

CITY OF FREDERICKSBURG CITY COUNCIL MEETING

MONDAY, SEPTEMBER 21, 2015 ~ 4:00 p.m.

Law Enforcement Center ~ 1601 East Main Street

Linda Langerhans, Mayor
Graham Pearson, 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.

PLEDGE OF ALLEGIANCE.

Page Ref

1. **4:00 PM** - Discuss and Consider Space Needs/ Design/ Timing, of Various City Offices
2. **EXECUTIVE SESSION** - Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.086 (Economic Development).
A. Executive Session - Real Estate Matters - Discuss and Consider Potential Sites for Relocation/Expansion of Various City Offices.

DINNER BREAK

3. **MINUTES** - Consider Approval of Minutes of August 2015 City Council meetings 1-11
4. **PUBLIC HEARINGS**
 - A. **PUBLIC HEARING**- Annexation of Approximately 18.156 Acres out of the William H. Anderson Survey No. 197, Abstract No. 2, Otherwise Known as Stone Ridge Unit 9 (2nd of two public hearings) 12-14
 - B. **PUBLIC HEARING** - Z-1513 - by the City of Fredericksburg to Consider Amending Section 7.825 of the Zoning Ordinance Pertaining to Special Parking Provisions to Extend said Provisions West on Main St. 15-23
 - C. **PUBLIC HEARING** - Z-1514 - by Jon H. Starnes to Change the Land Use Plan from Medium Density Residential to Low Density Residential and Change the Zoning from PUD to R-1 on Approximately 9.97 Acres of Land Known as Oaks of Windcrest, Phase 3, Located on Post Oak Road and Windcrest Drive. 24-37
 - D. **PUBLIC HEARING** - Z-1515 - by Anthony DiCuffa to Change the Land Use Plan from Low Density Residential to Mixed Use on a 1.596 Acre Portion of Property Located at 1108 N. Llano and Change the Zoning from R-1 Single Family Residential to C-1 Neighborhood Commercial on Said Property. 38-52

5. **ORDINANCES - RESOLUTIONS - ACTION ITEMS**
 - A. Receive Recommendation and Consider adopting Ordinance re Z-1513
 - B. Receive Recommendation and Consider adopting Ordinance re Z-1514
 - C. Receive Recommendation and Consider adopting Ordinance re Z-1515
 - D. Consider Adopting Ordinance for Posting of Health Inspection Scores (2nd reading) 53-56
 - E. Consider New Utility Rates Ordinance. 57-63
 - F. Consider RV Fees Ordinance 64-66
 - G. Consider Leaf/Brush Collection Ordinance 67-73
6. **INDIVIDUAL ITEMS FOR CONSIDERATION AND POSSIBLE ACTION**
 - A. Receive Update on Building Project at 606 E. Main - Jaret Muraglia
 - B. Consider FY 2015 Budget Amendments 74-76
7. **CITY MANAGER'S REPORT**
 - A. Golf Course Grill
 - B. October City Council Retreat
 - C. Joint Meeting with CVB Board - Conference Center
 - D. City Employee Recognitions
8. **ITEMS FOR FUTURE AGENDAS**
9. **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.
10. **COUNCIL COMMENTS** - No discussion or action may take place.
11. **EXECUTIVE SESSION** - Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.086 (Economic Development).
 - A. Executive Session - Real Estate Matters and Consultation with Attorney - Discuss Proposed Terms of Economic Development Agreement for Ufer Street Hotel Project. Hand Out
12. **ADJOURN**

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

**SPECIAL CITY COUNCIL MEETING
AUGUST 3, 2015
8:30 AM**

On this the 3rd day of August, 2015, the City Council of the CITY OF FREDERICKSBURG convened in special session in the Fire Station Training Room, with the following members present to constitute a quorum:

LINDA LANGERHANS - MAYOR
GRAHAM PEARSON - COUNCIL MEMBER
BOBBY WATSON - COUNCIL MEMBER
JERRY LUCKENBACH - COUNCIL MEMBER
GARY NEFFENDORF - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
STEVE WETZ - POLICE CHIEF
CLINTON BAILEY - D.P.W.U
LAURA HOLLENBEAK - DIR OF FINANCE
DANA SMITH - CITY ACCOUNTANT
JOHN CULPEPPER - DIR OF EMERGENCIES SERVICES
DAVE WISNIEWSKI - ASST EMER MGT COORDINATOR
KYLE KOCH - FIRE MARSHAL
KELLI OLFERS - SANITARIAN
RUSSELL IMMEL - IT MANAGER

The meeting was called to order at 8:30 am.

JOINT MEETING WITH GILLESPIE COUNTY COMMISSIONERS COURT:

The following were discussed:

1. Funding Request from EDC
2. FY 2016 Budget - Health Services
3. FY 2016 Budget - EMS
4. FY 2016 Budget - Fire Departments
5. FY 2016 Budget - Emergency Management
6. FY 2016 Budget - LEC
7. FY 2016 Budget - Combined Dispatch Center
8. FY 2016 Funding for Relief Route
9. FY 2016 Funding for EOC Improvements
10. Funding Request - New Animal Shelter

With no further discussion, Council Member Luckenbach made a motion to adjourn the meeting at 10:30 AM. Council Member Watson seconded the motion. Motion carried.

PASSED AND APPROVED this the 21st day of September, 2015.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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

**REGULAR CITY COUNCIL MEETING
AUGUST 3, 2015
6:00 PM**

On this the 3rd day of August, 2015, 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
JERRY LUCKENBACH - COUNCIL MEMBER
GRAHAM PEARSON - COUNCIL MEMBER
BOBBY WATSON - COUNCIL MEMBER
GARY NEFFENDORF - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
PAT MCGOWAN - CITY ATTORNEY
CLINTON BAILEY - D.P.W.U.
STEVE WETZ - POLICE CHIEF

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

EXTENSION OF SPECIAL PARKING PROVISIONS – Brian Jordan, Dir of Development Services, briefed Council on a request by Ben and Abigail Jones to extend Special Parking Provisions to include the 600 block of West Main Street. Staff was directed to proceed with a review of the ordinance extending Special Parking Provisions to additional areas on West Main Street.

CITY MANAGER'S REPORT – City Manager Kent Myers reported on (1) Future Budget Meetings, (2) Charter Review Committee, and (3) Employee Recognitions.

PUBLIC COMMENTS – No comments.

COUNCIL COMMENTS – No comments.

EXECUTIVE SESSION - It was moved by Council Member Luckenbach, seconded by Council Member Watson, to recess the regular session and go into Executive Session at 6:40 PM. All voted in favor and the motion carried. At 7:30 PM, it was moved by Council Member Luckenbach, seconded by Council Member Pearson, to adjourn the Executive Session and reconvene the regular session. All voted in favor and the motion carried.

The following items were discussed in Executive Session:

NEGOTIATIONS RE: PURCHASE OF BARON'S CREEK PROPERTY FROM GILLESPIE COUNTY – No action taken.

PROPOSED LEASE TO APPRAISAL DISTRICT FOR PROPERTY ON FRIENDSHIP LANE – No action.

LITIGATION RE: CTEC V. CITY OF FREDERICKSBURG – No action was taken.

With no further discussion, Council Member Watson made a motion to adjourn the meeting at 7:30 PM. Council Member Neffendorf seconded the motion. Motion carried.

PASSED AND APPROVED this the 21st day of September, 2015.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

SPECIAL CITY COUNCIL MEETING
AUGUST 6, 2015
5:00 PM

On this the 6th day of August, 2015, the City Council of the CITY OF FREDERICKSBURG convened in special session at the Cardinal Room at Lady Bird Golf Course, with the following members present to constitute a quorum:

LINDA LANGERHANS - MAYOR
GRAHAM PEARSON - COUNCIL MEMBER
BOBBY WATSON - COUNCIL MEMBER
JERRY LUCKENBACH - COUNCIL MEMBER
GARY NEFFENDORF - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
LAURA HOLLENBEAK – DIR OF FINANCE
ALLEN WOOLEY – GOLF PRO

GOLF COURSE MANAGEMENT AND OPERATIONS – Council heard presentations from (1) Lynn Shackelford, Vice President of Business Development of Touchstone Golf, and (2) Jim Roscheck, CEO and President of Alamo City Golf Trail. No action was taken.

PUBLIC COMMENTS – Comments were received from various members of the audience regarding the presentations.

COUNCIL COMMENTS ON PROPOSED CHANGES TO FY 2016 BUDGET FOR GOLF COURSE MANAGEMENT AND OPERATIONS – Several Council Members commented on the proposed changes; no action was taken.

With no further discussion, Council Member Luckenbach made a motion to adjourn the meeting at 7:00 PM. Council Member Watson seconded the motion. Motion carried.

PASSED AND APPROVED this the 21st day of September, 2015.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

SPECIAL CITY COUNCIL MEETING
AUGUST 10, 2015
5:00 PM

On this the 10th day of August, 2015, 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
GRAHAM PEARSON - COUNCIL MEMBER
BOBBY WATSON - COUNCIL MEMBER
JERRY LUCKENBACH - COUNCIL MEMBER
GARY NEFFENDORF - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
LAURA HOLLENBEAK – DIR OF FINANCE

BUDGET WORKSHOP – Council held a Budget Workshop; no action was taken.

PASSED AND APPROVED this the 21st day of September, 2015.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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

**REGULAR CITY COUNCIL MEETING
AUGUST 17, 2015
6:00 PM**

On this the 17th day of August, 2015, 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
GRAHAM PEARSON – COUNCIL MEMBER
JERRY LUCKENBACH - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
SHELLEY BRITTON - CITY SECRETARY
LAURA HOLLENBEAK – DIR OF FINANCE
PAT McGOWAN - CITY ATTORNEY
CLINTON BAILEY - D.P.W.U.
BRIAN JORDAN – DIR OF DEVELOPMENT SERVICES
STEVE WETZ – CHIEF OF POLICE

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

MINUTES – It was moved by Council Member Watson, seconded by Council Member Luckenbach, to approve the minutes of the July 2015 meetings as presented. All voted in favor and the motion carried.

PUBLIC HEARING FY 2016 – City Manager Kent Myers briefed the public on the 2016 Budget Process. It was then moved by Council Member Neffendorf, seconded by Council Member Watson, to recess the regular session and open the public hearing on the FY 2016 Budget. All voted in favor and the motion carried.

Larry Wertz spoke on the golf course budget; Tom Musselman addressed “lost days” at the golf course due to weather.

It was moved by Council Member Luckenbach, seconded by Council Member Neffendorf, to adjourn the public hearing and reconvene the regular session. All voted in favor and the motion carried.

PUBLIC HEARING ON Z-1512 BY TO REZONE FROM R-5 PATIO HOME RESIDENTIAL TO R1-A SINGLE FAMILY RESIDENTIAL – SMALL LOT, ON 19.5 ACRES KNOWN AS CRABAPPLE GROVE UNIT 2, LOCATED ON LOWER CRABAPPLE ROAD – It was moved by Council Member Luckenbach, seconded by Council Member Watson, to recess the regular session and open the Public Hearing on Z-1512 by to Rezone from R-5 Patio Home Residential to R1-A Single Family Residential – Small Lot, on 19.5 acres known as Crabapple Grove Unit 2, located on Lower Crabapple Road. All voted in favor and the motion carried.

Mr. Karl Ransleben addressed the Council about his reasons for wanting to change the zoning of his development from R-5 Patio Home Residential to R1-A Single Family Residential – Small Lot.

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

RECOMMENDATION RE: Z-1512 – It was moved by Council Member Neffendorf, seconded by Council Member Pearson, to approve Z-1512 to rezone from R-5 Patio Home Residential to R1-A Single Family Residential – Small Lot, on 19.5 acres known as Crabapple Grove Unit 2, located on Lower Crabapple Road as presented. The vote was as follows: Aye: Langerhans, Luckenbach, Neffendorf, Watson, and Pearson. NAY: None. Motion carried.

ORDINANCE NO. 25-013

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FREDERICKSBURG AND CHANGING THE ZONING CLASSIFICATION OF 19.523 ACRES OUT OF THE WILLIAM ANDERSON SURVEY NO. 197, ABSTRACT NO. 2, GILLESPIE COUNTY, TEXAS, SITUATED IN THE CITY OF FREDERICKSBURG, TEXAS, FROM R-5 PATIO HOME RESIDENTIAL TO R-1A SINGLE FAMILY RESIDENTIAL – SMALL LOT. (Recorded in Ord Book)

PUBLIC HEARING ON ADOPTION OF ORDINANCE REGARDING DESIGN GUIDELINES AND STANDARDS FOR ENTRY CORRIDORS (1ST READING) – It was moved by Council Member Luckenbach, seconded by Council Member Neffendorf, to recess the regular session and open the Public Hearing on the adoption of an ordinance regarding design guidelines and standards for entry corridors. All voted in favor and the motion carried.

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

ORDINANCE REGARDING DESIGN GUIDELINES AND STANDARDS FOR ENTRY CORRIDORS (1ST READING) – Brian Jordan briefed Council on the proposed Ordinance regarding Design Guideline and Standards for Entry Corridors (first reading). No action was taken.

CONTRACT FOR CONSOLIDATED WAREHOUSE DETENTION POND/DOWNSTREAM IMPROVEMENTS PROJECT – Following the recommendation of Clinton Bailey, Director of Public Works and Utilities, it was moved by Council Member Watson, seconded by Council Member Luckenbach, to approve the Contract for the Consolidated Warehouse Detention Pond/Downstream Improvements Project as presented, awarding the contract to Allen Keller Company in the amount of \$292,803.00. The vote was as follows: Aye: Langerhans, Neffendorf, Watson, Luckenbach, and Pearson. NAY: None. Motion carried.

CONTRACT FOR UTILITY MASTER PLAN PROFESSIONAL SERVICES – Following the recommendation of Clinton Bailey, Director of Public Works and Utilities, it was moved by Council Member Watson, seconded by Council Member Neffendorf, to approve the Contract for the Utility Master Plan Professional Services as presented, awarding it to Freese and Nichols in the amount of \$375,000.00. The vote was as follows: Aye: Langerhans, Neffendorf, Watson, Luckenbach, and Pearson. NAY: None. Motion carried.

COMMENTS FROM SANDRA WEINHEIMER REGARDING OLD FAIR PARK – Comments were received from Sandra Weinheimer regarding Old Fair Park; no action was taken.

