



City of Fredericksburg

City Council Regular Meeting Agenda
Tuesday, October 15, 2024 ~ 9:00 AM
New City Hall at East Campus
2818 E. U.S. Hwy. 290
Fredericksburg, Texas 78624

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

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

The City of Fredericksburg City Council will meet in a regular session on Tuesday, October 15, 2024, at 9:00 AM. The meeting will be live-streamed & available for re-watch on the City's website: fredericksburgtx.portal.civicclerk.com.

The City Council welcomes citizen participation and comments at all City Council Meetings on Agenda Items.

Comment Card for Written or Verbal Comments-submitted by 4 p.m. the day before the meeting.

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

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

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

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

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

1. **CALL TO ORDER - Mayor Jeryl Hoover.**
2. **INVOCATION - Father Ian Robbins of St. Mary's Catholic Church will deliver the Invocation.**
3. **PLEDGES OF ALLEGIANCE - Mayor Jeryl Hoover will lead the Pledges.**
4. **Proclamation Presentation by Mayor Hoover on Texas Native Plant Week (Holly Simonette).**

5. **COUNCIL COMMENTS**

6. **CONSENT**

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

- A. Consider approval of City Council Minutes for the following meetings:
City Council Regular Meeting of August 20, 2024
City Council Budget Work Session of August 27, 2024
City Council Regular Meeting of September 3, 2024
- B. Consider approval for the purchase of Parks Equipment in the Fiscal Year 2025 Budget of approximately \$173,434.10 but not to exceed \$178,194. (Andrea Schmidt, Director of Parks & Recreation)
- C. Confirming the appointment of Kit Patterson (replacing Linda Goldsmith) to the Convention and Visitor Bureau Board of Directors.

7. **ORDINANCES, RESOLUTIONS AND PUBLIC HEARINGS**

- A. Request Z-2416: By Josh Leamons with Searchers Surveying to Request the Following:
 - A. A Landuse Change from Mixed Density Residential (MDR) to Commercial (C) for Properties Located at 108 S Mesquite St also Referred to as Lot 7 & Lot 8, Block 20 of the South Heights Addition.
 - B. A Zoning Change from R2, Mixed Residential to C2, Commercial for Properties Located at 108 S Mesquite St also Referred to as Lot 7 & Lot 8, Block 20 of the South Heights Addition.
 - i. Presentation by the Applicant
 - ii. Presentation by Staff
 - iii. Hold the Public Hearing
 - iv. Take Action to adopt Ordinance 2024-31 related to Landuse Change Request

v. Take Action to adopt Ordinance 2024-32 related to Zoning Change Request

8. OTHER ACTION ITEMS AND UPDATES

- A. Consideration and Approval of the City's Professional Auditing Services. (Krista Wareham, Finance Director)
- B. Consider and take action on Appeal of City Manager's Denial of Vesting Determination for STR use at 301 E Burbank by Clay Carter for Meneer LLC (Anna Hudson, Director of Development Services)
- C. Consider and take action on Appeal of Director of Development Services denial of STR permit for 805 E. Austin by Bill Seitzler. (Anna Hudson, Director of Development Services)

9. CITY MANAGER'S REPORT

10. ITEMS FOR FUTURE AGENDA

- A. Review of the Future Agenda List. (Clinton Bailey, City Manager)

11. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section 551.072:

- A. Consider and discuss Real Estate in the vicinity of US 290E and the Industrial Loop. (Texas Government Code Section 551.072)

12. BUSINESS ITEM

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

13. ADJOURN

CERTIFICATION

This is to certify that I, Leticia Vacek, posted this Agenda at 3:30pm on October 11, 2024 on the bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.

Leticia Vacek

Leticia Vacek, TRMC/CMC/MMC
City Secretary



City of Fredericksburg

City Council Regular Meeting Minutes
Tuesday, August 20, 2024 ~ 9:00 AM
Law Enforcement Center
1601 E. Main Street
Fredericksburg, Texas 78624

City Council Members Present:

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

Members Absent:

None

City Staff Present:

Clinton Bailey, City Manager
Garret Bonn, Assistant City Manager
Leticia Vacek, City Secretary
Mick McKamie, City Attorney (via phone)
Kris Kneese, Director of Public Works and Utilities
Brian Vorauer, Police Chief
Lynn Bizzell, Fire Chief
Aaron Anderegg, IT Director
Krista Wareham, Director of Finance
Anna Hudson, Director of Development Services
Andrea Schmidt, Director of Parks and Recreation
Sean Doerre, Public Information Officer
Leslie Embrey Ball, Assistant to the City Secretary

1. CALL TO ORDER

Mayor Jeryl Hoover called the meeting to order and announced that a quorum of the council was present.

2. INVOCATION

John Ussery, Elder at Trinity Fellowship Church, delivered the Invocation.

3. PLEDGES OF ALLEGIANCE

Mayor Hoover led the Pledges.

4. CEREMONIAL ITEMS

- A. Service Recognition for Peggy Benson who served a total of 33 years on the Market Square Redevelopment Commission. (Mayor Hoover to present Plaque, Andrea Schmidt, Director of Parks & Recreation and Chair Tim Crenwelge)

Andrea Schmidt thanked, recognized, and wished Peggy Benson the best after serving 33 years on the Market Square Redevelopment Commission. Mayor Hoover presented Peggy Benson with an outgoing plaque and thanked her for the last 33 years she devoted to the Commission. Tim Crenwelge noted how Peggy will be missed as she had done such an outstanding job serving on the board. He also thanked her for her 33 years of service.

- B. Recognition of New Parks & Recreation City Employee Emmett Leija.

Mayor Hoover recognized new Parks & Recreation employee Emmett Leija.

5. COUNCIL COMMENTS

Councilmember Briley reported on the following.

- Announced the upcoming Chamber event and noted Kulda was looking for auction items.
- Reminded all of the Leadership Breakfast on September 11, 2024 at the Nimitz Ballroom and noted that Clinton Bailey will be the Keynote Speaker.

Councilmember Klein reported on the following.

- Announced that he will be attending the County Commissioner's Meeting.
- Noted the vacancies on the Market Square Redevelopment Board which will be addressed later on this agenda.

Mayor Pro-Tem Kirchner reported on the following.

- Reminded all that schools are back in session and to be aware of the School Zones.
- Announced the Alzheimer's Walk will be held September 14, 2024 at 9 am.
- Announced that Connecting the Vine was holding their Community Health Affair on October 12th at 10 a.m. at the Methodist Church.

Councilmember Watson reported on the following.

- Reported that he attended Leadership Gillespie County.
- Attended the Hill Country Alliance Meeting on August 15th with the topic on affordability and the local economy.
- Noted that the Coffee with the City Manager session was well attended with great discussion had.
- Reported that he attended the EDC Meeting where the topic discussed was on the real estate market.

Mayor Hoover noted the following.

- Provided stats on the STRs, Residential Permits (R-1, and R-2) and Commercial Permits.
- Noted his comments on the Mural Painted on the West Wall of 522 W. Main Street that has gained momentum on social media stating that said item will be heard by the Zoning Board of Adjustment on September 18, 2024.

6. CONSENT

THE FOLLOWING ITEMS MAY BE ACTED UPON IN A SINGLE MOTION.

- A. Consider approval of City Council Minutes for the Regular Meeting of July 16, 2024.
(Leticia Vacek, City Secretary)

Mayor Pro-Tem Kirchner moved to approve the Regular Meeting Minutes of July 16, 2024.

Councilmember Klein seconded the motion. The motion carried unanimously.

7. ORDINANCES, RESOLUTIONS AND PUBLIC HEARINGS

- A. Consideration and approval of Ordinance 2024-24 amending Section 24.400, "Fees For Use of Lady Bird Johnson Park and Campgrounds relating to "Recreational Fees," appendix A, "Fee Schedule," of the Fredericksburg Code of Ordinances, by decreasing the daily rate at the Campgrounds. (Andrea Schmidt, Director of Parks and Recreation)

Andrea Schmidt provided a summary of the fee schedule noting that the daily rate would be decreased. Councilmember Watson moved to adopt Ordinance 2024-24. Mayor Pro-Tem Kirchner seconded the motion. The motion carried unanimously.

- B. Consideration and approval of Ordinance 2024-25 related to the Health Permit Fee Schedule. (Kelli Olfers, Director of Gillespie County Health Division)

Kelli Olfers provided a summary of the proposed Health Permit Fee Schedule noting it had been 9 years since the fees were last adjusted. She stated comparisons were reviewed of surrounding cities. Councilmember Watson moved to adopt Ordinance 2024-25. Councilmember Briley seconded the motion. The motion carried unanimously.

- C. CONSIDERATION AND APPROVAL OF ORDINANCE 2024-26 BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS AUTHORIZING THE ISSUANCE OF "CITY OF FREDERICKSBURG, TEXAS, UTILITY SYSTEM REVENUE BONDS, SERIES 2024"; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS, TOGETHER WITH CERTAIN CURRENTLY OUTSTANDING PRIOR LIEN OBLIGATIONS, BY A FIRST AND PRIOR LIEN ON AND PLEDGE OF THE PLEDGED REVENUES OF THE CITY'S COMBINED UTILITY SYSTEM; PROVIDING THE TERMS AND CONDITIONS OF SUCH BONDS; RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF SUCH BONDS, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND SALE DOCUMENTATION; COMPLYING WITH THE REQUIREMENTS OF THE LETTER OF REPRESENTATIONS PREVIOUSLY EXECUTED WITH THE DEPOSITORY TRUST COMPANY; AND PROVIDING FOR AN EFFECTIVE DATE. (Garret Bonn, Asst. City Manager)

- i. Presentation by Dan Wegmiller, Specialized Public Finance, Inc. (Financial Advisor)
- ii. Hold a Public Hearing (Mayor declares the Public Hearing open and calls upon individuals to speak. Mayor declares the Public Hearing closed)
- iii. Take Action to Adopt Ordinance No. 2024-26

Dan Wegmiller presented the bids for the issuance of \$2 million which was part of the process of the City's acquisition for renovation of the Hill Country University Center facility. He stated that they received 5 bids total that were opened this morning. Of the 5 bids received, the bid with the lowest interest rate came in at 3.89% in which all documents will be updated to reflect the recommended bidder. Mayor Hoover recognized Bond Counsel Stephanie Leibe of Norton Rose Fulbright who stated that she had reviewed the entire bond issuance transcript.

Mayor Hoover declared the public hearing open. There being no one to speak on the item, Mayor Hoover declared the public hearing closed.

Councilmember Briley moved to adopt Ordinance 2024-26 authorizing the City of Fredericksburg, Texas Issuance of Utility System Revenue Bonds, Series 2024. Councilmember Watson seconded the motion. The motion carried unanimously.

8. OTHER ACTION ITEMS AND UPDATES

- A. Consideration and Approval of the City's Bank Depository Contract for Financial Services. (Krista Wareham, Director of Finance)

Krista Wareham presented the contract for the City's Bank Depository Contract noting that bid proposals were received from Security State Bank & Trust and Texas Regional Bank. She stated that staff's professional recommendation was to continue with a new contract with Security State Bank & Trust with a term beginning October 1, 2024 and extend through September 30, 2027, with the option of two (2) one-year extensions, upon mutual agreement by the Parties.

She introduced Kay Stech and Consuelo Rivera from Security State Bank & Trust.

Councilmember Klein moved to approve the depository contract as recommended by staff. Councilmember Briley seconded the motion. The motion carried as follows:

AYE: Councilmembers Klein, Briley, Watson, and Mayor Hoover

NAY: None

ABSTAIN: Mayor Pro-Tem Kirchner

- B. Consideration of the Proposed Tax Rate Approval. (Krista Wareham, Director of Finance)

Krista Wareham presented the two tax rates after having received the certified appraisal roll being the No-New Revenue Tax Rate and the Voter-Approval Tax Rate.

She reported the 2024 Calculated City Property Tax Rates with the No-New Revenue Tax Rate of \$0.160769; the Voter Approval Tax Rate of \$0.188764; the De minimis rate of \$0.192171; and the Voter Approval with the unused increment tax rate at \$0.205326. She also referenced a slide on the City Property Tax Rate History showing the total tax rate in years 2019 and 2020 at a total tax rate of \$0.227284 and \$0.220775, respectively. In 2021 and 2022 the total tax rate remained the same both years at \$0.195823. Lastly, in 2023 the total tax rate was reduced to \$0.165180. Mrs. Wareham stated that staff's recommendation for 2024 was with the unused increment for a total tax rate at \$0.205326.

Mayor Hoover noted that today's action was to set the tax rate and that a Public Hearing on the Tax Rate would be held on September 12, 2024 at 9 a.m. at the Law Enforcement Center.

Councilmember Watson moved to set the 2024 City Tax Rate with the unused increment at \$0.205326. Councilmember Klein seconded the motion. The motion carried as follows:

AYE: Councilmembers Watson, Klein, Briley, Mayor Pro-Tem Kirchner, and Mayor Hoover

- C. Consider the appeal of the denial of a Short-Term Rental-Unoccupied Permit Application requested by Joel Ratliff for the property located at 105 E Burbank. (Anna Hudson, Director of Development Services)

Anna Hudson reported that the property was being sold and the owner failed to renew the permit for a STR. She added that the 90-day grace period had expired. Mrs. Hudson introduced Mr. Ratliff who presented his case explaining the reason for the failed renewal.

After due consideration, a motion was made by Councilmember Briley to grant the appeal and reinstate the process to allow for the renewal of the STR. Councilmember Watson seconded the motion. The motion carried as follows:

AYE: Councilmembers Briley, Watson, and Mayor Hoover

NAY: Mayor Pro-Tem Kirchner and Councilmember Klein

- D. Consideration and Possible Action for a contract with TXP to conduct a Feasibility Analysis of a Tax Increment Reinvestment Zone (TIRZ). (Anna Hudson, Director of Development Services)

Mrs. Hudson presented a brief recap of a TIRZ Program denoting what it is and reasons entities utilize said tool. She introduced Mr. Travis Jones who provided specifics of TIRZ projects and spoke of the general areas that are selected for a TIRZ. It was indicated that the amount at this time to proceed with the study is \$14,500.00. Mrs. Hudson mentioned that the TIRZ Program account can be viewed as a savings account for a particular improvement. She added if the TIRZ Program was implemented now; the city would not start collecting the tax until 2026.

Mayor Hoover indicated that he was interested in the development and improvement to W. Main Street. He added that this feasibility study would provide answers that he does not have as it relates to areas for development, improvement, and other key issues.

Mayor Pro-Tem Kirchner moved to approve the agreement for a Public Improvement Increment Tax Zone with a change to the header from "Creation" to "Feasibility Study". Councilmember Watson seconded the motion. The motion carried as follows:

AYE: Councilmembers Watson, Briley, Mayor Pro-Tem Kirchner, and Mayor Hoover

NAY: Councilmember Klein

- E. Consider and Take Action on Appointments to the Market Square Redevelopment Commission, Historic Review Board and Zoning Board of Adjustment (Garret Bonn, Asst. City Manager)

Said item was deferred to the Executive Session. After the executive session, the Council took action to appoint the following individuals.

Market Square Redevelopment – Lauren Smith, Travis Neal, Griffin Kott

Historic Review Board – Donna Heinen Sanders

Zoning Board of Adjustment – Mike Mahoney (full-member)

9. CITY MANAGER’S REPORT

- A. City Manager's Monthly Update

City Manager Bailey began with an update on development throughout the city. Kris Kneese provided an update on the Main Street Repaving and Restriping Street Project that is being done by TXDOT. He referenced the time lapse video of the Llano Bridge being placed and presented an update on the Water Levels for the various Wells and monthly pumping. Krista Wareham presented an update on the FY 2024 YTD Finances. City Manager Bailey provided a brief report on Police and Fire/EMS monthly calls, response times, transfers, and mutual aid provided. He briefly reported on the Health Department monthly activity. City Manager Bailey also referenced the City Department Openings and Recently Filled positions. Lastly, he mentioned Civic Engagement of Coffee with the City Manager noting that Garret would cover same while he would be speaking at the Chamber Leadership event on the same day.

10. ITEMS FOR FUTURE AGENDA

- A. Future Agenda Items List

City Manager Bailey reviewed the Future Agenda List with the Council noting the dates of the upcoming Public Hearing on the Tax Rate as well as the Final votes to approve the FY25 Budget and Tax Rate. He also reminded everyone of the Special Budget Meeting on August 27th at 1pm in the John Wm. Klein Room.

11. EXECUTIVE SESSION

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

- A. Consider and discuss Real Estate in the vicinity of US 290E and Industrial Loop (Section 551.072)
- B. Consider and discuss Real Estate in the vicinity of US 290E and Old San Antonio Rd. (Section 551.072)
- C. Consider and discuss the appointment, evaluation, reassignment, duties, or dismissal of a public officer, specifically the appointment of persons to fill vacancies on the City’s

Boards and Commissions (Section 551.074). Companion Item 8E.

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

RECESSED

Mayor Hoover announced that the City Council Regular Meeting would be in recess at 10:48 am to go into executive session.

RECONVENED

Mayor Hoover reconvened the City Council Regular Meeting at 11:12 am.

12. BUSINESS ITEM

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

Mayor Pro-Tem Kirchner moved to appoint Lauren Smith, Travis Neal and Griffin Kott to the Market Square Redevelopment Board; and to appoint Donna Heinen Sanders to the Historic Review Board, and to appoint Mike Mahoney to the Zoning Board of Adjustment (ZBA) as a full member. It was noted that an Alternate to the ZBA would be necessary. Councilmember Watson seconded the motion. The motion carried unanimously.

RECESSED

Mayor Hoover announced that the City Council Regular Meeting would be in recess at 11:14 am to go back into executive session.

RECONVENED

Mayor Hoover reconvened the City Council Regular Meeting at 12:22 pm. No action further action was taken.

13. ADJOURN

Mayor Hoover adjourned the meeting at 12:22 pm.

Jeryl Hoover, Mayor

ATTEST:

Leticia Vacek, City Secretary



City of Fredericksburg

City Council Special Meeting Agenda
Tuesday, August 27, 2024 ~ 1:00 PM
John Wm. Klein Room
115 N. Crockett Street
Fredericksburg, Texas 78624

Council Members Present:

Emily Kirchner, Mayor Pro-Tem
Bobby Watson, Councilmember
Tony Klein, Councilmember
Randy Briley, Councilmember

Absent:

Jeryl Hoover, Mayor

Staff Present:

Clinton Bailey, City Manager
Garret Bonn, Assistant City Manager
Leticia Vacek, City Secretary
Krista Wareham, Finance Director
Brian Vorauer, Police Chief
Lynn Bizzell, Fire Chief
Anna Hudson, Development Services Director
Andrea Schmidt, Parks & Recreation Director
Aaron Anderegg, IT Director
Sean Doerre, Public Information Officer
Leslie Ball Embrey, Assistant to the City Secretary

1. CALL TO ORDER

In the absence of Mayor Hoover, Mayor Pro-Tem Kirchner called the meeting to order and noted a quorum of the Council was present.

2. Review and discuss the City of Fredericksburg's Proposed Fiscal Year Budget beginning October 1, 2024, and ending September 30, 2025. (Clinton Bailey, City Manager and Krista Wareham, Finance Director)

A. Presentation and discussion on the FY 2025 Proposed Budget.

City Manager Bailey stated that staff would be providing additional budget information, as well as an overview of the budget. He noted that although the FY 2025 Proposed Budget has been filed with the City Secretary as required by law, it's in a proposed stage. He added Council would also hear items to include increases for Police and Fire/EMS as well as continuing to manage their step plan, New Personnel Requests, Cost of Living/Merit Increases for employees, Capital Equipment and Projects, Sales Tax Assumptions and the Property Tax Rate. He mentioned the unused tax increment of 2021 and 2023 that could increase the voter approval rate. He noted the emphasis on emergency services and employees. He mentioned that this meeting was relatively informal and asked Council to ask their questions during the presentation. At this time, he turned the floor to Krista Wareham.

Mrs. Wareham stated that the last time staff provided revenues and expenses; we were flat on our revenue and we were down 5% on expenses. Now, with the updated data, the Voter Approval Rate was loaded without the unused increment and revenues are now at 2% increase over 2024 and expenses decreased to 4%. We also loaded in a couple of personnel and capital requests. She indicated that at this point, staff was still reviewing the sales tax as the property rate has been loaded but as of now, we are sitting flat at \$9 million in sales tax. City Manager Bailey mentioned some cities are increasing their projections on sales tax ranging from plus five to minus five percent depending on location.

At this time, Mrs. Wareham reviewed the revenues noting that overall Enterprise Fund Revenues were up by 5% which is how we get to 2% city-wide. She noted the Enterprise Funds and their revenue with Electric at \$15 million, Water at \$10 million, Sanitation at \$3.5 million, Drainage at \$3 million, EMS at \$6 million, Hotel Occupancy Tax (HOT) at \$6 million, and Health Insurance Fund at \$2.5 million.

Mrs. Wareham denoted that the County and Appraisal District was listed as Inter-Governmental Transfer Out which pays for the following: City's Contribution for EMS/Emergency Management, and Golf. Under the Food & Wine Fest Expenses line item, Mrs. Wareham stated that there is no budgeted amount this year and the \$81,509.00 currently in said line item will be moved over for HOT Disbursements. Mrs. Wareham responded that the reserves in the HOT Fund was at \$1.9 million.

With regard to the largest expense; it was reported that Personnel was at 36% of the total budget. She added that currently, the budget is loaded with a 2.5% merit increase for all employees and referenced the 12 New Positions as well. Mrs. Wareham added that their forecast for the General Fund showed that for the new 12 positions, the full impact (second year) would be about a \$900,000 increase. It was noted that the 12 new positions would have varied start dates.

Capital Equipment Requests and Projects was stated to be 24% of the total Budget which includes 8 Police Vehicles, Renovations to the LEC and Council Chambers, the Fire Ladder Truck, Streets/Sidewalks, Parking at Lady Bird Park to name a few. On the Enterprise Funds, we have electric transformers and bucket trucks. On the Water Fund, she mentioned a few Water Line/Main and Pressure Projects and Master Plan Update. On the Sanitation side, she mentioned improvements to the Entrance of their facility and a new Garbage Truck. She noted that EMS added Heart Monitors and an Ambulance while denoting several Storm Sewer Projects and various Tourism Projects at MarktPlatz of trash cans, benches, and lighting.

Garret Bonn provided a brief update on the N Llano Storm Sewer Project partially funded by the Texas Water Development Board at \$349,000.00 noting that said project was going through the environmental approval process which originally delayed the design. Construction is projected to start late Spring 2025 or Early Summer noting it is all funded through a Revenue Bond.

Mrs. Wareham presented a slide on HOT Tax and Sales Tax percentages over the years. She noted that Councilmember Briley met with her to compare what the percentages looked like in 2019 where Sales Tax was at 4% increase and HOT was a 7% increase. She stated that in 2021, the Sales Tax had an increase of 25% and HOT was at 62%. Councilmember Briley stated that since we depend so heavily on sales tax; what is the trend. Councilmember Briley added that what we are seeing is sales tax flattening and HOT correlates, thus, we should not be so optimistic this year. It was stated that Fredericksburg had The Eclipse and Oktoberfest this year. Councilmember Watson stated that next year, the city will have Oktoberfest and Food & Winefest. City Manager Bailey stated that for those high yielding years of tax; the City collected about \$1 million over projections and approximately \$700,000.00 were reinvested into the organization for our employees and implemented a step plan for Police Officers to continue to be competitive with other cities.

Tim Lehmberg ran through Sales Tax Projections from surrounding cities where the City of Kerrville was the only city projecting a decrease of 3%.

A discussion ensued with regards to property tax and Mrs. Wareham noted the difference between the voter approved and de minimus tax rates. She added that none of the options being presented on the property tax rate require a vote by the public. She noted that the previous unused increment rate of approximately \$300,000 from 2021 will be lost and there was no unused increment for 2022. The only amount we can possibly tap into to be able to utilize is approximately \$200,000 from year 2023 which is the unused increment.

At this time, Mrs. Wareham referred to the property tax analysis for the past 10 years depicting taxable property values and total new taxable value. She noted that the median new taxable value from 2015 to 2024 was \$48 million. She added that in 2023 and 2024, the hospital tax value came online. She added that for every one cent added to the tax rate equates to \$324,000.00. Mayor Pro-Tem Kirchner mentioned the tax rates from surrounding cities and City Manager Bailey read the various tax rates for surrounding cities and stated the average residential value of a home in Fredericksburg at \$483,600.00 – at the current city's tax rate of 16.5 cents equates to an amount of \$799.00 per year. The average home valued in Kerrville of \$287,000.00 – with their city's tax rate of 55.95 equates to an amount of \$1,606.00 per year.

