



City of Fredericksburg

REGULAR CITY COUNCIL MEETING AGENDA MONDAY, JANUARY 21, 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 21, 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 18, 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 AND PRESENTATIONS

- A. Presentation of mural from The Yellow Door Studio.
(Agenda Packet Pages 5-6)

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 January 7, 2019 City Council Regular Meeting Minutes.
(Agenda Packet Pages 7-28)
- B. Consider approval of the City Hall Open House and Touch-a-Truck event street closure for W. Austin Street between N. Adams and N. Crockett Street on March 21, 2019 from 12:00p.m.-7:15p.m.
(Agenda Packet Pages 29-32)

6. PUBLIC HEARING

- A. Hold a public hearing to receive comments on the Change in the Land Use Plan from High Density Residential to Mixed Use District, and zoning from R-3 Multi-Family Residential to C-2 Commercial on approximately 0.25 acres (Z1818).
(Agenda Packet Pages 33-52)
- B. Hold a public hearing to receive comments on the Conditional Use Permit for drive-through associated with a Fast Food Restaurant on 0.91 acres at 1125 S. State Highway 16 (Z1818).
(Agenda Packet Pages 33-52)

7. ORDINANCE

- A. Consider approval on second and final reading of Ordinance 2019-01 to establish new rates to be charged as a Municipal Drainage Utility System Fee.
(Agenda Packet Pages 53-80)
- B. Consider the approval of Ordinance 2019-02 adopting a change in the Comprehensive Plan of the City; specifically in the Land Use Map and Comprehensive Plan as to a 0.25 acre tract of land, being a portion of Lot 1, Luckenbach Apartments, a part of German Emigration Company Outlot No. 72, of Record in Volume 573, page 513, of the Deed Records of Gillespie County, Texas, situated in the City; changing said property from High Density Residential to Mixed Use District; providing that the change becomes a part of the Comprehensive Plan and providing for an effective date (Z1818).
(Agenda Packet Pages 33-52)
- C. Consider the approval of Ordinance 2019-03 amending the Zoning Ordinance of the City and changing the Zoning District as to a 0.25 acre tract of land, being a portion of Lot 1, Luckenbach Apartments, a part of German Emigration Company Outlot No. 72, of Record in Volume 573, page 513, of the Deed Records of Gillespie County, Texas, situated in the City; changing said property from R-3 Multi-Family Residential to C-2 Commercial; and providing for an effective date (Z1818).
(Agenda Packet Pages 33-52)

8. RESOLUTIONS – OTHER ACTION ITEMS - DISCUSSION ITEMS

- A. Consider the approval of Resolution 2019-01R for the Alamo Area Council of Government Grant Application for a Police Officer position in the FY2020 budget.
(Agenda Packet Pages 81-84)
- B. Consider the approval of the Conditional Use Permit for drive-through associated with a Fast Food Restaurant on 0.91 acres at 1125 S. State Highway 16 (Z1818).
(Agenda Packet Pages 33-52)
- C. Consider the approval of awarding the Smokehouse Road Utility Extension Project construction contract to JM Pipeline, LLC. in the amount of \$90,464.00.
(Agenda Packet Pages 86-88)
- D. Consider the approval of a Non-Exclusive License Agreement with Camp Gladiator for Outdoor Group Fitness Programs within City parks.
(Agenda Packet Pages 89-96)
- E. Presentation on the proposed Water and Wastewater Rate increases.
(Agenda Packet Pages 97-110)

F. Discussion on the Hotel/Motel Occupancy Tax application submissions.
(Agenda Packet Pages 111-114)

G. Discussion on the possible appropriation of surplus Hotel/Motel Occupancy Tax funds.
(Agenda Packet Pages 115-118)

9. CITY MANAGER'S REPORT

10. ITEMS FOR FUTURE AGENDA
(Agenda Packet Pages 119-120)

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:

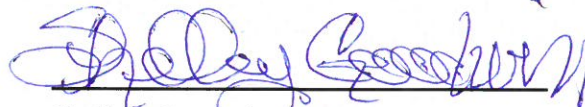
A. Pursuant to Texas Government Code Section 551.072 – Consider and discuss the exchange, lease, or value of real property owned by the City, located on E. Austin Street.

13. BUSINESS ITEMS

The City Council will reconvene into Regular Session upon conclusion of the Executive Session, the City Council may take action on any item posted in Executive Session, as necessary.

14. ADJOURN

This is to certify that I, Shelley Goodwin, posted this Agenda at 3:55 p.m. on January 16, 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

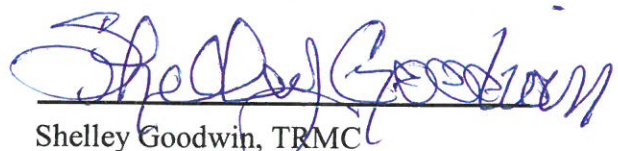
ADDENDUM TO AGENDA OF CITY COUNCIL REGULAR MEETING MONDAY, JANUARY 21 ~ 6:00 P.M. LAW ENFORCEMENT CENTER ~ 1601 EAST MAIN STREET

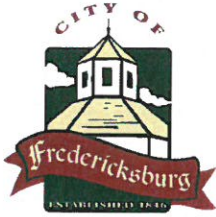
Notice is hereby given of a Regular Meeting of the Fredericksburg City Council, to be held on Monday, January 21, 2019 at 6:00 p.m. in the Law Enforcement Center, 1601 East Main Street, Fredericksburg, Texas.

The following item is hereby added to the previously posted agenda for the City Council Regular Meeting on Monday, January 21, 2019:

- 9. CITY MANAGER'S REPORT**
 - A. Relief Route Open House-January 24**
 - B. Community Tour-January 30**
 - C. Joint Meeting with Planning and Zoning Commission-February 7**

This is to certify that I, Shelley Goodwin, posted this Addendum to Agenda at 3:00 p.m. on January 18, 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 COUNCIL MEMO

DATE: January 21, 2019

TO: Mayor and City Council

FROM: Jennifer Krupa, Special Events Coordinator

SUBJECT: Presentation of Mural from Camille Cohn with The Yellow Door Studio

Summary:

The Yellow Door Studio is Fredericksburg's first community arts education center, offering a variety of artistic training for all levels and abilities located at 810 N. Llano. The Yellow Door Studio took part in the children's event on New Year's Eve and hosted an activity where event attendees were able to collaborate and paint a canvas together. Tonight, we would like to present City Council with the final product of that collaboration. It is our hope that this piece of artwork can be displayed at City Hall or another City property as a memento of the event.

Recommendation:

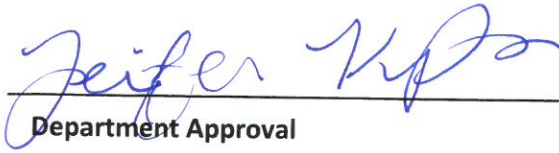
N/A.

Background / Analysis:

N/A

Attachments:

None


Department Approval


City Manager Approval


City Attorney Approval



CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL REGULAR MEETING JANUARY 7, 2019

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
Lea Feuge, Public Information Officer
Garret Bonn, Assistant City Engineer
Kris Kammlah, Police Department
Janelle Chapman, Finance Department
David Millegan, Building Official
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 Council present, Mayor Langerhans called the regular meeting of the Fredericksburg City Council to order at 6:00 p.m. on Monday, January 7, 2019, in the Law Enforcement Center, 1601 East Main Street, Fredericksburg, Texas 78624.

3. Employee Recognitions

Kent Myers, City Manager, stated he received a Customer Satisfaction Card for Donna Maxwell. The card complimented Donna on her customer service both with answering the phones and in person.

4. Public Comments

David W. Wieting, Ph.D, spoke regarding the Singing Christmas Tree. He feels the tree is a key part of celebrating Christmas in Fredericksburg, but setting up the Tree has become dangerous for their

organization. He asked that the deadline for Hotel/Motel Occupancy Tax be extended so they can apply for funding to set up the tree.

5. Consent

A. Consider approval of the December 17, 2018 City Council Regular Meeting Minutes.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Kiehne to approve the December 17, 2018 City Council Regular Meeting, with corrections. 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 the adoption of an Ordinance to establish new rates to be charged as a Municipal Drainage Utility System Fee.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Musselman, to go out of Regular Session into a Public Hearing at 6:09 p.m.

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 go out of the Public Hearing and back into Regular Session at 6:09 p.m.

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)

Garret Bonn, Assistant City Engineer, provided a PowerPoint reviewing the history of the Drainage Utility System Fee and the process to establish the rates. He reviewed the fees and the tiers. He stated if the Ordinance is approved the fees will become effective on March 1, 2019.

The City Council discussed the meaning of closed cemetery and moving forward with the Municipal Drainage Utility System Fee.

Motion: A motion was made by Councilmember Luckenbach, to approve Ordinance 2019-01.

Daniel Jones, City Attorney, stated the Agenda was posted to approve Ordinance 2019-01 on January 21, 2019 after a second reading.

Councilmember Luckenbach withdrew his motion.

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.

Kent Myers, City Manager, stated a couple of months ago the City Council wanted to review the Standardized Business Ordinance to include more areas of downtown and changing some definitions. He also stated the City Council may want to consider holding a Joint Meeting with the Planning and Zoning Commission since they need to make a recommendation to the City Council.

Daniel Jones, City Attorney, stated the City Council will need to make a formal motion to initiate the consideration of a text amendment to the City Zoning Ordinance.

The City Council discussed holding a Joint Meeting with Planning and Zoning Commission and possibly Historic Preservation Commission. They also discussed reviewing the Marketing Study that the Chamber of Commerce conducted.

Motion: A motion was made by Councilmember Kiehne, seconded by Councilmember Luckenbach, to initiate a text amendment to the City Zoning Ordinance which would change the language related to standardized businesses to include an expansion of the area where the standardized business ordinance would apply and changes in the definition of a standardized business which would include allowing such businesses which do not currently operate within the State of Texas. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

B. Receive an update on Short Term Rental (STR).

Kent Myers, City Manager, stated the City Council adopted a Short-Term Rental (STR) Ordinance which took effect on April 1, 2018. He stated the new regulations have worked out well and other cities have requested information on our STR Ordinance.

David Millegan, Building Official, provided a PowerPoint (see attached) regarding the history and processes.

Janelle Chapman, Finance Department, reviewed the Hotel Occupancy Tax collections for short-term rentals and the module for accepting and entering tax payments.

Brian Jordan, Development Services Director, reviewed the State of Texas definition for STR and Hotels.

The City Council discussed the health and safety inspection process.

9. CITY MANAGER'S REPORT

A. City Council Retreat-January 15th

Kent Myers, City Manager, reviewed the seven items for discussion on the City Council Retreat Agenda. He stated the meeting is set for January 15, 2019, at 8:30 a.m. to be held at the Lady Bird Golf Course-Cardinal Room.

B. City Council Tour-January 30th

Kent Myers, City Manager, stated the City Council Tour has been set for January 30th at 9:00 a.m. He stated this tour will show the City Council both private and City projects taking place around the City.

C. Sports Park

Kent Myers, City Manager, stated Gillespie County Commissioners approved contributing \$2.3million for the Sports Park. He also stated Dan Wegmiller, Bond Counsel, will be present at the City Council Retreat to discuss the City's options.

Mayor Langerhans asked that the four major sports groups be invited to attend the City Council Retreat.

D. Community Visioning Presentations

Kent Myers, City Manager, stated the Community Visioning Committee continues to make presentations. He reviewed the upcoming presentation schedule.

9. ITEMS FOR FUTURE AGENDA

Kent Myers, City Manager, reviewed the upcoming agenda items for January 21, 2019 and February 4, 2019.

10. COUNCIL COMMENTS

Councilmember Luckenbach stated he would like to see the enforcement of junk vehicles be addressed.

Councilmember Luckenbach stated Danny Hurt has passed away, but he does not know the details regarding the funeral arrangements.

11. 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.

Motion: A motion was made by Councilmember Luckenbach, seconded by Councilmember Kiehne, to go out of Regular Session into Executive Session at 6:50 p.m.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Luckenbach, to go out of Executive Session into Regular Session at 7:50 p.m.

12. 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.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Neffendorf, to approve a 2% Cost of Living raise for Daniel Jones, City Attorney for the FY2019. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Neffendorf, to approve a 2% Cost of Living raise for Kent Myers, City Manager for the FY2019. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

13. ADJOURN

Motion: A motion was made by Councilmember Neffendorf, seconded by Councilmember Luckenbach to adjourn the Monday, January 7, 2019 City Council Regular Meeting at 7:56 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



The City of Fredericksburg

Short-term Rental Presentation January 7, 2019

Registrations

- 592 STR Applications received to date 2018
- STR Applications remaining in queue to enter into STR Helper 160
- This is to be completed by March 1, 2019 to meet the new system testing date.

City of Fredericksburg, TX Short-Term Rental Portal

Already have an account? please [Sign In](#)

Create a new account.

[Need help?](#)

Account Information

* - Required

User Name / Email Address *

Password *

Confirm Password *

Property Manager Name *

Seaside Business License Number *

Address Information

Property Manager Mailing Address *

Property Manager City *

Property Manager

Property Manager State *

Zip *

Select State...

#####

Contact Information

Emergency Contact Name *

Emergency Contact Phone *

(###) ###-####

Sign Up

- Home
- Apply for New License
- Help
- FAQ
- Contact Us

Welcome to the Short-term Rental Portal for Fredericksburg, TX
Here's an overview of your activities.

Licenses

New **★35** Approved **✓1** Expiring **▲0**

All Approved New

Q Search addresses

Showing 5 of 38 entries

License #	Street	Status	Fee Paid
BCA-5648	503 W UFER ST Canoe Barn	Approved	
BCA-5649	109 N ORANGE ST	New	
BCA-5650	202 S CROCKETT ST	New	
BCA-5651	403 N PECAN ST	New	
BCA-5652	507 W UFER ST Canoe Barn	New	

1 2 3 ...

Home

Apply for New License

Help

FAQ

Contact Us

Home

Apply for License

Property Selection

License Details

Document Upload

Review

(11)

STR Helper

Search and select the property you would like to apply/renew the license for.

Q 105

Owner	Address	Parcel No.
Test Owner 105	105 N ACORN ST	28936
☒ Test Owner 2 105	105 N LLANO ST	28944
Test Owner 3 105	105 N CHERRY ST	55341
Test Owner 4 105	105 BROADMOOR DR	324711
Test Owner 5 105	105 SEAMOOR DR	763210

1 2

Continue >

Inspections

- STR Applications entered and ready to schedule inspection 84.
- Currently have 283 STR units inspected and operating.
- Remaining STR inspections targeted for completion April, 2019

Complaints

- STR Complaints have overall been very minimal since the Ordinance became effective.
- Examples of the few complaints are regarding excessive and visible refuse, overloaded refuse carts, night-time noise (handled by PD).
- Over occupancy is the last type of complaint. This type is the most difficult to enforce due to the need to make a physical inspections while guests are occupying the unit.

Enforcement Actions

- STR Enforcement Actions have resulted in complaints being filed in Municipal Court on 3 individuals. These complaints resulted in 1 pleading out and paying fine, 1 requesting a continuance, and the last one did not appear for court.

Hotel Occupancy Tax Collections

- 592 Short-Term Rentals (STR) remitted Hotel Occupancy Tax as of the 3rd quarter 2018
- HOT was remitted by Management Company's for 316 STR's
- The remaining 276 STR's were remitted by the owner/operator

HOT Revenue

- 3rd quarter 2018 HOT revenue totalled \$774,878
- STR revenue totalled \$249,611 and the remaining \$525,267 is from Hotels/Motels
- In the 2nd quarter, HOT revenue totalled \$951,098
- STR revenue was \$359,932 and the remaining \$593,166 was from Hotels/Motels

Delinquent HOT

- 14 delinquent letters sent by certified mail November 15th
- 2 pending court cases for failure to file HOT by the due date

Hotel Tax Online Filing

- Taxpayers who have an email on file will receive an email informing them of coming features during February
- Testing of the online Hotel Tax filing module will begin in March
- The online filing module is planned to go live in April

Tax Payment

105 N ACORN ST
FREDERICKSBURG, TX 78624

I can claim exemptions

☒ Yes

No

Exemptions Claimed

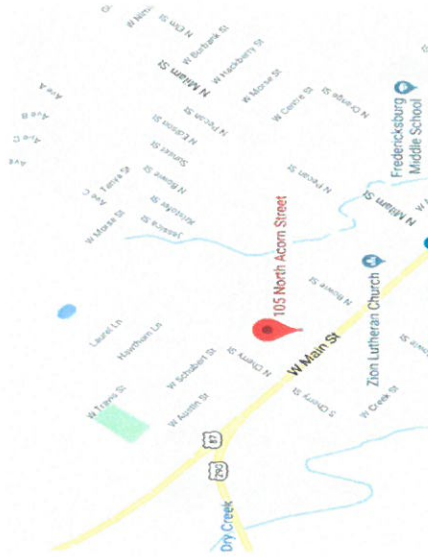
United States Federal Agencies or Foreign Diplomats. This category is exempt from state and local hotel tax.

