



City of Fredericksburg

REGULAR CITY COUNCIL MEETING AGENDA MONDAY, JUNE 20, 2022 ~ 6:00 P.M. LAW ENFORCEMENT CENTER 1601 E. MAIN STREET FREDERICKSBURG, TEXAS 78624

Jeryl Hoover, Mayor
Tony Klein, Councilmember
Bobby Watson, Councilmember/Pro Tem

Sharon Joseph, Councilmember
Emily Kirchner, Councilmember
Clinton Bailey, City Manager

The City of Fredericksburg City Council will meet in a regular session on Monday, June 20, 2022 at 6:00 p.m. This meeting will be held in person and livestream on our YouTube Channel.

Link to City of Fredericksburg YouTube Channel [Fredericksburg, Texas USA - YouTube \(https://www.youtube.com/c/FredericksburgTexasUSA\)](https://www.youtube.com/c/FredericksburgTexasUSA). It is the intent to have all members of the governing body present in person at the above identified location, with one or more City employees attending this meeting by videoconference in compliance with the Tex. Gov't Code § 551.127.

1. CALL TO ORDER

2. INVOCATION

(Pastor Casey Zesch, Bethany Lutheran Church)

3. PLEDGE OF ALLEGIANCE

4. EMPLOYEE RECOGNITIONS

5. PUBLIC COMMENTS ON ITEMS ON THE AGENDA

The City Council welcomes citizen participation and comments at all City Council Regular Meetings.

A. Written Comments: to be submitted remotely:

- i. Must be received by 3 p.m. on June 20, 2022
- ii. Complete the Citizen Comment Form online at www.fbgtx.org; or
- iii. Email your comments to CitizenComments@fbgtx.org; or
- iv. 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 "[June 20, 2022](#), City Council Regular Meeting" tab.

B. Verbal Comments:

- i. Sign up in-person between 5:30 p.m. and 6 p.m. at the Law Enforcement Center in order to comment.
- ii. You will be limited to 3 minutes to speak.

- iii. If any citizen has handouts for these should be provided to the City Secretary prior to speaking. If you wish the City Council to receive your handouts for the meeting, please provide 10 copies, if not the City Council will receive your handouts the following day.

6. CONSENT

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

- A. Consider approval of City Council Minutes for: (Shelley Goodwin, City Secretary).
 - i. June 6, 2022 Regular Meeting
(Agenda Packet Pages 5-8)
 - ii. June 8, 2022 Work Session Meeting
(Agenda Packet Pages 9-12)

- B. Consider the approval of a street closure request from the Gillespie County 4-H BBA for August 26, 2022, beginning at 10 a.m. and ending at 1 p.m. for N. Crockett Street between W. Schubert and W. Travis, and W. Schubert between N. Crockett and N. Adams (Jennifer Krupa, Special Events Coordinator)
(Agenda Packet Pages 13-18)

7. PUBLIC HEARING

- A. Hold a public hearing to receive comments for or against a request by Jeffrey Morin and Mark Eckert for the property located at 1603 and 1605 East Main Street and Lot C-IRB of the Morin Park Subdivision, Two for the following (Z-2207) (Garret Bonn, Assistant City Engineer/Interim Development Services Director):
 - i. A Land Use change from Industrial (I) to Commercial (C).
 - ii. A Zoning change from M2, Medium Manufacturing to C2, Commercial.
(Agenda Packet Pages 19-28)

8. ORDINANCE AND RESOLUTIONS

- A. Consider the approval of requests by Jeffrey Morin and Mark Eckert for the property located at 1603 and 1605 East Main Street and Lot C-IRB of the Morin Park Subdivision, Two. (Z-2207) (Garret Bonn, Assistant City Engineer/Interim Development Services Director).
(Agenda Packet Pages 19-28)
 - i. Ordinance 2022-22 Land Use change from Industrial (I) to Commercial (C).
 - ii. Ordinance 2022-23 Zoning change from M2, Medium Manufacturing to C2, Commercial

- B. Consider the approval of Resolution 2022-11R petition for consent of the creation of Municipal Utility District (Kent Myers, Special Projects)
(Agenda Packet Pages 29-70)

- C. Consider the approval of the appointments, or reappointment, or to fill a vacancy of the Historic Review Board, Board of Adjustments, Convention and Visitor Bureau Board, Market Square Redevelopment Commission, Planning and Zoning Commission (Shelley Goodwin, City Secretary) (Items 8. C. ii.-vi. will be considered after Executive Session):
 - i. Mayor's appointments of City Councilmembers to serve as liaisons or representatives on certain community Boards and Commissions
 - ii. Resolution 2022-12R Board of Adjustments
 - iii. Resolution 2022-13R Convention and Visitor Bureau Board
 - iv. Resolution 2022-14R Historic Review Board
 - v. Resolution 2022-15R Market Square Redevelopment Commission

9. OTHER ACTION ITEMS AND UPDATES

- A. Consider the approval of Planning and Zoning Commission procedures and requirements for future agenda items (Garret Bonn, Assistant City Engineer/Interim Development Services Director).
(Agenda Packet Pages 83-84)
- B. Consider and discuss a report on Fort Martin Scott and the Former Texas Rangers Heritage Center Museum (Andrea Schmidt, Park Department Director).
(Agenda Packet Pages 85-99)

10. PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA.

11. CITY MANAGER'S REPORT

- A. City job postings.
- B. Budget process.

12. COUNCIL COMMENTS

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

13. ITEMS FOR FUTURE AGENDA

(Agenda Packet Page 100)

14. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section 551.072 (Deliberation Regarding Real Property) and Section 551.074 (Personnel Matters):

- A. Consider and discuss the purchase, exchange, lease, or value of real property, located in the vicinity of the intersection of N. Washington Street at Austin Street, in the City of Fredericksburg, Texas (551.072), and
- B. Consider and discuss the appointment, evaluation, reassignment, duties, or dismissal of a public officer, specifically the reappointment of existing members on the City's Boards and Commission, and the appointment of persons to fill vacancies on the City's Boards and Commission. (Section 551.074)

15. 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.

16. ADJOURN

This is to certify that I, Shelley Goodwin, posted this Agenda at 3:45 p.m. on June 15, 2022, on the bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.


Shelley Goodwin, TRMC/CMC
City Secretary



CITY OF FREDERICKSBURG

MINUTES OF CITY COUNCIL REGULAR MEETING JUNE 6, 2022

The City of Fredericksburg City Council held their regular session on Monday, June 6, 2022, at 6 p.m. This meeting was held in person at the Law Enforcement Center and live streamed on the Fredericksburg YouTube Channel.

Members Present:

Mayor Jeryl Hoover
Councilmember Emily Kirchner
Councilmember Tony Klein
Councilmember Sharon Joseph

Members Absent:

Councilmember Bobby Watson

City Staff Present:

Clinton Bailey, City Manager
Daniel Jones, City Attorney
Brian Vorauer, Police Chief
Eric Whiting, Information Technology Director
Laura Hollenbeak, Finance Director
Lea Feuge, Public Information Officer
Andrea Schmidt, Park Department Director
Garret Bonn, Interim Engineer/Interim Development Services Director
Kris Kneese, Interim Public Works/Utilities Director
Evan Williamson, Staff Engineer Andrea
Leslie Ball- Embrey, Administrative Assistant
Shelley Goodwin, City Secretary

1. ADMINISTER OATH OF OFFICES

Municipal Judge Shelley Becker administered the Oath of Office to Sharon Joseph, Councilmember.

2. CALL TO ORDER

Mayor Hoover called the regular meeting of the Fredericksburg City Council to order at 6:00 p.m. on Monday, June 6, 2022.

3. INVOCATION

Jim Riley, Chaplain - H1 Unlimited Hydroplanes, led the Invocation.

4. PLEDGE OF ALLEGIANCE

Mayor Hoover led the Pledge of Allegiance.

5. EMPLOYEE RECOGNITIONS

Clinton Bailey, City Manager, stated he did not have any recognitions this meeting.

6. PUBLIC COMMENTS ON ITEMS ON THE AGENDA

Mayor Hoover announced that the City Council had received 2 written comments. Wesley Hesker and Annette Bennett provided written comments.

Wesley Hesker spoke regarding the May 27, 2022, Special Meeting and summarized his written comments.

7. CONSENT

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

A. Consider approval of City Council Minutes for:

- i. May 14, 2022 Special Meeting**
- ii. May 16, 2022 Regular Meeting**
- ii. May 27, 2022 Special Meeting**

Motion: A motion was made by Councilmember Klein, seconded by Councilmember Kirchner, to approve Consent Agenda item 6. A. i. -iii. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

8. ORDINANCE

A. Consider the approval of Ordinance 2022-21 adopting and approving amendments to the City Budget for the Fiscal Year beginning October 1, 2021 and ending September 30, 2022, and making amended appropriations for each affected department and account.

Motion: A motion was made by Councilmember Klein, seconded by Councilmember Joseph, to postpone Ordinance 2022-21 adopting and approving amendments to the City Budget for the Fiscal Year beginning October 1, 2021 and ending September 30, 2022, and making amended appropriations for each affected department and account. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

9. OTHER ACTION ITEMS AND UPDATES

A. Consider the award of bid for a four-year lease of 70 golf cars and 3 utility carts to Club Car.

Evan Williamson, Staff Engineer, reviewed the bid process, advertisement of the bid, and the request for proposals. He also reviewed the storage situation and the additional storage that would be needed if the carts were electric.

The City Council discussed the lease and the increase from 76,000 to 85,000 five years ago. They also discussed the cart replacement process.

Clinton Bailey, City Manager, stated the rental of the carts covers the cost of the carts.

Motion: A motion was made by Councilmember Kirchner, seconded by Councilmember Joseph, to award a bid and approve a four-year lease of 70 golf cars and 3 utility carts to Club Car. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

B. Consider and discuss the proposal of a new cross at Cross Mountain Park to be donated by the Nimitz Rotary Club

Andrea Schmidt, Park Department Director, reviewed the need for the replacement. Nimitz Rotary Club has offered to replace the cross at Cross Mountain Park. She reviewed the work that has been done on the current cross which is related to lights.

Cynthia Turner, Nimitz Rotary Club, reviewed the members and the different donations they have made. Approval to fundraise with a golf tournament on October 10, 2022.

Carlton Turner reviewed how the current cross and how the structure was built, and the materials used. He noted engineers have recommended using a metal tubing for the inside; an engineering plan will need to be developed for the structure at the base.

The City Council discuss the purpose of the fundraising for the materials of the cross replacement. They also discussed the lighting.

Motion: A motion made by Councilmember Klein and Councilmember Sharon Joseph seconded the motion, to continue with the fundraising process and come back to City Council with final approval. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

10. PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA.

Debra Habecker, City resident, spoke regarding D Day and the need to return the American Rescue Funds. She also congratulated and thanked several members of the City.

Jerry McCorkle, City resident, spoke regarding the American Rescue Fund and the strings that are attached these funds.

Ruben Aguilar, City resident, spoke regarding the destruction of America.

Wesley Hesker, City resident, thanked the soldiers who fought 76 years ago for our freedom. He also spoke regarding the 2nd Amendment and return to American Rescue Funds.

John Rodrigues, City resident, congratulations to the new City Council and City Manager and noted the City continues to be in good hands. He also spoke regarding alternative energy.

Jeannette Hormuth, City resident, spoke regarding her father fighting in WWII. She also spoke on American Rescue Funds and the strings that are attached to this funding.

11. CITY MANAGER'S REPORT

A. Budget Calendar

Clinton Bailey, City Manager, reviewed the FY 2023 Budget Calendar and dates of meetings. He asked each Councilmember to check their calendar to see if they have any conflicts.

B. City Facility Security Measures

Clinton Bailey, City Manager, reviewed the activities that occurred at City Hall on May 26, 2022. He stated currently there is a plan being developed regarding security measures, which will be discussed during the upcoming budget meetings.

C. Golf Course Financial Performance

Clinton Bailey, City Manager, stated the Touchstone Group has done an outstanding job. He provided the history of the golf course. He noted several projects have been paid for with the revenue and in the past 2 months, they have exceeded their predictions.

12. COUNCIL COMMENTS

Mayor Hoover welcome Councilmember Joseph. He also apologized for his comments at the May 27, 2022, Special Meeting. He noted he wants to set an example for being respectful to each other. He asked that everyone work together instead of against each other.

13. ITEMS FOR FUTURE AGENDA

Clinton Bailey, City Manager, reviewed the upcoming agenda items.

14. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section 551.072 (Deliberation Regarding Real Property):

- A. Consider and discuss the purchase, exchange, lease, or value of real property, located in the vicinity of the intersection of N. Adams Street at Travis Street, in the City of Fredericksburg, Texas (551.072)**

Motion: A motion was made by Councilmember Joseph, seconded by Councilmember Kirchner, to go out of the Regular Meeting and into Executive Session at 7:17 p.m. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Kirchner, seconded by Councilmember Joseph, to go out of the Executive Session and into the Regular Meeting at 7:46 p.m. The City Council voted four (4) for, and none (0) opposed. The motion carried unanimously.

15. 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.

16. ADJOURN

Motion: A motion was made by Councilmember Klein, seconded by Councilmember Joseph, to adjourn the Monday, June 6, 2022, City Council Regular Meeting at 7:48 p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

Jeryl Hoover
Mayor

Shelley Goodwin, TRMC/CMC
City Secretary



MINUTES OF THE CITY COUNCIL WORK SESSION MEETING JUNE 8, 2022

The City of Fredericksburg City Council held their work session on Wednesday, June 8, 2022 at 9 a.m. This meeting was held in person at the Law Enforcement Center and live streamed on the Fredericksburg YouTube Channel.

Members Present:

Mayor Jeryl Hoover
Councilmember Emily Kirchner (arrived at 9:12 a.m.)
Councilmember Tony Klein
Councilmember Sharon Joseph

Members Absent:

Councilmember Bobby Watson

City Staff Present:

Clinton Bailey, City Manager
Daniel Jones, City Attorney
Brian Vorauer, Police Chief
Lynn Bizzell, Fire Chief
Eric Whiting, Information Technology Director
Laura Hollenbeak, Finance Director
Lea Feuge, Public Information Officer
Garret Bonn, Interim Engineer/Interim Development Services Director
Kris Kneese, Interim Public Works/Utilities Director
Andrea Schmidt, Parks Department Director
Justin Calhoun, Emergency Management
Reagan Radtke, Fire Marshall
Jeff Rich, Water/Wastewater Superintendent
Braxton Roemer, Police Lt.
Brian Vorauer, Patrol Lt.
Jennifer Krupa, Special Events Coordinator
Evan Williams, Staff Engineer
Lee Stubblefield, Electric Superintendent
Kerry Schmidt, Sanitation Superintendent
Trevor Dupuis, Parks Supervisor
Garrett Durst, Street Department Superintendent
Kathlyn Brazell, Recreation Supervisor
Tammie Loth, Human Resources Director
Shelley Goodwin, City Secretary

1. CALL TO ORDER

Mayor Hoover called the work session meeting of the Fredericksburg City Council to order at 9:00 a.m. on Wednesday, June 8, 2022.

2. PUBLIC COMMENTS ON ITEMS ON THE AGENDA

Karl Ransleben, Boys and Girls Club, spoke regarding the lease they have had since 1997 and the issues they have with the Skate Park.

Terry Adams, Boys and Girls Club Safety Officer, spoke regarding the safety issue with the fence between them and the Skate Park.

Seelye Harrison, President of Tennis Organization, spoke regarding the issues at the tennis facilities at the Lady Bird Park

Cody Cornett, President of Fredericksburg Pickle Ball, spoke regarding the need for additional tennis courts/pickleball.

Eric Hammersen, City resident, spoke regarding the City Council asking themselves before agreeing to fund “is this inherently Governmental functions that should be paid for by taxpayers?”

3. WORK SESSION ITEM

A. Receive a presentation and discuss the City of Fredericksburg proposed 5-year Capital Improvement Plan (CIP)

Clinton Bailey, City Manager, reported this year things will be done differently this year with the start of the CIP. He read the objective utilized to develop the CIP are:

1. To preserve and improve the infrastructure of Fredericksburg
2. To identify and examine current and future infrastructure needs and minimize the financial impact on residents
3. To maximize the useful life of capital investments by scheduling major renovations and modifications at the appropriate time in the life-cycle of facilities
4. To improve financial planning by comparing needs with resources, and estimating future funding issues

He also noted the CIP itself is a road map of the needs of the City Departments currently have and will have in the future. He reviewed the rules and regulations for a CIP.

