



# City of Fredericksburg

## **REGULAR CITY COUNCIL MEETING AGENDA MONDAY, JANUARY 7, 2019 ~ 6:00 P.M. LAW ENFORCEMENT CENTER ~ 1601 EAST MAIN STREET**

Linda Langerhans, Mayor  
Jerry Luckenbach, Councilmember  
Tom Musselman, Councilmember

Gary Neffendorf, Councilmember  
Charlie Kiehne, Councilmember  
Kent Myers, City Manager

---

The City of Fredericksburg City Council will meet in a regular session on Monday, January 7, 2019 at 6:00 p.m. in the Law Enforcement Center, 1601 East Main Street, Fredericksburg, Texas. This is an open meeting, open to the public, subject to the Open Meetings Law of the State of Texas, and as required by law, notice is hereby posted on January 4, 2019 before 5:00 p.m., providing time, place, date and agenda thereof. The meeting facility is wheelchair accessible and accessible parking spaces are provided. Requests for accommodations or interpretative services must be made to the City Secretary 48 hours prior to this meeting.

---

*(Please turn off all pagers and phones, except emergency on-call personnel.)*

### **1. PLEDGE OF ALLEGIANCE**

### **2. CALL TO ORDER**

### **3. EMPLOYEE RECOGNITIONS**

### **4. 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.

### **5. CONSENT**

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

- A. Consider approval of the December 17, 2018 City Council Regular Meeting Minutes.  
(Agenda Packet Pages 3-9)

### **6. PUBLIC HEARING**

- A. Hold a public hearing to receive comments for or against the adoption of an Ordinance to establish new rates to be charged as a Municipal Drainage Utility System Fee.  
(Agenda Packet Pages 10-29)

### **7. ORDINANCE**

- A. Consider approval on first readings of Ordinance 2019-01 to establish new rates to be charged as a Municipal Drainage Utility System Fee (second and final reading on January 21, 2019)  
(Agenda Packet Pages 10-29)

## **8. RESOLUTIONS – OTHER ACTION ITEMS - DISCUSSION ITEMS**

- A.** Consider approval of a motion to initiate a zoning amendment, including any proposed changes to the Historic Shopping District overlay and regulation of standardized business.  
(Agenda Packet Pages 30-32)
- B.** Receive an update on Short Term Rental (STR).  
(Agenda Packet Pages 33-34)

## **9. CITY MANAGER'S REPORT**

- A.** City Council Retreat-January 15
- B.** City Council Tour-January 30
- C.** Sports Park
- D.** Community Visioning Presentations

## **10. ITEMS FOR FUTURE AGENDA**

(Agenda Packet Pages 35-36)

## **11. COUNCIL COMMENTS**

Reports about items of community interest, which no action will be taken.

## **12. EXECUTIVE SESSION**

The City Council will recess its open meeting and reconvene in Executive Session:

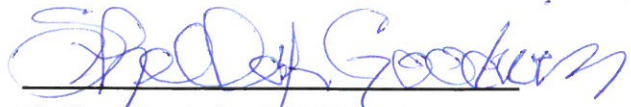
- A.** Pursuant to Texas Government Code Section 551.074 – Personnel Matters
  - 1.** To provide an annual evaluation of the City Manager and City Attorney.

## **13. BUSINESS ITEMS**

The City Council will reconvene into Regular Session upon conclusion of the Executive Session and may recall any item posted for Executive Session for action, as necessary.

## **14. ADJOURN**

This is to certify that I, Shelley Goodwin, posted this Agenda at 8:35 a.m. on January 3, 2019 on the entrance door and bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.



Shelley Goodwin, TRMC  
City Secretary



## CITY OF FREDERICKSBURG

### MINUTES OF CITY COUNCIL REGULAR MEETING DECEMBER 17, 2018

#### **Members Present:**

Mayor Linda Langerhans  
Councilmember Charlie Kiehne  
Councilmember Jerry Luckenbach  
Councilmember Tom Musselman  
Councilmember Gary Neffendorf

#### **Members Absent:**

None

#### **City Staff Present:**

Kent Myers, City Manager  
Clinton Bailey, Assistant City Manager/Director Public Works and Utilities  
Daniel Jones, City Attorney  
Brian Jordan, Development Services Director  
Laura Hollenbeak, Director of Finance  
Russell Immel, Information Technology Director  
Steve Wetz, Police Chief  
Andrea Schmidt, Parks & Recreation Director  
Lea Feuge, Public Information Officer  
Garret Bonn, Assistant City Engineer  
Justin Hagendorf, Parks Department  
Shelley Goodwin, City Secretary

#### **1. Pledge of Allegiance**

Mayor Langerhans led the Pledge of Allegiance.

#### **2. Call to Order**

With all members of the City Councilmembers present, Mayor Langerhans called the regular meeting of the Fredericksburg City Council to order at 6:00 p.m. on Monday, December 17, 2018, in the Law Enforcement Center, 1601 East Main Street, Fredericksburg, Texas 78624.

#### **3. Employee Recognitions**

Kent Myers, City Manager, stated he did not have any recognitions.

#### **4. Public Comments**

Milton Dare spoke against the Kinder Morgan Permian Highway Pipeline Project (see attached handouts). He asked the City Council's support with asking for a community meeting with Kinder Morgan.

Sandy Dare spoke against the Kinder Morgan Permian Highway Pipeline Project. She expressed her concerns about the water, quality of life, and impact on future generations.

Sherry Bethke spoke against the Kinder Morgan Permian Highway Pipeline Project. She expressed her concerns about the water quality and the effects that it will have on others.

Henry Frantzen spoke against the Kinder Morgan Permian Highway Pipeline Project. He expressed his concerns about the blasting that has to be done to build the pipeline. He also expressed his concerns about the lack of communications from Kinder Morgan.

## **5. Consent**

### **A. Consider approval of the December 3, 2018 City Council Regular Meeting Minutes.**

**Motion:** A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, for the approval of the Consent Agenda Items 5 A. with changes. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

## **6. PUBLIC HEARING**

### **A. Hold a public hearing to receive comments for or against amending the HEB PUD Plan to allow the enlarging of the produce area approximately 3000 square feet, add 1800 square feet enclosed outdoor display area, 2000 square feet building for corn storage, modify signage, enlarge the Business Center under front canopy, and replace granite gravel with river rock in front island.**

**Motion:** A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to move to go out of Regular Session into a Public Hearing at 6:23 p.m.

Kathy Stremple, HEB, provided a PowerPoint of the requested PUD amendments (see attached). She also showed the proposed signage and the elevations of the proposed expansions.

Mayor Langerhans asked if anyone wished to speak. No one wished to speak.

**Motion:** A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to move to go out of the Public Hearing and back into Regular Session at 6:29 p.m.

Brian Jordan, Development Services Director, reviewed the zoning request from HEB. He stated the Planning and Zoning Commission voted unanimously to recommend approval of the zoning request.

The City Council discussed the remaining HEB lot size and trees. Councilmember Kiehne thanked HEB for being such great neighbors to the Fredericksburg community.

The City Council then considered Agenda Item 7. A.

### **B. Hold a public hearing to receive comments for or against amending the change in zoning from M-2, Medium Manufacturing to C-2 Commercial on approximately 7.28 acres of land located at 1589 E. Main Street.**

**Motion:** A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to move to go out of Regular Session into a Public Hearing at 6:36 p.m.

Michael Barnes stated he was the property owner and currently he has a retail building fronting Main Street with an RV Park on the rear portion of the property. He is requesting to change the front portion of his property from M-2 to C-2.