Mrs. Wareham stated that currently our budget is at \$23.4 million for the general fund; if the Council elects to utilize the Voter-Approved Tax Rate with the unused increment, the gain would be \$535,000.00. She noted that previously 3 vacancies had been taken out from the PD due to not filling those. City Manager Bailey added that the 3 positions would be funded mid-year due to the time it takes to hire the positions. Councilmember Briley asked that they be fully loaded in. She added that staff is recommending adding a cost of living increase for all employees of 2.5% as currently there is only a 2.5% merit across the board. City Manager Bailey mentioned with inflation at 2.6%, it is typical to propose a cost of living increase every year. Mrs. Wareham mentioned a small step-plan for police officers. She added that our total fund balance is \$11 million and projected to end at \$9 million. She added that the Capital and Debt funds run approximately at \$3 million each year.

Mayor Pro-Tem Kirchner asked if the list of capital items was prioritized and for the start dates for each. City Manager Bailey noted the Water, Sanitation and Storm Water are supported by Master Plans and are in really good shape. On the General Fund side, we do have some equipment purchases that we have not planned on. He asked Chief Vorauer to talk about the police vehicles, staffing, and renovation of the LEC. Chief Vorauer stated that they have a 5-year rotation of vehicles with approximately 20,000 miles per year on patrol vehicles. City Manager Bailey mentioned extending that out to 6-7 years as an option. It was stated that Code Enforcement has 3 Trucks that are leased while the patrol vehicles are purchased.

A discussion was held with regards to the renovation of the LEC at \$450,000.00. A suggestion of utilizing panels to lessen the cost. City Manager Bailey suggested an option of phasing in the renovation and utilizing half of the \$450,000.00 this year and the remainder the following year. Chief Vorauer stated that the most important thing is to capture that space to get employees out of closets. He noted that he got one estimate from one contractor but would get additional bids for the renovation. Mayor Pro-Tem Kirchner stated that the county may want to assist with the renovations and asked if there was an appetite for them to do so. Chief Vorauer stated that he had spoke with Sheriff Mills about that and the conversation was that both entities would share the costs to renovate. He stated that he has yet to speak with Sheriff Ayala, thus, there is a possibility. City Manager Bailey stated that when the new Sheriff comes on board, that is a conversation to be had. It was stated that Chief Bizzell has some modifications that he would like to make to the existing City Hall once the Fire Department takes it over.

Mr. Bonn mentioned that the continuation of the Comprehensive Plan is to now start the implementation process with grant money. Paving materials for a parking lot and a prioritized list for several other Parks & Recreation Projects were also mentioned by Andrea Schmidt.

Chief Vorauer provided a comparison of what the starting pay for police officers for various agencies. He stated that the starting pay as proposed would drop our officers under by \$2,000.00. He suggested adjusting the step plan to 3.5% with a 2.5% merit for a 6% overall in step plan for a starting salary for our police officers at \$62,975.00. He gave a break-down of the number of officers that will be testing in

September and 2 that will be hired. He also stated that most of the officers that do not live in Gillespie County would move if they could afford to do so. A brief discussion ensued with regards to the impact of the salaries to sworn officers and fire fighters.

Mrs. Wareham asked if there were other questions on capital projects or any other item. The Parks dedication fee and if said fee was per lot even for commercial properties.

City Manager Bailey asked what the Council felt comfortable with as far as a property tax rate. The majority of the Council felt the tax rate should be flat. City Manager Bailey noted the Mayor's position on the tax rate.

Mayor Pro-Tem Kirchner announced that Public Hearing on the Tax Rate would be held on September 12, 2024 at 9 a.m. while the vote on the Budget and Tax Rate would be held at the Regular Council Meeting on September 17, 2024.

3. ADJOURN

Their being no further business, Mayor Pro-Tem Kirchner adjourned the meeting.

Mayor Pro-Tem Kirchner

Attest:

Leticia Vacek, City Secretary



City of Fredericksburg
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 3, 2024 ~ 9:00 am
LAW ENFORCEMENT CENTER
1601 E. MAIN STREET
FREDERICKSBURG, TEXAS 78624

City Council Members Present:

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

Members Absent:

None

City Staff Present:

Clinton Bailey, City Manager
Garret Bonn, Assistant City Manager
Mick McKamie, City Attorney
Kris Kneese, Director of Public Works and Utilities
Brian Vorauer, Police Chief
Lynn Bizzell, Fire Chief
Aaron Anderegg, IT Director
Krista Wareham, Director of Finance
Anna Hudson, Director of Development Services
Andrea Schmidt, Director of Parks and Recreation
Leslie Embrey Ball, Assistant to the City Secretary

1. CALL TO ORDER

Mayor Hoover called the meeting to order and announced a quorum of the council was present.

2. INVOCATION

Pastor Garcia delivered the Invocation.

3. PLEDGES OF ALLEGIANCE

Mayor Hoover led the Pledges.

4. CEREMONIALS

Proclamation for Constitution Week - Ephraim Andrews Chapter of the Daughters of the American Revolution - Roylene Roberts & Introduction of Development Services Department Employee Jeanette Sanchez

Mayor Hoover read and presented a proclamation to Roylene Roberts and members of the Ephraim Andrews Chapter of the Daughters of the American Revolution for Constitution Week. He also recognized Development Services employee Jeanette Sanchez.

5. COUNCIL COMMENTS

Councilmember Briley reported on the following.

- Thanked the staff and the community for their support in the purchase of the University Center.
- Announced the Coffee with City Manager, and Citizen University.
- Announced the Breakfast Leader's Meeting on September 11, 2024, in the Nimitz Ballroom with Clinton Bailey as the Keynote Speaker.
- Noted the Chamber Golf Tournament will be held September 20, 2024.
- Noted that Fun after Five will be held September 19, 2024, at Augusta Vin.
- Reported Worldwide Suicide Prevention is September 10, 2024. If you know of anyone struggling, please dial 988.

Councilmember Tony Klein reported on the following.

- Attended the County Commissioners meeting last week. Standing room only with the focus on Ballot Counting issues.
- The MSRC meeting added 3 new excited and driven young members to the board with discussion on the Glockenspiel location, keeping in mind the Vereins Kirche.
- Added that both he and Councilmember Watson have attended the Fredericksburg Food & Wine Festival meetings with great response to this year's event.

Mayor Pro-Tem Kirchner reported on the following.

- Attended/Presented the Bürgermeisterin Award at the Vereins Quilt Guild event.
- Attended the Capital Quarterly TX 1 Water Meeting.
- Attended the Texas Association of Counties Legislative Summit.
- Attended the Texas Tribune Festival in Austin.

Councilmember Watson reported on the following.

- Attended the Hill Country Alliance Leadership Meeting.
- Attended/Presented the Proclamation for Sam Knutson's 100th Birthday celebration who was a WWII Veteran and served in the Army Air Corps. Chip Roy also attended.

Mayor Hoover noted the following.

- Provided an update on the projected move into the City Hall - University Center.

- Noted that the October Council Regular Meeting will be the first one held in what was the HEB Room, now the Community Room.

6. CONSENT

THE FOLLOWING ITEM(S) MAY BE ACTED UPON IN A SINGLE MOTION

- A. Consider approval of Minutes for City Council Special Budget Meeting on July 23, 2024. (Leticia Vacek, City Secretary)

Mayor Pro-Tem Kirchner moved to approve the Minutes for City Council Special Budget Meeting of July 23, 2024. Councilmember Watson seconded the motion. The motion carried unanimously.

7. ORDINANCES, RESOLUTIONS AND PUBLIC HEARINGS

- A. **Public Hearing on the Proposed City of Fredericksburg Budget for Fiscal Year 2024-2025 for the period of October 1, 2024, through September 30, 2025.**
- i. **Presentation by Krista Wareham, Finance Director**
 - ii. **Conduct Public Hearing (Mayor declares the Public Hearing open and calls upon individuals to speak. Mayor declares the Public Hearing closed)**
 - iii. **Action Required - Adoption of the budget or a vote to postpone the final budget vote.**

Krista Wareham, Finance Director presented updated budget information. Mayor Hoover declared the Public Hearing open. There being no registered speakers; he asked if there was anyone that would like to speak. There being none, Mayor Hoover declared the Public Hearing closed.

Councilmember Watson moved to postpone the final budget vote until September 17, 2024. Councilmember Klein seconded the motion. The motion carried unanimously.

- B. **Consider and take action on Ordinance 2024-27 for the Release of Right-of-Way for a portion of S. Mesquite Street from E. Main Street to E. San Antonio Street to adjacent property owner, Mod Hotel No 2 LLC. (Anna Hudson, Director of Development Services)**

Mrs. Hudson presented the release of right-of-way noting new owners for 803 E. Main (former Navajo Grill) and 901 E. Main (former Azure Hills Motel). She added there are no utilities within the small portion of S. Mesquite Street closure being requested for vehicular access which they have agreed to maintain.

Councilmember Watson moved to adopt Ordinance 2024-27 for the Release of Right-of-Way for the portion of S. Mesquite Street from E. Main Street to E. San Antonio Street to the adjacent property owner, Mod Hotel No 2 LLC. Mayor Pro-Tem Kirchner seconded the motion. The motion carried unanimously.

- C. **Consideration and Possible Action on Resolution 2024-11 authorizing and**

directing the City Manager to negotiate and execute an Agreement for Professional Architectural Services for the Renovation and Remodeling of the Former Hill Country University Center Educational Building located at 2818 US 290 East into a New City Hall for the City of Fredericksburg with SKT Architects, PLLC in an amount not to exceed \$150,000.00. (Garret Bonn, Assistant City Manager)

A presentation was made by Assistant City Manager Garret Bonn. He noted that Todd Keener and SKT Architects participated in the original design of the University Center and have been able to provide valuable input. The proposed design work will start with an hourly contract and will report back to the Council different options to deliver the project when more details are available.

Councilmember Klein moved to approve Resolution 2024-11 authorizing and directing the City Manager to negotiate and execute an Agreement for Professional Architectural Services for the Renovation and Remodeling of the Former Hill Country University Center Educational Building located at 2818 US 290 East into a New City Hall for the City of Fredericksburg with SKT Architects, PLLC in the amount not to exceed \$150,000.00. Councilmember Briley seconded the motion. The motion carried unanimously.

8. OTHER ACTION ITEMS AND UPDATES

A. Petition for Release of Property from the City of Fredericksburg Extra-Territorial Jurisdiction (ETJ) of approximately 20.0 acres also known as the Yee Haw Ranch Outfitters. (Mick McKamie, City Attorney)

City Attorney McKamie reminded the Council that no action means that the ETJ request will be released in 45 days, regardless.

Councilmember Briley moved to approve the Petition for the Release of 20.0 acres (Yee Haw Ranch Outfitters) from the City of Fredericksburg's ETJ. Councilmember Klein seconded the motion. The motion carried as follows:

AYE: Briley, Klein, and Watson

NAY: Mayor Hoover

ABSTAIN: Mayor Pro-Tem Kirchner

B. Consideration and Possible Action Approving the Financing for the Fire Department Rescue Truck. (Krista Wareham, Finance Director)

Mrs. Wareham reported on the purchase of a Fire Rescue Truck (approved in the 2023-2024 Fiscal Year Budget) through the Lease Purchase Financing that was approved in the 2023-2024 Budget.

Councilmember Klein moved to approve the financing for the Fire Department Rescue Truck. Mayor Pro-Tem Kirchner seconded the motion.

The motion carried unanimously.

C. **Consider and Take Action on an Appointment to the Zoning Board of Adjustment. (Garret Bonn, Asst. City Manager)**

Said item was deferred to the Executive Session. After the executive session, the Council took action to appoint Adam Luton to the Zoning Board of Adjustment.

9. **CITY MANAGER'S REPORT**

A. **Municipal Court Update. (Judge Shelley Becker)**

Shelley Becker, Municipal Court Judge provided insight via a PowerPoint on the Youth Diversion, Teen Court, and Early Intervention Programs at the City's Municipal Court.

10. **ITEMS FOR FUTURE AGENDA**

A. **Review of Future Agenda Items List. (Clinton Bailey, City Manager)**

City Manager Bailey reviewed the Future Agenda List with the Council.

11. **EXECUTIVE SESSION**

Pursuant to the Texas Government Code Sections 551.071, 551.072, and 551.074, the City Council will recess its open meeting and convene in Executive Session.

- A. Consider and discuss the appointment, evaluation, reassignment, duties, or dismissal of a public officer, specifically the appointment of persons to fill vacancies on the City's Boards and Commissions. (Section 551.074)
- B. Consultation with Attorney on a matter for which it is the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct conflict with this Chapter and requires discussion of the item in closed session: Receive and discuss legal advice on civil and criminal enforcement of Short-Term Rental Ordinance. (Section 551.071)
- C. Consider and discuss Real Estate in the vicinity of US 290E and Industrial Loop. (Section 551.072)
- D. Consider and discuss Real Estate in the vicinity of US 290E and Old San Antonio Rd. (Section 551.072)

Mayor Hoover announced that the City Council Regular Meeting would be in recess at 10:14 am to go into executive session.

12. BUSINESS ITEM

Mayor Hoover announced that the City Council Regular Meeting would be reconvened at 11:05 am.

Mayor Pro-Tem Kirchner moved to appoint Adam Luton to the Zoning Board of Adjustment. Councilmember Briley seconded the motion. The motion carried unanimously.

Mayor Pro-Tem Kirchner moved to direct the City Manager and City Attorney to provide notice of default to the former Texas Rangers Foundation. Councilmember Briley seconded the motion. The motion carried unanimously.

13. ADJOURN

There being no further business, Mayor Hoover adjourned the meeting at 11:05 am.

Jeryl Hoover, Mayor

ATTEST:

Leticia Vacek, TRMC, CMC, MMC
City Secretary



CITY COUNCIL AGENDA MEMO

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

MEETING DATE: October 15, 2024

CATEGORY: CONSENT

CAPTION: Consider approval for the purchase of Parks Equipment in the Fiscal Year 2025 Budget of approximately \$173,434.10 but not to exceed \$178,194. (Andrea Schmidt, Director of Parks & Recreation)

PRESENTATION:

SUMMARY:

As part of the FY 2025 budget, funds were approved for the purchase of two larger pieces of equipment for the parks department. The purchase of a Groundsmaster 4500 was approved with a total budget amount of \$113,874 and a Ventrac tractor for a total of \$64,320. The Buyboard quotes for these two pieces of equipment total \$173,434.10 which is under budget.

The Groundsmaster 4500 is a large specialized commercial mower with a 109" cut that will be isolated for use on ballfields. Mowers used in rough areas do not cut level and leave uneven areas in the fields.

The Ventrac is a multipurpose piece of equipment for all parks to mow slopes, grind stumps, and trench. This piece of equipment will include several attachments, including a bucket, a trencher and a stump grinder.

BACKGROUND:

The quotes include a stipulation that due to the volatility of the current market, some orders may incur additional cost increases that are beyond their control. These pricing adjustments may be made from the time the order is entered through the equipment delivery. These adjustments will be communicated with the customers. If the costs rise above our budget, then we may cancel the order with fees up to 10% of the original order.

FUNDING SOURCE: General Fund

FINANCIAL IMPACT:
\$178,194

STAFF RECOMMENDATION:

Approve purchase of parks equipment in the amount of \$173,434.10 but not to exceed \$178,194.

COMPREHENSIVE PLAN GUIDING PRINCIPLE:

Neighborhood Quality
Workforce
Tourism
City Center
Mobility
Small Town Sensitive Growth
Governance

ATTACHMENTS:

1. Groundsmaster 4500 quote GM4500 9.25.24
2. Groundsmaster 4500
3. Ventrac-Fredericksburg_Parks_and_Rec_95539-1002

APPROVAL/REVIEW:

Andrea Schmidt

Date: September 30, 2024

Andrea Schmidt, Parks and Recreation Director

William McKamie

Date: September 30, 2024

William McKamie, City Attorney

Leticia Vacek

Date: October 08, 2024

Leticia Vacek, City Secretary

Clinton Bailey

Date: October 11, 2024

Clinton Bailey, City Manager



Professional Turf Products, L.P.
1010 North Industrial Blvd.
Euless, Texas 76039
Professional Turf Products
(817) 785-1900
batchelor@proturf.com



Count on it.



Ship To	City Of Fredericksburg - Parks Dept.	Date:	10/1/2024
Bill To	BUYBOARD (CONTRACT # 706-23) - Credit Cards Not Accepted	Tax Rate	
Contact	Trevor Dutuis	Destination	Included
Address	6022 Wells Rd., Fredericksburg, TX 78624-3728	Trade-In	
		Finance	
Phone	830-997-1870	Account Type	Corp
Email	tdutuis@fbgtx.org	QMS: ID	130912
Comments:	Unit is in stock		

Proposal

Qty	Model #	Description	Unit	Extended
1	30885	Groundsmaster 4500		
1	30669	Universal Sunshade, White		
		Groundsmaster 4500	\$	96,827.72

SubTotal	\$	96,827.72
Destination		Included
Tax (Estimated)	\$	-
TOTAL	\$	96,827.72

Comments:

For all New Equipment, Demo units may be available for up to 20% savings.

For all New Equipment, Refurbished units may be available for up to 40% savings.

Due to unexpected issues with much of our supply chain, we are experiencing longer lead times than we have seen in the past. We are doing everything we can to get products to you as quickly as possible.

Terms & Conditions:

- Prices & Finance Rates are subject to change at any time. Monthly Payments are Estimates based on Prices & Rates when quoted.
- Due to the volatility of inflation, rising transportation costs, and supply shortages, some orders may incur additional cost increases that are beyond the control of PTP and the vendors we represent. These pricing adjustments may be made from the time the order is entered through equipment delivery. Any adjustments will be communicated to customers with orders in the system with a new sale price as they occur.
- Order cancellations are subject to fees up to 10% of the original order value.
- Equipment delivery time is estimated once credit is approved & documents are executed & is contingent on Manufacturer availability.
- Payments by Credit Card are subject to convenience fee.
- Used and Demo equipment is in high demand and availability is subject to change.
 - Upon firm customer commitment to purchase & credit is approved, said equipment availability will be determined.
 - In the event equipment is unavailable at time of order, PTP will employ every resource to secure an acceptable substitute.
 - PTP strongly advises the customer to issue a firm PO as quickly as possible after acceptance of quotation.
- "Trade In Allowances" will be treated as a credit for future parts purchases on PTP account unless other arrangements have been made.

Returns Policy:

- All returns & Canceled PO's are subject to restocking, refurbishing, usage, and shipping fees.
- All returns must be able to be sold as new.
- Items missing parts are non returnable.

Payment:

- Terms are net 10 unless prior arrangements have been made.

- 2. Quoted prices are subject to credit approval.
 - A. PTP will work with third party financial institutions to secure leases when requested to do so.
 - B. When using third party financiers, documentation fees & advance payments may be required.
 - C. For convenience, monthly payments are estimated based on third party rate factors in effect at time of the quotation.
 - D. PTP assumes no liability in the event credit becomes unavailable or rates change during the approval process.
- 3. There will be a service charge equal to 1.5% per month (18% per annum) on all past due invoices.
- 4. By Law we are required to file a "Notice to Owner" of our intent to file lien in the event of payment default. This notice must be sent within 60 days of the date the original invoice and will happen automatically regardless of any special payment arrangements that may have been made.

Authorized Signature: _____ Date: _____

TORO

Groundsmaster® 4500-D/4700-D

CONTOUR ROTARY MOWERS

FEATURES

- 55 hp (41.1 kW) Yanmar® turbo-diesel engine
- Contour® Plus rotary cutting units for virtually no scalping
- Full-length striping rear rollers
- 9' (2.7 m) and 12.5' (3.8 m) width of cut
- 6.5" (16.5 cm) cutting unit overlap to eliminate streaking
- Smart Power® – optimized mowing in all conditions
- SmartCool® system with auto reversing cooling fan
- 4-Way Adjustable Seat and Air Ride Suspension
- Integrated ControlHub® with fingertip electronic controls
- InfoCenter™ displays simple operating info while monitoring machine health
- Full-time, bi-directional 4WD
- 4-wheel drive traction assist (optional)
- Reliable planetary gear wheel drive system

More production, same extraordinary cut.

The Groundsmaster® 4500-D and 4700-D continue to provide the clean quality of cut of a reel mower but with the maintenance ease of a rotary. Toro's SmartCool® system keeps your machine on the job and moving forward. Before things get too hot, SmartCool briefly reverses the cooling fan to blast chaff and debris from the intake screens. Smart? You know it. Cool? Definitely! With a 55 hp (41.1 kW) turbo-diesel under the hood and Smart Power® technology that maximizes power to the Contour® Plus cutting decks, the Groundsmaster 4500-D and 4700-D are an unprecedented blend of powerful productivity and refined results.



Groundsmaster® 4500-D



Groundsmaster® 4700-D

SMART POWER



Prepared For:

Trevor
Fredericksburg Parks and Rec

Sold & Serviced by:

Professional Turf Products - Selma
Brian Batchelor
9468 Selma Parkway
Selma, TX 78154



4520 TRACTOR

4520 TRACTOR

Model Comparison

	4520K VANGUARD Big Block	4520P KAWASAKI DFI	4520Y KUBOTA Diesel	4520N KUBOTA	4520Z KUBOTA
Stock Codes	39.51219	39.51216	39.51217	39.51225	39.51215
California Model Stock Code		39.51221		39.51227	
Accessory Kit: Front fenders, foot pegs, 4 rear weights, weight transfer	Optional	Standard	Standard	Standard	Standard

Engines

Engine	Vanguard M54	Kawasaki FD851D DFI	Kubota D902	Kubota WG972 EFI	Kubota WG972-GL
Max Operating Speed	3600 rpm	3600 rpm	3600 rpm	3600 rpm	3600 rpm
Horsepower	31	31	25	32.5	32.5
Peak Torque	47 ft lb (64 nm)	47 ft lb (64 nm)	42 ft lb (57 nm)	51 ft lb (69 nm)	51 ft lb (69 nm)
Displacement	896cc	824cc	898cc	962 cc	962cc
Cylinders	2	2	3	3	3
Engine Oil	Ventrac Full Synthetic 10W30				
Cooling	Air	Liquid	Liquid	Liquid	Liquid
Fuel Type	Gasoline	Gasoline	Diesel	Gasoline	Gasoline
Fuel Capacity	6 gal (22.7 L)	6 gal (22.7 L)	6 gal (22.7 L)	6 gal (22.7L)	6 gal (22.7 L)
Fuel Economy^^	1.6 gal/hr (6 L/hr)	1.2 gal/hr (4.5 L/hr)	1.1 gal/hr (4 L/hr)	1.2 gal/hr (4.5 L/hr)	1.5 gal/hr (5.7 L/hr)
Slope Rating (continuous/intermittent)	25°/30°	30°/30°	20°/30°	20°/30°	20°/30°
Alternator	50 Amp	30 Amp	60 Amp	60 Amp	60 Amp

Dimensions

Weight with standard hitch	*1385 lb (628 kg)	1620 lb (735 kg)	1705 lb (773 kg)	1700 lb (771 kg)	1690 lb (767 kg)
Weight with accessories kit	1610 lb (730 kg)	N/A	N/A	N/A	N/A
Weight with 3-point hitch	1690 lb (767 kg) w/ accr kit	1700 lb (771 kg)	1785 lb (810 kg)	1780 lb (807 kg)	1770 lb (803 kg)
Length with standard hitch (ROPS up)	81.5 inches (207 cm)				
Length with 3-point hitch	92 inches (234 cm)				
Width	48.5 inches (123 cm)				
Width with wheel extensions	54.5 inches (138.5 cm)				
Width with duals	73 inches (185.5 cm)				
Wheelbase (front axle to rear axle)	45 inches (114 cm)				
Height (ROPS up)	68 inches (173 cm)				
Height (ROPS down)	54 inches (137 cm)				
Turning Radius (single tires, standard position)	39 inches (99 cm)				
Turning Radius (position 2)	54 inches (137 cm)				
Turning Radius (position 3)	68 inches (173 cm)				
Oscillation amount (@ wheel)	7.5 inches (19 cm)				
Ground Clearance	5 inches (13 cm)				

^^ Fuel Economy tested with HM602 mower for comparison purposes.
Application conditions & attachment will affect fuel economy.

