned Unit Development.

{End of code text}

and the following text added and substituted therefore:

Uses Expressly Prohibited

Any use not included in the granting of a Conditional Use Permit shall be deemed as a use expressly prohibited, unless additional uses are included pursuant to an amendment to the Conditional Use Permit authorizing a Planned Unit Development. The use of outdoor amplified sound shall be prohibited when adjacent to R-1, R-1-A, and R-5.

{End of code text}

Section 7. That all references in City of Fredericksburg Code of Ordinances to the Zoning Ordinance shall henceforth refer to such as is amended hereby.

Section 8. That this Ordinance shall take effect upon the date of its passage.

PASSED AND APPROVED on this the ____ day of _____, 20____.

Linda Langerhans, Mayor
City of Fredericksburg, Texas

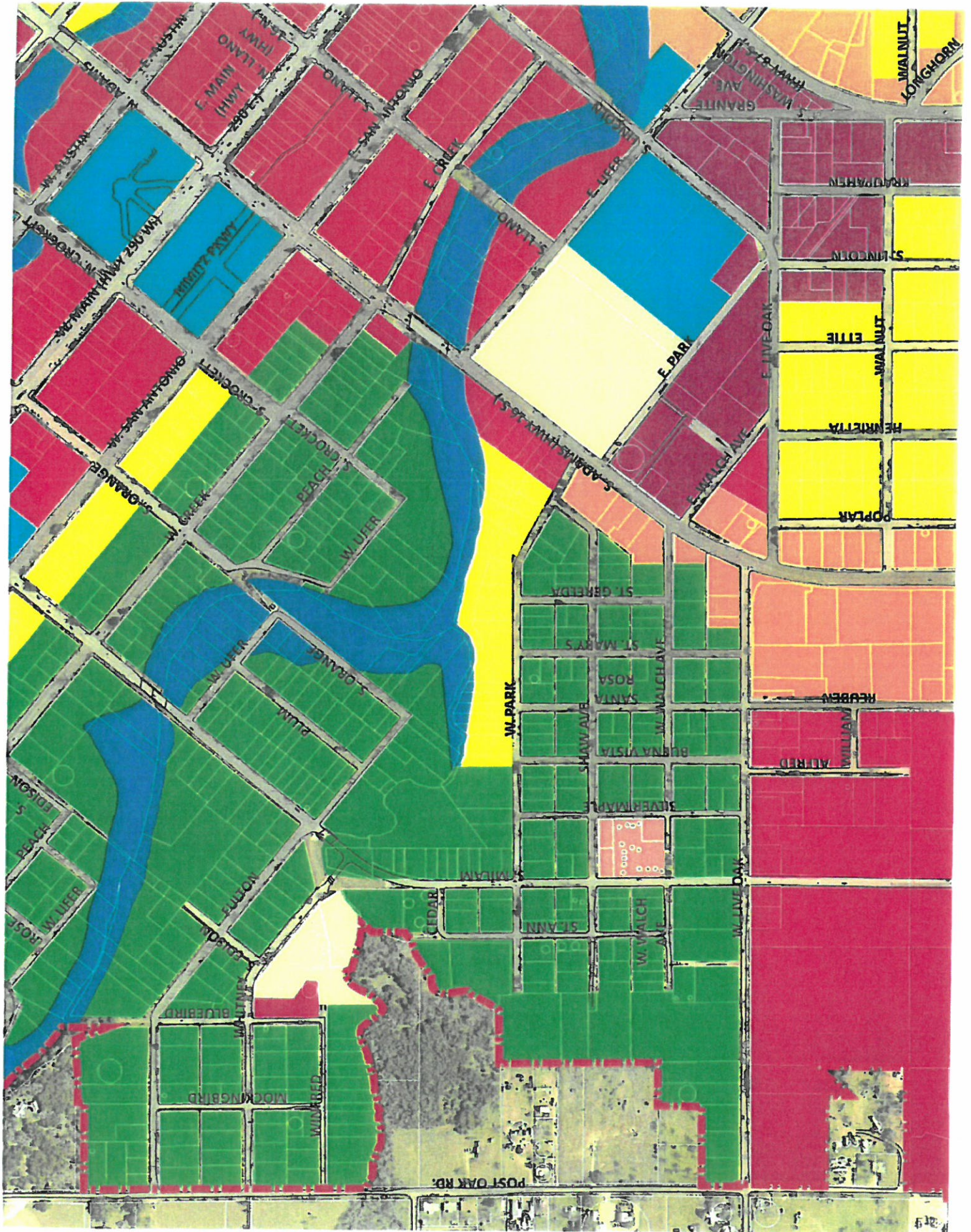
ATTEST:

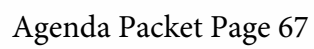
Shelley Goodwin, City Secretary

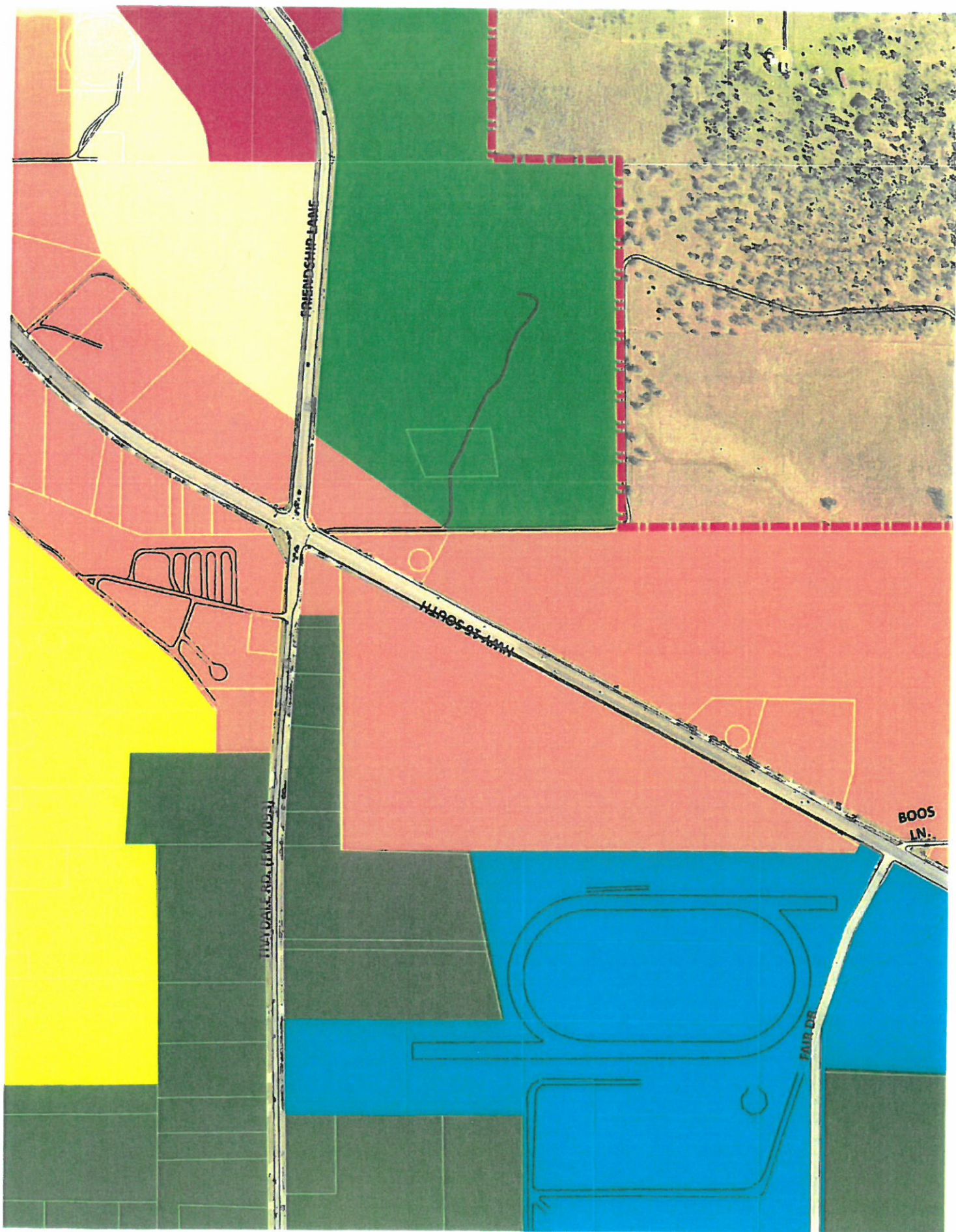
APPROVED AS TO FORM:

