City of Fredericksburg

REGULAR CITY COUNCIL MEETING AGENDA
MONDAY, APRIL 6, 2020 ~ 6:00 P.M.

Linda Langerhans, Mayor
Tom Musselman, Councilmember
Bobby Watson, Councilmember
Charlie Kiehne, Councilmember
Gary Neffendorf, Councilmember
Kent Myers, City Manager

The City of Fredericksburg City Council will meet in a regular session on Monday, April 6, 2020, at 6:00 p.m. This meeting will be held remotely via Zoom Teleconferencing, and in person attendance will not be available. Members of the public may attend the meeting remotely by web or telephone via Zoom Teleconferencing (see details below). These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code.

Members of the public may join the Zoom Meeting by one of the following:
By web:
https://zoom.us/j/870200237
Meeting ID: 870 200 237

By phone:
(888)788-0099 (Toll Free)
(877)853-5247 (Toll Free)
Meeting ID: 870 200 237

You may also access this meeting through livestream on the City of Fredericksburg’s Facebook page.

Audio of this meeting will be recorded and uploaded to the City website following the conclusion of the meeting.

1. CALL TO ORDER

2. UPDATE ON CORONAVIRUS (COVID-19) PANDEMIC

3. PUBLIC COMMENTS
During the COVID-19 pandemic, the City of Fredericksburg is allowing public comments to be submitted remotely, by 3 p.m. on April 6, 2020, using any of the following methods:

1. Complete the Citizen Comment Form online at www.fbgtx.org; or
2. Email your comments to sgoodwin@fbgtx.org; or
3. Complete a Citizen Comment Form located inside the Public Access entrance at 126 W. Main Street, Fredericksburg, Texas, and place in the box marked Citizen Comment Form.

Copies of the submitted comments will be provided to the City Council and made public on the City website under the “April 6, 2020, City Council Regular Meeting” tab.
4. 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 City Council March 16, 2020 City Council Regular Meeting Minutes (Agenda Packet Pages 5-10)

5. ORDINANCES
A. Annexation of 91.43 acres of land situated in Gillespie County, Texas along the south side of W. Live Oak and extending from east of Post Oak Road to west of Smokehouse Road.
   i. Consider the Institution of Annexation Proceedings
   ii. Consider the approval of Annexation Agreement with CSE Commercial Real Estate, LP for the Live Oak/Post Oak Plan for Development. (Page 14)
   iii. Consider the approval of the Ordinance 2020-01 annexing approximately 91.43 acres of land, located along the Southside of W. Live Oak Street extending from east of Post Oak Road to west of Smokehouse Road, Gillespie County, extending the corporate limits of the City so as to include said territory granting to all inhabitants and future inhabitants of said territory; all of the rights and privileges of other citizens of the City; binding the inhabitants and future inhabitants of said territory by any and all acts, Ordinances, Resolutions and regulations of said City; and adopting an Annexation Service Plan for the extension of Municipal Services into said territory and the construction and maintenance of public utilities related to such annexation. (1st of two readings; City Council may waive second reading ) (Page 25)
   iv. Consider the approval of the Ordinance 2020-02 adopting a change in the Comprehensive Plan of the City; specifically in the Land Use Map and Comprehensive Plan as to tracts located along the South Side of W. Live Oak Street extending from east of Post Oak Road to west of Smokehouse Road; changing said property to commercial, public, and high density residential; providing that the change become a part of the Comprehensive Plan and providing for an effective date (1st of two readings; City Council may waive second reading). (Page 38)
   v. Consider the approval of the Ordinance 2020-03 amending the Zoning Ordinance of the City and establishing the Zoning District as to tracts located along the south side of W. Live Oak Street, extending from east of Post Oak Road to west of Smokehouse Road, upon annexation into the City; establishing Residential, Public Facilities, and Commercial Zoning for said property upon annexation; and providing for an effective date (first of two readings; City Council may waive second reading). (Page 45)

(Agenda Packet Pages 11-56 )

6. OTHER ACTION ITEMS AND UPDATES
A. Hold a discussion and possible action regarding the May 2, 2020 City of Fredericksburg General Election.
   i. Consider the approval of Resolution 2020-08R ordering the postponement of the May 2, 2020 general election (for the purpose of electing a Mayor and two Councilmembers) until November 3, 2020; extending the terms under the Holdover Provision of the Texas Constitution; and ordering other matters incident and related to such election.

(Agenda Packet Pages 57-62)
B. Hold a discussion and possible action to extend the payment deadline for 1st Quarter CY 2020 Hotel Occupancy Tax due to COVID-19.  
(Agenda Packet Item 63-67)

C. Hold a discussion to consider delaying or canceling the CXT Concrete Building restroom and shower project at LBJ Park for a cost savings of $235,000.  
(Agenda Packet Item 67-68)

D. Hold a discussion to consider closing or restricting access to additional park facilities.  
(Agenda Packet Item 69-70)

7. CITY MANAGER'S REPORT
   A. City Finance Update

   B. HOT Funding

   C. Future City Council Meetings

   D. Major Water Improvement Project

   E. Electric Services Building

8. ITEMS FOR FUTURE AGENDA
   (Agenda Packet Pages 71-72)

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

10. ADJOURN
This is to certify that I, Shelley Goodwin, posted this Agenda at 10:30 a.m. on April 2, 2020, at the entrance and on the bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.

[Signature]

Shelley Goodwin, TRMC
City Secretary
CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL REGULAR MEETING
MARCH 16, 2020

Members Present:
Mayor Linda Langerhans
Mayor Pro Tem Gary Neffendorf
Councilmember Charlie Kiehne
Councilmember Tom Musselman
Councilmember Bobby Watson

Members Absent:
None

City Staff Present:
Kent Myers, City Manager
Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities
Daniel Jones, City Attorney
Brian Jordan, Development Services Director
Steve Wetzel, Police Chief
Russell Immel, Information Technology Director
Andrea Schmidt, Parks Department Director
Kris Keesee, Assistant Director of Public Works and Utilities
Garrett Bonn, Assistant Engineer
Shelley Goodwin, City Secretary

1. PLEDGE OF ALLEGIANCE
Mayor Langerhans led the Pledge.

2. CALL TO ORDER
With a quorum 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, March 16, 2020, in the Law Enforcement Center, 1601 East Main Street, Fredericksburg, Texas 78624.

3. PUBLIC RECOGNITIONS
Kent Myers, City Manager, stated he received a thank you for all the volunteers who came out to help after the accident on Main Street.
Mayor Langerhans also thanked everyone who came out to help get the businesses and got the walkway opened for business the next day.

4. PUBLIC COMMENTS
Donna Mitchell, Yee-Haw Ranch, expressed her concerns about Bypass and the Live Oak Road area annexation. She also expressed her concerns with vehicle count on Highway 290.

Mayor Langerhans stated the City Council did not have a say in the By-Pass Route. However, she related that there are some members of Council on the Relief Route Task Force.

Clinton Bailey, Assistant City Manager/Public Works and Utilities Director, stated TxDOT had a hand count study done and they provided the number of trucks used in the recent study.

Mickey Poole expressed his concerns regarding the By-Pass.

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 City Council Minutes:
   i. February 11, 2020, City Council Joint Meeting with Historic Review Board and Planning and Zoning Commission (Page )
   ii. February 28, 2020, City Council Joint Meeting with Gillespie County (Page )
   iii. March 3, 2020, City Council Regular Meeting (Page )

B. Consider approval of street closing on W. Austin Street between N. Adams and N. Crockett Street on Saturday, June 6, 2020, from 6 a.m.-6 p.m. for the Masonic Car Show.

Motion: A motion was made by Councilmember Musselman seconded by Councilmember Watson, to approve the Consent Agenda Items 6. A and B. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

6. PUBLIC HEARING
A. Annexation of approximately 91.24 acres of land situated in Gillespie County, Texas along the south side of W. Live Oak and extending from east of Post Oak Road to west of Smokchouse Road (2nd public hearing).
   i. Hold a public hearing to receive comments for or against
   ii. Discussion on the proposed annexation

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Neffendorf, to go out of Regular Meeting into Public Hearing at 6:10 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Edward Rhode expressed his concerns regarding the annexation. He feels the City Council should not be following the previous law that allowed them to adopt a Resolution to continue with annexations they were working on before the recent changes to this law.
Joe Martinez Salinas, III, expressed his concern with the 15-year duration of the Pre-Annexation Development Agreement since statute says that cities can adopt agreements up to 45 years.

**Motion:** A motion was made by Councilmember Musselman seconded by Councilmember Neffendorf, to go out of Public Hearing into Regular Meeting at 6:18 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Daniel Jones, City Attorney, reviewed the statute regarding the Pre-Annexation Development Agreement, and the provision that allows Cities to shorten the time. He also stated his previous Memo explained the agreement and continuing non-confirmative use. He also stated he has been unable to find the statute regarding notification requirements Mr. Rhode referred to.

Brian Jordan, Development Services Director, provided the history of the annexation and indicated that staff is following the directions of the City Council. He also explained the process of public notices and the reason why the process was started over. He reviewed the timeline and the next steps in the process.

7. **ORDINANCES AND RESOLUTIONS**
   
   **A. Consider the approval of Ordinance 2020-10 amending Section 29-7 – Permanent Signs Permitted by District, of Chapter 29 – Signs, of the Code of Ordinances, to establish Uniform Sign Standards and Regulations for signs located in Medium Commercial (C-1.5) zoning districts (first of two readings; City Council may waive second reading).**

   Brian Jordan, Development Services Director, stated this is cleanup to signage regulations in C 1.5 Zoning. He reviewed the proposed changes to the Ordinance.

   **Motion:** A motion was made by Councilmember Kiehne seconded by Councilmember Musselman, to approve Ordinance 2020-10 amending Section 29-7 – Permanent Signs Permitted by District, of Chapter 29 – Signs, of the Code of Ordinances, to establish Uniform Sign Standards and Regulations for signs located in Medium Commercial (C-1.5) zoning districts and waive second reading. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

   **B. Consider the approval of Resolution 2020-06R creating the Market Square Redevelopment Commission, establishing and adopting the procedural rules for, and the duties and functions associated therewith; and providing for an effective date.**

   Daniel Jones, City Attorney, stated the City Secretary’s Office couldn’t locate a document formally creating the Commission. So this Resolution would formally create the Commission. He reviewed the proposed Resolution and the Commission’s functions, duties, and role. He stated the Commission reviewed the Resolution and only asked for the terms to be set at 3-years like the other City Commissions.

   **Motion:** A motion was made by Councilmember Musselman seconded by Councilmember Watson, to approve Resolution 2020-06R creating the Market Square Redevelopment Commission,
establishing and adopting the procedural rules for, and the duties and functions associated therewith; and providing for an effective date. The City Council voted four (4) for and one (1) opposed (Mayor Langerhans). The motion carried.

8. OTHER ACTION ITEMS AND UPDATES

A. Consider appointing Airport Zoning Board Members.
Clinton Bailey, Assistant City Manager/Public Works and Utilities Director, stated Gillespie County Commissioners’ Court approved the process of updating the Airport Zoning Ordinance through a Joint Airport Zoning Board. At the Joint City Council and Commissioner Court Meeting in February, both agreed to move forward and establish a Joint Airport Zoning Board. He reviewed the reasons the Airport Zoning Ordinance should be updated and the makeup of the Board. He indicated that staff would bring back an ordinance officially appointing the members that were selected this evening.

Motion: A motion was made by Councilmember Musselman seconded by Councilmember Kiehne, to appointment Councilmember Neffendorf and Councilmember Watson to the Airport Zoning Board. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

B. Consider the approval of the Landmark Designation of the Old High School on Fredericksburg Middle School Campus at 110 W. Travis (Building 400).
Anna Hudson, Historic Preservation Officer, reviewed a PowerPoint presentation of the history of the Old High School. She reported the Old High School Building was identified as being eligible for the National Register and local landmark designation as part of the 2018 Historic Resources Survey. She stated the City Council expanded the historic district in June of 2019 in an area that surrounds the campus. The Council decided not to include the entire Middle School Campus with the understanding that the Old High School would be protected by designation as a local historic landmark.

The City Council discussed the architecture styles and the new architecture firm hired by the school district.

Motion: A motion was made by Councilmember Watson seconded by Councilmember Neffendorf, to approve the Landmark Designation of the Old High School on Fredericksburg Middle School Campus at 110 W. Travis (Building 400), staff’s recommendation as noted on the plan with the yellow dotted line. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

C. Receive a presentation and discuss Gillespie County Health Board’s 2019 Annual Report.
Kent Myers, City Manager, stated this item will need to brought back at a later date.

