

**CITY OF FREDERICKSBURG
CITY COUNCIL MEETING**

MONDAY, August 21, 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

CALL TO ORDER

Page Ref

PLEDGE OF ALLEGIANCE

1. EMPLOYEE RECOGNITIONS

- 2. MINUTES** - Approve minutes of July 2017 Meetings 1-8

3. PUBLIC HEARINGS -

- A. PUBLIC HEARING - 2018 City Budget 9-10
B. PUBLIC HEARING - Z-1706 Conditional Use Permit to Allow Drive-thru's for Two Drive 11-17
in/Fast Food Restaurants at 1455 E. Main St (Taco Bell/Starbucks)
C. PUBLIC HEARING - Z-1708 Conditional Use Permit to Allow a Bed & Breakfast Unit on 18-24
the Ground Floor in the CBD at 341 E. Main St.

4. ORDINANCES - RESOLUTIONS- ACTION ITEMS

- A. Receive Recommendation and Consider Z-1706
B. Receive Recommendation and Consider Z-1708
C. Consider Designation as Historic Landmark and the Preservation Priority Rating of the 25-38
Property at 1293 US 87 (Klinghoffer House)

5. INDIVIDUAL ITEMS FOR CONSIDERATION AND POSSIBLE ACTION

- A. Discussion on Additional Changes to Proposed 2018 City Budget 39-40
B. Receive and Accept 2017 Effective and Rollback Tax Rate Calculation 41-56
C. Discuss Property Tax Rate, Take Record Vote on Proposed Tax Rate, and Schedule 57-58
Special Public Hearings, if necessary
D. Consider Armory Well Conveyance 59-61

6. CITY MANAGERS REPORT

- A. Community Visioning Process
B. Short-Term Rentals
C. Attainable Housing
D. Special Legislative Session
E. Parks Bond Election
F. Golf Course Lease

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

ADJOURN

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

REGULAR CITY COUNCIL MEETING
JULY 5, 2017
6:00 PM

On this the 5th day of July, 2017, the City Council of the CITY OF FREDERICKSBURG convened in regular session at the Law Enforcement Center, with the following members present to constitute a quorum:

LINDA LANGERHANS - MAYOR
BOBBY WATSON - COUNCIL MEMBER
GARY NEFFENDORF - COUNCIL MEMBER
CHARLIE KIEHNE - COUNCIL MEMBER
JERRY LUCKENBACH - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
SHELLEY BRITTON - CITY SECRETARY
PAT MCGOWAN - CITY ATTORNEY
CLINTON BAILEY - A.C.M./D.P.W.U.
BRIAN JORDAN - DIR OF DEVELOPMENT SERVICES
RUSSELL IMMEL - IT MANAGER
LAURA HOLLENBEAK - DIR OF FINANCE

The meeting was called to order at 6:00 PM following the Pledge of Allegiance.

EMPLOYEE RECOGNITIONS – The City Manager recognized Police Officer Chris Ayala.

MINUTES – It was moved by Council Member Watson, seconded by Council Member Neffendorf, to approve the minutes of the May 2017 minutes as presented. All voted in favor and the motion carried.

PUBLIC HEARING – 2018 BUDGET – It was moved by Council Member Luckenbach, seconded by Council Member Kiehne, to recess the regular session and open the public hearing on the 2018 Budget. All voted in favor and the motion carried.

Comments were received from Mo Saiide concerning curb side recycling.

With no other comments, it was moved by Council Member Luckenbach, seconded by Council Member Watson, to close the public hearing and reconvene the regular session. All voted in favor and the motion carried.

HISTORIC PRESERVATION ORDINANCE – Anna Hudson, Historic Preservation Officer, presented the revisions to the Historic Preservation Ordinance. It was moved by Council Member Watson, seconded by Council Member Luckenbach, to waive the second reading and approve the

revisions to the Historic Preservation Ordinance as presented and corrected. The vote was as follows: AYE: Langerhans, Neffendorf, Watson, Kiehne, and Luckenbach; NYA: None. Motion carried.

ORDINANCE NO. 27-007

AN ORDINANCE AMENDING AND RESTATING THE HISTORIC PRESERVATION ORDINANCE OF THE CITY OF FREDERICKSBURG TO ADD THE POSITION OF HISTORIC PRESERVATION OFFICER; TO REMOVE CERTIFICATES OF REVIEW, TO BETTER DEFINE THE RESOURCES OF THE CITY WHICH ARE SUBJECT TO REVIEW. TO AMEND THE GENERAL DEFINITIONS, TO ESTABLISH A PROCEDURE FOR ORDINARY REPAIR AND MAINTENANCE, TO CLARIFY THE ROLES OF THE CITY COUNCIL, THE HISTORIC REVIEW BOARD AND THE BOARD OF ADJUSTMENT, TO AMEND THE PROVISIONS REGARDING DEMOLITION, REMOVAL AND RELOCATION OF HISTORIC RESOURCES, TO AMEND THE APPEAL PROCESS PROVIDE FRO APPLICATION FEES, PROVIDE FOR ENFORCEMENT, SEVERABILITY, REPEAL OF INCONSISTENT PROVISIONS, AND AN EFFECTIVE DATE.

PRESENTATION – 5 YEAR CAPITAL IMPROVEMENTS PLAN (CIP) – This item will be on the next regular council agenda.

PRESENTATION – TENNIS ASSOCIATION - The Fredericksburg Tennis Association made a presentation on their long term plans; no action was taken.

REVISED PLANS FOR OAKCREST SPORTS PARK – Parks consultant Dennis Sims was on hand to present phasing options for the proposed sports park.

FEE WAIVERS FOR AFFORDABLE HOUSING – Council discussed a proposed ordinance for the waiver of certain fees pertaining to incentives for providing affordable housing; no action was taken.

ENGAGEMENT LETTER AND REIMBURSEMENT AGREEMENT FOR LEGAL SERVICES RELATED TO HOTEL/CONFERENCE CENTER PROJECT – It was moved by Council Member Watson, seconded by Council Member Kiehne, to approve an Engagement Letter and Reimbursement Agreement for Legal Services related to Hotel/Conference Center Projects to Denton, Navarro, Rocha, Vernal, Hyde & Zech PC at a maximum fee of \$20,000. The vote was as follows: AYE: Langerhans, Neffendorf, Watson, Kiehne, and Luckenbach; NYA: None. Motion carried.

APPROVE CONTRACT FOR PUMP STATION – It was moved by Council Member Luckenbach, seconded by Council Member Watson, to award the MLSS Pump Station Rehabilitation construction contract to Payton Construction Inc in the about of \$936,120.00. The vote was as follows: AYE: Langerhans, Neffendorf, Watson, Kiehne, and Luckenbach; NYA: None. Motion carried.

CITY MANAGER’S REPORT - City Manager’s Report included (1) Update on 2018 City Budget, (2) Update on Community Visioning Process, (3) July 6th Special Council Meeting, (4) July 10th Special Council Meeting, (5) July 11th Special Council Meeting, (6) July 26th Special council Meeting.

PUBLIC COMMENTS – Russ Rose commented on modular homes; Mo Saïde commented on trash clean up.

COUNCIL COMMENTS – No comments.

With no further discussion, Council Member Neffendorf made a motion to adjourn the meeting at 8:20 PM. Council Member Watson seconded the motion. Motion carried.

PASSED AND APPROVED this the 21st day of August, 2017.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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**STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG**

**SPECIAL CITY COUNCIL MEETING
JULY 6, 2017
10:00 AM**

On this the 6th day of July, the City Council of the CITY OF FREDERICKSBURG convened in special session at Hill Country University Center, with the following members present to constitute a quorum:

LINDA LANGERHANS - MAYOR
JERRY LUCKENBACH - COUNCIL MEMBER
BOBBY WATSON - COUNCIL MEMBER
CHARLIE KIEHNE - COUNCIL MEMBER

ABSENT: GARY NEFFENDORF - COUNCIL MEMBER

ALSO PRESENT: KENT MYERS - CITY MANAGER
BRIAN JORDAN – DIR DEVELOPMENT SERVICES
DANIEL JONES – CITY ATTORNEY

UPDATE ON HILL COUNTRY UNIVERSITY CENTER MASTER PLAN – Council met with key stake holder groups to discuss conceptual plans for the university center campus. No action was taken.

With no further discussion, Council Member Watson made a motion to adjourn the meeting at 11:25 AM. Council Member Kiehne seconded the motion. Motion carried.

PASSED AND APPROVED this the 21st day of August, 2017.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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**STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG**

**SPECIAL CITY COUNCIL MEETING
JULY 10, 2017
10:00 AM**

On this the 10th day of July, the City Council of the CITY OF FREDERICKSBURG convened in special session at the Fire Station Meeting Room, with the following members present to constitute a quorum:

LINDA LANGERHANS - MAYOR
GARY NEFFENDORF - COUNCIL MEMBER
JERRY LUCKENBACH - COUNCIL MEMBER
BOBBY WATSON - COUNCIL MEMBER
CHARLIE KIEHNE - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
CLINTON BAILEY – ACM/DPWU
DANIEL JONES – CITY ATTORNEY

DISCUSSION OF LOCAL AND STATE ISSUES WITH REPRESENTATIVE KYLE BIEDERMANN– Council met with Rep Kyle Biedermann for a discussion of local and state issues, including: Revenue Caps, Annexation, Short-Term Rentals, and city Infrastructure and City Priorities. No action was taken.

With no further discussion, Council Member Watson made a motion to adjourn the meeting at 11:45 AM. Council Member Neffendorf seconded the motion. Motion carried.

PASSED AND APPROVED this the 21st day of August, 2017.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

SPECIAL CITY COUNCIL MEETING
JULY 11, 2017
4:00 PM

On this the 11th day of July, the City Council of the CITY OF FREDERICKSBURG convened in special session at the Law Enforcement Center, with the following members present to constitute a quorum:

LINDA LANGERHANS - MAYOR
GARY NEFFENDORF - COUNCIL MEMBER
JERRY LUCKENBACH - COUNCIL MEMBER
BOBBY WATSON - COUNCIL MEMBER
CHARLIE KIEHNE - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
CLINTON BAILEY – ACM/DPWU
DANIEL JONES – CITY ATTORNEY

INSTITUTION OF ANNEXATION PROCEEDINGS OF FRIEDEN DEVELOPMENT

– It was moved by Council Member Watson, seconded by Council Member Neffendorf, to institute annexation proceedings of Frieden Development as presented. All voted in favor and the motion carried.

2018 BUDGET WORKSHOP – GENERAL FUND – Council conducted a budget workshop on the 2018 General Fund. No action was taken.

With no further discussion, Council Member Watson made a motion to adjourn the meeting at 5:35 PM. Council Member Neffendorf seconded the motion. Motion carried.

PASSED AND APPROVED this the 21st day of August, 2017.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

REGULAR CITY COUNCIL MEETING
JULY 17, 2017
6:00 PM

On this the 17th day of July, 2017, the City Council of the CITY OF FREDERICKSBURG convened in regular session at the Law Enforcement Center, with the following members present to constitute a quorum:

LINDA LANGERHANS - MAYOR
GARY NEFFENDORF - COUNCIL MEMBER
CHARLIE KIEHNE - COUNCIL MEMBER
JERRY LUCKENBACH - COUNCIL MEMBER

ABSENT: BOBBY WATSON - COUNCIL MEMBER

ALSO PRESENT: KENT MYERS - CITY MANAGER
CLINTON BAILEY – ACM/D.P.W.U.
SHELLEY BRITTON - CITY SECRETARY
DANIEL JONES - CITY ATTORNEY
BRIAN JORDAN – DIR OF DEVELOPMENT SERVICES
RUSSELL IMMEL – IT MANAGER
STEVE WETZ – POLICE CHIEF
KRIS KNEESE – ASST. D P W U
GARRET BONN – CITY ENGINEER

The meeting was called to order at 6:00 PM., followed by the Pledge of Allegiance.

EMPLOYEE RECOGNITIONS – The City Manager recognized winners of annual city awards, including Miguel Contraras (Johnny Hustle Award), David Jung (Paul Oestreich Supervisor of the Year), Garret Bonn (Customer Service), and Danny Kneese (Employee of the Year).

MINUTES – It was moved by council Member Kiehne, seconded by Council Member Luckenbach, to approve the minutes of the June 2017 meetings as presented and corrected. All voted in favor and the motion carried.

PROCLAMATION – Mayor Langerhans read a proclamation in honor of Texas Ranger Day, August 5, 2017.

FINAL REPORT ON PHASE 1 OF THE DOWNTOWN PARKING STUDY – Barry Goodman of the Goodman Corporation presented the final Downtown Parking Study – Phase 1 Report.

5-YEAR CAPITAL IMPROVEMENTS PLAN (CIP) – Clinton Bailey, Kris Kneese, and Garret Bonn, along with the various department heads, presented the 5-Year Capital Improvements Plan (CIP).

CITY MANAGER’S REPORT – City Manager Kent Myers reported on (1) Community-wide Visioning Process, (2) Special City Council Meetings, (3) Special Legislative Session, and (4) Parks Bond Project.

PUBLIC COMMENTS – None.

COUNCIL COMMENTS – None.

EXECUTIVE SESSION - It was moved by Council Member Luckenbach, seconded by Council Member Kiehne, to recess the regular session and go into Executive Session at 8:45 PM. All voted in favor and the motion carried. At 9:08 PM, it was moved by Council Member Luckenbach, seconded by Council Member Kiehne, to adjourn the Executive Session and reconvene the regular session. All voted in favor and the motion carried.

