

CITY OF FREDERICKSBURG CITY COUNCIL MEETING

MONDAY, DECEMBER 18, 2017 ~ 6:00 p.m.

Law Enforcement Center ~ 1601 East Main Street

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

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

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

A G E N D A

CALL TO ORDER

PLEDGE OF ALLEGIANCE

Page Ref

1. **EMPLOYEE RECOGNITIONS**
2. **CONSENT AGENDA** - All items listed below are considered to be routine and non-controversial by the Council and will be approved by one motion. There will be no separate discussion of these items unless a council member so requests, in which case the item will be removed from the consent agenda and considered as part of the normal order of business.
 - A. Consider CVB Board Appointment 1-2
 - B. Consider Agreement to Vacate and Abandon a Portion of Sewer Easement - 610 E Main St. 3-11
3. **PUBLIC HEARINGS -**
 - A. **PUBLIC HEARING** - Z-1711 - For a (1) Change in the Land Use Plan from Commercial to Medium Density Residential, and (2) Rezoning from M-1 Light Manufacturing to R-2 Mixed Residential on Several Properties Located Between Walnut St and Hale St, West of Kraupahen Street. 12-22
4. **ORDINANCES - RESOLUTIONS- ACTION ITEMS**
 - A. Consider Ordinances for Z-1711 For a (1) Change in the Land Use Plan from Commercial to Medium Density Residential, and (2) Rezoning from M-1 Light Manufacturing to R-2 Mixed Residential on Several Properties Located Between Walnut St and Hale St, West of Kraupahen Street.
5. **INDIVIDUAL ITEMS FOR CONSIDERATION AND POSSIBLE ACTION**
 - A. Consider Request from Boy Scouts for Reduced Tent Camping Fees 23-26
 - B. Consider 2018 Holiday Schedule 26-30
 - C. Consider Real Property Located at 308 E. Austin St. 31-39
6. **CITY MANAGERS REPORT**
 - A. Attainable Housing
 - B. Community Visioning Process
 - C. Golf Course - Touchstone
 - D. New Year's Eve Event
7. **ITEMS FOR FUTURE AGENDAS** 40

8. **PUBLIC COMMENTS** - *This time is for citizens to address the City Council on issues and items of concern not on this agenda. There will be no City Council action at this time.*
9. **COUNCIL COMMENTS** - No discussion or action may take place
10. **EXECUTIVE SESSION** - Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.086 (Economic Development).

A. Executive Session - Deliberations About Real Property - Discuss Real Property Located at 308 E. Austin St.
11. **ADJOURN**



CITY COUNCIL MEMO

DATE: December 11, 2017

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: Convention and Visitor's Bureau (CVB) Board Appointment

Summary:

The CVB has nominated Stephen Harris for a three-year term on their Board of Directors.

Recommendation:

It is recommended that Stephen Harris, owner of Insight Gallery, be appointed as the arts representative to the CVB Board for a three-year term to replace Shannon Hanna who decided not to seek a second term on the CVB Board.

Background / Analysis:

Attachments:

The City of Fredericksburg

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


Department Approval


City Manager Approval

The City of Fredericksburg


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



CITY COUNCIL MEMO

DATE: December 18, 2017

TO: Mayor and City Council

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

SUBJECT: Agreement to Vacate and Abandon a Portion of Sewer Easement – 610 E. Main St.

Summary:

The City has a 10' wide sewer easement crossing the subject tract located at 610 E. Main St. As part of the development of the site as a Natural Grocers location, the developers intend to realign a section of 18" public sewer main that lies within the existing easement. The realigned section of sewer main will lie within a proposed 15' wide sewer easement that is to be dedicated by plat. The developers plan to record the plat prior to the start of construction so they have requested an agreement be executed that documents the City's intent to vacate and abandon a portion of the existing easement upon completion and acceptance of the realigned sewer main.

Recommendation:

City Staff recommends authorizing the City Manager to execute the agreement and the associated vacation and abandonment of a section of the existing sewer easement.

Background / Analysis:

The City has a 10' wide sewer easement recorded in Vol. 119, Page 471 of the Official Public Records of Gillespie County. The sewer easement crosses the subject tract at 610 E. Main St. which is planned to be a Natural Grocer's location. As proposed, the building would lie on top of a portion of the sewer easement

The City of Fredericksburg

③

so the site plan calls for a section of the existing sewer main within the easement to be realigned and a new easement dedicated by plat.

The City's Planning and Zoning Commission approved the site plan and design guidelines for the proposed development at their regularly-scheduled meeting on October 4, 2017. The civil construction drawings for the project are currently under review by Engineering/Public Works Department staff. Prior to vacation and abandonment of the easement, the realigned section of sewer main will be required to be inspected and accepted by City inspectors.

The attached agreement has been reviewed and approved by the City Attorney so City staff recommends authorizing the City Manager to execute the agreement and the associated vacation and abandonment of a section of the existing sewer easement.

Attachments:

Agreement to Vacate Sewer Easement

Department Approval



City Manager Approval

The City of Fredericksburg

④

AGREEMENT TO VACATE SEWER EASEMENT

This Agreement is entered into between the CITY OF FREDERICKSBURG ("City"), a political subdivision of the State of Texas, and EVC FREDERICKSBURG MAIN, L.P. ("EVC"), whose address is 3501 SW Fairlawn Rd., Suite 200, Topeka, KS 66614.

RECITALS

WHEREAS, the City was previously dedicated a ten foot (10") wide permanent sewer easement (the "1977 Easement"), to construct and perpetually maintain a sewer main; and

WHEREAS, EVC is now the owner of the tract of land containing the 1977 Easement, and EVC intends to dedicate an alternative sanitary sewer easement (the "2017 Easement") to the City as part of development of the tract; and

WHEREAS, EVC desires that the City vacate and abandon a portion of the 1977 Easement, following the dedication by EVC of the 2017 Easement to the City.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual agreements set forth in this Agreement, and other good and valuable consideration, the receipt of which are hereby acknowledged, the parties hereto agree as follows:

1. Obligations of EVC – EVC shall dedicate to the City the 2017 Easement, by plat or other separate instrument recorded in the real property records of Gillespie County, Texas. The 2017 Easement dedicated by EVC under this Paragraph shall be of a size, location, and purpose substantially similar to the "PROPOSED 15' SANITARY SEWER EASEMENT MAIN ST. NATURAL GROCERS PLAT (NOT YET RECORDED)" indicated as set forth in Exhibit A, a copy of which is attached hereto and incorporated herein by reference. The 2017 Easement dedicated by EVC under this Paragraph shall also be approved by the City, to ensure the easement dedicated is of a size, location, and purpose necessary to meet the City operational needs, which approval shall not be unreasonably withheld.
2. Obligations of City – If EVC fully performs the duties and obligations as set forth in Paragraph 1 of this Agreement, then the City shall abandon and release a portion of the 1977 Easement, by separate instrument recorded in the real property records of Gillespie County, Texas. The portion of the 1977 Easement to be abandoned and released by the City under this Paragraph is indicated as "RELEASE OF SEWER EASEMENT 0.0320 OF AN ACRE {1,392 SQ. FT.}" in Exhibit A, and more specifically described in Exhibit B and Exhibit C, copies of which are attached hereto

and incorporated herein by reference.