☒ **Texas State Government Officials and Employees:** (An individual must present a **Hotel Tax Exemption Photo ID Card**). This limited category is exempt from state and local hotel tax. **Note:** State agencies and city, county or other local government entities and official or employees are not exempt from state or local hotel tax, even when travelling on official business.

(cloned) United States Federal Agencies or Foreign Diplomats. This category is exempt from state and local hotel tax.

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Continue >



Tax Payment

 Exemptions
 Calculations
 Upload Documents
 Affidavit

Total Receipts

\$ 0.00

Total Taxable Receipts

\$ 0.00

Total Tax Due (7.0%)

\$0.00

Total Receipts

\$ 0.00

Total Taxable Receipts

\$0.00

TOTAL AMOUNT DUE AND PAYABLE

\$0.00

☐ I declare that I do not owe any taxes.

[Back](#)

Continue >

Hotel Tax Filing

- 4th quarter 2018 Hotel Occupancy Tax
Reports, documentation & payments are
due in City Hall Offices by January 31,
2018



The City of Fredericksburg

STR Certificate of Compliance

Date Issued: 1/14/2019

This Certificate issued pursuant to the requirements of the City of Fredericksburg Code of Ordinance Chapter 23 Planning, Article V, Short Term Rental certifying that at the time of issuance this structure was in compliance with the various ordinances of the Jurisdiction regulating STR use.

Permit # FBGTX-28723

Proposed Use R-1 STR Owner does not live on site.

Operator Absolute Charm

Property Address 409 E TRAVIS ST
Buckhorn Cabin

Local Contact Person Tammy Sikes
60 minute response time phone number (830) 992-9659

Parking Location - Park by STR. Refuse handled by operator. Do not overload cart, no exposed refuse.

Occupant Limits (day) 4 (night) 4

Notice: **Guests** are responsible for compliance with all applicable laws, rules, and regulations pertaining to the use of the Short Term Rental unit. Guests may be fined by the City for violations of this article.

Notice: All functions such as weddings, parties, or other gatherings are prohibited at the short term rental excepting Short Term Rentals located in the commercial zoning district.

Approved: Date:

Code Enforcement Officer

POST IN A CONSPICUOUS PLACE



The City of Fredericksburg

STR Certificate of Compliance

Date Issued: 1/14/2019

This Certificate issued pursuant to the requirements of the City of Fredericksburg Code of Ordinance Chapter 23 Planning, Article V, Short Term Rental certifying that at the time of issuance this structure was in compliance with the various ordinances of the Jurisdiction regulating STR use.

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Parking Location - Park by STR. Refuse handled by operator. Do not overload cart, no exposed refuse.

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Notice: All functions such as weddings, parties, or other gatherings are prohibited at the short term rental excepting Short Term Rentals located in the commercial zoning district.

Approved: Date:

Code Enforcement Officer

POST IN A CONSPICUOUS PLACE



CITY COUNCIL MEMO

DATE: January 8, 2019

TO: Mayor and City Council

FROM: Jennifer Krupa, Special Events Coordinator

SUBJECT: Street Closure Request: City Hall Open House and Touch-A-Truck

Summary:

The 2nd annual City Hall Open House & Touch-A-Truck is scheduled for Thursday, March 21st from 3:30 PM-7:00 PM. Employees will be on-site with table displays to disseminate information about the department services they offer, to mingle with residents and host fun activities for children. Departments with vehicles, equipment, and large trucks will display them in a way so residents and children can view and "touch-a-truck" all while meeting the heroes and amazing staff that operate them. The event is family-friendly, hands-on, and educational.

In order to fit the city's fleet into the event footprint and for the safety of our residents, the event committee is asking for City Council to approve a street closure request from 12:00 PM- 7:15 PM on W. Austin Street, from N. Crockett to N. Adams. An emergency access lane will remain open on W. Austin Street during the closure.

Recommendation:

Recommend Council consider the City Hall Open House and Touch-A-Truck event street closure and approve closing W. Austin Street between N. Adams and N. Crockett Street beginning at 12:00 PM on Thursday, March 21, 2019 and ending at 7:15 PM that evening.

Background / Analysis:

A street closure on W. Austin Street between N. Crockett and N. Adams was approved for the 2018 event from 2:00 PM – 8:00 PM. The planning committee determined that W. Austin Street should close earlier than 2:00 PM for set-up to keep vehicles from parking within the event footprint prior to the event start time of 3:30 PM.

The event will encompass City Hall, City Hall Annex #1, existing City Hall parking lots, Kinder Halle, Austin Street between Crockett and Adams, and the grass parking lot owned by Bethany Lutheran Church. We estimate that close to 600 residents attended the event last year.

The Special Events Coordinator has received permission to use the grass parking lot owned by Bethany Lutheran Church. The Special Events Coordinator also notified the church about the potential street closure in writing and no additional details were needed by the church at that time

Attachments:

Preliminary Event Footprint for City Hall Open House & Touch-A-Truck



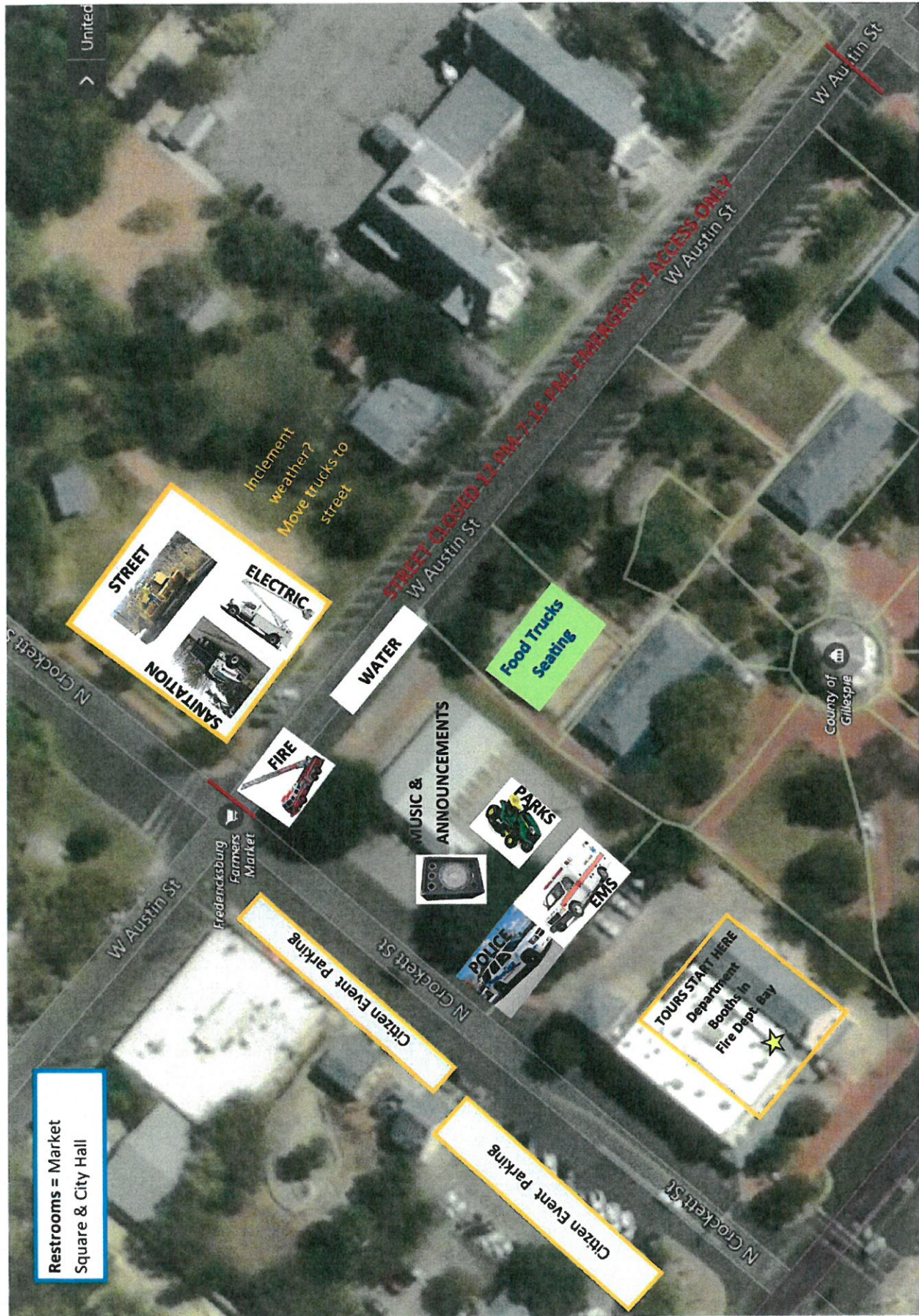
Department Approval



City Manager Approval

City Attorney Approval

CITY HALL OPEN HOUSE AND TOUCH-A-TRUCK EVENT / MARCH 21, 2019 from 3:30 PM-7:00 PM



PRELIMINARY LAYOUT * DETAILS SUBJECT TO CHANGE



CITY COUNCIL MEMO

DATE: January 15, 2019

TO: Mayor and City Council

FROM: Brian Jordan, AICP

SUBJECT:

1. Change the Land Use Plan from High Density Residential to Mixed Use District, and zoning from R-3 Multi-family Residential to C-2 Commercial on approximately 0.25 acres, and
2. Conditional Use Permit for a drive-through associated with a Fast Food Restaurant on 0.91 acres at 1125 S. State Highway 16.

Summary:

The applicant is proposing to build a 3,120 square foot Chicken Express restaurant with a drive through on a vacant tract consisting of approximately 0.91 acres. The property is presently part of the Knopp Nursing Home #2 property, and approximately 0.25 acres of the Luckenbach Apartments will be combined to create the subject site. The site will have access from S. State Highway 16, near the northeast corner of the property, and the driveway is intended to have two egress lanes and a single ingress lane. The pick-up window will be located on the east side of the building, and queuing for approximately 8 vehicles is provided. A separate fire lane is provided around the perimeter of the building. The surrounding zoning is C-2 to the west, north and east, and R-3 to the south. Surrounding land uses include Keller Construction to the north, office to the east, apartments to the south and undeveloped land to the west

Recommendation:

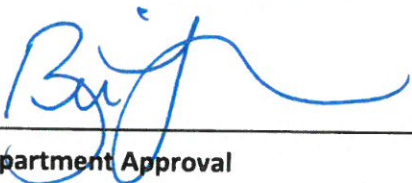
The Planning Commission voted unanimously to recommend approval of this land use plan change, zoning change and conditional use permit. No letters were received concerning this request.

Background / Analysis:

The site complies with applicable regulations and the site development and building have been reviewed for compliance with the Entry Corridor Design Guidelines and Standards.

Attachments:

Zoning Map, Property Owner Map, Site Plan, Elevations, Staff Brief, Ordinance.



Department Approval



City Manager Approval



City Attorney Approval

CONDITIONAL USE PERMIT BRIEF

Request Z-1818

Applicant: Terry Hamilton, STS4K Group LLC

Location: 1125 S. State Highway 16

Existing Zoning: C-2 and Commercial and R-3 Multi-Family Residential

Request:

1. Change the Land Use Plan from High Density Residential to Mixed Use District, and zoning from R-3 Multi-family Residential to C-2 Commercial on approximately 0.25 acres, and
2. Conditional Use Permit for a drive-through associated with a Fast Food Restaurant on 0.91 acres at 1125 S. State Highway 16.

Site Plan Overview:

- The applicant is proposing to build a 3,120 square foot Chicken Express restaurant with a drive through.
- The site is currently vacant, and is currently un-platted.
- The property is presently part of the Knopp Nursing Home #2 property.
- Approximately 0.25 acres of the Luckenbach Apartments will be combined to create the subject site.
- The site will have access from S. State Highway 16, near the northeast corner of the property, and the driveway is intended to have two egress lanes and a single ingress lane.
- The pick-up window will be located on the east side of the building.
- Queuing for approximately 8 vehicles is provided, and a separate fire lane is provided around the perimeter of the building.
- Parking spaces are provided on the east, south and west side of the building.
- The surrounding zoning is C-2 to the west, north and east, and R-3 to the south.
- Surrounding land uses include Keller Construction to the north, office to the east, apartments to the south and undeveloped land to the west.

Review and Evaluation Criteria:

A. CONFORMANCE WITH APPLICABLE REGULATIONS:

- The site complies with applicable regulations.
- The site development and building have been reviewed for compliance with the Entry Corridor Design Guidelines and Standards. A copy of the applicant's proposal to address each of the relevant items is attached.

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

- The use of the property for a fast-food restaurant with a drive-through is compatible with existing and proposed uses on adjoining property.

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

- As required, a screening fence is proposed on the portion of the property adjoining R-3 zoned property.

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

- None.

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

- Drive access is being provided on S. State Highway 16. Service and deliveries will be accommodated within the site, and away from the public street. A sidewalk is being provided on S. State Highway 16. Fortunately, there is a center turn lane in S. State Highway 16 adjacent to this property.

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

- A storm water detention facility is proposed on the south side of the property. Said facility is subject to approval of the Civil Construction Plans by the Engineering Department.

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

- Lighting and signage will be ordinance compliant.

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

- More than sufficient parking is provided based on the code. A Fire Lane loops around the building and provides access to all parking spaces. Sufficient queuing is provided for the drive-through based on information provided by the applicant.

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

- The proposed restaurant fits within the Commercial zoning District and the site layout complies with ordinance regulations.

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

- Affirmative.

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

- Affirmative.

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

- Affirmative.

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

- Affirmative.

OPPOSITION/SUPPORT OF REQUEST: No comments received.

PLANNING AND ZONING COMMISSION RECOMMENDATION: The Commission voted unanimously to recommend approval subject to approval of a replat of the property, approval of the Civil Construction Plans prior to issuance of a building permit and approval of a Landscape Plan prior to issuance of a building permit.

STAFF RECOMMENDATION: Staff concurs with the recommendation of approval.

NOTES:

1. THIS DRAWING AND SERVICES BY VEI DO NOT INCLUDE SUBMISSION TO ARCHITECTURAL BARRIERS FOR ADA REVIEW. REVIEW, IF REQUIRED, IS BY OTHERS.
2. SIDEWALK FROM HANDICAP PARKING AREA TO BUILDING ENTRANCES MUST COMPLY WITH ALL ADA GUIDELINES.
3. THE DRAWING AND SERVICES BY VEI DO NOT INCLUDE "AS-BUILT" INSPECTIONS NOR SERVICES POST DELIVERY OF THIS DRAWING.
4. ALL DIMENSIONS ARE MEASURED BACK TO BACK OF CURB UNLESS OTHERWISE NOTED.
5. ALL BUILDING DIMENSIONS DERIVED FROM ARCHITECTURAL DRAWINGS. DUE TO THE INHERENT INACCURACY OF REPRODUCTION, DO NOT SCALE FROM THESE DRAWINGS.
6. CONTRACTOR SHALL VERIFY ALL DIMENSIONS WITH ARCHITECT AND OWNER PRIOR TO START OF CONSTRUCTION.
7. REFER TO LANDSCAPE ARCHITECT PLANS FOR LANDSCAPE AREAS.
8. THE LOCATION OF EXISTING UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE BASED ON AVAILABLE RECORDS. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. THE CONTRACTOR IS FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MAY OCCUR DURING CONSTRUCTION.
9. FIRE LANE SHALL BE MARKED PER CITY STANDARDS.
10. THIS IS NOT A PROPERTY SURVEY. ANY QUESTIONS CONCERNING PROPERTY CORNERS, PROPERTY LINES, PROPERTY BOUNDARIES AND/OR SET BACKS SHOULD BE DIRECTED TO AND/OR VERIFIED BY A REGISTERED PROFESSIONAL LAND SURVEYOR.
11. AN INTERNAL STORAGE (STACKING) LENGTH OF 25' IS REQUIRED FOR A NUMBER OF 49 PARKING SPACES AND A 5' LANDSCAPE EDGE WIDTH.
12. ALL SECURITY AND SAFETY LIGHTING SHALL COMPLY WITH THE CITY OF FREDERICKSBURG REQUIREMENTS.
13. LIGHTING AROUND THE PERIMETER OF THE BUILDING WILL BE PROVIDED BY WALL PACK LIGHTING.