Following Executive Session, the following action was taken:

PENDING LITIGATION UPDATE – Council received an update on pending litigation from Pat McGowan; no action was taken.

With no further discussion, Council Member Neffendorf made a motion to adjourn the meeting at 9:08 PM. Council Member Luckenbach seconded the motion. Motion carried.

PASSED AND APPROVED this the 21st day of August, 2017.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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**STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG**

**SPECIAL CITY COUNCIL MEETING
JULY 24, 2017
4:00 PM**

On this the 24th day of July, the City Council of the CITY OF FREDERICKSBURG convened in special session at City Hall, with the following members present to constitute a quorum:

LINDA LANGERHANS - MAYOR
GARY NEFFENDORF - COUNCIL MEMBER
JERRY LUCKENBACH - COUNCIL MEMBER
BOBBY WATSON - COUNCIL MEMBER
CHARLIE KIEHNE - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
PAT McGOWAN – CITY ATTORNEY

2018 BUDGET WORKSHOP – Council held a budget workshop, no action was taken.

With no further discussion, Council Member Watson made a motion to adjourn the meeting at 5:10 PM. Council Member Neffendorf seconded the motion. Motion carried.

PASSED AND APPROVED this the 21st day of August, 2017.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR



CITY COUNCIL MEMO

DATE: August 16, 2017
TO: Mayor and City Council
FROM: Kent Myers, City Manager
SUBJECT: Public Hearing on 2018 City Budget

Summary:

A public hearing on the proposed FY 2018 City Budget is scheduled at next Monday's City Council meeting in order to get citizen input and in compliance with State law.

Recommendation:

It is recommended that the City Council conduct the public hearing and note the citizen comments at this hearing for possible changes to the proposed Budget prior to adoption next month.

Background / Analysis:

State law requires the City Council to conduct a public hearing on the annual budget prior to adoption. This hearing has been advertised in the local paper.

Attachments:

Proposed 2018 City Budget

⑨

The City of Fredericksburg


Department Approval


City Manager Approval



The City of Fredericksburg

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



CITY COUNCIL MEMO

DATE: August 16, 2017

TO: Mayor and City Council

FROM: Brian Jordan, AICP

SUBJECT: Conditional Use Permit for drive-through's associated with two drive in-fast food restaurants (Taco Bell and Starbucks) at 1455 E. Main Street (Z-1706).

Summary:

The property contains approximately 1.9 acres and is located between the LaQuinta Hotel and the Walmart parking lot (see attached aerial map). The applicant is proposing 2 drive in/fast food restaurants, both with drive through lanes. The property will be divided into two lots. The properties will share one detention pond and joint access driveway. There is a center turn lane in Main Street adjacent to this property. The site contains considerable slope from west to east, and will require significant grading and retaining walls. The surrounding zoning is C-2 Commercial to the south and PUD to the west and north. Utilities are available on or adjacent to the site. Surrounding land uses include the Walmart parking lot to the west and north, the reclamation plant to the east and the LaQuinta hotel to the south.

Recommendation:

The Planning and Zoning Commission voted unanimously in favor of recommending approval of the Conditional Use Permit, with conditions as stated in the staff brief.

No letters have been received in support or opposition of the request.



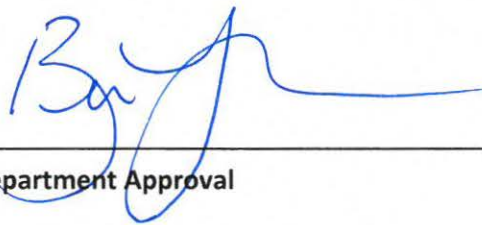
The City of Fredericksburg

Background / Analysis:

See attached Conditional Use Permit Brief for request Z-1706.

Attachments:

Conditional Use Permit Brief, Site Plan, Aerial Map.



Department Approval



City Manager Approval

CONDITIONAL USE PERMIT BRIEF

Request Z-1706

Applicant/Owner: Jen Henderson with Hagood Engineering Associates on behalf of Tacala

Location: 1455 E. Main Street

Existing Zoning: M2, Medium Manufacturing District

Request: Conditional Use Permit for drive - through's associated with two drive in-fast food restaurants (Taco Bell and Starbucks).

Site Plan Overview:

- The property contains approximately 1.9 acres and is located between the LaQuinta Hotel and the Walmart parking lot (see attached aerial map).
- The applicant is proposing 2 drive in/fast food restaurants, both with drive through lanes.
- The property will be divided into two lots.
- The properties will share one detention pond and joint access driveway. There is a center turn lane in Main Street adjacent to this property.
- The site contains considerable slope from west to east, and will require significant grading and retaining walls.
- The surrounding zoning is C-2 Commercial to the south and PUD to the west and north.
- Utilities are available on or adjacent to the site.
- Surrounding land uses include the Walmart parking lot to the west and north, the reclamation plant to the east and the LaQuinta hotel to the south.

Review and Evaluation Criteria:

A. CONFORMANCE WITH APPLICABLE REGULATIONS:

- The site complies with applicable zoning regulations.

B. COMPATIBILITY WITH EXISTING OR PERMITTED USES IN ABUTTING SITES:

- We anticipate the proposed uses to be compatible with surrounding uses.

C. POTENTIALLY UNFAVORABLE EFFECTS OR IMPACTS ON OTHER EXISTING OR PERMITTED USES ON ABUTTING PROPERTY:

- We do not expect the proposed use to have a negative affect on adjacent properties.

D. MODIFICATIONS TO THE SITE PLAN WHICH WOULD RESULT IN INCREASED COMPATIBILITY AND WOULD MITIGATE POTENTIALLY UNFAVORABLE IMPACTS:

- Given the constraints of the site, it was suggested by staff early in the process that cross access onto one of the adjoining properties be considered, and that buildings be repositioned to avoid on-site utilities. The applicant has been unable to secure cross

access, but has made significant changes to the layout originally submitted to avoid conflicts with existing utilities on site.

E. SAFETY AND CONVENIENCE OF VEHICULAR AND PEDESTRIAN CIRCULATION IN THE VICINITY:

- The site will be served by a single drive to be shared between the two uses. The drive will be configured with two exiting lanes and a single ingress lane. There is a center turn lane in E. Main Street that will serve this property. The fact that Taco Bell and Starbucks have different peak traffic times helps tremendously with regard to site configuration (see the attached letters explaining peak use times).
- A sidewalk is required adjacent to this property along E. Main Street. The sidewalk is shown in the TxDOT ROW. TxDOT approval will be required including verification that future construction of sidewalk does not adversely impact stormwater conveyance within TxDOT ROW. Additionally, it is unclear if TxDOT will allow a connection to the existing concrete flatwork to the south along US 290E since in previous discussions, they have indicated they do not consider the improvements a sidewalk.

F. PROTECTION OF PERSONS AND PROPERTY FROM EROSION, FLOOD OR WATER DAMAGE, FIRE, NOISE, GLARE:

- We do not anticipate these items being a concern for this project. Adequate fire protection is provided.

G. LOCATION OF LIGHTING AND TYPE OF SIGNS; THE RELATION OF SIGNS TO TRAFFIC CONTROL AND ADVERSE EFFECTS OF SIGNS ON ADJACENT PROPERTIES:

- The applicant intends to use LED lighting and has stated that external lighting will be ordinance compliant. Signs will be subject to the existing sign ordinance. An example of the Taco Bell sign is attached.

H. ADEQUACY AND CONVENIENCE OF OFF STREET PARKING AND LOADING FACILITIES:

- There are 31 parking spaces provided on the Taco Bell site and 25 spaces on the Starbucks site. Therefore, adequate parking is being provided. In addition to parking, each site appears to contain adequate stacking for vehicles in the drive-through lanes.

I. DETERMINATION THAT THE PROPOSED USE IS IN ACCORDANCE WITH THE OBJECTIVES OF THESE ZONING REGULATIONS AND PURPOSES OF THE ZONE IN WHICH THE SITE IS LOCATED:

- We believe the proposed uses comply with the objectives of the subject and surrounding zoning.

J. DETERMINATION THAT THE PROPOSED USE WILL COMPLY WITH EACH OF THE APPLICABLE PROVISIONS OF THE ZONING ORDINANCE:

- Affirmative.

K. DETERMINATION THAT THE PROPOSED USE AND SITE DEVELOPMENT, TOGETHER WITH ANY MODIFICATIONS APPLICABLE, THERETO, WILL BE COMPATIBLE WITH EXISTING OR PERMITTED USES IN THE VICINITY:

- Affirmative.

L. DETERMINATION THAT ANY CONDITIONS APPLICABLE TO APPROVAL ARE THE MINIMUM NECESSARY TO MINIMIZE POTENTIALLY UNFAVORABLE IMPACTS ON NEARBY USES AND TO ENSURE COMPATIBILITY OF THE PROPOSED USE WITH EXISTING OR PERMITTED USES IN THE SAME DISTRICT AND THE SURROUNDING AREA:

- Approval of the Conditional Use Permit should be conditioned upon final approval of the Construction Plans. Engineering has concerns about the height and location of the proposed retaining wall adjacent to Walmart and wants to ensure that their issues are addressed as part of the Civil Construction Plans.

M. DETERMINATION THAT THE PROPOSED USE TOGETHER WITH THE CONDITIONS APPLICABLE THERETO, WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, OR WELFARE OR MATERALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY:

- Affirmative

DESIGN GUIDELINES FOR THE ENTRY CORRIDORS: The applicant has submitted the requisite plans for consideration of compliance with the Entry Corridor Design Guidelines. The location of this property along E. Main Street requires compliance with the adopted entry corridor design standards. The Planning and Zoning Commission has been given the responsibility of reviewing the applicant's proposal of addressing each of the applicable design items. These include architectural style, materials, colors and features, massing and scale, signage, building height, setbacks and frontage, landscaping, lighting, service areas, parking and access and drainage and storm water. The applicant has provided a response to each of these items. Staff has reviewed the plans and supports the design elements for Taco Bell. Starbucks will submit their plans prior to construction.

OPPOSITION/SUPPORT OF REQUEST: None to date.

PLANNING AND ZONING COMMISSION RECOMMENDATION: The Commission voted unanimously to recommend approval of the Conditional Use Permit, conditioned upon the following:

1. Approval of the Civil Construction Plans prior to issuance of a building permit.
2. Approval by TxDOT of the driveway, utility improvements, drainage, and sidewalks within their right-of-way prior to issuance of a building permit.
3. Approval of a Landscape Plan prior to issuance of a building permit.

STAFF RECOMMENDATION: Staff concurs with the Commission's recommendation of approval.





100% E. Main Street
Fredericksburg, TX 78624
Phone: (512) 244-1546
Fax: (512) 244-1550
www.hagood.com
TSS Registration No. 1-12778



Jennifer L. Henderson
Professional Engineer
State of Texas
No. 116863
Exp. 12/31/2018

JLR:ND:11/15/18:2:2018 H.A. Inc.
DATE SIGNED: 11/15/18
EXPIRATION: 12/31/18

OWNER INFO:
TACALA RESTAURANT CORP.
405 ROUND ROCK WEST, SUITE 100
ROUND ROCK, TEXAS 78681
DWAYNE KOSTHA
(512) 327-4654
DWAYNE.KOSTHA@TACALA.COM

COMPANY PREPARING SITE PLAN:
HAGOOD ENGINEERING ASSOCIATES, INC.
900 E. MAIN STREET
ROUND ROCK, TEXAS 78684
JENNIFER L. HENDERSON, P.E.
(512) 244-1546
JEN@HAGOOD.COM

CONDITIONAL USE PERMIT
TACO BELL
1455 E. MAIN ST
FREDERICKSBURG, TX 78624



- NOTES:**
1. SLOPES OF ACCESSIBLE ROUTES MAY NOT EXCEED 1:20 UNLESS DESIGNED AS A RAMP.
 2. THE MAXIMUM SLOPE OF A RAMP IN NEW CONSTRUCTION IS 1:12. THE MAXIMUM SLOPE FOR AN RAMP RUN 8:1. RAMP SHALL BE PROVIDED WITH HANDRAILS AND GROUND SURFACE EDGE PROTECTION EACH SIDE AND ENTIRE LENGTH OF RAMP PER TOLLA ADA REQUIREMENTS.
 3. ACCESSIBLE ROUTES MUST HAVE A CROSS-SLOPE NO GREATER THAN 1:50.
 4. GROUND SURFACE ALONG ACCESSIBLE ROUTES MUST BE STABLE, FIRM AND SUB RESISTANT.
 5. SPOT ELEVATION LEGEND:
BW = BOTTOM OF WALL
EL = EXISTING ELEVATION
FG = FINISHED GRADE
FL = FLOW LINE
TC = TOP OF CURB
TF = TOP OF FOOTING
TG = GUTTER
TI = TOP OF INLET
TP = TOP OF PAVEMENT (CONCRETE/ASPHALT SIDEWALK)
TW = TOP OF WALL
 6. NO BUILDINGS WITHIN 50' ON ADJUTING SITES.
 7. NO PROPOSED OR EXISTING FENCING.
 8. VEGETATIVE SCREENING IN ACCORDANCE WITH ORDINANCE.
 9. LIGHTING ON STARBUCKS SITE TO BE DETERMINED AT A LATER DATE.
 10. NO 100 YEAR FLOOD PLAIN ON SITE.

