

CITY OF FREDERICKSBURG CITY COUNCIL MEETING

MONDAY, MAY 15, 2017 ~ 6:00 p.m.

Law Enforcement Center ~ 1601 East Main Street

Linda Langerhans, Mayor
Charlie Kiehne, Council Member
Jerry Luckenbach, Council Member

Gary Neffendorf, Council Member
Bobby Watson, Council Member
Kent Myers, City Manager

(REQUEST ALL PAGERS AND PHONES BE TURNED OFF, EXCEPT EMERGENCY ON-CALL PERSONNEL)

A G E N D A

(SWEARING IN OF NEW MEMBERS WILL OCCUR PRIOR TO CALL TO ORDER)

CALL TO ORDER.

Page Ref

PLEDGE OF ALLEGIANCE.

1. EMPLOYEE RECOGNITIONS

2. PUBLIC HEARING

A. Public Hearing Z-1702 by Parker Atkins for (1) A Change in the Land Use Plan from Low Density Residential to Medium Density Residential on approximately 24.8 acres located on the west side of Smokehouse Rd, north of the extension of Windcrest Dr., and (2) To Establish R-2 Mixed Residential Zoning on said property

1-22

3. CONSENT AGENDA - All items listed below are considered to be routine and non-controversial by the Council and will be approved by one motion. There will be no separate discussion of these items unless a council member or citizen so requests, in which case the item will be removed from the consent agenda and considered as part of the normal order of business.

A. Consider Appointment of New CVB Board Member

23

B. Consider Performance Agreement for Keller Subdivision Lot 2R-PT

24-31

4. ORDINANCES - RESOLUTIONS- ACTION ITEMS

A. Consider Revisions to Sound Ordinance - 2nd Reading

32-41

B. Consider Council Policy Statement - Workforce Housing

42-44

C. Consider Resolution Approving Submission of Sidewalk Grant Application

45-49

D. Consider Resolution Approving Submission of Application for Designation as an International Dark Sky Community

50-55

5. INDIVIDUAL ITEMS FOR CONSIDERATION AND POSSIBLE ACTION

A. Receive Recommendation and Consider Z-1702.

B. Consider Mid Year Budget Report

56-63

C. Consider Land Purchase Agreement - Gillespie County

64-68

D. Consider Changing Monday July 3 Meeting to Wednesday July 5

69

6. CITY MANAGERS REPORT

A. Community-Wide Visioning Process

B. Hotel/Conference Center

C. 2018 Budget Process

D. Future City Annexations

7. **ITEMS FOR FUTURE AGENDAS**

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

9. **COUNCIL COMMENTS** - No discussion or action may take place

10. **EXECUTIVE SESSION** - *Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.086 (Economic Development).*

A. Executive Session - Personnel - Municipal Court Judge

B. Executive Session - Real Estate - Land Purchase Agreement with Gillespie County

11. **ADJOURN**



CITY COUNCIL MEMO

DATE: May 9, 2017

TO: Mayor and City Council

FROM: Brian Jordan, AICP

SUBJECT: Change in the Land Use Plan from Low Density Residential to Medium Density Residential and establishing R-2 Mixed Residential on 24.8 acres located on the west side of Smokehouse Road and the extension of Windcrest Drive (Z-1702).

Summary:

The applicant is proposing to change the Land Use Plan from Low Density Residential to Medium Density Residential and establish R-2 Mixed Residential zoning upon annexation of 24.8 acres located on the west side of Smokehouse Road and the extension of Windcrest Drive. The property is currently vacant, is contiguous to the current city limits and is proposed to be annexed. The applicant intends to develop townhome and condominium units on the property (see attached plan). Property to the west, north and east is outside the city limits and consists of vacant land and scattered rural residential development. Property to the south is the Heritage School. City utilities are available in close proximity to serve the proposed development.

Recommendation:

The Planning and Zoning Commission voted 5-1 to recommend denial of the land use plan change and the zoning change. Staff recommended not changing the land use plan and zoning on the specific tract alone, but suggested the Commission may want to consider a change on a larger area to include the property extending back to Post Oak Road, between Windcrest and Live Oak. Given the recommendation of the Commission, a super majority vote of the Council will be required to override the recommendation made by the Planning and Zoning Commission. Eight letters have been received in opposition and no letters in support.

(1)

The City of Fredericksburg

Since the property is not currently in the city limits, the Council will not be able to take final action on this request at this time. However, the Council would have the ability to direct staff to advertise for a public hearing to change the land use plan on the larger area as suggested. If the Council selects this option, and since the applicant has given written authorization to waive the time frames to take action, the land use change and zoning consideration could still happen within the time frame established. The hearings on the annexation of this request are scheduled in June, with the institution of annexation proceeding scheduled for July 10. Therefore, the final action on this request will need to be made concurrent with the annexation.

Background / Analysis:

See attached Zoning Brief for request Z-1702.

Attachments:

Zoning Brief, Land Use Plan Map, Zoning Map, Aerial Map, R-2 District Regulations, Proposed Project layout, applicant's justification report.



Department Approval



City Manager Approval

②

The City of Fredericksburg

LAND USE PLAN AND ZONING CHANGE BRIEF

Rezoning Request # Z-1702

- APPLICANT:** Parker Atkins, P.E.
- LOCATION:** West side of Smokehouse Road, and north of the extension of Windcrest Drive.
- SIZE:** 24.8 acres
- EXISTING ZONING:** The property is not currently within the city limits. The applicant has filed a petition for annexation for this property, concurrently with the land use and zoning request.
- PROPOSED CHANGE:**
1. Change in the Land Use Plan from Low Density Residential to Medium Density Residential, and
 2. Establish R-2, Mixed Residential Zoning

FINDINGS:

- The property consists of 3 tracts, each having frontage on Smokehouse Road.
- The property is currently vacant, with an electric power line crossing the northern portion of the property.
- The property is bordered by Smokehouse Road on the east side, and an outlot road (unbuilt) to become the extension of Windcrest Drive on the south side.
- Utilities are available in close proximity to the property and would be extended to serve the development.
- Land uses surrounding this property include vacant land and scattered single family homes to the west, north and east, and the Heritage School to the south.
- Since the property is not within the city limits, there is no zoning on the property. Under normal circumstances, a property comes into the city limits as R-1, Single Family Residential, unless a different zoning is requested. In this case, the applicant is requesting R-2 Mixed Residential Zoning.
- The Land Use Plan identifies the subject properties, as well as the surrounding properties Low Density Residential.

LAND USE PLAN: The Land Use Plan basically calls for everything within the vicinity of the subject property to be Low Density Residential, including the property now occupied by the Heritage School.

In making a recommendation to change the Land Use Plan designation, the Planning and Zoning Commission shall make the following determinations:

1. **The property affected by the request is adequate in size and shape to facilitate those uses normally associated with the requested designation.** There is no stated minimum size in the Comprehensive Plan for the proposed Medium Density land use category. There are a variety of sizes of this land use category around town and the size of this tract would be sufficient in our opinion.
2. **The property affected by the request does not exceed the capabilities of the infrastructure.** Water and sanitary sewer facilities that would serve this tract are sufficient in size to accommodate the proposed land use. Smokehouse Road and Live Oak Road, on the other hand are county roads and lack the size, design and capacity to handle additional traffic. As part of the annexation agreement, the applicant is proposing to build Windcrest Drive from its current end near Post Oak Road, out to tie into this development. Windcrest Drive would also be developed along the south side of the subject property.
3. **The request will have no adverse effect on any property within six hundred (600) feet of the affected property.** The medium density residential land use category is intended to include single family detached dwellings on smaller lots and attached dwelling units such as duplex units and townhomes. A change in the land use plan from low density to medium density does not necessarily have an adverse effect on nearby properties.
4. **The requested change is to accommodate an appropriate land use and is consistent with other elements of the Comprehensive Plan.** Staff does not support the change in the land use plan on the subject property, without consideration being given on nearby properties and toward the east and Post Oak Road. By this we mean that this change would represent a significant alteration to the primarily single family nature of uses anticipated in this quadrant of the City. However, if the Commission is inclined to change the land use on the subject property, we would recommend consideration be given to including the property back to Post Oak Road as well.
5. **The request, together with the applicable conditions, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.** Given the fact that and project would be required to be built in accordance with City standards, we would not expect the change in land use to be detrimental to area properties.

ZONING: Concurrently with the application to change the land use plan, the applicant is proposing to establish R-2, Mixed Residential zoning on the property. The applicant is proposing to develop a project consisting of townhomes and condominiums (see the attached Justification Report provided by the applicant). While the applicant is proposing a certain type of development, we must consider all potential uses permissible within the proposed R-2 District (listing attached).

OPPOSITION/SUPPORT OF REQUEST: We have received 8 letters in opposition to the request from property owners within 200' of the subject property, along with number of letters opposing the project and change in the land use plan/zoning from area residents. No letters in support have been received.

PLANNING AND ZONING COMMISSION RECOMMENDATION: The Commission conducted their public hearing on May 3, 2017. There were 16 individuals who spoke during the meeting, including those in opposition and support of the specific request, along with general comments in support of the need for attainable housing. The Commission voted 5-1 to deny the requested Land Use Plan change and Zoning.

STAFF RECOMMENDATION: While the proposed project may represent a solution to some of the housing shortages in the community, we do not recommend changing the Land Use Plan and Zoning on the subject property on this individual property. However, we do not object to considering a change in the Land Use Plan on a larger area to create a sufficient district. It was recommended that consideration be given to creating a district and changing the land use plan between Smokehouse Road and Post Oak Road. While the Commission did not support this concept, this remains the staff's recommendation.

Sec. 3.110. - R-2: MIXED RESIDENTIAL.

Intent

This zone is intended to provide for medium density living, for example, with not more than one (two bedroom) dwelling unit permitted for each 3,500 square feet of lot area. (See Site Development Regulations). Additional uses necessary and incidental to multiple family residential dwellings are also permitted. It is a zone well suited as a buffer between single family uses and other more intense uses. This zone is typically associated with Medium Density Residential Land Use category but is allowed within all Land Use categories except "Open Space/Park," "Public Facility" and "Industrial."

Principal Permitted Uses

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

Community Recreation	Local Utility Service
Duplex Residential	Multiple Family Residential
Townhouses (Section <u>7.610</u>)	Condominiums (Section <u>7.610</u>)
Group Residential	Single Family Residential (Detached)
Single Family Small Lot (Section <u>3.101</u> R-1-A)	

Uses Permitted Subject To Conditional Use Permit

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

Private Primary Educational Facilities	Private Secondary Educational Facilities
Day Care Services	
Convalescent Services	
Cultural Services	Religious Assembly
Guidance Services	

Uses permitted with a Bed and Breakfast Compliance Use Permit:

Bed and Breakfast

Conditions under which a permit will be issued:

-Compliance with provisions of section 5.401, and



-Any structure which exists as of September 1, 2013 may be used as a Bed and Breakfast whether or not owner-occupied, and

-Additions or new construction, taking into consideration any existing structures, shall comply with other requirements of R-2

-One off street parking space for each Bed and Breakfast unit in addition to those required for other uses

-Lots may not be combined to permit more than eight separate lodging units on contiguous property regardless of density regulations

-Compliance with other R-2 regulations

Property Development Standards

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

Site Development Regulations

Each site in the R-2 district shall be subject to the following site development regulations:

Feature	Regulation
Lot Size	Minimum Lot Area, 5,000 Square feet
Lot Width	Minimum Lot Width, 50 feet
Height	2½ Stories, 28 feet
Front Yard	Minimum Required Setback, 15 feet (20 feet for garage)
Street Side Yard	Minimum Required Setback, 15 feet
Interior Side Yard	Minimum Required Setback, 5 feet
Rear Yard	Minimum Required Setback, 10 feet
Residential Density	Minimum Site Area per Dwelling Units,
	Efficiency: 2,500 Square feet
	1 Bedroom: 3,000 Square feet
	2 Bedroom: 3,500 Square feet
Maximum Impervious Coverage	65%
Maximum Building Coverage	Percent of Lot Area, 55%
Nonconforming Uses	<u>Section 6.100</u>
Site Development Regulations	<u>Section 7.000</u>