3. EVC must notify the City, in writing, upon EVC full performing the duties and obligations as set forth in Paragraph 1 of this Agreement. Following the City's receipt of notice from EVC under this Paragraph, the City shall release and abandon the portion of easement as set forth in Paragraph 2 as soon as is practicable, and no later than 10 business days following the date of City receipt of said notice from EVC.
4. The parties hereby agree and acknowledge that if EVC fails to fully perform the duties and obligations as set forth in Paragraph 1 and Paragraph 3 of this Agreement, then the City shall have no duty or obligation to release any easement, or portion thereof, under this Agreement.
5. The parties hereby agree and acknowledge that the remainder of the 1977 Easement, excepting and excluding the portion that may be abandoned and released under Paragraph 2 of this Agreement, shall remain unchanged and in full force and effect.
6. Miscellaneous provisions
 - a. No delay by a party in enforcing any part of this Agreement shall be deemed a waiver of any of said party's rights or remedies, nor shall such delay be deemed a waiver of any subsequent breach or default by the other party.
 - b. If any term or provision of this Agreement, or its application to any person or circumstances shall to any extent be held invalid, illegal, or unenforceable, the remainder of this Agreement shall not be affected thereby, and each and every other term and provision shall be enforced to the fullest extent permitted by law as if the invalid, illegal, or unenforceable provision had never been included in this Agreement.
 - c. The parties hereto agree that the laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of this Agreement. Venue for any action involving this Agreement shall be solely and exclusively in the State or Federal courts of Gillespie County, Texas.
 - d. The parties agree that the Agreement should be construed fairly and simply and not strictly against either party.
 - e. This Agreement binds and inures to benefit of the parties and their respective legatees, devisees, heirs, executors, legal and personal representatives, assigns, transferees, assigns, and successors in interest.
 - f. This Agreement is the sole and only agreement between the parties regarding the subject matter hereof, and it incorporates all other written, verbal, express, and implied agreements made between and party or agent of any party of this Agreement in connection with such matters.

- g. No amendment, modification or alteration of the terms of this Agreement shall be binding unless reduced to writing, dated, and duly executed by the parties subsequent to the date of this Agreement.

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

EVC FREDERICKSBURG MAIN, L.P.

By: *EVC Texas GP, L.C., its General Partner*

By: *[Signature]* Date: *12/07/2017*

Printed Name: *Luke R. Spellmeyer* Title: *Manager*

CITY OF FREDERICKSBURG, TEXAS

By: _____ Date: _____
Kent Myers, City Manager

NOTES

1. BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED FOR THE TEXAS SOUTH CENTRAL ZONE 4204, NORTH AMERICAN DATUM (NAD) OF 1983. DISTANCES SHOWN HEREON ARE SURFACE DISTANCES USING AN AVERAGE COMBINED FACTOR OF 0.99988758108.

2. REFERENCED PROPERTY IS IN ZONE AE, SPECIAL FLOOD HAZARD AREAS INUNDED BY 100-YEAR FLOOD, BASE FLOOD ELEVATIONS DETERMINED, AS SCALED FROM FEMA FLOOD MAP 288 OF 525, COMMUNITY PANEL NO. 48171C0288C, DATED OCTOBER 19, 2001

3. THE TRACT SHOWN HEREON IS SUBJECT TO ALL CITY OF FREDRICKSBURG AND GILLESPE COUNTY ORDINANCES AND RESTRICTIONS.

4. METES AND BOUNDS WERE PREPARED FOR THIS EXHIBIT

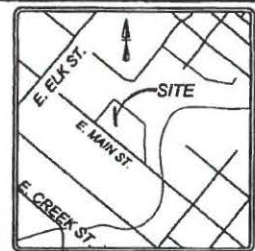
5. ADJOINERS SHOWN HEREON ARE PER CURRENT GILLESPE COUNTY APPRAISAL DISTRICT RECORDS AND OFFICIAL PUBLIC RECORDS OF GILLESPE COUNTY, TEXAS.

EXHIBIT A

to AGREEMENT TO VACATE SEWER EASEMENT



SCALE: 1"=50'



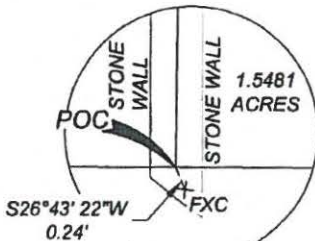
LOCATION MAP
NOT-TO-SCALE

SYMBOL LEGEND

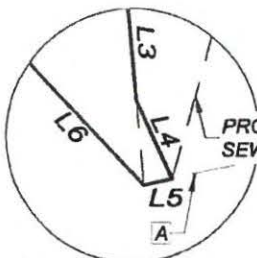
- FIR FOUND 1/2" IRON ROD OR AS NOTED
- × FXC FOUND X IN TOP OF STONE WALL
- O.P.R. OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF GILLESPE COUNTY, TEXAS
- D.R. DEED RECORDS OF GILLESPE COUNTY, TEXAS

EASEMENT TABLE

- [A] 10 FOOT WIDE SANITARY SEWER EASEMENT (VOL. 457 PG. 152, O.P.R.)
- [B] 10 FOOT WIDE SANITARY SEWER EASEMENT *APPROXIMATELY AS DESCRIBED IINSTRUMENT (VOL. 119 PG. 471, D.R.)



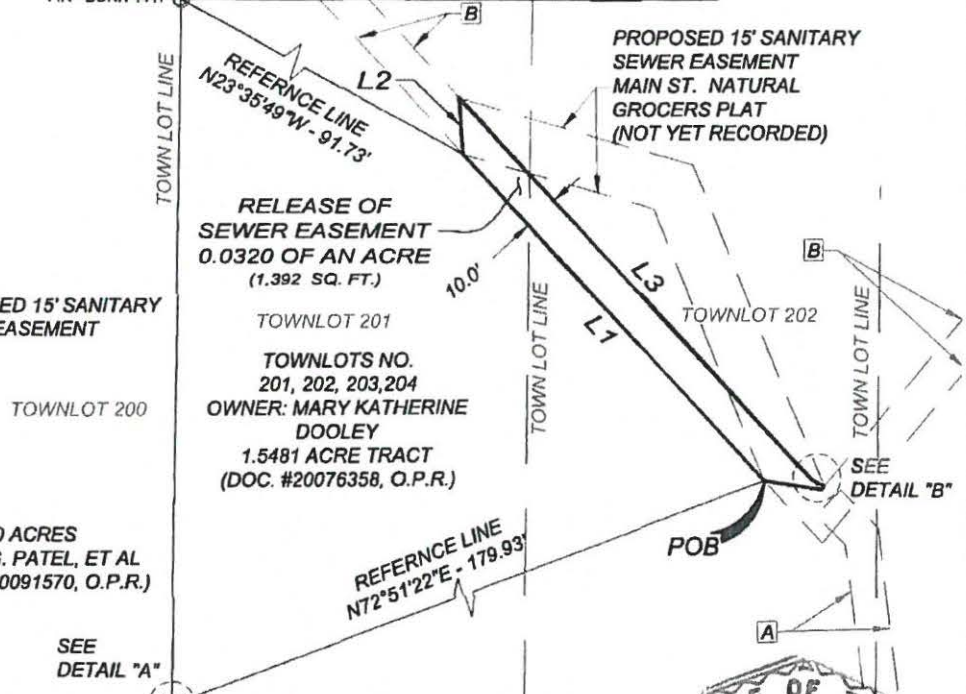
DETAIL "A"
NOT TO SCALE



DETAIL "B"
NOT TO SCALE

2.60 ACRES
MAHESH G. PATEL, ET AL
(DOC. NO. 20091570, O.P.R.)
FIR "BONN 4447"

2.72 ACRES
ADMIRAL NIMITZ FOUNDATION
(DOC. NO. 20101719, O.P.R.)



2.60 ACRES
MAHESH G. PATEL, ET AL
(DOC. NO. 20091570, O.P.R.)

SEE
DETAIL "A"