The City Council received a presentation on the following items:

Administration

Space Study and new City Hall (\$10,000,000)

Parking Study and structure (\$9,200,000-\$1.4 EDA grant and \$7.8 million City’s contribution)

Agenda Management (estimated \$50,000)

Police Department

Public Safety Building and Municipal Court (\$15,000,000-Bond)

New Personnel (estimated \$174,000)

Fire/EMS/Emergency Management (City and County pay 50/50)

New Fire Station and accessory buildings (\$15,650,000 over three years)

County Wide Radio System (\$2,583,999.90)

New Engine Lease/Purchase (\$950,000)

New Ambulance (\$400,000)

It Departments

Phase I Broadband (\$1,300,000) Phase II (\$1,300,000)

Human Resources Payroll Software (\$95,000)

Sand-storage array (\$90,000)

Parks & Recreation Department

Tennis and Pickleball Court (includes parking, septic hook up, lighting, Tatsch House curb appeal and tree removal) (\$1,500,000)

Paving at Marktplatz (\$200,000)

- Tables and Chairs at Tatsch House (\$15,000)
- Pioneer Pavilion Men's Restroom (\$30,000)
- Boys and Girls Club replacement fence between them and Skate Park (\$30,000)
- Parks Master Plan (\$100,000)
- Christmas Wreath and Tree Replacements Lighting (\$101,500)
- Oakcrest & LBJMP scoreboard replacements (\$40,000)
- Oakcrest Concession Upgrade (\$25,000)
- Pioneer Pavilion Roof replacement (\$80,000)
- Floor cleaner for Pioneer Pavilion (\$12,000)
- Equipment Sprayer (\$84,000)
- Infield Groomer (\$51,000)
- Workman for Marktplatz (\$15,600)
- Grandmaster mowers (\$159,600)
- Grandmaster mower 4000-D (\$110,400)
- Street Department
 - Annual Paving Program (\$615,000 materials)
 - Sidewalk Improvement Program (\$100,000)
 - Transportation Bond Project Traffic Study Term Projects-Construction of Operational & Safety Improvement Projects (\$802,400)
 - S. Llano Shared-Use Bridge & Ufer St. Sidewalk Project (\$1,200,000)
 - Side Delivery Broom (\$76,500)
 - Roadway Extensions – Post Oak Extension, Mulberry Extension, Frederick Extension, Inner Loop/Friendship Lane Extension, Collector Rd Cross Section and Minor Arterial Cross Section (Bond)
 - Equipment
 - Side Delivery Broom (\$76,500 3-year lease purchase)
 - Asphalt Patch Truck (\$175,000 3-year lease purchase)
- Golf Department -Self Funding- asking for permission
 - Tree Planting Program (\$7,500 second year of four)
 - Clubhouse Window Repair/Replacement-Red Bird Grill (\$40,000)
 - Improvement to scoring area (\$50,000)
 - Paint and Stain exterior of Club House (\$30,000)
 - Front Door Replacement (\$35,000)
- Drainage Projects
 - Miscellaneous Drainage Projects (\$50,000)
 - N. Llano Drainage Improvements (\$2,672,530)
- Sanitation Department
 - Cell #9 Design and Construction (\$1,500,000)
 - Garbage Truck (\$388,189 - \$129,396 year)
 - Replace Tractor and Shredder (\$60,000)
 - Main Street Trash Cans (\$39,500 over 5 years – annual budget varies between \$6,000 and \$7,500)
- Electric Department
 - L.E.D. Security Light Change Out Program (\$40,000)
 - Replace Substation Breakers (\$20,000)
 - Future Substation Land Purchase (\$300,000)
 - SCADA (\$50,000)
 - Replace International 52' Bucket Truck (\$200,000)
 - Main Street Lighting Replacement Project
- Water/Wastewater
 - Annual Replacement of 2-inch Water Mains – System Wide (\$300,000)
 - Replacement of existing of 4-inch Sewer Mains – System Wide (\$300,000)
 - Boot Ranch Lift Station Rehabilitation (Construction \$650,000)

Generators for Various Water and wastewater Facilities (\$710,000)
W. Live Oak Road Annexation Water/Wastewater Services (\$1,155,000-Impact fees)
Water System Leak Detection Survey (\$40,000 for 3 years)
East Main Street Water Line Rehabilitation (\$3,000,000)
North Llano Street Water Line Rehabilitation Design and Construction (\$3,640,000)
Post Oak Road Annexation Water/Wastewater Service (\$1,560,000) (Impact Fees to fund)
Franklin Street Water Line (\$520,000)
New Ground Water Well Field Exploration and Flow Testing (\$250,000)
Austin Street Sanitary Sewer Expansion (\$450,000)
12-inch Sanitary Sewer Line Rehabilitation (Eckhardt Property) (\$1,000,000)
Replace Backhoe (\$210,000)
Replacing Jet Trailer with a Jet Truck (\$80,000)
Wastewater Treatment Plant (\$5,281,900)
Expansion of Visitor Center-5,000 square feet (\$2,500,000 million)

Clinton Bailey, City Manager, stated there will be a Work Session on Monday June 20, 2022, to discuss the upcoming budget priorities.

4. ADJOURN

Motion: A motion was made by Councilmember Klein, seconded by Councilmember Kirchner, to adjourn the Wednesday, June 8, 2022, City Council Work Session Meeting at 12:08 p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

Jeryl Hoover
Mayor

Shelley Goodwin, TRMC/CMC
City Secretary



CITY COUNCIL MEMO

DATE: May 24, 2022

TO: Mayor and City Council

FROM: Jennifer Krupa, Special Events Coordinator

SUBJECT: Gillespie County 4-H BBQ Street Closure Request

Summary:

The Gillespie County 4-H BBQ is requesting to close two streets for a total of three hours on Friday, August 26, 2022, to host to-go plate serving lines at Bethany Lutheran Church.

Recommendation:

City Council should consider adoption of a motion to approve the street closure requests on Friday, August 26, 2022, beginning at 10:00 a.m. and ending at 1:00 p.m., for the Gillespie County 4-H BBQ:

- N. Crockett Street between W. Schubert and W. Travis; and
- W. Schubert between N. Crockett and N. Adams

Background / Analysis:

Code of Ordinances, Section 44-24. - Authority of chief of police to enforce traffic regulations.

(a)The chief of police is hereby empowered to take all actions as may be necessary or advisable to enforce traffic regulations to make effective the provisions of this chapter and other traffic laws or ordinances and to make and enforce temporary or experimental regulations to cover emergencies or special events or conditions. No such temporary or experimental regulation shall remain in effect for more than 90 days, nor shall it be effective until approved by the City Manager.

The City of Fredericksburg

(b)The chief of police is hereby empowered, in addition to the traffic engineer, to close streets for emergencies, special events or other conditions. Street closures which are expected to be for periods in excess of two hours, except for emergencies, shall require approval by the City Council.

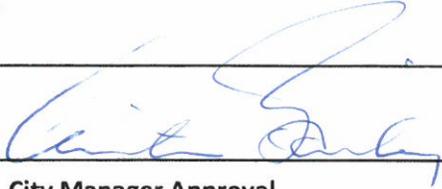
An identical street closure request was approved for the event in August 2021.

Attachments:

Street Closure Request Form, notification letter, and map



Department Approval



City Manager Approval



City Attorney Approval

SPECIAL EVENTS STREET CLOSURE REQUEST FORM; PAGE 9



Street closure requests must be made two (2) months in advance to City Council for any closure ~~four (4)~~ ^{two (2)} hours or more. Please consider this timeline when submitting your request. Please also attach the notification letter you will send to abutting property owners (if applicable) with this request to the Special Events Coordinator.

Event Name:	Gillespie 4H BBQ
Event Date(s):	Friday, August 26, 2022
Contact Name:	Sheree Burrow
Contact Phone:	(830) 998-0171

Closure Area:

Entire Street
 Parking Lane Only
 Partial Street
 Blocking City owned property
 Side of street: _____ (N,S,E,W)
 Side of street: _____
 Location: _____

Additional details (attach additional pages as needed for more streets and describe details of use below):
[see attached map](#)

Street Closure Details:

Street Name	Between (cross street)	And (cross street)	Start Date	Start Time	End Date	End Time
Example: Austin Street	Crockett Street	Adams Street	Friday, 4/2/18	6:00 PM	Sunday, 4/4/18	12:00 PM
N. Crockett	W. Schubert	W. Travis	Friday, 8/26/22	10:00 AM	Friday, 8/26/22	1:00 PM
W. Schubert	N. Crockett	N. Adams	Friday, 8/26/22	10:00 AM	Friday, 8/26/22	1:00 PM

If the event will impact surrounding property owners, a notification letter is required to be sent to property owners at least two weeks prior to the event date. Attach a copy of the notification letter and a list of addresses the letter will be sent to.

Date notice provided: 8-22-22

Printed Name: Sheree Burrow

Signature: *Sheree Burrow*

Date: 5-19-22

Street Department: A. Durst via email

Date: 5-21-22

Police Department: Chief B. Voraumer via email

Date: 5-24-22

Parks Department: Jennifer Krupa

Date: 5-21-22



Dear Fredericksburg Resident,

The 2022 Annual Gillespie 4-H BBQ Fundraiser will be held Friday, August 26, 2022 at Bethany Lutheran Church. The serving will start at 11am.

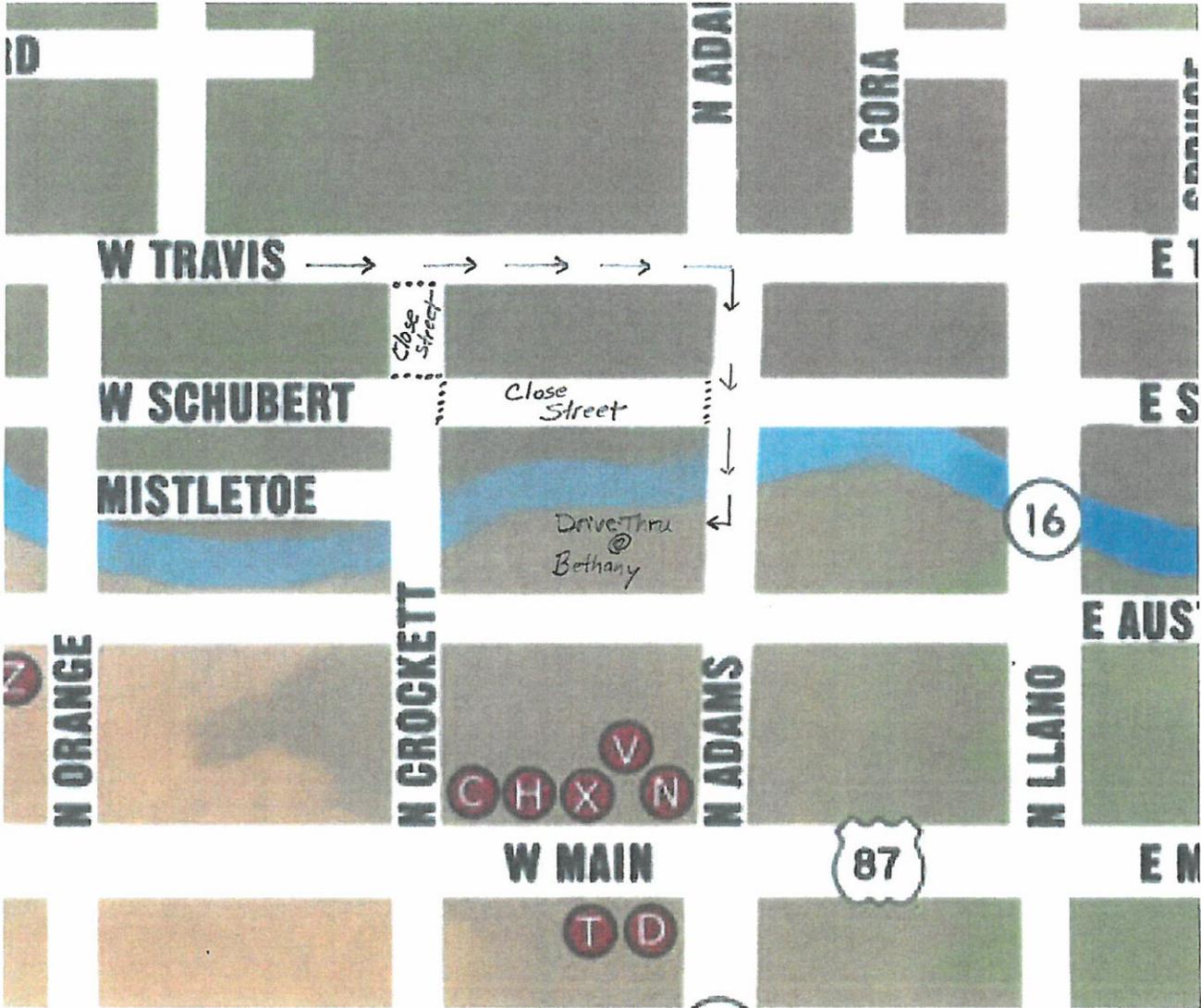
For your awareness, the 200 block of North Crockett and the 100 block of west Schubert will be closed from 10:00am until 1:00pm on Friday, August 26 for the to-go plates serving line. Traffic cones will be placed on the street to help monitor the traffic and maintain safety.

Please join us for the sit down meal with pork BBQ and trimmings at Marketplatz, or drive through Bethany Lutheran Church for to-go plates. All plates cost \$12, which will support all youth 4-H clubs in Gillespie County.

For additional information or questions please contact Sheree Burrow at 830-998-0171 or Keith Kramer at 830-739-6321. Thank you for your continued support of the Gillespie 4-H Program and the youth of Fredericksburg.

Sincerely,

Sheree Burrow, Keith Kramer
Gillespie County
4-H BBQ Fundraiser Coordinators





CITY COUNCIL MEMO

DATE: June 20, 2022

TO: Mayor & City Council Members

FROM: Garret Bonn, P.E., CFM – Interim Director of Development Services/City Engineer

SUBJECT: Z-2207 – Request by Jeffrey Morin & Mary Eckert to consider the following:

1. A request for a future land use change from “Industrial” (I) to “Commercial” (C) on property located at 1603 & 1605 East Main Street and Lot C-1RB of the Morin Park Subdivision.
2. A request for a zoning change from “Medium Manufacturing” (M2) to “Commercial” (C2) on property located at 1603 & 1605 East Main Street and Lot C-1RB of the Morin Park Subdivision.

Summary:

The applicants are seeking a Land Use change from Industrial (I) to Commercial (C) and a Zoning change from M2 - Medium Manufacturing to C2 - Commercial on property located at 1603 & 1605 East Main Street and Lot C-1RB of the Morin Park Subdivision for three (3) lots fronting Highway 290 East and one (1) lot fronting on Industrial Loop.

Analysis:

The properties are currently composed of multiple commercial uses including a mix of commercial office space and warehouse facilities.

Land uses surrounding this property includes public facilities to the north (across Highway 290 East) and west (across Industrial Loop), and Industrial to the south and east (across Industrial Loop). Additionally, there are more Industrial uses further down Industrial Loop.

Surrounding zoning includes Public Facilities to the north and west, and Industrial to the south and east (across Industrial Loop).

The City of Fredericksburg

Recommendation:

P&Z held a public hearing on June 8, 2022, and unanimously recommended approval of the requested land use and zoning changes.

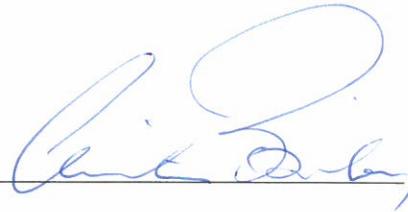
As the Commercial Use is consistent with similar properties, Staff recommends approval of the requested future land use changes and zoning changes given the location along US 290 East.

Attachments:

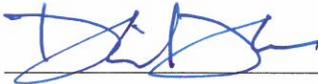
- 1 Future Land Use Map
 - 2 Zoning Map
 - 3 Location Map
 - 4 Draft Ordinances
-