**Motion:** A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to move to go out of the Public Hearing and back into Regular Session at 6:38 p.m.

Brian Jordan, Development Service Director, reviewed the zoning requested. He stated during the Planning and Zoning Commission meeting no one understood why the small strip of property was zoned M-2. P&Z voted unanimously to approve the zoning request.

The City Council discussed the allowable use for property zoned C-2 and the property located behind the RV Park.

The City Council then considered Agenda Item 7. B.

## **7. Ordinance**

### **A. Consider approval of Ordinance 2018-028 amending the Zoning Ordinance of the City to approve an amendment to the Planned Unit Development pertaining to 10.23 acres of land being Lot 1 HEB-Fredericksburg Subdivision, situated in the City of Fredericksburg, Texas.**

**Motion:** A motion was made by Councilmember Kiehne, seconded by Councilmember Neffendorf, for the approval of Ordinance 2018-028 amending the Zoning Ordinance of the City to approve an amendment to the Planned Unit Development pertaining to 10.23 acres of land being Lot 1 HEB-Fredericksburg Subdivision, situated in the City of Fredericksburg, Texas. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

### **B. Consider the approval of Ordinance 2018-29 amending the Zoning Ordinance of the City and changing the Zoning District as to 7.09 acres of land, part of the Wm. H. Anderson Survey No. 197, Abstract No. 2, and 0.19 acre of land, part of the John Owens Survey No. 54, Abstract No. 537, situated in the City; changing said property from M-2 Medium Manufacturing to C-2 Commercial; and providing for an effective date.**

**Motion:** A motion was made by Councilmember Musselman seconded by Councilmember Luckenbach, for the approval of Ordinance 2018-29 amending the Zoning Ordinance of the City and changing the Zoning District as to 7.09 acres of land, part of the Wm. H. Anderson Survey No. 197, Abstract No. 2, and 0.19 acre of land, part of the John Owens Survey No. 54, Abstract No. 537, situated in the City; changing said property from M-2 Medium Manufacturing to C-2 Commercial; and providing for an effective date. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

## **8. Resolutions - Action Items**

### **A. Consider approval of Resolution 2018-05R approving the financing for Professional Services and building construction for the Electric Department Building.**

Kris Kneese, Assistant Director of Public Works and Utilities, stated FY 2019 Budget approved the funding for the first of three annual payments to finance the design and construction of a new Electric Department Building. The financing was bid with the only bid received from Texas Regional Bank with an interest rate of 3.80%. Adopting Resolution 2018-05R authorizes the Finance Agreement with Texas Regional Bank and gives the authorization to the City Manager to execute all documents related to this Finance Agreement.

The City Council discussed the process for approving the financing before finalizing the building.

Kent Myers, City Manager, stated the FY2019 Budget did include the payments for financing the entire project including architectural costs.

**Motion:** A motion was made by Councilmember Neffendorf seconded by Councilmember Luckenbach, for the approval of Resolution 2018-05R approving the financing for Professional Services and building construction for the Electric Department Building 3.8% up to \$2,500,000. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

**B. Consider approval of the Professional Services Agreement with SKT Architects to perform professional services consisting of preliminary and final design, project bid and construction phase services for the proposed Electric Department Building for a fee not to exceed \$220,000.**

Kris Kneese, Assistant Director of Public Works and Utilities, stated the City Engineering Staff recommends approval of the Professional Services Agreement with SKT Architects to perform professional services as outlined in the agreement which includes basic and non-basic services consisting of preliminary and final design, project bid and construction phase services for the proposed Electric Department Building for a fee not to exceed \$220,000.

Councilmember Kiehne inquired to whether the architects be onsite during project.

Kris Kneese, Assistant Director of Public Works and Utilities, stated the architects would be onsite during the project.

**Motion:** A motion was made by Councilmember Musselman seconded by Councilmember Luckenbach, for the approval of the Professional Services Agreement with SKT Architects to perform professional services consisting of preliminary and final design, project bid and construction phase services for the proposed Electric Department Building for a fee not to exceed \$220,000. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

## **9. CITY MANAGER'S REPORT**

### **A. Holiday Schedule**

Kent Myers, City Manager, stated this meeting is the last meeting of 2018. He wished everyone a Merry Christmas and Happy New Year. He reminded everyone that City Offices will be closed on Monday and Tuesday on December 24<sup>th</sup> and December 25<sup>th</sup>, as well as December 31<sup>st</sup> and January 1<sup>st</sup> the following week.

### **B. City Council Retreat-January 15th**

Kent Myers, City Manager, reviewed the topics for the upcoming City Council Retreat.

The City Council discussed the topics and felt the Water Rate Increase discussion should be held at a Regular Meeting.

Councilmember Kiehne felt that the remainder of the topics were important and all of them should be discussed at the City Council Retreat.

The City Council Retreat Topics for January 15, 2019 are the following:

- Sex offenders regulations
- Affordable housing
- Electric Scooter/Golf Carts regulations
- Bond Election (Sports Park)

- West Main Street regulations
- Roadway Extension projects
- Mixed-Use Zoning

### **C. Legislative Update**

Kent Myers, City Manager, stated he has attended a meeting with the City of New Braunfels and City of Boerne regarding Legislative issues. He stated arrangements are being made for another meeting which the City of Fredericksburg will host and invite Representative Biedermann.

### **D. Regulation of Electric Scooters (Addendum posted on December 12, 2018)**

Kent Myers, City Manager, stated this item was discussed as part of Agenda Item 9. B.

## **10. ITEMS FOR FUTURE AGENDA**

Kent Myers, City Manager, reviewed the upcoming agenda items for January 7, 2019 and January 21, 2019.

## **11. COUNCIL COMMENTS**

Councilmember Kiehne reported that he attended the Family Fire Department Christmas Party and thanked them for the invitation.

Councilmember Luckenbach reported that he attended the City of Stonewall Tree Lighting, which was well attended.

Councilmember Musselman reported he attended the Dog Park Grand Opening, which was very nice.

Mayor Langerhans reported she is concerned about the Kinder Morgan Pipeline and would like to know what the City can do to address several concerns.

Kent Myers, City Manager, stated he will draft a letter to Kinder Morgan Pipeline for the Mayor's signature expressing the need for a public meeting.

## **12. ADJOURN**

**Motion:** A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman to adjourn the Monday, December 17, 2018 City Council Regular Meeting at 7:25 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

---

Linda Langerhans  
Mayor

ATTEST

---

Shelley Goodwin, TRMC  
City Secretary

# SIGN IN TO SPEAK

## City Council Meeting

Date:

| #  | NAME          | ADDRESS                       | PHONE        |
|----|---------------|-------------------------------|--------------|
| 1  | Milton Dare   | 3287 Old SA Road              | 830-928-3272 |
| 2  | Sandy Dare    | 3287 Old S.A Road, F.borg, TX | 830-928-3273 |
| 3  | Sherry Bethke | 1600 Ranch Road 1376          | 512-466-3249 |
| 4  | HENRY FRANZEN | 520 H. J. RANNEY              | 512-496 4956 |
| 5  |               |                               |              |
| 6  |               |                               |              |
| 7  |               |                               |              |
| 8  |               |                               |              |
| 9  |               |                               |              |
| 10 |               |                               |              |
| 11 |               |                               |              |
| 12 |               |                               |              |
| 13 |               |                               |              |
| 14 |               |                               |              |
| 15 |               |                               |              |
| 16 |               |                               |              |
| 17 |               |                               |              |
| 18 |               |                               |              |
| 19 |               |                               |              |
| 20 |               |                               |              |
| 21 |               |                               |              |
| 22 |               |                               |              |
| 23 |               |                               |              |
| 24 |               |                               |              |
| 25 |               |                               |              |

# SAVE OUR HILL COUNTRY HERITAGE 1846



## Help us MOVE the ROUTE for the Kinder Morgan Permian Highway Pipeline Project

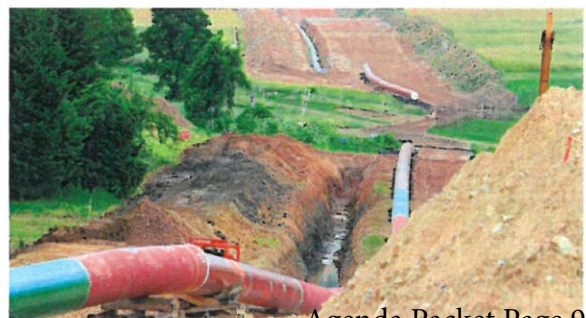
The **Kinder Morgan-Permian Highway Pipeline project** has been announced which is being implemented on a proposed route from near Midland, Texas through the Central Texas/Hill Country region to Katy, Texas.