REQUEST FROM FCVB FOR ADDITIONAL HOT FUNDS – Ernie Loeffler presented a request for \$70,000 in additional funding from HOT revenues that were collected last year over budgeted projections. It was moved by Council Member Pearson, seconded by Council Member Luckenbach, to approve the request as presented. The vote was as follows: Aye: Langerhans, Neffendorf, Watson, Luckenbach, and Pearson. NAY: None. Motion carried.

2015 EFFECTIVE AND ROLLBACK TAX RATE CALCULATION – Director of Finance, Laura Hollenbeak, presented the 2015 Effective and Rollback Tax Rate Calculation. It was moved by Council Member Pearson, seconded by Council Member Luckenbach, to receive the Effective Tax Rate of .2313 and the Rollback Tax Rate Calculation of .2696. The vote was as follows: Aye: Langerhans, Luckenbach, Neffendorf, Watson, and Pearson. NAY: None. Motion carried.

TAKE RECORD VOTE ON PROPOSED TAX RATE, AND SCHEDULE SPECIAL PUBLIC HEARINGS

– It was moved by council Member Neffendorf, seconded by Council Member Watson, to approve the proposed property tax rate of \$0.2513, a rate that is 8.6% above the effective tax rate of \$0.2323, as presented. The vote was as follows: AYE: Langerhans, Neffendorf, Watson, and Luckenbach; NAY: Pearson. Motion carried.

It was also moved by Council Member Neffendorf, seconded by Council Member Watson, to schedule two Public Hearings on a Tax Increase for Wednesday, August 26 and Wednesday, September 2. All voted in favor and the motion carried.

CITY MANAGER'S REPORT - City Manager's Report included (1) August 19 Special City Council Meeting and Public Meeting – Parks Master Plan, (2) Architect Study on Expansion of City Buildings, (3) Highway Cleanup – August 29, and (4) Employee Recognitions.

PUBLIC COMMENTS – Russ Rose commented on the weather; Walter Moldenhauer commended Council and staff on the budget process, and suggested they look into obtaining the strip of HEB property adjacent to the soccer field at Old Fair Park.

COUNCIL COMMENTS – Council Members commented on various board meetings attended.

EXECUTIVE SESSION - It was moved by Council Member Luckenbach, seconded by Council Member Watson, to recess the regular session and go into Executive Session at 8:10 PM. All voted in favor and the motion carried. At 8:30 PM, it was moved by Council Member Luckenbach, seconded by Council Member Pearson, to adjourn the Executive Session and reconvene the regular session. All voted in favor and the motion carried.

The following items were discussed in Executive Session:

RECEIVE UPDATED PROPRIETARY INFORMATION ON WHOLESALE POWER RATES – No action was taken.

With no further business, Council Member Watson made a motion to adjourn the meeting at 8:41 PM. Council Member Luckenbach seconded the motion. Motion carried.

PASSED AND APPROVED this the 21st day of September, 2015.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

SPECIAL CITY COUNCIL MEETING
AUGUST 19, 2015
4:00 PM

On this the 19th day of August, 2015, 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
GRAHAM PEARSON - COUNCIL MEMBER
BOBBY WATSON - COUNCIL MEMBER
JERRY LUCKENBACH - COUNCIL MEMBER
GARY NEFFENDORF - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
JIMMY ALEXANDER - DIR OF PARKS & REC

PARKS MASTER PLAN – DISCUSSION WITH CONSULTANT – Council discussed elements of the Parks Master Plan with the consultants representing Dunkin, Simms & Stoffel. No action was taken.

With no further discussion, Council Member Luckenbach made a motion to adjourn the meeting at 5:00 PM. Council Member Watson seconded the motion. Motion carried.

PASSED AND APPROVED this the 21st day of September, 2015.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

SPECIAL CITY COUNCIL MEETING
AUGUST 20, 2015
4:00 PM

On this the 20th day of August, 2015, 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
GRAHAM PEARSON - COUNCIL MEMBER
BOBBY WATSON - COUNCIL MEMBER

JERRY LUCKENBACH - COUNCIL MEMBER
GARY NEFFENDORF - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
LAURA HOLLENBEAK - DIR OF FINANCE
CLINTON BAILEY - D.P.W.U

BUDGET WORKSHOP – Council held a Budget Workshop; no action was taken.

With no further discussion, Council Member Luckenbach made a motion to adjourn the meeting at 5:55 PM. Council Member Neffendorf seconded the motion. Motion carried.

PASSED AND APPROVED this the 21st day of September, 2015.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

SPECIAL CITY COUNCIL MEETING
AUGUST 26, 2015
6:00 PM

On this the 26th day of August, 2015, 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
BOBBY WATSON - COUNCIL MEMBER
JERRY LUCKENBACH - COUNCIL MEMBER
GARY NEFFENDORF - COUNCIL MEMBER

ABSENT: GRAHAM PEARSON - COUNCIL MEMBER

ALSO PRESENT: KENT MYERS - CITY MANAGER
LAURA HOLLENBEAK - DIR OF FINANCE

The meeting was called to order at 6:00 pm.

PUBLIC HEARING ON PROPOSED FY 2016 PROPERTY TAX RATE (1ST OF TWO PUBLIC HEARINGS) – Council Member Luckenbach moved, seconded by Council Member

Watson, to recess the regular session and open the Public Hearing on the Proposed FY 2016 Property Tax Rate (1st of two Public Hearings). All voted in favor and the motion carried.

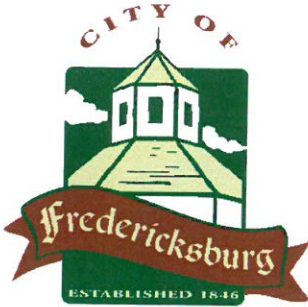
Following comments from the public, it was moved by Council Member Luckenbach, seconded by Council Member Watson, to adjourn the public hearing and reconvene the regular session at 6:13 pm. All voted in favor and the motion carried.

With no further business, it was moved by Council Member Neffendorf, seconded by Council Member Watson, to adjourn the meeting at 6:14 pm. Motion carried.

PASSED AND APPROVED this the 21st day of September, 2015.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR



CITY COUNCIL MEMO

DATE: September 14, 2015

TO: Mayor and City Council

FROM: Brian Jordan, AICP

SUBJECT: Annexation of approximately 18.156 acres out of the William H. Anderson Survey No. 197, Abstract No. 2, otherwise known as Stone Ridge Unit 9 (Second of two public hearings).

Summary:

The property is located to the north and west of Stone Ridge Unit 8 and south of Unit 7 (see the attached exhibit). The required public hearings are scheduled for September 8 and 21, 2015. The Institution of Annexation Proceedings will need to occur in a special meeting between October 12-15, 2015.

Recommendation:

Conduct hearing and consider any comments. No action is necessary.

Background / Analysis:

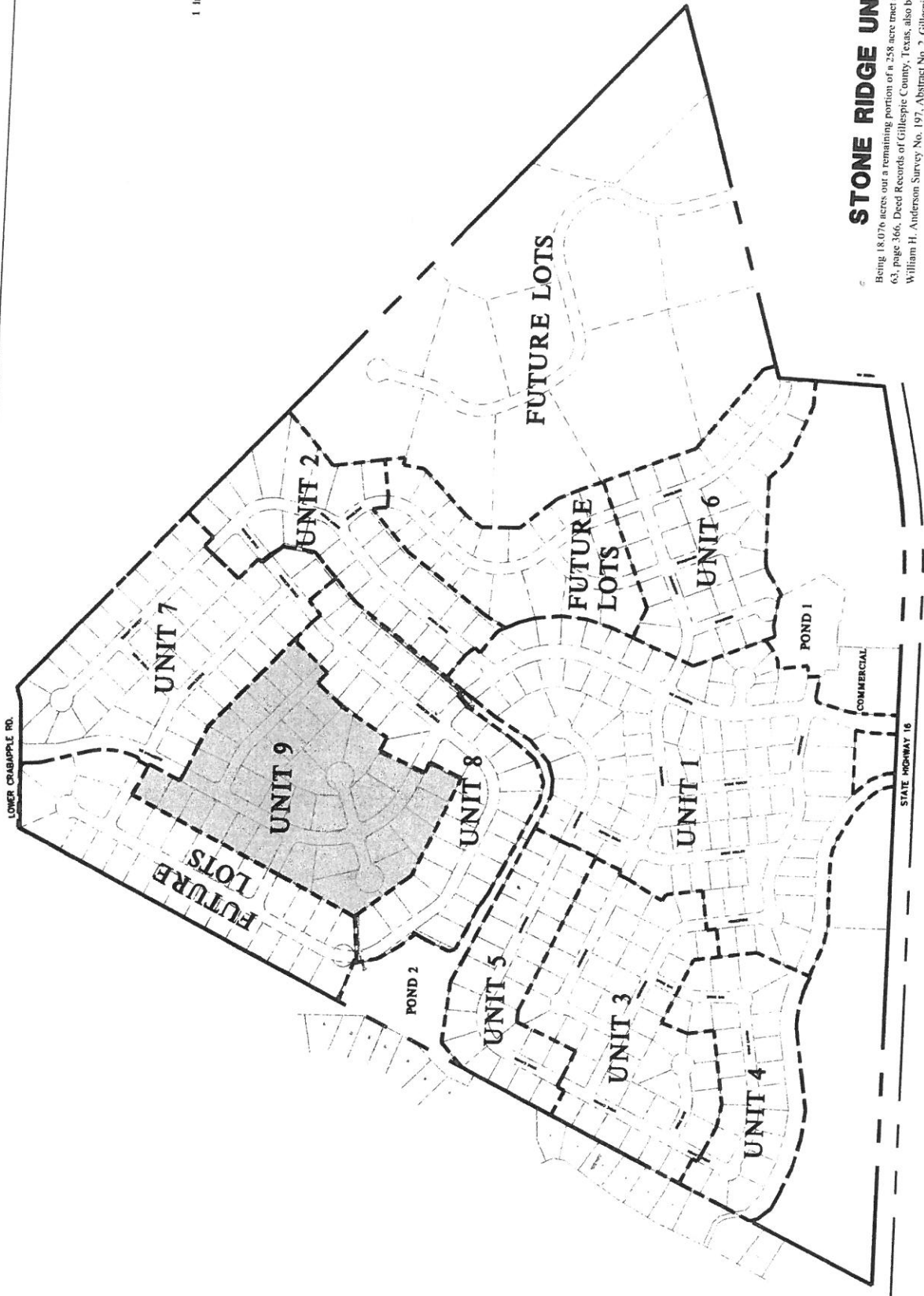
The Preliminary Plat is being reviewed and will be considered by the Planning and Zoning Commission on September 9, 2015. As part of the platting of this property, the developer will be responsible for the extension of utilities necessary to serve this phase, drainage improvements and street

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The City of Fredericksburg

improvements. Unit 9 consists of 34 single-family lots, consistent in size as previous phases. The total number of lots included in Units 1-9 will be 344. The property will come into the City as R-1, Single Family Residential Zoning.

LOWER CRABAPPLE RD.



SCALE
1 inch = 400 ft.

STONE RIDGE UNIT 9

Being 18.076 acres out of a remaining portion of a 258 acre tract as described in volume 63, page 366, Deed Records of Gillespie County, Texas, also being situated in the William H. Anderson Survey No. 197, Abstract No. 2, Gillespie County, Texas.

EXH-2



CITY COUNCIL MEMO

DATE: September 14, 2015

TO: Mayor and City Council

FROM: Brian Jordan, AICP Director of Development Services

SUBJECT: Extension of Special Parking Provisions west on Main Street

Summary:

Ben and Abigail Jones intend to open an Event Venue/Beer and Wine Bar at 607 West Main Street. This property is zoned C-2 and is located within the Historic District. The Zoning Ordinance for parking states that parking shall be provided for any change of occupancy or manner of operation that would result in additional parking spaces being required, provided that the additional parking shall be required only for such change and not for the entire building or use.

The previous use at this location was retail/storage, which would require 5 parking spaces. The proposed use of an event venue/bar would require 27 parking spaces based on the square footage of the interior lounge area. As such, the code would require parking for 22 spaces. There does not appear to be sufficient space or access on site to provide this many parking spaces. There is a provision in the code to allow for off-site parking as long as it is within 300' and meets certain requirements. Attempts to secure off-site parking have been unsuccessful.

When they originally attended the Development Review Committee (DRC) Meeting, there was some confusion on whether or not they were located within the area allowed for special parking provisions, as stated in the Zoning Ordinance. As it turns out, the special parking provisions end at Bowie Street,

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The City of Fredericksburg

and this property is located in the next block. In summary, the special parking provisions state when any existing building is converted to another use without enlarging said building perimeter, then said building conversion or improvement shall not require additional parking. For new buildings or expanded building space, parking shall be provided at 50% of the normal requirement. After determining this, the Jones requested that they be placed on the Council's agenda, to request that consideration be given to extending the special parking provisions to include the 600 Block of West Main Street. On August 3, 2015, the Council considered their request and directed staff to initiate a zoning amendment to consider extending the special parking provisions west on Main Street.

Recommendation:

The Planning and Zoning Commission voted 4-1 to recommend that the special parking provisions be extended to correspond with the boundaries of the Historic District and the Historic Shopping District Overlay. This would extend the district to Acorn Street, including the lots fronting and on the west side of Acorn Street. The action taken by the Planning and Zoning Commission was suggested as a possible alternative. However, based on the factors listed in the Background/Analysis below, staff does not recommend extending the special parking provisions west of Bowie Street.

Background / Analysis:

In 2014, the City extended the special parking provisions to Elk Street on the east and Bowie Street on the west to correspond with the CBD, Central Business District zoning. The ordinance states that the special parking requirements apply in order to further enhance the unique historical character and discourage inharmonious parking facilities in such historical districts or on sites occupied by historic structures and to reduce intrusion on pedestrian-oriented street frontages by parking facility access.

Since the zoning west of Bowie Street transitions to C-2, Commercial, this special parking provision was not extended. By definition, the C-2 zone is intended to provide for businesses and services that serve persons throughout the city and area. These uses generally require frontages on major cross street intersections of highways or other major arterials, given their high visibility and traffic generation ability. The attached map shows the zoning along Main Street, as well as the boundaries of the Historic District.

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

(16)

The City of Fredericksburg

In addition, most existing commercial uses within the blocks west of Bowie Street have provided on-site parking. Most residential structures that are utilized for commercial businesses or bed and breakfasts also have provided parking. While there are a few businesses with limited parking (Catfish Haven, Creative Awards and 609 W. Main Street), the only business west of Bowie on Main Street that has no on-site parking is the Cho Cho Trolley.