E. MAIN ST. (HWY 290)
(117.71' R.O.W.)
(CSJ NO. 0113-01-011)

Line Table		
LINE #	LENGTH	DIRECTION
L1	126.41'	N05°15'00"W
L2	15.98'	N33°30'02"E
L3	147.79'	S05°15'00"E
L4	3.85'	S25°11'45"E
L5	1.32'	S77°45'00"W
L6	16.17'	N43°27'47"W



TERESA A. SEIDEL
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5672
EMAIL: TSEIDEL@KFWENGINEERS.COM
DATE OF SURVEY: 09/20/2017
PROJECT NO.: 16-170

EXHIBIT OF

A 0.0320 OF AN ACRE TRACT OF LAND, SITUATED IN THE CITY OF FREDRICKSBURG, GILLESPE COUNTY, TEXAS AND BEING A PORTION OF A 10 FOOT SANITARY SEWER EASEMENT, OF RECORD IN VOLUME 119 PAGE 471 OF THE DEED RECORDS OF GILLESPE COUNTY, TEXAS, OVER AND ACROSS TOWNLOTS NO. 201, 202, 203 AND 204, AS SHOWN ON THE MAP OF THE CITY OF FREDRICKSBURG, TEXAS AND ENVIRONS BY THE GERMAN EMIGRATION COMPANY AND OVER AND ACROSS A PORTION OF A 1.5481 ACRE TRACT OF LAND AS CONVEYED TO MARY KATHERINE DOOLEY OF RECORD IN DOCUMENT NO. 20076358 OF THE OFFICIAL PUBLIC RECORDS OF GILLESPE COUNTY, TEXAS.

REVISIONS		ISSUE DATE	
JOB NO.	16-170	DATE	09/20/2017
DRAWN	MR	DESIGNER	TAS
CHECKED	TAS	CHECKED	TAS

SHEET: 1 OF 1

ANY COMPLAINTS REGARDING THE SERVICES YOU HAVE RECEIVED CAN BE DIRECTED TO THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING 12100 PARK 35 CIRCLE BLDG. A, SUITE 150 MC-220 AUSTIN, TX 78753 PHONE: 512-236-5263, FAX: 512-236-5253



EXHIBIT B
TO
AGREEMENT TO VACATE SEWER EASEMENT



FIELD NOTES
FOR
RELEASE OF A
SEWER EASEMENT
A 0.0320 OF AN ACRE TRACT

A 0.0320 of an acre tract of land, situated in the City of Fredericksburg, Gillespie County, Texas and being a portion of a 10 foot Sanitary Sewer Easement, of record in Volume 119 Page 471 of the Deed Records of Gillespie County, Texas, over and across Townlots No. 201, 202, 203 and 204, as shown on the map of the City of Fredericksburg, Texas and Environs by the German Emigration Company and over and across a portion of a 1.5481 acre tract of land as conveyed to Mary Katherine Dooley of record in Document No. 20076358 of the Official Public Records of Gillespie County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING at a point in the northeast right-of-way line of U.S. Highway 290 (Hwy 290), also known as E. Main St., a 117.71 foot wide right-of-way along the subject tract as shown on the State of Texas Department of Transportation Right Of Way Survey CSJ No. 0113-01-011 dated August 15, 2003, for the south corner of a called 2.60 acre tract of land as conveyed to Mahesh G. Patel, et al, of record in Document No. 20091570 of the Official Public Records of Gillespie County, Texas, also being the south corner of Townlot 200 as shown on said Map of Fredericksburg, Texas, for the west corner of Townlot 201 and the 1.5481 acre tract, from which a found "x" in a concrete wall bears, S 26° 43' 22" W, a distance of 0.24 feet;

THENCE: N 72°51'22" E, over and across Townlots 201, 202 and the 1.5481 acre tract of land, a distance of 179.93 feet to a point in the west line of the 10 foot Sanitary Sewer Easement for the **POINT OF BEGINNING** and the southwest corner of the easement described herein,

THENCE: continuing over and across Townlots 202, 201, and the 1.5481 acre tract and along and with the 10 Foot Sanitary Sewer Easement the following six (6) courses:

1. N 05°15'00" W, along and with the northwest line of the 10 foot Sanitary Sewer Easement, a distance of 126.41 feet to a point for the northwest corner of the easement described herein, from which a found ½" iron rod with a plastic cap stamped "BONN 4447" in the southeast line of Townlot 200, for an interior corner of the 2.60 acre tract, and for the north corner of Townlot 201 and the 1.5481 acre tract bears N 23°35'49" W, a distance of 91.73 feet,
2. N 33°30'02" E, into and across the 10 foot Sanitary Sewer Easement, a distance of 15.98 feet to a point in the southeast line of the 10 foot Sanitary Sewer Easement and for the northeast corner of the easement described herein,
3. S 05°15'00" E, along and with the southeast line of the 10 foot Sanitary Sewer Easement, a distance of 147.79 feet to a point for an interior corner of the easement described herein,

EXHIBIT B

to

AGREEMENT TO VACATE SEWER EASEMENT

4. S 25°11'45" E, continuing along and with the southeast line of the 10 foot Sanitary Sewer Easement, a distance of 3.85 feet to a point for the southeast corner of the easement described herein,
5. S 77°45'00" W, along and with the southeast line of the 10 foot Sanitary Sewer Easement, a distance of 1.32 feet to a point for the south corner of the easement described herein, and
6. N 43° 27' 47" W, along and with the southwest line of the 10 foot Sanitary Sewer Easement, a distance of 16.17 feet to the **POINT OF BEGINNING** and containing 0.0320 of an acre, or 1,392 square feet more or less and being described in accordance with an exhibit prepared by KFW Surveying. Bearings are based on NAD83 Texas State Plane Central Zone.

Job No.: 16-170

Prepared by: KFW Surveying

Date: September 20, 2017

File: S:\Draw 2017\16-170 VITAMIN COTTAGE FREDERICKSBURG\DOCS\FN-00320 of an Acre

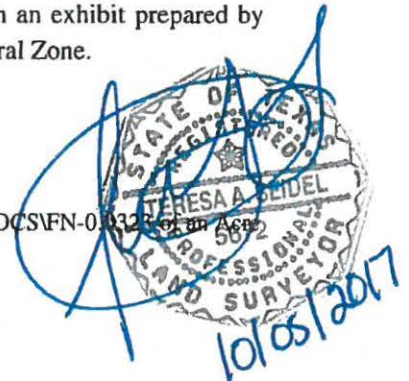
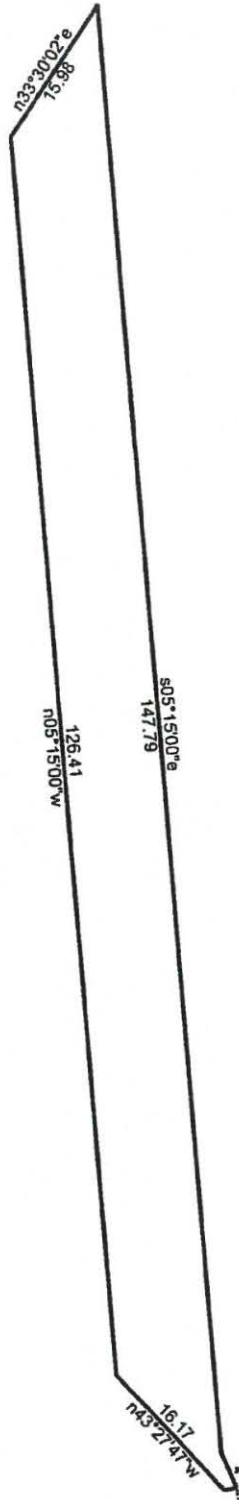


EXHIBIT C
to
AGREEMENT TO VACATE SEWER EASEMENT



9/21/2017

Scale: 1 inch= 18 feet | File: .0320 AC.ndp

Tract 1: 0.0320 Acres (1392 Sq. Feet), Closure: s16.2957w 0.01 ft. (1/38285), Perimeter=312 ft.