All specifications subject to change without notice or obligation



The Ventrac 4520 tractor was built with you in mind. From the advanced electrical system, redesigned frame, more safety and comfort features; the 4520 offers the reliable performance, astounding versatility and comfortable handling you have come to expect.

Like all Ventrac tractors, the 4520 utilizes All Wheel Drive and an articulating chassis with a low center of gravity to provide superior traction, braking, stability, and security on tough terrain and slopes without disturbing turf when turning.

Over 30 Ventrac Mount Attachments

Choose from over 30 professional grade Ventrac Mount attachments to transform your Ventrac into a productivity powerhouse. This incredibly rugged and dependable machine is a wise business investment for golf courses, schools and universities, parks, street maintenance departments, commercial mowing services, contractors, wineries, farms, property management associations, estate owners and anyone needing one machine to do it all.

STANDARD FEATURES

- Pre-Wired Plug & Play Wiring Harness
 - Premium Comfort Seat
 - Advanced Electronic Instrument Panel
 - 6 Function Warning Gauge & Alarm
 - Conveniently Located PTO Belt Tensioner
 - On-board Diagnostic System
 - Sealed Electrical System
 - Thermostatically Controlled Oil Cooler
 - Battery Disconnect Switch with Circuit Breaker
 - Automotive Style Parking Brake
 - Universal PTO Switch
 - S.D.L.A. Operator Controls
 - Weight Transfer System*
- *Optional on 4520K, standard on other 4520 Models
- USB Charger

Optional Accessories:

- Turf Tires, Chains
- Category 1 3-Point Hitch
- Cold Weather Cab
- Additional Lighting & Signaling Packages
- Electrical Power Outlets
- Digital Slope Indicator
- Dual Wheel or Wheel Extensions for Slope

Visit www.ventrac.com/accessories for full list.



4520 TRACTOR (cont.)

Electrical

Battery	475 CCA (Group 51R)
Voltage	12 volts
Battery Disconnect	Standard, with 150A System Circuit Breaker
Fuses	Sealed, Mini Fuse and J-Case styles

Drivetrain

Hydraulic Pump	Danfoss DDC-20
Pump Drive	Direct Drive (Double U-Joint Drive-shaft)
Hydraulic Motors	MPIM
Transaxles	Peerless 2600 series
Axles	Peerless 40mm (forged) with integrated forged hub
Hydraulic Oil Cooler	Aluminum w/ Thermostatically controlled Electric Fan
Hydraulic Oil Filter (Suction)	25 micron
Hydraulic Oil Filter (Pressurized)	10 micron

Hitch and PTO

Front Hitch	Ventrac Mount System
Electric PTO clutch with Brake	Ogura GT3.5 (250 ft lb) (339 nm)
Rear Hitch	2 inches Receiver
3-Point Hitch	Optional Category 1 3-Point Hitch

Tires

Standard (All Terrain)	22x12-8
Optional Turf	22x11-10

Travel Speed (F/R)

Low Range	5 mph (8 kph) forward / 4 mph (6 kph) reverse
High Range	10 mph (16 kph) forward / 8 mph (13 kph) reverse

Instruments, Gauges, and Alarm

Gauges	Tachometer, Speedometer, Hour Meter, Engine Temperature (liquid cooled engines only), Fuel Level, Volt Meter
Indicator Lights ^ Activates Audible Alarm	Parking Brake, Engine High-Temp^, Hydraulic Oil High Temp^, Low Voltage^, Low Oil Pressure^
Switches	Key, PTO, and Lights
Lights	
Head Lights	(4) LED 1000 Lumen
Tail Lights	(2) Red LED Lights

Controls

Forward Reverse	S.D.L.A. (Speed, Direction, Lift, and Auxiliary) Handle; Optional Foot Pedal
Attachment Lift	S.D.L.A. (Primary Handle)
Auxiliary Hydraulics	S.D.L.A. (Secondary Handle)
Throttle	Dash Mounted
Front Hitch Lock	Column Mounted (Accessible from Seat)
PTO Belt Tensioner	Front Mounted, Automatic Tension Controlled
Weight Transfer	5 position
High/Low Range	Single Lever, Column Mounted
3 Pt Controls (Optional)	Lift + 2 sets of Auxiliaries
Steering	Power Steering

Other Features

Tool Box	Optional
Cup Holder	Standard
Seat	Deluxe High Back Seat (arm rests and suspension seat optional)

ROPS

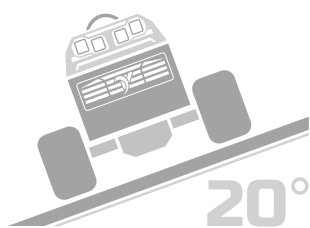
Folding ROPS	Standard
Heavy Duty Off-Road Seat Belt	Standard

All specifications subject to change without notice or obligation

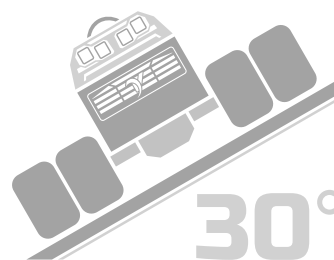
Max Slope Rating (in any direction)

	Single Tires	Dual Wheels
4520* w/Front Attachment (unless specified otherwise below)	20°	30°
4520 w/Cab	10°	Not Recommended
4520 w/Spreader	10°	Not Recommended
4520 w/RV602	10°	15°
4520 w/KH500	5°	Not Recommended
4520 w/MA900	10°	18°

*Attachments, accessories, and tire configuration may reduce the 4520 power unit's maximum angle of operation. Refer to applicable operator manuals for maximum angle of operation of equipment.



Standard



Duals

ENGINE RATINGS

Model #	4520K	4520P	4520Y	4520N	4520Z
Engine	B&S Vanguard Model 54	Kawasaki FD851D	Kubota D902	Kubota WG972 EFI	Kubota WG972-GL
Fuel	Gas	Gas (DFI)	Diesel	Gas	Gas
Max Slope Intermittent Use***	30° (58%)^	30° (58%)	30° (58%)^	30° (58%)^	30° (58%)^
Max Slope Continuous Use***	25° (47%)	30° (58%)	20° (36%)	25° (47%)	20° (36%)

*** For slope operation over 20°, Wheel Extensions are required for up to 25° or Dual Wheels are required for up to 30°



Digital Slope Gauge
Recommended for operation on slopes.



Intermittent Use Defined

^ The engine may operate between 20° and 30° for up to 10 minutes. If 10 minutes is reached, the engine must be returned to 20° or less to assure proper oil lubrication. After returning to 20° or less, the intermittent cycle can be repeated. The 4520P Kawasaki DFI engine is rated for 30° continuous operation and does not have this requirement.

All specifications subject to change without notice or obligation







TRENCHER

KY400

TRENCHER

Model	KY400
Stock Code	39.55455
Drive Chain	#80
PTO Drive Belt	5/8 inch (160 mm)
Twin Cylinder/Boom	push/pull
Cutting Rake Tips	Carbide
Cutting Teeth	43
Trenching Width	5.5 inches (14 cm)
Trenching Depth	Up to 40 inches (102 cm)

Dimensions

Length	74.5 inches (189 cm)
Width	40 inches (102 cm)
Height	29.75 inches (75.5 cm)
Weight	480 pounds (218 kg)
Shipping Weight	602 pounds (274 kg)
Shipping Container (LWH)	77x43x33 inches (196x109x84 cm)

All specifications subject to change without notice or obligation



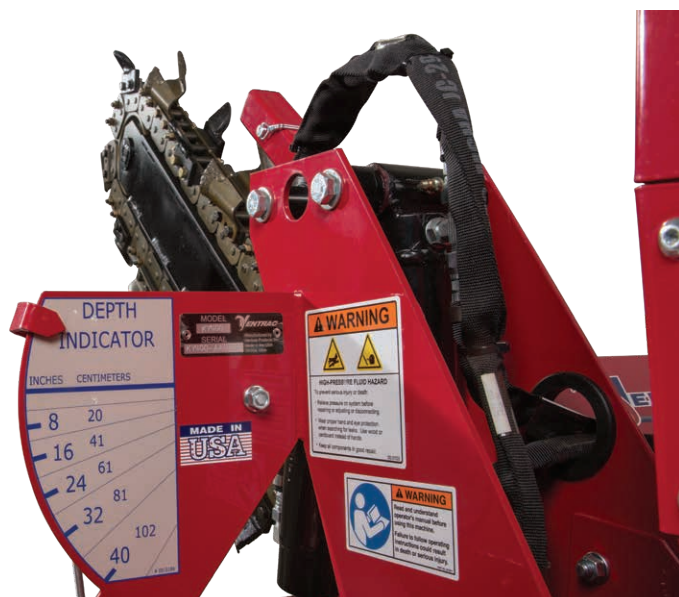
The KY400 Trencher is capable of trenching up to 40 inches (102cm) in depth with a 5½-inch (14cm) wide cut. It is designed with dual Push-N-Pull cylinders to assure positive boom control for digging, boom lift, and transport.

The terminator/cup combo chain offers carbide cutting tips for excellent cutting performance in a variety of soil conditions. Digging teeth bolt onto the chain for easy replacement.

The KY400 attached to a VENTRAC 4000 Series tractor gives the operator the ability to maneuver into hard-to-reach locations without damaging the turf like a traditional track unit would.

STANDARD FEATURES

- Terminator/Cup Combo Chain with carbide cutting tips
- Depth indicator for accurate depth of cut
- Dual Push-N-Pull Cylinders for lift and cut
- Adjustable Crumb Scraper
- 5 ½ inch (14 cm) wide chain with 40 inch (102 cm) cutting depth
- Ventrac Mount System





STUMP GRINDER

KC220

STUMP GRINDER

Model	KC220
Stock Code	39.55301

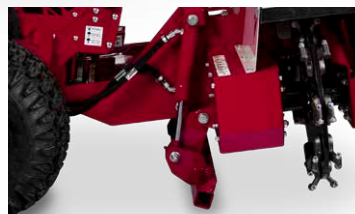
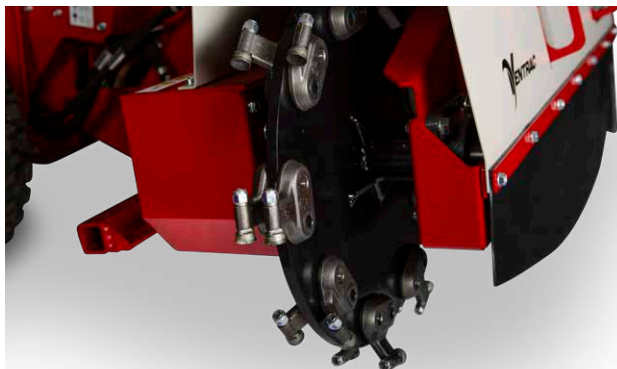
Cutter Head Specifications

Carbide Tips	18 (3 sided replaceable)
Cutter Head Width	3.5 inches (9 cm)
Overall Cutter Head Diameter	22 inches (56 cm)
Cutter Head Speed	1300 RPM
Cutting Depth Below Ground Level	8 inches (20 cm)

Dimensions

Length	41 inches (104 cm)
Width	51 inches (130 cm)
Height	23 inches (58 cm)
Weight	420 lbs (191 kg)

All specifications subject to change without notice or obligation



The KC220 Stump Grinder features 18 replaceable heavy-duty carbide cutting teeth on a large 22" rotor for removing large or small stumps. Cutting action is controlled with the forward and reverse motion using the tractor's hydrostatic drive. The Stump Grinder features offset, out-front operation to provide excellent visibility resulting in better performance and efficiency.

An increased rotor speed of 1300 RPM equates to a faster tip speed and more significant amounts of material removed with each pass. In addition, with an increased cutting depth of 8 inches, stumps are removed faster than ever.

The new material blade, operated by the hydrostatic hand controls, helps push material away from the working area to uncover portions of the stump that needs to be removed.

The stump grinder works in a sideways orientation, making this attachment's operation more intuitive, faster, and with an easier learning curve. In addition, set-up and installation on the tractor are easy, and an operator can quickly become a pro at using this attachment effectively.

Combined with the 4520 Ventrac tractor, the Stump Grinder is an agile, powerful, turf-friendly mobile unit for lawns, golf courses, parks, and municipalities.





TOUGH CUT

HQ682

TOUGH CUT

Model	HQ682
Stock Code	39.55118
Width of Cut	68 inches (173 cm)
Number of Blades/Type	3 blades, 5/16 x 2½ x 23 inches (79mm x 6.35cm x 58cm)
Cutting Height (with Swivel Wheels Removed)	3 – 4¼ inches
Cutting Height	3½ - 7 inches (89 to 178 mm)
Deck Construction	Multi Gauge, 5/16 inch (7.9 mm) at spindle mount
Spindles/Pulleys	Field Serviceable w/ Top Grease Fittings

Optional Accessory

Hydraulic Flip-Up Kit	70.8226
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Dimensions

Length	59 inches (150 cm)
Width	69 inches (175 cm)
Height	22 inches (56 cm)
Weight	475 lbs (215.5 kg)

All specifications subject to change without notice or obligation

STANDARD FEATURES

- Rear Adjustment for Deck Pitch
- Heavy Duty Blades
- Tilt-Up Deck
- Ventrac Mount System
- Front Caster Wheels

OPTIONAL ACCESSORIES

- Hydraulic Flip-Up Kit



The HQ682 **Tough Cut Mower** is the mower of choice for mowing high grass, thick weeds, and heavy brush. A large baffled front opening assists in directing materials into the deck and helps hinder debris from escaping. Three heavy-duty blades counter rotate to cut and deposit waste evenly without windrowing. Capable of tackling saplings and large thorn bushes, the Tough Cut makes short work out of overgrown thickets.

The HQ682 comes with front caster wheels as a standard feature. Four tie-down points have been added for secure trailering.

The Tough Cut has adjustable cutting height ranging from: 3" - 7". Easy servicing of belts and pulleys is provided by the hinged and removable cover. The manual tilt-up deck provides access under the deck. A hydraulic flip-up kit is available as an option for easier access to the underside of the deck for cleaning and blade replacement.





POWER BUCKET

HE482

POWER BUCKET

Model	HE482
Stock Code	39.55214
Hydraulic Control	Standard
Bucket Capacity	6 ft ³ (.17 m ³)
Dump Angle @ Full Height	51 degrees
Max Ground Clearance, Raised	9.25 inches (23.5 cm)
Max Ground Clearance, Dumped	7.38 Inches (18.7 cm)
Grapple	Optional
Grapple Max Distance to the Cutting Edge	26 inches
Grapple Max Distance to the Bucket Teeth	26 inches

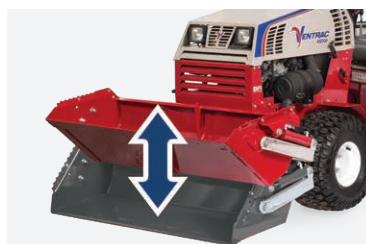
Dimensions

Length	34 inches (86 cm)
Length with Teeth	35.25 inches (89.5 cm)
Length with Grapple	39.25 (99.7 cm)
Width	53 inches (134.6 cm)
Working Width	48 inches (122 cm)
Height	16 inches (40.6 cm)
Height with Grapple	23 inches (58.4 cm)
Weight	190 lbs (86.2 kgs)
Weight with Grapple	265 lbs (120.2 kgs)

Optional Accessories

Grapple (requires Hyd Front Valve Kit)	70.8123
Hydraulic Front Dual Valve, Kit For 4500	70.4109
Hydraulic Front Dual Valve, Kit For 3400	70.3039
Teeth, Power Bucket Kit (HE302 & HE482)	70.8124

All specifications subject to change without notice or obligation



This is the must-have attachment for any Ventrac owner. The Power Bucket is ideal for transporting materials such as mulch, sand, gravel, snow, and soil, allowing you to say goodbye to your old wheelbarrow.

Not only is the Power Bucket the ideal tool for material handling, it is also powerful enough to handle property needs for landscape renovation, digging, excavating, backfilling, and grading.

With the Grapple option your Power Bucket transforms into the ultimate tool, allowing you to securely transport debris, brush, branches, and logs with ease.

The Power Bucket is hydraulically controlled from the driver's seat, allowing for smooth, effortless operation. Connecting and disconnecting to the tractor is easily accomplished in under a minute without tools or heavy lifting using the Ventrac Mount System.

The Power Bucket will become the most versatile Ventrac attachment you will own.

STANDARD FEATURES

- Hardened cutting edge
- Serrated side edge
- Hydraulic cylinder guards
- Hydraulic control of all functions (including optional grapple)

Optional Accessories

- Rear Mount with the 3-Point Hitch & 3-N-1 Adapter
- Optional cutting teeth
- Optional grapple (HE482 only)





Shown with Turf Tires

SPECIFICATIONS

Stock Code

All Terrain	70.4067 (1 kit per tractor)
Turf	70.4068 (1 kit per tractor)
Bar	70.4069 (1 kit per tractor)
Weight	80 lbs (36.25 kg) (per axle)
Additional Tractor Width	24 inches (12 inches/tire) (61 cm)

All specifications subject to change without notice or obligation

Note:

- (A) Do NOT use dual wheels when using the Ventrac VERSA-Loader.
- (B) Engine manufacturers' maximum angle of operation is 25° for continuous use (all directions) and 30° intermittent use*. The 4500P Kawasaki DFI is rated for 30° continuous use.
- (C) Do NOT use with Wheel Extensions

* Intermittent use is up to 10 minutes on the slope, then return to level ground before returning to the slope.

Dual Wheels are available for the 4000 series tractors. They are designed to increase stability, traction, and safety on slopes. Dual wheels are also great for reduction of soil compaction on delicate ground. Once the dual hubs have been installed on each wheel, the duals can be quickly mounted and dismounted.*

Duals are recommended for sandy soils or where a broad distribution of tractor weight is desired, including when driving sideways on slopes greater than 20 degrees (not to exceed 30 degrees).

Duals are only one of numerous considerations for safety on slopes; speed, terrain, irregularities, and stopping the unit are other serious factors to consider for safe operation of the tractor.

*Recommended tire pressure for dual wheels can be found in the 4500 operator manual and also on the sticker inside of the hood



Shown with Standard Tires



500 Venture Drive
 Orrville, OH 44667
 1.866.836.8722

Fax: 330.683.0000
www.ventrac.com
info@ventrac.com

TRACTOR COMPATIBILITY KEY:



VENTRAC

V-PLUS WARRANTY

All new Ventrac tractors and attachments purchased in the United States and Canada are covered by Ventrac's V-Plus Warranty, so you can purchase with confidence! Under the V-Plus, we will repair, replace, or adjust any part manufactured by Venture Products, Inc. that is defective in material and/or workmanship.

2-Year Commercial Limited Warranty

SSV/3000/4000 series tractors and attachments

- 2 years with **unlimited** hours

Engine Warranty*

Covered by engine manufacturer

- Briggs 3/LC = 2-year w/ 3rd major parts only
- Briggs V-twins = 3-year
- Kawasaki V-twins = 3-year
- Kubota 3 cylinder = 2-year or 2000 hours** with 3rd year major parts only or 3000 hours**

*Please refer to the engine manufacturer's warranty statement included in your owner's manual.

** Whichever occurs first

Exclusions

Replacement parts - limited to 90 days



Limitations and Conditions

Ventrac equipment, including defective parts, must be returned to your authorized Ventrac dealer within the warranty period. The warranty extends to the cost to repair or replace (as determined by V.P.I.) the defective part. The expense of pickup and delivery of equipment, service call drive time or any transportation expense incurred for warranty repair is the responsibility of the owner. Proof of purchase may be required. Warranty work must be completed by an authorized Ventrac dealer.

This warranty extends only to Ventrac turf equipment operated under normal conditions and properly serviced and maintained. The warranty does not cover repair of damage due to normal use, wear and tear, maintenance services, repair of damage related to abuse, neglect, accident or use of the turf equipment which is not in accordance with operating instructions in the operator's manual, or damage resulting from repair of Ventrac turf equipment by person or persons other than an authorized Ventrac service dealer or the installation of parts other than genuine Ventrac parts or Ventrac recommended parts.



Pricing Quote

Quote #: 95539-1002

Date Quoted: October 1, 2024
Quote Expires: October 25, 2024

Prepared For:

Trevor
Fredericksburg Parks and Rec

Prepared By:

Professional Turf Products - Selma
Brian Batchelor
9468 Selma Parkway
Selma, TX 78154

Thank you for the opportunity to quote the following Ventrac product(s) for your review. I have added the items that we feel would best serve your needs. Please feel free to contact me with any questions.

QTY	Model #	Description	Unit Price	Total
1	4520Z (39.51215)	Ventrac Tractor: KN, 4520Z Kubota WG972-GL <i>Included Standard: Weight Transfer, SDLA Hand Controls, 4 Rear Weights, Front Fenders, Foot Pegs</i>	31,070.00	31,070.00
1	KY400 (39.55455)	Attachment: TRENCHER KY, KY400 Trencher	7,580.00	7,580.00
1	KC220 (39.55301)	Attachment: STUMP GRINDER KC, KC220 Stump Grinder	5,270.00	5,270.00
1	HQ682 (39.55118)	Attachment: MOWERS - TOUGH CUT HQ, HQ682 Mower, Tough Cut	5,075.00	5,075.00
1	70.8226	Accessory: Kit, Hydraulic Flip Up HQ682	550.00	550.00
1	HE482 (39.55214)	Attachment: POWER BUCKETS HE, HE482 Power Bucket	2,570.00	2,570.00
1	70.4164	Accessory: DUAL FRONT HYD AUX Kit, Dual Front Hyd Aux 4520/4500	620.00	620.00
1	70.8124	Accessory: POWER BUCKET TEETH KIT Kit, HE482/KM500 Bucket Teeth	190.00	190.00
1	HE100 (70.8123)	Accessory: KIT, POWER BUCKET GRAPPLE Kit, Power Bucket Grapple 48"	1,215.00	1,215.00
1	70.4067	Accessory: DUAL WHEEL KIT Kit, Duals Field Trax Black	1,610.00	1,610.00
1	70.4140	Accessory: DIGITAL SLOPE GAUGE Kit, Slope Indicator	435.00	435.00

Subtotal 56,185.00

CHARGES

Freight (6%) +3,371.10*

TOTAL USD \$ 59,556.10

* Sales Tax and other charges calculated before this discount/charge

Notes:

BuyBoard 706-23



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary

TO: Mayor & City Council Members

FROM:

MEETING DATE: October 15, 2024

CATEGORY: CONSENT

CAPTION: Confirming the appointment of Kit Patterson (replacing Linda Goldsmith) to the Convention and Visitor Bureau Board of Directors.

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMPREHENSIVE PLAN GUIDING PRINCIPLE:

Neighborhood Quality

Workforce

Tourism

City Center

Mobility

Small Town Sensitive Growth

Governance

ATTACHMENTS:

None

APPROVAL/REVIEW:

Date: October 08, 2024

Leticia Vacek, City Secretary



Date: October 08, 2024

William McKamie, City Attorney



Date: October 11, 2024

Clinton Bailey, City Manager



CITY COUNCIL **AGENDA MEMO**

DEPARTMENT: Development Services
TO: Planning and Zoning Commission
FROM: Anna Hudson, Director of Development Services
MEETING DATE: October 15, 2024

CATEGORY: ORDINANCES, RESOLUTIONS
AND PUBLIC HEARINGS

CAPTION: Request Z-2416: By Josh Leamons with Searchers Surveying to Request the Following:

- A. A Landuse Change from Mixed Density Residential (MDR) to Commercial (C) for Properties Located at 108 S Mesquite St also Referred to as Lot 7 & Lot 8, Block 20 of the South Heights Addition.
- B. A Zoning Change from R2, Mixed Residential to C2, Commercial for Properties Located at 108 S Mesquite St also Referred to as Lot 7 & Lot 8, Block 20 of the South Heights Addition.
 - i. Presentation by the Applicant
 - ii. Presentation by Staff
 - iii. Hold the Public Hearing
 - iv. Take Action to adopt Ordinance 2024-31 related to Landuse Change Request
 - v. Take Action to adopt Ordinance 2024-32 related to Zoning Change Request

PRESENTATION:

SUMMARY:

The applicant requests to change the land use from Mixed Density Residential (MDR) to Commercial (C) and change the zoning from R2, Mixed Residential to C2, Commercial for lots 7 and 8 located at 108 S Mesquite Street. P&Z and staff are recommending changes only to lot 7.

