



City of Fredericksburg

REGULAR CITY COUNCIL MEETING AGENDA MONDAY, SEPTEMBER 19, 2022 ~ 6:00 P.M. LAW ENFORCEMENT CENTER 1601 E. MAIN STREET FREDERICKSBURG, TEXAS 78624

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

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

The City of Fredericksburg City Council will meet in a regular session on Monday, September 19, 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>).

1. CALL TO ORDER

2. INVOCATION

(Austin Loza, Area Director of the Fellowship of Christian Athletes)

3. PLEDGE OF ALLEGIANCE

4. CEREMONIAL MATTERS/PROCLAMATIONS/EMPLOYEE RECOGNITION

A. Constitution Week (Ephraim Andrews Chapter Daughter of the American Revolution).

B. Jacob Brodbeck Day (Father of Aviation).

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 3:00 p.m. on September 19, 2022
- ii. Complete the Citizen Comment Form online at www.fbgtx.org; or
- iii. Email your comments to CitizenComments@fbgtx.org; or
- iv. Complete a Citizen Comment Form inside the Public Access entrance at 126 W. Main Street, Fredericksburg, Texas.

Copies of the submitted comments will be provided to the City Council and made public on the City website under the "September 19, 2022, City Council Regular Meeting" tab.

B. Verbal Comments:

- i. Sign up at the Law Enforcement Center to comment in person between 5:30 p.m. and 6:00 p.m.
- ii. Speakers will be limited to 3 minutes to speak.

- iii. Any citizen who has handouts for these should be provided to the City Secretary before speaking. If you wish the City Council to receive your handouts for the meeting, please provide ten (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 THE CITY COUNCIL.

- A. Consider approval of City Council Minutes for the following meetings: (Shelley Goodwin, City Secretary).
 - i. September 2, 2022, Work Session
(Agenda Packet Pages 9 - 22)
 - ii. September 6, 2022, Special Meeting
(Agenda Packet Pages 23 - 50)
 - iii. September 6, 2022, Regular Meeting
(Agenda Packet Pages 51 - 86)

7. PUBLIC HEARINGS

- A. Consider holding a public hearing to receive comments for or against the following request by Kirk Eyring with Smitty's Texas LLC. to consider a Conditional Use Permit per Section 3.210 to allow a drive-through associated with a car wash for property located at 513 S. Adams Street (Z-2217) (Garret Bonn, Interim City Engineer/Interim Director of Development Services).
(Agenda Packet Page 87 - 114)
- B. Consider holding a public hearing to receive comments for or against the following request by Michael Linehan with Land Strategies, Inc. to consider a Conditional Use Permit per Section 3.205 to allow food sales as a permitted use for property located at 206 North Milam Street (Z-2218) (Garret Bonn, Interim City Engineer/Interim Director of Development Services).
(Agenda Packet Page 115 - 174)

8. ORDINANCES AND RESOLUTION

- A. Consider the approval of Ordinance 2022-30 adopting the City Budget for the Fiscal Year beginning October 1, 2022, and ending September 30, 2023, and making appropriations for each department and account (1st of two readings; City Council may waive 2nd reading) (Laura Hollenbeak, Finance Director).
(Agenda Packet Page 175 - 180)
- B. 2022 Tax Rate.
 - i. Ratify the property tax increase, not to exceed the proposed rate of 0.195823, as reflected in the 2023 Budget for the City of Fredericksburg General Fund and Interest and Sinking Fund.
 - ii. Approve the 2022 Maintenance and Operation Rate, not to exceed the proposed rate of \$0.169967, for the City of Fredericksburg.
 - iii. Approve the 2022 Debt Service Rate, not to exceed the proposed rate of \$ 0.025856, for the City of Fredericksburg.
 - iv. Consider the approval of Ordinance 2022-31, setting the Tax Levy for the Taxable Year 2022 not to exceed the proposed rate of \$0.195823 per \$100 of assessed valuation; and providing an effective date.
(1st of two readings; City Council may waive 2nd reading) (Laura Hollenbeak, Finance Director).

(Agenda Packet Pages 181 - 188)

- C. Consider the approval of Resolution 2022-19R to pursue the Bullet-Resistant Shield Grant Program offered by the Office of the Texas Governor, Criminal Justice Division (Braxton Roemer, Police Lieutenant).
(Agenda Packet Pages 189 - 192)

9. OTHER ACTION ITEMS AND UPDATES

- A. Consider the approval of a Conditional Use Permit per Section 3.210 to allow a drive-through associated with a car wash for property located at 513 S. Adams Street, requested by Kirk Eyring with Smitty's Texas LLC. (Z-2217) (Garret Bonn, Interim City Engineer/Interim Director of Development Services).
(Agenda Packet Page 87 - 114)
- B. Consider the approval of a Conditional Use Permit per Section 3.205 to allow food sales as a permitted use for property located at 206 North Milam Street, requested by Michael Linehan with Land Strategies, Inc.(Z-2218) (Garret Bonn, Interim City Engineer/Interim Director of Development Services).
(Agenda Packet Page 115 - 174)
- C. Consider the approval of an amendment to the Construction Manager at Risk Services agreement with JK Bernhard Construction for the Marktplatz Redevelopment Commission Project (Andrea Schmidt, Parks & Recreation Director).
(Agenda Packet Pages 193 - 212)
- D. Consider the approval of the Municipal Court Lease Agreement adding additional square footage (Shelley Becker, Municipal Court Judge).
(Agenda Packet Pages 213 - 220)
- E. Consider the approval of a 3-year contract for OpenGov Budgeting Software for budgeting and transparency purposes (Krista Wareham, Finance Manager).
(Agenda Packet Pages 221 - 224)

10. PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA

11. CITY MANAGER'S REPORT

- A. Discuss future City Council Meetings
- B. Town Hall Meeting Update
- C. FY2022 Budget Accomplishments

12. COUNCIL COMMENTS

13. ITEMS FOR FUTURE AGENDA

(Agenda Packet Pages 226 - 227)

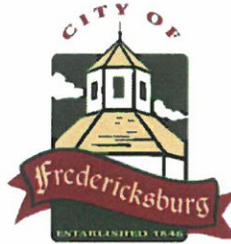
14. ADJOURN

CERTIFICATION

This is to certify that I, Shelley Goodwin, posted this Agenda at 2:25 p.m. on September 15, 2022, on the bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.



Shelley Goodwin, TRMC/CMC
City Secretary



PROCLAMATION

WHEREAS: September 17, 2022, marks the two hundred and thirty-fifth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE I, Jeryl Hoover, Mayor of the City of Fredericksburg, Texas, in the State of Texas, by virtue of the authority vested in me, do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

In the City of Fredericksburg and urge all citizens to reaffirm the ideals of the Framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City to be affixed this 19th day of September of the year of our Lord two thousand twenty-two.

Jeryl Hoover
Mayor



PROCLAMATION

WHEREAS, Jacob Brodbeck, born in Germany in 1821, immigrated to Texas in 1846 and arrived in Fredericksburg in 1847 to become its second Schoolteacher; and

WHEREAS, Jacob Brodbeck also served the community as County Surveyor, District School Superintendent, and County Commissioner; and

WHEREAS, Jacob Brodbeck married Christine Behrens and raised 12 children on a farm in Gillespie County; and

WHEREAS, Jacob Brodbeck, master inventor, designed and built the first powered aircraft. It was flown on September 20, 1865; and

WHEREAS, Jacob Brodbeck has been declared the “Father of Aviation” by two Texas Governors and Gillespie County is the Birthplace of Aviation, it is appropriate for the City of Fredericksburg to honor him on the 157th Anniversary of his first flight,

NOW, THEREFORE, I, Jeryl Hoover, Mayor of the City of Fredericksburg, Texas, in the State of Texas, by virtue of the authority vested in me, do hereby proclaim the Tuesday, September 20, 2022, as

JACOB BRODBECK DAY

In the City of Fredericksburg and urge all citizens to attend a ceremony to honor the inventor and builder, at the Gillespie County Airport Terminal Building at 9:00 a.m. on anniversary of his first flight.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City to be affixed this 19th day of September 2022.

Jeryl Hoover
Mayor



**CITY COUNCIL
WORK SESSION MINUTES
FRIDAY, SEPTEMBER 2, 2022 ~ 9 A.M.
LADY BIRD GOLF COURSE-CARDINAL ROOM
341 GOLFERS LOOP
FREDERICKSBURG, TEXAS 78624**

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
Laura Hollenbeak, Finance Director
Garret Bonn, Interim City Engineer/Interim Director of Development Services
Kris Kneese, Interim Public Works Director
Tammie Loth, Human Resources Director
Derek Seelig, Police Patrol Lieutenant
Braxton Roemer, Police Lieutenant
Justin Calhoun, Emergency Management Coordinator
Reagan Rabke, Fire Marshall
David Kellam, Finance Manager
Krista Wareham, Finance Manager
Shelley Becker, Municipal Judge
Jennifer Krupa, Assistant Parks and Recreation Director
Anna Hudson, Historic Preservation Officer
Shelley Goodwin, City Secretary

1. CALL TO ORDER

Mayor Hoover called the Work Session of the Fredericksburg City Council to order at 9:00 a.m. on Friday, September 2, 2022. He announced the quorum has been met.

2. PLEDGE OF ALLEGIANCE

Mayor Hoover led the Pledge of Allegiance.

3. PUBLIC COMMENTS ON AGENDA ITEM

Eric Hammersen, City resident, spoke regarding the proposed budget and against broadband being funded by the City.

Annette Bennett, City resident, spoke against the American Rescue Plan Act Funds and property tax rate increase.

Jerry Farley, City resident, spoke against higher taxes.

Wesley Hesker, City resident, spoke regarding keeping the small town feel and the proposed budget.

Kimberly Lams, City resident, spoke against the American Rescue Plan Act Funds and the budget and tax rate increase.

Jeannette Hormuth, City resident, spoke regarding the need to return the American Rescue Plan Act Funds and the increases in the budget.

Debra Habecker, City resident, spoke regarding returning the need to return the American Rescue Plan Act Funds.

4. FISCAL YEAR 2022/2023 BUDGET

A. Receive comments from Clinton Bailey, City Manager.

Clinton Bailey, City Manager, reviewed the following:

- The breakdown of the Tax Statement residents receives and 12% of the overall bill is the City Taxes.
- Property Tax Rate comparison.
- The attached PowerPoint

The City Council discussed the following:

- Capital Expenditure Request
- New Personnel Request being reduced to 13 full-time positions.
- Cost of Living Adjustment and merit raises
- Police and Fire-EMS – Full implementation of salary step plan.
- Paver Project
- Broadband Project
- American Rescue Plan Act Funds

The City Council agreed by consensus to the following:

- Leave the reserves fund balance at three months
- Leave in the budget - 7% and implement Fire/EMS and Police Step
- Remove - \$48,000 resurfacing of Tennis Courts
- Remove - Fire Station Architect Funds
- Remove - Deputy city secretary
- Remove - Part-time GIS Specialist
- Remove - Pavers for Market Square

B. Review, discuss, and provide direction.

The City Council reviewed the different department budgets and the Fund Balance for different FY 2023 projected budgets.

C. Announcement of proposed date, time, and location of the FY2023 City Budget adoption – Monday, September 19, 2022, at 6:00 p.m. at the Law Enforcement Center- 1601 East Main Street, Fredericksburg, TX 78624.

Clinton Bailey, City Manager, announced the City Council would consider the adoption of the FY2023 City Budget on Monday, September 19, 2022, at 6:00 p.m. at the Law Enforcement Center- 1601 East Main Street, Fredericksburg, TX 78624.

5. 2022 TAX RATES

A. Review the Tax Rate adoption process and schedule.

The City Council discussed the different Tax Rate scenarios.

The City Council agreed by consensus to look at the Tax Rate that would work with the proposed budget and the precious cuts discussed earlier in this meeting.

B. Announcement of proposed date, time, and location of the 2022 Tax Rate adoption – Monday, September 19, 2022, at 6:00 p.m. at the Law Enforcement Center- 1601 East Main Street, Fredericksburg, TX 78624.

Clinton Bailey, City Manager, announced the City Council would consider adopting the 2022 Tax Rate on Monday, September 19, 2022, at 6:00 p.m. at the Law Enforcement Center- 1601 East Main Street, Fredericksburg, TX 78624.

6. 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 the purchase, exchange, lease, or value of real property, located in the vicinity of the intersection of N. Adams at Travis Street, in the City of Fredericksburg (Sec. 551.072).

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, to go out of the Regular Meeting and into the Executive Session at 11:22 a.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Klein, to go out of the Executive Session and into the Regular Meeting at 11:51 a.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

7. BUSINESS ITEM

The City Council did not take any action.

8. ADJOURN

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Klein, to adjourn the Monday, August 15, 2022, City Council Regular Meeting at 11:52 a.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Jeryl Hoover
Mayor

Shelley Goodwin, TRMC/CMC
City Secretary



FY 2022-2023 Proposed Budget

Budget Workshop September 2, 2022

Today's Discussion



City of Fredericksburg FY 2022-2023 Proposed Budget

1. *Overview*
2. *Capital Expenditure Changes*
3. *New Personnel Changes*
4. *Employee Salary Increases*
5. *Property Tax Rate*
6. *Revenues vs Expenses*
7. *Potential General Fund Reductions*

Capital Expenditure Requests

- Resurfacing of tennis courts
 - \$60,000 added (will adjust to \$48,000)

New Personnel Requests

- 15 new positions (14 full time, 1 part time)
- 13 new full-time positions
 - *Removed Deputy City Secretary*
 - *Removed part time GIS Specialist*
 - *Total General Fund Savings \$83,286*

Employee Salary Increases

- 5% increase
 - 3% Cost of Living Adjustment (COLA)
 - 2% Merit (based on annual employee evaluations)
- 9% increase
 - 7% Cost of Living Adjustment (COLA)
 - \$177,000
- Police and Fire-EMS
 - Full implementation of salary step plan
 - \$422,000

* 1% increase impacts general fund budget by \$44,241

Property Tax Rate

2022 Property Tax Rate Comparison											
Property Value	No New Revenue 0.165262	0.170262	0.175262	0.180262	0.185262	0.190262	0.195262	Last Year's Property Tax Rate 0.195823	Voter Approval 0.221641	Voter Approval vs No New Revenue	Last Year's Property Tax Rate vs No New Revenue
100,000	165.26	170.26	175.26	180.26	185.26	190.26	195.26	195.82	221.64	56.38	30.56
125,000	206.58	212.83	219.08	225.33	231.58	237.83	244.08	244.78	277.05	70.47	38.20
150,000	247.89	255.39	262.89	270.39	277.89	285.39	292.89	293.73	332.46	84.57	45.84
175,000	289.21	297.96	306.71	315.46	324.21	332.96	341.71	342.69	387.87	98.66	53.48
200,000	330.52	340.52	350.52	360.52	370.52	380.52	390.52	391.65	443.28	112.76	61.12
225,000	371.84	383.09	394.34	405.59	416.84	428.09	439.34	440.60	498.69	126.85	68.76
250,000	413.16	425.66	438.16	450.66	463.16	475.66	488.16	489.56	554.10	140.95	76.40
275,000	454.47	468.22	481.97	495.72	509.47	523.22	536.97	538.51	609.51	155.04	84.04
300,000	495.79	510.79	525.79	540.79	555.79	570.79	585.79	587.47	664.92	169.14	91.68
325,000	537.10	553.35	569.60	585.85	602.10	618.35	634.60	636.42	720.33	183.23	99.32
350,000	578.42	595.92	613.42	630.92	648.42	665.92	683.42	685.38	775.74	197.33	106.96
375,000	619.73	638.48	657.23	675.98	694.73	713.48	732.23	734.34	831.15	211.42	114.60
400,000	661.05	681.05	701.05	721.05	741.05	761.05	781.05	783.29	886.56	225.52	122.24
410,979	679.19	699.74	720.29	740.84	761.39	781.94	802.49	804.79	910.90	231.71	125.60
425,000	702.36	723.61	744.86	766.11	787.36	808.61	829.86	832.25	941.97	239.61	129.88
450,000	743.68	766.18	788.68	811.18	833.68	856.18	878.68	881.20	997.38	253.71	137.52
475,000	784.99	808.74	832.49	856.24	879.99	903.74	927.49	930.16	1,052.79	267.80	145.16
500,000	826.31	851.31	876.31	901.31	926.31	951.31	976.31	979.12	1,108.21	281.90	152.81
550,000	908.94	936.44	963.94	991.44	1,018.94	1,046.44	1,073.94	1,077.03	1,219.03	310.08	168.09
600,000	991.57	1,021.57	1,051.57	1,081.57	1,111.57	1,141.57	1,171.57	1,174.94	1,329.85	338.27	183.37
650,000	1,074.20	1,106.70	1,139.20	1,171.70	1,204.20	1,236.70	1,269.20	1,272.85	1,440.67	366.46	198.65
700,000	1,156.83	1,191.83	1,226.83	1,261.83	1,296.83	1,331.83	1,366.83	1,370.76	1,551.49	394.65	213.93
750,000	1,239.47	1,276.97	1,314.47	1,351.97	1,389.47	1,426.97	1,464.47	1,468.67	1,662.31	422.84	229.21
800,000	1,322.10	1,362.10	1,402.10	1,442.10	1,482.10	1,522.10	1,562.10	1,566.58	1,773.13	451.03	244.49
850,000	1,404.73	1,447.23	1,489.73	1,532.23	1,574.73	1,617.23	1,659.73	1,664.50	1,883.95	479.22	259.77
900,000	1,487.36	1,532.36	1,577.36	1,622.36	1,667.36	1,712.36	1,757.36	1,762.41	1,994.77	507.41	275.05
950,000	1,569.99	1,617.49	1,664.99	1,712.49	1,759.99	1,807.49	1,854.99	1,860.32	2,105.59	535.60	290.33
1,000,000	1,652.62	1,702.62	1,752.62	1,802.62	1,852.62	1,902.62	1,952.62	1,958.23	2,216.41	563.79	305.61

Property Tax Rate

Property Tax Rate and Property Tax Revenue Comparison

Average Taxable Home Value Property	Last Year's Tax Rate	Home Value	0.195823	804.79	910.90	0.221641	Increase	Month	8.84	Daily	0.29	Last Year's Tax Rate M&O Revenue	5,121,078	Voter Approval Tax Rate M&O Revenue	5,776,932	Increase	655,854
410,979																	

Average Taxable Home Value Property	Last Year's Tax Rate	Home Value	0.165262	679.19	910.90	0.221641	Increase	Month	19.31	Daily	0.63	Last Year's Tax Rate M&O Revenue	4,344,749	Voter Approval Tax Rate M&O Revenue	5,776,932	Increase	1,432,183
410,979																	

General Fund: Revenue vs Expenses

Recurring Annual Expenses

Capital	\$270,000
Salaries	\$177,000
Step PD/Fire-EMS	\$422,000
New Personnel	<u>\$600,000</u>
Total	\$1,469,000

New Property Tax Revenue

Voter Approval Tax Rate	\$1,432,183
Last Years Tax Rate	\$776,328

Revenues - Expenses

- Voter approval tax rate: \$ 1,432,183 - \$1,469,000 = (\$36,817)
- Last years tax rate: \$776,328 - \$1,469,000 = (\$692,672)

Potential General Fund Reductions

New Personnel Requests

1 new police officer	\$89,000
Network Administrator	<u>\$30,165</u>
Total	\$119,165

Capital

New Fire Station Architectural Services	\$100,000
Equipment for 1 new police officer	\$64,000
Marktplatz Paver Replacement	<u>\$200,000</u>
Total	\$364,000

Potential General Fund Reductions

Salary Increases

Implement 50% of Police and Fire-EMS Step Plan \$140,000

5% vs 7% COLA

\$88,482

Total

\$228,482

Grand Total

\$711,647

FY 2022-2023 Proposed Budget



QUESTIONS?