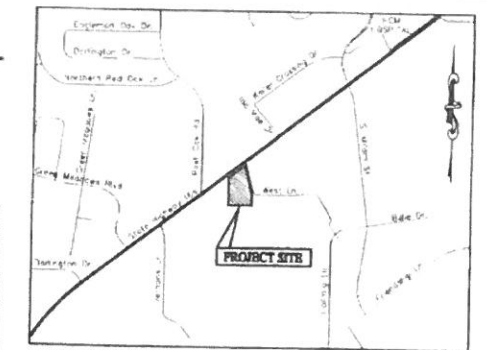
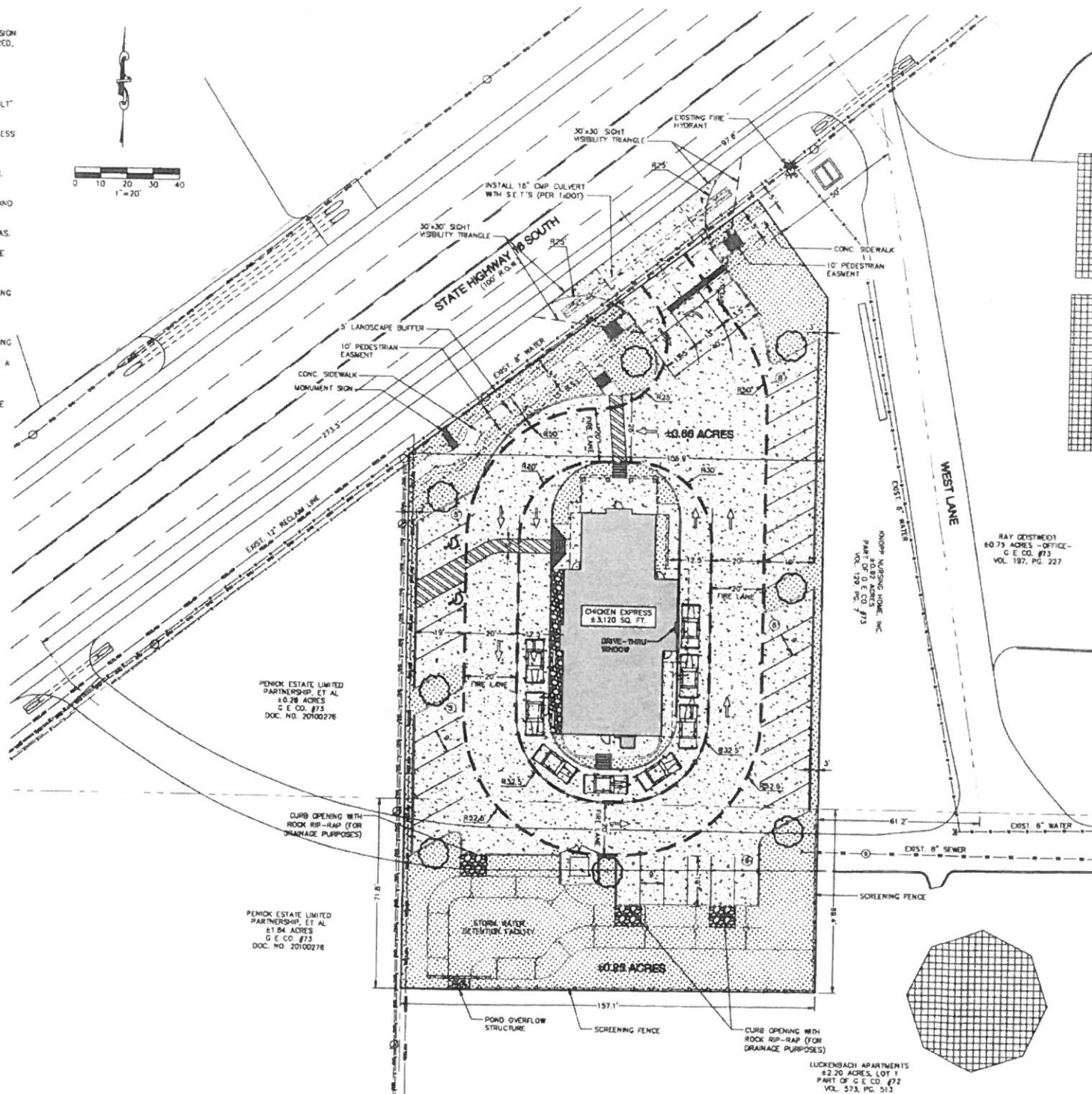
LEGEND

EXISTING

- EXISTING STRUCTURES
- PROPERTY BOUNDARY
- ADJACENT PROPERTY BOUNDARY
- EXISTING WATER LINE
- EXISTING SANITARY SEWER
- EXISTING OVERHEAD UTILITIES
- EXISTING WASTE WATER RECLAIM LINE
- EXISTING CONCRETE CURB
- BUILDING SETBACK LINE
- EXISTING FENCE LINE
- EXISTING CULVERT
- EXISTING UTILITY POLE
- EXISTING WATER METER
- EXISTING FIRE HYDRANT
- EXISTING WATER VALVE
- EXISTING MANHOLE
- BUILDING SETBACK LINE

PROPOSED

- PROPOSED BUILDING
- 30x30' SIGHT VISIBILITY TRIANGLE
- PROPOSED CONCRETE PAVEMENT
- PROPOSED GRASS SEEDING
- PROPOSED ROCK RIP-RAP
- PROPOSED FIRE LANE
- PROPOSED FLOWLINE
- PROPOSED EASEMENT
- PROPOSED SCREENING FENCE
- PROPOSED CONCRETE CURB
- PROPOSED CULVERT
- PROPOSED POND OVERFLOW STRUCTURE
- PROPOSED 4" TREE
- PROPOSED NUMBER OF PARKING SPACES
- PROPOSED MENU BOARD



LOCATION MAP

NOT TO SCALE

PARKING SUMMARY

PROPOSED FACILITIES	
PROPOSED DRIVING AREA	780 SQ. FT.
PARKING SPACES REQUIRED	23 SPACES
3 SPACES PER 100 SQ. FT. OF DRIVING AREA	
PARKING SPACES PROVIDED	32 SPACES
STANDARD PARKING SPACES	1 VAN + 1 STANDARD
REQUIRED NO. OF HANDICAP SPACES	2 VAN
PROPOSED NO. OF HANDICAP SPACES	

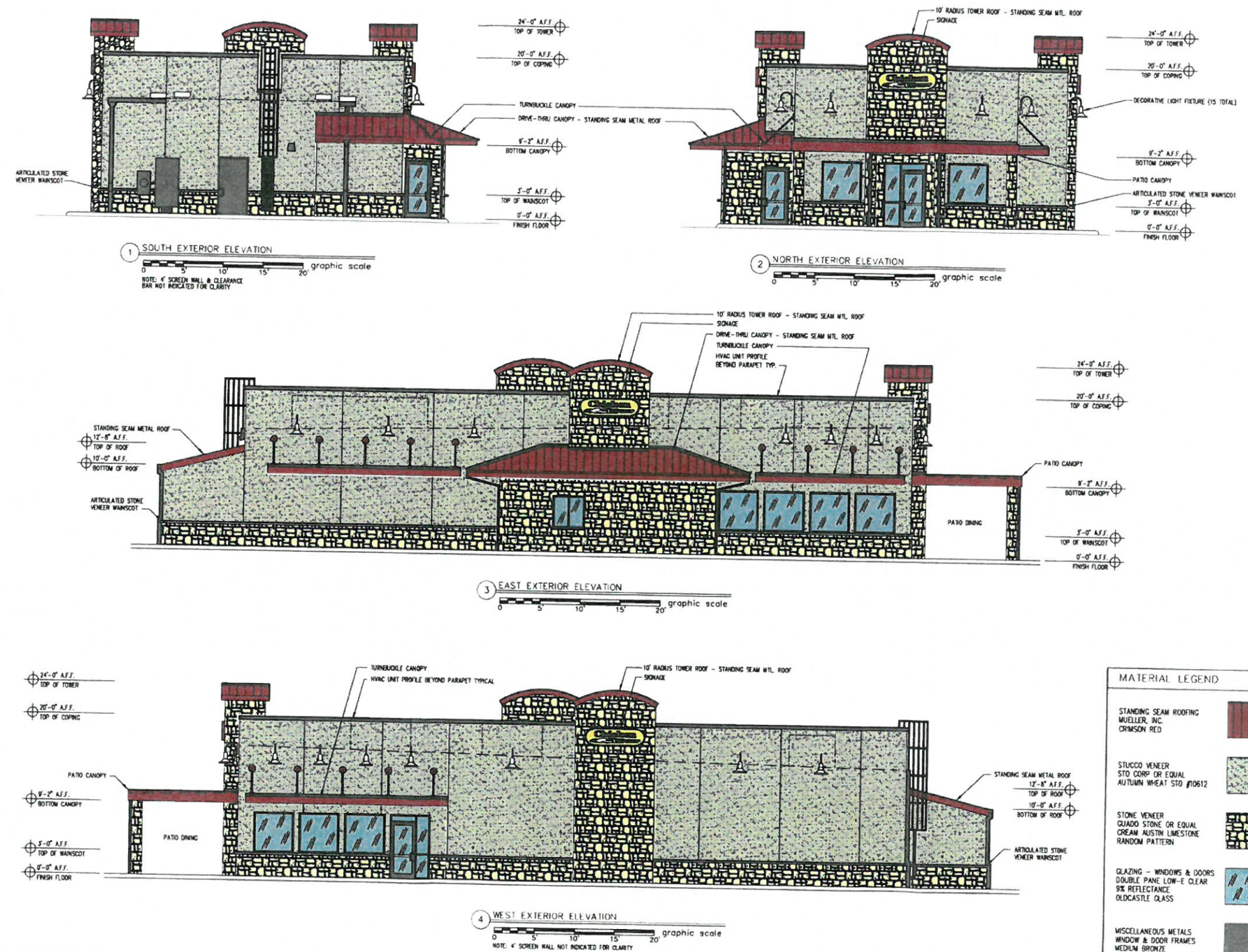
LOT SUMMARY TABLE

LOT AREA	38,898 sq. ft. / 0.891 ac.
CURRENT ZONING	C2 - COMMERCIAL
ZONING REQUIREMENTS	
MINIMUM LOT AREA	5,000 sq. ft.
MINIMUM LOT WIDTH	30 ft.
BUILDING SETBACKS	
MINIMUM FRONT YARD SETBACK	15 ft.
MINIMUM STREET SIDE YARD SETBACK	15 ft.
MINIMUM SIDE YARD SETBACK (INTERIOR)	0 ft.
MINIMUM REAR YARD SETBACK	0 ft.
MAXIMUM BUILDING HEIGHT	3 STORIES, 38 ft.
MAXIMUM BUILDING COVERAGE	75%
MAXIMUM IMPERVIOUS COVERAGE	80%
PROPOSED LOT COVERAGES	
PROPOSED BUILDING HEIGHT (MAX.)	1 STORY, 24 ft.
PROPOSED BUILDING COVERAGE	88%
PROPOSED BUILDING AREA	3,120 sq. ft. / 0.07 ac.
PROPOSED IMPERVIOUS PERCENTAGE	71%
IMPERVIOUS AREA	28,354 sq. ft. / 0.65 ac.
PERVIOUS AREA	11,843 sq. ft. / 0.27 ac.

A SITE PLAN FOR

CHICKEN EXPRESS

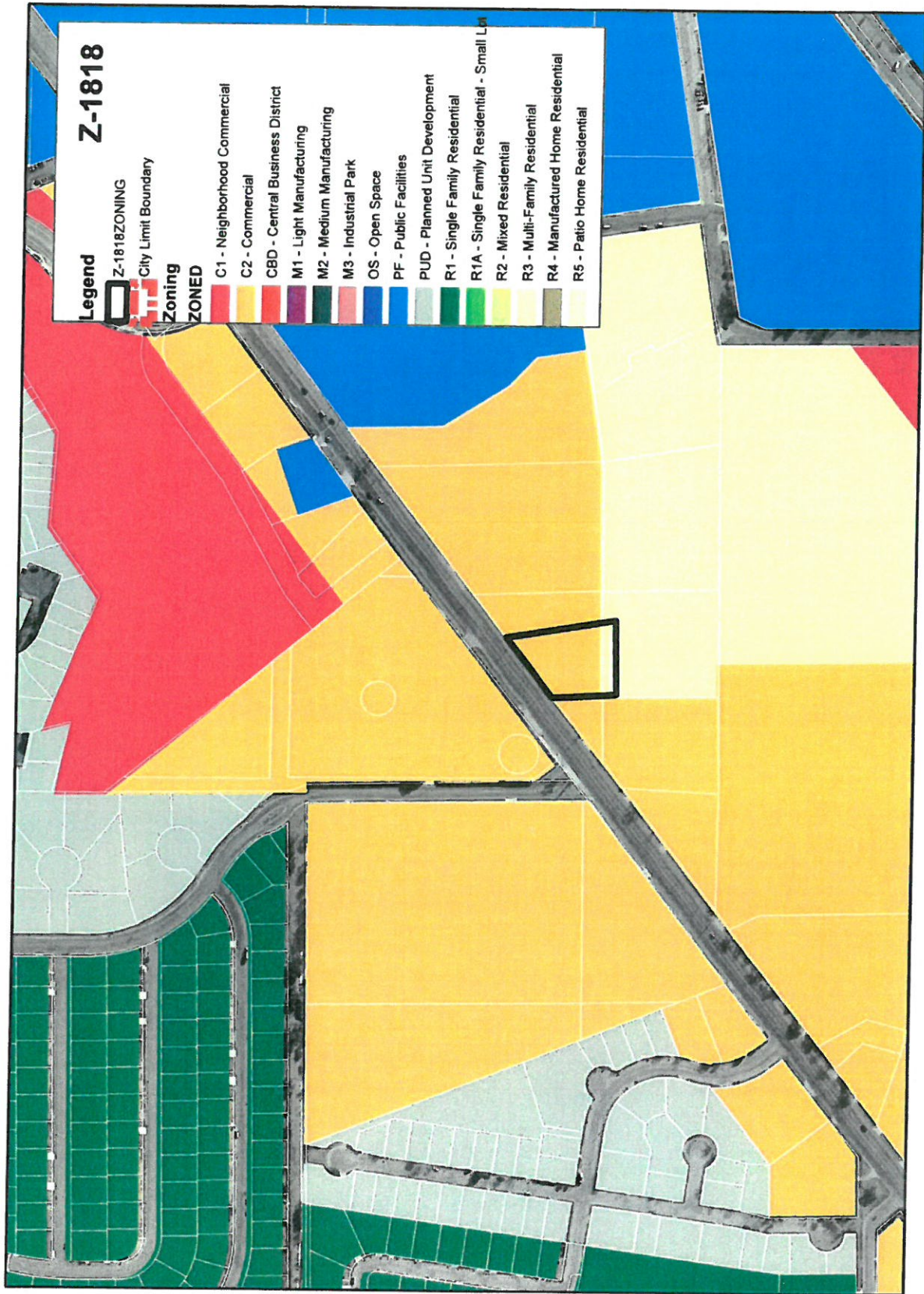
1125 S. STATE HIGHWAY 16, FREDERICKSBURG, CHESAPEAKE COUNTY, VIRGINIA
STS4K GROUP LLC DEVELOPER
 CONTACT: TERRY HAMILTON (830) 307-3084
 P.O. BOX 277 COMFORT, TX 78013
VEI CONSULTING ENGINEERS ENGINEER
 ENGINEERING CONTACT: KEVIN W. SPRAGGINS (830) 997-4744
 507-D E. HIGHWAY ST. FAX: (830) 997-8867
 FREDERICKSBURG, TX 78624 Texas Registration # T-165
 FILE NO: 18086
 DATE: 12/17/2018 SHEET: SP (1 OF 3)