A handwritten signature in blue ink, appearing to be 'Bry', with a long horizontal flourish extending to the right.

AN ORDINANCE AMENDING SECTION 7.800.- OFF-STREET PARKING PROCEDURES OF THE ZONING ORDINANCE OF THE CITY OF FREDERICKSBURG, SPECIFICALLY SECTION 7.825 SPECIAL PROVISIONS APPLICABLE TO CENTRAL FREDERICKSBURG, PROVIDING FOR SEVERABILITY/PARTIAL INVALIDITY, REPEAL OF INCONSISTENT PROVISIONS AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, because the development of the properties within the central part of the City as are identified below, occurred before the enactment of the parking regulations of the City, and

WHEREAS, because the properties within such area were not planned for public parking the lack of available parking on such properties inhibits the development of the same, and

WHEREAS, the City Council, based on the recommendation of the Planning and Zoning Commission, desires to encourage development in such areas, and

WHEREAS, extending the lowered parking requirements for such areas has been determined by the City Council to encourage such development, and the City Council enacts the following revisions to its parking requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS THAT THE FOLLOWING ORDINANCE BE AND IS HEREBY ENACTED AND THAT SECTION THE CODE OF ORDINANCES OF THE CITY OF FREDERICKSBURG BE AMENDED OR ADDED AS FOLLOWS:

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

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

3. For new buildings or expanded building space, the following uses shall provide fifty percent (50%) of the off-street parking requirements of Table 7.863.
4. The provisions as provided herein shall not apply for sites where a historic structure is removed and a new building built.
5. The Special Parking Provisions shall not apply to properties utilized as Bed and Breakfasts, hotels, motels or other lodgings.

-----End of Code Text-----

Severability / Invalidity.

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

Repealer

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

Penalties

Penalties provided for in the Code Ordinances of the city of Fredericksburg shall apply to violations hereof.

That this ordinance shall take effect from and after the date of its passage and publication in accordance with the law.

PASSED AND APPROVED this the _____ day of September, 2015.

Linda Langerhans, Mayor
City of Fredericksburg

ATTEST:

Shelley Britton, City Secretary

APPROVED AS TO FORM:

Pat McGowan, City Attorney

CODE COMPARATIVE TABLE ORDINANCES modified

STATE LAW REFERENCE TABLE

Sec. 7.820. - Basic Regulations: Vehicle Parking/Loading & Unloading.



Off-street parking facilities shall be provided for any new building constructed for any new use established. Off-street parking facilities shall be provided for any addition or enlargement of an existing building or use, and for any change of occupancy or manner of operation that would result in additional parking spaces being required, provided that the additional parking shall be required only for such addition, enlargement, or change and not for the entire building or use.

Facilities being used for off-street parking on the effective date of the Zoning Ordinance shall not be reduced in capacity to less than the number of spaces prescribed, nor altered in design or function to less than the minimum standards prescribed in the Off-Street Parking and Loading Regulations.

For sites with more than one use and for adjacent sites served by a common parking facility, the parking requirement shall be the total number of spaces required for each site or use, except as adjusted pursuant to Section 7.850.

Parking facilities constructed or substantially reconstructed subsequent to the effective date of the Zoning Regulations, whether or not required, shall conform to the design Standards set forth in Section 7.860.

All required facilities shall be maintained for the duration of the use requiring such areas. Such facilities shall be used exclusively for the temporary parking of passenger automobiles, motor vehicles, or light trucks not exceeding one ton in capacity, and shall not be used for the sale, display, or storage of merchandise, or for the storage or repair of vehicles or equipment.

All required parking facilities shall be located on the same site as the use for which such facilities are required, except as authorized pursuant to Section 7.850.

CODE COMPARATIVE TABLE ORDINANCES **modified**

STATE LAW REFERENCE TABLE

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



Special parking requirements shall apply within designated portions of Central Fredericksburg in order to further enhance the unique historical character and discourage inharmonious parking facilities in such historical districts or on sites occupied by historic structures and to reduce intrusion on pedestrian-oriented street frontages by parking facility access.

Special Parking Requirements Area, including all of blocks 28, 34, 68, 43, 48, 53, 52, 47, 42, 67, 33 and 27 of the Fredericksburg Addition further described as those blocks bordered by Austin Street on the north, San Antonio Street on the south, Milam Street on the west, and Washington Street on the east.

Special Provisions

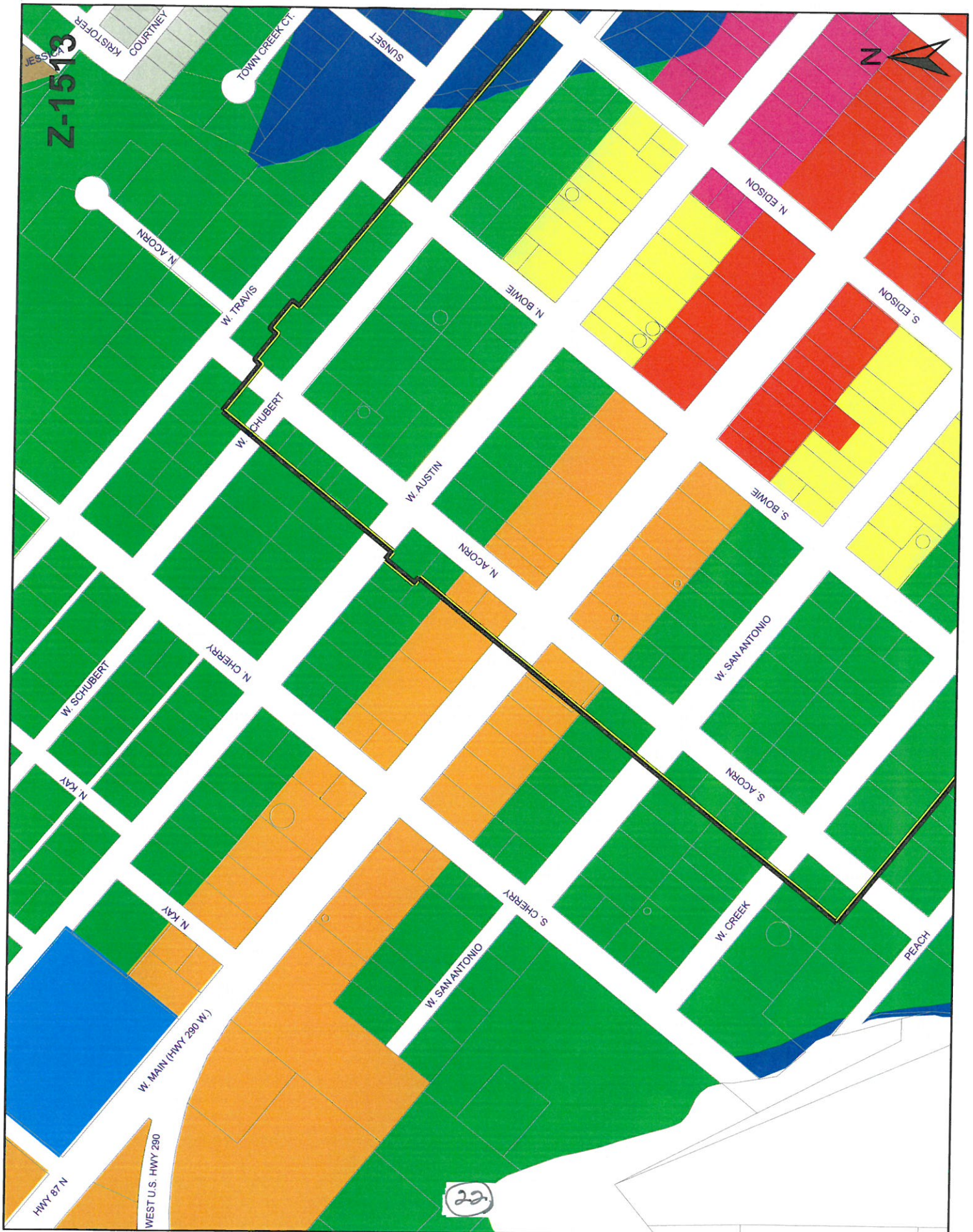
For those businesses which construct their own off-street, off-premises parking, the distance to the parking lot may be extended fifty percent (50%) in addition to the provisions in Section 7.850.

When any existing building is: (1) converted to another use; or (2) has the usable floor area within the existing building perimeter enlarged, rehabilitated or remodeled, without enlarging said building perimeter, then said building conversion or improvement shall not require additional off-street parking, other than the number of existing off-street parking spaces which are utilized by said building.

For new buildings or expanded building space, the following uses shall provide fifty percent (50%) of the off-street parking requirements of Table 7.863.

The provisions as provided herein shall not apply for sites where a historic structure is removed and a new building built.

(21)



Z-1513



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CITY COUNCIL MEMO

DATE: September 14, 2015

TO: Mayor and City Council

FROM: Brian Jordan, AICP

SUBJECT: Change in Land Use Plan from Medium Density Residential to Low Density Residential and change in zoning from PUD to R-1 on approximately 9.97 acres of land known as Oaks of Windcrest Phase 3, located on Post Oak Road and Windcrest Drive (Z-1514).

Summary:

The subject property is currently undeveloped and is situated between Post Oak Road and the west side of the Windcrest neighborhood. Utilities are available to serve this tract, and will be the developer's responsibility to extend as part of the proposed subdivision. Adjoining property to the west is developed with single family homes (Oaks of Windcrest), undeveloped land to the north, single family homes to the east (Windcrest) and commercial to the south.

This property was changed from R-1 to PUD in 2008. The intent at the time was to develop smaller homes on smaller lots on this property. At the time, the City did not have a small lot zoning category. The owner now has a developer interested in developing the property into larger single family lots. Proposed lots sizes will be 0.4 acres and larger. A total of 18 lots are proposed within Phase 3 and the preliminary plat was approved by the Planning and Zoning Commission on September 9, 2015.

Recommendation:

The Planning and Zoning Commission voted unanimously to recommend approval of the zoning change. Staff concurs with this recommendation. We also recommend waiving the second reading and adopting the ordinance. We have received 3 letters in support of this request and none in opposition.

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The City of Fredericksburg

Background / Analysis:

See attached Zoning Brief for request Z-1514.

Attachments:

Zoning Brief, Zoning Exhibit, Ordinance and Aerial Map of Subject Property.

Department Approval


City Manager Approval

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A CHANGE IN THE COMPREHENSIVE PLAN OF THE CITY OF FREDERICKSBURG; SPECIFICALLY IN THE LAND USE MAP AND COMPREHENSIVE PLAN AS TO 9.97 ACRES OF LAND A PORTION OF THE REMAINDER OF A 68.37 ACRE TRACT OF RECORD IN THE COUNTY CLERK'S INSTRUMENT NO. 20062495 OF THE OFFICIAL PUBLIC RECORDS OF GILLESPIE COUNTY, TEXAS, SITUATED IN THE CITY OF FREDERICKSBURG, PROVIDING THAT THE CHANGE TO LOW DENSITY RESIDENTIAL BECOME A PART OF THE COMPREHENSIVE PLAN AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City Council of the City of Fredericksburg has re-evaluated such plan and has determined that such plan be changed; in particular, that the Land Use Plan be amended as to:

Being all that 9.97 acres, a portion of the remainder of a 68.37 acre tract of land in the County Clerk's Instrument No. 20062495 of the Official Public records of Gillespie County, Texas; said 9.97 acres being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof,

which currently shows such tracts to be planned as Medium Density Residential, and that the Land Use Plan be amended to reflect such changes in land use, to show such tracts to be planned as Low Density Residential.

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

WHEREAS, the City Council has specifically found following public hearing that such change from Medium Density Residential to Low Density Residential is consistent with the objectives of the Comprehensive Plan of the City of Fredericksburg and that it would be in the best interest of the public that such change be made;

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

Section 1. The comprehensive plan of the City of Fredericksburg be and is hereby changed to incorporate that certain change to the Land Use Plan and the Transportation Plan Map as follows: being all that 9.97 acres, a portion of the remainder of a 68.37 acre

tract of land in the County Clerk's Instrument No. 20062495 of the Official Public records of Gillespie County, Texas; said 9.97 acres being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof, to be and is hereby designated as Low Density Residential.

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

Section 3. That this ordinance shall take effect from and after the date of its passage.

PASSED AND APPROVED this the _____ day of September, 2015.