**CITY COUNCIL
SPECIAL MINUTES
TUESDAY, SEPTEMBER 6, 2022 ~ 9 A.M.
LADY BIRD GOLF COURSE-CARDINAL ROOM
341 GOLFERS LOOP
FREDERICKSBURG, TEXAS 78624**

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
Laura Hollenbeak, Finance Director
Garret Bonn, Interim City Engineer/Interim Director of Development Services
Kris Kneese, Interim Public Works Director
Tammie Loth, Human Resources Director
Derek Seelig, Police Patrol Lieutenant
Anna Hudson, Historic Preservation Officer
Shelley Goodwin, City Secretary

1. CALL TO ORDER

Mayor Hoover called the Special Meeting of the Fredericksburg City Council to order at 9:00 a.m. on Tuesday, September 6, 2022. He announced the quorum has been met.

2. PLEDGE OF ALLEGIANCE

Mayor Hoover led the Pledge of Allegiance.

3. CITY COUNCIL ORIENTATION

A. Receive comments from Clinton Bailey, City Manager.

Clinton Bailey, City Manager, stated the purpose of this meeting is to provide the background information and guidance necessary to understand the City government's functions, powers, and procedures.

B. Public comments on Agenda Item

Eric Hammersen, City resident, thanked the City Council for holding this meeting.

C. Consider, discuss, and take action on the following:

i. Texas Open Meetings Act

Daniel Jones, City Attorney, reviewed the Texas Open Meetings Act and its application to the City Council. He also reviewed the requirements of public comments.

ii. Public Information Act

Shelley Goodwin, City Secretary, reviewed the Public Information Act and what is considered a record.

iii. City of Fredericksburg City Charter

Clinton Bailey, City Manager, reviewed the City Charter's Articles 1, 3, 6, 8, 10, and 12.

The City Council discussed the need for reviewing the City Charter.

iv. City of Fredericksburg Ethics Ordinance

Daniel Jones, City Attorney, reviewed the City of Fredericksburg Ethics Ordinance and the State Law regarding ethics and conflicts of interest.

v. City of Fredericksburg City Council Rules of Procedure

Clinton Bailey, City Manager, stated he felt the best way to address the City Council Rules of Procedure is to review each Section.

- Section 1 – Rules – no change
- Section 2 – Open Public Meetings Act – no change
- Section 3 – Executive Sessions – no change
- Section 4 – Work Sessions – no change
- Section 5 – Quorum – no change
- Section 6 – Attendance – no change
- Section 7 – Chair of the Council – no change
- Section 8 – Agenda
- Section 9 – Order of Business
- Section 10 – Voting
- Section 11 – Reconsideration of Previous Vote
- Section 12 – Decorum and Debate
- Section 13 – Questions of Parliamentary Procedure
- Section 14 – Notice of Public Hearings
- Section 15 – Adoption of Ordinances

The City Council discussed the following:

- Format options to make the meetings flow easier. Agreed by consensus for each item to staff presentation, public comments, council deliberation/discussion, and vote.
- Public Comment items
- Decorum
- Ordinance – second reading.
- Time, day, and location of the meeting
- Requirement of holding one Regular Meeting a month
- Moving the Council Comments to the beginning of the meeting
- Removing the "edition" of Robert's Rules of Procedures and adding "the current version" agreed by consensus

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Klein, to amend the Order of Business in Section 9 to only allow public comments on the agenda items. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Klein, to amend the Order of Business in Section 9 by combining the public hearings and the action items to void jumping around the meeting agenda. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Kirchner, seconded by Councilmember Watson, to amend the Order of Business in Section 9 by moving Council Comments up on the agenda to follow the Ceremonial/Matters/Proclamations/Employee Recognition item. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, to amend Section 15 - Adoption of Ordinances by removing #2. (the second reading requirement) on Ordinances. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Klein, to hold the City Council Meeting on the first and third Tuesday of the month at 9:00 a.m., to be effective on October 4, 2022. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Klein, to have one of the two meetings be a Regular Meeting and the other meeting a Work Session or a Special Meeting with the specifics of which meeting will be the Regular Meeting to be determined by City Staff. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Klein, seconded by Councilmember Watson, to make all changes today, effective on October 4, 2022. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

4. ADJOURN

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Klein, to adjourn the Tuesday, September 6, 2022, City Council Regular Meeting at 11:04 a.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Jeryl Hoover
Mayor

Shelley Goodwin, TRMC/CMC
City Secretary



City of Fredericksburg City Council Overview

Agenda



- Texas Open Meetings Act
- Public Information Act
- City of Fredericksburg City Charter
- City of Fredericksburg Ethics Ordinance
- City of Fredericksburg City Council Rules of Procedure

Texas Open Meetings Act

- The Open Meetings Act generally applies when:
 1. a quorum of City Council is present and discusses public business,
or
 2. a quorum of City Council is present and is receiving information
from or providing information to a third party.

- Remember that physical presence of a quorum in one place is not necessary to violate the Act (e.g. the “walking quorum”).

Texas Open Meetings Act

- Under the Act, the City Council may hold a closed meeting (executive session) for the following:
 - consideration of specific personnel matters
 - certain consultations with its attorney
 - discussions about the value or transfer of real property
 - discussions of certain economic development matters
 - discussions of certain competitive matters relating to a city-owned utility

Public Comments



- The Act gives the public the right to speak on items **on the agenda.**
- The City Council must allow the public to speak on items on the agenda, either at the beginning of the meeting, or when the agenda item is being considered
- The City Council may adopt reasonable rules concerning the public's right to speak, including a reasonable time limitation

Public Comments

- The City Council may also allow the public to make comments about items not on the agenda,
 - the City Council may apply reasonable rules regarding the number, frequency, and length of presentation, but it cannot discriminate against speakers.
- The governmental body will not be able to deliberate any item that is not on the agenda.

Agendas

Open Meetings Act 551 Requirements

Post on the City website and on the bulletin board 72 hours prior to the meeting.

Emergency Meetings – post 1 hour prior to the meeting.

Open Meetings Act 551.041

“A governmental body shall give written notice of the date, hour, place, and subject of each meeting held by the governing body”.

Public Information Act (PIA)

Subject to the PIA

- ☐ Governmental body-all public entities supported by public funds.

Forms of Records

- ☐ Information recorded on physical media
- ☐ Audio or video records
- ☐ Photographs
- ☐ Maps
- ☐ Drawings
- ☐ Emails, text messages, instant messages, internet postings, or other electronic communications

(2 of 2)

Public Information Act Request

- Must be in writing to trigger the Act
- No “magic words” required
- Can be typed or handwritten

City of Fredericksburg designated office for public information is the City Secretary.

City of Fredericksburg has a Public Information Policy that provides the procedures on handling PIAs.

City Charter

Article 1 – Form of Government and Boundaries

- Sec. 1.01 Form of Government
 - Council-Manager form of government
 - Subject only to the limitation imposed by the State Constitution and by this charter all powers of the City shall be vested in an elected City Council which shall:
 - Enact local legislation
 - Adopt budgets
 - Determine policies
 - Employ the City Manager
 - All powers of the City shall be exercised in the manner prescribed by this charter

City Charter

Article 3 The City Council

- **Sec. 3.01 Number, Selection and Term**
 - The “City Council” shall be known as the Mayor and four (4) councilmembers
 - The Mayor and councilmembers shall be elected from the city at large
 - The term for the Mayor and councilmembers shall be two years
 - The Mayor and councilmembers may be elected to an unlimited number of terms, but no more than four consecutive terms in the same office

City Charter

□ Sec. 3.01 Number, Selection and Term (cont.)

- The terms of the councilmembers shall be staggered so that 2 members will be elected to a regular term each year

□ Sec. 3.02 Qualifications

- Each member shall be:
 - Eligible to be a candidate for public elective office in the State of Texas
 - A qualified voter of the State of Texas
 - A resident of the City of Fredericksburg
 - Shall have been a resident of the City of Fredericksburg for a period of not less than 12 months immediately preceding his/her election

City Charter

- **Sec. 3.02 Qualifications (cont.)**
 - Shall not be indebted to the City of Fredericksburg
 - If a councilmember fails to maintain these qualifications, the City Council must declare a vacancy and fill the vacancy
 - If a councilmember is absent from 3 consecutive regular meetings without valid excuse, the City Council may declare a vacancy and fill the vacancy
- **Sec. 3.04 Compensation**
 - Compensation shall be set by ordinance

City Charter

- **Sec. 3.04 Compensation (cont.)**
 - Mayor: \$850/month
 - Councilmembers: \$550/month
 - Additionally, Mayor and councilmembers shall be paid for any actual and necessary expenses incurred while in the discharge of their duties

- **Sec. 3.05 Mayor Pro-Tem**
 - Elected by councilmembers during first meeting after election each year

City Charter

- **Sec. 3.06 Emergency Power of Mayor**
 - In time of danger or emergency, the Mayor may, with the consent of the City Council, take command of the police and govern the City by proclamation and maintain order and enforce all laws
- **Sec. 3.07 Vacancies**
 - When a vacancy occurs in the City Council, the remaining members of the Council shall within 30 days appoint a qualified person to fill the vacancy until the next regular city election.
- **Sec. 3.10 Meetings of the City Council**
 - The City Council shall meet regularly at least once per month

City Charter



□ Sec. 3.11 Rules of Procedure

- The City Council shall determine its own rules and order of business
- At the beginning of each term of office the City Council shall adopt rules of order which shall govern all meetings of the City Council

Article 6 Elections

□ Sec. 6.01 Elections

City Charter



Article 8 Legislation by the People, Initiative and Referendum

□ Sec.

City Charter

Article 10 Municipal Finance

□ Sec. 10.18 Enterprise Fund Usage

- The City shall not use proceeds or reserves from an enterprise except for expenditures within the purpose of the proposed fund unless approved by the voters in elections that specify the amount and the fund from which the money will be withdrawn

City Charter



Article 12 General Provisions

□ Sec. 12.13 Amending the Charter

- The governing body of a municipality on its own motion may submit a proposed charter amendment to the municipality's qualified voters for their approval at an election
- A proposed charter amendment may be submitted to council via a petition "signed by a number of qualified voters of the municipality equal to at least five percent of the number of qualified voters of the municipality
- A proposed amendment to a municipality's charter is adopted if it is approved by a majority of the qualified voters of the municipality who vote at an election held for that purpose

City Charter



Article 12 General Provisions

□ Sec. 12.16 Review of Charter

- The charter shall be reviewed at 5-year intervals after the date of passage by the City Council
- The last formal review of the City charter was in 2014

Ethics Ordinance and State Law

- Potential conflicts of interest are evaluated on a case by case basis as they relate to the particular governmental action, and to each official's specific business or real estate interest.
- A local public official must file an affidavit disclosing his or her interest, and must abstain from participating in a matter, when the action on the matter will have a special economic effect on the official that is distinguishable from the effect on the public.

Ethics Ordinance and State Law

- Additionally, the business or real estate interests of an official's close relatives must also be considered when determining the need for disclosure and recusal from certain action.
- Ask yourself “would this be recognized by reasonable persons as having any weight in deciding a case or an issue”

Ethics Ordinance and State Law

- Other Ethics considerations
 - limitations on appearing before any City body, boards, or commission to represent personal interests
 - limitations on accepting gifts
 - must identify by name and disclose position when addressing any City body, board or commission as a member of the general public

City Council Rules of Procedure

- Section 1 – Rules
- Section 2 – Open Public Meetings Act
- Section 3 – Executive Sessions
- Section 4 – Work Sessions
- Section 5 – Quorum
- Section 6 – Attendance
- Section 7 – Chair of the Council
- Section 8 – Agenda

Continued

- Section 9 – Order of Business
- Section 10 – Voting
- Section 11 – Reconsideration of Previous Vote
- Section 12 – Decorum and Debate
- Section 13 – Questions of Parliamentary Procedure
- Section 14 – Notice of Public Hearings
- Section 15 – Adoption of Ordinances



City of Fredericksburg

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

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
Brian Vorauer, Police Chief
Eric Whiting, Director of Information Technology
Kris Kneese, Interim Director of Public Works and Utilities
Shelby Collier, Associate Planner
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 Tuesday, September 6, 2022. He announced the quorum had been met.

2. INVOCATION

Jerry McCorkle, City resident, provided the Invocation.

3. PLEDGE OF ALLEGIANCE

Mayor Hoover led the Pledge of Allegiance.

4. EMPLOYEE RECOGNITIONS

Clinton Bailey, City Manager, provided the following recognitions:

- Officer Thomas Rivera, Police Department, recognized for his professionalism and for going above and beyond the call of duty
- Officer Luke Smith, Police Department, recognized for his professionalism during a traffic stop
- Officer Luke Smith, Police Department, recognized for going above and beyond.
- Officer Eric Oestreich, Police Department, recognized for his professionalism during a traffic stop
- Tom Marschall thanked Chief Bizzell and the entire Fire Department for their quick action during the fire at their business

5. PUBLIC COMMENTS ON ITEMS ON THE AGENDA

Mayor Hoover reviewed 17 written comments they received. He also noted that no one wished to sign up to speak at this agenda item.

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:

- i. August 15, 2022, Regular Meeting
- ii. August 17, 2022, Work Session
- iii. August 22, 2022, Work Session

Motion: A motion was made by Councilmember Kirchner, seconded by Councilmember Watson, to the Consent Agenda items 6 A. i. – iii. with amendments. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

7. PUBLIC HEARING

A. Hold a public hearing to receive comments for or against a request by Mark Pavlicek with Cherry Builders, LLC. for the consideration of a request for Voluntary Annexation for approximately 9.37 acres of land described as Lot 2AR of the Kinman Subdivision located at 211 Mariposa Drive (Z-2214).

Motion: A motion was made by Councilmember Klein, seconded by Councilmember Watson, to go out of the Regular Meeting and into the Public Hearing at 6:20 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Nancy Heiner, President of Heritage Homeowners Association, spoke against the request for Voluntary Annexation.

Jim Hambright spoke against the request for Voluntary Annexation.

Joseph Cavanaugh provided handouts (attached #1) and spoke against the request for Voluntary Annexation.

Eric Schmalbach provided handouts (attached #2) and spoke against the request for Voluntary Annexation.

Bill Sapp spoke in opposition to the proposed Voluntary Annexation.

Ruben Aguilar spoke in opposition to the proposed Voluntary Annexation.

John Hever spoke in support of the proposed Voluntary Annexation.

Martha Zeiher spoke in opposition to the proposed Voluntary Annexation.

Dena Kasberg spoke in opposition to the proposed Voluntary Annexation.

Carolyn Bleacher spoke in opposition to the proposed Voluntary Annexation.

Edwina Pellikka spoke in opposition to the proposed Voluntary Annexation.

Jessica Swanson provided pictures (attached) and spoke in opposition to the proposed Voluntary Annexation.

Allan Johnson spoke in opposition to the proposed Voluntary Annexation.

Jerry Oliver spoke in opposition to the proposed Voluntary Annexation.

Brian Swafford spoke in opposition to the proposed Voluntary Annexation.

Gene Prior spoke in opposition to the proposed Voluntary Annexation.

Mark Johnson spoke in opposition to the proposed Voluntary Annexation.

Woody Victor, the Developer, reviewed the proposed plan for the proposed Annexed area.

Mark Pavlicek, the Developer, reviewed the process used for the proposed project and how issues are being addressed.

Shelby Collier, Associate Planner, stated this item is only set for a public hearing. She provided the process and timeline for approval of the proposed annexation.

Motion: A motion was made by Councilmember Klein, seconded by Councilmember Watson, to go out of the Public Hearing and into the Regular Meeting at 7:13 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

8. ORDINANCE AND RESOLUTION

A. Consider the approval of Ordinance 2022-29 amending Article 11.702 – Electric Rates, of Appendix A – Fee Schedule, of the Code of Ordinances, to update and amend the fees for Electric Service provided by the City.

Kris Kneese, Interim Director of Public Works and Utilities, reviewed the Electric Rate Study and recommendation for Electric Rate increase that Schneider Engineering conducted. He noted the last increase was in 2021 for 3% and before that was 2015. He stated that the proposed increase is included in the FY2023 Budget.

The City Council discussed the Capital Improvement Projects and the previous rate study.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Joseph, to approve Ordinance 2022-29 amending Article 11.702 – Electric Rates, of Appendix A – Fee Schedule, of the Code of Ordinances, to update and amend the fees for Electric Service provided by the City. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

B. Consider the approval of Resolution 2022-18R appointing persons to serve on the Fredericksburg Convention and Visitor Bureau (CVB) Board of Directors

Ernie Loeffler, President/CEO, Fredericksburg CVB, reviewed the five Board of Directors with terms expiring on September 30, 2022. He noted these members will serve a three-year term which will expire on September 30, 2025:

- Katelyn Eames
- Kelly Criddle
- Jessica Mittel
- Mary Ann Turbeville
- Matthew Pipkin

He also stated that Katherine Graham will fill a vacancy that the term will expire on September 30, 2024.

Motion: A motion was made by Councilmember Klein, seconded by Councilmember Watson, to approve Resolution 2022-18R appointing persons to serve on the Fredericksburg Convention and

Visitor Bureau (CVB) Board of Directors. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

9. OTHER ACTION ITEMS AND UPDATES

A. Consider the approval of a contract for completion of Phase 2 (construction) of the Broadband Project in the amount of \$1,051,843.00

Jeannette Hormuth, City resident, spoke in opposition to tax funds being used for this project.

Eric Whiting, IT Director, provide the history of the project. He also reviewed the purpose of the project and the project partners. He noted the benefits of connectivity for Gillespie County, the City, Hill Country Memorial Hospital, and the Independent School District. He also reviewed the process for private companies to get involved.

Daniel Jones, City Attorney, reviewed the purchasing cooperation agreement and the process used regarding procurement of the contract.

The City Council discussed the Project Contractor and timeframe.

Clinton Bailey, City Manager, provided the history of the design project and the benefits for the City and residents.

The City Council discussed the project and noted that this project is an essential service to the City and the residents.

Motion: A motion was made by Councilmember Joseph, seconded by Councilmember Kirchner, to approve a contract for the completion of Phase 2 (construction) of the Broadband Project in the amount of \$1,051,843.00. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

B. Consider the approval of the Fredericksburg Convention and Visitor Bureau budget for the Fiscal Year October 1, 2022, through September 30, 2023.

Ernie Loeffler, President/CEO of Fredericksburg CVB, reviewed the proposed FY2023 Budget. He noted that the proposed Budget includes:

- A 26% increase in revenues
- \$500,000 will be moved into an account for expansion plans
- Salary - Cost of Living increases along with merit increases

Motion: A motion was made by Councilmember Joseph, seconded by Councilmember Kirchner, to approve the Fredericksburg Convention and Visitor Bureau budget for the Fiscal Year October 1, 2022, through September 30, 2023. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

10. PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA

Carol Hammersen, City resident, spoke regarding her prior experience with the Federal Government.

Eric Hammersen, City resident, spoke regarding the return of the American Rescue Plan Fund Act and the need to reduce the Budget.

Tom Marschall, City resident, reiterated the written comments submitted earlier today.

MaryLee Marschall, City resident, spoke regarding the American Rescue Plan Fund Act and proposed Budget.

Kimberley Lams, City resident, spoke about the City Council need to listen to their constituents.

Jeannette Hormuth, City resident, spoke regarding Affidavits to a Ceases and Assist from accepting and returning American Rescue Plan Fund Act.

April Laird, City resident, spoke regarding the American Rescue Plan Fund Act and the consequences of keeping the funds.

11. CITY MANAGER'S REPORT

A. FY2023 Budget update

- i. 2022 Tax Rate Public Hearing on September 14, 2022, at 1:00 p.m. at the Golf Course Cardinal Room.**
- ii. 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, announced the upcoming Public Hearing on the 2022 Tax Rate is scheduled for September 14, 2022, at 1:00 p.m. at the Golf Course Cardinal Room. He also announced the adoption of the 2022 Tax Rate and FY2023 Budget is scheduled for September 19, 2022, at 6:00 p.m. at the Law Enforcement Center.

12. COUNCIL COMMENTS

Councilmember Kirchner announced the funeral schedule for Timothy Kooock is set for 1:00 p.m. on Sunday, September 11, 2022, at Marktplatz.

13. ITEMS FOR FUTURE AGENDA

Clinton Bailey, City Manager, reviewed the Future Agenda spreadsheet.

14. 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 the purchase, exchange, lease, or value of real property, located in the vicinity of the intersection of N. Adams at Travis Street, in the City of Fredericksburg (Sec. 551.072).**

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Joseph, to go out of the Regular Meeting and into the Executive Session at 8:21 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Klein, to go out of the Executive Session and into the Regular Meeting at 8:25 p.m. The City Council voted five (5) for, and none (0) opposed. The motion carried unanimously.