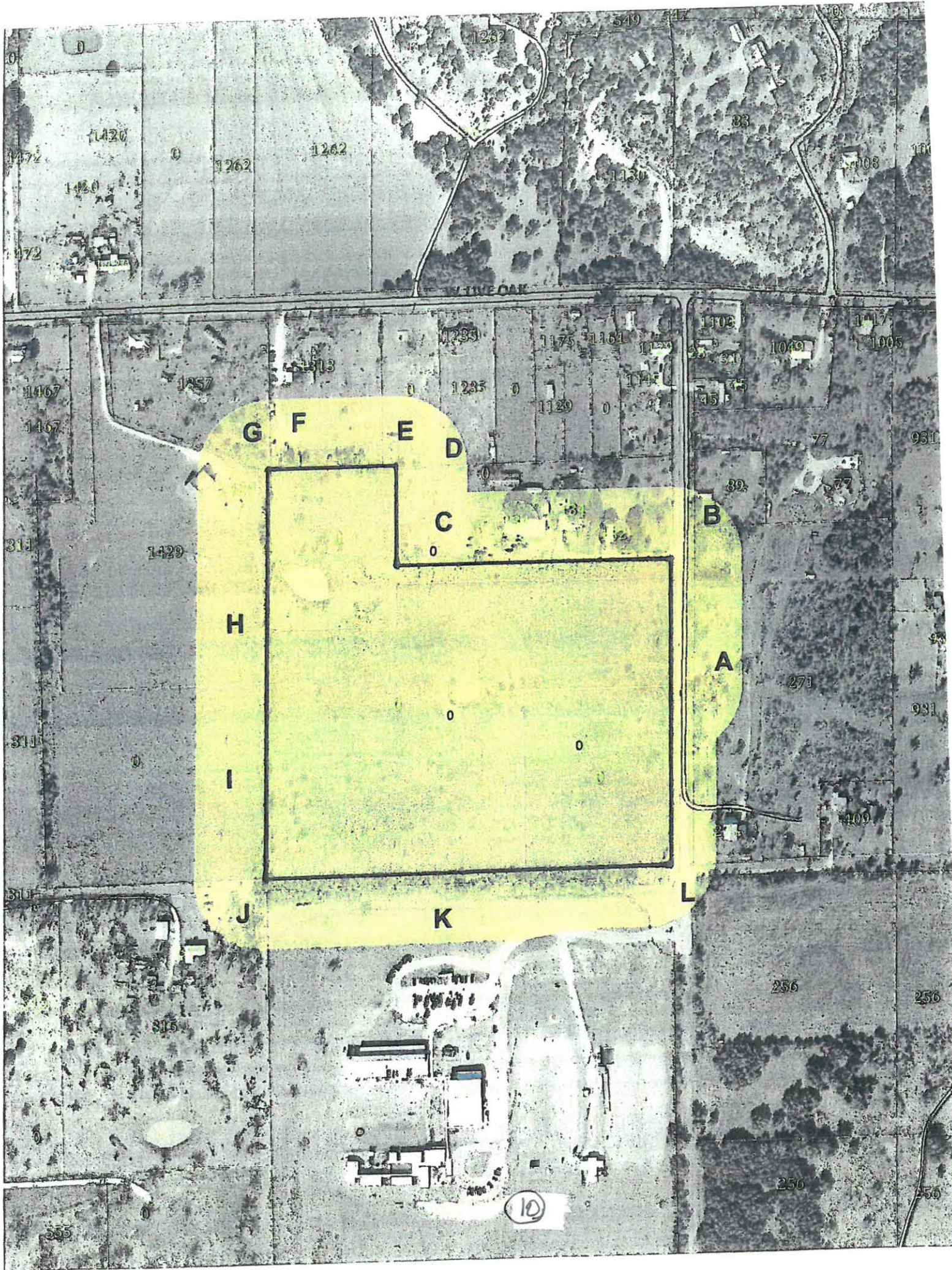
Special Yard Regulations	<u>Section 7.300</u>
Fences, Walls and Visibility	<u>Section 7.530</u>
Parking	<u>Section 7.800</u>
Landscaping and Screening Regulations	<u>Section 7.900</u>
Temporary/Accessory Building	<u>Section 8.000</u>
Home Occupations	<u>Section 8.300</u>

Note— In an R-2 Zone the R-1-A Site Development Regulations may apply to the development of single family dwellings at the option of the Owner.

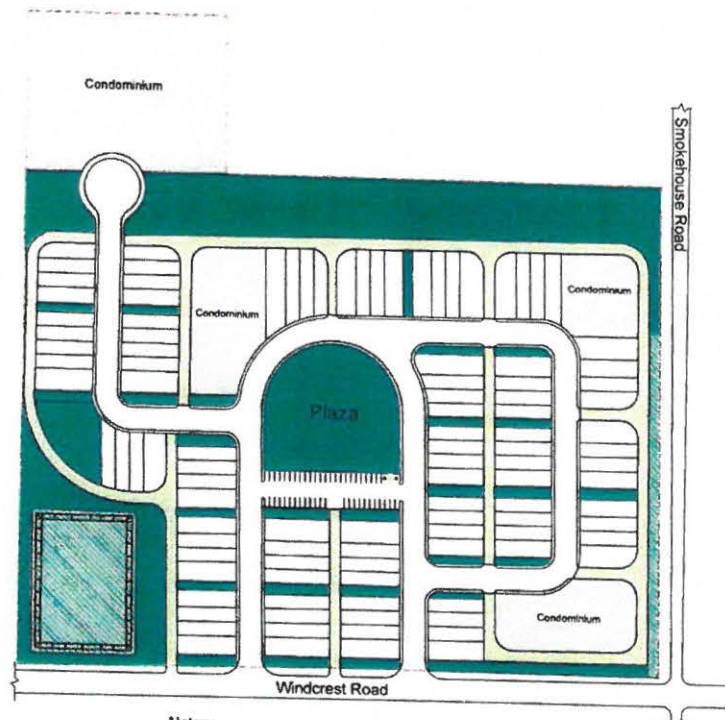
(Ord. No. 18-014, § 3.110, 12-1-2008; Ord. No. 23-014, 9-16-2013)

Letter	Owner	Address
A	Daniel & Jill Elliot	271 Smokehouse Rd Fredericksburg, TX 78624
B	Cisco & Carman Martinez	P.O. Box 915 Fredericksburg, TX 78624
C	Rudy Weber	134 Smokehouse Rd Fredericksburg, TX 78624
D	Carmen Zambrano	1235 W. Live Oak St Fredericksburg, TX 78624
E	Carmen Zambrano	1235 W. Live Oak St Fredericksburg, TX 78624
F	Bradley Howard	1313 W. Live Oak St Fredericksburg, TX 78624
G	Kathyleen Murphy	1405 W. Live Oak St Fredericksburg, TX 78624
H	Troy Sifford	1429 W. Live Oak St Fredericksburg, TX 78624
I	Scott Sifford	4179 Stokes Bellville, TX 77418
J	Daniel Reeh	449 Kerr Rd Fredericksburg, TX 78624
K	Heritage Family School	P.O. Box 1217 Fredericksburg, TX 78624
L	Mary Carinhas	121 Loujon Circle San Antonio, TX 78213
Z-1702		

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Notes:

1. The Plaza (Platz) is designed for neighborhood civic events such as outdoor movies, music, farmers markets and general recreation.
2. Attention is given to the preservation of view corridors
3. All architecture will be Western European
4. All Lots are townhouse lots unless stated otherwise.
5. All homes are rear loaded with no garage doors visible from the street
6. Lot fronts are landscaped, not paved
7. There will be no trash cans on the streets
8. Total Acreage = 24.807 or 1,080,592 ft²
9. Density allowed by ordinance = 300 townhomes or 308 condominiums.
10. Proposed Townhome density = 106 units or 35% of maximum allowable density.
11. Proposed Condominium density = max of 49 units or 15.9% of maximum allowable density.

General Notes

No.	Revision/Issue	Date
1	Rev 1.0 F Rev	3/27/17

Atkins Engineering & Project Management LLC

309 Spanish Pass Road
Boerne, Texas 78006
Firm # 12951
210-483-3242

Preliminary Plan of
Smokehouse Road
24.807 Acres
Fredericksburg, Tx.

Project	Smokehouse	Sheet	1.0
Date	04/15/2017		
Scale	1" = 100'		

Zoning and Land Use Change
Justification Report
24.807 Acre Proposed Development
Smokehouse Road
Fredericksburg, Texas

Prepared for:
Brian Jordan, AICP, RLA
Director of Development Services
City of Fredericksburg, Texas

March 10, 2017

Prepared By:

Parker Atkins, P.E.
Real Estate Development
Atkins Engineering and Project Management I.L.C
Texas Firm #12951
309 Spanish Pass Road
Boerne, Texas 78006



[Handwritten Signature]
3/10/17

Executive Summary

This land use change and zoning change justification has been prepared pursuant to the City request on March 7, 2017 regarding the proposed R-2 zoning and land use change (from low density residential to medium density residential) for the subject property located on the west side of Smokehouse Road. The purpose of this document is to provide sufficient justification to allow for a favorable recommendation by the City Staff and the Planning and Zoning Commission (P&Z) prior to submitting a complete Project Application that will include a Zone Change, Land Use Plan Change, Preliminary Plat and Annexation. The property comprises 24.807 acres and a copy of the Survey is located in Exhibit A.

Property Setting

The subject property is currently located in the county and shares a 1138-foot border with the City limits on the Windcrest Road right-of-way (ROW). Windcrest Road was apparently planned as a future collector street during the early stages of the planning of Fredericksburg. The Windcrest Road ROW section between Smokehouse Road and Post Oak is already equipped with a 12-inch water main to service future residential growth including the subject property and beyond. According to the utility map provided by the City, the 12-inch water main actually crosses under Smokehouse Road and is stubbed out within the ROW adjacent to the subject property. Planning of this infrastructure was intentional and designed to serve future development on Windcrest Road.

Current Land Use Map and Zoning

The current Land Use Map was apparently revised by the City years ago with the goal to provide a vision for future land uses in and around Fredericksburg. This land use map designates the subject property and all the land directly north to Live Oak Road and all the land due south to Pyka Road as low density residential, which, if annexed into the city appears to be consistent with a R1 zoning designation. See the subject property location within the land use map in Figure 1 below. You will notice that the subject property and all of the dense development on and around Summit Circle, the Windcrest residential development off Post Oak and the Windcrest development off of Green Meadows Blvd are all designated as low density residential. While some of the land use designations accurately predicted the eventual zoning of these parcels, others did not. Inconsistencies between the Land Use Map/Comprehensive Plan and the ultimate zoning of parcels is not uncommon and can stem from a community responding to its ever-changing needs.

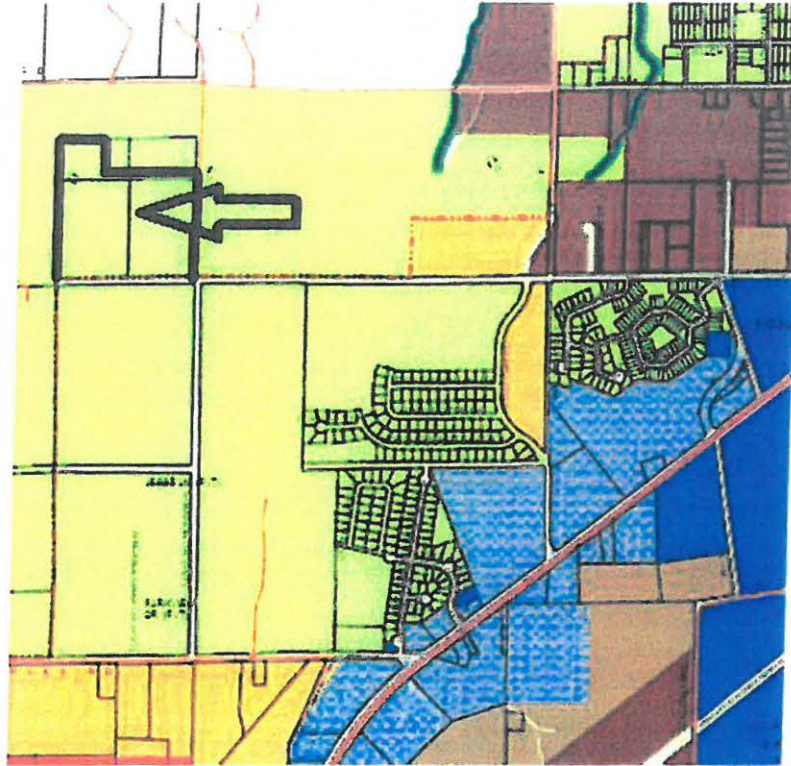


Figure 1 – Current Land Use Map Designations
(Yellow designates Low Density Residential)

For comparison, I have attached the current zoning designations in the vicinity of the subject property in Figure 2, below. You will notice some inconsistencies between the original vision of the land use and that which has allowed to occur to accommodate the needs of the community, primarily the manufactured home zoning and the higher density PUD at Summit Circle.

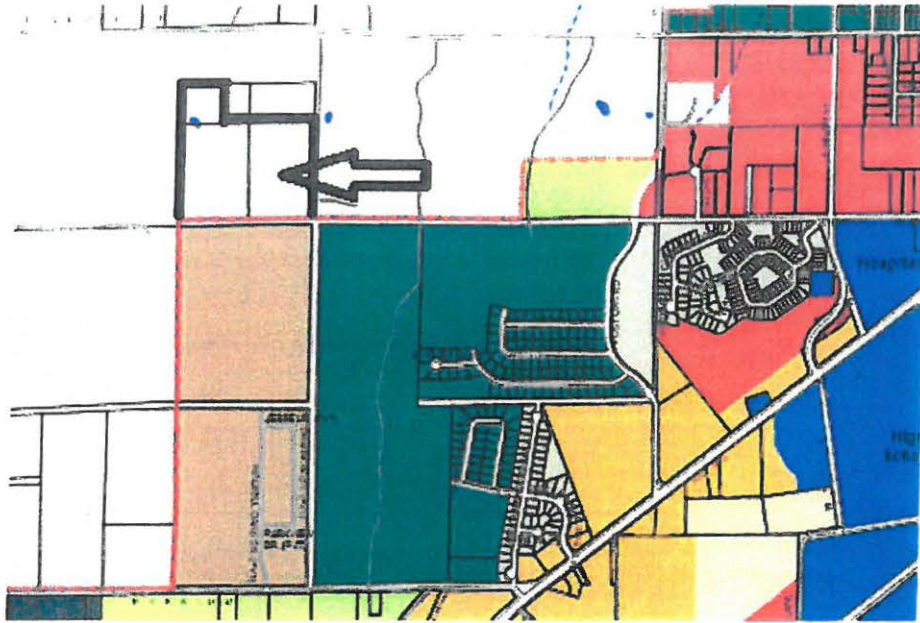


Figure 2 – Current Zoning Designations
*(Brown designates Manufactured Homes
 Green designates R1 Low Density Residential and
 Yellow designates R-2 Mixed/Medium Density Residential)*

Zoning in Vicinity

The property directly south (where Heritage School resides) of the subject property is zoned R-4 for Manufactured Home Residential. In accordance with Section 3.130 of the Fredericksburg Zoning Ordinance, this zone is typically associated with the Low and Medium Density Residential Land Use category allowing for a minimum lot area of 6000 ft². The property south of the Heritage School is also zoned R-4 and accesses Pyka road from Windmill Oaks Ave. This property has been developed under this designation and is currently a manufactured home park.

Cattycorner to the southeast corner of the subject property is all zoned R1 and includes the Windcrest subdivision that is rapidly moving west. This designation allows for “standard” city lots of 7500 ft², which is consistent with the designated land use map for the subject property.

The nearest R2 zoning to the subject property includes a parcel ~0.32 mile to the east on Windcrest and 0.60 mile to the south (below the manufactured home development and across Pyka Road, as depicted in yellow in Figure 2.