LINDA LANGERHANS, Mayor
City of Fredericksburg

ATTEST:

SHELLEY BRITTON, City Secretary

APPROVED AS TO FORM:

PAT MCGOWAN, City Attorney

FIELD NOTE DESCRIPTION

9.97 ACRES

Being a tract of land containing 9.97 acres, a portion of the remainder of a 68.37 acre tract of record in the County Clerk's Instrument No. 20062495 of the Official Public Records of Gillespie County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at a point in the south line of W. Windcrest Drive, a 60 foot wide public roadway, for the northeast corner of the subject tract; said point being the northwest corner of Windcrest, a Planned Unit Development of record in Volume 1, Pages 71-72 of the Plat Records of Gillespie County, Texas, and a southeast corner of a section of W. Windcrest Drive dedicated by the Oaks of Windcrest, Phase I, a subdivision of record in Volume 4, Pages 46-48 of the Plat Records of Gillespie County, Texas;

THENCE with the west line of said Windcrest Planned Unit Development, S.00°27'00"W., at a distance of 841.44 feet to a point for the southeast corner of said Windcrest Planned Unit Development; said point also being the northwest corner of Tract 2R of the Keller Subdivision of record in Volume 2, Page 95 of the Plat Records of Gillespie County, Texas;

THENCE S.00°24'00"W., a distance of 141.50 feet to the southwest corner of said Tract 2R, and also being the northwest corner of a certain tract of in the name of Keith Keller and James Kemp of record in Volume 320, Page 338 of the Real Property Records of Gillespie County, Texas;

THENCE S.00°34'57"E., a distance of 510.32 feet to a point for the southeast corner of said Keith Keller and James Kemp tract; said point also being the south corner of the subject tract and a point in the easterly right of way line of Post Oak Road, a public roadway dedicated with the subdivision plat of Oaks at Windcrest, Phase I, a subdivision of record in Volume 4, Pages 46-48 of the Plat Records of Gillespie County, Texas;

THENCE with the easterly right of way line of said Post Oak Road the following calls:

N.18°22'13"W., a distance of 64.10 feet to a point for the beginning of a curve to the left;

THENCE with said curve to the left having a radius of 123.00 feet and a central angle of 29°46'08" a distance of 63.91 feet, (*chord bearing of N.38°13'01"W., for 63.19 feet*) to a point for the beginning of a curve to the right;

THENCE with said curve to the right having a radius of 200.00 feet and a central angle of 13°44'17" a distance of 47.95 feet, (*chord bearing of N.46°13'52"W., for 47.84 feet*) to a point for the beginning of a curve to the left;

THENCE with said curve to the left having a radius of 430.00 feet and a central angle of 20°49'05" a distance of 156.24 feet, (*chord bearing of N.49°46'15"W., for 155.38 feet*) to a point for the beginning of a curve to the right;

THENCE with said curve to the right having a radius of 370.00 feet and a central angle of 60°48'03" a distance of 392.64 feet, (*chord bearing of N.29°46'46"W., for 374.47 feet*) to a point;

THENCE N.00°37'16"E., a distance of 393.00 feet to a point for the beginning of a curve to the right;

THENCE with said curve to the right having a radius of 370.00 feet and a central angle of 43°10'05" a distance of 278.77 feet, (*chord bearing of N.22°12'20"E., for 272.22 feet*) to a point for the beginning of a curve to the left;

THENCE with said curve to the left having a radius of 430.00 feet and a central angle of 29°12'15" a distance of 219.17 feet, (*chord bearing of N.29°11'16"E., for 216.81 feet*) to a point for the beginning of a curve to the left;

THENCE with said curve to the left having a radius of 802.00 feet and a central angle of 06°42'08" a distance of 93.81 feet, (*chord bearing of N.14°30'48"E., for 93.76 feet*) to a point

at the intersection of the easterly right of way line of said Post Oak Road and the
aforementioned south right of way line of W. Windcrest Drive;

THENCE with the south right of way line of said W. Windcrest Drive, N.89°41'02"E., a distance of
163.91 feet to a point the POINT of BEGINNING, and containing 10.08 acres with these metes and
bounds.

Prepared this the 15th day of October 2008.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FREDERICKSBURG AND CHANGING THE ZONING CLASSIFICATION OF 9.97 ACRES OF LAND A PORTION OF THE REMAINDER OF A 68.37 ACRE TRACT OF RECORD IN THE COUNTY CLERK'S INSTRUMENT NO. 20062495 OF THE OFFICIAL PUBLIC RECORDS OF GILLESPIE COUNTY, TEXAS, SITUATED IN THE CITY OF FREDERICKSBURG, TEXAS, FROM PUD- PLANNED UNIT DEVELOPMENT TO R-1 SINGLE FAMILY RESIDENTIAL.

WHEREAS, an Application for Rezoning has been submitted by the owner of the property described as being all that 9.97 acres, a portion of the remainder of a 68.37 acre tract of land in the County Clerk's Instrument No. 20062495 of the Official Public records of Gillespie County, Texas; said 9.97 acres being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof to change the present zoning classification of PUD-Planned Unit Development to R-1- Single Family Residential and

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

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

WHEREAS, the City Council has specifically found, following public hearing, that such change is consistent with the objectives of the City of Fredericksburg Zoning Ordinance and Comprehensive Land Use Plan of the City of Fredericksburg, and

WHEREAS, there has not been a protest against rezoning signed by owners of twenty per cent (20%) or more either of the area of the property included in the zoning request, or of the area of the property immediately adjoining the same and extending two hundred feet (200') therefrom.

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

Section 1. The zoning ordinance of the City of Fredericksburg is hereby partially amended.

Section 2. That the zoning classification of all that 9.97 acres, a portion of the

remainder of a 68.37 acre tract of land in the County Clerk's Instrument No. 20062495 of the Official Public records of Gillespie County, Texas; said 9.97 acres being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof be and is hereby changed to R-1- Single Family Residential.

Section 3. That this ordinance shall take effect from and after the date of its passage.

PASSED AND APPROVED this the _____ day of September, 2015.

LINDA LANGERHANS, Mayor
City of Fredericksburg, Texas

ATTEST:

SHELLY BRITTON, City Secretary

APPROVED AS TO FORM:

PAT MCGOWAN, City Attorney

FIELD NOTE DESCRIPTION

9.97 ACRES

Being a tract of land containing 9.97 acres, a portion of the remainder of a 68.37 acre tract of record in the County Clerk's Instrument No. 20062495 of the Official Public Records of Gillespie County, Texas; and being more particularly described by metes and bounds as follows:

BEGINNING at a point in the south line of W. Windcrest Drive, a 60 foot wide public roadway, for the northeast corner of the subject tract; said point being the northwest corner of Windcrest, a Planned Unit Development of record in Volume 1, Pages 71-72 of the Plat Records of Gillespie County, Texas, and a southeast corner of a section of W. Windcrest Drive dedicated by the Oaks of Windcrest, Phase I, a subdivision of record in Volume 4, Pages 46-48 of the Plat Records of Gillespie County, Texas;

THENCE with the west line of said Windcrest Planned Unit Development, S.00°27'00"W., at a distance of 841.44 feet to a point for the southeast corner of said Windcrest Planned Unit Development; said point also being the northwest corner of Tract 2R of the Keller Subdivision of record in Volume 2, Page 95 of the Plat Records of Gillespie County, Texas;

THENCE S.00°24'00"W., a distance of 141.50 feet to the southwest corner of said Tract 2R, and also being the northwest corner of a certain tract of in the name of Keith Keller and James Kemp of record in Volume 320, Page 338 of the Real Property Records of Gillespie County, Texas;

THENCE S.00°34'57"E., a distance of 510.32 feet to a point for the southeast corner of said Keith Keller and James Kemp tract; said point also being the south corner of the subject tract and a point in the easterly right of way line of Post Oak Road, a public roadway dedicated with the subdivision plat of Oaks at Windcrest, Phase I, a subdivision of record in Volume 4, Pages 46-48 of the Plat Records of Gillespie County, Texas;

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N.18°22'13"W., a distance of 64.10 feet to a point for the beginning of a curve to the left;

THENCE with said curve to the left having a radius of 123.00 feet and a central angle of 29°46'08" a distance of 63.91 feet, (*chord bearing of N.38°13'01"W., for 63.19 feet*) to a point for the beginning of a curve to the right;

THENCE with said curve to the right having a radius of 200.00 feet and a central angle of 13°44'17" a distance of 47.95 feet, (*chord bearing of N.46°13'52"W., for 47.84 feet*) to a point for the beginning of a curve to the left;

THENCE with said curve to the left having a radius of 430.00 feet and a central angle of 20°49'05" a distance of 156.24 feet, (*chord bearing of N.49°46'15"W., for 155.38 feet*) to a point for the beginning of a curve to the right;

THENCE with said curve to the right having a radius of 370.00 feet and a central angle of 60°48'03" a distance of 392.64 feet, (*chord bearing of N.29°46'46"W., for 374.47 feet*) to a point;

THENCE N.00°37'16"E., a distance of 393.00 feet to a point for the beginning of a curve to the right;

THENCE with said curve to the right having a radius of 370.00 feet and a central angle of 43°10'05" a distance of 278.77 feet, (*chord bearing of N.22°12'20"E., for 272.22 feet*) to a point for the beginning of a curve to the left;

THENCE with said curve to the left having a radius of 430.00 feet and a central angle of 29°12'15" a distance of 219.17 feet, (*chord bearing of N.29°11'16"E., for 216.81 feet*) to a point for the beginning of a curve to the left;

THENCE with said curve to the left having a radius of 802.00 feet and a central angle of 06°42'08" a distance of 93.81 feet, (*chord bearing of N.14°30'48"E., for 93.76 feet*) to a point

at the intersection of the easterly right of way line of said Post Oak Road and the
aforementioned south right of way line of W. Windcrest Drive;

THENCE with the south right of way line of said W. Windcrest Drive, N.89°41'02"E., a distance of
163.91 feet to a point the POINT of BEGINNING, and containing 10.08 acres with these metes and
bounds.

Prepared this the 15th day of October 2008.

CHANGE IN LAND USE PLAN AND ZONING BRIEF

Rezoning Request # Z 1514

OWNER/APPLICANT: Jon Starnes, President of Allied Interests, Inc.

LOCATION: East side of Post Oak Road, south of Windcrest Drive

ZONING: PUD, Planned Unit Development

REQUEST:

1. Change in Land Use Plan from Medium Density Residential to Low Density Residential; and
- 2) Change in Zoning from PUD, Planned Unit Development to R-1 Single Family Residential

FINDINGS:

- The property is currently undeveloped and is situated between Post Oak Road and the west side of the Windcrest neighborhood.
- The property was rezoned to PUD to allow smaller residential lots in 2008. The applicant intends to go back to a larger lot single family neighborhood.
- Utilities are available to serve this tract, and will be the developer's responsibility to extend as part of the proposed subdivision.
- Adjoining property to the north is zoned R-2 and C-1, to the east is PUD (Windcrest), to the south is C-2 and to the west is R-1 (Oaks of Windcrest).
- The Land Use Plan designation for the subject property was changed to Medium Density Residential in 2008 with the zoning change.
- Land uses surrounding this property include single family homes (Oaks of Windcrest) and undeveloped land to the west, undeveloped land to the north, single family homes to the east (Windcrest) and commercial to the south.

LAND USE PLAN: The Land Use Plan of the Comprehensive Plan identifies this property as Medium Density Residential, and was changed from Low Density Residential concurrently with the zoning change in 2008. The plan now is to change the property back to Low Density Residential. The reason for changing the land use plan is so it will be consistent with the proposed zoning.

ZONING : The zoning of the subject property is PUD, Planned Unit Development for small lot single family residential homes, and was rezoned as such in 2008. The reason for the PUD zoning was because the City did not have a small lot zoning district at the time. Since then, we have added the R-1A district which allows 4,500 square foot lots.

The applicant is proposing to take the zoning back to R-1, Single-Family Residential. Also, the applicant has submitted a Preliminary Plat concurrently with this zoning application that includes 18 large lots ranging in size from 0.40 acres to 0.57 acres.

OPPOSITION/SUPPORT OF REQUEST: Three letters in support and none in opposition.

PLANNING AND ZONING COMMISSION RECOMMENDATION: The Commission voted unanimously to recommend approval of this request.

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

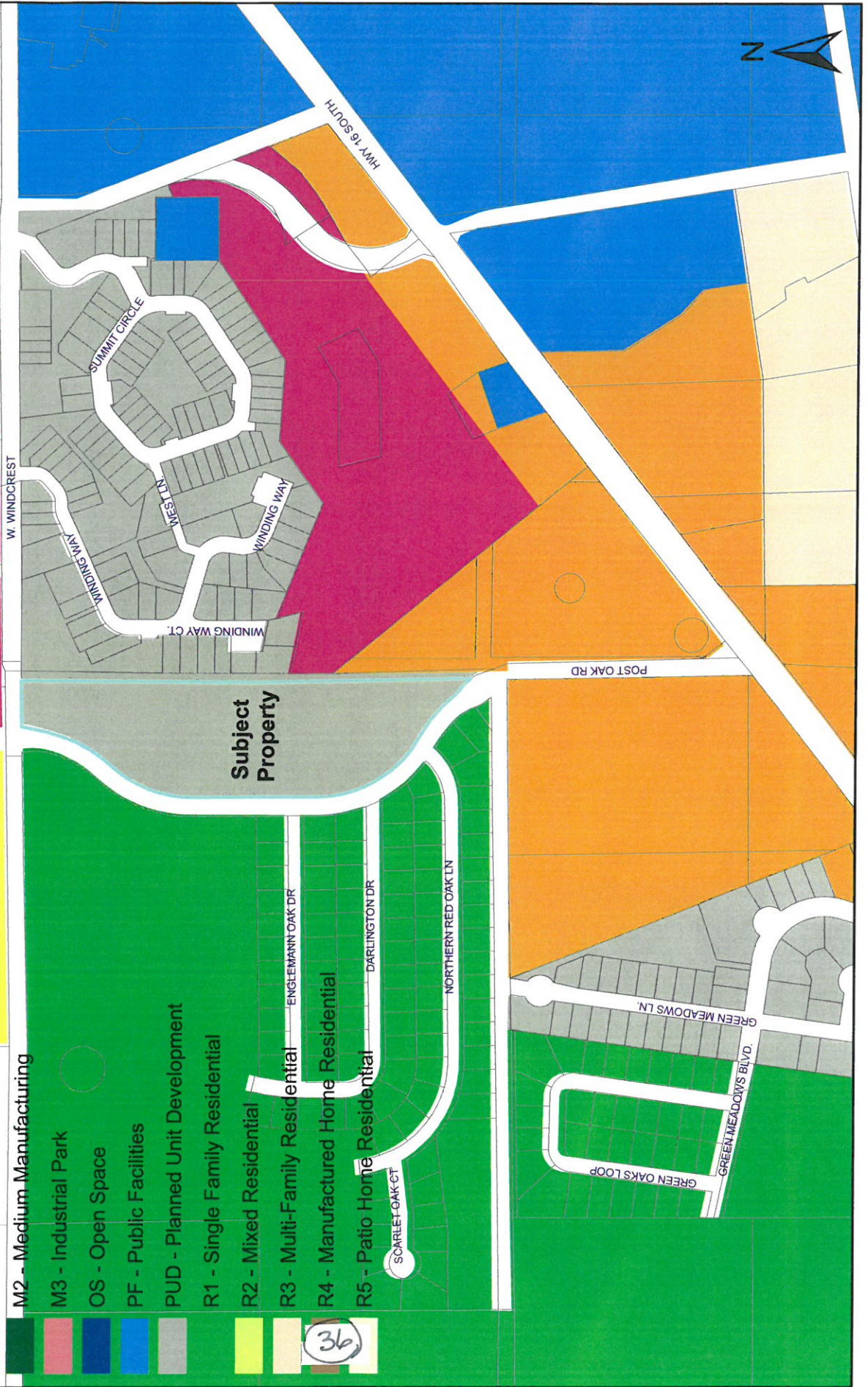
Z-1514

- C1 - Neighborhood Commercial
 - C2 - Commercial
 - CBD - Central Business District
 - M1 - Light Manufacturing