9. CITY MANAGER’S REPORT

A. Recent Staffing Changes
Kent Myers, City Manager, reviewed the following changes:
• Police Department has experienced some recent successes in their recruiting to fill their vacancies.
• Fire/EMS- Retirement of Dave Wisniewski and John Culpepper resignation from Tom Egan, they are interviewing to fill these positions.
• Finance Department-Retirement of Danny Kneese and Nicole Moellering is being promoted to take his position.
• Municipal Court Clerk- Ida Sotela resigned and Sally Tatsch has agreed to temporary assist until this position can be filled.

He reported the City Secretary and Municipal Court will post their openings.

B. **Friendship Oaks Development**
Kent Myers, City Manager, reported Dale Crenwelge has sold his property. The new owner will still be developing affordable housing but will not pursue a PID. He reported they will be looking at the possibility of building modular homes.

C. **Coronavirus Update**
Lillian Smoothers expressed her concerns about a shut down Main Street.

Kent Myers, City Manager, reported he has appointed Lynn Bizzell, Fire Chief, as the point of contact. He stated the virus information is changing every day and provided an update and how to respond to the virus. He reviewed the CDC guideline regulations and the effects on the City facilities and events. He stated communication is the key and the City will be expanding the website tomorrow. He also reported a meeting was held today to discuss an emergency declaration and the process for approving one.

Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities, provided the benefits for adopting an emergency disaster declaration.

The City Council discussed the potential need for an emergency declaration.

Tim Lafferty spoke regarding his concerns with the airport and visitors flying in.

**10. ITEMS FOR FUTURE AGENDA**
Kent Myers, City Manager, reviewed the upcoming agenda items.

**11. COUNCIL COMMENTS**
Councilmember Musselman thanked the on CVB and Chamber of Commerce for all the information they have been putting out.

Councilmember Watson reported the Airport T Hangers are full and there is a waiting list. He also stated fuel is up 20% higher than last year.

**12. EXECUTIVE SESSION**
The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section 551.071
A. Consider and discuss Penick R&C, LP vs. City of Fredericksburg, Texas, pending in the United States District Court for the Western District of Texas (Sec. 551.071)

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to go out of Regular Session into Executive Session at 7:18 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Kiehne, seconded by Councilmember Neffendorf, to go out of Executive Session into Regular Session at 7:47 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously. The Council took no action following this executive session.

13. BUSINESS ITEM
The City Council did not discuss this Agenda Item.

14. ADJOURN
Motion: A motion was made by Councilmember Kiehne, seconded by Councilmember Musselman, to adjourn the Monday, March 16, 2020, City Council Regular Meeting at 7:48 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
CITY COUNCIL MEMO

DATE: April 6, 2020

TO: Mayor and City Council

FROM: Brian Jordan, AICP

SUBJECT: Consider the Institution of Annexation Proceedings, Adoption of an Annexation Agreement for approximately 8.689 acres with CSE Commercial Real Estate, LP, Adoption of an Annexation Ordinance and Service Plan, Adoption of a Land Use Plan Ordinance and a Zoning Ordinance on land situated in Gillespie County, Texas and located along the south side of W. Live Oak Street, extending from east of Post Oak Road to west of Smokehouse Road.

Summary:

The annexation originally consisted of approximately 117.1 acres of land situated in Gillespie County, Texas along the south side of W. Live Oak Street, as shown on the accompanying map. Five property owners elected to sign the Pre-Annexation Development Agreement, resulting in the reduction of the area to 91.24 acres. The properties electing not to be annexed are reflected on the map attached to the Annexation Ordinance. The area consists primarily of properties located along the south side of W. Live Oak Street extending from east of Post Oak Road to west of Smokehouse Road. The property is characterized by primarily residences, vacant land and some commercial businesses.

Recommendation:

Institute the Annexation Proceedings, and approve the Annexation Agreement for Mr. Bobby Stewart’s property, adopt the Annexation Ordinance and Service Plan, adopt the Land Use Plan Ordinance and the Zoning Ordinance. As an alternative, the Council may elect to Institute the Annexation Proceedings and wait to adopt the remaining items until a future meeting. Final action will need to be taken before July 5, 2020.
Background / Analysis:

At the retreat in January, 2018, the City Council prioritized areas of the community for annexation. After the U.S. Highway 290 East corridor, the W. Live Oak Street area was determined as the next highest priority. On August 2, 2019, letters were sent to property owners who have a tax exemption for agricultural, wildlife or timber purposes, offering them a pre-annexation development agreement. This agreement allowed these property owners the ability not to be annexed as long as their property remained undeveloped and met certain requirements. A total of 7 properties qualified for the pre-annexation development agreement. Five property owners have signed the agreement and the Pre-Annexation Development Agreements have been finalized and recorded on January 9, 2020 in the Gillespie County Deed Records.

Following the public hearings held at the Law Enforcement Center, 1601 E. Main Street, Fredericksburg, Texas on October 7, 2019 and October 21, 2019, it was determined that notice of these public hearings were not properly posted on the City’s website. While all other notices were compliant with State Law, it was decided by the City Council that new notices and hearings would be scheduled. Updated letters were sent to the affected property owners on January 31, 2020. Two additional public hearings were held March 2, 2020 and March 16, 2020, and the Institution of Annexation Proceedings is scheduled for April 6, 2020. Public Hearings on the Zoning and Land Use Plan were held October 8, 2019 (Planning and Zoning Commission) and October 21, 2019 (City Council). Favorable approval was given for both actions.

The City is required by statute to prepare a Service Plan for the areas being considered for annexation. The plan sets forth the timing and responsibilities for providing public services. Approval of the Service Plan is required. In addition to the Service Plan for the tracts being annexed, a separate Annexation Agreement was requested by Mr. Bobby Stewart who owns the property at 740 W. Live Oak Street. Mr. Stewart has been working with the City for a while to develop an apartment complex on his site. Because a portion of Mr. Stewart’s property fronting on Post Oak Road was sold to LCRA, he has requested that his utilities be extended to the western edge of his property along Live Oak Street. We have revised the Utility extension plan to accommodate this request. The additional cost associated with the request is estimated to be approximately $138,000.

Attachments:

Annexation Ordinance including Service Plan, Annexation Agreement for Mr. Bobby Stewart, Land Use Ordinance and Zoning Ordinance.
ANNEXATION AGREEMENT
FOR THE LIVE OAK/POST OAK PLAN FOR DEVELOPMENT

This Annexation Agreement ("Agreement"), made and entered into this 6th day of April, 2020, by and between the City of Fredericksburg ("City"), with an address of 126 W. Main Street, Fredericksburg, Texas, 78624, and CSE Commercial Real Estate, LP ("Developer"), with an address of 4956 N. O'Connor Road, Irving, Texas, 75062-2716.

RECITALS

WHEREAS, the Developer is the owner of record of certain real estate ("Subdivision Tract") legally described as follows:

Being all of that 8.691 acre tract of land located in Outlot 126, as said Outlot and Outlot Street are shown on the Map of Fredericksburg, Texas and Environs by the German Emigration Company, said 8.691 acre tract being a portion of that certain called 15.657 acre tract, recorded in Document #20172059 in the Official Public Records of Gillespie County, Texas, said 8.691 acre tract being more particularly described by metes and bounds description in Exhibit "A", a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Developer desires to have the Subdivision Tract annexed into the City, and the agreements contained herein are made in anticipation of the annexation of the Subdivision Tract; and

WHEREAS, the City Council, after due and careful consideration, finds that the annexation of the Subdivision Tract into the City will promote economic development and further the growth of the City, promote affordable and attainable housing in the City, enable the City to control the development of the area, and serves the best interests of the City.

AGREEMENT

NOW THEREFORE, for and in consideration of the mutual covenants contained herein, the Parties agree as follows:

1. The Parties acknowledge and agree that the Subdivision Tract is presently located outside the city limits of the City, but is located within the extra territorial jurisdiction of the City. At a public City Council meeting, the City Council shall duly consider enacting an ordinance annexing the Subdivision Tract, pursuant to the City's pending annexation proceedings for the area that includes the Subdivision Tract.

2. Contemporaneously with the annexation of the Subdivision Tract under Paragraph 1 of this Agreement, the City Council shall also duly consider enacting an ordinance amending the
Zoning Ordinance of the City, to designate the zoning district of the Subdivision Tract as “R-3: Multi-Family Residential”. The designation of the Subdivision Tract shall be carried out in accordance with the provisions and proceedings of the City of Fredericksburg Zoning Ordinance and City of Fredericksburg Comprehensive Plan. Any subsequent zoning amendments related to the Subdivision Tract and requested by the Developer shall be subject to the rules, regulations, and procedures set forth in the City of Fredericksburg Zoning Ordinance, and the same must be in conformity with the Comprehensive Plan for the City in effect at the time of the request.

3. Subsequent to the execution of this Agreement, the Developer may submit to the City a preliminary plat for the Subdivision Tract. Any preliminary plat submitted by the Developer under this Agreement shall be processed by the City under the applicable City procedures and Ordinances existing at the time of submission of the plat to the City. The Parties acknowledge and agree that the Subdivision Tract shall be developed in accordance with said preliminary plat, and the dedications and easements shown thereon. The Developer shall be permitted a reasonable degree of flexibility with respect to changes or modifications of said preliminary plat due to engineering considerations, as is permitted by the Ordinances of the City. The Parties acknowledge and agree that all Exhibits attached to this Agreement are attached hereto solely for the purposes of clarification of the provisions of this Agreement, and the attachment of said Exhibits shall not be considered as an approval by the City of the plat or design of the Subdivision Tract. The Subdivision Tract may be constructed in Phases as designated by the Developer, and this Agreement is made to set forth the terms and conditions of annexation and agreements and obligations of the Developer and the City with regarding each Phase of development.

4. The Developer shall pay to the City a fee in lieu of park land dedication and a park development fee, as set forth in Section 6.15 (Park Land Dedication) of Chapter 38 (Subdivisions) of the City Code of Ordinances.

5. Improvements to the City water and sewer system.

(a). The Parties acknowledge and agree that the Developer’s proposed plans for the Subdivision Tract will require an improvement to the City’s water and sewer system to properly provide City sanitary sewer and water service to the Subdivision Tract. The City agrees to design and construct, at City’s sole expense, an extension of the City’s water line, to be extended west along Live Oak Road to a point intersecting the northward projection of the western property line of the Subdivision Tract, said extension being more specifically shown on Exhibit “B”, a copy of which is attached hereto and incorporated herein by reference. The City agrees to design and construct, at City’s sole expense, an extension of the City’s sanitary sewer line, to be extended west along Live Oak Road to a point intersecting the northward projection of the western property line of the Subdivision Tract, said extension being more specifically shown on Exhibit “B”, a copy of which is attached hereto and incorporated herein by reference.
The extension of the City water line and sanitary sewer line set forth in this Paragraph shall be constructed by the City within two (2) years from the date of annexation of the Subdivision Tract. The extension of the City water line and sanitary sewer line set forth in this Paragraph shall be constructed in conformance with all City ordinances and the Minimum Standards for street and utility design and the materials and specifications on file with the City Engineer, and construction services and materials shall be procured in conformance with applicable federal, state and local purchasing laws. The City's expenditure of public funds to extend the City water line and sanitary sewer line as set forth in this Paragraph is intended to promote attainable housing and economic development in the City. The City agrees to construct the extension of the City water line and sanitary sewer line under this Paragraph earlier than the timeline for capital improvements set forth in the proposed service plan for the City's annexation of the Subdivision Tract, and for the purposes of the construction timeline for the extension of the City water line and sanitary sewer line set forth in this Paragraph, this Paragraph shall supersede the service plan.

(b). The Developer agrees to design and construct, at Developer's sole expense, all remaining external and internal lines and taps to connect the Subdivision Tract to City's water and sewer system, constructed in conformance with all City ordinances and the Minimum Standards for street and utility design and the materials and specifications on file with the City Engineer. The Parties acknowledge and agree that the City will not construct or assume maintenance for any lift pumps, sewer pumps, pressure boosters, or any other item needed for adequate water or sewer service to the Subdivision Tract, excepting any costs the City is specifically obligated to provide under Paragraph 5(a) of this Agreement. The Developer acknowledges that a pressure boosting system may be necessary to deliver adequate water pressure to multiple story structures constructed on the Subdivision Tract, and the Developer shall be solely responsible for the costs of construction and maintenance of any pressure boosting system utilized by Developer on the Subdivision Tract. It is further understood and agreed by the Parties that development of the Subdivision Tract shall be subject to the impact fees of the City in effect at the time of required payment with regard to water and sewer. Impact fees shall become due and payable to the City for the Subdivision Tract at the time of issuance of a building permit for the Subdivision Tract.

