



**City of Fredericksburg**  
**CITY COUNCIL REGULAR MEETING**  
**TUESDAY, SEPTEMBER 6, 2022 ~ 6:00 P.M.**

Jeryl Hoover, Mayor  
Tony Klein, Councilmember  
Bobby Watson, Councilmember

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

**WRITTEN COMMENT**

Comment Form #	Name	Address
1	Annette Bennett	
2	Clarence Oliver	315 Chase Oak Place
3	Mo Saiidi	
4	Bryan Swafford	
5	Luke Sanders	
6	Jessica Swanson	
7	Christina Espinoza	
8	Stephen & Susan Bertram	
9	Leslie Sukaly	
10	Francesca Poston	
11	Austine Fleener	
12	Michelle Jones	
13	Tom Marschall	
14	Tonya Benson	
15	Mary Jo Johns	
16	Eric Schmalbach	

I would like to offer my Comments regarding annexation of land at mariposa for apartment project to city council.

Several years ago city council and Heritage Hill Country neighborhood stopped the use of Mariposa for traffic going in/out of Friedan lakes. What has changed that we would now allow a traffic increase of 500-750 people?

What about the integrity of the homes and property on Mariposa? Will their property be devalued as a result of this new apartment project which runs all traffic through their neighborhood? What about the value of the homes in Heritage Hill Country which back up to Mariposa. These are established neighborhoods and their value and safety and integrity will be DESTROYED if this land is annexed and the development then approved.

Access to 290 will provide a dangerous entry point. There is a traffic light at HHC, will there be another traffic light just 1/10 of a mile away? How will this increased traffic safely enter 290?

We already have approved approx. 1000 new homes and 950 apartments – why are we considering approving another 250 apartments when we have made no improvements in providing water for existing residents?

Once the developers of the Section 8 housing have built it, will they sell it? Will the owners be involved in our city? Will they share the values and the concerns of our residents? How will policing be increased to patrol and assure safety of the resident in the Section 8 and surrounding homes?

I do not support the annexation of this property and I do not approve the development of the apartment project. This growth is not good growth.

Annette Bennett



**NOTICE OF PLANNING & ZONING PUBLIC HEARING:**  
**ESTABLISHMENT OF LAND USE AND ZONING**

**HEARING**

**DATE: September 7, 2022**

**TIME: 5:30 PM**

**REQUEST**

**NUMBER: Z-2215**

The City of Fredericksburg Planning and Zoning Commission will meet in a regular session on September 7, 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: September 19, 2022**

**TIME: 6:00 PM**

**REQUEST**

**NUMBER: Z-2215**

The City of Fredericksburg City Council will meet in a regular session on September 19, 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-2215 TO CONSIDER THE FOLLING:

- A. REQUESTED FUTURE LAND USE CLASSIFICATION OF "HIGH DENSITY RESIDENTIAL" (HDR) FOR APPROXIMATLY 9.37 ACRES OF LAND LOCATED AT 211 MARIPOSA DRIVE.
- B. REQUESTED ZONING OF (PUD) PLANNED UNIT DEVELOPMENT FOR APPROXIMATLY 9.37 ACRES OF LAND LOCATED AT 211 MARIPOSA DRIVE.

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**APPLICANT: MARK PAVLICEK WITH NORTH CHERRY BUILDERS**

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**LOCATION: 211 MARIPOSA**

(See attached map)

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REQUEST NO. Z-2215

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

Clarence M. Oliver

Signed

9/2/2022

Date

CLARENCE M. OLIVER

Printed Name

Address

315 CHASE OAKS PLACE  
(HERITAGE HILL COUNTRY)  
FREDERICKSBURG, TX 78624

1. We moved into our current residence in Heritage Hill Country (HHC) because we wanted peace and quiet and we knew that HHC, being a retirement community, would provide those qualities. But if you allow the construction of a 250-unit apartment complex just outside our back fence, peace and quiet will be things of the past. If every unit in the complex has even one resident driving to and from work, that would be 250 vehicles driving right past our back fence every morning and 250 every evening—and possibly as many as 500 mornings and evenings!
2. Given the location of the proposed complex, and the difficult access via Mariposa Drive, I can only assume that these units would be “affordable,” i.e., low-rent. This would lower the values of home in HHC considerably.
3. Construction of the complex would require many months, if not a year, and during that time there would be huge construction vehicles running past our back fence all day. The noise and dust would be unbearable.
4. The destruction of native animal habit would be unimaginable. There are currently more than 50 deer (and who knows how many smaller animals?) living in that area. By destroying this habitat and the browse off of which the deer live, you would ensure that their number would decline substantially since deer (and other animals) will produce many fewer offspring when their food sources are reduced.
5. Highway 290 East has more serious vehicle accidents than any other roadway in Gillespie County. With an uncontrolled access to and from Mariposa Drive off of 290, I’m sure that we would have many more wrecks. And how long would it take TXDOT to install a traffic light at that intersection? Well, we lived in HHC more than 10 years before one was installed at the intersection of Heritage Hills Drive and Highway 290.

## Shelley Goodwin

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**From:** Mo saidi [REDACTED]  
**Sent:** Saturday, September 3, 2022 11:58 AM  
**To:** citizencomment@fbgtx.org; Shelley Goodwin  
**Subject:** Property Taxes

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Dear Mayor & Council;

As someone who has evaluated the budget and tax rates for the last 5/6 years, I wanted to pass a couple of comments for your considerations as you go through your dellibration. All Data from local paper reporting and ads by city:

1. The calculated 2022 NNR tax rate of 0.165262 (**3 cents lower than current rate of 0.195823**) is a strong indication of the robust economic environment in town. It reflects the **higher sales tax** revenue and **higher tax dollars** due to higher property valuations. Keep in mind, that 2021 rate was the NNR tax rate when adopted.
2. The VA rate of 0.221641 is simply a **calculation exercise** setting a max threshold for the city w/o invoking election for citizens' approval. It does not and should not be envisioned as a normal course of business to raise the tax rate. in fact, this rate is about 2.6 cent above the current rate. The tax structure sets the lower limit (NNR) and upper limit (VAR) boundaries for city to consider given all the anticipated revenues and expenditures. Unfortunately, it creates a false perception that we can go as high as VAR and not worry the citizens' pain threshold
3. NNR tax rate **would actually generate additional tax dollars** simply because some of the 2022 new properties (commercial & residential) under construction will be completed in this tax period, and their appraisal valuation have not been accounted for in the appraisal district calculations. So, **NNR is NOT truthfully no new revenue** - it is called that way simply to indicate that this is the rate that would generate the same amount of tax dollars as last year, if everything remained the same. With all the upcoming new developments (reported by city), we should see additional tax revenues in the city coffers.
4. The total tax levied on all properties in the city increased from **\$4.074m to \$5.630m for an increase of \$1.6m** (38.17%). This is just another indication for the NNR rate dropping so much lower. Also, the sale tax reported by local paper (Jan 12, 2022) went up by \$1.6M or ~25%. May 2022 paper reported a total market value of all properties jumped 21% from \$11.8B to \$14.3B with individual **homeowners seeing an increase of 18.2%**. As this trends continue, we will most likely see a lower NNR tax rate in coming years.
5. The county and Fisd have already seen this trend and proposing lower tax rates. For city to increase any tax rate **above NNR would need a good explanation and certainly CANNOT go above the current rate** or it will indicate "greed" wanting to max out payment for all proposed expenditures. This will not look good in the eyes of citizens (particularly those younger than 65 w/o exemptions) who are facing higher cost of living. The higher tax rate would add to that stress level - The same people we have been talking about under "affordability" banner.

Please look into these factors. Simply, the city may settle between NNR rate and current rate, but never above current rate. Any rate increase above NNR should have a decent justification with some examples of expenditure increases. I am sure folks would get it and be able to support the council if explained in simple and reasonable way.

Respectfully,  
Mo Saiidi

**Shelley Goodwin**

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**From:** Bryan Swafford <[REDACTED]>  
**Sent:** Monday, September 5, 2022 6:14 PM  
**To:** Citizen Comments  
**Subject:** 258 Sunday Circle/211 Mariposa Drive

To whom it may concern,

I STRONGLY oppose the proposed development of 252 units at 211 Mariposa Dr. Mariposa Sunday Farms consists of TWENTY SEVEN SFR homes spread over 566,000sf, which is about 13 acres. It is a challenge when TWO or more cars are going the opposite direction on Sunday Cir(which is about 13' wide) one car has to pull over to let the other pass. And it is the same when TWO cars are at the 90 degree turn at the bottom of Mariposa Dr(two cars can not pass at the same time) It is challenging now when the residents(about 25-35 cars) on Sunday Cir try to come and go. Now you want to add an ADDITIONAL TWO HUNDRED AND FIFTY APARTMENTS (450-550) cars on the same exact road?????? The amount of traffic on these very small roads would increase by 20 fold, be very dangerous to the people driving on them, and not to mention the vast amount of wildlife that makes Mariposa Sunday Farms very unique!

This new HIGH density development in no way, shape, or form adheres to the vision of the 2006 Comprehensive Development Plan, which is intended to retain the agricultural and rural character in the ETJ. Chapter 4 of the Land Use Element specifically states that "the first priority for these areas is to support continuation of the rural activities and rural character that exist today" A TWO HUNDRED AND FIFTY HIGH DENSITY apartment complex does not conform to this area, or neighborhood. To support this new development the entire infrastructure would have to be completely overhauled to put in new roads, new bridges, new drainage, and there would HAVE to be a new stop light at 290 and Mariposa Dr, which would completely interrupt the flow of traffic coming into and leaving the city of Fredericksburg!!

[Texas law requires all license holders to provide the Information About Brokerage Services form to prospective clients.](#)

Sincerely,

Bryan Swafford REALTOR®  
[BryanSwafford@RealtyAustin.com](mailto:BryanSwafford@RealtyAustin.com)  
(512) 771-8311



**Bryan Swafford | Realty Austin | 512-771-8311**



Sender notified by [Mailtrack](#)



**Shelley Goodwin**

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**From:** Luke Sanders  
**Sent:** Monday, September 5, 2022 5:24 PM  
**To:** Citizen Comments  
**Subject:** Annexation near Sunday Circle

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

I own the property at 247 Sunday Circle.

I am **opposed** to the city annexing the property close by and allowing an Apt Complex on the property next to Sunday Circle,

By allowing an Apt complex there it will ruin the country feel that our neighborhood has, as well as I worry the additional traffic on Mariposa and Sunday Circle could lead to unsafe and overused road conditions.

Have a great day.

*Regards,*

**Luke Sanders**

*President & CEO*



512.754.8039 office  
512.754.8835 fax

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## Shelley Goodwin

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**From:** Jessica Swanson Myers  
**Sent:** Monday, September 5, 2022 9:44 PM  
**To:** Citizen Comments  
**Subject:** Comments on agenda for Sept 6 regarding property at 211 Mariposa drive

Hi there,

I am writing to submit an objection to the annexation of land and subsequent rezoning of the land into high density residential use at 211 Mariposa drive. The annexation and rezoning of this land is incompatible with the City's Comprehensive Development Plan as follows. The italicized text comes from the Comprehensive Development Plan itself and the bold text are my comments.

*Livability Goal #4: Neighborhoods that maintain their character and quality over time. Policy 4.1. The City should use its zoning and other development approval processes to support new development and redevelopment that are compatible with the character of the neighborhood in which it is located.*

**Apartment buildings in this area would completely change the surrounding area and are not consistent with the rural/single family home characteristics of the surrounding community/land.**

*GOAL 17: Community design features and development patterns at the community's edge that communicate one's arrival into Fredericksburg. Policy 17.1. Natural features (including rivers, streams and steep slopes) should be used to generally define the edges of the Fredericksburg urban area and the transition to its surrounding rural areas.*

**In order to accommodate the significant increase in traffic that would occur, a stoplight and a large amount of traffic would need to be added practically over the bridge crossing Baron's Creek. This would significantly detract from the beauty crossing the creek/entering town.**

*Land Use Element:*

*The physical development pattern of the community is one of the most critical factors shaping its character, livability, economic health and the fiscal well-being of the local government. For these reasons, the land use policies are among the most important in the Comprehensive Plan.*

*7. Retain Agricultural and Rural Character in the ETJ The rural and agricultural areas surrounding Fredericksburg contribute to its Hill Country character and small town charm; they also reflect a notable component of the region's economy. Extension of urban development and urban-scale infrastructure into these areas is not a matter of filling vacant land; rather, it is a change from one sort of pattern to another. Since preservation of Fredericksburg's agricultural Page 4.6 City of Fredericksburg Comprehensive Plan Chapter 4: Land Use Element heritage and economy is a strategic concern for Fredericksburg, the first priority for these areas is to support continuation of these rural activities and the rural character that exists today. Most of these areas are located in Fredericksburg's ETJ. They are shown on the Future Land Use Concepts Map as intended for rural uses. Rural uses may include residential and non-residential activities, but they occur at a lower intensity of use (and with different types of infrastructure) than the uses found in the city's urban area.*

**I think this one speaks for itself. Building HDR apartments in this area is completely inconsistent with this goal.**

*Chapter 211 of the Texas Local Government Code states that "zoning regulations must be adopted in accordance with a comprehensive plan". Consequently, a zoning map should reflect the Future Land Use Map to the fullest extent possible.*

**Allowing this land to be annexed and rezoned to HDR use is inconsistent with the plan of the city. In addition, it will create safety and traffic hazards, disrupt our beautiful country side and displace wildlife. I do not believe that developers from New York should be allowed to come in and change the city's Future Use Plan and zoning.**

**Shelley Goodwin**

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**From:** Christina Espinoza <[REDACTED]>  
**Sent:** Tuesday, September 6, 2022 11:59 AM  
**To:** Citizen Comments  
**Subject:** Proposed HIGH density development 211 Mariposa

To Whom it May Concern:

As a homeowner at 214 Sunday Circle, I strongly oppose the proposed high density development at 211 Mariposa. The development in no way adheres to the vision of the 2006 Comprehension Development Plan. First off, the roads are in NO WAY capable in handling that kind of traffic. Even more so, if there is a possible entrance on Sunday Circle!! We have numerous short term rentals already in our neighborhood, which has increased traffic tremendously on a weekly basis. Not to mention the 90 degree turn at the bottom of Mariposa Drive in which only 1 car can make at a time...adding over 200+ cars is absolutely insane. With the way the roads are set up, there is NO possible way to restructure the roads due to houses on both sides of Mariposa Drive. Secondly, how is a 3 level apartment complex, which would be in the ETJ if allowed, "the first priority for these areas is to support continuation of the rural activities and rural character that exist today"???? Sunday Circle is maintained by HOA dues...how is over 200++ possible additional cars helping OUR HOA already in place?? Road maintenance is extremely expensive, and we are barely keeping up with the additional traffic from short term rentals. Also, we are dealing with the fact that the Frieden subdivision also has an entrance on Mariposa which we are having to start dealing with once it's open. This development has NO BUSINESS building in this proposed site. A school bus full of children pick up and drop off at Sunday Circle and Mariposa 5 days a week leaving numerous children on the road walking home. Additional traffic would be an absolute danger to the welfare of these children. We have so much wildlife that moves through our area, that this development would tragically disrupt this and the uniqueness of their presence.

Please listen and consider all homeowners opposed to this proposed development. Every year we see massive changes in Gillespie county, and this would be just one more **eye sore** and carving out of our beautiful and historical landscape.

*Sincerely,*

*Christina Espinoza*

**Shelley Goodwin**

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**From:** Sue Bertram  
**Sent:** Tuesday, September 6, 2022 12:17 PM  
**To:** Citizen Comments  
**Subject:** Annexation

City of Fredericksburg

Planning & Zoning

We were excited to learn about the proposed workforce housing project being proposed in Fredericksburg. We have lived in town for several years and affordable housing continues to come up as THE major complaints from local residents and businesses. We think it's important to note this is very different from government subsidized or low-income projects. We hope that Fredericksburg will vote to approve the annexation of this parcel in support of this much needed project.

Stephen & Susan Bertram

**Shelley Goodwin**

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**From:** Leslie Sukaly -   
**Sent:** Tuesday, September 6, 2022 12:29 PM  
**To:** Citizen Comments  
**Subject:** Annexation on Mariposa Drive

I'm writing to express my support for the annexation of 9.37 acres on Mariposa Drive. I understand the scope of the project planned for this land and I believe it will greatly benefit Fredericksburg and its citizens.

Sincerely,  
Leslie Sukaly

Sent from my iPhone

**Shelley Goodwin**

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**From:** Francesca Poston <[REDACTED]>  
**Sent:** Tuesday, September 6, 2022 12:50 PM  
**To:** Citizen Comments  
**Subject:** Raising property taxes and keeping ARPA funds

Please do not raise property taxes.  
Please return Federal funds.

Thank you.

Sincerely,

Francesca Poston  
5900 N State HWY 16  
FBG TX 78624  
830-992-5946

Sent from Yahoo Mail for iPhone

**Shelley Goodwin**

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**From:** Austin Fleener  
**Sent:** Tuesday, September 6, 2022 2:00 PM  
**To:** Citizen Comments  
**Subject:** Budget

My name is Austine Fleener, I am 45 years old. I am a wife, a mother and have a career outside the home. We have lived in Fredericksburg for 5 years and moved here from Nashville TN very intentionally to raise our family in a different environment than the city. We love it here but I do have concerns about how the decisions that are being made against the wishes of the people that live in the city will affect us negatively.

> I am urging you to cut the budget to avoid taxes being increased and to avoid ARPA funds being kept when we do have ways to negate them. These funds will prevail dire consequences for my family and for me.

>

> Broadband is a non essential government function. Businesses need this financial responsibility not us.

> Inflation is increased beyond reasonable amounts. A 1% growth rate in Sales tax revenue instead of 6-8% from the past 3 years is not consistent at all. Development Service Fund soared as well as Maintenance Spending. This was only a few, there were many more.

> Lastly taking only PART of the ARPA funds does the SAME thing taking ALL of them do. Returning a portion of them is moot.

> It legally holds us hostage to the mandates and Executive orders from the Federal Government as stated in the Contract Kent Myers signed. Strings ARE attached.

> My age group has not spoken up not because quite honestly we are working, raising families, and sadly watching the values we once shared no longer revered.

> Thank you for the opportunity to submit this.

> Austine Fleener

>

> Sent from my iPad

## Shelley Goodwin

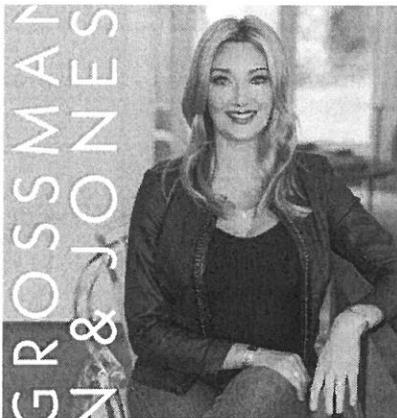
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**From:** Michelle Jones <michelle.jones@compass.com>  
**Sent:** Tuesday, September 6, 2022 2:29 PM  
**To:** Citizen Comments  
**Cc:** Thaddeus Jones  
**Subject:** Annexation of property located at 258 Sunday Circle/211 Mariposa Drive

Good afternoon,

I am writing to state my opposition to the annexation of the land located at 258 Sunday Circle/211 Mariposa Drive. We own a home at 229 Sunday Circle and I believe the annexation and the construction of the proposed apartment complex would significantly reduce my property's value. Having such a high density development right next door will ruin the country charm of the resort community and so we would like our opposition noted. Please keep us informed on any future meetings regarding the development of the property.

[Texas law requires all license holders to provide the Information about Brokerage Services form to prospective clients](#)



### Michelle Jones

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## Shelley Goodwin

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**From:** tom@furnitureforest.com  
**Sent:** Tuesday, September 6, 2022 2:38 PM  
**To:** Shelley Goodwin  
**Subject:** Written Comments for 6 September city council meeting

### Growth of Government

There is an axiom that states, "That which one creates, one controls." That axiom applies to governments in this country. "We The People" created our governments and gave them specific guidelines and boundaries in which to operate, guidelines which are numerated in our constitutions and charters. Hold this thought for a few minutes.

There is also a belief among governments that if a city does not grow, it will die. I concur with this belief, the problem is in the definition of "growth". I feel growth is often conflated with expansion. For example, for about the first 18 years of my life, I was growing and expanding. After that time, it was only my growth that continued. Some expansion, and contraction, has occurred over the years, but the pace was nothing like the first 18 years. Growth included the process of learning new things and exploring different activities. Growth is to learn what is learnable and apply that knowledge to support life. Expansion was often evidenced by the need for new shoes every 6 months, and longer jeans. Later expansion was seen in the need for longer belts and bigger shirts. The expansion in later life is most often detrimental to life, not supportive. Excessive expansion will contribute to numerous problems in life. However, if a person stops growing after the age of 18 that person will suffer in many ways, making life more difficult than necessary.

This describes the problem with governments. They continue to expand without the necessary growth to guide them. Now go back to the opening paragraph about the boundaries for government. Our national constitution outlines 19 services our federal government is to provide for the country. Our federal government has expanded that to thousands of "services". Our Federal government has stepped outside the boundaries established for them. And "We the People" have acquiesced to this expansion for many years. I feel the turning point was the 19<sup>th</sup> amendment to our constitution, prohibiting the sale of alcoholic beverages. Back then, government did the right thing. They went to the people and asked for a change in the boundary of their authority, with a constitutional amendment. "We the People" gave them

that expansion of authority. A few years later, "We the People" rescinded that authority, in part. We let the government retain the authority to regulate alcohol sales. Whether or not that was a smart decision on the part of "We the People" is not the point, the point is that, according to our constitutions, it is "We the People" who must authorize expansions of government. Those expansions must also conform to our constitution. Over the years it has been government, not "We the People", that has created more government. "We the People" are to blame for acquiescing to our government whenever they have expanded out of the boundaries set for them. Over the years there has also been government officials who understood and supported the constitutional duties of government. Perhaps one notable character was Davey Crockett. He spoke out against federal appropriations to benefit the widow of a prominent naval officer. He stated that he would give one week's pay to this widow, but congress has no authority to give federal monies to this cause. He later quoted a constituent who had this to say on the matter.

"The people have delegated to Congress, by the Constitution, the power to do certain things. To do these, it is authorized to collect and pay moneys, and for nothing else. Everything beyond this is usurpation, and a violation of the Constitution."

Today, too few people understand how our government is supposed to work. Acquiescing to government expansion is a normal occurrence. I feel that this happens at all levels of government, including our city government. A common tactic by politicians is to "rationalize" some action as being for the good of all constituents or the entire community. A recent article from our convention and visitor's bureau about the broad band service to downtown businesses, is such an example. The problem is not the benefit, but who exactly receives the benefit. The rationalization is that the entire city benefits. The increases in tax revenues generated by downtown businesses help to pay for city services that support all citizens. I feel this is an example of expanding government without proper growth. This is a strawman argument not supported by hard evidence. At the very least, businesses are shown favor by this action, in that they benefit directly from broad band services to be provided, and they benefit from the services paid for by tax revenues. The citizens only receive the alleged benefit from tax revenues. This disparity between who is receiving what benefits is the heart of the issue, showing where our city government is stepping outside the boundaries set for them.

Something I have heard recently from different sources is that stepping outside the boundaries set forth in constitutions and charters, is another form of emolument violation. Essentially the argument is that our constitution and charters outline the duties of our government officials. They are paid to perform those duties, and only those duties. If they use their office for something outside the description in our constitutions and charters, they are taking our money under false pretenses. Thus, we have the illicit financial gain, or emolument violation. If I hire someone by the hour to mow the grass,

and only mow the grass, but they decide to trim the shrubs also, and bill me for that service, that is the same illicit gain referenced above. Taking money for something you are not supposed to be doing. If our city government wants to get into the business of providing broadband to certain sections of the city, then they first need a charter amendment to do so. Get the permission first, do not expand government, let it grow.

Tom Marschall

830-992-0815

## Shelley Goodwin

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**From:** noreply@civicplus.com  
**Sent:** Tuesday, September 6, 2022 2:38 PM  
**To:** Citizen Comments  
**Subject:** Online Form Submittal: City Council Comment Form

### City Council Comment Form

Name: Tonya Benson

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Telephone: 830-456-1414

---

Email: 

---

Address1: P.O. Box 131

---

Address2: *Field not completed.*

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City: Fredericksburg

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State: TX

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Zip: 78624

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**COMMENTS:** It goes without saying that the matter of the city budget and the ARPA funds is a contentious matter. Nevertheless, I believe we must speak up and express our concerns. This is not meant to be an attack, but it is a frank commentary.

After reviewing the spreadsheet Wes Hesker provided with a detailed analysis of the city finances and budget, one must ask the question if indeed the city is truly in such poor financial condition that it feels desperate to take the ARPA funds? How can that be? Are all the facts being considered? Does the current Council see they have inherited a case of serious financial mismanagement? Does it appear to be so due to many bad habits being carried over from the previous city management for a long period of time?

If the current budget situation is so serious that the city is feeling pressured into taking ARPA funds to alleviate what the Council considers to be an undue burden, then it seems, the first order of business would be to trim the budget in every possible way eliminating all nonessentials. Isn't the job to balance the budget and keep it in check, not to tax residents to have a (big) surplus and then spend the surplus on non-

essentials, especially now as we are in one of the worst economic downturns in many years? The tax burden needs to be lightened and it can be if the budget gets slimmed down. Where is the justification to raise taxes to make up for the ARPA funds? The current serious economic downturn doesn't look to be short-lived. With an 9% percent inflation and enormous rises in the cost of gasoline, food, and other necessities, we are looking at being more austere with spending and budgeting.

Americans' credit card debt jumped by \$46 billion in the second quarter of 2022, the largest increase in more than 20 years. Earnings are also down. An increase in credit card debt coupled with declining real wages is a harbinger of trouble ahead. We are all forced to be more careful to consider taking care of the essentials and priorities only. And that is what the city must do as well, reevaluate any budget increases and cut a lot of the unnecessary items and live within our means. There are just so many unanswered questions concerning the budget and without explanations from the Council or City Manager, it isn't making sense. Each budget item should be reviewed to see if it passes the essential priority test. If not, then it gets put on hold.

Looking at the increases proposed, it is puzzling:

- Why have so many items increased by 50%, 75%, even 100%, 200% - what is the reason for such radical increases? Each item should be reviewed, and the increase explained.
- Why the increase in the general property maintenance to 276%?! – what is the justification for this?
- Why are there so many non-essential items included in the budget, such as an affordable housing coordinator, considering the current serious recession and inflation in which we find ourselves?
- Why \$50,000 on protocol and social? This needs to be broken down to disclose more details and if this includes funds for regular parties and alcohol as we have discovered was the case in the past.
- How does the \$6 million for tourism break down? Why the enormous increase for Marktplatz and Christmas funds?
- And the golf course item is problematic. If it's now in the black, why are administrative funds still going to it?

Concerning the ARPA funds, it is unclear and cause for apprehension why the city is so eager to take these funds without convincing justification to do so, especially considering the arduous compliance requirements. And equally frustrating is the failure of the Council to address that specific argument

brought to you in detail against accepting these funds. Why no response? The contract is full of undisclosed terms and conditions with some very serious obligations and long-term unfavorable consequences. These have not yet been discussed at a Council meeting and that ought to happen in the spirit of transparency. There are so many unanswered concerns for how the city would manage all the requirements. Further, in signing the contract, the city commits to ensure that any entity that receives a portion of the funds, will fully comply with all the terms and conditions – known and unknown, and it is the city who will have to police and monitor that. How will the city accomplish this? This needs to be clarified in writing.

If indeed the federal government's intention is to aid municipalities from a pure and benevolent nature following the government's own destructive policies that contributed to the possible need for the funds, then the funds would be offered without these oppressive strings attached and without the need to compromise basic values and principles of liberty and rights. Would any of you enter into a personal contract with an open-ended agreement that would allow the other party to change the terms and conditions at will and obligate you to abide by them? I don't think so. So why would you do it in this case? Of all the grounds presented arguing against the funds, can you please address why you would disregard them and why they are not relevant? There is the impression that the terms of the contract can be ignored if the city decides not to comply with the contract. Is that true? If so, why do you think that?

It is a concern that the former city manager signed the contract without written authorization to do so from the then Council. This is a legal issue that a contract attorney ought to review. The city does not have a contract attorney that I am aware of and thus, it is unclear how you are getting good legal advice. It appears that Kent Myers should not have been the one to sign that contract.

Another concern is how the city would allocate the funds. Why does the city believe acting as a charitable body is their purview? Government is never meant to be a charity. This is a principled Constitutional position. "Charity is no part of the legislative duty of government. It would puzzle any gentleman to lay his finger on any part of the Constitution which would authorize the government to interpose in the relief of sufferers." James Madison

Using ARPA funds for non-profits would not be appropriate. Why would the city fund broadband and a tennis/pickle ball court? How is that justifiable as a city expense, none of which

is essential. The city skatepark was funded by private funds and if the residents want a tennis court, why not let them pursue funds for it? Regarding improved broadband, the city does not act as the service provider for internet or phone service now. How is this an appropriate use of city dollars? It is certainly not an essential government responsibility. If indeed the Chamber and/or the Chamber members have had improving broadband as a priority for two years, what funds over the past two years has the Chamber raised to go toward this multi-million-dollar project? Ms. McBride does not say the 900 members agree or support this or if they even know? Either way, the use of ARPA funds for broadband is far outside the scope of city responsibility.

We understand that the Council believes they are not hearing from others in the community who may be in favor of ARPA funds, in particular property owners under 65, you postulate may support taking ARPA money. It is the opinion that only those property owners whose property taxes are frozen, are speaking up against this. There is a perception that these monies are 'free', but that is never the case. The implication is that those who have spoken now for over a year, don't count because of their perceived motive. I, for one, do not own property, so that is not my motivation. My motivation is that I am very clear that government grants and federal funds are toxic. I would respectfully challenge that hypothesis. How do you know that the 'silent ones' have a counter view? How do you know the 'silent ones' don't align with those who have been speaking up consistently for almost a year? Perhaps it is just the opposite, and they do agree with those who oppose these funds and aren't thus motivated to find the time or make the effort to say so.