- | | |
|------------------------------------|--|
| M2 - Medium Manufacturing | |
| M3 - Industrial Park | |
| OS - Open Space | |
| PF - Public Facilities | |
| PUD - Planned Unit Development | |
| R1 - Single Family Residential | |
| R2 - Mixed Residential | |
| R3 - Multi-Family Residential | |
| R4 - Manufactured Home Residential | |
| R5 - Patio Home Residential | |

**Subject
Property**

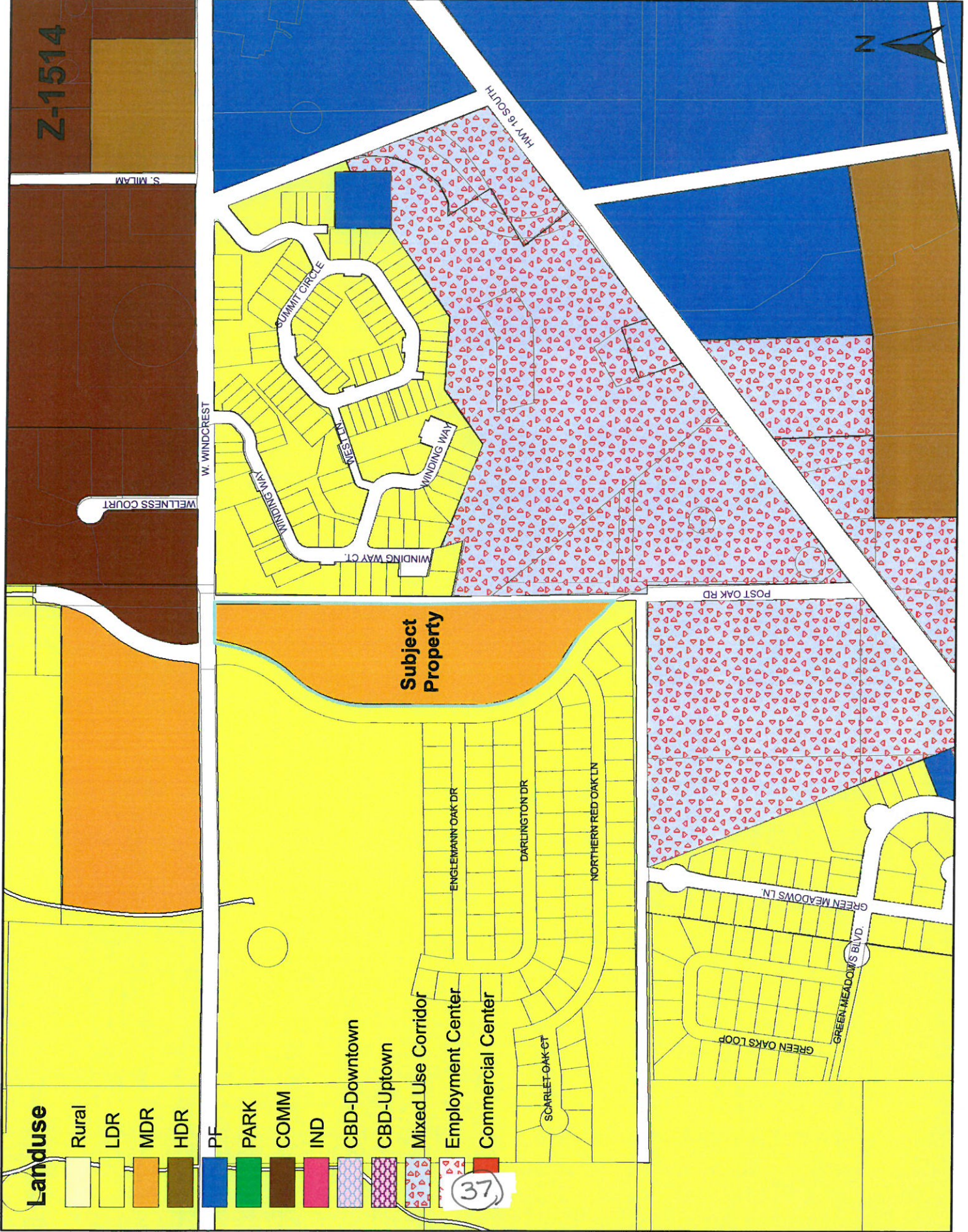
36



Landuse

- Rural
- LDR
- MDR
- HDR
- PF
- PARK
- COMM
- IND
- CBD-Downtown
- CBD-Uptown
- Mixed Use Corridor
- Employment Center
- Commercial Center

37



Z-1514

S. MILAM

WELLNESS COURT

W. WINDCREST

SUMMIT CIRCLE

RESTON

WINDING WAY

WINDING WAY CT

Subject Property

ENGLEMAN OAK DR

DARLINGTON DR

NORTHERN RED OAK LN

SCARLET OAK CT

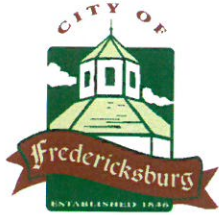
GREEN MEADOWS LN

GREEN MEADOWS BLVD

GREEN OAKS LOOP

POST OAK RD

HWY 16 SOUTH



CITY COUNCIL MEMO

DATE: September 14, 2015

TO: Mayor and City Council

FROM: Brian Jordan, AICP

SUBJECT: Change in Land Use Plan from Low Density Residential to Mixed Use and change in zoning from R-1 to C-1 on approximately 1.6 acres of land located on the rear portion of property at 1108 N. Llano Street (Z-1515).

Summary:

The subject property consists of approximately 2.48 acres with a home built on the front portion of the property and vacant land on the rear of the property. The front portion (approximately 0.9 acres) is zoned C-1 Neighborhood Commercial and the rear portion (approximately 1.6 acres) is zoned R-1, Single Family Residential. The current zoning line runs behind the main residential structure on the property, but through a portion of the garage, deck and swimming pool. The applicant is requesting that the entire 2.48 acres be zoned C-1. Access to the property is on N. Llano Street and an unimproved section of Nimitz Street. Adjoining property to the north and west is residential, office to the east, and commercial across N. Llano Street to the south.

Recommendation:

The Planning and Zoning Commission voted unanimously to recommend approval of changing the zoning to C-1 on a portion of the property, corresponding with the rear yard fence of the residence, and leaving the remainder as R-1. This fence is existing at the rear of the deck and swimming pool area. Staff concurs with this recommendation. Prior to the Planning and Zoning Commission Meeting, we received 6 letters in opposition to the request and 1 in support. However, those who spoke in opposition at the meeting were in agreement with changing the zoning on the portion to the rear yard fence and leaving the remainder as R-1.

Background / Analysis:

See attached Zoning Brief for request Z-1515.

Attachments:

Zoning Brief, Zoning Exhibit, Ordinance and Aerial Map of Subject Property.



Department Approval



City Manager Approval

LAND USE PLAN AND ZONING CHANGE BRIEF

Rezoning Request # Z-1515

- OWNER/APPLICANT:** Anthony DiCuffa
- LOCATION:** Rear Portion of 1108 N. Llano Street
- SIZE:** Approximately 1.6 acres (total lot area is 2.48 acres)
- EXISTING ZONING:** R-1 Single Family Residential
- PROPOSED CHANGE:**
1. Change in the Land Use Plan from Low Density Residential to Mixed Use, and
 2. Change in Zoning from R-1 Single Family Residential to C-1 Neighborhood Commercial.

FINDINGS:

- The property consists of approximately 2.48 acres with a home built on the front portion of the property and vacant land on the rear of the property.
- The front portion (approximately 0.9 acres) of the property is zoned C-1 Neighborhood Commercial and the rear portion (approximately 1.6 acres) is zoned R-1, Single Family Residential. The applicant is requesting that the entire property be zoned C-1.
- Access to the property is on N. Llano Street and an unimproved section of Nimitz Street.
- Utilities are currently serving the property.
- The subject, or rear, portion of the property borders an extension of E. Nimitz Street. This street has insufficient right-of-way and is not currently built to City standards.
- The current zoning line runs behind the single-family structure, but through the rear yard deck and swimming pool (see attached exhibit).
- The Land Use Plan identifies the front portion of the property as Mixed Use and the rear portion as Low Density Residential.
- Land uses surrounding this property include residential to the north and west, office to the east and commercial across Llano Street to the south.

LAND USE PLAN: The Land Use Plan basically identifies everything fronting on N. Llano Street as Mixed Use Corridor and the remainder of the property to the north and west as Low Density Residential (see attached). The applicant owns the entire property and would prefer that all the property be zoned in the same manner rather than be divided. It is our opinion that the zoning line was established as an extension of the property lines to the south, with little regard to where the line crossed the subject property.

It seems reasonable to consider adjusting the land use plan line and zoning line to correspond with some feature on the property. This could include adjusting the line to what is currently the rear yard of the home that is fenced, changing the entire rear portion of the property to C-1 like the front portion of the property, or change the zoning to a higher density residential district such as R-2.

Another matter for consideration is the fact that access to the rear portion of the property is currently restricted. Without additional right-of-way and improvements to Nimitz Street, access is limited and would not be recommended. It could be possible to access the rear of the property on the south side of the home through a private drive.

ZONING: As noted above, the line between C-1 and R-1 zoning is an extension of the rear line of the property to the south. And, this line runs through the rear yard of the home on the property (see the attached zoning map).

OPPOSITION/SUPPORT OF REQUEST: Six letters in opposition and 1 in support. Neighbors who spoke at the meeting regarding this request were in agreement with establishing the new zoning line at the rear fence of the backyard.

PLANNING AND ZONING COMMISSION RECOMMENDATION: The Commission voted unanimously to recommend approval of a change in the Land Use Plan and Zoning to the existing yard fence behind the swimming pool and deck area behind the existing home.

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

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A CHANGE IN THE COMPREHENSIVE PLAN OF THE CITY OF FREDERICKSBURG; SPECIFICALLY IN THE LAND USE MAP AND COMPREHENSIVE PLAN AS TO A PORTION OF THAT CERTAIN 2.48 ACRES OF LAND OUT OF OUTLOT 292 AND A PART OF THE DR. LESTER L. KEYSER SUBDIVISION, SITUATED IN THE CITY OF FREDERICKSBURG, PROVIDING THAT THE CHANGE TO MIXED USE BECOME A PART OF THE COMPREHENSIVE PLAN AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City Council of the City of Fredericksburg has re-evaluated such plan and has determined that such plan be changed; in particular, that the Land Use Plan be amended as to:

a portion of that certain 2.48 acre tract of land more or less being out of a part of Outlot 292 as said outlot is shown on the map of Fredericksburg Texas, and Environs, by the German Emigration Company, and being part of the Dr. Lester L. Keyser Subdivision, plat and field notes found of record in Volume 61, Pages 298-299 of the Deed Records of Gillespie County, Texas, and being that 2.84 acre tract of land described in a conveyance to J.I. Bitterhoff by Laverne Spiva, dated August 26, 1980, found of record in Volume 1374, Pages 757-760 of said Deed Records being more particularly described by metes and bounds Exhibit "A" attached hereto which is not already zoned C-1 Neighborhood Commercial, SAVE AND EXCEPT the Northwest one hundred seventy feet (SAID DISTANCE IS SUBJECT TO SURVEYOR VERIFICATION OF DISTANCE FROM THE NORTHWEST LINE OF THE PROPERTY TO THE FENCE BEHIND THE RESIDENCE),

which currently shows such tracts to be planned as Low Density Residential, and that the Land Use Plan be amended to reflect such changes in land use, to show such tracts to be planned as Mixed Use.

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

WHEREAS, the City Council has specifically found following public hearing that such change from Low Density Residential to Mixed Use is consistent with the objectives of the Comprehensive Plan of the City of Fredericksburg and that it would be in the best interest of the public that such change be made;

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

Section 1. The comprehensive plan of the City of Fredericksburg be and is hereby changed to incorporate that certain change to the Land Use Plan and the Transportation Plan Map as follows: a portion of that certain 2.48 acre tract of land more or less being out of a part of Outlot 292 as said outlot is shown on the map of Fredericksburg Texas, and Environs, by the German Emigration Company, and being part of the Dr. Lester L. Keyser Subdivision, plat and field notes found of record in Volume 61, Pages 298-299 of the Deed Records of Gillespie County, Texas, and being that 2.84 acre tract of land described in a conveyance to J.I. Bitterhoff by Laverne Spiva, dated August 26, 1980, found of record in Volume 1374, Pages 757-760 of said Deed Records being more particularly described by metes and bounds Exhibit "A" attached hereto which is not already zoned C-1 Neighborhood Commercial, SAVE AND EXCEPT the Northwest one hundred seventy feet (SAID DISTANCE IS SUBJECT TO SURVEYOR VERIFICATION OF DISTANCE FROM THE NORTHWEST LINE OF THE PROPERTY TO THE FENCE BEHIND THE RESIDENCE) , to be and is hereby designated as Mixed Use.

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

Section 3. That this ordinance shall take effect from and after the date of its passage.

PASSED AND APPROVED this the _____ day of September, 2015.

LINDA LANGERHANS, Mayor
City of Fredericksburg

ATTEST:

SHELLEY BRITTON, City Secretary

APPROVED AS TO FORM:

PAT MCGOWAN, City Attorney

EXHIBIT " A "

2.482 acre tract

STATE OF TEXAS, *
COUNTY OF GILLESPIE. *

Field notes (and accompanying plat) of a survey of 2.482 acres of land, more or less, made at the request of Duane Phillips. Said land is situated in the City of Fredericksburg, Gillespie County, Texas, being part of Outlot 292 as said Outlot is shown on the map of Fredericksburg, Texas, and Environs, by the German Emigration Company, and being part of the Dr. Lester L. Keyser Subdivision, plat and field notes found of record in Volume 61, pages 298-299 of the Deed Records of Gillespie County, Texas, and being that 2.484 acre tract of land described in a conveyance to J.I. Bitterhoff by Laverne Spiva, dated August 26, 1980, found of record in Volume 137, pages 757-760 of said Deed Records.