Target Market

Land use and zoning is a critical element to being able to serve the citizens within a community. The market for our townhomes and condominiums will be nurses and medical staff at the hospital, teachers and school administrators, small business owners, firemen, policemen, therapists, and other professionals who cannot find a place to live in Fredericksburg but could afford a home within our price point. Currently, there are very few housing options between \$200,000 and \$310,000. Apartments are the primary option, which are +95% occupied and no place to raise a family. One has to be very lucky to find an affordable home to rent and purchasing is way beyond the means of most. A \$225,000

townhome with an FHA mortgage at 3.75% will have a payment of \$1000 per month with a 3.5% down payment while new apartments in town will be renting for \$1,300.

R-4 zoning designation appears to be the most probable candidate for justification based upon the fact that the subject property adjoins property within the city limits that is already zoned for manufactured homes, however this is neither the target market nor the vision for the subject property at the current time.

An R-1 zoned development would not satisfy the housing needs of the community because few if any within the target market could afford a such a home. Further, the market that we are targeting typically does not want a 7500 ft² lot with a detached home. This relatively recent change in market preference is a significant driver in pursuing the R-2 zoning designation with more civic space and green space. When the land use map was last updated, this was not an issue, but times have changed and so has the market. The density based on our proposed plan (~7200 ft² per unit) is very close to the R-1 density of 7,500 ft² per unit, however the urban plan is drastically different. Our proposed R-2 zoned urban plan is more clustered because of the nature of attached townhouses and condominiums, however it is tempered with significantly more green space, more connectivity between streets, more civic space (Plaza) and attention to preserved view corridors for the benefit of the community in perpetuity. In an R-1 zoned neighborhood, this kind of planning detail is rarely a consideration with little if any civic space available to walk a dog, exercise or play other than on a sidewalk or in the street.

Home Prices

Our ability to deliver a home to the target market at an affordable price will be contingent upon obtaining the necessary change in land use and zoning. The prices that are discussed in this section are directly correlated with the cost of land, cost of land development and the cost of home construction. The type of housing units permitted by R-2 zoning will allow for an attached product, which permits us to achieve a particular economy of scale with significant savings that can be passed on to the buyers.

According to Tim Lehmberg, Executive Director of the Gillespie County Economic Development Commission, *"The lack of more affordable housing continues to be that factor which contributes the most to our labor problem. The inventory of moderately-priced homes continues to be extremely low. In 2015 the number of homes for sale through our MLS in the City of Fredericksburg priced at \$175,000 and below averaged less than one per month (0.92). For homes priced at \$200,000 and below, the 2015 average was 4.83 per month. In 2015, the number of new construction homes which came on the market priced \$250,000 and below totaled fourteen. As of year-end, thirteen had closed and the remaining one was under contract. Of the thirteen that had closed, the average sales price per square foot was \$150.10 and the average square footage was 1,552. The average sales price of all homes in the City of Fredericksburg increased by \$45,890 in 2015 - from an average of \$252,750 in 2014 to an average of \$298,640 in 2015. On a per square foot basis the average increased from \$150.18 per square foot in 2014 to \$168.28 per square foot in 2015. Both 2015 numbers are all-time highs."* Since this was published at the end of 2015, home prices in 2016 have continued to skyrocket with the average now topping \$361,000 (+\$63,000 annual increase) with no end in sight. R-2 zoning with the applicable land use change to medium density residential will provide the opportunity for us to take immediate action to address this problem.

Summary

This zone change and land use change justification report describes how the land use has been designated and zoned in the vicinity of the subject property in an effort to clearly justify the proposed changes. It also discusses the target market and prices, both of which are controlled by land use and zoning. Of critical importance to this justification is the presence of medium density zoning immediately south and adjacent to the subject property. This property is zoned for low and medium density residential land use (R-4 for Manufactured homes).

The second important issue in support of justification is with regard to the proximity of other property currently zoned R-2 to the subject property. There are two properties zoned R-2 in the vicinity, one of which is located 0.32 miles directly east on Windcrest road (see Figure 3), the same street (when constructed) fronting both properties. Further, the subject property is closer to each R-2 zoned property than the R-2 zoned properties are to each other. R-2 zoning at the subject property is neither arbitrary nor discriminatory and justified based on its location.

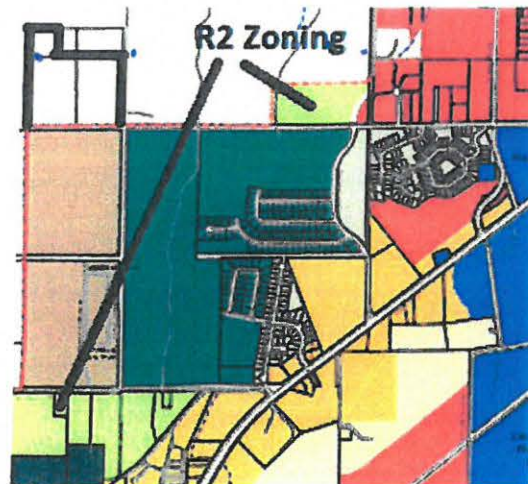


Figure 3 – R-2 Zoning in Vicinity

The third issue providing justification for the land use and zoning change for the subject property is with regard to how the City has historically changed land uses to medium density residential from low density residential and then approved a zoning change allowing for medium density residential. Direct evidence of this is the adjacent property to the south (see Figure 4), which was designated as a low density residential parcel, annexed and zoned R-4 allowing for medium density. The subject property appears to be no different with the identical current land use designation and proposed zoning that would allow for medium density (under R-2 instead of R-4).

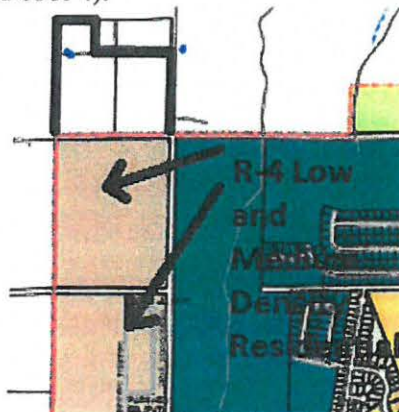


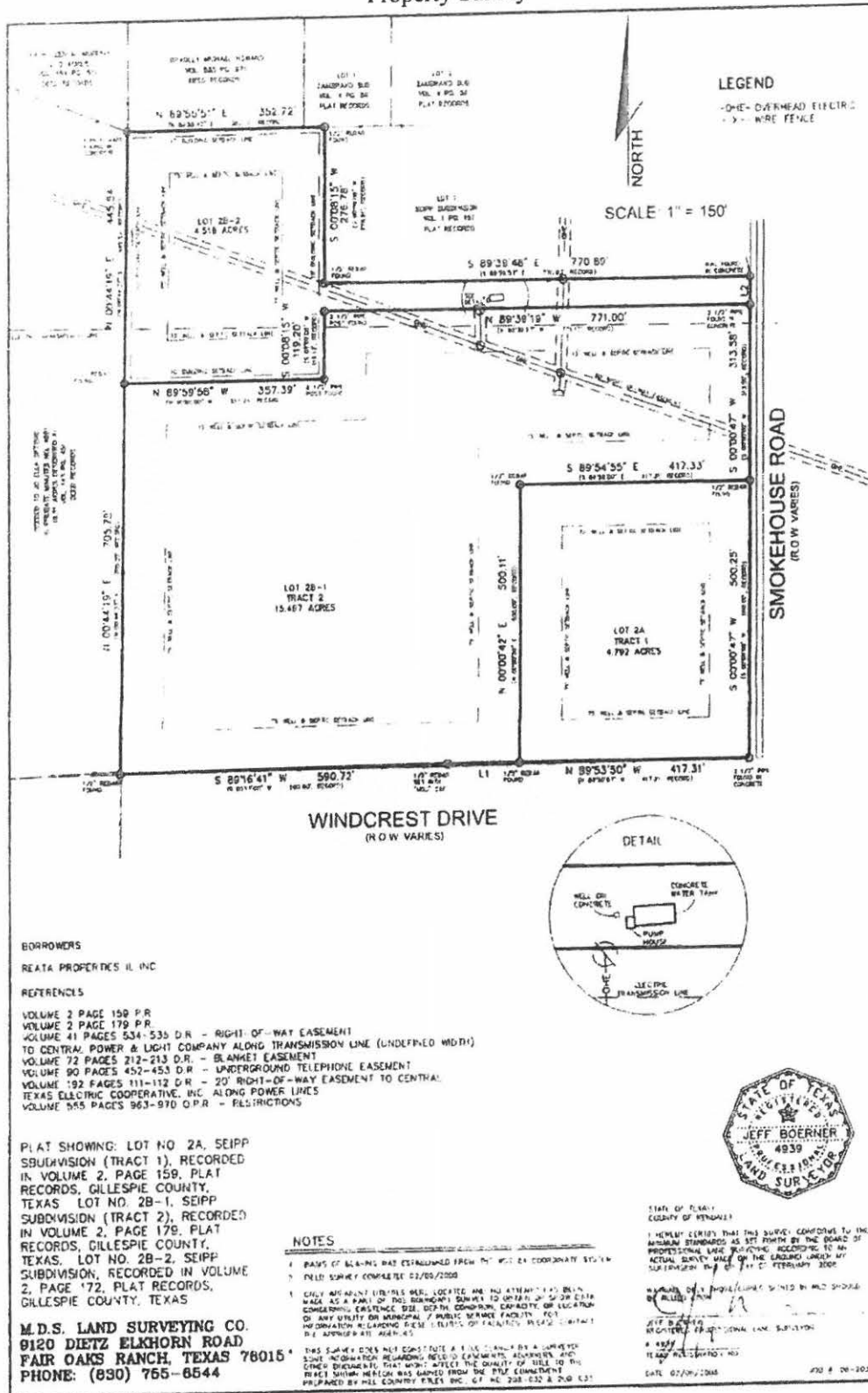
Figure 4

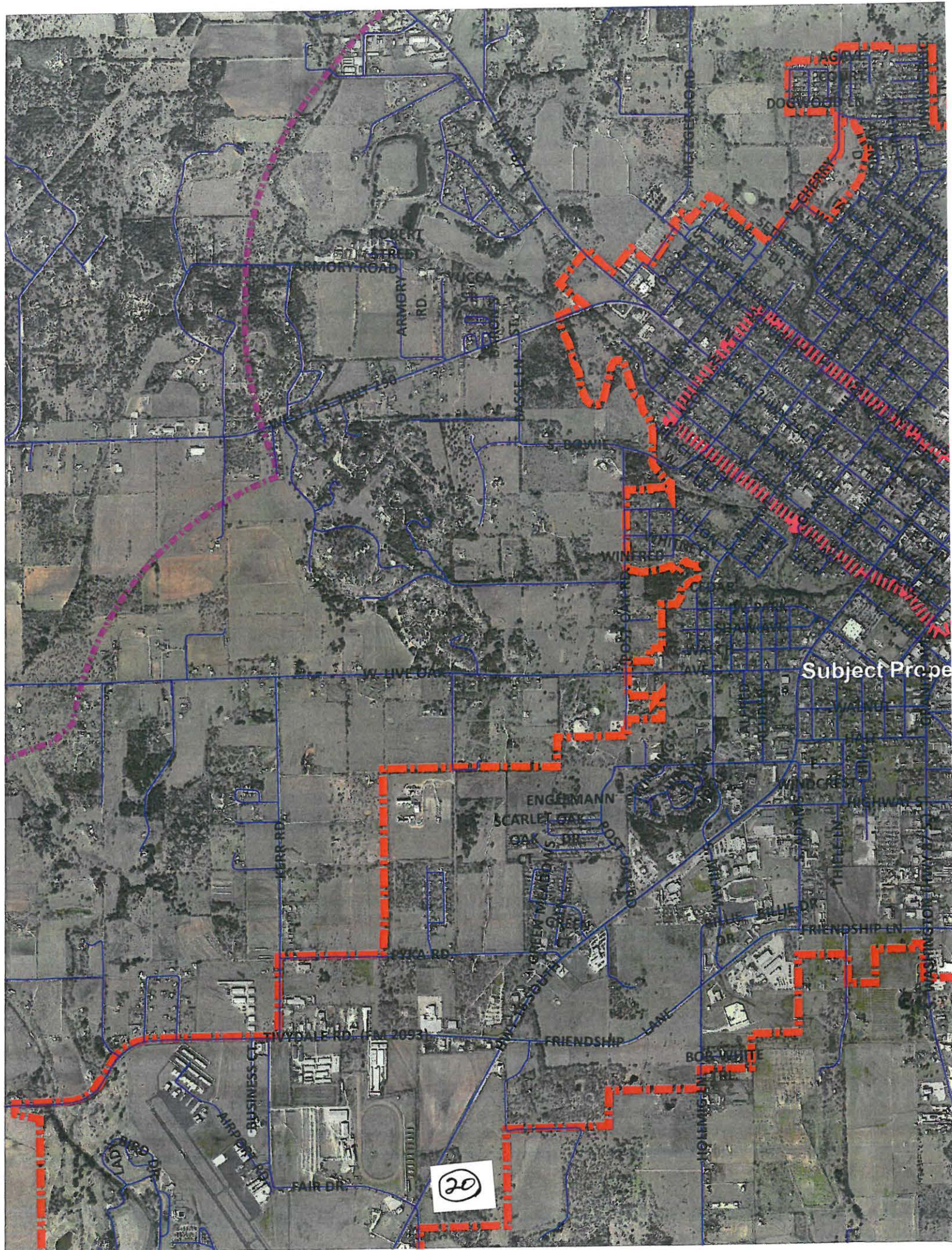
Location of Nearest Property zoned to allow medium density residential

In summary, the precedents described above provide extensive justification for both a change in land use to medium residential density and a zone change to R-2 to accommodate the proposed development of the subject property.

It is our desire to build a safe and affordable community that is brimming with charm and character. It is also our intention to build these units as "investment grade quality", efficiently designed with minimal wasted space using quality components that are intended to provide years of low maintenance service to their owners. We are not track builders and these will not be track homes. R-2 zoning and medium density residential land use will provide the catalyst required to solve many of the current housing problems in the community.

