City of Fredericksburg

REGULAR CITY COUNCIL MEETING AGENDA
MONDAY, AUGUST 17, 2020 ~ 6:00 P.M.

Gary Neffendorf, Mayor
Tom Musselman, Councilmember
Bobby Watson, Councilmember

Charlie Kiehne, Councilmember
Polly Rickert, Councilmember
Kent Myers, City Manager

The City of Fredericksburg City Council will meet in a regular session on Monday, August 17, 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 attend using one of the following:
Computer:
Internet: https://us02web.zoom.us/j/88958577828
Meeting ID: 889 5857 7828
Password: 786247521
Phone:
877 853 5247 US Toll-free
888 788 0099 US Toll-free
Meeting ID: 889 5857 7828

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. EMPLOYEE RECOGNITIONS

4. PUBLIC COMMENTS
During the COVID-19 pandemic, the City of Fredericksburg is allowing written or verbal public comments:

Written Comments: to be submitted remotely:
1. Must be received by 3 p.m. on August 17, 2020
2. Complete the Citizen Comment Form online at www.fbgtx.org; or
3. Email your comments to sgoodwin@fbgtx.org; or
4. 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 “August 17, 2020, City Council Regular Meeting” tab.

**Verbal Comments:**
1. Must submit your name, address and contact information to sgoodwin@fbgtx.com by 3 p.m. on August 17, 2020.
2. Please log on to the meeting 15 minutes early.
3. Set your name in the ID on the Zoom Meeting
4. Wait for your name to be called.
5. You will be limited to 3 minutes to speak.

**5. CONSENT**

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

A. Consider approval of the following Minutes:
   i. July 22, 2020, City Council Workshop
      (Agenda Packet Pages 5-8)
   ii. July 28, 2020, City Council Workshop
       (Agenda Packet Pages 9-12)
   iii. August 3, 2020, City Council and County Commissioners Court’s Joint Workshop
       (Agenda Packet Pages 13-16)
   iv. August 3, 2020, City Council Regular Meeting
       (Agenda Packet Pages 17-24)

B. Consider approval of a Fee Waiver Request for the 2020 Census to utilize City-owned facilities to conduct official 2020 Census training and activities through December 31, 2020.
   (Agenda Packet Pages 25-28)

**6. PUBLIC HEARINGS**

Anyone seeking to speak on this item may email sgoodwin@fbgtx.org prior to 5:30 p.m. to be registered. A caller must use the “raise your hand” feature on Zoom in order to be called upon for the Public Hearing. If a caller is using the Zoom app on a computer, tablet, or mobile phone click on “Participants” and click on “Raise Hand” button. If a caller is using a landline telephone press *9.

A. Hold Public Hearing to receive comments for or against a Conditional Use Permit for an Indoor Market including several uses in addition to the C-1.5 District, including, a club or lodge, cocktail lounge, food sales, general retail sales, liquor sales, mobile food establishments and a microbrewery/distillery located at 206 N. Milam (Z-2011).
   (Agenda Packet Pages 29-60)

B. Hold Public Hearing to receive comments for or against a Conditional Use Permit for Short Term Rentals on the First Floor at 411 E. Main (Z-2007)
   (Agenda Packet Pages 61-68)

C. Hold Public Hearing to receive comments for or against the following changes at 110 N. Bowie Street, 603 W. Austin Street, and 605 W. Austin Street:
   i. Change in the Land Use Plan from Low Density Residential to Medium Density Residential; and
ii. Change in Zoning from R-1, Single Family Residential to R-2 Mixed Residential (Z-2012)
(Agenda Packet Pages 69-89)

7. ORDINANCE AND RESOLUTION
A. Consider the approval of Ordinance 2020-17 amending Article 24.000-Recreational Fees, of Appendix A-Fee Schedule, of the Code of Ordinances to establish a tiered pricing structure for occupancy of the RV Park Campsites at Lady Bird Johnson Municipal Park; to provide authority for the Director of Parks and Recreation to designate certain dates as requiring a two (2) night minimum occupancy for said RV Park; and providing for an effective date (1st of two readings; City Council may waive second reading).
(Agenda Packet Pages 87-92)

B. Consider the approval of Resolution 2020-14R, supporting the passage of legislation during the 87th Regular Session of the Texas Legislature (2021), to allow for the expenditure of Municipal Hotel Occupancy Tax Revenue by the City for construction of improvements in Municipal Parks.
(Agenda Packet Pages 93-96)

8. OTHER ACTION ITEMS AND UPDATES
A. Consider the approval of a Conditional Use Permit for an Indoor Market including several uses in addition to the C-1.5 District, including, a club or lodge, cocktail lounge, food sales, general retail sales, liquor sales, mobile food establishments and a microbrewery/distillery located at 206 N. Milam (Z-2011).
(Agenda Packet Pages 29-60)

B. Consider the approval of a Conditional Use Permit for Short Term Rentals on the First Floor at 411 E. Main (Z-2007)
(Agenda Packet Pages 61-68)

C. Consider the approval of the following changes at 110 N. Bowie Street, 603 W. Austin Street, and 605 W. Austin Street:
   i. Change in the Land Use Plan from Low Density Residential to Medium Density Residential; and
   ii. Change in Zoning from R-1, Single Family Residential to R-2 Mixed Residential (Z-2012)
(Agenda Packet Pages 69-86)

D. Consider the approval of Joint Election Agreement with Gillespie County for polling places for the November 3, 2020, General Election.
(Agenda Packet Page 97-102)

E. Consider the approval of cost sharing in infrastructure for Vineyard Oaks a development of affordable housing apartment complex between Sunrise Street and Friendship Lane.
(Agenda Packet Page 103-108)

F. Consider the approval of the Professional Services Agreement with Kimley Horn for the development of a Rough Proportionality Assessment for the Oaks of Windcrest Phase 5 subdivision development.
(Agenda Packet Page 109-116)
8. CITY MANAGER’S REPORT
   A. Budget Update
   B. Reopening of City Hall and City Hall Annex
   C. September Public Meetings
   D. COVID-19 Task Force
   E. Temporary Changes to City Business Regulations During COVID-19

9. ITEMS FOR FUTURE AGENDA
   (Agenda Packet Pages 117-118)

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

11. EXECUTIVE SESSION
    The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas
    Government Code Section 551.071 (Consultation with Attorney):
    A. Receive legal advice regarding Texas Local Government Code Section 212.904, rough
       proportionality, and apportionment of City infrastructure costs for development in the City
       (551.071)

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

13. ADJOURN
    This is to certify that I, Shelley Goodwin, posted this Agenda at 2:50 p.m. on August 12, 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
The City of Fredericksburg City Council met in a Workshop session on Wednesday, July 22, 2020, at 4:00 p.m. This meeting was held remotely via Zoom Teleconferencing, and in-person attendance was not available. Members of the public attended the meeting remotely by web or telephone via Zoom Teleconferencing. 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 Present on the Teleconferencing:
Mayor Gary Neffendorf
Councilmember Charlie Kiehne
Councilmember Tom Musselman
Councilmember Polly Rickert
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
Lynn Bizzell, Fire Chief
Steve Wetz, Police Chief
Brian Jordan, Development Services Director
Russell Immel, Information Technology Director
Andrea Schmidt, Parks Department Director
Lea Feuge, Public Information Officer
Kelli Olfers, Gillespie County Health Department Director
Tammie Loth, Human Resource Director
Laura Hollenbeck, Finance Director
Kris Kneese, Assistant Director of Public Works and Utilities
Garrett Bonn, Assistant Engineer
Braxton Roemer, Police Lt.
Brian Vorauer, Patrol Lt.
David Kellam, Assistant Finance Director
Krista Wareham, City Accountant
Jennifer Krupa, Special Events Coordinator
Kerry Schmidt, Sanitation Supervisor
Trevor Dupuis, Parks Supervisor
Lee Stubblefield, Electric Superintendent
Glenn Koennecke, Street Department Superintendent
Kathlyn Brazell, Recreation Supervisor
Shelley Goodwin, City Secretary

1. CALL TO ORDER
Mayor Neffendorf called the regular meeting of the Fredericksburg City Council to order at 4:00 p.m. on Wednesday, July 22, 2020, via Zoom Teleconference. Mayor Neffendorf announced a quorum of the City Council present.

2. UPDATE ON CORONAVIRUS (COVID-19) PANDEMIC
An update was not provided.

3. PUBLIC COMMENTS
Mayor Neffendorf reviewed the different ways the public could provide comments. He stated the City received two written citizen comments, and the staff will get back with the citizens who provided comments.

4. PRESENTATION, DISCUSSION, REVIEW AND POSSIBLE DIRECTION
   A. Proposed 2021 Fiscal Year Budget General Fund
Kent Myers, City Manager, reported this is the first of three Budget Workshops via Zoom, the other Workshops will occur on the following:
   - Tuesday, July 28, 2020, at 4 p.m. to discuss revenues and expenses for the Special Revenue Funds, Enterprise Funds, employee salaries and benefits, and funding for local organizations such as the CVB, EDC, and Chamber.
   - Monday, August 3, 2020, at 8:30 a.m., to discuss with the County Commissioners the funding for shared City/County services.
He reported August 24, 2020, is scheduled for the budget public hearing. He noted the purpose of tonight’s meeting, which is to present the proposed General Fund Budget and make changes as determined. He pointed out that the City is waiting for information on shared expenses with the County, TML on costs for insurance and bonds, and Appraisal District information on the proposed tax rate. He also noted in preparing for the proposed Budget the City recognized a new financial environment where both residents and businesses are facing hardships related to COVID-19. The virus will continue to have an economic impact to the City that will require us to exercise additional controls over our expenses to offset decreases in revenues. The proposed Budget’s focus is to maintain the current quality level of City services with no increases or expansion of these services. He also reminded the City Council there is funding available in reserves if needed to balance the Budget.

Department Budgets
Kent Myers, City Manager, reviewed the proposed General Fund Revenue and Administrative Budget.

Chris Meade, Touchstone, reviewed the proposed Golf Course line items. He also noted the Golf Course is on track to break-even during the FY2021.
Steve Wetz, Police Chief, reviewed the proposed Police Department budget. He discussed the need for a new Patrol Officer position and new vehicles.

Lynn Bizzell, Fire Chief, reviewed the proposed Fire Department budget. He also noted the future need for a third ambulance.

Andrea Schmidt, Parks Department Director, reviewed the proposed Parks Department budget. She discussed the Parks Department CIP requests.

Garret Bonn, City Assistant Engineer, reviewed the proposed Street Department budget. He also discussed the Street Department CIP request.

Brian Jordan, Development Services Director, reviewed the proposed Development Services Department budget.

Kelli Olfers, Health Department Director, reviewed the proposed Health Department budget.

Kent Myers, City Manager, reviewed the Municipal Court budget.

Clinton Bailey, Assistant City Manager/Director Public Works and Utilities, reviewed the proposed Engineering Department budget. He also discussed the Engineering CIP request.

The City Council provided directions to add the following changes in the proposed Budget:
- 01-00-4108-00 Decreasing Sales taxes 2021 Requested amount to $5.5 million ($300,00).
- 01-00-4110-00 Decreasing Mixed Drink Tax 2021 Requested amount to $116,000 ($25,000).
- Add current deficit for Golf Course $139,604
- Look at increasing the RV lot rental fees.
- New Police Officer and all the supplies/equipment needed for the position
- Purchase of six Police Vehicles for $210,119.
- Parks playground equipment $32,000.
- Parks Maintenance Building $40,000.
- Street Department Sidewalk Improvements $100,000.

The City Council also discussed coming back in January and revisit the Budget. They also asked for a list to be created of funds and CIP requests to be visited in January or February. They noted a possible need to adjust the Current Ad Valorem Taxes after the budget workshop due to the possibility of property owners' hardships.

5. ADJOURN

Motion: A motion was made by Councilmember Kiehne, seconded by Councilmember Musselman, to adjourn the Wednesday, July 20, 2020, City Council Regular Meeting at 5:41 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.
ATTEST

Gary Neffendorf
Mayor

Shelley Goodwin, TRMC
City Secretary
The City of Fredericksburg City Council met in a Workshop session on Tuesday, July 28, 2020, at 4:00 p.m. This meeting was held remotely via Zoom Teleconferencing, and in-person attendance was not available. Members of the public attended the meeting remotely by web or telephone via Zoom Teleconferencing. 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 Present on the Teleconferencing:
Mayor Gary Neffendorf
Councilmember Charlie Kiehne
Councilmember Tom Musselman
Councilmember Polly Rickert
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
Lynn Bizzell, Fire Chief
Steve Wetz, Police Chief
Brian Jordan, Development Services Director
Russell Immel, Information Technology Director
Andrea Schmidt, Parks Department Director
Lea Feuge, Public Information Officer
Kelli Olfers, Gillespie County Health Department Director
Tammie Loth, Human Resource Director
Laura Hollenbeck, Finance Director
Kris Kneese, Assistant Director of Public Works and Utilities
Garrett Bonn, Assistant Engineer
Braxton Roemer, Police Lt.
Brian Vorauer, Patrol Lt.
David Kellam, Assistant Finance Director
Krista Wareham, City Accountant
Jennifer Krupa, Special Events Coordinator
Kerry Schmidt, Sanitation Supervisor
Trevor Dupuis, Parks Supervisor
Lee Stubblefield, Electric Superintendent
Glenn Koennecke, Street Department Superintendent
Kathlyn Brazell, Recreation Supervisor
Shelley Goodwin, City Secretary
1. CALL TO ORDER
Mayor Neffendorf called the special workshop meeting of the Fredericksburg City Council to order at 4:00 p.m. on Tuesday, July 28, 2020, via Zoom Teleconference. Mayor Neffendorf announced a quorum of the City Council present.

2. PUBLIC COMMENTS
Mayor Neffendorf reviewed the different ways the public could provide comments. He stated the City received one written citizen comment, and the staff will get back with the citizen who provided the comment.

3. PRESENTATION, DISCUSSION, REVIEW AND POSSIBLE DIRECTION
   A. Funding for Local Organizations
      Kent Myers, City Manager, reviewed the history of the funding of Local Organizations.
         i. Convention and Visitor Bureau
            Ernie Loeffler, Convention, and Visitor Bureau President/CEO reviewed the Tourism Budget. He discussed the projected figures for Tourism Revenue.
         
         ii. Chamber of Commerce
            Penny McBride, Chamber of Commerce President/CEO, reviewed her proposed Budget and the canceled events. She stated during the pandemic the focus has been on servicing. The needs of their members, and the community.
         
         iii. Economic Development Commission
            Tim Lehmberg, Gillespie County EDC Director, reviewed his proposed Budget. He noted the County and the City contribute a total of $140,000, which is the same amount for the last six years. He also reviewed the status of the current real estate, rentals, and new businesses,

   B. Proposed FY2021 Budgets
      i. Electric Fund
         Kent Myers, City Manager, reported the Electric Fund’s revenue and noted that the cost for power is down. He noted there is a request for a new employee (Meter Technician) that would be shared between Electric and Water Departments.