01 n05.1500w 126.41
02 n33.3002e 15.98
03 s05.1500e 147.79
04 s25.1145e 3.85
05 s77.4500w 1.32
06 n43.2747w 16.17



CITY COUNCIL MEMO

DATE: December 12, 2017

TO: Mayor and City Council

FROM: Brian Jordan, AICP

SUBJECT: Change in the Land Use Plan from Commercial to Medium Density Residential and Rezone from M-1 Light Manufacturing to R-2 Mixed residential on several properties located between Walnut Street and Hale Street, west of Kraupahen Street. (Z-1711).

Summary:

Property owners representing 11 properties of various sizes within the block and a half west of Kraupahen Street, between Walnut Street and Hale Street joined together to request the change in zoning. Four of the properties within the area are not included in this request and are not in favor of the proposed change. At the initial meeting, the Planning and Zoning Commission directed staff to include all properties in the area, and to hold a subsequent public hearing on the change. The neighborhood is characterized by a mixed of businesses and residential property. Property to the north and east is non-residential, and to the south is primarily residential. The zoning of surrounding property is M-1 to the north and east, and R-2 to the south and west (see attached exhibit). The Land Use Plan identifies the subject property as Commercial, property to the north and east as Commercial, and property to the south and west as Medium Density Residential.

For the most part, those in support of the request were concerned about the possible uses that could occur under the current zoning of M-1. The owners of 504 Kraupahen stated they bought the property with the intent to build a restaurant and brew pub on their property. Staff also mentioned that these owners had submitted a Site Plan for the purpose of developing the property under the M-1 regulations, and that this submittal would allow them to build their intended use regardless of the outcome of the zone change, as long as the Site Plan is approved and the project is complied with all development regulations.

The City of Fredericksburg

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Recommendation:

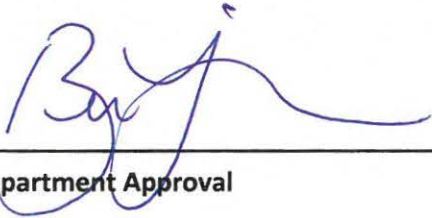
The Planning and Zoning Commission voted unanimously in favor of recommending approval of the Conditional Use Permit. Staff concurs with the recommendation of approval.

Background / Analysis:

See attached Land Use and Zoning Change Brief for request Z-1711.

Attachments:

Land Use Plan and Zoning Change Brief, Zoning Map, Land Use Plan Map, Aerial Map, Ordinances.



Department Approval



City Manager Approval

The City of Fredericksburg

13

LAND USE PLAN AND ZONING CHANGE BRIEF

Rezoning Request # Z-1711

APPLICANT: Santiago Najera on behalf of a number of property owners in the South Side Addition neighborhood

LOCATION: The area is bordered by Walnut Street on the north, Kraupahen Street on the east and Hale Street on the south (see attached map)

EXISTING ZONING: M-1, Light Manufacturing

PROPOSED CHANGE:

1. Change in the Land Use Plan from Commercial to Medium Density Residential, and
2. Change in Zoning from M-1, Light Manufacturing to R-2 Mixed Residential.

FINDINGS:

- Property owners representing 11 properties of various sizes within the block and a half west of Kraupahen Street, between Walnut Street and Hale Street joined together to request the change in zoning.
- Four of the properties within the area are not included in this request and are not in favor of the proposed change.
- At the initial meeting, the Planning and Zoning Commission directed staff to include all properties in the area, and to hold a subsequent public hearing on the change.
- The neighborhood is characterized by a mixed of businesses and residential property.
- Property to the north and east is non-residential, and to the south is primarily residential.
- The zoning of surrounding property is M-1 to the north and east, and R-2 to the south and west (see attached exhibit).
- The Land Use Plan identifies the subject property as Commercial, property to the north and east as Commercial, and property to the south and west as Medium Density Residential.

LAND USE PLAN: The properties within the subject area were given a designation of Commercial when the Land Use Plan was adopted in 2006. The designation of the surrounding area to the west and south is Medium Density Residential. Although the property in the subject area is a mix of residential and non-residential uses, the land use and zoning is non-residential. This is likely due to the fact that property along S. Washington Street and north of Walnut Street was developed with higher intensity commercial and industrial type uses.

Commercial Land Use Description: Commercial uses are shown in limited areas of the Future Land Use Map. They include retail and office uses as well as the light commercial activities that typically need some outdoor storage, display and sales areas. For the most part, this land use category is found in areas where a mix of non-residential uses already exists and where change is not anticipated.

Medium Density Residential Land Use Designation: This use category includes single family detached dwelling on smaller lots and attached dwelling unit, such as duplex units and

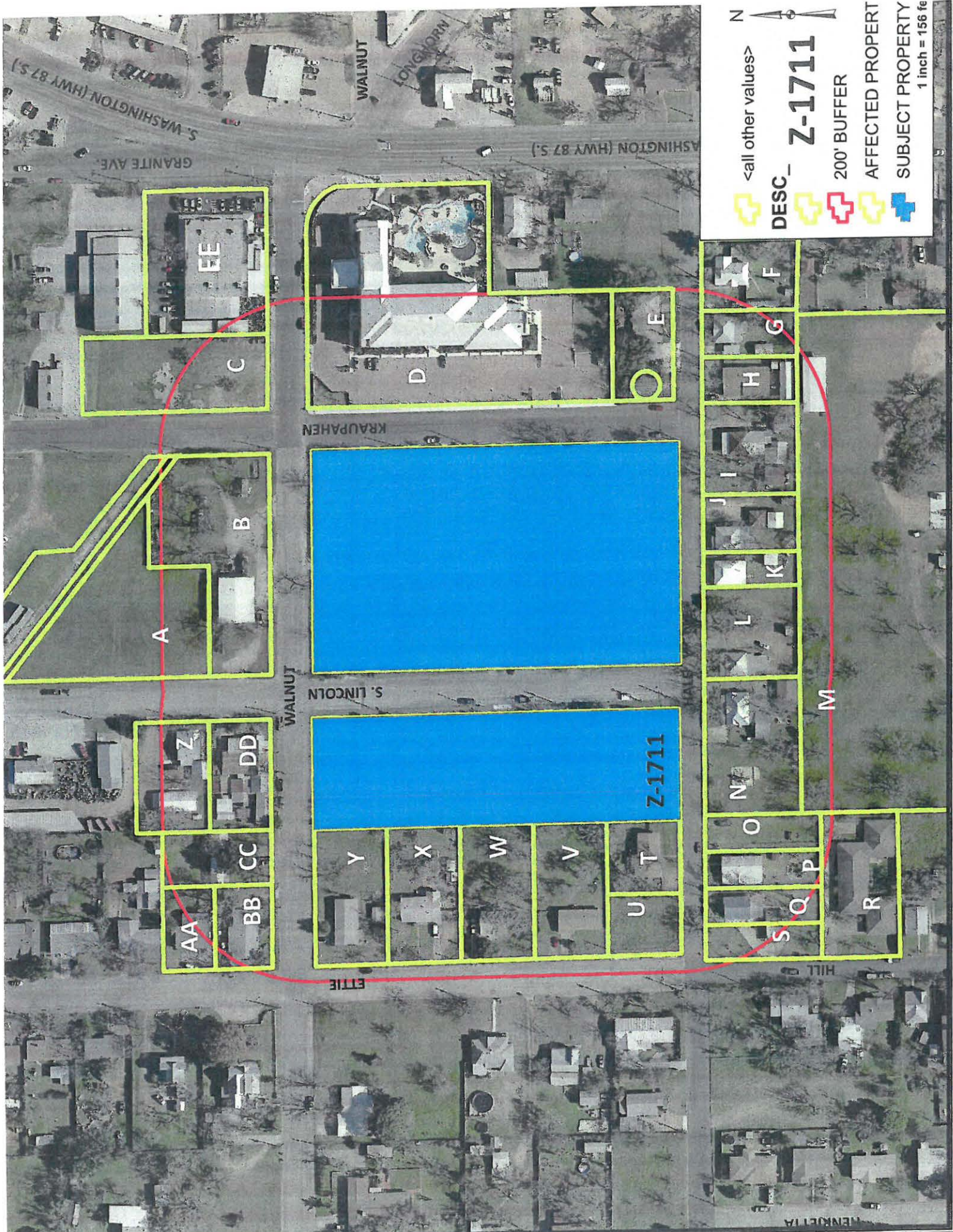
townhomes. Medium density land uses often provide housing for “empty nesters” who may not want the maintenance of a large lot single family home, and for young families who may find a townhome or duplex more affordable than a single family home. They play an important role in providing workforce housing as well. These residential uses can provide a buffer between lower density residential areas and more intensive residential, non-residential or mixed use areas.