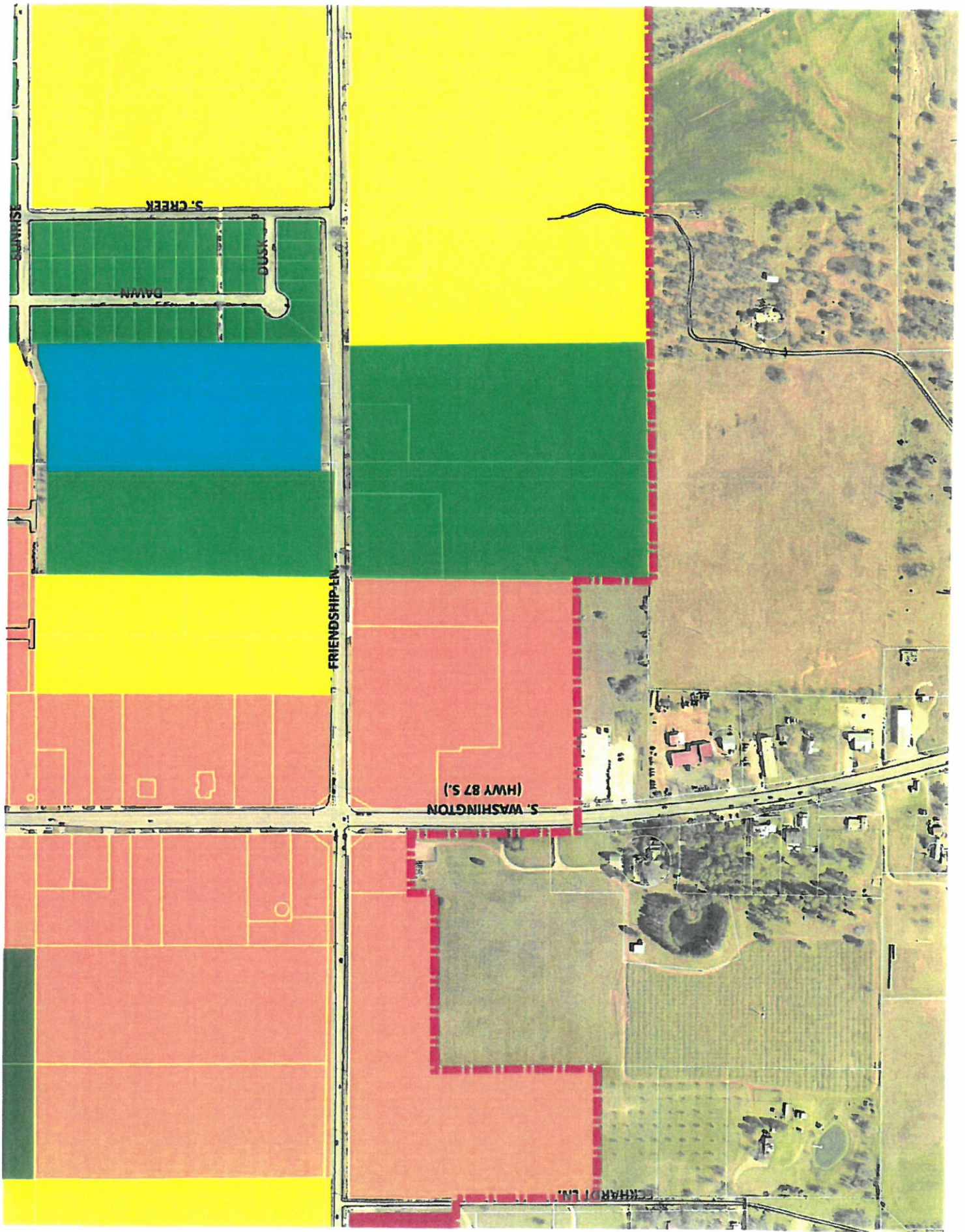
Daniel Jones, City Attorney



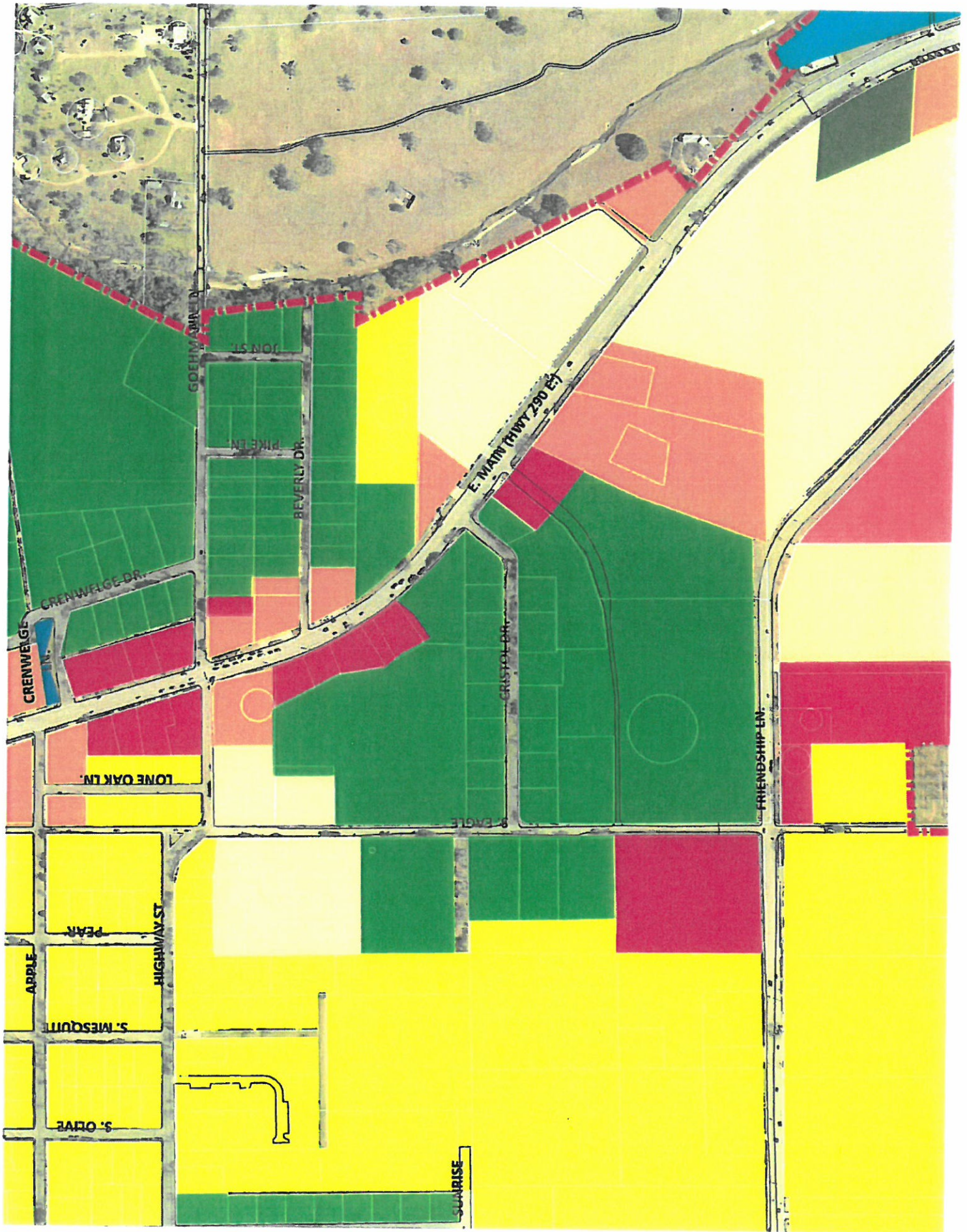


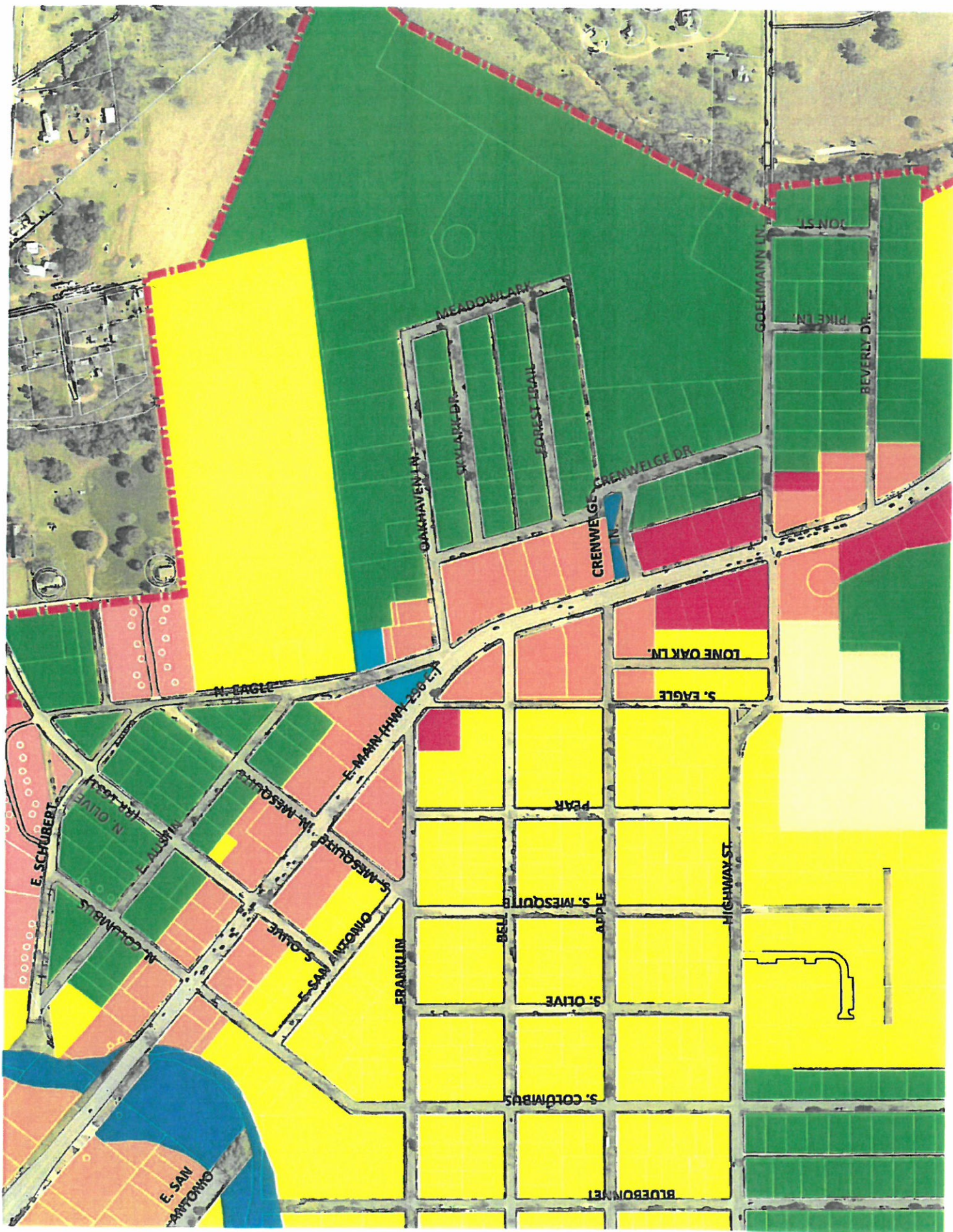


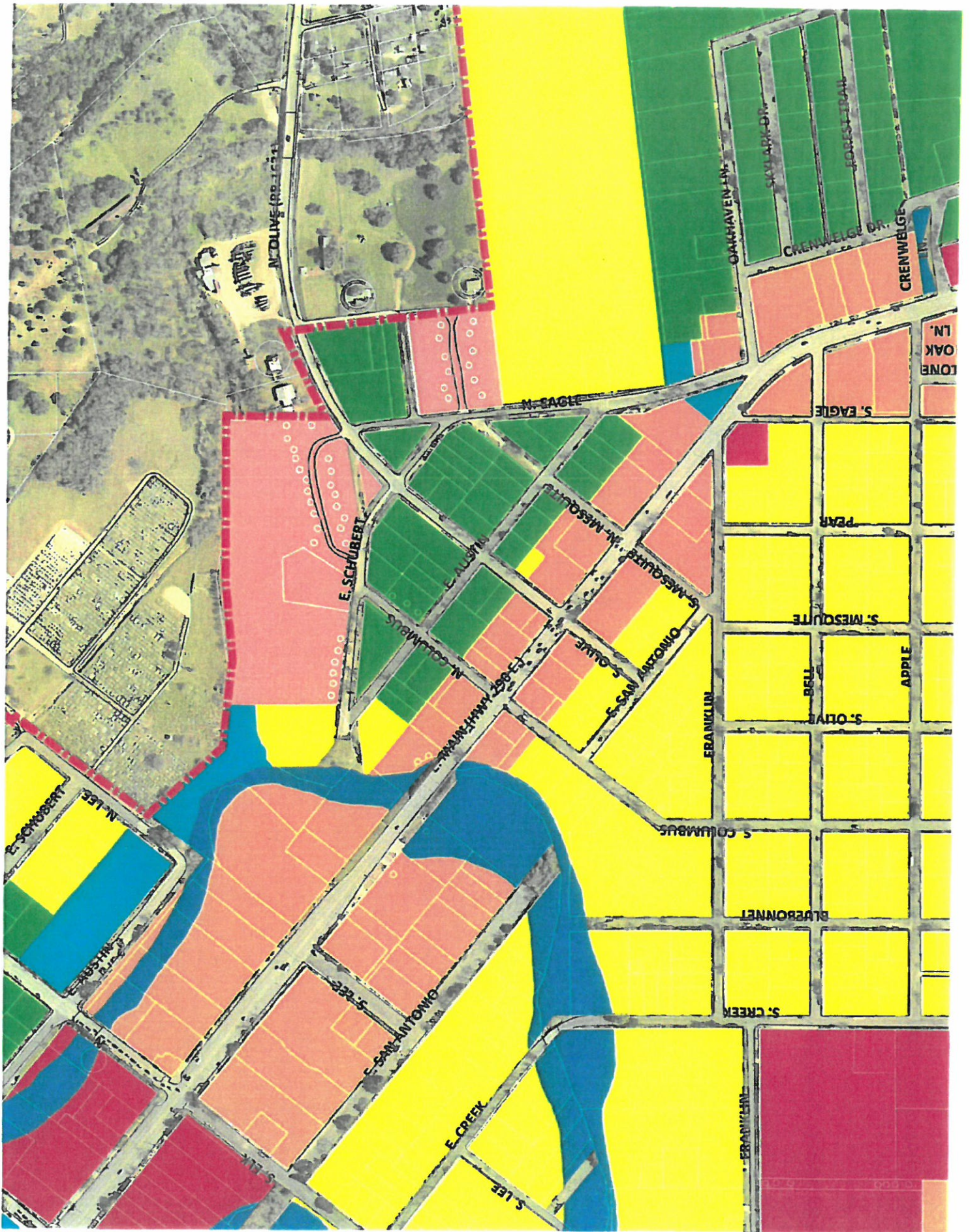


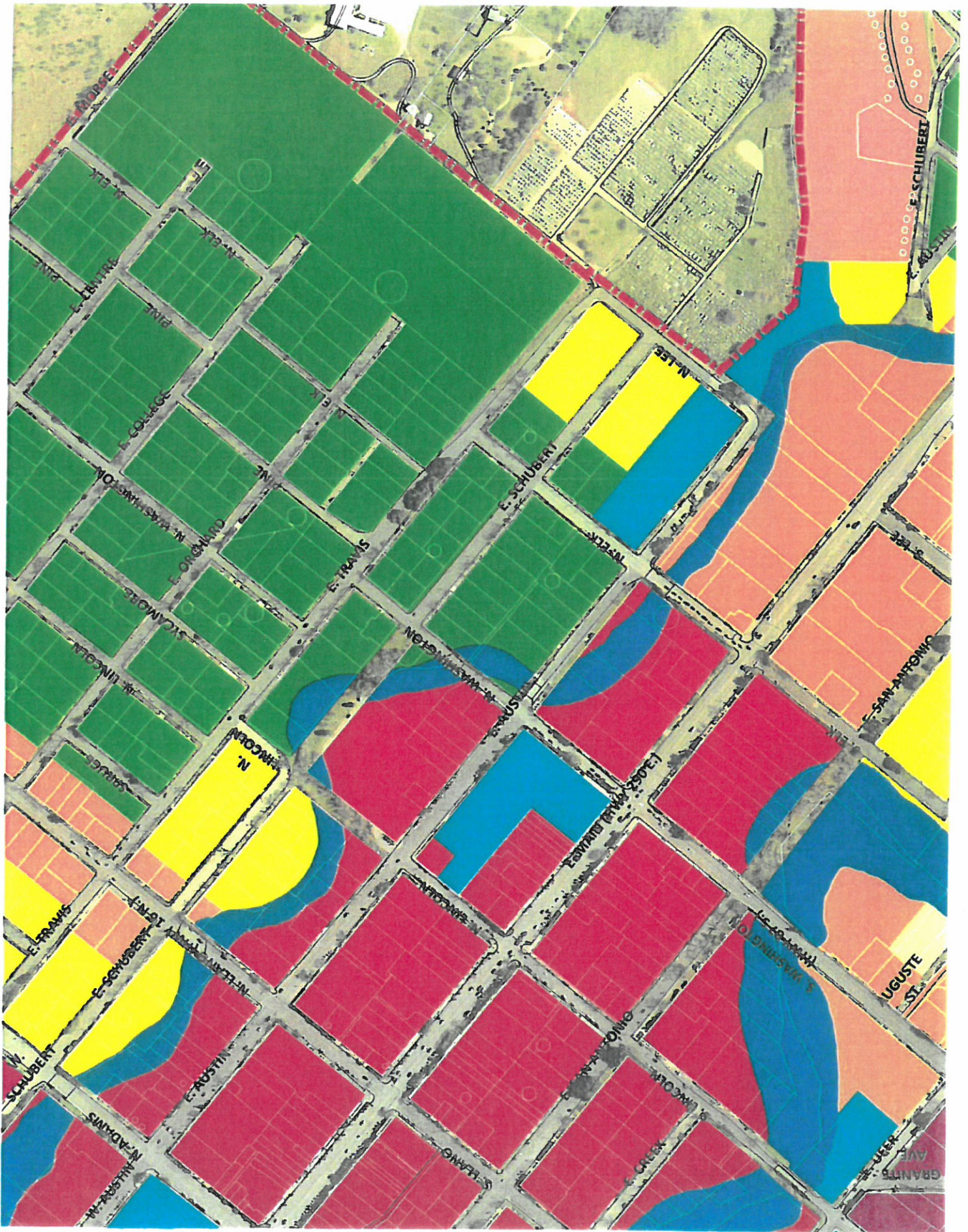


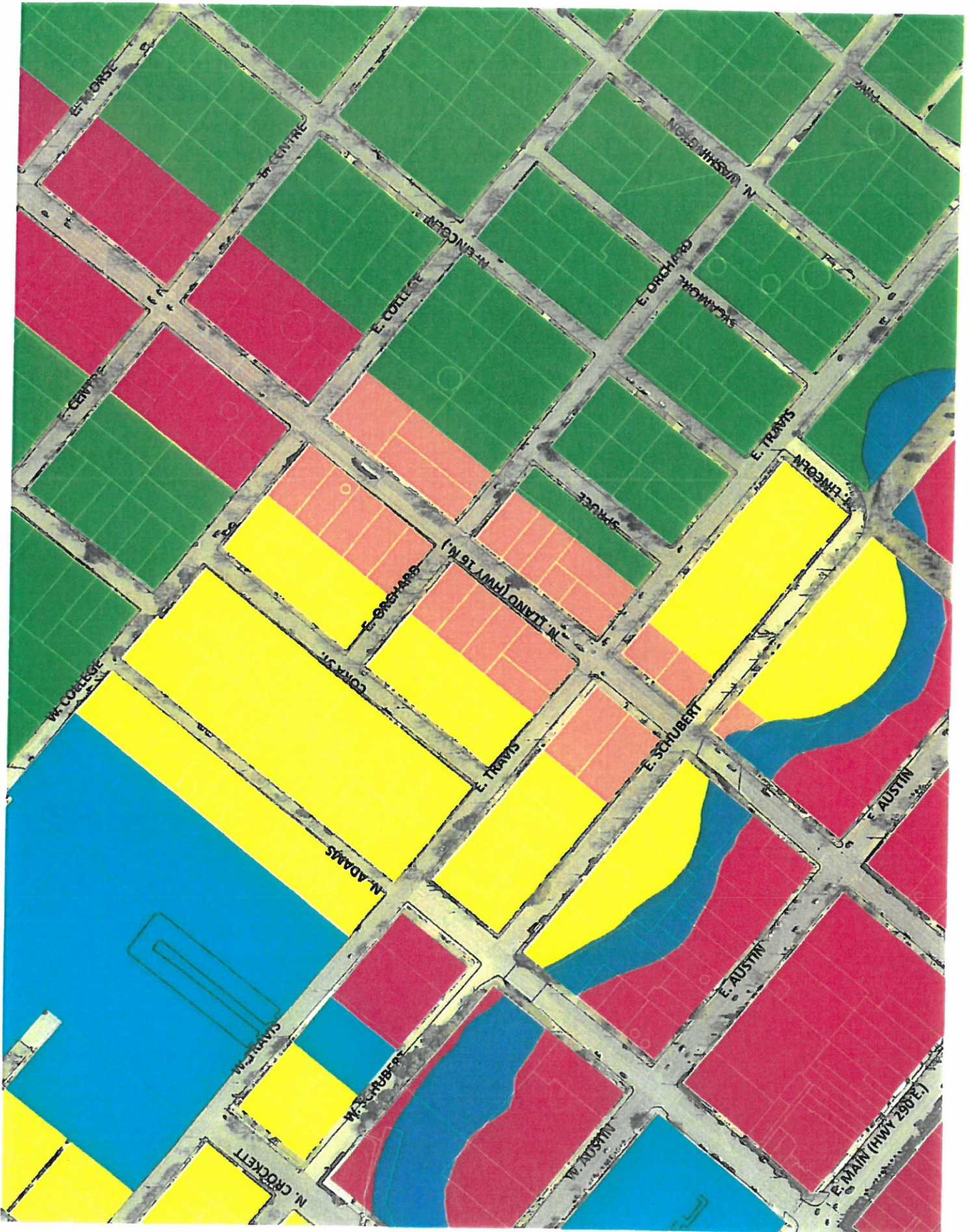


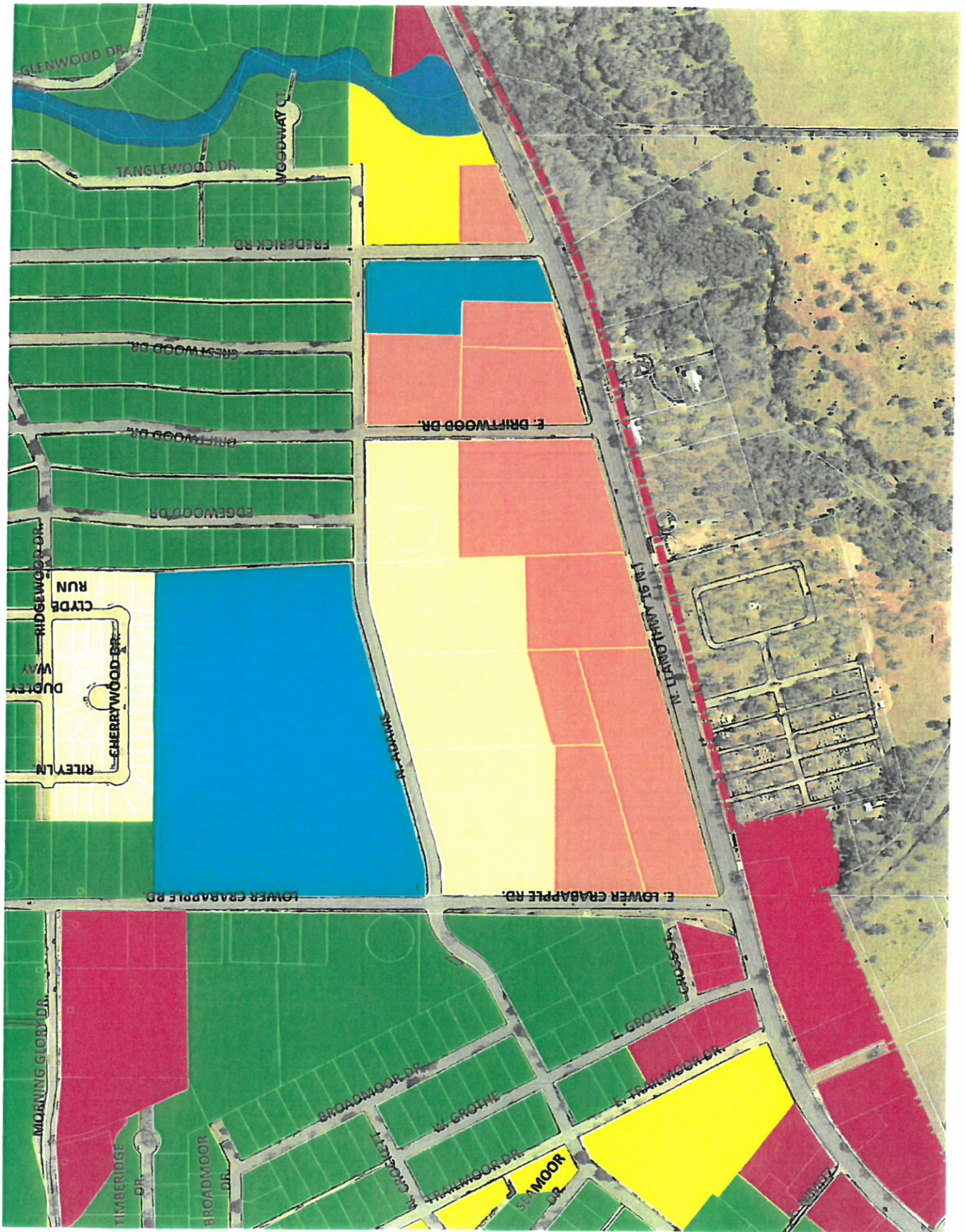














CITY COUNCIL MEMO

DATE: April 9, 2019

TO: City Council

FROM: Brian Jordan, AICP

SUBJECT: (Z-1905, 1906, 1907), an amendment to the Zoning Ordinance to create a MU-1, Mixed Use Infill Zoning District, a MU-2, Mixed Use Corridor Zoning District and a C-1.5 Medium Commercial Zoning District.

Summary:

When the last Comprehensive Plan was adopted, a Mixed Use Corridor Land Use Category was established. The staff and the Planning and Zoning Commission have been working on the creation of a zoning district that would correspond with this category. Two Mixed Use Districts have been created, with one being for major corridors (MU-2) and the other for infill development (MU-1). In addition, a new C-1.5 commercial district has been drafted to fall between our C-1 Neighborhood Commercial District and the C-2 General Commercial District. A copy of each proposed district is attached.

Recommendation:

The Planning and Zoning Commission voted unanimously to recommend approval of the proposed C-1.5 zoning district. Regarding the proposed MU-1 and MU-2 Mixed Used Districts, the Commission voted 6-1 in favor recommending the approval. Recommended changes to the ordinance included a clarification to the maximum height allowed under the Special Site and Development Regulations of 4-stories above grade and 54', and that there be a provision to allow a portion of the required parking to be located in front of the building. The attached ordinances include these revisions. Staff concurs with these recommendations. Separate action will need to be taken on each new proposed zoning district.

Background / Analysis:

Included in each of the proposed mixed use zoning districts are a list of principal permitted uses, uses permitted subject to a conditional use permit, site development regulations and special site and development regulations. The special site and development regulations were created from our discussion on the new districts and from the City's adopted Design Guidelines and Standards for entry corridors. Included in the proposed C-1.5 Medium Commercial Zoning District are a list of principal permitted uses, uses subject to a conditional use permit and site development regulations. No special site or development regulations will apply to this district.

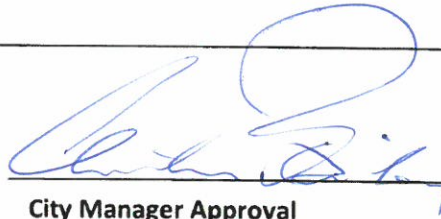
The staff intends to recommend implementing the MU-2, Mixed Use Corridor Zoning District in the area proposed for annexation on US Highway 290 East. We do not have any requests at this time to implement the MU-1 or C-1.5 districts.

Attachments:

MU-1, MU-2, C-1.5 Districts



Department Approval



City Manager Approval



City Attorney Approval

ORDINANCE NO. 2019-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING APPENDIX B - ZONING ORDINANCE, OF THE CODE OF ORDINANCES; TO ESTABLISH AN ADDITIONAL COMMERCIAL ZONING DISTRICT IN THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an application for a text amendment of the Zoning Ordinance, related to the creation of an additional commercial zoning district in the City, has been initiated by motion of the City Council; and

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

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

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

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

Section 1. That, Appendix B - Zoning Ordinance, of the Code of Ordinances, is hereby amended by the addition of Section 3.205 – C-1.5: Medium Commercial as follows:

Sec. 3.205. – C-1.5: MEDIUM COMMERCIAL.

Intent