         Kris Kneese, Assistant Director of Public Works and Utilities, reviewed the CIP Electric request. He provided the Electric Meter Replacement Project history and the proposed forklift that will be shared with the Water Department. He reviewed the history of the previous position in the Finance Department that assisted with meter readings, and minor fixes were changed to a position after that person retired. He also discussed the duties of the Meter Technician.

         Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities, stated that the Electric Department is currently repairing obsolete meters.

         Lee Stubblefield, Electric Superintendent, noted it would take 2 to 3 months to replace the electric meters.

         ii. Water Fund
            Kent Myers, City Manager, reported with the dry weather the City is currently selling a lot of water.
He also noted that they are not proposing any rate increases in this Budget. He also reviewed the uses of impact fees.

Kris Kneese, Assistant Director of Public Works and Utilities, reviewed the Water Department CIP requests.

iii. Golf Fund
Chris Meade, Touchstone, reviewed the Incentive Management Fee, which was $67,000 in FY2020. He also reviewed the CIP request for the Golf Course.

iv. Solid Waste Fund
Garrett Bonn, Assistant Engineer, reviewed the proposed budget for the Solid Waste Fund. He also reviewed the CIP request and different programs.

v. EMS Fund
Lynn Bizzell, Fire Chief, reviewed the proposed budget for the EMS Fund.

Lori Seewald, Accounts Administrator, reviewed the process for billing and collections.

vi. Tourism Fund
Kent Myers, City Manager, reviewed the proposed budget for the Tourism Fund.

vii. Drainage Fund
Kent Myers, City Manager, reviewed the proposed budget for the Drainage Fund.

Garrett Bonn, Assistant Engineer, reviewed the need for an additional employee and the CIP request.

Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities, stated there are only 3 employees, and not having 4 employees creates safety issues and other issues when someone is out.

viii. Food and Wine Fest Fund
Debbie Reeh, Food and Wine Fest Chair, reviewed the Food and Wine Fest Expenditures and Revenue Funds. She noted that even though the event has been canceled, they are busy with refunds.

ix. Other City Funds
Kent Myers, City Manager, reviewed the following Revenue and Expenditure Funds:
- Emergency Management
- Debt Services
- Capital Project Water & Wastewater
- Police Forfeiture
- Animal Shelter Special Account (donations)
- Parks & Recreation Special Account (donations)
- Health Insurance

The City Council provided directions to add the following changes in the proposed Budget:
- Main Street Decorative Lighting $330,000
- Sandcastle Rehab Project $35,000
- Meter Replacement Project (Finance) $204,000
• Forklift (pay ½ Electric Fund and ½ Water Fund) $90,000
• Boot Ranch Lift Station $1,800,000
• Green Meadows Lift Station Rehab $15,000
• Water line connection at Fort Martin Scott $35,000
• South Heights PS Remodel $56,000
• West Live Oak Water & Sewer (pay out of Impact Fees) $1,155,000
• Valve Insertion Machine $79,000
• Chipper Truck $108,000
• Chipper $65,000
• Leaf Loader (pay ½ Solid Waste and ½ Drainage) $260,000
• Drainage new employee $35,360 (plus benefits)
• North Llano Water Line $1,170,000
• East Main Street Water Line Rehab $1,053,000

C. Employees’ Salaries and Benefits
Kent Myers, City Manager, reviewed the upcoming retirements and the effect they will have on the Budget.

The City Council also discussed coming back in January and revisit the Budget.

D. Status of General Fund Budget
Kent Myers, City Manager, the upcoming Budget Workshops being held via Zoom:
• Monday, August 3, 2020, at 8:30 a.m. to discuss with the County Commissioners the funding for shared City/County services.
• Wednesday, August 12, 2020, at 4 p.m. Budget Workshop
• Monday, August 24, 2020, budget public hearing on the proposed budget/No-New-Revenue Tax Rate. Time is to be announced.

E. Proposed FY2021 Tax Rate
Laura Hollenbeck, Finance Director, stated she has not received the Tax Rate Worksheets for the Appraisal District. She noted she would provide several different Tax Rate Scenarios at August 12, 2020, Budget Workshop.

4. ADJOURN
Motion: A motion was made by Councilmember Watson seconded by Councilmember Kiehne, to adjourn the Tuesday, July 28, 2020, City Council Regular Meeting at 6:41 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

______________________________
Gary Neffendorf
Mayor

ATTEST

______________________________
Shelley Goodwin, TRMC
City Secretary
CITY OF FREDERICKSBURG
MINUTES OF CITY COUNCIL AND GILLESPIE COUNTY COMMISSIONER’S COURT WORKSHOP
AUGUST 3, 2020

The City of Fredericksburg City Council and Gillespie County Commissioner’s Court met in a Workshop session on Monday, August 3, 2020, at 8:30 a.m. This meeting was held remotely via Zoom Teleconferencing, and in-person attendance was not available. Members of the public attended the meeting remotely by web or telephone via Zoom Teleconferencing. 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 Present on the Teleconferencing:
City County:
Mayor Gary Neffendorf
Councilmember Charlie Kiehne
Councilmember Tom Musselman
Councilmember Polly Rickert
Councilmember Bobby Watson

Members of City Council Absent:
None

Gillespie County Commissioner’s Court:
County Judge, Mark Stroecher
Commissioner Pct. 1, Charles Olfers
Commissioner Pct. 2, Keith Kramer
Commissioner Pct. 3, Dennis Neffendorf
Commissioner Pct. 4, Donnie Schuch

Members of County Commissioner’s Court Absent:
None

City Staff Present:
Kent Myers, City Manager
Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities
Daniel Jones, City Attorney
Lynn Bizzell, Fire Chief
Steve Wetz, Police Chief
Brian Jordan, Development Services Director
Russell Immel, Information Technology Director
Andrea Schmidt, Parks Department Director
Lea Feuge, Public Information Officer
Kelli Olfers, Gillespie County Health Department Director
Tammie Loth, Human Resource Director
Laura Hollenbeck, Finance Director
Kris Kneese, Assistant Director of Public Works and Utilities

City Council and Gillespie County Commissioner’s Court Minutes August 3, 2020 Page 1
Garrett Bonn, Assistant Engineer
Braxton Roemer, Police Lt.
Brian Vorauer, Patrol Lt.
David Kellam, Assistant Finance Director
Krista Wareham, City Accountant
Frank Stead, Fire Department Safety Officer
Catherine Kuhlmann, Infection Control Officer/ Justice of the Peace Pct. 2
Dave Wisniewski, Interim Gillespie County Emergency Management Coordinator
Lori Seewald, Accounts Administrator
David Jung, EMS Director
Jennifer Krupa, Special Events Coordinator
Shelley Goodwin, City Secretary

**County Staff Present:**
Mary Lynn Rusche, County Clerk
Dana Smith, Human Resources
Buddy Mills, Sheriff
John Keller, Information Systems Administrator
Les Metzler, Director of Dispatch

1. **CALL TO ORDER**
Mayor Neffendorf called the special meeting of the Fredericksburg City Council to order at 8:30 a.m. on Monday, August 3, 2020, via Zoom Teleconference. After Roll Call, Mayor Neffendorf announced a quorum of the City Council present and Judge Stroehler announced a quorum of the County Commissioner’s Court present.

2. **PUBLIC COMMENTS**
Mayor Neffendorf reviewed the different ways the public could provide comments. He stated the City did not receive any written citizen comment.

3. **PRESENTATION, DISCUSSION, REVIEW, AND POSSIBLE DIRECTION**

   A. Gillespie County Health Services
   Kent Myers, City Manager, reviewed the proposed Gillespie County Health Services.

   Kellie Olfers, Gillespie County Health Department Director, noted the only increase in her proposed budget is for purchase of a laptop.

   B. City/County Emergency Management Services
   Kent Myers, City Manager, reviewed the proposed budget for City/County Emergency Management Services. He reviewed the recruiting for the Emergency Management Coordinator.

   Dave Wisniewski, Interim Gillespie County Emergency Management Coordinator, stated a new certification stated program is being required. He noted there are several certification programs, but the State has not decided on which certification to use.

   C. City Fire Department
   Kent Myers, City Manager, reviewed the budget proposed for the City Fire Department. He noted there are no new employees or capital improvements.
Lynn Bizzell, Fire Chief, stated the Fire Department tried to maintain funding the same as last year. He stated that during the mid-year several line items were reduced, such as training, but some training will need to occur in the coming year.

D. County Rural Fire Services
Mark Stroehrer, County Judge, reviewed the proposed County Rural Fire Services budget and noted the only increase is a generator.

E. City EMS Department
Kent Myers, City Manager, reviewed the proposed City EMS Department budget.

Lynn Bizzell, Fire Chief and Frank Stead, Fire Department Safety Officer, reviewed a PowerPoint presentation on a summary of calls and the future need of an additional ambulance. They also reviewed the transfer process for patients.

Mark Stroehrer, County Judge, discussed the possibility of getting a private ambulance service to locate to Gillespie County.

F. Law Enforcement Center (LEC)
Mark Stroehrer, County Judge, reviewed the proposed Law Enforcement Center budget.

G. Combined Emergency Dispatch Center
Mark Stroehrer, County Judge, reviewed the proposed Emergency Dispatch Center budget. He also reviewed a letter written by Les Metzler requesting a salary increase for dispatching personnel. He also noted the replacement of the phone system.

Les Metzler, Dispatch Director, reviewed the proposed increase, and the difficulty of retaining dispatchers at the current pay rate. He noted that there are currently six openings in dispatch.

Roger Bunker, Information Technology, reviewed the new County phone system and the differences from the current system.

The City Council discussed the proposed dispatch increase and the possibility of revisiting in January. The City Council reviewed by consensus to support the $.35 per hour increase for dispatch employees.

H. City Animal Shelter
Kent Myers, City Manager, reviewed County funding for the Animal Shelter.

Steve Wetz, Police Chief, provided comments presentation regarding the changes to the Animal Center, adoption rate, and operational costs.

I. Sports Park
Kent Myers, City Manager, reviewed the history of the proposed Sports Park.

Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities, reviewed the following:
- History of a local individual who was willing to invest in the Sports Park, mainly baseball and softball. But since COVID-19 this effort has taken a step back.
- The Soccer Association is currently working on a plan for the soccer portion of the Sports Park.
• Irrigation system located at the County Fair Grounds.
• Approached by another individual who has received a grant and looking to make an investment in sports facilities.

4. ADJOURN

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to adjourn the Monday, August 3, 2020, City Council and Gillespie County Commissioner’s Court Joint Meeting at 9:59 a.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

_________________________
Gary Neffendorf
Mayor

ATTEST

_________________________
Shelley Goodwin, TRMC
City Secretary
CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL REGULAR MEETING
AUGUST 3, 2020

The City of Fredericksburg City Council met in a regular session on Monday, August 3, 2020, at 6:00 p.m. This meeting was held remotely via Zoom Teleconferencing, and in-person attendance was not available. Members of the public attended the meeting remotely by web or telephone via Zoom Teleconferencing. 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 Present on the Teleconferencing:
Mayor Gary Neffendorf
Councilmember Charlie Kiehne
Councilmember Tom Musselman
Councilmember Polly Rickert
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
Lynn Bizzell, Fire Chief
Steve Wetz, Police Chief
Brian Jordan, Development Services Director
Russell Immel, Information Technology Director
Andrea Schmidt, Parks Department Director
Lea Feuge, Public Information Officer
Kelli Olfers, Gillespie County Health Department Director
Laura Hollenbeck, Finance Director
Kris Kneese, Assistant Director of Public Works and Utilities
Garrett Bonn, Assistant Engineer
Jennifer Krupa, Special Events Coordinator
Shelley Goodwin, City Secretary

1. CALL TO ORDER
Mayor Neffendorf called the regular meeting of the Fredericksburg City Council to order at 6:00 p.m. on Monday, August 3, 2020, via Zoom Teleconference. Mayor Neffendorf announced a quorum of the City Council present.

2. UPDATE ON CORONAVIRUS (COVID-19) PANDEMIC
Lynn Bizzell, Fire Chief, reported as of 8-3-2020 at 4 p.m.:
<table>
<thead>
<tr>
<th>World</th>
<th>United States</th>
</tr>
</thead>
<tbody>
<tr>
<td>17,660,523 Positive Cases</td>
<td>4,649,102 Positive Cases</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Texas Positive Cases</th>
<th>Texas Total Deaths</th>
<th>Texas Active Cases</th>
<th>Texas Recovered Cases</th>
<th>Texas Hospitalized</th>
<th>Texas Counties</th>
</tr>
</thead>
<tbody>
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<tr>
<th>Region 8 Total Cases</th>
<th>Region 8 Deaths</th>
<th>Region 8 Active Cases</th>
<th>Region 8 Counties</th>
<th>Region 8 Pending investigation cases</th>
<th>Region 8 Probable cases</th>
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<td>Blanco County</td>
<td>98</td>
<td>4</td>
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He reviewed the current situation at Hill Country Memorial Hospital:
- 3 hospitalized
- 2 available ICU beds
- 15 total beds available

He also reviewed the community testing.
• August 2, 2020, 242 people were tested with no results
• August 26, 2020, testing will occur at the HEB Basketball Court, from 8 a.m. to 4 p.m. No sign up is necessary.

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

4. PUBLIC COMMENTS
Mayor Neffendorf reviewed the different ways the public could provide comments. He stated the City received one citizen sign up for verbal comments, one written citizen comment, and the staff will get back with the citizen who provided written comments.

Timothy Riley spoke regarding the number of viewers on the Facebook Live Stream and on Zoom. He also encouraged everyone to get out and vote.

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

A. Consider approval of the July 20, 2020, City Council Regular Meeting Minutes
Motion: A motion was made by Councilmember Kiehne, seconded by Councilmember Watson, to approve the City Council Minutes for July 20, 2020, Regular Meeting. On roll call vote:
   Councilmember Musselman    aye
   Mayor Neffendorf            aye
   Councilmember Kiehne        aye
   Councilmember Rickert       aye
   Councilmember Watson        aye
The motion carried unanimously.