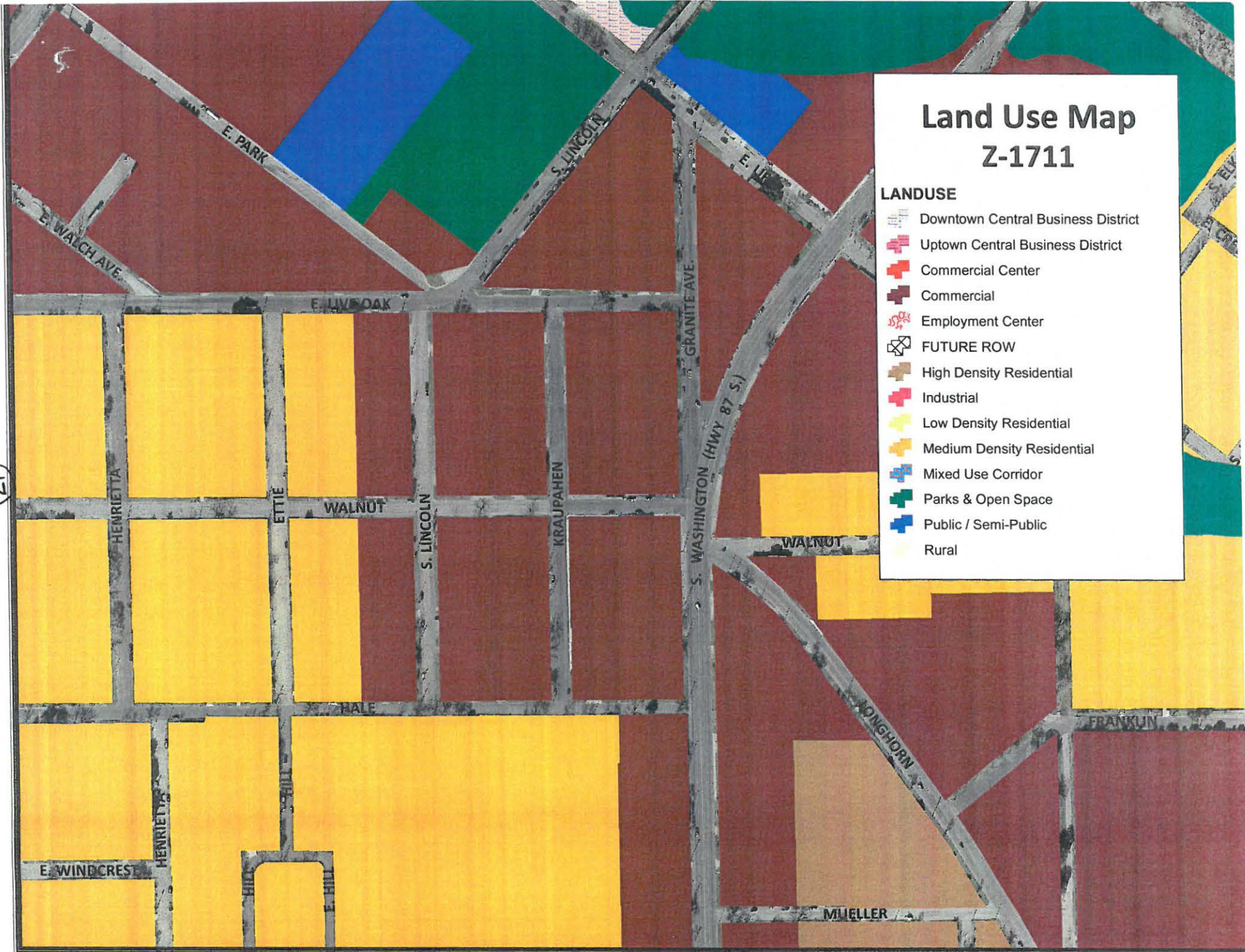
ZONING: Currently, the subject property is zoned M-1, Light Manufacturing. The applicant’s are requesting that the zoning be changed to R-2, Mixed Residential District to reflect the more residential character in the vicinity. Should the zoning be changed, the existing businesses in the area would be considered legal non-conforming uses and be grandfathered. This means they would not be able to be enlarged, modified or changed. And, if the use were to be vacated for a period of 90 days, any use thereafter would be required to be in compliance with the zoning in place.

OPPOSITION/SUPPORT OF REQUEST: At the Planning and Zoning Commission Meeting on November 8, 2017, the Commission heard from members of the neighborhood in support of the request, and owners of property in the subject area in opposition to the request. For the most part, those in support of the request were concerned about the possible uses that could occur under the current zoning of M-1. The owners of 504 Kraupahen stated they bought the property with the intent to build a restaurant and brew pub on their property. Staff also mentioned that these owners had submitted a Site Plan for the purpose of developing the property under the M-1 regulations, and that this submittal would allow them to build their intended use regardless of the outcome of the zone change, as long as the Site Plan is approved and the project is complied with all development regulations.

PLANNING AND ZONING COMMISSION RECOMMENDATION: The Commission voted unanimously to recommend approval of the change in the Land Use Plan from Commercial to Medium Density Residential and the change of zoning from M-1 Light Manufacturing to R-2 Mixed Residential.

STAFF RECOMMENDATION: Staff agrees that the neighborhood in question is more residential than commercial. We also recognize that the former heavy commercial activities to the east have transitioned to more traditional commercial activities. In addition, there remains a significant amount of land to the north of this property that is zoned for light manufacturing and commercial uses. As such, we believe the change proposed is reasonable and we concur with the Commission’s recommendation of approval.