This zone represents an effort to provide a district between the Neighborhood Commercial District and the Commercial District. Uses have been selected from each of the various districts, with the intent that the proposed uses could function as a transition

between highway commercial and residential neighborhoods, but could also provide a lower impact zone along other major roadways.

Principal Permitted Uses

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

Administrative and Business Office
Arts and Crafts
Business Support Services
Communication Services
Consumer Repair Services
Convalescent Services
Cultural Services
Day Care Services
Financial Services
Guidance Services
Hospital Services (Limited)
Local Utility Services
Medical Offices
Mobile Food Establishments
Outdoor Sports and Recreation
Park and Recreation Services
Personal Improvement Services
Personal Services
Pet Services
Professional Offices
Private Primary Educational Facilities
Private Secondary Educational Facilities
Religious Assembly
Restaurant - Limited
Retail Sales - Limited
Single Family Residential (Detached) – if structure was not used as other than residential in its most recent use
Duplex Residential

Townhouse Residential
Condominium Residential
Multiple Family Residential

Uses Permitted Subject to Conditional Use Permit

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

Automobile Rentals
Building Maintenance Services
Business or Trade School
Club or Lounge
Cocktail Lounge
Convenience Storage
Consumer Convenience Services
Custom Manufacturing
Food Sales
Outdoor Sports and Recreation
Drive through or Drive-in facilities associated with any use
Group Residential
General Retail Services
Kennels
Laundry Services
Liquor Sales
Mobile Food Establishments

Single Family Residential (Detached) – new construction or after
cessation of use other than residential

Property Development Standards

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

Site Development Regulations

Each site in the C-1.5 District shall be subject to the following site development regulations:

<u>Feature</u>	<u>Regulation</u>
Lot Size	Minimum Lot Area, 7,500 Square feet
Lot Width	Minimum Lot Width, 70 feet
Height	Maximum Building Height, 3 stories, 38 feet
Front Yard	Minimum Required Setback, 20 feet
Street Side Yard	Minimum Required Setback, 20 feet
Interior Side Yard	Minimum Required Setback, 5 feet*
Rear Yard	Minimum Required Setback, 10 feet*
Maximum Impervious Coverage	75%
Maximum Building Coverage	Percent of Lot Area, 60%
Residential Density	Section 3.120

Nonconforming Uses	Section 6.100
Site Development Regulations	Section 7.000 and 7.100
Yard Regulations	Section 7.300
Height Regulations	Section 7.510
Fences, Walls and Visibility	Section 7.530
Parking	Section 7.800
Landscaping and Screening Regulations	Section 7.900
Temporary/Accessory Building	Section 8.100
Signs	Sign Ordinance
Outdoor Amplified Sound	Prohibited when adjacent to R-1, R-1-A. and R-5
*25 feet when adjacent to residential zoning district	

{End of code text}

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

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

PASSED AND APPROVED on this the ____ day of _____, 20____.

Linda Langerhans, Mayor
City of Fredericksburg, Texas

ATTEST:

Shelley Goodwin, City Secretary

APPROVED AS TO FORM:

Daniel Jones, City Attorney

ORDINANCE NO. 2019-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING APPENDIX B - ZONING ORDINANCE, OF THE CODE OF ORDINANCES; TO ESTABLISH A MIXED USE INFILL ZONING DISTRICT IN THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an application for a text amendment of the Zoning Ordinance, related to the creation of mixed use zoning district in the City, has been initiated by motion of the City Council; and

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

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

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

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