Department Approval



City Manager Approval



City Attorney Approval

The City of Fredericksburg

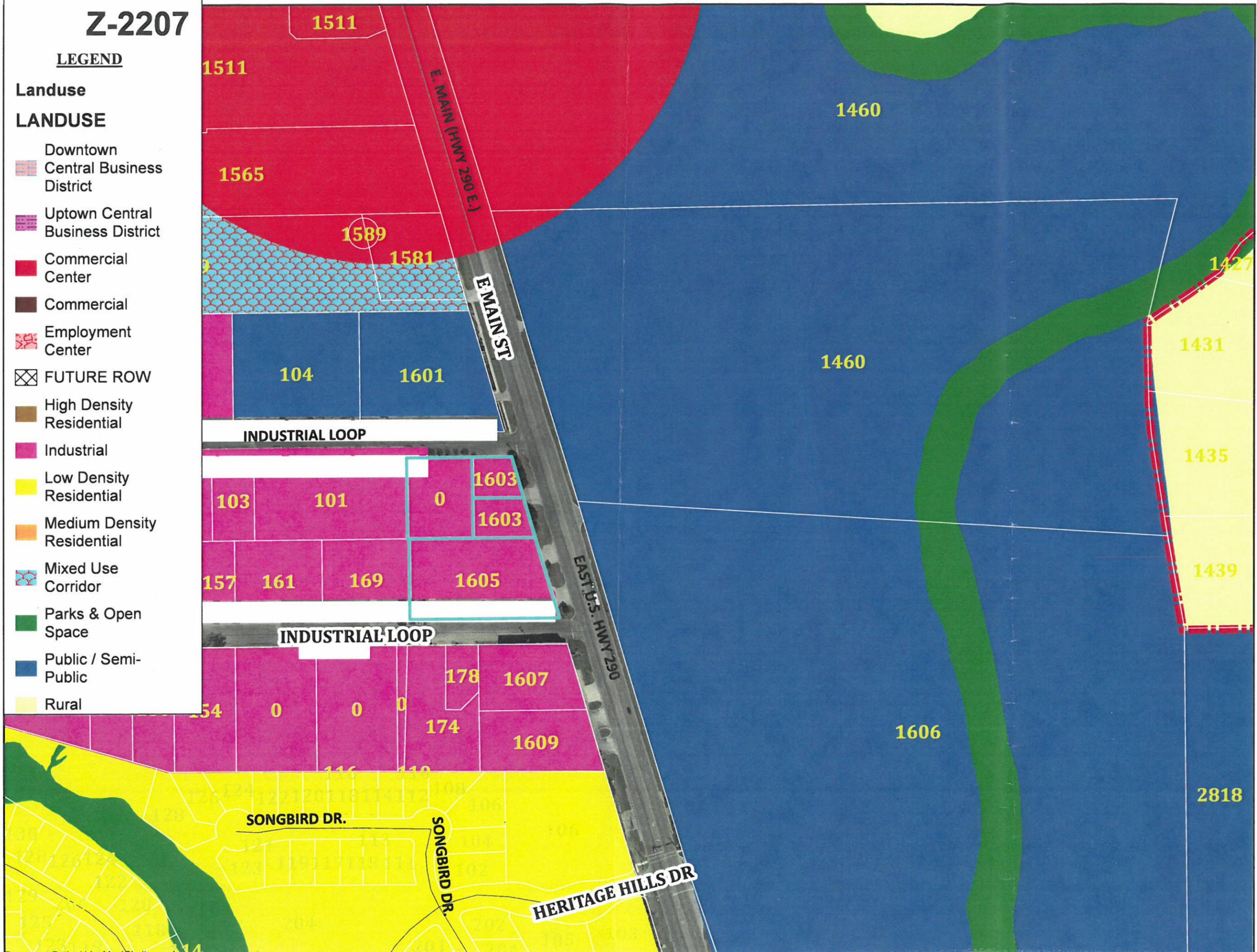
Z-2207

LEGEND

Landuse

LANDUSE

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



Zoning

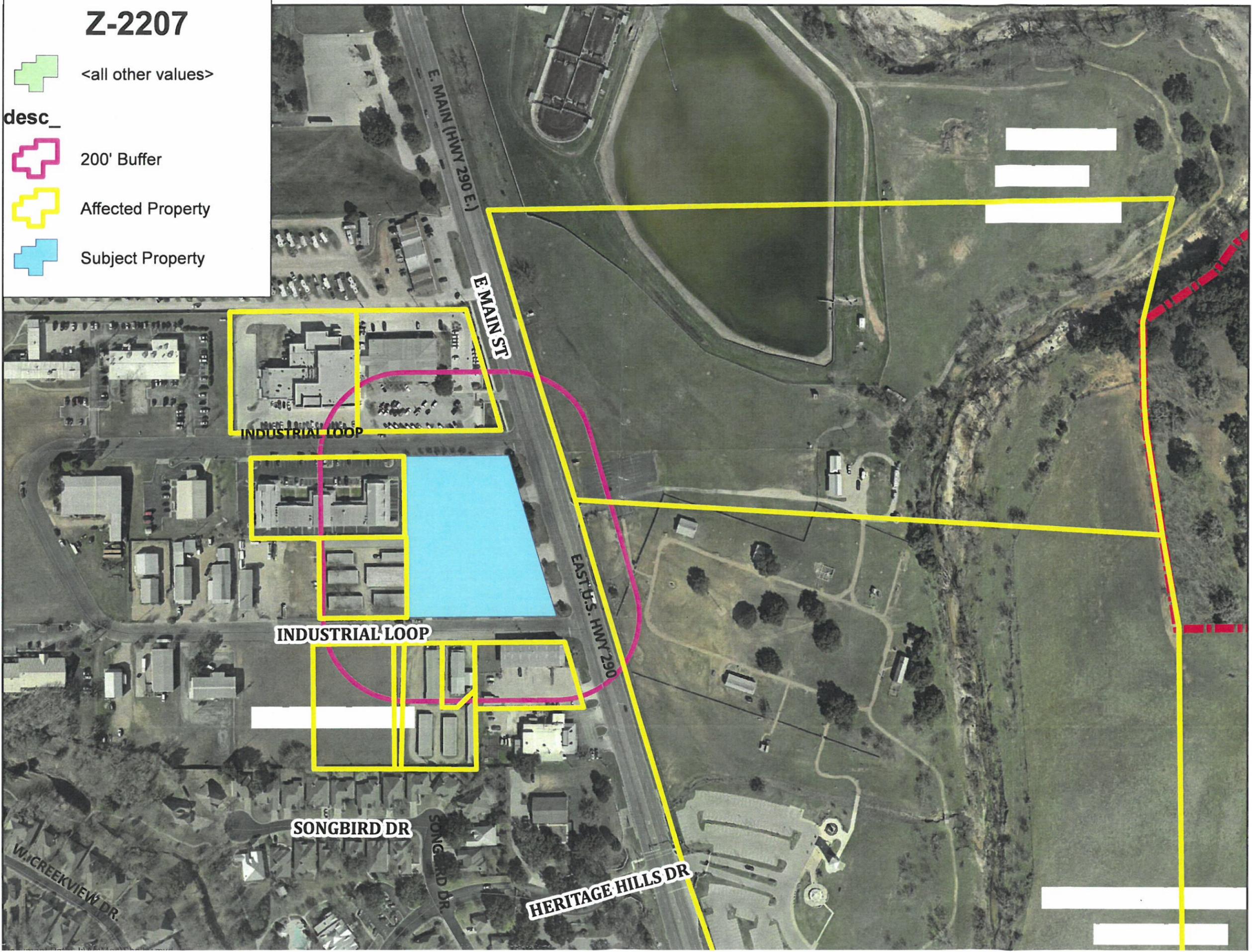
ZONED **Z-2207**

-  C2 - Commercial
-  M2 - Medium Manufacturing
-  OS - Open Space
-  PF - Public Facilities
-  PUD - Planned Unit Development



Z-2207

-  <all other values>
- desc_**
-  200' Buffer
-  Affected Property
-  Subject Property



ORDINANCE NO. 2022-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, ADOPTING A CHANGE IN THE COMPREHENSIVE PLAN OF THE CITY OF FREDERICKSBURG, SPECIFICALLY IN THE LAND USE MAP, AS TO APPROXIMATELY 2.67 ACRES OF LAND, BEING A PORTION OF ABS A0488 W O MERRIWETHER #36, MORIN PARK SUBDIVISION, LOCATED AT 1603 & 1605 E. MAIN ST.; CHANGING SAID PROPERTY FROM INDUSTRIAL (I) TO COMMERCIAL (C); PROVIDING THAT THE CHANGE BECOME A PART OF THE COMPREHENSIVE PLAN, AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

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

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

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

All of those certain lots, tracts or parcels of land situated in the City of Fredericksburg, Gillespie County, Texas, said land being known as APPROXIMATELY 2.67 ACRES OF LAND, BEING A PORTION OF ABS A0488 W O MERRIWETHER #36, MORIN PARK SUBDIVISION, LOCATED AT 1603 & 1605 E. MAIN ST, and as additionally shown and designated on the map attached hereto as Exhibit A, are hereby designated as COMMERCIAL (C).

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

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

PASSED AND APPROVED on this the 20th day of June, 2022.

Jeryl Hoover, Mayor
City of Fredericksburg, Texas

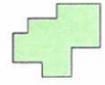
ATTEST:

Shelley Goodwin, City Secretary, TRMC

APPROVED AS TO FORM:

Daniel D. Jones, City Attorney

EXHIBIT "A"



<all other values>

desc_



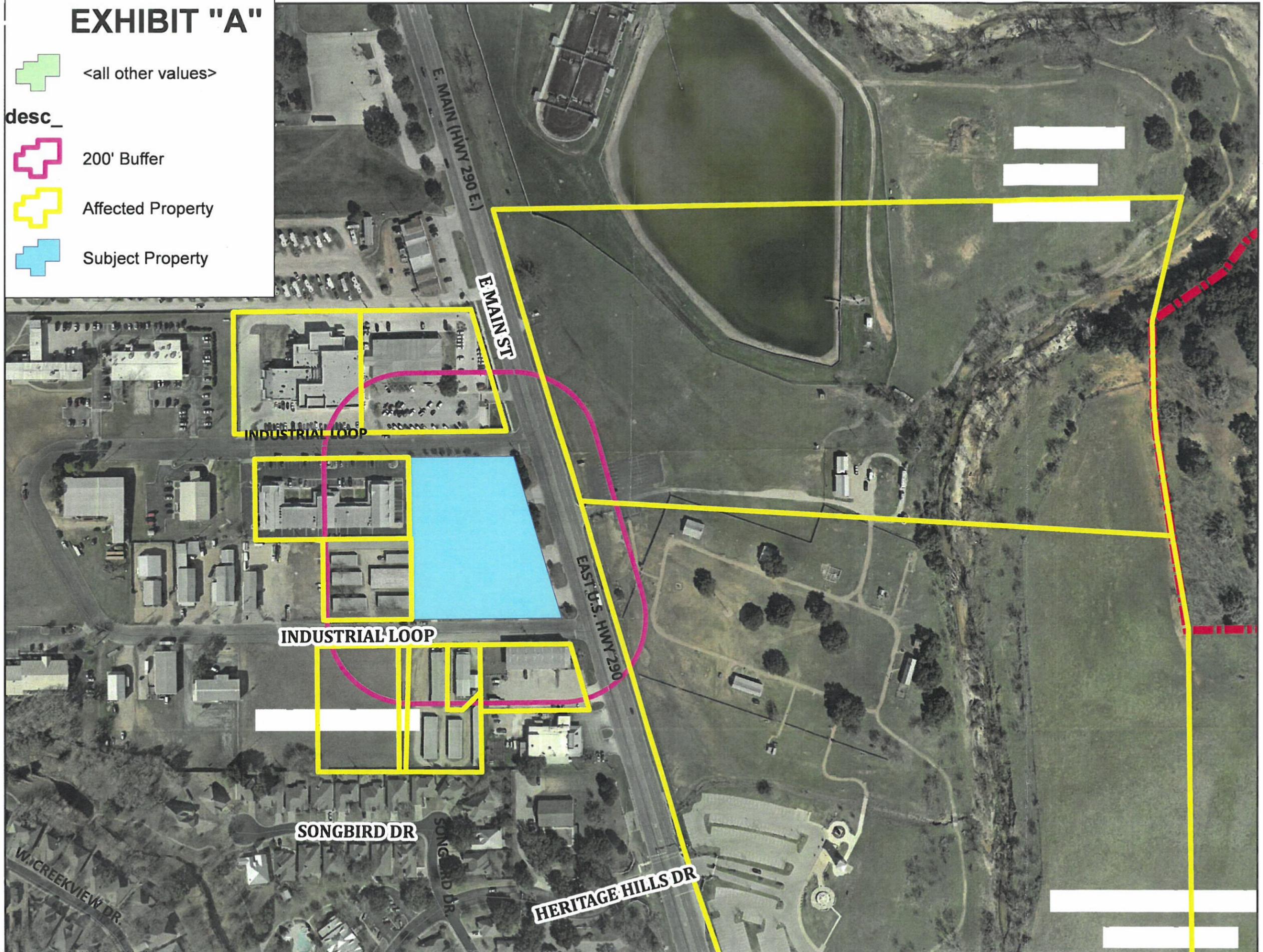
200' Buffer



Affected Property



Subject Property



ORDINANCE NO. 2022-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY AND CHANGING THE ZONING DISTRICT AS TO APPROXIMATELY 2.67 ACRES OF LAND, BEING A PORTION OF ABS A0488 W O MERRIWETHER #36, MORIN PARK SUBDIVISION, LOCATED AT 1603 & 1605 E. MAIN ST., SITUATED IN THE CITY OF FREDERICKSBURG, TEXAS; CHANGING SAID PROPERTY FROM MEDIUM MANUFACTURING (M-2) TO COMMERCIAL (C-2); AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an Application for Rezoning has been submitted by the owners of lots described as APPROXIMATELY 2.67 ACRES OF LAND, BEING A PORTION OF ABS A0488 W O MERRIWETHER #36, MORIN PARK SUBDIVISION, LOCATED AT 1603 & 1605 E. MAIN ST., in the City of Fredericksburg, Texas, to change the present zoning district of said lots from MEDIUM MANUFACTURING (M-2) TO COMMERCIAL (C-2); and

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

WHEREAS, the Planning and Zoning Commission has determined that such zoning change is in conformity with the uses established by the Comprehensive Land Use Plan of the City of Fredericksburg and is consistent with the objectives of the City of Fredericksburg Zoning Ordinance, and has recommended to the City Council of the City of Fredericksburg, based upon positive findings under the review and evaluation criteria established by such ordinance, that the rezoning be enacted; and

WHEREAS, the City Council has specifically found, following public hearing, that such change is consistent with the objectives of the City of Fredericksburg Zoning Ordinance and Comprehensive Land Use Plan of the City of Fredericksburg and there has not been a protest against rezoning signed by owners of twenty per cent (20%) or more either of the area of the property included in the zoning request, or of the area of the property immediately adjoining the same and extending two hundred feet (200') therefrom.

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

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

All of those certain lots, tracts or parcels of land situated in the City of Fredericksburg, Gillespie County, Texas, said lots being described as APPROXIMATELY 2.67 ACRES OF LAND, BEING A PORTION OF ABS A0488 W O MERRIWETHER #36, MORIN PARK SUBDIVISION, LOCATED AT 1603 & 1605 E. MAIN ST. in the City of Fredericksburg, Texas, and as additionally shown and designated on the map attached hereto as Exhibit A, to be and are hereby rezoned and designated as COMMERCIAL (C-2).

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

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

PASSED AND APPROVED on this the 20th day of June, 2022.

Jeryl Hoover, Mayor
City of Fredericksburg, Texas

ATTEST:

Shelley Goodwin, City Secretary, TRMC

APPROVED AS TO FORM:

Daniel D. Jones, City Attorney

EXHIBIT "A"



<all other values>

desc_



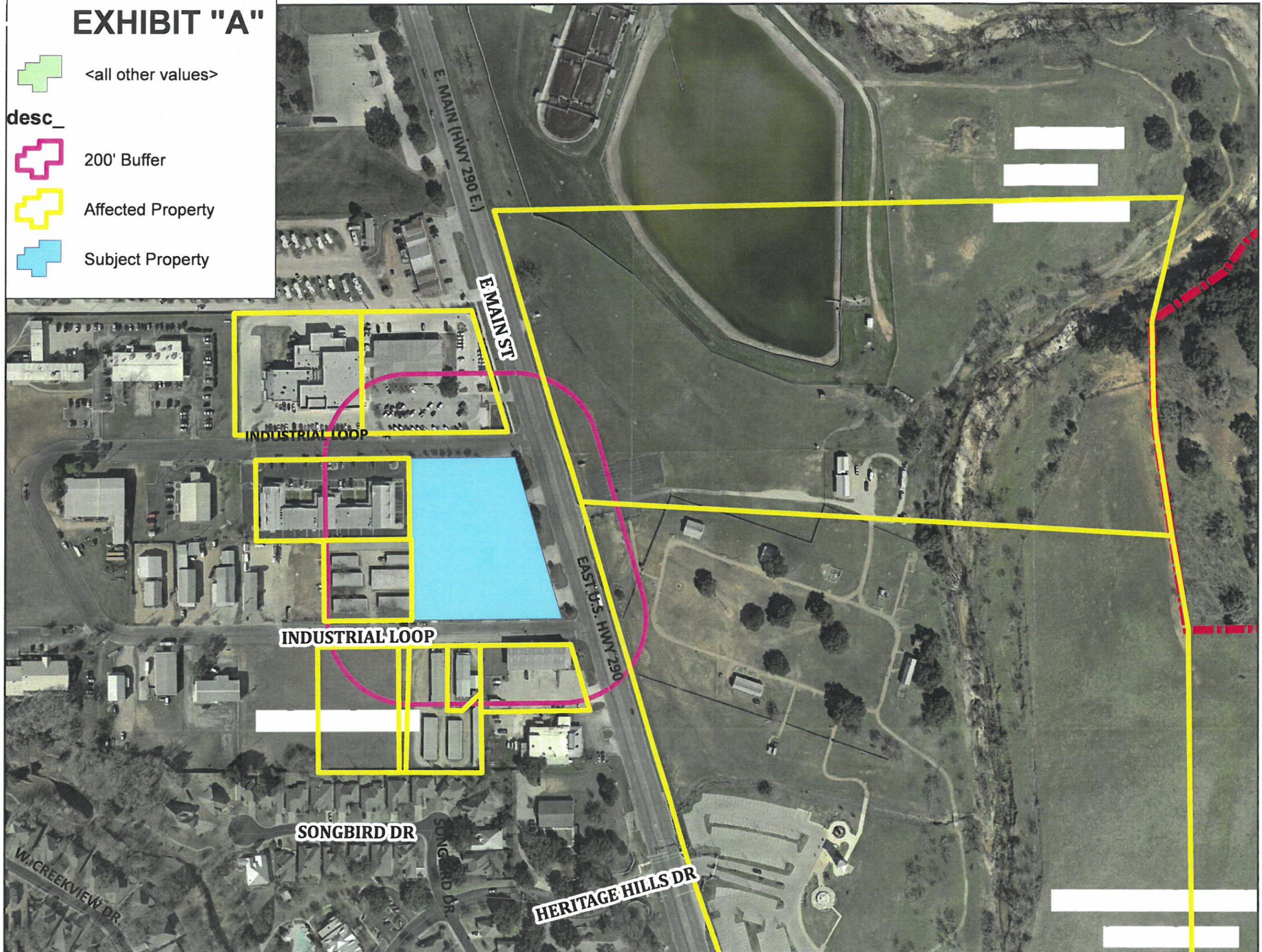
200' Buffer



Affected Property



Subject Property





CITY COUNCIL MEMO

DATE: June 13, 2022

TO: Mayor and City Council

FROM: Kent Myers, Director of Special Projects

SUBJECT: Creation of a Municipal Utility District-Friendship Oaks Subdivision

Summary:

The attached resolution, if approved, would create a Municipal Utility District (MUD) in the Friendship Oaks Subdivision to help support the development of affordable housing in this area.

Recommendation:

It is recommended that the City Council consider the benefits associated with the establishment of this MUD and how it might impact the development of affordable housing on this 90.22-acre tract in the Friendship Oaks Subdivision. The developer of this subdivision, Mark Sparrow, will attend the City Council meeting to provide additional information on his development plans. He will also be available to respond to any questions from the City Council. In the meantime, attached is a copy of a letter from the developer explaining the reasons for his request.

Background / Analysis:

During the past year the previous City Council discussed several financial tools that would help support the development of affordable housing in our community. The attached general information on MUDs was presented and discussed at a Council Work Session held at the Cardinal Room in late-2021. Although no action was taken at this Work Session, the Council at this time indication their overall support for this financial tool for affordable housing projects.

The City of Fredericksburg

Based upon this initial Council direction, City staff has been engaged in conversations with the developer of the Friendship Oaks Subdivision for the past several months about the possibility of creating a MUD to provide financing for infrastructure in his subdivision. Several months ago, the developer filed a petition to the City that formally requests the creation of this MUD in a portion of the Friendship Oaks Subdivision (see attached map).

In order to establish a MUD, the Council would have to adopt a resolution providing your consent (see attached proposed resolution). This resolution has been reviewed by the City Financial Advisor, Bond Counsel and City Attorney. Our Bond Counsel, Stephanie Leibe, suggested several changes to the proposed resolution. These changes have all been made with most of them included in Exhibit B of the resolution.