15. BUSINESS ITEM

The City Council did not take any action.

16. ADJOURN

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kirchner, to adjourn the Tuesday, September 6, 2022, City Council Regular Meeting at 8:25 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Jeryl Hoover
Mayor

Shelley Goodwin, TRMC/CMC
City Secretary

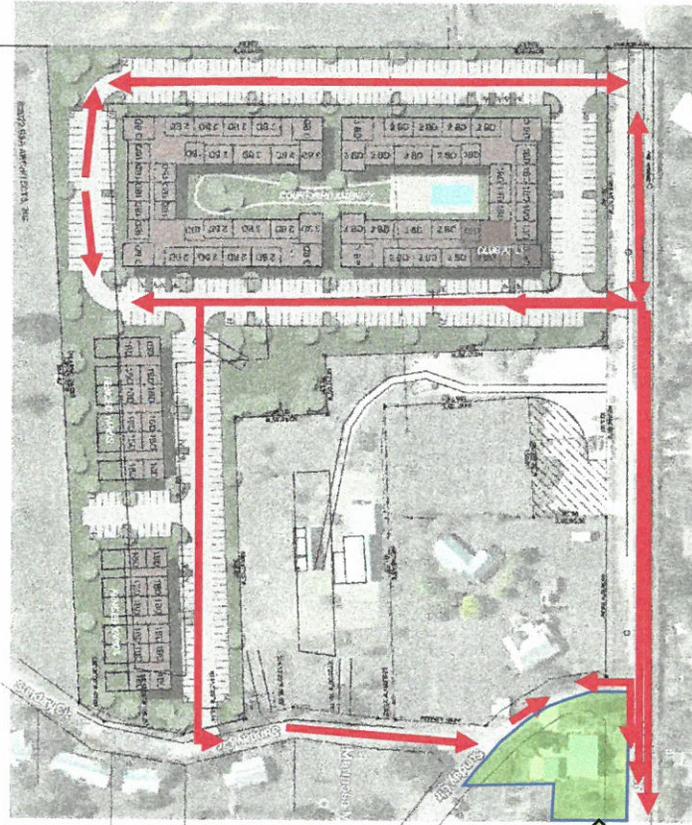
**PLEASE VOTE NO ON BOTH THE
ANNEXATION AND THE REZONING
FOR THE MARIPOSA APARTMENT
DEVELOPMENT PROPOSAL**



Conceptual Site Plan



1 Conceptual Site Layout
1"=100'-0"



(I have added the red lines showing traffic flow and the compass.)

Sunday Circle is a private road owned and maintained by the MARIPOSA NEIGHBORHOOD ASSOCIATION.

Joe and Stephanie Cavanaugh's home, at 202 Sunday Cir, is literally at the nexus of traffic congestion and drainage issues from this development.



MARIPOSA APARTMENTS - FREDERICKSBURG, TX
DRAFT CONCEPT SITE PLAN

Public Safety

All the Mariposa neighbors firmly believe the potential for massive traffic jams daily is very real over the entire planned street impact area through to Hwy 290. Moreover, we feel the potential for a massive increase in traffic accidents at the intersection with Hwy 290 is virtually guaranteed.

Is the emergency entrance for this development to be through Frieden?

ISSUE 2: TRAFFIC!

There are three proposed entrance/exit locations to this apartment complex on the architect's plan drawing. All three join at the corner of Mariposa and Sunday Circle, wrapping around our property.

There are currently 35 residences in this entire neighborhood, including all properties on the City's Mariposa Dr. and the HOA's private drive, Sunday Circle. This includes 27 homes in the Mariposa Owner's Association.

This development plan is to add 249 residences, which alone will add OVER 700% (711+%) to the traffic congestion starting at the corner of Mariposa and Sunday Cir., plus any service vehicles and guests. The complex has 385 parking spaces. Not a 7% increase; not 70%, but OVER 700%!

From the west end where this development is proposed, Mariposa Drive is only twenty feet wide until it turns north to the highway, with a chokepoint at the narrow bridge noted on page 2.

When you pour a 711% increase of anything into a funnel, it doesn't really matter how many points you pour from. The increased volume will be the same.

Protest

Against Mariposa Apartment Development

Joseph Cavanaugh, 202 Sunday Cir, FBG TX



LEFT: Photo on Mariposa adjacent to the Sewage lift station (see sign), looking west up the hill to the intersection with Sunday Circle

RIGHT: Note the raised ring at the center of this water, showing the flow from the sewer manhole. Luckily, there were no homes yet at Frieden, so the brown fluid is all silt.



These four flood photos were taken during the water/sewer rough-in for Frieden (February-March 2019). Due to accumulated silt already in the sewer line, the City required a block at the manhole west of our property. The rain flowed through the Frieden plumbing rough-in to the new sewer, and it ended up blasting through this manhole, at times a fountain three or four feet high. The silt killed a twenty-foot-tall Cedar Diadora tree in our back yard.



ISSUE 3: SEWAGE AND STORM DRAINAGE

SEWAGE: At the time Heritage Hill Country was developed, the City installed a sewage lift station on the north side of Mariposa Dr for that sewage (lift station location noted on Page 1).

To this lift station, during the past two decades, the City connected a sewage line on the south side of Mariposa Dr. This additional sewage line was first installed with the annexation of 200' Mariposa Dr frontage (four 50-foot-wide lots). At that time, the sewer line terminated at the east end of our property, 202 Sunday Circle.

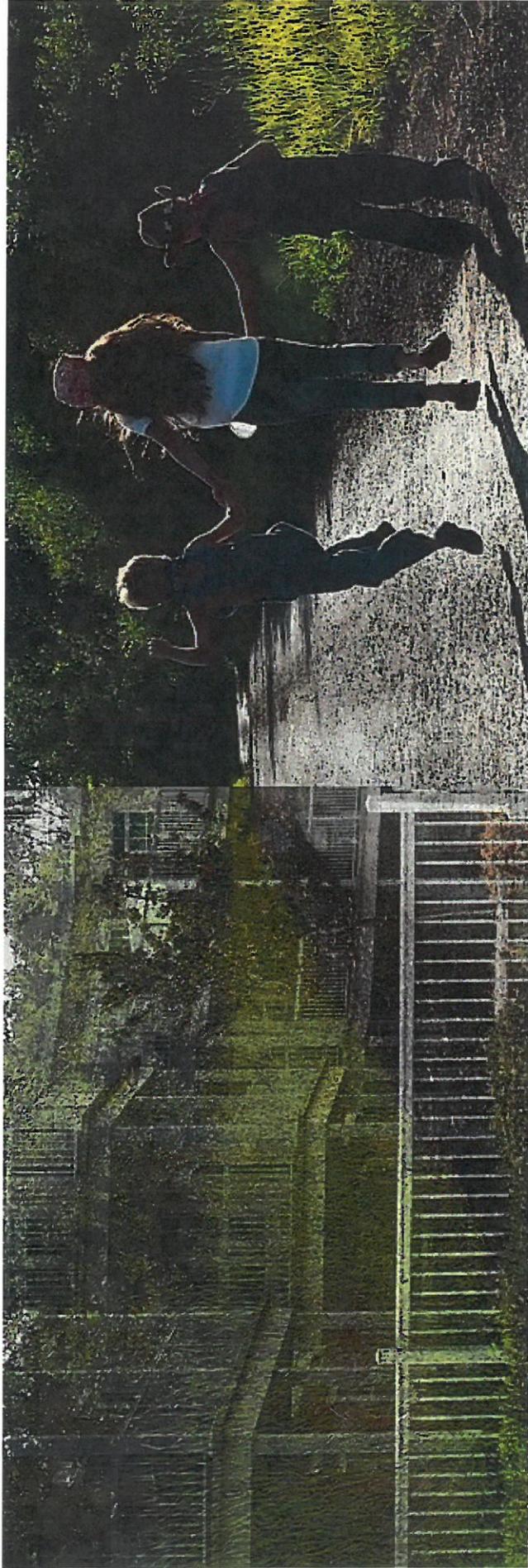
In 2014, our property was put on the sewer line.

In 2019 this sewer was extended to the Frieden subdivision. This would become the sewer line for this development.

The sewage lift station has shut down many times and was out of service for brief periods off and on through the years, usually no more than a few hours. However, at least once I witnessed raw sewage overflowing and flooding the road.

DRAINAGE: The City's standard street drainage system cannot currently work here, as is demonstrated by the photo series showing where the drainage goes if it is on Mariposa Dr. It flows mostly into our property and substantially floods our yard and then those owners' properties downhill.

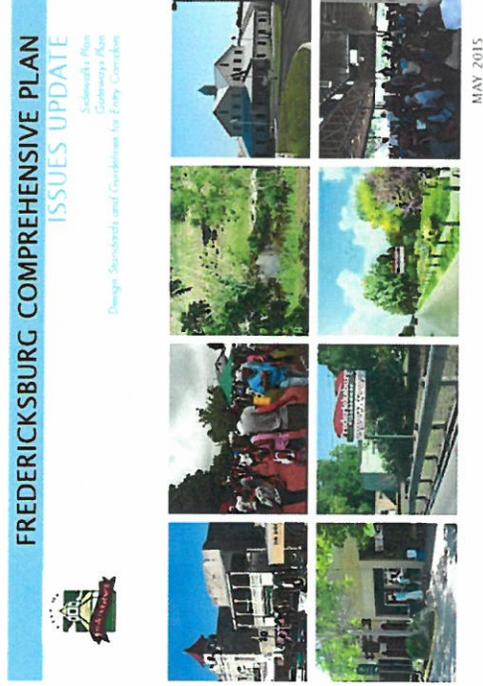
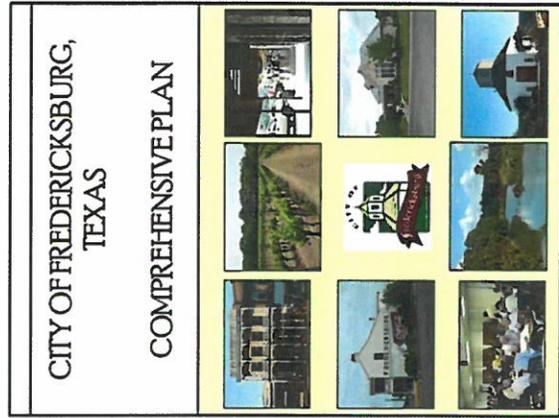
Protest of Request Z-2214 and Z-2215 Presentation



Presented by Eric Schmalbach

Request Nos. Z-2214 and Z-2215 are Inconsistent with the Comprehensive Plan

- Texas Local Government Code § 213 and Fredericksburg Code of Ordinances § 5.100 provide that the City may implement a Comprehensive Plan. The City adopted the Comprehensive Plan in 2006, as updated in 2014 and 2015.
- Texas law provides once a city has adopted a Comprehensive Plan, all zoning decisions must be adopted in accordance with that plan. (Texas Local Government Code § 213.004 and *Dews v. Town of Sunnyvale, Tex.*, 109 F.Supp.2d 526 (N.D. Texas Dallas Division 2000))



Request Z-2214 and Z-2215 are Inconsistent with the Comprehensive Plan

In evaluation its decisions for development, the City uses the adopted Comprehensive Plan:

C. Land Use Goals and Policies

GOAL 23: An orderly pattern of development that accommodates anticipated growth while maintaining Fredericksburg's character.

Policy 23.1. The City should make its decisions on individual development proposals consistent with the goals, policies and maps of this Comprehensive Plan.

Policy 23.2. The Growth Element of this Comprehensive Plan should define where and when urban development is appropriate on currently-unincorporated lands, and what annexation and service extension priorities should be followed to ensure an orderly pattern of outward growth.

2. Development Proposals & the Comprehensive Plan

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.

When a zoning change or other development proposal is received, the City will evaluate it to determine whether it is consistent with the Comprehensive Plan. This evaluation will be based on the goals and policies of the plan, as well as the land use categories depicted on the Future Land Use Map.

Request Z-2214 and Z-2215 are Inconsistent with the Comprehensive Plan

Applicant N. Cherry Builders LLC (“Applicant”) proposes a low income housing apartment complex and requests HIGH DENSITY R-3 development in the extra territorial jurisdiction (“ETJ”).

The Comprehensive Plan Provides as follows (See Page 4.1):

4. 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. For this plan, seven major concepts describe the key principles used in planning for land use and development. Each of those principles is described briefly below. A “Land Use Concepts” map provides a graphic depiction of the geographic areas affected by some concepts. Following this description of major land use concepts, the Land Use Element continues with a set of goals and policies related to land use throughout the city. These policies provide the direction to be used in making decisions on individual developments, capital investments and other matters. The policies are illustrated graphically by a “Future Land Use Map”. The categories used in this map are explained in the text. This map or diagram does not show zoning designations; it illustrates the application of land use categories and related policies to areas within Fredericksburg and its ETJ. The map alone is not the Land Use Element or the Comprehensive Plan; it must be considered along with all the other goals, policies and action items contained in this plan.

Request Z-2214 and Z-2215 are Inconsistent with the Comprehensive Plan

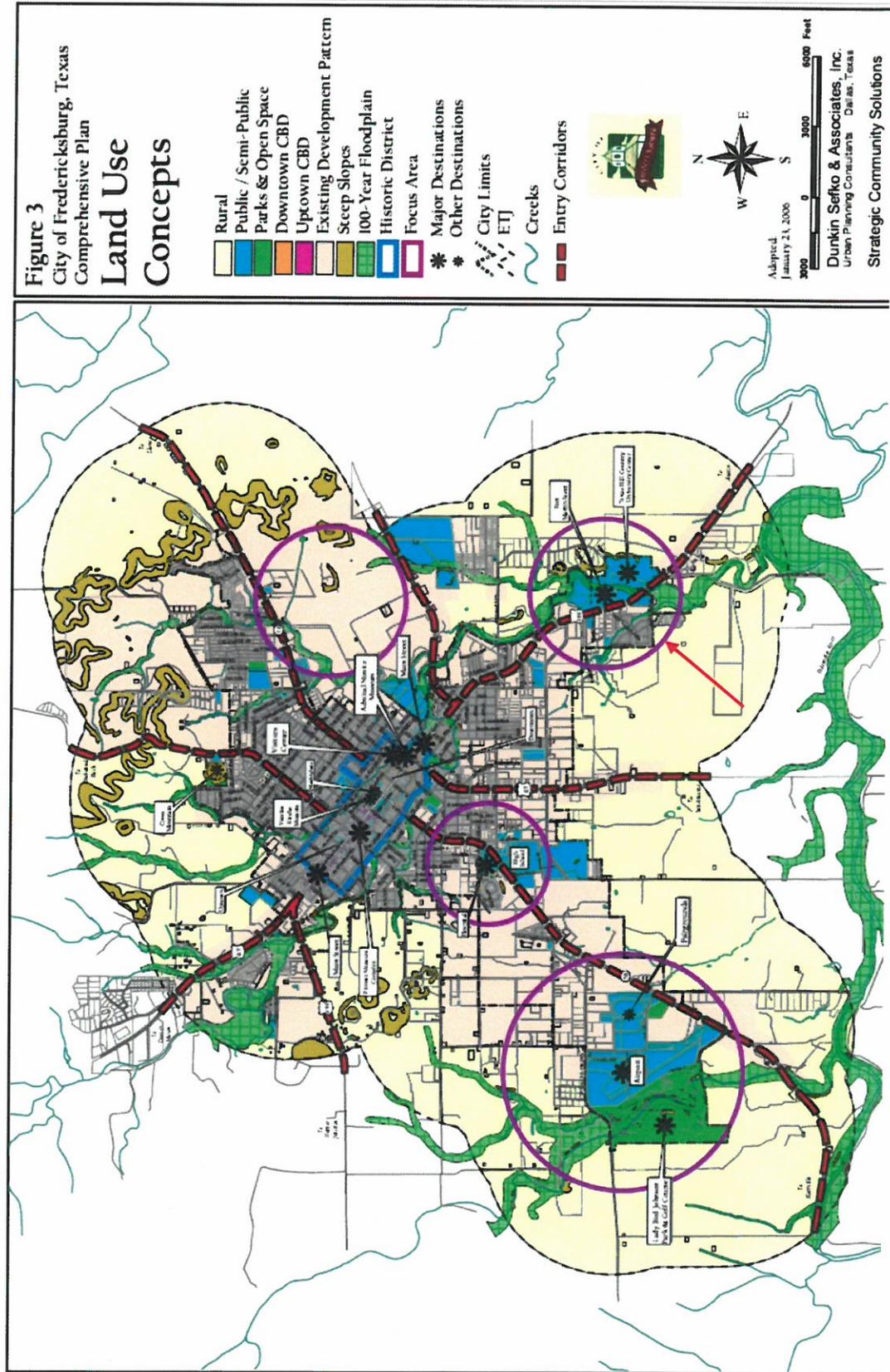
High Density R-3 in the ETJ is not consistent with the Comprehensive Plan (See Page 4.6 under heading Land Use):

7. Retain Agricultural and Rural Character in the ETJ

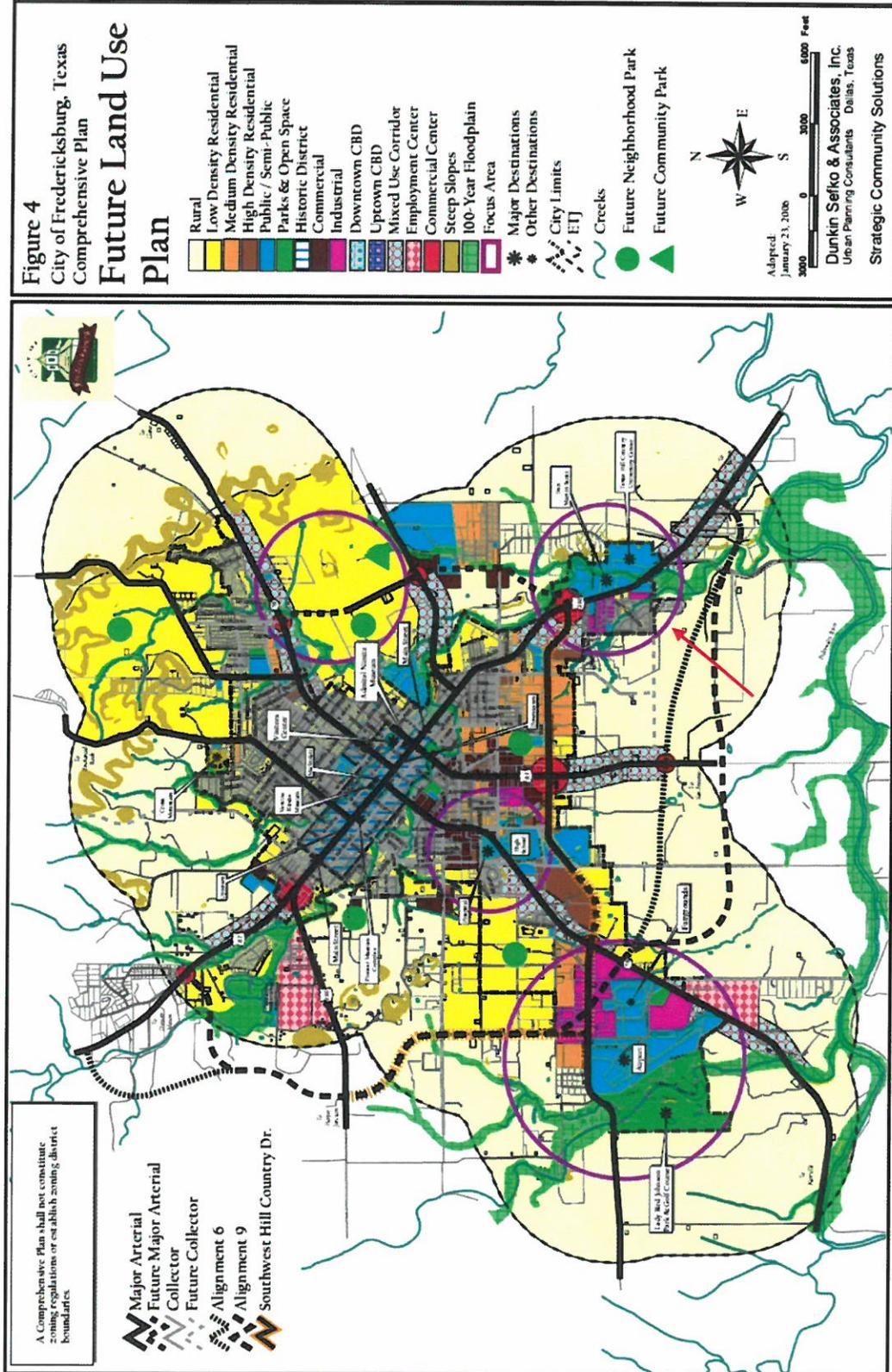
The rural and agricultural areas surrounding Fredericksburg contribute to its Hill Country character and small town charm; they also reflect a notable component of the region's economy. Extension of urban development and urban-scale infrastructure into these areas is not a matter of filling vacant land; rather, it is a change from one sort of pattern to another. **Since preservation of Fredericksburg's agricultural 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. The Growth Element of the Comprehensive Plan provides the policy direction for considering changes to more urban use in these areas and for annexation of land into the City.