The current proposed route for the \$2 billion pipeline brings it through the HEART of the Hill Country and impacts Kimble, Kerr (Hunt area), Gillespie, Blanco and Hays Counties. **Just in Gillespie County, it will cover 45 miles and involve 234 individual parcels of land (many of these are heritage properties) which date back to the founding of Fredericksburg and Gillespie County in 1846).**

This pipeline is a 42-inch pipe and requires a minimum of 50 feet of permanent easement (and 75 feet of temporary easement for construction) all along the route. An aggressive timeline includes the beginning of construction by next Fall, 2019 and Kinder Morgan plans to have the pipeline operational by the 4<sup>th</sup> quarter of 2020. **As a comparison, the Trans-Alaska pipeline is a 48-inch size pipeline.**

### **Concerns about the project are as follows:**

- **Safety** for landowners and proximity to housing, subdivisions and major tourism infrastructure. A 42-inch pipeline with a 1400 psi has an impact blast radius of 3,500 feet. Proposed pipeline route takes it just south of Highway 290 but close to more than hundreds of homes and businesses.
- Impact on **Water Quality** as Gillespie County is blessed to have the Ellenberger Aquifer which supplies water for 15 counties and is the northern end of the Edwards Underground Aquifer Recharge Zone. The current route has the pipeline within 500 feet of the Water Wells along Old San Antonio Road which supply water to the City of Fredericksburg.
- Impact on **Real Estate and Land Values** for Property along and near the pipeline route (in visiting with several expert appraisers, estimates of 20-40% reductions in land/property values.
- Potential major impact on the **Peach and Wine Industries**. Fredericksburg and the Stonewall areas have a thriving Peach Industry and a number of orchards will be impacted by the route and the Texas Hill Country Wine Country/region is now the #2 Wine destination in the US.
- **General Tourism** could also be impacted by the pipeline as people may not continue to come to the Hill Country because of concerns for safety and diminished interest. The pipeline route is just south of Highway 290 where the majority of Peach and Wine outlets are located.





## CITY COUNCIL MEMO

---

**DATE:** January 7, 2019

**TO:** Mayor and City Council

**FROM:** Garret Bonn, P.E., CFM – Asst. City Engineer

**SUBJECT:** Consideration and Possible Approval of an Ordinance to revise the Drainage Utility Fees in the City of Fredericksburg in accordance with requirements set forth in Subchapter C, Chapter 552, Local Government Code, V.T.C.A.

---

### **Summary:**

As part of the approved FY 2019 budget, an amendment to the City's current Drainage Utility Fee structure has been proposed to fund projects identified in the City's Drainage Master Plan and implementation of a Stormwater/Vegetation Management Program.

### **Recommendation:**

Approval of an ordinance amending the City's drainage fee structure including exemptions and credits to fund the drainage-related capital improvement projects and a Stormwater/Vegetation Management Program.

---

### **Background / Analysis:**

The City's current drainage utility fee was established in 1992 in order to protect the citizenry from the loss of life and property caused by surface water stagnation within the boundaries of the service area established herein, and in order to maintain and improve existing water drainage facilities belonging to the City of Fredericksburg. A drainage utility operates in a similar manner to electric, solid waste, water or wastewater utilities. Users pay for the services provided, which in this case includes effective flood control, maintenance of stormwater infrastructure, erosion protection, and vegetation management. A

utility fee is charged to all customers within the City based on their use stormwater facilities. The current fee schedule requires all owners or occupants of residential and commercial tracts within the city limits receiving any type of utility service to pay a flat fee of \$1.00 per month per lot or tract.

Upon completion of the Drainage Master Plan by Freese and Nichols, Inc. in 2016, City Council and staff began researching ways to fund the nearly \$37M worth of projects identified in the master plan along with known localized drainage issues throughout the City. Throughout these discussions, the main priority was to ensure any fee revisions were fair and equitable to both residential and non-residential properties and based on the property's actual contribution to the stormwater system.

The adopted FY 2019 budget includes a revision to the drainage utility fee structure with an estimated revenue of \$524,410 which was based on a revised fee implementation date of January 1, 2019. The revenue was based on a preliminary fee structure that included four (4) residential tiers with a minimum fee of \$3 per month and six (6) non-residential tiers also with a minimum fee of \$3 per month. The adopted budget also includes equipment purchases and staffing for the stormwater/vegetation management program starting January 1, 2019 with estimated expenditures of \$477,607.

After formal adoption of the FY 2019 budget, staff and Freese and Nichols, Inc. began the process to formally modify the current fee structure and implement the new stormwater/vegetation program. This process began with a public open house that was advertised in the Fredericksburg Standard, the City's website, and the City and Chamber of Commerce newsletters. The open house was held at City Hall on October 30, 2018 from 5:00PM to 7:00PM with the intent to provide information and answer questions regarding the proposed revisions to the Drainage Utility Fees and the proposed Stormwater/Vegetation Management Program. Public comments were also received at the open house.

Based on verbal and written comments received at the open house, the general consensus appeared to be that a revision to the fee structure was needed to make the current fee more fair and equitable. However, a number of residents were concerned with the residential upper-tier breakpoint and felt adjustments should be made to ensure properties with large homes pay their fair share. Additionally, a number of commenters requested that some form of credit be offered for developments with on-site stormwater control facilities (detention ponds, wet ponds, rainwater collection, etc.) to allow rate payers to reduce their fees and encourage low impact development throughout the City.

At the November 5, 2018 Council meeting, staff gave an update on the status of the proposed drainage fee structure update and also discussed the comments received at the open house. After much discussion and in response to public comments, Council directed staff to add two residential tiers to the fee structure, update revenue projections based on different exemptions allowed by state law, and develop a credit system to allow non-residential properties to reduce their fee and provide incentives for low impact development.

A revised fee structure based on these comments was presented to Council at the November 19, 2018 meeting. After some more discussion, staff was directed to proceed with the required public notice

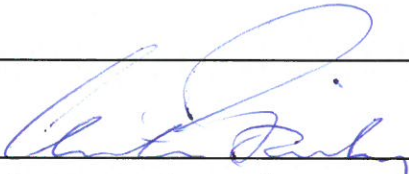
process for the revised fee structure and a public hearing, first reading and possible vote on the amended ordinance was scheduled for the January 7, 2019 regularly-scheduled City Council meeting.

The attached public notice which details the proposed fee structure was advertised in the Fredericksburg Standard Radio Post in the December 5<sup>th</sup>, 12<sup>th</sup>, and 19<sup>th</sup> editions and was also posted on the City's website.