As described in the attached information, MUDs create opportunities for developers to take advantage of tax-exempt financing in order to develop infrastructure. Only the residents in the District pay for the infrastructure with this payment made by additional property tax paid by the property owners in the District. The advantage for future homeowners is that on average new homes in MUDs sell for significantly less than non-MUD homes since the infrastructure costs are not added on to the price of the homes. Instead these infrastructure costs are financed by future property taxes collected from the homeowners.

Other facts that should be considered by the City Council include the following:

- MUDs have existed in Texas for over 50 years.
- Many Texas cities have established (or in the process of establishing) MUDs to provide support for affordable housing.
- The Texas Legislature has recently added additional requirements for MUDs including approval that is now required from TCEQ.
- The City's oversight of MUDs occurs through the conditions placed on the MUD in the consent resolution (see Exhibit B of the resolution).
- All infrastructure financed by MUDs is required to meet City specifications and be inspected and approved by the City prior to conveyance to the City. All utilities are connected to the City utility system similar to other subdivision developments.
- The City has no obligation for repayment of MUD financing and this financing does not impact the City's debt or future ability to issue municipal bonds.

Attachments:

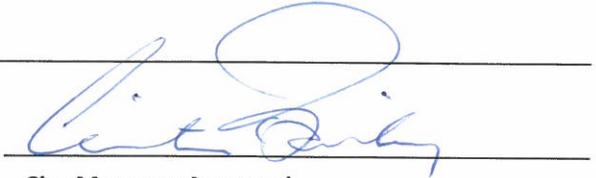
Resolution Establishing the Municipal Utility District
General Information on MUDs
Letter from Developer of Friendship Oaks
Map of Friendship Oaks Subdivision

The City of Fredericksburg

Department Approval



City Attorney Approval



City Manager Approval

The City of Fredericksburg

RESOLUTION NO. 2022-11R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, GRANTING CONSENT TO THE CREATION OF A MUNICIPAL UTILITY DISTRICT AND THE INCLUSION OF LAND THEREIN

WHEREAS, the City of Fredericksburg, Texas (the "City") received a Petition for Consent to the Creation of a Municipal Utility District and the City wishes to consent to the creation of a municipal utility district and inclusion of the land described in Exhibit "A" attached hereto (the "Land"); and

WHEREAS, the Land is located within the corporate boundaries of the City; and

WHEREAS, Section 42.042 of the Texas Local Government Code provides that land within a city's extraterritorial jurisdiction or corporate boundaries may not be included within a municipal utility district without the city's consent; and

WHEREAS, the City desires to grant consent to the creation of the municipal utility district and the inclusion of the Land in the district; and

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

Section 1. The facts and opinions in the preamble of this Resolution are true and correct.

Section 2. The City Council of the City hereby grants its written consent to the creation of a municipal utility district and the inclusion of the Land therein. The District is authorized to exercise all powers granted to a municipal utility district, or which may hereafter be granted, under the Constitution and laws of the State of Texas.

Section 3. The City hereby specifically imposes the conditions set forth in Exhibit "B" attached hereto and made a part hereof for all purposes.

Section 4. It is hereby found, determined and declared that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted as required by the Open Meetings Law, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Resolution and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 5. All resolutions and agreements and parts of resolutions and agreements in conflict herewith are hereby repealed to the extent of the conflict only

PASSED AND ADOPTED this ____ day of _____, 2022.

Mayor

ATTEST:

City Secretary

EXHIBIT "A"

METES AND BOUNDS DESCRIPTION
FOR A 90.22 ACRE TRACT OF LAND
EXHIBIT "A"

Being a 90.22 acre tract of land being out of that called 111.440 acre tract described in deed to HK Fredericksburg, LLC, recorded in Document No. 20193419 of the Official Public Records of Gillespie County, Texas, being a portion of Tract No. 1 and Tract No. 2, Friendship Oaks Subdivision recorded in Volume 2, Page 148 of the Plat Records of Gillespie County, Texas, being out of the J. Bargas Survey No. 115, Abstract No. 53, Gillespie County, Texas and being partially in the City of Fredericksburg, Gillespie County, Texas and partially in Gillespie County, Texas. Said 90.22 acre tract being more fully described as follows:

BEGINNING at a found ½" iron rod with a cap marked "MDS" at the northernmost northeast corner of said 111.440 acre tract, on the north line of a called 11.68 acre tract recorded in Volume 377, Page 461 of said Official Public Records and on the south right-of-way line of Friendship Lane, a variable width public right-of-way;

THENCE S 00°49'51" E, departing the south right-of-way line of said Friendship Lane, with an east line of said 111.440 acre tract, a distance of 296.50 feet to a found ½" iron rod with a cap marked "MDS" at a reentrant corner of said 111.440 acre tract;

THENCE N 88°56'04" E, with a north line of said 111.440 acre tract, a distance of 796.43 feet to a found ½" iron rod at the easternmost northeast corner of said 111.440 acre tract, on the east line of said Tract No. 2 and on the west line of a called 44.435 acre tract recorded in Volume 555, Page 187 of said Official Public Records;

THENCE with the east line of said Tract No. 2 and the west line of said 44.435 acre tract, the following two (2) bearings and distances:

1. S 01°05'31" E, a distance of 1342.13 feet to a set ½" iron rod with a cap marked "HMT";
2. S 01°52'55" E, a distance of 312.34 feet to a found ½" iron rod at a southeast corner of said 111.440 acre tract, at the southwest corner of said 44.435 acre tract and on the north line of a called 55.855 acre tract recorded in Volume 555, Page 182 of said Official Public Records;

THENCE with a south line of said 111.440 acre tract and the north and west line of said 55.855 acre tract, the following three (3) bearings and distances:

1. S 88°31'42" W, a distance of 1335.02 feet to a found mag nail in concrete;
2. S 02°01'34" E, a distance of 965.03 feet to a found ½" iron rod;
3. S 01°48'50" E, a distance of 590.76 feet to a found ½" iron rod in the North line of the remainder of a called 69.5 acre tract recorded in in Volume 555, Page 182-186 of said Official Public Records;

THENCE continuing with the north line of said remainder of a called 69.5 acre tract and the South line of said 111.440 acre tract, the following three (3) bearings and distances:

1. N 89°52'17" W, a distance of 709.96 feet to a found ½" iron rod;
2. N 00°34'49" W, a distance of 25.18 feet to a found ½" iron rod;
3. N 89°58'07" W, a distance of 206.42 feet to a found ½" iron rod for the southwest corner of said 111.440 acre tract, the southeast corner of the remainder of a called 15.65 acre tract, recorded in Volume 350, Pages 864-868, Official Public Records;

THENCE N 09°03'26" W with the Southwest line of said 111.440 acre tract and the East line of said remainder of a called 15.65 acre tract, a distance of 629.16 feet to a found ½" iron rod for a southwest corner of said 111.440 acre tract, and the Southeast corner of a called 2.00 acre tract, recorded in Document No. 20173309, Official Public Records;

THENCE N 11°41'43" W with the Southwest line of said 111.440 acre tract and the East line of said 2.00 acre tract, a distance of 361.11 feet to a found ½" iron rod for a southwest corner of said 111.440 acre tract, the northeast corner of said 2.00 acre tract, same point being the southeast corner of a called 1.431 acre tract, recorded in Document No. 20202361, Official Public Records;

THENCE N 01°57'15" W with the Southwest line of said 111.440 acre tract, the East line of said 1.431 acre tract, continuing with the east line of a called 2.38 acre tract, no recording info per Gillespie C.A.D., a distance of 514.14 feet to a set ½" iron rod with a cap marked "HMT" for a corner;

THENCE N 89°56'44" W with the Southwest line of said 111.440 acre tract and the North line of said 2.38 acre tract, a distance of 379.78 feet to a set ½" iron rod with a cap marked "HMT" in the East right-of-way line of State Highway 87 for a corner;

THENCE N 14°00'22" W with the East right-of-way line of State Highway 87 and the West line of said 111.440 acre tract, a distance of 83.23 feet to a found mag nail in concrete for the Southwest corner of a called 0.98 acre tract, recorded in Volume 218, Pages 432-435, Official Public Records, the West corner of said 111.440 acre tract;

THENCE S 89°45'24" E departing the East right-of-way line of State Highway 87, with the South line of said 0.98 acre tract and a west line of said 111.440 acre tract, a distance of 225.27 feet to a found ½" iron rod with a cap marked "MDS" for the Southeast corner of said 0.98 acre tract, a west corner of said 111.440 acre tract;

THENCE departing the Southeast line of said 0.98 acre tract, and the West line of said 111.440 acre tract, continuing over and across said 111.440 acre tract, the following seven (7) calls:

1. S 01°44'26" W, a distance of 4.77 feet to a point for a corner;
2. S 85°57'29" E, a distance of 55.82 feet to a point for a corner;
3. S 85°57'29" E, a distance of 55.82 feet to a point for a corner, and the beginning of a curve;
4. Along the arc of the curve to the left having a radius of 520.00 feet, an arc length of 404.33 feet and having a chord bearing and distance of N 71°46'34" E, 394.22 feet to a point for a corner;
5. N 49°29'26" E, a distance of 1372.77 feet to a point a found ½" iron rod with cap marked "HMT" for a corner, and the beginning of a curve;

6. Along the arc of the curve to the left having a radius of 570.00 feet, an arc length of 500.65 feet and having a chord bearing and distance of N 24°19'42" E, 484.71 feet to a found ½" iron rod with cap marked "HMT" for a corner;
7. N 00°50'03" W, a distance of 183.54 feet to a found ½" iron rod with a cap marked "MDS" at a reentrant corner of said 111.440 acre tract on the east line of a called 10.39 acre tract recorded in Volume 377, Page 455 of said Official Public Records, from which a found ½" iron with a cap marked "MDS" at a northwest corner of said 111.440 acre tract, on the west line of said 10.39 acre tract and on the east line of a called 10.03 acre tract recorded in Document No. 20190875 of said Official Public Records, bears S 88°56'45" W, a distance of 427.94 feet;

THENCE N 00°51'10" W, with a west line of said 111.440 acre tract and the east line of said 10.39 acre tract, a distance of 295.93 feet to a set ½" iron rod with a cap marked "HMT" at the northernmost northwest corner of said 111.440 acre tract, at the northeast corner of said 10.39 acre tract and on the south right-of-way line of said Friendship Lane;

THENCE N 88°23'11" E, with the north line of said 111.440 acre tract and the south right-of-way line of said Friendship Lane, a distance of 60.12 feet to the POINT OF BEGINNING and containing 90.22 acres of land partially in the City of Fredericksburg, Gillespie County, Texas and Gillespie County, Texas

THIS DOCUMENT WAS PREPARED UNDER 22 TAC §663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

Written April 20, 2022. Revised April 26, 2022.

Reference survey of said 90.22 acre tract of land prepared this same date.



Dorothy J. Taylor

Registered Professional Land Surveyor No. 6295

S:\Projects\421 - HK Fredericksburg, LLC\001 - Final Plat\MUD.docx

4-28-22



Exhibit "B"

1. The District may issue bonds for any purpose authorized by law. Such bonds will expressly provide that the District reserves the right to redeem the bonds not later than any date subsequent to the tenth (10th) anniversary of the date of issuance without premium and (with the exception of refunding bonds) will be sold only after the taking of public bids therefor, and none of such bonds, other than refunding bonds, will be sold for less than 95% of par, provided that the net effective interest rate on bonds so sold, taking into account any discount or premium as well as the interest rate borne by such bonds, will not exceed two percent (2%) above the highest average interest rate reported by the Daily Bond Buyer in its weekly "20 Bond Index" during the one-month period next preceding the date notice of the sale of such bonds is given, and that bids for the bonds will be received not more than forty-five (45) days after notice of sale of the bonds is given.
2. Plans and specifications for the construction of public water, sanitary sewer, drainage and road facilities constructed to serve land within the District shall be submitted to the City and approved prior to the commencement of construction. The construction of the District's water, sanitary sewer, drainage and road facilities shall be in accordance with the approved plans and specifications and with applicable standards and specifications of the City. Following construction, all public water, sanitary sewer, drainage (excluding detention facilities) and road facilities shall be owned, operated, and maintained by the City.
3. The District may not change its boundaries without City consent.
4. The District shall provide City with a copy of its annual audit.
5. At the time the District submits a bond application to the Texas Commission on Environmental Quality ("TCEQ"), the District shall provide a copy of the bond application to the City.
6. In connection with submission of an application for approval of the issuance of bonds to the TCEQ, the District's financial advisor shall certify in writing that the bonds are being issued within the then-current economic feasibility guidelines established by TCEQ, as applicable, for districts in Gillespie County.
7. After the District closes the sale of a series of bonds, if requested by the City, the District shall deliver to the City Manager an electronic copy of the final official statement for such bond series, a complete transcript of the bond proceedings, as well as any additional public information requested by the City.
8. Refunding bonds must achieve a minimum net present value of three percent

(3%), unless otherwise approved by City Council.

9. The District shall send a copy of the order or other action setting an ad valorem tax rate to the City Secretary and the City Manager after the District's adoption of the tax rate.

10. The District will not be dissolved by the City until (i) all of the water, sanitary sewer, drainage and road facilities to serve the land within the District have been constructed and (ii) the District has issued all of its ad valorem tax bonds and reimbursed the applicable developer, to the maximum extent permitted by law, for the developer's costs in installing and constructing the public water, sanitary sewer, drainage and road facilities serving the District.

ALLEN BOONE HUMPHRIES ROBINSON LLP

ATTORNEYS AT LAW

PHOENIX TOWER
3200 SOUTHWEST FREEWAY
SUITE 2600
HOUSTON, TEXAS 77027
TEL (713) 860-6400
FAX (713) 860-6401
abhr.com

Texas Municipal Utility Districts: An Infrastructure Financing System

I. The History of Special Districts

A. Overview

Large population growth requires the development of new communities. Massive capital outlays must be made in order to provide quality water, sewer, drainage, and other municipal services to these new communities. General units of government (e.g., states, counties, and cities) historically have been unwilling or unable to finance these large capital outlays. In Texas, this inability has been due to legal restrictions in the Constitution on municipal debt and taxing authority, combined with the unwillingness of one constituency to incur debt for the benefit of another, especially when risks associated with new development are involved.

Private financing of these capital outlays failed in Texas because the infrastructure costs were recovered through the sale of land, resulting in higher lot prices and unaffordable housing. Attempts at private ownership of the needed facilities led to the construction of substandard systems because the fees required to recover the capital costs were excessive. In addition, because there are no periodic charges associated with drainage facilities, the cost of such facilities could not be recovered through user fees.

States like Texas, Florida, and California that have experienced rapid growth have addressed the shortcomings described above by using special district governments to finance all or part of the required utility and community support facilities. Special districts are local governmental entities that can be endowed with special powers to provide one or more specific services when general purpose governments cannot or will not provide a necessary service to an area. This flexibility makes special districts efficient tools for the stimulation of urban growth and enables them to function in the development of commercial, industrial, and residential properties, and in projects ranging from small subdivisions to large master-planned communities. Among the types of special districts

widely used in the United States are hospital, school, water, irrigation, drainage and flood control, urban renewal authorities, river authorities, and developmental districts.

B. Texas Constitutional and Legislative Background

Texas recognized the need for special districts as early as 1904 when it adopted Article III, Section 52, of the Texas Constitution, authorizing the Texas Legislature to pass laws permitting special districts. After struggling with the limits on indebtedness and other shortcomings in the 1904 amendment, Texas adopted Article XVI, Section 59, of the Texas Constitution in 1917, allowing water districts to operate with unlimited tax authority and bond indebtedness. Since 1917, the Legislature has authorized numerous types of special districts. Water districts were initially used to develop the state's agricultural lands and later to service small communities. After the use of water districts for urban residential development increased significantly in the 1950s and 1960s, Texas adopted Chapter 54 of the Texas Water Code in 1971 authorizing the creation of Municipal Utility Districts ("MUDs") to streamline the process. In 1995, Chapter 49 was added to standardize the administrative provisions for the numerous types of districts. Today, MUDs are the primary financing tool used by developers in Texas for new development.

C. City Involvement

Texas cities are granted a sphere of influence outside their boundaries known as extraterritorial jurisdiction ("ETJ"). A city must consent to the creation of a MUD within its ETJ or its corporate limits. In its consent, the city may require the MUD to submit all plans for its infrastructure for approval and limit the length of maturity and interest rate of the MUD bonds. The city bears no risk for the development or the MUD, while controlling the quality of the infrastructure. The city has the legal option to annex the MUD, acquire all the assets and assume the debt, subject to certain procedural steps.

D. Special Districts in Texas Today

A majority of the approximately 1,100 special districts in Texas today were created over vacant land owned by the developer outside of city limits. There is significant use of special districts in Austin/Central Texas and rapidly growing use in the Dallas/Fort Worth metropolitan area. Most of the special districts in Texas, however, are located in the Houston metropolitan area. In 2010 it was estimated that more than 2.1 million people resided in the approximately 650 special districts located in the Houston metropolitan area. Those districts were estimated to have had in excess of \$6.5 billion in outstanding bonds.

All of the major community developments in the Houston metropolitan area over the past thirty years have been developed using special districts. Some of these communities and their approximate acreage include: The Woodlands (27,000 acres), Clear Lake City/NASA (15,000 acres), First Colony (10,000 acres), Sienna Plantation (10,000 acres),

and Cinco Ranch (5,400 acres). The use of special districts has enabled Houston to sustain quality growth while retaining the lowest home prices of any major metropolitan area in the United States. The City of Houston has acquired a major portion of its land and population through annexation of special districts.

The development of the City of Sugar Land, Texas provides a compelling example of the benefits of using special districts. Sugar Land was a company town (sugar cane processing) on the Southwest side of Houston until the 1960's. Its population in 1970 was approximately 5,000 people. In the 1970's, the sugar cane fields surrounding the town were sold to developers who utilized special districts to develop the area. After the build-out of these communities was completed, the City of Sugar Land annexed all of the property by dissolving the special districts and assuming their debt. Today, Sugar Land has a population of more than 75,000 people, has a low ad valorem tax rate, and is viewed as one of the most prosperous, high-quality communities in Texas.