Request Z-2214 and Z-2215 are Inconsistent with the Comprehensive Plan



Request Z-2214 and Z-2215 are Inconsistent with the Comprehensive Plan



Request Z-2214 and Z-2215 are Inconsistent with the Comprehensive Plan

High Density R-3 in the ETJ is not consistent with the Comprehensive Plan (See Page 4.10 under heading Land Use):

2. Description of Land Use Categories

a) Rural and Agricultural Development

Rural and agricultural development is planned for much of Frederickburg's ETJ. This land use category is intended to support the continuing operation of an important part of the area's history and economy – its farms, ranches and agricultural businesses. This designation includes land in active farming or ranching use; it is also appropriate for businesses that are based on agricultural products and that may involve production or tourism. Wineries, 'pick your own' orchards, and seed farms are some examples of these related businesses. Rural areas may include homes on large lots. They could be appropriate for lodges, resorts, and some other hospitality uses. These uses do not require connections to city water or sewer systems and they are not developed at an intensity that generates a significant amount of traffic.

Request Z-2214 and Z-2215 are Inconsistent with the Comprehensive Plan

High Density R-3 in the ETJ is not consistent with the Comprehensive Plan (See Page 4.14 under heading Land Use):

d) Low Density Residential

This use is representative of traditional, single-family detached dwelling units. Low density residential accounts for the largest percentage of residential development in Fredericksburg today and will continue to do so with the development shown on this "Future Land Use Map". The areas designated for low density residential land use are generally not adjacent to major thoroughfares or incompatible land uses, and are in proximity to existing single-family residential land use. Within these areas, the City should encourage a range of lot sizes and housing types in order to promote increased housing diversity and affordability. For this reason, several single-family zoning districts with various lot sizes should be provided in the Zoning Ordinance. For the purpose of discussing Fredericksburg's ultimate population capacity (in the Growth Element of this plan), areas of the City or ETJ designed for low density residential development are assumed to develop at an average of three dwelling units per gross acre.

Request Z-2214 and Z-2215 are Inconsistent with the Comprehensive Plan

High Density R-3 in the ETJ is not consistent with the Comprehensive Plan (See Page 5.5 under heading Growth Element)

D. Extra-Territorial Jurisdiction

The Fredericksburg Extra-Territorial Jurisdiction (ETJ) contains 1,186 acres, of which 92% is vacant or in non-urban uses such as agriculture or large lot residential development. **Since preservation of the area's agricultural economy and character are important aspects of this Comprehensive Plan, future ETJ development should continue to be primarily rural in character.** This pattern is reflected in the Land Use Element, which designates much of the ETJ for rural and agricultural development. This rural and agricultural development needs relatively few public facilities and services and therefore is not likely to be considered for annexation in the near future.



Barons Creek
Barons Creek is located south of Main Street and provides opportunities for recreation and wildlife habitat.

Introduction 1

Request Z-2214 and Z-2215 are Inconsistent with the Comprehensive Plan

Procedures for Evaluating Proposals according to Page 4.24 of the Comprehensive Plan:

When a zoning proposal is received that is not consistent with the plan, the City may consider a change in the plan's policies or the Future Land Use Map. This review should consider:

- Will the proposed change enhance the site and the surrounding area? **It will diminish the surrounding area.**
- Is the proposed change a better use than that recommended by the *Future Land Use Map*? **It is not, nor is it consistent.**
- Will the proposed use impact adjacent residential areas in a negative manner? Or, will the proposed use be compatible with, and/or enhance, adjacent residential areas? **It will impact the surrounding community in a negative manner.**
- Are uses adjacent to the proposed use similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility? **No. Low income apartments housing 500+ people are not compatible nor consistent with rural single family homes.**
- Does the proposed change do an equally good job of achieving the Comprehensive Plan's other policies related to livability and growth? **No. It does not cause growth in a manner that preserves the rural character as it exists today.**
- Can the proposed use be served by the available public facilities and services? **No. The proposed use will require extensive upgrades to roads, sewer, water, drainage, electric, the construction of a bridge, a stoplight on 290, involuntary annexation and taking of a privately owned road (Sunday Circle Drive).**
- Does the proposed use present a significant benefit to the public health, safety and welfare of the community? Would it contribute to the City's long-term economic well-being? **No, but it possibly benefits the developer.**

Request Z-2214 and Z-2215 are Inconsistent with the Comprehensive Plan

Procedures for Evaluating Proposals according to Page 4.24 of the Comprehensive Plan:

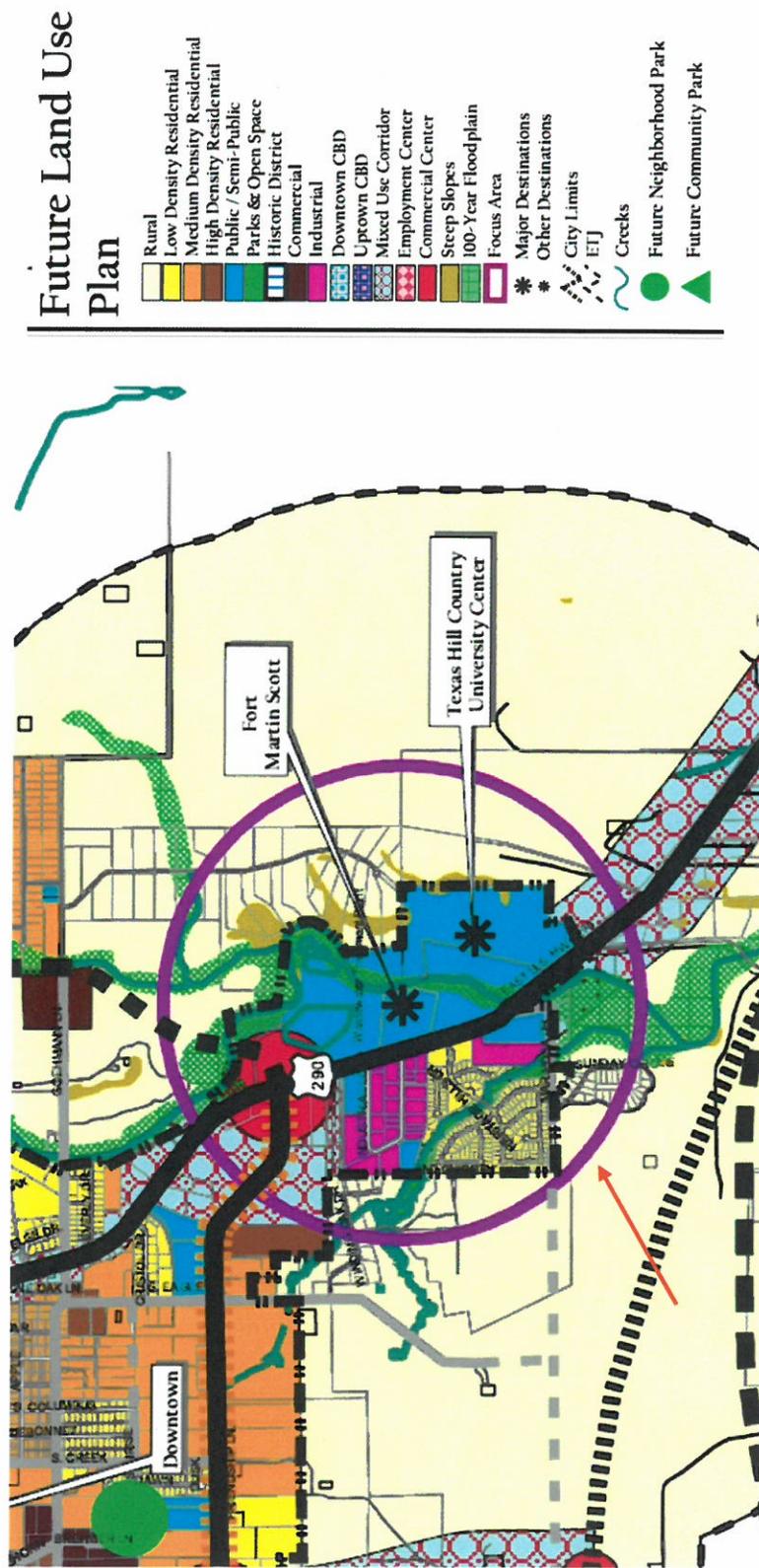
It should be incumbent upon the applicant to provide evidence that the proposal meets the aforementioned considerations and supports community goals and objectives as set forth within this Comprehensive Plan.

If a development proposal would require a change to the Comprehensive Plan, it is recommended that Fredericksburg amend the *Future Land Use Map* prior to rezoning the property. In order to expedite the process of amending the *Future Land Use Map* to ensure zoning regulations correspond to it, the related amendment recommendation(s) may be forwarded simultaneously with the rezoning request(s).



Request Z-2214 and Z-2215 require a Change to the Comprehensive Land Use Plan

-Currently, the Land Use Plan provides a classification of “Rural”. Therefore this would have to be changed to proceed as this is inconsistent with “High Density” classification requested by Applicant.



Request Z-2214 and Z-2215 require a Change to the Comprehensive Land Use Plan

Fredericksburg Code of Ordinances (“FCO”) § 5.310 provides before it can grant a change of Comprehensive Land Use Plan designation, the City Council must confirm the findings.

The property affected by the request is adequate in size and shape to facilitate those uses normally associated with the requested designation.

The property affected by the request does not exceed the capabilities of the infrastructure.

The request will have no adverse affect on any property within six hundred (600) feet of the affected property.

The requested change is to accommodate an appropriate land use and is consistent with other elements of the Comprehensive Plan.

The request, together with the applicable conditions, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

Request Z-2214 and Z-2215 are Inconsistent with Surrounding Uses

Would create an “island” of High Density Residential Surrounded by Low Density Residential

Low Density: 

High Density: 



Request Z-2214 and Z-2215 are Inconsistent with Surrounding Uses

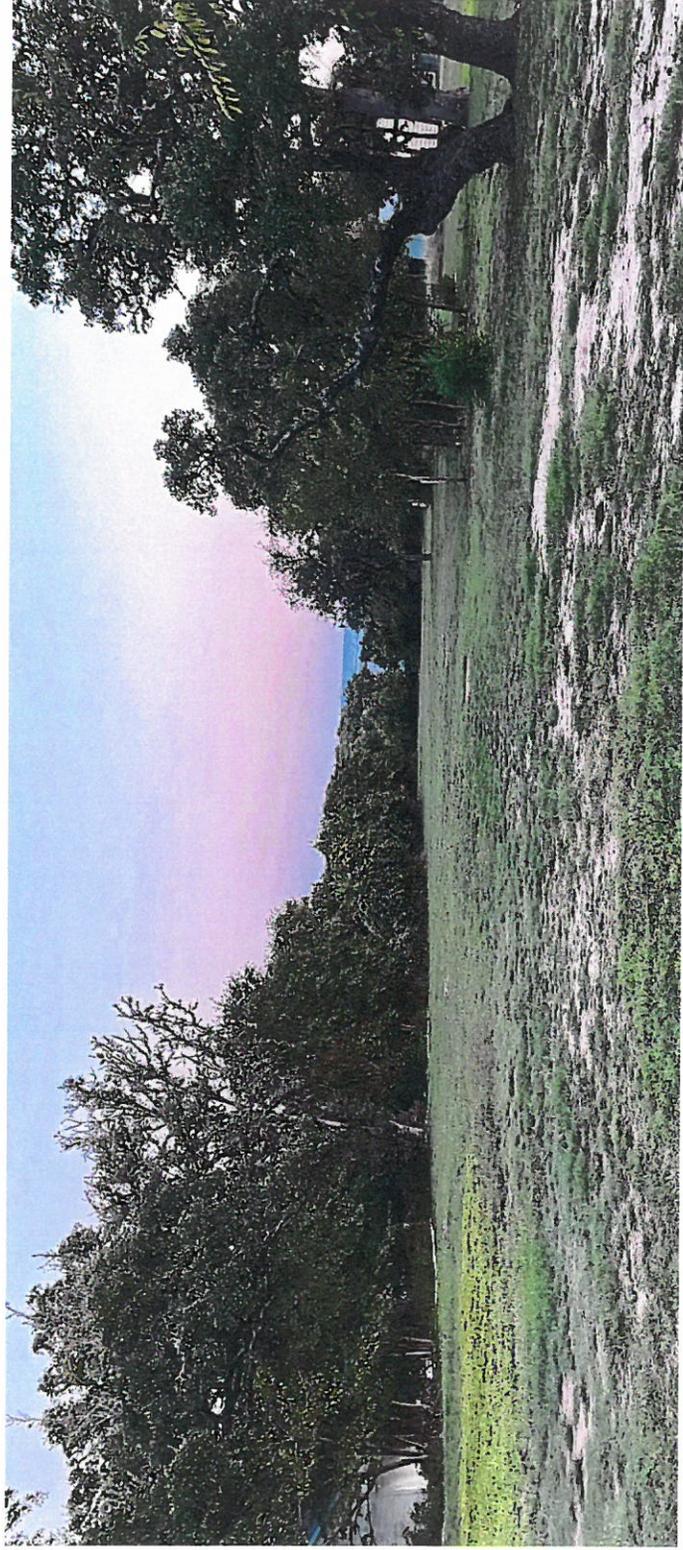
Erecting 3 story low income apartment complex with 500+ people is inconsistent with rural character as it exists today.



Request Z-2214 and Z-2215 are Inconsistent with Surrounding Uses

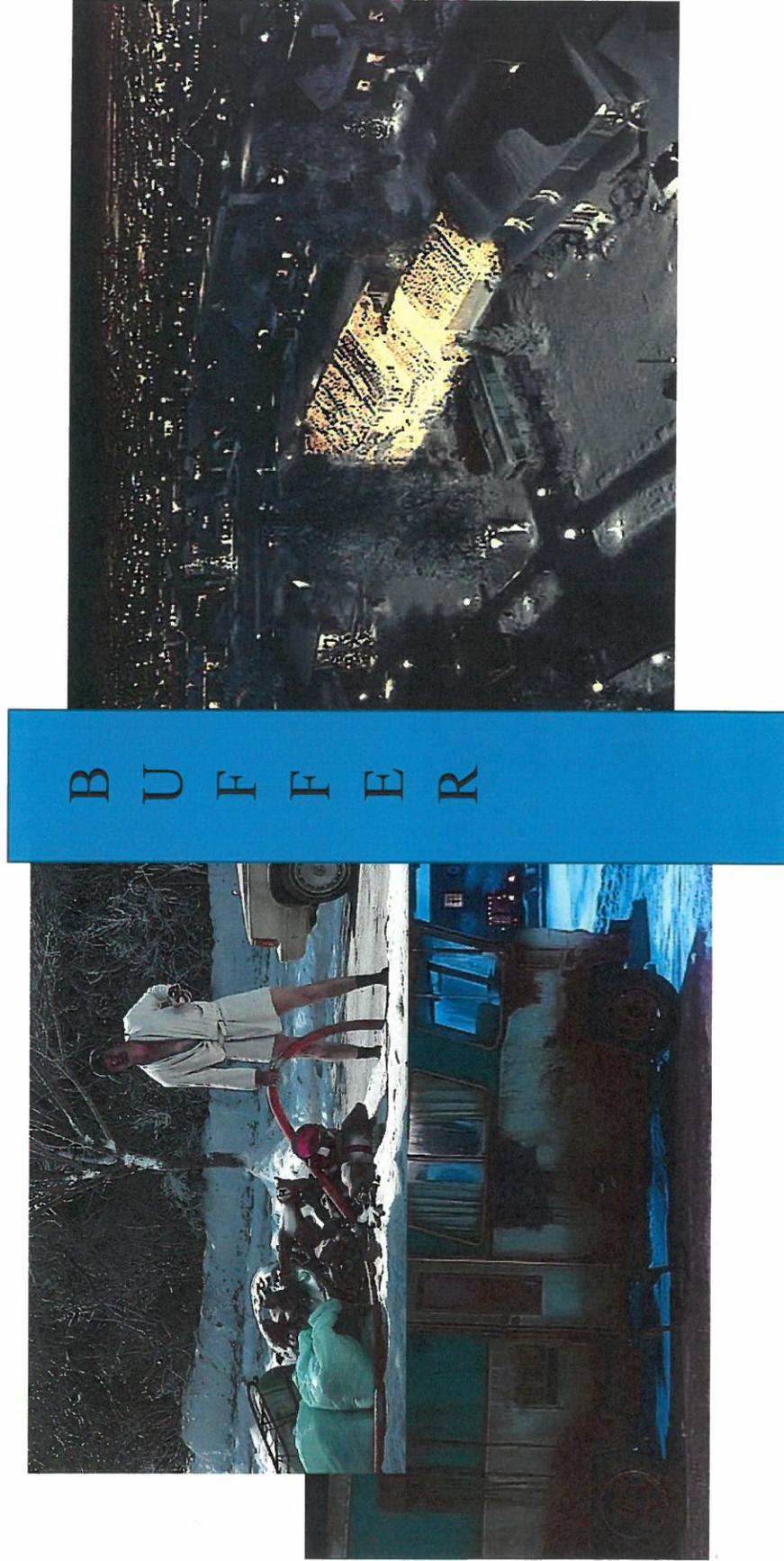
Erecting 3 story low income apartment would block country views of residents.

See Denial of Request #Z-2211, dated July 6, 2022, from Anna Hudson to Planning & Zoning Commission where the Zoning and Planning Commission denied raising apartment height above 2 stories due to concerns protecting “Hill Country viewsheds”.



Request Z-2214 and Z-2215 are Inconsistent with Surrounding Uses

A buffer is needed.



Request Z-2214 and Z-2215 are Inconsistent with Surrounding Uses

Fortunately, the Comprehensive Plan addresses a buffer (See Page 4.7):

Policy 23.7. Existing residential neighborhoods should be maintained in their prevailing pattern of development and general building intensity.

Policy 23.8. Transitions and buffers should be used in areas where rural and low density residential uses are adjacent to more intense uses. Depending on the location and site characteristics, buffers could include development at an intermediate intensity or the use of fencing, landscaping or berms. The main access points for the more intense use should not require travel through the rural or residential areas.

However, the plan requires travel straight over existing roads through low density rural neighborhoods.



Request Z-2214 and Z-2215: Applicant Discussion

The owner of the Property is “N. Cherry Street Builders LLC” (See Warranty Deed dated December 29, 2021, recorded as Instrument No. 202110255 of the Official Public Records of Gillespie County, Texas).