Land Use Map Z-1711

- LANDUSE**
- Downtown Central Business District
 - Uptown Central Business District
 - Commercial Center
 - Commercial
 - Employment Center
 - FUTURE ROW
 - High Density Residential
 - Industrial
 - Low Density Residential
 - Medium Density Residential
 - Mixed Use Corridor
 - Parks & Open Space
 - Public / Semi-Public
 - Rural

Zoning Map

Z-1711

ZONED

-  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
-  R1A - Single Family Residential - Small Lots
-  R2 - Mixed Residential
-  R3 - Multi-Family Residential
-  R4 - Manufactured Home Residential
-  R5 - Patio Home Residential

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, ADOPTING A CHANGE IN THE COMPREHENSIVE PLAN OF THE CITY OF FREDERICKSBURG; SPECIFICALLY IN THE LAND USE MAP AND COMPREHENSIVE PLAN AS TO BLOCK D AND PART OF BLOCK F OF THE SOUTH SIDE ADDITION, SITUATED IN THE CITY OF FREDERICKSBURG, TEXAS; CHANGING SAID PROPERTY FROM COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL; PROVIDING THAT THE CHANGE BECOME A PART OF THE COMPREHENSIVE PLAN AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

WHEREAS, the City Council has specifically found, following the public hearing, that such change is consistent with the objectives of the Comprehensive Plan of the City of Fredericksburg and that it would be in the best interests of the public that such change be made.

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

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

Being all those certain lots, tracts or parcels of land situated in the City of Fredericksburg, Gillespie County, Texas, being all of Lots No. 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 55, 56, 57, 58, 59, and 60 of the South Side Addition to the City of Fredericksburg, Texas, as said Lots are shown, designated and delineated on the map or plat of said addition recorded in Volume 11, Page 611 of the Plat Records of Gillespie County, Texas, are hereby designated as Medium Density Residential.

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

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

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

Linda Langerhans, Mayor
City of Fredericksburg, Texas

ATTEST:

Shelley Britton, City Secretary

APPROVED AS TO FORM:

Daniel Jones, City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY AND CHANGING THE ZONING DISTRICT AS TO BLOCK D AND PART OF BLOCK F OF THE SOUTH SIDE ADDITION, SITUATED IN THE CITY OF FREDERICKSBURG, TEXAS; CHANGING SAID PROPERTY FROM M-1 LIGHT MANUFACTURING TO R-2 MIXED RESIDENTIAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an Application for Rezoning has been submitted by multiple owners of property located within the South Side Addition to the City of Fredericksburg, Texas, to change the present zoning district of Block D and part of Block F of said addition, from M-1 Light Manufacturing to R-2 Mixed Residential; and

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

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

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

Section 1. That the zoning ordinance of the City of Fredericksburg is hereby amended to incorporate the certain change in zoning district as follows:

All of those certain lots, tracts or parcels of land situated in the City of Fredericksburg, Gillespie County, Texas, being all of Lots No. 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 55, 56, 57, 58, 59, and 60 of the South Side Addition to the City of Fredericksburg, Texas, as said Lots are shown, designated and delineated on the map or plat of said addition recorded in

Volume 11, Page 611 of the Plat Records of Gillespie County, Texas, to be and are hereby rezoned and designated as R-2 Mixed Residential.

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

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

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

Linda Langerhans, Mayor
City of Fredericksburg, Texas

ATTEST:

Shelley Britton, City Secretary

APPROVED AS TO FORM:

Daniel Jones, City Attorney



CITY COUNCIL MEMO

DATE: December 6, 2017

TO: Mayor and City Council

FROM: Andrea Schmidt, Parks & Recreation Director

SUBJECT: Boy Scout reduced tent camping fee request

Summary:

A Boy Scout group is requesting a reduced fee of \$5 per tent per night for camping at Lady Bird Park for 2 nights in January. They will have approximately 15 to 20 tents for the two nights. The total cost at our adopted rate is \$300 to \$400 for this many tents. The reduced rate would total \$150 to \$200.

Recommendation:

Consider the request from Dr. Joseph Schmidt for a reduced fee for tent camping.

Background / Analysis:

The Parks & Recreation Department offers primitive tent camping in a designated 5 acre field next to Park Headquarters at Lady Bird Park. Tent camping is \$10 per night, per tent. There is a restroom and shower facility in the area but no water or electricity. The majority of the tent camping each year is by individuals or small groups. We do have some larger groups that use this tent camping area during the year including Stephen F. Austin's Geology Department, the VW Classic and other Boy Scout groups.

Attachments:

Scoutmaster Letter

Andrea Schmidt

Department Approval

[Signature]

City Manager Approval

The City of Fredericksburg

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November 28, 2017

The Honorable Linda Langerhans, mayor,
The Honoralbes Charlie Kiehne, Gary Neffendorf, Jerry Luckenbach, and Bobby Watson; council members,

Dear Mayor and Councilmen,

My name is Joseph Schmidt, and I am assistant scoutmaster for Troop 410 in Austin, as well as a private pilot.

One of our most looked-forward-to campouts is our Aviation Campout. We typically offer this event every 2-3 years and we have always chosen your back yard to hold it. It is the ideal distance from Austin, but more importantly, the physical/geographic set up is more than ideal.

For all of our past campouts I have had the pleasure to have worked with Jimmy Alexander to oversee all of the details of using Lady Bird Park. Jimmy was a great guy and I'm hoping that he is enjoying retirement. Jimmy graciously gave our troop a camping rate of \$5/tent/night, discounted from \$10. We have always, and still will offer to do a service project for the park on Sunday morning in gratitude for his gesture (he never accepted our offer). The new park's director said that I need to approach the city council to request the same rate, so I come to you today to make this request. So I respectfully ask for your consideration to grant us this same discounted rate of \$5/tent. Our campout weekend is January 12-14 and we are expecting 15-20 tents.

We have always camped at Lady Bird Johnson County Park which as you know shares a fence line with your Gillespie County Airport. In past years we were allowed to camp at the back fence line so the scouts could constantly watch the coming and going of aircraft, while listening to a handheld radio broadcasting their communications. In addition to exposing all of the scouts to general and commercial aviation, I offer the opportunity for the boys to earn the Aviation Merit badge.

Our agenda for the weekend is typically as follows: We arrive at the park around 7:30 pm Friday night, set up camp, and then turn in for the night. The next morning, breakfast is prepared and eaten, as well as preparing a sack lunch. We shuttle to the airport around 8:30 am where I will lead a tour of the facilities. With the oversight of the airport manager, we show and explain the purposes of the terminal building, the FBO, and one of the FBO's hangers. I also explain the airport's layout, taxiways, runway and runway numbering, rotating beacon, wind socks, fuel depots, and tie down areas. I also lead a contest on paper airplane design testing endurance and distance in two separate competitions. I bring a flight simulator where each scout gets to land a small private airplane at Princess Julianna Airport on the island of Sint Maartin. For real hands on experiences, your local Experimental Aviation Association will provide several of their airplanes to teach the boys how we inspect our aircrafts prior to each flight to ensure their safety and air worthiness. These pilots will then give each of our scouts an opportunity to have

their first flight in a personal aircraft; a program sponsored by EAA national called Young Eagles. We will usually be lucky in having one of the pilots own a larger twin engine aircraft or jet which would allow him to have the boys step aboard and see the inside of a larger aircraft. And lastly, we will have one of the EAA members talk about being a commercial pilot. At the end of this program we take a nice detour for a Coke float at the Airport Diner, then will return to our campites to start dinner preparation. Once back in the park, we usually throw together a very spirited game of kickball with all the adults and scouts participating. We end our day with a song and skit filled campfire, then lights out. We wake up early, prepare breakfast again, tear down camp, police the area and pack up. We allocate time here to do a service project if allowed to.

We invite each of you to join us for dinner and a campfire Saturday evening, January 13th. Again, please consider granting our troop the reduced rate of \$5/tent.

Thank you,
Dr. Joseph Schmidt
Assistant Scoutmaster
T410-Austin
512.547.9999
jgsdds@austin.rr.com

5656 Bee Cave Rd #B100
Austin, Texas 78746



CITY COUNCIL MEMO

DATE: December 12, 2017
TO: Mayor and City Council
FROM: Kent Myers, City Manager
SUBJECT: City Holiday Schedule-2018

Summary:

Each December the City Council officially approves the City Holiday schedule for the following year.