II. Municipal Utility Districts

A. Overview

The objective of a MUD is to provide various services such as water, sewer, and drainage (including detention ponds) to certain areas where municipal services are not available. A MUD also has the ability to construct parks, street lighting, fire prevention facilities, and certain types of roads. The funds used to construct the MUD's facilities are obtained through the public sale of tax-exempt municipal bonds. The MUD provides for the payment of the principal and interest on the bonds through its unlimited power to levy and collect ad valorem taxes on all taxable property in the MUD. The taxes are then paid by homeowners and landowners in the MUD. In addition, homeowners and other users pay monthly water and sewer fees to pay for the costs of operating and maintaining the system.

B. MUD Benefits

MUDs have been a highly effective and well accepted development tool in Texas because they benefit all of the represented interests: (i) bond investors, (ii) developers, (iii) consumers, and (iv) good public policy. In fact, the only current opposition to the use of MUDs comes from those opposed to the promotion of growth and the creation of affordable housing.

1. Bond Markets. The combination of several features has developed investor confidence in, and a ready market for, bonds issued by Texas MUDs. The most important of these features include (i) a MUD's ability to impose an unlimited ad valorem tax rate to support its bonds and (ii) the regulatory requirements imposed on MUD bond issues.

Although there are no constitutional or statutory limits on the amount of bonds that it may issue, a MUD must satisfy strict financial feasibility rules issued by the Texas Commission on Environmental Quality (the "TCEQ"). Before a MUD can issue any debt the TCEQ rules require (i) the completion of all water, sewer, and drainage facilities to be financed with the proposed bond issue, (ii) the completion of all streets and roads that provide access to the areas served by the utility improvements, (iii) the completion of at least 25 percent of the projected value of houses, buildings and/or other improvements shown in the projected tax rate calculations used to support the bond issue, and (iv) a showing that the land values, existing improvements, and projected improvements will be sufficient to support a reasonable tax rate for debt service payments for existing and proposed bond indebtedness while maintaining competitive utility rates. More than just a legalized disclosure of the risks, these standards are designed to protect the consumer against excessive tax rates and maintain the integrity of MUD bonds, resulting in better interest rates for future MUD projects.

Although the TCEQ limits the amount of bonds it may issue, a MUD is authorized to levy an unlimited annual ad valorem tax against all property in the MUD to pay the interest and principal on the bonds. A MUD's tax lien has first priority over mortgages and assessments, and has the same priority as county, city, and school district taxes. This priority is of great significance when considered in conjunction with the fact that only in extreme situations will a borrower or mortgage lender who has foreclosed forfeit property in order to satisfy taxes due on the property.

All MUD bonds must also be approved by the Attorney General of Texas.

The interest payments made by a MUD to a purchaser of its bonds are exempt from federal income taxation. Until 2008, the net yield on unrated Texas MUD bonds equaled approximately the yield on ten-year U.S. Treasury Bonds.

2. Developer. MUD financing of such infrastructure enables the developer to quickly recover infrastructure costs that would otherwise be recovered by raising the selling price of subdivided units. During the first phase of a typical 500 acre development using a MUD, the developer finances the build out of infrastructure for the first 100 acres. After construction of the first phase is complete and the TCEQ feasibility standards are met, the MUD issues bonds to pay for the constructed facilities and reimburses the developer with the bond proceeds. The MUD levies an ad valorem tax on all taxable land, houses and other improvements in the District to support the bond issue. The developer uses the reimbursed funds to build out the second phase of development. This cycle is repeated until the entire development has been built out.

MUD financing of utility improvements enables developer capital to be redeployed more quickly and less expensively than other methods, resulting in a higher

quality development over a shorter development period. A MUD's cyclical reimbursement feature also lowers the barrier to entry for developers by reducing the amount of required capital necessary to begin development of new communities, thereby creating a more competitive housing market.

Developers choosing non-MUD financing will be subjected to higher private interest rates and longer reimbursement periods. Thus, if a developer privately finances infrastructure costs, the cost of the subdivided units will be inflated by the pro rata cost of the utility system and extra borrowing costs, resulting in significantly higher lot prices and higher housing costs. Moreover, private financing can slow the rate of development because traditional lenders will not finance a new development phase until the loans for the prior phase have been repaid.

3. Consumers. The costs of all MUD utility systems are ultimately paid by the consumer. As was discussed above, the use of MUDs allows the cost of site improvements to be paid for through public financing, thereby lowering lot costs and reducing the price of homes. The tax-exempt interest rates on the MUD bonds are historically lower than mortgage rates. In addition, payments of taxes to the MUD are generally viewed as deductible from the homeowner's federal income tax. Thus, the buyer's payments to the MUD are significantly lower than if the cost of improvements were included in the purchase price. The MUD's periodic water and sewer charges cover the operation and maintenance of the district's utility systems.

Sellers are required to have purchasers of land and houses within the MUD execute a "Notice to Purchaser" informing purchasers of the existence of the MUD, its tax rate and the amount of authorized bonds. MUDs are also required to file that same information in the real property records.

4. Good Public Policy. Several good public policy goals are achieved through the use of MUDs, including the development of quality infrastructure, the creation of affordable housing, and the creation of a governmental entity elected by MUD residents to provide for the long term management and financing of a community's infrastructure needs.

HK Fredericksburg, LLC

June 12, 2022

Mr. Kent Myers
City of Fredericksburg
126 W. Main St.
Fredericksburg, TX. 78624-3708

RE: Letter Response to Questions about MUD – Friendship Oaks Subdivision

Dear Mr. Myers,

Please find below our response to your questions in your email dated May 27, 2022, regarding our request for the creation of a MUD and how the MUD will make a difference in the affordability of homes within the Friendship Oaks Subdivision.

RESPONSE

Population growth requires the development of new communities. Substantial capital outlays must be made in order to develop quality wastewater, water, drainage, and other municipal services for these new communities. These outlays for infrastructure combined with budgetary restraints and existing city residents' reluctance to pay for infrastructure curtails a city's ability to support necessary development and desirable housing creating challenges for cities to fund new infrastructure for new neighborhoods.

In connection with the development of Friendship Oaks, certain infrastructure such as wastewater and water lines, drainage facilities and detention ponds, along with roads are required to be extended and constructed to serve the Friendship Oaks community. Creating a Municipal Utility District ("MUD") will allow the significant public infrastructure costs to be paid for over time, which will help further the City's goal of providing more affordable housing. Further, MUD financing allows growth to pay for itself so that only property owners within the MUD are paying for the infrastructure to serve their community.

A MUD is used to efficiently finance public infrastructure such as wastewater, water, and drainage facilities (including detention ponds) and roads. MUD financing of public infrastructure results in higher quality development and more affordable homes. If a developer privately finances infrastructure costs, the pro rata cost of the public utility,

24607 Fairway Springs San Antonio, Texas 78260

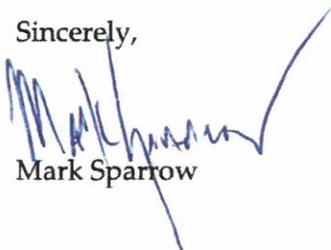
drainage, road infrastructure and extra borrowing costs are added to the finished lot cost, which results in a significantly higher lot price and ultimately increases the price of the home. Further, private financing can slow the rate of development because traditional lenders will not finance a new development phase until the loans for the prior phase have been repaid. Whereas MUD financing of public infrastructure enables developer capital to be redeployed more quickly and less expensively than other methods, resulting in a higher quality development over a shorter development period.

An in-city MUD would allow the MUD to tax its residents to finance new public improvements. An in-city MUD would create new assessed value for City taxes when development occurs. And, the City has no administrative obligations or liabilities with respect to an in-city MUD. The design and development of the public infrastructure are subject to City regulations and specifications and the City must approve the plans like all other in-city developments. Following completion of construction, City approved public infrastructure is conveyed to the City to operate, and the City bills customers and collects all revenue. Landowners within the MUD pay taxes to the MUD to finance the public infrastructure to serve the property in the MUD.

Several good public policy goals are achieved through the use of MUDs, including the creation of affordable housing. Unlike private financing where all the infrastructure costs are baked into the home price, MUD financing enables the public infrastructure costs to be financed over a longer period of time and at lower rates, which leads to more affordable housing. The funds used to reimburse the developer for the public infrastructure costs are obtained through the MUD's sale of tax-exempt municipal bonds. The MUD provides for the payment of the principal and interest on the bonds through the levy of ad valorem taxes on all taxable property in the MUD. The taxes are then paid by homeowners and landowners in the MUD. Then, over time, as the bonds are paid off, the MUD tax rate will decline resulting in lower tax bills to the homeowners.

Please contact me if you have any questions or need additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mark Sparrow', with a long, sweeping flourish extending upwards and to the right.

Mark Sparrow

24607 Fairway Springs San Antonio, Texas 78260

MUNICIPAL UTILITY DISTRICTS MUD 101

What is a MUD and what do they do?

General Background

- Description of a MUD. A MUD is a political subdivision of the state authorized to provide water, sewage, drainage, and other facilities and services.
- Statutory Authority. MUDs are governed by Chapters 49 and 54 of the Texas Water Code and the Texas Commission on Environmental Quality ("TCEQ") rules (Chapter 293, 30 Texas Administrative Code).
- Means of Creation. A MUD is created by a petition of a majority of the owners of the property of the proposed MUD to the TCEQ. In most instances, the TCEQ approves the creation of the MUD. Alternatively, MUDs may be created by Special Act of the Texas Legislature.
- Governance. MUDs are governed by a five member board of directors. Directors must either own property within the MUD or be a qualified voter in the MUD. Directors are initially appointed by the TCEQ, and are subsequently elected at elections held within the MUD.
- Approval for Bonds. Both the TCEQ and the Attorney General must approve any bond issuance.
- Feasibility Requirements. The MUD must submit a feasibility report to the TCEQ for its approval before the TCEQ will approve the bond issuance. The bonds must comply with the TCEQ economic and engineering feasibility rules. Compliance with the TCEQ feasibility rules is a key component to the acceptance and favorable treatment of MUD bonds in the market.
- Fiscal Audit. The Board is required to have the district's fiscal accounts and records audited on an annual basis.
- Ability to Issue Raw Land Bonds. A MUD may not issue raw land bonds. A MUD must meet certain development thresholds before issuing bonds.

MUDs in Texas



- MUDs have existed in Texas for over 50 years
- Texas has more than 2,300 water districts
- More than 1 million Texans live in special districts like MUDs
- MUD reimbursements allow for installation of quality infrastructure in areas where these services do not exist
- **ONLY** the residents within the District pay for the infrastructure and amenities that benefit them
- On average, **NEW** homes inside MUDs sell for significantly less than non-MUD community homes
- MUDs keep housing in Texas affordable

Reasons for MUDs

- High quality infrastructure
- Public ownership of utilities
- Tax exempt financing/i.e., low interest rates
- Reduced housing prices
- Deductibility of taxes
- Local Control
- Growth pays for itself



- **Considerations with Respect to In-City MUDs**

- Taxes. A MUD levies an ad valorem tax to finance public facilities and pay for operations. Ad valorem taxes are assessed in accordance with the Texas Property Tax Code in the same manner as other political subdivisions. Any complaint about the MUD's tax rate is brought to the MUD board of directors, not the City.
- Bonds. The MUD issues bonds to finance facilities within the MUD. The TCEQ will only allow the MUD to sell bonds if it has been determined that it is financially feasible to do so, meaning that the taxable value of the land and improvements in the district is sufficient to generate enough debt service tax revenue so that the MUD can pay principal and interest on the bonds when due. The City has no obligation to make payment on the bonds and bears no financial risk.
- Permissible Improvements. Permissible MUD improvements include water, sewer, and drainage facilities, and road facilities serving the MUD.
- Ownership and Operation of MUD Improvements. The underground water, sanitary sewer, and storm sewer lines within a MUD will connect to the City's existing systems and plants. Upon completion of the construction of these lines by the MUD, the MUD will convey the lines to the City for ownership and operation while retaining the obligation to reimburse the developer for the facilities. The City will then bill the customers for these services at the rates set for customers elsewhere in the City and collect the revenues. The MUD will not set the rates or receive any of the revenues for these services.
- City Oversight of a MUD. A City must consent to the creation of any MUD within its corporate boundaries. The City's oversight of the MUD occurs through conditions placed upon the MUD through the City's consent ordinance. These conditions generally relate to the standards for construction and inspection of public infrastructure and the minimum requirements for issuing MUD bonds. In addition, a City must consent to the annexation of any additional land into the MUD.
- Applicability of City Ordinances and Codes. In an in-City MUD, a City's ordinances and codes apply to all of the individuals, businesses, and land within the MUD just as they apply to other individuals, businesses, and land elsewhere in the City.

In-City MUD Benefits

- Property within the District is subject to all City ordinances and regulations
- City not responsible for constructing or paying for utility infrastructure to support new development
- City collects all water and sewer revenues from District residents
- City receives increased property tax revenues from additional value created by development in the District
- No City administrative obligations (MUDs are managed by a board of directors)

Regulation of MUDs

- MUDs in Texas are one of the most heavily regulated types of political subdivisions
- Unlike Home Rule Cities which have all powers unless expressly taken away, MUDs can **only** exercise those powers expressly granted in the Texas Water Code or other specific law
- MUDs derive their authority and power from the Texas Constitution
- Regulated by the TCEQ, the Texas Attorney General (Public Finance Division), Cities, Counties, and the EPA
- MUDs are subject to the Open Meetings Act and Public Information Act
- Board members are subject to conflicts of interest, nepotism, penal code provisions, ethics guidelines, gift laws, etc.

Special District Laws and Regulations

Find this "general law" topic ...	In ...
TCEQ rules (official version)	Title 30 TAC at www.sos.state.tx.us
"General law" districts (administrative provisions)	TWC Chapter 49
Municipal utility districts	TWC Chapters 49 and 54
Water control and improvement districts	TWC Chapters 49 and 51
Special utility districts	TWC Chapters 49 and 65
Open Meetings Act	TGC Chapter 551
Public Information Act (Open Records)	TGC Chapter 552
Public Funds Investment Act	TGC Chapter 2256, Subchapter A
Public Funds Collateral Act	TGC Chapter 2257
Contract award (competitive bidding)	TWC Chapter 49
Financial activity levels (audits of districts)	TWC Chapter 49
Taxes	Texas Tax Code
Uniform election dates	TEC Chapter 41
Conflicts of interest	TLGC Chapter 171
Impact fees	TLGC Chapter 395
Eminent domain	TPC Chapter 21 TWC Chapter 49

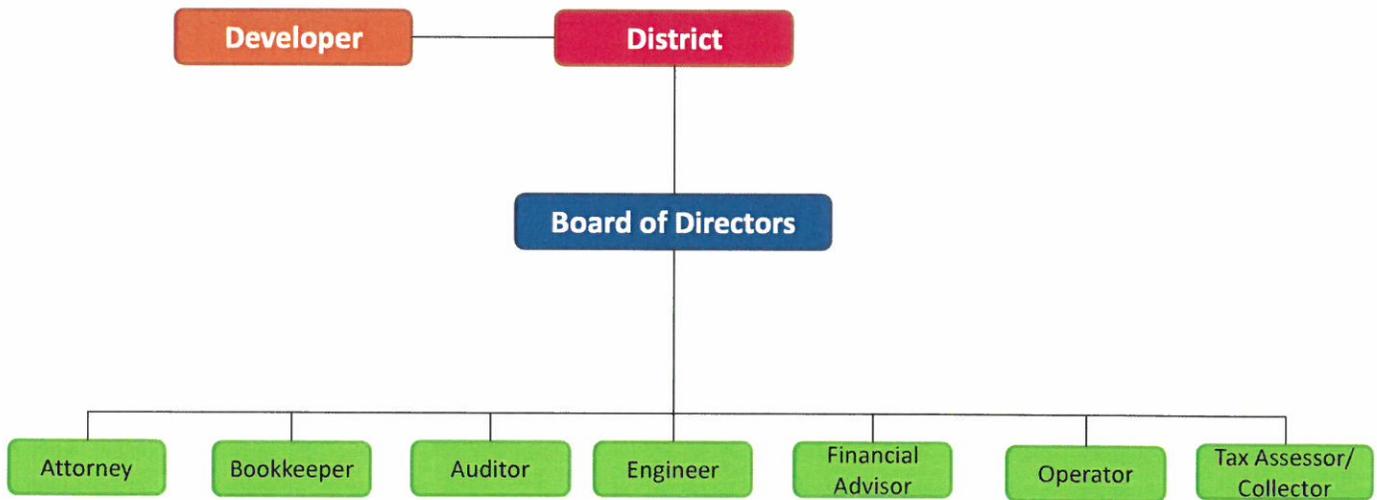
Source: TCEQ; https://www.tceq.texas.gov/publications/gi/gi-043.html/at_download/file

- Restricted by Texas Constitution Article XVI, Section 59
- Subject to State and Federal Regulations
 - Election Code
 - Tax Code
 - Local Government Code
 - Health and Safety Code
 - Texas Admin Code
 - 217 – Domestic Wastewater Systems
 - 290 – Public Drinking Water
 - 292 - River Authorities
 - 293 - Water Districts
 - Texas Water Code Title 4, Chapters 49-66. MUDs primarily Chapters 49 and 54
- TCEQ
 - Maintains continuing right of supervision over all districts and authorities
- In-City MUDs are subject to all City ordinances and regulations

How do MUDs operate?

- MUDs are governed by a five-member board initially appointed by the TCEQ and later elected by residents in the District. Elections are held in May of even numbered years. Only voters registered in the District may vote.
- A MUD employs a number of professional consultants to advise the board and make recommendations on action items, much like City staff.

Composition of a MUD



Roles of Consultants

Bookkeeper

- Distributes payments on behalf of District. Maintains accounting records for District's investments and other financial accounts.

Tax Assessor (if needed)

- Sends tax bills and collects tax revenue, assists in setting the tax rate.

Auditor

- Audits the funds of the District according to governmental accounting standards and TCEQ rules.

Financial Advisor

- Offers general financial counsel to the District. Assists with setting rates by analyzing District's value vs. debt and future expenditures. Advises the Board on issuing debt to reimburse Developer.