6. ORDINANCE AND RESOLUTION
A. Consider the approval of Ordinance 2020-15 amending the Zoning Ordinance of the City and changing the Zoning District as to all of German Emigration Company Outlot No. 23 and a fractional part of Outlot No. 16, as recorded in the Deed Records of Gillespie County, Texas, situated in the City of Fredericksburg, Texas; changing said property from R-1 Single Family Residential to C-1.5 Medium Commercial; and providing for an effective date (1st of two readings; City Council may waive second reading)

Brian Jordon, Development Services Director, provided the history of both Ordinance 2020-15 and 2020-16. He stated the City Council approved both items on July 20, 2020, City Council Regular Meeting (the vote was 4-1).

Motion: A motion was made by Councilmember Rickert, seconded by Councilmember Kiehne, to approve Ordinance 2020-15 amending the Zoning Ordinance of the City and changing the Zoning District as to all of German Emigration Company Outlot No. 23 and a fractional part of Outlot No. 16, as recorded in the Deed Records of Gillespie County, Texas, situated in the City of Fredericksburg, Texas; changing the said property from R-1 Single Family Residential to C-1.5 Medium Commercial; and providing for an effective date. On roll call vote:
Councilmember Musselman nay
Mayor Neffendorf aye
Councilmember Kiehne aye
Councilmember Rickert aye
Councilmember Watson aye
The motion carried 4 to 1.

B. Consider the approval of Ordinance 2020-16 adopting a change in the Comprehensive Plan of the City of Fredericksburg; specifically, in the Land Use and Comprehensive Plan as to all of German Emigration Company Outlot No. 23 and a fractional part of Outlot No. 16, as recorded in the Deed Records of Gillespie County, Texas, situated in the City of Fredericksburg, Texas; changing said property from Low Density Residential to Commercial 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)

Motion: A motion was made by Councilmember Rickert, seconded by Councilmember Watson, to approve Ordinance 2020-16 adopting a change in the Comprehensive Plan of the City of Fredericksburg; specifically, in the Land Use and Comprehensive Plan as to all of German Emigration Company Outlot No. 23 and a fractional part of Outlot No. 16, as recorded in the Deed Records of Gillespie County, Texas, situated in the City of Fredericksburg, Texas; changing said property from Low-Density Residential to Commercial providing that the change become a part of the Comprehensive Plan and providing for an effective date. On roll call vote:
   Councilmember Musselman nay
   Mayor Neffendorf aye
   Councilmember Kiehne aye
   Councilmember Rickert aye
   Councilmember Watson aye
The motion carried 4 to 1.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to waive the second reading on both Ordinance 2020-15 and Ordinance 2020-16. On roll call vote:
   Councilmember Musselman aye
   Mayor Neffendorf aye
   Councilmember Kiehne aye
   Councilmember Rickert aye
   Councilmember Watson aye
The motion carried unanimously.

C. Consider the approval of Resolution 2020-13R, appointing individuals to fill vacancies in the membership of the City’s Planning and Zoning Commission, Historic Review Board, and Zoning Board of Adjustment.
   i. Board of Adjustment
   ii. Historic Review Board
   iii. Planning and Zoning Commission

This item was considered after Executive Session.

7. OTHER ACTION ITEMS AND UPDATES
A. Consider the approval of Change Orders No. 1 for the Knauth Water Storage Tank in the amount of a credit of $72,528.00 and Change Order No. 1 for the Knauth Pump Station Project in the amount of $72,528.00.

Kris Kneese, Assistant Public Works Director, stated the Knauth Water Tank Project subcontractor, Keystone, is the general contractor for the Knauth Pump Station Project. Keystone has requested the site work be taken out of the Knauth Water Tank Project and be included in the Knauth Pump Station Project. This site work includes crushed base limestone around the pump station, finish site grading and drainage improvements around the tank and pump station and fencing around the tank and pump station. He noted the contractor for both projects had provided change orders. Preload, the water tank contractor, has provided a change order showing a decrease in contract amount equal to $72,528.00 for the Knauth Water Tank Project. Keystone, the pump station contractor, has provided a change order showing an increase in contract amount equal to $72,528.00. The result of the change order is a net-zero cost change to the City.

**Motion:** A motion was made by Councilmember Watson, seconded by Councilmember Musselman, for approval of Change Orders No. 1 for the Knauth Water Storage Tank in the amount of a credit of $72,528.00 and Change Order No. 1 for the Knauth Pump Station Project in the amount of $72,528.00. On roll call vote:

- Councilmember Musselman: aye
- Mayor Neffendorf: aye
- Councilmember Kehne: aye
- Councilmember Rickert: aye
- Councilmember Watson: aye

The motion carried unanimously.

8. CITY MANAGER'S REPORT

A. Budget Update

Kent Myers, City Manager, stated the next Budget Workshop is August 12, 2020, at 4 p.m., via Zoom. This meeting will include different property tax rate options. He also stated they are working on the second quarter HOT collections and utilities for the sports parks.

B. COVID-19 Task Force

Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities, stated the COVID-19 Recovery Task Force had recommended the establishment of a Local Health Authority so that local contact tracing can begin. Dr. Lindley has volunteered to serve as the Local Health Authority, and Dr. Partin has to put a team together of volunteers. The Commissioner's Court has to approve the appointment of a Local Health Authority, so the Task Force is currently gathering information.

C. Update on November 3, 2020, General Election

Kent Myers, City Manager, stated Governor Abbott had added another week to Early Voting, which will begin on October 13th-October 30th. He reported this change had created additional changes to some of the processes and procedures.

Shelley Goodwin, City Secretary, reviewed the Ballot By Mail packet, different instructions included, and the voter's process to vote by mail.

9. ITEMS FOR FUTURE AGENDA

Kent Myers, City Manager, reviewed the Future Agenda items.
10. COUNCIL COMMENTS
No comments were provided.

11. EXECUTIVE SESSION
The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Sections 551.074. (Personnel Matters) and 551.072 (Deliberations about Real Property):
   A. Consider and discuss the appointments/reappointments of Board and Commission members to the Board of Adjustment, Historic Review Board, and Planning and Zoning Commission (Sec 551.074), and

   B. Consider and discuss the purchase, exchange, lease, or value of real property, located in the vicinity of US 290 E at the Pedernales River crossing, approximately two miles to the east of the City of Fredericksburg (Sec. 551.072).

   Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Kiehne, to go out of Regular Session into Executive Session at 6:48 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

   Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Kiehne, to go out of Executive Session into Regular Session at 7:37 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

13. BUSINESS ITEM

6. C. Consider the approval of Resolution 2020-13R, appointing individuals to fill vacancies in the membership of the City’s Planning and Zoning Commission, Historic Review Board, and Zoning Board of Adjustment.
   i. Board of Adjustment
   ii. Historic Review Board
   iii. Planning and Zoning Commission

   Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to appoint the following:
   Board of Adjustments
   Travis Neal (Appointed as a regular member (previously served as alternate))
   Devin Mullen (Appointed as an alternate member)
   Ashley Hunter (Appointed as an alternate member)
   Historic Review Board
   Joe Salinas (Appointed as an alternate member)
   Planning and Zoning Commission
   Tim Dooley (Reappoint for another term)
   Jim Jarreau (Reappoint for another term)
   Jeff Lawrence (Appointed)

   The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

14. ADJOURN

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Rickert, to adjourn the Monday, August 3, 2020, City Council Regular Meeting at 7:41 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.
ATTEST

Gary Neffendorf
Mayor

Shelley Goodwin, TRMC
City Secretary
CITY COUNCIL MEMO

DATE: July 31, 2020

TO: Mayor and City Council

FROM: Jennifer Krupa, Special Events Coordinator

SUBJECT: Fee Waiver Request: US 2020 Census

Summary:

City staff received requests from Elise Masters and Richard Castanon from the 2020 Census to utilize city-owned facilities for enumerator training and mobile response assistance (MQA) activities. Both representatives have indicated that there is no funding to pay for use of the facilities and are requesting use, based on availability, at no charge through the end of 2020.

Recommendation:

Recommend city council consider the request to waive all fees for the use of city-owned facilities, based on availability, to conduct official 2020 Census training and activities through December 31, 2020.

Background / Analysis:

A request has been made by Elise Masters to utilize the Tatsch House (indoor facility, due to current outdoor gathering restrictions) on August 25, 2020 for enumerator training.

Richard Castanon has indicated that Gillespie County is one of the very few counties where they are doing Mobile Response Assistance (MQA) activities. In these activities, the Census sets up in a location such as a library, city hall, or a community center, where they can invite citizens that haven not responded to come to them to do their census. Staff will bring tablets with workers from a local field office to help process responses.

The City of Fredericksburg
126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861
There has been no indication as to how many times use of a facility will be requested through the end of the year. If approved, the fee waiver for the Tatsch House on August 25th would equal $150.00.

Attachments:

Email request from Elise Masters; Email from Richard Castanon

Andrew Schmidt  
Department Approval

City Manager Approval

Daniel Jones  
City Attorney Approval

The City of Fredericksburg

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

We would like to use the Tatsch House at Lady Bird Johnson Municipal Park on August 25 to train enumerators for the Census. There will be about fifteen participants attending.

Thank you for your time,

Elise

From: Jennifer Krupa <jkrupa@fbgtx.org>
Sent: Tuesday, July 28, 2020 2:49 PM
To: Elise A Masters (CENSUS/PFLD FED) <[redacted]>
Cc: Lea Feuge <lfeuge@fbgtx.org>
Subject: Tatsch House on August 25th

Hi Elise,

Can you please send me a quick email requesting use of an indoor facility (Tatsch House at Lady Bird Johnson Municipal Park) on August 25?

Please include the who, what, when, where and why.

Thank you,

Jennifer

Jennifer Krupa
Special Events Coordinator
City of Fredericksburg
126 W Main St
Fredericksburg, Texas 78624
(830) 990-2044
jkrupa@fbgtx.org

City Mission: We're leading with integrity while providing the best customer services to our community.
Hi Lea, good to hear from you! I've been meaning to reach out to you.

I don't know Ms. Masters but by the nature of her request, it most definitely is census related. The training she needs a space for is to train the enumerators that are going to go and knock on the doors of those that have yet to respond to the census, our last operation. It is called Non Response Follow Up (NRFU) and starts on August 11 and lasts through October 31st so they're getting ready to train all the folks they've hired. Anything you all can do for her will be highly appreciated.

On the reason I wanted to reach to you, Gillespie County is one of the very few counties where we are doing Mobile Response Assistance (MQA) activities. In these activities, we set up shop somewhere, library, city hall, or a community center, where we can invite folks that haven't responded to come to us to do their census. We'll staff it and will bring a couple of tablets with people from Ms. Master's field office to help us process people's responses. Let me know if this is something you all can help us set up.

I'll be going over to Harper tomorrow to pitch this MQA idea to the Library and Chamber there. If you're up to it, we can visit tomorrow on my way back. Let me know.

Richard
CITY COUNCIL MEMO

DATE: August 17, 2020
TO: Mayor and City Council
FROM: Brian Jordan, AICP
SUBJECT: Z-2011 - Conditional Use Permit for an Indoor Market including several uses in addition to the C-1.5 District, including, a club or lodge, cocktail lounge, food sales, general retail sales, liquor sales, mobile food establishments and a microbrewery/distillery.

Summary:

The proposed Fredericksburg Market is an adaptive reuse of the long vacant Super S grocery store located at 206 N. Milam Street. The intent is to divide the main floor area into multiple suites for use by local businesses, to create a vibrant urban space (see attached project summary). The building is approximately 13,800 square feet in size and the site contains 1.6 acres. The applicants are requesting a Conditional Use Permit for several uses that they intended for the proposed space. These uses include a club or lodge, cocktail lounge, food sales, general retail sales, liquor sales, mobile food establishments and a microbrewery/distillery. Access to the property is from N. Milam Street and Schubert Street. Access to the rear of the site is via an access easement. The existing parking lot in front of the building will be reconfigured to establish additional parking and provide for landscaping for a much-improved appearance. The surrounding zoning C-1 to the north, R-1 to the west, C-1 to the south and C-1 to the east. Surrounding land uses include commercial businesses to the south, a mix of residences and businesses to the north and east and residences to the west.

Recommendation:

The Planning and Zoning Commission voted 7-1 in favor of the request with a limit of 33% of the uses at any given time be alcohol related, and that the hours of operation be limited to 10 pm. There were several comments and questions at the meeting. There was significant opposition voiced at the Planning and Zoning Commission Meeting, and we received 3 protest letters and an inquiry letter from a...
representative of several nearby property owners. Staff concurs with the recommendation of the commission.

---

**Background / Analysis:**

See the attached Conditional Use Permit Brief for a summary of the existing and proposed land use and zoning.

**Attachments:**

Maps of Area, Conditional Use Permit Brief, Property owner list, project plans, project summary, opposition letters

---

Department Approval

Daniel Jones

City Attorney Approval

City Manager Approval

The City of Fredericksburg

126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861
June 30, 2020

Shelby Collier and Brian Jordan
City of Fredericksburg
126 W Main Street
Fredericksburg Texas, 78624

Re: Fredericksburg Market – 206 N. Milam Street
Conditional Use Permit

Dear Shelby and Brian:

Land Strategies, Inc., on behalf of the property owner, respectfully submits this Conditional Use Permit application packet for the proposed Fredericksburg Market, located at 206 N. Milam Street, with respect to the allowance of specific land uses, for your review and approval.

The Proposed Project
The Fredericksburg Market is an adaptive reuse of the long vacant Wegman's grocery store. The intent is to divide the main floor area into multiple suites (an estimated 8 internal suites) for use by local businesses, such as cheese shops and wineries, to create a vibrant urban space. The project will renovate the abandoned grocery store with new landscaping, new signage, and a new façade that deliberately incorporates elements of traditional Main Street Fredericksburg, such as vertically oriented windows with transoms above shaded awnings and colonnades. The project obtained a Certificate of Appropriateness from the Historic Review Board on June 9, 2020.

Required Information about the Proposed Project
Square Footage of Existing Building: ±13,800 s.f.
Required Parking (per City staff, 1:200): 69 spaces
Provided Parking: 72 spaces (includes 3 accessible spaces)
Provided Loading: Loading will be via the front entrance and existing parking lot
Additional Improvements: Seating in existing backyard

Please refer to the exhibits included with this submittal package, which reflect the proposed building façade, site layout, and proposed improvements to the backyard area. Additional exhibits have been provided which show the relationship of the proposed project to the surrounding land uses, as well as pedestrian and vehicular circulation.