BACKGROUND:

The new owner of the property, Mod Motel No 2 LLC, has purchased 901 E Main (formerly Azure Hills Inn) and 803 E Main (formerly Navajo Grill) with plans to redevelop both properties. As part of the redevelopment, the ownership discussed the ability to close a small portion of South Mesquite St as there are no City utilities in the Right-of-Way (ROW) nor is there a need for the small section of street for vehicular access. The desire to close South Mesquite St aligned with the goals of TxDOT, the City of Fredericksburg, and the ownership. City Council approved the ROW release on Tuesday, September 3, 2024.

108 S Mesquite is located at the 3-way intersection of South Mesquite, E San Antonio and Franklin Streets. The property to the West is Zoned R2, Mixed Residential (not an STR) and the property to

the South is zoned R2, Mixed Residential (not a STR). The property to the north is 803 E Main and is zoned C2, Commercial and the property to the East is 901 E Main and is zoned C2, Commercial. 108 S Mesquite is actually two vacant, residential lots and shares a property line with 803 E Main and, with the closing of South Mesquite Street, would now abut 901 E Main as well, both of which are zoned C2, Commercial. So, to further the redevelopment of these properties, the ownership has requested a land use change from Mixed Density Residential (MDR) to Commercial (C) and a zoning change from R2 to C2 to allow for consistent land use and zoning across all properties owned by Mod Motel No 2 LLC.

2024 Comprehensive Plan - This area is identified on the future place type map as Mixed-Use Community Corridor, General Commercial and Mixed Density Residential, all of which support some level of commercial activity including Restaurant, General Retail, and Hotel Uses. Furthermore, the Comprehensive Plan calls for these place types to be a well-planned, walkable mixed-use area that provides flexibility towards development and preference for complete neighborhoods with integrated commercial and residential uses

STAFF RECOMMENDATION:

Planning and Zoning held a public hearing on October 2, 2024 and made a unanimous recommendation for approval of staff's conditions for only lot 7 to be changed. Staff finds that with the approved closure of a small stretch of South Mesquite Street, the subject property now abuts 901 E Main as well as 803 E Main providing an opportunity for one Commercial development. Furthermore, the Comprehensive Plan supports some level of Commercial activity in this area and provides flexibility towards development with integrated commercial uses.

Staff recommends approval of a Land Use change from Mixed Density Residential (MDR) to Commercial (C) and a Zoning change from R2, Mixed Residential to C2, Commercial for lot 7 only. This recommendation would leave a residential buffer between the planned commercial development and 802 E San Antonio, the residential property to the west of the subject property.

ATTACHMENTS:

1. 108 S MESQUITE MAP
2. Z-2416 Landuse Map
3. Z-2416 Zoning Map
4. Z-2416 Tentative Plan
5. Z2416 108 S Mesquite Land Use Change Ordinance
6. Z2416 108 S Mesquite Zoning Change Ordinance

APPROVAL/REVIEW:



Date: October 07, 2024

Anna Hudson, Director of Development Services



Date: October 07, 2024

Garret Bonn, Assistant City Manager



Date: October 07, 2024

William McKamie, City Attorney



Date: October 08, 2024

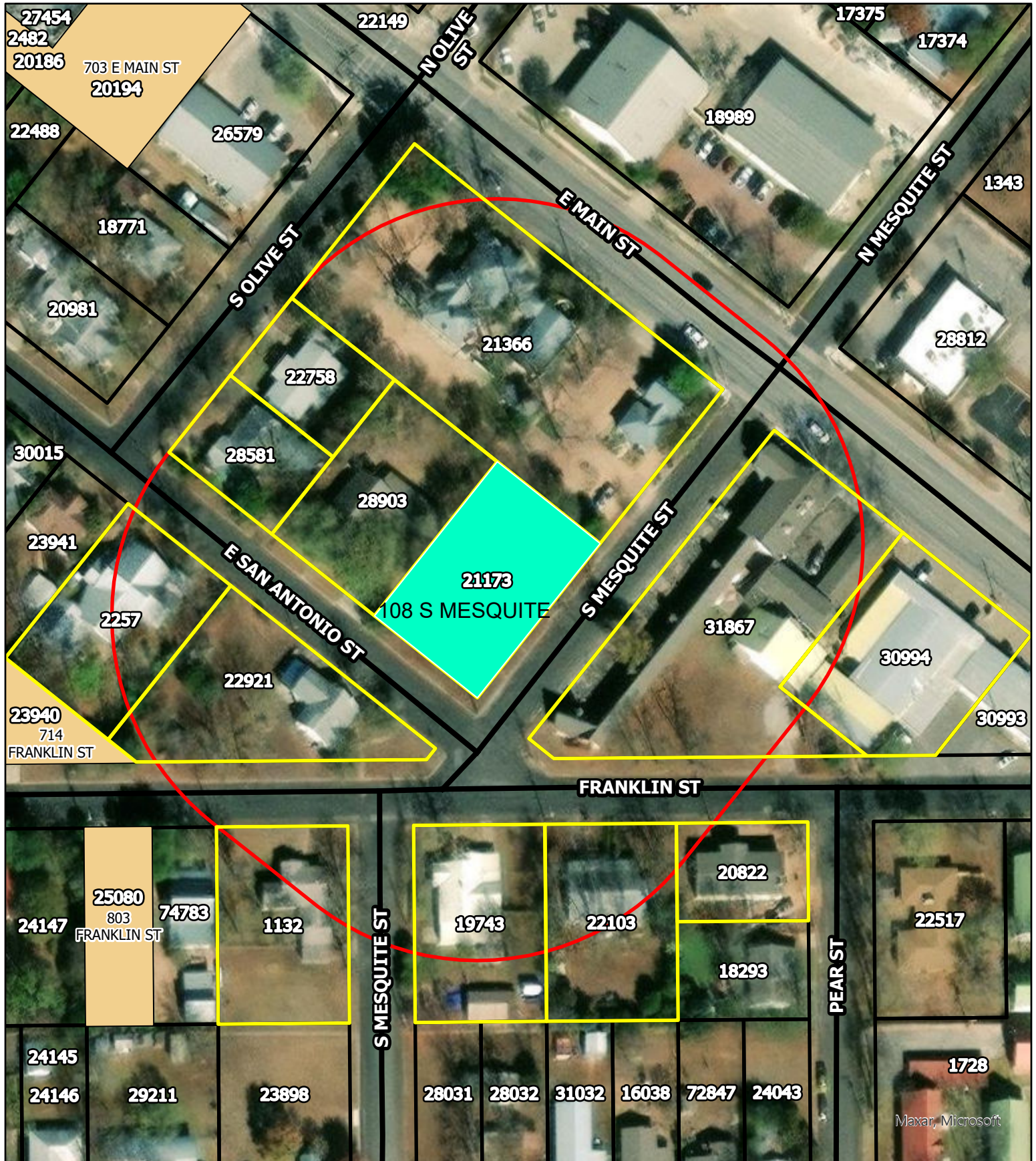
Leticia Vacek, City Secretary

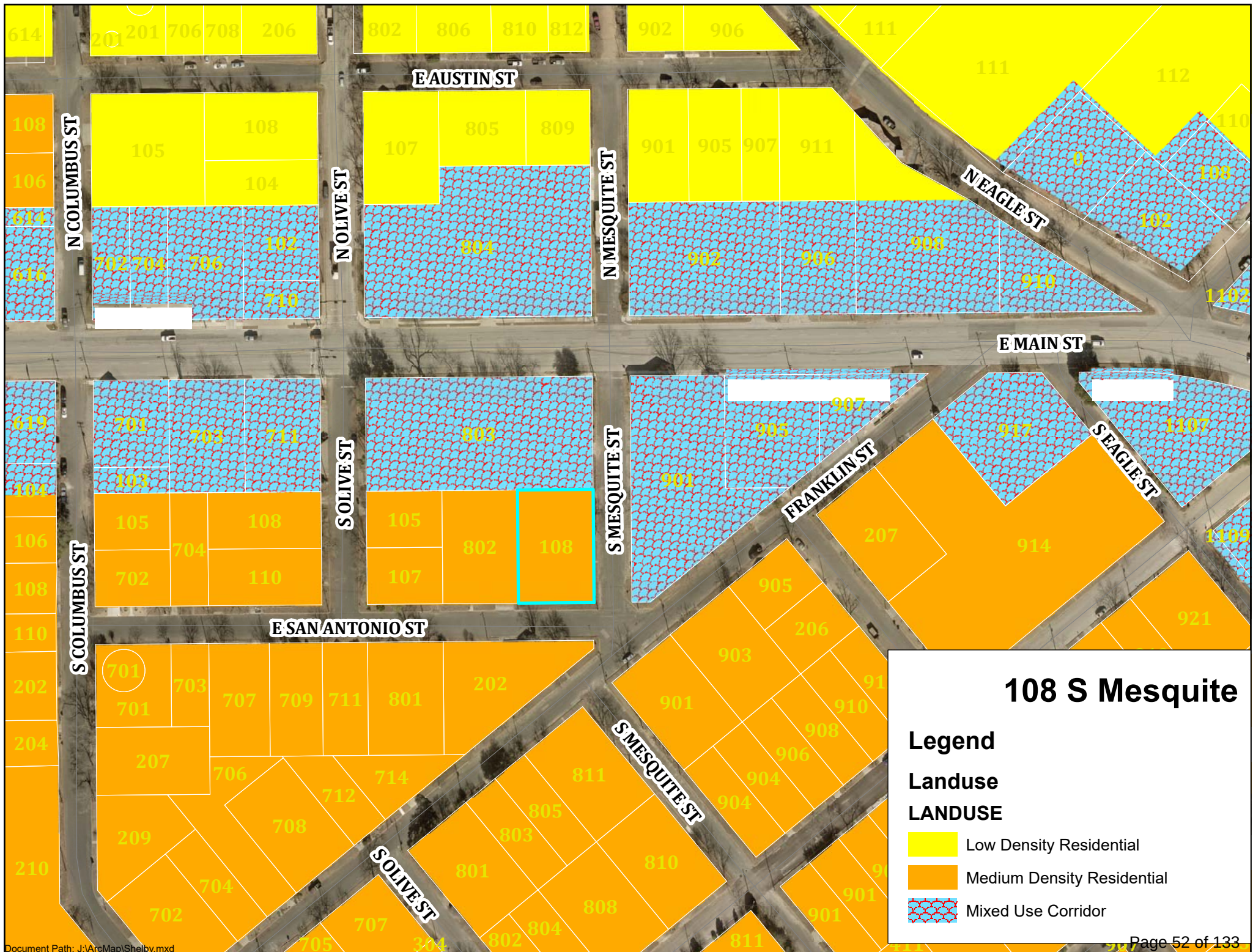


Date: October 11, 2024

Clinton Bailey, City Manager

108 S MESQUITE





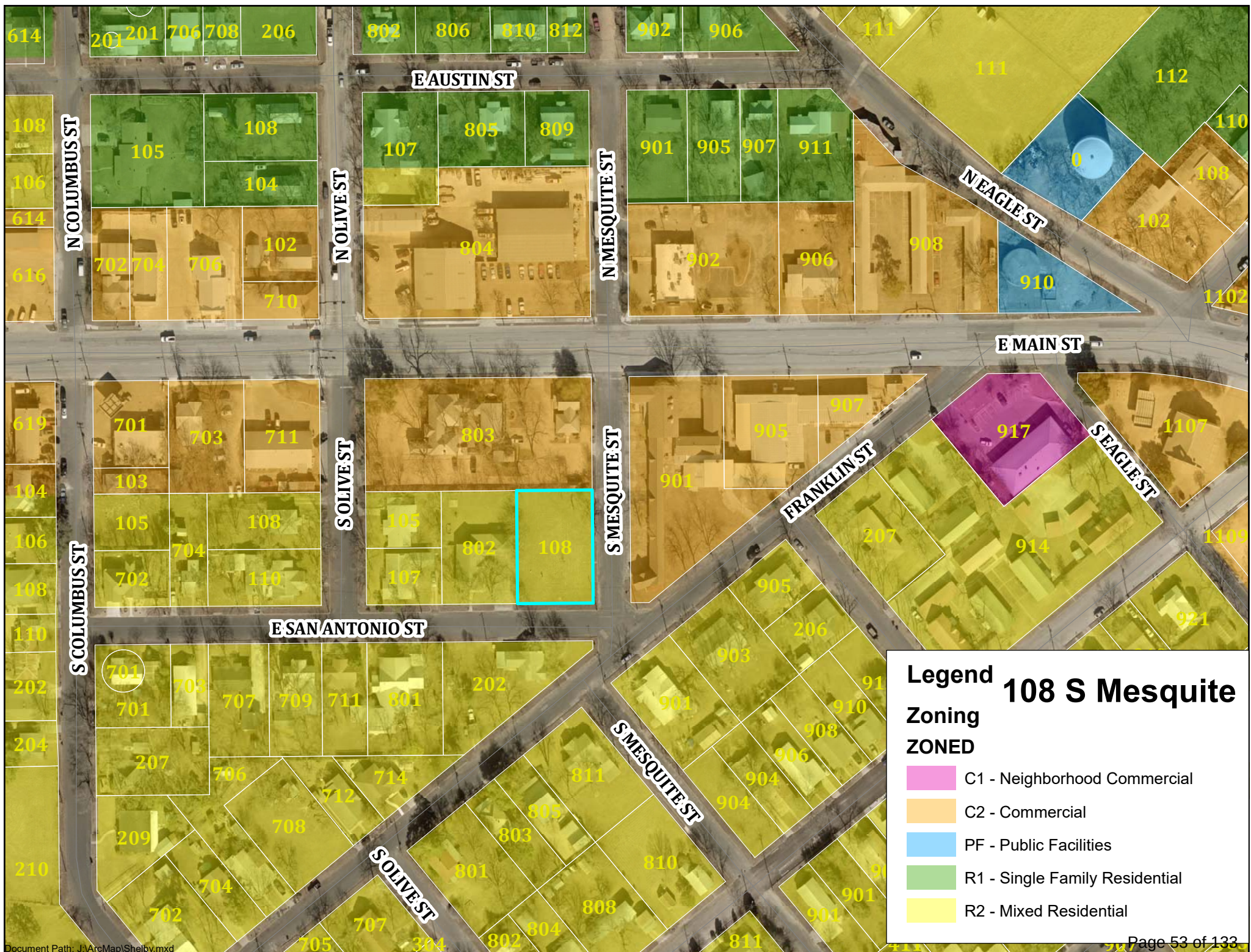
108 S Mesquite

Legend

Landuse

LANDUSE

-  Low Density Residential
-  Medium Density Residential
-  Mixed Use Corridor



Legend

Zoning

ZONED

C1 - Neighborhood Commercial

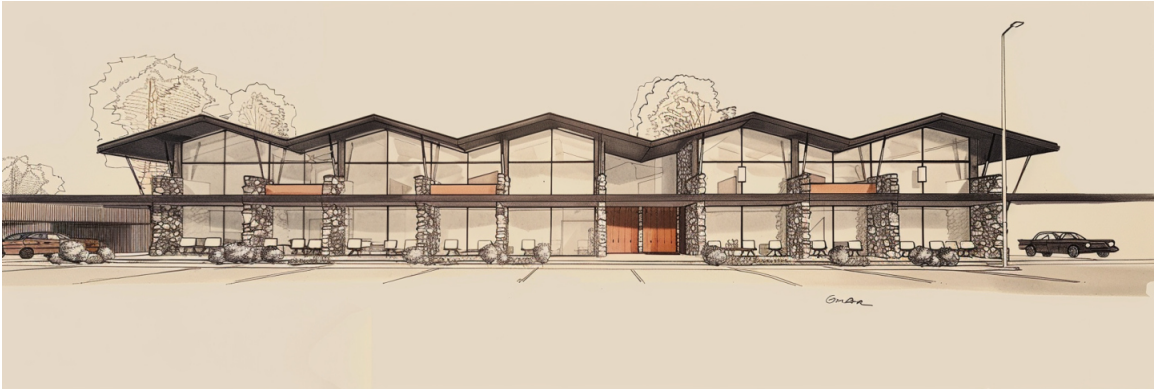
C2 - Commercial

PF - Public Facilities

R1 - Single Family Residential

R2 - Mixed Residential

108 S Mesquite



NEW MOTEL BUILDING - PRELIMINARY CONCEPT IDEAS

PARKING CALCULATIONS:

PARKING REQUIRED:			
EXISTING MOTEL -	34 X 1.1 =	37.4	
NEW MOTEL -	10 X 1.1 =	11.0	
RESTAURANT -	104 SEATS/4 =	26.0	
		74.4	
		75 SPACES REQUIRED	
PARKING PROVIDED:			
		86 SPACES PROVIDED	

- EXISTING BUILDINGS

PROPOSED BUILDINGS

PROPOSED POOL

PERMEABLE PAVING
- EASEMENT

C-2 ZONING

R-2 ZONING



NEW MOTEL - PROPOSED STREET VIEW RENDERING



THE GUEST GROUP
4213 DICKASON ST #8
DALLAS, TX 75219
theguestgroupdallas.com
RON GUEST
ron@theguestgroupdallas.com
214-770-3562

MIMI ON MAIN - MASTER PLAN
901 E MAIN ST
FREDERICKSBURG, TX, 78624

NOT FOR
CONSTRUCTION

PROJECT INFO

REVISIONS

NO. DATE

A0.1

SITE PLAN -
PROPOSED

2024-07-16

ORDINANCE NO. 2024-31

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, ADOPTING A CHANGE IN THE COMPREHENSIVE PLAN OF THE CITY OF FREDERICKSBURG, SPECIFICALLY IN THE LAND USE MAP, AS TO APPROXIMATELY 0.152 ACRES OF LAND COMPRISED OF LOT 7 OF SOUTH HEIGHTS BLK 20 LOCATED AT 108 S MESQUITE; CHANGING SAID PROPERTIES FROM MEDIUM DENSITY RESIDENTIAL (MDR) TO COMMERCIAL (C); PROVIDING THAT THE CHANGE BECOME A PART OF THE COMPREHENSIVE PLAN AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

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

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

All of those certain lots, tracts or parcels of land situated in the City of Fredericksburg, Gillespie County, Texas, said land being known as approximately 0.152 acres of land, comprised of Lot 7 of the South Heights Block 20 located at 108 South Mesquite in the City of Fredericksburg, Gillespie County, Texas and as additionally shown and designated on the Map attached hereto as Exhibit A, are hereby designated as Commercial (C).

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

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

passage.

Passed and Approved on this the 15th date of October 15, 2024.

Jeryl Hoover, Mayor
City of Fredericksburg, TX

ATTEST

Leticia Vacek, City Secretary

APPROVED AS TO FORM:

Mick McKamie, City Attorney

ORDINANCE NO. 2024-32

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, ADOPTING A CHANGE IN THE COMPREHENSIVE PLAN OF THE CITY OF FREDERICKSBURG, SPECIFICALLY IN THE ZONING MAP, AS TO APPROXIMATELY 0.152 ACRES OF LAND COMPRISED OF LOT 7 OF SOUTH HEIGHTS BLK 20 LOCATED AT 108 S MESQUITE; CHANGING SAID PROPERTIES FROM MIXED RESIDENTIAL (R2) TO COMMERCIAL (C2); PROVIDING THAT THE CHANGE BECOME A PART OF THE COMPREHENSIVE PLAN AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

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

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

All of those certain lots, tracts or parcels of land situated in the City of Fredericksburg, Gillespie County, Texas, said land being known as approximately 0.152 acres of land, comprised of Lot 7 of the South Heights Block 20 located at 108 South Mesquite in the City of Fredericksburg, Gillespie County, Texas and as additionally shown and designated on the Map attached hereto as Exhibit A, are

hereby designated as Commercial (C2).

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

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

Passed and Approved on this the 15th date of October 15, 2024.

Jeryl Hoover, Mayor
City of Fredericksburg, TX

ATTEST

Leticia Vacek, City Secretary

APPROVED AS TO FORM:

Mick McKamie, City Attorney



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Finance Department
TO: Mayor & City Council Members
FROM: Krista Wareham, Director of Finance
MEETING DATE: October 15, 2024

CATEGORY: OTHER ACTION ITEMS AND
UPDATES

CAPTION: Consideration and Approval of the City's Professional Auditing Services. (Krista Wareham, Finance Director)

PRESENTATION:

SUMMARY:

A Request for Qualifications (RFQ) for our professional auditing services was published in late July 2024. Seven (7) bid proposals were received (ABIP, Brooks Watson & Co., Clifton Larson Allen, Eide Bailly, Neffendorf & Blocker, P. Andrew Hall, and Patillo, Brown, & Hill). Proposals were reviewed and scored based on professional qualifications, experience, background, references, proposal requirements, and the best value to the City. The proposals were reviewed and scored based on the criteria set in the solicitation. The top three (3) scoring firms were contacted by the City to submit a presentation. The presentations were also scored, and City staff identified the top-scoring respondent as Eide Bailly. City staff reached out to check references and notified Eide Bailly as being the most qualified accounting firm. Negotiations for professional fees were agreed upon, and an engagement letter was prepared by Eide Bailly and is included in the Agenda packet. Following the award of the contract by the City Council, the City will send a Notice of Award to Eide Bailly and sign the engagement letter.

BACKGROUND:

Our Financial Management Policy states we must solicit proposals for professional auditing services at least every eight (8) years. The City solicited the services of qualified certified public accounting firms to audit its financial statements for the fiscal years ending September 30, 2024, through September 30, 2026, with annual options to audit the City's financial statements for each of the two (2) subsequent fiscal years.

FUNDING SOURCE: The Fiscal Year 2025 budget for auditing services is divided between the General Fund (Admin), Electric, Water, Sanitation, and EMS.

FINANCIAL IMPACT:

The total first-year cost for auditing services provided by Eide Bailly is \$50,000.00 for the financial statement audit, and an additional \$7,500.00 for a single audit (federal grant funding exceeding \$750,000). We will not be billed for any out-of-pocket expenses such as travel time,

mileage, and meals. Fee increases for future years will be consistent with inflationary increases in the industry.

STAFF RECOMMENDATION:

Staff recommends City Council award our professional auditing services to Eide Bailly for the fiscal years ending September 30, 2024, through September 30, 2026, with annual options to audit the City's financial statements for each of the two (2) subsequent fiscal years.

COMPREHENSIVE PLAN GUIDING PRINCIPLE:

Neighborhood Quality
Workforce
Tourism
City Center
Mobility
Small Town Sensitive Growth
Governance

ATTACHMENTS:

1. DRAFT ENGAGEMENT LETTER

APPROVAL/REVIEW:



Leticia Vacek, City Secretary

Date: October 08, 2024



William McKamie, City Attorney

Date: October 08, 2024



Leticia Vacek, City Secretary

Date: October 11, 2024



Clinton Bailey, City Manager

Date: October 11, 2024

September 24, 2024

To the Honorable Mayor
Members of the City Council
City of Fredericksburg, Texas
C/O Ms. Krista Wareham
126 W. Main St.
Fredericksburg, Tx. 78624

You have requested that we audit the financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of **City of Fredericksburg, Texas** as of September 30, 2024, and for the year then ended, and the related notes to the financial statements, which collectively comprise **City of Fredericksburg, Texas'** basic financial statements.

In addition, we will audit the entity's compliance over major federal award programs for the period ended September 30, 2024. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter.

Our audits will be conducted with the objectives of our expressing an opinion on each opinion unit and an opinion on compliance regarding the entity's major federal award programs. The objectives of our audit of the financial statements are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with auditing standards generally accepted in the United States of America (GAAS) and in accordance with *Government Auditing Standards*, and/or any state or regulatory audit requirements will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

The objectives of our compliance audit are to obtain sufficient appropriate audit evidence to form an opinion and report at the level specified in the governmental audit requirement about whether the entity complied in all material respects with the applicable compliance requirements and identify audit and reporting requirements specified in the governmental audit requirement that are supplementary to GAAS and Government Auditing Standards, if any, and perform procedures to address those requirements.

Accounting principles generally accepted in the United States of America (U.S. GAAP), as promulgated by the Governmental Accounting Standards Board (GASB), require that certain information be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context.