Property Details	
Account	
Property ID:	187238
Legal Description:	KINMAN SUBD LOT 2BR, 9.37
Geographic ID:	S0873-0000-000200
Agent:	
Type:	Real
Location	
Address:	SUNDAY CIR MARIPOSA DR, TX
Map ID:	8-N
Neighborhood CD:	FS
Owner	
Owner ID:	341976
Name:	N CHERRY BUILDERS LLC
Mailing Address:	%PAVLICEK, MARK 11 COLD SPRING CT KISCO, NY 10549
% Ownership:	100.0%



Request Z-2214 and Z-2215: Applicant Discussion

- Texas Local Government Code 43.0672 provides the City must enter into a services agreement with the Owner of the Property.
- In this case, the services agreement will most likely provide that Owner be responsible for most costs of services.
- In this case, providing necessary services will require extensive upgrades to existing infrastructure:
 - Water
 - Sewer
 - Electric
 - Road Expansion (Mariposa Drive)
 - Bridge (Mariposa Drive) in critical SE Entry Corridor
 - Stoplight on 290

Request Z-2214 and Z-2215: Applicant Discussion

- Owner, N. Cherry Street Builders LLC's charter was involuntarily forfeited June 24, 2022:

Corporations Section
P.O. Box 13697
Austin, Texas 78711-3697



John B. Scott
Secretary of State

Forfeiture pursuant to Section 171.309 of the Texas Tax Code of N. Cherry Builders LLC

File Number : 803736931

Certificate / Charter forfeited : June 24, 2022

The Secretary of State finds that:

1. The Secretary has received certification from the Comptroller of Public Accounts under Section 171.302 of the Texas Tax Code indicating that there are grounds for the forfeiture of the taxable entity's charter, certificate or registration, and
2. The Comptroller of Public Accounts has determined that the taxable entity has not revived its forfeited privileges within 120 days after the date that the privileges were forfeited

Therefore, pursuant to Section 171.309 of the Texas Tax Code, the Secretary of State hereby forfeits the charter, certificate or registration of the taxable entity as of the date noted above and records this notice of forfeiture in the permanent files and records of the entity.



A handwritten signature in cursive script, appearing to read "J. Scott".

John B. Scott
Secretary of State

Request Z-2214 and Z-2215: Applicant Discussion

- Owner, N. Cherry Street Builders LLC's charter was involuntarily forfeited June 24, 2022:

https://mycpa.state.tx.us/coa/coaSearchBin

Q Taxable Entity

1 matches found for the search string

If you have questions about the search

Results

View Details

N. CHERRY BUILDERS

Franchise Tax Details

Franchise Search Results Public Information Report

As of: 09/04/2022 18:33:21

This page is valid for most business transactions but is not sufficient for filings with the Secretary of State. Obtain a certification for filings with the Secretary of State.

N. CHERRY BUILDERS LLC

Texas Taxpayer Number 32075623341

Mailing Address 215 N CHERRY ST FREDERICKSBURG, TX 78624-2505

FRANCHISE TAX INVOLUNTARILY ENDED [Request tax clearance to reinstate entity.](#)

Right to Transact Business in Texas

State of Formation TX

Effective SOS Registration Date 08/25/2020

Texas SOS File Number 0803736931

Registered Agent Name MARK PAVLICEK

Registered Office Street Address 215 N. CHERRY STREET FREDERICKSBURG, TX 78624

SITES

Records and Information Locator (TRAIL)

Policy

Close

Figure 3
City of Fredericksburg, Texas
Comprehensive Plan
Land Use
Concepts

-  Rural
-  Public / Semi-Public
-  Parks & Open Space
-  Downtown CBD
-  Uptown CBD
-  Existing Development Pattern
-  Steep Slopes
-  100-Year Floodplain
-  Historic District
-  Focus Area
-  Major Destinations
-  Other Destinations
-  City Limits
-  ETJ
-  Creeks
-  Entry Corridors



Adopted:
 January 23, 2006
 3000 0 3000 6000 Feet

Dunkin Sefko & Associates, Inc.
 Urban Planning Consultants Dallas, Texas
 Strategic Community Solutions

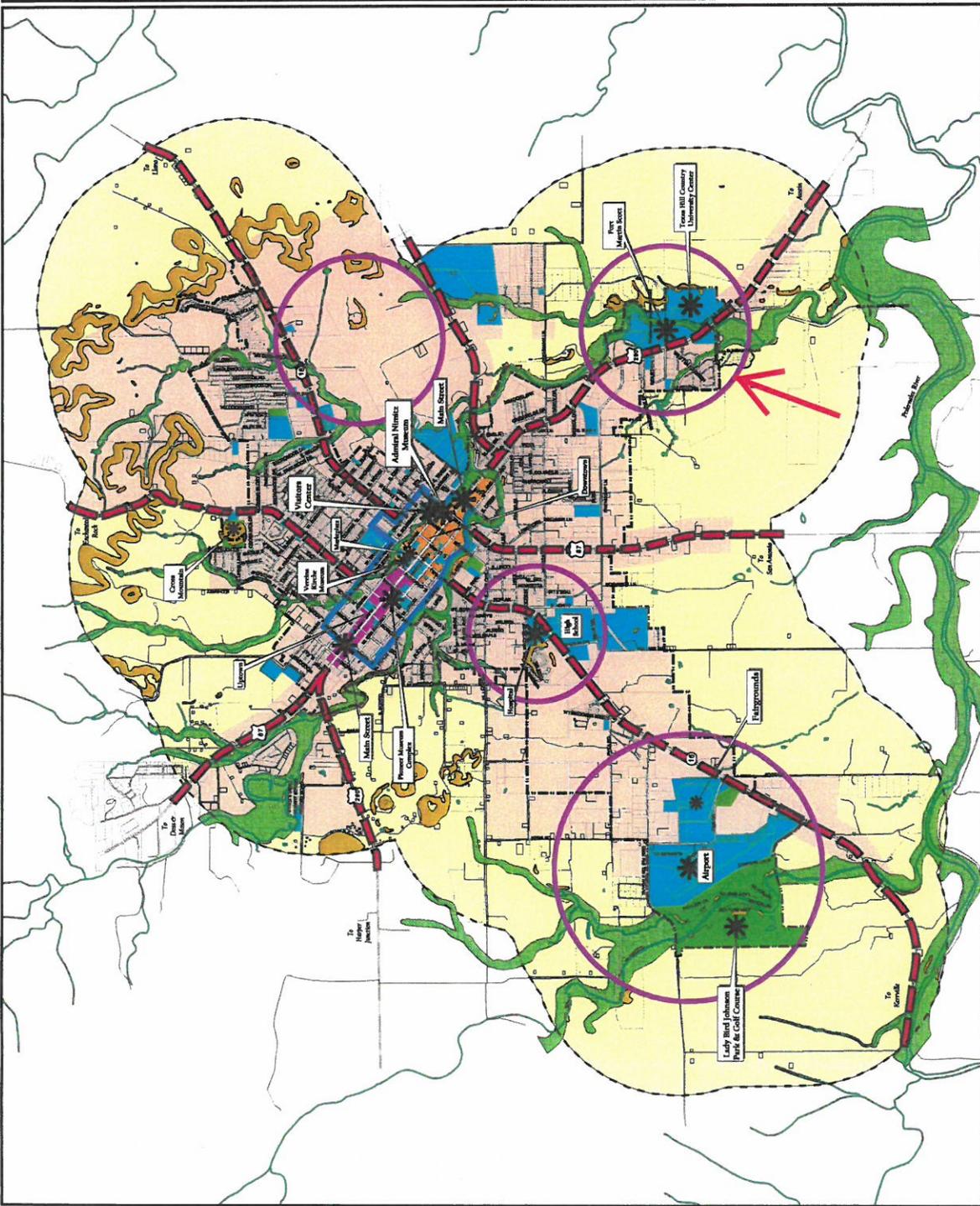


Figure 4
City of Fredericksburg, Texas
Comprehensive Plan
Future Land Use
Plan

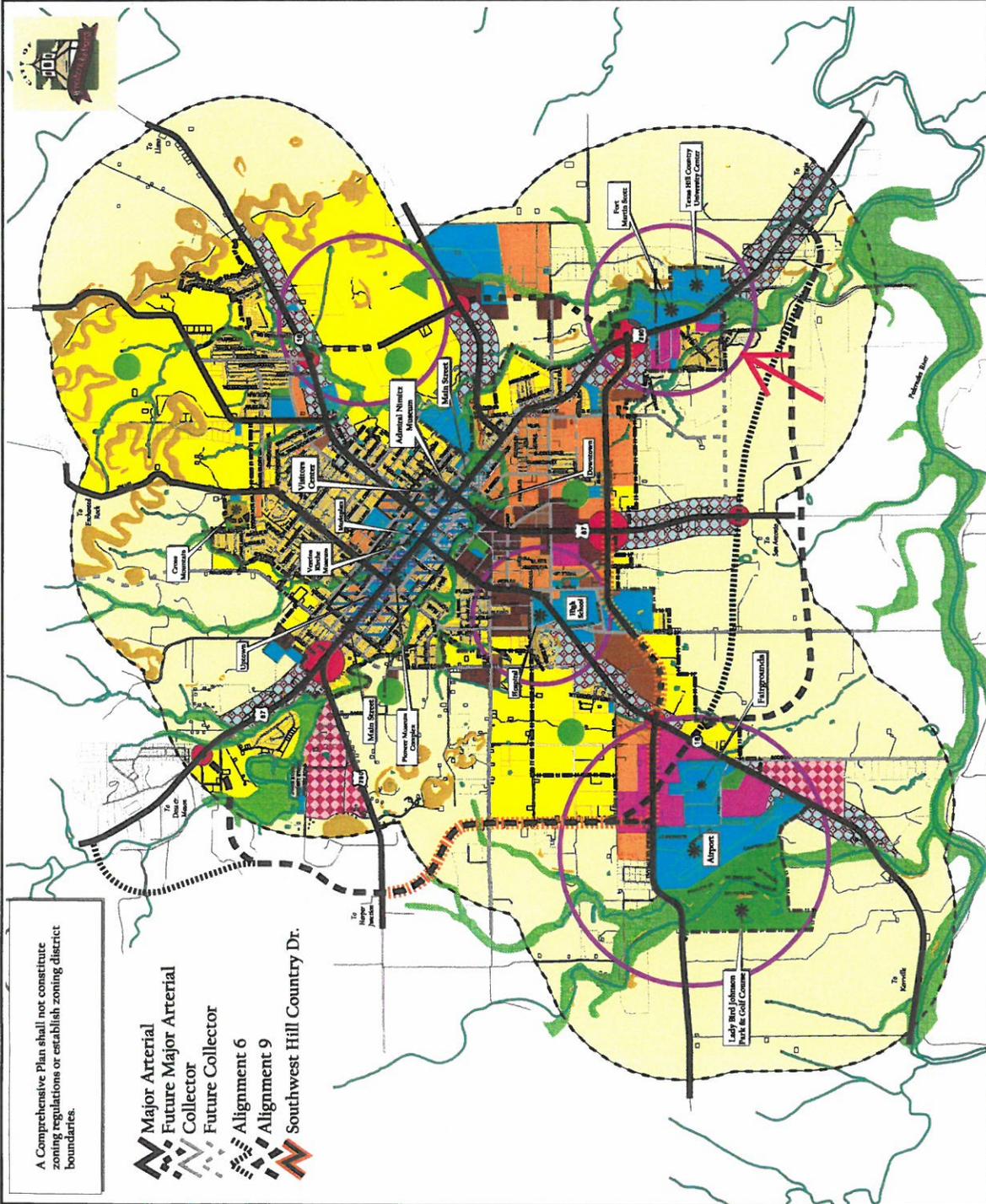
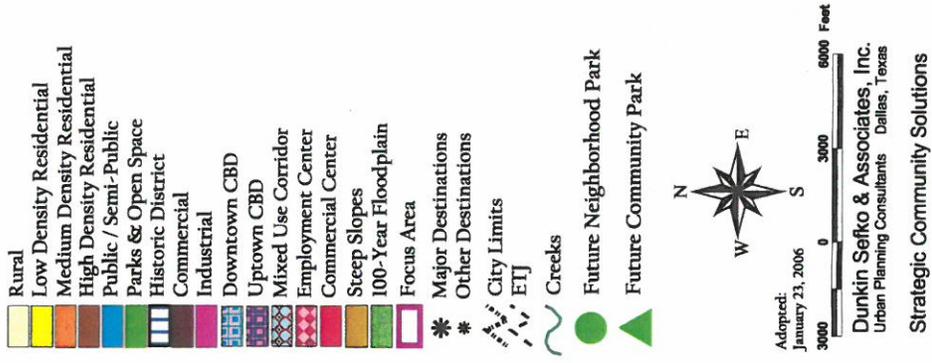


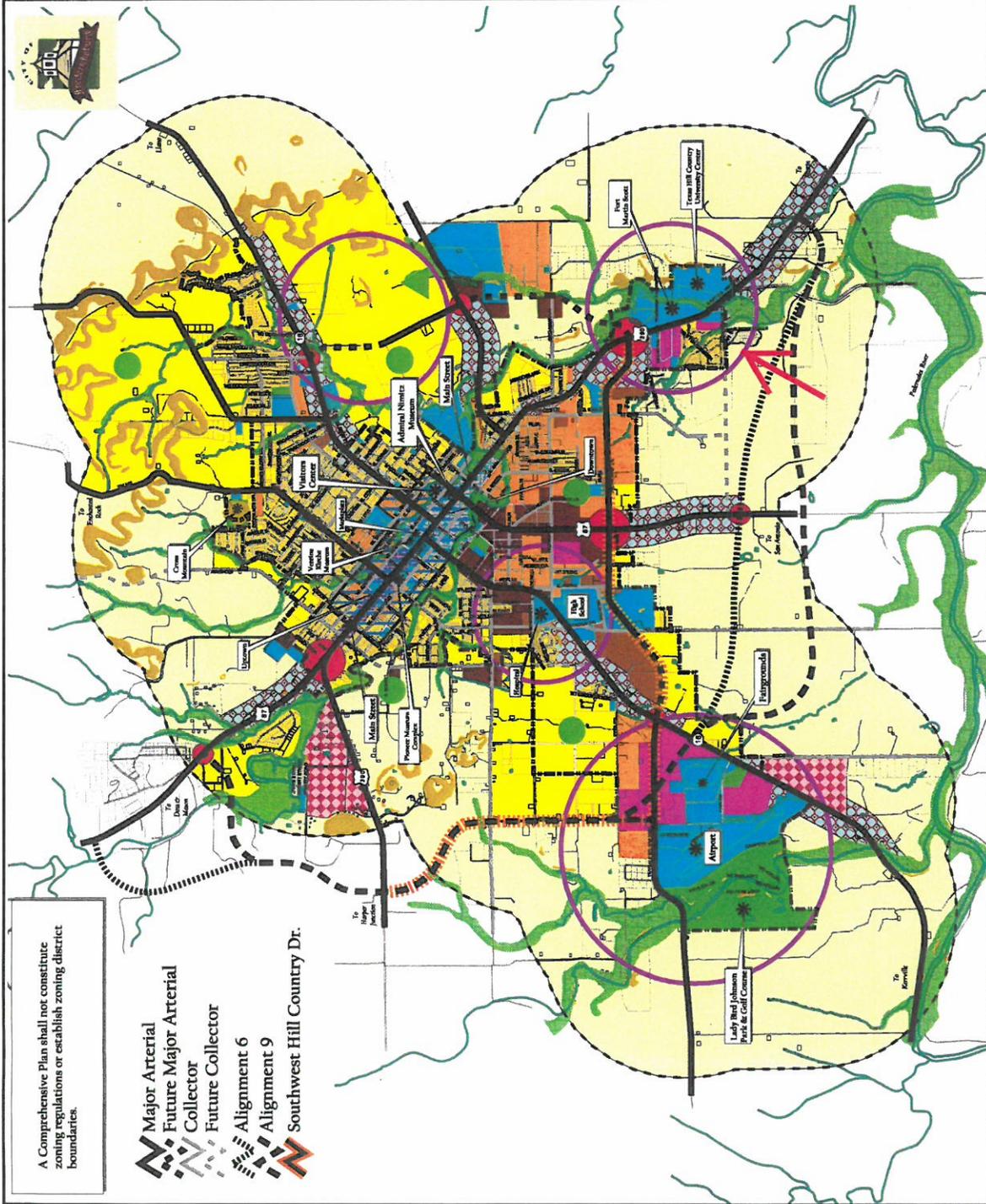
Figure 4 City of Fredericksburg, Texas Comprehensive Plan Future Land Use Plan

- Rural
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Public / Semi-Public
- Parks & Open Space
- Historic District
- Commercial
- Industrial
- Downtown CBD
- Uptown CBD
- Mixed Use Corridor
- Employment Center
- Commercial Center
- Steep Slopes
- 100-Year Floodplain
- Focus Area
- Major Destinations
- Other Destinations
- City Limits
- ETJ
- Creeks
- Future Neighborhood Park
- Future Community Park



Adopted:
January 23, 2006
3000 0 3000 6000 Feet

Dunkin Sefko & Associates, Inc.
Urban Planning Consultants Dallas, Texas
Strategic Community Solutions



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries.

- Major Arterial
- Future Major Arterial Collector
- Future Collector
- Alignment 6
- Alignment 9
- Southwest Hill Country Dr.



CITY COUNCIL MEMO

DATE: September 19, 2022

TO: Mayor and City Council Members

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

SUBJECT: Z-2217 – Public Hearing, Consideration, and Action regarding a request by Kyle Eyring with Squirrel's Real Estate, to consider a Conditional Use Permit (CUP) per section 3.700 to allow "Drive Through or Drive-In Facilities" for property located at 513 S. Adams 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 drive-through car wash development at 513 S. Adams St.

Background / Analysis:

The subject tract is zoned C2 and has frontage on S. Adams St., E. Walch Ave., and E. Live Oak St. The site is bordered by C2 zoning to the South and West, C1 zoning to the East, and M1 zoning to the North.

The site will take access off of S. Adams St. and E. Walch Ave. and sidewalks are proposed along both frontages. As currently proposed, the site plan appears to meet all applicable development requirements and given the location and surrounding uses, no unfavorable impacts are anticipated.

The Planning and Zoning Commission held a public hearing on September 7, 2022, and unanimously recommended approval of City staff's recommendation, with conditions. Public notification, including letters being sent to property owners within 200 feet, resulted in two responses: one for and one against. A copy of each letter is attached for reference.

The City of Fredericksburg

Recommendation:

As presented, the proposed drive through facility meets the requirements of a conditional use permit. Staff recommends approval of the CUP as recommended by P&Z, conditioned upon the following:

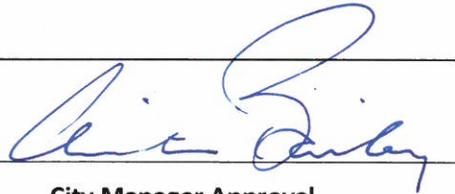
1. Site/Civil Construction Plan approval including Entry Corridor Design Standards and Guidelines and landscaping/screening.
2. TxDOT approval for access off of S. Adams (SH 16 South).
3. Sidewalk installation to City standard for frontage along S. Adams and E. Walch Ave, as shown on the proposed site plan.
4. Signage and lighting in accordance with City standards.