Existing Zoning and Proposed Land Uses
The property is zoned C-1.5, Medium Commercial. It is situated north of Main Street and adjacent to other C-1.5 zoned sites; therefore, medium commercial development is appropriate, which was confirmed with City staff in meetings and discussions about the
proposed project. Fredericksburg Market may include uses such as a tavern, food sales, liquor sales, and tasting rooms which would qualify as a cocktail lounge. These uses are allowed under the existing C-1.5 zoning ordinance for the subject property with a Conditional Use Permit. Therefore, we are requesting a Conditional Use Permit to cover the following uses:

- Club or Lounge
- Cocktail Lounge
- Food Sales
- Mini-Distillery
- General Retail Services
- Liquor Sales
- Mobile Food Establishments

While the Fredericksburg Market may not ultimately include all the above uses, the project’s concept requires flexibility to allow various small businesses to vend at the market, regardless of their exact nature.

Fredericksburg Market proposes to be a vibrant redevelopment of currently unused space. Its design incorporates features of historic Main Street and will reintegrate a lifeless tract back into the fabric of the town. As referenced above, the Historic Review Board granted the project a Certificate of Appropriateness. Accordingly, we request your support of this Conditional Use Permit.

Please do not hesitate to contact me if you have questions or need additional information. Thank you for your consideration.

Sincerely,

Erin N. Welch
Sr. Project Manager

Attachments

cc: Kenneth Satterlee – Fixing Fred, LLC (property owner)
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<th>Letter</th>
<th>Owner</th>
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<td>FIXING FRED LLC</td>
<td>901 S. MOPAC EXPWY LP PLAZA 1 STE 160 AUSTIN, TX 78746</td>
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<td>FIXING FRED LLC</td>
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<td>3</td>
<td>JOHN HOERSTER</td>
<td>204 W. WINDCREST FREDERICKSBURG, TX 78624</td>
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<td>ANDREA KONUMA</td>
<td>207 N. EDISON FREDERICKSBURG, TX 78624</td>
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<td>5</td>
<td>JR &amp; JB HUTCHERSON LIVING TRUST</td>
<td>4545 ECKERT RD, FREDERICKSBURG, TX 78624</td>
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<td>6</td>
<td>CHERYL LONGORIA</td>
<td>P.O. BOX 6250 LAREDO, TX 78042</td>
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<td>INN HAUS LLC - 403 W. TRAVIS STREET SERIES</td>
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<td>Z-TOWER REAL ESTATE INVESTMENTS PROPERTIES, LLC</td>
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<td>BEBE MORGAN - DANZ LIVING TRUST</td>
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<td>JOHN &amp; MARY GRAHAM</td>
<td>281 CJ RANCH RD FREDERICKSBURG, TX 78624</td>
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<td>12</td>
<td>MADLYNS INC</td>
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<td>ALPHA SECURITIES LLC</td>
<td>602 N. MILAM FREDERICKSBURG, TX 78624</td>
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<td>MELISSA TRIPLETT</td>
<td>4111 W. MAHOGANY DR FAYETTEVILL, AR 72704</td>
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<td>MD GARTHERING HOLDINGS LLC</td>
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<td>ALICE N LINDSAY WELDER EXEMPT TRUST</td>
<td>P.O. BOX 1609 FREDERICKSBURG, TX 78624</td>
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<td>17</td>
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<td>CURTIS TATSCH</td>
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<td>CYDNEY DONNELL</td>
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<td>MADLYNS INC</td>
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<td>21</td>
<td>MARY SCHMIDT</td>
<td>P.O. BOX 149 FREDERICKSBURG, TX 78624</td>
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<td>22</td>
<td>JOHN HOERSTER</td>
<td>204 W. WINDCREST FREDERICKSBURG, TX 78624</td>
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<td>23</td>
<td>Z-TOWER REAL ESTATE INVESTMENTS PROPERTIES, LLC</td>
<td>1449 HWY 6 STE 400 SUGARLAND, TX 77478</td>
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<td>24</td>
<td>VERONICA TRUAN</td>
<td>489 BRIDESTONE WAY BUDA, TX 78610</td>
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<td>25</td>
<td>JOSHUA &amp; BARBARA BAR-YADIN</td>
<td>4 DE ZAVALA PL SHAVANO PARK, TX 78231</td>
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<td>DAVID &amp; CYNTHIA CLEMENTS</td>
<td>727 FISHER - BONN RD FREDERICKSBURG, TX 78624</td>
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<td>CYDNEY DONNELL</td>
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<td>28</td>
<td>TOWN CREEK HAUS LLC</td>
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Z-2011 - 206 N. MILAM
CONDITIONAL USE PERMIT BRIEF
Request Z-2011

Applicant: Land Strategies, Inc.
Location: 206 N. Milam Street
Existing Zoning: C-1.5 Medium Commercial, Historic District Overlay
Request: Conditional Use Permit for an Indoor Market including a number of proposed uses.

Site Plan Overview:
- The proposed Fredericksburg Market is an adaptive reuse of the long vacant Super S grocery store located at 206 N. Milam Street.
- The intent is to divide the main floor area into multiple suites for use by local businesses, to create a vibrant urban space (see attached project summary).
- The building is approximately 13,800 square feet in size and the site contains 1.6 acres.
- The applicants are requesting a Conditional Use Permit for a number of uses that they intended for the proposed space. These uses include a club or lodge, cocktail lounge, food sales, general retail sales, liquor sales, mobile food establishments and a micro brewery/distillery.
- Access to the property is from N. Milam Street and Schubert Street. Access to the rear of the site is via an access easement.
- The existing parking lot in front of the building will be reconfigured to establish additional parking and provide for landscaping for a much improved appearance.
- The surrounding zoning C-1 to the north, R-1 to the west, C-1 to the south and C-1 to the east.
- Surrounding land uses include commercial businesses to the south, a mix of residences and businesses to the north and east and residences to the west.

Review and Evaluation Criteria:

A. CONFORMANCE WITH APPLICABLE REGULATIONS:
   - The site will comply with applicable zoning regulations.

B. COMPATIBILITY WITH EXISTING OR PERMITTED USES IN ABUTTING SITES:
   - The use of the property for a mix of retail and restaurant uses within the existing building would support the retail and commercial activities within the area.

C. POTENTIALLY UNFAVORABLE EFFECTS OR IMPACTS ON OTHER EXISTING OR PERMITTED USES ON ABUTTING PROPERTY:
   - Outdoor amplified sound or music could be a nuisance to the adjoining properties to the west. The City currently has an ordinance in place prohibiting amplified music adjacent to residentially zoned property.
D. MODIFICATIONS TO THE SITE PLAN WHICH WOULD RESULT IN INCREASED COMPATIBILITY AND WOULD MITIGATE POTENTIALLY UNFAVORABLE IMPACTS:

- None.

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

- The proposed drive access into and out of the property would be an improvement to the current conditions. Pedestrian circulation into the property will be from Milam Street.

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

- A portion of the property currently lies within the 100-year floodplain. As such, any development or substantial improvements that lie within the FEMA Special Flood Hazard Area will require submission of a floodplain development permit application and compliance with the City’s Flood Hazard Reduction Ordinance.
- The Fire Marshal has been working with the Architect to verify the required improvements necessary to comply with the 2015 IFC. Approval will be conditional upon Fire Marshal approval.

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

- No specific detail provided on exterior lighting. All lighting shall be shielded and ordinance compliant.

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

- Sufficient parking is provided based on the code. Not knowing the ultimate mix of uses, the applicant has based the parking on a ratio of 1 space per 200 square feet.

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

- The intent of the C-1.5 Medium Commercial District is to provide a district between the Neighborhood Commercial District and the Commercial District. Uses have been selected from each of the various districts, with the intent that the proposed uses could function as a transition between highway commercial and residential neighborhoods, but could also provide a lower impact zone along major roadways.
J. DETERMINATION THAT THE PROPOSED USE WILL COMPLY WITH EACH OF THE APPLICABLE PROVISIONS OF THE ZONING ORDINANCE:

- Affirmative. The project has received approval of a Certificate of Appropriateness by the Historic Review Board.

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

- Affirmative.

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

- No additional changes are recommended.

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

- No additional changes are recommended.

OPPOSITION/SUPPORT OF REQUEST: There were several comments and questions at the meeting. There was significant opposition voiced at the Planning and Zoning Commission Meeting, and we received 3 protest letters and an inquiry letter from a representative of several nearby property owners.

PLANNING AND ZONING COMMISSION RECOMMENDATION: The Planning and Zoning Commission voted 7-1 in favor of the request with a limitation that 33% of the businesses within the proposed location be alcohol related and that the business hours be limited to closing at 10 pm.

STAFF RECOMMENDATION: In staff’s opinion, the proposed Fredericksburg Market project represents an appropriate reuse of an otherwise underutilized property. It is our recommendation to approve this project as proposed.
REQUEST NO. Z-2011

As an interested property owner, I (Protest)(approve) the requested zoning amendment represented by the above file number because:

Signed

[Signature]

Printed Name

Czerwelge-Montgomery

Date

08-05-20

Address

300 W. Schubert

Residence, Ill
REQUEST NO. Z-2011

As an interested property owner ([Protest] [Approve]) the requested zoning amendment represented by the above file number because:

Signed: [Signature]

[Printed Name]

Date: 08-05-20

Address: 309 W. Schubert St.
REQUEST NO. Z-2011

As an interested property owner I (Protest)(Approve) the requested zoning amendment represented by the above file number because

Signed

Printed Name

Date

Address
Brian Jordan

From: Emilie Weissler <Emilie@KGFTX.com>
Sent: Wednesday, August 05, 2020 1:49 PM
To: Shelby Collier
Subject: Public Comments for Items 5B & 6B- P&Z Agenda for August 5th 2020
Attachments: Hearing Notice -- 3rd Page.pdf

Importance: High

Ms. Collier,

Please accept the correspondence below as our submittal for public commentary as well as a request for both a postponement/denial on these items (5B and 6B) and the opportunity for James B. Griffin to speak at tonight’s P&Z hearing on behalf of several adjacent property owners with serious concerns about the proposed Conditional Use Permit in connection with 206 N. Milam Street.

On behalf of the list of property owners below (including Cydney Donnell – see attached response to the mailed notice), who were just informed of the proposed conditional use request for 206 N. Milam, there is more information needed as to the specifics of this request from the applicant, and there are significant concerns about alcohol and related uses based on the information posted for this case.

James B. Griffin, on behalf of the owners, would like a few moments of the commission’s time this evening to express and elaborate on these concerns.

Property Owners:
Clark & Alice Welder
Robert Lotito
Cydney Donnell
Dickie Longoria
John Graham

Please confirm receipt of this public commentary and request for time to virtually address the commission during tonight’s zoom P&Z hearing.

Thank you so much,
Emilie

Emilie Christian Weissler
Director of Land Use and Development
Killeen, Griffin & Farrimond
100 N.E. Loop 410, Suite 650
San Antonio, Texas 78216
emilie@kgftx.com
www.kgftx.com

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CITY COUNCIL MEMO

DATE: August 17, 2020
TO: Mayor and City Council
FROM: Brian Jordan, AICP
SUBJECT: Z-2007 - Conditional Use Permit for Short Term Rentals on the First Floor at 411 E. Main Street.

Summary:
The applicant is proposing 4 short term rental units to the rear of the building located at 411 E. Main Street. Section 3.510 of the Zoning Ordinance requires a Conditional Use Permit for a Bed & Breakfast (Short Term Rental) unit on the first floor. The site is approximately 18,365 square feet (0.42 acres). Access to the property is from Main Street via an existing drive located on the west side of the property. Parking spaces are provided on the south side of the proposed buildings. The surrounding zoning is CBD in all directions.

Recommendation:
The Planning and Zoning Commission voted unanimously in favor of allowing the proposed short-term rentals on the first floor at 411 E. Main Street. There were no comments presented in writing or at the meeting. Staff concurs with the recommendation of the commission.

Background / Analysis:
See the attached Conditional Use Permit Brief for a summary of the existing and proposed land use and zoning.

The City of Fredericksburg
126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861
Attachments:
Maps of Area, Conditional Use Permit Brief, Property owner list, project plan

______________________________
Department Approval

______________________________
City Manager Approval

Daniel Jones
City Attorney Approval
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Z-2007 - 411 E. MAIN
CONDITIONAL USE PERMIT BRIEF
Request Z-2007

Applicant: Robert Johnston
Location: 411 E. main Street
Existing Zoning: CBD Central Business District and Historic Shopping District Overlay
Request: Conditional Use Permit for Short Term Rentals on the First Floor

Site Plan Overview:

- The applicant is proposing 4 short term rental units to the rear of the building located at 411 E. Main Street.
- Section 3.510 of the Zoning Ordinance requires a Conditional Use Permit for a Bed & Breakfast (Short Term Rental) unit on the first floor.
- The site is approximately 18,365 square feet (0.42 acres).
- Access to the property is from Main Street via an existing drive located on the west side of the property.
- Parking spaces are provided on the south side of the proposed buildings.
- The surrounding zoning is CBD in all directions.
- Surrounding land uses include commercial businesses in all directions.

Review and Evaluation Criteria:

A. CONFORMANCE WITH APPLICABLE REGULATIONS:

- The site complies with applicable regulations.

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

- The use of the property for additional Short-Term Rental units will support the retail and commercial activities within the area.

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

- We do not anticipate unfavorable effects on adjoining properties from this use.

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

- None.
E. SAFETY AND CONVENIENCE OF VEHICULAR AND PEDESTRIAN CIRCULATION IN THE VICINITY:

- Drive access into this property will remain on the west side of the property. Pedestrian circulation into the property will also be provided in the existing driveway.

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

- NA

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

- No specific detail provided on exterior lighting. All lighting shall be shielded and ordinance compliant.

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

- Sufficient parking is provided based on the code. The parking is located to the rear of the property behind the proposed units.

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

- The intent of the Central Business District is to provide for the intense commercial activities of the central business district or central trading area of the City. This district establishes the character of the City by serving the visitor as well as the residents of the City. While this would be considered a hospitality business, it would seem appropriate to support downtown.

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

- Affirmative.

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

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

- No additional changes are recommended.

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

- No additional changes are recommended.

OPPOSITION/SUPPORT OF REQUEST: No comments received.