Said 2.482 acre tract of land is described by metes and bounds as follows, to wit:

BEGINNING at a ½ inch steel bar found set in the "N.W. line of the Llano Road" as described in said plat and field notes of said Keyser Subdivision (said road now being known as N. Llano Street) and in the S.E. line of Lot 1, of said Keyser Subdivision, for the East corner of that 0.617 acre tract of land described in a conveyance to J.I. Bitterhoff, dated September 4, 1984, found of record in Volume 162, pages 1-2 of said Deed Records, for the most easterly South corner of said 2.484 acre tract, for the most easterly South corner of this tract of land;

THENCE with the N.E. line of said 0.617 acre tract and a S.W. line of said 2.484 acre tract, N. 50 deg. 28 min. 40 sec. W. 169.86 feet to a ¾ inch dia. pipe found set in the N.W. line of said Lot 1, for the North corner of said 0.617 acre tract, for a reentrant corner of said 2.484 acre tract, for a reentrant corner of this tract of land;

THENCE with the N.W. lines of said Lot 1 and said 0.617 acre tract and a S.E. line of said 2.484 acre tract, S. 39 deg. 30 min. 50 sec. W. 69.2 feet to a ¾ inch dia. pipe found set near a fence corner post, for the West corner of said Lot 1, for the North corner of Lot 2 and the East corner of Lot 3, of said Keyser Subdivision, for the most westerly South corner of said 2.484 acre tract, for the most westerly South corner of this tract of land;

THENCE with the N.E. lines of Lots 3 & 4, of said Keyser Subdivision, N. 50 deg. 21 min. 55 sec. W. 237.90 feet to a ½ inch steel bar found set at a fence corner post, for the North corner of said Lot 4, for the South corner of that 0.124 acre tract of land described of record in Volume 298, pages 384-386 of the Real Property Records of Gillespie County, Texas, for the West corner of said 2.484 acre tract, for the West corner of this tract of land;

THENCE with the general course of a fence along the S.E. line of said 0.124 acre tract, N. 39 deg. 23 E. 59.16 feet to a ½ inch steel bar found set at a fence corner post, for the East corner of said 0.124 acre tract, for the South corner of that 5400 square foot tract of land described of record in Volume 225, pages 126-129 of said Real Property Records, for a corner of this tract of land;

THENCE with the general course of a fence along the S.E. line of said 5400 square foot tract, N. 39 deg. 37 min. 25 sec. E. 60.14 feet to a ½ inch steel bar found set at a fence corner post, for the East corner of said 5400 square foot tract, for the South corner of that 0.124 acre tract of land described of record in Volume 218, pages 242-244 of said Real Property Records, for a corner of this tract of land;

Continued on page 2 of 2

EXHIBIT "A"

Page 2 of 2

2.482 acre tract

THENCE with the general course of a fence along the S.E. line of said 0.124 acre tract, N. 39 deg. 43 min. 05 sec. E. 60.02 feet to a ½ inch steel bar found set at a fence corner post, for the East corner of said 0.124 acre tract, for the South corner of that 0.232 acre tract of land described of record in Volume 363, pages 830-832 of said Real Property Records, for a corner of this tract of land;

THENCE with the general course of a fence along the S.E. line of said 0.232 acre tract, N. 39 deg. 30 min. 25 sec. E. 112.64 feet to a cedar corner post found set in a S.W. line of Lot 1, Mosmeyer Subdivision, plat found of record in Volume 1, pages 172 of the Plat Records of Gillespie County, Texas, for the East corner of said 0.232 acre tract, for the North corner of said 2.484 acre tract, for the North corner of this tract of land, from which a ½ inch steel bar found monumented in concrete for the West corner of said Lot 1 bears N. 49 deg. 58 min. 30 sec. W. 91.5 feet;

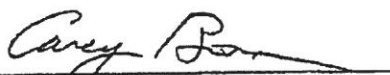
THENCE with the S.W. line of said Lot 1, Mosmeyer Subdivision, S. 49 deg. 58 min. 30 sec. E. 4.21 feet to a ½ inch steel bar found set, for the West corner of Jung Lane as shown on said Plat of Mosmeyer Subdivision (Jung Lane being a 30' wide street now known as E. Nimitz Street), for the most westerly South corner of said Lot 1, Mosmeyer Subdivision, for a corner of this tract of land;

THENCE with the S.W. line of E. Nimitz Street (formerly known as Jung Lane) and with the N.E. line of said 2.484 acre tract, S. 50 deg. 33 min. 15 sec. E., at 403.92 feet passing a ½ inch steel bar found set, 409.2 feet in all to a ½ inch steel bar set in the "N.W. line of the Llano Road", now known as N. Llano Street, for the East corner of said 2.484 acre tract, for the East corner of this tract of land;

THENCE with the N.W. line of N. Llano Street and the S.E. line of said 2.484 acre tract, S. 41 deg. 00 min. 25 sec. W. 223.81 feet to the PLACE OF BEGINNING.

Surveyed July 2, 2001




Carey Bonn
Reg. Prof. Land Surveyor No. 4447
Bonn Surveying 830-997-3884

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FREDERICKSBURG AND CHANGING THE ZONING CLASSIFICATION OF A PORTION OF THAT CERTAIN 2.48 ACRES OF LAND OUT OF OUTLOT 292 AND A PART OF THE DR. LESTER L. KEYSER SUBDIVISION, SITUATED IN THE CITY OF FREDERICKSBURG, TEXAS, FROM R-1 SINGLE FAMILY RESIDENTIAL TO C-1 NEIGHBORHOOD COMMERCIAL.

WHEREAS, an Application for Rezoning has been submitted by the owner of the property described as being a portion of that certain 2.48 acre tract of land more or less being out of a part of Outlot 292 as said outlot is shown on the map of Fredericksburg Texas, and Environs, by the German Emigration Company, and being part of the Dr. Lester L. Keyser Subdivision, plat and field notes found of record in Volume 61, Pages 298-299 of the Deed Records of Gillespie County, Texas, and being that 2.84 acre tract of land described in a conveyance to J.I. Bitterhoff by Laverne Spiva, dated August 26, 1980, found of record in Volume 1374, Pages 757-760 of said Deed Records being more particularly described by metes and bounds Exhibit "A" attached hereto which is not already zoned C-1 Neighborhood Commercial, SAVE AND EXCEPT the Northwest one hundred seventy feet (SAID DISTANCE IS SUBJECT TO SURVEYOR VERIFICATION OF DISTANCE FROM THE NORTHWEST LINE OF THE PROPERTY TO THE FENCE BEHIND THE RESIDENCE) to change the present zoning classification of R-1- Single Family Residential to C-1 Neighborhood Commercial and

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

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

WHEREAS, the City Council has specifically found, following public hearing, that such change is consistent with the objectives of the City of Fredericksburg Zoning Ordinance and Comprehensive Land Use Plan of the City of Fredericksburg, and

WHEREAS, there has not been a protest against rezoning signed by owners of twenty per cent (20%) or more either of the area of the property included in the zoning request, or of the area of the property immediately adjoining the same and extending two hundred feet (200') therefrom.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF

FREDERICKSBURG, TEXAS THAT:

Section 1. The zoning ordinance of the City of Fredericksburg is hereby partially amended.

Section 2. That the zoning classification of a portion of that certain 2.48 acre tract of land more or less being out of a part of Outlot 292 as said outlot is shown on the map of Fredericksburg Texas, and Environs, by the German Emigration Company, and being part of the Dr. Lester L. Keyser Subdivision, plat and field notes found of record in Volume 61, Pages 298-299 of the Deed Records of Gillespie County, Texas, and being that 2.84 acre tract of land described in a conveyance to J.I. Bitterhoff by Laverne Spiva, dated August 26, 1980, found of record in Volume 1374, Pages 757-760 of said Deed Records being more particularly described by metes and bounds Exhibit "A" attached hereto which is not already zoned C-1 Neighborhood Commercial, SAVE AND EXCEPT the Northwest one hundred seventy feet (SAID DISTANCE IS SUBJECT TO SURVEYOR VERIFICATION OF DISTANCE FROM THE NORTHWEST LINE OF THE PROPERTY TO THE FENCE BEHIND THE RESIDENCE) be and is hereby changed to C-1- Neighborhood Commercial.

Section 3. That this ordinance shall take effect from and after the date of its passage.

PASSED AND APPROVED this the _____ day of September, 2015.

LINDA LANGERHANS, Mayor
City of Fredericksburg, Texas

ATTEST:

SHELLY BRITTON, City Secretary

APPROVED AS TO FORM:

PAT MCGOWAN, City Attorney

EXHIBIT "A"

2.482 acre tract

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Said 2.482 acre tract of land is described by metes and bounds as follows, to wit:

BEGINNING at a ½ inch steel bar found set in the "N.W. line of the Llano Road" as described in said plat and field notes of said Keyser Subdivision (said road now being known as N. Llano Street) and in the S.E. line of Lot 1, of said Keyser Subdivision, for the East corner of that 0.617 acre tract of land described in a conveyance to J.I. Bitterhoff, dated September 4, 1984, found of record in Volume 162, pages 1-2 of said Deed Records, for the most easterly South corner of said 2.484 acre tract, for the most easterly South corner of this tract of land;

THENCE with the N.E. line of said 0.617 acre tract and a S.W. line of said 2.484 acre tract, N. 50 deg. 28 min. 40 sec. W. 169.86 feet to a ¾ inch dia. pipe found set in the N.W. line of said Lot 1, for the North corner of said 0.617 acre tract, for a reentrant corner of said 2.484 acre tract, for a reentrant corner of this tract of land;

THENCE with the N.W. lines of said Lot 1 and said 0.617 acre tract and a S.E. line of said 2.484 acre tract, S. 39 deg. 30 min. 50 sec. W. 69.2 feet to a ¾ inch dia. pipe found set near a fence corner post, for the West corner of said Lot 1, for the North corner of Lot 2 and the East corner of Lot 3, of said Keyser Subdivision, for the most westerly South corner of said 2.484 acre tract, for the most westerly South corner of this tract of land;

THENCE with the N.E. lines of Lots 3 & 4, of said Keyser Subdivision, N. 50 deg. 21 min. 55 sec. W. 237.90 feet to a ½ inch steel bar found set at a fence corner post, for the North corner of said Lot 4, for the South corner of that 0.124 acre tract of land described of record in Volume 298, pages 384-386 of the Real Property Records of Gillespie County, Texas, for the West corner of said 2.484 acre tract, for the West corner of this tract of land;

THENCE with the general course of a fence along the S.E. line of said 0.124 acre tract, N. 39 deg. 23 E. 59.16 feet to a ½ inch steel bar found set at a fence corner post, for the East corner of said 0.124 acre tract, for the South corner of that 5400 square foot tract of land described of record in Volume 225, pages 126-129 of said Real Property Records, for a corner of this tract of land;

THENCE with the general course of a fence along the S.E. line of said 5400 square foot tract, N. 39 deg. 37 min. 25 sec. E. 60.14 feet to a ½ inch steel bar found set at a fence corner post, for the East corner of said 5400 square foot tract, for the South corner of that 0.124 acre tract of land described of record in Volume 218, pages 242-244 of said Real Property Records, for a corner of this tract of land;

Continued on page 2 of 2

EXHIBIT "A"

Page 2 of 2

2.482 acre tract

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THENCE with the general course of a fence along the S.E. line of said 0.232 acre tract, N. 39 deg. 30 min. 25 sec. E. 112.64 feet to a cedar corner post found set in a S.W. line of Lot 1, Mosmeyer Subdivision, plat found of record in Volume 1, pages 172 of the Plat Records of Gillespie County, Texas, for the East corner of said 0.232 acre tract, for the North corner of said 2.484 acre tract, for the North corner of this tract of land, from which a ½ inch steel bar found monumented in concrete for the West corner of said Lot 1 bears N. 49 deg. 58 min. 30 sec. W. 91.5 feet;

THENCE with the S.W. line of said Lot 1, Mosmeyer Subdivision, S. 49 deg. 58 min. 30 sec. E. 4.21 feet to a ½ inch steel bar found set, for the West corner of Jung Lane as shown on said Plat of Mosmeyer Subdivision (Jung Lane being a 30' wide street now known as E. Nimitz Street), for the most westerly South corner of said Lot 1, Mosmeyer Subdivision, for a corner of this tract of land;

THENCE with the S.W. line of E. Nimitz Street (formerly known as Jung Lane) and with the N.E. line of said 2.484 acre tract, S. 50 deg. 33 min. 15 sec. E., at 403.92 feet passing a ½ inch steel bar found set, 409.2 feet in all to a ½ inch steel bar set in the "N.W. line of the Llano Road", now known as N. Llano Street, for the East corner of said 2.484 acre tract, for the East corner of this tract of land;

THENCE with the N.W. line of N. Llano Street and the S.E. line of said 2.484 acre tract, S. 41 deg. 00 min. 25 sec. W. 223.81 feet to the PLACE OF BEGINNING.

Surveyed July 2, 2001




Carey Bonn
Reg. Prof. Land Surveyor No. 4447
Bonn Surveying 830-997-3884

Z-1515

TRAILMOOR DR.



Subject Property

E. NIMITZ

E. MULBERRY

N. LLANO (HWY 16 N.)

E. MULBERRY

N. ADAMS

W. MULBERRY

W. NIMITZ

N. CROCKETT



- C1 - Neighborhood Commercial
- C2 - Commercial
- CBD - Central Business District
- M1 - Light Manufacturing
- M2 - Medium Manufacturing
- M3 - Industrial Park
- OS - Open Space
- PF - Public Facilities
- PUD - Planned Unit Development
- R1 - Single Family Residential
- R2 - Mixed Residential
- R3 - Multi-Family Residential
- R4 - Manufactured Home Residential
- R5 - Patio Home Residential

Z-1515

E. TRAILMOOR DR.



Subject Property

GLENMOOR DR.

W. NIMITZ

E. NIMITZ

E. MULBERRY

E. MULBERRY

N. LLANO (HWY 16 N.)

N. ADAMS

E. BURBANK

N. CROCKETT

W. MULBERRY

Landuse

51

- Rural
- LDR
- MDR
- HDR
- PF
- PARK
- COMM
- IND
- CBD-Downtown
- CBD-Uptown
- Mixed Use Corridor
- Employment Center
- Commercial Center

Z-1515





CITY COUNCIL MEMO

DATE: August 24, 2015

TO: City Council

FROM: Kelli Olfers

SUBJECT: Posting of Permits, Food Managers Certifications, and Current Inspection Report

Summary:

It was brought to the attention of City Council and Commissioners Court that public information such as an establishments most current inspection report should be made more available for the general public. This amendment was passed for the Gillespie County Food Establishment Regulation Order on Monday, August 24, 2015. This amendment for the county regulations will take effect starting January 1, 2016..

Recommendation:

Staff recommends that the drafted amendment be considered for adoption that would require all retail and institutional food service establishments to post their food managers certification and their most current inspection report..