Section 1. That, Appendix B - Zoning Ordinance, of the Code of Ordinances, is hereby amended by the addition of Section 3.800 – MU-1: Mixed Use - Infill as follows:

Sec. 3.800. – MU-1: MIXED USE - INFILL.

Intent

This zone represents an effort to provide a zoning category for properties outside of the main commercial area, which are large enough and located in proximity to the core of the city to provide for a mix of uses, and that are intended to be pedestrian and bicycle oriented. Features for consideration include a balanced mix of uses, connectivity of uses,

compactness, compatibility with town character or traditional context, reduced parking, good pedestrian and bicycle access.

Principal Permitted Uses

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

Administrative and Business Office
Administrative Services
Arts and Crafts
Business Support Services
Club or Lodge
Cocktail Lounge
College or University Facilities
Community Recreation
Consumer Convenience Services
Consumer Repair Services
Convalescent Services
Cultural Services
Custom Manufacturing
Day Care Services
Financial Services
Food Sales
Group Residential
General Retail Sales
Hotel/Motel
Hospital Services (Limited)
Indoor Entertainment
Indoor Sports and Recreation
Kennels
Laundry Services
Liquor Sales
Local Utility Services
Medical Offices

Mobile Food Establishments
Outdoor Entertainment
Outdoor Sports and Recreation
Park and Recreation Services
Personal Improvement Services
Personal Services
Pet Services
Professional Offices
Religious Assembly
Restaurant - Drive-In/Fast Food
Restaurant - Limited
Retail Sales - Limited
Shopping Center
Single Family Residential (Detached)
Duplex Residential
Townhouse Residential
Condominium Residential
Multiple Family Residential

Uses Permitted Subject to Conditional Use Permit

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

Automobile Rentals
Business or Trade School
Convenience Storage
Outdoor Sports and Recreation
Drive through or Drive-in facilities associated with any use
Group Residential
Guidance Services

Private Primary Educational Facilities
Private Secondary Educational Facilities
Transportation Terminals

Property Development Standards

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

Site Development Regulations

Each site in the MU-1 District shall be subject to the following site development regulations:

<u>Feature</u>	<u>Regulation</u>
Lot Size	Minimum Lot Area, 7500 Square feet
Lot Width	Minimum Lot Width, 75 feet
Height	Maximum Building Height, 3 stories, 38 feet
Front Yard	Minimum Required Setback, 15 feet
Street Side Yard	Minimum Required Setback, 15 feet
Interior Side Yard	Minimum Required Setback, 0 feet*
Rear Yard	Minimum Required Setback, 0 feet*
Maximum Impervious Coverage	80%

Maximum Building Coverage	Percent of Lot Area, 75%
Residential Density	Section 3.120
Nonconforming Uses	Section 6.100
Site Development Regulations	Section 7.000 and 7.100
Yard Regulations	Section 7.300
Height Regulations	Section 7.510
Fences, Walls and Visibility	Section 7.530
Parking	Section 7.800
Landscaping and Screening Regulations	Section 7.900
Temporary/Accessory Building	Section 8.100
Signs	Sign Ordinance
*25 feet when adjacent to residential zoning district	

Additional Special Site and Development Regulations:

1. All Entry Corridor Standards and Guidelines shall apply to development within the MU-1 District, with the following modifications:
 - a. New designs shall be compatible with the design traditions of the established neighborhoods and regional Texas Hill Country aesthetic. It is not the intent of these guidelines to require that new buildings copy older building styles. Therefore, use traditional building forms and broader similarities of design in order to be compatible with existing buildings in the area that reflect the traditional context.
 - b. If a shed roof or flat roof design is used, a parapet wall shall be added to screen the roof.