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

STAFF RECOMMENDATION: Approval is recommended. The use of this space for first floor retail does not seem reasonable, and we do not think the proposed use as additional short-term rentals jeopardizes the intent of the ordinance.
CITY COUNCIL MEMO

DATE:     August 17, 2020
TO:       Mayor and City Council
FROM:     Brian Jordan, AICP
SUBJECT:  Z-2012 - Public Hearing to consider the following changes to 110 N. Bowie Street, 603 W. Austin Street and 605 W. Austin Street:

1) Change in the Land Use Plan from Low Density Residential to Medium Density Residential; and

2) Change in zoning from R-1, Single Family Residential to R-2 Mixed Residential

Summary:

The subject request consists of three properties fronting on W. Austin Street. 110 N. Bowie Street contains a single-family structure and log cabin, 603 W. Austin Street is vacant, and 605 W. Austin contains a single-family structure. Surrounding land uses include commercial businesses to the south fronting on Main Street, a mix of residences and short-term rentals to the east, and primarily single-family residences to the north and west. Surrounding property is zoned C-2 to the south, R-1 to the west and north, and R-2 to the east. The Land Use Plan identifies the subject property, property to the west and north as Low Density Residential and property to the south as Commercial.

Recommendation:

The Planning and Zoning Commission voted unanimously to deny this request. As such, a super majority vote of the Council will be required to override the negative recommendation. There was significant
opposition voiced at the Planning and Zoning Commission Meeting, and we received 5 letters in opposition and one letter in support. Staff concurs with the recommendation of the commission.

Background / Analysis:

See the attached Zoning and Land Use Brief for a summary of the existing and proposed land use and zoning.

Attachments:

Maps of Area, Zoning and Land Use Brief, Property owner list, letters

Department Approval
Daniel Jones
City Attorney Approval

City Manager Approval
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Z-2012 - 110 N. BOWIE & 603/605 W. AUSTIN
ZONING AND LAND USE BRIEF
Request Z-2012

APPLICANT: Jordan Muraglia, Richard Beaupre, and Mickey Dunn

LOCATION: 110 N. Bowie, 603 and 605 W. Austin Street

EXISTING ZONING: R-1, Single family Residential

EXISTING LAND USE: Low Density Residential

PROPOSED REQUEST:
1) Change in Land Use Plan from Low-Density Residential to Medium Density Residential, and
2) Change in Zoning From R-1 Single Family Residential to R-2 Mixed Residential

FINDINGS:

- The subject request consists of three properties fronting on W. Austin Street. 110 N. Bowie Street contains a single-family structure and log cabin, 603 W. Austin Street is vacant, and 605 W. Austin contains a single-family structure.
- Surrounding land uses include commercial businesses to the south fronting on Main Street, a mix of residences and short-term rentals to the east, and primarily single-family residences to the north and west.
- Surrounding property is zoned C-2 to the south, R-1 to the west and north, and R-2 to the east.
- The Land Use Plan identifies the subject property, property to the west and north as Low Density Residential and property to the south as Commercial.

LAND USE PLAN: The Land Use Plan identifies the subject property to be Low Density Residential. As defined in the Comprehensive Plan, this definition is representative of traditional, single-family detached dwelling units. Low Density Residential accounts for the largest percentage of residential development in Fredericksburg today and will continue to do so with the development shown on the “Future Land Use Map”. The areas designated for Low Density Residential land use are generally not adjacent to major thoroughfares or incompatible land uses and are in proximity to existing single-family residential land use. Within these areas, the City should encourage a range of lot sizes and housing types to promote increased housing diversity and affordability.

The proposed land use designation of Medium Density Residential is characterized by single family dwellings on smaller lots and attached dwelling units such as duplex units and townhomes. Medium density land uses often provide housing for “empty nesters” who may not want the maintenance of a large-lot single family home, and for young families who may find a townhome or duplex more affordable than a single family home. These residential uses can
provide a buffer between lower density residential areas and more intensive residential, non-
residential, or mixed-use areas.

**ZONING:** The subject property is zoned R-1, Single Family Residential, as are the remaining
lots fronting on Austin Street between N. Bowie Street and N. Acorn Street (see attached zoning
map). The applicants are proposing to change the zoning to R-2, Mixed Residential. The
property owners at 110 N. Bowie Street (corner of Bowie and Austin) would like to use their
property for multiple short-term rentals. As the zoning is proposed, it would be our opinion that
the request would represent “spot” zoning. So, if the Commission is willing to consider this
change, staff would recommend that the properties fronting on Austin Street between Bowie and
Acorn Street be considered as well.

**SUPPORT/Opposition:** Staff received 5 letters in opposition and 1 letter in support of this
request.

**Planning and Zoning Commission Recommendation:** The Planning and
Zoning Commission voted unanimously to recommend denial of this request.

**Staff Recommendation:** In order to accommodate the use proposed by the applicant, it is
necessary to have R-2 zoning. Staff does not recommend changing the land use and zoning only on the
subject properties and support the Commission’s recommendation.
REQUEST NO. Z-2012

As an interested property owner, I (Approve) the requested zoning amendment represented by the above file number because:

Signed
Richard Laughlin

Printed Name

7-28-20
Date

616 Westman
Address

Jordan, Richard & Mickey all have an established history of well planned and quality projects in Fredericksburg. I support and approve of the zoning change requested.

Richard Laughlin
REQUEST NO. Z-2012

As an interested property owner, I protest/approve the requested zoning amendment represented by the
Applicant.
Signed: Donna M Atwood

5 August 2020

Address: 515 W. Austin Street

Inappropriate Spot Zoning
Changing the land use & zoning of these 3 properties from R-1 low density to R-2 medium density:

- Would single them out piecemeal from other R-1 properties without a comprehensive review of potential impact on neighboring properties.
- Would allow uses different from incompatable with, not allowed for other low density R-1 residential properties in the 600 block of W. Austin Street.
- Would set a worrisome precedent for additional spot zoning in R-1 neighborhoods & erode the value & intent of the City’s Land Use Plan.

Personal Benefit vs. Adverse Neighborhood Impact

- There is no evidence of a need for or benefit from the requested change.
- There also is no showing that this spot zoning change will not adversely affect surrounding property owners or the neighborhood.
- The staff brief states that the owners of 110 W. Bowie “would like to use their property for multiple short-term rentals.”

- The intended use is inconsistent with neighboring R-1 uses by single families for residential purposes.
- This intended use is also inconsistent with the purpose of R-2 medium dense multiple family residences. Staff explains that R-2 is characterized by single-family dwellings & attached dwelling units and provides homes for empty nesters & young families. It is intended as a buffer between R-1 and non-residential areas, not as commercial property.

- Short-term rentals (STRs) are not rentals or family dwellings. Multiple family STRs in a single property is essentially a commercial use.
- Granting this request will alter the residential characteristics of an existing R-1 single-family neighborhood, to its detriment.
- STRs have been shown to disrupt and interfere with the ability of nearby neighborhood residents to enjoy their homes due to substantial increase in noise levels, frequency & on-street parking problems.

Adverse Impact on My Home at 515 W. Austin Street

I own & occupy the single family home on the SE corner of W. Austin & Bowie, directly across from & detrimentally affected by activity levels, particularly outdoor noise from on-street parking at 110 W. Bowie. I would not be able to enjoy my own home. Thank you.
REQUEST NO. Z-2012

As an interested property owner, I (Protest)/(Approve) the requested zoning amendment represented by the above file number because:

John W. Shore

Signed

8-4-2020

Date

532 W. Audubon St

Address

816-778-3234

Printed Name

my wife and I oppose the change for the following reasons:

A. Over the past several years, many of the homes in this general neighborhood have been purchased, remodeled, and converted to short-term rentals. The zoning change here is requested for exactly the same reason. If the change is made it will contribute to the proliferation of short-term rentals. One time houses and fewer property owners will actually live in the neighborhood.

B. The property on the corner of Bonito and W Audubon Blvd. The subject I refer to one of the most historic homes in Fredericksburg. It should retain that status in my opinion and not become the focal point for surrounding or inclusive short-term rentals.

C. One property is vacant. By changing the zoning to R-2 the lot can be subdivided (I believe) thus increasing the density of homes in a largely residential neighborhood. For purposes of maintaining the appearance of homes in the historic district, it would be our preference to see a stately home on this property that complements rather than detracts from the existing historic landmark.

JW and Suzanne R. Shore
REQUEST NO.  Z-2012

As an interested property owner, I (Protest) (Approve) the requested zoning amendment represented by the above file number because.

Signed
Sheila Wright

August 1, 2020
Date

Sheila Wright
613 W. Austin St
Printed Name
Address

Because I don't know the extent to which our beautiful historic neighborhood could be affected, I am against changing the land use to medium density and mixed residential.

I wouldn't want a cluster of homes or a lot more traffic, as there is already too much traffic at high speed on both Bowie and Austin at the corner — with very few stop signs to slow cars down.

Thank you,
Sheila Wright
REQUEST NO. Z-2012

As an interested property owner, [Protest] the requested zoning amendment represented by the above file number because:

Signed

GORDON TRAVIS

Date

Aug 1, 2020

Address

107 N ACORN

105 N ACORN

The reasons for my protest are
boistered by the same as outlined
in Mr. Arnold's letter attached.

Gordon Travis
REQUEST NO.  Z-2012

As an interested property owner, I (Protest)(Appeal) the requested zoning amendment represented by the above file number because:

1. [Signature]
   Jack Arnold
   Signed
   607 W. Austin St
   Flg, Tx. 78624

2. [Signature]
   Lucy Ann Arnold
   606 W. Austin St
   Flg, Tx. 78624

Please see attached Protest letter citing reasons for protest.

Jack Arnold
From: Jack and Lucy Ann Arnold
606 W. Austin St.
Fredericksburg, Tx.

To: Fredericksburg Planning and Zoning Commission
126 W. Main St.
Fredericksburg, Texas

Subject: Zoning Request Z-2012

Dear Sirs,

Please note that we are very much opposed to this applicants request to change the zoning of the 600 block of W. Austin St. from its present R-1 (Single Family Residential) to R-2 (Mixed Residential).

My wife and I moved to Fredericksburg in 1989 and in 1990 we purchased our home at 606 W.Austin St. The central location was important to us and was zoned R-1 (single family residence) which was appropriate to our intended use of the Property. We intentionally avoided consideration of Properties in areas zoned R-2 or Central Business because we did not want to have the activities approved by those zonings in the immediate proximity of our home.

It is noted that the purpose of city zoning is to allow citizens to know in advance the types of buildings and activities they might expect next door. Zoning is intended to be a long term promised to the citizens and is not intended to be changed except when a neighborhood no longer supports its function as presently zoned. The other thing that I would mention is that zoning as a practice, has used existing streets as boundary lines for zoning. It is not common practice to zone three lots in a block differently than the remaining lots in that same block of the same street (Merge Zoning). It is also noted that it is not unusual for a block that borders Main St. on the back side to have different zoning for that side, but this proximity does not give reason for zonings being the same.

The single families who resided in the 600 block of Austin St. are presently enjoying its historic R-1 zoning. The fact that this R-1 Zoning is still viable zoning may be seen in the fact that in recent years new homes have been built in the 600 block of Austin St and 100 block of Acorn St.and others have had extensive remodeling. The home at 107 Acorn was built in the
early years of 2000, the home at 608 W.Austin St. was sold and was extensively remodeled in 2014 to maintain its historic character. In addition within the past seven years a large beautiful single family home was built at 612 W. Austin St. and the historic brick home at 609 W. Austin was extensively remodeled and recently was sold for single family use. These families built or bought these homes with the City’s statement that they were located in an a convenient and desirable block restricted by R-1 zoning.

It is my understanding that the Applicants for this change in Zoning are investors whose intent in buying 603 and 605 W. Austin was never to personally using these properties as their personal residences. Their purpose is to make money and they have expected a greater return on their investment that sale of the properties with R-1 zoning will produce. Being astute investors they know that the properties will have a higher sale value with R-2 zoning, hence, their request for this zoning change. We request the commission members to note that this “merge zoning“ is not a legitimate reason for zoning change. The request to “merge zone“ their three lots with zoning changed to R-2 into a present viable block, 600 W. Austin St, zoned R-1, would have the effect of reducing the property values of all of the properties in that block that remain zoned as R-1. So to the committee, we are saying that this request must be denied. This commission must understand that changing the zoning of three lots to R-2 in an existing block of homes zoned R-1 will have the effect of raising the market value of the three lots rezoned R-2 and significantly lowering the market values and reducing the desirability as single family residences of all of the lots in the block that remain zoned R-1.

BASED ON THESE CONSIDERATIONS PLEASE ACT TO DENY THIS CHANGE IN ZONING REQUEST.

Sincerely yours,

Jack and Lucy Ann Arnold
606 W.Austin St.
Fredericksburg, Tx.
210-844-9943

Jack Arnold
Lucy Ann Arnold
P. S. I am among other things, a retired Real Estate Broker with 23 years experience in Fredericksburg and I know of what I speak.

Jack Arnold

[Signature]
CITY COUNCIL MEMO

DATE: August 17, 2020

TO: Mayor and City Council

FROM: Andrea Schmidt, Parks & Recreation Director

SUBJECT: Consider adopting new RV rates at LBJ Park

Summary:

The rates at the RV Park have not gone up in four years due to ongoing construction that has now been completed. Rates should now be raised to be competitive with the current market. Staff researched other local RV parks for a comparison. A table is attached with this information. Staff found that none of the other local RV parks charge a different rate for weekends versus weekdays but many require a 2 night minimum for holidays or event weekends. Most other RV parks offer discounts which save about 10% such as Good Sam, military, first responders, etc. Most other RV parks also meter the electric for monthly rates only which we do not.

Staff is recommending expanding our current 3 rates to 6 rates. There would be a Tier 1 for our premium spots including the pull-throughs and the Horseshoe Loop. All other spots would be considered Tier 2. Staff is recommending increasing the Tier 1 daily and weekly rates increase by 30% and the monthly rates by 35%, and the Tier 2 daily and weekly rates by 20% and the monthly rates by 25%. These recommended rates are indicated in the table below and highlighted in yellow.

Staff is also recommending to require a two night minimum for holidays and event weekends. Since major event weekends may change these will need to be determined each year.

The following holidays and major event weekends would be included in a typical year:

The City of Fredericksburg

126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861
We would like to evaluate our visitation over the next 4 to 6 months and determine at that time if we should start adding discounts.

**Recommendation:**

Consider adopting new RV rates as recommended on the attached table for LBJ Municipal Park to go into effect September 1, 2020.