(c). Drainage. It is anticipated that the development plan for the Subdivision Tract provides for privately maintained on-site lakes and ponds and other drainage systems as amenities which will also partially serve as the drainage system to comply with applicable drainage requirements. Any lakes, ponds and other drainage system facilities serving residential phases shall not be dedicated to the City, and shall be privately maintained by the Property Owners Association or Developer or its assigns. Prior to development, Developer will perform a drainage study and master plan for the entire Subdivision Tract. All lakes, ponds and drainage system improvements shall be designed, approved and constructed to comply with all applicable local, state and federal regulations, including but not limited to, City, State of Texas Commission on Environmental Quality (TCEQ), including its stormwater permitting, dam safety, and water rights permitting regulations, Federal Emergency
Management Association (FEMA), Corps of Engineers, US Fish and Wildlife and Texas Parks and Wildlife. The City will require that the said structures be designed and maintained to accept and convey public waters from off the streets and off the Subdivision Tract. If Developer significantly changes its development plan, the City may require subsequent studies and the attendant approvals, improvements and alterations.

(d). Sewer. In order to minimize ongoing maintenance costs to the City, whenever possible the Subdivision Tract will be served through a sanitary sewer gravity flow collection system as described in the development plans submitted to the City by the Developer’s engineering consultants. Installation and maintenance of individual household sanitary sewer grinder lift stations serving single lots will be the responsibility of the individual lot owner, not the City, and shall be shown in the City-approved construction plans.

6. Roadways and easements.

(a). It is agreed and understood that all roadway easements, utility easements, drainage easements, and any other public or private dedications or easements shown on the Subdivision Tract plat shall be acquired and constructed by Developer at Developer’s sole cost, and in conformance with all City ordinances and the Minimum Standards for street and utility design and the materials and specifications on file with the City Engineer. Following construction, dedication, completion of the maintenance assurance period, and acceptance by the City, the public roadways shall be conveyed to the City and shall be maintained by the City as public roadways. All easements other than public roadways shall be maintained by the Parties in accordance with the City Subdivision Ordinance and City Storm Water Control and Detention Ordinance, and as set forth in Paragraph 9 of this Agreement.

(b). All roadways will be designed and constructed as determined by a Texas Registered Professional Engineer, provided by Developer, with said design to be approved by the City, and shall be constructed at least to minimum City standards for street and utility design and the materials and specifications on file with the City Engineering Department for the type of street being constructed.

(c). Developer shall provide a Traffic Impact Study ("TIS") which includes the impact of the Subdivision Tract on adjacent City roadways, which is based on fully developed conditions. Developer, at Developer’s expense, will make such improvements or alterations as described in said TIS, as is finally approved by TxDOT and the City, including any required traffic control signals. Such improvements or alterations shall be constructed with each phase of development at such time as outlined in the approved TIS. If Developer significantly changes the development plan, the City may require a subsequent TIS and the attendant improvements or alterations.
(d). Developer shall be solely responsible for coordinating with the United States Postal Service concerning the establishment and provision of U.S. Mail delivery to the Subdivision Tract.

7. Private drives and sidewalks.

(a). Any private drives, sidewalks, or other private utilities incorporated in developing the Subdivision Tract shall be constructed in conformance with all City ordinances and the Minimum Standards for street and utility design and the materials and specifications on file with the City Engineer. Developer shall not permit occupancy and the City shall not issue occupancy permits for any buildings or portions thereof located on the Subdivision Tract until such improvements are fully completed to serve the developed area, and unless provision is made by Developer to assure the maintenance of the same.

8. The Developer shall install and dedicate to the City all street lights as required by City ordinances in effect at the time of development.

9. The City agrees to provide for the maintenance of all public streets, storm water and drainage system (excluding retention ponds and detention areas), sanitary sewer and water main, and public rights-of-way in the development, following conveyance to the City and acceptance by City, as shown on the approved final plat of the Subdivision Tract and in accordance with the City Subdivision Ordinance and City Storm Water Control and Detention Ordinance.

10. The Parties acknowledge and agree that this Agreement shall not bind either party hereto until an annexation ordinance has been duly enacted and adopted by the City, as set forth in Paragraph 1 of this Agreement. The Parties acknowledge and agree that this Agreement shall not bind or hinder the independent or legislative powers of any City boards or commissions, and this Agreement shall be effective only if and upon adoption of the ordinance contemplated and as set forth in Paragraph 1 of this Agreement, the same to be completed on or before 90 days from the date of institution of Annexation proceedings by the City.

11. The effective date of this Agreement shall be the date of annexation of the Subdivision Tract to the City, as set forth in Paragraph 1 of this Agreement. This Agreement shall be binding upon the parties to it, their respective grantees, successors, assigns or lessees for a full term of thirty (30) years, commencing as of the effective date of this Agreement, subject to limitations provided by law and to the extent permitted thereby, and for such further term as may subsequently be agreed to by the parties. It is hereby agreed that if the Subdivision Tract (or any portion of the Subdivision Tract) is annexed to the City of Fredericksburg, and if the City does not grant the requested zoning set forth in this Agreement, or if the City does not perform its obligations hereunder, then Developer may petition for disannexation and/or the City may disannex.

12. It is understood and agreed by the Parties hereto that time is of the essence of this
Agreement, and that all of the parties will make every reasonable effort to expedite the subject matters hereof.

13. The Parties mutually represent that they have taken and will take action as may be required to bring about the annexation of Subdivision Tract and the amendments, exceptions, and variances, as may be necessary or proper in order to zone and classify the Subdivision Tract so as to enable the same to be developed and used in the manner anticipated in this Agreement, and such other action as to enable the parties to execute this Agreement and to fully carry out all other covenants, agreements, duties and other obligations created and imposed by the terms and conditions of this Agreement.

14. This Agreement shall be binding upon the parties to it, their respective grantees, successors, assigns or lessees, subject to limitations provided by law.

15. The Parties agree that this Agreement and any exhibits attached to it may be amended only by the mutual written consent of all parties.

16. The Developer covenants and agrees to fully indemnify, hold harmless and defend the City, its officers, agents, servants, and employees, from all claims, suits or causes of action of any nature whatsoever, whether real or asserted, brought for or on account of any injuries or damages to persons or property including death, resulting from or in any way connected with this Agreement or the construction of the improvements or facilities described herein; and in addition, the Developer covenants to indemnify, hold harmless and defend the City, its officers, agents, servants and employees, from and against any and all claims, suits or cause of action of any nature whatsoever, brought for or on account of any injuries or damages to persons or property, including death, resulting from any failure to properly safeguard the work, or on account of any act or omission, intentional or otherwise, negligence or misconduct of the Developer, its contractors, agents, servants or employees.

17. Approval by the City of any plans, designs, or specifications submitted by the Developer pursuant to this Agreement shall not constitute or be deemed to be release of the responsibility and liability of the Developer or its engineers, employees, officers or agents for the accuracy and competency of their design and specifications. The Parties acknowledge and agree that the approval of any plans, designs, or specifications by the City signifies the City's approval on only the general design concept of the improvements to be constructed as the same relates to conformance with City ordinances.

18. Developer hereby advises City, and City acknowledges that Developer has sold approximately seven (7) acres of land to the Lower Colorado River Authority (LCRA), located at the southernmost end of the Subdivision Tract. City agrees to allow Developer to revise the plans for development to allow two points of ingress/egress to the Subdivision Tract from Live Oak Road, if such ingress/egress is required by City, and feasible as determined by standard traffic engineering practices.
IN WITNESS WHEREOF, each of the parties hereto has executed this Agreement, or caused the same to be executed by its duly authorized representative.

CSE Commercial Real Estate, LP, a Texas Limited Partnership ("DEVELOPER")

By: Debco Partnership, LLC, a Texas Limited Liability Company, its General Partner

By: _______________________________ Date: _______________________________
    Bobby Stewart, Member

CITY OF FREDERICKSBURG, TEXAS ("CITY")

By: _______________________________ Date: _______________________________
    Kent Myers, City Manager
FIELD NOTES FOR A 8.691 ACRE TRACT OF LAND

BEING A 8.691 OF ONE ACRE TRACT OF LAND LOCATED IN OUTLOT 126, AS SAID OUTLOT AND OUTLOT STREET ARE SHOWN ON THE MAP OF FREDERICKSBURG, TEXAS AND ENVIRONS BY THE GERMAN EMIGRATION COMPANY, SAID 8.691 ACRE TRACT BEING A PORTION OF THAT CERTAIN CALLED 15.657 ACRE TRACT, RECORDED IN DOCUMENT#20172059, OFFICIAL PUBLIC RECORDS OF GILLESPIE COUNTY, TEXAS, SAID 8.691 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Note: all bearings based on the Texas State Plane Coordinate System, Central Zone 4203 (North American Datum of 1983, 2011 Adjustment);

BEGINNING at a ½” rebar with “BONN” cap found in the south right-of-way line of West Live Oak Road for northwest corner of the herein described tract, the northwest corner of the called 15.657 acre tract, said point being the northeast corner of a called 10 acre tract out of Outlot 125, recorded in Volume 391, Page 882, Official Public Records of Gillespie County, Texas and further described in Volume 160, Page 663, Official Public Records of Gillespie County, Texas;

THENCE N 89°16'21" E (N 89°59'44" E, Record), with the south right-of-way line of West Live Oak Road, the north line of the called 15.657 acre tract, for a distance of 563.58' (563.69', Record), to a ½ rebar with “BONN” cap found for the northeast corner of the herein described tract, the northeast corner of the called 15.657 acre tract, said point being the northwest corner of a called 10 acre tract out of Outlot 127, recorded in Document No. 20123570, Official Public Records of Gillespie County, Texas;

THENCE S 00°38'12" E (S 00°06'02" W, Record), departing the south right-of-way line of West Live Oak Road, with an east line of the called 15.657 acre tract, a west line of the called 10 acre tract (Outlot 127), for a distance of 670.68' to a ½ rebar found for the southeast corner of the herein described tract, said point being at a northerly northeast corner of a called 6.968 acre tract recorded in Document No. 20196413, Official Public Records of Gillespie County, Texas;

THENCE S 89°32'11" W, departing the east line of the called 15.657 acre tract, with the north line of the called 6.968 acre tract, for a distance of 567.60' to a ½ rebar with “LCRA” cap found for the southwest corner of the herein described tract, the northwest corner of the called 6.968 acre tract, said point being in the west line of the called 15.657 acre tract, the east line of the called 10 acre tract (Outlot 125);

THENCE N 00°17'33" W (N 00°26'33" E, Record) with the west line of the called 15.657 acre tract, the east line of the called 10 acre tract (Outlot 125), for a distance of 668.08' to the POINT OF BEGINNING, CONTAINING 8.691 acres of land, more or less.

Note: This description was prepared from a survey made on the ground in January, 2020. A survey plat of equal date was made in conjunction with this description. () designates record information.

Jeff Boerner, RPLS #4939
Date: 02-06-2020
Job # 20-031-00
ORDINANCE NO. 2020-01

AN ORDINANCE ANNEXING TO THE CITY OF FREDERICKSBURG, TEXAS APPROXIMATELY 91.43 ACRES OF LAND, LOCATED ALONG THE SOUTH SIDE OF W. LIVE OAK STREET EXTENDING FROM EAST OF POST OAK ROAD TO WEST OF SMOKEHOUSE ROAD, GILLESPIE COUNTY, TEXAS; EXTENDING THE CORPORATE LIMITS OF THE CITY OF FREDERICKSBURG, TEXAS, SO AS TO INCLUDE SAID TERRITORY; GRANTING TO ALL INHABITANTS AND FUTURE INHABITANTS OF SAID TERRITORY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS OF THE CITY OF FREDERICKSBURG, TEXAS; BINDING THE INHABITANTS AND FUTURE INHABITANTS OF SAID TERRITORY BY ANY AND ALL ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF SAID CITY OF FREDERICKSBURG, TEXAS; AND ADOPTING AN ANNEXATION SERVICE PLAN FOR THE EXTENSION OF MUNICIPAL SERVICES INTO SAID TERRITORY AND THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES RELATED TO SUCH ANNEXATION.