- c. When making transitions to lower density areas, modulate the mass of the building to relate to smaller buildings.
 - d. Faux windows and similar details are not appropriate articulation.
 - e. Signs shall integrate into building and site design so they do not appear as an afterthought.
 - f. Attached signs shall be located above the building entrance, storefront opening, or at other locations that are compatible with the architectural features of the building.
 - g. The front door shall connect to the sidewalk along the entry corridor.
 - h. Light fixture style and location shall be compatible with the building's architecture, site design and landscape design. Decorative fixtures are highly recommended and where warranted, may be required. Light fixture style shall be consistent throughout the project.
 - i. Light fixtures shall be located facing away from adjacent sites (particularly residential parcels) so that the light does not spill-over onto abutting properties. Parking and building light fixtures shall be cut-off luminaries that have less than 90 degree cut-off so that the light is not emitted horizontally or upward.
 - j. All roof-top equipment shall be screened from entry corridors, side streets, plazas and parks.
 - k. Parking shall be located behind buildings or on the side. Parking in front of buildings may be permitted, subject to a Conditional Use Permit as provided for in section 5.400.
2. Shared access for pedestrians and vehicles shall be provided between properties and uses.
 3. Pedestrian circulation will be given priority over vehicular access.
 4. A drive-thru associated with any use shall be oriented away from any adjacent residential.
 5. Exterior amplified sound associated with any use shall be prohibited when adjacent to single family residential use.
 6. Required parking may be reduced by up to 25% if development can demonstrate that the mix of uses do not conflict with one another.
 7. Residential density for townhomes, condominiums and multi-family dwellings may be increased by 25% if utilized above the ground floor level and combined with other permitted uses.
 8. Outdoor storage shall be prohibited.
 9. Outdoor display of merchandise shall be limited to 10% of the lot area, and shall be maintained in a neat and orderly manner.

10. Height may be increased to four (4) stories above grade, with a maximum height of fifty-four feet (54'), if a minimum of three (3) different uses are included and structured parking is proposed within a single development.
11. Screening shall be required where parking is located adjacent to a residential use.
12. Building setbacks may be reduced by 25% when a minimum of three (3) different uses are included, provided that one of the uses is residential.

{End of code text}

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

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

PASSED AND APPROVED on this the ____ day of _____, 20____.

Linda Langerhans, Mayor
City of Fredericksburg, Texas

ATTEST:

Shelley Goodwin, City Secretary

APPROVED AS TO FORM:

Daniel Jones, City Attorney

ORDINANCE NO. 2019-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING APPENDIX B - ZONING ORDINANCE, OF THE CODE OF ORDINANCES; TO ESTABLISH A MIXED USE CORRIDOR ZONING DISTRICT IN THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an application for a text amendment of the Zoning Ordinance, related to the creation of mixed use zoning district in the City, has been initiated by motion of the City Council; and

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

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

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

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

Section 1. That, Appendix B - Zoning Ordinance, of the Code of Ordinances, is hereby amended by the addition of Section 3.810 – MU-2: Mixed Use - Corridor as follows:

Sec. 3.810. – MU-2: MIXED USE - CORRIDOR.

Intent

This zone represents an effort to change the typical pattern of strips of underperforming commercial development that often line highways and arterials. Rather than limiting the properties along major entry corridors to commercial uses, this category offers a variety of higher density residential and mixed use opportunities. The policy of

allowing this mix of uses along major roadways supports a change in development from a pattern of older commercial structures to new projects with a variety of uses, including mixed use within an individual building project or building.

Principal Permitted Uses

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

Administrative and Business Office
Administrative Services
Arts and Crafts
Business Support Services
Club or Lodge
Cocktail Lounge
College or University Facilities
Community Recreation
Consumer Convenience Services
Consumer Repair Services
Convalescent Services
Cultural Services
Custom Manufacturing
Day Care Services
Financial Services
Food Sales
Group Residential
General Retail Sales
Hotel/Motel
Hospital Services (Limited)
Indoor Entertainment
Indoor Sports and Recreation
Kennels
Laundry Services
Liquor Sales
Local Utility Services
Medical Offices

Mobile Food Establishments
Outdoor Sports and Recreation
Park and Recreation Services
Personal Improvement Services
Personal Services
Pet Services
Professional Offices
Religious Assembly
Restaurant - Drive-In/Fast Food
Restaurant - Limited
Restaurant
Retail Sales - Limited
Shopping Center
Single Family Residential (Detached)
Duplex Residential
Townhouse Residential
Condominium Residential
Multiple Family Residential

Uses Permitted Subject to Conditional Use Permit

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

Automobile Rentals
Business or Trade School
Convenience Storage
Outdoor Sports and Recreation
Drive through or Drive-in facilities associated with any use
Group Residential
Guidance Services

Private Primary Educational Facilities
Private Secondary Educational Facilities
Transportation Terminals

Property Development Standards

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

Site Development Regulations

Each site in the MU-2 District shall be subject to the following site development regulations:

<u>Feature</u>	<u>Regulation</u>
Lot Size	Minimum Lot Area, 10,000 Square feet
Lot Width	Minimum Lot Width, 100 feet
Height	Maximum Building Height, 3 stories, 38 feet
Front Yard	Minimum Required Setback, 20 feet
Street Side Yard	Minimum Required Setback, 15 feet
Interior Side Yard	Minimum Required Setback, 0 feet*
Rear Yard	Minimum Required Setback, 0 feet*
Maximum Impervious Coverage	75%

Maximum Building Coverage	Percent of Lot Area, 65%
Residential Density	Section 3.120
Nonconforming Uses	Section 6.100
Site Development Regulations	Section 7.000 and 7.100
Yard Regulations	Section 7.300
Height Regulations	Section 7.510
Fences, Walls and Visibility	Section 7.530
Parking	Section 7.800
Landscaping and Screening Regulations	Section 7.900
Temporary/Accessory Building	Section 8.100
Signs	Sign Ordinance
*25 feet when adjacent to Residential zoning district	

Additional Special Site and Development Regulations:

1. All Entry Corridor Standards and Guidelines shall apply to development within the MU-2 District, with the following modifications:
 - a. New designs shall be compatible with the design traditions of the established neighborhoods and regional Texas Hill Country aesthetic. It is not the intent of these guidelines to require that new buildings copy older building styles. Therefore, use traditional building forms and broader similarities of design in order to be compatible with existing buildings in the area that reflect the traditional context.
 - b. If a shed roof or flat roof design is used, a parapet wall shall be added to screen the roof.

- c. When making transitions to lower density areas, modulate the mass of the building to relate to smaller buildings.
 - d. Faux windows and similar details are not appropriate articulation.
 - e. Signs shall integrate into building and site design so they do not appear as an afterthought.
 - f. Attached signs shall be located above the building entrance, storefront opening, or at other locations that are compatible with the architectural features of the building.
 - g. The front door shall connect to the sidewalk along the entry corridor.
 - h. Light fixture style and location shall be compatible with the building's architecture, site design and landscape design. Decorative fixtures are highly recommended and where warranted, may be required. Light fixture style shall be consistent throughout the project.
 - i. Light fixtures shall be located facing away from adjacent sites (particularly residential parcels) so that the light does not spill-over onto abutting properties. Parking and building light fixtures shall be cut-off luminaries that have less than 90 degree cut-off so that the light is not emitted horizontally or upward.
 - j. All roof-top equipment shall be screened from entry corridors, side streets, plazas and parks.
 - k. Parking shall be located behind buildings or on the side. Parking in front of buildings may be permitted, subject to a Conditional Use Permit as provided for in section 5.400.
2. Shared access for pedestrians and vehicles shall be provided between properties and uses.
 3. Pedestrian circulation will be given priority over vehicular access.
 4. A drive-thru associated with any use shall be oriented away from any adjacent residential.
 5. Exterior amplified sound associated with any use shall be prohibited when adjacent to single family residential use.
 6. Required parking may be reduced by up to 25% if development can demonstrate that the mix of uses do not conflict with one another.
 7. Residential density for townhomes, condominiums and multi-family dwellings may be increased by 25% if utilized above the ground floor level and combined with other permitted uses.
 8. Outdoor storage shall be prohibited.
 9. Outdoor display of merchandise shall be limited to 10% of the lot area, and shall be maintained in a neat and orderly manner.

10. Height may be increased to four (4) stories above grade, with a maximum height of fifty-four feet (54'), if a minimum of three (3) different uses are included and structured parking is proposed within a single development.
11. Screening shall be required where parking is located adjacent to a residential use.
12. Building setbacks may be reduced by 25% when a minimum of three (3) different uses are included, provided that one of the uses is residential.

{End of code text}

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

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

PASSED AND APPROVED on this the ____ day of _____, 20____.

Linda Langerhans, Mayor
City of Fredericksburg, Texas

ATTEST:

Shelley Goodwin, City Secretary

APPROVED AS TO FORM:

Daniel Jones, City Attorney



CITY COUNCIL MEMO

DATE: April 15, 2019

TO: Mayor and City Council

FROM: Kris Kneese, P.E. – Assistant Director of Public Works and Utilities

SUBJECT: Water & Wastewater Impact Fee Update

Summary:

On April 1st, the City Council held a public hearing on the updated water and wastewater impact fees. Additionally, Grady Reed with HDR Engineering made a presentation to City Council with recommendations for the adoption of the updated water and wastewater impact fees. City Council discussed the updated fees and made recommendations to City Staff, which will be considered by City Council.

Recommendation:

Staff recommends adopting the updated water and wastewater impact fees.

Background / Analysis:

On October 15, 2018, the City Council approved the Planning and Zoning Commission; including Janice Menking (Chair), Jim Jarreau, Daryl Whitworth, Brenda Segner, Chris Kaiser, Polly Rickert, Jim Warren, Tim Dooley and Steve Thomas, as well as an ETJ resident, Ken Carr to the Water and Wastewater Impact Fee Advisory Committee. Over the last few months, the Advisory Committee has worked with City Staff and Grady Reed, HDR Project Manager, to discuss the update to the water and wastewater impact fees.

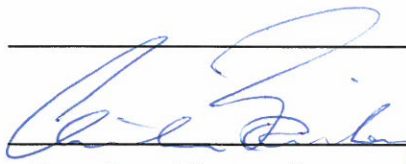
On March 6, 2019, the Impact Fee Advisory Committee made a recommendation to adopt the Water and Wastewater Impact Fee Report; including the water and wastewater CIP projects, impact fee service area, land use, and how the impact fees were calculated.

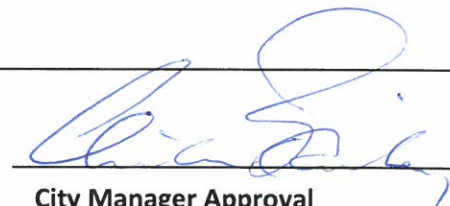
On April 1, 2019, the City Council held a public hearing on the updated water and wastewater impact fees. Grady Reed with HDR Engineering made a presentation to City Council with recommendations for the adoption of the updated water and wastewater impact fees.