As discussed previously, if the fee structure is approved as presented, the new fees would become effective on and after March 1, 2019. If changes are proposed, another 30-day public notice process may be required to ensure compliance with state law, as directed by the City Attorney. Upon approval, staff will continue working with Springbrook, the utility billing software provider, and Freese and Nichols on implementing the new fees into the billing system and running tests to ensure the proper fees are applied to each account. Additionally, appeals and credit application forms will be developed to allow customers to reduce their fees based on the fee credits in the public notice or correct any fee that may be found to be incorrect. Staff will also begin the process of implementing the new Stormwater/Vegetation Management Program including hiring of two additional staff persons and equipment purchases.

**Attachments:**

Public Notice Relating to Drainage Utility Fee Ordinance  
Current Drainage Utility Ordinance With Proposed Changes Tracked



---

Department Approval



---

City Manager Approval

## PUBLIC NOTICE

The City Council of the City of Fredericksburg, Texas will hold a Public Hearing during its Regular Meeting on Monday, January 7, 2019, at 6:00 p.m. at the Law Enforcement Center located at 1601 E. Main St., Fredericksburg, Texas, to hear public opinion regarding the adoption of an Ordinance to establish new rates to be charged as a Municipal Drainage Utility System Fee.

This notice is being published in accordance with the public notice requirements set forth in Subchapter C of Chapter 552, Local Government Code, V.T.C.A. for public hearings. As required by the aforementioned statute, this public notice is being published in a newspaper of general circulation to the residents of the City of Fredericksburg thirty (30) days or more prior to the date of the public hearing and will be published a total of three times before the scheduled hearing.

All interested persons are encouraged to attend the public hearing and express their opinions on the proposed Ordinance. Council will vote on the proposed Ordinance immediately following the public hearing. State law provides that approval of the proposed Ordinance shall require an affirmative vote of a majority of the members of the City Council.

**The entire proposed Ordinance to revise the Drainage Utility Fees in the City of Fredericksburg is set forth below, in accordance with requirements set forth in Subchapter C, Chapter 552, Local Government Code, V.T.C.A:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING ARTICLE VII - DRAINAGE UTILITY, OF CHAPTER 47 - UTILITIES - OF THE CODE OF ORDINANCES, AMENDING CERTAIN ADMINISTRATIVE RULES FOR THE CITY OF FREDERICKSBURG DRAINAGE UTILITY; AMENDING THE SCHEDULE OF DRAINAGE UTILITY FEES IN ARTICLE 21.000 OF APPENDIX A TO THE CODE OF ORDINANCES; AMENDING THE EXEMPTIONS FROM DRAINAGE UTILITY REGULATION AND FEES; AND ESTABLISHING DRAINAGE UTILITY FEE CREDITS.**

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

**Section 1.** That, Article VII “Drainage Utility”, of Chapter 47 “Utilities”, of the Code of Ordinances, is deleted in its entirety, and a replacement Article VII is substituted therefore and adopted as follows:

### ARTICLE VII. - DRAINAGE UTILITY

Sec. 47-270. - Adoption.

This Article is hereby adopted and shall be known as the “Drainage Utility Article”.

Sec. 47-271. - Drainage utility.

- (a) *Declaration of purpose and findings.* The City Council of the City of Fredericksburg hereby finds, determines and declares that in order to protect the citizenry from the loss of life and property caused by surface water stagnation within the boundaries of the service area established herein, and in order to maintain and improve existing water drainage facilities belonging to the City of Fredericksburg, it is necessary and in the best interest of the public health and safety to establish a drainage utility, as authorized by state law. To this end, the City Council will establish a schedule of drainage charges against all real property in the service area established herein, subject to the limitations of state law, and the City shall provide drainage for all real property in the service area established herein on payment of the drainage charges, except as real property is exempted hereunder. The City of Fredericksburg will offer drainage service on nondiscriminatory, reasonable and equitable terms.
- (b) *Establishment and dedication of drainage utility assets.* The City Council hereby establishes the City of Fredericksburg Drainage Utility as a public utility and dedicates to the utility all City-owned property, real and personal, facilities, materials and supplies constituting the City's drainage system as constituted on the effective date of this Article and as may be acquired in the future, to be used for the purpose of the Drainage Utility.
- (c) *Establishment and revisions to drainage utility service area.*
  - (1) The City Council hereby establishes the drainage utility service area as all real property in the City limits of the City of Fredericksburg, as the same may be hereafter expanded or amended.
  - (2) Revisions to the drainage utility service area, other than expansion by way of annexation, shall be made only after the publication of notice and public hearing as required by state law.

Sec. 47-272. - Drainage utility fund.

- (a) A separate fund shall be created effective as of the effective date of this Article, known as the drainage utility fund, for the purpose of identifying and controlling all revenues and expenses attributable to the drainage utility. All unexpended drainage fees held by the City prior to the effective date of this Article shall be deposited into the drainage utility fund upon the effective date of this Article as the fund beginning balance. All drainage charges collected by the City after the effective date of this Article and such other monies as may be available to the City for the purpose of drainage shall be deposited in the drainage utility fund. Such utility revenues shall be used for the purposes of the creation, operation, planning, engineering, inspection, construction, repair, maintenance, improvement, reconstruction, administration and other reasonable and customary charges associated with the operation of a utility for the drainage utility of the City. It shall not be necessary that the expenses from the drainage utility fund for any authorized purpose specifically relate to any particular property from which the revenues for such purposes were collected.

- (b) All funds collected pursuant to this Article for creation, operation, planning, engineering, inspection, construction, repair, maintenance, improvement, reconstruction, administration and other reasonable and customary charges associated with the operation of a drainage utility shall be used solely for those purposes unless otherwise directed by the City Council for other drainage and water quality purposes not specified above. In the event a portion of the drainage revenues is pledged to retire any outstanding indebtedness or obligation incurred, or is collected or levied as a reserve or amount in contribution for future construction, repair or extension or maintenance of the utility assets, then such pledged portion of revenues may not be transferred to the general fund.
- (c) An annual report of the drainage utility revenues, expenses and programs shall be provided to City Council.

Sec. 47-273. – Assessment and collection of drainage utility fees.

- (a) The owner or occupant of any real property within the drainage utility service area, that receives any type of utility service (electricity, water and/or sewer) from the City of Fredericksburg, shall be assessed a drainage utility fee based on the property's impact to the drainage utility of the City, as provided for in the fee schedules set forth in Article 21.000 of Appendix A to this Code of Ordinances.
- (b) Drainage utility fees assessed hereunder shall be added to and collected by way of the monthly City utility bill of each applicable owner or occupant, and all funds collected under this Section shall be deposited to the credit of the drainage utility fund of the City of Fredericksburg.

Sec. 47-274. - Exemptions.

The following shall be exempt from the provisions of this Article and any rules subsequently adopted pursuant to this Article:

- (1) Property with proper construction and maintenance of a wholly sufficient and privately owned drainage system;
- (2) Property held and maintained in its natural state, until such time that the property is developed and all of the public infrastructure constructed has been accepted by the municipality in which the property is located for maintenance; and
- (3) A subdivided lot, until a structure has been built on the lot and a certificate of occupancy has been issued by the municipality in which the property is located.
- (4) The State of Texas, and any lot or tract in which the State of Texas holds a freehold interest.
- (5) A school district, and any lot or tract in which a school district holds a freehold interest.

Sec. 47-2745. – Drainage utility fee credits for non-residential property.