**Background / Analysis:**

The RV rates were last raised in 2016. Daily rates were raised 31%, weekly rates were raised 34% and monthly rates were raised 13% that year. New rates have not been adopted since the RV Park has been undergoing major renovations the last four years including new pedestals, electric, water, sewer, cable and repaved streets. Our current rates are well below the rates of other RV parks in the area. Attached is a table that compares our current rates with other RV park rates.

**Attachments:**

Ordinance, RV Park comparison table
ORDINANCE NO. 2020-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING ARTICLE 24.000 – RECREATIONAL FEES, OF APPENDIX A – FEE SCHEDULE, OF THE CODE OF ORDINANCES, TO ESTABLISH A TIERED PRICING STRUCTURE FOR OCCUPANCY OF THE RV PARK CAMPSITES AT LADY BIRD JOHNSON MUNICIPAL PARK; TO PROVIDE AUTHORITY FOR THE DIRECTOR OF PARKS AND RECREATION TO DESIGNATE CERTAIN DATES AS REQUIRING A TWO (2) NIGHT MINIMUM OCCUPANCY FOR SAID RV PARK; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. That, Section 24.400 “Fees for use of Lady Bird Johnson Park and campgrounds”, of Appendix A “Fee Schedule”, of the Code of Ordinances, is hereby amended by the deletion of Section 24.400(i) in its entirety, and the following substituted therefore:

Sec. 24.400 - Fees for use of Lady Bird Johnson Park and campgrounds.

(i) The following fees are for occupancy of one recreational vehicle (non-tent) campsite, and the fees include water, electricity, sewer, basic cable and basic wireless access for one unit at each recreational vehicle campsite:

(1) Fees for all pull through/horseshoe loop recreational vehicle campsites:
   a. Daily rate is $52.00
   b. Weekly rate is $312.00
   c. Monthly rate is $607.00

(2) Fees for all recreational vehicle campsites, other than pull through/horseshoe loop campsites:
   a. Daily rate is $48.00
   b. Weekly rate is $288.00
   c. Monthly rate is $562.00

(3) Monthly rentals are available from September 1 to March 31 of each year. The Director of Parks and Recreation may designate certain dates as requiring a two (2) night minimum occupancy for recreational vehicle (non-tent) campsites, on such dates as determined by said Director, to encourage the best use of available recreational vehicle campites during periods of peak demand.

(End of code text)

Page 1 of 2
Section 2. **Severability or Invalidity.** If any provision of this ordinance or the application hereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without defeating the purpose or objective of the provisions, and to this end, the provisions of this ordinance are declared to be severable.

Section 3. **Repealer.** All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. **Effective Date.** This ordinance shall be effective on and after the date of passage, and any recreational vehicle campsites reserved prior to the effective date of this Ordinance shall be subject to the occupancy fees that were in effect at the time said reservation was effected.

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

__________________________
Gary Neffendorf, Mayor
City of Fredericksburg, Texas

ATTEST:

__________________________
Shelley Goodwin, TRMC
City Secretary

APPROVED AS TO FORM:

__________________________
Daniel Jones, City Attorney
## Comparison of RV Parks in Fredericksburg

<table>
<thead>
<tr>
<th>R.V. Rates</th>
<th>Daily</th>
<th>Weekly</th>
<th>Monthly</th>
<th># of Pull Thrus</th>
<th>Daily Pull Thru/Back-in fee</th>
<th>Notes</th>
<th>Amenities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oakwood</td>
<td>$37-$57</td>
<td>$225-$345</td>
<td>$495-$595</td>
<td>30 pull thurs</td>
<td>Varies - monthly is on 1-1 basis</td>
<td>Metered electric for monthly only, Discounts for various memberships</td>
<td>Wi-Fi, Cable, Laundry facility, Rally room, 2 night minimum for holidays &amp; special events, extra $5/$30 for more then 4 people</td>
</tr>
<tr>
<td>Fredericksburg RV</td>
<td>$54-$58</td>
<td>$315-$345</td>
<td>$500-$525</td>
<td>100 - All pull thurs</td>
<td>Same rate</td>
<td>Metered electric for monthly only, Discounts for various memberships daily only, higher rates for March/April</td>
<td>Wi-Fi, Cable, Meeting facilities, Laundry Facility, extra $4/$24/$55 for more then 2</td>
</tr>
<tr>
<td>Heritage Oaks RV</td>
<td>$60.00</td>
<td>$340.00</td>
<td>$700.00</td>
<td>35 (53 back ins)</td>
<td>Same rate</td>
<td>Application required, metered electric</td>
<td>Guest fees</td>
</tr>
<tr>
<td>Jellystone RV</td>
<td>$58-$74</td>
<td>N/A</td>
<td>N/A</td>
<td>13</td>
<td>Varies</td>
<td>weekly/monthly special request only</td>
<td>daily depends on time of the year, Wi-Fi, electric included</td>
</tr>
<tr>
<td>Hill Country RV</td>
<td>$35.00</td>
<td>$180.00</td>
<td>$390.00</td>
<td>65 - All pull thurs</td>
<td>Same rate</td>
<td>Metered electric for monthly only</td>
<td>Wi-Fi, Cable, Laundry Facility, extra $2.50/$12.50/$50 for more then 2</td>
</tr>
<tr>
<td>Vineyards</td>
<td>$45-$60</td>
<td>$300-$360</td>
<td>not advertised</td>
<td>74 pull thurs</td>
<td>Same rate</td>
<td>Discounts for various memberships</td>
<td>Wi-Fi, Cable, Laundry, Rally room, extra cost for more then 2 people</td>
</tr>
<tr>
<td>Lady Bird (current)</td>
<td>$40.00</td>
<td>$240.00</td>
<td>$450.00</td>
<td>22 pull thurs</td>
<td>Same rate</td>
<td>New rates went into effect 10/1/16, ~100 RV spots</td>
<td>Wi-Fi, Cable, electric included, no extra for more people</td>
</tr>
<tr>
<td>Lady Bird (Option 0: 35%)</td>
<td>$54.00</td>
<td>$324.00</td>
<td>$607.00</td>
<td></td>
<td></td>
<td>Tier 1 - monthly</td>
<td></td>
</tr>
<tr>
<td>Lady Bird (Option 1: 30%)</td>
<td>$52.00</td>
<td>$312.00</td>
<td>$585.00</td>
<td></td>
<td></td>
<td>Tier 1 - Pull thru/Horseshoe loop</td>
<td></td>
</tr>
<tr>
<td>Lady Bird (Option 2: 25%)</td>
<td>$50.00</td>
<td>$300.00</td>
<td>$562.00</td>
<td></td>
<td></td>
<td>Tier 2 - monthly</td>
<td></td>
</tr>
<tr>
<td>Lady Bird (Option 3: 20%)</td>
<td>$48.00</td>
<td>$288.00</td>
<td>$540.00</td>
<td></td>
<td></td>
<td>Tier 2 - All other spots</td>
<td></td>
</tr>
<tr>
<td>Lady Bird (Option 4: 15%)</td>
<td>$46.00</td>
<td>$276.00</td>
<td>$517.50</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lady Bird (Option 5: 10 %)</td>
<td>$44.00</td>
<td>$264.00</td>
<td>$495.00</td>
<td></td>
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</tr>
</tbody>
</table>
CITY COUNCIL MEMO

DATE: August 11, 2020
TO: Mayor and City Council
FROM: Kent Myers, City Manager
SUBJECT: Resolution Supporting Use of HOT Revenues for Park Improvements

Summary:

Current State law regarding HOT revenues does not allow local governments to utilize these funds for park improvements. The attached resolution supports changes in this legislation that would allow the City the flexibility of funding some of these improvements from HOT revenues.

Recommendation:

It is recommended that the Council consider the attached resolution supporting changes to State law that would allow use of HOT revenues to support future improvements to our park system that would benefit our tourism industry.

Background / Analysis:

Presently State law provides nine specific uses for HOT revenues including funding for tourist promotion, arts promotion, historic preservation and signage for tourists. Our City parks such as Markplatz, Cross Mountain Park and Lady Bird Johnson Park are used extensively by visitors. Many of these visitors spend the night in our hotels and STRs before and after enjoying our City parks. However, State law does not allow HOT revenues to be used to support improvements to these parks. It also does not allow these revenues to be used to fund trails improvements that would connect our parks with other tourist destinations and our hotels and other lodging establishments.
If the attached resolution was approved, it would be sent to the TML for inclusion in their priorities for the 2021 legislative session. The City of Dripping Springs City Council will be considering this resolution next week. It is expected that many other cities will support our efforts if approved by the Council.

The City of Fredericksburg has identified the need for over $16 million in park improvements in our Capital Improvement Plan (CIP) including over $9 million needed in the next five years. We currently do not have a funding source for these improvements. A number of these improvements, such as the new restrooms at Marktplatz and new trails, directly benefit tourists.

With recent changes in State law limiting the ability of municipalities to increase property taxes, it will also be more difficult to fund park improvements with property taxes. Cities will need other revenue options available in order to improve municipal park facilities. HOT revenues would offer us an additional option for funding these improvements. It would also help to show local citizens how revenues from tourism activity directly benefits the community.

Finally, it should be noted that during the current COVID-10 pandemic the use of our parks and trails by both local citizens and tourists have increased significantly. The public seems to have a new appreciation for our parks system particularly our new walking trails. At the same time, the pandemic has caused our revenues and the revenues in other cities to decline. When revenues decline, a lot of cities consider reductions in funding park improvements rather than reductions to other City services such as police and fire. The availability of this option for funding park improvements would help the City to fund parks improvements during periods when revenue is declining.

**Attachments:**

Proposed Resolution

______________________________
Department Approval

______________________________
City Manager Approval

______________________________
Daniel Jones

City Attorney Approval

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The City of Fredericksburg

126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861
RESOLUTION 2020-14r

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, SUPPORTING THE PASSAGE OF LEGISLATION DURING THE 87TH REGULAR SESSION OF THE TEXAS LEGISLATURE (2021), TO ALLOW FOR THE EXPENDITURE OF MUNICIPAL HOTEL OCCUPANCY TAX REVENUE BY THE CITY FOR CONSTRUCTION OF IMPROVEMENTS IN MUNICIPAL PARKS.

WHEREAS, the City of Fredericksburg (“City”) has adopted a municipal hotel occupancy tax ordinance in order to raise revenue for the promotion of tourism and the hotel and lodging industry in the City; and

WHEREAS, the City has determined that the City parks are popular attractions visited year-round by a significant number of tourists and visitors to the City and surrounding area; and

WHEREAS, the City parks are utilized for multiple large annual events and festivals that are attended by a significant number of tourists and visitors to the City and surrounding area; and

WHEREAS, the City parks are in need of additional improvements and amenities and connectivity to lodging establishments and tourist attractions, as the current demand for certain City park facilities and amenities frequently exceeds the operating capacity of said improvements and amenities, due to the large attendance at annual festivals, events, and related tourist activities held on City parks and would benefit from connectivity and additional public facilities; and

WHEREAS, the City’s tourism and hotel and lodging industries would benefit from the expenditure of municipal hotel tax revenue on construction of improvements and connectivity to the City parks, as tourists and visitors frequently visit the City parks, and improvements to the City parks will increase the quality and number of amenities available at said City parks for use and enjoyment by tourists and visitors to the City and surrounding area; and

WHEREAS, the City’s tourism and hotel and lodging industries would benefit from the expenditure of municipal hotel tax revenue on construction of trails and sidewalks that connect city parks to lodging establishments and other tourist attractions, which will increase the use and enjoyment by tourists and visitors of lodging establishments, parks, tourist attractions, and related public facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS:
Section 1. That the City Council adopts the findings and recitals set forth in the preamble of this Resolution.

Section 2. That the City Council supports the passage of legislation during the 87th Regular Session of the Texas Legislature (2021), that would allow for the expenditure of municipal hotel occupancy tax revenue by the City of Fredericksburg for construction of improvements in municipal parks and trails/sidewalks that connect parks, lodging establishments, and other tourist attractions, and related public facilities.

PASSED AND APPROVED this _____ day of ________________, 2020.

__________________________
Gary Neffendorf, Mayor

ATTEST:

__________________________
City Secretary
CITY COUNCIL MEMO

DATE: August 10, 2020
TO: Mayor and City Council
FROM: Shelley Goodwin, City Secretary
SUBJECT: Agreement to Conduct Joint Elections with Gillespie County.

Summary:
This Agreement provides the responsibilities of each party and the joint polling places.

Recommendation:
The City recommends the approval of the Agreement.

Background / Analysis:
Section 271.002, Texas Election Code authorizes the City and the County to hold elections jointly in voting precincts that can be served by common polling places. Section 85.010, Texas Election Code requires the City to hold early voting at a county polling place.

Attachments:
Agreement

The City of Fredericksburg
126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861
AGREEMENT TO CONDUCT JOINT ELECTIONS
BETWEEN GILLESPIE COUNTY
AND THE CITY OF FREDERICKSBURG
FOR NOVEMBER 3, 2020 ELECTIONS

WHEREAS:

1. Gillespie County, Texas ("County") and the City of Fredericksburg, Texas ("City") (collectively referred to hereinafter as the "Entities" or "Participating Entities") will lawfully order and hold a joint election on November 3, 2020; and

2. Texas Government Code, Chapter 791, authorizes local governments to contract with one another and with agencies of the state for various governmental functions including those in which the contracting parties are mutually interested; and

3. Pursuant to Section 271.002, Texas Election Code, political subdivisions of the State of Texas are authorized to hold elections jointly in voting precincts that can be served by common polling places if elections are ordered by the authorities of two or more political subdivisions to be held on the same day in all or part of the same territory; and

4. Pursuant to Section 85.010, Texas Election Code, political subdivisions of the State of Texas, other than the County, on November uniform election date may not designate as an early voting polling place other than a county polling place; and

5. It would encourage greater voter participation and be convenient for the voters of the County and the City to hold a joint election in the election precincts that can be served by common polling places insofar as possible.