As discussed with Council on April 1, 2019, City Council can adopt an effective impact fee less than the maximum calculated allowable fee. At the meeting, City Council discussed the updated impact fees and made recommendations to City Staff, including increasing the effective impact fee in equal increments every 12 months (starting on July 1st) for the next 3 years in an effort to reach the maximum allowable calculated impact fee which is \$3,707 for water and \$3,480 for wastewater per Living Unit Equivalent (LUE). The revised Ordinance shows the recommended incremental increases for City Council to consider. The City is currently charging a water and wastewater impact fees at a rate of \$1,840 and \$2,160, respectively per LUE for a total of \$4000, which was adopted in 2008.

City Staff recommends City Council consider adopting the updated water and wastewater impact fees, as presented in the revised Ordinance.

Attachments:



Department Approval

City Manager Approval

City Attorney Approval

ORDINANCE NO. 2019-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING ARTICLE 16.500 – IMPACT FEES, OF APPENDIX A – FEE SCHEDULE, OF THE CODE OF ORDINANCES, TO UPDATE AND AMEND THE IMPACT FEES ASSESSED BY THE CITY.

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

Section 1. That, Section 16.500, entitled “Impact Fees”, of Appendix A “Fee Schedule”, of the Code of Ordinances, is amended by deletion of Section 16.500 in its entirety, and the following substituted therefore:

Sec. 16.500. - Impact Fees.

(a) Effective July 1, 2019, the impact fee for each service unit is:

	Maximum Allowed Assessment	Amount to be Collected
Water Facilities	\$3,707.00	\$2,575.00
Wastewater Facilities	\$3,480.00	\$2,425.00
Total Fee	\$7,187.00	\$5,000.00

(b) Effective July 1, 2020, the impact fee for each service unit is:

	Maximum Allowed Assessment	Amount to be Collected
Water Facilities	\$3,707.00	\$3,075.00
Wastewater Facilities	\$3,480.00	\$2,925.00
Total Fee	\$7,187.00	\$6,000.00

(c) Effective July 1, 2021, the impact fee for each service unit is:

	Maximum Allowed Assessment	Amount to be Collected
Water Facilities	\$3,707.00	\$3,575.00
Wastewater Facilities	\$3,480.00	\$3,425.00
Total Fee	\$7,187.00	\$7,000.00

{End of code text}

Section 2. Severability or Invalidity. If any provision of this ordinance or the application hereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without defeating the purpose or objective of the provisions, and to this end, the provisions of this ordinance are declared to be severable.

Section 3. Repealer. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. Effective Date. This Ordinance shall be effective on and after the 1st day of July, 2019.

PASSED AND APPROVED on this the ____ day of _____, 2019.

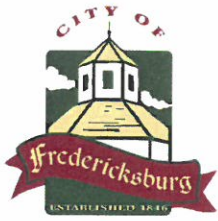
Linda Langerhans, Mayor
City of Fredericksburg, Texas

ATTEST:

Shelley Goodwin, City Secretary

APPROVED AS TO FORM:

Daniel Jones, City Attorney



CITY COUNCIL MEMO

DATE: April 9, 2019

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: Resolution Opposing the Kinder Morgan Pipeline

Summary:

The attached resolution indicates the opposition of the City of Fredericksburg to the proposed Kinder Morgan pipeline.

Recommendation:

It is recommended that the City Council adopt this resolution.

Background / Analysis:

As you know, Kinder Morgan has proposed to construct a natural gas transmission main from West Texas to the Katy area. This main will impact properties within Gillespie County and the surrounding counties. The main will also impact City-owned property.

Several local governments and other agencies have approved resolutions opposing this pipeline. This includes Hayes County and the Cities of San Marcos, Kyle, Wimberley and Woodcreek. On a local basis Gillespie County, the Underground Water District and the Convention and Visitor's Bureau have also adopted resolutions opposing the pipeline.

The attached resolution includes wording from some of the resolutions that have previously been adopted. If necessary, changes can be made to the wording in the resolution at the Council meeting prior to adoption.

Attachments:

Resolution Opposing Pipeline

Department Approval



City Attorney Approval



City Manager Approval

RESOLUTION 2019-03R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, OPPOSING THE ROUTING OF THE PROPOSED PERMIAN HIGHWAY PIPELINE THROUGH GILLESPIE COUNTY; REQUESTING IMMEDIATE ACTION FROM THE STATE LEGISLATURE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Kinder Morgan and Exxon Mobil in partnership with EagleClaw Midstream Ventures ("Private Partnership") have begun the process of routing a 42-inch underground high-pressure natural gas pipeline, known as the Permian Highway Pipeline ("PHP") from Coynosa, Texas to Sheridan, Texas through the Texas Hill Country including Gillespie County; and

WHEREAS, the laws of Texas provide for little oversight of the routing of private pipelines like the PHP pipeline and the laws of Texas provide no formal opportunity for the landowners of the impacted property to participate in the routing selection process; and

WHEREAS, the PHP project will traverse the properties of multiple landowners and the Private Partnership has asserted it intends to take and clear cut trees and vegetation for a permanent easement of fifty (50) feet, plus additional property for a temporary construction easement; and

WHEREAS, the Private Partnership has not performed a formal Environmental Impact Study evaluating the potential impact to property near or adjacent to the PHP, the Ellenburger Aquifer, other groundwater sources, erosion, drainage, subsidence and other generally detrimental impacts to the surrounding community; and

WHEREAS, local citizens have expressed strong concerns and opposition to the presence of the PHP in Gillespie County due to its potential negative impacts to the environment, soil, air, tourism, water system, and land values; and

WHEREAS, the PHP project will cause developmental limitations on affected properties and will cause a decrease in value to affected properties; and

WHEREAS, the City of Fredericksburg has an interest in the protection of its natural resources including the Ellenburger Aquifer and an interest in how the PHP may affect its citizens;

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

Part 1. **Findings of Fact.** The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

Part 2. **Opposition.** The City of Fredericksburg opposes the PHP on behalf of the

interests of its citizens and in recognition of the potential harm the PHP poses to its natural and economic resources.

Part 3. **Call to Action.** The City of Fredericksburg requests immediate action by all members of both houses of the Texas Legislature to protect landowners, landowners' property rights and communities from the negative impact of PHP and other potential oil and gas pipelines by:

1. Creating a regulatory process for oil and gas pipeline routing that enables impacted landowners and communities to have a voice and to have the right to participate in a public, open, and transparent routing process much like the process for selecting the routing of electric transmission lines before the Public Utility Commission.
2. Requiring formal and thorough Environmental and Economic Impact Studies for all intra-state oil and gas pipelines, including the participation of governmental entities and affected landowners.
3. Requiring substantial governmental oversight over the power of eminent domain delegated to private companies or rescinding the unlimited power of eminent domain delegated to private companies.

Part 4. **Effective Date.** This resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED on , 2019.

Linda Langerhans
Mayor

Attest:

Shelley Goodwin
City Secretary



CITY COUNCIL MEMO

DATE: April 15, 2019

TO: Mayor and City Council

FROM: Andrea Schmidt, Director of Parks and Recreation

SUBJECT: Fort Martin Scott Friends Lease Agreement

Summary:

City staff has been working with the Fort Martin Scott Friends organization since December to create a lease agreement for the facilities they have exclusive use to at Fort Martin Scott. One is a building that was renovated in 2017 with HOT funds the Friends were given. It serves as an office and research library. The other is a Wagon Barn they are in the process of building with their own funds. This is an open air pavilion they use for events. Neither facility is historic and both are located outside the historic fence. This lease agreement will better outline the responsibilities of the City and the Friends in regards to these two facilities. The Fort Martin Scott Friends are comfortable with this agreement. The Fort Martin Scott Friends are a nonprofit organization that puts on educational and living history programs at the Fort.

Recommendation:

Receive and consider lease agreement for the Fort Martin Scott Friends Improvements.

Background / Analysis:

The City has lease agreements with other entities that use facilities owned by the City. These include the Art Guild, Boys and Girls Club and the Girl Scouts. This agreement is similar to those lease agreements. This agreement is for a period of two years and month-to-month at its expiration. The Friends will pay the City an

annual rent of \$10 and be responsible for the majority of the maintenance of the facilities. The City will pay utility costs as well as handle the mowing.

Attachments:

Proposed Lease Agreement



Department Approval



City Attorney Approval



City Manager Approval

LEASE AGREEMENT
for the
FORT MARTIN SCOTT FRIENDS BUILDING

This Lease Agreement is made and entered into this 1st day of March, 2019, at Fredericksburg, Gillespie County, Texas, by and between the City of Fredericksburg, Texas ("Lessor"), a political subdivision, and the Fort Martin Scott Friends ("Lessee"), a Texas non-profit corporation.

ARTICLE 1. DEMISE, DESCRIPTION, USE AND TERM

1.01. Lessor hereby leases to Lessee, and Lessee hereby leases from Lessor, the exclusive use of certain property and improvements situated in the City of Fredericksburg, Gillespie County, Texas, located at 1606 East Main Street (the "Leased Premises"), more specifically indicated in Exhibit "A", a copy of which is attached hereto and made a part hereof; together with the right of ingress and egress to the Leased Premises. The Lessor has installed silver colored stakes in the ground at the four corners of the Leased Premises, corresponding with the locations set forth in Exhibit "A", to provide a visual indication of the boundaries of the Leased Premises.

The parties acknowledge and agree that there are two improvements on the Leased Premises, consisting of an office building (the "Office") and a wagon barn (the "Wagon Barn"). The Office and Wagon Barn shall be known collectively as the "Structures".

1.02. The Leased Premises may only be used by Lessee for the sole purposes of office space, administrative space, storage space, funds raising events, and hosting educational programs and events, directly related to the Lessee's primary function of providing educational programs and living history events at Fort Martin Scott.

1.03. The term of this Lease Agreement shall commence on May 1, 2019, and end on April 30, 2021, unless sooner terminated, as hereinafter provided.

ARTICLE 2. RENT

2.01. Lessee agrees to and shall pay to Lessor, at 126 W. Main Street, Fredericksburg, Gillespie County, Texas, or at such other place as the Lessor shall designate from time to time in writing, as rent for the Leased Premises, an annual rent payment of TEN AND NO/100 DOLLARS (\$10.00), due on or before the 10th calendar day of May of each year during the term.

ARTICLE 3. HOLDOVER

3.01. If Lessee, holds over and continues in possession of the Leased Premises after expiration of the term of this lease or any extension of that term, Lessee will be deemed to be occupying the premises on the basis of a month-to-month tenancy, subject to all of the terms and conditions of this lease.

ARTICLE 4. TAXES AND ASSESSMENTS

4.01. Lessee shall pay and discharge all taxes, general and special assessments, and other charges of every description if any which during the term of this lease may be levied on or assessed against the portion of the Leased Premises actually occupied by Lessee which shall not include the area used by adjacent property as a parking lot and all interests therein, any of Lessee's personal property and all improvements and other property thereon.