As part of our engagement, we will apply certain limited procedures to the required supplementary information (RSI) in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist primarily of inquiries of management regarding their methods of measurement and presentation and comparing the information for consistency with management's responses to our inquiries. We will not express an opinion or provide any form of assurance on the RSI. The following RSI is required by accounting principles generally accepted in the United States of America. This RSI will be subjected to certain limited procedures but will not be audited:

- Management's Discussion and Analysis
- Schedule of Revenues, Expenditures, and Changes in Fund Balance – Budget and Actual – General Fund
- Schedule of Changes in Net Pension Liability and Related Ratios – TMRS Net Pension Liability
- Schedule of Contributions - TMRS Net Pension Liability
- Schedule of Changes in TESRS Net Pension Liability and Related Ratios
- Schedule of Contributions – TESRS Net Pension Liability
- Schedule of Changes in Other Postemployment Benefit Plan Liability and Related Ratios
- Schedule of Contributions – Other Postemployment Benefit Plan Liability

Schedule of Expenditures of Federal Awards

We will subject the schedule of expenditures of federal awards to the auditing procedures applied in our audit of the basic financial statements and certain additional procedures, including comparing and reconciling the schedule to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and additional procedures in accordance with auditing standards generally accepted in the United States of America. We intend to provide an opinion on whether the schedule of expenditures of federal awards is presented fairly in all material respects in relation to the financial statements as a whole.

Data Collection Form

Prior to the completion of our engagement, we will complete the sections of the Data Collection Form that are our responsibility. The form will summarize our audit findings, amounts and conclusions. It is management's responsibility to submit a reporting package including financial statements, schedule of expenditure of federal awards, summary schedule of prior audit findings and corrective action plan along with the Data Collection Form to the federal audit clearinghouse. The financial reporting package must be text searchable, unencrypted, and unlocked. Otherwise, the reporting package will not be accepted by the federal audit clearinghouse.

We will assist you in the electronic submission and certification. You may request from us copies of our report for you to include with the reporting package submitted to pass-through entities.

The Data Collection Form is required to be submitted within the *earlier* of 30 days after receipt of our auditors' reports or nine months after the end of the audit period, unless specifically waived by a federal cognizant or oversight agency for audits. Data Collection Forms submitted untimely are one of the factors in assessing programs at a higher risk.

Audit of the Financial Statements

We will conduct our audits in accordance with GAAS, the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States of America, the audit requirements of Title 2 U.S. Code of Federal Regulations (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) and, if applicable, in accordance with any state or regulatory audit requirements. As part of an audit of financial statements in accordance with GAAS and in accordance with *Government Auditing Standards*, Uniform Guidance and/or any state or regulatory audit requirements we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of controls.
- Obtain an understanding of the system of internal control in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about **City of Fredericksburg, Texas'** ability to continue as a going concern for a reasonable period of time.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements or noncompliance may not be detected exists, even though the audit is properly planned and performed in accordance with GAAS and *Government Auditing Standards* of the Comptroller General of the United States of America and/or state or regulatory audit requirements. Please note that the determination of abuse is subjective and *Government Auditing Standards* does not require auditors to detect abuse.

Our responsibility as auditors is limited to the period covered by our audit and does not extend to any other periods.

We will issue a written report upon completion of our audit of **City of Fredericksburg, Texas'** basic financial statements. Our report will be addressed to the governing body of **City of Fredericksburg, Texas**. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit.

Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add an emphasis-of-matter or other-matter paragraph(s) to our auditor's report, or if necessary, withdraw from the engagement. If our opinions on the basic financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

In accordance with the requirements of *Government Auditing Standards*, we will also issue a written report describing the scope of our testing over internal control over financial reporting and over compliance with laws, regulations, and provisions of grants and contracts, including the results of that testing. However, providing an opinion on internal control and compliance over financial reporting will not be an objective of the audit and, therefore, no such opinion will be expressed.

Audit of Major Program Compliance

Our audit of **City of Fredericksburg, Texas'** major federal award program(s) compliance will be conducted in accordance with the requirements of the Single Audit Act, as amended; and the Uniform Guidance and will include tests of accounting records, a determination of major programs in accordance with the Uniform Guidance, and other procedures we consider necessary to enable us to express such an opinion on major federal award program compliance and to render the required reports. We cannot provide assurance that an unmodified opinion on compliance will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion or withdraw from the engagement.

The Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether the material noncompliance with applicable laws and regulations, the provisions of contracts and grant agreements applicable to major federal award programs, and the applicable compliance requirements occurred, whether due to fraud or error, and express an opinion on the entity's compliance based on the audit. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS, *Government Auditing Standards*, and the Uniform Guidance will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than for that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements is considered material if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about the entity's compliance with the requirements of the federal programs as a whole.

As part of a compliance audit in accordance with GAAS and, if applicable, in accordance with *Government Auditing Standards*, and/or any state or regulatory audit requirements, we exercise professional judgment and maintain professional skepticism throughout the audit. We also identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks.

Our procedures will consist of determining major federal programs and performing the applicable procedures described in the U.S. Office of Management and Budget *OMB Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the entity's major programs, and performing such other procedures as we considers necessary in the circumstances. The purpose of those procedures will be to express an opinion on the entity's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance.

Also, as required by the Uniform Guidance, we will obtain an understanding of the entity's internal control over compliance relevant to the audit in order to design and perform tests of controls to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each of the entity's major federal award programs. Our tests will be less in scope than would be necessary to render an opinion on these controls and, accordingly, no opinion will be expressed in our report. However, we will communicate to you, regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we have identified during the audit.

We will issue a report on compliance that will include an opinion or disclaimer of opinion regarding the entity's major federal award programs, and a report on internal controls over compliance that will report any significant deficiencies and material weaknesses identified; however, such report will not express an opinion on internal control.

Management Responsibilities

Our audit will be conducted on the basis that management and, when appropriate, those charged with governance, acknowledge and understand that they have responsibility:

1. For the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America;
2. For the design, implementation, and maintenance of the system of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error;
3. For identifying, in its accounts, all federal awards received and expended during the period and the federal programs under which they were received;
4. For maintaining records that adequately identify the source and application of funds for federally funded activities;
5. For preparing the schedule of expenditures of federal awards (including notes and noncash assistance received) in accordance with the Uniform Guidance;
6. For designing, implementing, and maintaining effective internal control over federal awards that provides reasonable assurance that the entity is managing federal awards in compliance with federal statutes, regulations, and the terms and conditions of the federal awards;
7. For identifying and ensuring that the entity complies with federal laws, statutes, regulations, rules, provisions of contracts or grant agreements, and the terms and conditions of federal award programs and implementing systems designed to achieve compliance with applicable federal statutes, regulations, and the terms and conditions of federal award programs;
8. For disclosing accurately, currently, and completely, the financial results of each federal award in accordance with the requirements of the award;
9. For identifying and providing report copies of previous audits, attestation engagements, or other studies that directly relate to the objectives of the audit, including whether related recommendations have been implemented;
10. For taking prompt action when instances of noncompliance are identified;
11. For addressing the findings and recommendations of auditors, for establishing and maintaining a process to track the status of such findings and recommendations and taking corrective action on reported audit findings from prior periods and preparing a summary schedule of prior audit findings;
12. For following up and taking corrective action on current year audit findings and preparing a corrective action plan for such findings;
13. For submitting the reporting package and data collection form to the appropriate parties;

14. For making the auditor aware of any significant contractor relationships where the contractor is responsible for program compliance;
15. To provide us with:
 - a. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements including disclosures, and relevant to federal award programs, such as records, documentation, and other matters;
 - b. Additional information that we may request from management for the purpose of the audit; and
 - c. Unrestricted access to persons within the entity and others from whom we determine it necessary to obtain audit evidence.
16. For including the auditor's report in any document containing financial statements that indicates that such financial statements have been audited by us, including
 - i. A written acknowledgement of all the documents that management expects to issue that will be included in the annual report and the planned timing and method of issuance of that annual report; and
 - ii. A final version of the annual report (including all the documents that, together, comprise the annual report) in a timely manner prior to the date of the auditor's report;
17. For adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the current year period(s) under audit are immaterial, both individually and in the aggregate, to the financial statements as a whole;
18. For acceptance of nonattest services, including identifying the proper party to oversee nonattest work;
19. For maintaining adequate records, selecting and applying accounting principles, and safeguarding assets;
20. For informing us of any known or suspected fraud affecting the entity involving management, employees with significant role in the system of internal control and others where fraud could have a material effect on compliance;
21. For the accuracy and completeness of all information provided;
22. For taking reasonable measures to safeguard protected personally identifiable and other sensitive information; and
23. For confirming your understanding of your responsibilities as defined in this letter to us in your management representation letter.

With regard to the schedule of expenditures of federal awards referred to above, you acknowledge and understand your responsibility (a) for the preparation of the schedule of expenditures of federal awards in accordance with the Uniform Guidance, (b) to provide us with the appropriate written representations regarding the schedule of expenditures of federal awards, (c) to include our report on the schedule of expenditures of federal awards in any document that contains the schedule of expenditures of federal awards and that indicates that we have reported on such schedule, and (d) to present the schedule of expenditures of federal awards with the audited financial statements, or if the schedule will not be presented with the audited financial statements, to make the audited financial statements readily available to the intended users of the schedule of expenditures of federal awards no later than the date of issuance by you of the schedule and our report thereon.

With regard to the supplementary information referred to above, you acknowledge and understand your responsibility (a) for the preparation of the supplementary information in accordance with the applicable criteria, (b) to provide us with the appropriate written representations regarding supplementary information, (c) to include our report on the supplementary information in any document that contains the supplementary information and that indicates that we have reported on such supplementary information, and

(d) to present the supplementary information with the audited financial statements, or if the supplementary information will not be presented with the audited financial statements, to make the audited financial statements readily available to the intended users of the supplementary information no later than the date of issuance by you of the supplementary information and our report thereon.

As part of our audit process, we will request from management and, when appropriate, those charged with governance, written confirmation concerning representations made to us in connection with the audit.

We understand that your employees will prepare all confirmations we request and will locate any documents or invoices selected by us for testing.

If you intend to publish or otherwise reproduce the financial statements and make reference to our firm, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed.

Nonattest Services

With respect to any nonattest services we perform, we agree to perform the following:

- Assist with preparing financial statements and schedule of expenditures of federal awards, including GASB 34, 68 and 75 entries, in conformity with U.S. generally accepted accounting principles and Uniform Guidance based on information provided by you.
- Complete the auditee's portion of the Data Collection Form.

We will not assume management responsibilities on behalf of **City of Fredericksburg, Texas**. **City of Fredericksburg, Texas'** management understands and agrees that any advice or recommendation we may provide in connection with our audit engagement are solely to assist management in performing its responsibilities.

City of Fredericksburg, Texas' management is responsible for (a) making all management decisions and performing all management functions; (b) assigning a competent individual to oversee the services; (c) evaluating the adequacy of the services performed; (d) evaluating and accepting responsibility for the results of the services performed; and (e) designing, implementing, and maintaining the system of internal control, including the process used to monitor the system of internal control.

Our responsibilities and limitations of the nonattest services are as follows:

- We will perform the services in accordance with applicable professional standards.
- The nonattest services are limited to the services previously outlined above. Our firm, in its sole professional judgment, reserves the right to refuse to do any procedure or take any action that could be construed as making management decisions or assuming management responsibilities.

Fees and Timing

Shelby Ebarb is the engagement partner for the audit services specified in this letter. The engagement partner's responsibilities include supervising services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report.

Our fees are based on the amount of time required at various levels of responsibility, plus actual out-of-pocket expenses, administrative charges and a technology fee. Invoices are payable upon presentation. We estimate that our fee for the audit will be \$50,000 and our fee for the Single Audit will be \$7,500.

The ability to perform and complete our engagement consistent with the estimated fee included above depends upon the quality of your underlying accounting records and the timeliness of your personnel in providing information and responding to our requests. To assist with this process, we will provide you with an itemized request list that identifies the information you will need to prepare and provide in preparation for our engagement, as well as the requested delivery date for those items. A lack of preparation, including not providing this information in an accurate and timely manner, unanticipated audit adjustments, and/or untimely assistance by your personnel may result in an increase in our fees and/or a delay in the completion of our engagement.

We may be requested to make certain audit documentation available to outside parties, including regulators, pursuant to authority provided by law or regulation or applicable professional standards. If requested, access to such audit documentation will be provided under the supervision of Eide Bailly LLP's personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the outside party, who may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies. We will be compensated for any time and expenses, including time and expenses of legal counsel, we may incur in making such audit documentation available or in conducting or responding to discovery requests or participating as a witness or otherwise in any legal, regulatory, or other proceedings as a result of our Firm's performance of these services. You and your attorney will receive, if lawful, a copy of every subpoena we are asked to respond to on your behalf and will have the ability to control the extent of the discovery process to control the costs you may incur.

Should our relationship terminate before our audit procedures are completed and a report issued, you will be billed for services to the date of termination. All bills are payable upon receipt. A service charge of 1% per month, which is an annual rate of 12%, will be added to all accounts unpaid 30 days after billing date. If collection action is necessary, expenses and reasonable attorney's fees will be added to the amount due.

Other Matters

During the course of the engagement, we will only provide confidential engagement documentation to you via Eide Bailly's secure portal or other secure methods, and request that you use the same or similar tools in providing information to us. Should you choose not to utilize secure communication applications, you acknowledge that such communication contains a risk of the information being made available to unintended third parties. Similarly, we may communicate with you or your personnel via e-mail or other electronic methods, and you acknowledge that communication in those mediums contains a risk of misdirected or intercepted communications.

Should you provide us with remote access to your information technology environment, including but not limited to your financial reporting system, you agree to (1) assign unique usernames and passwords for use by our personnel in accessing the system and to provide this information in a secure manner; (2) limit access to "read only" to prevent any unintentional deletion or alteration of your data; (3) limit access to the areas of your technology environment necessary to perform the procedures agreed upon; and (4) disable all usernames and passwords provided to us upon the completion of procedures for which access was provided. We agree to only access your technology environment to the extent necessary to perform the identified procedures.

Regarding the electronic dissemination of audited financial statements, including financial statements published electronically on your website or elsewhere, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

Professional standards prohibit us from being the sole host and/or the sole storage for your financial and non-financial data. As such, it is your responsibility to maintain your original data and records and we cannot be responsible to maintain such original information. By signing this engagement letter, you affirm that you have all the data and records required to make your books and records complete.

We may use third party service providers and/or affiliated entities (including Eide Bailly Shared Services Private Limited) (collectively, "service providers") in order to facilitate delivering our services to you. Our use of service providers may require access to client information by the service provider. We will take reasonable precautions to determine that they have the appropriate procedures in place to prevent the unauthorized release of confidential information to others. We will remain responsible for the confidentiality of client information accessed by such service provider and any work performed by such service provider. You acknowledge that your information may be disclosed to such service providers, including those outside the United States.

Neither of us may use or disclose the other's confidential information for any purpose except as permitted under this engagement letter or as otherwise necessary for Eide Bailly to provide the services. Your confidential information is defined as any information you provide to us that is not available to the public. Eide Bailly's confidential information includes our audit documentation for this engagement. Our audit documentation shall at all times remain the property of Eide Bailly LLP. The confidentiality obligations described in this paragraph shall supersede and replace any and all prior confidentiality and/or nondisclosure agreements (NDAs) between us.

We agree to retain our audit documentation or work papers for a period of at least eight years from the date of our report.

Further, we will be available during the year to consult with you on financial management and accounting matters of a routine nature.

You agree to share all facts that may affect your financial statements, even if you first become aware of those facts after the date of the auditor's report but before the date your financial statements are issued.

At the conclusion of our audit engagement, we will communicate to Honorable Mayor and City Council the following significant findings from the audit:

- Our view about the qualitative aspects of the entity's significant accounting practices;
- Significant difficulties, if any, encountered during the audit;
- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;
- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and

- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

Government Auditing Standards require that we provide, upon request, a copy of our most recent external peer review report and any subsequent review reports to the party contracting for the audit. Accordingly, we will provide a copy of our most recent peer review report at your request.

Eide Bailly LLP is a member of HLB International, a worldwide organization of accounting firms and business advisors, ("HLB"). Each member firm of HLB, including Eide Bailly LLP is a separate and independent legal entity and is not owned or controlled by any other member of HLB. Each member firm of HLB is solely responsible for its own acts and omissions and no other member assumes any liability for such acts or omissions. Neither Eide Bailly LLP, nor any of its affiliates, are responsible or liable for any acts or omission of HLB or any other member firm of HLB and hereby specifically disclaim any and all responsibility, even if Eide Bailly LLP, or any of its affiliates are aware of such acts or omissions of another member of HLB.

Eide Bailly LLP formed The Eide Bailly Alliance Network, a network for small to mid-sized CPA firms across the nation. Each member firm of The Eide Bailly Alliance, including Eide Bailly LLP, is a separate and independent legal entity and is not owned or controlled by any other member of The Eide Bailly Alliance. Each member firm of The Eide Bailly Alliance is solely responsible for its own acts and omissions and no other member assumes any liability for such acts or omissions. Neither Eide Bailly LLP, nor any of its affiliates, are responsible or liable for any acts or omission of The Eide Bailly Alliance or any other member firm of The Eide Bailly Alliance and hereby specifically disclaim any and all responsibility, even if Eide Bailly LLP, or any of its affiliates are aware of such acts or omissions of another member of The Eide Bailly Alliance.

MEDIATION

Any disagreement, controversy or claim arising out of or related to any aspect of our services or relationship with you (hereafter a "Dispute") shall, as a precondition to litigation in court, first be submitted to mediation. In mediation, the parties attempt to reach an amicable resolution of the Dispute with the aid of an impartial mediator. Mediation shall begin by service of a written demand. The mediator will be selected by mutual agreement. If we cannot agree on a mediator, one shall be designated by the American Arbitration Association ("AAA"). Mediation shall be conducted with the parties in person in Abilene, Texas. Each party will bear its own costs in the mediation. The fees and expenses of the mediator will be shared equally by the parties. Neither party may commence a lawsuit until the mediator declares an impasse.

LIMITED INDEMNITY

Eide Bailly LLP and its partners, affiliates, officers and employees (collectively "Eide Bailly") shall not be responsible for any misstatements in your financial statements that we may fail to detect as a result of misrepresentations or concealment of information by any of your owners, directors, officers or employees. You shall indemnify and hold Eide Bailly harmless from any claims, losses, settlements, judgments, awards, damages and attorneys' fees arising from any such misstatement or concealment of information.

If through no fault of Eide Bailly we are named as a party to a dispute between you and a third party, you shall indemnify and hold Eide Bailly harmless against any losses, damages, settlements, judgments, awards, and the costs of litigation (including attorneys' fees) we incur in connection with the dispute.

Eide Bailly shall not be entitled to indemnification under this agreement unless the services were performed in accordance with professional standards in all material respects.

LIMITATION OF LIABILITY

The exclusive remedy available to you for any alleged loss or damages arising from or related to Eide Bailly’s services or relationship with you shall be the right to pursue claims for actual damages that are directly caused by Eide Bailly’s breach of this agreement or Eide Bailly’s violation of applicable professional standards. In no event shall Eide Bailly’s aggregate liability to you exceed two times fees paid under this agreement, nor shall Eide Bailly ever be liable to you for incidental, consequential, punitive or exemplary damages, or attorneys’ fees.

TIME LIMITATION

You may not bring any legal proceeding against Eide Bailly unless it is commenced within twenty-four (24) months (“Limitation Period”) after the date when we delivered our report, return, or other deliverable under this agreement to you, regardless of whether we do other services for you or that may relate to the audit. The Limitation Period applies and begins to run even if you have not suffered any damage or loss, or have not become aware of a possible Dispute.

GOVERNING LAW AND VENUE

Any Dispute between us, including any Dispute related to the engagement contemplated by this agreement, shall be governed by Minnesota law. Any unresolved Dispute shall be submitted to a federal or state court located in Minneapolis, Minnesota.

ASSIGNMENTS PROHIBITED

You shall not assign, sell, barter or transfer any legal rights, causes of actions, claims or Disputes you may have against Eide Bailly to any person.

Please sign and return the attached copy of this letter to indicate your acknowledgment of, and agreement with, the arrangements for our audit of the financial statements including our respective responsibilities.

We appreciate the opportunity to be your certified public accountants and look forward to working with you and your staff.

Respectfully,

Shelby Ebarb
Partner

RESPONSE:

This letter correctly sets forth our understanding.

Acknowledged and agreed on behalf of management of **City of Fredericksburg, Texas** by:

Name: _____

Title: _____

Date: _____

Acknowledged and agreed on behalf of the Honorable Mayor and Members of City of Fredericksburg, Texas Council of **City of Fredericksburg, Texas** by:

Name: _____

Title: _____

Date: _____

DRAFT



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Development Services

TO: Mayor & City Council Members

FROM:

MEETING DATE: October 15, 2024

CATEGORY: OTHER ACTION ITEMS AND
UPDATES

CAPTION: Consider and take action on Appeal of City Manager's Denial of Vesting Determination for STR use at 301 E Burbank by Clay Carter for Meneer LLC (Anna Hudson, Director of Development Services)

PRESENTATION:

SUMMARY:

Address: **301 E Burbank**

Zoning: **R1**

Vested Rights requested for: **STR Permit**

BACKGROUND:

The owner requested a Vested Rights Determination for 301 E Burbank on July 26, 2024. The City Manager in consultation with the Director of Development Services issued a letter on August 21, 2024 find that Vested Rights were not place for 301 E Burbank for an STR Permit without going through the Conditional Use Permit as the size of the non-conforming structure increased during the construction process.(Vesting letter is an exhibit). The owner/applicant is asking City Council for an appeal of the City Manager's decision.

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMPREHENSIVE PLAN GUIDING PRINCIPLE:

Neighborhood Quality

Governance

ATTACHMENTS:

1. Letter of Appeal and Complaint - 301 E Burbank
2. 301 E Burbank images of demo and addition

APPROVAL/REVIEW:



Anna Hudson, Director of Development Services

Date: October 07, 2024



Garret Bonn, Assistant City Manager

Date: October 07, 2024



William McKamie, City Attorney

Date: October 07, 2024



Leticia Vacek, City Secretary

Date: October 08, 2024



Clinton Bailey, City Manager

Date: October 11, 2024

September 18, 2024

Via CMRRR: 7019 0700 0000 9506 4697

Via Email: cbailey@fbgtx.org and ahudson@fbgtx.org

Clinton Bailey, City Manager
Anna Hudson, Director of Development Services
126 West Main Street
Fredericksburg, TX 78624

Re: Complaint and Appeal Against the Vested Rights Determination and STR Permit Status for
301 E. Burbank

To Whom it May Concern:

This office represents Clay Carter of Meneer, LLC and is filing this Complaint and Appeal against the City of Fredericksburg, Clinton Bailey as City Manager, and Anna Hudson as Director of Development Services concerning the recent decision taken against the Vested Rights Determination and STR Permit Status for 301 E. Burbank (the "Structure") as outlined below.

This communication is a formal Complaint and Appeal pursuant to the City of Fredericksburg 2024 STR Ordinance Sec. 20-225 – Appeal. The City Council shall, at the next regularly scheduled city council meeting following the expiration of 14 calendar days following perfection of the appeal, hear the appeal, and to affirm, modify, or reverse the application denial. Notice of this hearing required and must be communicated to this office.

I. Brief Background

The facts that give rise to this complaint stem from the incident that took place early June of this year, when Mr. Carter attempted to obtain an STR permit from the City after remodeling had been completed and the Structure was ready for occupation. Naturally, Mr. Carter first reached out to the City's STR specialist, Ms. Jan Musgrove, who told Mr. Carter his best option was to apply for vested rights using the Vesting Rights Determination Form and submit the completed application to the City's Senior Planner, Ms. Shelby Collier. Mr. Carter's associate, Ms. Kathleen Henderson, was told by Ms. Collier, that in order to be vested under the 2018 or 2022 STR ordinance they would need to complete the vested rights form and "spell out when you're vesting to and why..." As restated by the Director of Development, Ms. Hudson, in her email, dated June 10, 2024, to Ms. Henderson. (See attached Appendix 4-0030).

a. Structure's Legal Nonconforming Use Status

Pursuant to these instructions, a 'Vested Rights Determination Request Form' was completed, signed, and submitted to Ms. Hudson and Ms. Collier. (See attached Appendix "1-0007"). As stipulated within the form by Mr. Carter, an STR permit application had been made on March 30, 2022. The City acknowledged this to be true in an email from Ms. Collier on June 17, 2022, where she confirmed that "records indicate that [301 E. Burbank] is a Permitted Short-Term Rental that was permitted prior to April 1, 2022 making it a legal nonconforming use." (See attached Appendix "1-0003"). This fact is not in dispute.

b. Structure Required Extensive Repairs and Remodeling

However, because the Structure was in a bad condition when it was purchased and not suitable for occupancy, remodeling was necessary. Some walls had to be taken down as they were determined to be unsafe and structurally unsound due to rot. Before the Structure could be made safe again and the remodel to commence, the builder had to complete a Building Permit Application that was submitted to Ms. Collier. Upon receiving this information, Ms. Collier took the position that the Structure had now voluntarily discontinued its legal nonconforming use status as the structure had been demolished. (See attached Appendix "3-0021"). But the Structure was never fully demolished, as claimed by Ms. Collier, nor could the Structure's status be construed to be 'voluntarily' discontinued by any means as the Structure would not be suitable for *any* occupancy short term or otherwise without these necessary repairs and remodel. Simply put, Ms. Collier left Mr. Carter with the impossible choice of making the Structure safe or losing the Structure's legal nonconforming use status. This was no different than a trick coin or a catch 22, as Mr. Carter never had a choice. Even if he had chosen to maintain the Structure's legal nonconforming status, the Structure would still have lost its STR permit as it would never have passed an inspection due to the Structure's unsafe condition.