LEGEND

●	IRON ROD FOUND/SET	○	IRON ROD FOUND/SET
■	CONCRETE MONUMENT FOUND/SET	□	CONCRETE MONUMENT FOUND/SET
▲	NAIL FOUND/SET	△	NAIL FOUND/SET
◆	PNE FOUND/SET	◇	PNE FOUND/SET
⊙	STORM WATER MANHOLE (DRAWN TO SCALE)	⊙	STORM WATER MANHOLE (DRAWN TO SCALE)
⊕	WASTEWATER MANHOLE (DRAWN TO SCALE)	⊕	WASTEWATER MANHOLE (DRAWN TO SCALE)
⊗	WASTEWATER CLEANOUT (DRAWN TO SCALE)	⊗	WASTEWATER CLEANOUT (DRAWN TO SCALE)
⊘	GAS TEST STATION	⊘	GAS TEST STATION
⊙	GAS METER	⊙	GAS METER
⊕	ELECTRIC METER	⊕	ELECTRIC METER
⊗	LIGHT POLE	⊗	LIGHT POLE
⊘	SIGNAL LIGHT POLE	⊘	SIGNAL LIGHT POLE
⊙	UTILITY POLE	⊙	UTILITY POLE
⊕	TELEPHONE MANHOLE	⊕	TELEPHONE MANHOLE
⊗	FIRE HYDRANT	⊗	FIRE HYDRANT
⊘	GATE VALVE	⊘	GATE VALVE
⊙	IRRIGATION CONTROL VALVE	⊙	IRRIGATION CONTROL VALVE
⊕	WATER METER	⊕	WATER METER
⊗	EXISTING CONTOURS	⊗	EXISTING CONTOURS
⊘	PROPOSED CONTOUR	⊘	PROPOSED CONTOUR
⊙	PROPOSED CURB AND GUTTER	⊙	PROPOSED CURB AND GUTTER
⊕	3" GAS LINE	⊕	PROPOSED 3" DIA. GAS LINE
⊗	8" STORM SEWER LINE	⊗	PROPOSED 8" DIA. STORM SEWER LINE
⊘	12" WASTEWATER LINE	⊘	PROPOSED 12" DIA. WASTEWATER LINE
⊙	12" WATER LINE	⊙	PROPOSED 12" DIA. WATER LINE
⊕	EXISTING CHAIN LINK FENCE	⊕	EXISTING CHAIN LINK FENCE
⊗	EXISTING WIRE FENCE	⊗	EXISTING WIRE FENCE
⊘	EXISTING WOOD FENCE	⊘	EXISTING WOOD FENCE
⊙	SETBACK LINE	⊙	SETBACK LINE
⊕	BASEMENT LINE	⊕	BASEMENT LINE
⊗	EXISTING OVERHEAD ELECTRIC LINE	⊗	EXISTING OVERHEAD ELECTRIC LINE
⊘	EXISTING UNDERGROUND ELECTRIC LINE	⊘	EXISTING UNDERGROUND ELECTRIC LINE
⊙	EXISTING OVERHEAD TELEPHONE LINE	⊙	EXISTING OVERHEAD TELEPHONE LINE
⊕	EXISTING UNDERGROUND TELEPHONE LINE	⊕	EXISTING UNDERGROUND TELEPHONE LINE
⊗	EXISTING WATER LINE (SIZE VARIES)	⊗	EXISTING WATER LINE (SIZE VARIES)
⊘	EXISTING WASTEWATER LINE (SIZE VARIES)	⊘	EXISTING WASTEWATER LINE (SIZE VARIES)
⊙	EXISTING FORCE MAIN (SIZE VARIES)	⊙	EXISTING FORCE MAIN (SIZE VARIES)
⊕	EXISTING FIBER OPTIC LINE	⊕	EXISTING FIBER OPTIC LINE
⊗	EXISTING GAS LINE (SIZE VARIES)	⊗	EXISTING GAS LINE (SIZE VARIES)
⊘	HANDICAP ROUTE	⊘	HANDICAP ROUTE
⊙	BENCHMARK LOCATION	⊙	BENCHMARK LOCATION
⊕	EXISTING TREE TO REMAIN (SIZE VARIES)	⊕	EXISTING TREE TO REMAIN (SIZE VARIES)
⊗	POT HOLE LOCATION AND DEPTH TO TOP OF PIPE FROM EXISTING SURFACE (FT)	⊗	POT HOLE LOCATION AND DEPTH TO TOP OF PIPE FROM EXISTING SURFACE (FT)
⊘	ROUTING OF STORM RUN-OFF (ARROW FLOW)	⊘	ROUTING OF STORM RUN-OFF (ARROW FLOW)

TREE SURVEY			TREE SURVEY		
TREE NUMBER	DATE	SPECIES	TREE NUMBER	DATE	SPECIES
1.714	11/15/18	FRAXINUS	1.714	11/15/18	FRAXINUS
1.715	11/15/18	FRAXINUS	1.715	11/15/18	FRAXINUS
1.716	11/15/18	FRAXINUS	1.716	11/15/18	FRAXINUS
1.717	11/15/18	FRAXINUS	1.717	11/15/18	FRAXINUS
1.718	11/15/18	FRAXINUS	1.718	11/15/18	FRAXINUS
1.719	11/15/18	FRAXINUS	1.719	11/15/18	FRAXINUS
1.720	11/15/18	FRAXINUS	1.720	11/15/18	FRAXINUS
1.721	11/15/18	FRAXINUS	1.721	11/15/18	FRAXINUS
1.722	11/15/18	FRAXINUS	1.722	11/15/18	FRAXINUS
1.723	11/15/18	FRAXINUS	1.723	11/15/18	FRAXINUS
1.724	11/15/18	FRAXINUS	1.724	11/15/18	FRAXINUS
1.725	11/15/18	FRAXINUS	1.725	11/15/18	FRAXINUS
1.726	11/15/18	FRAXINUS	1.726	11/15/18	FRAXINUS
1.727	11/15/18	FRAXINUS	1.727	11/15/18	FRAXINUS
1.728	11/15/18	FRAXINUS	1.728	11/15/18	FRAXINUS
1.729	11/15/18	FRAXINUS	1.729	11/15/18	FRAXINUS
1.730	11/15/18	FRAXINUS	1.730	11/15/18	FRAXINUS
1.731	11/15/18	FRAXINUS	1.731	11/15/18	FRAXINUS
1.732	11/15/18	FRAXINUS	1.732	11/15/18	FRAXINUS
1.733	11/15/18	FRAXINUS	1.733	11/15/18	FRAXINUS
1.734	11/15/18	FRAXINUS	1.734	11/15/18	FRAXINUS
1.735	11/15/18	FRAXINUS	1.735	11/15/18	FRAXINUS
1.736	11/15/18	FRAXINUS	1.736	11/15/18	FRAXINUS
1.737	11/15/18	FRAXINUS	1.737	11/15/18	FRAXINUS

CALCULATIONS			TACO BELL			STARBUCKS			TOTAL		
BUILDING FOOTPRINT AREAS	2,805 SF	2,045 SF	4,850 SF								
PARKING AREA	23,396 SF	18,561 SF	41,957 SF								
OTHER IMPERVIOUS AREA	2,615 SF	539 SF	3,154 SF								
% IMPERVIOUS TOTAL	57.55%	63.64%	59.98%								
LOT ACREAGE	50.015 AC	33.275 AC	83.300 AC								
PROPOSED LANDSCAPE AREAS	1,154 AC	0.76 AC	1.91 AC								
PROPOSED LANDSCAPE AREAS	21,249 SF	12,080 SF	33,329 SF								
ZONING: M2											
PARKING REQUIREMENTS											
1 SPACE PER 100 SF OF CUSTOMER SERVICE AND DINING AREA											
TACO BELL PARKING COUNT TABLE											
# OF STANDARD PARKING SPACES	0	0	31	31	28						
# OF ADA PARKING SPACES	0	0	2	2	2						
STARBUCKS PARKING COUNT TABLE											
# OF STANDARD PARKING SPACES	0	0	25	25	21						
# OF ADA PARKING SPACES	0	0	2	2	2						
TOTAL SPACES											
			60	53							

17



CITY COUNCIL MEMO

DATE: August 16, 2017

TO: Mayor and City Council

FROM: Brian Jordan, AICP

SUBJECT: Conditional Use Permit for a Bed and Breakfast unit on the ground floor in the Historic Shopping District Overlay (Z-1708).

Summary:

The applicant is proposing a 2-story building near the intersection of E. Main Street and S. Washington Street with retail, a cocktail lounge and a B&B unit on the ground floor, and 5 B&B units on the second floor. A new parking area and pool will be added as well. The property will be combined with other existing improvements on the site including other B&B's and parking. The site has been reviewed by the Development Review Committee for compliance with development regulations (see the attached Site Plan). The existing Mahaley's restaurant building will be removed as will the driveways on Main Street and Washington Street. The surrounding zoning is PF, Public Facilities to the north and CBD to the east, south and west. Surrounding land uses include the Nimitz to the north, retail to the west and east, and B&B's to the south.

Section 3.510 of the Zoning Ordinance pertaining to the Historic Shopping District Overlay, amended in 2013, requires a Conditional Use Permit for a ground floor B&B unit in the Central Business District.

Recommendation:

In the opinion of the staff and the commission, the intent of the ordinance change was to provide for commercial activity on the ground floor in the commercial shopping district. As shown on the attached floor plan, the proposed B&B unit is behind the commercial uses. The Planning and Zoning Commission voted unanimously in favor of recommending approval of the Conditional Use Permit.

One letter has been received in support and none in opposition of the request.

(18)

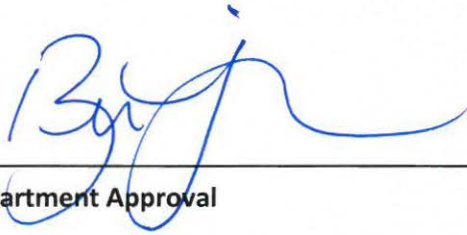
The City of Fredericksburg

Background / Analysis:

See attached Conditional Use Permit Brief for request Z-1708.

Attachments:

Conditional Use Permit Brief, Site Plan, Floor Plan of the ground floor.



Department Approval



City Manager Approval

CONDITIONAL USE PERMIT BRIEF
Request Z-1708

Applicant/Owner: Randy Stehling, Architect representing Gary and Maggie Klenzing

Location: 341 E. Main Street

Existing Zoning: CBD Central Business District

Request: Conditional Use Permit for a B&B unit on the ground floor in the CBD.

Site Plan Overview:

- Section 3.510 of the Zoning Ordinance, pertaining to the Historic Shopping District Overlay, amended in 2013, requires a Conditional Use Permit for a ground floor B&B unit in the CBD.
- The applicant is proposing a 2-story building near the intersection of E. Main Street and S. Washington Street with retail, a cocktail lounge and a B&B unit on the ground floor, and 5 B&B units on the second floor. A new parking area and pool will be added as well.
- The property will be combined with other existing improvements on the site including other B&B's and parking.
- The site has been reviewed by the Development Review Committee for compliance with development regulations (see the attached Site Plan).
- The existing Mahaley's restaurant building will be removed as will the driveways on Main Street and Washington Street.
- The surrounding zoning is PF, Public Facilities to the north and CBD to the east, south and west.
- Surrounding land uses include the Nimitz to the north, retail to the west and east, and B&B's to the south.

Review and Evaluation Criteria:

A. CONFORMANCE WITH APPLICABLE REGULATIONS:

- The site complies with applicable regulations. The owners would like to construct a front porch and balcony on front of the building facing Main Street and Washington Street. The portion on Main Street will encroach into the TxDOT right-of-way, as do most of the existing porches on Main Street. The City supports this design, and we are working with TxDOT to secure their approval as well.

B. COMPATIBILITY WITH EXISTING OR PERMITTED USES IN ABUTTING SITES:

- The applicant is proposing to have retail and a cocktail lounge in the portion of the building fronting on Main and Washington Streets. The proposed B&B is located on the interior of the building without frontage. The ordinance amendment adopted in 2013 requires the applicant to address the specific criteria established in Section 4.560 of the zoning ordinance pertaining to allowing a ground floor B&B unit. Please see attached response.

- C. POTENTIALLY UNFAVORABLE EFFECTS OR IMPACTS ON OTHER EXISTING OR PERMITTED USES ON ABUTTING PROPERTY:**
- We do not expect the proposed use to have a negative affect on adjacent properties.
- D. MODIFICATIONS TO THE SITE PLAN WHICH WOULD RESULT IN INCREASED COMPATIBILITY AND WOULD MITIGATE POTENTIALLY UNFAVORABLE IMPACTS:**
- None.
- E. SAFETY AND CONVENIENCE OF VEHICULAR AND PEDESTRIAN CIRCULATION IN THE VICINITY:**
- Sufficient and more efficient parking is being provided. In addition, the sidewalk will be re-constructed as part of this project. And, the curb at the corner of the property will be reconstructed in accordance with TxDOT approval.
- F. PROTECTION OF PERSONS AND PROPERTY FROM EROSION, FLOOD OR WATER DAMAGE, FIRE, NOISE, GLARE:**
- A fire sprinkler system will be provided for the building.
- G. LOCATION OF LIGHTING AND TYPE OF SIGNS; THE RELATION OF SIGNS TO TRAFFIC CONTROL AND ADVERSE EFFECTS OF SIGNS ON ADJACENT PROPERTIES:**
- No specific information is provided on the type of lighting to be utilized. All exterior lighting shall be ordinance compliant.
- H. ADEQUACY AND CONVENIENCE OF OFF STREET PARKING AND LOADING FACILITIES:**
- Adequate parking is being provided.
- I. DETERMINATION THAT THE PROPOSED USE IS IN ACCORDANCE WITH THE OBJECTIVES OF THESE ZONING REGULATIONS AND PURPOSES OF THE ZONE IN WHICH THE SITE IS LOCATED:**
- We believe the layout of the ground floor is what was intended when the B&B ordinance was amended in 2013 (see attached).
- J. DETERMINATION THAT THE PROPOSED USE WILL COMPLY WITH EACH OF THE APPLICABLE PROVISIONS OF THE ZONING ORDINANCE:**
- Affirmative.