NOW, THEREFORE, pursuant to Sections 271.002, and 271.003, Texas Election Code, and Chapter 791 of the Texas Government Code, the Joint Election Agreement set forth below is entered into by and between the Participating Entities acting by and through their respective governing bodies, agree as follows:

I. Scope of the Election Agreement

A. The County and the City will share common Election Day polling locations for the November 3, 2020 elections as follows, and as necessary:

<table>
<thead>
<tr>
<th>Pct.</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pct. 1</td>
<td>Gillespie County Agricultural Extension Building—Conference Room—95 Frederick Rd., Fredericksburg, Tx 78624</td>
</tr>
<tr>
<td>Pct. 2</td>
<td>Gillespie County Historical Society Sanctuary Hall - 312 W. San Antonio St.- Fredericksburg, Tx. 78624</td>
</tr>
<tr>
<td>Pct. 3</td>
<td>Fredericksburg Fire &amp; EMS Department South Station-Conference Room-221 Friendship Lane-Fredericksburg, Tx. 78624</td>
</tr>
</tbody>
</table>
Each entity will have separate ballots.

B. Each of the Entities shall be individually responsible for the preparation and/or publication of election ballots, orders, resolutions, notices and other pertinent documents for adoption or execution by its own respective governing body as required by law.

C. Each of the Entities shall be individually responsible for posting and publishing its election notices.

II. Election Judge, Officer, and Clerks

A. Each of the Entities shall appoint its own Election Judge, Alternate Election Judge, and Election Clerks.

III. Early Voting

A. The County and the City will share a common early voting polling location for the November 3, 2020 joint election as follows:

Gillespie County Annex 2 Bldg.
102 E. San Antonio Str., Ste. C Conference Room
Fredericksburg, Tx. 78624

Each entity will have separate ballots.

B. The Entities will each contract individually with its own early voting personnel.

IV. Election Day

A. The Entities will share the common election-day voting locations as provided in this Agreement. Each of the Entities will conduct its own respective election at the Joint Election-Day Polling Location, and shall be responsible for compliance with all state and federal laws applicable to their respective elections.

V. Joint Election Costs: Payment

A. Costs. The County and the City will each be responsible for all costs associated with their respective elections. Each party paying for the performance of governmental functions or services under this Agreement must make those payments from current revenues available to the paying party.

VI. General Provisions
A. **Communications.** Throughout the term of this Agreement, the Participating Entities will engage in ongoing communications concerning the conduct of the elections and discuss and resolve any problems which might arise.

B. **Effective Date.** This Agreement takes effect upon the complete execution of this Agreement by all Participating Entities.

C. **Custodian of Records.** Each Participating Entity will serve as their individual custodian for purposes of election records as required by law. Each Participating Entity shall appoint a qualified person to act as Custodian of Records for the entity to perform the duties imposed by the Election Code on the custodian of records for its respective entity.

**VII. Miscellaneous Provisions**

A. **Venue and Choice of Law.** The Entities agree that the venue for any dispute arising under this Agreement will lie in the appropriate courts of Gillespie County, Texas. This Agreement shall be governed by and construed in accordance with the laws of the State of Texas and the United States of America.

B. **Entire Agreement.** This Agreement contains the entire agreement of the parties relating to the rights herein granted and the obligations herein assumed and supersede all prior agreements. Any prior agreements, promises, negotiations, or representations not expressly contained in this Agreement are of no force and effect. Any oral representations or modifications concerning this Agreement shall be of no force or effect, excepting a subsequent modification in writing as provided herein.

C. **Severability.** If any provision of this Agreement is found to be invalid, illegal or unenforceable by a court of competent jurisdiction, such invalidity, illegality or unenforceability shall not affect the remaining provisions of this Agreement; and, parties to this Agreement shall perform their obligations under this Agreement in accordance with the intent of the parties to this Agreement as expressed in the terms and provisions of this Agreement.

D. **Breach.** In the event that any Participating Entity or County breaches any of its obligations under this Agreement, the non-breaching party shall be entitled to pursue any and all rights and remedies allowed by law. Nothing in this Agreement shall be construed as a waiver of any immunity or defense to which any Participating Entity is entitled under statutory or common law.

E. **Other Instruments.** The Entities agree that they will execute other and further instruments or any documents as may become necessary or convenient to effectuate and carry out the purposes of this Agreement.

F. **Mediation.** When mediation is acceptable to both parties in resolving a dispute arising under this Agreement, the parties agree to use a mutually agreed upon mediator, or a person appointed by a court of competent jurisdiction, for mediation
as described in Section 154.023 of the Texas Civil Practice and Remedies Code. Unless both parties are satisfied with the result of the mediation, the mediation will not constitute a final and binding resolution of the dispute. All communications within the scope of the mediation shall remain confidential as described in Section 154.023 of the Texas Civil Practice and Remedies Code unless both parties agree, in writing, to waive the confidentiality. Notwithstanding the foregoing, the parties intend to fully comply with the Texas Open Meetings Act and the Texas Public Information Act whenever applicable. The term confidential as used in this Agreement has the same meanings as defined and construed under the Texas Public Information Act and the Texas Open Meetings Act.

G. **Amendment/Modification.** Except as otherwise provided, this Agreement may not be amended, modified, or changed in any respect whatsoever, except by a further Agreement in writing, duly executed by the parties hereto. No official, representative, agent, or employee of any Participating Entity has any authority to modify this Agreement except pursuant to such expressed authorization as may be granted by the governing body of the respective Participating Entity.

H. **Counterparts.** This Agreement may be executed in multiple counterparts, all of which shall be deemed originals and with the same effect as if all parties hereto had signed the same document. All of such counterparts shall be construed together and shall constitute one and the same Agreement.

IN TESTIMONY WHEREOF, the Participating Entities have executed this Agreement in multiple copies, each of equal dignity, on this _____ day of ______________, 2020.

Mark Stroehrer, County Judge
on behalf of Gillespie County

Date

Kent Myers, City Manager
on behalf of the City of Fredericksburg

Date
CITY COUNCIL MEMO

DATE:  August 11, 2020
TO:  Mayor and City Council
FROM:  Kent Myers, City Manager
SUBJECT:  Cost Share Agreement-Vineyard Oaks Apartments

Summary:

The McDonald Companies is planning on developing an affordable housing apartment complex between Sunrise Street and Friendship Lane. They have requested City assistance with some of their infrastructure costs.

Recommendation:

It is recommended that the City participate in these costs to show our continued commitment to developing affordable housing in our community.

Background / Analysis:

The McDonald Companies is proposing a new 110-unit apartment complex on Friendship Lane. This project will be funded using 4% housing tax credits from the State. By using these credits, the developer is required to maintain affordable rents for all apartment units. They plan on charging the following rental rates:

- 38 1-bedroom-$822 month
- 36 2-bedroom-$987 month
- 36 3-bedroom-$1140 month

The City of Fredericksburg

126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861
In order to provide this affordable housing, they have also requested that the City participate in the project by funding a water line extension (about $15,500) and the extension of curb and gutter along Eagle Street (about $6,000). Their request for this cost share is attached. Representatives from the McDonald Companies will attend Monday’s Council meeting to provide additional information on this project.

Attachments:

__________________________
Department Approval

__________________________
City Manager Approval

__________________________
Daniel Jones
City Attorney Approval
7/8/2020

Reserve at Vineyard Oaks, Fredericksburg, Texas

MacDonald Companies

Reserve at Vineyard Oaks Cost Share Agreement

- Cost Share Proposal:
  - The MacDonald Companies is proposing to enter into a 50/50 cost share agreement with the City of Fredericksburg in the amount of $40,000 for the unexpected offsite costs (shown on exhibit 1) brought to our attention during the Pre-DRC meeting on 6/4/2020.

We were under the impression that we would not have to extend the 8” water line to the intersection of Sunrise and South Eagle (Exhibit 2), an additional 241 linear feet from the termination of the new street at the North exit connecting to the existing portion of Sunrise. The extended water line will not be used by the Development in any way. We were also unaware that we would be required to curb and gutter along the portion of the Development that is adjacent to South Eagle Street (Exhibit 3), even though we have sufficient drainage within the Development.

The current COVID-19 pandemic has exacerbated the cost of this Development due to costly delays and material price increases that were not anticipated during the initial planning process. Therefore, the MacDonald Companies cannot continue to incur City mandated offsite improvements while keeping rents at the current affordable level ($829, $996, $1146) without some sort of relief in the form of a cost share.

Exhibit 1:

- Length of requested 8” C900 PVC water line (fully restrained) within Sunrise Street = 241 linear feet
  - Estimated cost = $60 to $65 per linear foot, plus costs to tie-in, add gate valves, etc. (~$10k or so).

- Length of curb & gutter along Eagle Street = 396 linear feet
  - Estimated cost = $10 - $15 per linear foot; however, cost could be more based on the nature of work (involving an existing roadway).
CITY COUNCIL MEMO

DATE: August 12, 2020

TO: Mayor and City Council

FROM: Clinton Bailey, P.E., Assistant City Manager/Director of Public Works and Utilities

SUBJECT: Consideration of Professional Services Agreement

Summary:

This item is for the consideration of authorizing the execution of a professional services agreement with Kimley Horn in the amount of $3,500 for the development of a Rough Proportionality Assessment for the Oaks of Windcrest Phase 5 subdivision development.

Recommendation

City staff recommends authorizing the execution of the professional services agreement with Kimley Horn.

Background / Analysis:

The City’s subdivision ordinance allows a subdivision developer to file a Subdivision Proportionality appeal petition for relief with the Director of Public Works and Utilities to contest the requirement to construct public improvements as required by the Subdivision Ordinance. It is the responsibility of the Director of Public Works and Utilities to review the petition and make a recommendation to the City Council. Based on the petition filed by the developer and the recommendation of the Director of Public Works and Utilities, the City Council must determine whether the construction of improvements is “roughly proportional” to the nature and extent of the impacts created by the proposed development on public facilities such as roadways. In accordance with the City’s Subdivision Ordinance, the City Council may take one of the following actions.

1. Deny the petition for relief, and impose the construction of public improvements as required by this Ordinance

The City of Fredericksburg

126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861
2. Grant the petition for relief, and waive any construction requirement to the extent necessary to achieve proportionality

3. Grant the petition for relief, and direct that the City to participate in the costs of constructing the public improvement and establishing the extent of such participation

In this particular case, the developer of Oaks of Windcrest Section V has submitted an application to the City for consideration of prorated cost sharing for the construction of the West Windcrest Street extension which was constructed along the northern boundary of the subdivision. The Rough Proportionality Assessment for the Oaks of Windcrest Phase 5 subdivision development that is proposed to be completed by Kimley Horn would be the basis for the Director of Public Works and Utilities recommendation to the City Council regarding the developer’s application for relief. If this item is approved, both the developer’s application and the Rough Proportionality Assessment will be discussed during a future City Council meeting for consideration of the City providing relief to the developer.

Attachments:

Professional Services Agreement

[Signatures]

Department Approval          City Manager Approval

Daniel Jones
City Attorney Approval
August 7, 2020

Mr. Garret Bonn  
City Engineer  
126 West Main Street  
Fredericksburg, TX 78624

Re: Professional Services Agreement  
Windcrest Phase V Rough Proportionality Assessment

Dear Garret:

Kimley-Horn and Associates, Inc. ("Kimley-Horn" or "Consultant") is pleased to submit this letter agreement (the "Agreement") to the City of Fredericksburg, Texas ("Client" or "City") for providing professional services associated with determining the rough proportionality related to the collector road, W. Windcrest Drive, which provides site access to the Windcrest Phase V development in the City of Fredericksburg, Texas.

SCOPE OF SERVICES

Kimley-Horn will provide the services specifically set forth below.

Task 1: Proportionality Analysis

- Verify the proposed typical sections for the studied thoroughfare facilities based upon the currently adopted Thoroughfare Plan and the per lane capacities for the proposed section(s).

- Coordinate with the City to obtain the current information for build-out of the proposed development (i.e. number of dwelling units, site plan, layouts, and proposed point of ingress/egress).

- Determine the total vehicle-miles of demand generated by the proposed development. PM peak hour trip generation estimates and pass-by trip reductions will be based upon the rates found in the latest edition of the ITE Trip Generation Manual and ITE Trip Generation Handbook. Trip lengths used in the calculation will be developed based on the distance to nearest regional facilities.

- Determine the vehicle-miles of supply added to the thoroughfare system based upon the designation of the thoroughfare facilities constructed by the proposed development on the currently adopted Thoroughfare Plan. Thoroughfare capacity criteria will be based upon standards from the Capital Area Metropolitan Planning Organization (CAMPO).

- Prepare a technical memorandum that documents the study methodology and analysis results.

- Respond to one (1) set of comments from the City.

Task 2: Meetings

- Upon request, attend up to two (2) meetings via teleconference with the City.
ADDITIONAL SERVICES

Any services not specifically provided for in the above scope will be billed as additional services and performed at our then current hourly rates. Additional services we can provide include, but are not limited to, the following:

- Additional meetings, at $500 Lump Sum per teleconference and $1,000 Lump Sum per in-person meeting;
- Traffic Impact Analysis;
- Design services;
- Opinions of Probable Construction Costs (OPCCs); and
- Additional site plan evaluations.

INFORMATION PROVIDED BY CLIENT

We shall be entitled to rely on the completeness and accuracy of all information provided by the Client or the Client’s consultants or representatives. Client will provide development information to be assumed for Task 1.

SCHEDULE

The scope of services will be completed within a mutually agreed upon schedule following receipt of a signed copy of this Letter Agreement, exclusive of Client review time. Additional services, if desired, will be performed within a mutually agreed upon schedule, once authorized by the Client in writing.

FEE AND EXPENSES

Kimley-Horn will perform the services in Tasks 1-2 for the total lump sum fee below. Individual task amounts are informational only. All permitting, application, and similar project fees will be paid directly by the Client.

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<th>Task</th>
<th>Description</th>
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<tr>
<td>Task 1</td>
<td>Proportionality Analysis</td>
<td>$2,500</td>
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<tr>
<td>Task 2</td>
<td>Meetings</td>
<td>$1,000</td>
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<tr>
<td>Total</td>
<td>Lump Sum Fee</td>
<td>$3,500</td>
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Lump sum fees will be invoiced monthly based upon the overall percentage of services performed. Payment will be due within 25 days of your receipt of the invoice and should include the invoice number and Kimley-Horn project number.
CLOSURE

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the attached Standard Provisions, which are incorporated by reference. As used in the Standard Provisions, "Consultant" shall refer to Kimley-Horn and Associates, Inc., and "Client" shall refer to the City of Fredericksburg, Texas.

Kimley-Horn, in an effort to expedite invoices and reduce paper waste, submits invoices via email in an Adobe PDF format. We can also provide a paper copy via regular mail if requested. Please provide the following information:

Please email all invoices to ___________________________

Please copy ___________________________

If you concur in all the foregoing and wish to direct us to proceed with the services, please have authorized persons execute both copies of this Agreement in the spaces provided below, retain one copy, and return the other to us. Fees and times stated in this Agreement are valid for sixty (60) days after the date of this letter.