Aside from this unconscionable interpretation of the 2022 Ordinance, and, quite frankly, the surrounding facts of Mr. Carter's specific circumstances, the City cannot in earnest claim the Structure was demolished. Furthermore, there is no definition of "destruction" within the 2022 STR ordinance, resulting in an arbitrary and unwritten standard. For example, how many walls must come down for a Structure to be considered 'destroyed'? One? Two? All of them? In this case not all walls were taken down, only those walls that were determined to be rotted and structurally unsafe. This leads to the very important exception within the 2022 Ordinance for "repairs, modifications, additions, or remodels," and when a structure's rotted walls are replaced with structurally safe walls is that not a repair to the structure. (See Appendix 1-0004).

This is further supported by Longhorn Asphalt & Construction ("Longhorn"), who was responsible for the remodel of the Structure, who stated that the work performed at the Structure was undoubtedly a remodel and not a complete destruction of the Structure. Longhorn went on to explain that they had "left several original structure walls of the existing house intact on [the] remodel." (See attached Appendix "1-0006" and "3-0025").

c. Structure was Always Intended to be a STR

After receiving numerous unclear and confusing instructions by City officials, Mr. Carter sought assistance from this office to supplement his vested rights form. A memorandum was prepared by this office, and sent to Ms. Collier and Ms. Hudson on July 15, 2024, in support of Mr. Carter's vested right determination form that detailed the aforementioned information for the City's consideration. (See attached Appendix "1"). The City requested that all ongoing correspondence be with Ms. Rachel Raggio, of the City Attorney's office, who in turn purported that the application still lacked "evidence that supports the assertion that the project of renovating and operating the STR was in motion prior to the adoption of the 2022 ordinance." (See attached Appendix "1"). Ms. Raggio further described types of evidence considered in previous cases, such as "building/other permit applications, correspondence with staff regarding the process of obtaining a permit, correspondence with builders, or even correspondence with real estate agents indicating an intent to operate the Structure as a short term rental." (See attached Appendix "2-0012"). All of which largely appeared to be centered around proving an intention to operate an STR. Based on these instructions, on July 26, 2024, additional supporting evidence and materials was submitted as a supplement to the memorandum provided for consideration in the Structure's vested determination for STR. (See attached Appendix "2" and "3").

II. *City Manager Rejects the Vested Rights Determination Request*

On August 21, 2024, the City Manager, Mr. Bailey formally rejected Mr. Carter's Vested Rights Determination Request for the Structure, however, his conclusions are not consistent with the evidence in the record. (See attached Appendix "5").

The two main conclusions Mr. Bailey makes in his letter are the following: (1) there was an "unauthorized demolition of the structure for which the STR permit application had been submitted, and (2) due to a proposed expansion of the structure resulting from the reconstruction a Conditional Use Permit ("CUP") would be required to expand the STR use.

a. The Nonconforming Use was Not Terminated because the Structure was Not Demolished

For the reasons stipulated above in Section I(b) and incorporated by reference in this Section, the Structure was not demolished. And on this point it seems the City is also conflicted on whether a demolition occurred, as Mr. Bailey alleges on May 5, 2022, a demolition permit was retroactively submitted to demolish the structure, which would suggest the Structure had (supposedly) been demolished prior to May 5, 2022, thereby terminating the Structure's nonconforming use status. But on June 17, 2022, more than a month later, the City's Senior Planner, Ms. Collier sent an email affirmatively confirming the Structure still maintained its "current legal nonconforming use status," which should not have been possible *if* the Structure had been demolished. (See attached Appendix "1-0003"). Therefore, based on the evidence in the record and statements from the City's own officials, the nonconforming use was not terminated because the alleged 'demolition' took place prior to May 5, 2022 and as of June 17, 2022 the Structure still maintained its legal nonconforming use status.

b. A Conditional Use Permit (“CUP”) is Not Necessary to Expand STR Use

Mr. Bailey goes on to entertain that even if such demolition did not occur and the Structure maintained its legal nonconforming use status, a CUP would still be required to account for the expansion of the structure. Yet Mr. Bailey forgets to take into account that *also included* in Section 6.110 of the Zoning Ordinance, is the exception that a CUP shall not be required, and the enlargement may occur, upon submission and approval of a Site Plan if the enlargement involves only a one-time increase in the size of the building in which the same use is operated of not more than 25 percent. (See Appendix 1-0004). In the present case, the City was provided with the Building permit application site plan/final plot for consideration on June 17, 2022. The building permit and site plan were ultimately approved by the City, and the one-time increase in size was not more than 25 percent. Therefore, a CUP is not necessary to expand the STR use.

In conclusion, the Structure did not voluntarily discontinue its legal nonconforming STR use as the structure was not demolished, but repaired and remodeled to be safe for occupancy, as allowed by the 2022 STR ordinance. Nor should it be required to apply for a CUP for the expansion as the building permit and site plan were approved by the City, and the one-time increase in size was not more than 25 percent, also allowed by the 2022 STR ordinance.

Sincerely,

REEH & SCHWING LAW FIRM


Welsley K. Reeh

Welsley K. Reeh
TX Bar 24107960

Appendix 1

- *Memorandum, dated July 15, 2024, from Reeh & Schwing Law Firm*
- *Exhibit "A"*
- *Exhibit "B"*
- *Exhibit "C"*
- *Exhibit "D"*
- *Vested Rights Determination Request Form*

MEMORANDUM

TO: Meneer, LLC
ATTN: Clay Carter
FROM: Reeh & Schwing Law Firm, PLLC
DATE: July 15, 2024
RE: July 12, 2024, Email from Kathleen Henderson, Meneer, requesting an Opinion Letter on Short Term Rental Permit Status/Disqualification pertaining to the renovation of the property located at 301 E. Burbank, Fredericksburg, Texas 78624.

This memorandum is intended to provide general guidance to Meneer, LLC ("Meneer") to support their application for a Short-Term Rental ("STR") Permit for the property located at 301 E. Burbank, Fredericksburg, Texas 78624 (the "Property"), and why the Property qualifies to have its STR Permit renewed as a legal non-conforming short-term rental use in light of the necessary remodel that was made to the Property.

In review of the Property's qualification for an STR Permit, the following materials were considered: City of Fredericksburg Ordinance No. 2022-13 ("2022 STR Ordinance"), and several emails exchanges between City of Fredericksburg officials and Meneer representatives.

The City admits in the email dated June 17, 2022, "records indicate that this Property is a Permitted Short-Term Rental that was permitted prior to April 1, 2022,"¹ therefore there is no question that the Property legally operated as an STR before the City's 2022 STR Ordinance came into effect and should continue as a non-conforming short term rental use. In this case, with the express permission of the City, Meneer made significant investments in reliance of their continued ability to rent the Property as an STR, notably making necessary repairs to the Property through a remodel.

Under the 2022 STR Ordinance, the Property is classified as 'non-conforming short term rental use', as such under Section 6.110 a "non-conforming short-term rental use shall not be considered voluntarily discontinued if the use is suspended for repairs, modifications, additions or remodels,"² here the Property was remodeled, a term specifically contemplated and included in the 2022 STR Ordinance.

The City cites as the grounds for refusing to grant the Property a STR permit is "due to an unpermitted demolition of the structure."³ There is no definition of "destruction" within the 2022 STR Ordinance, resulting in an arbitrary and unwritten standard. A common understanding of the term 'destruction' is the action or process of causing so much damage to something that it no longer exists or cannot be repaired.

¹ See Exhibit "A".

² See Exhibit "B".

³ See Exhibit "C".

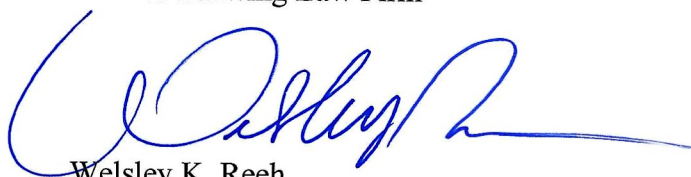
Longhorn Asphalt & Construction ("Longhorn"), who was responsible for the remodel of the Property, explained that the work performed at the Property was undoubtedly a remodel and not a complete destruction of the Property, as they had "left several original structure walls of existing house intact on [the] remodel."⁴ Furthermore, the only reason some of the walls and roof trusses were removed was because it was necessary as they were rotted and structurally unsafe.

In conclusion, it is this firm's opinion that the Property did not voluntarily discontinue its non-conforming short-term rental use as the Property was not destroyed but merely remodeled, as permitted by the 2022 STR Ordinance. Therefore, the City of Fredericksburg should grant Meneer's STR permit for the Property.

Feel free to contact this office directly with any questions concerning this matter at (830) 992-8358.

Sincerely,

Reeh & Schwing Law Firm



Welsley K. Reeh
TX Bar 24107960

⁴ See Exhibit "D".

Welsley Reeh

From: Shelby Collier <scollier@fbgtx.org>
Sent: Friday, June 17, 2022 9:57 AM
To: shae@keeperslandplanning.com
Cc: Permits
Subject: 301 E. Burbank
Attachments: 2021 IECC Compliance Check List Mechanical E. Burbank rescheck Report.pdf; Final Plotted Burbank.pdf; Updated Building Permit Application Fillable_202106221444516871 copy.pdf

Good morning Shae,

Staff has received a Building Permit Application for 301 E. Burbank and given its current Legal Nonconforming Use Status, Staff is not able to accept the Building Permit Application at this time.

Records indicate that this property is a Permitted Short-Term Rental that was permitted prior to April 1, 2022 making it a Legal Nonconforming Use and If you wish to expand upon that use, a Conditional Use Permit (CUP) is required, which is a special use permit issued by City Council.

The CUP process take 45 -60 days and requires a formal application be made with City Staff as well as a Public Notification through the Newspaper and individual notification of all property owners that own property within 200 feet of the subject property.

<https://www.fbgtx.org/845/Short-Term-Rentals>

Is this something you wish to pursue?

I welcome your response.



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

Shelby Collier/ Associate Planner/ City of Fredericksburg

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

Sec. 6.110. Continuance of a Nonconforming Use.

Residential Districts

Enlargement. A non-conforming use may be enlarged, expanded, extended or changed within the boundary of the lot in which the non-conforming use has legally operated, upon approval of a Conditional Use Permit (section 5.400). Any enlargement or extension, whether requiring a Conditional Use Permit or not, shall be required to come into in compliance with all city ordinances, codes, or policies and development regulations which may apply to the property (examples without limitation: landscape, parking, curb cuts, setbacks).

Conversions. A non-conforming use may be continued as the same classification, or may be changed to a use of a more restricted classification upon approval of a conditional use permit. If it is changed to a use in a more restricted classification or to a conforming use, it cannot be changed back to its original non-conforming use. For purpose of this paragraph, the phrase "same classification" means: uses permitted in the same district; a "more restricted classification" means: use in a district having more restricted use (i.e., C-2 vs. C-1); and provided that:

The new use is similar to or less intensive than that of the old use in terms of noise generated, outdoor storage, customer activity and impact on other conforming uses in the area, and that the new use comply with the parking requirements of this ordinance as applicable to newly established uses.

Termination.

If a non-conforming use or any portion thereof is voluntarily discontinued for a period of 90 days, any future use of such land or portion thereof shall be in conformity with the regulations of the district in which such land or portion thereof is located. A non-conforming short-term rental use shall not be considered voluntarily discontinued if

~~Short term rental uses shall not terminate under the following conditions :~~

~~The use is suspended for repairs, modifications, additions, or remodels, or other similar situations; or if~~

~~The owner of the property home utilizes the property as their personal residence, for a period not to exceeding more than one 365 consecutive days (1) year; or.~~

Non-conforming use is terminated upon a change in use other than as provided herein.

Non-conforming use is terminated upon destruction of a structure occupied by a non-conforming use unless it is permitted to be rebuilt as provided herein.

Other Districts

Enlargement. A non-conforming use may be enlarged within the boundary of the lot in which the non-conforming use has legally operated upon approval of a Conditional Use Permit (section 5.400).

Provided, however, a Conditional Use Permit shall not be required, and the enlargement may occur, upon submission and approval of a Site Plan if the enlargement involves only a one-time increase in the size of the building in which the same use is operated of not more than 25 percent.

Any enlargement or extension, whether requiring a Conditional Use Permit or not, shall be required to come into in compliance with all city ordinances, codes, or policies and development regulations which may apply to the property (examples without limitation: landscape, parking, curb cuts, setbacks), and the non-conforming use may be continued only for so long as the property remains in compliance with all applicable City Ordinances and Codes, including those prohibiting nuisances. All Existing non-conforming single family residential uses may be enlarged without the necessity of obtaining a Conditional Use Permit.

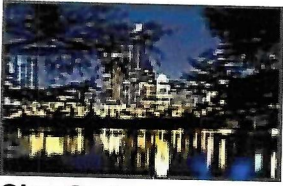
Conversions. A non-conforming use may be continued as the same classification, or may be changed to a use of a more restricted classification upon approval of a conditional use permit. If it is changed to a use in a more restricted classification or to a conforming use, it cannot be changed back to its original non-conforming use. For purpose of this paragraph, the phrase "same classification" means: uses permitted in the

Exhibit "C"

Cc: Tyler Baethge <tbaethge@fbgtx.org>; Jan Musgrove <jmusgrove@fbgtx.org>

Subject: RE: Vested Rights form - 301 E Burbank Construction Story/Pics & Builder Note

Yes please. Can I call you? Who should I call?



Clay Carter

Centex Private Investment Management

1301 S. Capital of Tx Hwy, Suite B-125

Austin, Tx 78746

Clay@CentexPIM.com

phone: 512-533-9110

fax: 512-533-9111

From: Shelby Collier <scollier@fbgtx.org>

Sent: Monday, June 10, 2024 9:43 AM

To: Anna Hudson <ahudson@fbgtx.org>

Cc: Clay Carter <clay@centexpim.com>; Tyler Baethge <tbaethge@fbgtx.org>; Jan Musgrove <jmusgrove@fbgtx.org>

Subject: FW: Vested Rights form - 301 E Burbank Construction Story/Pics & Builder Note

Anna,

Please see the following correspondence.

It appears that Clay Carter is requesting a vesting determination for property located at 301 E Burbank.

I previously denied a STR permit for the property due to an unpermitted demolition of the structure.

I'm happy to discuss if needed.



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

Shelby Collier/ Senior Planner/ City of Fredericksburg

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

[Complete the Final Survey for the Comprehensive Plan](#)

From: Clay Carter <clay@centexpim.com>

Sent: Friday, June 7, 2024 1:57 PM

To: Kathleen Henderson <kathleen@centexpim.com>; Shelby Collier <scollier@fbgtx.org>

Subject: RE: Vested Rights form - 301 E Burbank Construction Story/Pics & Builder Note

Shelby,

Jan,

My understanding, in the beginning, was that this was a remodel and not a major demo or tear down. I also understood that the house had a ST permit already or one that we could renew and keep, from my out of town realtor. It was my first time to buy a property in Fredericksburg that needed work so I wasn't too aware of the rules. We never intended to tear walls down or the roof. See Builder email below to explain why we had to take some framing and roof trusses off. I was misunderstanding that this was just considered more than a remodel because we were leaving walls, framing, and roof. In Austin, that is considered a remodel as we didn't take the walls down. Once we started getting into the walls to update the house, the builder was clear we are the going to need to take some walls, structure, and roof trusses out do to damages and rot. At that point, I had to decide between fixing the house or saving the ST permit. I decided to fix the house and roof and worry about the permit after. I really thought we would be able to keep the ST permit since we didn't scrape the house and rebuild. I have since let go of the realtor (my rep for the purchase and build) and have been working with local reps like Christina @ Simple Goods and Savannah/her mom at Absolute Charm to help me with my prokects here in Fredericksburg. They recommended i get you guys involved to help me restore/get the ST permit for the house. I ask that you spare me in my mistake about remodeling the house and please give me this exception. This house was uninhabitable and we were getting letters from neighbors to please get this house fixed to match the rest of the neighborhood

Here are the pics and the email from builder showing the walls and structure that we saved or tried to save.

Thanks for your consideration Jan

From: longhorn asphalt <longhornasphalt@yahoo.com>
Sent: Thursday, May 16, 2024 1:48 PM
To: Clay Carter <clay@BlueWatersAG.com>
Subject: 301 burbank Remodel

Clay , Good afternoon, I am writing this letter per your request to give an explanation of the complete remodel we completed at 301 E Burbank. We left several original structure walls of existing house in tact on this remodel. Some of the walls and roof trusses we removed were removed as they were rotted and unsafe to leave in place as part of remodel. if any questions plz feel free to reach out. Thank You

Respectfully,

Edward/ Longhorn Asphalt & Construction

Longhornasphalt@yahoo.com

Number One in customer service !



Development Services
126 W Main Street
Fredericksburg, TX 78624
830-997-7521
www.fbgtx.org

FOR OFFICE USE ONLY

Date Received: _____ Filing Fee: _____

Received by: _____ Approved by: _____

Vested Rights Determination Request Form

Please attach additional sheets if necessary.

Property Owner: Meneer, LLC
Applicant (if different than owner): Clay Carter
Address: 301 E. Burbank St. Fredericksburg, TX 78624
Phone: 512-533-9110 Office: _____ Email: Clay@centexpim.com
Project Name: _____

1. Type of development permit:

- ☐ Site plan ☐ Construction Permit ☐ Plat _____ (type)
☐ Use prior to Annexation ☒ Other STR permit (describe)
Reinstatement

2. Basis for Vested Rights Claim per Texas Local Government Code:

- ☒ Type 1: Chapter 245 (general vested rights statute)
☐ Type 2: Section 43.002 (applies only if vested rights claim is based on uses begun outside the city limits which are not allowed under current zoning)

3. Date for which Vested Rights are claimed: 3/30/2022 Permit: N/A

4. Chronological History of Development:

a) List all prior permits issued for the property, including the one for which vested rights are claimed. Provide a copy of each permit listed below.

Type	Application Date	Approval Date
STR Application	3/30/2022	pending STR application was no longer valid since building had since been demolished

a) Identification of all pertinent City regulations in effect at the time the original application for the first permit was filed, which the Petitioner contends control the approval, disapproval, or conditional approval of the application(s) for a permit for which relief is sought, pursuant to Chapter 245 at § 245.002(a) and (b)

b) Identification of all current City regulations that the petitioner contends do not apply to the project due to the vested rights provided the person by Chapter 245 or other applicable vested rights laws. Global references to an ordinance, statute or set of criteria, may be deemed insufficient and the City may consider the request for vested rights to be incomplete and, hence, not subject to a staff determination at that time:

c) Identification of any exemptions under the Zoning Ordinance or other ordinances to which the petitioner believes are applicable to the project defined.

N/A

d) Please describe any progress towards completion of the project that was made after the first application for the project was submitted (provide supporting documentation):

House was not fully demolished when purchased to renovate. It had a permit. Due to finding out house was in bad conditions (not livable) ended up remodeling more of the house than initially intended.

(please see emails; supporting documentation)

5. Additional Information:

a) Has the prior permit for which vested rights are claimed expired?

☐ Yes ☐ No

If Yes, when? _____

b) Is the Proposed Project the same as the original project for which vested rights are claimed?

☐ Yes ☐ No

If No, please describe any differences between the two, including but not limited to changes in use, land area, or intensity of development:

I Certify that the preceding information provided is accurate:

Signature: _____
Property Owner*

Date: 6-6-24

Signature: _____
Applicant/Agent*

Date: _____

Appendix 2

- *Correspondence with Rachel Raggio of the City Attorney's office Re: 301 E Burbank STR Permit and Vested Rights Determination*

From: [Welsley Reeh](#)
To: [Rachel Raggio](#)
Cc: [Mick McKamie](#); [Annabelle Ackling](#); [Ellie Schulte](#); [Robert Schwing](#)
Subject: RE: 301 E Burbank - STR Permit
Date: Friday, July 26, 2024 12:43:00 PM
Attachments: [Supporting Evidence of STR - Vested Right.pdf](#)

Good Afternoon Rachel,

Attached is the supporting evidence/materials we spoke of yesterday that is intended to supplement the memorandum that has already been submitted for consideration of my client's vested determination for STR at 301 E Burbank. Brief summary of contents is the following:

- **Exhibit "E"** – advertisement of off-market property that was posted to the closed facebook group 'Fredericksburg TX STR Alliance' dated July 31 2021 – where my client's realtor, Dave Chastain first learned of the property and reported back to my client who was in the market for short-term rental properties in Fredericksburg – ***Evidence of Intent to Operate Property as STR Prior to April 1, 2022***
- **Exhibit "F"** – Email dated March 21, 2022 from my client's realtor, Dave Chastain, to City official Jason Lutz with the subject line "intention of short term rental," where Mr. Chastain expressly states "I plan and my intentions are for this property to be a short term rental." Anna Hudson sends her own email, dated March 22, 2022, where she confirms deadline to document intentions is April 1st. And, finally, Shelby Collier sends email to Mr. Chastain dated June 21, 2022, confirming that 301 E. Burbank submitted their STR application as of 3/30/2022, before the April 1st deadline. – ***Evidence of Correspondence with Staff about Process of Obtaining Permit***
- **Exhibit "G"** – Text message, on or around December 4 2021, between my client and his realtor, Mr. Chastain, referencing discussions with builder about the remodel of the property and confirmation that "it's not a tear down." – ***Evidence of Remodel Not Demolition and Correspondence with Real Estate Agent and Builder about STR Investment in Property***
- **Exhibit "H"** – Text message between my client and his realtor about investment property at 301 E Burbank, to turn into STR. – ***Evidence of Correspondence with Real Estate Agent about STR Investment in Property***
- **Exhibit "I"** – Text message, dated October 12 2021, between my client and his realtor about investment property at 301 E Burbank, to turn into STR – ***Evidence of Intent to Operate Property as STR Prior to April 1, 2022 via Correspondence with Real Estate Agent about "remodel and keep as STR"***
- **Exhibit "J"** – Total costs my client invested in remodel in reliance of keeping the property an STR, i.e., over \$300k. – ***Evidence of Investment into Operating Property as STR***

The above-referenced and attached materials address the City's demand for evidence of my client's clear intention to operate the property as an STR prior to April 1, 2022. As such, I believe my client has more than met his burden of providing adequate evidence to support his

request for a vesting determination, and consequently should be granted his STR permit.

Please provide instructions on how my client is to proceed at this time in order to effectuate such vesting determination and STR permit.

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

Welsley K. Reeh
Attorney at Law
Reeh & Schwing Law Firm
1403 Cross Street
Fredericksburg, Texas 78624
Tel (830) 992-8358
Fax (830) 715-4788

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From: Rachel Raggio <rraggio@toase.com>
Sent: Thursday, July 25, 2024 10:23 PM
To: Welsley Reeh <wreeh@reehandschwinglaw.com>
Cc: Mick McKamie <mmckamie@fbgtx.org>; Annabelle Ackling <aackling@toase.com>; Ellie Schulte <eschulte@toase.com>; Robert Schwing <rschwing@reehandschwinglaw.com>
Subject: RE: 301 E Burbank - STR Permit

If you'll be submitting the additional materials on behalf of your client, please provide them to me and I'll convey them to staff. If your client will be handling the submission, they can communicate directly with Anna Hudson.

Thank you,

Rachel

Rachel Raggio
Associate Attorney
Taylor, Olson, Adkins, Sralla & Elam, LLP
6000 Western Place, Suite 200
Fort Worth, Texas 76107
Phone: (817) 332-2580
Fax: (817) 332-4740



From: Welsley Reeh <wreeh@reehandschwinglaw.com>

Sent: Thursday, July 25, 2024 10:11 PM

To: Rachel Raggio <rraggio@toase.com>

Cc: Mick McKamie <mmckamie@fbgtx.org>; Annabelle Ackling <aackling@toase.com>; Ellie Schulte <eschulte@toase.com>; Robert Schwing <rschwing@reehandschwinglaw.com>

Subject: RE: 301 E Burbank - STR Permit

Very well, as the property was initially purchased with the intent of operating an STR, in addition to the significant investment my clients have put into the property for that same reason, I do not see that will be an issue, however arbitrary this fact-intensive process clearly seems to be.