K. DETERMINATION THAT THE PROPOSED USE AND SITE DEVELOPMENT, TOGETHER WITH ANY MODIFICATIONS APPLICABLE, THERETO, WILL BE COMPATIBLE WITH EXISTING OR PERMITTED USES IN THE VICINITY:

- Affirmative.

L. DETERMINATION THAT ANY CONDITIONS APPLICABLE TO APPROVAL ARE THE MINIMUM NECESSARY TO MINIMIZE POTENTIALLY UNFAVORABLE IMPACTS ON NEARBY USES AND TO ENSURE COMPATIBILITY OF THE PROPOSED USE WITH EXISTING OR PERMITTED USES IN THE SAME DISTRICT AND THE SURROUNDING AREA:

- Affirmative

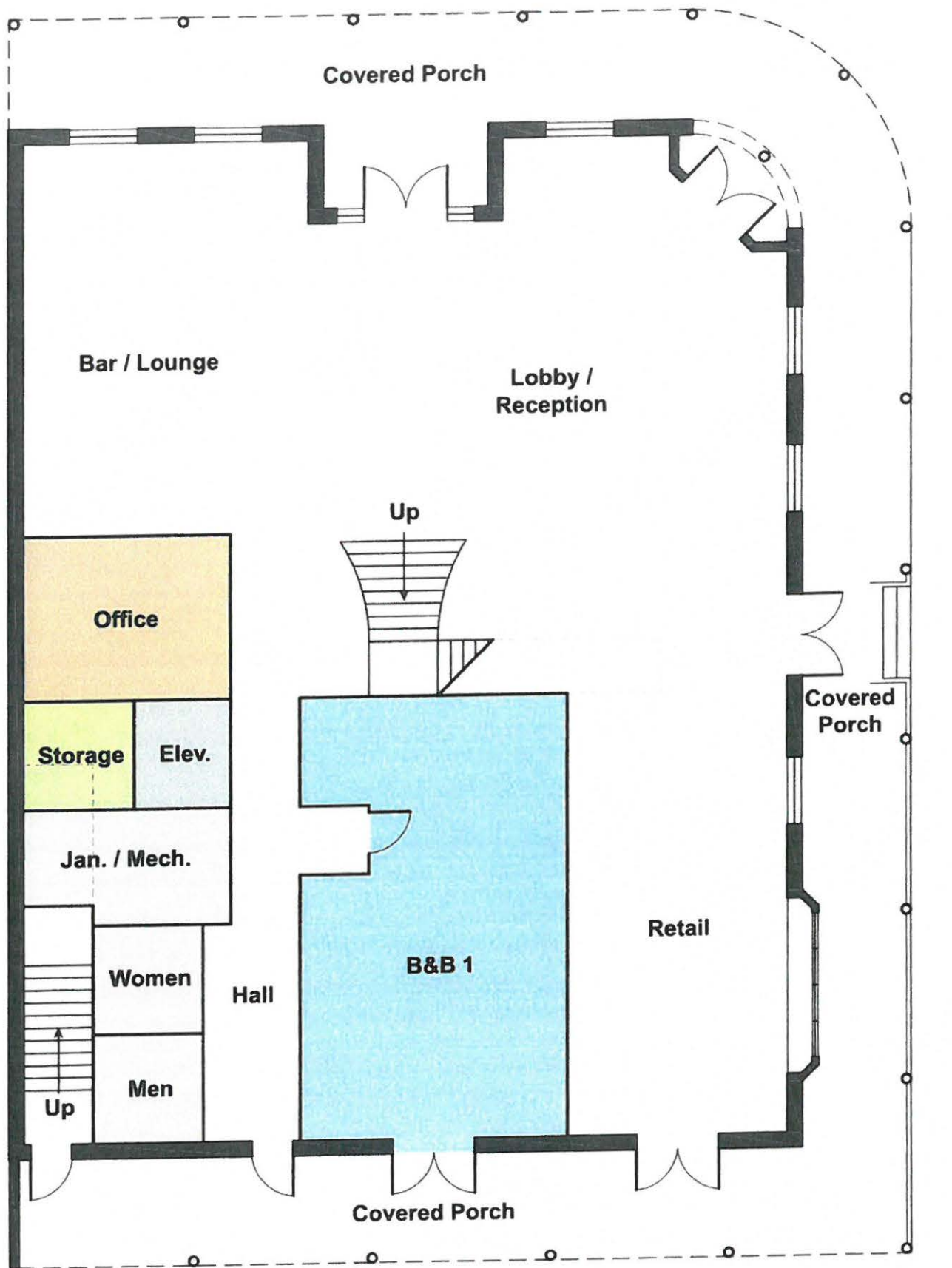
M. DETERMINATION THAT THE PROPOSED USE TOGETHER WITH THE CONDITIONS APPLICABLE THERETO, WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, OR WELFARE OR MATERALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY:

- Affirmative

OPPOSITION/SUPPORT OF REQUEST: One letter in support, none in opposition.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Approval, conditioned upon TxDOT approval of improvements within the right-of-way.

STAFF RECOMMENDATION: Staff concurs with the Commission's recommendation of approval.



First Floor Plan

(23)

0 10 20 ft





SITE PLAN

1" = 20'



PROPERTY OWNER	
GARY AND MAGGIE KLENZING P.O. BOX 814 FREDERICKSBURG, TX 78624 830-992-1206	
NEW BUILDING AREA (GROSS S.F.)	
FIRST FLOOR	4,216 S.F.
NON-CONDITIONED	1,576 S.F.
SUBTOTAL	5,892 S.F.
SECOND FLOOR	4,268 S.F.
NON-CONDITIONED	1,604 S.F.
SUBTOTAL	5,892 S.F.
TOTAL	11,784 S.F.

LEGEND	
[Hatched Box]	EXISTING BUILDING
[Solid Grey Box]	NEW CONCRETE SURFACE
[Dotted Box]	NEW LANDSCAPING
[Cross-hatched Box]	CONCRETE PAVERS (EXACT PATTERN TBD)
[Outline Box]	PROPOSED BUILDING
[Dashed Line]	PROPERTY LINE
[Long Dashed Line]	EASEMENT BOUNDARY
[Short Dashed Line]	OVERHEAD UTILITY LINE
[Solid Line]	FENCE
[Circle with X]	EXISTING GAS METER
[Circle with Dot]	EXISTING UTILITY POLE
[Circle with Cross]	EXISTING FIRE HYDRANT
[Arrow]	PRELIMINARY DRAINAGE ARROWS

DEVELOPMENT NOTES

ZONED: CBD: CENTRAL BUSINESS DISTRICT

LOT SIZE (5,000 SF MIN.): 33,336 SF (0.77 ACRES)
* Area is the total of four lots to be plotted into one lot.

SETBACKS: 0' FT FRONT YARD, SIDE YARD, INTERIOR SIDE YARD, AND REAR YARD

IMPERVIOUS COVERAGE: Existing: 28,059 SF
Proposed: 28,724 SF * = 86% (MAX. ALLOWED - 90%)
* Courtyard considered 100% impervious.

ON SITE PARKING REQUIREMENTS:

EXISTING 2 STORY B&B:
1 SPACE PER B&B UNIT = 8 SPACES

EXISTING 1 STORY RESIDENCE:
2 SPACES PER DWELLING UNIT = 2 SPACES

EXISTING 1 STORY GUEST HOUSE:
1 SPACE PER UNIT = 1 SPACE

NEW BUILDING:
1 SPACE PER B&B UNIT = 6 SPACES

RETAIL: 1 SPACE PER 400 SF
570 SF / 400 = 1.4 (1) SPACES

COCKTAIL LOUNGE: 1 SPACE PER 3 PERSONS CAPACITY
400 SF / 15 SF PER PERSON / 3 = 9 SPACES

TOTAL: 27 SPACES
50% Parking Reduction per Sec. 7.8.25 of the City of Fredericksburg Zoning Ordinance = 14 SPACES

TOTAL SPACES REQUIRED: 14 SPACES
TOTAL SPACES PROVIDED: 26 SPACES

BUILDING HEIGHT (3 STORIES, 38 FT MAX):

PROPOSED 2 STORY BUILDING - 32 FT TO TOP OF PARAPET
EXISTING 2 STORY B&B BUILDING - 25 FT TO TOP OF GABLE
EXISTING 1 STORY RESIDENCE - 15 FT TO TOP OF GABLE
EXISTING 1 STORY GUEST HOUSE - 10 FT TO TOP OF GABLE

UTILITIES: (APPLICABLE TO PROPOSED TWO STORY BUILDING. NO CHANGES ARE ANTICIPATED TO OTHER STRUCTURES).

ELECTRICAL:
THE EXISTING OVERHEAD SERVICE TO THE FORMER GAS STATION WILL BE REMOVED AND A NEW PAD MOUNT TRANSFORMER WILL BE INSTALLED NEAR THE WESTERNMOST CORNER OF THE PROPERTY. THE TRANSFORMER WILL SERVE THE PROPOSED BUILDING VIA A METER RACK ON THE WEST WALL AND THE CAMERON INN B&B.

GAS:
THE FORMER CAFE AND ADJACENT TWO STORY BUILDING ARE SERVED FROM A SERVICE LINE WHICH CUTS ACROSS THE PARKING LOT FROM THE CAMERON INN DRIVEWAY. DUE TO GRADE ADJUSTMENTS IN THE PARKING LOT THE GAS SERVICE WILL BE RE-ROUTED TO AVOID CONFLICTS WITH THE PROPOSED IMPROVEMENTS. A METER MANIFOLD WILL BE PLACED ON THE WEST SIDE OF THE PROPOSED BUILDING TO SERVE IT AND THE ADJACENT BUILDING.

WATER:
THE FORMER GAS STATION PROPERTY IS SERVED BY A 3" SERVICE ON WASHINGTON ST. IF NECESSARY AN ADDITIONAL METER WILL BE INSTALLED ON WASHINGTON ST. A FIRE LINE WILL ALSO BE EXTENDED FROM THE 8" MAIN IN WASHINGTON TO SERVE A FIRE SPRINKLER SYSTEM. TxDOT APPROVAL IS REQUIRED FOR ALL NEW UTILITY TAPS IN TxDOT RIGHT-OF-WAY.

SANITARY SEWER:
THE PROPERTY IS CURRENTLY SEWERED FROM CONNECTIONS TO A MAIN IN WASHINGTON ST. THE NEW BUILDING WILL CONNECT TO THE EXISTING SERVICE AT THE SOUTHEAST CORNER OF THE PROPERTY. TxDOT APPROVAL IS REQUIRED IF THE CONNECTION IS MADE IN TxDOT RIGHT-OF-WAY.

DRAINAGE:
THE MAJORITY OF THE EXISTING DRAINAGE FROM THE FORMER SERVICE STATION FLOWS TO WASHINGTON ST. THROUGH THE DRIVEWAYS WITH MINIMAL DRAINAGE TO MAIN ST. THE MAIN ST. DRAINAGE FLOWS SOUTHEASTERLY AND TURNS SOUTHWEST ONTO WASHINGTON ST. IT IS ANTICIPATED THAT DRAINAGE FROM THE BALCONY AND SIDEWALK ON MAIN ST. WILL FLOW TO MAIN ST. WITH THE REMAINDER OF THE SITE DRAINAGE FLOWING TO WASHINGTON ST. VIA SIDEWALK DRAINS OR THROUGH THE EXISTING DRIVEWAY BETWEEN THE CAMERON B&B AND THIS SITE.

DRAINAGE FROM THE FIVE NEW PARKING SPACES ON THE SAN ANTONIO ST. DRIVEWAY WILL FLOW TO SAN ANTONIO ST. AND THEN TO BARONS CREEK.

DRAINAGE ARROWS ARE INTENDED TO SHOW PRELIMINARY GRADING AND DRAINAGE.

DRIVEWAYS, SIDEWALKS AND SIGNALS:

ALL DRIVEWAY, SIDEWALK AND SIGNAL MODIFICATION WORK IN TxDOT RIGHT-OF-WAY SHALL REQUIRE APPROVAL FROM THE CITY OF FREDERICKSBURG AND TxDOT AND SHALL COMPLY WITH ADA REQUIREMENTS.

EXTERIOR LIGHTING:

EXTERIOR LIGHT FIXTURES AND PLACEMENT WILL BE SUBMITTED WITH CONSTRUCTION DOCUMENTS. ALL EXTERIOR LIGHTING WILL COMPLY WITH CITY ORDINANCE 24-214.

LANDSCAPING:

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



CITY COUNCIL MEMO

DATE: August 21, 2017

TO: Mayor and City Council

FROM: Anna Hudson, Historic Preservation Officer

SUBJECT: Designation of 1293 US HWY 87 N (Klingelhoef House) as historic landmark

Summary:

1293 US HWY 87 was built by William Klingelhoef in approximately 1883. The house and property were in the Klingelhoef family until 1995. It is one of the few, if not only, old stone farmhouses in town that sits by itself surrounded by acreage and windmill. It serves as a visual landmark and reminder of Fredericksburg German settlers.