Operator (if needed)

- In charge of operation of District facilities. Sends and collects monthly water bills. Ensures TCEQ compliance at WP and WWTP.

Attorney

- Acts as general counsel to the Board on public law, contract, and as bond counsel to the District on the issuance of tax-exempt debt.

Engineer

- Provides engineering services necessary to develop and maintain District's infrastructure.

What is the role of Developer?



- Requests the creation of the MUD
- Drives the need for water, sewer, and drainage facilities based on its land plan and development schedule
- “Partners” with the Board to facilitate development of the property in the District
- Advances funds to, or on behalf of, the District to construct the facilities
- Constructs private infrastructure necessary for the development (landscaping, signage, etc.)

Bonds for Reimbursement

- MUD issues the bonds
 - City is not involved and has no financial risk
- Secured by MUD ad valorem taxes
 - A pledge of unlimited taxes is the best credit for bonds and results in the lowest interest rate
- TCEQ and AG must approve the bond issue
 - MUD must submit a feasibility report to the TCEQ before bonds are approved
- Cannot issue raw land bonds
 - Developer must add value and meet feasibility requirements of TCEQ before reimbursement

Creation of a MUD

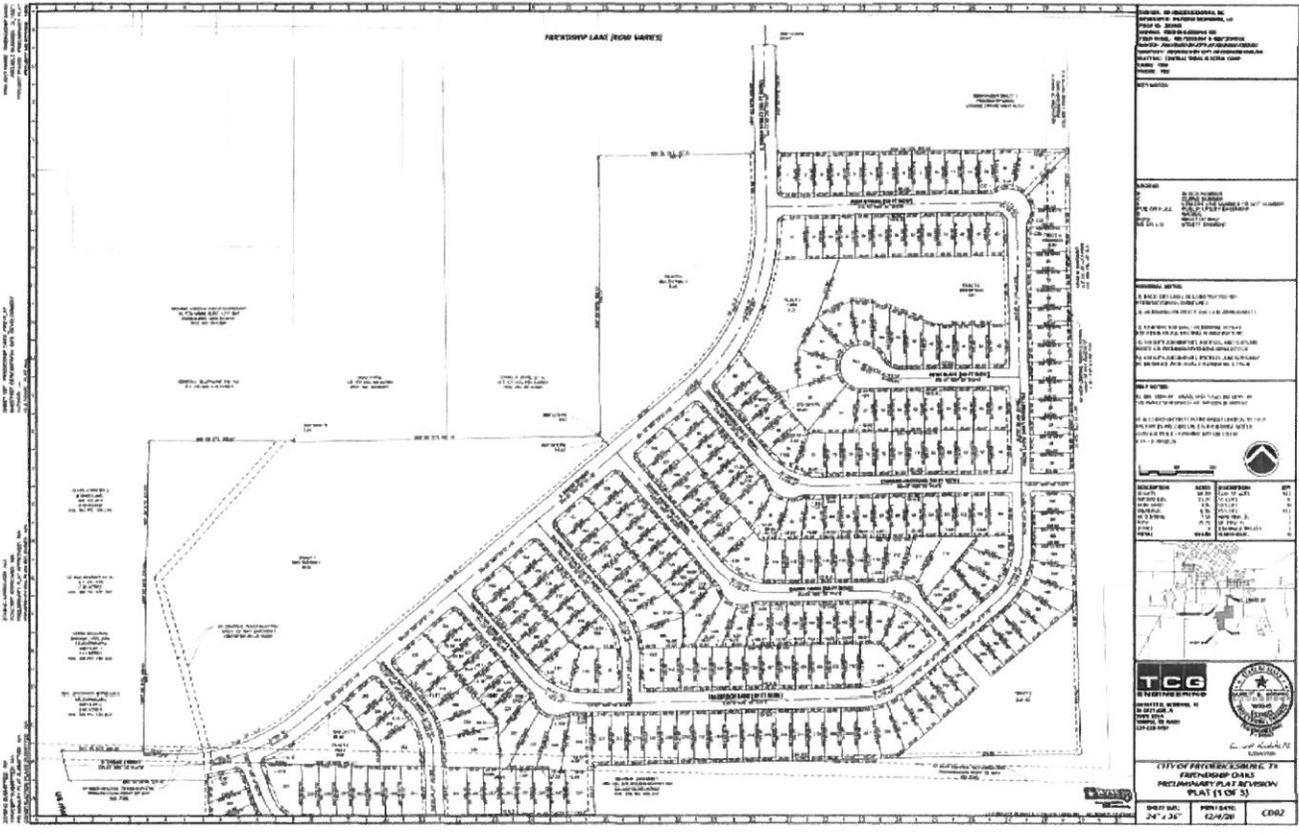


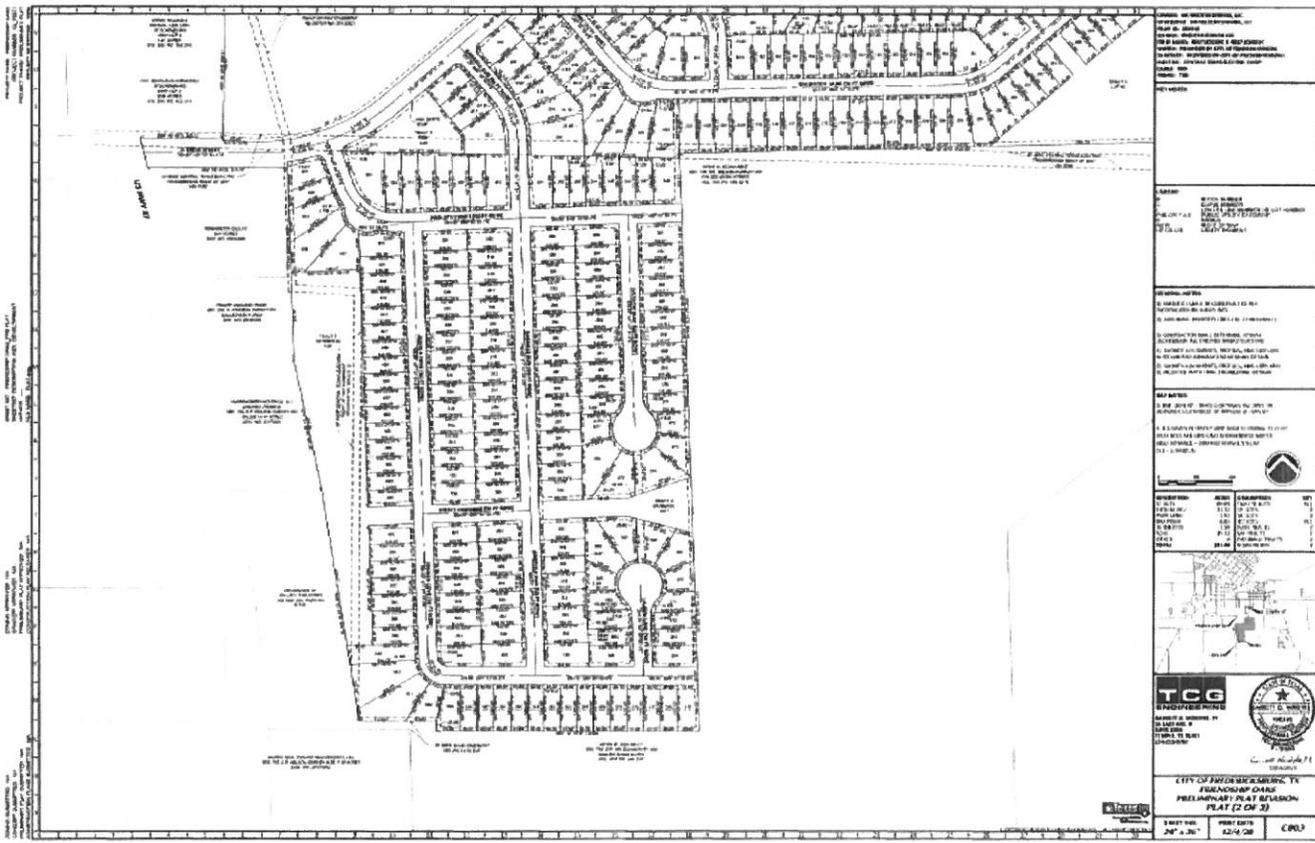
▪ Steps to MUD Creation

- Step 1 – Engineers and Developers Due Diligence
- Step 2 – Submit Consent to Creation to City
- Step 3 – Prepare and Submit Creation Report to TCEQ
 - 120 – 180 days for final approval
- Step 4 – Obtain TCEQ Approval of MUD Creation

PROPOSED IN_CITY MUD

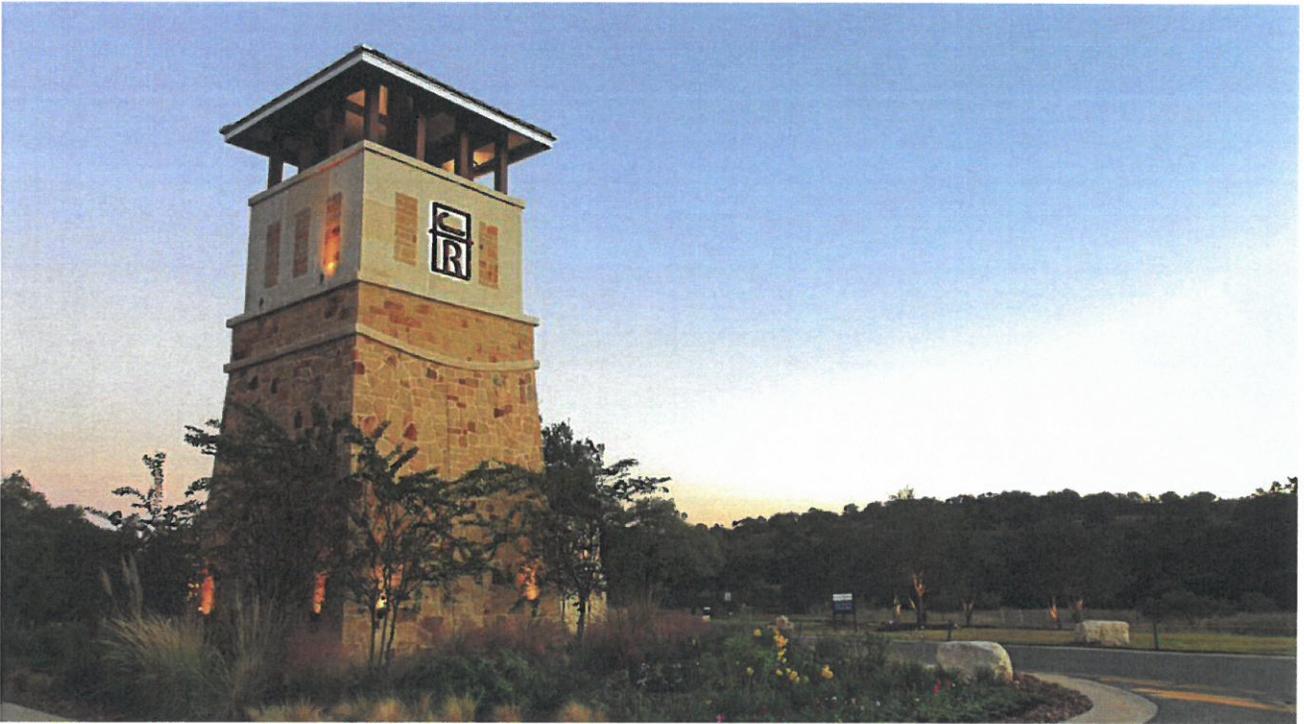
- Comprises approximately 420 single family homesites,
- 15 acres of R-3 land, and
- 6 acres of R-2 land





COMMUNITY AMENITIES

ENTRY



CASITA AND POOL



HIKE AND BIKE TRAIL



References

- TCEQ: Texas Water Districts – A General Guide
 - https://www.tceq.texas.gov/assets/public/comm_exec/pubs/gi/gi-043.pdf
- Texas Water Code - Title 4, Chapter 54
 - <http://www.statutes.legis.state.tx.us/Docs/WA/htm/WA.54.htm>
- Texas Administrative Code (title 30-1-293)
 - [http://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=30&pt=1&ch=293&rl=11](http://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=30&pt=1&ch=293&rl=11)
- TCEQ Summary of Application Requirements for the creation of a MUD
 - <https://www.tceq.texas.gov/assets/public/permitting/forms/20380.pdf>.



CITY COUNCIL MEMO

DATE: June 14, 2022

TO: Mayor and City Council

FROM: Shelley Goodwin, City Secretary

SUBJECT: Mayoral Appointments and the Appointments of City Boards and Commissions

Summary:

After each City Council election, the Mayor announces his appointments of Council members to serve as liaisons with other local organizations. Several Boards and Commissions terms are expiring at the same time there are currently vacancies that need to be filled.

Recommendation:

Mayor Hoover make appointments to the following:

- | | |
|---|----------------|
| • Chamber of Commerce | Liaison |
| • Economic Development Commission | Liaison |
| • Gillespie County Airport Advisory Board | Representative |
| • Airport Zoning Board | 2 Members |
| • Marktplatz Redevelopment Commission | Representative |
| • Commissioner's Court | Liaison |
| • Convention and Visitor Bureau | Liaison |
| • Fredericksburg ISD | Liaison |
| • Nature Center Board | Representative |

Background / Analysis:

The City of Fredericksburg

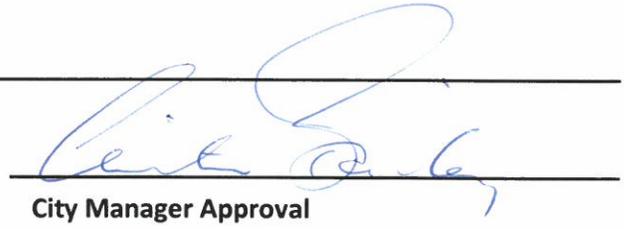
The City Boards and Commission appointments will be made after a discussion is held in Executive Session.

Attachments:

Resolutions 2022-12R to Resolution 2022-16R



Department Approval



City Manager Approval



City Attorney Approval

RESOLUTION 2022-12R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, APPOINTING INDIVIDUALS TO THE CITY'S BOARD OF ADJUSTMENTS.

WHEREAS, the City's Board of Adjustments have one or more vacancies, due to resignations and/or the expiration of terms of appointment; and

WHEREAS, it is essential to appoint individuals to the Board who are objective, knowledgeable, and that possess the relevant experience and qualifications established by law; and

WHEREAS, it is prudent to quickly fill any vacancies or appoint or reappoint on the Board, to maximize opportunities for a quorum and efficiency in conducting City business.

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

Section 1. The City Council hereby appoints the following individuals as members to the Board of Adjustments, as follows:

- i. Name appointed to the Board of Adjustments, term of office expiring June 2024.*
- ii. Name appointed to the Board of Adjustments, term of office expiring June 2024.*
- iii. Name appointed to the Board of Adjustments alternate, term of office expiring June 2024.*
- iv. Name appointed to the Board of Adjustments alternate, term of office expiring June 2024.*

Section 2. Severability. In the event any clause, phrase, provision, sentence or part of this Resolution or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Resolution as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional.

Section 3. Effective Date. This Resolution shall be effective upon its passage.

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

Jeryl Hoover, Mayor
City of Fredericksburg, Texas

ATTEST:

Shelley Goodwin, TRMC/CMC, City Secretary

RESOLUTION 2022-13R

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FREDERICKSBURG, TEXAS, APPOINTING INDIVIDUALS TO THE CITY'S
FREDERICKSBURG CONVENTION & VISITOR BUREAU BOARD.**

WHEREAS, the City's Fredericksburg Convention & Visitor Bureau Board have one or more vacancies, due to resignations and/or the expiration of terms of appointment; and

WHEREAS, it is essential to appoint individuals to the Board who are objective, knowledgeable, and that possess the relevant experience and qualifications established by law; and

WHEREAS, it is prudent to quickly fill any vacancies or appoint or reappoint on the Board, to maximize opportunities for a quorum and efficiency in conducting City business.

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

Section 1. The City Council hereby appoints the following individuals as members to the Fredericksburg Convention & Visitor Bureau Board, as follows:

- i. Name appointed to the Fredericksburg Convention & Visitor Bureau Board, to fill a vacancy with term of office expiring September 30, 2022.*

Section 2. Severability. In the event any clause, phrase, provision, sentence or part of this Resolution or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Resolution as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional.

Section 3. Effective Date. This Resolution shall be effective upon its passage.

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

Jeryl Hoover, Mayor
City of Fredericksburg, Texas

ATTEST:

Shelley Goodwin, TRMC/CMC, City Secretary

RESOLUTION 2022-14R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, APPOINTING INDIVIDUALS TO THE CITY'S HISTORIC REVIEW BOARD.

WHEREAS, the City's Historic Review Board have one or more vacancies, due to resignations and/or the expiration of terms of appointment; and

WHEREAS, it is essential to appoint individuals to the Board who are objective, knowledgeable, and that possess the relevant experience and qualifications established by law; and

WHEREAS, it is prudent to quickly fill any vacancies or appoint or reappoint on the Board, to maximize opportunities for a quorum and efficiency in conducting City business.

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

Section 1. The City Council hereby appoints the following individuals as members to the Historic Review Board, as follows:

- i. Name appointed to the Historic Review Board, to fill a vacancy with term of office expiring June 2023.*
- ii. Name appointed to the Historic Review Board, term of office expiring June 2024.*
- iii. Name appointed to the Historic Review Board, term of office expiring June 2024.*
- iv. Name appointed to the Historic Review Board, term of office expiring June 2024.*
- v. Name appointed to the Historic Review Board, term of office expiring June 2024.*

Section 2. Severability. In the event any clause, phrase, provision, sentence or part of this Resolution or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Resolution as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional.

Section 3. Effective Date. This Resolution shall be effective upon its passage.

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

Jeryl Hoover, Mayor
City of Fredericksburg, Texas

ATTEST:

Shelley Goodwin, TRMC/CMC, City Secretary

RESOLUTION 2022-15R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, APPOINTING INDIVIDUALS TO THE CITY'S MARKET SQUARE REDEVELOPMENT COMMISSION.