Please direct me to who at the City I should proceed with at this point.

Thank you,

Welsley K. Reeh
Attorney at Law
Reeh & Schwing Law Firm
1403 Cross Street
Fredericksburg, Texas 78624
Tel (830) 992-8358
Fax (830) 715-4788

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this communication by anyone other than the named recipient is strictly prohibited.



From: Rachel Raggio <rraggio@toase.com>

Sent: Thursday, July 25, 2024 9:56 PM

To: Welsley Reeh <wreeh@reehandschwinglaw.com>

Cc: Mick McKamie <mmckamie@fbgtx.org>; Annabelle Ackling <aackling@toase.com>; Ellie Schulte <eschulte@toase.com>; Robert Schwing <rschwing@reehandschwinglaw.com>

Subject: RE: 301 E Burbank - STR Permit

Welsley,

My understanding is that this property is in a gray area because an incomplete permit application was filed on March 30, 2022, and this appears to be the only documentation available in the City's records. Vesting determinations are fact-intensive and the City Manager will rely on available evidence in order to reach a decision. The vesting determination process gives the property owner the opportunity to provide additional evidence to support the assertion that they have vested rights in a certain project, so I strongly suggest that your client provide any additional materials they may have to support their application, as the applicant has the burden of providing adequate evidence to support their request for a vesting determination.

As I mentioned in my initial response to you, types of evidence that have been considered in previous cases include materials dating from the time of vesting like building/other permit applications, correspondence with staff regarding the process of obtaining a permit, correspondence with builders, or even correspondence with real estate agents indicating an intent to operate the property as a short-term rental. So, some examples of relevant types of evidence for this case could include building permit applications for the demolition, records of transactions or plans with the demolition and/or construction company, or any other materials that may indicate the intention to operate an STR.

I hope this helps.

Best,

Rachel

Rachel Raggio
Associate Attorney
Taylor, Olson, Adkins, Sralla & Elam, LLP
6000 Western Place, Suite 200
Fort Worth, Texas 76107
Phone: (817) 332-2580
Fax: (817) 332-4740



From: Welsley Reeh <wreeh@reehandschwinglaw.com>
Sent: Thursday, July 25, 2024 11:14 AM
To: Rachel Raggio <rraggio@toase.com>
Cc: Mick McKamie <mmckamie@fbgtx.org>; Annabelle Ackling <aackling@toase.com>; Ellie Schulte <eschulte@toase.com>; Robert Schwing <rschwing@reehandschwinglaw.com>
Subject: 301 E Burbank - STR Permit

Hello Rachel,

Just following up from my last email to get some clear guidance for my client.

Thank you for attention to this matter.

Welsley K. Reeh
Attorney at Law
Reeh & Schwing Law Firm
1403 Cross Street
Fredericksburg, Texas 78624
Tel (830) 992-8358
Fax (830) 715-4788

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From: Welsley Reeh
Sent: Tuesday, July 23, 2024 6:26 PM
To: Rachel Raggio <rraggio@toase.com>
Cc: Mick McKamie <mmckamie@fbgtx.org>; Annabelle Ackling <aackling@toase.com>; Ellie Schulte <eschulte@toase.com>
Subject: RE: 301 E Burbank - STR Permit

Hello Rachel,

Per Ms. Hudson's email which was included in the attachments, she lists examples of such evidence including "conversations with staff." Here, the email included with the memo is evidence of the application's existence in March of 2022, as it was the City's staff Ms. Collier who affirmed "records indicate that this property is a permitted short-term rental that was permitted prior to April 1, 2022." Am I understanding correctly that the City's position is that this acknowledgment and conversation with city staff does not amount to evidence that the property was intended to operate as a STR prior to the 2022 ordinance? If so, what records is Ms. Collier referring to if not the very evidence you are requesting at this time?

Thank you,
Welsley K. Reeh
Attorney at Law
Reeh & Schwing Law Firm
1403 Cross Street
Fredericksburg, Texas 78624
Tel (830) 992-8358
Fax (830) 715-4788

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disclosure, copying, distribution or the taking of any action concerning the contents of this communication by anyone other than the named recipient is strictly prohibited.



From: Rachel Raggio <rraggio@toase.com>
Sent: Tuesday, July 23, 2024 4:26 PM
To: Welsley Reeh <wreeh@reehandschwinglaw.com>
Cc: Mick McKamie <mmckamie@fbgtx.org>; Annabelle Ackling <aackling@toase.com>; Ellie Schulte <eschulte@toase.com>
Subject: RE: 301 E Burbank - STR Permit

Hi Welsley,

I don't see any additional information included in the attachments sent to Shelby this afternoon – as I mentioned in my earlier email, without evidence from the time of vesting, the City really doesn't have much to work with for the vesting determination application. For example, the STR permit application that the VD application claims was submitted on March 30, 2022 should be attached to this application, as well as any other evidence that supports the assertion that the project of renovating and operating an STR was in motion prior to the adoption of the 2022 ordinance. While your memorandum provides additional information to support the application, it does not provide the additional evidence on which the City Manager will be able to base a VD decision.

Thanks,

Rachel

Rachel Raggio
Associate Attorney
Taylor, Olson, Adkins, Sralla & Elam, LLP
6000 Western Place, Suite 200
Fort Worth, Texas 76107
Phone: (817) 332-2580
Fax: (817) 332-4740



From: Welsley Reeh <wreeh@reehandschwinglaw.com>
Sent: Tuesday, July 23, 2024 2:28 PM
To: Shelby Collier <scollier@fbgtx.org>; Rachel Raggio <rraggio@toase.com>
Cc: Robert Schwing <rschwing@reehandschwinglaw.com>; Anna Hudson <ahudson@fbgtx.org>;
Short Term Rentals <str@fbgtx.org>; Clay Carter <clay@centexpim.com>; Permits
<permits@fbgtx.org>; Kathleen Henderson <kathleen@centexpim.com>
Subject: RE: 301 E Burbank - STR Permit

Hello Shelby,

I've engaged with Mrs. Raggio's office, and we are on the same page. As a recap, attached is the vested determination application along with the memorandum that provided the requested support of my client's vested determination application. If there is something missing from the application that your office requires please detail what that item is and it will be addressed. Otherwise, let me know when the application is approved so that my client may have his STR permit granted/renewed.

Thank you,

Welsley K. Reeh
Attorney at Law
Reeh & Schwing Law Firm
1403 Cross Street
Fredericksburg, Texas 78624
Tel (830) 992-8358
Fax (830) 715-4788

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From: Shelby Collier <scollier@fbgtx.org>

Sent: Friday, July 19, 2024 1:51 PM

To: Welsley Reeh <wreeh@reehandschwinglaw.com>; Rachel Raggio <rraggio@toase.com>

Cc: Robert Schwing <rschwing@reehandschwinglaw.com>; Anna Hudson <ahudson@fbgtx.org>; Short Term Rentals <str@fbgtx.org>; Clay Carter <clay@centexpim.com>; Permits <permits@fbgtx.org>; Kathleen Henderson <kathleen@centexpim.com>

Subject: RE: 301 E Burbank - STR Permit

Good afternoon Welsley,

Thank you for your email, however, I will have to direct your question to Mrs. Rachel Raggio with Toase.

I hope this finds you well.

Have a blessed day and a lovely weekend!



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

Shelby Collier/ Senior Planner/ City of Fredericksburg

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

From: Welsley Reeh <wreeh@reehandschwinglaw.com>

Sent: Friday, July 19, 2024 1:11 PM

To: Shelby Collier <scollier@fbgtx.org>

Cc: Robert Schwing <rschwing@reehandschwinglaw.com>; Anna Hudson <ahudson@fbgtx.org>; Short Term Rentals <str@fbgtx.org>; Clay Carter <clay@centexpim.com>; Permits <permits@fbgtx.org>; Kathleen Henderson <kathleen@centexpim.com>
Subject: F/U: 301 E Burbank - STR Permit

Hello Shelby,

I tried calling your office yesterday to follow up on this matter. Has there been any development that I can pass along to my client?

Thank you,

Welsley K. Reeh
Attorney at Law
Reeh & Schwing Law Firm
1403 Cross Street
Fredericksburg, Texas 78624
Tel (830) 992-8358
Fax (830) 715-4788

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From: Welsley Reeh
Sent: Monday, July 15, 2024 2:45 PM
To: 'permits@fbgtx.org' <permits@fbgtx.org>
Cc: Shelby Collier <scollier@fbgtx.org>; Anna Hudson <ahudson@fbgtx.org>; 'str@fbgtx.org' <str@fbgtx.org>; Clay Carter <clay@centexpim.com>; Robert Schwing <rschwing@reehandschwinglaw.com>; Kathleen Henderson <kathleen@centexpim.com>

Subject: FW: 301 E Burbank - STR Permit

Good Afternoon,

My office has been retained to assist in the property located at 301 E Burbank obtaining an STR Permit.

I have reviewed the emails exchanged between the City and my client, in addition to the documentation supporting my client's position in the matter.

In short, for the reasons and evidence included in the attached memorandum, the property does qualify for and should be granted a STR permit in accordance with City of Fredericksburg Ordinance No. 2022-13.

Please review the attached and let me know if you have any questions.

Thank You,
Welsley K. Reeh
Attorney at Law
Reeh & Schwing Law Firm
1403 Cross Street
Fredericksburg, Texas 78624
Tel (830) 992-8358
Fax (830) 715-4788

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Appendix 3

- *Exhibit “E”*
- *Exhibit “F”*
- *Exhibit “G”*
- *Exhibit “H”*
- *Exhibit “I”*
- *Exhibit “J”*

< **Fredericksburg TX STR Alliance** ...

Paul Montelongo · Jul 31, 2021 ·

I have a tidy little off-market residence 1 mile from the corner of Llano and Main, just a couple of blocks out of the Historic zone. Currently 1,683 sq. ft and needs about 200k to make it STR ready. 10,250 square foot lot zoned R-1 currently. If anyone knows of someone that would like to buy this and fix it, message me. \$425k. ARV of \$900k (approx).



Like



Comment

Newest ▾

**Nancy MacDougall Herndon**[Admin](#)

Paul, I sent you a pm. Please take a look.

2y Like Reply

**Paul Montelongo**[Author](#)

i dont see anything

2y Like Reply



Write a reply...

**Susie Doucette Pyle**
Pics??

2y Like Reply

1 

**Paul Montelongo**[Author](#)

[Susie Doucette Pyle](#) see my edited



Write a comment...



Exhibit "F"

----- Forwarded message -----

From: **Shelby Collier** <scollier@fbgtx.org>
Date: Tue, Jun 21, 2022 at 3:47 PM
Subject: RE: Fw: Intention of short term rental
To: Dave Chastain <davechastain@realtyaustin.com>

Good afternoon Dave,

301 E. Burbank had a submitted STR application as of 03/30/2022, unfortunately, the building has since been demolished and the pending str application is no longer valid.

Once you respond to this email acknowledging this, you would be able to submit a building permit application to move forward with construction.

108 W. Mulberry also has a pending STR application as of 03/30/22 and is subject to Sec. 6.110 requiring a Conditional Use Permit (CUP) for building expansions to maintain the existing STR Application.

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

Have a blessed day!



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

From: Dave Chastain <davechastain@realtyaustin.com>
Sent: Monday, June 20, 2022 1:40 PM
To: Shelby Collier <scollier@fbgtx.org>
Cc: Anna Hudson <ahudson@fbgtx.org>; Garret Bonn <gbonn@fbgtx.org>
Subject: Re: Fw: Intention of short term rental

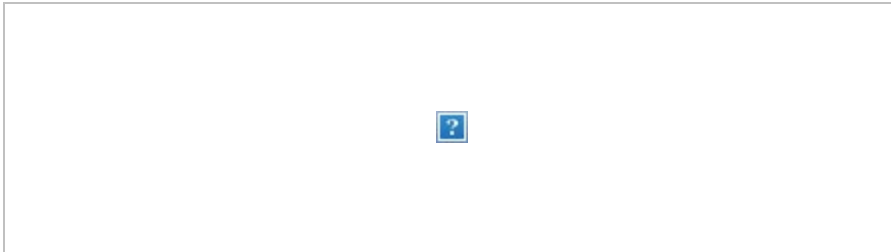
Good afternoon Shelby,

It was nice meeting you and Anna in person this past Tuesday at the meeting for my Orchard project. I've been super busy and wanted to follow up to see if the STR permits were issued for the properties below.

Thank you so much,

Dave

[Texas Law Requires all License holders to provide the Information About Brokerage Services to prospective clients.](#)



[512.293.5401](tel:512.293.5401)

On Mon, Apr 25, 2022 at 1:34 PM Shelby Collier <scollier@fbgtx.org> wrote:

Good afternoon Dave,

My apologies, I have researched pending STR permit applications for 301 E. Burbank & 108 W. Mulberry and have not found record of these applications having been made.

Am I missing something? If you have record of your previous applications submitted to Avenue please send them my way so that I may assist you with this process.

I welcome your feedback.



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

Shelby Collier/ Associate Planner/ City of Fredericksburg

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

From: Dave Chastain <davechastain@realtyaustin.com>

Sent: Friday, April 22, 2022 1:10 PM

To: Shelby Collier <scollier@fbgtx.org>

Subject: Re: Fw: Intention of short term rental

Hi Shelby,

I know you are super busy, but can you check on the permits I previously submitted for STR? The address is below when I was working with Jason.

Thank you so much,

Dave

[Texas Law Requires all License holders to provide the Information About Brokerage Services to prospective clients.](#)



[512.293.5401](#)

On Tue, Mar 22, 2022 at 8:30 AM Anna Hudson <ahudson@fbgtx.org> wrote:

Good Morning Dave,

City Council adopted the updated STR ordinance that will go into effect on April 1st. You will need to submit STR permits before April 1st to Avenu to document your intentions. On April 1st we will switch over to Granicus for permitting and HOT remittal.

Regards,

Anna Hudson
City of Fredericksburg

From: Jason Lutz <jlutz@fbgtx.org>
Sent: Monday, March 21, 2022 10:54 PM
To: Anna Hudson <ahudson@fbgtx.org>
Subject: Fwd: Intention of short term rental

Sent from my iPhone

Begin forwarded message:

From: Dave Chastain <davechastain@realtyaustin.com>
Date: March 21, 2022 at 4:13:15 PM CDT
To: Jason Lutz <jlutz@fbgtx.org>
Cc: Dave Chastain <davechastain@realtyaustin.com>
Subject: Intention of short term rental

Hi Jason,

It was brought to my attention the city council is possibly voting today on changes to the short term rental regulation.

I bought and closed on 301 E Burbank last December. I'm in the permit process now for the remodel and plan to start work in the next few weeks. I plan and my intentions are for this property to be a short term rental.

Regarding 108 W Mulberry, I went under contract on 2/19/22. The price I paid was under the impression I short term rental this as well. I wanted to communicate that my intentions are for this to be a short term rental as well.

Please let me know if you need any additional communication or documentation.

Sincerely,

Dave

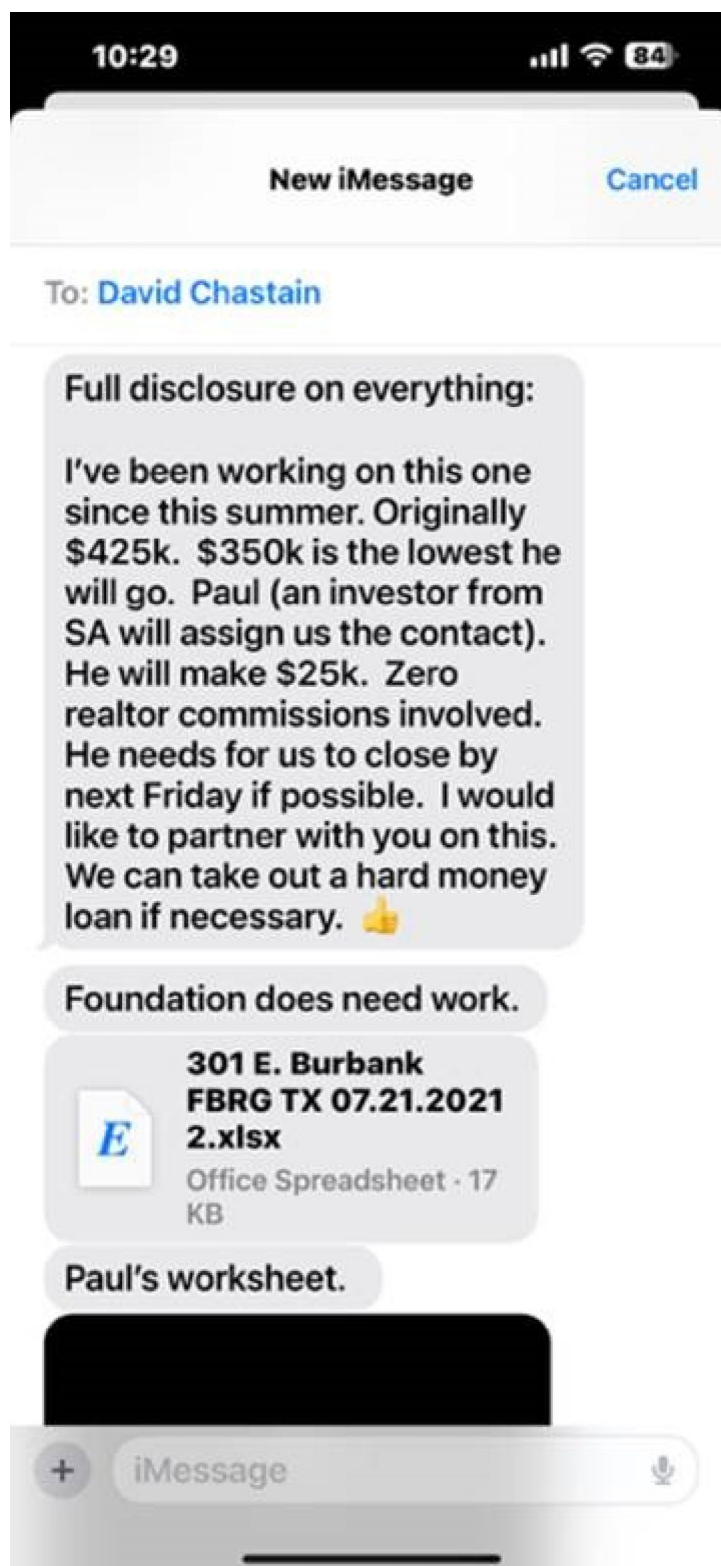
[Texas Law Requires all License holders to provide the Information About Brokerage Services to prospective clients.](#)



[512.293.5401](tel:512.293.5401)

Exhibit "G"







301 E. Burbank FBRG TX...



Done

COST WORK SHEET							
Date	July 21, 2021	Project Description	House Rehab				
NAME	Montelongo	Square Footage House	1442				
Address	301 E. Burbank St. Fredericksburg, TX	Square Footage Addition	296				
		Square Footage Total	1738				
		Detached Carport 20' X 24'	480				
		Rear Trellis/Patio Area 10' X 12'	120				
STRUCTURAL							
ITEM #	COST CODE	DESCRIPTION	EXPLANATION	MATERIAL	LABOR	TOTAL	ACTU
1	FOUN1/FOUN2	FOUNDATION	Leveling/Stabilization		7,850	7,850	
2	FOUN1/FOUN2	FOUNDATION	480 sf. Garage X \$21		9,817	9,817	
3	FOUN1/FOUN2	FLATWORK	Sidewalks		3,500	3,500	
5	FOUN1/FOUN2	CONCRETE PUMP			1,800	1,800	
6	FRMT1/FRCY2	FRAMING	House	6,500	10,500	17,000	
7	FRMT1/FRCY2	FRAMING	Carport	4,500	4,500	9,000	
8	FRMT1/FRCY2	FRAMING				0	
TOTAL STRUCTURAL				11,000	37,967	48,967	
MECHANICAL/PLUMBING/ELECTRICAL							
9	HVAC1/HVAC2	HVAC-MECHANICAL	New 5 ton Unit		8,500	8,500	
10	ELFX1/ELEC2	LIGHTING FIXTURES		2,700	900	3,600	
11	PLFX1/PLBG2	PLUMBING	Existing Bathroom	1,800	3,250	5,050	
12	PLFX1/PLBG2	PLUMBING	2-New Bathrooms	3,600	13,495	17,095	
13	ELFX1/ELEC2	ELECTRICAL	Whole House Bid		12,950	12,950	
14	ELFX1/ELEC2	ELECTRICAL	Carport Bid		3,200	3,200	
TOTAL MEPS				8,100	42,295	50,395	
INTERIOR & EXTERIOR							
15	WINDW1/WNDW2	WINDOWS	19 Replacements	7,600	2,850	10,450	
16	WINDW1/WNDW2	WINDOWS	2 new	800	300	1,100	
17	INSL1/INSL2	INSULATION	1738 SF X \$4 LM		6,952	6,952	
18	SHRK1/SHRK2	SHEETROCK	200 sheets	1,800	3,600	5,400	
19	SHRK1/SHRK2	PAINTING	Exterior House and Carport	2,800	5,500	8,300	
20	PNTG1/PNTG2	PAINTING	1600' X \$5	4,500	4,500	9,000	
21	PNTG1/PNTG2	PAINTING	Carport 480 SF X \$5	1,200	1,200	2,400	
22	INDR	INTERIOR DOORS	4 X \$300	1,200	1,200	2,400	
24	EXDR1/EXDR2	EXTERIOR DOORS	2 X 400	800	300	1,100	
25	EXDR1/EXDR2	EXTERIOR DOORS (Front Door)	Front Door	2,000	500	2,500	
23	TRML1/TMCY2	TRIM	House	2,500	2,500	5,000	
26	TRML1/TMCY2	TRIM	Carport Cornice	1,000	800	1,800	
29	RFG2	ROOFING	27 Sqs. X \$600 Metal		16,200	16,200	
30	RFG2	ROOFING	Carport 8 Sqs. X \$600 Metal		4,800	4,800	
34	CABN1/CABN2	CABINETS	Kitchen/Baths	8,000	2,500	10,500	
35	TOPS2	COUNTERTOPS	Kitchen/Baths	3,000	3,000	6,000	
38	CTLE1/CTLE2	TILE	Showers X 3	1,500	5,400	6,900	
39	CTLE1/CTLE2	TILE	Kitchen Floor	1,200	1,200	2,400	
43	LKHD1/LKHD2	LKS & HDWRE		750	750	1,500	
44	GLMR1/GLMR2	GLASS/MIRROR		500	500	1,000	
45	SWDR1/SHDR2	SHOWER DOORS		1,500	1,500	3,000	
46	APPL1/APPL2	APPLIANCES		5,000	500	5,500	
48	WDFL1/WDFL2	WOOD FLOORING		6,000	6,000	12,000	
51	WDFL2/WDFL2	STAIN FLOOR	Living Area Re-Stain		6,000	6,000	
52	GUTT1/GUTT2	GUTTERS			1,600	1,600	
53	TRELL	TRELLIS/PATIO PAVERS	120SF X \$21 L X \$15 M	2,520	1,800	4,320	
32	MSNV1/MSNV2	MASONRY	Firepit/Chiminea	2,750	2,900	5,650	
54	HITUB1	HOT TUB	Wood Trim Kit & Tub	4,500	1,850	6,350	
55						0	
TOTAL FINISHES				61,420	86,703	148,123	
MISCELLANEOUS							
56	DEMO2	FLOOR & DUST PROTECTION			1,800	1,800	
57	DEMO1	DEMOLITION (INTERIOR HORDING)			4,500	4,500	
58	DEMO1	DEMOLITION (ROOF)			3,750	3,750	
59		IRRIGATION SPRINKLERS			6,500	6,500	
60	TREE1/TREE2	TREE TRIMMING/REMOVAL			2,500	2,500	
61		LANDSCAPING			4,500	4,500	
62	CLUP2	SITE MAINTENANCE/SECURITY			1,500	1,500	
63	SCAF1	FENCING		5,500	4,850	10,350	
64		CABLE/SECURITY/TV COMPANY		1,200	1,200	2,400	
65	DUMP1	DUMPSTER RENTAL			1,500	1,500	
66	POTTY2	PORTABLE TOILET			350	350	
67	DLVY2	DELIVERY			800	800	
68	FGLN1/FGLN2	FINAL MOVE IN CLEAN			450	450	
69	DECR2	DECORATOR / DESIGNER			750	750	
70	CTPS2	UTILITY COMPANY FEES			800	800	
71		WINDOW TREATMENTS	19 X \$250		4,750	4,750	
73	ENGN2	SLAB INSPECTION			550	550	
74	ENGN2	STRUCTURAL ENGINEER/INSPECTION			750	750	
76	PRMT	CITY PERMIT FEE			750	750	
77	PRMT	ARCHITECTURE DRAWINGS			950	950	
78	FUEL	GAS SURCHARGE			500	500	
79	MISC	MISCELLANEOUS			2,500	2,500	
82						0	
83						0	
84		TOTAL MISCELLANEOUS		6,700	46,500	53,200	
85		SUB-TOTAL		89,220	213,464	302,684	
86		INVESTMENT TOTAL					
		INSURANCE - GENERAL LIABILITY				2,999	
NOTES:		TOTAL INVESTMENT				304,684	



Appendix 4

- *Additional Emails exchanged with City Officials from June 10, 2024 through to July 11, 2024*

From: [Kathleen Henderson](#)
To: [Welsley Reeh](#)
Cc: [Clay Carter](#); "[Savannah Stahl](#)"
Subject: 301 E Burbank - STR permit - Supporting documentation (#7) FW: Signed vested Rights form - 301 E Burbank
Date: Thursday, July 11, 2024 3:23:25 PM
Attachments: [Vested Rights form - 301 E Burbank.pdf](#)

Resending this email, looks like the attachments weren't sent.
This is the last email thread. Please see feed below.