Recommendation:

The Historic Review Board voted unanimously to designate the property a historic landmark as a way of protecting the important rock house. Staff recommends the landmark designation with a priority rating of high. The house retains a high level of integrity with very few exterior changes. The house is an iconic reminder of the German settlers that made their homes and livelihood on outlots by farming. Staff has received a letter from the owner expressing their opposition to the designation.

Background / Analysis:

Ordinance 27-007, the Historic Preservation Ordinance of the City, requires that historic landmarks meet certain criteria. Section 23-58 Designation of historic districts, historic landmarks and preservation priority

rating: The city council shall affirmatively find that the area has one or more of the following characteristics:

- a. Character, interest, or value as a part of the development, heritage, or cultural characteristics of the city; **the structure retains the character of the development of early German settlers as a stone farm house**
- b. Location as the site of a significant historical event; **no known historical events**
- c. Embodiment of distinctive characteristics of an architectural type or specimen;
- d. Relationship to other distinctive buildings, sites, districts, or structures which are historically significant; **relationship to the house of William Klingelhoefers' father, JJ Klingelhoefers, on Main Street and other stone farm houses found in the City and County.**
- e. Unique location of singular physical characteristics representing an established and familiar visual feature of a neighborhood, community or the city; **the city and county were once full of stone houses. Stone eventually went out of fashion and many stone houses were covered with stucco. The house is physically sound and retains a high amount of integrity with few exterior alterations other than early rear additions and outbuildings.**
- f. Value as an aspect of community sentiment or public pride; **its location on the edge of the City limit is a visual reminder of the rural agricultural heritage of the community.**
- g. Identification with a person or persons who significantly contributed to the development or culture of the city, the state or the nation; **William Klingelhoefers was a stone mason who helped build several historic buildings still visible today.**
- h. Value as protective of a historical resource. **One of the few original stone houses that is not surrounded by development and retains a true sense of a "farm house" as it retains its windmill and water tank.**

Attachments:

Excerpt from Elise Kowert's book Old Homes and Buildings of Fredericksburg

Excerpt from Kenneth Hafertepe's book A Guide to the Historic Buildings of Fredericksburg and Gillespie County.

Section 23-58 of Historic Preservation Ordinance

Photos of the property

Letter from owner



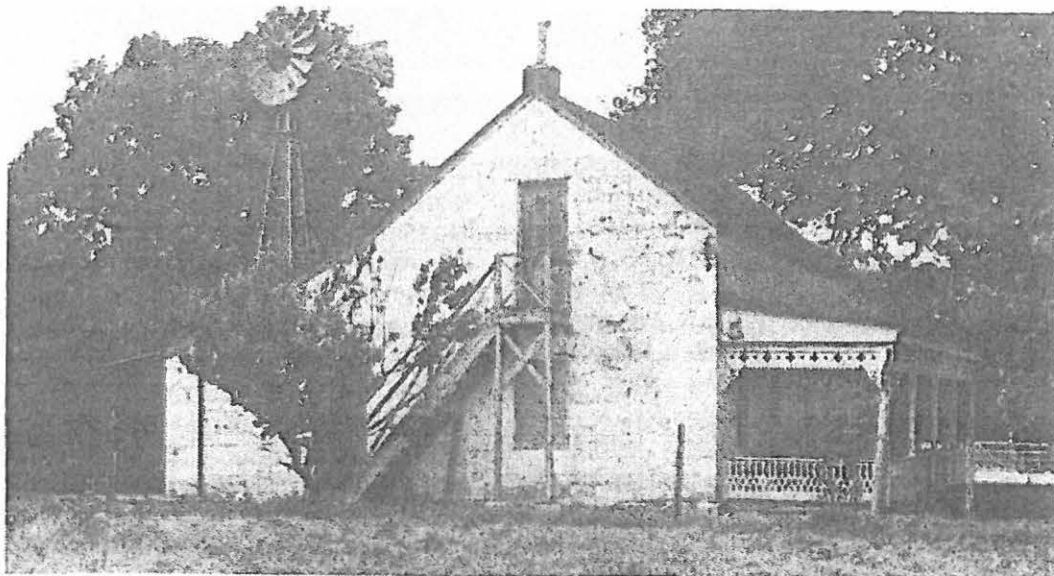
Department Approval



City Manager Approval



The City of Fredericksburg



Armand F. Klingelhoefers, Owner

WILLIAM KLINGELHOEFER HOME

One of the few old homes along Fredericksburg's main thoroughfare that still sits by itself, surrounded by most of the acreage its builder owned is the William Klingelhoefers home located west of the intersection of US 290 West and US 87 North.

It's home now for his son, Armand F. Klingelhoefers, who has owned it since October 22, 1941, when he acquired it from the other Klingelhoefers heirs.

When William Klingelhoefers built this typical limestone house for his family it was completely surrounded with liveoak and post oak trees, and the highways that pass it now were little more than deeply-rutted wagon trails.

The property it is built on has been in the Klingelhoefers family ever since Fredericksburg was founded. It is located on part of Outlot 581, one of the ten-acre lots laid out by the German Emigration Company as "farm" lots for the early settlers. The original allotment shows Jacob Schneider as the one to whom it was allotted, but ownership was acquired by J. J. Klingelhoefers, who was also allotted nearby Outlot No. 583.

J. J. Klingelhoefers built his own home on his townlot nearer to the center of town which still stands today and is owned by his granddaughter, Lyne Klingelhoefers Lewis Harper. One of the sons of J. J. Klingelhoefers and Elisabeth Heiland Klingelhoefers was William, who was born in 1853. After the death of his

parents (his mother in 1881 and his father in 1886), William inherited Outlot No. 581 and 582, receiving a deed to it October 5, 1896.

William married Maria (Mary) Eckert and they moved into this house which he built in 1879. In 1955, one of their children, Miss Alma Klingelhoefers, then a retired school teacher who was living here temporarily with her brother, Armand, recalled many details about their parents, their house and its surroundings.

William Klingelhoefers was a stonemason and built his own home. She also recalled that he spoke of working on many of the old stone churches in the city, and that he was especially proud of his work on the Bank of Fredericksburg building which was built for Temple D. Smith, banker, from plans and designs by noted architect, Alfred Giles.

When William built his own house, there were only two rooms on the ground floor with a half-story above them. Each room has a window and doorway facing the front, and a window in the east and west walls. The walls are over 18 inches thick and constructed of native limestone. Beautifully designed "gingerbread" trims the upper part of the front porch enclosed with a "gingerbread" railing.

The larger of the two rooms, at the east side, also had a doorway to the southwest. The smaller room was originally their kitchen and had a stairway in the corner which led up-

(2)

stairs. There was a small shelf built into the wall where Mrs. Klingelhoef kept her spices.

Later the kitchen was moved into the little rock house a few steps from the backside of the old house. Still later, when the two rooms were added at the back of the house, the kitchen was moved into the southwest room where it is still located.

The other back room is used as a bedroom, with a bath at one end. A door leads out of the east wall to the stairway which was added later to provide access to the upper story.

The upper story was where the boys in the family slept. There is a large window in the west wall, and before the two rooms were added in back, there were two little windows in the back wall. The window in the east wall was enlarged into a doorway when the outside stairway was added.

Along the back of the house is a large porch with cement floor, the back side of which is enclosed with a grape arbor. The grape vines at one time grew along an arbor that extended into the garden, but were transplanted along the porch to shade it.

The well in back is interesting. First there was only a deep "dug" well with an old iron water pump on it which still pumps water. A deeper well with casings was drilled in the middle of the dug well and a windmill put on top of it. Adjacent to it is a large cement tank, providing an ample supply of water.

Next to the wells and tank is the little one-

room stone house once used as the kitchen. At first entrance to the cellar below it was gained through the trap door in the floor, but later steps to the cellar were put outside.

Mrs. William Klingelhoef always had many flowers in the yard and garden around her home, and some of the flowering shrubs and trees remain. One interesting shrub is the Kastanie (chestnut) that grew from seeds brought from Germany by August Zinckes and given to Mrs. Klingelhoef. In Germany people make "Kastanie butter" out of these, similar to American peanut butter.

The Klingelhoefers always had a big vegetable garden in back, and the present owner, Armand, has kept it up. He has a good stand of corn and many varieties of vegetables growing in the same spot where his parents had their garden before him. A big, majestic liveoak tree shades the entire front of the house.

The Klingelhoef children who grew up here were August W., Alfred G., Alma, Albert, Arthur, Adolph, Alvin and Armand F. One of their sisters, Asta Louise, died at the age of three months. Fortunately, Armand is very appreciative of his ancestral home and its surrounding property and has taken very good care of the place.

Just as all the children's names began with an "A", so does this old house rate an "A" for being such a well-preserved, typical old rock home that adds so much to the charm of Fredericksburg.

VEREINS KIRCHE

Of all the old homes and historic buildings in Fredericksburg none is more familiar than the Vereins Kirche. Through the years it has become the "hallmark" of the city -- almost an emblem or logo. Though the structure that now stands in the middle of the Market Square is not the original Vereins Kirche, it is a replica of the building that once stood in the middle of Main Street between the Courthouse and Market Square.

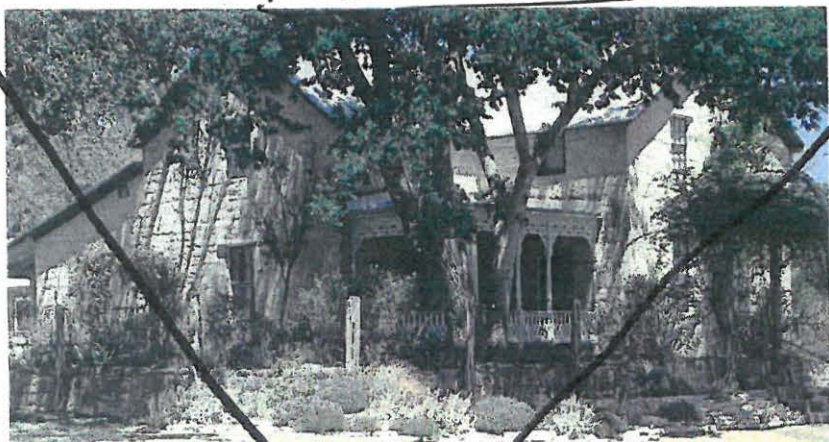
Reminiscent of the distinctive municipal buildings that often stood in the middle of the public squares in Germany and other European cities, the settlers of Fredericksburg must have had something of the same thing in mind when they built this octagonal

structure. It was to serve them as a community church, a fort for protection against the Indians, a storehouse and a meeting place.

The replica was begun in 1934 and dedicated in a two-day celebration Saturday, May 11, and Sunday, May 12, 1935. While this was both a solemn and gala occasion, it missed some of the "local color" that the laying of the cornerstone of the original Vereins Kirche had.

The first year was spent by the settlers who arrived here May 8, 1846, in providing themselves at first with crude shelters, then with homes and with making peace with the hostile Indians that surrounded them. It was following this peace that John O. Meusebach brought about with his treaty negotiated

Kenneth ~~Hart~~ Huttertype A Guide to the Historic Buildings of FBG & C.C.



in the 1870s, not too long after their marriage. The earliest part consisted of the three rooms on the north side. Originally there was a staircase on the south side. The front room was the *stube*, and the back room the kitchen; the use of the middle room is not clear. The south wing and a porch at the angle were added later, possibly in the 1890s. The front porch was enclosed to make a sitting room. The house was struck by lightning in 1972, and fire caused much damage. It has since been restored to its appearance when the south wing was added. The property was purchased in 1928 by Meta Seipp, the wife of Otto H. Seipp, and he built a dance hall adjacent to the house known as Seipp's Dance Hall, which burned to the ground on Christmas Day 1947, just before a big dance. The hall was rebuilt, and later owners renamed it Pat's Hall in 1953. At some point the original front porch was enclosed to make another bedroom, but the house retains its turn-of-the-century appearance.

119 William and Maria Klingelhofer House
US 87 north, just west of intersection with US 290
1883-84, 1887-88

This house was formerly thought to have been built in 1879, but tax records show that it was built in two phases; the first was most likely the rock outbuilding, one large room with another room beneath it partially below ground. The big house is larger and has much finer stonework. William Klingelhofer was the younger son of J. J. and



Elisabeth Klingelhofer and grew up in their *fachwerk* house on Main Street [65]. Like his older brother, Julius, he was trained as a stonemason and presumably assisted his brother in building the lean-to of their parents' house in 1869. In 1870 he gave his occupation in the census as "farm laborer," which meant that he was working the out-lot where he would eventually build his own house. In 1879 he married Maria Eckert, the next-to-youngest child of Ludwig and Christine Eckert, who farmed and ranched nearby.

William and Maria's own story-and-a-half house has two front rooms, both with their own door onto the porch, a late example of this feature. Behind this is a lean-to with a kitchen. The west front room, the *stube*, has a built-in cabinet on the side wall. This echoes the built-in at the home in which Julius's wife, Sophie, had grown up, the house of the cabinetmaker John Peter Tatsch [132], though the Klingelhofer cabinet is simpler in construction. The side wall of the kitchen has a raised hearth, another feature found in the Tatsch house as well as the Kammlah house [46]. William Klingelhofer continued to work as a stonemason and was most proud of his work on the Bank of Fredericksburg [16], built in 1898. He was one of four stonemasons from Fredericksburg who built St. Peter's Lutheran Church [175] in the Doss community.