We appreciate the opportunity to provide these services to you. Please contact me if you have any questions.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.

By: Jake Gutekunst, P.E.
    Project Manager

Scott R. Arnold, P.E., PTOE
    Vice President

CITY OF FREDERICKSBURG, TX

By:

______________________________________________

(Date)

______________________________________________

(Print or Type Name)

______________________________________________

(Email Address)

KIMLEY-HORN AND ASSOCIATES, INC.
STANDARD PROVISIONS

(1) **Consultant’s Scope of Services and Additional Services.** The Consultant will perform only the services specifically described in this Agreement. If requested by the Client and agreed to by the Consultant, the Consultant will perform Additional Services, which shall be governed by these provisions. Unless otherwise agreed to in writing, the Client shall pay the Consultant for any Additional Services an amount based upon the Consultant’s then-current hourly rates plus an amount to cover certain direct expenses including telecommunications, in-house reproduction, postage, supplies, project related computer time, and local mileage. Other direct expenses will be billed at 1.15 times cost.

(2) **Client’s Responsibilities.** In addition to other responsibilities herein or imposed by law, the Client shall:
(a) Designate in writing a person to act as its representative, such person having complete authority to transmit instructions, receive information, and make or interpret the Client’s decisions.
(b) Provide all information and criteria as to the Client’s requirements, objectives, and expectations for the project and all standards of development, design, or construction.
(c) Provide the Consultant all available studies, plans, or other documents pertaining to the project, such as surveys, engineering data, environmental information, etc., all of which the Consultant may rely upon.
(d) Arrange for access to the site and other property as required for the Consultant to provide its services.
(e) Review all documents or reports presented by the Consultant and communicate decisions pertaining thereto within a reasonable time so as not to delay the Consultant.
(f) Furnish approvals and permits from governmental authorities having jurisdiction over the project and approvals and consents from other parties as may be necessary.
(g) Obtain any independent accounting, legal, insurance, cost estimating and feasibility services required by Client.
(h) Give prompt written notice to the Consultant whenever the Client becomes aware of any development that affects the Consultant’s services or any defect or noncompliance in any aspect of the project.

(3) **Period of Services.** Unless otherwise stated herein, the Consultant will begin work after receipt of a properly executed copy of this Agreement. This Agreement assumes conditions permitting continuous and orderly progress through completion of the services. Times for performance shall be extended as necessary for delays or suspensions due to circumstances that the Consultant does not control. If such delay or suspension extends for more than six months, Consultant’s compensation shall be renegotiated.

(4) **Method of Payment.** Client shall pay Consultant as follows:
(a) Invoices will be submitted periodically for services performed and expenses incurred. Payment of each invoice will be due within 25 days of receipt. The Client shall also pay any applicable sales tax. All retainers will be held by the Consultant and applied against the final invoice. Interest will be added to accounts not paid within 25 days at the rate of 12% per year beginning on the 25th day. If the Client fails to make any payment due under this or any other agreement within 30 days after the Consultant’s transmission of its invoice, the Consultant may, after giving notice to the Client, suspend services and withhold deliverables until all amounts due are paid.
(b) If the Client relies on payment or proceeds from a third party to pay Consultant and Client does not pay Consultant’s invoice within 60 days of receipt, Consultant may communicate directly with such third party to secure payment.
(c) If the Client objects to an invoice, it must advise the Consultant in writing giving its reasons within 14 days of receipt of the invoice or the Client’s objections will be waived, and the invoice shall conclusively be deemed due and owing. If the Client objects to only a portion of the invoice, payment for all other portions remains due within 25 days of receipt.
(d) If the Consultant initiates legal proceedings to collect payment, it may recover, in addition to all amounts due, its reasonable attorneys’ fees, reasonable experts’ fees, and other expenses related to the proceedings. Such expenses shall include the cost, at the Consultant’s normal hourly billing rates, of the time devoted to such proceedings by its employees.
(e) The Client agrees that the payment to the Consultant is not subject to any contingency or condition. The Consultant may negotiate payment of any check tendered by the Client, even if the words “in full satisfaction” or words intended to have similar effect appear on the check without such negotiation being an accord and satisfaction of any disputed debt and without prejudicing any right of the Consultant to collect additional amounts from the Client.

(5) **Use of Documents.** All documents and data prepared by the Consultant are related exclusively to the services described in this Agreement, and may be used only if the Client has satisfied all of its obligations under this Agreement. They are not intended or represented to be suitable for use or reuse by the Client or others on
extensions of this project or on any other project. Any modifications by the Client to any of the Consultant’s documents, or any reuse of the documents without written authorization by the Consultant will be at the Client’s sole risk and without liability to the Consultant, and the Client shall indemnify, defend and hold the Consultant harmless from all claims, damages, losses and expenses, including but not limited to attorneys’ fees, resulting therefrom. The Consultant’s electronic files and source code remain the property of the Consultant and shall be provided to the Client only if expressly provided for in this Agreement. Any electronic files not containing an electronic seal are provided only for the convenience of the Client, and use of them is at the Client’s sole risk. In the case of any defects in the electronic files or any discrepancies between them and the hardcopy of the documents prepared by the Consultant, the hardcopy shall govern.

(6) **Opinions of Cost.** Because the Consultant does not control the cost of labor, materials, equipment or services furnished by others, methods of determining prices, or competitive bidding or market conditions, any opinions rendered as to costs, including but not limited to the costs of construction and materials, are made solely based on its judgment as a professional familiar with the industry. The Consultant cannot and does not guarantee that proposals, bids or actual costs will not vary from its opinions of cost. If the Client wishes greater assurance as to the amount of any cost, it shall employ an independent cost estimator. Consultant’s services required to bring costs within any limitation established by the Client will be paid for as Additional Services.

(7) **Termination.** The obligation to provide further services under this Agreement may be terminated by either party upon seven days’ written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof, or upon thirty days’ written notice for the convenience of the terminating party. The Consultant shall be paid for all services rendered and expenses incurred to the effective date of termination, and other reasonable expenses incurred by the Consultant as a result of such termination.

(8) **Standard of Care.** The standard of care applicable to Consultant’s services will be the degree of care and skill ordinarily exercised by consultants performing the same or similar services in the same locality at the time the services are provided. No warranty, express or implied, is made or intended by the Consultant’s performance of services, and it is agreed that the Consultant is not a fiduciary with respect to the Client.

(9) **LIMITATION OF LIABILITY.** IN RECOGNITION OF THE RELATIVE RISKS AND BENEFITS OF THE PROJECT TO THE CLIENT AND THE CONSULTANT, THE RISKS ARE ALLOCATED SUCH THAT, TO THE FULLEST EXTENT ALLOWED BY LAW, AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS AGREEMENT OR THE EXISTENCE OF APPLICABLE INSURANCE COVERAGE, THAT THE TOTAL LIABILITY, IN THE AGGREGATE, OF THE CONSULTANT AND THE CONSULTANT’S OFFICERS, DIRECTORS, EMPLOYEES, AGENTS, AND SUBCONTRACTORS TO THE CLIENT OR TO ANYONE CLAIMING BY, THROUGH OR UNDER THE CLIENT, FOR ANY AND ALL CLAIMS, LOSSES, COSTS OR DAMAGES WHATSOEVER ARISING OUT OF OR IN ANY WAY RELATED TO THE SERVICES UNDER THIS AGREEMENT FROM ANY CAUSES, INCLUDING BUT NOT LIMITED TO, THE NEGLIGENCE, PROFESSIONAL ERRORS OR OMISSIONS, STRICT LIABILITY OR BREACH OF CONTRACT OR ANY WARRANTY, EXPRESS OR IMPLIED, OF THE CONSULTANT OR THE CONSULTANT’S OFFICERS, DIRECTORS, EMPLOYEES, AGENTS, AND SUBCONTRACTORS, SHALL NOT EXCEED TWICE THE TOTAL COMPENSATION RECEIVED BY THE CONSULTANT UNDER THIS AGREEMENT OR $50,000, WHICHEVER IS GREATER. HIGHER LIMITS OF LIABILITY MAY BE NEGOTIATED FOR ADDITIONAL FEE. THIS SECTION 9 IS INTENDED SOLELY TO LIMIT THE REMEDIES AVAILABLE TO THE CLIENT OR THOSE CLAIMING BY OR THROUGH THE CLIENT, AND NOTHING IN THIS SECTION 9 SHALL REQUIRE THE CLIENT TO INDEMNIFY THE CONSULTANT.

(10) **Mutual Waiver of Consequential Damages.** In no event shall either party be liable to the other for any consequential, incidental, punitive, or indirect damages including but not limited to loss of income or loss of profits.

(11) **Construction Costs.** Under no circumstances shall the Consultant be liable for extra costs or other consequences due to unknown conditions or related to the failure of contractors to perform work in accordance with the plans and specifications. Consultant shall have no liability whatsoever for any costs arising out of the Client’s decision to obtain bids or proceed with construction before the Consultant has issued final, fully-approved plans and specifications. The Client acknowledges that all preliminary plans are subject to substantial revision until plans are fully approved and all permits obtained.

(12) **Certifications.** The Consultant shall not be required to execute certifications or third-party reliance letters that are inaccurate, that relate to facts of which the Consultant does not have actual knowledge, or that would cause the Consultant to violate applicable rules of professional responsibility.

(13) **Dispute Resolution.** All claims by the Client arising out of this Agreement or its breach shall be submitted first to mediation in accordance with the American Arbitration Association as a condition precedent to litigation. Any

Kimley-Horn

10814 Jollyville Rd, Campus IV, Suite 200, Austin, TX 78759
512-418-1771

Agenda Packet Page 115
(14) **Hazardous Substances and Conditions.** Consultant shall not be a custodian, transporter, handler, arranger, contractor, or remediator with respect to hazardous substances and conditions. Consultant’s services will be limited to analysis, recommendations, and reporting, including, when agreed to, plans and specifications for isolation, removal, or remediation. The Consultant will notify the Client of unanticipated hazardous substances or conditions of which the Consultant actually becomes aware. The Consultant may stop affected portions of its services until the hazardous substance or condition is eliminated.

(15) **Construction Phase Services.**
(a) If the Consultant prepares construction documents and the Consultant is not retained to make periodic site visits, the Client assumes all responsibility for interpretation of the documents and for construction observation, and the Client waives any claims against the Consultant in any way connected thereto.
(b) The Consultant shall have no responsibility for any contractor’s means, methods, techniques, equipment choice and usage, sequence, schedule, safety programs, or safety practices, nor shall Consultant have any authority or responsibility to stop or direct the work of any contractor. The Consultant’s visits will be for the purpose of endeavoring to provide the Client a greater degree of confidence that the completed work of its contractors will generally conform to the construction documents prepared by the Consultant. Consultant neither guarantees the performance of contractors, nor assumes responsibility for any contractor’s failure to perform its work in accordance with the contract documents.
(c) The Consultant is not responsible for any duties assigned to it in the construction contract that are not expressly provided for in this Agreement. The Client agrees that each contract with any contractor shall state that the contractor shall be solely responsible for job site safety and its means and methods; that the contractor shall indemnify the Client and the Consultant for all claims and liability arising out of job site accidents; and that the Client and the Consultant shall be made additional insureds under the contractor’s general liability insurance policy.

(16) **No Third-Party Beneficiaries; Assignment and Subcontracting.** This Agreement gives no rights or benefits to anyone other than the Client and the Consultant, and all duties and responsibilities undertaken pursuant to this Agreement will be for the sole benefit of the Client and the Consultant. The Client shall not assign or transfer any rights under or interest in this Agreement, or any claim arising out of the performance of services by Consultant, without the written consent of the Consultant. The Consultant reserves the right to augment its staff with subcontractors as it deems appropriate due to project logistics, schedules, or market conditions. If the Consultant exercises this right, the Consultant will maintain the agreed-upon billing rates for services identified in the contract, regardless of whether the services are provided by in-house employees, contract employees, or independent subcontractors.

(17) **Confidentiality.** The Client consents to the use and dissemination by the Consultant of photographs of the project and to the use by the Consultant of facts, data and information obtained by the Consultant in the performance of its services. If, however, any facts, data or information are specifically identified in writing by the Client as confidential, the Consultant shall use reasonable care to maintain the confidentiality of that material.

(18) **Miscellaneous Provisions.** This Agreement is to be governed by the law of the State of Texas. This Agreement contains the entire and fully integrated agreement between the parties and supersedes all prior and contemporaneous negotiations, representations, agreements or understandings, whether written or oral. Except as provided in Section 1, this Agreement can be supplemented or amended only by a written document executed by both parties. Any conflicting or additional terms on any purchase order issued by the Client shall be void and are hereby expressly rejected by the Consultant. Any provision in this Agreement that is unenforceable shall be ineffective to the extent of such unenforceability without invalidating the remaining provisions. The non-enforcement of any provision by either party shall not constitute a waiver of that provision nor shall it affect the enforceability of that provision or of the remainder of this Agreement.
Future Agenda Items
City Council

September 8, 2020
Regular Meeting

City Council = Red
  8th and 21st Regular Meetings @ 6p.m.
Special Mtgs 9th @ TBA
Planning & Zoning = Green  9-9-2020 @ 5:30 p.m.
Historic Review Board = Purple 9-15-2020 @ 5:30 p.m.
Board of Adjustment = Blue 9-17-2020 @ 5:30 p.m.
City Events = Yellow
  September 8, 2020 City Holiday

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Proclamation

Consent
1. 8-12-2020 City Council Workshop Meeting Minutes
2. 8-17-2020 City Council Regular Meeting Minutes
3. 8-24-2020 City Council Workshop Minutes

Ordinances

Resolutions

Public Hearing
1. On Tax increase if necessary

Approvals-Misc.
1. Windcrest Proration
2. Agreement with Soccer Association
3. FCVB Budget
4. FCVB Board Member appointments (1 reappointment for a 3 year term and 2 appointments for new 3 year terms)

Presentations, Discussions and Updates:
1. COVID-19 Update
2. A presentation by TxDOT on the final Relief Route Feasibility Study

Executive Session

8/12/2020 12:58:38 PM
September 21, 2020
Regular Meeting

Proclamation

Consent
1. 9-8-2020 City Council Regular Meeting Minutes

Ordinances
1. Budget
2. Tax Rate

Resolutions

Public Hearing
1

Approvals-Misc.

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

Executive Session