Thank you!

Warmly,



Kathleen Henderson
Centex Private Investment Management
1301 S. Capital of Texas Hwy, Suite B-125
Austin, TX 78746

Kathleen@CentexPIM.com

phone: 512-533-9110

fax: 512-533-9111

From: Kathleen Henderson
Sent: Wednesday, June 12, 2024 8:16 AM
To: 'Anna Hudson' <ahudson@fbgtx.org>; Shelby Collier <scollier@fbgtx.org>
Cc: Jan Musgrove <jmusgrove@fbgtx.org>; Tyler Baethge <tbaethge@fbgtx.org>; Clay Carter <clay@centexpim.com>
Subject: RE: Signed vested Rights form - 301 E Burbank

Hello Anna,

Please see attached, I have added documentation on 2nd page and supporting email documentation on third page.

Thank you & have a wonderful day!

Warmly,



Kathleen Henderson
Centex Private Investment Management

1301 S. Capital of Texas Hwy, Suite B-125
Austin, TX 78746

Kathleen@CentexPIM.com

phone: 512-533-9110

fax: 512-533-9111

From: Anna Hudson <ahudson@fbgtx.org>

Sent: Monday, June 10, 2024 1:25 PM

To: Kathleen Henderson <kathleen@centexpim.com>; Shelby Collier <scollier@fbgtx.org>

Cc: Jan Musgrove <jmusgrove@fbgtx.org>; Tyler Baethge <tbaethge@fbgtx.org>; Clay Carter <clay@centexpim.com>

Subject: Re: Signed vested Rights form - 301 E Burbank

You'll need to complete the form. If you're trying to be vested under the 2018 or 2022 STR ordinance it will need to be spelled out as to when you're vesting to and why....series of permits, conversations with staff. It's your case to make and put together.

From: Kathleen Henderson <kathleen@centexpim.com>

Sent: Monday, June 10, 2024 12:56 PM

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

Cc: Jan Musgrove <jmusgrove@fbgtx.org>; Tyler Baethge <tbaethge@fbgtx.org>; Clay Carter <clay@centexpim.com>

Subject: Signed vested Rights form - 301 E Burbank

Hello All,

I've sent Shelby the vested rights form attached, but looping you all in so you have it as well.

Thanks so much.

Warmly,



Kathleen Henderson

Centex Private Investment Management

1301 S. Capital of Texas Hwy, Suite B-125
Austin, TX 78746

Kathleen@CentexPIM.com

phone: 512-533-9110

fax: 512-533-9111

Appendix 5

- *Letter, dated August 21, 2024, from City Manager Clinton Bailey –
Vested Rights Determination for 301 E. Burbank*



THE CITY OF

Fredericksburg, Texas

August 21, 2024

Meneer, LLC
Clay Carter
clay@centexpim.com

RE: Vested Rights Determination for 301 E. Burbank

Dear Mr. Carter,

This letter is a response to your Vested Rights Determination Request form for 301 E. Burbank that was completed with the addition of background information on July 26, 2024. Vested rights are for a project, and not a property. Vested rights claims are generally based on one or more prior applications that provide fair notice of a continuing development project that began before the adoption of current regulations. A vested date is set by the project application date.

Flint Hills Capital Group LLC (the “prior property owner”) submitted a Short-Term Rental (“STR”) permit application for this property on March 30, 2022. While this permit was still pending, the prior property owner began an unauthorized demolition of the structure for which the STR permit application had been submitted. Eventually, on May 5, 2022, the prior property owner’s representative retroactively applied for a demolition permit to demolish the house. On June 21, 2022, the prior property owner was notified that the STR permit application was denied due to invalidity since the residence located on the applicant property had been demolished. According to Section 6.110 of the Zoning Ordinance, a nonconforming use is terminated “upon destruction of a structure occupied by a nonconforming use.”

Furthermore, even if any nonconforming use rights created by the permit application had not terminated following the demolition of the structure, the prior property owner was also notified that, due to the proposed expansion of the structure resulting from the reconstruction, Section 6.110 of the Zoning Ordinance required them to obtain a Conditional Use Permit (“CUP”) to expand the STR use. On September 19, 2022, the prior property owner submitted a building permit application to construct a new residence, including an addition to the structure, but they never took steps to submit a CUP application or new STR permit application. Therefore, the STR permit application was abandoned, and Staff was not on notice that the prior property owner desired to pursue a STR permit prior to the adoption of the City’s 2023 STR ordinance.

Despite the fact that any nonconforming use rights terminated with the demolition of the structure, in this particular situation, Staff finds it appropriate to allow an STR permit application to proceed so long as you obtain a CUP in accordance with the instructions given to the prior property owner.

The City of Fredericksburg

126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861

0031



THE CITY OF
Fredericksburg, Texas

This information was previously conveyed to you as indicated in Exhibit A. Therefore, I have determined that you must comply with the instructions previously provided in June 2022. You must obtain a CUP to allow the STR use in the enlarged residential structure. Once you have obtained a CUP, you may apply for a new STR permit.

Clinton Bailey, P.E.
City Manager

Cc: Anna Hudson, Director of Development Services
Shelby Collier, Senior Planner
Tyler Baethge, Short Term Rental Specialist
Rachel Raggio, TOASE







Side and rear additions

October 2024



CITY COUNCIL AGENDA MEMO

DEPARTMENT: Development Services

TO: Mayor & City Council Members

FROM: Anna Hudson, Director of Development Services

MEETING DATE: October 15, 2024

CATEGORY: OTHER ACTION ITEMS AND UPDATES

CAPTION: Consider and take action on Appeal of Director of Development Services denial of STR permit for 805 E. Austin by Bill Seitzler. (Anna Hudson, Director of Development Services)

PRESENTATION:

SUMMARY:

The permit expired on June 14, 2024. The 90 day non-conforming status terminated on September 12, 2024. The STR Specialist notified the owner of the loss of the property's non-conforming status when it was discovered on September 17, 2024.

BACKGROUND:

Address: **805 E Austin**

Zonining: **R1**

Owner: **William Seitzler**

Management Company: **owner**

Most Recent STR issued: **July 14, 2023**

STR Permit expired: **June 14, 2024**

Non-conforming status expired: **September 12, 2024**

H.O.T.: **paid/up to date**

Violations/Complaints: **none**

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMPREHENSIVE PLAN GUIDING PRINCIPLE:

Neighborhood Quality

Tourism

ATTACHMENTS:

1. Appeal 805 E Austin

APPROVAL/REVIEW:



Anna Hudson, Director of Development Services

Date: October 03, 2024



Garret Bonn, Assistant City Manager

Date: October 07, 2024



William McKamie, City Attorney

Date: October 07, 2024



Leticia Vacek, City Secretary

Date: October 08, 2024



Clinton Bailey, City Manager

Date: October 11, 2024



STR Permit Appeal Application Form

Sec. 20-225 (b)

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

Owner Information:

Full Name:

Bill Seitzler

Address: 3129 Rippling Creek Court

City: Austin State: TX Zip: 78732

Phone Number: 818-917-8913

Email Address: bill.seitzler@gmail.com

STR Property Information:

Address of the STR Property: 805 E Austin Zoning: R1

STR Permit Number (if previously permitted): 8056000986

Reason for Appeal: R1 grandfathered but expired - Please see attachment letter

If the property has been rented, has H.O.T. been remitted to the City of Fredericksburg? YES

Date of Denial: 9/24/2024 Filing Date (within 20 days of denial): 9/26/2024

Details of Appeal:

Please provide a detailed explanation of why you are appealing the decision to deny, revoke, or modify your short-term rental (STR) permit:

Please see attachment letter

Supporting Documentation:

Please attach any relevant documentation that supports your appeal (e.g., property records, HOT (Hotel Occupancy Tax) remittances, previous STR permits, correspondence with city officials, etc.):

Declaration:

I hereby declare that the information provided in this appeal application is true and accurate to the best of my knowledge. I understand that providing false information may result in the rejection of my appeal.

Signature: _____

Date: _____

ACKNOWLEDGMENTS

State of Texas

County of Gillespie

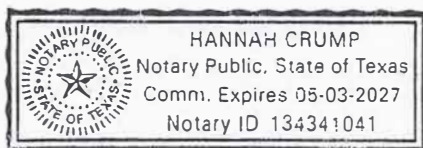
Before me, (Bill Seitzler), on this day personally appeared

_____, known to me (or proved to me on the oath of or through (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 26th day of September, 2024.

(Personalized Seal)

Notary Public's Signature



Staff Review

10-15-24

Date accepted as complete: 9-26-24 **City Council Date:** _____

Result: _____

Submission:

Please submit this completed application form **along with any supporting documentation** within the required 20 days (after the permit was denied) to Anna Hudson, Director of Development Services, **ahudson@fbgtx.org**

The Director of Development Services has 14 days to review the appeal application, City council will hear the appeal at the next regularly scheduled city Council meeting, and may affirm, modify, or reverse an application denial. The City Council shall give written notice of a decision on an appeal to the appellant.

Note: The submission of an appeal does not guarantee a reversal of the decision regarding the short-term rental permit. Appeals will be reviewed in accordance with the relevant regulations and policies governing short term rental permits in Fredericksburg, Texas.

Explanation to City Council for STR Permit Appeal

Dear Council,

First off, please accept my apology. I regret making a mistake in not reapplying for our STR permit in the established time constraints. I am sorry you must spend any of your time because of a mistake I made but thank you for reading about our circumstances and potentially showing us some grace.

My wife and I have managed our property called Fritztown1910 (805 E. Austin) since 2021. We've had no complaints (noise, trash, parking, etc.) and we paid all HOT taxes. My neighbors Ms. Pris and Donna & Bruce Itz can attest that we are good STR owners. Fallon King is our wonderful in-town contact who helps with cleaning and any problems that might occur. We manage the property ourselves and are on site often. I even mow my own grass, so clearly, we are not absentee owners!

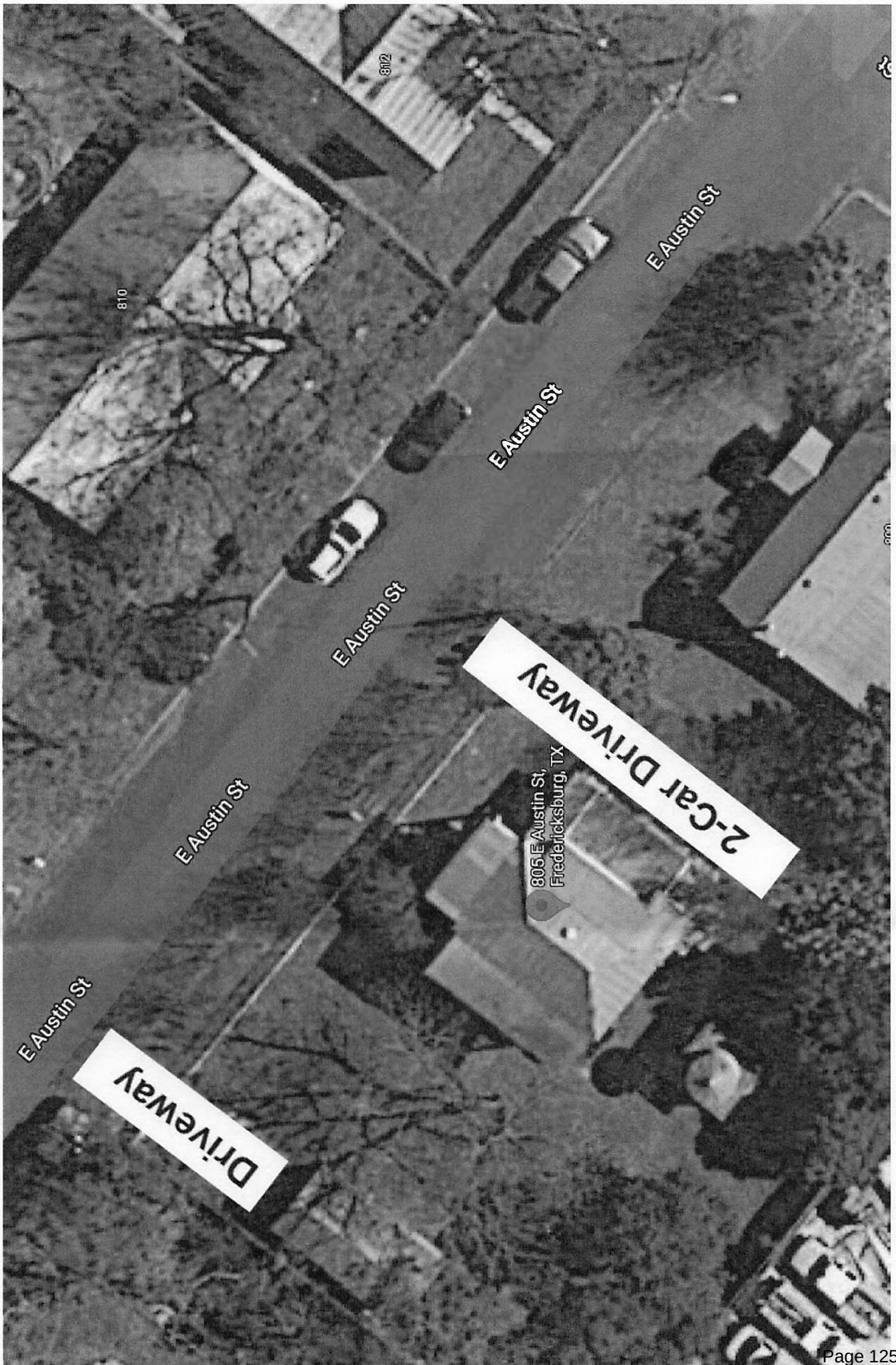
For much of 2024 I was with my mother in DFW as she went through a series of surgeries and eventually passed away on September 5th. I took a leave from my job as a consultant for local TV stations to spend time with Mom. When I returned to Austin after Mom's funeral, I saw a helpful email from Tyler Baethge. It was a reminder to everyone on the STR d-list that permits must be renewed annually. I immediately checked and found out ours had expired and the City Council would need to approve a renewal.

This will be the second time that I have spoken at a city council meeting. Previously I spoke on behalf of STR owners helping city leaders during the process of rewriting STR ordinances. The rules are good for good STR owners. Anyone who rents our property knows and abides by the rules.

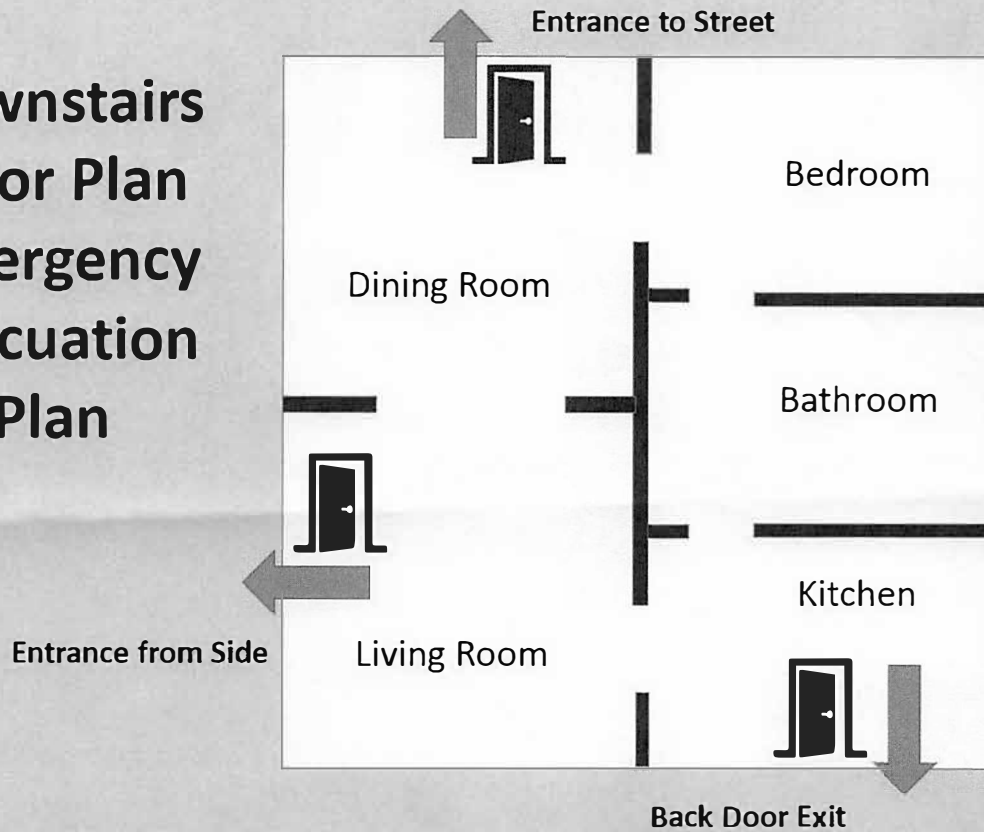
This home has been a dream come true for us and losing the ability to occasionally use it as an STR is heartbreaking. My plan is to pass this house down to our daughters who love spending time in Fredericksburg. Hopefully, you, our kind city leaders, can give us another chance.

Thanks for your consideration,

Bill Seitzler



Downstairs Floor Plan Emergency Evacuation Plan

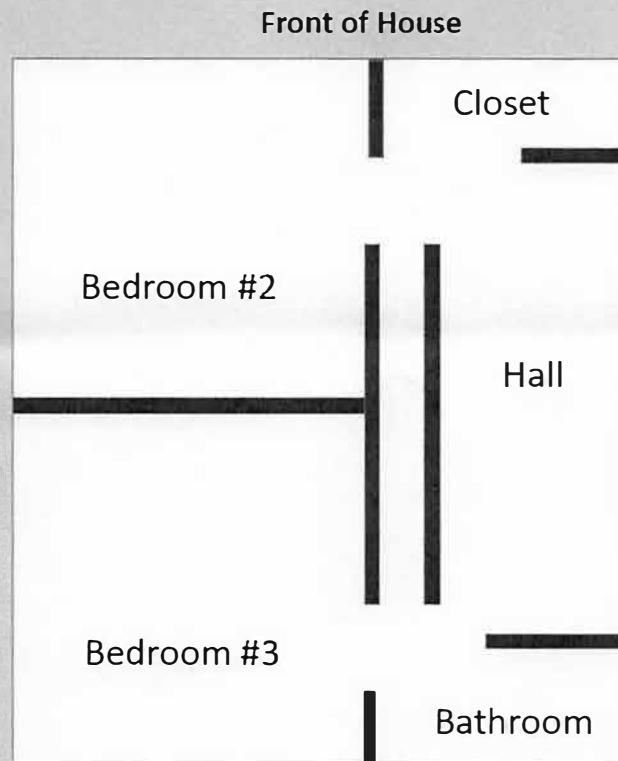


In Case of
Emergency call

911

805 East Austin St.
Fredericksburg, TX

Upstairs Floor Plan







The City of Fredericksburg

Short-Term Rental Permit

Date Issued: July 24, 2023

Permit Issued To: WILLIAM SEITZLER
805 E AUSTIN ST

Unit Location: FRITZTOWN 1910
805 E AUSTIN ST
FREDERICKSBURG, TX 78624

24/7 Phone No.: 818-917-8913
Local Contact: BILL SEITZLER

Permit Expiration Date: June 14, 2024

Permit No.: 8056000986
Permit Type: STR - Nonconforming

Zoning District: R1

Occupancy Limit: 7

Management Company: 0

This certificate has been issued according to the requirements of the City of Fredericksburg Code of Ordinances relating to Short-Term Rental use.

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

Hotel Occupancy Taxes must be filed quarterly in order to maintain a valid permit.

THIS PERMIT MUST BE POSTED.

Certificate emailed 7/24/2023. Questions regarding this permit should be addressed to the Development Services Department of the City of Fredericksburg (830) 997-7521
City Hall - 126 W. Main St., Fredericksburg, TX 78624



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Secretary

TO: Mayor & City Council Members

FROM:

MEETING DATE: October 15, 2024

CATEGORY: ITEMS FOR FUTURE AGENDA

CAPTION: Review of the Future Agenda List. (Clinton Bailey, City Manager)

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMPREHENSIVE PLAN GUIDING PRINCIPLE:

Neighborhood Quality

Workforce

Tourism

City Center

Mobility

Small Town Sensitive Growth

Governance

ATTACHMENTS:

1. Future Agenda Items Listlv10-7

APPROVAL/REVIEW:

Date: October 08, 2024

Leticia Vacek, City Secretary



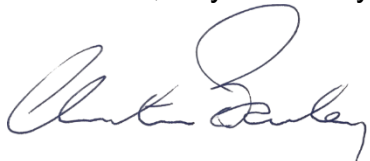
Date: October 08, 2024

William McKamie, City Attorney



Date: October 11, 2024

Leticia Vacek, City Secretary



Date: October 11, 2024

Clinton Bailey, City Manager

City Council Future Agenda Items/Meetings

November 5, 2024

2024	Quarterly Legal Matters Update (Exec Session)	For Review	Mick McKamie	City Attorney
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Future Agenda Items/Future Council Meetings

2024	Lease/Purchase 11-05	Action	Krista Wareham	Finance
	Director			
2024	Trails of Windcrest Zoning Chg 11-19	Action	Anna Hudson	Dvlpmt Serv
	Dir			
2024	The Reserve @ Baron's Creek PUD 11-19	Action	"	"
2024	1010 N. Cherry Annexation/LandUse/Zoning	11/19 Action	"	"
2024	610 W. Main CUP 11/19	Action	"	"
2024	Catholic Cemetery R-O-W 11/19	Action	"	"

Upcoming Meetings/Events

October 15, 2024 – Ribbon Cutting for Llano Bridge @ 2pm Intersection of Llano/Ufer Streets – 306 S. Llano
October 16, 2024 – Coffee with the City Manager @ 8am LBJ Golf Course – 341 Golfers Loop
October 22, 2024 – Citizens U Session – 6:30pm @ Current City Hall – 126 W. Main Street
November 20, 2024 – Coffee with the City Manager @ 8am LBJ Golf Course – 341 Golfers Loop
November 26, 2024 - Last Citizens U Session – 6:30pm @ John Wm. Klein Room



CITY COUNCIL AGENDA MEMO

DEPARTMENT: City Manager

TO: Mayor & City Council Members

FROM:

MEETING DATE: October 15, 2024

CATEGORY: EXECUTIVE SESSION

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

PRESENTATION:

SUMMARY:

BACKGROUND:

FUNDING SOURCE:

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

COMPREHENSIVE PLAN GUIDING PRINCIPLE:

Business Visioning
Government Vision
Family Life Vision
Quality of Life Vision

ATTACHMENTS:

None

APPROVAL/REVIEW:

Clinton Bailey, City Manager

Date: October 08, 2024



Garret Bonn, Assistant City Manager

Date: October 08, 2024



William McKamie, City Attorney

Date: October 08, 2024



Clinton Bailey, City Manager

Date: October 11, 2024