- **Sec. 23-58. - Designation of historic districts, historic landmarks, and preservation priority rating.**

(a) *Historic districts.*

Historic district zoning designation. The City Council may, from time to time, after receiving a recommendation either for or against such designation by the Historic Review Board and Planning and Zoning Commission, designate certain areas in the City as historic districts, and define, amend, or eliminate the boundaries of same. Such districts shall bear the word "historic overlay" in their zoning designation. Such designation and the requirements thereof shall be in addition to any other zoning district designation or requirement established in the City's zoning ordinance and in this article. All zoning maps shall reflect the historic district by the letters "HO" as a suffix to the use designated. This area shall encompass the area shown on the map adopted herewith and on file in the office of the Historic Preservation Officer, as may be amended from time to time.

(b) *Historic landmarks.*

Historic landmark designation. The City council may, from time to time, designate individual property, part or parts thereof or a Resource thereon (Resources) in the City as historic landmarks. Each such property or Resource shall bear the words "historic landmark" (HL) in its zoning designation. Such designation shall indicate that such property/ Resource is subject to the terms of this article. Provided, however, with regard to site plans, uses, setbacks and other development and/or building regulations, such property shall be governed by its zoning district. Initially, the historic landmarks shall consist of the properties shown on the list adopted herewith and on file in the office of the Historic Preservation Officer as may be amended from time to time.

(c) *Criteria*

(1) *Historic district criteria.* In making the designation of an area as a historic district, the City council shall affirmatively find that the area has one or more of the following characteristics:

- A. Character, interest, or value as a part of the development, heritage, or cultural characteristics of the City;
- B. Location as the site of a significant historical event;
- C. Embodiment of distinctive characteristics of an architectural type or specimen;
- D. Relationship to other distinctive buildings, sites, districts, or structures which are historically significant;

- E. Unique location of singular physical characteristics representing an established and familiar visual feature of a neighborhood, community or the City;
- F. Value as an aspect of community sentiment or public pride;
- G. Identification with a person or persons who significantly contributed to the development or culture of the City, the state or the nation;
- H. Value as protective of a historical resource.

(2) *Historic landmark criteria.* In making the designation of a place as a historic landmark, the City council shall follow the criteria set forth in the historic district criteria subsection of this section as the same relate to an individual property, part of a property or Resource thereof.

(d) *Establishment of preservation priority rating.* At such time as a Resource/ property is either incorporated into the historic district or designated as a historic landmark, such Resource/property shall be rated high, medium, or low by the Board. The Board shall rate the same at its meeting considering the request or application and the Board's rating shall become effective at such time as the City Council either incorporates the Resource/ property or designates it as a historic landmark. Appeals of the rating (see 23-66 below) may occur only following incorporation into the historic district or following designation as a historic landmark, and shall follow the procedure set forth below. The burden of proof shall be upon the applicant seeking to change the rating.

(e) *Changes to district and landmarks*

- (1) Districts. Changes to the same may be initiated by any person by request submitted to the Historic Review Board which will forward its recommendation to the Planning and Zoning Commission prior to the submittal to the City council. The Historic Review Board shall consider the request at a meeting held in accordance with the procedures set forth in subsection 23-61(f) below. Upon forwarding of a recommendation to the Planning and Zoning Commission, the designation process will follow the procedures provided for in section 5.200 of the City's zoning ordinance, pertaining to hearing and action by the Planning and Zoning Commission and the City Council. Applications for changes in the boundaries of the historic district shall be on forms and shall contain the information required thereon as determined by the City's Historic Preservation Officer and shall be accompanied by the fee set forth in subsection 23-61(c). An application initiated by the Historic Review Board or the City staff shall not require the payment of a fee.

- (2) Landmarks. The designation of new historic landmarks or the removal of the designation may be initiated by any person by request submitted to the Historic Review Board which will forward its recommendation to the City Council. The Historic Review Board shall consider the request at a meeting held in accordance with the procedures set forth in subsection 23-61(f) below. The City Council shall consider the request at the next regular meeting of the City Council following the meeting of the historic review Board at which the request was heard. Applications for designation of or changes to historic landmarks shall be on forms and shall contain the information required thereon as determined by the Historic Preservation Officer, and shall be accompanied by the fee set forth in subsection 23-61(c) unless initiated by the Historic Review Board or City staff.





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July 7, 2017

Anna Hudson-Historic Preservation Officer
City of Fredericksburg
Development Services Department

Dear Ms. Hudson,

We recently received a letter from you concerning designating our property at 1293 US Hwy 87 N, known as the William Klingehoefer house, as a historic property. We have owned the property since 2001. When I discussed this with you by telephone you said there were no incentives offered by the City of Fredericksburg for the designation as a historic home. Since there are no real advantages and the designation would only impose restrictions on the property, we are opposed to the designation. What is the purpose of a historic designation other than to restrict the rights of private property?

We have preserved and cared for this property since we gained ownership. We were annexed by the City eight years ago and have paid the required city taxes, yet we have still received no benefits such as water and sewer even though a water and sewer tap was paid at the time of annexation. We have made many attempts to acquire water and sewer and were ignored and denied.

We are now aware of a huge development surrounding our property that has been mostly approved by the city yet we have received no notifications from either the developer or the City. This development will greatly impact the security, privacy and ambiance of our property as well as probably decrease the property value. How does a high density parking lot on 3 sides of the home preserve the historic presentation?

The City of Fredericksburg has shown no concern for the historic value and preservation of our home by disallowing basic services and now by allowing a development that will diminish the uniqueness and nostalgia of this old home.

The employees and electorate of the City of Fredericksburg seem to be more interested in the future tax dollars generated by tourist and commercial development than fulfilling the current obligations to tax paying property owners as demonstrated by the unwillingness to provide basic city services like water and sewer even after accepting tap pre-payment.

Again, We are opposed to the historic designation.

Sincerely,

Katherine Keller Bradfield
Home Owner

Cc: Planning and Zoning Commission
City Council
Dennis Murphrees, Murphree and Company
Hank Schwaeble, Attorney-at-Law



CITY COUNCIL MEMO

DATE: August 16, 2017

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: Changes to Proposed 2018 Budget

Summary:

The 2018 Budget is scheduled for approval at the September 18 City Council meeting. Until it is adopted, there is still opportunity for the City Council to make changes that you determine are necessary to meet community needs. This item is included will be included on the next three Council agendas so that you can discuss any final revisions that you would like to make to the Budget prior to adoption.

Recommendation:

Following the public hearing on the Budget, it is recommended that the Council continue your discussion on the proposed 2018 Budget to determine if you want to make any additional changes.

Background / Analysis:



The City of Fredericksburg

The City Council has had several budget work sessions over the past six weeks. During these discussions, several changes have been recommended which have been incorporated into the revised Budget being presented at this evening's meeting. The City Council should consider any comments made at the public hearing and additional comments that you have that might require additional changes to the Budget prior to adoption.

Attachments:

None


Department Approval


City Manager Approval



CITY COUNCIL MEMO

DATE: August 21, 2017

TO: Mayor and City Council

FROM: Laura Hollenbeak, Director of Finance

SUBJECT: Receive and Accept 2017 Effective and Rollback Tax Rate Calculations

Summary:

Truth-in-Taxation requires cities to calculate two rates after receiving a certified appraisal roll from the chief appraiser – the effective tax rate and the rollback tax rate. Both rates are calculated by Scott Fair, Chief Appraiser for the Gillespie Central Appraisal District.

Effective Tax Rate

The effective tax rate is a calculated rate that would provide the taxing unit with about the same amount of revenue it received in the prior year on properties taxed in both years. If property values rise, the effective tax rate goes down and if property values decrease, the effective tax rate increases.

Although the actual calculation can become more complicated, a taxing unit's effective tax rate is a calculated rate generally equal to the prior year's taxes divided by the current taxable value of properties that that were on the tax roll last year. The resulting tax rate, used for comparison only, shows the relation between the prior year's revenue and the current year's values.

The 2017 Effective Tax Rate has been calculated at \$0.2156 per \$100 of property value.

Rollback Tax Rate

The rollback tax rate is a calculated maximum rate allowed by law without voter approval. A taxing unit's rollback tax rate is a calculated rate that divides the overall property taxes into two categories – M&O and debt service, also called interest and sinking.

If a taxing unit adopts a tax rate higher than the rollback tax rate, voters in the taxing unit can circulate a petition calling for an election to limit the size of the tax increase.

The 2017 Rollback Tax Rate has been calculated at \$0.2726 per \$100 of property value.

Recommendation:

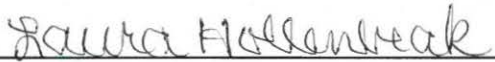
City Staff has reviewed the computation of the Effective and Rollback Tax Rates and is in agreement that they have accurately been calculated. Staff recommends that the council accept both rate calculations..

Background / Analysis:

The 2017 Effective and Rollback Tax Rate Worksheets are included for your review.

Attachments:

2017 Effective and Rollback Tax Rate Worksheets



Department Approval



City Manager Approval

(42)

The City of Fredericksburg

2017 Effective Tax Rate Worksheet

City of Fredbg

See pages 13 to 16 for an explanation of the effective tax rate.

1. 2016 total taxable value. Enter the amount of 2016 taxable value on the 2016 tax roll today. Include any adjustments since last year's certification; exclude Section 25.25(d) one-third over-appraisal corrections from these adjustments. This total includes the taxable value of homesteads with tax ceilings (will deduct in line 2) and the captured value for tax increment financing (will deduct taxes in line 14). ¹	\$1,686,656,359
2. 2016 tax ceilings. Counties, Cities and Junior College Districts. Enter 2016 total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. Other units enter "0" If your taxing units adopted the tax ceiling provision in 2016 or prior year for homeowners age 65 or older or disabled, use this step. ²	\$384,160,681
3. Preliminary 2016 adjusted taxable value. Subtract line 2 from line 1.	\$1,302,495,678
4. 2016 total adopted tax rate.	\$0.240000/\$100
5. 2016 taxable value lost because court appeals of ARB decisions reduced 2016 appraised value. A. Original 2016 ARB values: \$0 B. 2016 values resulting from final court decisions: - \$0 C. 2016 value loss. Subtract B from A. ³	\$0
6. 2016 taxable value, adjusted for court-ordered reductions. Add line 3 and line 5C.	\$1,302,495,678
7. 2016 taxable value of property in territory the unit deannexed after January 1, 2016. Enter the 2016 value of property in deannexed territory. ⁴	\$0
8. 2016 taxable value lost because property first qualified for an exemption in 2016. Note that lowering the amount or percentage of an existing exemption does not create a new exemption or reduce taxable value. If the taxing unit increased an original exemption, use the difference between the original exempted amount and the increased exempted amount. Do not include value lost due to freeport, "goods-in-transit" exemptions. A. Absolute exemptions. Use 2016 market value: \$2,657,063 B. Partial exemptions. 2017 exemption amount or 2017 percentage exemption times 2016 value: + \$828,188 C. Value loss. Add A and B. ⁵	\$3,485,251

1 Tex. Tax Code § 26.012(14)

2 Tex. Tax Code § 26.012(14)

3 Tex. Tax Code § 26.012(13)

4 Tex. Tax Code § 26.012(15)

5 Tex. Tax Code § 26.012(15)

2017 Effective Tax Rate Worksheet (continued)

City of Fredbg

9.	2016 taxable value lost because property first qualified for agricultural appraisal (1-d or 1-d-1), timber appraisal, recreational/scenic appraisal or public access airport special appraisal in 2017. Use only those properties that first qualified in 2017; do not use properties that qualified in 2016. A. 2016 market value: \$495,460 B. 2017 productivity or special appraised value: - \$510 C. Value loss. Subtract B from A. ⁶	\$494,950
10.	Total adjustments for lost value. Add lines 7, 8C and 9C.	\$3,980,201
11.	2016 adjusted taxable value. Subtract line 10 from line 6.	\$1,298,515,477
12.	Adjusted 2016 taxes. Multiply line 4 by line 11 and divide by \$100.	\$3,116,437
13.	Taxes refunded for years preceding tax year 2016. Enter the amount of taxes refunded by the taxing unit for tax years preceding tax year 2016. Types of refunds include court decisions, Tax Code § 25.25(b) and (c) corrections and Tax Code § 31.11 payment errors. Do not include refunds for tax year 2016. This line applies only to tax years preceding tax year 2016. ⁷	\$11,290
14.	Taxes in tax increment financing (TIF) for tax year 2016. Enter the amount of taxes paid into the tax increment fund for a reinvestment zone as agreed by the taxing unit. If the unit has no 2017 captured appraised value in Line 16D, enter "0". ⁸	\$0
15.	Adjusted 2016 taxes with refunds and TIF adjustment. Add lines 12 and 13, subtract line 14. ⁹	\$3,127,727
16.	Total 2017 taxable value on the 2017 certified appraisal roll today. This value includes only certified values and includes the total taxable value of homesteads with tax ceilings (will deduct in line 18). These homesteads includes homeowners age 65 or older or disabled. ¹⁰ A. Certified values only: \$1,868,817,358 B. Counties: Include railroad rolling stock values certified by the Comptroller's office: + \$0	