Background / Analysis:

The following departments were researched:

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The City of Fredericksburg

City of Kerrville – require

City of Boerne / Kendall County – require

City of San Antonio – require

City of Granbury – require

City of Austin – don't require

City of San Marcos –don't require



The City of Fredericksburg

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

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 8 BUSINESSES ARTICLE V. FOOD ESTABLISHMENT REGULATIONS, BY ADDING SECTION 8-117 REGARDING THE POSTING OF PERMITS, INSPECTION REPORTS AND FOOD MANAGERS CERTIFICATES, ESTABLISHING AN EFFECTIVE DATE, REPEALING INCONSISTENT PROVISIONS, AND PROVIDING FOR PARTIAL INVALIDITY

WHEREAS, The City Council of the City of Fredericksburg has determined that in order to better inform the public and to promote compliance with and enforcement of the Food Establishment Regulations of the City of Fredericksburg that it is in the best interests of the city to require the conspicuous posting of permits, inspection scores and food managers certificates for all establishments which are subject to the Food Establishment Ordinance of the City of Fredericksburg; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS THAT THE FOLLOWING ORDINANCE BE AND IS HEREBY ENACTED AND THAT CHAPTER 8 BUSINESSES ARTICLE V. FOOD ESTABLISHMENT REGULATIONS, BE AMENDED BY ADDING SECTION 8-117 POSTING REQUIREMENTS FOR PERMITS, INSPECTION REPORTS AND FOOD MANAGERS CERTIFICATES TO THE CODE OF ORDINANCES OF THE CITY OF FREDERICKSBURG AS FOLLOWS:

CHAPTER 8 BUSINESSES

ARTICLE V. FOOD ESTABLISHMENT REGULATIONS

Sec 8-117. Posting Requirements for Permits, Inspection Reports and Food Managers Certificates.

- (a) Each person or entity having a permit under this Article shall post his, her or its current permit, the most recent inspection report, and all current food manager's certificates in a conspicuous place, which is visible to the public, within the premises where such food establishment is authorized to operate.
- (b) No person shall, and it is unlawful to, move, remove, deface, camouflage, alter or conceal from public view any current permit, most recent inspection report or current food manager's certificate.
- (c) It shall be unlawful to operate a food establishment unless the posting requirements of this Section are met and continue to be met.

-----End of Code Text-----

Severability / Invalidity.

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

Repealer

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

Penalties

Penalties provided for in the Code Ordinances of the city of Fredericksburg shall apply to violations hereof.

This ordinance shall become effective on January 1, 2016.

PASSED AND APPROVED this the ____ day of _____, 2015.

Linda Langerhans, Mayor
City of Fredericksburg

ATTEST:

Shelley Britton, City Secretary

APPROVED AS TO FORM:

Pat McGowan, City Attorney



CITY COUNCIL MEMO

DATE: September 21, 2015

TO: Mayor and City Council

FROM: Clinton Bailey, P.E., Director of Public Works and Utilities

SUBJECT: New Utility Fees

Summary:

This item is for the first reading of an ordinance amending the code of ordinances of the City of Fredericksburg, Appendix A Fee Schedule 11.702 Electric Rates, Article 16.000 Water and Sewer Rates Fees, specifically, Section 16.400 Sewer Department Utility Rates.

Recommendation:

Staff recommends approval of the proposed ordinance amendment establishing new utility fees and charges.

Background / Analysis:

In 2013, a Utility Rate Study was performed for the City of Fredericksburg by HDR Engineering. As a result of the Study, HDR Engineering recommended increases in utility rates due to the fact that (1) Utility expenses had been exceeding revenues in recent years and (2) Additional revenues were needed to cover the costs of the recent utility bond issue and additional utility system capital improvements

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The City of Fredericksburg

over the next five years. As recommended in the Utility Rate Study, this proposed ordinance amendment includes a 3% increase in Electric rates for residential and commercial accounts (monthly customer charge and distribution charge only) and the elimination of the 1,000 gallon water consumption minimum for residential sewer accounts.

Department Approval



City Manager Approval

58

The City of Fredericksburg

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX A FEE SCHEDULE ARTICLE 11.702
ELECTRIC RATES, ARTICLE 16.000 WATER AND SEWER RATES FEES,
SPECIFICALLY, SECTION 16.400 SEWER DEPARTMENT UTILITY RATES
ESTABLISHING AN EFFECTIVE DATE, REPEALING INCONSISTENT PROVISIONS,
AND PROVIDING FOR PARTIAL INVALIDITY

WHEREAS, The City Council of the City of Fredericksburg has determined that in order to maintain the fiscal viability of the City's Electrical and Sewer operations, to further its plan of gradual increases, and to provide for future improvements to the same, that certain fees for the use of such utilities should be increased as the same are set forth below and that the ordinances describing rates, should be amended; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS THAT THE FOLLOWING ORDINANCE BE AND IS HEREBY ENACTED AND THAT THE FOLLOWING SECTIONS OF THE CODE OF ORDINANCES OF THE CITY OF FREDERICKSBURG BE DELETED, AMENDED OR ADDED AS FOLLOWS:

UNLESS SPECIFICALLY AMENDED, ALL SECTIONS OR PARTS OF SECTIONS SHALL REMAIN AS WRITTEN

Amendments to Appendix A

ARTICLE 11.702 Electric Rates

The following schedule of rates is adopted and fixed as the rates which shall be charged, commencing with the October 2015 bills to customers, for electric service furnished by the City Electric Department:

(a) Residential service electric rate: Schedule R. Rate 1.

(4) Monthly rate.

Customer charge: \$11.03 PLUS

Energy charge

Distribution charge:	\$0.0140 (all kwh per month)
PCRF:	See subsection (f) of this section (all kwh per month)

(b) **General service non demand electric rate: Schedule Commercial/ Secondary, Rate 2.**

(4) Monthly rate.

Customer charge:	\$33.12 PLUS
Energy charge	
Distribution:	\$0.011742 (All kwh per month)
PCRF:	See subsection (f) of this section (all kwh per month)

(c) **Large power electric/large secondary rate: Schedule LP, Rate 3**
available throughout the entire territory serve by the City.

(4) Monthly rate.

Customer charge:	\$1,324.58.00
Energy charge:	
Distribution:	\$0.008961
PCRF:	See subsection (f) of this section

(d) **Security lighting electric rate: Schedule SL.**

(4) Monthly rate.

Customer Charge:

175 Watt or smaller	\$9.38
175 watts and less than 400 Watts	\$22.07
Over 400 watts	\$27.32

(e) **Street lighting electric rate: Schedule STL.**

(4) Monthly rate.

Energy charge:

Distribution: \$0.004532 (All Kwh per month)

PCRF: See subsection (f) of this section
(all kwh per month)

ARTICLE 16.000. WATER AND SEWER RATES AND FEES

Section 16.400. Sewer Department Utility Rates.

Class	Unit Measure	Rate
Residential 5/8" meter	Minimum PLUS Gallon usage per 1,000	\$10.00 \$3.32
Residential 1" meter	Minimum PLUS Gallon usage per 1,000	\$15.27 \$3.32
Residential 2" meter	Minimum PLUS	\$48.86

	Gallon usage per 1,000	\$3.32
Commercial 5/8" meter	Minimum PLUS Gallon usage per 1,000	\$10.00 \$4.06
Commercial 1" meter	Minimum PLUS Gallon usage per 1,000	\$15.27 \$4.06
Commercial 2" meter	Minimum PLUS Gallon usage per 1,000	\$48.86 \$4.06
Multi-family* 5/8" meter	Minimum PLUS Gallon usage per 1,000	\$10.00 \$4.06
Multi-family* 1" meter	Minimum PLUS Gallon usage per 1,000	\$15.27 \$4.06
Multi-family* 2" meter	Minimum PLUS Gallon usage per 1,000	\$48.86 \$4.06

Rates for all Categories of services lying outside the City limits shall be double those rates listed above, including minimum charges.

* Multi-family- Four or more dwelling units on one property or four or more dwelling units on one meter

FLAT RATES FOR SEWER ONLY CUSTOMERS

Residential customers inside limits	\$23.94
Residential customers outside limits	\$35.92
Commercial customers inside limits	\$32.33
Commercial customers outside limits	\$48.50

-----End of Code Text-----

Severability / Invalidity.

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

Repealer

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

Penalties

Penalties provided for in the Code Ordinances of the City of Fredericksburg shall apply to violations hereof.

The rates provided for herein shall become effective on October 1, 2015.

PASSED AND APPROVED this the 21st day of September, 2015.

Linda Langerhans Mayor
City of Fredericksburg

ATTEST:

Shelley Britton, City Secretary

APPROVED AS TO FORM:

Pat McGowan, City Attorney



CITY COUNCIL MEMO

DATE: 9/10/2015

TO: City Council

FROM: Jimmy Alexander, Director of Parks & Recreation

SUBJECT: R.V. Camping rates

Summary:

Camping rates should be adjusted to reflect associated increased costs of operations..

Recommendation:

Recommend to increase camping rates as follows:

Daily fee-\$35

Weekly fee-\$210

Monthly fee-\$420

Background / Analysis:

Attached is a rate comparison for area R.V. campgrounds. The above recommendation puts us in the market where we belong at this time. When our infrastructure project is complete we should review and compare our rates again and consider additional adjustments at that time.


The City of Fredericksburg

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX A FEE SCHEDULE ARTICLE 24 RECREATIONAL FEES, SPECIFICALLY ADDING SECTION 24.400 CAMPING FEES ESTABLISHING AN EFFECTIVE DATE, REPEALING INCONSISTENT PROVISIONS, AND PROVIDING FOR PARTIAL INVALIDITY

WHEREAS, The City Council of the City of Fredericksburg has determined that in order to aid in maintaining the fiscal viability of the City's parks and recreational operations that the fees for the use of the City's recreational facilities to include the camping facilities at Lady Bird Johnson Park should be set as the same are set forth below; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS THAT THE FOLLOWING ORDINANCE BE AND IS HEREBY ENACTED AND THAT APPENDIX A FEE SCHEDULE **ARTICLE 24, RECREATIONAL FEES** OF THE CODE OF ORDINANCES OF THE CITY OF FREDERICKSBURG BE AMENDED, AND SPECIFICALLY THAT **ARTICLE 24.400.- CAMPING FEES** BE ADDED AS FOLLOWS:

ARTICLE 24.000. RECREATIONAL FEES

Section 24.400. - Fees for use of campgrounds at Lady Bird Johnson Municipal Park.

The following fees include water, electricity, sewer, basic cable and basic wireless access for one unit at each campsite:

Daily rate for all campsites- Thirty five and No/100 (\$35.00) Dollars.

Weekly rate for all campsites- Two hundred ten and No/100 (\$210.00) Dollars.

Monthly rate for all campsites- Four hundred twenty and No/100 (\$420.00) Dollars.

The rates set out above will be effective January 1, 2016.

-----End of Code Text-----

Severability / Invalidity.

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

Repealer

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

Penalties

Penalties provided for in the Code Ordinances of the city of Fredericksburg shall apply to violations hereof.

PASSED AND APPROVED this the 21st day of September, 2015.

Linda Langerhans, Mayor
City of Fredericksburg

ATTEST:

Shelley Britton, City Secretary

APPROVED AS TO FORM:

Pat McGowan, City Attorney

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CITY COUNCIL MEMO

DATE: September 21, 2015

TO: Mayor and City Council

FROM: Clinton Bailey, P.E., Director of Public Works and Utilities

SUBJECT: Leaf and Brush Collection Ordinance

Summary:

This item is for the first reading of an ordinance adding or amending Chapter 32-Solid Waste, Article 1 in General Section 32.6 (c) and Appendix A Section 14.100 (g) of the Code of Ordinance of the City of Fredericksburg to add requirements for Brush Chipping, Leaf Collection, Drop-Off and Special Yard-Waste removal services by the City of Fredericksburg providing for general requirements defining the materials to be collected, the times for collection, non-compliant materials, customer duties, enforcement, charges and penalties.

Recommendation:

Staff recommends approval of the proposed ordinance amendment.

Background / Analysis:

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The City of Fredericksburg

The City of Fredericksburg provides brush chipping and leaf collection as free services to its residential garbage customers. Additionally, the City provides a "yard waste only" drop-off area near the recycling center that can be used by all Gillespie County residents free of charge.

Currently, the City only has guidelines in place for brush chipping and leaf collection services that provide basic information to its residential garbage customers regarding these services. The "yard waste only" drop-off area only has on-site signage which provides very little guidance to customers. It is becoming increasingly difficult to provide these services in an efficient and cost effective manner because customers often do not follow the City's guidelines for these services. Implementing policies for brush chipping, leaf collection and the City's yard waste drop-off area into City Ordinance will solidify the requirements regarding these services and provide the City with an instrument which defines the materials to be collected, the times for collection, non-compliant materials, customer duties, enforcement, charges and penalties.

Department Approval



City Manager Approval



The City of Fredericksburg

ORDINANCE NO. _____

AN ORDINANCE ADDING OR AMENDING **CHAPTER 32- SOLID WASTE**, ARTICLE I. IN GENERAL SEC. 32.6.-(c) BULK GARBAGE CONTAINER REQUIREMENT AND SEC. 32-9.- BRUSH CHIPPING, LEAF COLLECTION, DROP-OFF AND SPECIAL YARD-WASTE REMOVAL SERVICES AND **APPENDIX A SEC. 14.100 (g) GARBAGE COLLECTION RATES** OF THE CODE OF ORDINANCES OF THE CITY OF FREDERICKSBURG TO ADD REQUIREMENTS FOR BRUSH CHIPPING, LEAF COLLECTION, DROP-OFF AND SPECIAL YARD-WASTE REMOVAL SERVICES BY THE CITY OF FREDERICKSBURG PROVIDING FOR GENERAL REQUIREMENTS DEFINING THE MATERIALS TO BE COLLECTED, THE TIMES FOR COLLECTION, NON-COMPLIANT MATERIALS, CUSTOMER DUTIES, ENFORCEMENT, CHARGES, SEVERABILITY/INVALIDITY, REPEALER, PENALTIES AND EFFECTIVE DATE.