Attachments:

1. Location/Zoning Map
2. Public Hearing Map
3. Project Application Including Elevations & CUP Information
4. City Review Comments and Responses
5. Responses to Public Hearing Letter



Department Approval

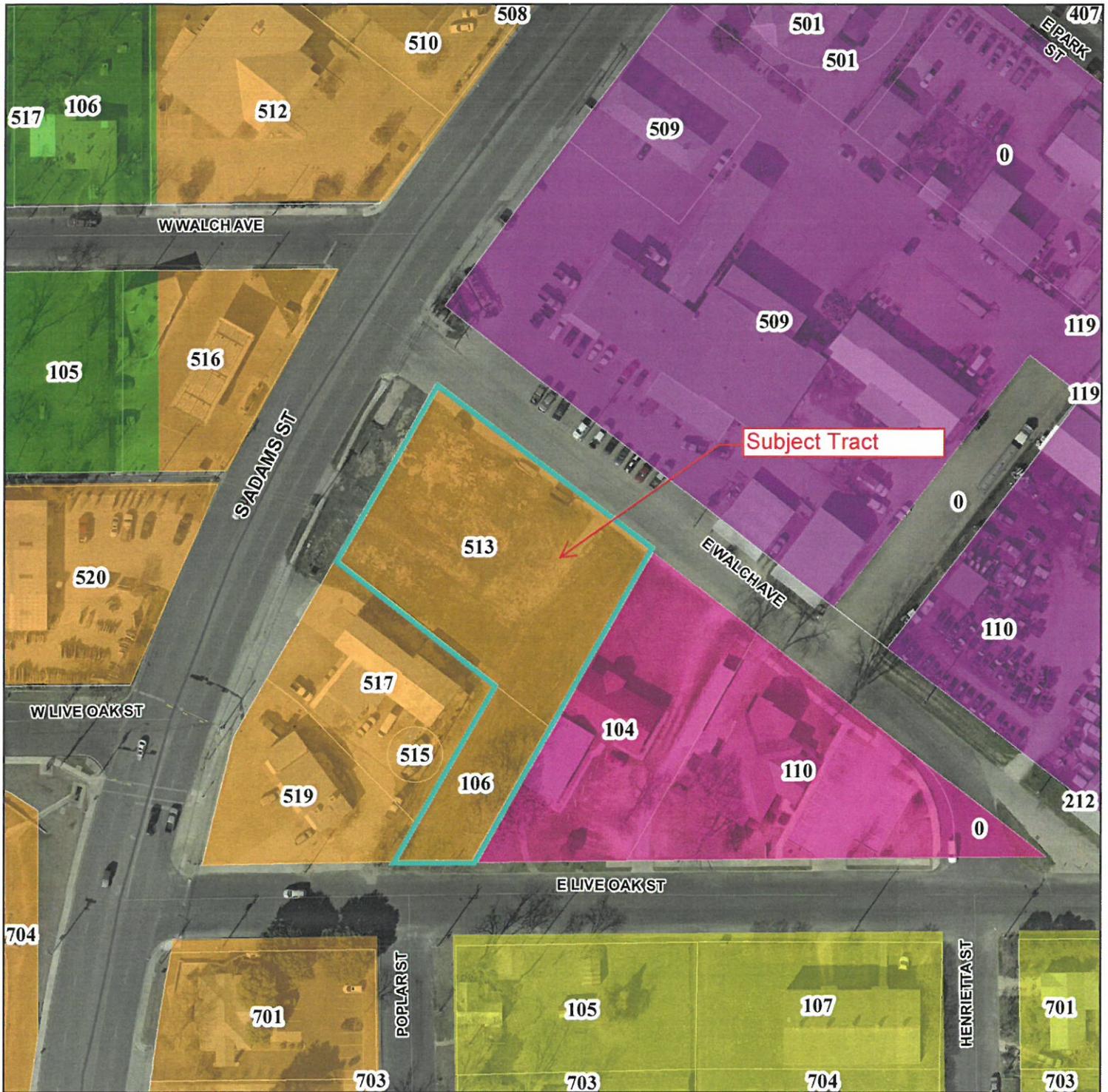


City Manager Approval



City Attorney Approval

The City of Fredericksburg



1 inch = 100 feet

FIGURE
LOCATION/ZONING MAP

Zoning

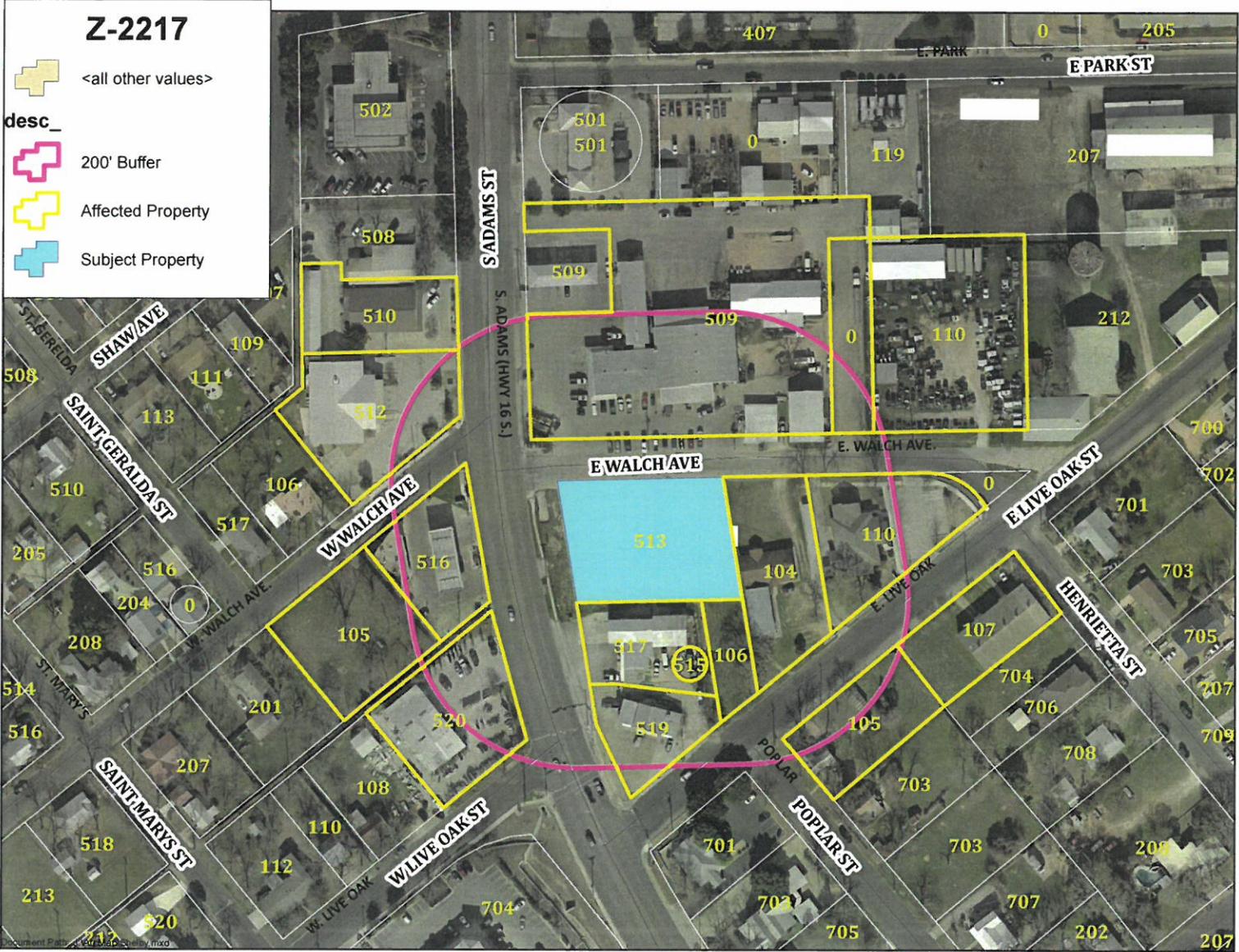
ZONED

- 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

GCAD Parcels





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: Smitty's Car Wash- Fredericksburg
Project Address: East Walch Avenue, Fredericksburg, Tx 78624
Tax ID Number (s): Property ID 14114, 14116

Application Type (Check all items that apply)

PDF COPIES ARE REQUIRED FOR ALL SUBMISSIONS

- | | | |
|---|--|--|
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Minor Plat* | <input type="checkbox"/> Plat Vacation |
| <input checked="" 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: .890 No. of Lots: 5

Original Survey & Abstract No:

Legal Description: All of Lots 5,6,7,8,and 18 in Block 3

Current Land Use Plan: Proposed Land Use Plan:

Current Zoning: M1- Light Manufacturing Proposed Zoning:

Location:

Proposed Use(s): Tunnel Car Wash

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: Kirk Eyking
Printed Name: KIRK EYKING Date: 6-6-2022

Staff Use Only Application No.: 2-2217 Date: 07/07/23

*Copy of current Title Search required with application. \$400.00 CH #1062



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: Squirrel's Real Estate, LLC

Address: 203 South 1st Street Lufkin, Texas 75901

Phone: (903) 720-5896

Fax:

Email:

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

Role: Agent Engineer Surveyor Other (note role):

Firm Name (if applicable): Johnson & Pace Inc

Address: 1201 NW Loop 281, Suite 100 Longview, Texas 75604

Primary Contact Name: Jeff Hamilton

Phone: (903) 753-0663

Fax: (903) 753-8803

Email:

Secondary Contact Name:

Phone:

Fax:

Email:

III. Applicant

Firm Name (if applicable): Smitty's Texas LLC

Applicant Name (s): Kirk Eyring

Address: 203 South First Street Lufkin, Texas 75901

Phone: (713) 550-2025

Fax: na

Email: keyring@smittyscarwas

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.