Exhibit A Property Survey







CITY COUNCIL MEMO

DATE: May 10, 2017

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: CVB Board Appointment

Summary:

The CVB Board currently has an opening on their Board as a result of the recent resignation of Kathy Gutierrez.

Recommendation:

It is recommended that the City Council appoint Mary Easterling with Easterling Custom Boots to fill the current vacancy on the CVB Board with a term than expires on September 30, 2018.


Department Approval


City Manager Approval



CITY COUNCIL MEMO

DATE: May 15, 2017

TO: Mayor and City Council

FROM: Clinton Bailey, P.E., - Assistant City Manager/Director of Public Works & Utilities

SUBJECT: Performance Agreement for Keller Subdivision Lot 2R-PT

Summary:

This item is for the acceptance of a Performance Agreement and associated financial security for the Keller Subdivision Lot 2R-PT.

Recommendation:

Staff recommends that the City Council accept the proposed Performance Agreement and associated financial security in the amount of \$710,817.08 in the form of performance and payment bonds and/or an escrow agreement for required public subdivision improvements.

Background / Analysis:

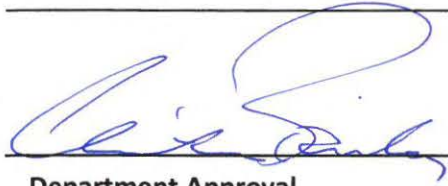
Section 5.05 of the City of Fredericksburg Subdivision Ordinance provides an option for developers to pursue the approval and recordation of the final plat for a subdivision prior to the completion of the public improvements required in connection with the approval of the subdivision plat by executing a Performance Agreement and providing an associated security in the amount of 110% of the cost to construct and complete the remaining public improvements. The public improvements associated with the Keller Subdivision Lot 2R-PT include water, wastewater, storm water and street infrastructure. The estimate for completing the public improvements plus 10% is \$710,817.08.

(24)

The City of Fredericksburg

Attachments:

Performance Agreement for Keller Subdivision Lot 2R-PT



Department Approval



City Manager Approval

(25)

The City of Fredericksburg

PERFORMANCE AGREEMENT

That, IDA MAE KELLER (hereinafter called OWNER and/or DEVELOPER), does hereby agree with the CITY OF FREDERICKSBURG, TEXAS (hereinafter called CITY) that the preliminary plat of KELLER SUBDIVISION LOT 2R-PT (the PROPERTY), has been approved by the Planning Commission of the CITY, and that in order to permit the approval and recordation of the Final Plat prior to the completion of the Public Improvements required in connection with the approval of said subdivision plat, this agreement is entered into pursuant to Section 5.05 of the Subdivision Ordinance of the CITY.

The terms of this performance agreement are as follows:

1. DEVELOPER agrees that DEVELOPER will complete the public improvements within eighteen (18) months from the date of recordation of the Final Plat of said subdivision;
2. DEVELOPER will provide a maintenance bond in the amount of one hundred and ten percent (110%) of the costs of all the public improvements for a period of two (2) years following the CITY's final acceptance of the improvements to ensure to the CITY the repair and replacement of all defects due to faulty materials and workmanship that appear within the two-year period following date of acceptance;
3. The performance and payment bonds, and/or irrevocable letter of credit and or Escrow agreement for securing the completion obligations of this agreement consistent with Section 5.05.D Security for Completion of Improvements of the Subdivision Ordinance of the CITY, which shall be issued for 110% of the cost to construct and complete the remaining public improvements (as estimated by the DEVELOPER's professional engineer, and as approved by the Director of Public Works and Utilities) are as follows: (complete as applicable)
 - a. By performance and payment bonds described as follows: in the amount of \$710,817.08 (consisting of the estimated construction costs of the proposed development of \$646,197.35 plus 10%, such construction costs described in ATTACHMENT A); and/or
 - b. By Escrow Agreement described as follows: N/A; and/or
 - c. By escrow agreement (for up to an amount not to exceed \$25,000 for a period of two (2) years from the final acceptance of all other public improvements) described as follows: N/A.
 - d. Such bonds and/or letter of credit shall guarantee proper construction of such postponed improvements and payment of all claimants supplying labor and materials for the construction of the improvements, on or before the date stated herein.
 - e. Other insurance requirements (if applicable): NONE.

4. This Performance Agreement and the covenants and other items of agreement contained herein and which are set forth in the Subdivision Ordinance of the CITY whether set out herein or not shall run with the land and shall bind all successors, heirs and assignees of the OWNER and the DEVELOPER.
5. The Performance Security, or portion thereof remaining shall be forfeited should DEVELOPER cease to do business in this state, or if DEVELOPER files a petition in bankruptcy, or otherwise reduplicates this agreement.
6. DEVELOPER and Owner agree that, in addition to the requirements for Performance Security, and on behalf of the heirs, or assigns, successors, of or subsequent purchasers of Owner and DEVELOPER having any right, title, or interest in the PROPERTY described as the aforementioned subdivision, or any part thereof, shall be liable to the City of Fredericksburg that all public improvements will be completed and accepted by the CITY within the time provided herein; except, however, that should the completion of such site improvements be delayed by reason of strikes, riots, acts of God, acts of the public enemy, injunction or other court action, or any other cause similar to those enumerated beyond my reasonable control, DEVELOPER (or Owner as applicable) shall be entitled to an extension of time equal to the time of such delay, which extension of time is to be fixed finally by written certificate made by the Director of Public Works and Utilities, it being expressly declared that no such allowance of time will be made unless claimed by the DEVELOPER (or Owner as applicable) and allowed and certified in writing by the Director of Public Works and Utilities at the end of each period of such delay.
7. If, at any time, construction of such public improvements has not been completed and accepted by the CITY and the amount provided by the Performance Security is no longer sufficient to cover the cost of completion of the public improvements, upon written notification of same to DEVELOPER by the Director of Public Works and Utilities DEVELOPER shall immediately file with the Director of Public Works and Utilities additional Performance Security with the Director of Public Works and Utilities, in an amount equal to the cost estimate of completing such site improvements, and shall complete construction of such site improvements within the time provided herein.
8. Until such time as the public improvements have been satisfactorily completed and accepted or such additional Performance Security as required by the CITY have been provided, the Director of Public Works and Utilities shall refuse to accept any further Performance Security, under any form, which is related to the plat of a subdivision subsequently filed with the Planning Commission in which DEVELOPER has a principal or subsidiary interest.

This agreement and any subsequent agreement covering one or more of the forms of guarantee of performance shall be interpreted under the laws of the State of Texas

NOTE: All existing Owners, Developers, and Lienholders shall be required to execute the agreement or provide written consent to the covenants and other items contained in the agreement.

EXECUTED this ____ day of _____, 20____.

OWNER & DEVELOPER:

Signature

Printed Name

THE STATE OF TEXAS §
COUNTY OF GILLESPIE §

BEFORE ME, the undersigned authority, a Notary Public for the State of Texas, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the ____ day of _____, 20__.

(seal)
Notary Public in and for the State of Texas

Reviewed and Approved by the Director of Public Works:

_____ Date: _____

Reviewed and Approved by the City Attorney and Performance Guarantee Approved by the City Attorney:

_____ Date: _____

Approved by the City Council:

_____ Date: _____

**ATTACHMENT A
TO PERFORMANCE AGREEMENT**

COVERING: KELLER SUBDIVISION LOT 2R-PT

TYPE OF SITE IMPROVEMENTS	ESTIMATED COST
1) Water	\$ 110,536.00
2) Sewer	\$ 61,536.00
3) Streets	\$ 152,976.00
4) Alleys	none
5) Storm Drainage	\$ 175,190.00
6) Erosion Control	\$ 17,490.10
7) Earthwork	\$ 92,469.25
8) Mobilization	\$ 36,000.00
TOTAL	\$ 646,197.35

Water Utilities: _____

DATE: _____

Public Works: _____

DATE: _____

LEINHOLDER'S CONSENT

LEINHOLDERS CONSENT TO THE PERFORMANCE AGREEMENT for the KELLER SUBDIVISION LOT 2R-PT OF GILLESPIE COUNTY, TEXAS AND TO THE COVENANTS CONTAINED THEREIN.

STATE OF _____ §

COUNTY OF _____ §

The undersigned, _____ (hereinafter, "Lienholder") being the sole owner and holder of an existing mortgage and lien recorded in Volume _____, Page _____ or document number _____, and Volume _____, Page _____ or document number _____ of the real property records of Gillespie County, Texas, upon and against the real property described in the Plat recorded in Volume _____, Page _____ or document number _____ (et seq.) of the Plat Records of Gillespie County, Texas, or as shown on the exhibit attached hereto, which is known (or is to be known as the _____,) and as such, mortgagee and lienholder, does hereby consent to and join in said Performance Agreement (hereinafter "Agreement") and to the covenants and agreements contained therein.

The undersigned hereby executes this instrument for the sole purpose of subordinating the liens held by the undersigned to all of the provisions of the said Agreement. All parties to the Agreement specifically acknowledge that Lienholder is not a party to the said Agreement except for the sole purpose of consenting there to and subordinating the Lien(s) as set out above, and all parties to the Agreement hereby specifically and unconditionally release and discharge said Lienholder from any claims or liability with respect to, or arising out of the Agreement, except as to actions which may hereafter be taken by Lienholder as a successor to the interest of the Owner or Developer.

DATE: _____, 20____, _____, Lender

By: _____
(Printed Name and Title)

THE STATE OF _____ §

COUNTY OF _____ §

BEFORE ME, the undersigned authority, a Notary Public for the State of _____, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 20____.

(seal)

Notary Public in and for the State of _____



CITY COUNCIL MEMO

DATE: May 9, 2017
TO: Mayor and City Council
FROM: Steven Wetz, Chief of Police
SUBJECT: Second Reading of Noise Ordinance

Summary:

After a first reading of the revised Sound Ordinance and a sound committee meeting, we are prepared to discuss three areas of concern before moving forward with the second reading and passage of the ordinance.

Recommendation:

Staff recommends that the council discuss some areas of concern as follows

1. Since rewriting the sound ordinance to address residential areas adjoining commercial venues does the ordinance need to address differently the permanent residents living in the commercial zones?
2. Are the current decibel levels set by the sound committee acceptable?
3. Should Festivals using Market Platz be allowed a permit option, through the City's current permit application process, to produce sound levels of the day time or evening rate until the night time hours go into effect. A permit would allow Staff to inspect for the requirements set in the permit, to help deflect sound from leaving Market Platz.
4. Under section 20-212 (a) (2)(vii) remove any wording of railroad equipment or right of way.
5. Under section 20-212 (a) (2)(viii) remove "depending upon the location of the church"

6. Under section 20-213 (a) Change "each hour or portion" to "every fifteen minutes after being notified"

Background / Analysis:

After meeting with the sound ordinance committee I have received their feedback on these areas of discussion and are prepared to share that with you.

Attachments:

Copy of the newest revision of the noise ordinance.



Department Approval



City Manager Approval

Ordinance No. _____

WHEREAS, the City Council of the City of Fredericksburg recognizes that in the adoption of ordinances which regulate allowable sound levels, and which are meant to protect the users of property who are in close proximity to others who are creating sound from the harmful effects and inconvenience of such sounds, that such regulations will require amendment from time to time; and

WHEREAS, the City Council of the City of Fredericksburg has determined that there is a now a need to amend existing provisions of its ordinance regulating sound levels to better serve the citizens of the City and to aid in the enforcement of the regulations which exist and which are adopted herein, and

WHEREAS, the City Council of the City of Fredericksburg has held hearings prior to the adoption of the following amendments, and has determined that they will better further the goals of the existing sound regulations, and should be adopted,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS THAT CHAPTER 20- OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE VI. - NOISE AND SOUND LEVEL REGULATION be and is hereby amended and restated as follows:

Sec. 20-207. - Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

- (a) Daytime hours shall mean the hours from 6:00 a.m. on one day until 8:00 p.m. the same day.
- (b) dB(A) shall mean the intensity of a sound expressed in decibels.
- (c) Emergency shall mean any occurrence or set of circumstances involving actual or imminent physical trauma or property damage or loss that demands immediate action.
- (d) Emergency work shall mean any work performed for the purpose of (i) preventing or alleviating the physical trauma or property damage threatened or caused by an emergency, (ii) restoring property to a safe condition following a fire, accident, or natural disaster, (iii) protecting persons or property from exposure to danger, or (iv) restoring public utilities.
- (e) Evening Hours Commercial shall mean the hours from 8:00 p.m. on one day until 11:00 p.m. the same day for Sundays through Thursdays of each week. Evening hours shall mean the hours from 8:00 p.m. on one day until 12:00 midnight the same day for

Friday and Saturday nights of each week for properties in the following zoning districts: C-1,C-2, CBD, I, M-1,M-2, M-3 or related PUDs.