WHEREAS, the City of Fredericksburg has previously instituted annexation proceedings for the following tracts or parcels of land totaling approximately 91.43 acres of land (the "Property") situated in Gillespie County, Texas, to-wit:

Starting with a total area of approximately 117.1 acres of land in Gillespie County, Texas, being comprised of, all or part of, the following list of German Emigration Company Outlots and Outlot streets as said Outlots are shown on the Map of Fredericksburg and as laid out by the German Emigration Company:

1) All of Outlot Number 120;
2) All of Outlot Number 121;
3) All of Outlot Number 122;
4) All of Outlot Number 123;
5) All of Outlot Number 124;
6) All of Outlot Number 125;
7) All of Outlot Number 126;
8) All of Outlot Number 127;
9) Part of Outlot Number 88;
10) Part of Outlot Number 118;
11) Part of Outlot Number 119;
12) Part of Outlot Number 191;
13) Part of Outlot Number 192;
14) All of the right-of-way of that certain portion of an Outlot Street.
(known as West Live Oak Street) lying and being situated between the east line of an Outlot Street (known as Post Oak Road) and the northward projection of the west line of Outlot Number 191 across the said Outlot Street (known as West Live Oak Street);

15) All of the right-of-way of that certain portion of an Outlot Street (known as Smokehouse Road) lying and being situated between the south line of an Outlot Street (known as Post Oak Road) and the north line of an Outlot Street (known as West Windcrest Street); and

16) All of the right-of-way of that certain portion of an Outlot Street (known as Post Oak Road) lying and being situated between the south line of an Outlot Street (known as Post Oak Road) and the most northerly north line of that certain 13.75 acres of land found recorded described in Instrument Number 20173129, Exhibit “A”, of the Official Public Records of Gillespie County, Texas;

LESS, SAVE AND EXCEPT five (5) tracts of land within the above listed Outlots, totaling approximately 25.67 ACRES OF LAND, leaving a net annexation area of approximately 91.43 ACRES OF LAND;

SAID 91.43 ACRES OF LAND being more particularly described by metes and bounds on Exhibit “A” and as additionally shown on a map in Exhibit “B”, copies of which are attached hereto and incorporated herein by reference; and

WHEREAS, the City Council of the City of Fredericksburg, Texas has heard arguments for and against the annexation of such Property at two (2) public hearings in accordance with Section 43.063 of the Local Government Code of the State of Texas; and

WHEREAS, the City Council of the City of Fredericksburg, Texas has determined that said Property is contiguous and adjacent to the limits of the City of Fredericksburg, Texas; that the said Property to be annexed meets all requisites of law for annexation, and that such Property should be annexed to the City of Fredericksburg, Texas, and the corporate limits of the City of Fredericksburg, Texas should be extended so as to include such territory; and that the City Council of the City of Fredericksburg, Texas, by the provisions of the Local Government Code of the State of Texas, and the Charter of the City of Fredericksburg, has the power to annex such Property.

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

Section 1. That the Property is hereby annexed to the City of Fredericksburg, Texas; that the corporate limits of the City of Fredericksburg, Texas, be and they are hereby extended so as to include such Property within the city limits of the City of Fredericksburg, Texas; and that said Property shall hereafter be included within the territorial limits of the
City of Fredericksburg, Texas.

Section 2. That the present and future inhabitants of such Property shall hereafter be entitled to all the rights and privileges of other citizens of the City of Fredericksburg, Texas; and that the inhabitants of such Property shall be bound by any and all the acts, ordinances, resolutions and regulations of the City of Fredericksburg, Texas.

Section 3. That the Service Plan for the extension of municipal services to the Property, a copy of which is attached hereto as Exhibit "C" and incorporated herein by reference, is hereby adopted by the City Council of the City of Fredericksburg, Texas, contemporaneously with the adoption of this Ordinance.

PASSED AND APPROVED this the _____ day of ____________, 20__

__________________________________
Linda Langerhans, Mayor
City of Fredericksburg, Texas

ATTEST:

______________________________
Shelley Goodwin, TRMC
City Secretary

APPROVED AS TO FORM:

______________________________
Daniel Jones, City Attorney
SAID 91.43 ACRES OF LAND being more particularly described by metes and bounds AS FOLLOWS:

BEGINNING at the intersection of the north line of an Outlot Street (known as West Live Oak Street) with the east line of an Outlot Street (known as Post Oak Road) for the most northerly northeast corner of this tract of land;

THENCE in a southerly direction a distance of approximately 420 feet along a southward projection of the east line of Post Oak Road across West Live Oak Street and then along the east line of Post Oak Road, being now also the west line of Outlot Number 88, to the southwest corner of that certain 3.57 acres of land found recorded and described in Instrument Number 20067843, Exhibit "A", of the Official Public Records Of Gillespie County, Texas, for an interior corner of this tract of land;

THENCE in an easterly direction a distance of approximately 432 feet along the south line of the said 3.57 acres of land to the intersection of this line with the west line of that certain 1.25 acres of land found recorded and described in Instrument Number 20140434, Exhibit "A", of the Official Public Records of Gillespie County, Texas for a corner of this tract of land;

THENCE in a southerly direction a distance of approximately 116 feet along the west line of the said 1.25 acres of land to its southwest corner for an interior corner of this tract of land;

THENCE in a northeasterly direction a distance of approximately 213 feet along the south line of the said 1.25 acres of land to the intersection of this line with the east line of Outlot Number 88 for the southeast corner of the said 1.25 acres of land and also the most southerly northeast corner of this tract of land;

THENCE in a southerly direction a distance of approximately 441 feet along the east line of said Outlot Number 88 to the southeast corner of said Outlot Number 88. Said corner being also the northeast corner of Tract 3 of the Windcrest Medical Addition found recorded in Volume 4, Page 55 of the Gillespie County Plat Records and also the most northerly southeast corner of this tract of land;

THENCE in a westerly direction a distance of approximately 565 feet along the north line of said Tract 3 of the Windcrest Medical Addition, being also the south line of Outlot Number 88 to the intersection of this line with the east line of an Outlot Street (known as Post Oak Road) for the northwest corner of said Tract 3, being also the southwest corner of Outlot Number 88, the northwest corner of Outlot Number 87, and an interior corner of this tract of land;

THENCE in a southerly direction a distance of approximately 175 feet along the east line of the said Outlot Street (known as Post Oak Road) and the west line of both Outlot Number 87 and said Tract 3 of the Windcrest Medical Addition to the northeast corner of that certain 13.73 acres of land found and described in Instrument Number 20173129, Exhibit "A", of the Official Public Records of Gillespie County, Texas, for a southeast corner of this tract of land;

THENCE in a westerly direction a distance of approximately 58 feet along the most northerly north line of the said 13.73 acres of land to the intersection of this line with the west line of the said Outlot Street (known as Post Oak Road) for the N.N.W. corner of the said 13.73 acres of land, being also the southeast corner of the Central Texas Electric Cooperative, Inc. tract found recorded in Volume 72, Page 167 of the Gillespie County Deed Records. Said corner being an interior corner of this tract of land;
THENENCE in a southerly direction a distance of approximately 90 feet along the most easterly west line of the said 13.73 acres of land, being the west line of the said Outlot Street (known as Post Oak Road) and then the curvilinear west line of a proposed extension of Post Oak Road to an interior corner of the said 13.73 acres of land for a southeast corner of this tract of land;

THENENCE in a westerly direction a distance of approximately 1,126 feet along the most southerly north line of the said 13.73 acres of land, crossing Outlot Number 118 and then crossing Outlot Number 119, to the intersection of this line with the west line of Outlot Number 119 for the most westerly northwest corner of the said 13.73 acres of land, and being also an interior corner of this tract of land;

THENENCE in a southerly direction a distance of approximately 500 feet along the most westerly west line of the said 13.73 acres of land and the west line of said Outlot Number 119, being also the east line of Outlot Number 120, to the intersection of this line with the north line of an Outlot Street (known as West Windcrest Street) for the southwest corner of the said 13.73 acres of land, being also the southwest corner of Outlot Number 119, the southeast corner of Outlot Number 120, and the most southerly southeast corner of this tract of land;

THENENCE in a westerly direction a distance of approximately 1,784 feet along the north line of the said Outlot Street (known as West Windcrest Street), being also the south line of Outlot Number 120, and then also the south line of Outlot Number 121, and then also the south line of Outlot Number 122, and then crossing an Outlot Street (known as Smokehouse Road) to the southeast corner of Outlot Number 183 for the most southerly southwest corner of this tract of land;

THENENCE in a northerly direction a distance of approximately 863 feet along the west line of the said Outlot Street (known as Smokehouse Road), being also the east line of said Outlot Number 183 and then also the east line of Outlot Number 192, to the southeast corner of Lot 1 of the Seipp Subdivision found recorded in Volume 1, Page 151 of the Gillespie County Plat Records for an interior corner of this tract of land;

THENENCE in a westerly direction a distance of approximately 770 feet along the south line of said Lot 1 of the Seipp Subdivision, being also the most southerly north line of Lot 2B-2R of a Minor Plat of the Seipp Subdivision found recorded in Volume 5, Page 147 of the Gillespie County Plat Records, to the southwest corner of said Lot 1 of the Seipp Subdivision. Said corner being also an interior corner of said Lot 2B-2R and a southwest corner of this tract of land;

THENENCE in a northerly direction a distance of approximately 277 feet along the west line of said Lot 1 of the Seipp Subdivision and the most northerly east line of said Lot 2B-2R of the said Minor Plat of Seipp Subdivision to the northwest corner of said Lot 1 and the most northerly northeast corner of said Lot 2B-2R for an interior corner of this tract of land;

THENENCE in a westerly direction a distance of approximately 352 feet along the most northerly north line of said Lot 2B-2R of the said Minor Plat of Seipp Subdivision to the intersection of this line with the west line of Outlot Number 191 for the northwest corner of said Lot 2B-2R and the most northerly southwest corner of this tract of land;

THENENCE in a northerly direction a distance of approximately 490 feet along the west line of said Outlot Number 191 and a northward projection thereof across an Outlot Street (known as West Live Oak
Street) to the intersection of this line with the north line of the said Outlot Street (known as West Live Oak Street) for the northwest corner of this tract;

THENCE in an easterly direction a distance of approximately 4,123 feet along the north line of the said Outlot Street (known as West Live Oak Street) to the PLACE OF BEGINNING, and containing approximately 117.1 acres of land;

LESS, SAVE AND EXCEPT five (5) tracts of land within the above listed Outlots, totaling approximately 25.67 ACRES OF LAND, as follows:

1. BEING .508 acre of land situated in Gillespie County, Texas, as more fully described by metes and bounds in Section "V" in Partition Deed andQuitclaim Deed dated November 30, 1975, and recorded in Vol 116, Page 181-187 of the Deed Records of Gillespie County, Texas;
2. BEING 3.20 acre of land situated in Gillespie County, Texas, as more fully described by metes and bounds in Exhibit A in Substitute Trustee's Deed dated December 10, 1993, and recorded in Vol 258, Page 205-212 of the Deed Records of Gillespie County, Texas;
3. BEING 10.00 acre of land situated in Gillespie County, Texas, as more fully described by metes and bounds in Warranty Deed with Vendor's Lien, dated June 8, 1978, and recorded in Vol 125, Page 228 of the Deed Records of Gillespie County, Texas;
4. BEING 3.108 acre of land situated in Gillespie County, Texas, as more fully described by metes and bounds in Exhibit "A" in the Special Warranty Deed with Vendor's Lien, dated June 10, 2004, and recorded in Vol 555, Page 971-979 of the Deed Records of Gillespie County, Texas; and
5. BEING 8.857 acre of land situated in Gillespie County, Texas, more fully described as Lot 3 of the Replat of Smokehouse Ranch, recorded in Vol 5, Page 195, of the Plat Records of Gillespie County, Texas.

This document was prepared under 22TAC: 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Agenda Packet Page 30
City of Fredericksburg
Annexation Service Plan
For Annexation Parcel 2019-02

I. TERRITORY

This service plan is applicable to approximately 91.43 acres of land located along the south side of West Live Oak Street in Gillespie County, Texas (the "Annexation Parcel"), as additionally shown on a map of the area set forth in Exhibit B. The Annexation Parcel consists primarily of properties located along the south side of West Live Oak Street, extending from Post Oak Road to the west of Smokehouse Road.

II. GENERAL PROVISIONS

a. Effective Term. This service plan shall be in effect for a ten-year period commencing on the effective date of the annexation.

b. Amendment or Renewal. This service plan may be amended from time to time as provided by Local Government Code. Renewal of this service plan shall be at the sole option of the Fredericksburg City Council.

c. Intent. It is the intent of the City of Fredericksburg that this service plan shall provide for the delivery of full municipal services to the annexed area in accordance with State law. The failure of this plan to describe any particular service shall not be deemed to be an attempt to omit the provision of such services from the annexed area. The delivery of municipal services may be accomplished through any means permitted by law.

d. Level of Services to be Provided. It is the intent of the City of Fredericksburg to provide the level of services required by State law. The City Council finds and determines that the level of services, infrastructure and infrastructure maintenance provided within the area prior to annexation is not greater than is provided in the City. The City Council finds and determines that the services, infrastructure and infrastructure maintenance proposed by this plan are comparable to that provided to other parts of the City with reasonably similar topography, land use, and population density. The City Council finds and determines that implementation of this plan in the manner proposed will not reduce the level of fire, police, and emergency medical services available within the City.
III. SERVICES TO BE PROVIDED AT ANNEXATION

The following services will be provided within the annexed area immediately upon the effective date of the annexation. In the case of a gated subdivision, it will be the responsibility of the Property Owners Association (POA) of the gated subdivision to allow timely emergency service access and City staff access, particularly in cases where the access mechanism changes on or after annexation.

a. Police Protection. The City of Fredericksburg Police Department will provide police services, including criminal investigations, routine patrol, traffic enforcement, and dispatched response to both emergency and non-emergency service calls. It is anticipated that police services within the annexed area will be provided utilizing existing levels of personnel and equipment. Currently, the nearest police station is the City of Fredericksburg Police Department headquarters, located at 1601 E. Main Street.

b. Fire Protection and Emergency Medical Services. The City of Fredericksburg Fire Department will provide emergency fire suppression and routine fire prevention services within the annexed area. The City of Fredericksburg Emergency Medical Services (EMS) Department will provide primary EMS services within the annexed area. Firefighters may be dispatched to the scene of accidents or other medical emergencies to assist EMS personnel or to provide "first responder" services pending the arrival of EMS personnel.

c. Solid Waste Collection. The City provides fee based household garbage collection services to single family residences within the City. The City provides a single drop off location for recycling collection within the City. The City does not collect garbage from commercial establishments. Commercial garbage collection and disposal and/or recycling is available from privately owned collection businesses.