6 Tex. Tax Code § 26.012(15)

7 Tex. Tax Code § 26.012(13)

8 Tex. Tax Code § 26.03(c)

9 Tex. Tax Code § 26.012(13)

10 Tex. Tax Code § 26.012(15)

2017 Effective Tax Rate Worksheet (continued)

City of Fredbg

16. (cont.)	C. Pollution control exemption: Deduct the value of property exempted for the current tax year for the first time as pollution control property: - \$84,400 D. Tax increment financing: Deduct the 2017 captured appraised value of property taxable by a taxing unit in a tax increment financing zone for which the 2017 taxes will be deposited into the tax increment fund. Do not include any new property value that will be included in line 21 below.¹¹ - \$0 E. Total 2017 value. Add A and B, then subtract C and D. \$1,868,732,958	
17.	Total value of properties under protest or not included on certified appraisal roll.¹² A. 2017 taxable value of properties under protest. The chief appraiser certifies a list of properties still under ARB protest. The list shows the appraisal district's value and the taxpayer's claimed value, if any or an estimate of the value if the taxpayer wins. For each of the properties under protest, use the lowest of these values. Enter the total value.¹³ \$39,880,433 B. 2017 value of properties not under protest or included on certified appraisal roll. The chief appraiser gives taxing units a list of those taxable properties that the chief appraiser knows about but are not included at appraisal roll certification. These properties also are not on the list of properties that are still under protest. On this list of properties, the chief appraiser includes the market value, appraised value and exemptions for the preceding year and a reasonable estimate of the market value, appraised value and exemptions for the current year. Use the lower market, appraised or taxable value (as appropriate). Enter the total value.¹⁴ + \$0	

11 Tex. Tax Code § 26.03(c)

12 Tex. Tax Code § 26.01(c)

13 Tex. Tax Code § 26.04 and 26.041

14 Tex. Tax Code § 26.04 and 26.041

2017 Effective Tax Rate Worksheet (continued)

City of Fredbg

17. (cont.)	C. Total value under protest or not certified. Add A and B.	\$39,880,433
18.	2017 tax ceilings. Counties, cities and junior colleges enter 2017 total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. Other taxing units enter "0". If your taxing units adopted the tax ceiling provision in 2016 or prior year for homeowners age 65 or older or disabled, use this step. ¹⁵	\$420,333,252
19.	2017 total taxable value. Add lines 16E and 17C. Subtract line 18.	\$1,488,280,139
20.	Total 2017 taxable value of properties in territory annexed after January 1, 2008. Include both real and personal property. Enter the 2017 value of property in territory annexed. ¹⁶	\$0
21.	Total 2017 taxable value of new improvements and new personal property located in new improvements. New means the item was not on the appraisal roll in 2016. An improvement is a building, structure, fixture or fence erected on or affixed to land. New additions to existing improvements may be included if the appraised value can be determined. New personal property in a new improvement must have been brought into the taxing unit after January 1, 2016 and be located in a new improvement. New improvements do include property on which a tax abatement agreement has expired for 2017. ¹⁷	\$38,200,920
22.	Total adjustments to the 2017 taxable value. Add lines 20 and 21.	\$38,200,920
23.	2017 adjusted taxable value. Subtract line 22 from line 19.	\$1,450,079,219
24.	2017 effective tax rate. Divide line 15 by line 23 and multiply by \$100. ¹⁸	\$0.2156/\$100
25.	COUNTIES ONLY. Add together the effective tax rates for each type of tax the county levies. The total is the 2017 county effective tax rate. ¹⁹	\$/\$100

15 Tex. Tax Code § 26.012(6)

16 Tex. Tax Code § 26.012(17)

17 Tex. Tax Code § 26.012(17)

18 Tex. Tax Code § 26.04(c)

19 Tex. Tax Code § 26.04(d)

A county, city or hospital district that adopted the additional sales tax in November 2016 or in May 2017 must adjust its effective tax rate. *The Additional Sales Tax Rate Worksheet* on page 39 sets out this adjustment. Do not forget to complete the *Additional Sales Tax Rate Worksheet* if the taxing unit adopted the additional sales tax on these dates.

2017 Rollback Tax Rate Worksheet

City of Fredbg

See pages 17 to 21 for an explanation of the rollback tax rate.

26.	2016 maintenance and operations (M&O) tax rate.	\$0.202500/\$100
27.	2016 adjusted taxable value. Enter the amount from line 11.	\$1,298,515,477
28.	2016 M&O taxes. A. Multiply line 26 by line 27 and divide by \$100. \$2,629,493 B. Cities, counties and hospital districts with additional sales tax: Amount of additional sales tax collected and spent on M&O expenses in 2016. Enter amount from full year's sales tax revenue spent for M&O in 2016 fiscal year, if any. Other units, enter "0." Counties exclude any amount that was spent for economic development grants from the amount of sales tax spent. + \$1,836,059 C. Counties: Enter the amount for the state criminal justice mandate. If second or later year, the amount is for increased cost above last year's amount. Other units, enter "0." + \$0 D. Transferring function: If discontinuing all of a department, function or activity and transferring it to another unit by written contract, enter the amount spent by the unit discontinuing the function in the 12 months preceding the month of this calculation. If the unit did not operate this function for this 12-month period, use the amount spent in the last full fiscal year in which the unit operated the function. The unit discontinuing the function will subtract this amount in H below. The unit receiving the function will add this amount in H below. Other units, enter "0." +/- \$0	

2017 Rollback Tax Rate Worksheet (continued)

City of Fredbg

28. (cont.)	E. Taxes refunded for years preceding tax year 2016: Enter the amount of M&O taxes refunded during the last budget year for tax years preceding tax year 2016. Types of refunds include court decisions, Section 25.25(b) and (c) corrections and Section 31.11 payment errors. Do not include refunds for tax year 2016. This line applies only to tax years preceding tax year 2016. + \$7,814 F. Enhanced indigent health care expenditures: Enter the increased amount for the current year's enhanced indigent health care expenditures above the preceding tax year's enhanced indigent health care expenditures, less any state assistance. + \$0 G. Taxes in tax increment financing (TIF): Enter the amount of taxes paid into the tax increment fund for a reinvestment zone as agreed by the taxing unit. If the unit has no 2017 captured appraised value in Line 16D, enter "0." - \$0 H. Adjusted M&O Taxes. Add A, B, C, E and F. For unit with D, subtract if discontinuing function and add if receiving function. Subtract G. \$4,473,366	
29.	2017 adjusted taxable value. Enter line 23 from the Effective Tax Rate Worksheet.	\$1,450,079,219
30.	2017 effective maintenance and operations rate. Divide line 28H by line 29 and multiply by \$100.	\$0.3084/\$100
31.	2017 rollback maintenance and operation rate. Multiply line 30 by 1.08. (See lines 49 to 52 for additional rate for pollution control expenses.	\$0.3330/\$100

2017 Rollback Tax Rate Worksheet (continued)

City of Fredbg

32.	Total 2017 debt to be paid with property taxes and additional sales tax revenue. "Debt" means the interest and principal that will be paid on debts that: (1) are paid by property taxes, (2) are secured by property taxes, (3) are scheduled for payment over a period longer than one year and (4) are not classified in the unit's budget as M&O expenses. A: Debt also includes contractual payments to other taxing units that have incurred debts on behalf of this taxing unit, if those debts meet the four conditions above. Include only amounts that will be paid from property tax revenue. Do not include appraisal district budget payments. List the debt in Schedule B: Debt Service. \$936,831 B: Subtract unencumbered fund amount used to reduce total debt. -\$0 C: Subtract amount paid from other resources. -\$0 D: Adjusted debt. Subtract B and C from A. \$936,831	
33.	Certified 2016 excess debt collections. Enter the amount certified by the collector.	\$0
34.	Adjusted 2017 debt. Subtract line 33 from line 32.	\$936,831
35.	Certified 2017 anticipated collection rate. Enter the rate certified by the collector. If the rate is 100 percent or greater, enter 100 percent.	100.000000%
36.	2017 debt adjusted for collections. Divide line 34 by line 35.	\$936,831
37.	2017 total taxable value. Enter the amount on line 19.	\$1,488,280,139
38.	2017 debt tax rate. Divide line 36 by line 37 and multiply by \$100.	\$0.0629/\$100
39.	2017 rollback tax rate. Add lines 31 and 38.	\$0.3959/\$100
40.	COUNTIES ONLY. Add together the rollback tax rates for each type of tax the county levies. The total is the 2017 county rollback tax rate.	\$/\$100

A taxing unit that adopted the additional sales tax must complete the lines for the *Additional Sales Tax Rate*. A taxing unit seeking additional rollback protection for pollution control expenses completes the *Additional Rollback Protection for Pollution Control*.

Additional Sales Tax Rate Worksheet

City of Fredbg

41.	Units that adopted the sales tax in August or November 2016, or in January or May 2017. Enter the Comptroller's estimate of taxable sales for the previous four quarters. Units that adopted the sales tax before August 2016, skip this line.	\$0
42.	Estimated sales tax revenue. Counties exclude any amount that is or will be spent for economic development grants from the amount of estimated sales tax revenue. UNITS THAT ADOPTED THE SALES TAX IN AUGUST OR NOVEMBER 2016, OR IN JANUARY OR MAY 2017. Multiply the amount on line 41 by the sales tax rate (.01, .005, or .0025, as applicable) and multiply the result by .95. -OR- UNITS THAT ADOPTED THE SALES TAX BEFORE AUGUST 2016. Enter the sales tax revenue for the previous four quarters. Do not multiply by .95.	\$1,836,059
43.	2017 total taxable value. Enter the amount from line 37 of the <i>Rollback Tax Rate Worksheet</i> .	\$1,488,280,139
44.	Sales tax adjustment rate. Divide line 42 by line 43 and multiply by \$100.	\$0.1233/\$100
45.	2017 effective tax rate, unadjusted for sales tax. Enter the rate from line 24 or 25, as applicable, on the <i>Effective Tax Rate Worksheet</i> .	\$0.2156/\$100
46.	2017 effective tax rate, adjusted for sales tax. UNITS THAT ADOPTED THE SALES TAX IN AUGUST OR NOVEMBER 2016, OR IN JANUARY OR MAY 2017. Subtract line 45 from line 46. -OR- UNITS THAT ADOPTED THE SALES TAX BEFORE AUGUST 2016. Enter line 46, do not subtract.	\$0.2156/\$100
47.	2017 rollback tax rate, unadjusted for sales tax. Enter the rate from line 39 or 40, as applicable, of the rollback tax rate worksheet.	\$0.3959/\$100
48.	2017 rollback tax rate, adjusted for sales tax. Subtract line 44 from line 47.	\$0.2726/\$100

If the additional sales tax rate increased or decreased from last year, contact the Comptroller's office for special instructions on calculating the sales tax projection for the first year after the rate change.

Additional Rollback Protection for Pollution Control Worksheet

City of Fredbg

49.	Certified expenses from TCEQ. Enter the amount certified in the determination letter from TCEQ. The taxing unit shall provide its assessor with a copy of the letter. See Part 3, the Rollback Rate, for more details.	\$0
50.	2017 total taxable value. Enter the amount from line 37 of the <i>Rollback Tax Rate Worksheet</i> .	\$1,488,280,139
51.	Additional rate for pollution control. Divide line 49 by line 50 and multiply by 100.	\$0.0000/\$100
52.	2017 rollback tax rate, adjusted for pollution control. Add line 51 to one of the following lines (as applicable): line 39, line 40 (counties) or line 48 (units with the additional sales tax).	\$0.2726/\$100

**2017 Notice of Effective Tax Rate
Worksheet for Calculation of Tax Increase/Decrease**

Entity Name: City of Fredbg

Date: 07/27/2017

1. 2016 taxable value, adjusted for court-ordered reductions. Enter line 6 of the Effective Tax Rate Worksheet.	\$1,302,495,678
2. 2016 total tax rate. Enter line 4 of the Effective Tax Rate Worksheet.	0.240000
3. Taxes refunded for years preceding tax year 2016. Enter line 13 of the Effective Tax Rate Worksheet.	\$11,290
4. Last year's levy. Multiply Line 1 times Line 2 and divide by 100. To the result, add Line 3.	\$3,137,280
5. 2017 total taxable value. Enter Line 19 of the Effective Tax Rate Worksheet.	\$1,488,280,139
6. 2017 effective tax rate. Enter line 24 of the Effective Tax Rate Worksheet or Line 47 of the Additional Sales Tax Rate Worksheet.	0.215600
7. 2017 taxes if a tax rate equal to the effective tax rate is adopted. Multiply Line 5 times Line 6 and divide by 100.	\$3,208,732
8. Last year's total levy. Sum of line 4 for all funds.	\$3,137,280
9. 2017 total taxes if a tax rate equal to the effective tax rate is adopted. Sum of line 7 for all funds.	\$3,208,732
10. Tax Increase (Decrease). Subtract Line 8 from Line 9.	\$71,452

City of Fredbg

Tax Rate Recap for 2017 Tax Rates

Description of Rate	Tax Rate Per \$100	Tax Levy This is calculated using the Total Adjusted Taxable Value (line 19) of the Effective Tax Rate Worksheet	Additional Tax Levy Compared to <u>last year's</u> <u>tax levy</u> of 4,047,975	Additional Tax Levy Compared to <u>effective tax</u> <u>rate levy</u> of 3,208,732
Last Year's Tax Rate	0.240000	\$3,571,872	\$-476,103	\$363,140
Effective Tax Rate	0.215600	\$3,208,732	\$-839,243	\$0
Notice & Hearing Limit*	0.215600	\$3,208,732	\$-839,243	\$0
Rollback Tax Rate	0.272600	\$4,057,052	\$9,076	\$848,320
Proposed Tax Rate	0.000000	\$0	\$-4,047,975	\$-3,208,732