An owner of non-residential real property may petition the City for a drainage utility fee credit based upon on-site storm water management controls that reduce the property's impact to the drainage utility of the City. Any petition under this Section shall be submitted on a form promulgated by the Director of Public Works and Utilities. The Director of Public Works and Utilities, or his/her designee, shall evaluate any petition filed under this Section and determine any appropriate drainage utility fee credit for non-residential property, based upon nondiscriminatory, reasonable and equitable criteria, in accordance with this Article.

The maximum allowable drainage utility fee credits that may be granted under this Section are set forth in the following table:

| <b>Credit Type</b>                         | <b>Maximum Allowable Drainage Utility Fee Credit</b>            | <b>Examples</b>                                                                                                                                                                                |
|--------------------------------------------|-----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Vegetated Detention Facility            | 15% of total assessed drainage utility fee for subject property | On-site detention facilities which are designed and constructed to be vegetated which aids in preventing trash, debris, and pollutants from entering the downstream stormwater infrastructure. |
| 2. Permanent Structural Detention Facility | 10% of total assessed drainage utility fee for subject property | Detention facilities designed and constructed with concrete walls and/or bottoms.                                                                                                              |
| 3. Detention or Retention Pond Amenity     | 20% of total assessed drainage utility fee for subject property | Detention or retention facilities design in a manner that promotes use of adjacent spaces as open space.                                                                                       |
| 4. Riparian Zone Preservation              | 10% of total assessed drainage utility fee for subject property | Development designed in such a way to enhance creek/drainage way health by removing invasive species and promoting a buffer zone of diverse, native plants to minimize erosion.                |

|                                                |                                                                  |                                                                                                                                                           |
|------------------------------------------------|------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5. Permanent Best Management Practices ("BMP") | 25% of total assessed drainage utility fee for subject property  | Enhanced drainage swales, sand filtration, inlet trash collection, wet ponds, and stormwater wetlands.                                                    |
| 6. Zero Discharge Credit                       | 100% of total assessed drainage utility fee for subject property | Permanent structural controls which are designed to infiltrate, evapotranspire, or re-use stormwater so that it will not be discharged from the property. |

Sec. 47-275. - Administration, rules and regulations.

The Director of Public Works and Utilities, or his/her designee, shall be responsible for administration of this Article. The Director of Public Works and Utilities, or his/her designee, shall be responsible for developing rules, regulations and procedures for administration and assessment of the drainage utility fee and the consideration of variances; developing maintenance programs; and establishing drainage criteria and standards for operation of the drainage system subject to adoption by ordinance. The Director of Public Works and Utilities, or his/her designee, shall be responsible for developing and administering standards, criteria, rules and procedures for the treatment or prevention of pollution in drainage.

The Director of Public Works and Utilities, or his/her designee, shall be responsible for determining each property's impact to the drainage utility of the City based on reliable data, including but not limited to, Gillespie County Appraisal District data, GIS database data, aerial photography, information received by the City through the building permit process, or other reliable means for determining impervious area. The Director of Public Works and Utilities, or his/her designee, may request additional information from a property owner or occupant as reasonably necessary to determine each property's impact to the drainage utility of the City.

Sec. 47-276. - Floods, control, liability.

Floods from drainage runoff may occasionally occur which exceed the capacity of the drainage system maintained and financed with the drainage charges. In addition, surface water stagnation may occasionally occur which exceed the capability of the drainage system maintained and financed with drainage charges as defined herein. This Article does not imply that properties subject to charges shall always be free from flooding or flood damage, surface water stagnation or pollution or that all flood control and water treatment projects to control the quantity and quality of runoff can or will be constructed cost effectively. Nothing whatsoever in this Article shall be construed as or be deemed to create additional duties on the part of the City of Fredericksburg or hold the City liable for any damages incurred in a flood or from adverse water quality due to drainage runoff. Nothing in this Article shall be deemed to waive the City's immunity under state law or reduce the need or

necessity for flood insurance nor shall anything in this Article reduce the responsibility or liability of the property owners for occurrences on their own property under law.

Sec. 47-277. - Enforcement.

Any charge due hereunder which shall not be paid when due may be recovered in action at law by the City of Fredericksburg. In addition to any other remedies or penalties provided by this or any other ordinance of the City of Fredericksburg, failure of any user of City utilities within the City of Fredericksburg to pay said charges promptly when due shall subject such user to discontinuance of such utility services and the City Manager of the City of Fredericksburg, or his authorized agent, is hereby empowered and directed to enforce this provision as to any and all delinquent users. The employees of the City of Fredericksburg shall, at all reasonable time, have access to any premises served by the City of Fredericksburg for inspection, repair or the enforcement of the provisions of this Article.

Sec. 47-278. - Penalty for violations of this Article.

Any person violating any provisions of this Article shall, upon conviction, be fined as provided for in the general penalty provision found in section 1-6 of this Code and each and every day that the provisions of this Article are violated shall constitute a separate and distinct offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violations of this Article.

Secs. 47-279—47-304. - Reserved.

{End of Code Text}

**Section 2.** That, Article 21.000 “Drainage Utility Collection Rates”, of Appendix A “Fee Schedule”, of the Code of Ordinances, is deleted in its entirety, and a replacement Article 21.000 entitled “Drainage Utility Fees” is substituted therefore and adopted as follows:

**APPENDIX A - FEE SCHEDULE**

**ARTICLE 21.000. - DRAINAGE UTILITY FEES**

(a) The following drainage utility fees are hereby established and shall be collected pursuant to Sec. 47-273 of this Code of Ordinances.

(b) The owner or occupant of any residential lot or tract within the drainage utility service area, that receives any type of utility service (electricity, water and/or sewer) from the City of Fredericksburg, shall be assessed a monthly drainage utility fee as follows, based on the Main Building Area upon the lot or tract:

| <b>Residential Tier</b> | <b>Main Building Area (sq. ft.)</b> | <b>Monthly Fee</b> |
|-------------------------|-------------------------------------|--------------------|
| 1                       | ≤ 1,000                             | \$3.00             |
| 2                       | >1,000 but ≤1,300                   | \$4.00             |
| 3                       | >1,300 but ≤1,600                   | \$5.00             |
| 4                       | >1,600 but ≤2,000                   | \$6.00             |
| 5                       | >2,000 but ≤3,000                   | \$7.00             |
| 6                       | >3,000                              | \$9.00             |

(c) The owner or occupant of any non-residential lot or tract within the drainage utility service area, that receives any type of utility service (electricity, water and/or sewer) from the City of Fredericksburg, shall be assessed a monthly drainage utility fee as follows, based on the Total Impervious Area of the lot or tract:

| <b>Non-Residential Tier</b> | <b>Total Impervious Area (sq. ft.)</b> | <b>Monthly Fee</b> |
|-----------------------------|----------------------------------------|--------------------|
| 1                           | ≤1,800                                 | \$3.00             |
| 2                           | >1,800 but ≤2,800                      | \$5.00             |
| 3                           | >2,800 but ≤5,500                      | \$9.00             |
| 4                           | >5,500 but ≤12,000                     | \$18.00            |
| 5                           | >12,000 but ≤50,000                    | \$50.00            |
| 6                           | > 50,000                               | \$200.00           |

(d) Property owned by a religious organization that is exempt from taxation pursuant to Section 11.20 of the Texas Tax Code shall be exempt from any monthly drainage utility fee.

(e) Property used for cemetery purposes, if the cemetery is closed to new interments and does not accept new burials, shall be exempt from any monthly drainage utility fee.