The City currently provides residential garbage collection at the street curb using an automated collection system that requires use of specific collection containers. In accordance with the City's current policy, each residential garbage customer will be provided a collection container for waste disposal. The City does not currently provide recycling collection at the street curb.

Privately owned solid waste management service providers currently provide collection services within the annexed area and may continue to provide such services. Pursuant to Local Government Code, at any time before the second anniversary of the date an area is included within the corporate boundaries of the City by annexation, the City may not (1) prohibit the collection of solid waste in the area by a privately owned solid waste management service provider; or (2) offer solid waste management services in the area unless a privately owned solid waste management service provider is unavailable. The City will commence residential collections services prior to the second anniversary of annexation if
requested to do so in writing by any property owner. Any such request must be made at least 90 days prior to the proposed effective date for initiation of City service.

d. Maintenance of Water and Wastewater Facilities. The annexation territory is not currently within the service area of the City of Fredericksburg. The extension of City utility services to areas not within the service area of another water or wastewater utility service provider will be provided in accordance with the City's capital improvement plan described in Article IV of this service plan, and the City's water and wastewater utility extension policies that are described in Article V of this service plan.

The City does not maintain privately owned water wells or septic or aerobic wastewater systems. Property owners who currently have water wells, septic or aerobic wastewater systems may keep them as long as they are maintained in proper working order. When City wastewater disposal facilities are available to serve existing development the City may require connection to the City system instead of permitting the installation of new septic or aerobic disposal systems. Mandatory connection to the City wastewater system will not be required where existing systems remain in good working order and do not present a threat to public health or safety.

e. Maintenance of Roads, Streets, Street Lighting, and Drainage Infrastructure. The City is currently not responsible for the maintenance of public roads, streets, street lighting, and drainage infrastructure in the annexed area.

The City will assume the responsibility for maintenance of public roads, streets, street lighting, and drainage infrastructure previously accepted for maintenance by official action of the Commissioners Court of Gillespie County. Any such roads, streets, street lighting, or drainage infrastructure formerly maintained by Gillespie County that become subject to City maintenance will be maintained in a condition which is at least equal to the Gillespie County maintenance standard, however, the City will not be required to reconstruct or upgrade such streets to a higher standard.

It is the responsibility of a developer to construct or provide new roads, streets, street lighting, and drainage infrastructure necessary to serve the demands of new development in the areas to be annexed. The City may accept the dedication of public streets and/or drainage infrastructure constructed in accordance with applicable development regulations of the City.

f. Maintenance of Parks, Playgrounds and Swimming Pools. There are no public parks, public playgrounds, or public swimming pools within the area to be annexed.

g. Maintenance of any other Public Building, Facility or Service. Annexation does not transfer ownership of public buildings, facilities or services,
all of which should continue to be maintained or provided by the public entity that currently owns or provides them. Privately owned facilities, including privately owned and operated storm water detention facilities, are not affected by the annexation.

An appropriate City Department will be assigned to assume responsibility for the maintenance or provision of any required facilities or services which become the responsibility of the City and are not expressly provided for by this service plan.

IV. CAPITAL IMPROVEMENTS PLAN

Construction of the following capital improvements related to the annexation will be substantially completed within 2½ years, except for certain services that the City cannot reasonably provide within that period, and for which the City proposes a schedule set forth below to provide for the provision of full municipal services no later than 4 1/2 years after the effective date of the annexation.

a. Police Protection. No additional capital improvements are needed at this time to provide police services.

b. Fire Protection. No capital improvements are needed at this time to provide fire protection services.

c. Solid Waste Collection. No capital improvements are needed at this time to provide solid waste collection services.

d. Water and Wastewater Facilities. The City cannot reasonably provide full water and wastewater services to the annexed area within 2½ years. To provide for the provision of full municipal water and wastewater services to the annexed area no later than 4 1/2 years after the effective date of the annexation, the City proposes a schedule set forth below:

Water Service - Design and construction of water infrastructure including, but not limited to water lines, water valves, fire hydrants, and other appurtenances necessary.

Design of water line infrastructure to be complete by September 2022.

Construction of water line infrastructure to be complete by December 2023.

Wastewater Service - Design and construction of wastewater infrastructure including, but not limited to gravity sanitary sewer system, and other appurtenance necessary.

Design of wastewater infrastructure to be complete by September 2022.
Construction of wastewater infrastructure to be complete by December 2023.

e. Roads, Streets, Street Lighting, and Drainage Infrastructure. No new roads, streets, street lights, or drainage infrastructure is needed at this time. It will be the responsibility of a developer of any property to provide the new roads, streets, and drainage infrastructure necessary to serve new development within the annexed area.

f. Parks, Playgrounds and Swimming Pools. No capital improvements are needed at this time to provide recreational services.

g. Other Public Buildings, Facilities or Services. No capital improvements are needed at this time to provide other public services.

V. WATER AND WASTEWATER SERVICE EXTENSION POLICIES

The City provides fee based water and wastewater services to the portions of the City which are not within the service area of another water or wastewater utility provider. For lots that have water or wastewater lines in an abutting street or easement, the owner may receive water or wastewater service by applying for a City tap and paying any required fees.

The provision of water and wastewater facilities for new development within the City is primarily governed by the City's building code and subdivision ordinances that are found in Chapters 14 and 94 of the City Code of Ordinances. New development must be served by owner/developer provided public water and wastewater facilities that meet the City's standard requirements. Upon construction and dedication by the owner/developer the City agrees to provide services via the facilities and thereafter to maintain them.

Facilities necessary to serve any new development are generally provided at the sole cost of the developer. Such facilities include not only those which are located within the developer's property, but also any exterior mains which must be extended to connect the property under development to the point of connection with the City's existing facilities. The City need not compensate the developer for the ordinary costs of extending exterior mains.

The City may require that the developer provide oversized water or wastewater facilities. In such cases the City will pay the reasonable cost of such oversizing. Whether or not a particular line sizing constitutes "oversizing," is determined upon the basis of generally accepted sound engineering design practices.

In newly annexed areas the City examines the need for line extensions to
serve existing development that does not currently receive water or wastewater services. The City will determine the need for the construction of lines and facilities to serve existing development after giving due consideration to the topography, land use, population density, the adequacy of existing private water wells and septic tanks and anticipated levels of demand. The City will not undertake line extensions to serve such existing development unless the new lines will be logical, reasonable and prudent extensions of the City's existing facilities. From time to time, upon the request of an interested property owner the City will consider whether or not line extensions previously deemed unnecessary have become necessary as a result of changed conditions. The City may recover the capital costs of extending water or wastewater facilities to serve existing development through the use of impact fees, assessments or any other method authorized by law.
ORDINANCE NO. 2020-02

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 TRACTS LOCATED ALONG THE SOUTH SIDE OF W. LIVE OAK STREET EXTENDING FROM EAST OF POST OAK ROAD TO WEST OF SMOKEHOUSE ROAD; CHANGING SAID PROPERTY TO COMMERCIAL, PUBLIC, AND HIGH DENSITY RESIDENTIAL; PROVIDING THAT THE CHANGE BECOME A PART OF THE COMPREHENSIVE PLAN AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

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

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

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

All of those certain lots, tracts, or parcels of land, specifically identified as approximately 25.4 acres of land, being comprised of all of Outlot Number 126, all of Outlot Number 127, part of Outlot Number 118, and part of Outlot Number 119 as said Outlots are shown on the Map of Fredericksburg and as said Outlots were laid out by the German Emigration Company, said 25.4 acres being more particularly described by metes and bounds attached hereto as
Exhibit A and on the map attached hereto as Exhibit D, are hereby designated as HIGH DENSITY RESIDENTIAL.

All of those certain lots, tracts, or parcels of land, specifically identified as approximately 5.0 acres of land, being part of Outlot Number 88 as said Outlot is shown on the Map of Fredericksburg and as laid out by the German Emigration Company, said 5.0 acres of land being more particularly described by metes and bounds attached hereto as Exhibit B, and as shown on the map attached hereto as Exhibit D, are hereby designated as COMMERCIAL.

All of those certain lots, tracts, or parcels of land, specifically identified as approximately 1.0 acre of land, being part of Outlot Number 118 as said Outlot is shown on the Map of Fredericksburg and as laid out by the German Emigration Company, said 1.0 acre of land being all of the Central Texas Electric Co-operative, Inc. tract found recorded and described in Volume 72, Page 167 of the Gillespie County Deed Records, and being more particularly described by metes and bounds attached hereto as Exhibit C, and as shown on the map attached hereto as Exhibit D, are hereby designated as PUBLIC.

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, TRMC
City Secretary

APPROVED AS TO FORM:

Daniel Jones, City Attorney
APPROXIMATELY 25.4 ACRES OF LAND WITHIN THE CITY LIMITS OF FREDERICKSBURG, GILLESPIE COUNTY, TEXAS, BEING COMPRISED OF ALL OF OUTLOT NUMBER 126, ALL OF OUTLOT NUMBER 127, PART OF OUTLOT NUMBER 118, AND PART OF OUTLOT NUMBER 119 AS SAID OUTLOTS ARE SHOWN ON THE MAP OF FREDERICKSBURG AND AS SAID OUTLOTS WERE LAID OUT BY THE GERMAN EMIGRATION COMPANY. SAID 25.4 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a point in the south line of West Live Oak Street for the northeast corner of Outlot Number 125 and the northwest corner of Outlot Number 126. This said Outlot Corner being the northwest corner of this tract of land;

THENCE in an easterly direction a distance of approximately 1,130 feet along the south line of West Live Oak Street, being also along the north line of Outlot Number 126, and then also along the north line of Outlot Number 127, to the intersection of this line with the west line of Post Oak Road for the northeast corner of both Outlot Number 127 and this tract of land;

THENCE in a southerly direction a distance of approximately 750 feet along the west line of Post Oak Road, being also along the east line of Outlot Number 127 to the southeast corner of Outlot Number 127, being also the northeast corner of Outlot Number 118, for a corner of this tract of land. Said corner being also the northeast corner of the Central Texas Electric Co-Operative, Inc. (CTEC) tract found recorded and described in Volume 72, Page 167 of the Gillespie County Deed Records;

THENCE in a westerly direction a distance of approximately 249 feet along the north line of said Outlot Number 118 and the north line of the said CTEC tract to the northwest corner of the said CTEC tract for an interior corner of this tract of land;

THENCE in a southerly direction a distance of approximately 175 feet along the west line of the said CTEC tract to the southwest corner of the said CTEC tract for an interior corner of this tract of land;

THENCE in an easterly direction a distance approximately 249 feet along the south line of the said CTEC tract to the intersection of this line with the west line of Post Oak Road, being also the east line of Outlot Number 118, for the southeast corner of the said CTEC tract and also a corner of this tract of land;

THENCE in a southerly direction a distance of approximately 90 feet along the most easterly west line of that certain 13.73 acres of land found recorded and described in Instrument Number 20173129, Exhibit "A", of the Official Public Records of Gillespie County, Texas, being also the west line of Post Oak Road and then being also the curvilinear west line of a proposed extension of Post Oak Road to an interior corner of the said 13.73 acres of land for the southeast corner of this tract of land;
THENCE in a westerly direction a distance of approximately 1,126 feet along the most southerly north line of the said 13.73 acres of land, crossing Outlot Number 118 and then crossing Outlot Number 119, to the intersection of this line with the west line of Outlot Number 119 for the most westerly northwest corner of the said 13.73 acres of land and the southwest corner of this tract of land;

THENCE in a northerly direction a distance of approximately 1,017 feet along the west line of Outlot Number 119 and then along the west line of Outlot Number 126 to the PLACE OF BEGINNING, and containing approximately 25.4 acres of land.