modernwash © 2017



9/9/21



modernwash CORPORATION

5220 SCOTTSMILLE RD.
BOWLING GREEN, KY 42104
800.511.7208
Info@modernwash.net

Schmitt's Wash
#Site Address!
To Be Determined, Texas

modernwash © 2017



modernwash © 2017



modernwash © 2017

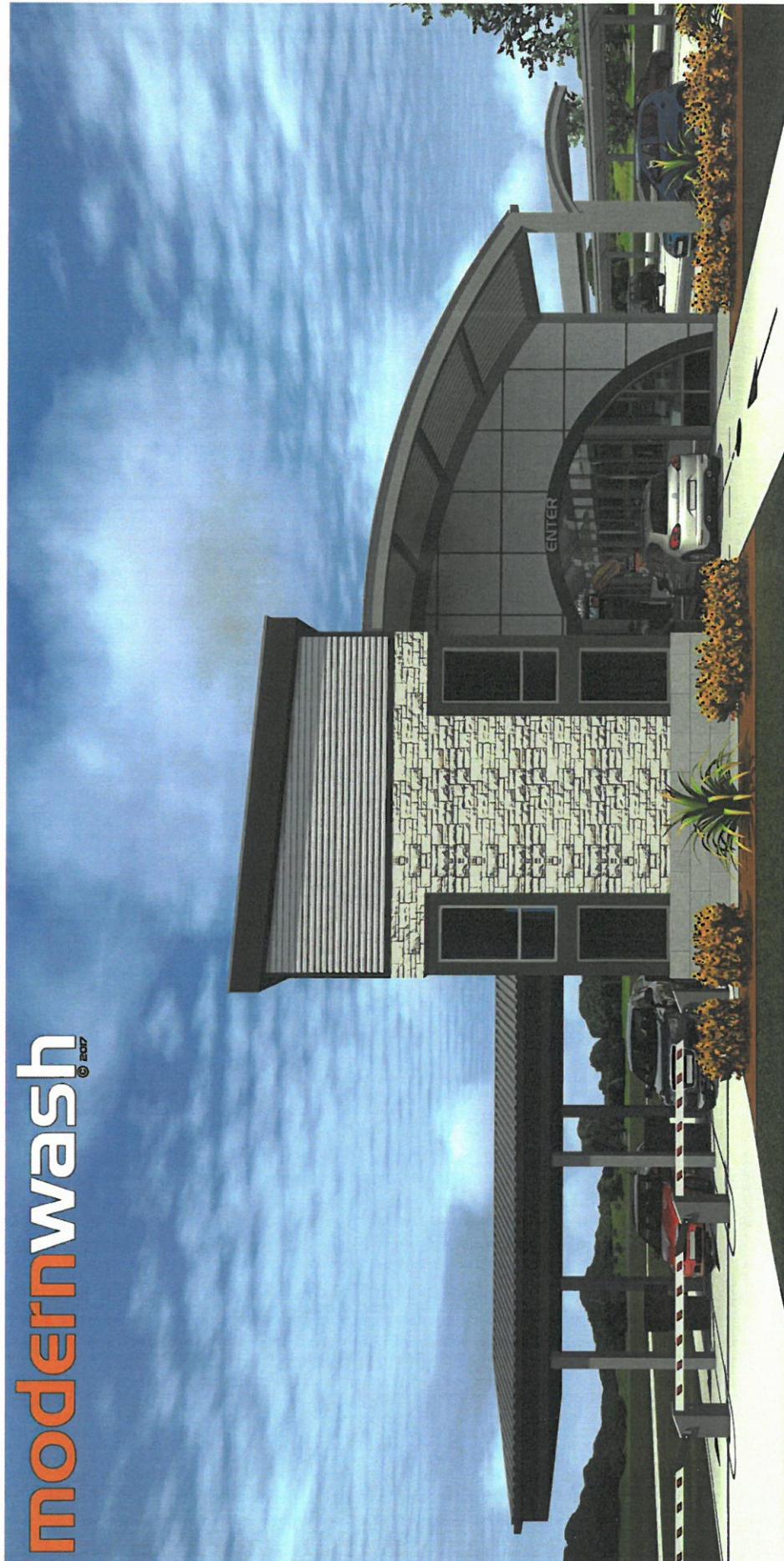


9/9/21 **modernwash** is copyright 2018

To Be Determined, Texas

Schmitt's Wash

modernwash © 2017



9/9/21 **modernwash** © 2017

To Be Determined, Texas

Schmitt's Wash

modernwash © 2007





modernwash © 2017

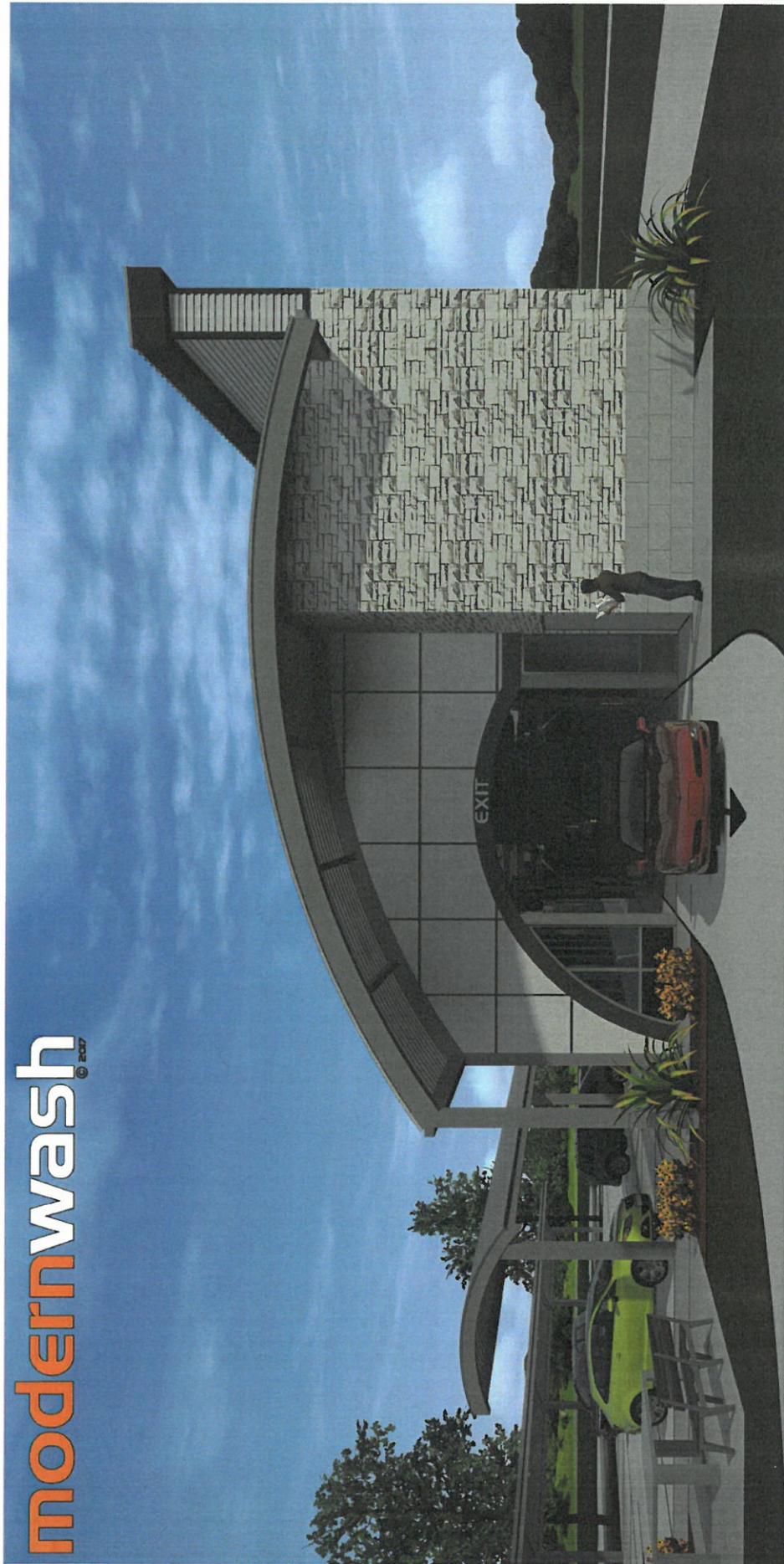
9/9/21 **modernwash** a compass care

To Be Determined, Texas

Schmidt's Wash

1

modernwash © 2017



9/9/21 **modernwash** is compulsory

To Be Determined, Texas | Schmitz's Wash

8

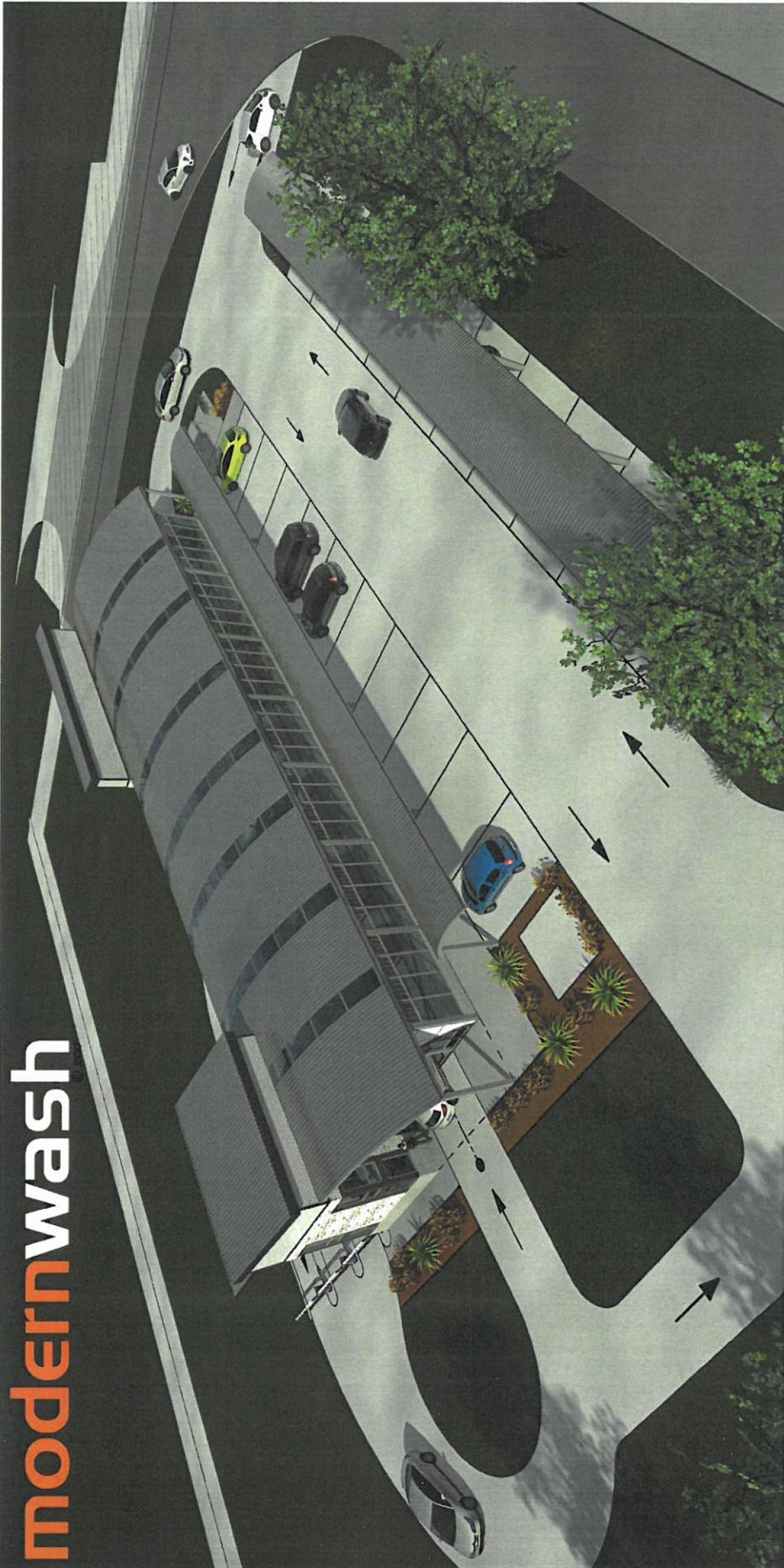
modernwash © 2017



9/9/21 **modernwash** is comprised of

To Be Determined, Texas | Schmitt's Wash |

modernwash



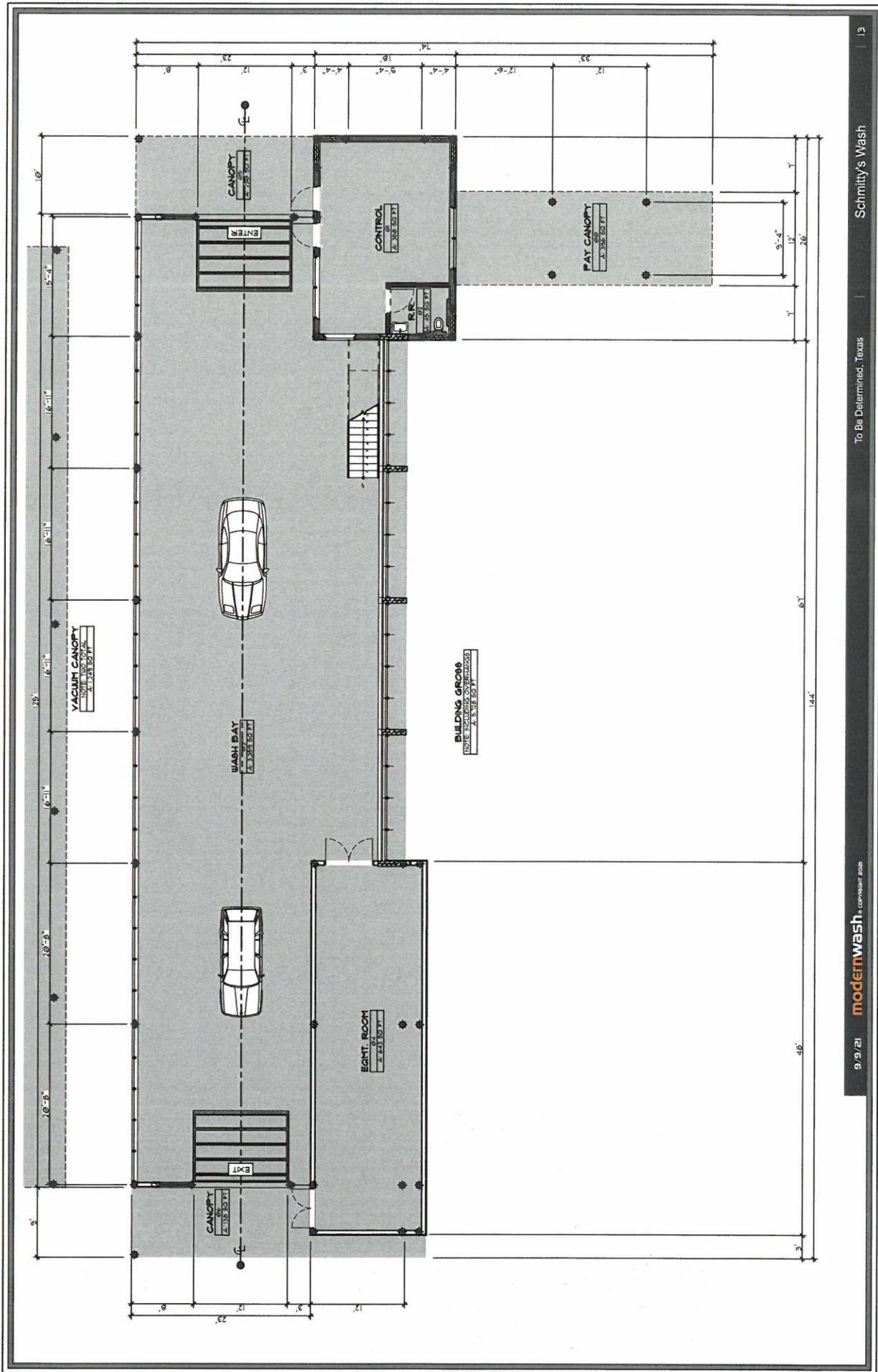
9/9/21 **modernwash** is comprised of

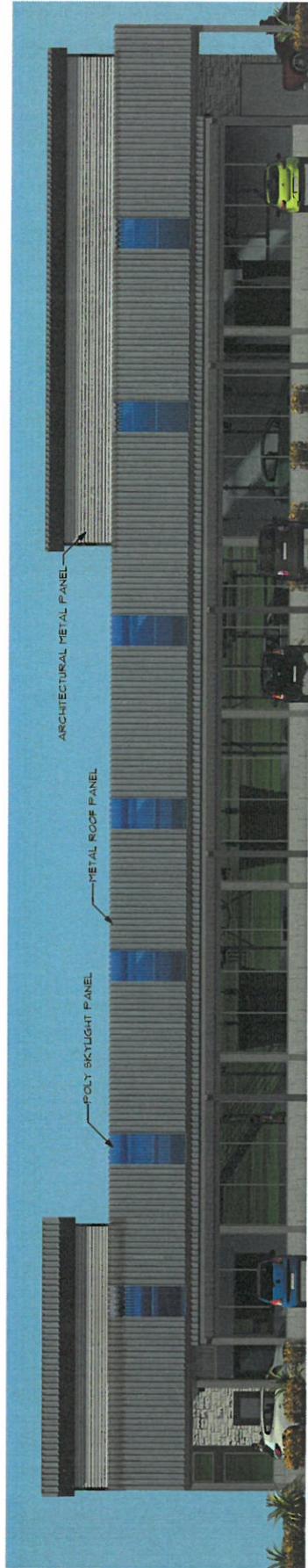
Schmitt's Wash

11

modernwash 2017









TYPICAL SPECIFICATIONS :

1. 1-1/2 HIGH STRENGTH TUBULAR STEEL (489) STRUCTURAL FRAME MEMBERS, DESIGNED TO THE MOST RECENT IBC OR CURRENT LOCAL BUILDING CODES WITH STANDARD DESIGN LOADS OF THE GREATER VALUE OF 30 LBS. PER SF. LIVE LOAD AND 100 MPH SUSTAINED WIND LOAD OR SITE SPECIFIC CONDITIONS AND APPLICABLE ZONE REGARDING SEISMIC LOADS. CONNECTING BOLTS SHALL BE A-307 OR A-325 SPECIFICATIONS, HIDDEN AT ALL CONNECTIONS. ALL FRAME MEMBERS SHALL BE STRUCTURAL STEEL TUBE SIZED ACCORDING TO STRUCTURAL ENGINEERING CALCULATIONS MINIMUM .120 WALL THICKNESS.

2. ALL FRAME MEMBERS DESIGNED ACCORDING TO THE AMERICAN INSTITUTE OF STEEL CONSTRUCTION (AISC) FOR WELD FRAME STRUCTURAL MEMBERS ALL FABRICATION WELDS SHALL BE IN ACCORDANCE WITH THE GUIDELINES OF THE AMERICAN WELDING SOCIETY (AWS). FIELD WELDING IS NOT REQUIRED.

3. STRUCTURAL CALCULATIONS AND STAMPED ENGINEERING IS PROVIDED TO MEET FEDERAL, LOCAL CODES AND SITE CONDITIONS DETERMINED BY ZONES.

FRAME FINISH :

1. ALL TUBULAR STRUCTURAL STEEL MEMBERS SHALL BE PREPARED WITH OUR 1-5 FINISH SYSTEM WHICH IS A TGIC POLY POWDER COATING WITH A ZINC ENRICHED APPLIED PRIMER IN MULTIPLE LAYERS.

ROOFING :

1. PRE-FINISHED MEGA-RIB ROOF PANEL
2. TOP GAL. 21MM POLYCARBONATE STANDING BEAM ROOF SYSTEM. OTHER ROOF SYSTEMS AVAILABLE. SEE MANUFACTURER FOR SPECIFIC MATERIALS SPECS.

GLAZING :

1. ALL STANDARD GLASS SYSTEMS SHALL BE STOREFRONT TYPE SYSTEMS WITH 1/4" UNINSULATED OR 1" INSULATED (INCLOUTHERPACKAGE) SAFETYGLASS. SECURED WITHIN 4/12" ANODIZED ALUMINUM FRAMEWORK WITH URETHANE SEALS.

KNEE WALL PANELS :

1. KNEE WALL GLAZING PANELS SHALL BE 3MM ALUMINUM COMPOSITE MATERIAL (ACH) IN COORDINATING COLORS.

2. SCREW ON STACKED CULTURED STONE.

PVC TUNNEL DIVISOR WALLS :

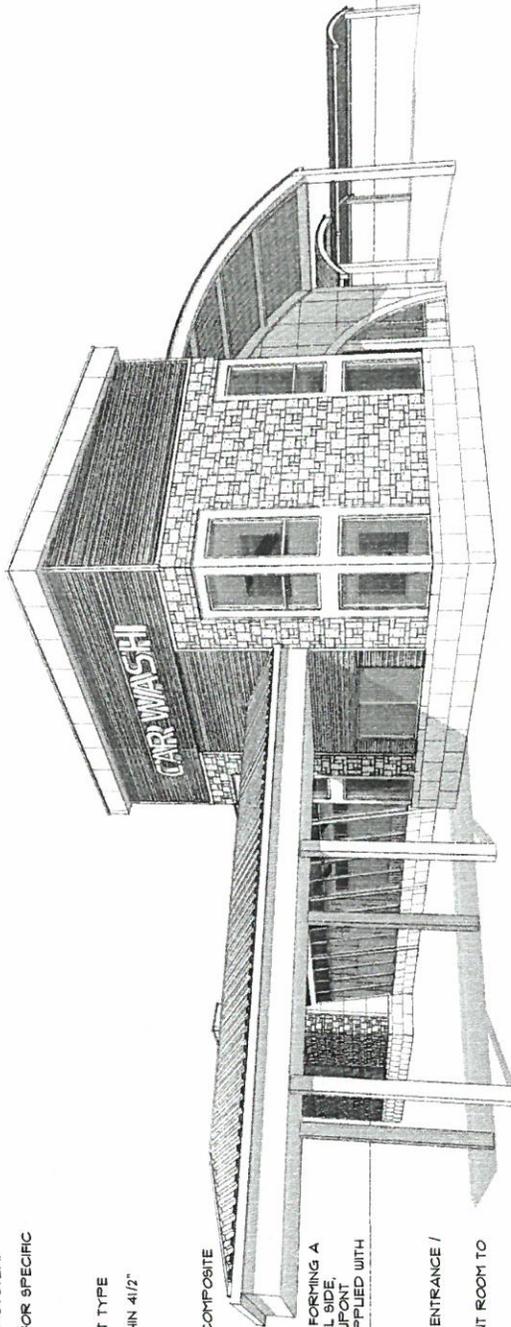
1. SHALL CONSIST OF GALVANIZED STEEL 18 GAUGE STUDS FORMING A WALL WITH GROUND BEARING TO INSIDE. TUNNEL SIDE COVERED WITH WATER RESISTANT WRAP (SHALL BE DRAIN TYPE) WITH A 1/2" TONGUE AND GROOVE PVC PANELS APPLIED WITH MATCHING TRIMS.

MAN DOORS :

1. EQUIPMENT ROOM: STEEL SLAB PAINTED MAN DOORS @ ENTRANCE / EXTERIOR.
2. PVC WRAPPED FIBERGLASS MAN DOOR FOR EQUIPMENT ROOM TO TUNNEL ACCESS.
3. ALUMINUM MAN DOORS WITH GLASS AT ALL EXTERIOR OFFICE AREA LOCATIONS.

**- AXIOM PRIME X -
Car Wash
DROPPED CURVE ROOF DESIGN**

- Features:**
- Decorative Building Surround
 - Fiber Cement Panel Cladding
 - Stone Panel Cladding
 - Architectural Metal Panel Cladding
 - Metal Roof Panels





August 8, 2022 **Response dated 8-15-2022**

Kirk Eyring

Smitty's Texas LLC

jkeyring@smittyscarwash.com

RE: Z-2217 – Review of Site Plan/CUP for a Drive Through associated with a Car Wash for property located at 513 South Adams Street.

Dear Kirk,

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.

Response to City comments shown in Red text.

Engineering

- The project will require submission and approval of civil construction plans to the Engineering Department. **A complete set of civil construction drawings will be submitted.**
- Current sidewalk is 4 feet wide and should be constructed to City standards as noted in the site plan. **The civil drawings will show the sidewalk per City standards**
- TXDOT approval of Hwy 16 S access will be required. **Approval from TXDOT will be submitted**
- Compliance with the City's stormwater control ordinance will be required.
The civil drawings will show compliance with the City's stormwater control ordinance

The City of Fredericksburg

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

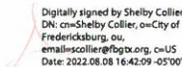
Development:

- **The row of vacuums in the setback will be deleted, There is a zero setback at the pay canopy.**
- Vacuum canopy locations shown are within side yard setbacks as is the pay canopy.
- Show location of proposed signage. Total signage allotments are based on length of frontage. **A proposed monument sign will be shown on the civil drawings**
- Landscaping is required per **Sec. 7.920** **Landscape drawing will conform to Sec. 7.920**
- 1.4 – The use of “corporate” architectural designs associated with chain or franchise buildings is strongly discouraged. **Noted**
- 7.4 Building Height – explain need for 28’ height. **Height is required for internal equipment** Note discrepancy in building height as listed on the site plan and describe in submittal documents. **Height is 26' as noted on site plan**
- 9.1 – Landscaping, including planting trees, shall be provided as a buffer between the street and parking. **Noted, and will be shown on future drawings**
- 9.5 – Minimize impervious coverage **Noted, actual shown on site plan**
- 12.5 – A minimum of a 4” diameter tree per 8 parking spaces shall be planted in planting beds located in corners of parking lots and islands. **Noted, and will be shown on future drawings**
- 12.14 – New surface parking areas are discouraged within view of SH 16. New parking areas should be situated behind buildings and screened from street view. **Noted**
- Update Zoning Summary as the property is zoned C2, Commercial not M1. **Corrected on Site Plan**
- Provide address of property in Zoning Summary, 513 S. Adams. **Corrected on Site Plan**
- Screening per **Sec.7.940** required along eastern property line. **Screening will be provided per Sec. 7.940**

Please feel free to contact me with any comments or questions, and I will be happy to assist you.

Please return the revised plat along with your written response as to how the comments have been addressed by Monday, August 15, 2022. If you fail to provide a response to comments by the required timeline, your application may receive a recommendation for denial.

Shelby
Collier



Digitally signed by Shelby Collier
DN: cn=Shelby Collier, o=City of
Fredericksburg, ou,
email=shcollier@fobx.org, c=US
Date: 2022.08.08 16:42:09 -05'00'

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

Smitty's Car Wash

Fredericksburg, Texas

7-23-2022

1. Project- Smitty's Car Wash- This project is presented per the provided Site plan.
2. Project Schedule: The Car Wash project will be built as soon as the requirements of the City of Fredericksburg are complete. The Architectural construction drawings are complete, with construction scheduled to start in the fall of 2022.
3. Shared Entry Drive: There is be no shared entry drive for the Car Wash layout.
4. Additional site access: Additional site access will not be required for this site.
5. An Access Easement will not be required per this site.
6. Parking: Car Wash Employee: This facility has a minimum of employees and their parking will be supplied on site.
7. Landscaping- Landscaped areas :Landscaping and the placement of required trees will meet City standards.
8. Fire Department access: Fire lanes will be provided per Fire Department standards.
9. Building roof height and number of stories: The Car Wash building height is 26'-0". The Car Wash building is one story.
10. Storm Water Detention/engineering: Refer to the future Civil drawings as to management of storm water on the site.
11. Zoning Summary: M1, Light Manufacturing The setbacks are shown on the provided Site plan.
12. Lot Coverage: Maximum Impervious cover: 75%, actual is 65.1%
Maximum building coverage is 75% and the actual is 11.4%
14. Dumpsters: Located adjacent to the building on the site and are screened.
15. Signage: Monument signs are proposed for the site and we conform to the standards of the City of Fredericksburg.



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

HEARING

DATE: September 7, 2022

TIME: 5:30 PM

REQUEST

NUMBER: Z-2217

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-2217

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-2217: BY KIRK EYRING WITH SMITTYS TEXAS LLC, TO CONSIDER A CONDITIONAL USE PERMIT PER SECTION 3.210 TO ALLOW A DRIVE THROUGH ASSOCIATED WITH A CAR WASH FOR PROPERTY LOCATED AT 513 SOUTH ADAMS STREET.

APPLICANT: KIRK EYRING WITH SMITTYS TEXAS LLC

LOCATION: 513 SOUTH ADAMS STREET

(See attached map)

REQUEST NO. Z-2217

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

Brenda Durst
Signed BRENDA DURST

8-22-2022

Date

Printed Name

Address



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

HEARING

DATE: September 7, 2022

TIME: 5:30 PM

REQUEST

NUMBER: Z-2217

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-2217

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-2217: BY KIRK EYRING WITH SMITTYS TEXAS LLC, TO CONSIDER A CONDITIONAL USE PERMIT PER SECTION 3.210 TO ALLOW A DRIVE THROUGH ASSOCIATED WITH A CAR WASH FOR PROPERTY LOCATED AT 513 SOUTH ADAMS STREET.

APPLICANT: KIRK EYRING WITH SMITTYS TEXAS LLC

LOCATION: 513 SOUTH ADAMS STREET

(See attached map)

REQUEST NO. Z-2217

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

Stratton & Son, Inc. By Betty Olfers

Signed

BETTY OLTERS

Printed Name

8/23/22

Date

509 South Adams

Address

Fredericksburg, Texas

78624



CITY COUNCIL MEMO

DATE: September 19, 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 Land Strategies, Inc., to consider a Conditional Use Permit (CUP) per section 3.205 to allow additional outdoor amenities at rear of property located at 206 N. Milam

Summary:

On behalf of the owner, Fixing Fred LLC, Land Strategies, Inc. is requesting an updated Conditional Use Permit (CUP) per Sec. 3.205 of the City's Zoning Ordinance to allow for additional amenities at the rear of the building. A CUP was originally approved for the property in September 2020 and included conditions which are detailed in the original CUP approval documents (attached).

Background / Analysis:

The subject tract has frontage on both N. Milam and W. Schubert. The site is zoned C1.5 and is bordered by a combination of C1 and Open Space (floodplain) zoning to the West, North, and East and C1.5 Zoning to the South. As documented in the original CUP approval, the project is intended to be an adaptive reuse of the vacant Super S Grocery Store site with a mixture of general retail services, cocktail lounge, food sales, liquor sales, and a mini distillery. As development of the site has progressed and program uses and physical characteristics have become more defined, the developer has proposed additional uses of the rear portion of the site (western side) for food vending kiosks, a yoga lawn, and a stage which were not included in the original CUP approval. Because this would be considered an expansion of the current CUP, additional approvals are required.

The Planning and Zoning Commission held a public hearing on September 7, 2022, and unanimously recommended approval of City staff's recommendation, with conditions. Public notification, including letters being sent to property owners within 200 feet, resulted in two responses: one for and one against. A copy of each letter is attached for reference.

The City of Fredericksburg

CUP Review and Evaluation Criteria:

A. CONFORMANCE WITH APPLICABLE REGULATIONS:

- The use of the site appears to comply with applicable zoning regulations.

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

- The use of the property for a mix of retail and restaurant uses within the existing building would support the retail and commercial activities within the area. Although the proposed stage and kiosks are situated in such a way as to minimize disturbance, if a CUP including the backyard programming is to be approved, additional landscaping and buffering is recommended to mitigate any potential negative impacts to adjacent uses, keeping in mind potential negative impacts to the flood zones.

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

- As discussed during the original CUP approval process, outdoor amplified sound or music could be a nuisance to the adjoining properties to the west. The City currently has an ordinance in place prohibiting amplified music adjacent to residentially zoned property. The applicant has stated that hours of operation and sound decibel levels under the original CUP will be complied with but additional details relating to the backyard program narrative should be defined as they relate to movie nights, sports screenings, and musical performances. Additionally, City staff recommends backyard programming comply with the recently adopted City of Fredericksburg quiet hours (10pm to 7am in residential zones).

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

- Additional buffering and screening are recommended to mitigate potential impacts to adjacent properties. The applicant has also been advised to coordinate with adjacent property owners regarding concerns that were brought up during the original approval process.