(f) The Director of Public Works and Utilities, or his/her designee, shall be responsible for determining the Main Building Area and/or Total Impervious Area for all lots or tracts, based on reliable data, including but not limited to, Gillespie County Appraisal District data, GIS database data, aerial photography, information received by the City through the building permit process, or

other reliable means for determining Main Building Area and/or Total Impervious Area. The Director of Public Works and Utilities, or his/her designee, may request additional information from a property owner or occupant as reasonably necessary to determine each property's impact to the drainage utility of the City.

{End of Code Text}

**Section 3. Severability or 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.

**Section 4. Repealer.** All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 5. Effective Date.** This ordinance shall be effective on and after March 1, 2019.

{END OF PROPOSED ORDINANCE}

All persons interested in the above-referenced Ordinance are invited to attend the public hearing and to provide their comments at that time. Written comments on this proposed Ordinance may also be delivered to the City Council prior to 3:00 p.m. on the day of the public hearing at the following address:

Shelley Goodwin, City Secretary  
City of Fredericksburg  
126 W. Main St.  
Fredericksburg, TX 78624  
Phone: (830) 997-7521  
or by email at [sgoodwin@fbgtx.org](mailto:sgoodwin@fbgtx.org)

Additional information relating to the revised drainage utility system fees and stormwater/vegetation management program may be found on the City website at [www.fbgtx.org](http://www.fbgtx.org) or by calling (830) 997-7521.

## ARTICLE VII. - DRAINAGE UTILITY

### Sec. 47-270. - Adoption.

This Article is hereby adopted and shall be known as the ~~"~~"Drainage Utility Article"~~"~~.

### Sec. 47-271. - Drainage utility.

- (a) *Declaration of purpose and findings.* The City Council of the City of Fredericksburg hereby finds, determines and declares that in order to protect the citizenry from the loss of life and property caused by surface water stagnation within the boundaries of the service area established herein, and in order to maintain and improve existing water drainage facilities belonging to the City of Fredericksburg, it is necessary and in the best interest of the public health and safety to establish a drainage utility, as authorized by state law. To this end, the City Council will establish a schedule of drainage charges against all real property in the service area established herein, subject to the limitations of state law, and the City shall provide drainage for all real property in the service area established herein on payment of the drainage charges, except as real property is exempted hereunder. The City of Fredericksburg will offer drainage service on nondiscriminatory, reasonable and equitable terms.
- (b) *Establishment and dedication of drainage utility assets.* The City Council hereby establishes the City of Fredericksburg Drainage Utility as a public utility and dedicates to the utility all City-owned property, real and personal, facilities, materials and supplies constituting the City's drainage system as constituted on the effective date of this Article and as may be acquired in the future, to be used for the purpose of the Drainage Utility.
- (c) *Establishment and revisions to drainage utility service area.*
- (1) The City Council hereby establishes the drainage utility service area as all real property in the City limits of the City of Fredericksburg, as ~~presently configured and as the same may be~~ hereafter expanded or amended ~~by time to time.~~
  - (2) Revisions to the drainage utility service area, other than expansion by way of annexation, shall be made only after the publication of notice and ~~the conduct of a~~ public hearing as required by state law.

Sec. 47-272. - Drainage utility fund.

- (a) A separate fund shall be created effective as of the effective date of this Article, known as the drainage utility fund, for the purpose of identifying and controlling all revenues and expenses attributable to the drainage utility. All unexpended drainage fees held by the City prior to the effective date of this Article shall be deposited into the drainage utility fund upon the effective date of this Article as the fund beginning balance. All drainage charges collected by the City after the effective date of this Article and such other monies as may be available to the City for the purpose of drainage shall be deposited in the drainage utility fund. Such utility revenues shall be used for the purposes of the creation, operation, planning, engineering, inspection, construction, repair, maintenance, improvement, reconstruction, administration and other reasonable and customary charges associated with the operation of a utility for the drainage utility of the City. It shall not be necessary that the expenses from the drainage utility fund for any authorized purpose specifically relate to any particular property from which the revenues for such purposes were collected.
- (b) All funds collected pursuant to this Article for creation, operation, planning, engineering, inspection, construction, repair, maintenance, improvement, reconstruction, administration and other reasonable and customary charges associated with the operation of a drainage utility shall be used solely for those purposes unless otherwise directed by the City Council for other drainage and water quality purposes not specified above. In the event a portion of the drainage revenues is pledged to retire any outstanding indebtedness or obligation incurred, or is collected or levied as a reserve or amount in contribution for future construction, repair or extension or maintenance of the utility assets, then such pledged portion of revenues may not be transferred to the general fund.
- (c) An annual report of the drainage utility revenues, expenses and programs shall be provided to City Council.

Sec. 47-273. ~~— Assessment and collection of~~ drainage utility ~~collection rates fees~~.

- (a) ~~Owners~~The owner or occupants of ~~residential lots or tracts~~any real property within the ~~city limits receiving~~drainage utility service area, that receives any type of utility service (electricity, water and/or sewer) from the City of Fredericksburg, shall be ~~charged~~assessed a drainage utility fee ~~as provided for in~~based on the ~~fee schedule found~~property's impact to the drainage utility of the City, as provided for in the fee schedules set forth in Article 21.000 of Appendix A to this Code of Ordinances.
- (b) ~~Owners or occupants of commercial lots or tracts within the city limits receiving any type of utility service (electricity, water and/or sewer) from the City of Fredericksburg~~

~~shall be charged a fee as provided for in the fee schedule found in appendix A to this Code.~~

- (c) — Drainage utility ~~charges~~ fees assessed hereunder shall be added to and collected by way of the monthly City utility bill of such each applicable owner or occupant, and ~~such~~ all funds collected under this Section shall be deposited to the credit of the drainage utility fund of the City of Fredericksburg.

#### Sec. 47-274. - Exemptions.

The following shall be exempt from the provisions of this Article and any rules subsequently adopted pursuant to this Article:

- (1) Property with proper construction and maintenance of a wholly sufficient and privately owned drainage system;
- (2) Property held and maintained in its natural state, until such time that the property is developed and all of the public infrastructure constructed has been accepted by the municipality in which the property is located for maintenance; and
- (3) A subdivided lot, until a structure has been built on the lot and a certificate of occupancy has been issued by the municipality in which the property is located.
- (4) The State of Texas, and any lot or tract in which the State of Texas holds a freehold interest.
- (5) A school district, and any lot or tract in which a school district holds a freehold interest.

#### Sec. 47-2745. – Drainage utility fee credits.

A property owner may petition the City for a drainage utility fee credit based upon on-site storm water management controls that reduce the property's impact to the drainage utility of the City. Any petition under this Section shall be submitted on a form promulgated by the Director of Public Works and Utilities. The Director of Public Works and Utilities, or his/her designee, shall evaluate any petition filed under this Section and determine any appropriate drainage utility fee credit based upon nondiscriminatory, reasonable and equitable criteria, in accordance with this Article.

The maximum allowable drainage utility fee credits that may be granted under this Section are set forth in the following table:

| <b>Credit Type</b>                             | <b>Maximum Allowable Drainage Utility Fee Credit</b>             | <b>Examples</b>                                                                                                                                                                                |
|------------------------------------------------|------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Vegetated Detention Facility                | 15% of total assessed drainage utility fee for subject property  | On-site detention facilities which are designed and constructed to be vegetated which aids in preventing trash, debris, and pollutants from entering the downstream stormwater infrastructure. |
| 2. Permanent Structural Detention Facility     | 10% of total assessed drainage utility fee for subject property  | Detention facilities designed and constructed with concrete walls and/or bottoms.                                                                                                              |
| 3. Detention or Retention Pond Amenity         | 20% of total assessed drainage utility fee for subject property  | Detention or retention facilities design in a manner that promotes use of adjacent spaces as open space.                                                                                       |
| 4. Riparian Zone Preservation                  | 10% of total assessed drainage utility fee for subject property  | Development designed in such a way to enhance creek/drainage way health by removing invasive species and promoting a buffer zone of diverse, native plants to minimize erosion.                |
| 5. Permanent Best Management Practices ("BMP") | 25% of total assessed drainage utility fee for subject property  | Enhanced drainage swales, sand filtration, inlet trash collection, wet ponds, and stormwater wetlands.                                                                                         |
| 6. Zero Discharge Credit                       | 100% of total assessed drainage utility fee for subject property | Permanent structural controls which are designed to infiltrate, evapotranspire, or re-use stormwater so that it will not be discharged from the property.                                      |

Sec. 47-275. - Administration, rules and regulations.