*This document was prepared under 22TAC: 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.*
APPROXIMATELY 5.0 ACRES OF LAND WITHIN THE CITY LIMITS OF FERDERICKSBURG, GILLESPIE COUNTY, TEXAS, BEING PART OF OUTFLOT NUMBER 88 AS SAID OUTFLOT IS SHOWN OF THE MAP OF FREDERICKSBURG AND AS LAID OUT BY THE GERMAN EMIGRATION COMPANY. SAID 5.0 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FOR REFERENCE at the intersection of the south line of West Live Oak Street with the east line of Post Oak Road for the northwest corner of Ouflot Number 88, being also the northwest corner of that certain 3.57 acres of land found recorded and described in Instrument Number 20067843, Exhibit "A", of the Official Public Records of Gillespie County, Texas;

THENCE in a southerly direction a distance of approximately 360 feet along the east line of Post Oak Road, being also the west line of both Ouflot Number 88 and the said 3.57 acres of land, to the southwest corner of the said 3.57 acres of land for the PLACE OF BEGINNING of this tract of land;

THENCE in an easterly direction a distance of approximately 432 feet along the south line of the said 3.57 acres of land to the intersection of this line with the west line of that certain 1.25 acres of land found recorded and described in Instrument Number 20140434, Exhibit "A", of the Official Public Records of Gillespie County, Texas, for a corner of this tract of land;

THENCE in a southerly direction a distance of approximately 116 feet along the west line of the said 1.25 acres of land to its southwest corner for an interior corner of this tract of land;

THENCE in a northeasterly direction a distance of approximately 213 feet along the south line of the said 1.25 acres of land to the intersection of this line with the east line of Ouflot Number 88 for the southeast corner of the said 1.25 acres of land and also the northeast corner of this tract of land;

THENCE in a southerly direction a distance of approximately 441 feet along the east line of said Ouflot Number 88 to the southeast corner of said Ouflot Number 88. Said corner being also the northeast corner of Tract 3 of the Windcrest Medical Addition found recorded in Volume 4, Page 55 of the Gillespie County Plat Records and also the northeast corner of this tract of land;

THENCE in a westerly direction a distance of approximately 565 feet along the north line of said Tract 3 of the Windcrest Medical Addition, being also the south line of Ouflot Number 88 to the intersection of this line with the east line of Post Oak Road for the northwest corner of said Tract 3, being also the southwest corner of Ouflot Number 88, the northwest corner of Ouflot Number 87, and the southwest corner of this tract of land;

THENCE in a northerly direction a distance of approximately 395 feet along east line of Post Oak Road and the west line of Ouflot Number 88 to the PLACE OF BEGINNING, and containing approximately 5.0 acres of land.

This document was prepared under 22TAC: 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.
APPROXIMATELY 1.0 ACRE OF LAND WITHIN THE CITY LIMITS OF FREDERICKSBURG, GILLESPIE COUNTY, TEXAS, BEING PART OF OUTLOT NUMBER 118 AS SAID OUTLOT IS SHOWN ON THE MAP OF FREDERICKSBURG AND AS LAID OUT BY THE GERMAN EMIGRATION COMPANY. SAID 1.0 ACRE OF LAND BEING ALL OF THE CENTRAL TEXAS ELECTRIC COOPERATIVE, INC. TRACT FOUND RECORDED AND DESCRIBED IN VOLUME 72, PAGE 167 OF THE GILLESPIE COUNTY DEED RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a point in the west line of Post Oak Road for the southeast corner of Outlot Number 127 and the northeast corner of Outlot Number 118. This said Outlot Corner being the northeast corner of the Central Texas Electric Co-Operative, Inc. (CTEC) tract found recorded and described in Volume 72, Page 167 of the Gillespie County Deed Records and being also the northeast corner of this tract of land;

THENCE in a southerly direction a distance of approximately 175 feet along the west line of Post Oak Road, being also the east line of said Outlot Number 118, to the southeast corner of the said CTEC tract for the southeast corner this tract of land;

THENCE in a westerly direction a distance of approximately 249 feet along the south line of the said CTEC tract to its southwest corner for the southwest corner of this tract of land;

THENCE in a northerly direction a distance of approximately 175 feet along the west line of the said CTEC tract to the intersection of this line with the south line of Outlot Number 127 and the north line of Outlot Number 118 for the northwest corner of both the said CTEC tract and this tract of land;

THENCE in an easterly direction a distance of approximately 249 feet along the south line of said Outlot Number 127 and the north line of both said Outlot Number 118 and the said CTEC tract to the PLACE OF BEGINNING, and containing approximately 1.0 acre of land.

This document was prepared under 22TAC: 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY AND ESTABLISHING THE ZONING DISTRICT AS TO TRACTS LOCATED ALONG THE SOUTH SIDE OF W. LIVE OAK STREET, EXTENDING FROM EAST OF POST OAK ROAD TO WEST OF SMOKEHOUSE ROAD, UPON ANNEXATION INTO THE CITY OF FREDERICKSBURG, TEXAS; ESTABLISHING RESIDENTIAL, PUBLIC FACILITIES, AND COMMERCIAL ZONING FOR SAID PROPERTY UPON ANNEXATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an application for an amendment of the Zoning Ordinance, related to the establishment of zoning for certain tracts upon annexation, has been initiated by the City; 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 zoning 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, specifically identified as approximately 5.0 acres of land, being part of Outlot Number 88 as said Outlot is shown on the Map of Fredericksburg and as laid out by the German Emigration Company, said 5.0 acres of land being...
more particularly described by metes and bounds attached hereto as Exhibit A, and as
additionally shown and designated on the map attached hereto as Exhibit F, to be and is hereby
zoned and designated as C-1: NEIGHBORHOOD COMMERCIAL.

All of those certain lots, tracts, or parcels of land, specifically identified as approximately
1.0 acre of land, being part of Outlot Number 118 as said Outlot is shown on the Map of
Fredericksburg and as laid out by the German Emigration Company, said 1.0 acre of land being
all of the Central Texas Electric Co-operative, Inc. tract found recorded and described in
Volume 72, Page 167 of the Gillespie County Deed Records, and being more particularly
described by metes and bounds attached hereto as Exhibit B, and as additionally shown and
designated on the map attached hereto as Exhibit F, to be and is hereby zoned and designated
as PF: PUBLIC FACILITIES.

All of those certain lots, tracts, or parcels of land, specifically identified as approximately
15.4 acres of land, being parts of Outlot Number 126, Outlot Number 127, Outlot Number
118, and Outlot Number 119, as said Outlots are shown of the Map of Fredericksburg and as
laid out by the German Emigration Company, said 15.4 acres of land being more particularly
described by metes and bounds attached hereto as Exhibit C, and as additionally shown and
designated on the map attached hereto as Exhibit F, to be and is hereby zoned and designated
as R-3: MULTI-FAMILY RESIDENTIAL.

All of those certain lots, tracts, or parcels of land, specifically identified as approximately
48.44 acres of land, being parts of Outlot Number 120, Outlot Number 121, Outlot Number
122, Outlot Number 123, Outlot Number 124, and Outlot Number 125, as said Outlots are
shown of the Map of Fredericksburg and as laid out by the German Emigration Company, said
48.44 acres of land being more particularly described by metes and bounds attached hereto as
Exhibit D, and as additionally shown and designated on the map attached hereto as Exhibit F,
to be and is hereby zoned and designated as R-1: SINGLE FAMILY RESIDENTIAL.

All of those certain lots, tracts, or parcels of land, specifically identified as approximately
12.38 acres of land, being parts of Outlot Number 191 and Outlot Number 192, as said Outlots
are shown of the Map of Fredericksburg and as laid out by the German Emigration Company,
said 12.38 acres of land being more particularly described by metes and bounds attached hereto
as Exhibit E, and as additionally shown and designated on the map attached hereto as Exhibit F,
to be and is hereby zoned and designated as R-1: SINGLE FAMILY RESIDENTIAL.

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

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

PASSED AND APPROVED on this the ___ day of __________________, 20____.
APPROXIMATELY 5.0 ACRES OF LAND WITHIN THE CITY LIMITS OF FREDERICKSBURG, GILLESPIE COUNTY, TEXAS, BEING PART OF OUTLOT NUMBER 88 AS SAID OUTLOT IS SHOWN ON THE MAP OF FREDERICKSBURG AND AS LAID OUT BY THE GERMAN EMIGRATION COMPANY. SAID 5.0 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FOR REFERENCE at the intersection of the south line of West Live Oak Street with the east line of Post Oak Road for the northwest corner of Outlot Number 88, being also the northwest corner of that certain 3.57 acres of land found recorded and described in Instrument Number 20067843, Exhibit "A", of the Official Public Records of Gillespie County, Texas;

THENCE in a southerly direction a distance of approximately 360 feet along the east line of Post Oak Road, being also the west line of both Outlot Number 88 and the said 3.57 acres of land, to the southwest corner of the said 3.57 acres of land for the PLACE OF BEGINNING of this tract of land;

THENCE in an easterly direction a distance of approximately 432 feet along the south line of the said 3.57 acres of land to the intersection of this line with the west line of that certain 1.25 acres of land found recorded and described in Instrument Number 20140434. Exhibit "A", of the Official Public Records of Gillespie County, Texas, for a corner of this tract of land;

THENCE in a southerly direction a distance of approximately 116 feet along the west line of the said 1.25 acres of land to its southwest corner for an interior corner of this tract of land;

THENCE in a northeasterly direction a distance of approximately 213 feet along the south line of the said 1.25 acres of land to the intersection of this line with the east line of Outlot Number 88 for the southeast corner of the said 1.25 acres of land and also the northeast corner of this tract of land;

THENCE in a southerly direction a distance of approximately 441 feet along the east line of said Outlot Number 88 to the southeast corner of said Outlot Number 88. Said corner being also the northeast corner of Tract 3 of the Windcrest Medical Addition found recorded in Volume 4, Page 55 of the Gillespie County Plat Records and also the southeast corner of this tract of land;

THENCE in a westerly direction a distance of approximately 565 feet along the north line of said Tract 3 of the Windcrest Medical Addition, being also the south line of Outlot Number 88 to the intersection of this line with the east line of Post Oak Road for the northwest corner of said Tract 3, being also the southwest corner of Outlot Number 88, the northwest corner of Outlot Number 87, and the southwest corner of this tract of land;

THENCE in a northerly direction a distance of approximately 395 feet along east line of Post Oak Road and the west line of Outlot Number 88 to the PLACE OF BEGINNING, and containing approximately 5.0 acres of land.

This document was prepared under 22TAC: 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.
APPROXIMATELY 1.0 ACRE OF LAND WITHIN THE CITY LIMITS OF FREDERICKSBURG, GILLESPIE COUNTY, TEXAS, BEING PART OF OUTLOT NUMBER 118 AS SAID OUTLOT IS SHOWN ON THE MAP OF FREDERICKSBURG AND AS LAID OUT BY THE GERMAN EMIGRATION COMPANY. SAID 1.0 ACRE OF LAND BEING ALL OF THE CENTRAL TEXAS ELECTRIC CO-OPERATIVE, INC. TRACT FOUND RECORDED AND DESCRIBED IN VOLUME 72, PAGE 167 OF THE GILLESPIE COUNTY DEED RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a point in the west line of Post Oak Road for the southeast corner of Outlot Number 127 and the northeast corner of Outlot Number 118. This said Outlot Corner being the northeast corner of the Central Texas Electric Co-Operative, Inc. (CTEC) tract found recorded and described in Volume 72, Page 167 of the Gillespie County Deed Records and being also the northeast corner of this tract of land;

THENCE in a southerly direction a distance of approximately 175 feet along the west line of Post Oak Road, being also the east line of said Outlot Number 118, to the southeast corner of the said CTEC tract for the southeast corner this tract of land;

THENCE in a westerly direction a distance of approximately 249 feet along the south line of the said CTEC tract to its southwest corner for the southwest corner of this tract of land;

THENCE in a northerly direction a distance of approximately 175 feet along the west line of the said CTEC tract to the intersection of this line with the south line of Outlot Number 127 and the north line of Outlot Number 118 for the northwest corner of both the said CTEC tract and this tract of land;

THENCE in an easterly direction a distance of approximately 249 feet along the south line of said Outlot Number 127 and the north line of both said Outlot Number 118 and the said CTEC tract to the PLACE OF BEGINNING, and containing approximately 1.0 acre of land.