- (f) Evening Hours Residential shall mean the hours from 8:00 p.m. on one day until 10:00 p.m. the same day for properties in the following zoning districts: R-1, R-2, R-3, R-4, R-5, Rural Residential or related PUDs AND for commercial, manufacturing or industrial properties (C-1,C-2, CBD, I, M-1,M-2, M-3 or related PUDs) when measured at a Property line which separates that property from any residentially zoned property (R-1, R-2, R-3, R-4, R-5, Rural Residential or related PUDs.
- (g) Nighttime Hours Commercial shall mean the hours from 11:00 p.m. on one day until 6:00 a.m. the following day for Sundays through Thursdays, and 12:00 midnight on one day and 6:00 a.m. the same day on Saturday and Sunday mornings for properties in the following zoning districts: C-1,C-2, CBD, I, M-1,M-2, M-3 or related PUDs.
- (h) Nighttime Hours Residential shall mean the hours from 10:00 p.m. on one day until 6:00 a.m. the following day for properties in the following zoning districts: R-1, R-2, R-3, R-4, R-5, Rural Residential or related PUDs AND for commercial, manufacturing or industrial properties (C-1,C-2, CBD, I, M-1,M-2, M-3 or related PUDs) when measured at a Property line which separates that property from any residentially zoned property (R-1, R-2, R-3, R-4, R-5, Rural Residential or related PUDs.
- (i) Outdoor Amplified Sound means any sound produced, projected or generated outdoors utilizing speakers or other sound projection or enhancement equipment.
- (j) Plainly audible means any sound that can be detected by a person using his or her unaided hearing faculties. For example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the name of the song, specific words or the artist performing it. The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound.
- (k) Property line shall mean, with respect to single occupancy properties, the line along the ground surface and its vertical extension that separates the real property owned, leased, or occupied by one person from that owned, leased, or occupied by another person. With respect to shared occupancy properties the term shall mean the imaginary line that represents the legal limits of occupancy of any person who owns, leases, or otherwise occupies an apartment, condominium, hotel or motel room, office, or any other type of occupancy from that of other occupants.
- (l) Responsible Party shall mean any of the following persons, including entities (including but not limited to corporations, trusts, partnerships, associations and the like), who or which violates the terms of this Article including, as applicable:
 - (1) Any person present at the time of the offense who makes, assists in making or continuing, permits, causes or permits sound in excess of the provisions of this Article to be made or continued, or
 - (2) Any person who has the ability to control the level of noise at the time of the offense, or
 - (3) Any owner of the property on which the violation occurs, any owner or manager (including an employee in charge at the time of the offense) of the business being conducted on the property on which the violation occurs,

- (4) Any operator of, or person in charge of the sound generating instrument or equipment at the time of the offense; or
- (5) Any person who leaves unattended any equipment, machine, instrument, device, child, animal, or any combination of same, which thereafter commences producing noise in violation of this article.
- (m) Sound shall include a single source or collective sources emanating from a single property.
- (n) Zoning Ordinance shall mean the City of Fredericksburg Zoning Ordinance as the same may be amended from time to time. Any reference to the location of properties or Zoned properties or areas shall be to the zones established in the Zoning Ordinance as may be modified in a specific violation description.

Sec. 20-208. - Prohibitions.

Sounds exceeding, or not complying with, the following under the conditions and measurement criteria set forth in this chapter shall be unlawful and no Responsible Party shall make, assist in making, permit, continue or cause to be made or continued such sounds in any Zoning area except as defined in this Article.

- (a) Sound levels shall not exceed the following:
 - (1) 85 db(A) during Daytime Hours; or
 - (2) 75 db(A) during Evening Hours Commercial or Evening Hours Residential as applicable; or;
 - (3) 65 db(A) during Nighttime Hours Commercial.
 - (4) 55 db(A) Nighttime Hours Residential.
- (b) Outdoor Amplified sound is prohibited from 10:00 p.m. on any day until 6:00 a.m. the following day in residentially zoned properties (R-1, R-2, R-3, R-4, R-5, Rural Residential or related PUDs).
- (c) The pouring of a slab, demolishing a building, or utilizing any yard tools, mechanically powered saw, drill, sander, router, grinder, lawn or garden tool, lawnmower, or any other similar device, commercial or industrial power tools is prohibited from 10 p.m. on any day until 7 a.m. the following day on any residentially zoned property (R-1, R-2, R-3, R-4, R-5, Rural Residential or related PUDs) or commercially zoned property (C-1, C-2, CBD or related PUDs) on any day without first having obtained a permit issued in accordance with section 20-211 below for such work.
- (d) Knowingly making, assisting in making, permitting, continuing, or causing to be made or continued of any unreasonable sound that annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others is prohibited on any residentially zoned property (R-1, R-2, R-3, R-4, R-5, Rural Residential or related PUDs). In determining whether a sound is unreasonable, the following factors shall be considered as applicable to the circumstances:

1. That the sound is loud, unnecessary, or unusual;
2. That the sound occurs between Midnight and 6 o'clock am;
3. That the sound is not compatible with the normal activity of the area in which the property is located at that time of day;
4. That the sound created at a location where the sound emanates is due to an excessive number of people for that time of day;
5. That the sound is recurrent, intermittent, or constant;
6. That the volume and intensity of the sound is excessive;
7. That the sound has been enhanced in volume or range by any type of electronic, mechanical or other means, and is operated with louder volume than is necessary for convenient hearing of persons who are in the vehicle, or within the property or premises, from which such sound originates and who are voluntary listeners thereto.
8. That the sound is subject to being controlled without unreasonable effort or expense to the creator thereof;
9. That the sound is plainly audible or physically detectable at a distance defined in section 20-210(b) below.

Prior to issuance of a complaint the City Police Department and or Municipal Court Prosecutor may require a written complaint from anyone complaining of an excessive noise under this section (d).

Upon receipt of a prior notice or warning, verbal or otherwise, from a peace officer or a code enforcement officer of the City of Fredericksburg, it shall be presumed that the person has knowledge that the sound is unreasonable.

- (e) The use of any motor vehicle so that it creates any loud and unreasonable or unusual sound which is heard above all other vehicles at a distance of fifty (50') feet from the vehicle is prohibited.
- (f) The making, assisting in making, permitting, continuing, causing to be made or continued, or permitting the continuance of Amplified Sound from a motor vehicle on a public roadway that is plainly audible from a distance of fifty (50') feet from the vehicle on abutting streets of, or properties which are zoned PF, R-1, R-2, R-3, R-4, R-5, Rural Residential, C-1, C-2, CBD or related PUDs is prohibited.
- (g) The operation of an engine of any motor vehicle as defined by the Texas Transportation Code so as to "brake" or slow the same through the use of gears (commonly known as "jake braking") or by any other method which produces any noise in addition to the normal operating engine noise is prohibited.
- (h) The operation of or allowing of an engine of any sort of motor vehicle, except emergency equipment at any location or vehicles then located at a permitted public event or parade, to idle for more than one hour is prohibited.
- (j) The acts enumerated in the foregoing sections of this chapter, among others, are declared to be loud, disturbing, and unnecessary noises and nuisances in violation of this chapter.

Sec. 20-209. - Noisy animals and birds.

- (a) The keeping of any animal or bird that causes or makes frequent or long and continued sound that unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of ordinary, reasonable persons of normal sensibilities

and ordinary tastes, habits, and modes of living who reside in the vicinity thereof is hereby prohibited and declared to be unlawful as a sound nuisance in violation of this chapter, regardless of whether the sound so created by said animal or bird is otherwise within the permissible levels specified in section 20-208(a) above.

- (b) In any prosecution for a violation of this section, the fact that any loud animal noise which disturbed any person and which occurs in residential areas (R-1, R-2, R-3, R-4, R-5, Rural Residential, or related PUDs) either:
 - (1) during Nighttime Hours Residential; or
 - (2) when none of the residents who reside at the place where the animal or bird is being kept are at home shall create a rebuttable presumption that such noise was in violation of this article.
- (c) In any prosecution for a violation of this section, the fact that any animal or bird has been allowed or permitted to persistently and chronically violate this section, as demonstrated by the issuance of two or more citations within a six month period shall create a rebuttable presumption that such noise was in violation of this article.

Sec. 20-210. - Method of sound measurement.

- (a) Whenever portions of this chapter prohibit sound over a certain decibel limit, measurement shall be made with a Type 1 or Type 2 calibrated sound level meter utilizing the A-weighting scale and the slow meter response as specified by the American Standards Association or better. Measurements recorded shall be taken so as to provide a proper representation of the sound being measured. The microphone of the meter shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. Traffic, aircraft, and other transportation noise shall not be considered in taking measurements except where such background noise interferes with the noise being measured and cannot reasonably be distinguished from the primary noise. Measurements will be made for a duration of no less than thirty (30) seconds. Violations will be based on the highest registered reading within such time period which is attained more than one time in said time period or sustained.
- (b) Measurements of sound shall be taken from either:
 - (1) the property line of the property from which the sound originates but in no event less than fifty (50') feet from the sound source (where the sound is generated), and all measurements shall be taken toward the source of the sound, or
 - (2) the property line nearest the sound source of a property occupied by a person who reports a violation of this Chapter to the City but in no event less than fifty (50') feet from the sound source (where the sound is generated), or
 - (3) a minimum of fifty (50') feet from the sound source in the event the sound violation originates from a source where property lines are not applicable.

Sec. 20-211. - Permit for construction or use of tools, equipment.

- (a) The permit required in section 20-208 (c) shall be issued upon compliance with the requirements of this section. Properties for which a permit is issued for construction or for the use of outdoor tools or equipment (except equipment related to Amplified Sound) may exceed the sound levels of section 20-208 (a) above.

- (b) For properties which are commercially zoned (C-1,C-2, CBD or related PUDs) at any time of the year, but may be issued for properties which are residentially zoned (R-1, R-2, R-3, R-4, R-5, Rural Residential or related PUDs) only during the time period from Memorial Day through Labor Day of each year.
- (c) Shall be obtained by making application to the City Police Department or other person or department of the City so designated by the City Manager.
- (d) Upon payment of an administrative fee for the costs of issuing the permit or a sworn statement of inability to pay the fee, and
- (e) Is valid for the requested day between the hours of 5:00 a.m. and 12:00 midnight.
- (f) Shall not be issued to the same or any other person for the same location more than twice nor for more than two consecutive days during any 30 day period.
- (g) Shall not be issued unless the applicant provides proof to the City that he or she has notified all persons who occupy or own properties adjacent to the site for which the permit is sought or the activity/work to be done and the expected duration of the activity/work. Such notice shall be sent in the same manner as set out in the Zoning Ordinance of the City of Fredericksburg, or hand delivered to the properties. Notices shall be sent at least ten (10) days in advance of the proposed activity.
- (h) The permit application required to be filed pursuant to this section shall contain the following information:
 - (1) The date of the application and the date and hours for which the permit is requested.
 - (2) The name and address of the applicant, and the name and address of the person in charge of the activity/work.
 - (3) A description and diagram of the property on which the activity/work will occur.
 - (4) The address and a description of the location where the equipment will be used.
 - (5) A description of the type of equipment, tools or other devices to be used.
- (i) All permits must be posted on site in a clearly visible location. No permit may be issued for a period of one year from the date of the latest conviction for any property which is the subject of two convictions or deferrals of convictions within any twelve month period even if there is a change in ownership or management.

Sec. 20-212. - Exemptions and defenses.

- (a) The following are exemptions from prosecution under this ordinance, but which need not be specifically plead in any complaint or indictment:
 - (1) The sound was generated or produced as a result of an emergency, by an authorized emergency vehicle or due to emergency work to restore utilities or other public works.
 - (2) The sound was generated or produced:
 - (i) By any public utility or public works or by governmental authority including, but not limited to, street and road construction and repair, operation of water treatment plants, animal shelters and the like, the alerting persons to the existence of an emergency, danger, or attempted crime; or

- (ii) At a lawfully scheduled stadium event or at the Gillespie County Fair Grounds as currently located at 2000 South US Highway 16; or
 - (iii) By a parade and spectators and participants on the parade route during a lawful parade; or
 - (iv) By patrons and participants using cannons and gunfire during historical battle re-enactments or demonstrations for which a pyrotechnic permit was obtained and the explosives for which were inspected by the fire marshal provided that such events shall not exceed one weekend in any 30 calendar day period or 12 weekends in any one calendar year; or
 - (v) By a pyrotechnic display that was inspected and approved by the fire marshal; or
 - (vi) By spectators and participants of any outdoor event, fun run, race, festival, fiesta, or concert that was sponsored or co-sponsored by the City of Fredericksburg, which has received a Special Events review and Permit in accordance with the City's promulgated Special Events policies and is in compliance with any provisions of such permit and otherwise in full compliance with City regulations; or
 - (vii) By aircraft, in flight or in operation at an airport, or bus, trolley, railroad equipment in operation on streets or railroad rights-of-way, if any; or
 - (viii) By church bells or church chimes when used as part of a religious observance or service during Daytime Hours or Evening Hours depending upon the location of the church;
 - (ix) During Daytime Hours by activities conducted on public parks, public playgrounds, and public or private school grounds, including, but not limited to, school athletics, band and school entertainment practice or events.
- (3) The sound emits from or is produced by lawful manufacturing or industrial pursuits on Manufacturing or Industrially zoned property (I, M-1, M-2 or M-3 or an Industrial or manufacturing related PUD) or is the sound of animals emitting from a veterinary business, animal shelter or other animal or livestock related business lawfully located within the City in accordance with the City of Fredericksburg's Zoning Ordinance.
- (4) The following defenses shall apply to any offense established in this chapter, and the same must be specifically plead by anyone charged with a violation, the burden of proof being upon the person claiming such defense:
- (i) The emission of any sound was for the purpose of alerting persons to the existence of an emergency, danger, or attempted crime, or was produced pursuant to any safety rule or regulation of any governmental entity or agency and is not generated by governmental authority; or
 - (ii) The sound was produced by or for emergency work not exempted as set forth in (a)(2) above, or
 - (iii) The sound was generated as authorized under the terms of a permit issued under section 20-212 of this Code.
- (b) The regulations hereof are not required for the purpose of regulating speech which is protected speech or to conflict with any law of any superior governmental authority.

Any regulation hereof that is in conflict with any such right or authority is hereby declared to be inoperative and severable from the other regulations herein, and is additionally declared to be an exemption.

Sec. 20-213. - Penalty.

- (a) The provisions of section 20-208 provide the various violations, and a person or entity may be prosecuted under any or all of the subsections thereto. Any person who violates any provision of this chapter is guilty of an offense and, upon conviction thereof, shall be punished by a fine of not more than that defined in section 1-6 of the Code of Ordinances of the City of Fredericksburg. Each hour or portion thereof in which any violation shall occur shall constitute a separate offense. For purposes of setting fines, violations hereof are declared to be health and safety violations.
- (b) Enforcement hereunder shall not require the pleading or proving of any culpable mental state.