The Director of Public Works and Utilities, or his ~~authorized agent~~/her designee, shall be responsible for administration of this Article. The Director of Public Works and Utilities,

or his ~~authorized agent~~/her designee, shall be responsible for developing rules, regulations and procedures for administration ~~of~~ and assessment of the drainage charge ~~utility fee~~ and the consideration of variances; developing maintenance programs; and establishing drainage criteria and standards for operation of the drainage system subject to adoption by ordinance. The Director of Public Works and Utilities, or his ~~authorized agent~~/her designee, shall be responsible for developing and administering standards, criteria, rules and procedures for the treatment or prevention of pollution in drainage.

The Director of Public Works and Utilities, or his/her designee, shall be responsible for determining each property's impact to the drainage utility of the City based on reliable data, including but not limited to, Gillespie County Appraisal District data, GIS database data, aerial photography, information received by the City through the building permit process, or other reliable means for determining impervious area. The Director of Public Works and Utilities, or his/her designee, may request additional information from a property owner or occupant as reasonably necessary to determine each property's impact to the drainage utility of the City.

#### Sec. 47-276. - Floods, control, liability.

Floods from drainage runoff may occasionally occur which exceed the capacity of the drainage system maintained and financed with the drainage charges. In addition, surface water stagnation may occasionally occur which exceed the capability of the drainage system maintained and financed with drainage charges as defined herein. This Article does not imply that properties subject to charges shall always be free from flooding or flood damage, surface water stagnation or pollution or that all flood control and water treatment projects to control the quantity and quality of runoff can or will be constructed cost effectively. Nothing whatsoever in this Article shall be construed as or be deemed to create additional duties on the part of the City of Fredericksburg or hold the City liable for any damages incurred in a flood or from adverse water quality due to drainage runoff. Nothing in this Article shall be deemed to waive the City's immunity under state law or reduce the need or necessity for flood insurance nor shall anything in this Article reduce the responsibility or liability of the property owners for occurrences on their own property under law.

#### Sec. 47-277. - Enforcement.

Any charge due hereunder which shall not be paid when due may be recovered in action at law by the City of Fredericksburg. In addition to any other remedies or penalties provided by this or any other ordinance of the City of Fredericksburg, failure of any user of City utilities within the City of Fredericksburg to pay said charges promptly when due shall subject such user to discontinuance of such utility services and the City Manager of the City

of Fredericksburg, or his authorized agent, is hereby empowered and directed to enforce this provision as to any and all delinquent users. The employees of the City of Fredericksburg shall, at all reasonable time, have access to any premises served by the City of Fredericksburg for inspection, repair or the enforcement of the provisions of this Article.

Sec. 47-278. - Penalty for violations of this Article.

Any person violating any provisions of this Article shall, upon conviction, be fined as provided for in the general penalty provision found in section 1-6 of this Code and each and every day that the provisions of this Article are violated shall constitute a separate and distinct offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violations of this Article.

Secs. 47-279—47-304. - Reserved.

## APPENDIX A - FEE SCHEDULE

### ARTICLE 21.000. - DRAINAGE UTILITY ~~COLLECTION RATES~~FEES

(a) The following drainage utility fees are hereby established and shall be collected ~~through the City's bill for public utilities pursuant to the Act and other applicable law.~~

~~(b) Owners or occupants~~ Sec. 47-273 of this Code of Ordinances.

(b) The owner or occupant of any residential lots or tracts within the city limits receiving drainage utility service area, that receives any type of utility service (electricity, water and/or sewer) from the City of Fredericksburg, shall be charged~~assessed~~a monthly drainage utility fee as follows, based on the property's contribution to Main Building Area upon the lot or tract:

| Residential Tier | Main Building Area (sq. ft.) | Monthly Fee |
|------------------|------------------------------|-------------|
| 1                | ≤ 1,000                      | \$3.00      |
| 2                | >1,000 but ≤1,300            | \$4.00      |
| 3                | >1,300 but ≤1,600            | \$5.00      |
| 4                | >1,600 but ≤2,000            | \$6.00      |
| 5                | >2,000 but ≤3,000            | \$7.00      |
| 6                | >3,000                       | \$9.00      |

~~public storm~~

(c) The owner or occupant of any non-residential lot or tract within the drainage utility service area, that receives any type of utility service (electricity, water utility system. The contribution and/or sewer) from the City of Fredericksburg, shall be based on the main building area. The residential-assessed a monthly drainage utility fee shall be established according to the following schedule on a monthly basis as follows, based on the Total Impervious Area of the lot or tract:

| Non-Residential Tier | Total Impervious Area (sq. ft.) | Monthly Fee |
|----------------------|---------------------------------|-------------|
| 1                    | ≤1,800                          | \$3.00      |
| 2                    | >1,800 but ≤2,800               | \$5.00      |
| 3                    | >2,800 but ≤5,500               | \$9.00      |
| 4                    | >5,500 but ≤12,000              | \$18.00     |

|   |                     |          |
|---|---------------------|----------|
| 5 | >12,000 but ≤50,000 | \$50.00  |
| 6 | > 50,000            | \$200.00 |

~~(c) Owners or occupants of non-residential lots or tracts within the city limits receiving and type of utility service (electricity, water and/or sewer) from the City of Fredericksburg shall be charged a monthly drainage utility fee based on the property's contribution to the public storm water utility system. The contribution shall be based on the total impervious area for the property. The drainage utility fee shall be established according to the following schedule on a monthly basis:~~

| Non-Residential Tier | Total Improved Area (sf) | Monthly Fee         |
|----------------------|--------------------------|---------------------|
| 1                    | <del>1,000—1,800</del>   | <del>\$3.00</del>   |
| 2                    | <del>1,801—2,800</del>   | <del>\$5.00</del>   |
| 3                    | <del>2,801—5,500</del>   | <del>\$9.00</del>   |
| 4                    | <del>5,501—12,000</del>  | <del>\$18.00</del>  |
| 5                    | <del>12,001—50,000</del> | <del>\$50.00</del>  |
| 6                    | <del>→ 50,000</del>      | <del>\$200.00</del> |

~~(d) Drainage Utility charges shall be added to the utility bill of such owner or occupant and such funds shall be deposited to the credit of the Drainage Utility Fund of the City of Fredericksburg.~~

~~(e) See.~~

~~(Code 1992, app. A, art. 21.000; Ord. No. 7-006, 8-14-1995; Ord. No. 8-037, 10-21-1996; Ord. No. 23-015, 9-16-2013)~~

(d) Property owned by a religious organization that is exempt from taxation pursuant to Section 11.20 of the Texas Tax Code shall be exempt from any monthly drainage utility fee.

(e) Property used for cemetery purposes, if the cemetery is closed to new interments and does not accept new burials, shall be exempt from any monthly drainage utility fee.