WHEREAS, the City of Fredericksburg currently provides a city-wide service for residential garbage customers of picking up and disposing of brush and leaves within the City, and provides a drop-off location for those in addition to grass clippings which services are valuable in promoting the neat and orderly appearance of the City and its neighborhoods; and

WHEREAS, the City Council of the City of Fredericksburg desires to continue the these services which are currently provided by the Public Works Department of the City; and

WHEREAS, in order to do so in a cost effective and efficient manner, the Council has determined, based on the recommendation of its Public Works Department staff, that certain regulations and fees should be placed on the operation and utilization of such service; and

WHEREAS, to implement such regulations and fees, the City Council has further determined that the following provisions be enacted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS THAT THE FOLLOWING ORDINANCE BE AND IS HEREBY ENACTED AND THAT **CHAPTER 32- SOLID WASTE**, ARTICLE I. IN GENERAL SEC. 32.6.-(c) BULK GARBAGE CONTAINER REQUIREMENT AND SEC. 32-9.- BRUSH CHIPPING, LEAF COLLECTION, DROP-OFF AND SPECIAL YARD-WASTE REMOVAL SERVICES AND **APPENDIX A SEC. 14.100 (g) GARBAGE COLLECTION RATES** OF THE CODE OF ORDINANCES OF THE CITY OF FREDERICKSBURG BE AMENDED OR ADDED AS FOLLOWS:

CHAPTER 32-SOLID WASTE
ARTICLE I. IN GENERAL

Sec. 32-6. Bulk garbage container requirement.

(c) Brush, limbs and leaves shall not be picked up as a part of the City's regular garbage disposal service.

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Sec. 32.9 Brush chipping, leaf collection, drop-off and special yard-waste removal services.

(a) The following requirements apply to brush chipping, leaf collection, drop-off and special plant and tree pick-up services (the "services") provided by the City of Fredericksburg:

1. The City will collect the material specified for each service below. Any material placed for collection which does not meet any of the specifications of this Section 32.9 will be considered non-compliant.

2. Brush chipping, leaf collection, drop-off and special yard-waste removal services shall not be used by, and are not available to any person who, or entity which, is not a residential garbage customer of the City of Fredericksburg in good standing. The following residential uses are also excluded: Apartments and bed and breakfast locations with more than two units.

3. No material generated at a location other than the residence from which it is collected shall be placed in any place or pile for pick up or disposal or be dropped-off.

4. No material generated by a hired, commercial, or contracted person or service shall be placed in any place or pile for pick up or disposal or dropped-off.

5. No, thorny limbs, cacti, posts, boards, lumber, other building materials or their fragments or other foreign material shall be placed in any place or pile for pick up or disposal or dropped-off.

4. All persons and entities utilizing the services must:

A. Place only non-contaminated, non-comingled material in the place specified on or adjacent to his or her property (or the property managed, rented or occupied by him or her) only.

B. Avoid the parking of vehicles near the piles, and

C. Avoid overhead obstructions, utility facilities, fences and other personal property, trees or other vegetation.

D. Place no bags in or near the collection piles or on the collection site.

E. Place no items in an alley except as may be allowable for the City's regular garbage disposal service.

5. The term Director means the City of Fredericksburg's Director of Public Works and Utilities or his or her designee.

6. Non-compliant vegetative materials may be collected at the discretion of the Director, however, the garbage collection utility customer in front of or adjacent to the premises of which the materials are placed will be charged a collection fee as set forth in Appendix A.

(b) Brush chipping: The following additional requirements apply to the brush chipping service:

1. The City will collect tree branches, woody vines, shrubs and other herbaceous and woody plants less than eight (8") feet in length and less than eight (8") inches in diameter. All limbs greater than one (1") inch in diameter must be cut off from the main branch. No vines, shrubs with root systems, stumps or roots shall be placed in a chipping pile or place.

2. Brush for chipping shall be placed on the property of the garbage utility

customer from which the material is generated adjacent to the curb or alley of the City's in a pile no larger than four (4') feet high by eight (8') feet wide, stacked reasonably untangled with cut ends toward the street or alley.

3. Brush will normally be collected on the regular trash collection day for the respective customers, and for no additional charge. However, compliant piles will be allowed to remain until picked up.

(c) Leaf pick up: The following additional requirements apply to the leaf pick- service:

1. The City will collect leaves which shall not contain rocks, brush, limbs, sticks or grass clippings.

2. Leaves for pick-up shall be placed adjacent to the property of the garbage utility customer from which the leaves are generated in the street or alley of the City's approximately twelve (12") inches from the curb (or edge of alley) in a pile no longer than the width of the lot from which the leaves were generated.

3. Leaves will be collected for no additional charge during times designated by the City's Director. The Director shall post times designated for leaf collection, as well as the earliest date leaves may be placed for collection, on the City's official website. Other advertising may occur, however, the official dates are those that appear on the City's official website.

4. Leaves which are placed for collection other than during the times designated by the Director, or which remain more than ten (10) days after the times designated by the Director for collection shall be considered non-compliant.

(d) Drop-off: The following additional requirements apply to the yard waste drop-off service:

1. The City will permit the dumping of leaves and grass clippings which shall not contain rocks, brush, limbs or sticks.

2. Leaves and grass clippings may be deposited for no additional charge any time of the day or night at the location designated by the City's Director on the City's official website. Other advertising may occur, however, the official location is that which appears on the City's official website.

3. Notwithstanding Sec. 32.9 (a) 2., any resident of the City of Fredericksburg or Gillespie County may utilize the drop-off service, however the other provisions of said Sec. 32.9 (a) will still apply to this service.

(e) Special plant and tree pick-up service: The following additional requirements apply to the special plant and tree pick-up service:

1. Plant and tree material pick-up is available by prior arrangement with the City's Public Works Department for trees, limbs, brush, leaves or grass clippings during times of non-collection or which do not meet the specifications of the no-cost services described above (such as stumps, roots and the like).

2. Such service shall be at the City's discretion as to time and ability of manpower and machinery to handle the particular request. No material shall be placed for collection without prior consent and arrangement with the City's Public Works Department.

3. The cost for such service is set forth in Appendix A of this Code of Ordinances.

(f) Enforcement.

1. No person shall violate the terms of this Section and enforcement may be taken against any person who violates the terms of this section.

2. Additionally, failure to comply with the terms of this Section shall be deemed to be a public nuisance.

3. Any materials placed out for collection shall be presumed to belong to and be the responsibility of the utility customer, owner, manager, tenant or occupant of any dwelling, building or premises in front of which, or adjacent to which, the materials are placed.

4. The penalties set forth in the General Provisions of this Code of Ordinances apply to any violation of this Article.

5. In addition to any other remedy, the Director may, but is not required to:

A. Place a door-hanger on the property where the violation occurs which gives the utility customer, owner, manager, tenant or occupant of the property a deadline for compliance.

B. If there is no compliance by the deadline, the Director may have the City remove the debris, pile or other material or violation and charge the utility customer or property owner for the cost of such removal in accordance with the fees set forth in Appendix A. Such charge will be added to the garbage collection fee.

C. Any person may appeal the imposition of a fee to the Director, who may waive or adjust the fee in cases of hardship. Any appeal must be presented to the Director no later than 30 days following the day the monthly billing which includes the charge is sent to the customer. The appeal must be in writing and must clearly state the reasons for the appeal and hardship. The Director will rule on the appeal within 30 days following receipt of the written appeal, and will notify the appellant of his or her decision. The Director may require reasonable proof of any facts in making his or her decision. Such charge will not be considered delinquent until it is not paid within the billing cycle following the Director's determination.

APPENDIX A

Sec.14.100.- Garbage Collection Rates

(g) Rates for brush chipping, leaf collection, drop-off and special yard-waste removal services.

1. There shall be no charge for brush chipping, leaf collection or drop-off of material which complies with the terms of Section 32.9 of the Code of Ordinances of the City of Fredericksburg.

2. Charges for brush chipping, leaf collection or drop-off of material which is placed for collection and non-compliant with the terms of Section 32.9 of the Code of Ordinances of the City of Fredericksburg shall be One Hundred and No/100 (\$100.00) Dollars for each dump truck size load or part thereof.

3. Charges for special plant and tree pick-up service shall be based on a cost of Fifty and No/100 (\$50.00) Dollars per man-hour or part thereof charged in 30 minute increments, and the City may require a deposit or prepayment of the same.

-----End of Code Text-----

Severability / Invalidity.

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

Repealer.

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

Penalties.

Penalties provided for in the Code Ordinances of the city of Fredericksburg shall apply to violations hereof.

Effective date.

This ordinance shall take effect from and after the date of its passage and publication in accordance with the law.

PASSED AND APPROVED this the _____ day of _____, 2015.

Linda Langerhans, Mayor
City of Fredericksburg

ATTEST:

Shelley Britton, City Secretary

APPROVED AS TO FORM:

Pat McGowan, City Attorney



CITY COUNCIL MEMO

DATE: September 21, 2015
TO: Mayor and City Council
FROM: Laura Hollenbeak, Director of Finance
SUBJECT: Budget Amendments FY 2015

Summary:

As part of the FY 2016 budget process, staff projects final revenues and expenditures for the current budget year FY 2015. In doing so, the following amendments are requested to fund increased or unforeseen expenditures. The amendments are listed by general ledger account numbers and fund.

Recommendation:

Staff recommends approving the attached budget amendments for FY 2015.

Background / Analysis:

The City Charter allows amending the City budget in the case of public necessity as determined and declared by the City Council. Amendments to the budget may be caused by changes in original projections, omissions, or unanticipated variables. The changes suggested make the City's budget more accurate and therefore improve the effectiveness of measuring operating results.

Attachments:

FY 2015 Budget Amendment Proposed Changes

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The City of Fredericksburg

Raura Holmbeck

Department Approval

[Signature]

City Manager Approval

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The City of Fredericksburg

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FY 2015 Budget Amendments September 2015

G/L Account	Description	2015 Budget	2015 Amended	Amendment	Notes
Administration Expenditures					
01-20-3274-00	City Contribution - Dispatch - EMS	53,800.00	17,800.00	(36,000.00)	Reallocate Dispatch & Wages - FY 2015 Budget estimated 2 employees to transfer from EMS wages to Dispatch at 1/1/15
01-20-5059-00	Land Purchase - Mitchell - Friendship	-	298,891.82	298,891.82	\$298,891.82 - Needs to be allocated between funds - all paid in 01-20-5059-00 - Waiting for Council to decide
Administration Expenditures					
		53,800.00	316,691.82	262,891.82	
Fire Department Expenditures					
01-23-1030-00	Regular Wages - Full Time Emp	246,600.00	270,900.00	24,300.00	Reallocate Dispatch & Wages - FY 2015 Budget estimated 2 employees to transfer from Fire Dept wages to Dispatch at 1/1/15
01-23-2020-00	Social Security	22,400.00	24,270.00	1,870.00	Reallocate Dispatch & Wages - FY 2015 Budget estimated 2 employees to transfer from Fire Dept wages to Dispatch at 1/1/15
01-23-2030-00	Retirement - TMRS	26,300.00	28,730.00	2,430.00	Reallocate Dispatch & Wages - FY 2015 Budget estimated 2 employees to transfer from Fire Dept wages to Dispatch at 1/1/15
01-23-2060-00	Insurance - Hospitalization	41,900.00	49,300.00	7,400.00	Reallocate Dispatch & Wages - FY 2015 Budget estimated 2 employees to transfer from Fire Dept wages to Dispatch at 1/1/15
01-23-3274-00	City Contribution - Dispatch - Fire	53,800.00	17,800.00	(36,000.00)	Reallocate Dispatch & Wages - FY 2015 Budget estimated 2 employees to transfer from Fire Dept wages to Dispatch at 1/1/15
	Fire Department Expenditures	391,000.00	391,000.00	-	
General Fund Revenue Total					
	General Fund Expenditure Total	444,800.00	707,691.82	262,891.82	
	General Fund Net Amount	(444,800.00)	(707,691.82)	(262,891.82)	
EMS Revenues					
06-00-4101-00	EMS Revenues	1,475,000.00	1,537,000.00	62,000.00	Increase in EMS Revenues
	EMS Revenues	1,475,000.00	1,537,000.00	62,000.00	
EMS Expenditures					
06-21-1030-00	Regular Wages - Full Time Emp	581,800.00	606,100.00	24,300.00	Reallocate Dispatch & Wages - FY 2015 Budget estimated 2 employees to transfer from EMS wages to Dispatch at 1/1/15
06-21-1070-00	Overtime Wages	266,000.00	278,000.00	12,000.00	Reallocate Dispatch & Wages - FY 2015 Budget estimated 2 employees to transfer from EMS wages to Dispatch at 1/1/15
06-21-2020-00	Social Security	71,500.00	74,300.00	2,800.00	Reallocate Dispatch & Wages - FY 2015 Budget estimated 2 employees to transfer from EMS wages to Dispatch at 1/1/15
06-21-2030-00	Retirement - TMRS	86,600.00	90,200.00	3,600.00	Reallocate Dispatch & Wages - FY 2015 Budget estimated 2 employees to transfer from EMS wages to Dispatch at 1/1/15
06-21-2060-00	Insurance - Hospitalization	117,200.00	124,500.00	7,300.00	Reallocate Dispatch & Wages - FY 2015 Budget estimated 2 employees to transfer from EMS wages to Dispatch at 1/1/15
06-21-3140-00	Contract Prof Serv	2,000.00	6,000.00	4,000.00	Request per John Culpepper
06-21-3200-00	Uncollectible Accts	150,000.00	154,000.00	4,000.00	Request per John Culpepper
06-21-4430-00	Vehicle Maint	11,000.00	15,000.00	4,000.00	Request per John Culpepper
	EMS Expenditures	1,286,100.00	1,348,100.00	62,000.00	
	EMS Fund Revenue Total	1,475,000.00	1,537,000.00	62,000.00	
	EMS Fund Expenditure Total	1,286,100.00	1,348,100.00	62,000.00	
	EMS Fund Net Amount	188,900.00	188,900.00	-	
Hotel Tourism Fund Expenditures					
07-21-3259-00	Hotel Tax Dist - CVB 5/7	1,714,300.00	1,784,300.00	70,000.00	CVB requested \$70,000 additional funding from HOT revenues that were collected last year over budgeted projections Approved by City Council August 17, 2015
	Hotel Tourism Fund Expenditures	1,714,300.00	1,784,300.00	70,000.00	
	Total Revenues	1,475,000.00	1,537,000.00	62,000.00	
	Total Expenditures	3,445,200.00	3,840,091.82	394,891.82	
	Total Net Amount	(1,970,200.00)	(2,303,091.82)	(332,891.82)	