Add Fee in Appendix A \$ 10 to start or affidavit of inability to pay

3/27/17 (removed highlights)



CITY COUNCIL MEMO

DATE: May 10, 2017

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: Workforce Housing Policy Statement

Summary:

A policy statement is needed to guide future City decisions on the handling of requests for City assistance with infrastructure improvements related to workforce housing.

Recommendation:

It is recommended that that City Council review and make any necessary revisions to the attached policy statement. Once approved this statement will help guide future decisions on how the City will handle any requests for assistance with the development of infrastructure necessary to serve new workforce housing projects.

Background / Analysis:

The City has recently identified the need for workforce housing as one of the critical needs in our community. Due to the high prices for land, construction costs and other factors, it is difficult to develop housing in Fredericksburg that is affordable to many of our local workers. With this in mind, the City wants to be directly involved in providing assistance with infrastructure improvements that will help to keep the costs for certain housing projects at an affordable level.

(42)

The City of Fredericksburg

The attached proposed policy will not guarantee that any workforce housing project receives assistance from the City. It will merely provide guidance to the City Council, City staff and local developers on how the City will evaluate any requests for City assistance with infrastructure development. Once this statement is adopted, it is likely that we will receive several requests for City assistance.

Attachments:


Department Approval


City Manager Approval

City of Fredericksburg
Workforce Housing Policy Statement
May, 2017

General Statement

The City of Fredericksburg has identified the need for additional workforce housing as an important community issue that requires a combined effort by both the public sector and the private sector. We have determined that the failure to address this issue in the near future will cause a negative impact on the local economy and community growth. With this in mind, the City wants to take an active role in facilitating and encouraging the development of quality workforce housing that fits into the overall character of the community.

City Assistance

The City understands that, due to land prices and other factors, developers may need assistance from the City in order to develop housing that is affordable to our local workforce. This assistance may include incentives such as the waiver of building permit fees and construction of infrastructure such as electrical, water, wastewater and street improvements. The types of workforce housing developments that qualify for waiver of City permit fees are defined by a separate City ordinance (Ordinance #).

The City Council will consider requests for assistance with the development of infrastructure on an individual project by project basis. This consideration will be based upon a number of different factors including the following:

1. Financial status of the City and its capability to finance the requested improvements.
2. Number of units provided by the project.
3. Projected monthly rents or sales prices for units.
4. Location of the project including proximity to major work sites.
5. Benefits provided by improvements to other adjacent properties.
6. Total cost of the improvements.

All requests for City assistance should be submitted in writing to the City Manager for the City of Fredericksburg. City staff will evaluate each proposal including the estimated costs and provide a recommendation to the City Council.

Passed and approved by the City Council on May 15, 2017.



CITY COUNCIL MEMO

DATE: May 15, 2017

TO: Mayor and City Council

FROM: Garret Bonn, P.E., CFM - Assistant City Engineer

SUBJECT: Transportation Alternatives (TA) Set-Aside Program

Summary:

A resolution authorizing and directing the City Manager to apply for the TA Set-Aside Program.

Recommendation:

Staff recommends authorizing and directing the City Manager to approve the resolution in support of an application to the TA Set-Aside Program.

Background / Analysis:

TxDOT's Public Transportation Division administers federal grant programs, including Federal Highway Administration (FHWA) grants relating to TxDOT's Bicycle and Pedestrian Program and Federal Transit Administration (FTA) grants for transit in Texas. These grants are for specific purposes and have separate eligibility and funding requirements. The Public Transportation Division requests applications for specific grant funding sources through calls for projects.

On January 27, the Texas Department of Transportation (TxDOT) announced a statewide Call for Projects under its Transportation Alternatives Set-Aside (TA Set-Aside) Program for population areas of 200,000 or less. This federal program is for construction activities only, and eligible project activities are limited to pedestrian and bicycle infrastructure projects, including on- and off-road pedestrian and bicycle accommodations, infrastructure projects for non-driver access to public transportation, projects that

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The City of Fredericksburg

enhance mobility and Safe Routes to School infrastructure projects. Important dates regarding the project call include:

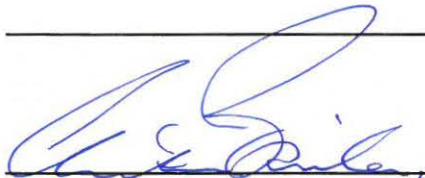
- May 22, 2017 – Project Nominations Due
- May - August 2017 – Project Screening and Evaluation
- Fall 2017 – Project Selection by the Texas Transportation Commission

The program requires a local funding match of at least 20% of the allowable construction and department oversight costs. If authorized to proceed, staff intends to make application to the program for projects that may include, but not limited to:

- Annual City-wide Sidewalk Improvement Program and the Downtown Sidewalk Repairs which have a total budget of \$150,000 in the FY 2017 Street Department Budget.
- The proposed pedestrian bridge connecting the Llano St. right of way with Creek St. as part of the Ufer Street hotel development which is described in the economic development agreement between the City of Fredericksburg and Hamuk, LLC.

Attachments:

Transportation Alternatives Set-Aside Program (TA Set-Aside) 2017 Call for Projects
Resolution


Department Approval


City Manager Approval

The City of Fredericksburg



125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.463.8588 | WWW.TXDOT.GOV

January 27, 2017

Re: Transportation Alternatives Set-Aside Program (TA Set-Aside)
2017 Call for Projects

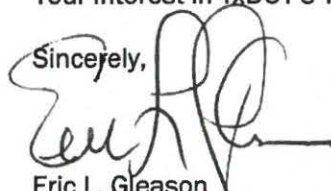
To All Interested Parties:

The Texas Department of Transportation (TxDOT) has announced a statewide Call for Projects under its Transportation Alternatives Set-Aside (TA Set-Aside) Program for population areas of 200,000 or less. Federal TA Set-Aside funding administered by TxDOT will be for construction activities only. Eligible project activities are limited to pedestrian and bicycle infrastructure projects, including on- and off-road pedestrian and bicycle accommodations, infrastructure projects for non-driver access to public transportation, projects that enhance mobility and Safe Routes to School infrastructure projects.

Project nominations must be submitted in the form prescribed by TxDOT and in accordance with the program rules (located under 43 Texas Administrative Code §§11.400 - 11.418 and §§16.153 - 16.154) and TxDOT's 2017 TA Set-Aside program guide. The program guide outlines the nomination, evaluation, and selection processes, including step-by-step instructions for completing the project nomination form and providing appropriate attachments. The program guide details information regarding eligibility requirements and the specific procedures applicable to this Call for Projects. TxDOT's 2017 TA Set-Aside program guide, project nomination form, and program rules are available on TxDOT's website at: <http://www.txdot.gov/inside-txdot/division/public-transportation/bicycle-pedestrian.html>. The complete project nomination package must be received by TxDOT, via TxDOT's Dropbox, no later than 5:00 p.m., CDT, on Monday, May 22, 2017.

Eligible project sponsors that desire to nominate a project should review the 2017 program guide, nomination form, and rules in consideration of their candidate project prior to contacting TxDOT. The program guide includes a map of TxDOT's district offices, a list of the district TA Set-Aside Coordinators, and a list of the statewide TA Set-Aside workshop locations and dates.

Your interest in TxDOT's TA Set-Aside Program is appreciated.

Sincerely,

Eric L. Gleason
Director, Public Transportation Division

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OUR VALUES: People • Accountability • Trust • Honesty

OUR MISSION: Through collaboration and leadership, we deliver a safe, reliable, and integrated transportation system that enables the movement of people and goods.

An Equal Opportunity Employer

RESOLUTION NO. _____
City of Fredericksburg

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER TO APPLY FOR THE TRANSPORTATION ALTERNATIVES SET-ASIDE (TA SET-ASIDE) PROGRAM; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the Texas Department of Transportation's (TxDOT) Public Transportation Division administers federal grant programs including Federal Highway Administration (FHWA) grants relating to TxDOT's Bicycle and Pedestrian Program and Federal Transit Administration (FTA) grants for transit in Texas; and

WHEREAS, TxDOT has announced a statewide call for projects under its TA Set-Aside Program for population areas of 200,000 or less; and

WHEREAS, eligible project activities are limited to pedestrian and bicycle infrastructure projects, infrastructure projects for non-driver access to public transportation, projects that enhance mobility, and Safe Routes to School infrastructure projects; and

WHEREAS, the TA Set-Aside Program reimburses up to 80% of eligible construction expenditures for selected projects; and

WHEREAS, the Fredericksburg City Council, having already committed to improving sidewalk conditions throughout the City as part of the annual Citywide and Main St. Sidewalk Improvement Programs, finds it in the best interest of the citizens of Fredericksburg to apply for funding for eligible projects through the TA Set-Aside Program; and

WHEREAS, the City of Fredericksburg supports funding this project as described in the 2017 TA Set-Aside Nomination Form (including the construction budget, the department's 15% administrative cost, and the required local match) and is willing to commit to the project's development, implementation, construction, maintenance, management, and financing; and

WHEREAS, the City of Fredericksburg is willing and able to enter into an agreement with the department by resolution or ordinance, should the project be selected for funding; and

WHEREAS, the Fredericksburg City Council designates the City Manager as the grantee's authorized official.

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

1. The Fredericksburg City Council authorizes and directs the City Manager to apply for the TA Set-Aside Program. The authorized official is given the power to apply for, accept, reject, alter, or terminate the grant on behalf of the applicant agency.
2. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that the public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED this, the 15th day of May, 2017.

ATTEST:

THE CITY OF FREDERICKSBURG, TEXAS

Shelley Britton
City Secretary, City of Fredericksburg

Linda Langerhans
Mayor, City of Fredericksburg

APPROVED AS TO FORM:

Pat McGowan
City Attorney



CITY COUNCIL MEMO

DATE: May 10, 2017

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: International Dark Sky Association

Summary:

As a result of some of the changes that the Council approved several years ago to our lighting ordinance, we have the opportunity to be considered as an International Dark Sky community.

Recommendation:

It is recommended that the attached resolution be adopted that would approve our application to the International Dark Sky Association to be designated as an International Dark Sky Community.

Background / Analysis:

In March, 2013, the City Council was presented with a request by local citizens to adopt regulations that would provide that new residential, commercial and City light fixtures meet certain requirements that would protect our night sky. The Council decided to adopt a resolution (see attached) that commits our community to protecting the night sky. Since that time, the City has been enforcing new regulations providing full cut-off lighting fixtures including the fixtures on City street lights. As a result of the City's commitment to this effort, we are eligible for consideration as an International Dark Sky community.

I have attached an article that was included in last month's Texas Monthly that describes the importance of the dark sky initiative. As indicated in this article, there are currently only two other Texas cities that

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The City of Fredericksburg

have this designation (Dripping Springs and Horseshoe Bay). If we receive this designation, we would use it in local marketing efforts as more and more visitors can be attracted to Fredericksburg from the big cities who do not have the dark sky to enjoy on a regular basis.

Attachments:


Department Approval


City Manager Approval

RESOLUTION
Supporting the Preservation of Our Night Skies

WHEREAS, Fredericksburg residents recognize the importance of the city and the surrounding Texas Hill Country for their rich cultural heritage and breathtaking scenic beauty, including starry night skies; and

WHEREAS, our heritage of starry night skies has rapidly been eroding and generations are growing up never having seen the wonders of the Milky Way; and

WHEREAS light trespass from night lighting fixtures has been steadily on the rise, negatively impacting the natural environment and the quality of life of the people in the city by, among other things, reducing night sky visibility and enjoyment for citizens and visitors alike.

WHEREAS, some of Fredericksburg's neighboring cities such as Blanco, Dripping Springs and Junction have already, or are in the process of, adopting outdoor lighting ordinances to preserve the night skies around their cities, and

WHEREAS, in recent years greater focus has been placed on the economic and financial benefits of preserving the scenic beauty in and around the city in order to maintain the city's unique historic heritage and enhance tourism; and

WHEREAS, the city is a significant destination for tourism, which is important to many community members, and preserving the starry night skies in and around Fredericksburg will enhance the city's attraction and appeal as a destination for tourism; and

WHEREAS, preserving the rich historic heritage and starry night skies of Fredericksburg is important to its citizens in order for the city to remain unique from other large Texas urban areas where unnecessary and inefficient lighting has turned night into day.

WHEREAS, inexpensive night lighting fixtures are readily available that are designed to direct light only where it is needed, distribute light more efficiently and effectively and thereby reduce glare, power consumption and cost, and

WHEREAS, the city of Fredericksburg is committed to supporting practices that limit or minimize light trespass from night lighting fixtures in order to protect the beauty of the night skies and allow others the full benefit and use of their property.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, that the city shall promote and encourage outdoor lighting fixtures and practices that follow up-to-date suggested guidelines and use available technologies for efficient, cost effective, non-intrusive lighting and will endeavor to educate and encourage landowners, businesses, residential neighborhoods and public entities to join this commitment to reduce energy consumption, save money, reduce light trespass and preserve our starry night skies.

Adopted this the 18th day of March, 2013.

Jeryl Hoover, Mayor

ATTEST: Shelley Britton, City Secretary

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aren't going away. And neither are the Cossacks. Outsiders don't understand: these bikers are more loyal to their clubs than they are to their own families. Outsiders also don't understand that these guys have very long memories."

When I asked him what exactly he meant, he said, "None of them are ever going to forget about Twin Peaks. For them, there is still unresolved business from that day. And no matter what law enforcement tries to do, and no matter who gets sent off to prison, the Bandidos and Cossacks will go at it again. Somewhere down the road, they'll fight again. That's just the biker way." ♦

NATURE

The Stars at Night

When the setting sun dips below the hills surrounding South Llano River State Park, it leaves behind a fiery orange sky. As orange fades to yellow, then blue, then gray, the stars emerge: first a few bold points of light, then a wash of white speckles stretching from horizon to horizon. Below, darkness flattens the mesquite trees into shadow puppets silhouetted against the sky. Among the trees, nothing is visible. Your own hand, inches from your face, is a vague apparition.