ARTICLE 5. INSURANCE

5.01. Lessee acknowledges that Lessor will provide no insurance which shall benefit Lessee, including general public liability insurance, tort coverage, or insurance against theft, destruction of Lessee's contents, fixtures or works. **LESSOR SHALL NOT BE LIABLE TO LESSEE OR ANY OF LESSEE'S GUESTS, INVITEES, MEMBERS OR THE LIKE FOR ANY OF SUCH LOSSES, INCLUDING THOSE WHICH RESULT FROM LESSOR'S NEGLIGENCE, EVEN ORDINARY NEGLIGENCE.**

5.02. Lessee shall obtain and maintain a policy or policies of comprehensive general liability insurance with respect to the Lessee's activities on the Leased Premises, at Lessee's own expense, with the premiums thereon fully paid on or before due date, issued by and binding upon some insurance company approved by Lessor, such insurance to afford minimum protection of not less than \$1,000,000 combined single limit coverage of bodily injury, property damage or combination thereof. Lessor shall be listed as an additional insured on Lessee's policy or policies of comprehensive general liability insurance. If Lessee hosts any event on the Leased Premises that is attended by the general public and alcohol is sold or consumed during said event, then Lessee shall additionally obtain a liquor liability insurance policy for said event providing additional minimum coverage of not less than \$500,000.00 combined single limit coverage of bodily injury, property damage or combination thereof.

5.03. If any of the Structures on the Leased Premises should be damaged or destroyed by fire, tornado, or other casualty, Lessee shall give immediate written notice

thereof to Lessor.

5.04. If any of the Structures on the Leased Premises should be totally destroyed by fire, tornado, or other casualty, or if it should be so damaged that rebuilding or repairs cannot reasonably be initiated within ninety (90) working days from the date of written notification by Lessee to Lessor of the occurrence of the damage, then Lessee shall have the option to terminate this Lease and rent shall be abated for the unexpired portion of this lease, effective as of the date of said written notification.

5.05. If any of the Structures or other improvements on the Leased Premises should be damaged by fire, tornado, or other casualty, but not to such an extent that rebuilding or repairs cannot reasonably be initiated within ninety (90) working days from the date of written notification by Lessee to Lessor of the occurrence of the damage, Lessor shall have the option to terminate this Lease Agreement or to proceed forthwith, if the casualty has occurred prior to the final ninety (90) working days of the lease term, at Lessor's sole cost and risk, to rebuild or repair such building and other improvements to substantially the condition in which they existed prior to such damage. Lessor shall not be required to rebuild or repair such damage. If any of the Structures or other improvements are to be rebuilt or repaired and are untenable in whole or in part following such damage, the rent payable hereunder during the period in which they are untenable shall be adjusted equitably. In the event that Lessor should fail to complete such rebuilding or repairs within ninety (90) working days from the date of written notification by Lessee to Lessor of the occurrence of the damage, Lessee may at Lessee's option terminate this lease by written notification at such time to Lessor, whereon all rights and obligations hereunder shall cease.

5.06. Lessee shall not commit or permit any act or acts in or on the Leased Premises or use them or suffer them to be used in any manner that will increase the existing fire, liability and other insurance rates on either the Leased Premises or the building in which the Leased Premises are situated, or that will cause a cancellation of any insurance policy covering the premises or any part of them. Lessee will not keep, hold, store, use, or sell in or on the Leased Premises any product or article prohibited by the standard fire-insurance policy, as it now exists or may later provide, covering the premises or permit or suffer any such product or article to be kept, held, stored, used or sold in or on the Leased Premises, and Lessee will, at its sole expense, comply with all requirements of Lessor's insurance carriers pertaining to the Leased Premises necessary for the continued maintenance of reasonable fire and liability insurance of the premises and appurtenances. Lessor shall notify Lessee in writing of any acts or omissions by Lessee that result in a default under this Paragraph, and Lessee shall have thirty (30) calendar days to cure said default prior to Lessor proceeding with default proceedings under Article 13 of

this Lease Agreement.

ARTICLE 6. UTILITIES

6.01. Lessor shall, during the term hereof, pay all charges for gas, electricity, and water utilities used by Lessee in or on the Leased Premises. Lessee shall, during the term hereof, pay all charges for the collection and removal of all trash and rubbish from the Leased Premises. Lessee shall, during the term hereof, pay all charges for the installation and monitoring of any alarm system utilized by Lessee on the Leased Premises. Notwithstanding the foregoing, the Lessor may provide internet service and one telephone line to the Leased Premises, during part or all of the term of this Lease Agreement, at Lessor's cost.

ARTICLE 7. WASTE AND NUISANCE

7.01. Lessee shall not commit, or suffer to be committed, any waste on the Leased Premises, nor shall Lessee maintain, commit, or permit the maintenance or commission of any nuisance on the Leased Premises or use the Leased Premises for any unlawful purpose.

ARTICLE 8. IMPROVEMENTS, REPAIRS AND MAINTENANCE

8.01. Lessor shall repair and maintain the Structures on the Leased Premises to have effective waterproofing and weather protection of roof and exterior walls, excluding windows and doors. Lessor shall maintain the foundation of the Office building situated on the Leased Premises. Lessor shall provide appropriate mowing and weed mitigation services on the Leased Premises, as determined by Lessor. Lessor shall have no duty of mold remediation.

8.02. Lessee shall, at Lessee's expense:

(A) keep the Leased Premises as clean and sanitary as the condition of the premises permits;

(B) dispose from the Leased Premises all rubbish, garbage, and other waste, in a clean and sanitary manner;

(C) properly use and operate all electrical, gas, and plumbing fixtures and keep them as clean and sanitary as their condition permits;

(D) not permit any person on the premises, with Lessee's permission, to willfully or wantonly destroy, deface, damage, impair, or remove any part of the Leased

Premises or the facilities, equipment, or appurtenances thereto;

(E) abide by all laws, regulations and ordinances of any governmental authority having jurisdiction over the Leased Premises;

(F) make all repairs and perform all maintenance to the Leased Premises other than those expressly imposed on Lessor herein, with all repairs performed by trained, qualified and insured repair persons;

(G) not permit the keeping or storage of hazardous materials as defined by federal statutes on the Leased Premises provided, however, that Lessee shall be permitted to keep and store art materials and supplies except that flammable materials shall be kept only in small, limited quantities;

(H) not permit smoking or the use of gas fired equipment inside the Office;

(I) not permit any person to rekey any lock on the Leased Premises without the prior written consent of the Lessor;

(J) not permit any person to construct improvements on the Leased Premises, or modify any existing improvements on the Leased Premises, without the prior written consent of the Lessor;

(K) not permit any person affiliated with Lessee to enter into, or to interfere with, the Fort Martin Scott Park Hosts area, located to the east of, and directly adjacent to, the Leased Premises;

(L) complete construction, prior to the end of term, of the planned wagon barn on the Leased Premises, to be completed consistent with Texas Historical Commission permits issued for said barn;

(M) not permit any person associated with Lessee to solicit donations on the Leased Premises, or at any other location on Fort Martin Scott, unless said solicitation clearly indicates to the donor that the Lessee is the party soliciting the donation and the intended use of the donated funds; and

(N) not permit any person associated with Lessee to erect any sign on the Leased Premises, or at any other location on Fort Martin Scott, without the prior written consent of the Lessor and in conformance with the City of Fredericksburg sign ordinance.

ARTICLE 9. ALTERATIONS, IMPROVEMENTS AND FIXTURES

9.01. Lessee shall not make any alterations, including locks or other security devices, to the Leased Premises without the prior written consent of Lessor to do so. Any and all alterations, additions, improvements, and fixtures (except trade fixtures which Lessee shall be permitted to remove from the Leased Premises at any time during the term hereof or upon expiration or sooner termination of this lease and not otherwise if such removal can be effected without injury to the Leased Premises and if any such fixture shall not have become, by the manner in which it is affixed, an integral part of the Leased Premises), made or placed in or on the Leased Premises shall on expiration or sooner termination of this lease belong to Lessor without compensation

to Lessee; provided, however, that Lessor shall have the option, to be exercised on expiration or sooner termination of this lease, to require Lessee to remove any or all of such additions, improvements or fixtures. Before installing any fixtures in or on the Leased Premises, Lessee shall submit plans and designs therefor to Lessor for Lessor's approval, and in the event that the plans and designs are not approved by Lessor, such fixtures shall not be installed until any changes required by Lessor are made. Lessor agrees not to unreasonably withhold consent under this Section 9.01.

ARTICLE 10. COVENANTS

10.01. Lessor shall on the commencement date of the term of this lease as hereinabove set forth, place Lessee in quiet possession of the Leased Premises and shall secure Lessee in the quiet possession thereof.

10.02. Lessee may not do anything that will cause the Leased Premises to be encumbered in any way.

ARTICLE 11. SURRENDER OF PREMISES

11.01. Lessee shall, at Lessee's own cost and expense within three (3) calendar days after expiration or sooner termination of the term hereof or of any extended term hereof, remove all property belonging to Lessee and all alterations, additions or improvements, and fixtures which by the terms hereof Lessee is permitted to remove, repair all damage to the Leased Premises caused by such removal, and restore the Leased Premises to the condition they were in prior to the installation of the property so removed. Any property not so removed shall be deemed to have been abandoned by Lessee and may be retained or disposed of by Lessor.

11.02. Lessee agrees to and shall, on expiration or sooner termination of the term hereof or of any extended term hereof, promptly surrender and deliver the Leased Premises to Lessor in good condition, ordinary wear and tear and damage by the elements, fire, or act of God, or by other cause beyond the reasonable control of Lessee, excepted.

ARTICLE 12. TERMINATION AND CONDEMNATION

12.01. In the event the Leased Premises is to be utilized by Lessor for a governmental function, this lease may be terminated by Lessor prior to the expiration of the lease term, after providing Lessee a one year notice of termination.

12.02. If during the term of this lease or any extension or renewal thereof, all or part of the Leased Premises should be taken for any public or quasi-public use earlier by any condemning authority other than Lessor under any governmental law, ordinance, or regulation, or by right of eminent domain, or should be sold to the condemning authority (except Lessor) under threat of condemnation, this lease shall terminate and the rent shall be abated during the unexpired portion of this lease, effective as of the date of the taking of said premises by the condemning authority.

ARTICLE 13. DEFAULT

13.01. If Lessee shall remain in default under any condition of this lease for a period of ten (10) calendar days after written notice from Lessor to Lessee, or if the default is of such a nature as to be incapable of cure within ten (10) days and same has not been cured within a reasonable time after written notice from Lessor to Lessee, or should any person other than Lessee secure possession of the premises, or any part thereof, by reason of any assignment, dissolution, receivership or bankruptcy proceedings, Lessor may, at Lessor's option and without notice to Lessee, terminate this lease, or in the alternative, Lessor may re-enter and take possession of said premises and remove all persons and property therefrom, without being deemed guilty of any manner of trespass, and relet the premises or any part thereof.