WHEREAS, the City's Market Square Redevelopment Commission have one or more vacancies, due to resignations and/or the expiration of terms of appointment; and

WHEREAS, it is essential to appoint individuals to the Commission who are objective, knowledgeable, and that possess the relevant experience and qualifications established by law; and

WHEREAS, it is prudent to quickly fill any vacancies or appoint or reappoint on the Commission, to maximize opportunities for a quorum and efficiency in conducting City business.

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

Section 1. The City Council hereby appoints the following individuals as members to the Market Square Redevelopment Commission, as follows:

- i. Name appointed to the Market Square Redevelopment Commission, to fill a vacancy.*

Section 2. *Severability.* In the event any clause, phrase, provision, sentence or part of this Resolution or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Resolution as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional.

Section 3. *Effective Date.* This Resolution shall be effective upon its passage.

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

Jeryl Hoover, Mayor
City of Fredericksburg, Texas

ATTEST:

Shelley Goodwin, TRMC/CMC, City Secretary

RESOLUTION 2022-16R

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FREDERICKSBURG, TEXAS, APPOINTING INDIVIDUALS TO THE CITY'S
PLANNING AND ZONING COMMISSION.**

WHEREAS, the City's Planning and Zoning Commission have one or more vacancies, due to resignations and/or the expiration of terms of appointment; and

WHEREAS, it is essential to appoint individuals to the Commission who are objective, knowledgeable, and that possess the relevant experience and qualifications established by law; and

WHEREAS, it is prudent to quickly fill any vacancies or appoint or reappoint on the Commission, to maximize opportunities for a quorum and efficiency in conducting City business.

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

Section 1. The City Council hereby appoints the following individuals as members to the Planning and Zoning Commission, as follows:

- i. Name appointed to the Planning and Zoning Commission, term of office expiring June 2025.*
- ii. Name appointed to the Planning and Zoning Commission, term of office expiring June 2025.*
- iii. Name appointed to the Planning and Zoning Commission, term of office expiring June 2025.*

Section 2. Severability. In the event any clause, phrase, provision, sentence or part of this Resolution or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Resolution as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional.

Section 3. Effective Date. This Resolution shall be effective upon its passage.

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

Jeryl Hoover, Mayor
City of Fredericksburg, Texas

ATTEST:

Shelley Goodwin, TRMC, City Secretary



CITY COUNCIL MEMO

DATE: June 20, 2022

TO: Mayor and City Council Members

FROM: Garret Bonn, P.E., CFM – Interim Director of Development Services/City Engineer

SUBJECT: Planning & Zoning Commission Agenda Items

Summary:

Discussion and possible action relating to Planning & Zoning Commission procedures and requirements for Commission Member requests for future agenda items.

Background / Analysis:

As part of a continuing discussion relating to the roles and responsibilities of the P&Z Commission, one of the topics that has been discussed is how a Commission member could have an item added to a future meeting agenda. Currently, for City Council agenda items, the Mayor's or at least two members' approval is required to allow for an item to be placed on an agenda. To maintain consistency, the attached form has been created in a similar format to the City Council request form. The P&Z form requires the Chair's approval or at least two (2) Commission member's approval, not including the requesting member. The form also requires approval by the City Attorney to ensure any discussion topics are in accordance with State law.

Recommendation:

City staff recommends approval of the form, as requested and recommended by the Planning and Zoning Commission.

Attachments: Agenda Item Request Form

Department Approval

City Attorney Approval

City Manager Approval

The City of Fredericksburg



City of Fredericksburg Planning & Zoning Commission Request for P&Z Agenda Item

Planning and Zoning Commission Member Submitting Request:

Topic:

(If approved, Agenda Item wording will be based on the topic listed.)

Topics may be added to the agenda by one of the following:

1. P&Z Chair's approval
2. Approval by at least two (2) Planning & Zoning Commission Members, not including the requesting commission member

Rules for topics:

1. This form and Chair's approval, or approval from required P&Z Commission members must be received by the Director of Development Services a minimum of seven (7) days before the scheduled meeting date.
2. If your topic includes supporting documentation, it will need to be submitted with this form. No information should be distributed at the P&Z meeting.
3. No more than one (1) Agenda Item should be requested per form.

Office Use

Date form received: _____

Chair's Signature _____ approval date _____

Commission Member _____ approval date _____

Commission Member _____ approval date _____

Agenda Date: _____

City Attorney Approval: _____ approval date _____



CITY COUNCIL MEMO

DATE: June 20, 2022

TO: Mayor and City Council

FROM: Andrea Schmidt, Parks & Recreation Director

SUBJECT: Fort Martin Scott report and Former Texas Rangers Foundation Museum update

Summary:

City Council approved the Former Texas Rangers Heritage Center (TRHC) managing Fort Martin Scott on September 7, 2021. City Council requested an update after approximately 6 months on operations from the TRHC. An update on the Former Texas Rangers Foundation Museum will also be presented.

Recommendation:

Receive report on Fort Martin Scott and the Former Texas Rangers Heritage Center Museum.

Background / Analysis:

The management agreement began November 1, 2021, and the term is for two years. At that time, the City and the TRHC will evaluate progress at the Fort and determine if a longer-term agreement would be appropriate.

Below are the deliverables that were included in the agreement and on which a status will be given.

The Contractor will complete the following deliverables:

- The TRHC will provide a credentialed and experienced executive director, who will implement and manage the following: Short-term (1 - 2 years) goals as set out in the January 2019 Fort Martin Scott Master Plan, with changes and adjustments as necessary and approved by applicable government agencies are:

The City of Fredericksburg

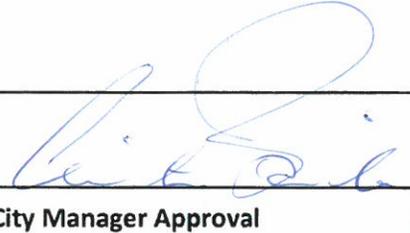
- Facilitate planning and fundraising efforts, coordinate volunteers and events, implement the plan recommendations, and advocate for the needs of the Fort with both the City and the community.
- Collect and organize archaeology reports
- Implement the short-term recommendations of the Preservation Plan.
 - Implement the Maintenance Plan.
 - Draft and adopt a simple Disaster Plan.
 - Develop a process to streamline consultation with Texas Historical Commission (THC), by acting as liaison and point of contact for all work at the site that falls under THC's purview.
 - Create a yearly financial plan to track finances, fundraising needs, efforts, and expenditures.
 - Apply for grants fund medium-term recommendations.
 - Establish a social media presence to share news, events, and photographs of the site and/or artifacts.
 - Address the ongoing development or other handling of the RV hook-ups already available at the site and initiate a program for their efficient use.

Attachments:

Professional Services Agreement



Department Approval



City Manager Approval



City Attorney Approval

**PROFESSIONAL SERVICES AGREEMENT
FOR MANAGEMENT OF FORT MARTIN SCOTT**

This Professional Services Agreement for Management of Fort Martin Scott (“Agreement”) is entered into by and between the City of Fredericksburg (“City”), a political subdivision of the State of Texas with its principal place of business at 126 W. Main Street, Fredericksburg, Texas, 78624, and Former Texas Rangers Foundation d/b/a Texas Rangers Heritage Center (“Contractor” and “TRHC”), with its principal place of business at 103 Industrial Loop, STE 700, Fredericksburg, Texas, 78624.

NOW, THEREFORE, the City and Contractor hereby agree as follows:

1. Term. Unless terminated earlier as provided herein, this Agreement shall commence on November 1, 2021 and terminate on October 31, 2023 (“Term”).
2. Contracting Services and Relationship.
 - (a) Services. During the Term of this Agreement, Contractor shall provide professional management services (to be known collectively as “Services”) to City, as set forth in Exhibit A, a copy of which is attached hereto and incorporated herein by reference. The Services shall be performed by Contractor in conformance with the following terms and conditions:
 - i. The Services are to be performed for the City owned historic park property known as Fort Martin Scott (“Fort”), which is located at 1606 E. Main Street, Fredericksburg, Texas, and which is more specifically identified on Exhibit “B”, a copy of which is attached hereto and incorporated herein by reference. The Contractor may use and occupy the various administrative buildings located on the Fort, for office space, storage, and administrative day-to-day operations directly related to the Services.
 - ii. The Contractor shall ensure that the performance of any Services related to improvement of visitor interpretation at the Fort is prioritized during the Term of this Agreement.
 - iii. There are eight (8) recreational vehicle (RV) sites without sewer hookups located on the Fort, which may only be occupied on a short-term basis for the duration of events, and may not be used for long term or full time occupancy. There are two (2) RV sites with full hookups located on the Fort, which may be occupied as determined by Contractor, upon the termination of the City’s existing agreement with any park hosts that are currently occupying said RV sites.
 - iv. In addition to the Fort, this Agreement includes Services related to the trails on the west side of Baron’s Creek, to include the existing Pecan Loop trail, as shown on the City’s trail plan on Exhibit “C”, a copy of which is attached hereto

and incorporated herein by reference. The trails identified on Exhibit "C" as the Meadow Forest Loop and University Loop Center are excluded from this Agreement. The trail identified on Exhibit "C" as the Cattle Pen Loop trail does not exist, but the Contactor may develop said trail.

- v. All Services shall be performed in compliance with applicable Texas Historical Commission ("THC") administrative rules. Any exterior construction, modifications, repairs, or alterations to any resource located on the Fort, including but not limited to buildings, structures, objects, and landscape features, shall be subject to the City's Historic Preservation Ordinance set forth in Chapter 26 of the City Code of Ordinances.
- vi. The Contractor shall have the exclusive right to manage the access, operations, and use of Fort on behalf of the City. Contractor shall allow third parties to schedule use of the Fort on such days and times that Contractor does not have a scheduled event, and Contractor shall administer scheduling for any use of the Fort by third parties. Contractor may reasonably limit third party use of the Fort to prevent overuse or damage to the Fort, as determined by Contractor. Requests for available dates or scheduling for any use of the Fort by the third parties shall be made to Contractor. Contractor acknowledges and agrees that Contractor has no ownership or exclusive leasehold interest of any kind in the Fort, and Contractor may not exclude the City from entering the Fort at any time for any reason, provided that City shall not unreasonably interfere with Contractor's use of the Fort or Contractor's events in progress upon the Fort.
- vii. Contractor may collect an entry fee or gate fee (distinguished from a facility use fee) for general entry into the Fort, with the prior written consent of the City. Contractor shall not collect any unconscionable or exorbitant fee from a third party for the use of the Fort. Contractor shall not use any part of the Fort for any purpose in violation of any federal, state, or local law, statute, ordinance, rule, or regulation. All revenue generated by the Contractor's management of the Fort (in combination with the adjacent TRHC site) shall belong to Contractor, to be used and re-invested by Contractor in the joint site management and operations of the Fort and adjacent TRHC site.
- viii. In the event of any inconsistency or conflict between the terms and conditions of this Agreement and those of Exhibit "A", the terms and conditions of this Agreement shall be controlling and prevail.
- ix. For the avoidance of doubt, the parties are in agreement that Contractor will be required to complete only the deliverables set out in Exhibit A that are designed and set out as deliverables during the first 24 months of the proposal. Additional deliverables set out in Exhibit A for medium and long-term management will be due upon renewal, extension or future negotiated contract(s) extending or addressing subsequent years.

(b) Relationship. The Parties agree and acknowledge that Contractor is to be considered an

independent contractor, and not an employee of City. City shall not be liable for employment or withholding taxes for Contractor. Contractor is solely liable for Contractor's expenses incurred in performing the Services. Contractor shall not, by reason of this Agreement, acquire any benefits, privileges or rights under any benefit offered by City or its subsidiaries or affiliates for the benefit of City employees or volunteers. Contractor agrees and acknowledges that Contractor is not authorized to enter into any contract on behalf of or as an agent of City. All of the acknowledgements and restrictions set forth in this Section 2(b) shall equally apply to any person Contractor engages to assist in performance of any portion of the Services.

3. Compensation. In consideration for the Contractor's performance of the Services, City shall pay to Contractor an annual fee of One Hundred and Seventy Thousand Dollars (\$170,000.00). Contractor must invoice the City based on a monthly basis.
4. Termination.
 - (a) Breach. This Agreement may be terminated by the non-defaulting party upon a breach of a material term or condition of this Agreement, when said breach is not cured by the defaulting party within thirty (30) days of receiving written notice of breach from the non-defaulting party. The defaulting party shall have thirty (30) days following the receipt of written notice from the non-defaulting party to cure the default; provided that if such default cannot possibly be cured within the thirty (30) day period, the defaulting party shall not be in default and the non-defaulting shall not have the right to terminate this Agreement unless and until the defaulting party fails to commence curing said default within the thirty (30) day period and continually proceeds to cure the default with diligence.
 - (b) Non-appropriation. This Agreement is subject to the availability and appropriation of budgeted funds by City, and upon an occurrence of non-appropriation by City, this Agreement shall terminate immediately.
5. Survival upon Termination. Upon termination of this Agreement, the provisions set forth in Section 6, Section 7, and Section 10(f) of this Agreement shall survive termination of this Agreement.
6. Ownership. "Work Product" is defined as all deliverables generated by Contractor in the performance of the Services, and all modified, intermediate and partial versions thereof. Contractor acknowledges that all Work Product is work made for hire and is the property of City, including any copyrights or other intellectual property rights pertaining thereto.
7. Confidential Information. Contractor agrees to keep confidential and to not disclose any of the Work Product. Contractor shall not disclose or appropriate any Work Product for Contractor's own use.

8. Force Majeure. A defaulting party shall not be liable for delays in the performance of its obligations hereunder when the default is caused by acts of God, inability to obtain labor or materials or reasonable substitutes therefor, governmental restrictions or regulations, acts of war, civil unrest, epidemic or pandemic, fire or other casualty, or any causes beyond the reasonable control of the defaulting party.
9. Assignment. This Agreement may not be assigned by Contractor without the prior written consent of City, which consent may be withheld in the sole discretion of City. This Agreement shall inure to the benefit of City and its successors or assigns.
10. Miscellaneous.
 - (a) This Agreement shall be governed by the laws of the State of Texas. Any litigation or other legal action under this Agreement shall be filed in a court of proper jurisdiction in Gillespie County, Texas.
 - (b) This Agreement may only be amended or modified by a written amendment executed by the Parties.
 - (c) All notices and other communications hereunder shall be in writing and shall be given by hand delivery, by certified mail, return receipt requested, postage prepaid, addressed and sent to the party's address as set forth in the first paragraph of this Agreement, or to such other address as either party may have furnished to the other party. Notices and communications are deemed effective when actually received by the addressee.
 - (d) The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provision of this Agreement. This Agreement may be executed in counterparts that together shall constitute a single agreement.
 - (c) The failure of City at any time to enforce performance by Contractor of any provisions of this Agreement shall in no way affect City's rights thereafter to enforce the same, nor shall the waiver by City of any breach of any provision hereof be held to be a waiver of any other breach of the same or any other provision.
 - (f) **TO THE FULLEST EXTENT PERMITTED BY LAW, EACH PARTY (THE "INDEMNIFYING PARTY") SHALL INDEMNIFY, DEFEND AND HOLD THE OTHER PARTY, ITS SHAREHOLDERS, PARTNERS, MEMBERS, DIRECTORS, OFFICERS, EMPLOYEES, AGENTS AND CONTRACTORS (THE "INDEMNIFIED PERSONS"), HARMLESS FROM AND AGAINST ALL LOSSES INCURRED BY THE INDEMNIFIED PERSONS TO THE EXTENT ARISING FROM, OR OUT OF, ANY CLAIM FOR, OR ARISING OUT OF, ANY INJURY TO OR DEATH OF ANY PERSON OR LOSS OR DAMAGE TO PROPERTY TO THE EXTENT ARISING OUT OF THE**

INDEMNIFYING PARTY'S, ITS EMPLOYEES' AND AGENTS' NEGLIGENCE, WILLFUL MISCONDUCT, OR UNLAWFUL CONDUCT.

THE INDEMNIFIED PARTY HEREUNDER SHALL IMMEDIATELY NOTIFY AND TENDER DEFENSE TO THE INDEMNIFYING PARTY UPON RECEIPT OF ANY CLAIM TO WHICH THIS PROVISION APPLIES. THE INDEMNIFYING PARTY AGREES TO ACCEPT SUCH TENDER AND PROVIDE DEFENSE OF ANY CLAIM TO WHICH THIS PROVISION APPLIES.

- (g) This Agreement shall in all cases be construed simply, as a whole, and in accordance with its fair meaning. The captions of this Agreement are not part of the provisions hereof and shall have no force or effect. In the event of an ambiguity in or dispute regarding the interpretation of this Agreement, this Agreement shall not be interpreted or construed against the party preparing it.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement as of the date set forth below.

City

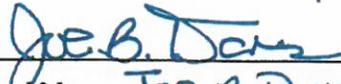
CONTRACTOR

By: 

Printed Name: Kent Myers

Title: City Manager

Date: September 8, 2021

By: 

Printed Name: JOE B DAVIS

Title: President

Date: 9-13-2021



**HERITAGE
CENTER
PROPOSAL**

EXHIBIT "A"

CLIENT

City of Fredericksburg, Texas
(the "Client")

CONTRACTOR

Former Texas Rangers Foundation d/b/a
Texas Rangers Heritage Center (TRHC)
(the "Contractor")

DATE OF PROPOSAL

March 26, 2021

PROJECT OVERVIEW

The Client is seeking services for the following: Fort Martin Scott Management Proposal: to provide ongoing management of the City's Historic Site known as Fort Martin Scott (FMS) including maintenance and repair of current buildings and facilities; new construction as approved; design and operation of site programming, events and visitor operations; preservation, maintenance and enhancement of on-site owned and/or borrowed historic artifacts and library; and acting as liaison with government and/or historical entities to ensure compliance with applicable preservation requirements.

The Contractor will proceed to operate FMS in conjunction with the TRHC as a single cultural heritage and education tourism destination. This proposal outlines the Contractor's qualifications, services, and estimated costs for the proposed management agreement.