Recommendation:

It is recommended that the Council approve the 2018 Holiday schedule.

Background / Analysis:

Attached is the proposed 2018 Holiday schedule for your consideration along with the Holiday schedule recently approved for Gillespie County. In light of the fact that New Year's Eve falls on a Monday in 2018, the County approved adding this as a Holiday during 2018. There was some discussion about this additional holiday in 2018 at the last City Council meeting. It was decided to table action on the holiday schedule until the full Council could be present.

Attachments:

Proposed City Holiday schedule
Approved County Holiday schedule
State Holiday Schedule

The City of Fredericksburg


Department Approval


City Manager Approval

The City of Fredericksburg

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CITY OF FREDERICKSBURG HOLIDAY SCHEDULE

2018 HOLIDAY SCHEDULE

JAN 1 (Mon)	NEW YEARS DAY
MARCH 30 (Fri)	GOOD FRIDAY
MAY 28 (Mon)	MEMORIAL DAY
JUL 4 (Wed)	INDEPENDENCE DAY
AUG 24 (Fri)	FIRST DAY OF FAIR
SEP 3 (Mon)	LABOR DAY
NOV 12 (Mon)	VETERANS DAY
NOV 22 & 23 (Thu & Fri)	THANKSGIVING
DEC 24 & 25 (Mon & Tues)	CHRISTMAS

Gillespie County, Texas

2018 SCHEDULED HOLIDAYS		
NEW YEAR'S DAY	MONDAY	JANUARY 01, 2018
MARTIN LUTHER KING DAY	MONDAY	JANUARY 15, 2018
PRESIDENTS' DAY	MONDAY	FEBRUARY 19, 2018
TEXAS INDEPENDENCE DAY	FRIDAY	MARCH 02, 2018
GOOD FRIDAY	FRIDAY	MARCH 30, 2018
MEMORIAL DAY (OBSERVED)	MONDAY	MAY 28, 2018
INDEPENDENCE DAY	WEDNESDAY	JULY 04, 2018
GILLESPIE COUNTY FAIR DAY	FRIDAY	AUGUST 24, 2018
LABOR DAY	MONDAY	SEPTEMBER 03, 2018
VETERANS DAY(OBSERVED)	MONDAY	NOVEMBER 12, 2018
THANKSGIVING	THURSDAY & FRIDAY	NOVEMBER 22 & 23, 2018
CHRISTMAS	MONDAY & TUESDAY	DECEMBER 24 & 25, 2018
NEW YEAR'S EVE	MONDAY	DECEMBER 31, 2018
NEW YEAR'S DAY	TUESDAY	JANUARY 01, 2019

Texas Federal and State Holidays 2018



This page contains a calendar of all 2018 federal and state holidays for Texas. These dates may be modified as official changes are announced, so please check back regularly for updates.

Date	Day	Holiday
1 Jan	Mon	<u>New Year's Day</u>
15 Jan	Mon	<u>Martin Luther King Jr. Birthday</u>
19 Jan	Fri	<u>Confederate Heroes Day</u>
19 Feb	Mon	<u>President's Day</u>
2 Mar	Fri	<u>Texas Independence Day</u>
30 Mar	Fri	<u>Good Friday</u>
31 Mar	Sat	<u>César Chávez Day</u>
21 Apr	Sat	<u>San Jacinto Day</u>
28 May	Mon	<u>Memorial Day</u>
19 Jun	Tue	<u>Juneteenth</u>
4 Jul	Wed	<u>Independence Day</u>
27 Aug	Mon	<u>Lyndon B Johnson Day</u>
3 Sep	Mon	<u>Labor Day</u>
11 Nov	Sun	<u>Veterans Day</u>
12 Nov	Mon	<u>Veterans Day Holiday</u>
22 Nov	Thu	<u>Thanksgiving Day</u>
23 Nov	Fri	<u>Thanksgiving Friday</u>
24 Dec	Mon	<u>Christmas Eve</u>
25 Dec	Tue	<u>Christmas Day</u>
26 Dec	Wed	<u>Christmas Holiday</u>

Visit statutes.legis.state.tx.us for the original release.



CITY COUNCIL MEMO

DATE: December 11, 2017

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: Art Guild Building

Summary:

Council direction is needed on what we should do with the City-owned property located at 308 E. Austin that is currently leased to the Art Guild

Recommendation:

It is recommended that the Council discuss the building at 308 E. Austin prior to the City advertising for bids to sell this property.

Background / Analysis:

As you will recall, last March the City Council discussed the continued deterioration of the City-owned building located at 308 E. Austin which is leased to the Art Guild until May, 2018. Following this discussion, the City Council authorized the advertisement for bids to sell this building.

This past summer the Council discussed the downtown parking study prepared by an outside consultant. This study indicated that one of the best sites where a downtown parking deck might be constructed in the future is the Visitor's Center parking lot. If this facility is constructed at this location, the consultant indicated that the property located at 308 E. Austin might be used as an entrance/exit into this parking deck.

The City of Fredericksburg

(31)

As a result of the study the advertisement for bids to sell the property at 308 E. Austin was postponed. Now that the study has been completed, and the lease with the Art Guild is about to expire, I want to verify the Council's previous position before advertising for bids.

I have attached a copy of the previous report provided to the City Council as well as a copy of a recent inspection report for the building. Due to the conditions of the building, if it is sold it would have to be understood that the property is being purchased in an "as is" condition. I have also attached copies of several emails that the Mayor and I have recently received from representatives from the Art Guild. It is likely that several of their members will be present at the City Council meeting.

I have included an executive session on the agenda in case the Council would like to discuss this in a closed meeting before taking action. If the Council still wants to proceed with advertisement for bids for selling this property, no further action is required and this advertisement will be placed in the next several weeks.

Attachments:

Staff Report on Art Guild Property Dated February 24, 2017
Recent Inspection Report on Building at 308 E. Austin Street
Recent Emails from the Art Guild


Department Approval


City Manager Approval

The City of Fredericksburg

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Date: February 24, 2017

To: Mayor and City Council

From: Kent Myers, City Manager

Subject: Art Guild Building

At the next City Council meeting we plan to update you on the City-owned property located at 308 E. Austin that is currently leased by the Art Guild. City staff will update the City Council on our recent inspections of the building. Following this update, we are seeking City Council approval on what direction we should take with this building.

This week I toured the building with City staff including our new Historic Preservation Officer, Anna Hudson. As previously reported to the Council, the building is starting to deteriorate and will require a major investment to the roof and foundation in the next year or two. We will present photos of the building to show some of the existing problems.

Several weeks ago Kyle met with a representative from Riverside Foundation to get an assessment of the foundation. The contractor indicated that he would need to dig an access hole and dig 7 additional piers to shore up the building. The cost for this work was estimated at \$5,500. Anna and Stan Klein will be inspecting the building in the next several days to get a better idea on the additional work that will be required.

Before we started any of this work, we wanted to get a sense from the Council on what we want to do with the building. Options include the following:

- Do not make any repairs to the building and advertise it for sale as is
- Make repairs to the building and then sell the building
- Make repairs to the building and continue leasing it to the Art Guild possibly at a higher monthly rate.

The City of Fredericksburg

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308 E Austin Street—High Rated Historic Structure

Built around 1880

Concrete block with what appears to be Portland Cement—substantial cracking of Portland Cement—evidence of extensive water damage causing plaster to fail inside and outside.

Captive gutters likely leaking causing water damage visible with failing plaster inside and out.

Wood windows need repair and selective replacement.

In 2002 there was a plan to do rehab work and a foundation permit was obtained.