The following provisions shall override and control, to the extent allowed by law, any conflicting provisions of the Texas Property Code, as well as any successor statute governing the right of a Lessor to change the door locks of commercial Lessees. In the event a default occurs, Lessor is entitled and is hereby authorized, without any further notice to Lessee whatsoever, to enter upon the Leased Premises by use of a master key, a duplicate key, or other peaceable means, and to change, alter, and/or modify the door locks on all entry doors of the Leased Premises, thereby permanently excluding Lessee and its officers, principals, agents, employees and representatives therefrom. In the event that Lessor has either permanently repossessed the Leased Premises pursuant to the foregoing provisions of this Lease, or has terminated this lease, Lessor shall not thereafter be obligated to provide Lessee with a key to the Leased Premises at any time, regardless of any amounts subsequently paid by Lessee; provided, however, that in any such instance, during Lessor's normal business hours and at the convenience of Lessor, and upon receipt of written request from Lessee accompanied by such written waivers and releases as the Lessor may require, Lessor may (at Lessor's option) either (1) escort Lessee or its authorized personnel to the Leased Premises to retrieve any personal belongings or other property of Lessee, or (2) obtain a list from Lessee of such personal property as Lessee intends to remove, whereupon, Lessor shall

remove such property and make it available to Lessee at a time and place designated by Lessor. However, if Lessor elects option (2), Lessee shall pay, in certified funds in advance, all costs and expenses estimated by Lessor to be incurred in removing such property and making it available to Lessee and all moving and/or storage charges theretofore incurred by Lessor with respect to such property. If Lessor elects to exclude Lessee from the Leased Premises without permanently repossessing or terminating pursuant to the foregoing provisions of this Lease, then Lessor shall not be obligated to provide Lessee a key to re-enter the Leased Premises until such time as all delinquent rent and other amounts due under this Lease have been paid in full and all other defaults, if any, have been completely cured to Lessor's satisfaction (if such cure occurs prior to any actual permanent repossession or termination), and Lessor has been given assurance reasonably satisfactory to Lessor evidencing Lessee's ability to satisfy its remaining obligations under this Lease. During any such temporary period of exclusion, Lessor will, during Lessor's regular business hours and at Lessor's convenience, upon receipt of written request from Lessee (accompanied by such written waivers and releases as Lessor may require), escort Lessee or its authorized personnel to the Leased Premises to retrieve personal belongings of Lessee or its employees, and such other property of Lessee.

All rights and remedies of Lessor under this lease shall be cumulative, and none shall exclude any other right or remedy at law. Such rights and remedies may be exercised and enforced concurrently and whenever and as often as occasion therefor arises.

13.02. If Lessor defaults in the performance of any term, covenant, or condition required to be performed by him under this agreement, Lessee may elect to: (1) terminate this agreement on giving at least thirty (30) days' notice to Lessor of such intention, thereby terminating this agreement on the date designated in such notice, unless Lessor shall have cured such default prior to expiration of the thirty (30) day period; or (2) remedy such default at Lessee's expense.

ARTICLE 14. INSPECTION BY LESSOR

14.01. Lessee shall permit Lessor and Lessor's agents to enter into and upon the Leased Premises at all reasonable times for the purpose of inspecting the same or for the purpose of maintaining or making repairs or alterations to the building or other Lessor owned assets located on the Leased Premises.

ARTICLE 15. ASSIGNMENT AND SUBLEASE

15.01. Lessee shall not assign this lease nor sublet all or a portion of the Leased Premises without the prior written consent of Lessor.

15.02. Lessor is expressly given the right to assign any or all of Lessor's interest under the terms of this lease.

ARTICLE 16. INDEMNITY

16.01. LESSEE AGREES TO INDEMNIFY AND HOLD LESSOR HARMLESS AGAINST ANY AND ALL CLAIMS, DEMANDS, DAMAGES, COSTS AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES FOR THE DEFENSE THEREOF, ARISING FROM THE LESSEE'S OCCUPANCY OF THE LEASED PREMISES, OR LESSEE'S CONDUCT OR MANAGEMENT OF LESSEE'S BUSINESS IN THE LEASED PREMISES, OR FROM ANY BREACH ON THE PART OF LESSEE OF ANY CONDITIONS OF THIS LEASE, OR FROM ANY ACT OR NEGLIGENCE OR FAILURE OF SECURITY OF LESSEE, ITS AGENTS, CONTRACTORS, EMPLOYEES, CONCESSIONAIRES, INVITEES, OR LICENSEES IN OR ABOUT THE LEASED PREMISES. IN CASE OF ANY ACTION OR PROCEEDING BROUGHT AGAINST LESSOR BY REASON OF ANY SUCH CLAIM, LESSEE, UPON NOTICE FROM LESSOR, COVENANTS TO DEFEND SUCH ACTION OR PROCEEDING BY COUNSEL ACCEPTABLE TO LESSOR. NOTHING HEREIN SHALL BE CONSTRUED TO INDEMNIFY LESSOR FROM LESSOR'S OWN GROSS NEGLIGENCE.

16.02. The relationship between Lessor and Lessee shall at all times remain solely that of the Lessor and Lessee, and shall not be deemed a partnership or joint venture.

16.03. Lessor shall not be responsible or liable to Lessee, Lessee's invitees, or members of the public for losses of any kind, including personal injury or loss of merchandise or any personal property.

16.04. Lessee shall be responsible for security in and about the premises with regard to Lessee's own property, employees, agents, customers, and members of the public. Lessee understands the general level of crime in and about Fredericksburg and Gillespie County and understands that Lessor cannot and will not guarantee safety or security with regard to the Leased Premises. Lessee specifically disclaims any duty of protection by Lessor.

ARTICLE 17. MISCELLANEOUS

17.01. Any notice or communication hereunder must be in writing, and may be given by registered or certified mail, shall be deemed to have been given and received when a registered or certified letter containing such notice, properly wrapped and addressed, with postage prepaid, is deposited in Texas, in the United States mail; and if given otherwise than by registered or certified mail, it shall be deemed to have been given when delivered to and actually received by the party to whom it is addressed. Such notices or communications shall be given to the parties hereto at the following addresses:

LESSOR:

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

LESSEE:

Fort Martin Scott Friends
P.O. Box 2074
Fredericksburg, Texas 78624

Such addresses may be changed at any time by either party upon earlier notice given as herein set forth.

17.02. This agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representative, successors, and assigns where permitted by this agreement.

17.03. This agreement shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Gillespie County.

17.04. This agreement constitutes the sole and only agreement of the parties hereto and supersedes any prior understanding or written or oral agreements between the parties respecting the within subject matter.

17.05. No amendment, modification, or alteration of the terms hereof shall be binding unless the same is in writing, dated subsequent to the date hereof and duly executed by the parties hereto.

17.06. In the event Lessor or Lessee breaches any of the terms of this agreement whereby the party not in default employs attorneys to protect or enforce its rights hereunder, and prevails, then the defaulting party agrees to pay the other party's reasonable attorney fees so incurred by such other party.

17.07. Neither Lessor nor Lessee shall be required to perform any term, condition, or covenant in this lease so long as such performance is delayed or prevented by force majeure, which shall mean acts of God, strikes, material or labor restrictions by any governmental authority, civil riot, floods, and any other cause not reasonably within the control of the Lessor or Lessee and which by the exercise of due diligence Lessor or Lessee is unable, wholly or in part, to prevent or overcome.

17.08. Time is of the essence of this agreement.

IN WITNESS WHEREOF, each of the parties hereto has executed this LEASE AGREEMENT, or caused the same to be executed by its duly authorized representative.

FORT MARTIN SCOTT FRIENDS

By:_____ Date:_____

Printed Name and Title: _____

CITY OF FREDERICKSBURG, TEXAS

By:_____ Date:_____

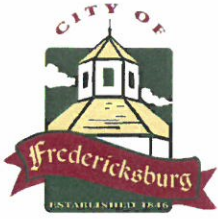
Kent Myers, City Manager



EXHIBIT A
City of Fredericksburg
Fort Martin Scott Lease Agreement

LEGEND

- Lease Area
- Wagon Barn



CITY COUNCIL MEMO

DATE: April 5, 2019

TO: Mayor and City Council

FROM: Shelley Goodwin, City Secretary

SUBJECT: Canvass of May 4, 2019 General and Special (Bond) Election.

Summary:

This item is for the Mayor and City Council to have a discussion and provide direction regarding setting a Special Meeting to canvass the May 4, 2019 General and Special (Bond) Election, issue the Certificates of Election and administer the Oath of Offices.

Recommendation:

Staff recommends holding the Special Meeting to canvass the May 4, 2019 General and Special Election, issue Certificates of Election and administer the Oath of Offices on Tuesday, May 14th at 5 p.m. in the City Hall Conference Room.

Background / Analysis:

The Secretary of State provides a timeframe in which the City can canvass the May 4th Election, Tuesday, May 7, 2019 – Wednesday, May 15, 2019. There are some specific guidelines that have to be met in order to canvass an election:

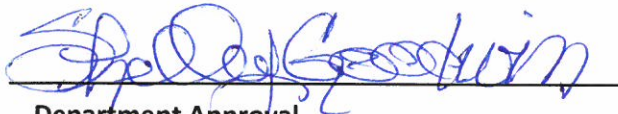
- Tuesday, May 7th can only be chosen to canvass if there are no outstanding overseas or Provisional Ballots.

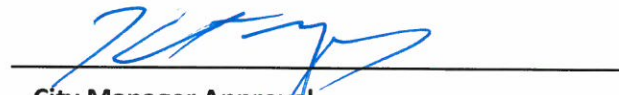
- Friday, May 10th is the last day for Voter Registrar to complete their review of Provisional Ballots.

-Tuesday, May 7th – Monday, May 13th is the period which Ballot Board may meet to count ballots received outside US (if any) and Provisional Ballots.

Currently, I have not received a Ballot By Mail or FPCA ballot request from outside of Texas, but we will not know whether there will be Provisional Ballots until after 7 p.m. on May 4th.

Attachments:


Department Approval


City Manager Approval

Future Agenda Items

City Council

May 6, 2019 Regular Meeting

City Council = Red

Planning & Zoning = Green

Historic Review Board = Purple

Board of Adjustment = Blue

City Events=

May 4th Election Day for General and Special (Bond)
Election.

May 27th Memorial Holiday

Sun	Mon	Tues	Wed	Thur	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Recognitions:

1. Proclamation- Lions Club “year of the Lions”

Consent

1. 4-15-19 City Council Regular Meeting Minutes.
2. Standardized Recreational Camp Template for Parks Department
- 3.

Public Hearing

Ordinances

1. Approving the Heather Glen Annexation
2. Lighting Ordinance

Resolutions:

Approvals-Misc.

1. Appointment to Historical Review Board (to fill a vacancy)
2. Institute Annexation Proceedings for 290 E.

Presentations, Discussions and Updates:

1. Water Well Update
2. Audit presentation

Executive Session

1. City property located on Friendship Lane

May 20, 2019

Regular Meeting

Recognitions:

Consent

1. 5-6-19 City Council Regular Meeting Minutes.
2. 5-14-19 City Council Special Meeting Minutes.

Public Hearing

Ordinances

1. Apply new (Zoning District MU 1, Zoning District MU 2, Zoning District C 1.5) to annex property
2. Calling for a November 5th Special Election-Charter Amendment)

Resolutions:

1. Fort Martin Scott Friends Master Plan

Approvals-Misc.

Presentations, Discussions and Updates: