

# City of Fredericksburg

## REGULAR CITY COUNCIL MEETING AGENDA MONDAY, AUGUST 15, 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

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**The City of Fredericksburg City Council will meet in a regular session on Monday, August 15, 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>).

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### 1. CALL TO ORDER

### 2. INVOCATION

(Michael Burdick, Pastor of Victory Fellowship 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 August 15, 2022
- ii. Complete the Citizen Comment Form online at [www.fbgtx.org](http://www.fbgtx.org); or
- iii. Email your comments to [CitizenComments@fbgtx.org](mailto: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 "[August 15, 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 the following meetings: (Shelley Goodwin, City Secretary).
  - i.** July 27, 2022 Work Session  
(Agenda Packet Pages 5-10)
  - ii.** August 1, 2022 Joint Work Session  
(Agenda Packet Pages 11-14)
  - iii.** August 1, 2022 Regular Meeting  
(Agenda Packet Pages 15-18)
  
- B.** Consider the approval of a street closure request from the Knights of Columbus for Bestfest to close one southbound traffic lane and the parking lane on N. Adams Street, adjacent to Marktplatz from Austin to Main Street beginning Friday, October 14, 2022, at 7 a.m. and ending Sunday, October 16, 2022, at 12 p.m. (Jennifer Krupa, Assistant Parks and Recreation Director and Special Events Coordinator)  
(Agenda Packet Pages 19-22)

## **7. PUBLIC HEARING**

- A.** Hold a public hearing to receive comments for or against a request by Roger and Joan Schrenk for Conditional Use Permit per Section 3.110 to operate an unoccupied Short-Term Rental in a R2 zoned area located in the Historic Overlay District on property located at 109 East College (Z-2212) (Garret Bonn, Interim Development Services Director/City Engineer)  
(Agenda Packet Pages 23-38)
  
- B.** Hold a public hearing to receive comments for or against a request by Bryan Benson with Jet Capital, LLC., for a Conditional Use Permit per Section 3.700 to allow for a “Drive Through or Drive-In Facilities” for property located at 1511 E. Main Street (Z-2213) (Garret Bonn, Interim Development Services Director/City Engineer)  
(Agenda Packet Pages 39-52)
  
- C.** Hold a public hearing to receive comments for or against a request by Ronnie and Norma Crossland, for a Conditional Use Permit per Section 3.110 to operate an unoccupied Short-Term Rental in a R2 zoned area located in the Historic Overlay District on property located at 112 East Schubert (Z-2216) (Garret Bonn, Interim Development Services Director/City Engineer)  
(Agenda Packet Pages 53-76)

## **8. OTHER ACTION ITEMS AND UPDATES**

- A.** Consider approval of a Conditional Use Permit per Section 3.110 to operate an unoccupied Short-Term Rental in a R2 zoned area located in the Historic Overlay District on property located at 109 East College (Z-2212) (Garret Bonn, Interim Development Services Director/City Engineer)  
(Agenda Packet Pages 23-38)
  
- B.** Consider approval of a Conditional Use Permit per Section 3.700 to allow for a “Drive Through or Drive-In Facilities” for property located at 1511 E. Main Street (Z-2213) (Garret Bonn, Interim Development Services Director/City Engineer)  
(Agenda Packet Pages 39-52)

- C. Consider approval of a Conditional Use Permit per Section 3.110 to operate an unoccupied Short-Term Rental in a R2 zoned area located in the Historic Overlay District on property located at 112 East Schubert (Z-2216) (Garret Bonn, Interim Development Services Director/City Engineer)  
(Agenda Packet Pages 53-76)
- D. Consider approval of a Third Amendment to Lease Agreement for the Fredericksburg Art Guild Building (This item will be considered after Agenda Item 13) (Clinton Bailey, City Manager)  
(Agenda Packet Pages 77-78)
- E. Consider approval of a Second Amendment to the Ground Lease Agreement and Subordination Agreement with the Former Texas Rangers Foundation (This item will be considered after Agenda Item 13) (Clinton Bailey, City Manager)  
(Agenda Packet Pages 79-80)
- F. Consider the award of contract for the Comprehensive Plan and Parks Master Plan to Halff Associates (Anna Hudson, Historic Preservation Officer)  
(Agenda Packet Pages 81-114)
- G. Consider the selection of winning proposal for the Hotel Conference Center or the rejection of the Request for Proposals (Clinton Bailey, City Manager)  
(Agenda Packet Pages 115-128)

## **9. PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA**

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

- A. Water supply update
- B. Big Sky Fire update
- C. FY2023 Budget update
  - i. Budget Workshop on August 17, 2022, at 9 a.m. in the Cardinal Room at the Lady Bird Golf Course.
  - ii. City Council Workshop for Public Hearing on proposed FY2023 Budget and No-New-Revenue Tax Rate on August 22, 2022, at 4 p.m. in the Cardinal Room at the Lady Bird Golf Course.
  - iii. City Council Regular Meeting adoption of the Tax Rate and the FY2023 Budget on September 19, 2022, at 6 p.m. at the Law Enforcement Center.

### **11. COUNCIL COMMENTS**

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

### **12. ITEMS FOR FUTURE AGENDA**

(Agenda Packet Page 129-130)

### **13. EXECUTIVE SESSION**

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

- A. Consider and discuss exchange, lease, or value of real property, located in the vicinity of the intersection of Austin Street and N. Washington Street, in the City of Fredericksburg, (Sec. 551.072), and

- B.** Consider and discuss the purchase, exchange, lease, or value of real property, located in the vicinity of the intersection of E. Main Street at Heritage Hills Drive, in the City of Fredericksburg, Texas (551.072).

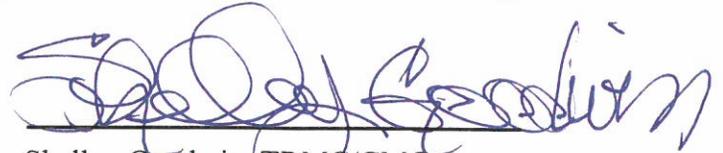
**14. BUSINESS ITEM**

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.

**15. ADJOURN**

**CERTIFICATION**

This is to certify that I, Shelley Goodwin, posted this Agenda at 9:50 a.m. on August 11, 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

**CITY COUNCIL WORK SESSION MINUTES  
WEDNESDAY, JULY 27, 2022 ~ 4:00 P.M.  
LADY BIRD GOLF COURSE - CARDINAL ROOM  
341 GOLFERS LOOP  
FREDERICKSBURG, TEXAS 78624**

**The City of Fredericksburg City Council held their Work Session Meeting on Wednesday, July 27, 2022, at 4:00 p.m. This meeting was held in person at the Lady Bird Golf Course in the Cardinal Room and live streamed on the City of Fredericksburg YouTube Channel.**

**Members Present:**

Mayor Jeryl Hoover  
Mayor Pro-Tem Bobby Watson  
Councilmember Emily Kirchner  
Councilmember Tony Klein  
Councilmember Sharon Joseph

**Members Absent:**

None

**City Staff Present:**

Clinton Bailey, City Manager  
Daniel Jones, City Attorney  
Lynn Bizzell, Fire Chief  
Brian Vorauer, Police Chief  
Eric Whiting, Information Technology Director  
Andrea Schmidt, Parks and Recreation Director  
Laura Hollenbeak, Finance Director  
Garret Bonn, Interim City Engineer and Interim Development Services,  
Kris Kneese, Interim Public Works Director  
Tammie Loth, Human Resources Director  
Derek Seelig, Police Lieutenant  
Justin Calhoun, Emergency Management Coordinator  
Reagan Rabke, Fire Marshall  
Evan Williamson, Staff Engineer  
David Jung, EMS Director  
David Kellam, Finance Manager  
Krista Wareham, Finance Manager  
Lori Seewald, EMS Accounts Administrator  
Shelley Becker, Municipal Judge  
Kelli Olfers, Director of the Gillespie County Health Division  
Leslie Ball-Embrey, Administrative Assistant  
Shelley Goodwin, City Secretary

**1. CALL TO ORDER**

Mayor Hoover called the Work Session of the Fredericksburg City Council to order at 4:00 p.m. on Wednesday, July 27, 2022.

## **2. PUBLIC COMMENTS**

Jerry McCorkle, City resident, requested the City Council return the American Rescue Plan Act Funds.

## **3. WORK SESSION ITEM**

### **A. Consider and discuss the General Fund**

Clinton Bailey, City Manager, provided a PowerPoint presentation regarding FY 2023 Proposed Budgets for General Funds. This included an overview of the budget, City Council priorities, and individual funds.

David Kellam, Finance Manager, reviewed the FY 2023 Projected Fund Balance.

Laura Hollenbeak, Finance Director, reviewed the General Fund revenues and the proposed sales tax. She noted the property tax figures that are used are the proposed figures, however; the final figures should be entered next week.

### Administration Department Expenditures

Laura Hollenbeak, Finance Director, reviewed the Administration Department expenditures.

The City Council discussed the decrease in the election line item.

Shelley Goodwin, City Secretary, stated the election line item decrease was due to the election expenses and the election payroll being separated into different accounts.

### Police Department

The City Council discussed the following line items:

- weapons
- equipment and supplies
- communication

Brian Vorauer, Police Chief, explained the need for seven vehicles and two Police Officers who receive car allowances.

Eric Whiting, IT Director, stated the expenses in the communication line item are radios, phones, computers, body cameras, and the camera systems and wirelines in every vehicle.

### Fire Department Expenditures

Laura Hollenbeak, Finance Director, reviewed the proposed Fire Department expenditures.

The City Council discussed the line items that Gillespie County contributes a portion to.

Lynn Bizzell, Fire Chief, explained which line items are split with Gillespie County. He also noted that these line items would be part of the discussion at the Joint Work Session on August 1, 2022.

### Street Department Expenditures

Laura Hollenbeak, Finance Director, reviewed the proposed Street Department expenditures.

Garret Bonn, Interim City Engineer and Interim Development Services, reviewed the Capital Improvement Projects, personnel requests, and street projects.

#### Parks Department Expenditures

Laura Hollenbeak, Finance Director, reviewed the proposed Parks Department expenditures.

Andrea Schmidt, Parks and Recreation Director, reviewed the following:

- Parks projects that were completed in the FY2022 Budget
- The reasons for some increases
- The benefits of the splash pad
- The issues with lack of lifeguards
- July 4<sup>th</sup> Fireworks
- Personal request and the duties this position will be responsible for
- Capital Improvement Projects in prioritized order

The City Council discussed the different sporting organizations' projects and their fundraising efforts.

#### Development Services Expenditures

Laura Hollenbeak, Finance Director, reviewed the proposed Development Services expenditures.

Garret Bonn, Interim City Engineer and Interim Development Services, reviewed the following:

- Increase in revenues for Short Term Rentals (STR)
- Increase the cost of the Comprehensive Plan to include the Parks Master Plan
- Increase in software cost
- Increase in car allowance
- Increase in travel expenses due to training requirements
- Fleet leased vehicles and who drives the vehicles
- Adding a new position (Short Term Rental Specialist) and funding through the STR fees
- Reasons for overtime
- Hours of the Code Enforcement Officers

The City Council agreed by consensus to add a Code Enforcement Officer and a vehicle.

#### Health Department Expenditures

Kelli Olfers, Director of the Gillespie County Health Division, reviewed the following:

- The new Health Department office and the need to work out details of the City and County split
- The need for adding a third employee due to the growth and increase of events
- The need to add a fourth employee in five years

#### Municipal Court Expenditures

Shelley Becker, Municipal Judge, reviewed the proposed personnel pay increases. She also reviewed the issues with holding court at the Law Enforcement Center and the new additional space the City has obtained for court.

#### Engineering Department Expenditures

Garret Bonn, Interim City Engineer and Interim Development Services, reviewed the Engineer Department proposed budget, the aerial photo line item, and the gas increase. He noted the department is requesting a part-time employee to assist with the GIS demands.

#### IT Department Expenditures

Eric Whiting, IT Director, reviewed the following proposed software request:

- Agenda Management
- Budgeting/Transparency
- Electric SCADA
- Granicus
- My Permit Now
- New Gov/HR/Payroll
- Policy & Procedure Manual
- STR Information Program
- Sanitation Scale Software

He also reviewed the software maintenance and the need for an additional employee.

#### Administrative Personnel Requests

Shelley Goodwin, City Secretary, stated she would like to reorganize the department to be a legislative department due to the Federal, State, and local requirements. She noted the current difficulties the office faces when one person is out or when the City Secretary is out, which is why she is requesting a Deputy City Secretary.

Krista Wareham, Finance Manager, reviewed the need for two new personnel. She stated one is for Hotel Occupancy Taxes, and she feels this position can be paid for through those taxes. She stated the other employee would be a City Accountant position, which would allow for a succession plan for the Finance Department.

#### Police Department

Brian Vorauer, Police Chief, reviewed the need for additional personnel. He also noted that the Saint Mary's Catholic School had requested a School Resource Office (SRO) and the associated cost.

The City Council discussed the possibility of revisiting the school contracts for an SRO.

#### Street Department

Garret Bonn, Interim City Engineer and Interim Development Services, reviewed the following Capital Improvement request:

- Street Asphalt Truck Patch equipment
- Side Delivery (Broom)
- Traffic counter equipment

#### Fire Department/EMS

Lynn Bizzell, Fire Chief/EMS, reviewed the need for an additional tower and the 2024 mandated requirement related to digital radios. He noted the Radio System could be purchased through a 5-year lease or the American Rescue Funds. He also noted this would be a possible share expense with the County. He also reviewed the need for a Ladder Truck and the vehicles that are due to be replaced according to the City's Vehicle Replacement Program.

### **B. Consider and discuss outstanding budget items**

The City Council discussed the proposed Fire Station need and location. They also discussed the request for 700 System Radios, removing the Pickle Ball CIP request, and adding resurfacing of the Tennis Courts 1 and 2.

**C. Announcements of upcoming budget activities**

Clinton Bailey, City Manager, reviewed the following:

- i. Budget Workshop with the County Commissioners on August 1, 2022, at 8:30 a.m. in the Cardinal Room at the Lady Bird Golf Course.
- ii. File the Proposed Budget with the City Secretary on August 5, 2022.
- iii. City Council Budget Workshop on all Funds on August 17, 2022, at 9 a.m. in the Cardinal Room at the Lady Bird Golf Course.
- iv. City Council Workshop for Public Hearing on proposed FY2023 Budget and No-New-Revenue Tax Rate on August 22, 2022, at 4 p.m. in the Cardinal Room at the Lady Bird Golf Course.
- v. City Council Regular Meeting adoption of the Tax Rate and the FY2023 Budget on September 19, 2022, at 6 p.m. at the Law Enforcement Center.

**4. ADJOURN**

**Motion:** A motion was made by Councilmember Watson, seconded by Councilmember Klein, to adjourn the Wednesday, July 27, 2022, City Council Work Session Meeting at 7:22 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

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Jeryl Hoover  
Mayor

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Shelley Goodwin, TRMC/CMC  
City Secretary





**CITY COUNCIL AND COUNTY COMMISSIONERS  
JOINT WORK SESSION MINUTES  
MONDAY, AUGUST 1, 2022 ~ 8:30 A.M.  
LADY BIRD GOLF COURSE - CARDINAL ROOM  
341 GOLFERS LOOP  
FREDERICKSBURG, TEXAS 78624**

**The City of Fredericksburg City Council held their Work Session Meeting on Monday, August 1, 2022, at 8:30 a.m. This meeting was held in person at the Lady Bird Golf Course in the Cardinal Room and live streamed on the City of Fredericksburg YouTube Channel.**

**Members Present:**

Mayor Jeryl Hoover  
Mayor Pro-Tem Bobby Watson  
Councilmember Emily Kirchner  
Councilmember Tony Klein

**Members Absent:**

Councilmember Sharon Joseph

**County Commissioners Present:**

County Judge Mark Stroehrer  
Commissioner Donnie Schuch  
Commissioner Charlie Olfers  
Commissioner Kevin Kramer  
Commissioner Dennis Neffendorf

**County Commissioners Absent:**

None

**City Staff Present:**

Clinton Bailey, City Manager  
Daniel Jones, City Attorney  
Lynn Bizzell, Fire Chief  
Brian Vorauer, Police Chief  
Eric Whiting, Information Technology Director  
Andrea Schmidt, Parks and Recreation Director  
Laura Hollenbeak, Finance Director  
Garret Bonn, Interim City Engineer and Interim Development Services,  
Kris Kneese, Interim Public Works Director  
Tammie Loth, Human Resources Director  
Derek Seelig, Police Lieutenant  
Justin Calhoun, Emergency Management Coordinator  
Reagan Rabke, Fire Marshall  
Evan Williamson, Staff Engineer  
David Jung, EMS Director  
David Kellam, Finance Manager  
Krista Wareham, Finance Manager  
Lori Seewald, EMS Accounts Administrator  
Leslie Ball-Embrey, Administrative Assistant  
Shelley Goodwin, City Secretary

**County Staff Present:**

Buddy Mills, Sheriff  
James Segner, Deputy Sheriff  
Marcie Schneider, County Auditor  
Dana Smith, County Treasurer  
Jennifer Doss, Human Resources Director  
Karen Bernhard, Assistant Auditor  
Les Metzler, Gillespie County Communications Director

**1. CALL TO ORDER**

Mayor Hoover called the Joint Work Session meeting of the Fredericksburg City Council and Gillespie County Commissioners to order at 8:30 a.m. on Monday, August 1, 2022. Mayor Hoover and County Judge Stroeder announced the City Council and Commissioners have a quorum.

**2. PLEDGE OF ALLEGIANCE**

Mayor Hoover led the Pledge of Allegiance.

**3. FISCAL YEAR FY 2022/2023 BUDGET**

**A. Receive comments from Clinton Bailey, City Manager.**

Clinton Bailey, City Manager, reviewed the challenges everyone is facing in 2023. He reviewed the agenda items that needed to be discussed.

**B. Public comments on Agenda Items**

Jerry McCorkle, City resident, spoke regarding the American Rescue Plan Act Funds, the need to rent the funds from 2022, and not accept the 2023 funds.

Jeannette Hormuth, City resident, spoke regarding taxpayers' funds should not be going towards the sports park. She also stated the City and the County should return the American Rescue Plan Act Funds and not accept any additional funds.

**C. Consider and discuss the following funds:**

**i. Economic Development Commission Funding**

Tim Lemberg, EDC Executive Director, reviewed his proposed budget of \$240,000, which is split 50/50 by the City and the County.

**ii. Gillespie County Health Services**

Kelli Olfers, Director of the Gillespie County Health Division, reviewed the proposed budget. She reviewed the location of the new office and the proposed budget. She stated the proposed new employee is included in the proposed budget.

**iii. Emergency Management Services**

Justin Calhoun, Emergency Management Coordinator, stated the State of Texas did not participate in the 2022 or 2023 FEMA Grant funding. He also reviewed the FY 2022 adopted budget and the proposed FY2023 budget.

**iv. Fire Department**

Reagan Rabke, Fire Marshall, provided a PowerPoint Presentation regarding the Radio System. He also reviewed the change in the law and the mandated requirement to be digital by 2024. He also provided the information regarding the additional tower that is needed.

The Commissioner Court and City Council discussed the number of radios needed.

Lynn Bizzell, Fire Chief, reviewed the proposed Fire Department budget and the reason for the increases.

**v. County Rural Fire Services**

County Judge Stroehler reviewed the proposed Gillespie County Rural Services budget.

**vi. EMS Department**

Lynn Bizzell, Fire Chief, reviewed the proposed EMS budget, which included new capital items. He stated the City's share would be \$1,611,295, and the County's would be \$1,441,112.

Frank Stead, Safety Officer, provided a PowerPoint presentation regarding the operating data, the need for a training center, and the new station.

The City Council and County Commissioners discussed the management of the proposed training center. They also discussed the need for additional personnel and equipment for the new station.

Clinton Bailey, City Manager, reviewed the cost of the property and a potential location.

Judge Stroehler expressed his concerns with the proposed location being City property and the County not having ownership of the property.

Lynn Bizzell, Fire Chief, reviewed the Capital Requests and the need for the requests.

**vii. Law Enforcement Center (LEC)**

County Judge Stroehler reviewed the proposed budget and the reason for the decrease in the LEC Operations.

**viii. Emergency Dispatch Center**

County Judge Stroehler reviewed the proposed budget and the reason for the increase. He also reviewed the challenges the Dispatch Center is facing regarding employees.

Les Metzler, Gillespie County Communications Director, stated he is requesting a \$5 pay rate increase for all dispatchers. He stated currently, there are six openings, and some employees are covering several shifts.

**ix. Housing Coordinator Position**

Clinton Bailey, City Manager, reviewed the breakdown of the funding for the Housing Coordinator position. He also reviewed the presentation by Vince Michel. He also noted that the coordinator had brought new ideas for affordable housing funding with the Fair Housing and Municipal Utility District.

Tim Lemberg, EDC Executive Director, reviewed the current contract and the expertise in areas the City and County were missing. He recommended each entity set aside \$25,000 each and then, in 6 months, see if they want to renew his contract.

The City Council and County Commissioner discussed the need to know what is planned for year two.

The County Commissioners discussed their concerns with an additional year agreement.

**x. Sports Park**

Clinton Bailey, City Manager, reviewed how soccer has grown. He also stated the association has been fundraising and is beginning to discuss a lease agreement. He also reviewed the issues with irrigation. He provided information on how this park could be a 3-way split between the City, County, and private sector.

The City Council and County Commissioners discussed the proposed location.

**xi. American Rescue Fund**

Krista Wareham, Finance Manager, stated the City received a check in 2022 for \$2.9 million, and the second check should be here sometime in August. She noted the City has earmarked funds for the Broadband Program and generator, qualified recipients, and has \$424,800 remaining.

**xii. Animal Control**

Clinton Bailey, City Manager, stated last year, the County gave \$15,000 towards the Animal Control budget. He noted that they dealt with many County animals and asked the County to provide an amount they were willing to give.

**D. Consider and discuss outstanding budget items**

No other items were discussed.

**4. ADJOURN**

**Motion:** A motion was made by Councilmember Watson, seconded by Councilmember Kirchner to adjourn the Monday, August 1, 2022, Joint Work Session Meeting at 10:37 a.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

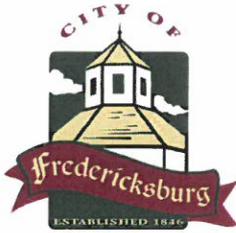
With no other business the County Judge Stroehrer adjourned the meeting at 10:37 a.m.

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Jeryl Hoover  
Mayor

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Shelley Goodwin, TRMC/CMC  
City Secretary



# City of Fredericksburg

## REGULAR CITY COUNCIL MEETING MINUTES MONDAY, AUGUST 1, 2022 ~ 6:00 P.M. LAW ENFORCEMENT CENTER 1601 E. MAIN STREET FREDERICKSBURG, TEXAS 78624

**The City of Fredericksburg City Council held their Regular Meeting on Monday, August 1, 2022, at 6:00 p.m. This meeting was held in person at the Law Enforcement Center and live streamed on the City of Fredericksburg YouTube Channel.**

### **Members Present:**

Mayor Jeryl Hoover  
Mayor Pro-Tem Bobby Watson  
Councilmember Emily Kirchner  
Councilmember Tony Klein

### **Members Absent:**

Councilmember Sharon Joseph

### **City Staff Present:**

Clinton Bailey, City Manager  
Daniel Jones, City Attorney  
Brian Vorauer, Police Chief  
Eric Whiting, Information Technology Director  
Leslie Ball-Embrey, Administrative Assistant  
Shelley Goodwin, City Secretary

### **1. CALL TO ORDER**

Mayor Hoover called the Regular Meeting of the Fredericksburg City Council to order at 6:00 p.m. on Monday, August 1, 2022.

### **2. INVOCATION**

Janice Smith, City resident, led the Invocation.

### **3. PLEDGE OF ALLEGIANCE**

Mayor Hoover led the Pledge of Allegiance.

### **4. EMPLOYEE RECOGNITIONS**

Clinton Bailey, City Manager, provided the following recognitions:

- Miguel Contreras, Sanitation Collector for going above and beyond the call of duty when assisting a visitor
- Officers Ben Bosse, Denyse Munoz, and James Wayman for going above and beyond the call of duty and worked as a team to save a life

- City Secretary's Office - Leslie Ball-Embrey, Rebekka Goff, and Shelley Goodwin for receiving the Municipal Clerk's Office Achievement of Excellence Award

## **5. PUBLIC COMMENTS ON ITEMS ON THE AGENDA**

Mayor Hoover announced that he received one written comment.

Jerry McCorkle, City resident, provided an inspirational word.

Annette Bennett, City resident, spoke regarding the citizen comment period. She also asked the City Council to not accept American Rescue Plan Act Funding.

Jeannette Hormuth, City resident, spoke regarding comments that the County Judge made this morning at the Joint Work Session. She also spoke regarding a conservative budget.

## **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:**

#### **i. July 18, 2022 Regular Meeting**

#### **ii. July 22, 2022 Work Session Meeting**

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

## **7. PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA**

Debra Habecker, City resident, read a letter regarding freedom and encouraged the City Council to return the American Rescue Plan Act Funds.

Sylvia Hicks, City resident, requested the City Council send the American Rescue Plan Act Funds back.

Joseph Brillhart, City resident, provided a handout and spoke regarding the Morse Street dedication. He also spoke regarding the need to extend Morse Street.

Tom Marshall, City resident, spoke regarding contracts and the American Rescue Plan Act Funds.

Marylee Marshall, City resident, spoke regarding the American Rescue Plan Act Funds.

Sandra McDonald, City resident, spoke regarding the American Rescue Plan Act Funds.

Jeannette Hormuth, City resident, spoke regarding what government is and the City Council's duties.

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

### **A. Water supply update**

Clinton Bailey, City Manager, stated the City is still in Stage 3, and is currently in the process of educating water utility customers of the City's Conservation efforts. He noted that the City's Smartmeters allow for customers to review their usage and allow the City to identify the high-water users.

Kris Kneese, Interim Public Works Director, stated he watches the water levels daily. He noted the well levels are low and, on the weekends, when no one is to be watering, the levels play catch up. He noted that there have been no major water leaks.

The City Council inquired to the number of violators.

Kris Kneese, Interim Public Works Director, stated the process for notifying the violators who are watering on the wrong day is to contact them by phone or with door hangers.

Mayor Hoover stated he and Councilmember Kirchner met with Boot Ranch and provided additional options to ensure that they follow the City's Conservation efforts and watering stage rules.

**B. FY2023 Budget update**

- i. File Proposed Budget with the City Secretary on August 5, 2022.**
- ii. City Council Workshop on all Funds on August 10, 2022, at 4:00 p.m. in the Cardinal Room at the Lady Bird Golf Course.**
- iii. City Council Workshop for Public Hearing on proposed FY2023 Budget and No-New-Revenue Tax Rate on August 22, 2022, at 4:00 p.m. in the Cardinal Room at the Lady Bird Golf Course.**
- iv. City Council Regular Meeting adoption of the Tax Rate and the FY2023 Budget on September 19, 2022, at 6:00 p.m. at the Law Enforcement Center.**

Clinton Bailey, City Manager, reviewed the upcoming FY2023 Budget Meetings. The City Council agreed by consensus to move the August 10, 2022, Work Session to August 17, 2022, to be held at the Cardinal Room at the Golf Course at 9:00 a.m.

**9. COUNCIL COMMENTS**

Mayor Hoover let the residents know that they are being heard. He provided an update on several topics. He also reviewed the Texas Open Meeting Act and the restrictions with responding to items that are not listed on the agenda.

**10. ITEMS FOR FUTURE AGENDA**

Clinton Bailey, City Manager, reviewed the future agendas items.

**11. EXECUTIVE SESSION**

**The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section 551.074 (Personnel Matters) and Section 551.071 (Consultation with Attorney):**

- A. Consider and discuss the appointment, evaluation, reassignment, and/or duties of a public officer or employee, specifically the Municipal Court Judge (Sec. 551.074);**
- B. Consider and discuss legal advice concerning pending litigation, specifically Cause No. 16147 in the 216<sup>th</sup> Judicial District Court (Sec. 551.071); and**
- C. Consider and discuss the purchase, exchange, lease, or value of real property, located in the vicinity of the intersection of E. Main Street at Heritage Hills Drive, in the City of Fredericksburg, Texas (551.071).**

**Motion:** A motion was made by Councilmember Watson, seconded by Councilmember Klein, to go out of the Regular Meeting and into the Executive Session at 7:08 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 Watson, to go out of the Executive Session and into the Regular Meeting at 7:38 p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

## **12. BUSINESS ITEM**

**Motion:** A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, for a two-year contract with Shelley Becker as the full-time Municipal Judge and to review the salary during the budget process. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

## **13. ADJOURN**

**Motion:** A motion was made by Councilmember Klein, seconded by Councilmember Watson, to adjourn the Monday, August 1, 2022, City Council Regular Meeting at 7:31 p.m. The City Council voted four (4) for and none (0) opposed. The motion carried unanimously.

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Jeryl Hoover  
Mayor

---

Shelley Goodwin, TRMC/CMC  
City Secretary



## CITY COUNCIL MEMO

---

**DATE:** July 26, 2022

**TO:** Mayor and City Council

**FROM:** Jennifer Krupa, Assistant Parks Director/Special Events Coordinator

**SUBJECT:** Street Closure Request – Bestfest 2022

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**Summary:**

Bestfest is an annual event sponsored by the Knights of Columbus and is held each October at Marktplatz. This year's event will take place on Saturday, October 15<sup>th</sup>. Event organizers have requested to close one southbound traffic lane and the parking lane of N. Adams Street, adjacent to Marktplatz from Austin to Main Street beginning Friday, October 14, 2022, at 7 a.m. and ending Sunday, October 16, 2022, at 12 p.m.

**Recommendation:**

Recommend City Council consider a motion to approve the request to close one southbound traffic lane and the parking lane adjacent to Marktplatz on North Adams from Austin to Main Street beginning Friday, October 14, 2022, at 8 a.m. until Sunday, October 16, 2022, at noon for Bestfest.

---

**Background / Analysis:**

The street closure request is on the consent agenda as this request is almost identical to the 2021 request. The start time of the closure has been moved up one hour (from 7 a.m. from 8 a.m.) to coincide with the Streets Division working hours. The police department and streets division have approved this street closure request internally and the closure will not impact the parking directly in front of the merchants on Adams Street (east parking lanes).

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

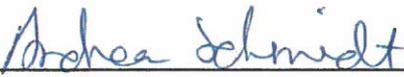
(a)The chief of police is hereby empowered to take all actions as may be necessary or advisable to enforce traffic regulations to make effective the provisions of this chapter and other traffic laws or ordinances and to make and enforce temporary or experimental regulations to cover emergencies or special 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.

(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.

**Attachments:**

Special Events Street Closure Request Form

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Department Approval

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City Manager Approval

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City Attorney Approval

The City of Fredericksburg

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## SPECIAL EVENTS STREET CLOSURE REQUEST



Street closure requests must be made two (2) months in advance to City Council for any closure 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.

<b>Event Name:</b>	Bestfest
<b>Event Date(s):</b>	Saturday, October 15, 2022
<b>Contact Name:</b>	John Eihlers and Matt Seidenberger
<b>Contact Phone:</b>	(830 ) 456-6279

**Closure Area:**

Entire Street     
  Parking Lane Only     
  Partial Street     
  Blocking City owned property

Side of street: West (N,S,E,W)    Side of street: SB Lane    Location: \_\_\_\_\_

Additional details (attach additional pages as needed for more streets and describe details of use below):

Request to close the parking lane adjacent to Marktplatz and one southbound lane on Adams Street; this closure will not affect the merchants on the east side of Adams. The Knights of Columbus will remove the closure equipment on Sunday.

### Street Closure Details:

Street Name	Between (cross street)	And (cross street)	Start Date	Start Time	End Date	End Time
Example:	Crockett Street	Adams Street	Friday, 4/2/21	6:00 PM	Sunday, 4/4/21	12:00 PM
Adams Street	Main	Austin	Friday, 10/14/22	7:00 a.m.	Sunday, 10/16/22	Noon

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: N/A

Printed Name: John Eihlers/Matt Seidenberger

Date: 7-12-22  
8/1/22 *je*

Signature: *John Eihlers*

Date: 7-12-2022

Street Department: *a. Dust - verbal*

Date: 7-20-22

Police Department: *H. Seelig via email*

Date: 7-13-22

Parks Department: *Jeri Ben KP*

Date: 8<sup>th</sup> 13-22





## CITY COUNCIL MEMO

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**DATE:** August 15, 2022

**TO:** Mayor and City Council Members

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

**SUBJECT:** Z-2212 – Public Hearing, Consideration, and Action regarding a request by Roger and Joan Schrenk to consider a Conditional Use Permit (CUP) per section 3.110 to operate a STR-Unoccupied in a R2 zoned area located in the Historic Overlay District for property located at 109 E. College.

---

**Summary:**

The Applicant is requesting a Conditional Use Permit per Sec. 3.110 of the 2022 Short-Term Rental Ordinance (2022-13) to operate a STR-Unoccupied in a R2-zoned area located within the Historic Overlay District on property located at 109 E. College.

**Background / Analysis:**

The subject tract is bordered by R2 zoning to south and west, C2 commercial to the east, and a combination of R1 and C1 zoning to the north across E. College St. The proposed development would include a two bedroom, one bath Short Term Rental unit with three parking spaces provided (two required), one on site and two on the street as allowed by code (Table 7.863).

The Planning and Zoning Commission held a public hearing on August 3, 2022, and unanimously recommended approval (with conditions). Public notification, including letters being sent to property owners within 200 feet, resulted in one letter of support for the project.

**Recommendation:**

The proposed STR-Unoccupied appears to meet the criteria for a conditional use permit. As the subject tract is surrounded by STR or commercial uses, staff recommends approval with the following conditions listed by the P&Z Commission:

1. Review/inspection and approval of a STR Permit Application.
2. Payment of applicable fees (\$250 for 2-bedroom unit).

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**Attachments:**

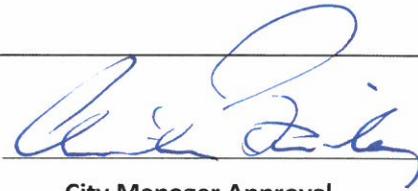
1. Public Hearing Map
2. Project Application Including Updated Site & Floor Plans and CUP Narrative
3. City Review Comments and Responses
4. Location/Zoning Map & Surrounding Uses
5. Response Letter
6. Possible CUP Conditions (Section 5.471)

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**Department Approval**

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**City Manager Approval**

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**City Attorney Approval**

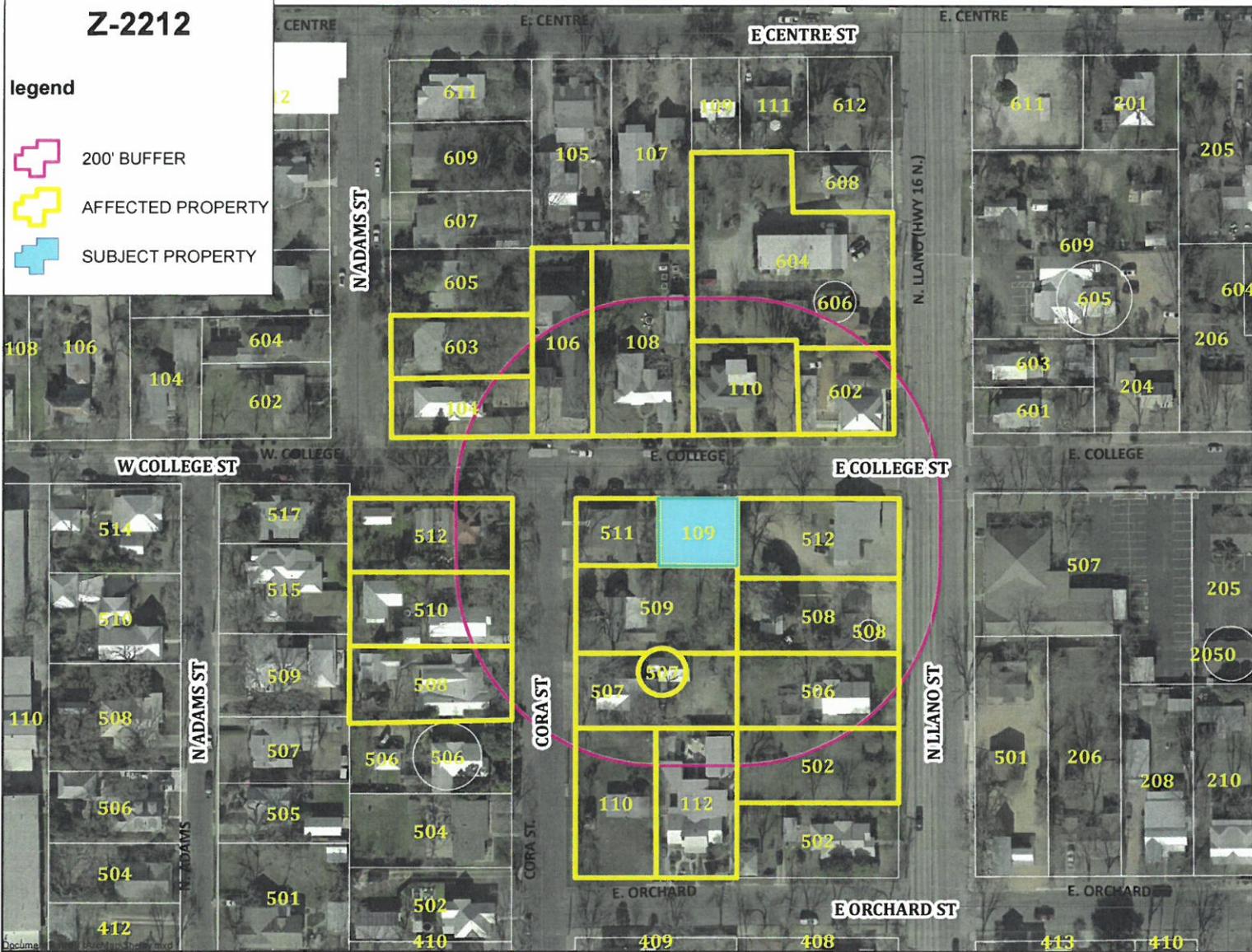
**The City of Fredericksburg**

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# Z-2212

## legend

-  200' BUFFER
-  AFFECTED PROPERTY
-  SUBJECT PROPERTY





# Project Application

City of Fredericksburg - Development Services Department  
126 W. Main St., Fredericksburg, TX 78624 – (830)997-7521

## A. Project Information (Please complete all items)

Project Name: 109 E College St.

Project Address: 109 E. College St.

Tax ID Number (s): 451110534

### Application Type (Check all items that apply)

PDF COPIES ARE REQUIRED FOR ALL SUBMISSIONS

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Minor Plat*       | <input type="checkbox"/> Plat Vacation |
| <input type="checkbox"/> Site Plan                         | <input type="checkbox"/> Replat*           | <input type="checkbox"/> Annexation*   |
| <input type="checkbox"/> Zoning Change                     | <input type="checkbox"/> Amending Plat*    | <input type="checkbox"/> Final Plat*   |
| <input type="checkbox"/> Land Use Plan Change              | <input type="checkbox"/> Preliminary Plat* |  |

Revision of Approved Plan / Plat?  Yes  No Name:

Jurisdiction:  City Limits  ETJ Total Acres: 0.13 No. of Lots: 1

Original Survey & Abstract No: Survey by Sultemeier Surveying FN-06-4013

Legal Description: HENKE BLK B LOT 16-PT

Current Land Use Plan: Homestead

Proposed Land Use Plan: STR

Current Zoning: R2

Proposed Zoning: No change

Location: 109 E. College St.

Proposed Use(s): STR

### Applicant's Signature

Applicant's Role:  Owner  Developer  Other (note role):

I hereby certify that the information supplied with this application is true and correct, and that the paper and electronic copies of the materials submitted are consistent with each other, to the best of my knowledge. I also certify I have authorization from the owner to act on his / her behalf.

Signature: Roger L Schrenk/Joan Smith Schrenk  
Printed Name: Roger L Schrenk/Joan Smith Schrenk Date: 06-10-2022

### Staff Use Only

Application No.: 7 Date: 06/10/22

\*Copy of current Title Search required with application.

\$400.<sup>00</sup> — CH # 159



## Project Application

City of Fredericksburg - Development Services Department  
126 W. Main St., Fredericksburg, TX 78624 – (830)997-7521

### **B. Contact Information** (Please complete all items. Attach additional pages as necessary.)

#### **I. Property Owner(s)**

Firm Name (if applicable):

Owner Name: Roger L Schrenk and Joan R. Smith Schrenk

Address: 124 Parlin Ln, Fredericksburg, TX 78624

Phone: 830-998-7513

Fax:

Email: rlschrenk@yahoo.com

#### **II. Owner's Agent/Engineer/Surveyor** (Main contact person responsible for application)

Role:  Agent  Engineer  Surveyor  Other (note role):

Firm Name (if applicable):

Address:

**Primary Contact Name:**

Phone:

Fax:

Email:

**Secondary Contact Name:**

Phone:

Fax:

Email:

#### **III. Applicant**

Firm Name (if applicable):

Applicant Name (s): Roger L. Schrenk and Joan R. Smith Schrenk

Address: 124 Parlin Lane, Fredericksburg, TX 78624

Phone: 830-998-7513

Fax:

Email: rlschrenk@yahoo.com

#### **IV. Applicant's Agent/Engineer/Surveyor** (Main contact person responsible for application)

Role:  Agent  Engineer  Surveyor  Other (note role):

Firm Name (if applicable): Roger L. Schrenk, owner

Address: 124 Parlin Lane, Fredericksburg, TX 78624

**Primary Contact Name:** Roger L. Schrenk

Phone: Fax:      Email: rlschrenk@yahoo.com



## Project Application

City of Fredericksburg - Development Services Department  
126 W. Main St., Fredericksburg, TX 78624 – (830)997-7521

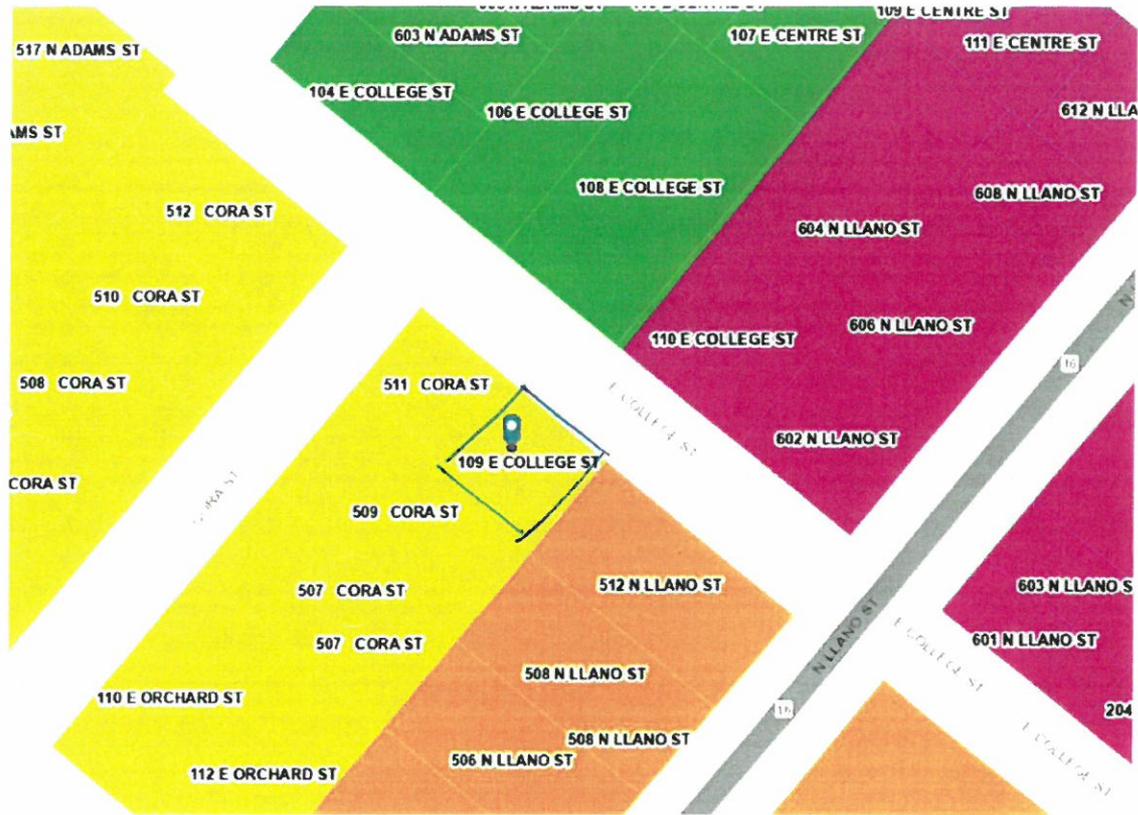
### C. Fee Schedule (Please attach appropriate fee to application.)

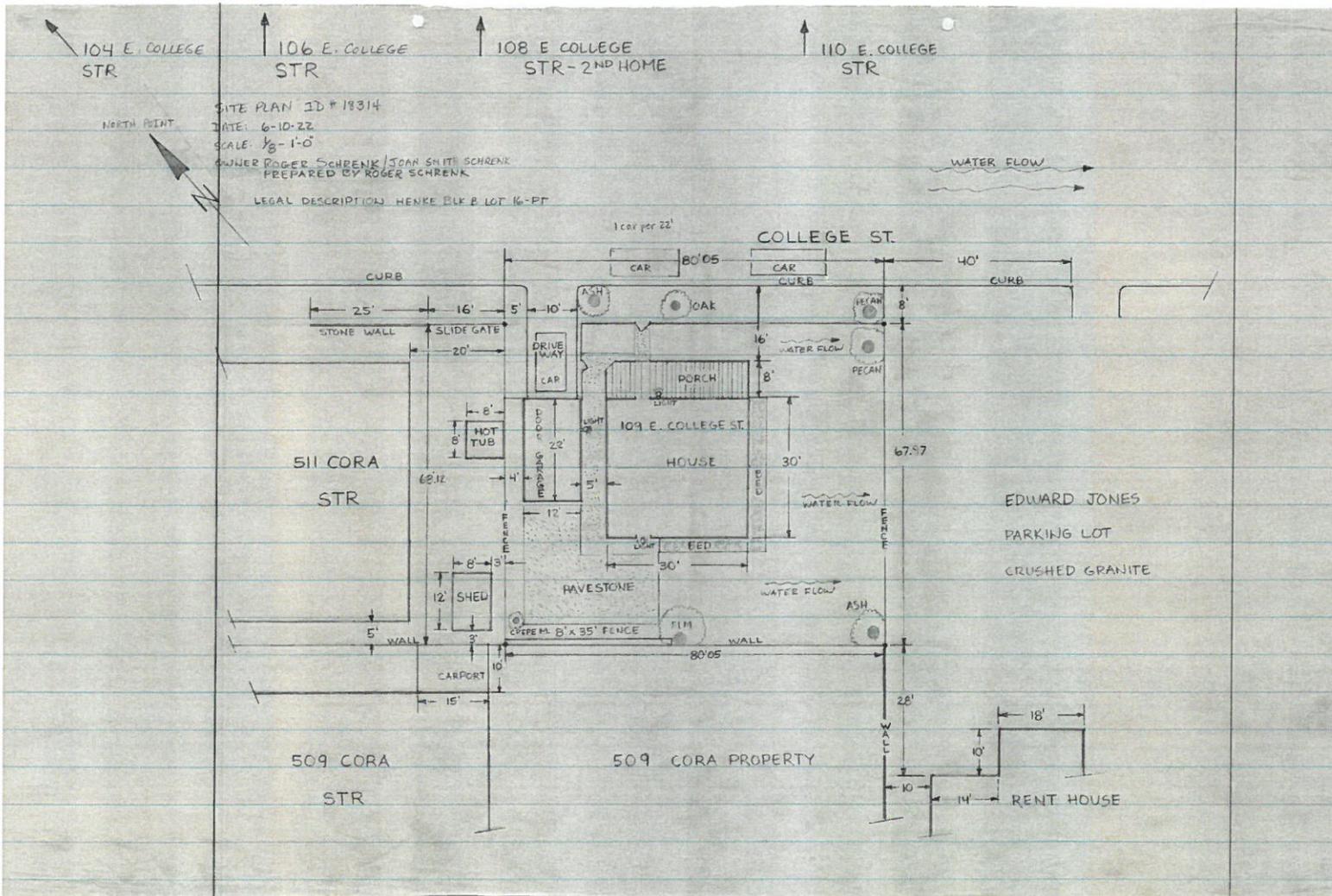
- Conditional Use Permit Application - \$400
- Site Plan Application Admin - \$300
- Site Plan Application P&Z - \$400
- Application for Zoning Change - \$400
- Application for Land Use Change - \$300
- Minor Plat - \$300
- Amending Plat - \$300
- Replat - \$300 plus \$20 per lot
- Preliminary Plat - \$400 plus \$20 per lot
- Final Plat - \$500 plus \$10 per lot

### D. Recording Fee Schedule

For plats, a recording fee will be collected when mylars are presented. The check should be made payable to Gillespie County Clerk and the recording fees are \$121.00 for a single lot plat. Each additional lot will increase the recording fee by \$10.00.

Map of properties surrounding 109 E. College St.





To: Shelby Collier  
Development Review Committee (DRC)  
126 W. Main St.  
Fredericksburg, TX 78624-3708  
830-990-2013 or emailto: [scollier@fbgtx.org](mailto:scollier@fbgtx.org)

**RE: Z-2212 Review Comments for a STR Unoccupied Unit located at 109 E. College Street.**

Responses to questions

1. Please provide interior floor plans to determine density. **Sec. 3.110**  
**See last page attached for 2-bedroom, 1 bath interior floor plan.**

2. \_Please update Zoning Summary to include Density Calculations. **Sec. 3.110**  
**Density calculations - 2-bedroom 1 bath is approx. 900 total square feet, and the lot size is 5,662 so approx. 16% of total lot size. The maximum building coverage per the guidelines is 55%, so we are below the percent required.**

3. \_Please update Zoning Summary to include Parking Calculations (STR-Unoccupied) **Sec. 7.863**  
**Re: Parking - You may not be able to see it on the Site plan very well, but we show two cars parked in the front along the 80 feet 5" of curb. There are two ovals that look like cars and in small print says "car".**

4. \_Site Plan requires Planning and Zoning Approval, scheduled for August 3, 2022.  
**Noted, the date and time at 5:30 pm works for us.**

5. \_ADA unit is required.  
**Noted, we have read the rules for ADA for historic structures and our unit follows the guidelines for an ADA unit by the state of Texas.**

6. \_Provide a narrative addressing **Sec.5.460**, Review and Evaluation Criteria for a Conditional Use Permit  
**See narrative summary below for Sec. 5,460.**

7. \_Provide a note regarding all exterior lighting shall by night sky compliant.  
**There are only 4 outdoor lights and are 40 watt or less and are all night sky compliant.**

8. Your pending STR-Unoccupied Application depicts use of the garage as a STR unit but the site plan does not reflect this use. Please clarify ALL uses of structures on site.

**Noted, the garage is NOT included as an STR. The garage will be used to wash/dry clothes and has an extra bathroom and will be used as a game room.**

*Respectfully,*

*Roger and Joan Schrenk*

- **Sec. 5.460. - Review and Evaluation Criteria.**

**Property: 109 E. College Street R2 Historic District**

**Owners: Roger and Joan Schrenk**

**Legal Description: HENKE BLK B LOT 16-PT**

511 Cora is STR, - located next door

509 Cora is STR, - located behind us

512 N Llano is Commercial with parking- located next door

110 E. College is STR, - located across the street

108 E. College is STR, - located across the street

106 E. College is STR - located across the street

104 E. College is STR - located across the street.

The Planning and Zoning Commission and City Council shall review and evaluate Conditional Use Permit applications using the following criteria:

Conformance with applicable regulations and standards established by the Zoning Regulations.

Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, access and circulation features.

**Note All abutting sites are STR's. Our building height is a one story and is landscaped.**

Potentially unfavorable affects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site for a permitted use.

**No unfavorable affects on abutting sites.**

Modifications (including variance from property development regulations) to the site plan which would result in increased compatibility, would mitigate potentially unfavorable impacts, would be necessary to conform to applicable regulations and standards and would protect the public health, safety, morals and general welfare.

**No modifications from when it was a B&B previously other than adding the front porch.**

Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area; existing zoning and land uses in the area.

**80' of front road plus driveway.**

Protection of persons and property from erosion, flood or water damage, fire, noise, glare and similar hazards and impacts.

**No erosion, flood or water damage or fire noise.**

Location, lighting, and type of signs; the relation of signs to traffic control and adverse effect of signs on adjacent properties.

**Front porth light, back porch light, light on door to the garage and light outside the front of the garage.**

Adequacy and convenience of off-street parking and loading facilities.

**80 feet of front road parking and driveway. Two cars in front per the guidelines.**

Determination that the proposed use is in accordance with the objectives of these Zoning Regulations and the purposes of the zone in which the site is located.

Determination that the proposed use will comply with each of the applicable provisions of these Zoning Regulations.

**Proposed use with comply with the applicable provisions of the Zoning regulations.**

Determination that the proposed use and site development, together with any modifications applicable thereto, will be compatible with existing or permitted uses in the vicinity.

Compatible with existing or permitted uses in the vicinity.

Determination that any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with existing or permitted uses in the same district and the surrounding area.

**All surrounding uses are STR's**

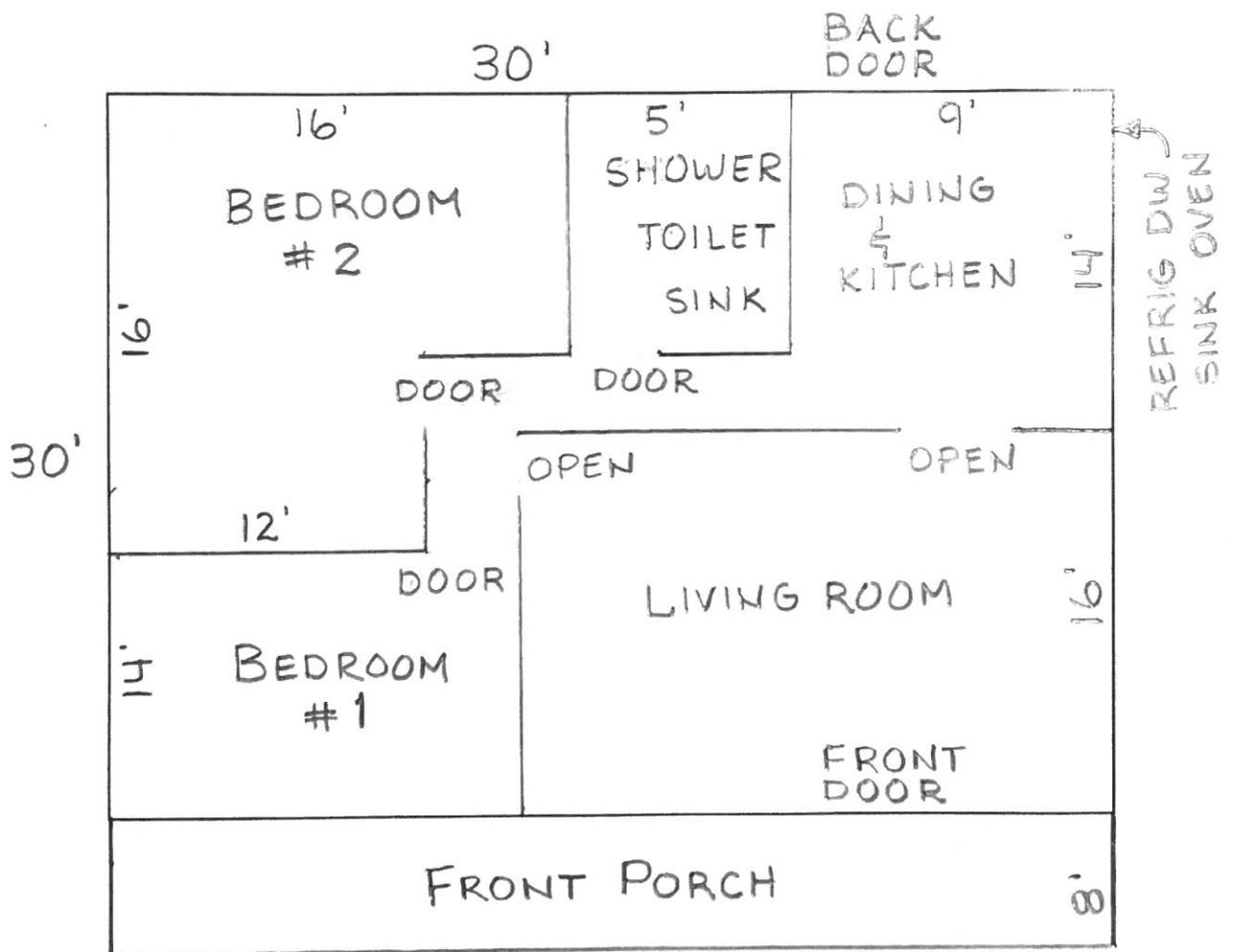
Determination that the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**The location will NOT be detrimental to public health, safety or welfare or materially injure properties in the vicinity.**

Roger L. Schrenk/Joan Smith Schrenk  
109 E. College St.  
Fredericksburg, TX

RD - ID #18314

2 Bedroom 1 bath Floor Plan 900 sf





1 inch = 50 feet

### 109 E. COLLEGE SURROUNDING USES

**Zoning**

**ZONED**

- C1 - Neighborhood Commercial
- C1.5 - Medium Commercial
- C2 - Commercial
- CBD - Central Business District
- M1 - Light Manufacturing
- M2 - Medium Manufacturing
- M3 - Industrial Park
- OS - Open Space

**LEGEND**

- PF - Public Facilities
- PUD - Planned Unit Development
- R1 - Single Family Residential
- R1A - Single Family Residential - Small Lot
- R2 - Mixed Residential
- R3 - Multi-Family Residential
- R4 - Manufactured Home Residential
- R5 - Patio Home Residential
- City Limit Boundary
- 1-Mile ETJ Boundary



**NOTICE OF PLANNING & ZONING PUBLIC HEARING:**  
**A CONDITIONAL USE PERMIT**

**HEARING**

**DATE: August 3, 2022**

**TIME: 5:30 PM**

**REQUEST**

**NUMBER: Z-2212**

The City of Fredericksburg Planning and Zoning Commission will meet in a regular session on August 3, 2022, at 5:30 PM. The meeting will be held at the Law Enforcement Center, 1601 East Main Street, Fredericksburg, TX 78624.

According to Tax Records, you are the owner of real property within 200' of the proposed changes, listed below. You are **not** required to attend the meeting, but if you care to attend, you will be given full opportunity to be heard. If you cannot attend the hearing, but wish to comment on the request, please detach the response form below and return it to the City of Fredericksburg, 126 W. Main St., Fredericksburg, TX 78624. All protests must be submitted in writing.

The decision of the **PLANNING & ZONING COMMISSION** is a recommendation only. Final approval must be by action of the **CITY COUNCIL**.

**HEARING**

**DATE: August 15, 2022**

**TIME: 6:00 PM**

**REQUEST**

**NUMBER: Z-2212**

The City of Fredericksburg City Council will meet in a regular session on August 15, 2022, at 6:00 PM. The meeting will be held at the Law Enforcement Center, 1601 East Main Street, Fredericksburg, TX 78624.

**REQUEST:**

REQUEST #Z-2212, TO CONSIDER A CONDITIONAL USE PERMIT PER SECTION 3.110 TO OPERATE A STR-UNOCCUPIED IN A R2 ZONED AREA LOCATED IN THE HISTORIC OVERLAY DISTRICT ON PROPERTY LOCATED AT 109 EAST COLLEGE.

**APPLICANT: ROGER & JOAN SCHRENK**

**LOCATION: 109 E. COLLEGE STREET**

(See attached map)

**REQUEST NO. Z-2212**

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

Signed Jan Cuellar  
Printed Name Jan Cuellar

7/31/22  
Date 112 E. Orchard St.  
Address

---

**Sec. 5.471. Conditions.**

The Planning and Zoning Commission, in considering and determining its recommendation, and the City Council, on any request for a Conditional Use Permit, may require from the applicant's plans, information, operation data and expert evaluation concerning the location, function and characteristics of any building or use proposed. The City Council may, in the interest of the public welfare and to ensure compliance with this Ordinance, establish conditions of operation, location, arrangement and construction of any use for which a permit is authorized or may allow a variance from property development standards. In authorizing the location of any of these uses listed as Conditional Use Permits, the City Council may impose such development standards and safeguards as the conditions and location indicate important to welfare and protection of adjacent property from excessive noise, vibration, dust, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions. The City Council, in approving or conditionally approving a Conditional Use Permit, may set forth in its decision reasonable conditions which will ensure the intent and purposes of the Zoning Regulations and avoid the creation or detrimental affect upon abutting properties which may include, but not limited to the following:

Duration of use	Time period in which the proposed use shall be developed or constructed
Fences, hedges and walls	Surfacing of parking areas
Regulation of noise, vibration, odors, etc.	Regulation of time for certain activities
Regulation of signs	Requiring maintenance of the grounds
Regulation of use or uses	Special yards, spaces and buffers
Requiring street, service road or alley dedications and improvements or appropriate bonds	Regulation of locations of vehicular ingress and egress

Including such other conditions that will make possible the development occurs in an orderly and efficient manner, and in conformity with the intent and purposes of applicable ordinances.



## CITY COUNCIL MEMO

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**DATE:** August 15, 2022

**TO:** Mayor and City Council Members

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

**SUBJECT:** Z-2213 – Public Hearing, Consideration, and Action regarding a request by Bryan Benson with Jet Capital, LLC, to consider a Conditional Use Permit (CUP) per section 3.700 to allow “Drive Through or Drive-In Facilities” for property located at 1511 E. Main St.

---

**Summary:**

The Applicant is requesting a Conditional Use Permit per Sec. 3.700 of the City’s Zoning Ordinance to allow a drive through as part of a development at 1511 E. Main Street.

**Background / Analysis:**

The subject tract has frontage on both Friendship Lane and US 290E. The site is bordered by M2 zoning to the South, C2 zoning to the west, C2/PUD zoning to the north, and PF (public facilities) to the east. The tract is part of the Feller PUD which was part of the development of the original Walmart, now Sutherlands. The original site plan included in the PUD (attached) contemplated a drive through facility on the subject tract. The proposed development of the site would take access off the existing driveways for the Sutherland’s location and all other aspects of the development appear to comply with applicable City of Fredericksburg development criteria.

The Planning and Zoning Commission held a public hearing on August 3, 2022, and unanimously recommended approval (with conditions). Public notification, including letters being sent to property owners within 200 feet, resulted in no responses.

**Recommendation:**

As presented, the proposed drive through facility meets the criteria for a conditional use permit. City staff recommends approval of the requested CUP and associated site plan with the following conditions listed by the P&Z Commission:

**The City of Fredericksburg**

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1. Site/Construction Plan approval including Entry Corridor Design Standards and Guidelines and landscaping/screening.
2. Signage in accordance with City sign ordinance (Chapter 29).

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**Attachments:**

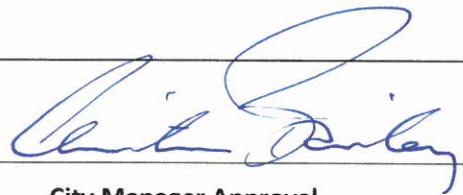
1. Public Hearing Map
2. Project Application Including Updated Site & Floor Plans and CUP Narrative
3. City Review Comments and Responses
4. Location/Zoning Map
5. Feller PUD Site Plan

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**Department Approval**

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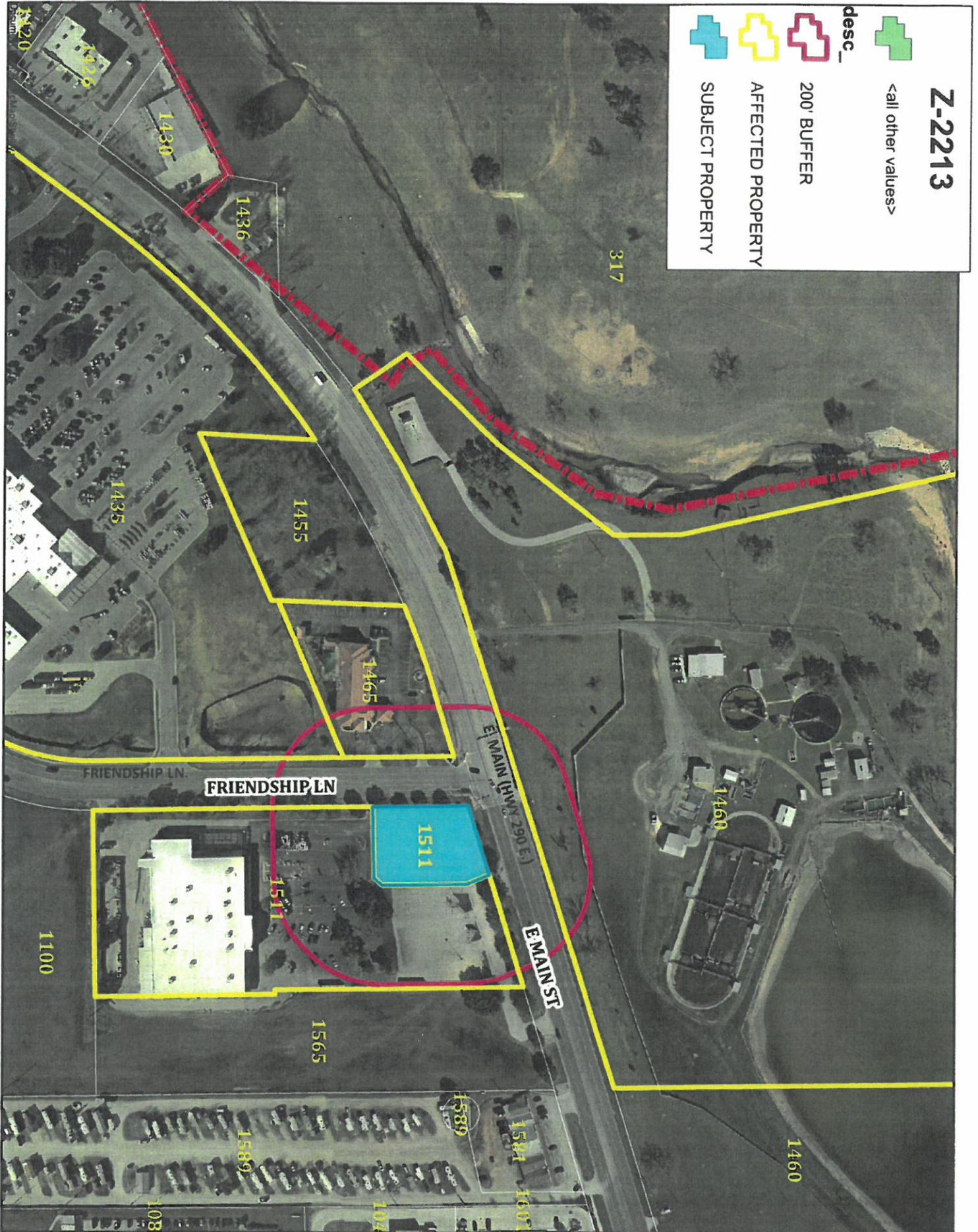
**City Manager Approval**

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**City Attorney Approval**

**The City of Fredericksburg**

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# Project Application

City of Fredericksburg - Development Services Department  
126 W. Main St., Fredericksburg, TX 78624 – (830)997-7521

## B. Contact Information (Please complete all items. Attach additional pages as necessary.)

### I. Property Owner(s)

Firm Name (if applicable):

Owner Name: Jett Capital, LLC

Address: 4264 S Jackson St San Angelo TX 76903

Phone: 325.234.0085

Fax:

Email: bryanwbenson@yahoo.com

### II. Owner's Agent/Engineer/Surveyor (Main contact person responsible for application)

Role:  Agent  Engineer  Surveyor  Other (note role):

Firm Name (if applicable): SK ARCHITECTURE GROUP, LLC

Address: PO 64565, LUBBOCK TEXAS, 79464

Primary Contact Name: Gabriel Sanchez

Phone: 806-300-8151 ext 704 Fax:

Email: gabriel@skarchgroup.com

Secondary Contact Name: Lori Martin

Phone: 806-300-8151 ext 701 Fax:

Email:

### III. Applicant

Firm Name (if applicable):

Applicant Name (s): SAME AS PROPERTY OWNER

Address:

Phone:

Fax:

Email:

### IV. Applicant's Agent/Engineer/Surveyor (Main contact person responsible for application)

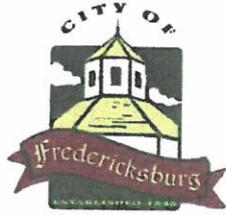
Role:  Agent  Engineer  Surveyor  Other (note role):

Firm Name (if applicable):

Address:

Primary Contact Name:

Phone: Fax: Email:



## Project Application

City of Fredericksburg - Development Services Department  
126 W. Main St., Fredericksburg, TX 78624 – (830)997-7521

### C. Fee Schedule (Please attach appropriate fee to application.)

- Conditional Use Permit Application - \$400
- Site Plan Application Admin - \$300
- Site Plan Application P&Z - \$400
- Application for Zoning Change - \$400
- Application for Land Use Change - \$300
- Minor Plat - \$300
- Amending Plat - \$300
- Replat - \$300 plus \$20 per lot
- Preliminary Plat - \$400 plus \$20 per lot
- Final Plat - \$500 plus \$10 per lot

### D. Recording Fee Schedule

For plats, a recording fee will be collected when mylars are presented. The check should be made payable to Gillespie County Clerk and the recording fees are \$121.00 for a single lot plat. Each additional lot will increase the recording fee by \$10.00.



**SITE PLAN/CONDITIONAL USE PERMIT CHECKLIST**  
**P & Z and Administrative Review**

- Address and legal description of property
- Proof of title showing the owner and lien holders, if any
- Brief description of the proposed use, including information pertinent to the review and evaluation criteria stated in Section 7.131
- 6 Copies of the Site Plan (24" x 36" sheet size)
- PDF copies emailed to [scollier@fbgtx.org](mailto:scollier@fbgtx.org)
- The site plan shall be drawn to scale, and sufficiently dimensional as necessary to show the following:
  - The date, scale, north point, title, name of owner and name of person preparing the Site Plan.
  - The location and dimension of boundary lines, easements, and required yards and setbacks of all existing and proposed buildings and land improvements.
  - The location, height and intended use of existing and proposed buildings on site, and approximate locations of buildings on abutting sites within 50'
  - The location of existing and proposed improvements including parking and loading areas, pedestrian and vehicular access and utility or service areas.
  - The location of existing and proposed fencing and screening.
  - Proposed exterior lighting, including fixture type.
  - The center line of existing water courses, drainage features and 100-year floodplain.
  - On sites affected by the 100 year floodplain, impervious coverage and building coverage are based on the area outside the floodplain. Provide calculations accordingly.
  - Location and size of existing and proposed streets and alleys.
  - The number of existing and proposed parking and loading spaces, and a calculation of applicable minimum requirements.
  - Zoning summary, including type, minimum and actual lot size, setbacks, maximum and actual building height, building coverage and impervious coverage.
  - Sites with 10% or greater slope, provide existing and proposed topography and grading (5' minimum contour intervals), and erosion control measures.
  - The location of signs, if known.
  - Location of solid waste container.
  - Locations of proposed and existing water, sewer and electric utilities.
  - The location of the visibility triangle at street intersections and driveways.
  - Fire Lanes
  - Landscaping, including location, size, and species of existing trees on site, square footage of all proposed landscape areas
  - Applicable Fee

Note: Additional information may be required to complete review of proposed project by City of Fredericksburg.

I hereby acknowledge that the items listed above are included with this submittal and that any items not included with this application will result in this application being deemed incomplete and returned without review or scheduled for the upcoming meeting dates.

Owner/Agent: BB Date: 6-22-22

Printed Name: Bryan Benson



# Project Application

City of Fredericksburg - Development Services Department  
126 W. Main St., Fredericksburg, TX 78624 – (830)997-7521

## A. Project Information (Please complete all items)

Project Name: HTeaO  
Project Address: 1511 EAST MAIN STREET  
Tax ID Number (s):

### Application Type (Check all items that apply)

PDF COPIES ARE REQUIRED FOR ALL SUBMISSIONS

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Minor Plat*       | <input type="checkbox"/> Plat Vacation |
| <input type="checkbox"/> Site Plan                         | <input type="checkbox"/> Replat*           | <input type="checkbox"/> Annexation*   |
| <input type="checkbox"/> Zoning Change                     | <input type="checkbox"/> Amending Plat*    | <input type="checkbox"/> Final Plat*   |
| <input type="checkbox"/> Land Use Plan Change              | <input type="checkbox"/> Preliminary Plat* |  |

Revision of Approved Plan / Plat?  Yes  No Name:

Jurisdiction:  City Limits  ETJ Total Acres: 0.689 No. of Lots: 1

Original Survey & Abstract No: Section 197, Block 197, Abst. 2, W.H. Anderson Surv<sup>+</sup>

Legal Description: Tract 2, Feller Subdivin, Phase 1

Current Land Use Plan: COMMERCIAL CENTER Proposed Land Use Plan:

Current Zoning: PUD Proposed Zoning:

Location: 1511 East Main Street

Proposed Use(s):

### Applicant's Signature

Applicant's Role:  Owner  Developer  Other (note role):

I hereby certify that the information supplied with this application is true and correct, and that the paper and electronic copies of the materials submitted are consistent with each other, to the best of my knowledge. I also certify I have authorization from the owner to act on his / her behalf.

Signature: *B. Benson*

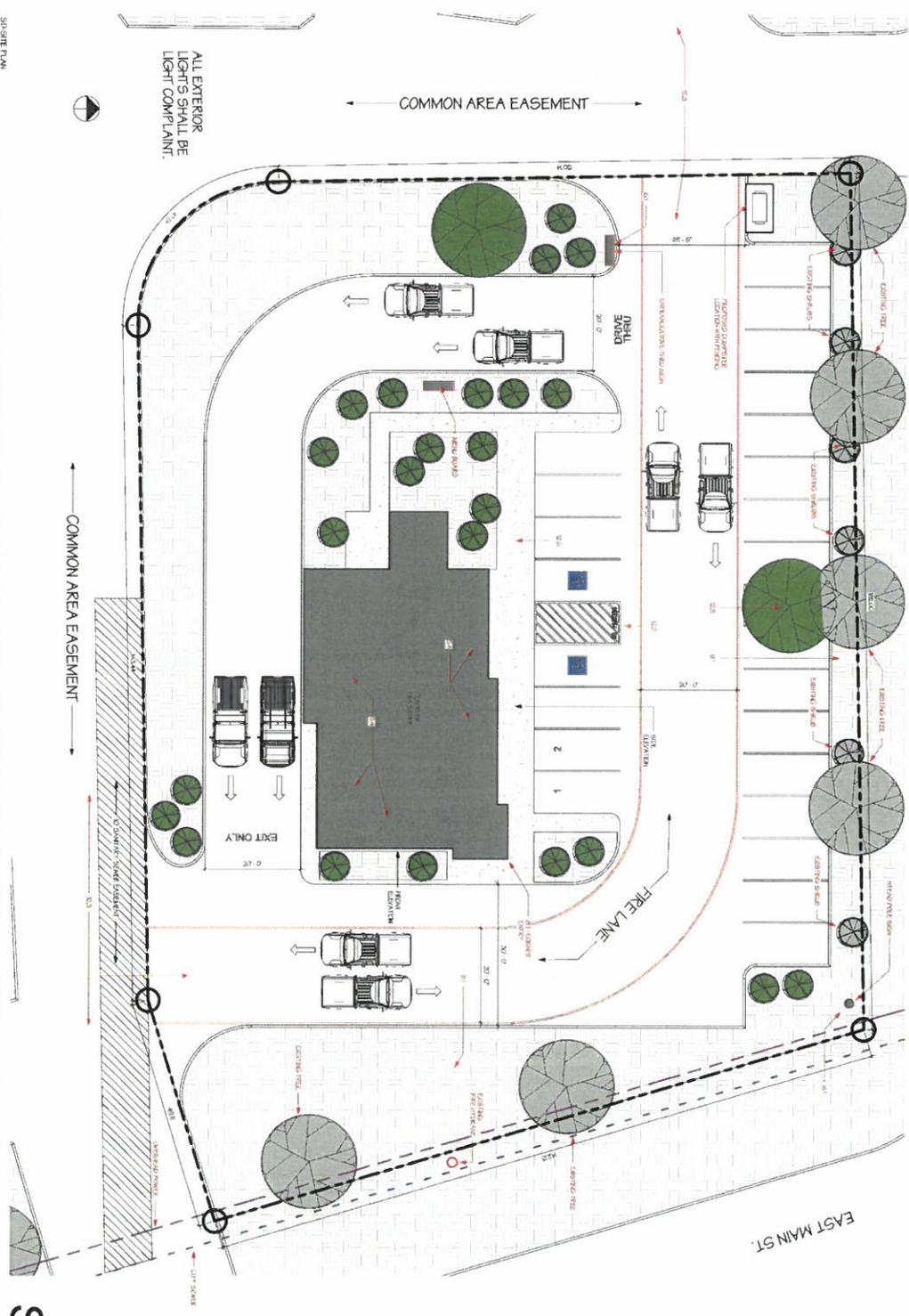
Printed Name: Bryan Benson Date: 6-22-22

**Staff Use Only** Application No.: \_\_\_\_\_ Date: \_\_\_\_\_

\*Copy of current Title Search required with application.



**SITE DATA:**  
 ZONING: PUD PLANNED UNIT DEVELOPMENT  
 PROPERTY AREA: 29,998 SF  
 BUILDING AREA: 2,403 SF  
 BUILDING HEIGHT: 15 FT  
 PAVED AREA: 15,765 SF  
 PARKING SPACES PROVIDED: 24  
 H.C. SPACES PROVIDED: 2  
 LANDSCAPING REQUIRED: 2,400 SF  
 LANDSCAPING PROVIDED = 10,000 SF  
 SITE OWNER: BRYAN BENSON



SK ARCHITECTURE GROUP, LLC | PO BOX 6726 LUBBOCK, TX 79461 PH 806.443.1255 Email: ana@skarchgroup.com

**SD101**  
SITE PLAN



#	Revision	Date

1. ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS SHALL BE TO UNLESS OTHERWISE NOTED.  
 2. ALL DIMENSIONS SHALL BE TO THE CENTERLINE OF THE ELEMENT.  
 3. ALL DIMENSIONS SHALL BE TO THE FACE OF THE ELEMENT.  
 4. ALL DIMENSIONS SHALL BE TO THE CENTERLINE OF THE ELEMENT.  
 5. ALL DIMENSIONS SHALL BE TO THE FACE OF THE ELEMENT.  
 6. ALL DIMENSIONS SHALL BE TO THE CENTERLINE OF THE ELEMENT.  
 7. ALL DIMENSIONS SHALL BE TO THE FACE OF THE ELEMENT.  
 8. ALL DIMENSIONS SHALL BE TO THE CENTERLINE OF THE ELEMENT.  
 9. ALL DIMENSIONS SHALL BE TO THE FACE OF THE ELEMENT.  
 10. ALL DIMENSIONS SHALL BE TO THE CENTERLINE OF THE ELEMENT.

**HTeaO Fredericksburg**  
 1511 E MAIN ST, FREDRICKSBURG TX 78624  
 HTeaO

Drawn by:	SK ARCH
Checked by:	GS
Project Issue Date:	06/09/2022
Project Number:	22-082



**SD101**



**ARCHITECTURE GROUP**  
COMMERCIAL | RESIDENTIAL | DEVELOPMENT

SK Architecture Group, LLC



Figure A

**SK Architecture Group, LLC**  
PO Box 64565 | Lubbock, TX 79464  
T (806) 300.8151 | [www.skarchgroup.com](http://www.skarchgroup.com)



**ARCHITECTURE GROUP**  
COMMERCIAL | RESIDENTIAL | DEVELOPMENT

07/18/2022

Gabriel Sanchez  
SK Architecture Group, LLC  
PO Box 64565 Lubbock, TX 79464  
[gabriel@skarchgroup.com](mailto:gabriel@skarchgroup.com)  
806.300.8151 ext.704

RE: C.U.P. Permit Z-2213 – HTeaO Fredericksburg

City of Fredericksburg Plan Reviewers:

This letter is to address review comments for the conditional use permit at 1511 East Main Street:

- **“Provide a narrative addressing Sec.5.460, Review and Evaluation Criteria for a Conditional Use Permit”:**

We are applying for a conditional use permit for the drive through needed for this proposed HTeaO store location. The store will comply with hill country aesthetic with an EFIS exterior and faux wood accents, as shown. Figure (A)

The building will comply with all height and screening requirements to conform with applicable zoning code, entry corridor aesthetic, and development deed and PUD restrictions.

The store will provide an exit lane in the drive through, along with proper unobstructed fire lane striping.

The building and site will include approved landscaping and erosion control with additional native Texas trees, without the removal of any existing trees on site.

The site will provide the required amount or more of standard parking spots with proper amount being accessible in compliance with ADA.

The site will have on site solid waste disposal on site with a masonry screen blocking from view.

**SK Architecture Group, LLC**  
PO Box 64565 | Lubbock, TX 79464  
T (806) 300.8151 | [www.skarchgroup.com](http://www.skarchgroup.com)



**ARCHITECTURE GROUP**  
COMMERCIAL | RESIDENTIAL | DEVELOPMENT

- **“Provide a note regarding all exterior lighting shall by night sky compliant.”:**

The site will not have exterior parking lot lighting other than storefront lighting and wall packs installed on each elevation. All exterior lighting selections shall be night sky compliant.

- **“Access isn’t clear, please clarify if the development will have 2 ways in and 2 ways out.”:**

Flow of traffic arrows have been added to the attached site plan.

- **“Please clarify if drive through has an escape lane. Please provide flow of traffic detail Sec. 7.131”:**

Flow of traffic arrows have been added to the attached site plan.

- **“Please address signage Sec. 7.131”**

Pole sign has been converted to a ground sign, to be constructed with approved materials per Entry Corridor requirements, and per PUD size requirements.

- **Please update Zoning Summary to include Maximum allowances and requested calculations.**

Building will not be over 35’ and ground sign size will be within PUD guidelines. All sight-bearing screens will adhere to 6’ above adjacent finished grade. Fire line striping will be maintained and unobstructed during normal business operation.

Please call or e-mail if you have any further questions or comments on this plan set.

Sincerely,

Gabriel Sanchez  
Project Manager Commercial Division

**SK Architecture Group, LLC**  
PO Box 64565 | Lubbock, TX 79464  
T (806) 300.8151 | [www.skarchgroup.com](http://www.skarchgroup.com)



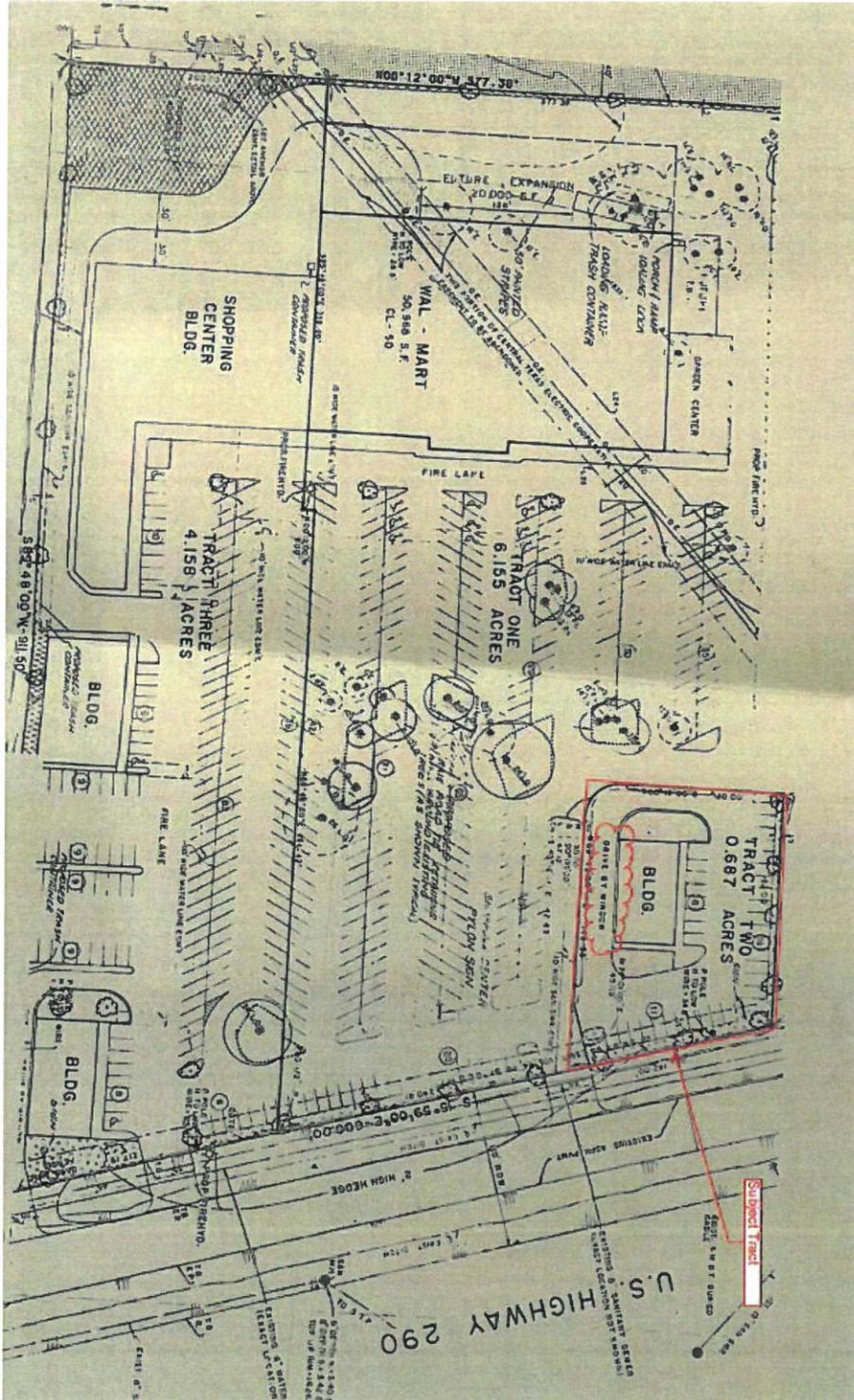
1 inch = 400 feet

FIGURE 1  
Location/Zoning Map

LEGEND	
<b>Zoning</b>	PF - Public Facilities
<b>ZONED</b>	PUD - Planned Unit Development
C1 - Neighborhood Commercial	R1 - Single Family Residential
C1.5 - Medium Commercial	R1A - Single Family Residential - Small Lot
C2 - Commercial	R2 - Mixed Residential
CBD - Central Business District	R3 - Multi-Family Residential
M1 - Light Manufacturing	R4 - Manufactured Home Residential
M2 - Medium Manufacturing	R5 - Pato Home Residential
M3 - Industrial Park	City Limit Boundary
OS - Open Space	1-Mile ETJ Boundary

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Original Feller PUD Site Plan





## CITY COUNCIL MEMO

---

**DATE:** August 15, 2022

**TO:** Mayor and City Council Members

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

**SUBJECT:** Z-2212 – Public Hearing, Consideration, and Action regarding a request by Ronnie and Norma Crossland to consider a Conditional Use Permit (CUP) per section 3.110 to operate a STR-Unoccupied in a R2 zoned area located in the Historic Overlay District for property located at 112 E. Schubert.

---

**Summary:**

The Applicant is requesting a Conditional Use Permit per Sec. 3.110 of the 2022 Short-Term Rental Ordinance (2022-13) to operate a STR-Unoccupied in a R2-zoned area located within the Historic Overlay District on property located at 112 E. Schubert.

**Background / Analysis:**

The subject tract has frontage on both E. Travis and E. Schubert Streets and is bordered by C2 zoning to east and R2 Zoning to the North, South, and West. The proposed development would include a 2 bedroom short term rental unit within the main structure with four on-site parking spaces provided. The existing storage building located on the property would not be used as a STR.

Public notification, including letters being sent to property owners within 200 feet, resulted in three responses in support of the project prior to the public hearing at the Planning Zoning Commission meeting on August 3, 2022. The Planning and Zoning Commission unanimously recommended approval (with conditions).

However, since that time, City staff has received two letters of protests, including one letter from the property owner immediately adjacent to the west at 108 W. Schubert. A follow up email from Janet Smith, the owner of the property to the west, is attached with the original protest letter. It is staff's understanding that the applicant and authorized representatives will continue to work with these adjacent property owners to address any remaining concerns.

**The City of Fredericksburg**

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

**Recommendation:**

The proposed STR-Unoccupied appears to meet the criteria for a conditional use permit. As the subject tract is surrounded by a majority of second homes, STR, and commercial uses, staff recommends approval with the following conditions listed by the P&Z Commission:

1. Review/inspection and approval of a STR Permit Application.
2. Payment of applicable fees (\$250 for 2-bedroom unit).

---

**Attachments:**

1. Public Hearing Map
2. Project Application Including Updated Site & Floor Plans and CUP Narrative
3. City Review Comments and Responses
4. Location/Zoning Map & Surrounding Uses
5. Response Letters & Follow-Up
6. Possible CUP Conditions (Section 5.471)

---



**Department Approval**

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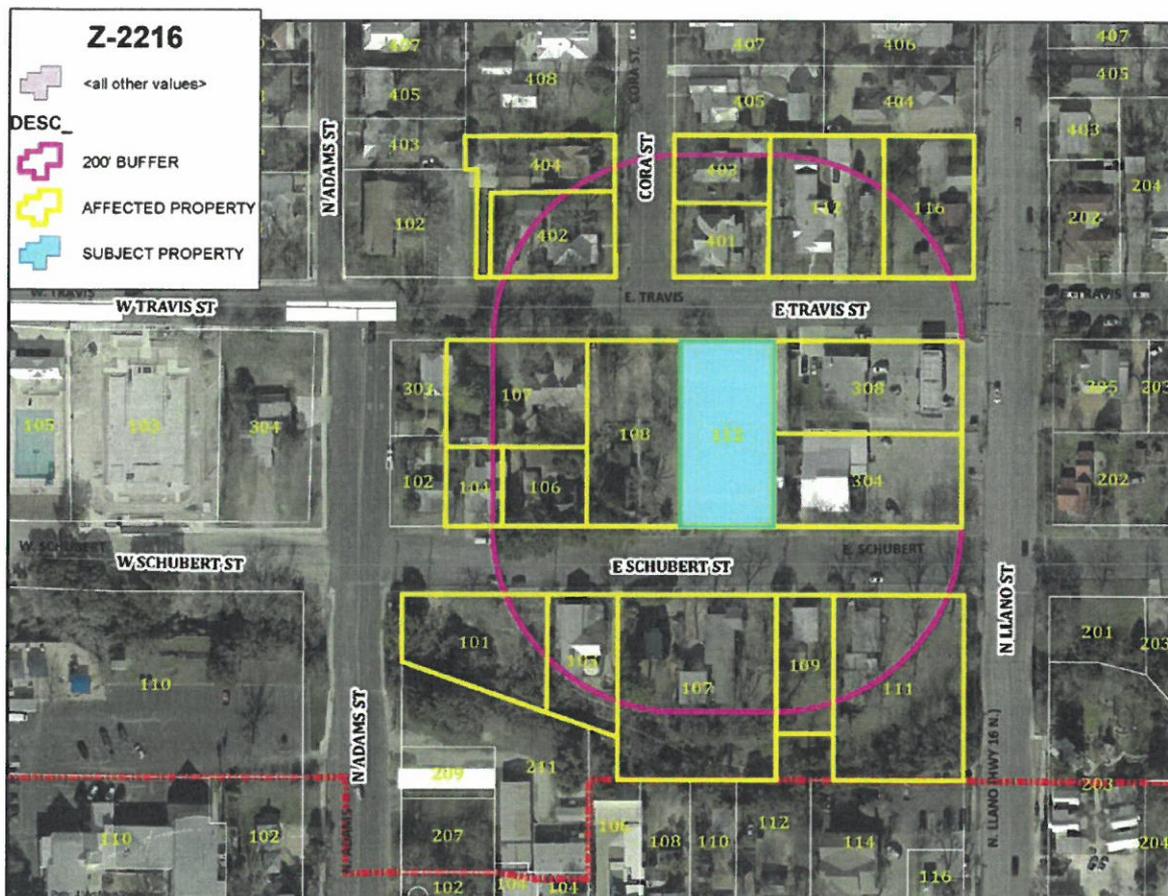
**City Manager Approval**

---

**City Attorney Approval**

**The City of Fredericksburg**

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





# Project Application

City of Fredericksburg - Development Services Department  
126 W. Main St., Fredericksburg, TX 78624 - (830)997-7521

## A. Project Information (Please complete all items)

Project Name: *Crossland STR*  
Project Address: *112 E Schubert St*  
Tax ID Number (s):

### Application Type (Check all items that apply)

PDF COPIES ARE REQUIRED FOR ALL SUBMISSIONS

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Minor Plat*       | <input type="checkbox"/> Plat Vacation |
| <input type="checkbox"/> Site Plan                         | <input type="checkbox"/> Replat*           | <input type="checkbox"/> Annexation*   |
| <input type="checkbox"/> Zoning Change                     | <input type="checkbox"/> Amending Plat*    | <input type="checkbox"/> Final Plat*   |
| <input type="checkbox"/> Land Use Plan Change              | <input type="checkbox"/> Preliminary Plat* |  |

Revision of Approved Plan / Plat?  Yes  No Name:

Jurisdiction:  City Limits  ETJ Total Acres: *0.4661* No. of Lots: *1*

Original Survey & Abstract No:

Legal Description: *Lot 527, Block 45 of the FBG Addition*

Current Land Use Plan: *Residential*

Proposed Land Use Plan: *Residential*

Current Zoning: *R-2*

Proposed Zoning: *R-2*

Location: *112 E. Schubert St.*

Proposed Use(s): *Short term rental*

### Applicant's Signature

Applicant's Role:  Owner  Developer  Other (note role):

I hereby certify that the information supplied with this application is true and correct, and that the paper and electronic copies of the materials submitted are consistent with each other, to the best of my knowledge. I also certify I have authorization from the owner to act on his / her behalf.

Signature: *RONNIE CROSSLAND*

Printed Name: RONNIE CROSSLAND Date: 6/27/2022

Staff Use Only Application No.: \_\_\_\_\_ Date: \_\_\_\_\_

\*Copy of current Title Search required with application.



## Project Application

City of Fredericksburg - Development Services Department  
126 W. Main St., Fredericksburg, TX 78624 - (830)997-7521

### B. Contact Information (Please complete all items. Attach additional pages as necessary.)

#### I. Property Owner(s)

Firm Name (if applicable):

Owner Name: *Crossland Land & Development, Ltd*

Address: *P.O. Box 11152, Midland, TX 79702*

Phone: *432-664-4452* Fax:

Email: *rcross1420@aol.com*

#### II. Owner's Agent/Engineer/Surveyor (Main contact person responsible for application)

Role:  Agent  Engineer  Surveyor  Other (note role):

Firm Name (if applicable):

Address:

Primary Contact Name:

Phone:

Fax:

Email:

Secondary Contact Name:

Phone:

Fax:

Email:

#### III. Applicant

Firm Name (if applicable):

Applicant Name (s): *Ronnie & Norma Crossland*

Address: *P.O. Box 11152, Midland, TX 79702*

Phone: *432-664-4452* Fax:

Email: *rcross1420@aol.com*

#### IV. Applicant's Agent/Engineer/Surveyor (Main contact person responsible for application)

Role:  Agent  Engineer  Surveyor  Other (note role):

Firm Name (if applicable):

Address:

Primary Contact Name:

Phone: Fax: Email:



## Project Application

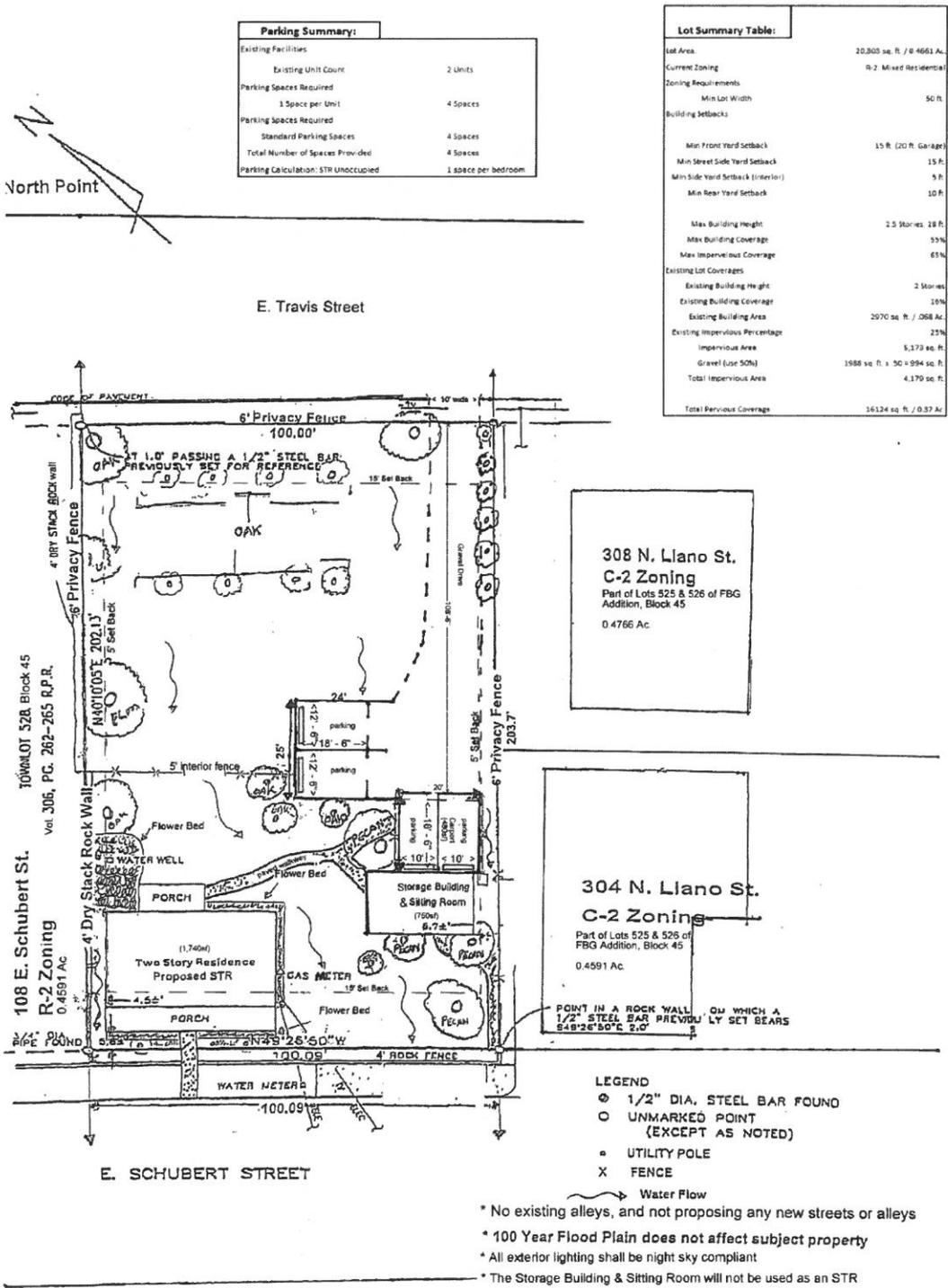
City of Fredericksburg - Development Services Department  
126 W. Main St., Fredericksburg, TX 78624 – (830)997-7521

### C. Fee Schedule (Please attach appropriate fee to application.)

- Conditional Use Permit Application - \$400
- Site Plan Application Admin - \$300
- Site Plan Application P&Z - \$400
- Application for Zoning Change - \$400
- Application for Land Use Change - \$300
- Minor Plat - \$300
- Amending Plat - \$300
- Replat - \$300 plus \$20 per lot
- Preliminary Plat - \$400 plus \$20 per lot
- Final Plat - \$500 plus \$10 per lot

### D. Recording Fee Schedule

For plats, a recording fee will be collected when mylars are presented. The check should be made payable to Gillespie County Clerk and the recording fees are \$121.00 for a single lot plat. Each additional lot will increase the recording fee by \$10.00.



Parking Summary:	
Existing Facilities	
Existing Unit Count	2 Units
Parking Spaces Required	1 Space per Unit
Standard Parking Spaces	4 Spaces
Total Number of Spaces Provided	4 Spaces
Parking Calculation: STR unoccupied	1 space per bedroom

Lot Summary Table:	
Lot Area	20,805 sq. ft. / 0.4661 Ac.
Current Zoning	R-2 Mixed Residential
Zoning Requirements	
Min Lot Width	50 ft.
Building Setbacks:	
Min Front Yard Setback	15 ft. (20 ft. Garage)
Min Street Side Yard Setback	15 ft.
Min Side Yard Setback (Interior)	5 ft.
Min Rear Yard Setback	10 ft.
Max Building Height	2.5 Stories: 28 ft.
Max Building Coverage	55%
Max Impervious Coverage	65%
Existing Lot Coverages	
Existing Building Height	2 Stories
Existing Building Coverage	36%
Existing Building Area	2970 sq. ft. / 0.68 Ac.
Existing Impervious Percentage	
Impervious Area	5,373 sq. ft.
Gravel Use (50%)	1988 sq. ft. x .50 = 994 sq. ft.
Total Impervious Area	4,379 sq. ft.
Total Pervious Coverage	16,124 sq. ft. / 0.37 Ac.

**308 N. Llano St.**  
**C-2 Zoning**  
 Part of Lots 525 & 526 of FBG Addition, Block 45  
 0.4766 Ac.

**304 N. Llano St.**  
**C-2 Zoning**  
 Part of Lots 525 & 526 of FBG Addition, Block 45  
 0.4591 Ac.

- LEGEND**
- ⊙ 1/2" DIA. STEEL BAR FOUND
  - UNMARKED POINT (EXCEPT AS NOTED)
  - UTILITY POLE
  - X FENCE

- \* No existing alleys, and not proposing any new streets or alleys
- \* 100 Year Flood Plain does not affect subject property
- \* All exterior lighting shall be night sky compliant
- \* The Storage Building & Sitting Room will not be used as an STR

Crossland Land & Development, Ltd  
 112 E. Schubert St., Fredericksburg, TX 78624

Prepared By: Clay Sears

Scale: 1" = 24.24'



July 5, 2022

Ronnie Crossland  
[Rcrossl420@aol.com](mailto:Rcrossl420@aol.com)

**RE: Z-2216 Review Comments for a STR Unoccupied Unit located at 112 E. Schubert Street.**

Dear Mr. Crossland,

Please review the following comments and address appropriately. Please provide a written response as to how the items are addressed in addition to the revised Plat. Plans will not be reviewed or considered without a response sheet.

- Please provide interior floor plans t. [Sec. 3.110](#)
- Please update Zoning Summary to include Parking Calculations (STR-Unoccupied, 1 space per bedroom) [Sec. 7.863](#)
- Site Plan requires Planning and Zoning Approval, scheduled for August 3, 2022.
- ADA unit is required.
- Provide a narrative addressing [Sec.5.460](#). Review and Evaluation Criteria for a Conditional Use Permit
- Provide a note regarding all exterior lighting shall by night sky compliant.
- Please provide clarification that the Storage Building depicted on the eastern property line will NOT be used as a STR Unit.

For information regarding these comments please contact Shelby Collier with Development Services at 830-990-2013 or [scollier@fbgtx.org](mailto:scollier@fbgtx.org)

### The City of Fredericksburg

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

Please feel free to contact me with any comments or questions, and I will be happy to assist you. Please return the revised plans along with your written response as to how the comments have been addressed by Monday, July 18<sup>th</sup> to ensure consideration by Planning & Zoning Commission on Wednesday, August 3<sup>rd</sup>.

Shelby Collier  
Dignity, equity, Shelby Collier  
126 W. Main St. • Fredericksburg, TX 78624  
www.cityoffredericksburg.com  
www.shelbycollier.com

Shelby Collier  
Development Review Committee (DRC)

### The City of Fredericksburg

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

7/13/2022

City of Fredericksburg

Attn: Shelby Collier

[scollier@fbgtx.org](mailto:scollier@fbgtx.org)

RE: Z-2216 Review Comments for a STR Unoccupied Unit located at 112 E. Schubert Street

Ms. Collier,

Please review the following written response which addresses the comments from your letter dated July 5<sup>th</sup>, 2022.

- Interior floor plans have been attached to this document.
- Zoning Summary to include Parking Calculations (STR – Unoccupied, 1 space per bedroom) has been added to the site plan and updated site plan has been sent along with this response.
- Planning and Zoning meeting on August 3<sup>rd</sup>, 2022, has been acknowledged and we will be in attendance.
- We are aware that an ADA unit is required.
- Narrative address Sec. 5.460 has been attached to this document.
- A note regarding all exterior lighting to be night sky compliance has been added to the site plan and updated site plan has been sent along with this response.
- A clarification that the storage building depicted on the eastern property line will not be used as an STR has been added to the site plan and updated site plan has been sent along with this response.

Let me know if there is anything else that we need to clarify prior to the August 3<sup>rd</sup> Planning and Zoning meeting.

Thank you,

DocuSigned by:  
*RONNIE CROSSLAND*  
E8514F2B05F1422

Ronnie Crossland

## 112 E. Schubert St. – STR

### Sec. 5.460. Review and Evaluation Criteria.

The Planning and Zoning Commission and City Council shall review and evaluate Conditional Use Permit applications using the following criteria:

Conformance with applicable regulations and standards established by the Zoning Regulations.

Response: Yes

Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, access and circulation features.

Response: An STR at 112 E. Schubert would be compatible with the current property uses as the properties to the east are zoned C-2. Mini Mart (308 N. Llano) and Buc O Brians Bar (304 N. Llano) share the property line to the East. To the West, North and South are all R-2 Zoned properties as well. Many of these properties are already permitted STR's, long term rentals and secondary residences. Known STRs include: 112 E. Travis, 104 E. Schubert, 102 E. Schubert and 303 Adams St. Known Secondary Residences: 106 Schubert St. and 107 Travis St. Long Term Rentals: 109 Schubert and 111 Schubert. (land use and zoning maps attached)

Potentially unfavorable affects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site for a permitted use.

Response: With the property already surrounded by permitted STRs and commercial businesses that are open till very late hours and lots of foot and vehicle traffic, there is not a negative affect by having an STR at 112 E. Schubert St.

Modifications (including variance from property development regulations) to the site plan which would result in increased compatibility, would mitigate potentially unfavorable impacts, would be necessary to conform to applicable regulations and standards and would protect the public health, safety, morals and general welfare.

Response: There are no modifications or variances being requested.

Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area; existing zoning and land uses in the area.

Response: Expectation of pedestrian and vehicular traffic would stay similar to what it currently is as there are only 2 bedrooms. Current owners have 2 vehicles which is the same amount of off-street parking required. This property has 4 off street private, gated parking spaces which would keep all vehicle traffic to a minimum.

Protection of persons and property from erosion, flood or water damage, fire, noise, glare and similar hazards and impacts.

Response: We are not proposing additional units or any changes to the property that would affect people or neighboring properties. All exterior lights will be in compliance with night sky ordinance.

Location, lighting, and type of signs; the relation of signs to traffic control and adverse effect of signs on adjacent properties.

Response: There are exterior lights on the sitting room/secondary building that will be in compliance with night sky ordinance.

Adequacy and convenience of off-street parking and loading facilities.

Response: The required number of off street parking spaces is two for this many bedrooms. We have 4 spaces of off street parking with room for additional cars to park behind other parked cars if absolutely needed. Also, the parking is private and secluded in the back of the property and accessed off Travis St.

Determination that the proposed use is in accordance with the objectives of these Zoning Regulations and the purposes of the zone in which the site is located.

Response: The property is zoned R-2 which allows for STR use.

Determination that the proposed use will comply with each of the applicable provisions of these Zoning Regulations.

Response: Yes

Determination that the proposed use and site development, together with any modifications applicable thereto, will be compatible with existing or permitted uses in the vicinity.

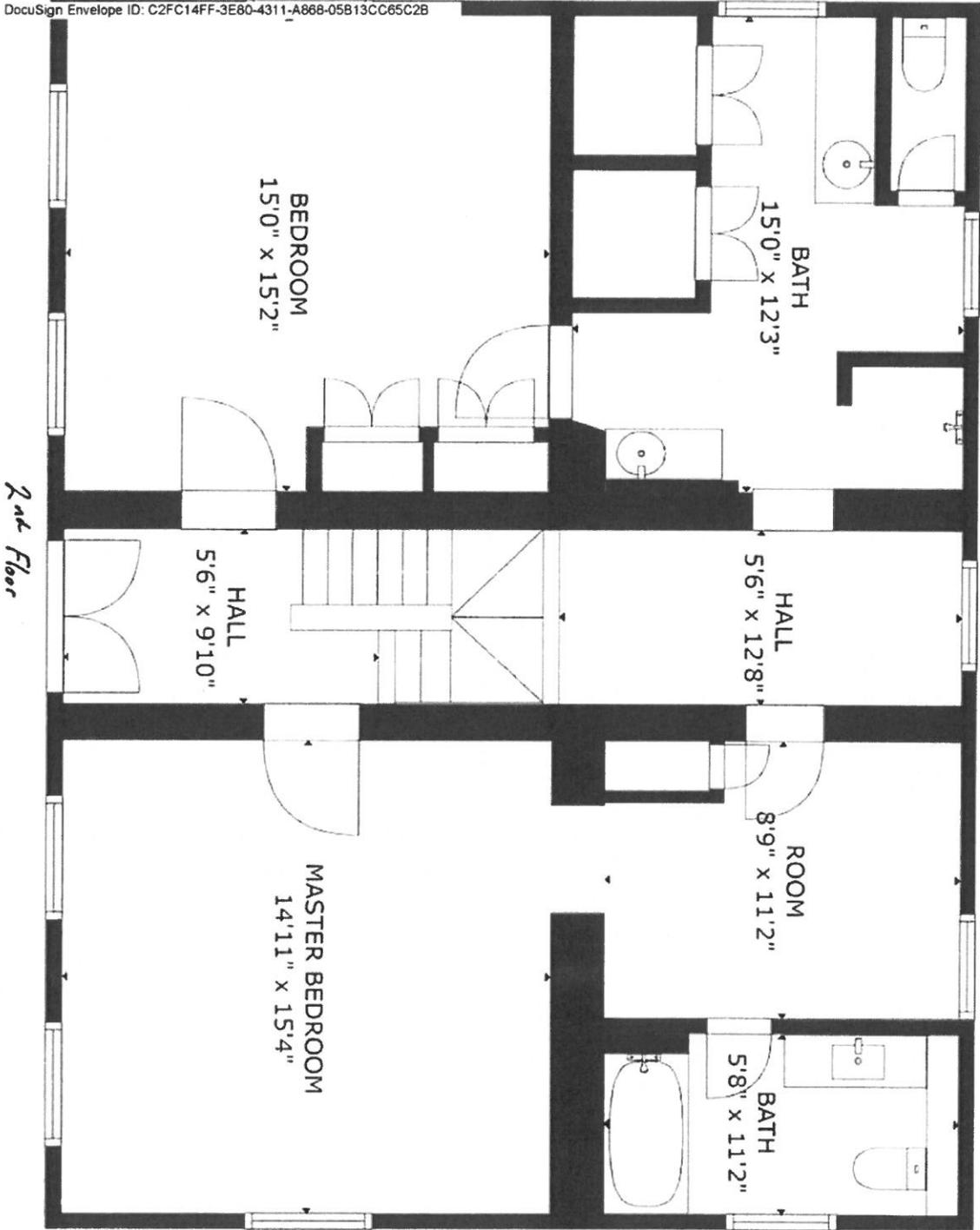
Response: Yes

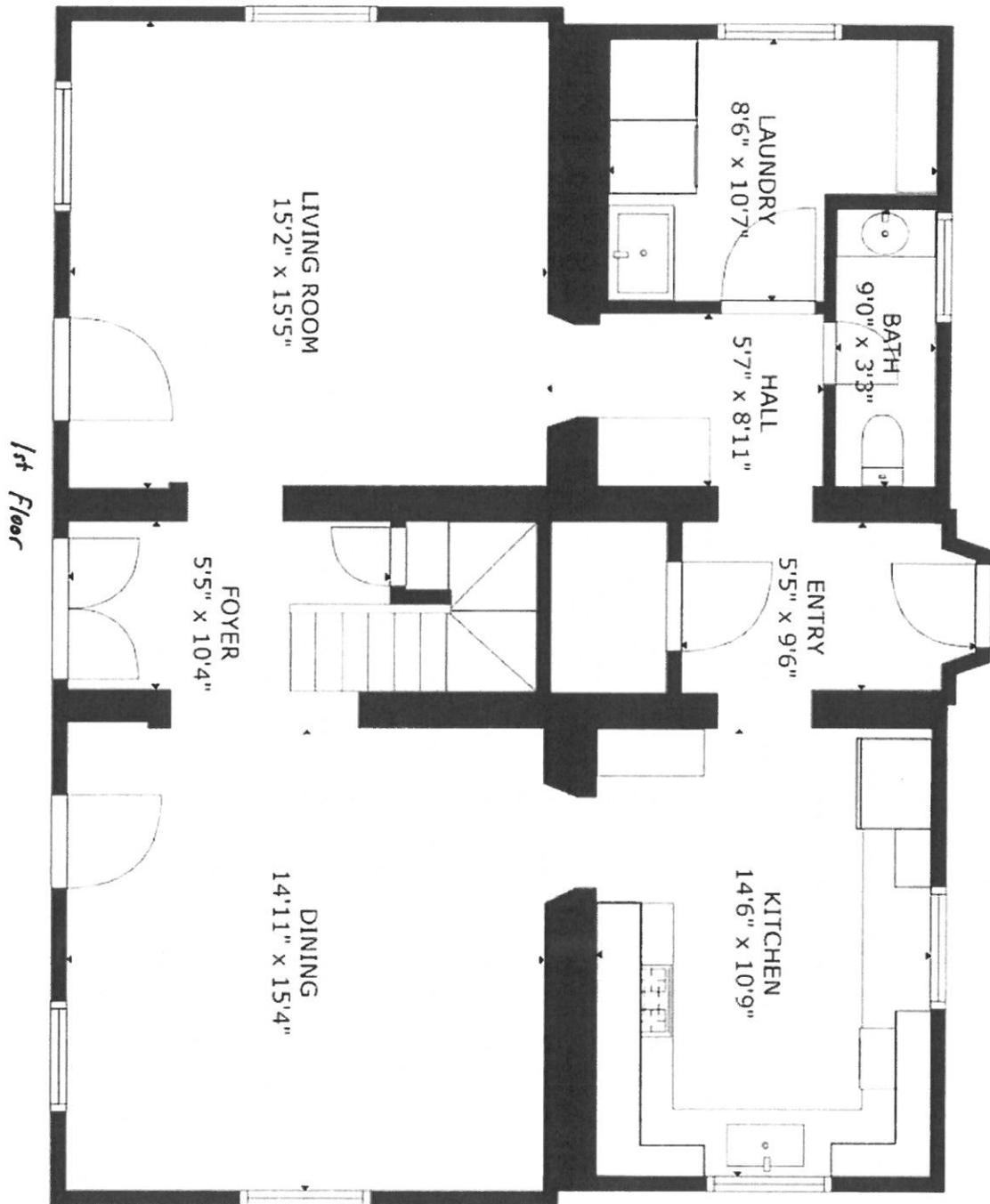
Determination that any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with existing or permitted uses in the same district and the surrounding area.

Response: Yes

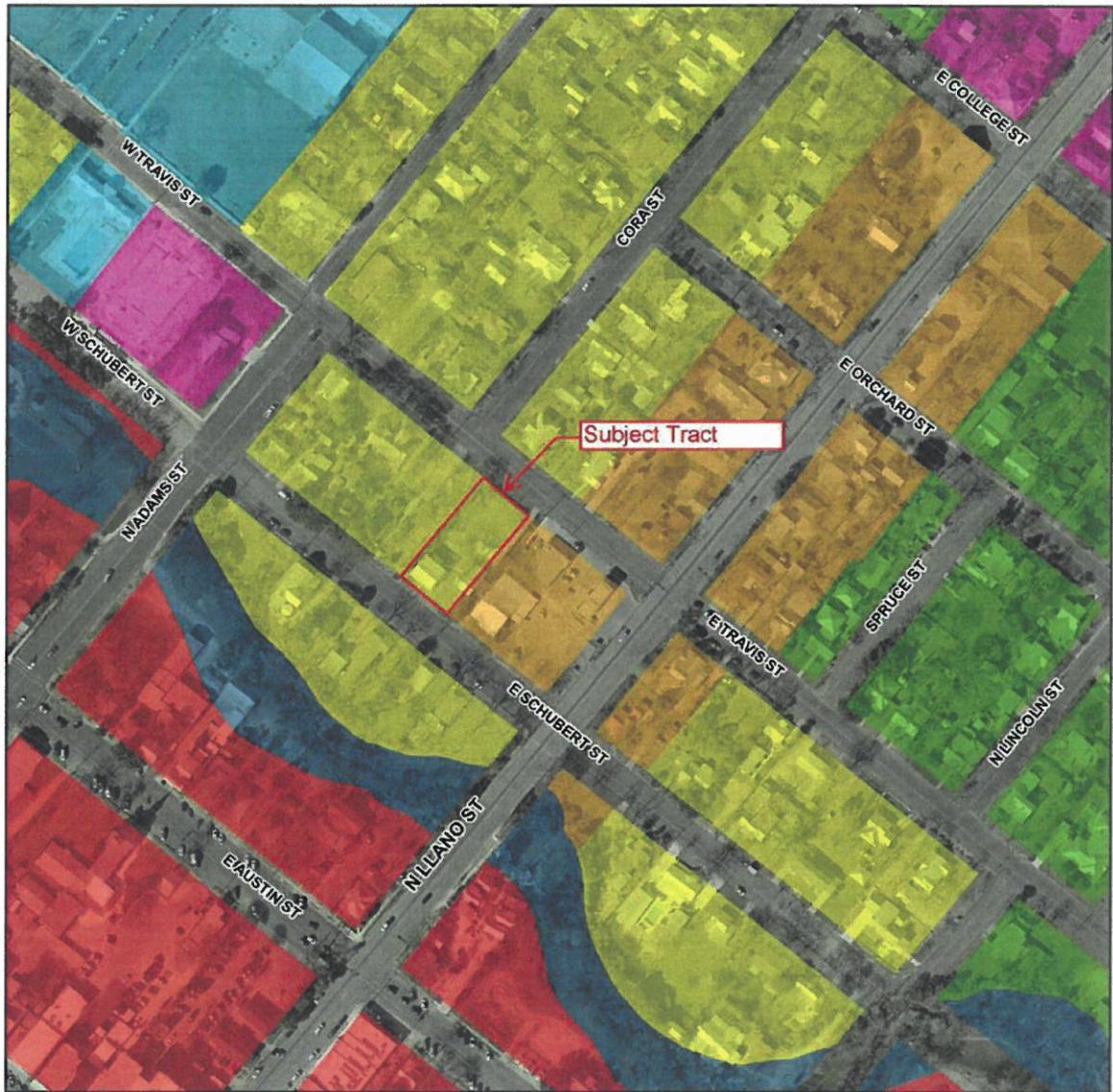
Determination that the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

Response: Yes









1 inch = 211 feet

FIGURE 1  
Location/Zoning Map

Zoning		LEGEND	
<b>ZONED</b>		PF - Public Facilities	
C1 - Neighborhood Commercial		PUD - Planned Unit Development	
C1.5 - Medium Commercial		R1 - Single Family Residential	
C2 - Commercial		R1A - Single Family Residential - Small Lot	
CBD - Central Business District		R2 - Mixed Residential	
M1 - Light Manufacturing		R3 - Multi-Family Residential	
M2 - Medium Manufacturing		R4 - Manufactured Home Residential	
M3 - Industrial Park		R5 - Patio Home Residential	
OS - Open Space		City Limit Boundary	
		1-Mile ETJ Boundary	

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**NOTICE OF PLANNING & ZONING PUBLIC HEARING:**  
**A CONDITIONAL USE PERMIT**

**HEARING**

**DATE: August 3, 2022**

**TIME: 5:30 PM**

**REQUEST**

**NUMBER: Z-2216**

The City of Fredericksburg Planning and Zoning Commission will meet in a regular session on August 3, 2022, at 5:30 PM. The meeting will be held at the Law Enforcement Center, 1601 East Main Street, Fredericksburg, TX 78624.

According to Tax Records, you are the owner of real property within 200' of the proposed changes, listed below. You are **not** required to attend the meeting, but if you care to attend, you will be given full opportunity to be heard. If you cannot attend the hearing, but wish to comment on the request, please detach the response form below and return it to the City of Fredericksburg, 126 W. Main St., Fredericksburg, TX 78624. All protests must be submitted in writing.

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**HEARING**

**DATE: August 15, 2022**

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**REQUEST:**

REQUEST #Z-2216, TO CONSIDER A CONDITIONAL USE PERMIT PER SECTION 3.110 TO OPERATE A STR-UNOCCUPIED IN A R2 ZONED AREA LOCATED IN THE HISTORIC OVERLAY DISTRICT ON PROPERTY LOCATED AT 112 E. SCHUBERT

**APPLICANT: RONNIE & NORMA CROSSLAND**

**LOCATION: 112 E. SCHUBERT**

(See attached map)

**REQUEST NO. Z-2216**

As an interested property owner, I (Protest) Approve the requested zoning amendment represented by the above file Number because: of other similiar properties on the street.

Signed

JAMES REICHENAU  
Printed Name

Date 7-18-22

109-111 E. SCHUBERT  
Address

**From:** peggy reichenau <[preichenau@hotmail.com](mailto:preichenau@hotmail.com)>  
**Date:** July 20, 2022 at 11:00:40 AM CDT  
**To:** Garret Bonn <[gbonn@fbgtx.org](mailto:gbonn@fbgtx.org)>  
**Subject:** Jimmy's rental properties

Good Morning !

We received a letter in reference to requesting our approval for a conditional use permit.  
Property is located across the street at 112 E Schubert.

We have no issues at all giving it our thumbs up....

Please give me a call....I have some other questions.

Thank you Garret!

830-377-1319

Peggy Reichenau



**NOTICE OF PLANNING & ZONING PUBLIC HEARING:**  
**A CONDITIONAL USE PERMIT**

**HEARING** **REQUEST**  
**DATE: August 3, 2022** **TIME: 5:30 PM** **NUMBER: Z-2216**

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**APPLICANT:** RONNIE & NORMA CROSSLAND

**LOCATION:** 112 E. SCHUBERT

(See attached map)

**REQUEST NO. Z-2216**

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

Warren Richardson

Signed Warren Richardson  
Printed Name

7/18/2022  
Date 403 Cora  
Address



**NOTICE OF PLANNING & ZONING PUBLIC HEARING:**  
**A CONDITIONAL USE PERMIT**

**HEARING**

**DATE: August 3, 2022**

**TIME: 5:30 PM**

**REQUEST**

**NUMBER: Z-2216**

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**APPLICANT: RONNIE & NORMA CROSSLAND**

**LOCATION: 112 E. SCHUBERT**

(See attached map)

**REQUEST NO. Z-2216**

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

*There are 2 existing STR's on our side of the street. This house is next door, out of the 5 homes on the North side of Schubert,*

*Janet Smith*  
Signed  
*108 E. Schubert St.*  
Address

*8.4.22*  
Date  
*Janet Smith*  
Printed Name

*Approval would mean 3 of the 5 would be STR's.*

## Garret Bonn

---

**From:** Janet Smith <janetleesmith@msn.com>  
**Sent:** Monday, August 8, 2022 11:12 PM  
**To:** Shelby Collier  
**Cc:** Garret Bonn  
**Subject:** RE: 1 more question: RE: Hello Shelby STR application form - signed

We spoke to Clay today. I can understand the owners haven't been able to sell and a fallback position would to pursue an str until it can be signed. Also selling is the goal and approval for this existing structure doesn't carte blanc any other structure on the property. Not too keen to have an str next door, but if they can address the visibility issue, might be accepted. Year-round green plant approx. 5 ft. Tall or an agreed upon fence that will Match what is or will be in the future would help a lot. Otherwise, whenever they get out of their cars and walk to the house, they see us and vice versa.

**From:** Shelby Collier <scollier@fbgtx.org>  
**Sent:** Friday, August 5, 2022 3:58 PM  
**To:** Janet Smith <janetleesmith@msn.com>  
**Cc:** Garret Bonn <gbonn@fbgtx.org>  
**Subject:** RE: 1 more question: RE: Hello Shelby STR application form - signed

Good afternoon Mrs. Smith,

It was a pleasure visiting with you this morning.

As discussed, Staff has received your protest and will provide a copy to City Council for their consideration.

The meeting will be broadcast on our YouTube channel. Please see the following link.

<https://www.youtube.com/c/FredericksburgTexasUSA/videos>

Please feel free to contact me if you have any questions.

Have a blessed day!



*"We're leading with integrity while providing the best customer services to our community."*

**Shelby Collier**/ Associate Planner/ City of Fredericksburg  
O. 830-990-2013/ [scollier@fbgtx.org](mailto:scollier@fbgtx.org)



**NOTICE OF PLANNING & ZONING PUBLIC HEARING:**  
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**APPLICANT: RONNIE & NORMA CROSSLAND**

**LOCATION: 112 E. SCHUBERT**

(See attached map)

**REQUEST NO. Z-2216**

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

Mr St

Signed Mike Sherwood

Printed Name

August 1, 2022

Date 107 E Schubert

Address



1 inch = 90 feet

### 112 E. SCHUBERT SURROUNDING USES

**Zoning**

**ZONED**

- C1 - Neighborhood Commercial
- C1.5 - Medium Commercial
- C2 - Commercial
- CBD - Central Business District
- M1 - Light Manufacturing
- M2 - Medium Manufacturing
- M3 - Industrial Park
- OS - Open Space

**LEGEND**

- PF - Public Facilities
- PUD - Planned Unit Development
- R1 - Single Family Residential
- R1A - Single Family Residential - Small Lot
- R2 - Mixed Residential
- R3 - Multi-Family Residential
- R4 - Manufactured Home Residential
- R5 - Patio Home Residential
- City Limit Boundary
- 1-Mile ETJ Boundary

---

**Sec. 5.471. Conditions.**

The Planning and Zoning Commission, in considering and determining its recommendation, and the City Council, on any request for a Conditional Use Permit, may require from the applicant's plans, information, operation data and expert evaluation concerning the location, function and characteristics of any building or use proposed. The City Council may, in the interest of the public welfare and to ensure compliance with this Ordinance, establish conditions of operation, location, arrangement and construction of any use for which a permit is authorized or may allow a variance from property development standards. In authorizing the location of any of these uses listed as Conditional Use Permits, the City Council may impose such development standards and safeguards as the conditions and location indicate important to welfare and protection of adjacent property from excessive noise, vibration, dust, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions. The City Council, in approving or conditionally approving a Conditional Use Permit, may set forth in its decision reasonable conditions which will ensure the intent and purposes of the Zoning Regulations and avoid the creation or detrimental affect upon abutting properties which may include, but not limited to the following:

Duration of use	Time period in which the proposed use shall be developed or constructed
Fences, hedges and walls	Surfacing of parking areas
Regulation of noise, vibration, odors, etc.	Regulation of time for certain activities
Regulation of signs	Requiring maintenance of the grounds
Regulation of use or uses	Special yards, spaces and buffers
Requiring street, service road or alley dedications and improvements or appropriate bonds	Regulation of locations of vehicular ingress and egress

Including such other conditions that will make possible the development occurs in an orderly and efficient manner, and in conformity with the intent and purposes of applicable ordinances.



## CITY COUNCIL MEMO

---

**DATE:** August 15, 2022

**TO:** Mayor and City Council

**FROM:** Clinton Bailey, City Manager

**SUBJECT:** Third Amendment to the Lease Agreement for the Fredericksburg Art Guild Building

---

**Summary:**

This item is the amendment of the lease agreement between the City of Fredericksburg and the Fredericksburg Art Guild for the building located at 308 East Austin Street.

**Recommendation:**

Staff recommends the City Council approve the proposed third amendment to the building lease agreement.

---

**Background / Analysis:**

The City of Fredericksburg and The Art Guild entered into a lease agreement on March 1, 2019 related to the occupancy of the building located at 308 East Austin Street. The first and second amendments to the agreement extended the term of the occupancy. The proposed third amendment would extend the term of the lease and amend the maintenance responsibilities of both parties.

**Attachments:**

Third Amendment to Lease Agreement Between the City of Fredericksburg and The Fredericksburg Art Guild.

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The City of Fredericksburg



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Department Approval



---

City Manager Approval

---

City Attorney Approval

The City of Fredericksburg

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

Agenda Packet Page 78



## CITY COUNCIL MEMO

---

**DATE:** August 15, 2022

**TO:** Mayor and City Council

**FROM:** Clinton Bailey, City Manager

**SUBJECT:** Second Amendment to the Ground Lease Agreement Between the City of Fredericksburg and the Former Texas Rangers Foundation

---

**Summary:**

This item is for the amendment of the ground lease agreement between the City of Fredericksburg and the Former Texas Rangers Foundation.

**Recommendation:**

Staff recommends the City Council approve the proposed second amendment to the ground lease agreement.

---

**Background / Analysis:**

The City of Fredericksburg and the Former Texas Rangers Foundation entered into a lease agreement on February 11, 2011 related to the construction of a Texas Rangers Heritage Center. The first amendment to the agreement clarified the timeline for completion of the Phase 1 and Phase 2 improvements to be constructed. The proposed second amendment extends the timeline for completion of the Phase 2 improvements.

**Attachments:**

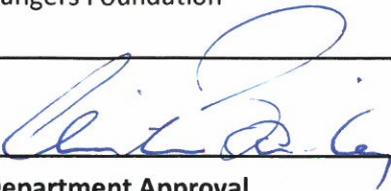
The City of Fredericksburg

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Agenda Packet Page 79

Second Amendment to Ground Lease Agreement Between the City of Fredericksburg and Former Texas Rangers Foundation

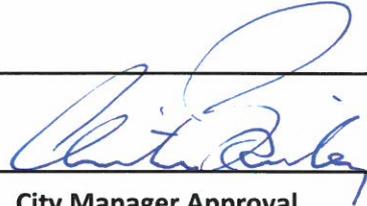
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**Department Approval**

---



---

**City Manager Approval**

---

**City Attorney Approval**



## CITY COUNCIL MEMO

---

**DATE:** August 15, 2022

**TO:** City Council

**FROM:** Anna Hudson – Development Services

**SUBJECT:** Comprehensive Plan and Parks Master Plan Contract Award

---

**Summary:**

Halff Associates, Inc. has submitted the attached contract and scope of work for approval to begin the Comprehensive Planning process.

**Recommendation:**

City staff recommends approval of the contract with Halff Associates for a new Comprehensive Plan and Parks Master Plan.

**Background / Analysis:**

The City's most recent Comprehensive Plan was adopted by City Council on January 23, 2006, and updated in May of 2015. The 2015 update included the City's Sidewalk Plan, Gateways Plan, and Design Standards & Guidelines for Entry Corridors. Comprehensive Plans are typically updated every 5-7 years to take a proactive stance regarding development trends and issues faced by the City.

Staff issued a Request for Proposals that was due on February 1, 2022. In response, seven firms submitted Statements of Qualifications. A selection committee comprised of 9 members representing City departments, the CVB, and EDC narrowed down the responses to two firms for interviews. Halff Associates, Inc. was ultimately chosen to complete the project based on their team's experience, their previous work with similar cities, and their robust public outreach strategies.

**The City of Fredericksburg**

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

The approved FY 2022 budget included funding for the comprehensive plan, however the majority of funding for the project will come from the proposed FY 2023 budget. Since those budget discussions are still ongoing, Section III of the contract notes that both parties agree that the scope of work will be based on budgeted funds approved by the City.

**Attachments:**

Presentation from Halff Associates, Inc.  
Comprehensive Plan Contract with Scope of Work Attachments

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**Department Approval**



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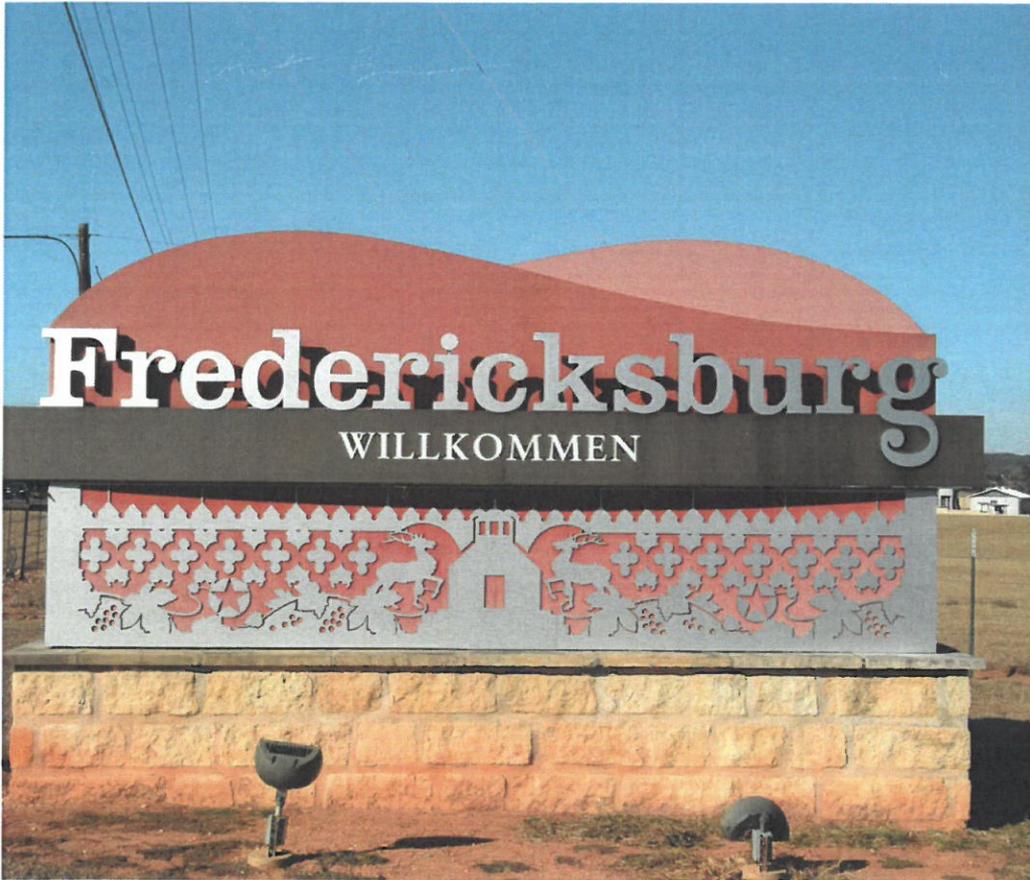
**City Manager Approval**

---

**City Attorney Approval**

**The City of Fredericksburg**

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



# CITY OF FREDERICKSBURG

## 2022 COMPREHENSIVE PLAN + PARKS MASTER PLAN



# TEAM INTRODUCTION



**CHELSEA IRBY,  
AICP**

Project Manager



**JORDAN MADDOX,  
AICP**

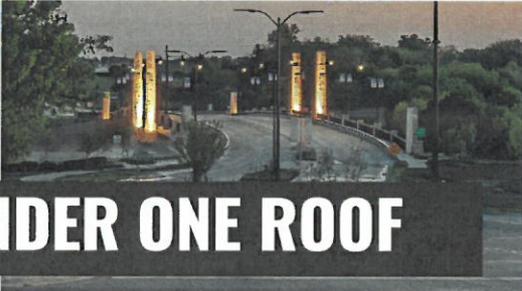
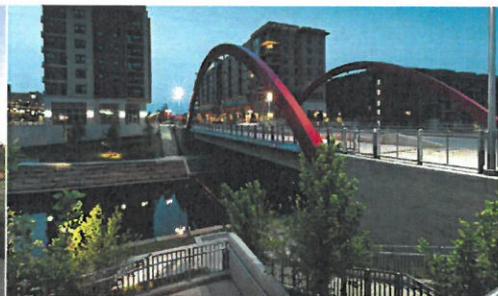
Technical Oversight



**NATHLIE BOOTH,  
AICP**

Deputy Project Manager





**ALL SERVICES UNDER ONE ROOF**

# WHAT MAKES A COMPLETE COMMUNITY?



**QUALITY OF  
LIFE**



**FISCALLY  
RESPONSIBLE**



**GROWS THE  
ECONOMIC PIE**



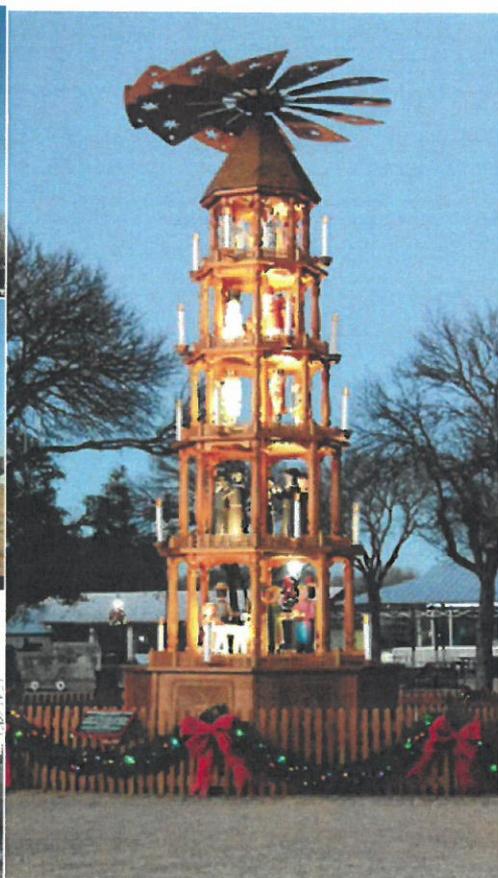
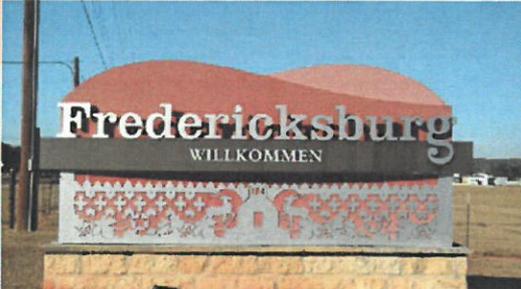
**MANAGES  
GROWTH**



**PROTECTS  
EXISTING ASSETS**



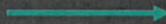
**INVESTOR  
BUY-IN**



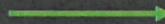
# PROJECT APPROACH



**PHASE 1:  
STATE OF THE CITY**



**PHASE 2:  
VISION**



**PHASE 3:  
BLUEPRINT**



**PHASE 4:  
ACTION**

# DIVERSE COMMUNITY ENGAGEMENT



# COMMUNITY ENGAGEMENT

- Advisory Committee
- Focus Groups
- Educational Social Media Campaign
- Social Media
- Online Surveys
- Community Events
- Public Open Houses
- P&Z and City Council Meetings

# COMPREHENSIVE PLAN

- Existing Conditions
- Vision and Goals
- Future Land Use
- Economic Development
- Infrastructure and Transportation
- Housing
- Implementation
- Code Assessment

# CHARACTER FRAMEWORK

## Strengthen

Places to strengthen include mostly built-out areas which may need additional investment/support to meet livability and quality of life goals.

## Transform

Places to transform include areas that are developing or will develop that produce major changes to the overall character of the area.

## Enhance

Places to enhance include stable existing neighborhoods and areas likely to maintain their existing development pattern.

## New Growth

Places to expand City services and create new housing and non-residential opportunities.

## Preserve / Conserve

Places to preserve / conserve include environmentally sensitive lands, agricultural areas, and protected greenspace.

# **PARKS MASTER PLAN**

- Existing Conditions
- Level of Service
- Parks Needs
- Recreational Programming Analysis
- Park Recommendations and Strategies
- Operations and Maintenance Plan

**AGREEMENT FOR PROFESSIONAL PLANNING AND LANDSCAPE ARCHITECTURE SERVICES ON  
A DEFINED SCOPE OF SERVICES BASIS**

This Agreement for Professional Planning and Landscape Architecture Services, hereinafter called "Agreement," is entered into by the **City of Fredericksburg** a **Home Rule City** of the State of **Texas**, hereinafter referred to as "Client", duly authorized to act by the **City Council** of said Client, and **HALFF ASSOCIATES, INC.**, a Texas corporation, acting through a duly authorized officer, herein called "Planner or Landscape Architect," relative to Planner or Landscape Architect providing professional Planning and Landscape Architecture services to the Client. Client and Planner or Landscape Architect when mentioned collectively shall be referred to as the "Parties".

**WITNESSETH:**

For the mutual promises and benefits herein described the Client and Planner or Landscape Architect agree as follows:

**I. Term of Agreement.** This Agreement shall become effective on the date of its execution by both Parties and shall continue in effect thereafter until terminated as provided herein.

**II. Services to be Performed by Planner or Landscape Architect.** Planner or Landscape Architect shall provide to the Client basic Planning and Landscape Architecture services as described in the scope of services attachment and fully incorporated herein as "**Exhibit A**" which services may include, but will not be limited to, those services normally rendered by a Planner or Landscape Architect to a **Home Rule City**. Planner or Landscape Architect shall perform its obligations under this agreement as an independent contractor and not as an agent or fiduciary of any other party.

**III. Compensation.** Client agrees to pay monthly invoices or their undisputed portions within 30 days of receipt. Payment later than 30 days shall include interest at 1 percent (1%) per month or lesser maximum enforceable interest rate, from the date the Client received the invoice until the date Planner or Landscape Architect receives payment. Such interest is due and payable when the overdue payment is made.

It is understood and agreed by the Parties that Planner or Landscape Architect's receipt of payment(s) from Client is not contingent upon Client's receipt of payment, funding, reimbursement, or any other remuneration from others.

Time-related charges will be billed as specified in this Agreement. Unless stated otherwise in this Agreement, direct expenses, subcontracted services, and direct costs will be billed at actual cost plus a service charge of 10 percent. Mileage will be billed at current IRS rates.

The Parties acknowledge and agree that the Services to be performed by Planner or Landscape Architect under this Agreement will span more than one of Client's fiscal years, and this Agreement is subject to the availability and future appropriation of budgeted funds by Client.

**IV. Client's Obligations.** The Client agrees that it will (i) designate a specific person to act as the Client's representative, (ii) provide Planner or Landscape Architect with any previous studies, reports, data, budget constraints, special Client requirements, or other pertinent information known to the Client, when necessitated by a project, (iii) Client agrees to provide site access, and to provide those services described in the attached Scope of Services assist Planner or Landscape Architect in obtaining access to property necessary for performance of Planner or Landscape Architect's work for the Client, (iv) make prompt payments in response to Planner or Landscape Architect's statements and (v) respond in a timely fashion to requests from Planner or Landscape Architect. Planner or Landscape Architect is entitled to rely upon and use, without independent verification and without liability, all information and services provided by the Client or the Client's representatives.

**V. Termination of Work.** Either the Client or the Planner or Landscape Architect may terminate this Agreement at any time with or without cause upon giving the other Party ten (10) calendar days' prior written notice. Following Planner or Landscape Architect's receipt of such termination notice the Client shall, within ten (10) calendar days of Client's receipt of Planner or Landscape Architect's final invoice, pay the Planner or Landscape Architect for all services rendered and all costs incurred up to the date of Planner or Landscape Architect's receipt of such notice of termination.

**VI. Ownership of Documents.** Upon Planner or Landscape Architect's completion of services and receipt of payment in full, Planner or Landscape Architect shall grant to Client a non-exclusive license to possess the final documents, plans, drawings and instruments (collectively shall be referred to as the "Documents") produced in connection with Planner or Landscape Architect's performance of the work under this Agreement, if any. Said Documents may be copied, duplicated, reproduced, and used by Client for the purposes contemplated by the Parties as set forth in this Agreement. Client agrees that such Documents are not intended or represented to be suitable for reuse by Client or others for purposes outside the Scope of Services of this Agreement. Notwithstanding the foregoing, Client understands and agrees that any and all computer programs, GIS applications, proprietary data or processes, and certain other items related to the services performable under this Agreement are and shall remain the sole and exclusive property of Planner or Landscape Architect and may not be used or reused, in any form, by Client without the express written authorization of Planner or Landscape Architect. Client agrees that any reuse of the Documents by Client or others for purposes outside the Scope of Services of this Agreement, without written verification or adaptation by Planner or Landscape Architect, will be at Client's sole risk and without liability or legal exposure to Planner or Landscape Architect or to Planner or Landscape Architect's employees, agents, representatives, officers, directors, affiliates, shareholders, owners, members, managers, attorneys, subsidiary entities, advisors, subconsultants or independent contractors or associates. Planner or Landscape Architect may reuse all drawings, reports, data, and other information developed in performing the services described by this Agreement in Planner or Landscape Architect's other activities, except that Planner or Landscape Architect shall not disclose or appropriate any confidential information held by Client that Planner or Landscape Architect obtains access to in performing the services described by this Agreement. Under no circumstances shall delivery of electronic files for use by the Client be deemed a sale by Planner or Landscape Architect, and Planner or Landscape Architect makes no warranties, either express or implied, of merchantability or fitness for any particular purpose. In no event shall Planner or Landscape Architect be liable for any damages, including but not limited to indirect or consequential damages, as a result of the Client's unauthorized use or reuse of the electronic files. The Client is aware that differences may exist between the electronic files delivered and the printed hard-copy original documents. In the event of a conflict between the signed original documents prepared by Planner or Landscape Architect and any electronic files or data provided to Client, it is understood and agreed that the original signed or sealed hard-copy documents shall govern.

**VII. Notices.** Any notices to be given hereunder by either party to the other may be affected either by personal delivery, in writing, or by registered or certified mail, postage prepaid, addressed to the appropriate party at the following addresses:

HALFF ASSOCIATES, INC.  
Attn: Chelsea Irby  
13620 Briarwick Drive, Building C  
Austin, TX 78729

CITY OF FREDERICKSBURG, TEXAS  
Attn: City Manager  
126 West Main Street  
Fredericksburg, Texas 78624

Either party may designate a different address at any time upon written notice to the other party.

**VIII. Sole Parties and Entire Agreement.** This Agreement shall not create any rights or benefits to anyone except the Client and Planner or Landscape Architect and contains the entire agreement between the Parties. Oral modifications to this Agreement shall have no force or effect.

**IX. Insurance.** Planner or Landscape Architect shall, at its own expense, purchase, maintain and keep in force throughout the duration of this Agreement and for a period of four (4) years thereafter, professional liability insurance. The limits of liability shall be \$2,000,000 per claim and in the aggregate. Planner or Landscape Architect shall submit to the Client a certificate of insurance prior to commencing any work for the Client.

**X. Prompt Performance by Planner or Landscape Architect.** All services provided by Planner or Landscape Architect hereunder shall be performed in accordance with the degree of care and skill ordinarily exercised under similar circumstances by competent members of the Planning and Landscape Architecture profession in the State of Texas applicable to such Planning and Landscape Architecture services contemplated by this Agreement.

**XI. Client Objection to Personnel.** If at any time after entering into this Agreement, the Client has any reasonable objection to any of Planner or Landscape Architect's personnel, or any personnel, professionals and/or consultants retained by Planner or Landscape Architect, Planner or Landscape Architect shall promptly propose substitutes to whom the Client has no reasonable objection, and Planner or Landscape Architect's compensation shall be equitably adjusted to reflect any difference in Planner or Landscape Architect's costs occasioned by such substitution.

**XII. Assignment and Delegation.** Neither the Client nor Planner or Landscape Architect may assign their rights or delegate their duties without the written consent of the other party. This Agreement is binding on the Client and Planner or Landscape Architect to the fullest extent permitted by law. Nothing herein is to be construed as creating any personal liability on the part of any Client officer, employee, or agent.

**XIII. Jurisdiction and Venue.** This Agreement shall be administered under the substantive laws of the State of **Texas** (and not its conflicts of law principles) which shall be used to govern all matters arising out of, or relating to, this Agreement and all of the transactions it contemplates, including without limitation, its validity, interpretation, construction, performance and enforcement. Exclusive venue shall lie in any court of competent jurisdiction in **Gillespie County, Texas**.

**XIV. Integration, Merger and Severability.** This Agreement and the Scope of Services, including fee and schedule are fully incorporated herein and represent the entire understanding of Client and Planner or Landscape Architect. No prior oral or written understanding shall be of any force or effect with respect to those matters covered herein. The Agreement may not be modified or altered except in writing signed by both Parties. This Agreement constitutes, represents and is intended by the Parties to be the complete and final statement and expression of all of the terms and arrangements between the Parties to this Agreement with respect to the matters provided for in this Agreement. This Agreement supersedes any and all prior or contemporaneous agreements, understandings, negotiations, and discussions between the Parties and all such matters are merged into this Agreement. Should any one or more of the provisions contained in this Agreement be determined by a court of competent jurisdiction or by legislative pronouncement to be void, invalid, illegal, or unenforceable in any respect, such voiding, invalidity, illegality, or unenforceability shall not affect any other provision hereof, and this Agreement shall be considered as if the entirety of such void, invalid, illegal, or unenforceable provision had never been contained in this Agreement.

**XV. Exclusivity of Remedies.** The Parties acknowledge and agree that the remedies set forth in this Agreement (Agreed Remedies) are and shall remain the Parties' sole and exclusive remedy with respect to any claim arising from, or out of, or related to, the subject matter of this Agreement. The Parties agree that Planner or Landscape Architect is to have no liability or responsibility whatsoever to Client for any claim(s) or loss(es) of any nature, except as set forth in this Agreement. No Party shall be able to avoid the limitations expressly set forth in this Agreement by electing to pursue some other remedy.

**XVI. Timeliness of Performance.** Planner or Landscape Architect shall perform its professional services with due and reasonable diligence consistent with sound professional practices.

**XVII. Dispute Resolution.** In the event of any disagreement or conflict concerning the interpretation of this Agreement, and such disagreement cannot be resolved by the Parties, the Parties agree to schedule a series of no less than two meetings of senior personnel of Client and Planner or Landscape Architect in which the disagreement or conflict will be discussed. The first of such meetings will be scheduled as soon as possible following identification of such disagreement or conflict and the second meeting must occur within thirty (30) days following the initial meeting. Subsequent meetings, if any may be scheduled upon mutual agreement of the Parties. The Parties agree that these two meetings are conditions precedent to the institution of legal proceedings unless such meetings will adversely affect the rights of one or more of the Parties as such rights relate to statutes of limitation or repose.

**XVIII. INTENTIONALLY DELETED**

**XIX. AGREED REMEDIES**

**A. IT IS THE INTENT OF THE PARTIES TO THIS AGREEMENT THAT PLANNER OR LANDSCAPE ARCHITECT'S SERVICES UNDER THIS AGREEMENT SHALL NOT SUBJECT PLANNER OR LANDSCAPE ARCHITECT'S INDIVIDUAL EMPLOYEES, OFFICERS OR DIRECTORS TO ANY PERSONAL LEGAL EXPOSURE FOR CLAIMS AND RISKS ASSOCIATED WITH THE SERVICES PERFORMED OR PERFORMABLE UNDER THIS**

**AGREEMENT.**

**B. IN RECOGNITION OF THE RELATIVE RISKS AND BENEFITS OF THE PROJECT TO BOTH THE CLIENT AND THE PLANNER OR LANDSCAPE ARCHITECT AND ACKNOWLEDGING THAT THE ALLOCATION OF RISKS AND LIMITATIONS OF REMEDIES ARE BUSINESS UNDERSTANDINGS BETWEEN THE PARTIES AND THESE RISKS AND REMEDIES SHALL APPLY TO ALL POSSIBLE LEGAL THEORIES OF RECOVERY. CLIENT FURTHER AGREES, TO THE FULLEST EXTENT PERMITTED BY LAW, AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS AGREEMENT OR ANY REFERENCE TO INSURANCE OR THE EXISTENCE OF APPLICABLE INSURANCE COVERAGE, THAT THE TOTAL LIABILITY, IN THE AGGREGATE, OF THE PLANNER OR LANDSCAPE ARCHITECT AND PLANNER OR LANDSCAPE ARCHITECT'S OFFICERS, DIRECTORS, EMPLOYEES, AGENTS, AND SUBCONSULTANTS TO THE CLIENT OR TO ANYONE CLAIMING BY, THROUGH OR UNDER THE CLIENT, FOR ANY AND ALL CLAIMS, LOSSES, COSTS OR DAMAGES WHATSOEVER ARISING OUT OF, RESULTING FROM, OR IN ANY WAY RELATED TO, THE SERVICES UNDER THIS AGREEMENT FROM ANY CAUSE OR CAUSES OF THE PLANNER OR LANDSCAPE ARCHITECT OR THE PLANNER OR LANDSCAPE ARCHITECT'S OFFICERS, DIRECTORS, EMPLOYEES, AGENTS, AND SUBCONSULTANTS, SHALL NOT EXCEED THE PLANNER OR LANDSCAPE ARCHITECT'S FEE RECEIVED FOR THE SERVICES PERFORMED.**

**C. NOTWITHSTANDING ANY OTHER PROVISION OF THE AGREEMENT, PLANNER OR LANDSCAPE ARCHITECT SHALL HAVE NO LIABILITY TO THE CLIENT FOR CONTINGENT, CONSEQUENTIAL OR OTHER INDIRECT DAMAGES INCLUDING, WITHOUT LIMITATION, DAMAGES FOR LOSS OF USE, REVENUE OR PROFIT; OPERATING COSTS AND FACILITY DOWNTIME; OR OTHER SIMILAR BUSINESS INTERRUPTION LOSSES, HOWEVER, THE SAME MAY BE CAUSED.**

**D. CLIENT MAY NOT ASSERT ANY CLAIM AGAINST PLANNER OR LANDSCAPE ARCHITECT AFTER THE SHORTER OF (1) 3 YEARS FROM SUBSTANTIAL COMPLETION OF SERVICES GIVING RISE TO THE CLAIM, OR (2) THE STATUTE OF LIMITATION PROVIDED BY LAW.**

**E. IT IS UNDERSTOOD AND AGREED BY BOTH PARTIES TO THIS AGREEMENT THAT THE FIRST TEN DOLLARS (\$10.00) OF REMUNERATION PAID TO PLANNER OR LANDSCAPE ARCHITECT UNDER THIS AGREEMENT SHALL BE IN CONSIDERATION FOR INDEMNITY/INDEMNIFICATION PROVIDED FOR IN THIS AGREEMENT.**

**XX. WAIVER.** Any failure by either the Client or the Planner or Landscape Architect to require strict compliance with any provision of this Agreement shall not be construed as a waiver of such provision, and the Client and Planner or Landscape Architect may subsequently require strict compliance at any time, notwithstanding any prior failure to do so.

**XXI. Signatories.** The Client and Planner or Landscape Architect mutually warrant and represent that the representation of each who is executing this Agreement on behalf of the Client or Planner or Landscape Architect, respectively, has full authority to execute this Agreement and bind the entity so represented.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the Parties, having read and understood this Agreement, have executed such in duplicate copies, each of which shall have full dignity and force as an original, on the \_\_\_ day of \_\_\_\_\_, 20\_\_.

**HALFF ASSOCIATES, INC.**  
By: Matthew Budo  
Signature  
Matt Buccini  
Printed Name  
REGIONAL PRACTICE LEADER  
Title  
8/4/2022  
Date

**CLIENT: CITY OF FREDERICKSBURG, Texas**  
By: \_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed Name  
\_\_\_\_\_  
Title  
\_\_\_\_\_  
Date

## EXHIBIT 'A' SCOPE OF SERVICES

### Comprehensive Plan + Park Master Plan – City of Fredericksburg, TX

The primary purpose of this planning effort is to prepare a comprehensive plan and park master plan for the City of Fredericksburg. These plans will provide guidance for the physical development, redevelopment, and future direction of growth and governance within Fredericksburg's planning area. This planning process and the resulting policies will be critical to the City's ability to promote and manage growth, protect, and enhance key areas of importance while accommodating future trends. This includes identifying what makes the City of Fredericksburg unique, establishing the vision of how Fredericksburg will continue to grow, and determining how Fredericksburg achieves that vision through ongoing execution of the implementation action plan. Undertaking these two plans at the same time will result in more coordinated plan development and implementation efforts.

**The plans listed below will each be a standalone document delivered in PDF format; however, the planning process utilized for development of these plans is combined, as shown in this scope of services.**

1. 2023 Comprehensive Plan
2. 2023 Park Master Plan

### ASSUMPTIONS

**This scope of services has been prepared using the following assumptions as a basis for its preparation:**

- The planning area will encompass the existing Fredericksburg City Limits and the City's statutory extraterritorial jurisdiction (ETJ)
- The City will appoint a contact person, "Project Administrator", to work with Halff to act as an intermediary between City staff, City Council, the committees, outside consultants, and other City, county and state government staff persons as required. Halff will take direction from the City's Project Administrator or City Manager only.
- Deliverables will be produced throughout the process to show progress. The deliverables will build upon each other to lead to the final deliverable.
- Halff will provide draft/interim deliverables as prepared for each phase of the project. These deliverables will be used for public outreach and input, to facilitate meetings and receive feedback, and to complete the project. All draft/interim deliverables will be provided to the City in an electronic format (e.g., Adobe PDF) for ease of file transfer, reproduction, and distribution.
- Halff deliverables include one consolidated round of revisions from the City. Halff will provide flexibility to address changes beyond the round of revisions, as needed. Major changes that shift the plan direction or require significant re-work will be an add-service.
- It is the responsibility of the City's Project Administrator to coordinate, compile, and forward in a consolidated manner all review comments, feedback, and/or requested/suggested revisions to such draft/interim deliverables.



- Only minor revisions will be made following adoption of the plans to produce the final plan documents. Substantive revisions after adoption may require additional services depending on their nature and the current budget status.
- The City will provide information from all previous planning studies and master plans that may influence the outcome of this planning effort. This information will be provided in digital format when possible and available. If no digital information is available, the City will create a reproduction, wherever possible, that will not have to be returned at the conclusion of the project. This information may include, but not be limited to, existing land-use plans and GIS data; existing transportation and street master plans; existing water or sanitary sewer planning documents; economic and demographic studies; park, trail, and open space plans; or other pertinent planning or policy documents. Prompt compilation and delivery of these documents to Halff is an essential prerequisite for the initiation of work and timely forward progress on individual tasks and deliverables.
- The City will provide Halff with the most recently updated digital base map of the planning area with City limit and extraterritorial jurisdiction (ETJ) lines, school district lines, municipal utility district boundaries, roadway centerlines and rights-of-way (if available), water and sewer facilities; dry utilities; public facilities (including police, fire, hospital, library and other major public facilities); park and open space facilities; sidewalks and trails; rivers, lakes and floodplain information; and other GIS available that may be pertinent to this planning process. These files will be in the form of GIS shapefiles.
- Input and feedback derived from the public engagement process will be assessed and incorporated into the various plan elements rather than compiled as stand-alone documents.
- Additional printing or publication expenses will be charged in accordance with Exhibit B, *Basis of Compensation*. Expenses incurred by the consultant team, such as mileage, materials, food, etc., are integrated into the Base Plan cost in the scope of services.
- Tasks prepared as part of this planning effort may occur concurrently where appropriate, or in some cases may deviate from the sequence shown in this Scope of Services document.

## PHASE ONE: PROJECT MANAGEMENT AND INITIATION

*The following tasks are related to on-going project management and project initiation tasks needed to successfully set-up a good foundation for the planning process.*

### Task 1.1 | Project Management

- **Halff's PM Commitment** – Halff will manage the project to ensure that it proceeds according to the professional services agreement and this scope of services. This includes timely communication with the City, coordination and scheduling of meetings and deliverables, preparing invoices and progress reports, etc.
- **PM Coordination Calls** – The Halff Project Manager and City's Project Administrator will hold check-in calls twice per month at an agreed upon time. The purpose is general project coordination, review of action items, and ensure the project schedule is maintained.

### Task 1.2 | Project Initiation

- **Project Kick-Off Meeting** – Halff will coordinate a project kick-off with City staff to discuss project logistics and communication expectations, establish key milestones, request needed information, refine the planning process and calendar, establish project goals, discuss advisory committee, and initiate the creation of the public engagement strategy.
- **Public Engagement Plan** – Halff will develop a Public Engagement Plan (PEP), in coordination with the City's Public Information Office, that outlines key milestones, dates, strategies, and input targets.

### Task 1.3 | Pre-Planning and Background Information

- **Request for Information and Data Collection** – Halff will prepare a Request for Information (RFI) for the City to provide important background data, files, photos, plans, and other pertinent information to the project. The RFI will also include information from City staff documenting progress implementing prior plan actions to understand previous plan implementation progress and which plan goals and objectives remain community priorities.
- **Background Analysis** – Halff will review and prepare the following to set up a foundation for the planning projects:
  - Prepare associated base maps (GIS files)
  - Review and analyze previous studies, plans, and other documentation (from the City or regional efforts) that may influence, affect, or impact this planning effort and identify existing recommendations from other sources that may support this planning effort or its post-adoption implementation actions.
- **Departmental Questionnaires and Meetings** – Halff will prepare and distribute questionnaires to City departments to understand existing conditions and near- and long-term needs. These surveys will also help to create departmental buy-in to the project. As a follow-up to the



surveys, Halff will meet with representatives from each of the departments in a one to 1.5 hour meeting. Specific departments will be determined as project kick-off, but could include:

- City Administration
- Planning and Development Services
- Economic Development and Finance
- Emergency Management, Fire, and Police
- Engineering, Public Works, and Utilities
- Parks and Recreation

## PHASE TWO: COMMUNITY ENGAGEMENT

*The following community engagement tasks are related to both the comprehensive plan and the parks master plan. Combining the engagement is of cost-savings to the City and leads to better engagement with the community. The entire engagement process will be led by the Public Engagement Plan, which is developed on Phase One of the project. All printed and digital materials will be translated into Spanish. This will be further outlined in the Public Engagement Plan.*

### Task 2.1 | Advisory Committee

- **Purpose** – The purpose of the advisory committee will be to guide the planning efforts and plan development. The committee will serve as a sounding board to Halff and City staff, while being representative of the community and their desires.
- **Committee Structure** – The suggested composition for the committee is 15 members and should include representatives from the following groups.
  - One (1) City Council member and/or one (1) P&Z member
  - Large property owners
  - Major employers
  - Gillespie County Commissioner’s Court representative
  - School district
  - Community groups and organizations
  - Real estate professionals
  - Developers and builders
  - General residents and others with an invested interested in Fredericksburg’s city-wide growth and development.
  - Hospitality Industry
- **Meetings** – The committee will meet up to six (6) times, as follows, with specific dates and times determined with the PEP.
  - *Meeting #1 – Visioning and Kick-Off*
  - *Meeting #2 – Goals and Strategies*
  - *Meeting #3 – Future Land Use, Housing, and Economic Development*
  - *Meeting #4 – Parks and Recreation*
  - *Meeting #5 – Meeting to be used as needed (the committee might need more time with a specific topic)*

- Meeting #6 – Draft Plan Review

### Task 2.2 | Stakeholders

- **Focus Groups** – Halff will conduct ten (10) focus groups (1 hour sessions) through the first half of the project to learn more about issues and opportunities. The focus groups will be divided into the following categories. The City will determine the final participants in the PEP. It is preferred that the meetings are small, in-person groups, but can be conducted virtually if needed. Recommended stakeholders are as follows, but the representatives should differ from the committee members:
  - Large property owners
  - Major employers and Chamber of Commerce representatives
  - Gillespie County
  - School district
  - Community groups and organizations
  - Real estate professionals
  - Developers and builders
  - General residents and others with an invested interest in Fredericksburg’s city-wide growth and development.
  - Gillespie Ministerial Association

### Task 2.3 | Online and Digital Engagement

- **Educational Social Media Campaign** – Halff will prepare three (3) social media posts with the purpose of educating the public about planning, why it is important to them, and how they can get involved. The intent is that these would be released weekly by the City in the weeks leading up to the public open house kick-off. The exact format of these posts will be determined in the PEP. The media will be formatted in a manner that it can be reused for sharing beyond a digital format (newspaper, utility bill, mailers, etc.)
- **General Social Media** – The PEP will outline the necessary times for social media promotion. The City’s Public Information Office will be expected to utilize existing social media accounts to schedule and boost posts and advertisements. Halff will create the graphics and content for the posts.
- **Online Surveys** – Halff will create and administer three (3) online surveys as follows. The surveys will be created using SurveyMonkey. The City will lead the promotion of the surveys through email blasts, mailers, social media. The exact promotion plan will be agreed upon in the PEP. All surveys will be printed and should be made available to the public at places like City Hall and the library. If needed, the City can mail the paper surveys to target audiences.
  - One (1) visioning community-wide survey at the beginning of the project
  - Two (2) additional community-wide surveys, to be used as identified in the PEP

#### Task 2.4 | Community Events

- Halff will attend up to three (3) community events throughout the duration of the project. The events should be previously scheduled by the City or another community group and not focused on the planning efforts. Events that have booths or the ability for a booth are preferable. Halff will prepare engagement materials and activities for use at the community event to have quick touch points with residents. The specific events and the engagement format will be determined in the PEP.

#### Task 2.5 | Public Open Houses

- Halff will hold three (3) open houses throughout the duration of the project. The exact dates and format will be determined in the PEP. Halff will prepare the necessary materials and activities, while City staff will assist with securing a location, advertising, and staffing the open houses.
  - One (1) kick-off/visioning open house
  - One (1) comprehensive plan-specific open house
  - One (1) parks plan-specific open house

#### Task 2.6 | Elected and Appointment Officials

- **Project Kick-Off** – At the beginning of the process, Halff will conduct a meeting with the Planning & Zoning Commission (P&Z) and a meeting with the City Council.
- **Joint Meetings** – During the process, Halff will meet with the P&Z and City Council in joint workshop format two (2) times. The specific meetings and topics will be determined in the PEP. Any reoccurring briefings about the project to City Council at regularly scheduled meetings will be handled by City staff.

#### COMMUNITY ENGAGEMENT SNAPSHOT

- Three (3) community events
- Three (3) open houses
- Three (3) online surveys
- Six (6) advisory committee meetings
- Four (4) meetings with elected and appointed officials
- 10 focus group meetings

### PHASE THREE: COMPREHENSIVE PLAN ELEMENTS

*Although all City priorities will be covered in the plan document, various plan elements may be combined into consolidated chapters for ease of use. Final chapter titles and arrangements may vary based on public input and desired strategic directions. The proposed plan element framework will include:*

#### Task 3.1 | Existing Conditions

- **Previous Planning Efforts** - Halff will review previous planning efforts, including the existing comprehensive plan to analyze key community trends and gain an understanding work that was completed in the past. A review of action items from previous planning efforts will also be conducted.
- **“State of the City” Report** – Halff will prepare a “State of the City” report as a summary of existing conditions. The report will include:
  - City-wide key issues, threats, and opportunities; growth, land use, and development; natural Infrastructure; transportation infrastructure; utility infrastructure; and civic infrastructure.
  - Update to pertinent baseline demographic and socioeconomic data from the U.S. Census Bureau and other sources as may be applicable.
- Economic profile and assessment

#### Task 3.2 | Vision and Goals

- Halff will collect information from City staff documenting progress implementing the prior plan actions to understand previous plan implementation progress and which plan goals and objectives remain community priorities.
- Halff will confirm and update the community vision and facilitate a set of overarching plan goals based on community engagement and the existing conditions analysis.

#### Task 3.3 | Future Land Use

Halff will update the future land use map and associated descriptions and create new land use recommendations. The updates will utilize the character framework to provide more guidance for specific areas of the community. The recommendations will align with community input, recent development trends, and industry trends.

#### Task 3.4 | Economic Development

Halff will utilize the economic profile (from Task 3.1) to guide the development of the comprehensive plan elements, including:

- Economic analysis of the updated future land use map
- Strategic target areas for development and recruitment



- Market and housing trends
- Economic impact and cost of development
- Funding mechanisms and tools, like a downtown TIRZ

### Task 3.5 | Infrastructure and Transportation

Halff will provide infrastructure and transportation recommendations that incorporate previous and on-going planning efforts, including:

- Policy guidance
- Adjustments to thoroughfare plan to facilitate the new future land use map's relationship with the future street plan

### Task 3.6 | Housing

Halff will provide policy guidance and recommendations related to housing based on the future land use map and the economic analysis, including a focus on:

- Attainable housing best practices for small tourist towns
- Coordination with the Fredericksburg Affordable Housing Coordinator

### Task 3.7 | Implementation and Code Assessment

- Halff will prepare a work program of recommended implementation actions that categorizes actions by implementation types and responsible entities. Action types may include operational changes, capital investments, operational investments, regulations, future studies, etc. Both short-term and long-range actions will be considered.
- Using the recommendations from each plan element, Halff will draft an implementation action plan that details near-, mid-, and long-term prioritization; type of action; and person, group, or entity responsible for implementation.
- As a follow up to the Comprehensive Plan, Halff will prepare an assessment of the development code. Halff will examine the relationship of the zoning and subdivision regulations to the policy directions of the City's adopted long-range plans, best practices, and industry trends. The assessment will include the following:
  - Analyze the development regulations for consistency with the policies and recommendations of the adopted master plans
  - Analyze the regulatory provisions to ensure intended development outcomes are clear
  - Review the development regulations comprehensively for readability, navigability, ease of use, and clarity of language
  - The assessment would be purely technical in nature and would be used to guide any future development code text amendments. The final deliverable is an assessment in a memo format.

## PHASE FOUR: PARK MASTER PLAN ELEMENTS

Although all City priorities will be covered in the plan document, various plan elements may be combined into consolidated chapters for ease of use. Final chapter titles and arrangements may vary based on public input and desired strategic directions. The proposed plan element framework will include:

### Task 4.1 | Existing Conditions

- **Site Conditions and Connectivity Assessment** – Using base mapping and an on-site analysis of conditions and connectivity, develop an understanding of the opportunities and constraints of such things as, but not limited to, infrastructure, pedestrian and vehicular connectivity, natural and cultural resources, and land uses.
- **Update Park Maps** – Update park inventory data, to be provided by City Staff. This will include the number and type of facilities in each City park. From this data, Halff will map the general geographic location of all park facilities in Fredericksburg. Facilities to be shown include:
  - Existing parks, recreation facilities, and open spaces
  - Existing recreation/civic facilities
  - Private or quasi-private recreation facilities (as identified by Staff)
  - City owned properties, including undeveloped properties
- **Park Condition Assessment** - Halff will prepare an assessment of existing park conditions for all publicly accessible parks, public grounds, and open spaces maintained by the City. The park conditions assessment relies on a visual survey to evaluate the general condition of park buildings, structures, facilities, and surfacing. Conditions assessments consider apparent signs of facility deterioration, and perceptions of functional obsolescence. Numerical rankings are applied to each facility and composite scores are applied to each park property to determine where facility replacement, rehabilitation, or reconstruction is most warranted. Additional on-site time by Halff staff members is required to undertake the park-by-park condition assessment. *(Note: The park conditions assessment does not include structural, mechanical, electrical, HVAC or plumbing inspections of park department administrative buildings, community centers, recreation centers, aquatics facilities, or similar.)*

### Task 4.2 | Level of Service and Park Needs

- **Level of Service** – Halff will evaluate needed updates to level of service for parks
  - *Calculate current level of service (CLOS)* – Review the previously adopted Master Plan to identify existing standards and to determine if recommend adjustments or new standards are appropriate to identify the CLOS.
  - *Refine target levels of service (TLOS)* – Refine TLOS for park land, amenities, and facilities to meet the needs of current and future populations. Use NRPA standards or similar area standards as starting points for comparison only.
  - *Compare recommended to actual* – Compare recommended spatial facilities to actual number of facilities and develop tables that illustrate deficiencies in each category.
- **Parks Needs Assessment** - Halff will prepare a written summary of needs, to include areas of significant deficiencies, in terms of land area and specific types of facilities. Halff will compare recommended standards to actual conditions to determine deficiencies. Halff will update maps as appropriate that demonstrate key needs.

#### Task 4.3 | Recreational Programming Analysis

Halff will review current recreation programming of Fredericksburg and other Gillespie County providers. This analysis will review staff structure and potential opportunities for recreation in context of best providers and staff support.

#### Task 4.4 | Park Recommendations and Strategies

Based on the current and anticipated growth in the City, Halff shall consider and provide recommendations to address the specific needs and goals identified during this phase of the Parks, Recreation, and Open Space Master Plan. Recommendations may be either citywide or targeted to specific sectors of the City. These recommendations and strategies will generally be categorized as follows:

- Land Acquisition
- Park & Facility Development
- Trail Opportunities
- Operations and Maintenance (This includes an assessment to facilitate the process of analyzing the current status of parks operations and maintenance and develop an operations and maintenance plan for the Parks Department.)
- Park Improvements
- Policy Recommendations

### PHASE FIVE: DRAFT PLANS

*The following are recommended structures for the planning documents. These structures will be further developed by Halff and agreed upon with City staff before the development of the document begins.*

#### Task 5.1 | Comprehensive Plan

For this plan, it is recommended that the existing independent element-based plan format be transitioned to a more contemporary existing city/future city format. This means that all the existing conditions and analysis for all elements will be grouped together, and all the goals, objectives, and actions will be grouped together. The benefit of this is that it allows the more commonly used resources (e.g., the actions) to be consolidated into a single, more usable resource. The content of the recommendations will still be grouped into an organized, topical framework, preliminarily proposed as follows:

- Regional Fredericksburg (e.g., identifying Fredericksburg's interrelationship with the region)
- Mobile Fredericksburg (e.g., refining the thoroughfare plan based on land use changes)
- Livable Fredericksburg (e.g., future land use, housing, neighborhoods, downtown, and placemaking)
- Natural Fredericksburg (e.g., parks, trails, flooding)
- Resilient Fredericksburg (e.g., economic resilience)

### Task 5.2 | Park Master Plan

For this plan, the following structure is recommended. It is similar to the existing parks master plan structure but offers a more streamlined approach. Additionally, the parks master plan will be developed according to Texas Parks and Wildlife (TPWD) guidelines and will be submitted to TPWD following plan adoption.

- Introduction and Existing Conditions
- Community Vision (engagement, vision, goals and objectives)
- Inventory & Needs Assessment (inventory, standards, and needs)
- Plan Recommendations
- Implementation (priorities and phasing)
- Appendices, as needed

## PHASE SIX: ADOPTION OF PLANS

*The following is a summary of the process to review and adopt the plans. Halff will prepare all documents and presentations needed to present before elected and appointed officials. It is anticipated that staff will lead these presentations. Halff anticipates being present at the review workshops.*

### Task 6.1 | Final Document Review

- Two (2) rounds of comment review on the final draft (for each plan)
- One joint workshop with P&Z and City Council (for each plan)

### Task 6.2 | Adoption Meetings

- Required P&Z and City Council public hearing and adoption meetings (for each plan, but can be at the same meeting)

### Task 6.3 | Final Adopted Plan Package

- Final deliverables package
  - All Adobe InDesign, Adobe PDF, JPG, and ArcGIS files related to the final, adopted plans
  - Ten (10) printed and bound copies of the final, adopted plans (10/plan)

**End of Attachment 'A' – Scope of Services**



## EXHIBIT 'B' BASIS OF COMPENSATION

### Comprehensive Plan + Park Master Plan – City of Fredericksburg, TX

**Base Scope of Work** – Halff Associates will provide labor and personnel to perform the base services outlined in Exhibit 'A' on a lump sum basis. Fees for services will be billed monthly, based on the percentage of work completed.

- **Project Initiation and Management** = \$25,000
- **Community Engagement** = \$110,000
- **Comprehensive Plan Development and Code Assessment** = \$110,000
- **Park Master Plan Development and O&M Assessment** = \$80,000
- **Adoption and Final Deliverables** = \$30,000
- **Direct Costs** = \$5,000

**BASE FEE = \$360,000\***

*\* As a standalone effort the park master plan would be \$110,000. Combining the park master plan effort with the comprehensive plan effort created a savings of \$30,000.*

### ADDITIONAL OR CONTINUING SERVICES

During the course or at the conclusion of the project, the City may deem it necessary to schedule more meetings, request further research, or otherwise engage Halff in additional work efforts or subsequent phases not anticipated at project initiation or as set out in Exhibit A, *Scope of Services*. Any such additional services shall be specifically authorized by the City Council, as appropriate, and documented through a written amendment to Exhibit A, *Scope of Services*, or set out as follow up additional phase services. This will include a corresponding modification to the maximum not-to-exceed amount set out in Exhibit B, *Basis of Compensation*, and, if necessary, the time of performance as set out in Exhibit C, *Anticipated Schedule for Completion*.

Halff also offers several potential additional scopes of work which may be considered concurrent or following the comprehensive planning process. These are included in the following pages.

### ADDITIONAL MEETINGS

Each additional meeting or visit beyond those described in the scope will require additional fees to accommodate the request. These will be charged on an hourly rate schedule, as follows:

- **Principal-in-Charge** = \$215/hour
- **Project Manager** = \$170/hour
- **Graphic Support** = \$125/hour
- **Planning Support** = \$120/hour

Required expenses to facilitate such meetings will be invoiced according to the contract for services.



## PARKLAND DEDICATION ORDINANCE

As a follow up to the Park Master Plan, Halff can facilitate the process of updating the parkland dedication ordinance, including text amendments.

## DEVELOPMENT CODE AMENDMENTS

As a follow up to the Comprehensive Plan, Halff can assist City staff in drafting amendments or re-writing of the City's development code (zoning and subdivision regulations) as part of the Implementation Action Plan of the Comprehensive Plan. In many cases, the adoption of a Comprehensive Plan (and a new or revised community vision for the future) provides the right momentum and opportunity to update the City's regulations. Moreover, while the state does not require a Comprehensive Plan, it does require a municipality's zoning regulations to be adopted in accordance with the Comprehensive Plan (§ 211.004, *Compliance with Comprehensive Plan*, of the Tex. Local Gov't. Code). Halff's staff include a long history of developing zoning, subdivision, and other development-related regulations from simple ordinance modifications to preparation of entire unified development codes (UDCs).

## CIP/COMPREHENSIVE PLAN INTEGRATION

As a follow up to the Comprehensive Plan, Halff can prepare an updated capital improvements program to coordinate the location, timing, and financing of capital projects over at least a five (5) year period beginning with the fiscal year following Comprehensive Plan adoption. This additional service will identify specific facility, transportation and other capital projects to be undertaken by the City; and more closely tie capital project prioritization to Comprehensive Plan goals and objectives. This task will generate the following two (2) products:

- **Capital Improvements Program** – A report that documents the process used to generate the Five-year Capital Improvement Plan (CIP). Serves as a procedural template for preparing capital improvement plan updates in subsequent fiscal years. Will include program parameters, project categories, ranking criteria, project prioritization steps, annual CIP timeline, CIP oversight, project nomination, funding options, etc.
- **Five-year Capital Improvement Plan (CIP)** – A list of prioritized capital projects to be included in the City's capital budget for the next five-year period. CIP materials will include project lists (including a supplementary list of unfunded projects not incorporated into the final five-year CIP), project forms, and ranking criteria and matrices in a database format for use by the City during subsequent fiscal years.

In partnership with the City, development of these products may include the following task activities:

- Establish program parameters and project categories.
- Update project ranking criteria, decision-making considerations, scores, and weights.
- Prepare an updated project form template and project ranking database.
- Facilitate a project prioritization process.



- Develop a realistic financial plan that includes both the anticipated available funding resources and the anticipated project cost for all prioritized projects.
- Meetings with a Capital Improvement Advisory Committee at key points during the process.
- Preparation of Preliminary Financing Plan for downtown TIRZ

#### **PRINTING EXPENSES**

Printing expenses of additional plan copies (beyond two copies) are not included in base fee in this scope of services. Additional plan copies can be provided at the following rates:

- Letter and Legal/Color (\$0.20/sheet)
- Letter and Legal/B&W (\$0.10/sheet)
- 11x17/Color (\$1.50/sheet)
- 11x17/B&W (\$0.75/sheet)

**End of Attachment 'B' – Basis of Compensation**



**EXHIBIT 'C'**  
**ANTICIPATED SCHEDULE FOR COMPLETION**

**Comprehensive Plan + Park Master Plan – City of Fredericksburg, TX**

Halff expects to perform the base services outlined in Exhibit 'A' within 16 calendar months from the date of the notice to proceed, pending further discussion with staff regarding appropriate timing and pace. Following staff confirmation of schedule during the Project Initiation Phase, schedule adjustments to meet specific City needs can be developed in conjunction with City staff if deemed necessary. As each effort is initiated, a more detail schedule will be developed.

**End of Attachment 'C' – Anticipated Schedule for Completion**





## CITY COUNCIL MEMO

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**DATE:** August 15, 2022  
**TO:** Mayor and City Council  
**FROM:** Clinton Bailey, City Manager  
**SUBJECT:** Hotel and Conference Center

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### **Summary:**

The City Council received two Hotel and Conference Center proposals presentations in response to a request for proposals (RFP) solicited by the City of Fredericksburg on March 22, 2022. Presentations were given by each of the two respondents to the RFP, DC Partners and The Artisan on July 18, 2022 during the regular City Council meeting.

### **Recommendation:**

It is recommended the City Council discuss the two Hotel and Conference Center proposals and either select and enter into contract negotiations with a single development group or reject both proposals.

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### **Background / Analysis:**

The City of Fredericksburg solicited for written proposals for the development, financing, design, construction, and operation of a Hotel Conference Center in Fredericksburg on March 22, 2022. Two proposals were received on or before the submittal deadline of April 22, 2022. Presentations were received by DC Partners and The Artisan at the City Council Regular Meeting on July 18, 2022.

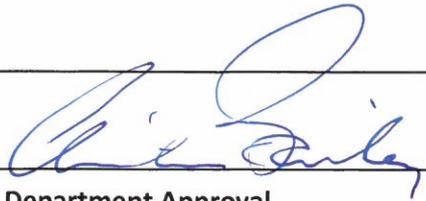
### **Attachments:**

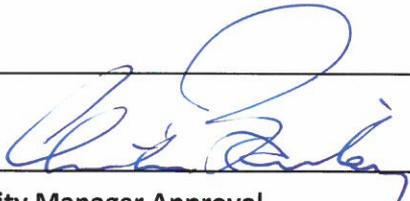
Request for proposals for the Development of a Hotel Conference Center in Fredericksburg, Texas

**The City of Fredericksburg**

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

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Department Approval

  
City Manager Approval

\_\_\_\_\_  
City Attorney Approval

**The City of Fredericksburg**

# REQUEST FOR QUALIFICATIONS AND PROPOSALS

Development of a Hotel Conference Center  
Fredericksburg, Texas



Issue Date: *February 22, 2022*

Proposal Due Date: *April 22, 2022*

# Table of Contents

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1. Introduction and Summary
2. Project Scope
3. Proposal Requirements
4. Selection Process
5. Other Conditions

APPENDIX A – Site Description

## 1. INTRODUCTION AND SUMMARY

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The City of Fredericksburg, Texas ("City") invites written proposals for the development, financing, design, construction, and operation of a Hotel Conference Center in Fredericksburg, Texas. To attract new meeting and group business to Fredericksburg, the City seeks the development of a conference center ("Conference Center") and an upscale hotel ("Hotel") through a public-private partnership.

Proposals are solicited in accordance with the terms, conditions, and instructions as set forth in this Request for Qualifications and Proposals ("RFP").

The deadline for submitting the response to this RFP is 5pm (CST). (If mailed, the proposal must be received by the City by April 22, 2022.)

Proposals will be time stamped in and should be sent to:

Kent Myers, City Manager  
Fredericksburg City Hall  
126 West Main Street  
Fredericksburg, Texas, 78624

Late proposals will not be accepted. Faxed or emailed proposals will not be accepted. The City is not responsible for submissions not properly identified.

Respondents to this RFP must submit an original and nine (9) copies of their Proposal in a sealed package labeled "HOTEL CONFERENCE CENTER DEVELOPMENT PROPOSAL."

Questions regarding this RFP must be submitted in writing to the City by March 22, 2022. Responses to respondent questions will be provided by March 25, 2022.

The City reserves the right to reject any and all proposals or to accept any proposal deemed to be in its best interest. The City shall not be obligated to enter into any contract with any respondent on any terms or conditions. Questions regarding this RFP should be sent in writing or email per respondent to:

Kent Myers, City Manager  
Fredericksburg City Hall  
126 West Main Street  
Fredericksburg, Texas, 78624  
[kmyers@fbgtx.org](mailto:kmyers@fbgtx.org)

**Procurement Schedule**

RFP Issued: February 22, 2022

Questions must be received by: March 22, 2022

Questions answered by: March 25, 2022

RFP Responses Due: April 22, 2022

## 2. PROJECT BACKGROUND AND SCOPE

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### 2.1. Purpose and Overview

The City of Fredericksburg, Texas (the “City”) seeks a highly-qualified Development Partner to develop, construct, equip, and operate a Hotel Conference Center. The purposes of this project are to improve the ability of the City to attract conference and group meeting business and generate a positive economic impact on Fredericksburg.

The City envisions that the Development Partner would own and operate the Conference Center and the Hotel.

In 2015, the City engaged HVS Convention, Sports and Entertainment Facilities Consulting (“HVS”) to study the feasibility of conference center development in Fredericksburg. The HVS study, which can be found here, [www.VisitFredericksburgTX.com/partners/CVB-visitor-research/](http://www.VisitFredericksburgTX.com/partners/CVB-visitor-research/), included a market area overview, projection of demand for and the financial operations of a conference center, an overview of the lodging market, and a discussion of approach to financing. Analysis of hotel demand revealed high room occupancy on weekends and during peak seasons, but low occupancies during mid-week. Surveys of event planners show a desire to place events in Fredericksburg, but a lack of facilities to accommodate them. Furthermore, many group meeting events would occur during mid-week periods. The study concluded that an integrated hotel conference center developed through a public-private partnership offers the best opportunity for success. Proposers are advised to carefully read this report in its entirety.

In 2017 the City issued an initial Request for Proposals (RFP) and received several proposals. These proposals were reviewed and eventually the City selected a firm to develop this project. However, this firm was not able to secure their financing and the City has cancelled their agreement with this firm.

In 2021 the Fredericksburg Convention and Visitor’s Bureau (CVB) retained HVS to update their previous study. This updated feasibility study is also available on the website reference above. Based upon this study and new interest expressed by potential project developers, the City has decided to issue this new RFP.

Although Proposals are expected to range in scope and scale, the Selection Committee will compare all Proposals according to the criteria described in this RFP.

The City seeks a proposal from a highly qualified and financially capable Development Partner for the design, financing, construction, and operation of the Hotel Conference Center which contains the following elements:

- a hotel with a minimum of 150 rooms,
- useable meeting space with a minimum of 12,000 square feet which would include a multipurpose ballroom with a minimum of 8,000 square feet (divisible into three rooms),

- a minimum of 4,000 square feet of meeting room space (four rooms of various sizes), and
- lobbies, pre-function areas, storage, production kitchen and other support spaces necessary for the successful operation of the facility.

Development Partner teams should include an architect, a builder, and equity investors. Developer Partners may recommend Hotel brands and operators, but final selections of a hotel flag and a hotel and conference center operator would occur after the selection of a Development Partner.

**2.2  
Site Considerations**

The City will consider any sites within its municipal boundaries and outside municipal boundaries if an annexation plan is included in the proposal. Developers may offer alternative proposals for more than one site.

Site selection will be a key factor in evaluation of proposals. Sites will be evaluated based on their capacity to accommodate the recommended building program, accessibility, availability of related infrastructure, compliance with building and zoning requirements, proximity to tourist amenities, and impact on neighboring land uses. Additional consideration will be given to sites that allow for future expansion of the Conference Center.

**2.3  
Public Investment and  
Resources**

The Development Partner should propose an approach to financing the project that is feasible and achievable within the specified project schedule. The City recognizes that some level of public participation may be necessary. The City intends to minimize the level of public participation in the Project while attaining the most distinctive, highest quality and marketable project possible. Preference will be given to those developers who minimize public participation and emphasize private sector financing and participation.

**2.4  
Two Phased Selection  
Process**

Development Partner proposals will be considered in a two-phased selection process.

**Phase 1** – Developer Partners should submit the qualifications of team members, proposed development site, provide a preliminary project concept, and identify an approach to financing and ownership of the project.

**Phase 2** – The team of Development Partners initially approved will be asked to submit a business plan that includes: a development schedule, project cost estimates, a pro forma statement of operations, and a financing and ownership plan.

### 3. PROPOSAL REQUIREMENTS

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**3.1  
Submission  
Requirements**

Submittals for both Phases shall be bound as single-sided pages and include the information set forth below. Failure to include any part listed below may disqualify a submission.

**3.2  
Phase 1 Submission  
Requirements**

Respondent shall provide the following information to the greatest extent possible, in their Phase 1 submittal in the order listed below.

A. Team Qualifications

- Respondents should propose a Development Partner team that includes an owner/developer, general contractor (optional), design team, and equity investors. The Development Partner may recommend other team members (such as hotel brands and operators) that may be required for completion of the Project.
- Describe your organization and management approach, including identifying the role of key personnel who will be involved in the implementation of the Project. Using an organizational chart, list proposed team's key personnel who will be directly involved with the Project. Personnel should include architects, general contractors, equity owners, and other team members.
- For each key person, please provide a summary of qualifications, which should include the following:
  - A resume with past relevant development experience, specifically addressing projects related to the hotel and conference center projects,
  - Location of key personnel (e.g. local office location, main headquarters, etc).
  - Describe each individual's respective role, responsibilities and amount of involvement in this project.
- Submit information on three (3) projects of similar scope and complexity that have been completed or substantially completed by members of the development team within the last ten (10) years. The information for each project shall include specific details on the extent to which services were provided.
- Provide the name, title, address, and phone number of three (3) references having first-hand experience of the Development Partner's performance on the projects listed above. Each reference should relate to a different project.

- Provide information on the Developer Partner's legal status and financial capabilities along with copies of financial statements for the previous two (2) years.

B. Development Site

- Identify the proposed site or sites. See Section 2.2 of this RFP for information on site.

C. Preliminary Project Concept

- A conceptual diagram of the Hotel Conference Center, parking, and related development and amenities. Please summarize the proposed building program including:
  - proposed site(s) location and dimensions,
  - the number of hotel guest rooms,
  - floor areas of function spaces,
  - description of food and beverage facilities,
  - on-site parking facilities, and
  - other amenities or collateral development that may be included in your plan.
- Please indicate your prior experience in branding or franchising hotels. Discuss hotel brands that may be appropriate for the proposed Hotel Conference Center.
- Discuss the visual and physical relationship with the surrounding neighborhood including commercial, residential, and recreational developments,
- Demonstrate transportation access to and within the site area, and
- Present other information related which may be helpful in explaining your project.

D. Approach to Financing and Ownership

- Please discuss your proposed approach to the ownership and operations of the project.
- Describe your approach to financing including identification of potential equity investors.

E. Approach to Staffing Operation of Both Conference Center and Hotel

- Please include number of full-time and part-time employees that are projected to staff both the conference center and hotel.

- Describe how these employees will be recruited to staff these positions.
- Indicate any inducements or incentives that would be offered to these employees include housing assistance and travel stipends.

Upon review of the Phase 1 submittals by the Selection Committee, the City will select a short list of no more than three potential Development Partners.

### 3.3 Phase 2 Submission Requirements

The Development Partners initially selected will be asked to provide a detailed business plan for the Hotel Conference Center development. Phase 2 submittal requirements will include the following items as well as additional information that the City may deem necessary for selecting the best development team.

1. A detailed concept plan that includes a site plan, building floor plans, and sections as may be necessary to fully describe the project.
2. Development Schedule
  - A project schedule beginning with authorization to negotiate through opening of the project.
3. Project Cost Estimates
  - A comprehensive project budget including all land costs, construction costs broken down by building component, FF&E costs, pre-opening costs, permit and approval fees, legal costs, development fees and other soft costs. Escalation of costs for inflation should be included and identified in the projections.
4. Proforma Statement of Operations
  - A five-year pro forma operating statement for the proposed Hotel Conference Center.
5. Financing and Ownership Plan
  - The amounts of proposed debt financing and estimated cost of debt.
  - The amounts of proposed equity investment and anticipated return on equity.
  - Other third-party sources of funding, if any (e.g. EB5 funding, tax credits, hotel operator equity, etc.)
  - The anticipated amount of public participation in the project and proposed forms of public participation.

- A narrative description of the proposed approach to funding the proposed Project, clearly detailing any proposed financial responsibilities of the proposed Development Partner and/or operator.
- Plans for ownership and operation of the proposed Hotel Conference Center including identification of potential brands, franchise arrangement, and a Hotel Conference Center operator.
- Verifiable assurances that the proposed Development Partner has, or can obtain within time certain, the required financing to construct the project as proposed.

Upon review of the Phase 2 submittals and recommendation from the Selection Committee, the City will begin negotiations with the first ranked Development Partner of a development agreement and other related agreements. The selected Development Partner will be expected to provide the information and perform due diligence necessary to reach a development agreement with the City. If negotiations are not successfully concluded within a predetermined schedule, the City may terminate discussions and begin negotiations with the next ranked Development Partner.

**3.4  
Confidential  
Information**

Any information submitted by the respondents that is deemed proprietary and confidential should be submitted in a separate envelope and marked as such. The City will make efforts to protect the confidentiality of this information to the extent allowable by law.

**3.5  
Insurance  
Requirements**

Respondent agrees to always maintain during the life of the project applicable insurance. Upon selection, respondents will be required to provide a Certificate of Insurance coverage evidencing all coverage, limits and endorsements. If Respondent receives a non-renewal or cancellation notice from an insurance carrier affording coverage, Respondent agrees to notify the City within five (5) business days with a copy of the non-renewal or cancellation notice.

## 4. SELECTION PROCESS

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### 4.1

#### Selection Process

The selection process will begin with a review of the Proposals submitted, a ranking of the Proposals by the Selection Committee, followed by interviews of the respondents that are initially deemed to be qualified. The Selection Committee will then recommend a short list of Development Partners to the City. With City approval, the short-listed teams will be asked to submit additional information.

After review of the Phase 2 submittals, the Selection Committee will rank the Development Teams. Upon approval of the Selection Committee's recommendations by the City Council, the City will begin to negotiate a Development Agreement and other related agreements with the first ranked Development Partner. The Development Partner and the City will agree on a schedule for conclusion of such negotiations. If an agreement is not reached within the agreed upon time-frame, the City may terminate discussions and begin negotiations with the second ranked team.

Throughout the selection and negotiation process, the City may reasonably request additional information from the Developer Partners as may be necessary to select a team and negotiate the necessary agreements.

### 4.2

#### Selection Criteria

The evaluation criteria shown below will give favorable consideration to Development Partners with significant experience in developments similar in scope and quality to the proposed Project. Preferred Development Partners should demonstrate they have sufficient financial resources and experience to finance and complete the Project in accordance with a fixed schedule.

The Development Partner's qualifications will be evaluated using the following criteria:

- Ability to secure project financing and make the necessary investments,
- Depth of experience on directly comparable projects,
- Demonstrated experience and availability to meet the stated schedule for project completion,
- The quality of the proposed building program, ownership structure, and operating plans,
- The quality of the plan to provide the workforce necessary to staff the project once completed.
- Extent to which the proposed Hotel Conference Center building program meets the objectives of the City as described in the RFP,
- Simultaneous development of complimentary land uses in a mixed-use development,
- Benefit to the City, financial and otherwise, of the proposed ownership and operating arrangements, and
- Overall responsiveness to the RFP.

## 5. OTHER CONDITIONS

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- Any response to this RFP should remain in effect for 120 days after the date of submission.
- The respondent shall not collude in any manner or engage in any practices with any respondent(s) which may restrict or eliminate competition or otherwise restrain trade. Violation of this instruction will cause the City to reject the respondent's submittal. This prohibition is not intended to preclude joint ventures or subcontracts
- All responses submitted must be the original work product of the respondent. The copying, pasting, paraphrasing or other uses of substantial portions of the work product of another respondent is not permitted. Failure to adhere to this instruction will cause the city to reject the proposal.
- This RFP does not commit the City to procure or award a contract for the scope of work described herein.
- The City reserves the right to waive any irregularities or non-conformance with the terms of the RFP.

**Future Agenda Worksheet  
August 17, 2022 – November 21, 2022**

	<b>CITY COUNCIL MEETING DATES &amp; FUTURE AGENDA ITEMS</b>	<b>ACTION</b>	<b>PRESENTER</b>
	<b>Wednesday, August 17, 2022 (Workshop) 9 a.m. Cardinal Room</b>		
1	General Fund and Enterprise Fund	Presentation/Discussion	
	<b>Monday, August 22, 2022 (Workshop)- 4 p.m. Cardinal Room</b>		
1	Budget and tax rate	Public Hearing	Laura
2	Tax Rate	Approve	Laura
	<b>Tuesday, September 6, 2022 (Regular Meeting)</b>		
1	August 15, 2022, Regular Meeting Minutes	Consent	Shelley
2	August 17, 2022, Workshop Meeting Minutes	Consent	Shelley
3	PDV Mariposa - Voluntary Annexation public hearing only – no action (Z-2214)	Public Hearing	Garret
4	Market Square Improvement Bids	Approval	Andrea
5	CVB Lease Agreement	Approval	CVB Lease Agreement
6.	Broadband Phase II	Approval	Eric
	<b>Wednesday, September 14, 2022 (Workshop)- 4 p.m. Cardinal Room</b>		
1	Budget and tax rate	Public Hearing	Shelley
	<b>Monday, September 19, 2022 (Regular Meeting)</b>		
1	September 6, 2022, Regular Meeting Minutes	Consent	Shelley
2	August 22, 2022, Workshop Meeting Minutes	Consent	Shelley
3	Adoption of FY2023 Budget	Ordinance	Laura
4	Adoption of I&S and M&O/Tax Rate	Ordinance	Laura
5	Land Use Change and Zoning Change 611 and 613 E. Austin and 106 & 108 N Columbus (Z-2219)	Public Hearing & Ordinances	Garret
6	Conditional Use Permit 206 N. Milam (Z-2218)	Public Hearing & Approval	Garret
7	Conditional Use Permit 513 S Adams Street (Z-2217)	Public Hearing & Approval	Garret
8	PDV Mariposa – Voluntary Annexation (Z-2214)	Approval	Garret
9	PDV Mariposa – Establish Land Use and Zoning (Z-2215)	Public Hearing & Ordinances	Garret

**Future Agenda Worksheet**  
**August 17, 2022 – November 21, 2022**

	<b>Monday, October 3, 2022 (Regular Meeting)</b>		
1	September 19, 2022, Regular Meeting Minutes	Consent	Shelley
	<b>Monday, October 17, 2022 (Regular Meeting)</b>		
1	October 3, 2022, Regular Meeting Minutes	Consent	Shelley
	<b>Monday, November 7, 2022 (Regular Meeting)</b>		
1	October 17, 2022, Regular Meeting Minutes	Consent	Shelley
	<b>Monday, November 21, 2022 (Regular Meeting)</b>		
1	November 7, 2022, Regular Meeting Minutes	Consent	Shelley
	<b>FUTURE AGENDA ITEMS</b>		
1	Lady Bird Johnson Golf Course Lease	Approval	Shelley
2	Capital Improvement Fund in General Fund (postponed from 5-16-2022)	Resolution	Laura
3	Naming rights for Market Square	Approval	Andrea
4	S. Milam ROW Vacation (Near Whitney St)	Approval	Daniel/Kris
5	Boards and Commissions (EDC, CVB, 2 BOA vacancies, & Market Square Redevelopment vacancy)	Appoint	Shelley