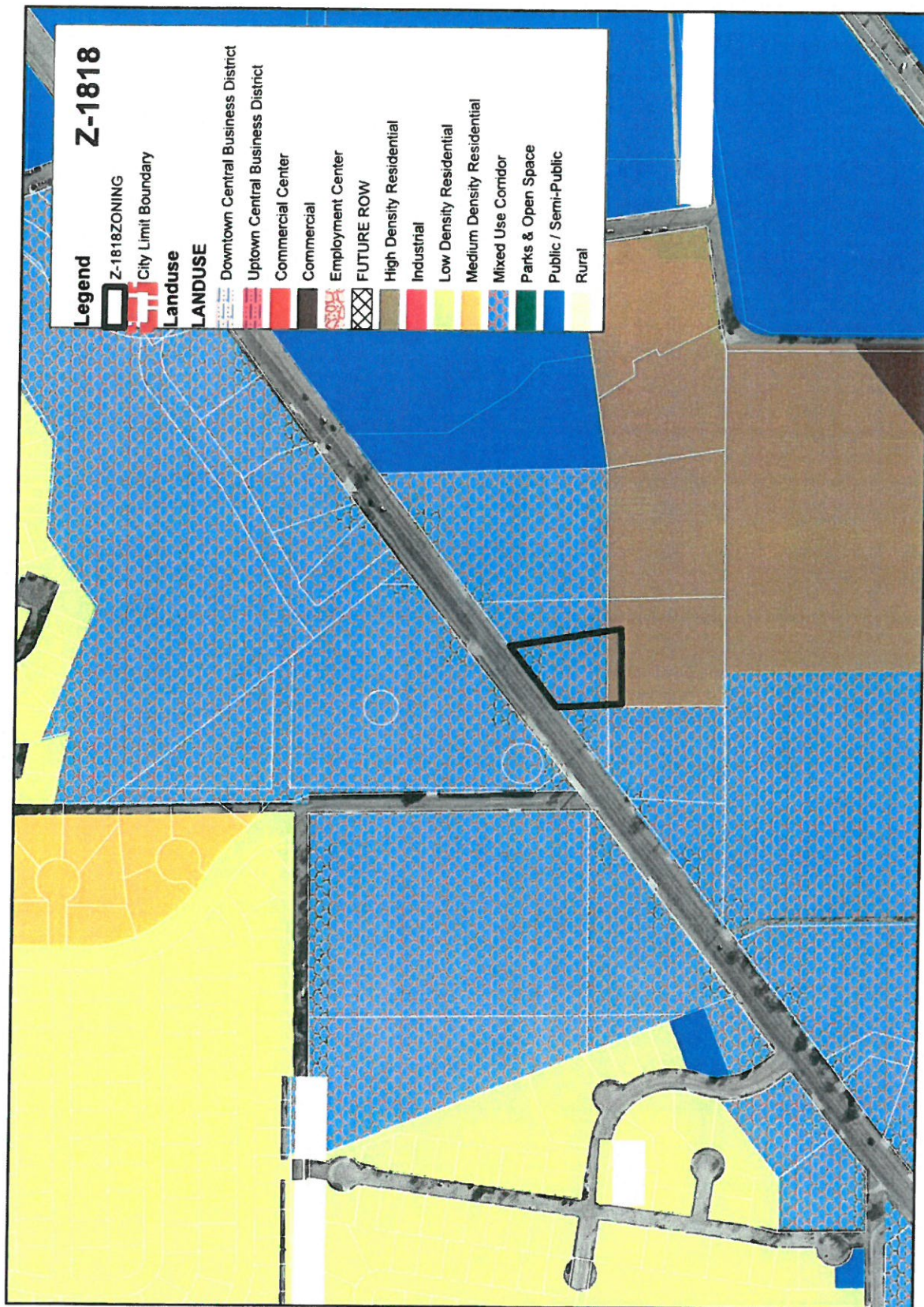


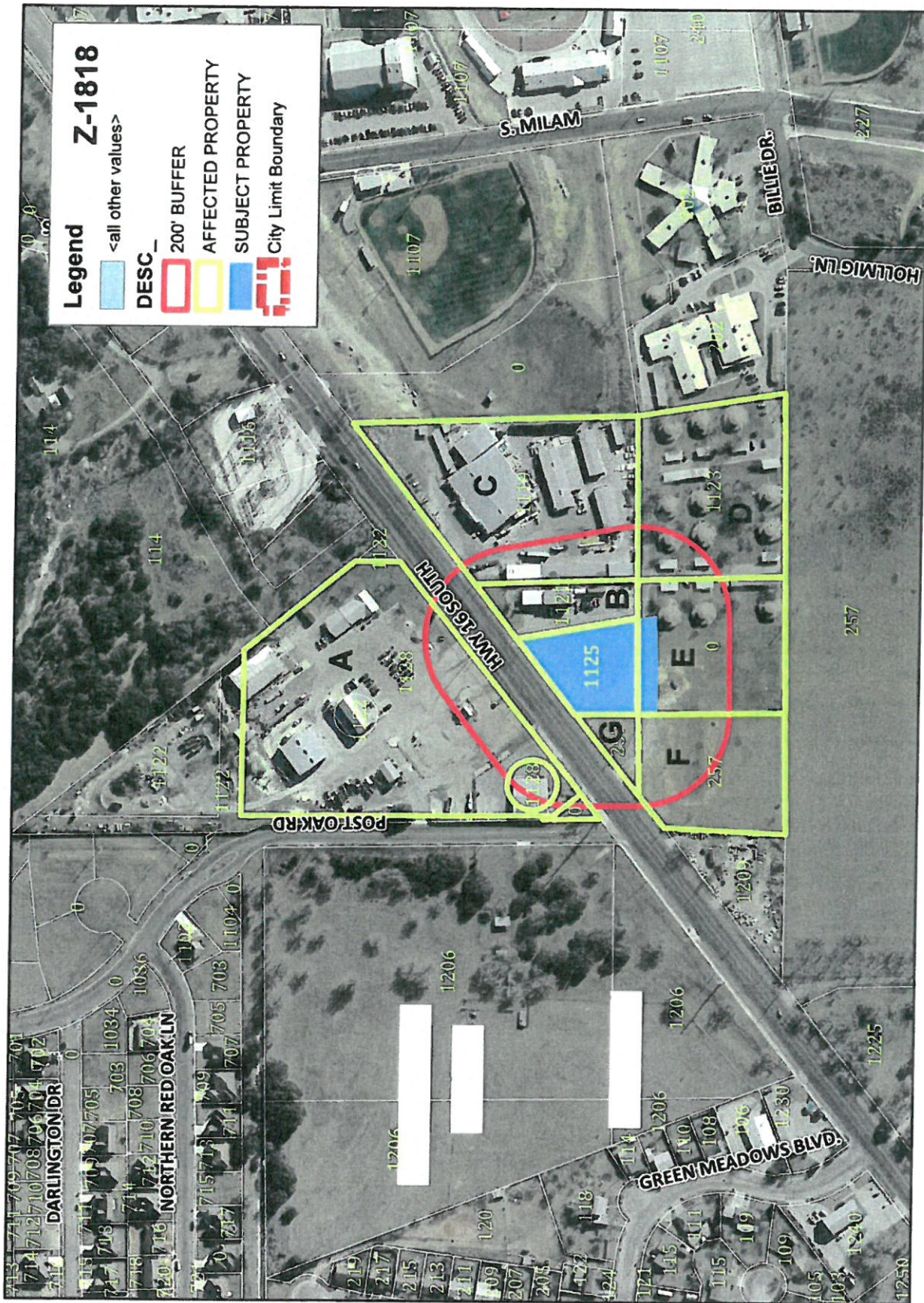
PRELIMINARY NOT FOR CONSTRUCTION

JAMES W.P. HOWARD
 ARCHITECT
 2416 STAGECOACH STREET
 FORT WORTH, TEXAS 76133
 (817) 377-3477

Chicken
 1125 SOUTH STATE HWY 16
 FREDERICKSBURG, TX 78624







Letter	Owner	Address
A	SPRING CANYON RANCHES LTD	P.O. BOX 393 FREDERICKSBURG, TX 78624
B	RAY GEISTWEIDT	1121 S ST HWY 16 FREDERICKSBURG, TX 78624
C	LN REAL ESTATE LLC	7595 TECHNOLOGY WAY STE 500 DENVER, CO
D	LUCKENBACH APARTMENTS	1208 N LLANO FREDERICKSBURG, TX 78624
E	LUCKENBACH APARTMENTS	1208 N LLANO FREDERICKSBURG, TX 78624
F	PENICK ESTATE LIMITED PARTNERSHIP	240 W MAIN FREDERICKSBURG, TX 78624
G	PENICK ESTATE LIMITED PARTNERSHIP	240 W MAIN FREDERICKSBURG, TX 78624
Z-1818		

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 A 0.25 ACRE TRACT OF LAND, BEING A PORTION OF LOT 1, LUCKENBACH APARTMENTS, A PART OF GERMAN EMIGRATION COMPANY OUTLOT NO. 72, OF RECORD IN VOLUME 573, PAGE 513, OF THE DEED RECORDS OF GILLESPIE COUNTY, TEXAS, SITUATED IN THE CITY OF FREDERICKSBURG, TEXAS; CHANGING SAID PROPERTY FROM HIGH DENSITY RESIDENTIAL TO MIXED USE DISTRICT; 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:

All of those certain lots, tracts or parcels of land situated in the City of Fredericksburg, Gillespie County, Texas, BEING a 0.25 acre tract of land being a portion of Lot 1, Luckenbach Apartments, a part of German Emigration Company Outlot No. 72, of record in Volume 573, Page 513, of the Deed Records of Gillespie County, Texas, said 0.25 acre tract being more

particularly described as set forth in the legal description attached hereto as Exhibit "A", and as additionally shown and designated on the map attached hereto as Exhibit "B", is hereby designated as Mixed Use District.

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 Goodwin, City Secretary

APPROVED AS TO FORM:

Daniel Jones, City Attorney

DESCRIPTION

DESCRIPTION of a 0.25 of an acre tract of land being a portion of Lot 1, Luckenbach Apartments, a part of German Emigration Company Outlot No. 72, of record in Volume 573, Page 513, of the Deed Records of Gillespie County, Texas, said 0.25 of an acre tract being more particularly described by metes and bounds as follows:

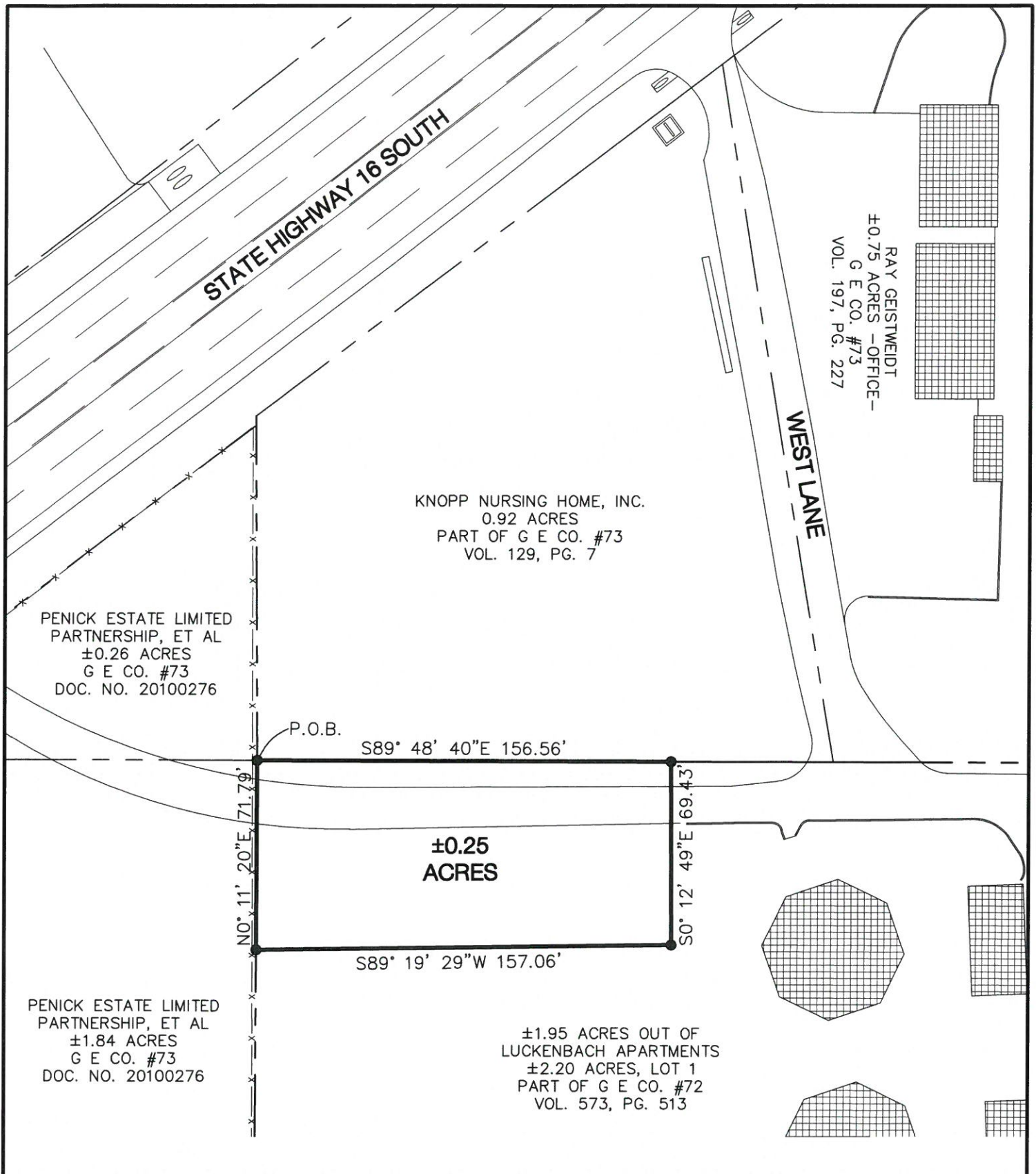
BEGINNING at the southeast corner of a tract of land called to be 0.26 of an acre, a part of German Emigration Company Outlot No. 73, described in a deed to Penick Estate Limited Partnership, et al, of record in Document Number 20100276, of the Official Public Records of Gillespie County, Texas, the northeast corner of a tract of land called to be 1.84 acres, a part of the German Emigration Company Outlot #73, described in a deed to Penick Estate Limited Partnership, et al, of record in Document Number 20100276, of the Official Public Records of Gillespie County, Texas, and the southwest corner of a tract of land called to be 0.92 of an acre, described in a deed to Knopp Nursing Home, Inc., of record in Volume 129, Page 7, of the Deed Records of Gillespie County, Texas, and the northwest corner of said Lot 1;

THENCE, S 89° 48' 40" E, with the south line of said 0.92 of an acre tract, and the north line of said Lot 1, 156.56 feet to a point for the northeast corner of the herein described tract;

THENCE, S 00° 12' 49: E, across said Lot 1, 69.43 feet to a point for the southeast corner of the herein described tract;

THENCE, S 89° 19' 29" W, across said Lot 1, 157.06 feet to a point in east line of said 1.84-acre tract, for the southwest corner of the herein described tract;

THENCE, N 00° 11' 20 E, 71.79 feet to the POINT OF BEGINNING containing 0.25 of an acre within these metes and bounds.



±0.25 ACRE TRACT AT
1125 S. STATE HIGHWAY 16

FBG., TX

Date: 12/07/2018

Job No. 18086

AC



VEI CONSULTING ENGINEERS

507D EAST HIGHWAY STREET, FREDERICKSBURG, TEXAS 78624

Tx. Registration # F-165 (830) 997-4744 Fax : (830) 997-6967 In Kerrville (830) 895-7440 Fax : (830) 895-7441

Agenda Packet
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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 A 0.25 ACRE TRACT OF LAND, BEING A PORTION OF LOT 1, LUCKENBACH APARTMENTS, A PART OF GERMAN EMIGRATION COMPANY OUTLOT NO. 72, OF RECORD IN VOLUME 573, PAGE 513, OF THE DEED RECORDS OF GILLESPIE COUNTY, TEXAS, SITUATED IN THE CITY OF FREDERICKSBURG, TEXAS; CHANGING SAID PROPERTY FROM R-3 MULTI-FAMILY RESIDENTIAL TO C-2 COMMERCIAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an Application for Rezoning has been submitted by the owners of property located within the City of Fredericksburg, Texas, to change the present zoning district of said property, from R-3 Multi-Family Residential to C-2 Commercial; 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 a 0.25 acre tract of land being a portion of Lot 1, Luckenbach

Apartments, a part of German Emigration Company Outlot No. 72, of record in Volume 573, Page 513, of the Deed Records of Gillespie County, Texas, said 0.25 acre tract being more particularly by metes and bounds on Exhibit "A", and as additionally shown and designated on the map attached hereto as Exhibit "B", copies of which are attached hereto and made a part hereof for all pertinent purposes, is hereby rezoned and designated as C-2 Commercial.

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 Goodwin, City Secretary

APPROVED AS TO FORM:

Daniel Jones, City Attorney

DESCRIPTION

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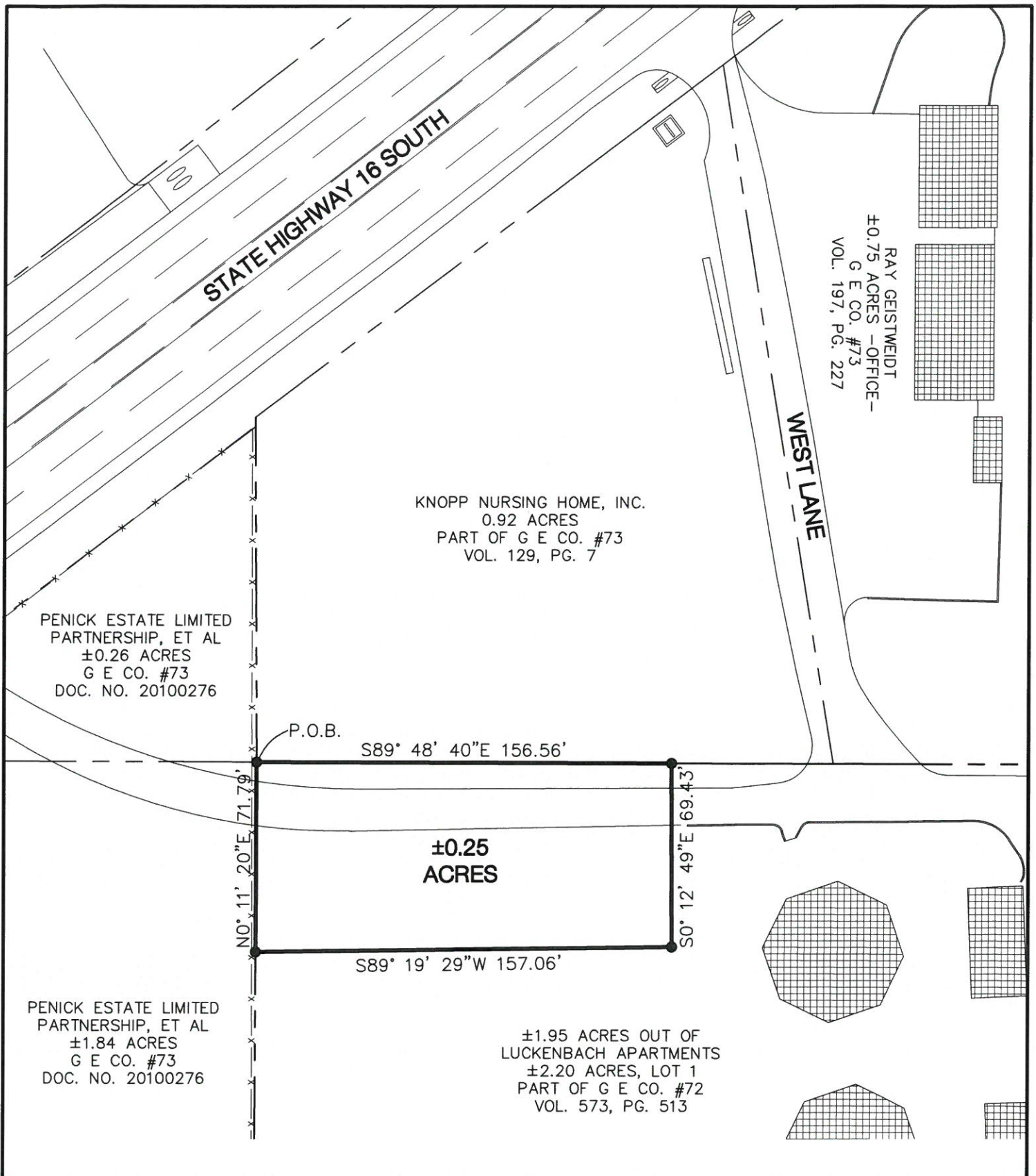
BEGINNING at the southeast corner of a tract of land called to be 0.26 of an acre, a part of German Emigration Company Outlot No. 73, described in a deed to Penick Estate Limited Partnership, et al, of record in Document Number 20100276, of the Official Public Records of Gillespie County, Texas, the northeast corner of a tract of land called to be 1.84 acres, a part of the German Emigration Company Outlot #73, described in a deed to Penick Estate Limited Partnership, et al, of record in Document Number 20100276, of the Official Public Records of Gillespie County, Texas, and the southwest corner of a tract of land called to be 0.92 of an acre, described in a deed to Knopp Nursing Home, Inc., of record in Volume 129, Page 7, of the Deed Records of Gillespie County, Texas, and the northwest corner of said Lot 1;

THENCE, S 89° 48' 40" E, with the south line of said 0.92 of an acre tract, and the north line of said Lot 1, 156.56 feet to a point for the northeast corner of the herein described tract;

THENCE, S 00° 12' 49" E, across said Lot 1, 69.43 feet to a point for the southeast corner of the herein described tract;

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±0.25 ACRE TRACT AT
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FBG., TX

Date: 12/07/2018

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Agenda Packet

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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

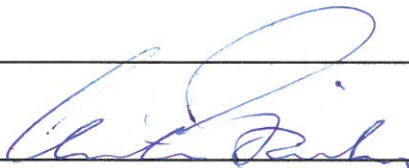
process for the revised fee structure and a public hearing, first reading and possible vote on the amended ordinance was scheduled for the January 7, 2019 regularly-scheduled City Council meeting.

The attached public notice which details the proposed fee structure was advertised in the Fredericksburg Standard Radio Post in the December 5th, 12th, and 19th 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:

Credit Type	Maximum Allowable Drainage Utility Fee Credit	Examples
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:

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

(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:

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

(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

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 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.~~

- (e) ~~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:

Credit Type	Maximum Allowable Drainage Utility Fee Credit	Examples
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	1,000 – 1,800	\$3.00
2	1,801 – 2,800	\$5.00
3	2,801 – 5,500	\$9.00
4	5,501 – 12,000	\$18.00
5	12,001 – 50,000	\$50.00
6	> 50,000	\$200.00

~~(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.

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:

Credit Type	Maximum Allowable Drainage Utility Fee Credit	Examples
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:

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

(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:

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

(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.

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

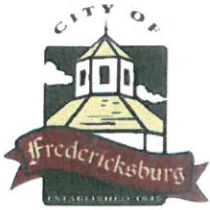
Linda Langerhans, Mayor
City of Fredericksburg, Texas

ATTEST:

Shelley Goodwin, City Secretary

APPROVED AS TO FORM:

Daniel Jones, City Attorney



CITY COUNCIL MEMO

DATE: January 14, 2019

TO: Mayor and City Council

FROM: Steven Wetz, Chief of Police

SUBJECT: Personnel Grant

Summary:

The Alamo Area Council of Governments (AACOG) has announced that Federal Funds are authorized for distribution under 34 U.S.C. 10152 Edward Byrne Memorial Justice Assistance Grant Program (JAG). AACOG has determined that a maximum of \$100,000 in grant funding is available to an agency. Agencies are also restricted to applying to only one type request, i.e. equipment, personnel, or program. Request for personnel only cover the cost of salaries and benefits and cities must agree to continue to cover the cost of the position in the next funding year.

The Fredericksburg Police Department requested, in the FY2019 budget, two positions for Police Officers. The cost of these position where \$55,870.40 in salary and \$18,696.96 in benefits for a total of \$74,567.36 each, not including equipment.

Grant application must be submitted by February 28, 2019 and if chosen to receive the grant funding would not occur until after October 1, 2019.

Recommendation:

The Fredericksburg Police Department request that the City Council approve the grant application for a Police Officer Position in the FY2020 budget year and agree to continue funding for that position after the FY2020 budget if awarded the grant.

Background / Analysis:

In the FY2019 budget discussion, the Fredericksburg Police Department requested two Police Officer positions. At that time there were no available grants for personnel. Each position requested had the following cost; Salary \$55,870.40, Benefits \$18,696.96 for a total of \$74,567.36 not to include equipment.

At this time the AACOG has announced that Federal Funds are authorized for distribution under 34 U.S.C. 10152 Edward Byrne Memorial Justice Assistance Grant Program (JAG). Grant authorization is dependent on the cities agreement to accept all other cost associated with that position as well as continued funding of that position in the FY2021 budget year. Other expenses would include approximately \$980 in new employee hiring cost, and \$57,000 in police equipment.

The deadline for the application will be February 28, 2019 and notification of grant awards will be made at the end of March 2019, which would be before our final FY2020 budget discussions are complete.

Attachments:

Grant Resolution



Department Approval



City Manager Approval



RESOLUTION 2019-01R

WHEREAS, the City of Fredericksburg finds it in the best interest of the citizens of Fredericksburg, Texas, that the Fredericksburg Police Department Patrol Officer Request project be operated for October 1, 2019 – September 30, 2020; and

WHEREAS, the City of Fredericksburg agrees to provide applicable matching funds for the said project as required by the Edward Byrne Memorial Justice Assistance Grant Program (JAG) application; and

WHEREAS, the City of Fredericksburg agrees that in the event of loss or misuse of the Criminal Justice Division funds, the City of Fredericksburg assures that the funds will be returned to the Criminal Justice Division in full.

WHEREAS, the City of Fredericksburg designates the City Manager as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

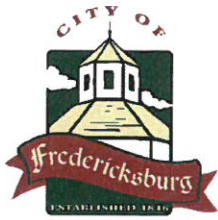
NOW THEREFORE, BE IT RESOLVED that the City of Fredericksburg approves submission of the grant application for the Fredericksburg Police Department Patrol Officer Request project to the Office of the Governor.

Signed by: _____

Linda Langerhans
Mayor, City of Fredericksburg

Passed and Approved this _____ (Day) of _____ (Month), _____ (Year)

Grant Number: 3743401



CITY COUNCIL MEMO

DATE: January 21, 2019

TO: Mayor and City Council

FROM: Kris Kneese, P.E. – Assistant Director of Public Works and Utilities

SUBJECT: Smokehouse Road Utility Extension Project - Construction Contract Award

Summary:

Receive construction contract pricing for the Smokehouse Road Utility Extension Project.

Recommendation:

City staff recommends awarding the Smokehouse Road Utility Extension Project construction contract to JM Pipeline, LLC in the amount of \$90,464.00.

Background / Analysis:

As part of the Beginnings Annexation Agreement approved by City Council on August 6, 2018, water and sanitary sewer utilities are to be extended to the south property line of the development. Additionally, the approved FY 2019 Water Department Budget includes funds in the amount of \$160,000 for the project. As discussed with City Council during the FY 2019 budget discussion, water and wastewater impact funds will be utilized to cover the project construction cost.

City Engineering Staff developed project bid documents, which publicly advertised for bid for four (4) weeks. Five (5) bids were received at the bid opening on January 10, 2019. The bids received are attached. The low bid was submitted by JM Pipeline, LLC in the amount of \$90,464.00. The low bid has been reviewed by City Staff and has been found to be complete and competitive.

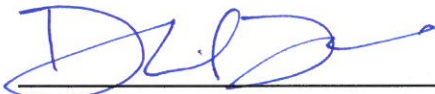
City Staff is recommending award of the Smokehouse Road Utility Extension Project construction contract to JM Pipeline, LLC in the amount of \$90,464.00.

Attachments:

- Project Map
- Bid Tabulation



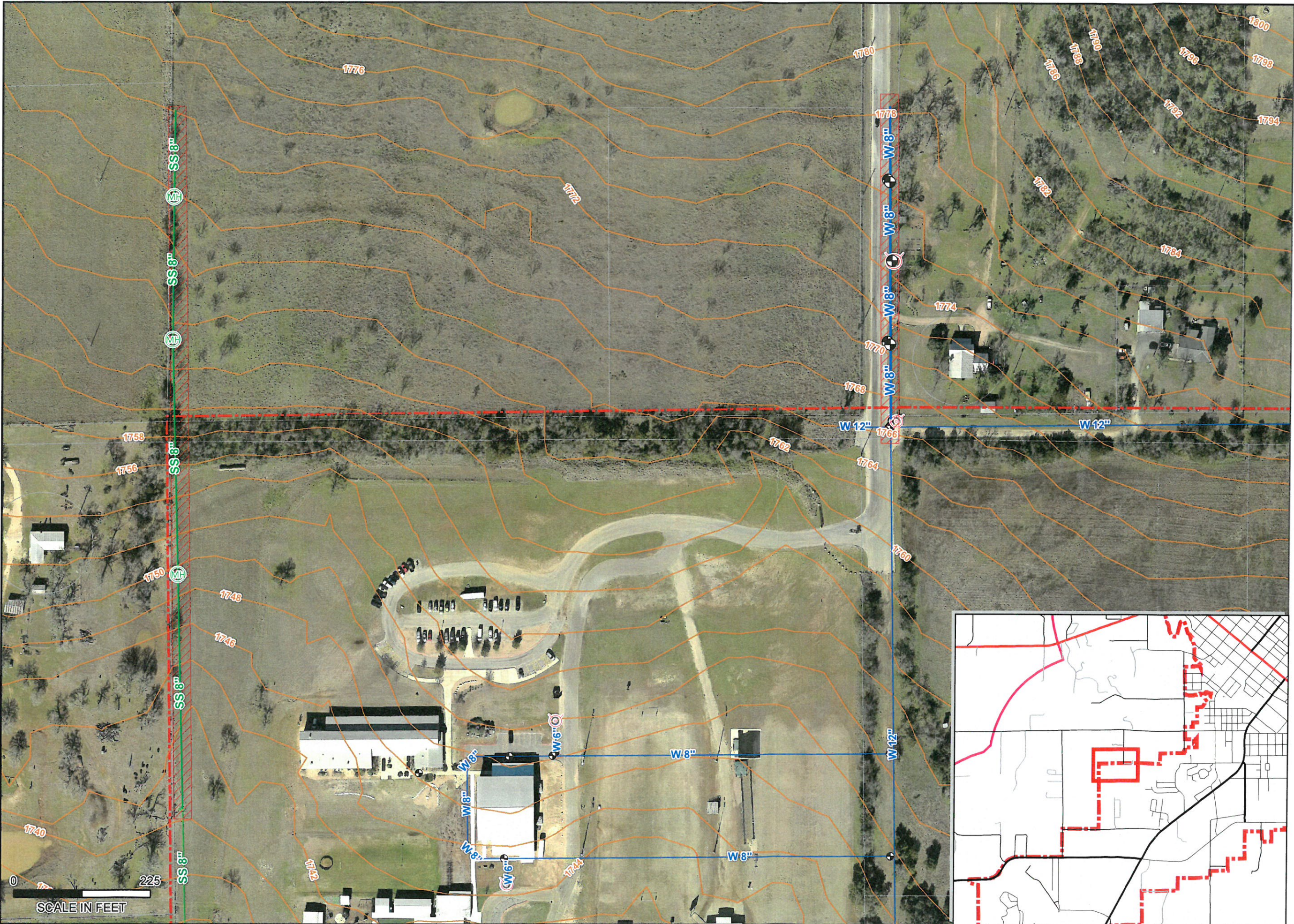
Department Approval



City Attorney Approval



City Manager Approval



LEGEND

- Proposed Manhole
- Proposed Sewer Main
- Proposed Fire Hydrant
- Proposed Gate Valve
- Proposed Water Main
- Project
- Existing Fire Hydrant
- Existing Gate Valve
- Existing Water Main
- Manhole
- Sewer Main
- Topo Lines
- Property Line
- City Limit

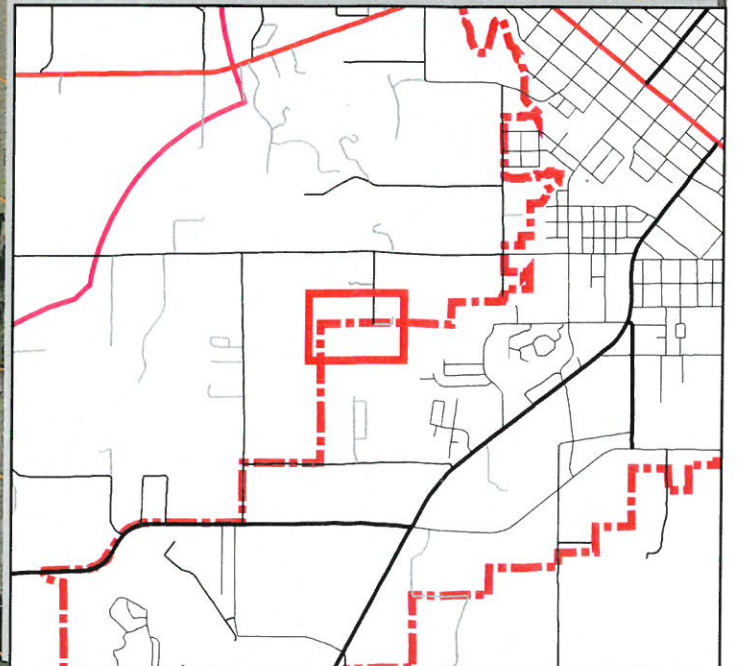


FIGURE 1
City of Fredericksburg
 Smoke House Road Project Location



BID OPENING FORM
City of Fredericksburg - Smoke House Road Utility Extension
January 10, 2019

Contractor	Bid Bond	Acknowledgement of Addenda	Subtotal Bid Amount (\$)	
Lupe Rubio Construction Co. Inc	✓	✓	\$ 126,072.65	
Nelson Lewis Inc	✓	✓	\$ 121,412.00	
JM Pipeline LLC	✓	✓	\$ 90,464.00	
Rockin Q Construction	✓	✓	\$ 99,952.00	
LeeTech Solutions LLC	✓	✓	\$ 152,476.00	



CITY COUNCIL MEMO

DATE: January 21, 2019

TO: Mayor and City Council

FROM: Andrea Schmidt, Parks & Recreation Director

SUBJECT: Camp Gladiator License Agreement

Summary:

At this time the City does not offer any fitness classes. Last year we were approached by Camp Gladiator to offer fitness programs in the parks. The initial programs would be held at LBJ Park to see what type of interest there is in these classes. Future classes could expand to some of the other parks listed in the license agreement.

Camp Gladiator is an outdoor group fitness program for adults. They partner with schools, churches, parks, and businesses to operate in their outdoor space when it is not being used by the organization/entity. They have been in business for 10 years, and have several thousand locations nationwide. They typically run their workouts early in the morning, mid-morning, mid-day and in the afternoon/evenings. They would handle all registration, provide insurance and instructors and, in exchange for using the City Parks, provide the City with 10% of the total revenue generated by classes.

Recommendation:

Consideration and approval of Camp Gladiator license agreement

Background / Analysis:

Camp Gladiator's mission is to positively impact the physical fitness and ultimately the lives of as many people as possible. They believe that people everywhere should experience a life-changing fitness community, with amazing trainers at convenient locations, for an affordable price. Their vision is to be everywhere there are people. Camp Gladiator started because the fitness industry was missing something. We designed a fun and challenging workout community dedicated to changing lives. What began in a parking lot in Dallas, TX, with 40 Campers has multiplied to over 3,500 locations across the nation. We focus on group fitness because we believe we are all Better Together.

Attachments:

Camp Gladiator License Agreement



Department Approval



City Attorney Approval



City Manager Approval

NON-EXCLUSIVE LICENSE AGREEMENT
BETWEEN THE
CITY OF FREDERICKSBURG AND CAMP GLADIATOR
FOR OUTDOOR GROUP FITNESS PROGRAMS WITHIN CITY PARKS

This Non-Exclusive License Agreement ("License") is made and entered into by and between the CITY OF FREDERICKSBURG, TEXAS ("City"), a political subdivision of the State of Texas, and CG NATION, LLC ("Camp Gladiator"), a Texas Limited Liability Company.

NOW, THEREFORE, the City and Camp Gladiator hereby agree as follows:

1. **Grant of Non-Exclusive License.** In consideration of and subject to the terms, provisions, and covenants herein contained, City hereby grants to Camp Gladiator a license to use and occupy locations within Cross Mountain Park, Elementary School Park, Ft. Martin Scott, Frantzen Park, Lady Bird Johnson Municipal Park, Oak Crest Park, and Old Fair Park (collectively the "Licensed Premises"), in the City of Fredericksburg, Gillespie County, Texas, for Camp Gladiator's outdoor group fitness programs at specific dates, times, and locations as agreed upon by the parties, during the term of this License. Prior to any use of the Licensed Premises, Camp Gladiator shall notify the City's Director of Parks and Recreation (or his/her designee) of Camp Gladiator's outdoor group fitness program schedule, including the dates, times, and specific areas within the Licensed Premises that Camp Gladiator will utilize. Camp Gladiator shall have a continuing duty, during the term of this License, to notify City of any amendments to Camp Gladiator's proposed outdoor group fitness program schedule related to use of the Licensed Premises.
2. **Term.** The term of this License shall begin upon execution of this License and end on December 31, 2019. The license granted in this License is revoked upon termination of this License.
3. **License Fee.** Camp Gladiator shall pay to City a license fee, calculated as ten percent (10%) of total revenue generated from all outdoor group fitness programs held by Camp Gladiator on the Licensed Premises during the term of this License. Any fees due to City under this License shall be remitted to the City on or before the tenth (10th) business day following the last day of each outdoor group fitness program held during the term of this License.
4. **Termination Election.** City and Camp Gladiator each shall have the right, either with or without cause and at any time, to terminate this License upon not less than sixty (60) days prior written notice to the other party. Upon such termination, City and Camp Gladiator shall be relieved of all further obligations hereunder except only for obligations accruing prior to the effective date of termination. Paragraph 14 (Indemnification) of this License shall survive the termination of this License.
5. **Use.** Camp Gladiator's use of the Licensed Premises shall comply with the following:

- a. Camp Gladiator may use the Licensed Premises for outdoor group fitness programs and for no other purpose;
 - b. Camp Gladiator shall ensure that each outdoor group fitness program participant execute a waiver and release of liability prior to said participant's participation in a outdoor group fitness program on the Licensed Premises, said waiver and release of liability being in a form substantially similar to form set forth in Exhibit A, a copy of which is attached hereto and incorporated herein by reference;
 - c. Camp Gladiator shall inspect the areas within the Licensed Premises that Camp Gladiator intends to use, prior to each use of the Licensed Premises, to ensure that the premises are safe for the intended use;
 - d. Camp Gladiator shall provide or require that its trainers, employees, agents, and program participants use all appropriate safety equipment;
 - e. Camp Gladiator shall ensure that all persons and activities are adequately supervised by a trained adult at all times during use;
 - f. Camp Gladiator shall maintain the areas used by Camp Gladiator within the Licensed Premises in a neat and orderly condition and remove any trash generated Camp Gladiator's use; and
 - g. Camp Gladiator shall not install, place, or use any signage without the prior written consent of the City, and in conformance with the City's sign ordinance.
6. Other Users. Camp Gladiator acknowledges and agrees that City may periodically authorize other users to use the Licensed Premises, including but not limited to special events or activities, which may impact Camp Gladiator's use of the Licensed Premises, to include modification of the areas Camp Gladiator uses within the Licensed Premises or preventing Camp Gladiator from using portions of the Licensed Premises at certain times.
7. No Warranties; Interruption of Business. City makes no warranty or representation concerning the condition of the Licensed Premises or its suitability for any use. The Licensed Premises are accepted "AS IS". In addition, City shall not be liable or responsible to Camp Gladiator in any manner for any interruption, or adverse impact on, Camp Gladiator's business as a result of casualty, flooding, acts of God, utility failure, or other occurrence.
8. Insurance. Camp Gladiator shall purchase and maintain a commercial general liability insurance policy from an insurance company licensed to do business in the State of Texas. The policy limits shall be at or above \$500,000.00 per person and \$2,000,000.00 per occurrence, and shall cover Camp Gladiator's use of the Licensed Premises. Upon execution of this License, Camp Gladiator shall provide the City Manager or designee with a copy of

the insurance policies required hereby. In the event of failure by Camp Gladiator to keep such insurance in effect, the License shall terminate immediately without notice. The public liability and casualty insurance policies shall name City as an "additional insured". All policies shall include a waiver of subrogation provision in favor of City. The policy and any renewal certificate shall provide that the City be notified thirty (30) days prior to cancellation or modification of any coverage. Camp Gladiator shall provide renewal certificates to the City at least ten (10) days prior to expiration date. Policies required under this Paragraph shall be in effect for the entire term of this License.

9. Alterations and Improvements. Camp Gladiator shall not make any alterations, additions, or improvements to the Licensed Premises, including but not limited to the placement of bleachers and benches, without the prior written approval of the City's Director of Parks and Recreation.

10. Access. City shall maintain its access to and use of the Licensed Premises at all times for any purpose, provided that City shall not unreasonably interfere with Camp Gladiator's use of the Licensed Premises for outdoor group fitness programs.

11. Unsafe Conditions. The City may restrict access to the Licensed Premises for health or safety reasons at any time and without notice to Camp Gladiator. An example of such an event is inclement weather, flooding, or potential flooding. If the City determines that access to the Licensed Premises should be restricted, then the City shall attempt to notify Camp Gladiator as soon as is practicable. Camp Gladiator shall remain alert as to changing weather conditions that may impact the safety of participants and use of the Licensed Premises.

12. Termination for Safety Violation or Unlawful Use. Camp Gladiator shall not use or occupy the Licensed Premises, nor permit the Licensed Premises or any part thereof to be used or occupied for any unlawful purpose. Camp Gladiator shall comply with all Federal, state, and local laws, ordinances, orders, rules and regulations relating to the use, condition, or occupancy of the Licensed Premises. Notwithstanding any other provision of this License, the City may terminate this License immediately upon any violation of this Paragraph, or any gross violation of any safety-related provision set forth in this License.

13. Intentionally Deleted.

14. **INDEMNIFICATION. CAMP GLADIATOR AGREES TO INDEMNIFY, DEFEND, AND HOLD CITY, ITS OFFICIALS, EMPLOYEES, AND AGENTS HARMLESS OF AND FROM ALL CLAIMS, INJURIES INCLUDING DEATH, DEMANDS, LIABILITY, LOSS, COST AND EXPENSES (INCLUDING ATTORNEY'S FEES AND COST OF LITIGATION) IN ANY MATTER ARISING OUT OF OR RESULTING FROM CAMP GLADIATOR'S USE OF THE LICENSED PREMISES, INCLUDING BUT NOT LIMITED TO ANY AND ALL LIABILITY, LOSS, COST AND EXPENSE ARISING FROM CLAIMS OR DEMANDS BY CAMP GLADIATOR'S INSTRUCTORS, AGENTS,**

PARTICIPANTS, AND VOLUNTEERS, EXCEPT FOR LOSSES, DAMAGES, OR INJURIES CAUSED BY THE SOLE GROSS NEGLIGENCE OR INTENTIONAL MISCONDUCT OF THE CITY.

15. Assignment or Sublicense. Camp Gladiator shall not assign or sublicense the Licensed Premises or any of its rights hereunder, in whole or in part, without the express prior written consent of the City Manager.

16. Casualty. In the event of property damage caused by Camp Gladiator or its instructors, agents, participants, or volunteers, Camp Gladiator shall immediately notify the City of the specifics of such occurrence and shall restore all damaged improvements within thirty (30) days.

17. No Other Relationship. This License constitutes the entire agreement between City and Camp Gladiator. Nothing contained herein shall be construed to create any principal/agent, employer/employee, joint venture, partnership, or other arrangement between City and Camp Gladiator.

18. Default. If either party hereto shall fail to perform any duty or obligation under this License, and such failure shall continue for a period of (10) days after written notice of default, except for Camp Gladiator's insurance obligations or for safety-related reasons provided in this License, for which no notice or opportunity to cure shall be given, the party not in default shall have the right, at such party's option, and in addition to any other remedies available at law or in equity, to terminate this License by notice to the party in default. The failure of either party to declare any default immediately upon the occurrence thereof or delay in taking any action in connection therewith shall not waive such default, but such party shall have the right to declare any such default at any time and take such action as might be authorized hereunder or that may be available at laws or in equity.

19. Notice. Any notice or document required or permitted to be delivered hereunder shall be deemed to be delivered, whether or not actually received, when deposited in the United States mail, postage prepaid, by certified mail, return receipt requested, addressed to the parties hereto at their respective addresses as set forth below:

To CITY:

City of Fredericksburg
Attention: City Manager
126 W. Main St.
Fredericksburg, TX 78624

To CAMP GLADIATOR:

CG NATION, LLC dba Camp Gladiator
9185 Research Blvd.
Austin, Texas 78758

20. Intentionally Deleted.

21. Accounting and Records. Camp Gladiator shall keep records pursuant to generally accepted accounting principles, concerning the fees received and any expenditures made related to Camp Gladiator's use of the Licensed Premises.

22. Warrant of Capacity. Each individual and entity executing this License hereby represents and warrants that he, she, or it has the capacity set forth on the signature page hereof with full power and authority to bind the party on whose behalf he, she, or it is executing this License to the terms hereof.

23. Approval Authority. In this License, wherever an act requires approval by or consent of the City, such approval or consent may be obtained from the City Manager, or designee.

24. Governing Law and Enforcement. This License shall be governed by the laws of the State of Texas and shall be performable in Gillespie County. Venue for any dispute arising between the parties to this License shall be in Gillespie County, Texas.

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

CG NATION, LLC

By: Jahna Douglas Date: January 14, 2019

Printed Name and Title: Jahna Douglas

CITY OF FREDERICKSBURG, TEXAS

By: _____ Date: _____
Kent Myers, City Manager

EXHIBIT A
SAMPLE PARTICIPANT'S WAIVER OF LIABILITY

I, the undersigned Participant, understand and agree that in consideration for my voluntary participation in a CG Nation, LLC dba Camp Gladiator ("CG") outdoor group fitness program, I voluntarily and knowingly assume all risks associated with my participation in the CG outdoor group fitness program, and on behalf of myself and my heirs, executors, and administrators, I voluntarily and knowingly waive all claims against, and release and hold harmless, the City of Fredericksburg, Texas, and its officers, agents, and employees, from and against any and all claims, damages, liabilities, causes of actions, losses, costs and expenses, including reasonable attorney's fees, arising out of or in connection with my participation in the CG outdoor group fitness program held on City of Fredericksburg property, including without limitation, personal injuries, death, or loss of use of personal property.