(f) The Director of Public Works and Utilities, or his/her designee, shall be responsible for determining the Main Building Area and/or Total Impervious Area for all lots or tracts, based on reliable data, including but not limited to, Gillespie County Appraisal District data, GIS database data, aerial photography, information received by the City through the building permit process, or other reliable means for determining Main Building Area and/or Total Impervious Area. The Director of Public Works and Utilities, or

his/her designee, may request additional information from a property owner or occupant as reasonably necessary to determine each property's impact to the drainage utility of the City.



## CITY COUNCIL MEMO

---

**DATE:** December 27, 2018  
**TO:** Mayor and City Council  
**FROM:** Kent Myers, City Manager  
**SUBJECT:** Amendment to Standardized Business Ordinance

---

### **Summary:**

The City Attorney has determined that a motion by the City Council is necessary in order to initiate the consideration of a text amendment to the City's zoning ordinance (see attached email). Therefore, before the Planning and Zoning Commission can consider an amendment to our Standardized Business Ordinance, a Council motion should be approved which includes the proposed changes that the Council would like to consider.

### **Recommendation:**

It is recommended that the City Council consider a motion to initiate a text amendment to the City Zoning Ordinance which would change the language related to standardized businesses to include (1) an expansion of the area where the standardized business ordinance would apply and (2) changes in the definition of a standardized business which would include allowing such businesses which do not currently operate within the State of Texas.

---

### **Background / Analysis:**

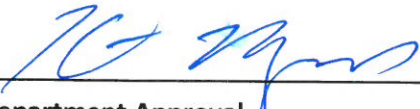
If a motion to initiate a text amendment is approved, then the Planning and Zoning Commission can begin their formal consideration of this text amendment. They will then make a recommendation to the City Council for your consideration. In addition, the Council may want to consider a joint meeting with the

Planning and Zoning Commission so that different views can be expressed and discussed before any actions are taken.

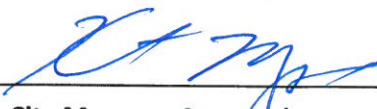
**Attachments:**

Email from City Attorney on Standardized Business Ordinance

---

  
Department Approval

---

  
City Manager Approval

## Shelley Goodwin

---

**From:** Daniel Jones  
**Sent:** Friday, December 7, 2018 8:19 AM  
**To:** Kent Myers  
**Cc:** Brian Jordan  
**Subject:** Amendment to Standardized Business ordinance

Kent,

Per Sec. 5.230 of the City's Zoning Ordinance, "(a) Text Amendment may be initiated by the...City Council and *shall be pursuant to a motion of the body*. The City Attorney shall prepare a draft of an ordinance amending the text of the Zoning Regulations pursuant to the intent of the motion."

I interpret this language to require the Council to make a formal motion to initiate a zoning amendment, including any proposed changes to the Historic Shopping District overlay and regulation of standardized businesses.

Please let me know if you have any questions/comments on this issue.

Thanks,

**Daniel Jones** | City Attorney  
City of Fredericksburg  
126 W. Main St  
Fredericksburg, TX 78624  
Tel: 830-997-7521  
Fax: 830-997-1861  
[djones@fbgtx.org](mailto:djones@fbgtx.org)

CONFIDENTIALITY NOTICE: This email, including any attachments, is confidential and may be privileged. If you are not the intended recipient please notify the sender immediately, and please delete this email.



## CITY COUNCIL MEMO

---

**DATE:** December 26, 2018  
**TO:** Mayor and City Council  
**FROM:** Kent Myers, City Manager  
**SUBJECT:** Short-Term Rentals -Progress Report

---

### **Summary:**

The City's short-term rental (STR) ordinance became effective on April 1, 2018. At the January 7<sup>th</sup> City Council meeting, City staff will present a progress report on the steps we have taken to implement this new ordinance.

### **Recommendation:**

It is recommended that the Council consider this presentation and provide staff with your recommendations on any future actions that we need to take to implement the STR ordinance.

---

### **Background / Analysis:**

The City adopted a new short-term ordinance which took effect on April 1, 2018. These new regulations have worked out well for our community and other cities have requested information on our STR ordinance. During the past nine months we have realized a lot of progress in implementing the requirements of the new regulations. Most of the STR owners and managers have accepted these regulations and worked closely with the City to fully comply with the new ordinance. One of the positive results of the new regulations is that they have reduced the number of neighborhood complaints about noise, trash, parking and other STR violations. Another positive result is that the inspections have identified safety violations that have been corrected prior to issuance of the STR permit.

The presentation on STR's at Monday's Council meeting will include the status of our permitting and inspection process as well as a report on the violations that we have filed in Municipal Court for repeat violations. We will also provide you with the status of the HOT collections from STRs.

**Attachments:**

---



---

**Department Approval**

---



---

**City Manager Approval**

# Future Agenda Items

## City Council

### January 21, 2019

### Regular Meeting

City Council = Red

Planning & Zoning = Green

Historic Review Board = Purple

Board of Adjustment = Blue

City Events=

City Council Retreat (1-15-19)

First Day to file for place on the 5-4-19 City Election

| Sun | Mon | Tues | Wed | Thur | Fri | Sat |
|-----|-----|------|-----|------|-----|-----|
|     |     | 1    | 2   | 3    | 4   | 5   |
| 6   | 7   | 8    | 9   | 10   | 11  | 12  |
| 13  | 14  | 15   | 16  | 17   | 18  | 19  |
| 20  | 21  | 22   | 23  | 24   | 25  | 26  |
| 27  | 28  | 29   | 30  | 31   |     |     |

#### **Recognitions:**

#### **Consent**

1. 1-7-19 City Council Regular Meeting.
2. 1-15-19 City Council Retreat Minutes

#### **Public Hearing**

1. Conditional Use Permit for site plan (Chicken Express)

#### **Ordinances**

1. 2<sup>nd</sup> and final reading on Ordinance 2019-01 Municipal Drainage Utility System Fee
2. Amendment to the Lighting Ordinance

#### **Resolutions:**

1. Professional Services Agreement for Electric Department Building
2. Financing for Electric Department Building.
3. Bid award for Smokehouse Road Utility Extension Project
4. Camp Gladiator Agreement

#### **Approvals-Misc.**

1. Review of the Hotel/Motel Tax application
2. Road closure request for Touch-a-Truck

#### **Presentations, Discussions and Updates:**

1. Discussion on the Water and Sewer Rate Increase
2. Presentation of mural from The Yellow Door Studio

## February 4, 2019 Regular Meeting

City Council = Red

Planning & Zoning = Green

Historic Review Board = Purple

Board of Adjustment = Blue

City Events=

Last Day to file for Place on 5-4-19 City Election

| Sun | Mon | Tues | Wed | Thur | Fri | Sat |
|-----|-----|------|-----|------|-----|-----|
|     |     |      |     |      | 1   | 2   |
| 3   | 4   | 5    | 6   | 7    | 8   | 9   |
| 10  | 11  | 12   | 13  | 14   | 15  | 16  |
| 17  | 18  | 19   | 20  | 21   | 22  | 23  |
| 24  | 25  | 26   | 27  | 28   |     |     |

### **Recognitions:**

### **Consent**

1. 1-7-19 City Council Regular Meeting.
2. 1-15-19 City Council Retreat Minutes

### **Ordinances**

1. Calling for the May 4, 2019 City Election (General and Special Election)

### **Resolutions:**

1. Professional Services Agreement for Electric Department Building
2. Financing for Electric Department Building.

### **Approvals-Misc.**

1. Review of the Hotel/Motel Tax application

### **Presentations, Discussions and Updates:**