There are many possibilities for why we are not hearing from others who you seem to think may not be represented. I was the Chamber of Commerce Membership director for over 6 years. At the time I left, around 2008, we had a robust membership close to 850 paying members, a number that had grown from about 350-400 when I started. During my tenure, I had a close relationship with a great many members. It wasn't uncommon to learn the reason people failed to speak up in Fredericksburg when they had issues concerning city policies or other local business concerns – it was due to the expectation of being ignored – they would say, "why bother, they won't listen to us anyway." And the more common reason for failing to speak up was because they feared reprisals or retaliation that would impact their business if they went against the status quo or disagreed

with city officials. And that is still the case today in Fredericksburg – they don't speak up out of fear of unwanted consequences that would negatively impact their businesses.

Currently, speaking up, even when it is the right thing to do and our natural God-given right of speech, is perceived as a political act that has consequences. This has never been more evident than in the past two years with the cancel culture. It takes courage to speak up and if you harbor any fear for exercising your right to do so you may choose to stay silent. Psychology Today says: "We fear that speaking up will lead to rejection, so we may give up our voice, silence our voice or speak our voice in an inauthentic way."

I can testify to the fact that throughout my life, I have been one who chooses to speak up. I have very often been approached later by those who thanked me for speaking up and expressing what they were thinking but they were just too timid, afraid, or uncomfortable to say anything.

How can you make a case that this silence you refer to, somehow is an indication that those folks disagree with the ones who have for months now, maybe a year, consistently asked that you not take these funds. That may be your opinion, but is there any evidence to support that view? After a year of countless opportunities to speak out, write, email, or call the mayor and City Council, sign affidavits, come to meetings, where is there support for ARPA? How can you use silence from unknown residents as a reason to convince us that there must be so many others who disagree with the prevailing message of the ones who not only ask that you return the funds but who have brought you a plethora of very good reasons why they believe returning the funds to be the prudent and right thing to do for the city and the community?

Respectfully, it appears to be an unsupported defense to dismiss the voices of all of those who have had the courage to opine, input and give relevant fact-based evidence and in no way frivolously present solidly researched information to the Council that took a great deal of time to gather and submit. With hundreds of signed affidavits on record in opposition to taking the ARPA funds, endless Council meetings and other meetings in which you are hearing clear oppositions that demonstrate a strong voice of the people, what would it take for you to recognize the will of the people in FBG concerning the opposition to the ARPA funds?

If the budget is properly managed and curtailed to accommodate the tax rate, Fredericksburg will not need these

funds. The budget has been thoroughly studied and reviewed and it is quite evident that there is a significant surplus and ample areas to trim back enough to resolve the matter. To refuse to do so seems arrogant when the rest of us must trim our budgets to the basics.

What is the prevailing motivation for keeping those funds? A budgetary case has simply not been made and the ability to resolve this without those funds is a viable option. We are asking you to not dismiss the will of the people. We are asking that you be responsible and do the proper thing and rework the budget and cut out the non-essentials and return the ARPA money.

May we remind you what government's only purpose is? "That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed." This is fundamentally the most salient concept and obligation to grasp and understand as an elected official. Unfortunately, not using the Constitution as your guide in every decision, is a bad habit or perspective by which government has been operating for far too long. Providing services is something governments have a responsibility to do, such as manage police and fire departments, etc., but it is NOT the purpose of government. "A long habit of not thinking a thing wrong, gives it a superficial appearance of being right." Thomas Paine

Please remember that your job, above all else, is to keep your oath of office and to protect the rights of those who elected you.

Tonya Benson

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**Shelley Goodwin**

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**From:** Mary Jo Johns <[REDACTED]>  
**Sent:** Tuesday, September 6, 2022 2:40 PM  
**To:** Citizen Comments  
**Subject:** Z 2214 Annexation Mariposa Dr

To whom It May Concern;

I am in FAVOR of the voluntary annexation of 9.37 acres on Mariposa Dr. by North Cherry Builders and Mark Pavlicek to be used as workforce housing. I also agree that there should be a distribution between 1, 2, and 3 bedroom units. So happy that workforce housing is being addressed here in the city and I applaud this group for going forward. I hope that the city council approves this annexation.

Sent from my iPhone

**Shelley Goodwin**

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**From:** Eric Schmalbach  
**Sent:** Tuesday, September 6, 2022 2:40 PM  
**To:** Citizen Comments; Shelley Goodwin  
**Subject:** Protest of Annexation Request Z-2214

City Council,

Please consider this my protest to Request Z-2214 regarding Annexation. I plan on attending the hearing tonight to speak.

Eric Schmalbach