Participant Signature: _____

Date: _____

PARENT/LEGAL GUARDIAN CONSENT
(REQUIRED FOR PARTICIPANT UNDER 18 YEARS OF AGE)

I, the undersigned Parent or Legal Guardian of the above Participant, understand and agree that participation in the above referenced outdoor group fitness program may result in personal injury, death, or personal property damage. My son/daughter has my permission to participate in the above referenced outdoor group fitness program. I understand and agree to the assumption of risk and waiver of claims set forth above.

Parent/ Legal Guardian Name: _____

Parent/ Legal Guardian Signature: _____

Date: _____



CITY COUNCIL MEMO

DATE: January 15, 2019
TO: Mayor and City Council
FROM: Kent Myers, City Manager
SUBJECT: Water and Wastewater Rates

Summary:

An updated presentation on the proposed water and wastewater rate increase is scheduled for Monday's City Council meeting (see attached Power Point).

Recommendation:

Following this presentation, Council direction is needed on whether we should move forward with the rate increase as recommended.

Background / Analysis:

In the development of the 2019 City Budget, we included revenues from an increase in both water and wastewater rates. These rates were based upon a comprehensive utility rate study completed by Grady Reed with HDR Engineering. On July 20, 2018, Grady presented information on the proposed rate increase to the City Council.

Over the past several months we have updated information in the rate study to include the projects that were recently funded by the utility bond issue. We also requested that Grady prepare a revised water rate scenario that would phase the rate increase over three years rather than including a larger rate increase in 2019. Due to these changes, the proposed water rates that are recommended have been reduced significantly from the previous recommended water rates. For example, the monthly water rate

increase that was previously recommended for a customer using 10,000 gallons per month would have been \$8.35 a month. The new rates will result in a water rate increase for this same customer of \$4.11 per month. The wastewater rates are the same as previously recommended.

The rate consultant will be present at Monday's Council meeting to make this presentation and respond to questions from the Council.

Attachments:

Power Point Presentation on Water and Wastewater Rates



Department Approval



City Manager Approval



2019 UPDATE OF WATER & WASTEWATER RATES

City Council Presentation
City of Fredericksburg

January 21, 2019

HDR

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BACKGROUND

■ Water

- Adequate rates are maintained to comply with reserve requirements and fund the proposed Capital Improvements Plan.
- Annual CIP spending is \$19,800,000 in 2019 and only \$50,000 in 2023. Rates must be set to cover the year of maximum spending.
- Debt has been used to “even out” spending. Rates assume a debt issue of approx. \$18.7 million in 2019 (debt already issued) and \$1.2 million in 2020.
- Assumes 6,121 connections in FY19 with a total billed use of 787 mg.
- Growth rate is 1.2% a year (in-city) and 30% a year (outside-city).
- Total water expenses of \$6.0 million.

BACKGROUND

Water CIP

Project Name		Source of Funding	Estimated Project Cost by Year					Five-Year CIP Total
			2019	2020	2021	2022	2023	
W	W2 Replacement of 2" Water Mains - System Wide	Cash	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 250,000
W	W17 Secondary Water Supply to HCMH	Cash		\$ 108,160				\$ 108,160
W	W21 SCADA/Collector - Fiber Termination Room	Cash				\$ 263,218		\$ 263,218
W	W24 1050 GPM Pump at Cross Mountain	Fees			\$ 162,240			\$ 162,240
W	W25 Cross Mtn Storage Tank	Debt	\$ 2,021,294					\$ 2,021,294
W	W29 Water Line in Travis Street	Cash			\$ 1,474,022			\$ 1,474,022
W	W30 North Llano Street Water Line Rehab	Debt		\$ 1,124,864				\$ 1,124,864
W	W32 North Storage Tank	Debt	\$ 2,021,294					\$ 2,021,294
W	W41 East Main Street Water Line Rehab	Cash		\$ 562,432				\$ 562,432
W	W42 West Main Street Water Line Rehab	Cash			\$ 350,958			\$ 350,958
W	W43 Water Line Connection from WRF to Texas Rangers	Cash			\$ 35,096			\$ 35,096
W	W45 South Heights Pump Station Remodel	Cash			\$ 56,243			\$ 56,243
W	W49 12-inch Water Line from South Heights Pump Station	Fees			\$ 944,427			\$ 944,427
W	W51 1000 GPM Pump at South Heights Pump Station	Fees			\$ 337,459			\$ 337,459
W	W52 400 GPM Pump at Windcrest Pump Station	Fees			\$ 174,894			\$ 174,894
W	W58 Windcrest Area Pressure Improvements	Cash		\$ 957,324				\$ 957,324
W	W60 16 inch Water Line to Proposed PS on HWY 290	Debt	\$ 7,440,543					\$ 7,440,543
W	W61 Proposed Pump Station and Ground Storage Tank	Debt	\$ 6,833,596					\$ 6,833,596
W	W61 Proposed Pump Station and Ground Storage Tank	Fees	\$ 1,000,000					\$ 1,000,000
W	W82 Utilities - The Beginning Subdivision	Fees	\$ 70,688					\$ 70,688
W	W83 Utilities - HWY 87 North - Hotel Conference Center	Fees	\$ 113,563					\$ 113,563
W	W27 Bell Street Water Line Rehab	Cash	\$ 250,000					\$ 250,000
W			\$ 19,800,978	\$ 2,802,780	\$ 3,585,339	\$ 313,218	\$ 50,000	\$ 26,552,315

BACKGROUND

■ Wastewater

- Adequate rates are maintained to comply with reserve requirements and fund the proposed Capital Improvements Plan.
- Annual CIP spending in \$8,081,000 in 2020 and only \$50,000 in 2023. Rates must be set to cover the year of maximum spending.
- Debt has been used to “even out” spending. Rates assume a debt issue of approx. \$7.9 million in FY20 and \$2.8 million in FY21 for wastewater projects.
- Assumes 5,743 connections for FY19 with a total billed use of 627 mg.
- Growth rate is 1.2% a year (in-city) and 30% a year (outside-city).
- Total wastewater expenses of \$2.4 million.

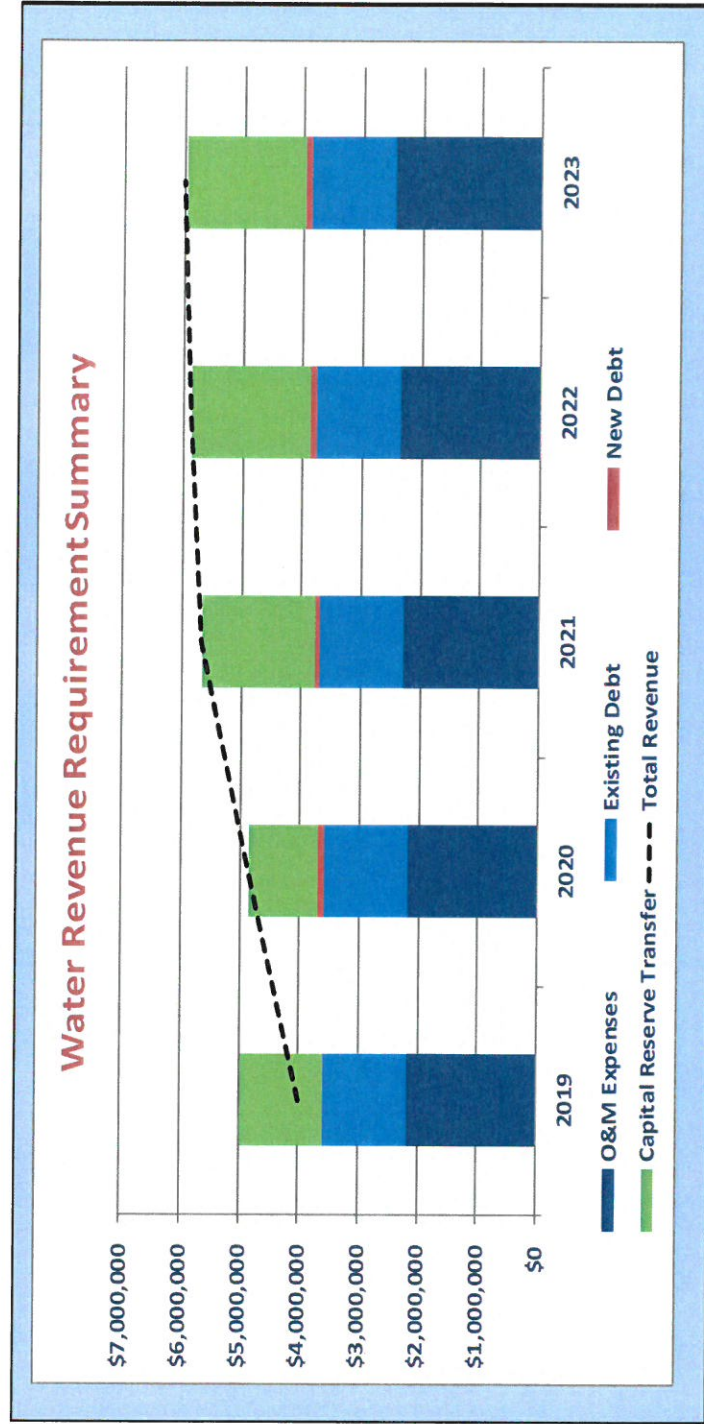
BACKGROUND

■ Wastewater CIP

Source of Funding			Estimated Project Cost by Year					Five-Year CIP Total
			2019	2020	2021	2022	2023	
Project Name								
WW	W3 Replacement of Existing Sewer Mains - System Wide	Cash	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 250,000
WW	W18 San Antonio Street Sewer Line Rehabilitation and Expansion	Cash	\$ 800,000					\$ 800,000
WW	W19 Hwy 16 - 12" Sewer Upgrade	Cash				\$ 273,747		\$ 273,747
WW	W26 Fairgrounds Lift Station Expansion	Debt			\$ 2,800,056			\$ 2,800,056
WW	W28 Sewer Line in Travis Street	Cash			\$ 584,929			\$ 584,929
WW	W31 North Llano Street Sewer Line Rehab	Debt		\$ 1,124,864				\$ 1,124,864
WW	W34 WWTP Effluent Storage Ponds	Cash						\$ 818,901
WW	W38 Heritage Hill Country Lift Station Expansion	Cash			\$ 1,075,685			\$ 1,075,685
WW	W40 WWTP Phosphorus Removal System	Cash		\$ 162,240				\$ 162,240
WW	W56 Friendship Lane Sewer Line Expansion	Debt		\$ 1,691,795				\$ 1,691,795
WW	W57 Adams Street Sewer Line Expansion	Debt		\$ 2,177,849				\$ 2,177,849
WW	W68 Boot Ranch Lift Station Rehabilitation and Expansion	Debt	\$ 340,000	\$ 2,874,300				\$ 3,214,300
WW	W82 Utilities - The Beginning Subdivision	Fees	\$ 92,040					\$ 92,040
WW	W83 Utilities - HWY 87 North - Hotel Conference Center	Cash	\$ 746,753					\$ 746,753
WW	W84 Utilities - Hwy 290 Annexation	Fees	\$ 1,515,000					\$ 1,515,000
WW			\$ 3,543,793	\$ 8,081,048	\$ 4,510,670	\$ 1,142,648	\$ 50,000	\$ 17,328,159

WATER UTILITY SUMMARY

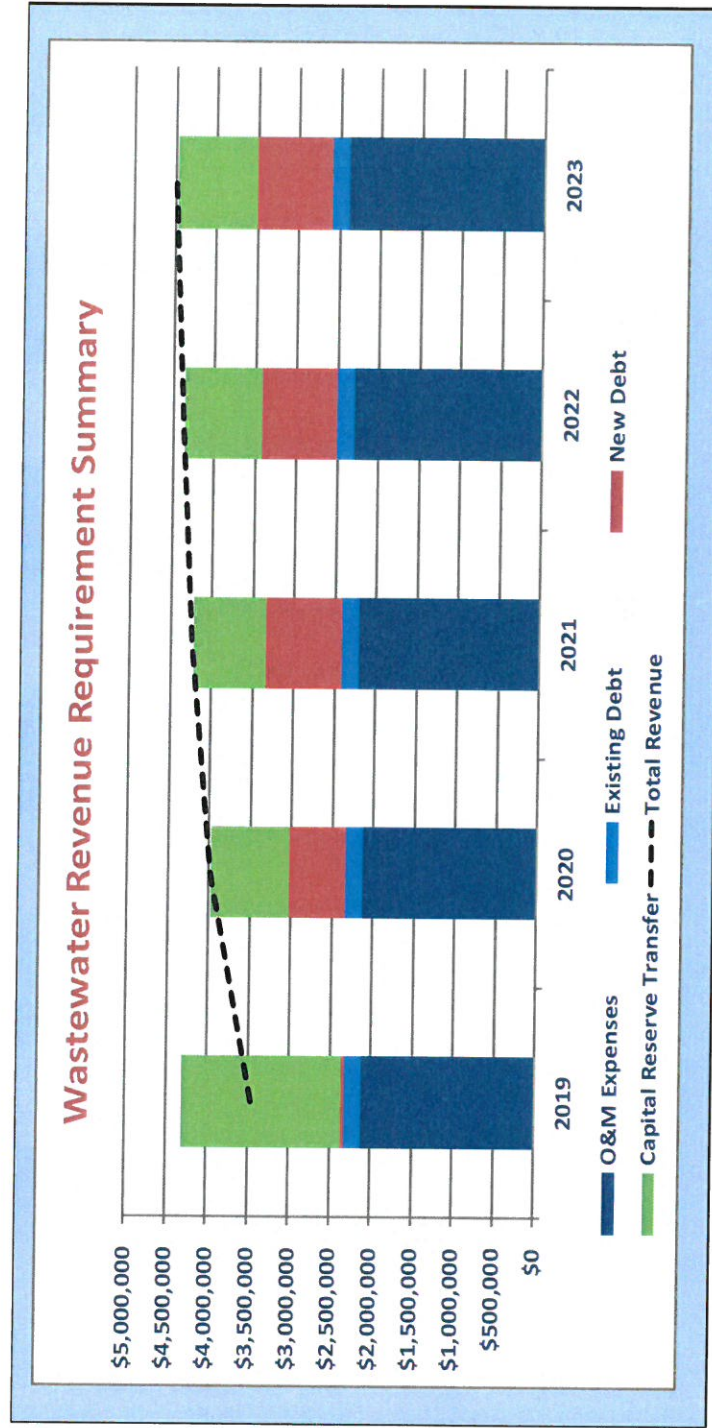
The proposed rate increase for FY19 results in an increase of \$4.11/month for a residential customer with 10,000 gallons of water use.