The depth of this darkness was recognized in February when the park, near Junction, was named a gold-tier International Dark Sky Park by the International Dark-Sky Association, or IDA, which advocates for protecting night skies from light pollution. On the Bortle scale, a measure of darkness ranging from a pitch-black 1 to a city-sky 9, the park rates a 3. It earned the designation after a yearlong application process that included retrofitting light fixtures, installing a sky-quality meter, and committing to educate the public through night hikes and star parties.

Park interpreter Holly Platz coordinates those events with the help and the telescopes of Texas Tech University's Outdoor School, in Junction, and the Mason Star Gazers, an astronomy club headquartered an hour away. But here, telescopes aren't necessary to see the stars. On a clear February night, when the waning crescent moon

won't rise until the wee hours, she points out half a dozen constellations visible to the naked eye. Here is the star-studded belt of Orion, the mythical hunter, flanked by his loyal dog, Canis Major. Nearby are the Pleiades, a tiny dipper-shaped cluster of stars also known as the Seven Sisters. Lower in the sky, five stars in a crooked line show the vain queen Cassiopeia seated on her throne. The planet Venus, masquerading as a brilliant star, outshines them all.

Later in the year, star-party guests will see other constellations as the Earth's tilt brings a different set of characters into view. "We see Orion in the winter and Cassiopeia year-round, and the swan and scorpion in the summer," Platz says. "To me, it's similar to how the birds change with the seasons: Here come the painted buntings in the spring. Here come the goldfinches in the fall."

But as Texas becomes urbanized, many people never see the stars at all. A satellite map of light pollution in the United States shows the country split down the middle, with nearly everything to the east full of light and broad swaths of the west still dark. The Interstate 35 corridor forms the boundary between the two; immediately west is the Hill Country. "We call it 'the edge of night,' because you have dark skies that are close to very populated cities," says IDA board member Ken Kattner, a Houston lawyer and amateur astronomer who is leading an effort to curb light pollution in the area. "If we don't do something now, we're going to lose that forever."

Dark-sky enthusiasts in Texas have been galvanized by that threat. Of the 44 dark-sky parks around the world, 5 are in Texas. The towns of Dripping Springs and Horseshoe Bay are 2 of the 14 certified Dark Sky Communities worldwide. Several other

municipalities, including Fredericksburg and Llano, have passed dark-sky ordinances that govern outdoor lighting.

Astronomers aren't alone in their preference for dark skies. Artificial light, in widespread use in the U.S. only since the thirties, disrupts animals' circadian rhythms. Sky glow over cities confuses migratory birds, which rely on the stars and moon for navigation. The IDA even suggests that humans' sense of wonder is endangered when dark skies disappear.

"You think about not only the stars and planets and moon and galaxy; you ponder a lot of other things about life when you're under the stars," says Chuck Nance, a San Antonio resident who has brought his telescope, a 130-pound Dobsonian reflector, to South Llano this February night. "I think about God a lot—not that I'm religious, but I marvel at the physical world. The other thing is, Are we alone? You think about how many stars there are just in our galaxy, and how many of those stars have planets like Earth, and it makes you wonder."

In a parking lot near the campground, Nance trains his telescope on the Orion nebula, a cloud of gas and dust more than a thousand light-years away. "I've never seen it look so magnificent," he says, peering into the eyepiece. "It looks like it's 3-D."

Hours later, as the moon rises and the dew creeps in, Nance steps away from his telescope. His head tilted back, he turns slowly in a circle to take in the immense sky. The Earth's rotation has pushed Orion westward, following the Seven Sisters toward the horizon. Suddenly, a ball of yellow light appears in the northern sky and blazes downward for a few slow seconds. One breath later, the shooting star is gone.

—ROBYN ROSS

The night sky over South Llano River State Park.

CHASE FOUNTAIN/TEXAS PARKS AND WILDLIFE DEPARTMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG SUPPORTING THE APPLICATION TO THE INTERNATIONAL DARK-SKY ASSOCIATION FOR DESIGNATION AS AN INTERNATIONAL DARK SKY COMMUNITY

Whereas, the residents of the City of Fredericksburg recognize the importance of a clear view of the starry night skies as part of our rural heritage and of the breathtaking natural beauty of the Fredericksburg area; and

Whereas, the influx of people into the region and accompanying light trespass from area lighting fixtures has been steadily on the rise, and these factors have impacted the natural environment and quality of life of the people of this region; and

Whereas, the historical view of the night skies has been eroding in many nearby areas and generations are growing up with limited, if any, view of the wonders of the universe; and

Whereas, several Hill Country communities and parks have received International Dark Skies distinctions, including Enchanted Rock State Natural Area, South Llano State Park, and Dripping Springs; and

Whereas, preserving the rich historic heritage that is embodied in the starry night skies of Fredericksburg is a significant part of preserving our history and enhancing tourism; and

Whereas, the City of Fredericksburg, has shown its commitment to supporting practices that limit or minimize light trespass from night lighting fixtures in order to protect the beauty of the night skies by adopting the Resolution Supporting the Preservation of our Night Skies, on March 18, 2013 (the Resolution); and

Whereas, the City of Fredericksburg has continued in its commitment to protect the beauty of the night skies by enacting an outdoor lighting ordinance in August 2014 at Ord. No. 24-014, 8-18-2014 (the Outdoor lighting Ordinance);

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

1. The City Council of the City of Fredericksburg continues to support the use of outdoor lighting fixtures and practices that preserve and restore our historic starry night skies as described in the Resolution and as reflected in the Outdoor Lighting Ordinance.
2. The City Council of the City of Fredericksburg supports the application to the International Dark-Sky Association for the City of Fredericksburg to obtain the designation as an International Dark Sky Community.

PASSED AND APPROVED THIS 15th OF MAY, 2017, BY THE CITY OF FREDERICKSBURG CITY COUNCIL.

Linda Langerhans, Mayor

Charlie Kiehne, Council Member

Gary Neffendorf, Council Member

Jerry Luckenbach, Council Member

Bobby Watson, Council Member

ATTEST:

Shelley Britton, City Secretary



CITY COUNCIL MEMO

DATE: May 9, 2017
TO: Mayor and City Council
FROM: Kent Myers
SUBJECT: Mid-Year Budget Report

Summary:

The mid-year budget report is attached and will be summarized at next Monday's Council meeting.

Recommendation:

It is recommended that the Council review the mid-year budget report and discuss any questions or concerns prior to consideration of budget amendments at the next City Council meeting.

Background / Analysis:

Every year we provide the City Council with a mid-year budget report which assesses the status of our revenues and expenses at the end of March. Due to the fact that we have a lengthy agenda for the next City Council meeting, I have prepared the attached written mid-year budget report and we will not provide the normal power point presentation this year. Following this report, we will present mid-year budget amendments for your consideration at the next City Council meeting.

Attachments:

Mid-Year Budget Report
Spread Sheet on Proposed Budget Amendments.

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The City of Fredericksburg



Department Approval



City Manager Approval

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The City of Fredericksburg



Date: May 5, 2017

To: Mayor and City Council

From: Kent Myers, City Manager

Subject: FY 2017 Mid-Year Budget Report

This serves to provide the City Council with a mid-year status report on our FY 2017 Budget. In the past, we have provided you with a power point mid-year budget presentation. However, due to the fact that we have several other major agenda items scheduled at the May 15 Council meeting, we did not want to take the time to present this information at the meeting. Instead this narrative report is being provided this year for your review prior to the Council meeting. City staff will summarize this report and respond to any questions at the Council meeting.

There are a number of recommended budget amendments that are included in this report as a result of changes that have taken place over the past six months. These amendments, which are shown on the attached spreadsheet, will be scheduled for action by the Council at your June 5 meeting.

General Fund

Following review of the General Fund revenues for the first six months, it appears that these revenues are being collected according to budget with no significant variances. Some of the revenue accounts such as building permits, sale of fixed assets and camping fees are currently slightly over budget. Other revenues such as police fines, firehouse recovery fees and Fort Martin Scott revenues are slightly below budget at this time. Total General Fund revenues collected through March 31 (with the elimination of property taxes which are collected early in the year) totaled \$5,011,030 which is 51.4% of Budget.

There are two new General Fund payments which we have received this year which were not budgeted. Both of these revenues will require budget amendments. This includes a \$26,062 grant for body cameras in the Police Department that we actually purchased last year. In addition, the City received a \$67,335 grant from the Texas Forest Service for purchase of a new brush truck.



The City of Fredericksburg

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In terms of General Fund expenditures, all departments are currently within budget except for the Fire Department. For example, our Administration expenses, following allocation of ½ of the budgeted transfer to the Golf Course, are currently at 48.2% of budget. Health Department expenses are at 48.1% of budget and Development Services is at 45.2% of budget.

The Fire Department staffing expenses are exceeding budget at this time due to several unanticipated events. This includes injury leaves that have taken place during the past six months involving three key personnel. We have also increased our training at the Fire Academy as a result of our recent consolidation of the Fire and EMS Departments. This has required us to exceed our overtime budget and other salary-related expenses. It is now anticipated that total personnel costs in the Fire Department will be about \$46,000 over budget. Fortunately, we have salary savings in the Emergency Management Fund to cover this overage as a result of not backfilling Dave Wisniewski's position. Therefore, we will be requesting budget amendments to transfer funds from the Emergency Management Fund. We also need a budget amendment to cover the expenses for the new brush truck that was purchased from the proceeds of the recent grant.

Several months ago, the City Council approved \$51,750 for the University Master Plan that was not budgeted. The University Center Foundation Board agreed to pay \$5,000 this year and \$5,000 next year for their contribution to this new Plan. Therefore, we will be requesting a budget amendment of \$46,750 for this Master Plan.

Finally, over the past several years, we have approved budget amendments to cover the past year's Golf Fund deficit which exceeded budget. This prevents us from building up this deficit over a number of years. Following the recent completion of our annual audit, we will need a budget amendment of \$452,200 which represents the amount over our budgeted deficit of \$198,700.

Electric Fund

The Electric Fund's revenues and expenses are all within budget at this time. Electric Fund revenues increase during the last several months of each fiscal year due to heavy use during the summer season. So it is somewhat difficult to determine whether total revenues will meet the budgeted amounts. However, we believe that we were conservative in our budget estimates and that we will meet budget this year.

A number of electric expenses are also seasonal so projections are difficult to make at mid-year. However, all major non-seasonal expense accounts such as salaries, vehicle maintenance, transformer maintenance and tree trimming are under budget at this time. In addition, we have had no major unanticipated Electric Fund expenses this year so we have no budget amendments to recommend in this Fund.

Water Fund

Many of the major revenues and expenses in the Water Fund are also seasonal in nature and are difficult to project at mid-year. However, at this time it appears that all revenues and operating expenses will be within budget at the end of the year.

There are two changes involving the Water Fund that will require budget amendments this year. First of all, we had some storm damage last year to the Goehmann Lane Pump Station. Last year the City received \$163,494 in insurance proceeds for these damages. This year we will need to budget an additional payment that we received from the insurance company for these damages (\$31,650) as well as the expenses we project to repair this Pump Station (\$215,600).

The only other budget amendment that we recommend in the Water Fund involves the purchase of a sewer vacuum/cleaner truck that exceeded budget by \$54,357.75.

Golf Fund

The total revenues generated in the Golf Fund are approximately the same as the revenues that we collected during the first six months of last year. However, you may recall that during the final budget meeting it was decided to increase the green fees budget with the hope that some of the changes being made at the Golf Course would increase the number of rounds. Last year we collected about \$589,000 in green fees and the budget for green fees this year was increased to \$817,800. So, it is likely that the green fees collected this year will be at least \$200,000 under budget. Merchandise sales revenues are also down this year.

The total expenses for the Golf Fund are within budget and we do not expect that expenses will exceed the budgeted amounts.

As mentioned above, we are recommending that we address the prior year's deficit in the Golf Fund now that the annual audit has been completed. This will avoid carrying forward a large deficit in future years. So one of the budget amendments recommended is a \$452,200 transfer from the General Fund to the Golf Fund.

EMS Fund

The EMS Fund revenues are within budget at this time and we anticipate that they will meet our budget expectations at the end of the year. In terms of expenses, these are within budget except for the costs for part-time employees. This Fund has experienced added costs for a number of sick and injured employees that will require a \$30,000 budget transfer this year.

Tourism Fund

Revenues for the Tourism Fund are exceeding budget at this time and should be slightly over budget at the end of the year. Two budget amendments will be needed to address additional expenses as a result of decisions made over the past several months. This includes the monthly allocation for the trolley system which will be \$16,000 this year (\$2,000 a month X 8 months). Also, the Council decided to approve funding for local organizations that exceeded the budgeted amounts. This will require additional funding of \$148,200 this year.



The City of Fredericksburg

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A final budget amendment that should be considered is \$27,000 for immediate replacement of the street light poles at the Visitor's Center that are deteriorating. The Council may want to fund this replacement out of the Electric Fund rather than the Tourism Fund.

Emergency Management Fund

Several budget amendments are recommended in this Fund in order to transfer funding to the Fire Department to cover their increased personnel costs.

Capital Projects Funds

Most of the revenues and expenses for two new capital projects were not included in the 2017 budget that will require budget amendments. For example, last year we funded the tax limited notes for the Animal Shelter project. But we did not include revenues for interest and the sizeable donation that we received for this project this year. Also, expenses for some of the architectural services and construction of the Shelter were not included in any capital projects fund and should be added to the budget.

The other capital project involves the purchase of the Bill Ham property which was not anticipated when we developed the 2017 City Budget. So budget amendments will be required to cover both the revenues from the Certificates of Obligation and all related expenses for purchasing this land.

Police Clerk Position

The Police Department has a part-time Clerk position that they would like to change to a full-time position. They have sufficient funds in their budget to cover these costs but do not have the authority to add this position without Council approval. Currently Police Officers are spending a lot of their time preparing reports and this change would allow them to spend more time in their normal patrol duties.