DELIVERABLES

The Contractor will complete the following deliverables:

- ❖ The TRHC will provide a credentialed and experienced executive director, who will implement and manage the following: **Short-term (1 - 2 years)** goals as set out in the January 2019 Fort Martin Scott Master Plan, with changes and adjustments as necessary and approved by applicable government agencies are:
 - Facilitate planning and fundraising efforts, coordinate volunteers and events, implement the plan recommendations, and advocate for the needs of the Fort with both the City and the community.
 - Collect and organize archaeology reports.



103 INDUSTRIAL LOOP, STE 700 | PO BOX 3195 | FREDERICKSBURG, TEXAS 78624

WWW.TRHC.ORG

PHONE: 830.990.1192 | FAX: 830.990.1121 | EMAIL: REQUESTS@TRHC.ORG





Implement the short-term recommendations of the Preservation Plan.

- Implement the Maintenance Plan.
 - Draft and adopt a simple Disaster Plan.
 - Develop a process to streamline consultation with Texas Historical Commission (THC), by acting as liaison and point of contact for all work at the site that falls under THC's purview.
 - Create a yearly financial plan to track finances, fundraising needs, efforts, and expenditures.
 - Apply for grants fund medium-term recommendations.
 - Establish a social media presence to share news, events, and photographs of the site and/or artifacts.
- Address the ongoing development or other handling of the RV hook-ups already available at the site and initiate a program for their efficient use.
- ❖ ~~The TRHC's executive director will implement and manage the following medium-term (3-5 years) goals as set out in the January 2019 Fort Martin Scott Master Plan, with changes and adjustments as necessary and approved by applicable government agencies:~~
- ~~Integrate the interpretation and promotion of Fort Martin Scott and the TRHC Museum and Education Center as a joint cultural heritage tourism destination.~~
 - ~~Draft an overarching Cultural Heritage Tourism Plan.~~
 - ~~Prepare a Historic Structures Report (HSR) for the site.~~
 - ~~Using the results of the HSR, update the NRHP nomination for the site.~~
 - ~~Conduct additional archaeological investigations in support of the proposed infrastructure and historic site improvements.~~
 - ~~Implement the medium-term recommendations of the Preservation Plan.~~
 - ~~Develop a Long-Range Interpretive Plan to design ways to expand the story of Fort Martin Scott in conjunction with TRHC on educational programming, including lectures, exhibits, and special events, as possible.~~
 - ~~Design and implement fundraising for upcoming or proposed projects.~~
 - ~~Create and implement a marketing and merchandising plan to support the site using current and new platforms and products (including logos, souvenirs, etc.), at Contractor's sole discretion. (intentionally deleted by City)~~

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- Improve the Fort's visitor trail network.
 - Begin reconstruction of historic building foundations.
 - ~~Begin research, planning, and fundraising for the reconstruction of selected historic Fort buildings.~~
- ❖ ~~The TRHC's executive director will implement and manage the following long term (6-10 years) goals as set out in the January 2019 Fort Martin Scott Master Plan, with changes and adjustments as necessary and approved by applicable government agencies:~~
- ~~Implement the long term recommendations of the Preservation and Cultural Heritage Tourism Plans.~~
 - ~~Design and install new interpretive signage and displays.~~
 - ~~Design and construct a new visitor center (and associated infrastructure like parking lots) or alternative plan, and replace the entry sign.~~
 - ~~Complete the reconstruction of historic building foundations (if THC approved).~~
 - ~~Begin reconstruction of selected historic Fort buildings (if THC approved).~~ (intentionally deleted by City)

TIMELINE

The TRHC can start managing the property on October 1, 2021.

CLIENT INVESTMENT

The Contractor offers the following pricing for the deliverables in this project:

Years 1 – 5: \$170,000.00/per year which includes the City's budgeted funds for the operation and maintenance of Fort Martin Scott plus an administration fee. After year 2, this fee may be adjusted upward for budgetary increases and up to 5% of the administration fee based upon inflation. Increases will be addressed/negotiated during the City budgeting process.

Years 5 – 10: To be negotiated at renewal of management contract. The contract should initially have a five-year term with a guaranteed option to renew for at least one additional five-year term at Contractor's discretion.

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CONTRACTOR INVESTMENT

After Contractor has fully implemented the short-term goals outlined above and completed the construction and opening of its Heritage Museum, it anticipates working with Client to expand long-term goals, including to develop and build accommodations for summer education camps, as well as day-visitor educational, living history and nature activities on portions of the site that are not within the designated historic site portion of the property. This program will fall within the mission statements of Client and Contractor by being aligned with the preservation and teaching of Texas History, character education, and STEM Law Enforcement Techniques, creating a narrative of the history of FMS and its artifacts, and using educators demonstrating and teaching period lifestyles and practices.

Additionally, the intent is to eventually designate and provide an approved space for Texas Indian nations—with an historic connection to the fort and vicinity—to use for ceremonial and public educational programming purposes.

These accommodations and activities will be undertaken at the sole expense of the Contractor and any proceeds therefrom will benefit Contractor and its operations. Client will maintain authority to contribute to and approve fixed assets added to the location and will acquire ownership of these fixed assets at the expiration of the management agreement. Additionally, these activities will serve to draw visitors to the site and enlarge the positive awareness of the site, possibly worldwide.

Because the creation and implementation of this plan will represent a substantial investment in the real property belonging to Client, and to the operation of the TRHC and FMS site as one cohesive enterprise, Contractor may require a longer-term contract than the 10 years set out in this proposal. Such addition or extension of time to the management contract may be negotiated initially or during the initial or any renewal term of the lease.

TERMS

Contractor will review each contract, agreement or Memorandum of Understanding currently in place with the following entities and will assess whether to discontinue, continue, renew and/or renegotiate the written documents that encumber or apply to Fort Martin Scott with a view toward viability and efficiency in implementing the Master Plan. ~~Then the appropriate action will be taken with regard to each in every reasonable way to maintain good working relationship(s) and maintain the good will of the City, Fort Martin Scott and TRHC with those entities: (intentionally deleted by City)~~

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- Treaty Stone Agreement
- Hill Country Archeological Association
- Lester Meier (Horse Grazing Lease)
- Intruder Alert
- Hill Country Telecommunications
- Friends of Fort Martin Scott
- Park Host Program

Contractor will make every reasonable effort to have donors cover major unanticipated or over-budget items which occur outside of the control of Contractor; however, those expenses may require presentation to the Client for additional funds to be distributed as a special appropriation to the Parks and Recreation Department of the City. ~~The Client will pay all costs associated with the above, over and above the price quoted in this proposal.~~ (intentionally deleted by City)

Client will continue to provide and maintain insurance covering the premises and facility, and visitor liability as well as errors and omissions coverage for its representative's activity on the Fort property. Contractor will determine whether additional and/or special coverage is needed for particular events or situations and will work with Client to add such coverage as necessary, ~~at Client's expense.~~ (intentionally deleted by City)

Tools and equipment owned by the Fort will be reasonably maintained. Other equipment needed for Fort operations may be available through the City's Parks and Recreation Department as agreed by the PRD Director and Contractor, at no cost to the Fort.





NEXT STEPS

To discuss your project further and formalize this agreement, please reach out at:

**Former Texas Rangers Foundation d/b/a
Texas Rangers Heritage Center (TRHC)
Dr. Jody Edward Ginn, Executive Director**

- (830) 990-1192
- Jody@FormerTexasRangers.org
- www.TRHC.org

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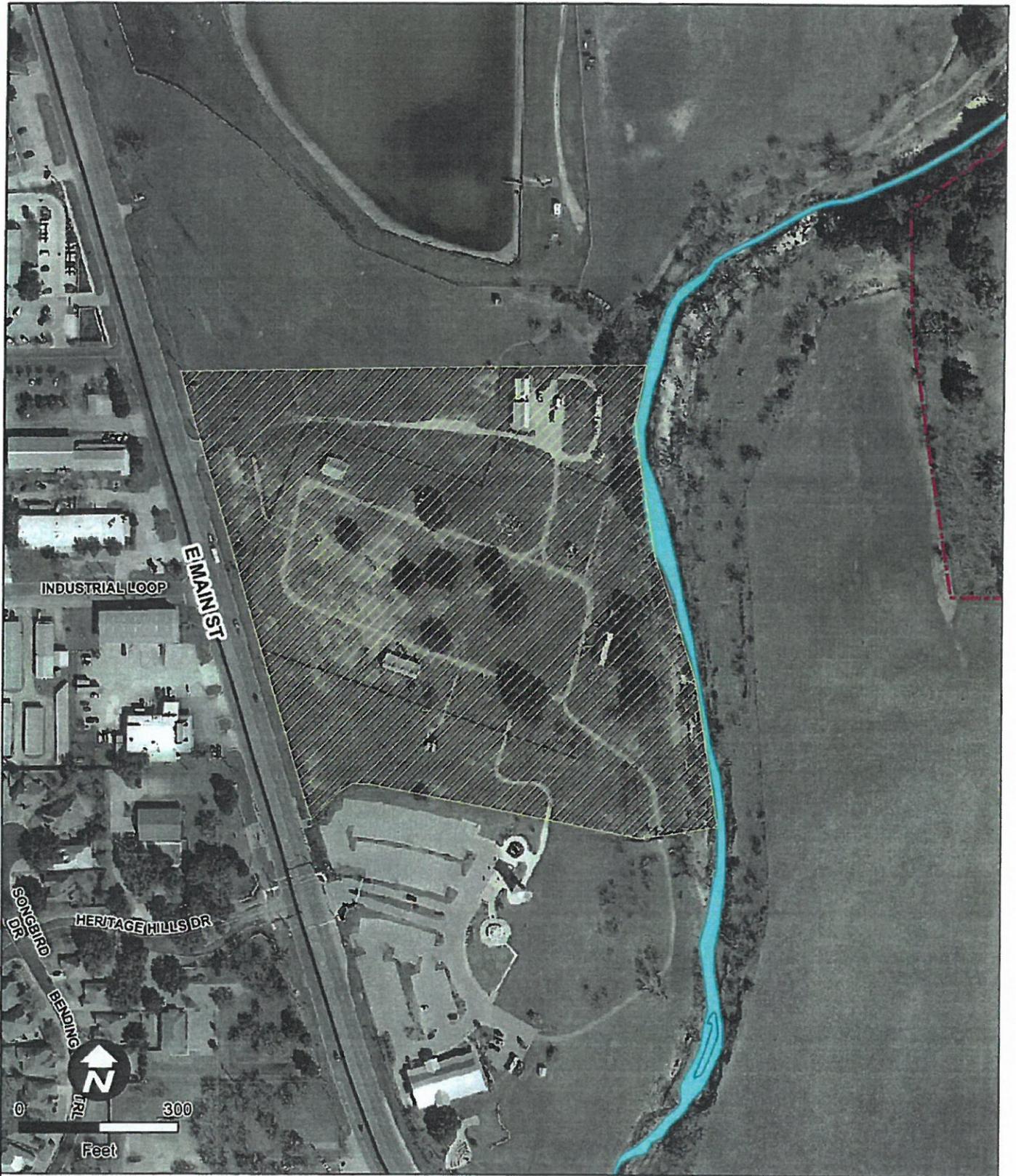


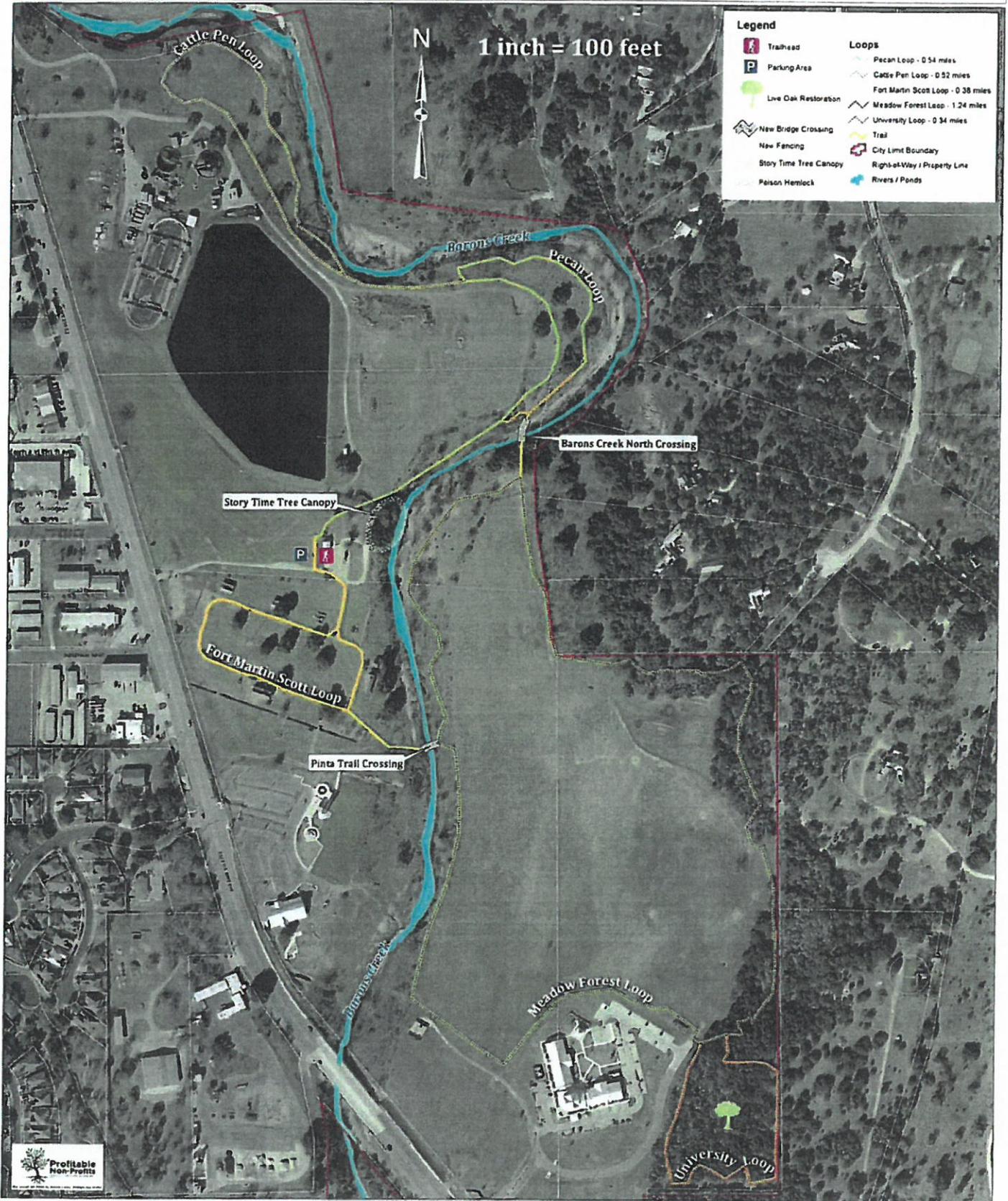
EXHIBIT "B"
 City of Fredericksburg
 Fort Martin Scott Boundary

- LEGEND**
-  Fort Martin Scott
 -  City Limit Boundary

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PROPOSED HIKE & BIKE TRAIL

EXHIBIT "C"



Upcoming City Council Agenda Items

	CITY COUNCIL MEETING DATES & FUTURE AGENDA ITEMS	TYPE	PRESENTER
	Tuesday, July 5, 2022 (Regular Meeting)		
1	June 20, 2022 Regular Meeting Minutes	Consent	Shelley
2	June 20, 2022 Workshop Minutes	Consent	Shelley
3	City Development Update	Presentation	Garret
4	Update the Records Management	Ordinance	Shelley
5	Citizen Input on Budget	Public Hearing	Laura
	Affordable Housing	Presentation	Kent
	Monday, July 18, 2022 (Regular Meeting)		
1	July 5, 2022 Regular Meeting Minutes	Consent	Shelley
2	Market Square Improvement Bids	Approval	Andrea
3	Naming rights for Market Square	Approval	Andrea
4	Award the bid for the Comprehensive Plan	Approval	Anna
	Wednesday, July 20, 2022 (Workshop) 4 p.m.- Fire Training		
	Proposed General Fund	Presentation/Discussion	
	Wednesday, July 27, 2022 (Workshop) 4 p.m.- Cardinal Room		
	Proposed Enterprise Fund	Presentation/Discussion	
	Monday, August 1, 2022 (Workshop) 8:30 - 10:30 Cardinal Room		
1	Joint Meeting with County Commissioners	Presentation/Discussion	
	Monday, August 1, 2022 (Regular Meeting)		
1	July 18, 2022 Regular Meeting Minutes	Consent	Shelley
2	July 20, 2022 Workshop Meeting Minutes	Consent	Shelley
3	July 27, 2022 Workshop Meeting Minutes	Consent	Shelley
	Wednesday, August 10, 2022 (Workshop) 4 p.m. Cardinal Room		
	General Fund and Enterprise Fund	Presentation/Discussion	
	Monday, August 15, 2022 (Regular Meeting)		
1	August 1, 2022 Regular Meeting Minutes	Consent	Shelley
2	August 1, 2022 Workshop Meeting Minutes	Consent	Shelley
	Monday, August 22, 2022 (Workshop)- 4 p.m. Cardinal Room		
1	Budget and tax rate	Public Hearing	
2	Tax Rate	Approve	
	Tuesday, September 6, 2022 (Regular Meeting)		
1	August 15, 2022 Regular Meeting Minutes	Consent	Shelley
	August 10, 2022 Workshop Meeting Minutes	Consent	Shelley
	Wednesday, September 14, 2022 (Workshop)- 4 p.m. Cardinal Room		
1	Budget and tax rate	Public Hearing	
	Monday, September 19, 2022 (Regular Meeting)		
1	September 6, 2022 Regular Meeting Minutes	Consent	Shelley
2	August 22, 2022 Workshop Meeting Minutes	Consent	Shelley
	FUTURE AGENDA ITEMS		
1	Lady Bird Johnson Golf Course Lease	Approval	Shelley
2	Capital Improvement Fund in General Fund (postponed from 5-16-2022)	Resolution	Laura
3	Proposed hotel/conference center	Presentation	Garret