Water Bill Increase (3,000 gallons) \$1.87 \$2.10 \$2.38 \$0.00 \$0.00
 Water Bill Increase (10,000 gallons) \$4.11 \$4.63 \$5.31 \$0.00 \$0.00

WASTEWATER UTILITY SUMMARY

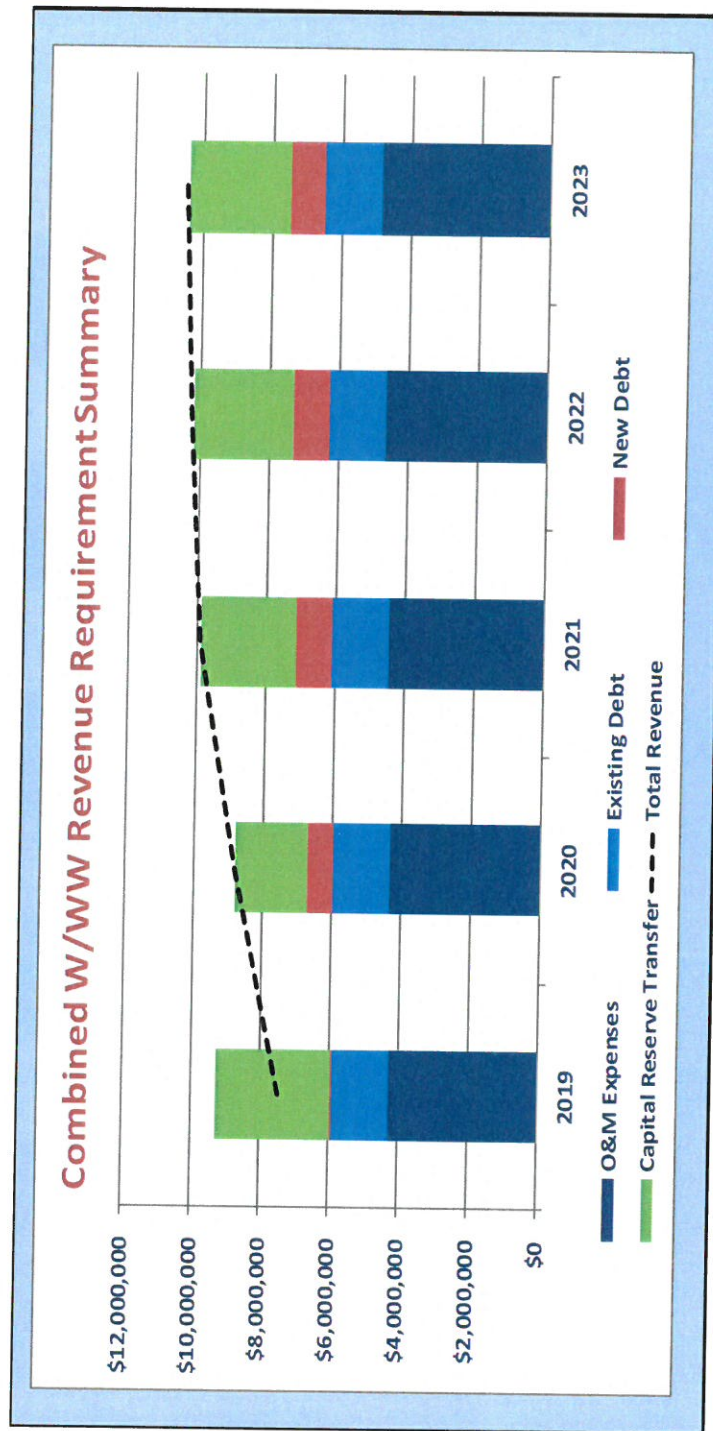
The proposed rate increase for FY19 results in an increase of \$1.33/month for a residential customer with 5,000 gallons of wastewater use.



Wastewater Bill Increase (3,000 gallons)	\$1.00	\$0.69	\$0.00	\$0.00
Wastewater Bill Increase (5,000 gallons)	\$1.33	\$0.93	\$0.00	\$0.00

UTILITY FUND SUMMARY

The proposed rate increase for FY19 results in an increase of \$5.44/month increase for a residential customer with 10,000 gallons of water & 5,000 gallons wastewater use.



Total Bill Increase (3,000 gallons)	\$2.87	\$3.07	\$0.00	\$0.00
Total Bill Increase (10,000 & 5,000 gallons)	\$5.44	\$6.24	\$0.00	\$0.00

RESIDENTIAL BILL COMP.

- Sorted by Residential Bill @ 10,000 Gallons/Month Water Use -

City	WATER		WASTEWATER		TOTAL WATER & WASTEWATER	
	RESIDENTIAL WATER		RESIDENTIAL SEWER		RESIDENTIAL	
	Bill for 5,000 Gallons	Bill for 10,000 Gallons	Bill for 5,000 Gallons	Bill for 10,000 Gallons	Bill for 5,000 Gallons	Bill for 10,000 Gallons
Boerne	\$ 66	\$ 81	\$ 49	\$ 77	\$ 115	\$ 158
San Marcos	\$ 41	\$ 71	\$ 47	\$ 83	\$ 87	\$ 154
Llano	\$ 47	\$ 58	\$ 73	\$ 82	\$ 120	\$ 141
Marble Falls	\$ 45	\$ 66	\$ 38	\$ 57	\$ 82	\$ 123
Johnson City	\$ 32	\$ 58	\$ 32	\$ 52	\$ 65	\$ 110
Kerrville	\$ 27	\$ 44	\$ 35	\$ 61	\$ 62	\$ 105
Brady	\$ 39	\$ 61	\$ 31	\$ 44	\$ 69	\$ 104
New Braunfels	\$ 21	\$ 32	\$ 36	\$ 56	\$ 57	\$ 88
Fredericksburg (Proposed)	\$ 21	\$ 37	\$ 28	\$ 45	\$ 49	\$ 83
Fredericksburg (Current)	\$ 19	\$ 33	\$ 27	\$ 43	\$ 45	\$ 76
Junction	\$ 37	\$ 49	\$ 14	\$ 24	\$ 50	\$ 73
Mason	\$ 28	\$ 46	\$ 15	\$ 24	\$ 43	\$ 70

COMMERCIAL BILL COMP.

- Sorted by Commercial Bill @ 50,000 Gallons/Month Water Use -

City	WATER		WASTEWATER		TOTAL WATER & WASTEWATER	
	COMMERCIAL WATER		COMMERCIAL SEWER		COMMERCIAL	
	Bill for 50,000 Gallons	Bill for 200,000 Gallons	Bill for 50,000 Gallons	Bill for 200,000 Gallons	Bill for 50,000 Gallons	Bill for 200,000 Gallons
Boerne	\$ 385	\$ 1,196	\$ 496	\$ 1,825	\$ 881	\$ 3,021
San Marcos	\$ 392	\$ 1,608	\$ 382	\$ 1,463	\$ 774	\$ 3,072
Marble Falls	\$ 311	\$ 1,278	\$ 213	\$ 798	\$ 524	\$ 2,076
Johnson City	\$ 275	\$ 1,082	\$ 239	\$ 921	\$ 514	\$ 2,004
Kerrville	\$ 195	\$ 856	\$ 284	\$ 1,109	\$ 479	\$ 1,965
Junction	\$ 218	\$ 917	\$ 247	\$ 440	\$ 465	\$ 1,357
Brady	\$ 249	\$ 1,077	\$ 211	\$ 788	\$ 459	\$ 1,865
Llano	\$ 259	\$ 1,121	\$ 180	\$ 594	\$ 438	\$ 1,715
Fredericksburg (Proposed)	\$ 174	\$ 718	\$ 224	\$ 909	\$ 397	\$ 1,627
New Braunfels	\$ 120	\$ 450	\$ 269	\$ 982	\$ 389	\$ 1,432
Fredericksburg (Current)	\$ 154	\$ 638	\$ 213	\$ 861	\$ 367	\$ 1,499
Mason	\$ 242	\$ 650	\$ 50	\$ 50	\$ 292	\$ 700

QUESTIONS?





CITY COUNCIL MEMO

DATE: January 16, 2019
TO: Mayor and City Council
FROM: Kent Myers, City Manager
SUBJECT: HOT Funding-Local Organizations

Summary:

At Monday's Council meeting an initial discussion is scheduled on the applications submitted by local organizations for HOT funds.

Recommendation:

It is recommended that the City Council discuss each application so that you have a clear understanding of what is being requested before you approve the HOT funding requests next month.

Background / Analysis:

Several weeks ago, the Council was provided with a notebook that includes the 33 applications that were submitted for HOT funds this year. Please bring your folder to the Council meeting so that you can refer to this information during the Council discussion.

Attached to this memo is a spread sheet that includes the amount of funding that has been requested by each organization and the funding that they received over the past three years. As noted on this attachment, a total of \$556,060 had been requested this year with \$460,145 in funds remaining to be allocated.

The City Attorney is in the process of reviewing the funding requests to ensure that they comply with State law. He will provide the Council with his recommendations prior to the meeting.

The purpose of Monday's meeting is for the Council to gain a clear understanding of what is being requested by the different organizations. So, please feel to ask questions of the applicants who will be present at the meeting. At the next City Council meeting, we will schedule additional discussion and approval of the HOT fund allocation for this year.

Attachments:

Spread Sheet on HOT Funding Requests.



Department Approval



City Manager Approval

	Organization	City amount given in 2016	City amount given in 2017	City amount given in 2018	2019 requested amount	% of total	City 2019 approved	% total approved	County 2016 amount	County 2017 amount	County 2018 amount	County 2019 amount
1	Hill Country Antiques Tractor and Engine Club, Inc.	6,000	6,000	3,000	3,000	0.54%			3,000	2,250	2,000	
2	FBG Art Guild	4,500	4,000	4,400	4,500	0.81%						
3	Mom Center				2,000	0.36%						
4	Film Festival	6,500	6,500	8,000	8,000	1.44%						
5	Friends of Gillespie County Country School	64,800	47,641	61,730	25,590	4.60%			39,000	37,500	25,000	
6	Admiral Nimitz	125,000	125,000	125,000	130,000	23.38%				7,500	10,000	
7	Gillespie County Fair	40,000	45,000	45,000	45,000	8.09%			12,000	13,000	14,000	
8	Former Tx Ranger-Celebrate Tx			20,000	28,750	5.17%						
8a	Former Tx Ranger-History Symposium			15,000	23,750	4.27%						
9	Die Kunstler von Fbg	2,500	3,000	3,000	4,200	0.76%			1,000	1,500	1,500	
10	Fredericksburg Music Club, Inc.				5,000	0.90%						
11	Fredericksburg Billie Booster, Inc. (Athletics)				4,200	0.76%						
12	Chamber-Christmas Parade	10,000	10,000	12,000	12,000	2.16%			5,000	7,500	9,000	
13	Jaycees-Crawfish Festival	5,000	5,000	10,000	15,000	2.70%			5,000	5,000		
14	Tennis Assoc			3,150	2,640	0.47%						
15	SystemsGo	2,500	3,000	3,500	4,000	0.72%						
16	Food Truck Festival	6,000	7,500	7,500	10,000	1.80%						
17	GC Historical Society	81,000	93,500	65,250	95,000	17.08%			5,700	14,000	14,000	
18	Majesty Tours (operating Oktoberfest Park and Ride				10,000	1.80%						
19	Fbg Theater Co	25,000	25,000	25,000	40,000	7.19%			3,000	6,750	4,500	
20	Fort Martin Scott Friends	0	23,450	14,930	14,930	2.68%						
21	Fort Martin Scott Friends (2 Rehab porch and decks)				13,500	2.43%						
22	Fort Martin Scott Friends (3-Rehab buildings)				12,500	2.25%						
23	July 4th Celebration	5,000	4,500	5,000	4,500	0.81%						
24	Farmers Market	3,000	3,000	3,000	3,500	0.63%						
25	Optimist-Hill Country Run	7,000	5,000	5,000	5,000	0.90%			1,500	1,500	1,500	
26	Global Leadership Summit			1,500	2,000	0.36%						
27	Friends of Enchanted Rock	8,000		5,000	blank							
28	Waltstock & Barrel, LLC				4,000	0.72%					2,500	



CITY COUNCIL MEMO

DATE: January 15, 2019

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: Appropriation of Surplus HOT Funds

Summary:

This agenda item includes a discussion on the possible appropriation of surplus HOT funds that were included in the City Tourism Fund at the end of the last fiscal year.

Recommendation:

Following discussion on this agenda item, direction is needed on whether the City Council would like to approve a budget amendment appropriating some of the surplus HOT funds this year. If so, we will prepare this budget amendment and present it to the Council at your next meeting.

Background / Analysis:

In the past the City has attempted to maintain a small balance in the Tourism Fund. The intent has been to appropriate these funds to have an immediate impact in terms of placing "heads in beds." At the end of the last fiscal year (September 30, 2018), we had about \$1 million in the fund balance in the Tourism Fund. However, we need to maintain about \$600,000 in this Fund due to the fact that we prepay the CVB on October 1 for their first quarterly payment. Therefore, we have about \$400,000 in surplus funds that the Council can appropriate if you would like to consider using these funds at this time.

Over the past several months, several different requests have been submitted for use of these funds that will be discussed at Monday's meeting. This includes the following:

Agenda Packet Page 115

The City of Fredericksburg

- A. \$87,611 to restore full funding for the CVB for last year (see attached information)
- B. \$95,000 to replace Christmas lighting at Marktplatz
- C. \$75,000 to begin advertising and promotion of the 175th Anniversary Celebration.

In addition to these requests, the Chairman of the Marktplatz Redevelopment Commission also requested that the City consider allocating some of these funds to assist with the construction of new restrooms at Marktplatz. However, the City Attorney has determined that HOT funds cannot be used for these purposes according to State law.

Attachments:

CVB request for funding


Department Approval


City Manager Approval

Memorandum

To: Kent Myers, City Manager

From: Ernie Loeffler, President/CEO 

Subject: FY18 Budget Restoration

Date: December 28, 2018

Copy: Tom Musselman, City Council Rep on FCVB Board

Kent, While reviewing our HOT contract with the City for FY19 with the FCVB Board, it was pointed out that our contract indicates that any shortfall of HOT from the budget projection should be made up from the City Tourism Fund if funds are available there. See Section II of the attached contract for FY18. Unfortunately I did not remember this clause in the contract at the time you, Bill and I discussed this.

As you know, the fourth quarter HOT payment to the FCVB was reduced by \$87,611 based on HOT collections not coming in on pace. The FCVB Board feels that, based on the contract, our budget should not have been reduced with the shortfall instead coming from the City's Tourism Fund since significant funds are available there.

The HOT budget projection for FY18 of \$3,262,000 was missed by \$63,989 so at the very least the FCVB should receive a payment of \$23,622 – the difference between the \$87,611 reduction in our fourth quarter payment and the final shortfall number. If we want to abide by the FY18 contract terms, we should receive a payment of \$87,611 to restore our full funding for FY18.

A restoration of either \$23,622 or \$87,611 for the FY18 budget would assist us in funding the following major projects in FY19:

- Significant visitor research project
- New theater video
- New destination website
- New CRM system (customer relationship management)
- Tourism master plan *(no line item in budget)*
- Revision of architectural drawings to obtain a construction estimate on future expansion of the City building housing the FCVB *(no line item in budget)*

Just to give you an idea of our significant funding needs this fiscal year – the website and CRM system bid is \$111,525. Theater video cost estimate in in process with ad agency. I will be working on RFPs on other items in January.

Thank you for your consideration of this request from the FCVB Board.

Agenda Packet Page 117

FY17 vs. FY18 Comparison of City of Fredericksburg HOT Collections

	2016/17	2017/18
Frist Quarter	\$816,254	\$655,213
Second Quarter	\$639,076	\$816,692
Third Quarter	\$777,842	\$951,228
Fourth Quarter	\$754,450	\$774,878
Total	\$2,987,622	\$3,198,011

Notes:

- ***For the first time ever***, HOT collections for a fiscal year for the City surpassed the \$3 million mark.
- Collections for FY18 were up \$210,389 over FY17 – ***a 7% increase.***
- The HOT budget projection for FY18 of \$3,262,000 was missed by \$63,989 – a 2% shortfall.
- When collection estimates earlier in the year indicated a possible shortfall for FY18, the City withheld \$87,611 from the last quarter of FY18 payment to the Fredericksburg Convention and Visitor Bureau.
- These numbers are from a report run on 11/19/18 by the City's Finance Department.

Future Agenda Items

City Council

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. 1-15-19 City Council Retreat/Workshop Meeting Minutes.
2. 1-21-19 City Council Regular Meeting Minutes.

Public Hearing

1. 1st Annexation Hearing on Heather Glen.

Ordinances

1. Calling for the May 4, 2019 City Election (General and Special Election).
2. Amendment to the Lighting Ordinance.
3. Ordinance prohibiting Electric Scooters.
4. Ordinance establishing regulations related to Child Sex Offenders.
5. Amendment to the Fee Ordinance regarding the taxi cabs.

Resolutions:

1. Resolution supporting state legislation for rebate of State HOT taxes for hotel/conference center project.

Approvals-Misc.

1. City Manager 2019 Performance Goals.
2. Approval of lease agreement with the Art Guild.
3. Hotel/Motel Occupancy Tax allocation.

Presentations, Discussions and Updates:

1. Traffic Impact Study (Windcrest Street area).
2. Presentation by Bond Counsel on City Council guidelines for participation in municipal bond elections.

February 18, 2019

Regular Meeting

Recognitions:

Consent

1. 2-4-19 City Council Regular Meeting Minutes.

Public Hearing

1. 2nd Annexation Hearing on Heather Glen.

Ordinances

Resolutions:

Approvals-Misc.

Presentations, Discussions and Updates:

1. Morning Rotary Club Basketball Pavilion presentation.