This document was prepared under 22TAC: 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.
SAID 15.4 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a point in the south line of West Live Oak Street for the northeast corner of Outlot Number 125 and the northwest corner of Outlot Number 126. This said Outlot Corner being the northwest corner of this tract of land;

THENCE in an easterly direction a distance of approximately 1,130 feet along the south line of West Live Oak Street, being also along the north line of Outlot Number 126, and then also along the north line of Outlot Number 127, to the intersection of this line with the west line of Post Oak Road for the northeast corner of both Outlot Number 127 and this tract of land;

THENCE in a southerly direction a distance of approximately 750 feet along the west line of Post Oak Road, being also along the east line of Outlot Number 127 to the southeast corner of Outlot Number 127, being also the northeast corner of Outlot Number 118, for a corner of this tract of land. Said corner being also the northeast corner of the Central Texas Electric Co-Operative, Inc. (CTEC) tract found recorded and described in Volume 72, Page 167 of the Gillespie County Deed Records;

THENCE in a westerly direction a distance of approximately 249 feet along the north line of said Outlot Number 118 and the north line of the said CTEC tract to the northwest corner of the said CTEC tract for an interior corner of this tract of land;

THENCE in a southerly direction a distance of approximately 175 feet along the west line of the said CTEC tract to the southwest corner of the said CTEC tract for an interior corner of this tract of land;

THENCE in an easterly direction a distance approximately 249 feet along the south line of the said CTEC tract to the intersection of this line with the west line of Post Oak Road, being also the east line of Outlot Number 118, for the southeast corner of the said CTEC tract and also a corner of this tract of land;

THENCE in a southerly direction a distance of approximately 90 feet along the most easterly west line of that certain 13.73 acres of land found recorded and described in Instrument Number 20173129, Exhibit “A”, of the Official Public Records of Gillespie County, Texas, being also the west line of Post Oak Road and then being also the curvilinear west line of a proposed extension of Post Oak Road to an interior corner of the said 13.73 acres of land for the southeast corner of this tract of land;

THENCE in a westerly direction a distance of approximately 1,126 feet along the most southerly north line of the said 13.73 acres of land, crossing Outlot Number 118 and then crossing Outlot Number 119, to the intersection of this line with the west line of Outlot Number 119 for the most westerly northwest corner of the said 13.73 acres of land and the southwest corner of this tract of land;
THENCE in a northerly direction a distance of approximately 1,017 feet along the west line of Outlot Number 119 and then along the west line of Outlot Number 126 to the PLACE OF BEGINNING, and containing approximately 25.4 acres of land;

LESS, SAVE AND EXCEPT the 10.00 acres of land situated in Gillespie County, Texas, as more fully described by metes and bounds in Warranty Deed with Vendor's Lien, dated June 8, 1978, and recorded in Vol 125, Page 228 of the Deed Records of Gillespie County, Texas.

This document was prepared under 22TAC: 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.
SAID 48.44 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a point in the north line of an Outlot Street (known as West Windcrest Street) for the southeast corner of Outlot Number 120 and the southwest corner of Outlot Number 119. This said Outlot Corner being the southeast corner of this tract of land;

THENCE in a westerly direction a distance of approximately 1,724 feet along the north line of the said Outlot Street (known as West Windcrest Street), being also the south line of Outlot Number 120, and then the south line of Outlot Number 121, and then the south line of Outlot Number 122, to the intersection of this line with the east line of Smokehouse Road for the southwest corner of both Outlot Number 122 and this tract of land;

THENCE in a northerly direction a distance of approximately 1,555 feet along the east line of Smokehouse Road, being also the west line of Outlot Number 122, and then the west line of Outlot Number 123, to the intersection of this line with the south line of West Live Oak Street for the northwest corner of both Outlot Number 123 and this tract of land;

THENCE in an easterly direction a distance of approximately 1,724 feet along the south line of West Live Oak Street, being also the north line of Outlot Number 123, and then the north line of Outlot Number 124, and then the north line of Outlot Number 125, to the northeast corner of Outlot Number 125, and the northwest corner of Outlot Number 126. This said Outlot Corner being northeast corner of this tract of land;

THENCE in a southerly direction a distance of approximately 1,517 feet along the west line of Outlot Number 125, being also the east line of Outlot Number 126, and then along the east line of Outlot Number 120, being also the west line of Outlot Number 119, to the PLACE OF BEGINNING, and containing approximately 60.5 acres of land;

LESS, SAVE AND EXCEPT two (2) tracts of land within the above listed Outlots, totaling approximately 12.06 ACRES OF LAND, as follows:

1. BEING 3.20 acre of land situated in Gillespie County, Texas, as more fully described by metes and bounds in Exhibit A in Substitute Trustee’s Deed dated December 10, 1993, and recorded in Vol 258, Page 205-212 of the Deed Records of Gillespie County, Texas; and

2. BEING 8.857 acre of land situated in Gillespie County, Texas, more fully described as Lot 3 of the Replat of Smokehouse Ranch, recorded in Vol 5, Page 195, of the Plat Records of Gillespie County, Texas.

This document was prepared under 22TAC: 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.
SAID 12.38 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a point in the south line of West Live Oak Street for the northeast corner of Outlot Number 190 and the northwest corner of Outlot Number 191. This said Outlot Corner being the northwest corner of this tract of land;

THENCE in an easterly direction a distance of approximately 1,122 feet along the south line of West Live Oak Street, being also the north line of Outlot Number 191 and then the north line of Outlot Number 192 to the intersection of this line with the west line of Smokehouse Road for the northeast corner of both Outlot Number 192 and this tract of land;

THENCE in a southerly direction a distance of approximately 720 feet along the west line of Smokehouse Road, being also the east line of both said Outlot Number 192 and this tract of land to the southeast corner of Lot 1 of the Seipp Subdivision found recorded in Volume 1, Page 151 of the Gillespie County Plat Records for the southeast corner of this tract;

THENCE in a westerly direction a distance of approximately 770 feet along the south line of said Lot 1 of the Seipp Subdivision, being also the most southerly north line of Lot 2B-2R of a Minor Plat of the Seipp Subdivision found recorded in Volume 5, Page 147 of the Gillespie County Plat Records, to the southwest corner of said Lot 1 of the Seipp Subdivision. Said corner being also an interior corner of said Lot 2B-2R and the most southerly southwest corner of this tract of land;

THENCE in a northerly direction a distance of approximately 277 feet along the west line of said Lot 1 of the Seipp Subdivision and the most northerly east line of said Lot 2B-2R of the said Minor Plat of Seipp Subdivision to the northwest corner of said Lot 1 and the most northerly northeast corner of said Lot 2B-2R for an interior corner of this tract of land;

THENCE in a westerly direction a distance of approximately 352 feet along the most northerly north line of said Lot 2B-2R of the said Minor Plat of Seipp Subdivision to the intersection of this line with the west line of Outlot Number 191, being also the east line of Outlot Number 190, for the northwest corner of said Lot 2B-2R and the most northerly southwest corner of this tract of land;

THENCE in a northerly direction a distance of approximately 429 feet along the west line of said Outlot Number 191, and the east line of Outlot Number 190, to the PLACE OF BEGINNING, and containing approximately 16.0 acres of land;

LESS, SAVE AND EXCEPT two (2) tracts of land within the above listed Outlots, totaling approximately 3.62 ACRES OF LAND, as follows:

1. BEING 508 acre of land situated in Gillespie County, Texas, as more fully described by metes and bounds in Section "V" in Partition Deed and Quitclaim Deed dated November 30, 1975, and recorded in Vol 116, Page 181-187 of the Deed Records of Gillespie County, Texas; and


This document was prepared under 22TAC: 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and

Agenda Packet Page 53
interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.
CITY COUNCIL MEMO

DATE: March 31, 2020

TO: Mayor and City Council

FROM: Shelley Goodwin, City Secretary

SUBJECT: Hold a discussion and take possible action regarding the May 2, 2020 General Election.

Summary:

The City Council will need to discuss the option of postponing the May 2, 2020 General Election until November 3, 2020 or leave the Election on May 2, 2020.

Recommendation:

Staff recommends postponing the May 2, 2020 General Election until Tuesday, November 3, 2020 and holding a Joint Election with Gillespie County.

Background / Analysis:

On March 18, 2020 the Secretary of State issued an Election Advisory No. 2020-12. This Advisory was to provide guidance on Governor Abbott’s proclamation suspending certain provision of the Texas Election Code and allow subdivisions that utilize the May 2, 2020 uniform election date to postpone their election to November 3, 2020.

I received guidance from the Secretary of State’s office that the last day to cancel the May 2, 2020 General Election would be the day before the Early Voting (April 20, 2020). At the Special Emergency Meeting on March 23, 2020 the City Council provided direction to move forward with the May 2, 2020 General Election and make a decision before the April 19, 2020 deadline.

I have contacted several surrounding Cities and most of them have moved their election to November 3, 2020 or were able to cancel their Election due to unopposed candidates. With the CDC guidelines and the potential of the COVID-19 pandemic lasting until the end of April or May, I am not sure that we can protect our voters and workers.
Attachments:

Notes on the postponement of the Election

__________________________  ____________________________
Department Approval        City Manager Approval

__________________________
City Attorney Approval

The City of Fredericksburg

126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861
Moving May 2, 2020, General Election to November 3, 2020

Candidate Filings:
The postponement of May 2, 2020, General Election will not be reopening candidate filings.

Ballot By Mail Requests:
All applications for a ballot by mail (ABBMs) that were filed for the May 2, 2020 election that is marked annual would apply for the November 3, 2020 election. All single-use ABBMs that were submitted for reasons of age or disability would still be valid for the November 3, 2020 election.

If an ABBM was submitted and indicated the reason for voting by mail is due to absence from the county, this ABBM would not be valid. However, I will send a letter to these voters along with a new ABBM in case the circumstances surrounding their absence from the county are still valid or the voter is otherwise eligible to vote by mail.

Ballots by Mail:
The City of Fredericksburg sent out 237 ballots by mail and 6 FPCA, the mail ballots that are being returned will still be valid for the November 3, 2020, postponed election date.

Election Records:
All records, including candidate filings, applications to vote by mail, ballot proofs, and printed ballots will be retained and preserved.

The ballots will be able to be used for November 3, 2020. However, if there are any corrections or changes that occur between now and November, I will treat the original ballots as a traditional ballot correction and destroyed them following Section 52.0064 of the Texas Election Code.

The requirement to use County Election Precincts in November 2020: Per Section 42.002 of the Texas Election Code, county election precincts are required for all elections occurring in November 2020. You will need to work with your county election officer to determine whether you need to make any modifications to your ballot in light of this requirement.
Two options for holding a November 3, 2020 General Election
1. The City of Fredericksburg may choose to contract with Gillespie County Election Administrator to run the General Election.
   - Destroy our May 2, 2020 Ballots and BBM
   - Be on their ballot for Precincts 1-4
   - The County hires workers
   - The County counts ballots and provides results after all ballots have been counted.

2. The City of Fredericksburg may choose to hold a Joint Election.
   - Keep our May 2, 2020 ballots unless there is a change
   - Use the Election Day Precinct 1-4 polling sites that the County uses (12 precinct workers and 3 Central Count workers).
   - Hire our workers
   - Have our own Central Count and release our results

Mandatory Office hours
May 2, 2020, General Election regardless of whether the office is closed someone from the City Secretary’s Office is required to be in the office for 3 hours from March 13, 2020, to June 11, 2020.

November 3, 2020, General Election if a Joint Election is entered into with the County, someone from the City Secretary’s Office is required to be in the office for 3 hours each day from September 14, 2020, and December 13, 2020.

Revisions to Order of Election
The City of Fredericksburg will need to revision our Election Order by August 17, 2020, to make any necessary revisions to our original order of election. Those revisions may include:
1. The change to the date of the election;
2. Any change in location of the main early voting location;
3. Any changes to early voting dates and hours, including weekend early voting;
4. Any changes to the identity of the early voting clerk and their contact information; or
5. Any changes to branch early voting locations.
RESOLUTION 2020-08R


WHEREAS, on February 3, 2020, the City Council previously ordered a General Election for May 2, 2020 for the purpose of electing a Mayor and two (2) Councilmembers; and

WHEREAS, on February 17, 2020, the City Council previously adopted Resolution 2020-04R to designate Presiding Judges and Alternate Judges for Election Date, Early Ballot Board and Central Council, and to establish and set forth procedures for conducting the election; and

WHEREAS, on March 13, 2020, the Governor of Texas certified that the novel Coronavirus (COVID-19) poses an imminent threat of disaster and, under the authority vested in the Governor by Section 418.014 of the Texas Government Code, declared a state of disaster for all counties in Texas; and

WHEREAS, Section 41.0052 of the Texas Election Code prescribes a procedure for a political subdivision to change a General election date, but the time for making such changes has expired; and

WHEREAS, the Governor of the State of Texas issued a Proclamation on March 18, 2020, suspending Section 41.0052 (a) and (b) of the Texas Election Code to extent necessary to allow political subdivisions that would otherwise hold a general on May 2, 2020, to move their general election for 2020 only to the next uniform election date, occurring on November 3, 2020, and suspending Sections 31.093 and 42.062(c) of the Texas Election Code to the extent necessary to require all county election officers to enter into a contract to furnish elections services or enter into a Joint Election with any political subdivision that postponed its election to November 3, 2020; and

WHEREAS, the City of Fredericksburg will make provisions to enter into a Joint Election with Gillespie County for sharing of polling sites for Precinct 1-4; and

WHEREAS, the candidate filings for the May 2, 2020 General Election will remain valid for the election held on November 3, 2020 and that the filing period will not be re-opened for the November 3, 2020.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS;

Section One – Moving Election Date. The City Council is exercising authority granted by the Governor’s proclamation and is hereby postponing the General Election that would have been held on Saturday, May 2, 2020, to now be held on the next uniform election date, which is Tuesday, November 3, 2020.