Wood window needs to be replaced.



Interior plaster spalling from water infiltration.



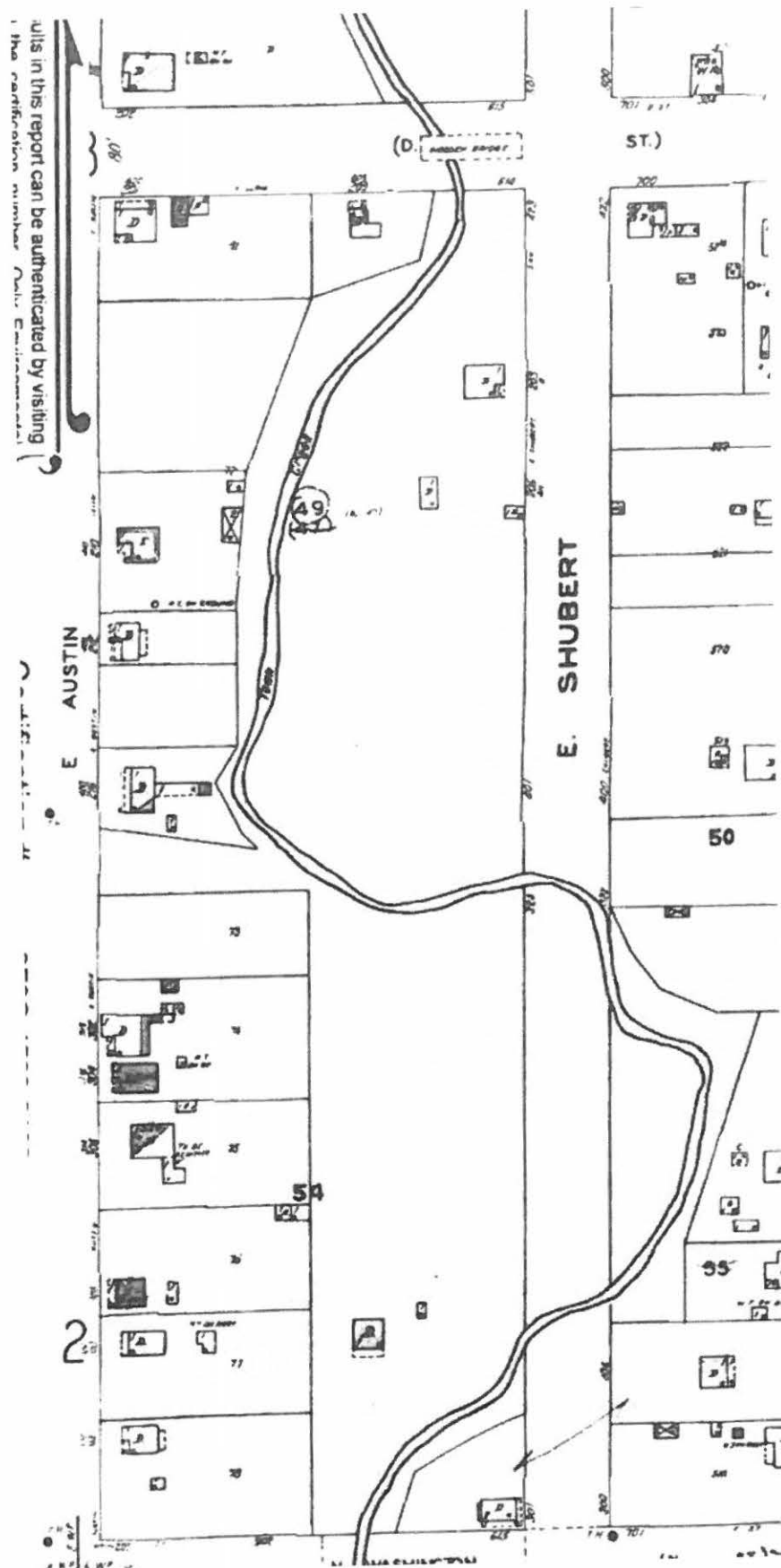


Exterior plaster sluffing due to rising damp, concrete block exposed



Captive gutter and water damage around windows

1938 Sanborn Map



Kent Myers

From: Joyce Malatek <jrndmoney@agristar.net>
Sent: Friday, September 22, 2017 7:24 AM
To: Kent Myers; 'Linda Langerhans'
Subject: Fredericksburg Art Guild Building

Good Morning,

I was checking in to get an update on the building situation. Since there is no sign up, we are assuming that the building is not on the market as of yet. Is that a correct assumption?

If the building is not put on the market by the end of January, or is not sold by that time, would the city consider renting to the Guild on a month to month basis at the current price? We have not found an affordable place to date, but we are keeping all options open.

The year is quickly coming to an end for all of us! We are gearing up for Oktoberfest, preparing the 2018 calendar of events for the Visitors' Center, writing our grant requests, and finishing up our three children's classes for presentation at FFAW on October 6. I know the city business is hectic, but a short reply would be very appreciated.

Thanks, as always,

Joyce Malatek

Dear Kent and Linda,

The Fredericksburg Art Guild Board of Directors met on October 19, 2017. A key topic of discussion centered around the lease status of our facility. We appreciate your updates on the sale of the property, as well as recently agreeing to lease the building to the Guild on a month to month basis, at the current lease price, until a final decision is made on the sale of the property.

We are actively exploring other locations, and will continue to do so, until either the property sells, another location becomes available which is suitable and affordable, or the city reverses their decision to sell the property.

We have a mandated annual all members meeting scheduled for January, 2018. At that time we need to inform the membership of plans for 2018 and elect new officers and committee chairpersons. We are submitting our Grant requests, as usual, before year end to both PCAA and the City Hotel/Motel Funds. The Calendar of Events for 2018 has been submitted to the Visitor's Center, plans are underway for the adult student show in February, as well as the annual juried show in May. Student classes were well attended this year with an additional art instructor stepping up to offer a whole new art experience for our youth. The young artists were featured on First Friday, October 7, and a reception held for their friends and family. The event was well attended. Oktoberfest was a great success this year and plans are in order for 2018. The Guild will present art at the County Fair in August, and will participate in the First Friday Art Walk events each month, as always, in 2018.

Having stated all of the above, we want to reiterate the fact that we would love nothing better than to continue a long term lease with the city and stay in our present location. With that thought in mind, is there anything that we can do to present our position to the City Council at one of the upcoming meetings? If we were afforded the ability to stay in the building, we are prepared to offer the responsibility of undergoing cosmetic repairs to make the facility more attractive to the public and offer us more opportunity to service the arts in the Fredericksburg community.

Let us know your advice on the considerations mentioned above, so that we can share with our membership in January. Again, thanks so much.

Joyce Malatek and The Board of Directors

Fredericksburg Art Guild

CITY COUNCIL MEETING DATES & FUTURE 2017 AGENDA ITEMS - updated 12-12
MON 1/2/2018 (Regular)
1. STR Ordinance
2. Discussion - Future Development of Sports Park
3. Ex Session - Annual Performance Eval City Manager
4. Consider Contract Proposal for Historic Survey
5. Firearms Ordinance (3rd Reading)
6. Interlocal Agreement w/FISD re FibreOptics
7. Agreement with TXDOT on the Relief Route Feasibility Study
MON 1/15/18 (Regular)
1.HOT Applications
2. Changes to City Lighting Ordinance
3. Noise Ordinance Report - Steve
MON 1/8/18 (Special)
1. Future Development of Sports Park
FUTURE AGENDA ITEMS
1. 2018 Annexations
2. Hotel Conference Center Agreement
3. Moratorium on Alcohol Related Businesses