The City of Fredericksburg

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FY 2017 Mid-Year Proposed Budget Amendments - May 15, 2017 Council Meeting

G/L Account	Description	2017 Budget	2017 Proposed	Amendment	Notes
General Fund Revenues					
01-00-4252-00	Grant - OOG - Body Cams FY 2017	-	26,062.00	26,062.00	Police Dept received Grant for Body Cams
01-00-4365-00	Miscellaneous Fire Dept Revenues	100.00	67,435.00	67,335.00	City paid for truck - Fbg Volunteer Fire Dept Reimbursed City
General Fund Revenues		100.00	93,497.00	93,397.00	
Administration Expenditures					
NEW	Hill Country University Center Master Plan Update	-	46,750.00	46,750.00	Council Approved at February Council Meeting - Total Cost \$51,750 less \$5,000
01-20-6004-00	T-fer to Golf - (prior Deficit)	-	452,200.00	452,200.00	Prior year FY 2016 deficit
Administration Expenditures		-	498,950.00	498,950.00	
Fire Department Expenditures					
01-23-1030-00	Regular Wages - Full Time Emp	336,041.00	368,041.00	32,000.00	Tfer \$32,000 of Dave Wisniewski's wages & benefits budgeted in Emergency Mgt to Fire Dept
01-23-1060-00	Longevity	1,500.00	1,736.00	236.00	Tfer \$32,000 of Dave Wisniewski's wages & benefits budgeted in Emergency Mgt to Fire Dept
01-23-2020-00	Social Security	28,805.00	31,271.00	2,466.00	Tfer \$32,000 of Dave Wisniewski's wages & benefits budgeted in Emergency Mgt to Fire Dept
01-23-2030-00	Retirement - TMRS	33,545.00	36,665.00	3,120.00	Tfer \$32,000 of Dave Wisniewski's wages & benefits budgeted in Emergency Mgt to Fire Dept
01-23-2060-00	Health Insurance	48,786.00	56,910.00	8,124.00	Tfer \$32,000 of Dave Wisniewski's wages & benefits budgeted in Emergency Mgt to Fire Dept
01-23-5396-00	Brush Truck - 2016	-	67,335.00	67,335.00	City paid for truck - Fbg Volunteer Fire Dept Reimbursed City
Fire Expenditures		448,677.00	561,958.00	113,281.00	
General Fund Revenue Total		100.00	93,497.00	93,397.00	
General Fund Expenditure Total		448,677.00	1,060,908.00	612,231.00	
General Fund Net Amount		(448,577.00)	(967,411.00)	(518,834.00)	
Water Fund Revenues					
03-00-4182-00	Insurance Proceeds	-	31,650.00	31,650.00	Estimate from TML for insurance proceeds - Goehmann Ln Pump Station
Water Fund Revenues		-	31,650.00	31,650.00	
Water Fund Expenditures					
03-21-5315-00	Sewer Vacuum / Cleaner Truck	-	54,357.75	54,357.75	Lease Purchase budgeted in Fund 40 - Actual expense exceeded Lease Proceeds
03-21-5389-00	Goehmann Ln Pump Station Rebuild	-	215,610.00	215,610.00	Goehmann Ln Pump Station Rebuild
Water Fund Expenditures		-	269,967.75	269,967.75	
Water Department Revenues		-	31,650.00	31,650.00	
Water Department Expenditures		-	269,967.75	269,967.75	
Water Department Net Amount		-	(238,317.75)	(238,317.75)	
Golf Fund Revenues					
04-00-4161-00	Transfer from General Fund	200,000.00	652,200.00	452,200.00	Prior Year Deficit \$452,200 FY 2016
Golf Fund Revenues		200,000.00	652,200.00	452,200.00	
EMS Expenditures					
06-21-1050-00	Regular Wages - Part-Time Employee	70,000.00	100,000.00	30,000.00	Increase due to full-time employees out for illness - shifts covered by part-time
EMS Expenditures		70,000.00	100,000.00	30,000.00	
Hotel Tourism Fund Expenditures					
NEW	CVB Street Light Poles	-	27,000.00	27,000.00	Replace Street Light Poles at CVB
07-21-3260-00	Hotel Tax Distributions	450,000.00	614,200.00	164,200.00	Council approved \$2,000/month to help fund Trolley Service beginning Feb 2017 & Additional \$148,200 Hotel Tax Distributions awarded for 2017 that will be paid in this Fiscal Year
Hotel Tourism Fund Expenditures		450,000.00	641,200.00	191,200.00	
Emergency Management Expenditures					
14-21-1030-00	Regular Wages - Full Time Emp	90,300.00	58,300.00	(32,000.00)	Tfer \$32,000 of Dave Wisniewski's wages & benefits budgeted in Emergency Mgt to Fire Dept
14-21-1060-00	Longevity	500.00	264.00	(236.00)	Tfer \$32,000 of Dave Wisniewski's wages & benefits budgeted in Emergency Mgt to Fire Dept
14-21-2020-00	Social Security	7,023.00	4,557.00	(2,466.00)	Tfer \$32,000 of Dave Wisniewski's wages & benefits budgeted in Emergency Mgt to Fire Dept
14-21-2030-00	Retirement - TMRS	8,886.00	5,766.00	(3,120.00)	Tfer \$32,000 of Dave Wisniewski's wages & benefits budgeted in Emergency Mgt to Fire Dept
14-21-2060-00	Health Insurance	9,000.00	876.00	(8,124.00)	Tfer \$32,000 of Dave Wisniewski's wages & benefits budgeted in Emergency Mgt to Fire Dept
Emergency Management Expenditures		115,709.00	69,763.00	(45,946.00)	

Capital Project - Animal Shelter Revenues					
27-00-4150-00	Interest Income	-	500.00	500.00	Interest Income
27-00-4230-00	Animal Shelter Donations	-	700,000.00	700,000.00	Animal Shelter Donation
Capital Project - Animal Shelter Revenues					
Capital Project - Animal Shelter Expenditures					
27-22-5280-00	Architect Fees	-	58,200.00	58,200.00	FY 2016 estimated expenditures
27-22-5281-00	Construction Expenses	-	1,875,800.00	1,875,800.00	FY 2016 estimated expenditures
Capital Project - Animal Shelter Expenditures					
Capital Project - Animal Shelter Revenues					
Capital Project - Animal Shelter Expenditures					
Capital Project - Animal Shelter Net Amount					
Debt Service Fund - 2017 Tax Limited CO's - Park - Sports Park Land Purchase - Revenues					
15-00-4601-00	Transfer in from Capital Projects Fund 28	-	2,461.00	2,461.00	2017 Tax & Limited Pledge Revenue CO's - Purchase of Ham Property for Sports Park
Debt Service Fund - 2017 Tax Limited CO's - Park - Sports Park Land Purchase - Revenues					
Capital Project - 2017 Tax Limited CO's - Park - Sports Park Land Purchase - Revenues					
28-00-4555-00	Proceeds - 2017 Tax & Limited Pledge Revenue CO's	-	3,530,000.00	3,530,000.00	Bond Proceeds - 2017 Tax & Limited Pledge Revenue CO's - Purchase of Ham Property
28-00-4590-00	Premium - 2017 Tax & Limited Pledge Revenue CO's	-	122,463.00	122,463.00	Premium - 2017 Tax & Limited Pledge Revenue CO's - Purchase of Ham Property
Capital Project - 2017 Tax Limited CO's - Park - Sports Park Land Purchase - Revenues					
Capital Project - 2017 Tax Limited CO's - Park - Sports Park Land Purchase - Expenditures					
28-25-3255-00	Bond Issuance Costs	-	100,002.00	100,002.00	Bond Issuance Costs
28-25-4610-00	Transfer out to Debt Service Fund 15	-	2,461.00	2,461.00	2017 Tax & Limited Pledge Revenue CO's - Purchase of Ham Property for Sports Park
28-25-5531-00	Land Purchase - Ham Property	-	3,414,786.16	3,414,786.16	Purchase of Ham Property
Capital Project - 2017 Tax Limited CO's - Park - Sports Park Land Purchase - Expenditures					
Capital Project - 2017 Tax Lmt'd CO's - Park - Land Purchase - Revenues					
Capital Project - 2017 Tax Lmt'd CO's - Park - Land Purchase - Expenditures					
Capital Project - 2017 Tax Lmt'd CO's - Park - Land Purchase - Net Amount					
Total Revenues		200,100.00	5,132,771.00	4,932,671.00	
Total Expenditures		1,084,386.00	7,593,087.91	6,508,701.91	
Total Net Amount		(884,286.00)	(2,460,316.91)	(1,576,030.91)	



CITY COUNCIL MEMO

DATE: May 9, 2017

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: Sale of Property to Gillespie County

Summary:

Gillespie County has expressed an interest in purchasing about 10 acres of the Bill Ham property from the City for future expansion of the Airport.

Recommendation:

It is recommended that the City Council approve a final offer to the County for the sales price as well as terms and conditions for the City's sale of about 10 acres of property adjacent to Oakcrest Park.

Background / Analysis:

The City recently acquired 52.23 acres adjacent to our Oakcrest Park for development of the Oakcrest Sports Park. The County has determined that they have a critical need to purchase about 10 acres of this property for the future expansion of the Airport. Since the future development of the Airport is an important community need, we should work with the County in an effort to try and sell them this property according to our terms and conditions. Please keep in mind that we have a tight time schedule for our parks project if we are going to have final improvements and cost estimates ready to present to local voters in November. Therefore, I suggest that we make the County a final offer and not get engaged in any extended negotiations with them for this property,

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The City of Fredericksburg

The attached offer was prepared by the City Attorney following the recent direction provided by the City Council during an executive session. This offer was presented to the County Commissioners last Monday and they expressed several concerns including the following:

1. The \$1,000 reimbursement cost for the redraft of the ballfield layout should not be included in the costs since they had previously identified their interest in acquiring the 10 acres.
2. The pro rata costs for the expenses for issuance of certificates of obligation should not be charged since the County does not need debt financing for their purchase of the 10 acres.
3. The reversion clause should be eliminated as it will be difficult to get grant funding for future improvements on the site without a fee simple title to the property.
4. Closing on the property should be completed by October, 2017.

The attachment shows the property that the County wants to acquire and how the sale of this property will impact the future development of the Oakcrest Sports Park.

While discussion of this proposed sale can take place in open meeting, an executive session has been included on the agenda in case you want to adjourn into a closed meeting.

Attachments:


Department Approval


City Manager Approval

(65)

The City of Fredericksburg

The Hon Mark Stroehrer
County Judge Gillespie County, Texas
Gillespie County Courthouse
101 West Main Street
Fredericksburg, Texas 78624

May 5, 2017

Dear Mark:

This letter agreement is intended to set forth the terms pursuant to which the City offers to sell the County approximately 10 acres more or less off the southwest part of the 52.23 acres it recently acquired from the Ham Estate. A sketch of the property that the City will sell is attached to this letter. If the basic terms are acceptable to you and the County Commissioners, please accept by executing a copy of this letter and returning it to us. This letter will serve as the contract of sale and purchase upon its execution by the County.

The outline of the proposed transaction whereby the City will sell the 10 acres, more or less, to the County the above described real estate is as follows:

1. Property: The City will survey the property, and the County will reimburse the survey fee to the City upon presentation of the surveyor's invoice prior to closing.
2. Purchase Price: The purchase price shall be \$ 674,433.37, which is comprised of the following: \$ 653,400.00 which represents the per acre price that the City paid for the property, \$1000.00 reimbursement for the re-draft of the ballfield layout without the 10 acres, \$ 478.65 pro-rata cost of the appraisal based on acreage, \$ 363.00 pro-rata cost of the Phase I environmental survey based on acreage, and \$19,146.54 pro-rata cost of the costs to issue certificates of obligation for the purchase of the property, and \$45.18 pro-rata closing costs based on acreage.
3. Terms of Payment: Cash at closing.
4. Terms of Conveyance:
 - A. The deed of the property to the County will contain a condition that the land

conveyed will be used and the use maintained by the County for the benefit of the Gillespie County Airport, specifically for the construction of airplane hangars and related structures, that being a purpose that benefits the public interest of the City, and that the title and right to possession of the land will revert to the City if the County ceases to use the land in carrying out said public purpose. (272.001, Local Government Code.)

B. That the deed of the Property to the County will contain a covenant that the County's use of said property will not impede the use of the City's remaining property (42.23 acres more or less) as a recreational facility complete with lighting, scoreboards, fencing and any other improvements as desired by the City nor will such use impose any restrictions other than as currently applicable by reason of its current proximity to an airport, nor will the County or any other person or entity erect lights which will interfere with good vision by ballfield users.

C. The property will be sold as is.

D. Earnest Money: None.

5. Closing costs: All closing costs are to be paid by the County excepting preparation of the deed.

6. Inspection/Feasibility before closing:

The City will cooperate with the County to permit access to the property for inspection. Such access shall be at reasonable times and shall not be invasive without the City's prior consent. The City agrees to provide a copy of the environmental survey to the County, provided that the City is not liable for anything contained or not contained therein, and that the County uses the information contained therein at its own risk.

7. Closing. The County shall not be obligated to close this transaction until September 1, 2017, and shall have 60 days thereafter to do so, or the City will not be obligated

to sell to the County, and all obligations of this agreement will be null and void.

The foregoing constitutes binding obligation between the parties, however, in the event that the funds for the purchase of the same are not included in the County's 2017-2018 fiscal year budget, this agreement will terminate upon passage of said budget without the allocation of purchase money funds.

Please sign a counterpart of this Letter of Agreement in the space provided and return to Kent Myers, 126 West Main Street, Fredericksburg, Texas 78624. This proposal shall expire if not accepted on or before 5 pm June 15, 2017.

Sincerely,

Kent Myers,
City Manager, City of Fredericksburg

Date: _____, 2017

Acknowledged and Agreed:

Gillespie County, Texas

By: _____

Mark Stroeher,
County Judge



CITY COUNCIL MEMO

DATE: May 9, 2017

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: July City Council Meeting

Summary:

The City Council should discuss whether or not you want to have the City Council meeting on Monday, July 3 (day before the July 4th holiday) or schedule this meeting for Wednesday, July 5.

Recommendation:

It is recommended that you direct staff whether or not you want the City Council meeting on the normal 1st Monday in July 3.


Department Approval


City Manager Approval