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Section Two – Effect of Changing Date on application for Ballot by Mail (ABBM). All applications for ballot by mail submitted by voters that are over the age of 65 or disabled will still be valid for the November 3, 2020, election. However, applications for ballot by mail submitted by voters not over the age of 65 or disabled, but based on expected absence from the county, will not be valid for November 3, 2020, election. Applications for ballot by mail for the November 3, 2020, election based on expected absence from the county, and new application by person over the age of 65 or disabled, will need to be received by October 23, 2020. Any mail-in ballots already sent out by the early voting clerk that are returned by the voter to the early voting clerk will be valid for the November 3, 2020, election.

Section Three – Effect of Changing Date of Election Deadlines. Updated relevant deadlines and dates for voters for the November 3, 2020, election:

<table>
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<th>Deadline</th>
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<tr>
<td>Voter Registration Deadlines</td>
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<td>Deadlines to submit an Application for Ballot by Mail</td>
<td>October 23, 2020</td>
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<td>Early Voting Dates</td>
<td>October 19, 2020 – October 30, 2020</td>
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</table>

Section Four - Effect of Changing Dates on Order of Election. The City Council will meet before August 17, 2020 to make any necessary revisions to the City’s original Order of the General Election, which was adopted on February 3, 2020. Those revisions may include:

1. Change the date of the election;
2. Any changes in location of the mail early voting location;
3. Any changes to the identity of the early voting clerk and their contract information; or
4. Any changes to the identity of the Presiding Judges and Alternate Judges; or
5. Any changes to early voting branch locations

Section Five – Candidate Filings. The City of Fredericksburg candidate filings for the May 2, 2020 election will remain valid for the election held on the November 3, 2020, and the filing period will not be re-opened for the November 3, 2020 Election date.

Section Six – Inconsistent Provisions. All orders, ordinances, and resolution, or parts thereof, which are in conflict or inconsistent with any provisions of this Resolution are hereby repealed to the extent of such conflict, and the provisions of the Resolution shall be and remain controlling as to the matters ordered herein.

Effective Date. This resolution shall be effective upon its adoption.

PASSED AND APPROVED this ____ day of ________, 2020.

Linda Langerhans
Mayor

ATTEST:

Shelley Goodwin
City Secretary
CITY COUNCIL MEMO

DATE: April 6, 2020

TO: Mayor and City Council

FROM: Laura Holienbeak, Director of Finance

SUBJECT: Discuss requests to extend the payment deadline for 1st Quarter CY 2020 Hotel Occupancy Taxes due to COVID-19.

Summary:

The City has received requests to extend the payment deadline for the 1st Quarter CY 2020 Hotel Occupancy Taxes due to COVID-19.

Recommendation:

Staff recommends: 1) City follow the Comptroller’s decision and other municipalities not to extend the Hotel Occupancy Tax payment deadline, 2) Be consistent with other municipalities to waive penalty and interest for 90 days. The City’s ordinance does not allow for this presently. Council will need to amend the ordinance if their decision includes waiving penalty and interest for 90 days.

Background / Analysis:

Finance department staff contacted the Texas Comptroller of Public Accounts, five surrounding Cities, and Avenue Insights. The State Comptroller’s office is not extending the HOT payment deadline date. Other local municipalities are not extending the deadline either. Avenue Insights stated that they historically see municipalities follow the suggested protocol by either the State or in unison among local municipal associations. The taxes already collected by the Hotel/Motel/STR does not belong to the taxpayer. The funds belong to the State and Local governments. This is not considered revenue for the operation of their Hotel/Motel/STR. It is a liability on their books, and the business serves as a pass through.
City staff will encourage the taxpayer to file a return even if they cannot pay at this time, so we can identify the revenue expected from the Hotel/Motel/STR. Hotel Occupancy collections will be re-evaluated 5-7 days after the April 30th deadline and again 30 days after the payment deadline. Staff will keep City Council informed of requests for an extension of the payment deadline.

**Attachments:**

Hotel Occupancy Tax Payment Deadline Extension Discussion

________________________
Laura Hollenbeck  
Department Approval

________________________
Daniel Jones  
City Attorney Approval

________________________
  
City Manager Approval
Hotel Occupancy Tax Payment Deadline Extension Discussion

**Topic:** Requests to extend the payment deadline for 1st quarter 2020 Hotel Occupancy Taxes due to COVID-19.

Below is the feedback I received from Kerrville, Boerne, New Braunfels, Marble Falls and San Marcos.

All the following were contacted the morning of 3/26/2020.

A. **Texas Comptroller of Public Accounts**
   - Spoke with the Tax Division.
   - They are not extending the HOT payment deadline date. They have only done that when people have no computer access due to severe weather events such as flooding or tornados because the power and internet was knocked out. They are encouraging taxpayers to file and pay online and pay what they can. They are allowing some to pay out taxes due on a payment plan.

B. **City of Kerrville**
   - They are not to extending the payment deadline at this time. This should not be a financial burden on the business for money already collected from their customers. This is not revenue collected for the operation of their business. It is a liability on their books, and the business serves as a pass through. Under their ordinance, this would be a violation of their ordinance as well as State law.

C. **City of Boerne**
   - This money has already been collected by the Hotel/Motel/STR and does not belong to the taxpayer, it belongs to the State & Local governments; the Comptroller’s office has not extended the HOT remittance due date. They are asking taxpayers to remit the report even if they can’t pay in order to see what kind of revenue is out there to collect. Their Ordinance does not allow for payment plans or delays of payment. A payment deadline extension for HOT would need to go before the City Council. Not going to impose penalties/interest at this time.

D. **City of New Braunfels**
   - Typically, the City has a late fee and penalty structure as follows: 1st day $50 fee, 31st day $75 fee, 61st day $100 fee & 91st day 15% of the assessed HOT, plus separate misdemeanor charges for failure to file & pay. Due to the COVID-19 outbreak and because New Braunfels declared a state of disaster, the City Manager decided to waive all late fees associated with delinquent payments of HOT. Property owners are still required to file their taxes, but they are essentially being given a 90-day “grace-period” until they are charged a 15% penalty on the assessed taxes (we also waived the misdemeanor charges on the 90th day). The waived fees only apply to tax forms for February 2020 moving forward, so if we had a property owner that was delinquent for a month before Feb 2020 they would still see the late fees added to their form. They have had several hotels contact them worried that they wouldn’t be able to pay their employees, so they are hopeful that this alteration will assist them.
Hotel Occupancy Tax Payment Deadline Extension Discussion

E. **City of Marble Falls**
   - They’ve not had any inquiries yet.

F. **City of San Marcos**
   - All they are doing to attempt to provide some relief is to **not** impose penalties for small, local hotels and modify the penalty structure for large chains with the intent to re-evaluate their strategy in 90 days.

G. **Avenu Insights**
   - Historically, they see municipalities following the suggested protocol by either the State or in unison among local municipal associations. There are instances where a specific municipality will make a decision that differs slightly from the others. One of those times was with Hurricane Harvey in 2017. The Governor issued a proclamation extending the collection of state or local hotel or motel occupancy taxes from the victims of the hurricane or personnel participating in relief efforts for a specific number of days.

H. **Recommendations**
   - Based on the feedback above, the following is recommended:
     - Follow suite with the Comptroller’s decision and other municipalities not to extend the HOT payment deadline.
     - Follow suite with other municipalities to waive interest & penalties for 90 days. This would need to be an action item with City Council since our ordinance does not currently allow for this.
     - When a taxpayer indicates they will be unable to pay all or only a portion of the HOT due, encourage them to file even if they can’t pay, so we can identify the revenue we can expect.
     - Re-evaluate collections 5-7 days after the April 30th deadline and again 30 days after the payment deadline.
     - Inform and continue to inform City Council of all requests for a payment deadline extension.
     - If requests/pressure for an extension of the payment deadline continues, take the request before City Council.
CITY COUNCIL MEMO

DATE: April 6, 2020
TO: Mayor and City Council
FROM: Andrea Schmidt, Parks & Recreation Director
SUBJECT: LBJ Park restroom and shower project status

Summary:

In November 2019, City Council approved the purchase of a replacement restroom and shower facility at LBJ Municipal Park in the camping area. The order was placed in December 2019, with a delivery date of mid-May 2020. Parks staff was to start demolition of the existing restroom in early April and the Street Department was to build the pad site for the new facility at the end of April. Due to the ongoing virus issue and the financial difficulties the City will face, proceeding on this project is in question.

Staff spoke to CXT Concrete Buildings on March 25, 2020, and while some work has been done, the construction of the building has not started. CXT has put the project on hold until they hear back from the City. Some work has already been completed such as drawing and sealing the plans for the building. The total cost for the work already completed is a little less than $5,000.

The total project budget is $240,000. If the project is put on hold until the City has a better idea of the financial impact the virus has had, but still completed by the end of 2020, CXT will give us credit back for the $5,000. If the project is delayed until after December 2020, then we will have to start over and have new plans drawn and sealed. If the project is cancelled it will result in savings of $235,000 in this year's fiscal year budget.

Recommendation:

Consider delaying or canceling the CXT Concrete Building restroom and shower project at LBJ Park for a cost savings of $235,000.
Background / Analysis:

Attachments:
None

Daniel Jones
City Attorney Approval
CITY COUNCIL MEMO

DATE: April 6, 2020
TO: Mayor and City Council
FROM: Andrea Schmidt, Parks & Recreation Director
SUBJECT: Consider additional park facility closures or restrictions

Summary:

An order has been issued for no groups larger than 10 people to congregate in public locations and for groups of 10 or less to practice social distancing. At some of the park locations this has not been happening. These locations include the basketball pavilion and skate park at Old Fair Park and Marktplatz.

Picnic tables at Marktplatz have been spread out ten plus feet from each other and the large restroom is closed. The restrooms at Old Fair Park are closed at this time as well. Lady Bird Park has also been very busy but people are more spread out and we have not seen groups more than 10 congregating at this time. At LBJ Park only the restrooms in the RV area are open.

Recommendation:

Consider closing or restricting access to additional park facilities.

Background / Analysis:

Many cities have closed all of their outdoor sports facilities including basketball pavilions, skate parks, ball fields, etc. Cities are removing the rims to prevent people from still using the basketball courts. We
can also put up orange construction fencing at some of the facilities if they are closed or access is restricted.

Attachments:
None

[Signatures]

Department Approval
Daniel Jones
City Attorney Approval

City Manager Approval
Future Agenda Items
City Council

April 20, 2020
Regular Meeting

City Council = Red
2nd and 16th Regular Meetings @ 6p.m.
Planning & Zoning = Green 4-8-2020 @ 5:30 p.m.
Historic Review Board = Purple 4-14-2020 @ 5:30 p.m.
Board of Adjustment = Blue 4-16-2020 @ 5:30 p.m.
City Events = Yellow
Early Voting April 20th-April 24th and April 27th & 28th
Extended voting hours (7am-7pm April 24th and April 28th;
all other days are 7:30 am-4:30 pm)

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Proclamation

Consent
1. 3-23-2020 City Council Emergency Meeting Minutes
2. 4-6-2020 City Council Regular Meeting Minutes

Ordinances

Resolutions

Public Hearing

Approvals-Misc.
1. Resolution regarding Atmos GRIP-MidTex- ATM Suspension
2. Award a bid for the Knauth Pump Station Project

Presentations, Discussions and Updates:
1. COVID-19 Update

Executive Session
May 4, 2020
Regular Meeting

City Council = Red
4th and 18th Regular Meetings @ 6p.m.
Planning & Zoning = Green 4-6-2020 @ 5:30 p.m.
Historic Review Board = Purple 4-12-2020 @ 5:30 p.m.
Board of Adjustment = Blue 4-14-2020 @ 5:30 p.m.
City Events = Yellow
Election Day (7am-7 pm)

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Proclamation

Consent
1. 4-20-2020 City Council Regular Meeting Minutes

Ordinances

Resolutions

Public Hearing

Approvals-Misc.

Presentations, Discussions and Updates:
1. COVID-19 Update

Executive Session

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