Effective Tax Rate Increase in Cents per \$100

0.00	0.215600	3,208,732	-839,243	0
0.50	0.220600	3,283,146	-764,829	74,414
1.00	0.225600	3,357,560	-690,415	148,828
1.50	0.230600	3,431,974	-616,001	223,242
2.00	0.235600	3,506,388	-541,587	297,656
2.50	0.240600	3,580,802	-467,173	372,070
3.00	0.245600	3,655,216	-392,759	446,484
3.50	0.250600	3,729,630	-318,345	520,898
4.00	0.255600	3,804,044	-243,931	595,312
4.50	0.260600	3,878,458	-169,517	669,726
5.00	0.265600	3,952,872	-95,103	744,140
5.50	0.270600	4,027,286	-20,689	818,554
6.00	0.275600	4,101,700	53,725	892,968
6.50	0.280600	4,176,114	128,139	967,382
7.00	0.285600	4,250,528	202,553	1,041,796
7.50	0.290600	4,324,942	276,967	1,116,210
8.00	0.295600	4,399,356	351,381	1,190,624
8.50	0.300600	4,473,770	425,795	1,265,038
9.00	0.305600	4,548,184	500,209	1,339,452
9.50	0.310600	4,622,598	574,623	1,413,866
10.00	0.315600	4,697,012	649,037	1,488,280
10.50	0.320600	4,771,426	723,451	1,562,694
11.00	0.325600	4,845,840	797,865	1,637,108
11.50	0.330600	4,920,254	872,279	1,711,522
12.00	0.335600	4,994,668	946,693	1,785,936
12.50	0.340600	5,069,082	1,021,107	1,860,350
13.00	0.345600	5,143,496	1,095,521	1,934,764
13.50	0.350600	5,217,910	1,169,935	2,009,178
14.00	0.355600	5,292,324	1,244,349	2,083,592
14.50	0.360600	5,366,738	1,318,763	2,158,006

- *Notice & Hearing Limit Rate: This is the highest tax rate that may be adopted without notices and a public hearing. It is the lower of the rollback tax rate or the effective tax rate.
- School Districts: The school tax rate limit is \$1.50 for M&O, plus \$0.50 for 'New' debt plus a rate for 'Old' debt. 'Old' debt is debt authorized to be issued at an election held on or before April 1, 1991, and issued before September 1, 1992. All other debt is 'New' debt.

Tax Levy: This is calculated by taking the adjusted taxable value (line 19 of Effective Tax Rate Worksheet), multiplying by the appropriate rate, such as the Effective Tax Rate and dividing by 100.

For School Districts: This is calculated by taking the adjusted taxable value (line 34 of the Rollback Tax Rate Worksheet), multiplying by the appropriate rate, dividing by 100 and then adding this year's frozen tax levy on homesteads of the elderly.

Additional Levy Last Year: This is calculated by taking Last Year's taxable value (line 3 of Effective Tax Rate Worksheet), multiplying by Last Year's tax rate (line 4 of Effective Tax Rate Worksheet) and dividing by 100.

For School Districts: This is calculated by taking Last Year's taxable value, subtracting Last Year's taxable value for the elderly, multiplying by Last Year's tax rate, dividing by 100 and adding Last Year's tax ceiling.

Additional Levy This Year: This is calculated by taking the current adjusted taxable value, multiplying by the Effective Tax Rate and dividing by 100.

For School Districts: This is calculated by taking the adjusted taxable value (line 34 of the Rollback Tax Rate Worksheet), multiplying by the Effective Tax Rate, dividing by 100 and adding This Year's tax ceiling.

COUNTIES ONLY: All figures in this worksheet include ALL County Funds. Tax Levy amounts are the sum of each Fund's Taxable Value X each Fund's Tax Rate.

2017 Property Tax Rates in City of Fredbg

This notice concerns 2017 property tax rates for City of Fredbg. It presents information about three tax rates. Last year's tax rate is the actual rate the taxing unit used to determine property taxes last year. This year's *effective* tax rate would impose the same total taxes as last year if you compare properties taxed in both years. This year's *rollback* tax rate is the highest tax rate the taxing unit can set before taxpayers can start tax rollback procedures. In each case these rates are found by dividing the total amount of taxes by the tax base (the total value of taxable property) with adjustments as required by state law. The rates are given per \$100 of property value.

Last year's tax rate:

Last year's operating taxes	\$3,275,768
Last year's debt taxes	\$606,624
Last year's total taxes	\$3,882,392
Last year's tax base	\$1,298,515,477
Last year's total tax rate	0.240000/\$100

This year's effective tax rate:

Last year's adjusted taxes (after subtracting taxes on lost property)	\$3,127,727
÷ This year's adjusted tax base (after subtracting value of new property)	\$1,450,079,219
= This year's effective tax rate	0.215600/\$100

This year's rollback tax rate:

Last year's adjusted operating taxes (after subtracting taxes on lost property and adjusting for any transferred function, tax increment financing, state criminal justice mandate and/or enhanced indigent health care expenditures)	\$4,473,366
÷ This year's adjusted tax base	\$1,450,079,219
= This year's effective operating rate	0.308400/\$100
× 1.08 = this year's maximum operating rate	0.333000/\$100
+ This year's debt rate	0.062900/\$100
= This year's rollback rate	0.395900/\$100

A hospital district or city that collects the additional sales tax to reduce property taxes, including one that collects the tax for the first time this year, must insert the following lines:

- Sales tax adjustment rate	0.123300/\$100
= Rollback tax rate	0.272600/\$100

Statement of Increase/Decrease

If City of Fredbg adopts a 2017 tax rate equal to the effective tax rate of 0.215600 per \$100 of value, taxes would increase compared to 2016 taxes by \$ 71,452.

Schedule B: 2017 Debt Service:

The unit plans to pay the following amounts for long-term debts that are secured by property taxes. These amounts will be paid from property tax revenues (or additional sales tax revenues, if applicable).

Description of Debt	Principal or Contract Payment to be Paid from Property Taxes	Interest to be Paid from Property Taxes	Other Amounts to be Paid	Total Payment
2010 GO Refunding Bonds	450,000	27,300	0	477,300
2012 GO Bonds	140,000	71,784	0	211,784
2016 Texas Limited Tax Notes	50,000	19,535	0	69,535
2017 Texas Limited Tax notes	30,000	148,212	0	178,212
Total required for 2017 debt service				\$936,831
- Amount (if any) paid from funds listed in Schedule A				\$0
- Amount (if any) paid from other resources				\$0
- Excess collections last year				\$0
= Total to be paid from taxes in 2017				\$936,831
+ Amount added in anticipation that the unit will collect only 100.000000% of its taxes in 2017				\$0
= Total Debt Levy				\$936,831

Schedule C - Expected Revenue from Additional Sales Tax

(For hospital districts, cities and counties with additional sales tax to reduce property taxes)

In calculating its effective and rollback tax rates, the unit estimated that it will receive \$ 1,836,059 in additional sales and use tax revenues. **For**

County: The county has excluded any amount that is or will be distributed for economic development grants from this amount of expected sales tax revenue.

This notice contains a summary of actual effective and rollback tax rates' calculations. You can inspect a copy of the full calculations at 101 W Main St, Rm. 101B, Fredericksburg, TX 78624.

Name of person preparing this notice: Scott Fair

Title: Chief Appraiser

Date prepared: July 27, 2017



CITY COUNCIL MEMO

DATE: August 21, 2017

TO: Mayor and City Council

FROM: Laura Hollenbeak, Director of Finance

SUBJECT: Discuss property tax rate, take record vote on proposed tax rate, and schedule special public hearings, if necessary.

Summary:

A taxing unit's governing body must follow Legislative guidelines for proposing and adopting a tax rate. If the tax rate proposed by the governing body exceeds the effective tax rate or rollback rate, whichever is lower, they must publish a public hearing notice, post a website notice and hold two public hearings.

Scott Fair, the Gillespie Central Appraisal District Tax Assessor / Collector, calculates the effective and rollback tax rates. The effective tax rate is defined as the rate that imposes the same total property taxes as last year on properties taxed in both years. The rollback tax rate is the highest tax rate that could be adopted before taxpayers can start rollback procedures. The 2017 rollback tax rate is \$0.2726 per \$100 valuation.

The effective tax rate for 2017 is \$0.2156 per \$100 valuation, down from last year's actual rate of \$0.2400. The effective tax rate is significant in that any proposed tax rate above that number requires two additional public hearings on the proposed rate prior to adoption of the tax rate.

Recommendation:

The Council needs to establish a proposed tax rate by taking a record vote at the August 21, 2017 Council Meeting. It is important to note that after the public hearing on the FY 2018 Budget, the Council can adopt the effective tax rate or a lower rate, but cannot adopt a rate higher than the effective rate without taking a record vote and conducting two additional Public Hearings.

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The City of Fredericksburg

The motion should be to approve the proposed property tax rate of \$0.2400, a rate that is 11% above the effective tax rate of \$0.2156, as presented.

If the tax rate proposed by the governing body exceeds the effective tax rate or rollback rate, whichever is lower, they must publish a public hearing notice, post a website notice and hold two public hearings.

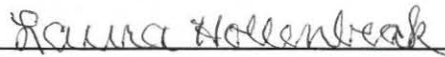
In a second motion, if necessary, the Council will move to schedule two Public Hearings on Tax Increase for Wednesday, August 30th and Tuesday, September 5th.

Background / Analysis:

Please review the attached 2017 Effective and Rollback Tax Rate Calculations prepared by Scott Fair.

Attachments:

2017 Effective and Rollback Tax Rate Calculations



Department Approval



City Manager Approval

CITY COUNCIL MEMO

DATE: August 14, 2017

TO: City Council

FROM: Pat McGowan

SUBJECT: Armory Well Conveyance

Summary: A re-conveyance of a water well which is owned by the City, but which is not needed by it, was approved by the Council on August 7, 2017. The Conveyance was subject to the granting of a license agreement to permit the Hill Country Underground Water Conservation District to continue to monitor the well. The District has decided it no longer needs to monitor this well, so it is requested that the re-conveyance be approved without the license agreement if desired by the Council.

Recommendation: That the re-conveyance be approved without the license agreement.

Background / Analysis: The City Council approved the re-conveyance of the Armory well to the landowners at the last City Council meeting. The conveyance was to be subject to a license agreement to the Hill Country Underground Water Conservation District. Kent signed the license agreement and deed to the landowners as presented to the Council. Since then, the buyers of the property objected to the language modifying the obligation of the Water District to indemnify the landowner for losses connected with its activities on the site. I again discussed the language with Paul Tybor, and he and their board chair (Alton Klier) decided they were not interested enough in monitoring that well to justify indemnification of the landowner, especially since the City has a well across the street they can monitor. I asked Garret Bonn if the City had any objections to having the Water District monitor that well, and he said no. So, the deed needs to be modified to remove the reference that the City's conveyance is subject to the license agreement, since there will no longer be a license agreement. Since the transaction was presented to the Council subject to the license agreement, it is requested that the Council approve the conveyance without the license agreement.

Attachments: Revised deed.

Clinton Bailey
Department Approval


Kent Myers
City Manager Approval

CITY OF FREDERICKSBURG

TO ROBERT CONNELLY and BARBARA
HOWARD

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

SPECIAL WARRANTY DEED

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

THAT the City of Fredericksburg, a municipal corporation of the County of Gillespie, State of Texas ("Grantor"), for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other valuable consideration to the undersigned paid by Grantee herein named, the receipt of which is hereby acknowledged, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto Robert Connelly an undivided 77.43 percent interest and unto Barbara Howard an undivided 22.57 percent interest ("Grantee") in and to the following described real property in Gillespie County, Texas, to wit:

That certain tract or parcel of land containing 10,000 square feet, part of Outlot No. 374 and of an unnumbered outlot situated East of Outlot No. 377 and West of Outlot No. 374 also sometimes designated as Outlot No. 621A as such outlots are represented, designated and delineates on the map or plat of the Town of Fredericksburg and its environs, said 10,000 square feet of land being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof ("Property").

This conveyance is made and accepted subject to all and singular, the restrictions/conditions, reservations, including mineral reservations, easements and covenants, if any, applicable to and enforceable against the above described property as reflected by the Records of the County Clerk of Gillespie County, Texas, as well as any visible and apparent roadway or easements over or across the subject property, the existence of which does not appear of record.

The Property is transferred in its present condition. Grantor specifically does not represent nor warrant the condition of the Property, the well located thereon, or its habitability or suitability for any particular use. Grantee, by the acceptance of this deed, acknowledges, warrants and covenants that he has had ample opportunity to examine the suitability and condition of the Property, and that Grantee's

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decision to purchase the Property has been based entirely upon his own examination, inspection, investigation and evaluation of the condition of the Property. GRANTEE SPECIFICALLY WAIVES AND DISCLAIMS ANY IMPLIED WARRANTY OF MERCHANTABILITY, FITNESS, HABITABILITY, AND DEFECT OF OR IN ANY WAY RELATED TO THE PROPERTY AS HEREIN DEFINED.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantees, their heirs and assigns forever, and we do hereby bind ourselves, our heirs, executors and administrators, to WARRANT AND FOREVER DEFEND, subject to the foregoing exceptions, all and singular the said premises unto the said Grantees, their heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through and under the undersigned, but not otherwise.

EXECUTED this ____ day of August 2017.

City of Fredericksburg

By: Kent Myers, City Manager

GRANTEES' ADDRESS:

THE STATE OF TEXAS §

COUNTY OF GILLESPIE §

This instrument was acknowledged before me on this the ____ day of August 2017 by Kent Myers, City Manager of the City of Fredericksburg, on behalf of said City.

Notary Public in and for the
State of Texas

After Recording Return To:
Genevieve Klein Gold, Attorney at law
206 West Main Street, Fredericksburg, Texas 78624

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