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

- The proposed drive access into and out of the property would be an improvement to the current conditions. Pedestrian access is to be taken from N. Milam.

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

- A portion of the property currently lies within the 100-year floodplain (refer to floodplain exhibit). As such, any development or substantial improvements that lie within the FEMA Special Flood Hazard Area will require submission of a floodplain development permit application and compliance with the City's Flood Hazard

The City of Fredericksburg

Reduction Ordinance. A floodplain development permit has been issued for the redevelopment of the building, but as currently proposed, the covered stage and kiosks, along with a CMU wall appear to lie within the regulatory floodway zone. In order to develop in this area, the design engineer will be required to submit a “No Rise Certification” or the project will need be approved through the FEMA Letter of Map Change (LOMC) process. The “no detention” study will also need to be updated to reflect updated site conditions.

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

- All lighting shall be shielded and City-ordinance compliant.

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

- Sufficient parking is provided based on the code. Not knowing the ultimate mix of uses, the applicant has based the parking on a ratio of 1 space per 200 square feet and parking spaces are provided for kiosk food vendors. The fire marshal will need to approve the updated access plan, specifically as it relates to deliveries (loading zone) and fire access requirements.

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

- The intent of the C-1.5 Medium Commercial District is to provide a district between the Neighborhood Commercial District and the Commercial District. Uses have been selected from each of the various districts, with the intent that the proposed uses could function as a transition between highway commercial and residential neighborhoods but could also provide a lower impact zone along major roadways.

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

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

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

- Affirmative.

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

- No additional changes are recommended.

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

- No additional changes are recommended.

Recommendation:

The proposed Fredericksburg Market project represents an appropriate reuse of an otherwise underutilized property. City staff recommends approval of the requested CUP with the following conditions, as recommended by the P&Z Commission:

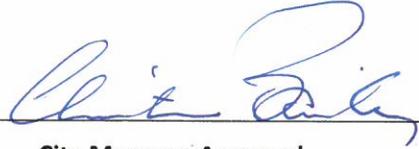
- All conditions of original CUP approval shall remain in effect.
- Use of the backyard area shall comply with the City of Fredericksburg Quiet Hours for Residential Zones (no programming between 10pm to 7am).
- Provide landscaping and buffering/sound wall to mitigate any potential negative impacts to adjacent uses, keeping in mind potential negative impacts to the flood zones.
- Fire marshal approval of updated access plan, specifically as it relates to deliveries (loading zone) and fire access requirements.
- Building Permit approval for additional facilities.
- Obtain floodplain development permit for all development within FEMA-designated floodplain areas and conformance with City's Stormwater Control Ordinance (update no-detention study).

Attachments:

1. Zoning/Location Map
2. Public Hearing Map
3. FEMA Flood Zone Map
4. Adjacent Use Map
5. Original Approved CUP
 - a. Notice of Action
 - b. Approved Fire Plan
 - c. Approved Impervious Cover Plan
6. Project Application & Backyard Program Narrative
7. Revised Site Plan & Response to Comments
8. CUP Condition Options (Sec. 5.471)
9. Responses to Public Hearing Letter



Department Approval

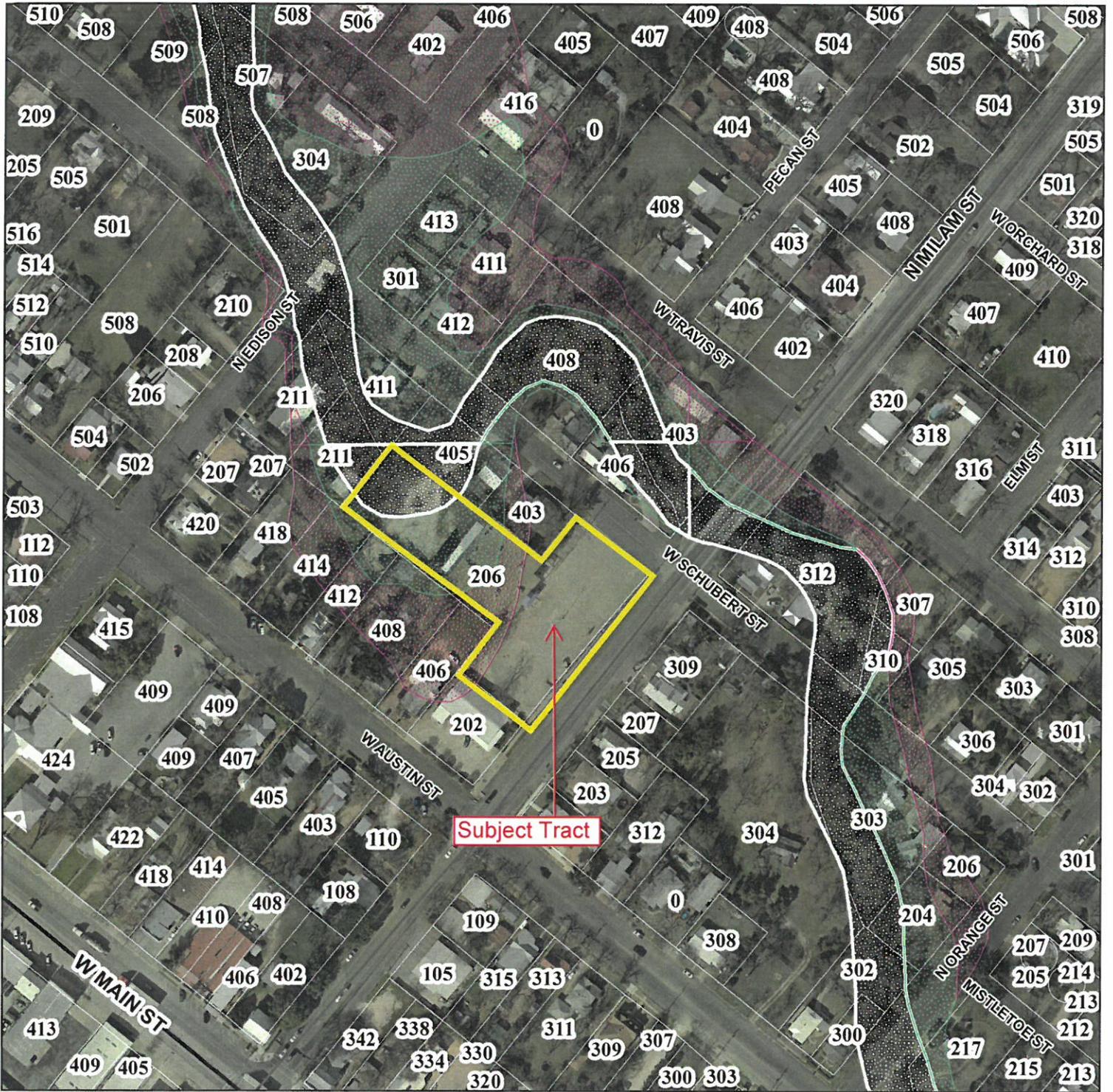


City Manager Approval



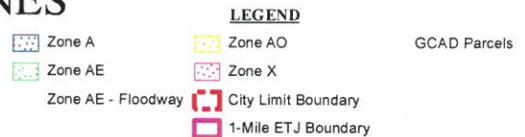
City Attorney Approval

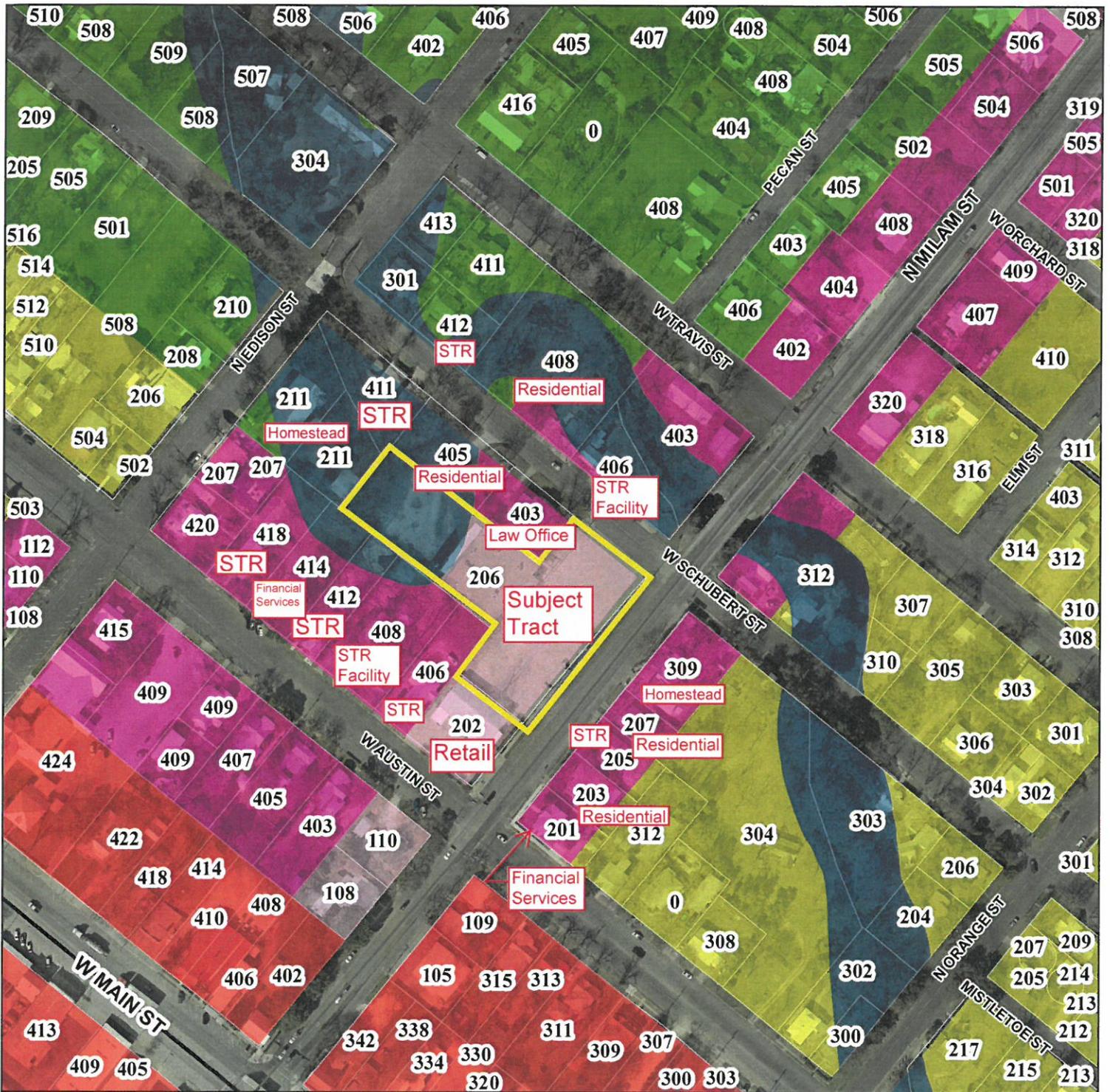
The City of Fredericksburg



1 inch = 200 feet

FIGURE
FEMA FLOOD ZONES





1 inch = 200 feet

FIGURE
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

GCAD Parcels

- City Limit Boundary
- 1-Mile ETJ Boundary



Applicant ERIN WELCH

Case Number Z-2011

Location 206 N. MILAM

NOTICE OF ACTION

YOUR APPLICATION FOR:

- LAND USE CHANGE
- RE-ZONING
- CONDITIONAL USE PERMIT
- SITE PLAN REVIEW
- VARIANCE

PLANNING & ZONING COMMISSION RECOMMENDATION:

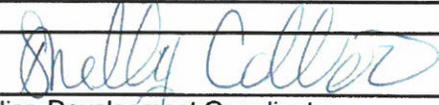
- APPROVAL ON DATE: August 5, 2020
- DISAPPROVAL

CITY COUNCIL ACTION:

- APPROVAL ON DATE: September 9, 2020
- DISAPPROVAL

CONDITIONS OF APPROVAL:

PLEASE SEE ATTACHED EMAIL CORRESPONDANCE DETAILING THE CONDITIONAL APPROVAL.

Signed: 
Shelby Collier, Development Coordinator

Date: 09/10/20

126 West Main Street - Fredericksburg, Texas 78624 - 830-997-7521 - 830-997-1861 fax

Shelby Collier

From: Brian Jordan
Sent: Thursday, September 10, 2020 7:48 AM
To: Shelby Collier
Subject: FW: Item 6 A and 7 A (206 N. Milam)

Shelby,

Attached are the final conditions of approval for 206 N. Milam.

*Brian Jordan ASLA, RLA
Director of Development Services
City of Fredericksburg
126 W. Main Street
Fredericksburg, TX 78624
830-97-7521*

From: James Griffin <James@KGFTX.com>
Sent: Thursday, September 10, 2020 6:17 AM
To: Brian Jordan <bjordan@fbgtx.org>; Erin Welch <ewelch@lsiaustin.com>
Cc: Shelby Collier <scollier@fbgtx.org>; Shelley Goodwin <sgoodwin@fbgtx.org>; Kenneth R. Satterlee <ksatterlee@stcroixca.com>
Subject: RE: Item 6 A and 7 A (206 N. Milam)

Brian, sorry for the slow response and thanks again to everyone for their efforts on this. The revised conditions are below (I'm not sure if the 1st item should actually be a condition – just removed from the request/ordinance):

1. Withdraw request for Club/Lodge CUP;
2. No more than 33% of the gross square footage of the building at any given time shall be used for alcohol-related uses (this does not include any restaurant use which may have alcohol sales as part of its business);
3. Hours of operation shall be limited to 8am to 10pm Monday through Wednesday and 8am to 11pm Thursday through Sunday;
4. No bars, taverns, cocktail lounges or similar uses engaged primarily in the preparation and retail sale of alcoholic beverages for on-premise consumption shall be permitted on the property, except when operated in conjunction with a restaurant or as a tasting room as further defined in these conditions;
5. The preparation and retail sale of alcoholic beverages for on-premise consumption shall be limited to the following:
 - a. Within a Restaurant, which shall be defined as a business that receives no more than 50% of its gross profits from the sale of alcoholic beverages (the remainder coming primarily from food sales);
 - b. Within a Wine, Beer or Spirit Tasting Room, which shall be defined as a retail operation offering samples and/or drinks by the glass for on-premise consumption, or sealed containers (bottles/cans) for off-premise consumption, only of products produced by the Tasting Room business.
 - c. Within a Microbrewery or Microdistillery, which shall be defined as a brewery that produces less than 10,000 barrels of beer per year (Microbrewery) or a distillery that produces beverage grade spirit alcohol in relatively small quantities, primarily in single batches (Microdistillery).
6. The sale of alcoholic beverages for off-premise consumption shall be limited to Wine, Beer or Spirit Tasting Rooms, Microbrewery or Microdistillery, as defined above, or to a Liquor Store (Liquor Sales) as defined in the Code;

however, no more than 1 Liquor Store may operate on the property and no Liquor Store may exceed 2,500 square feet of gross floor area.

7. To the extent possible, commercial deliveries shall occur at the rear of the property (nearest Edison Street). If deliveries are to occur at the front of the property (nearest Milam Street), delivery vehicles shall park as close to the building as possible, shall not idle for extended periods of time, and shall not occur between the hours of 9pm to 7am Monday – Friday or between the hours of 10pm to 9am Saturday and Sunday.

James B. Griffin
Attorney at Law
100 N.E. Loop 410, Suite 650
San Antonio, Texas 78216
C: 210.324.6386
O: 210.960.2750
james@kgftx.com
www.kgftx.com



CONFIDENTIALITY NOTICE: This e-mail and any attachments are for the exclusive and confidential use of the intended recipient. If you are not the intended recipient, please do not read, distribute, or take action in reliance upon this message. If you have received this in error, please notify us immediately by return e-mail and promptly delete this message and its attachments from your computer system. We do not waive client-attorney or work product privilege by the transmission of this message.

From: Brian Jordan <bjordan@fbgtx.org>
Sent: Wednesday, September 9, 2020 7:56 AM
To: Erin Welch <ewelch@lsiaustin.com>; James Griffin <James@KGFTX.com>
Cc: Shelby Collier <scollier@fbgtx.org>; Shelley Goodwin <sgoodwin@fbgtx.org>; Kenneth R. Satterlee <ksatterlee@stcroixca.com>
Subject: RE: Item 6 A and 7 A (206 N. Milam)

James,

Would you please revise the language in the conditions and resend so I can include in the final CUP approval.

Thanks,

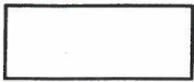
Brian

From: Erin Welch <ewelch@lsiaustin.com>
Sent: Tuesday, September 8, 2020 5:44 PM
To: James Griffin <James@kgftx.com>
Cc: Brian Jordan <bjordan@fbgtx.org>; Shelby Collier <scollier@fbgtx.org>; Shelley Goodwin <sgoodwin@fbgtx.org>; Kenneth R. Satterlee <ksatterlee@stcroixca.com>
Subject: Re: Item 6 A and 7 A (206 N. Milam)

Thank you, James.

Erin Welch
Sr. Project Manager

Please note our address has changed to:
1411 W. 5th Street, Suite 100, Austin, Texas 78703



LSlaustin.com

Land Strategies Inc.
1411 W. 5th Street, Suite 100
Austin, Texas 78703
Tel: (512) 378 6050

On Tue, Sep 8, 2020 at 5:37 PM James Griffin <James@kgftx.com> wrote:

Brian,

My apologies for getting these to you last minute, but please see below for our agreed upon conditions for the above agenda item. If these are included with the CUP approvals this evening, our clients withdraw their opposition and support the applicant's request. The applicants are CC'd on this email if you need any confirmation or other items from them.

Thanks to everyone for their time and efforts on this!

1. Withdraw request for Club/Lodge CUP;
2. No more than 33% of the uses at any given time shall be alcohol related (this does not include any restaurant use which may have alcohol sales as part of its business);
3. Hours of operation shall be limited to 8am to 10pm Monday through Wednesday and 8am to 11pm Thursday through Sunday;
4. No bars, taverns, cocktail lounges or similar uses engaged primarily in the preparation and retail sale of alcoholic beverages for on-premise consumption shall be permitted on the property, except when operated in conjunction with a restaurant or as a tasting room as further defined in these conditions;
5. The preparation and retail sale of alcoholic beverages for on-premise consumption shall be limited to the following:
 - a. Within a Restaurant, which shall be defined as a business that receives no more than 50% of its gross profits from the sale of alcoholic beverages (the remainder coming primarily from food sales);
 - b. Within a Wine, Beer or Spirit Tasting Room, which shall be defined as a retail operation offering samples and/or drinks by the glass for on-premise consumption, or sealed containers (bottles/cans) for off-premise consumption, only of products produced by the Tasting Room business.

c. Within a Microbrewery or Microdistillery, which shall be defined as a brewery that produces less than 10,000 barrels of beer per year (Microbrewery) or a distillery that produces beverage grade spirit alcohol in relatively small quantities, primarily in single batches (Microdistillery).

6. The sale of alcoholic beverages for off-premise consumption shall be limited to Wine, Beer or Spirit Tasting Rooms, Microbrewery or Microdistillery, as defined above, or to a Liquor Store (Liquor Sales) as defined in the Code; however, no more than 1 Liquor Store may operate on the property and no Liquor Store may exceed 2,500 square feet of gross floor area.

7. To the extent possible, commercial deliveries shall occur at the rear of the property (nearest Edison Street). If deliveries are to occur at the front of the property (nearest Milam Street), delivery vehicles shall park as close to the building as possible, shall not idle for extended periods of time, and shall not occur between the hours of 9pm to 7am Monday – Friday or between the hours of 10pm to 9am Saturday and Sunday.

James B. Griffin

Attorney at Law

100 N.E. Loop 410, Suite 650

San Antonio, Texas 78216

C: 210.324.6386

O: 210.960.2750

james@kgftx.com

www.kgftx.com



CONFIDENTIALITY NOTICE: This e-mail and any attachments are for the exclusive and confidential use of the intended recipient. If you are not the intended recipient, please do not read, distribute, or take action in reliance upon this message. If you have received this in error, please notify us immediately by return e-mail and promptly delete this message and its attachments from your computer system. We do not waive client-attorney or work product privilege by the transmission of this message.



LAND FEATURES NO. 37

1983 2025

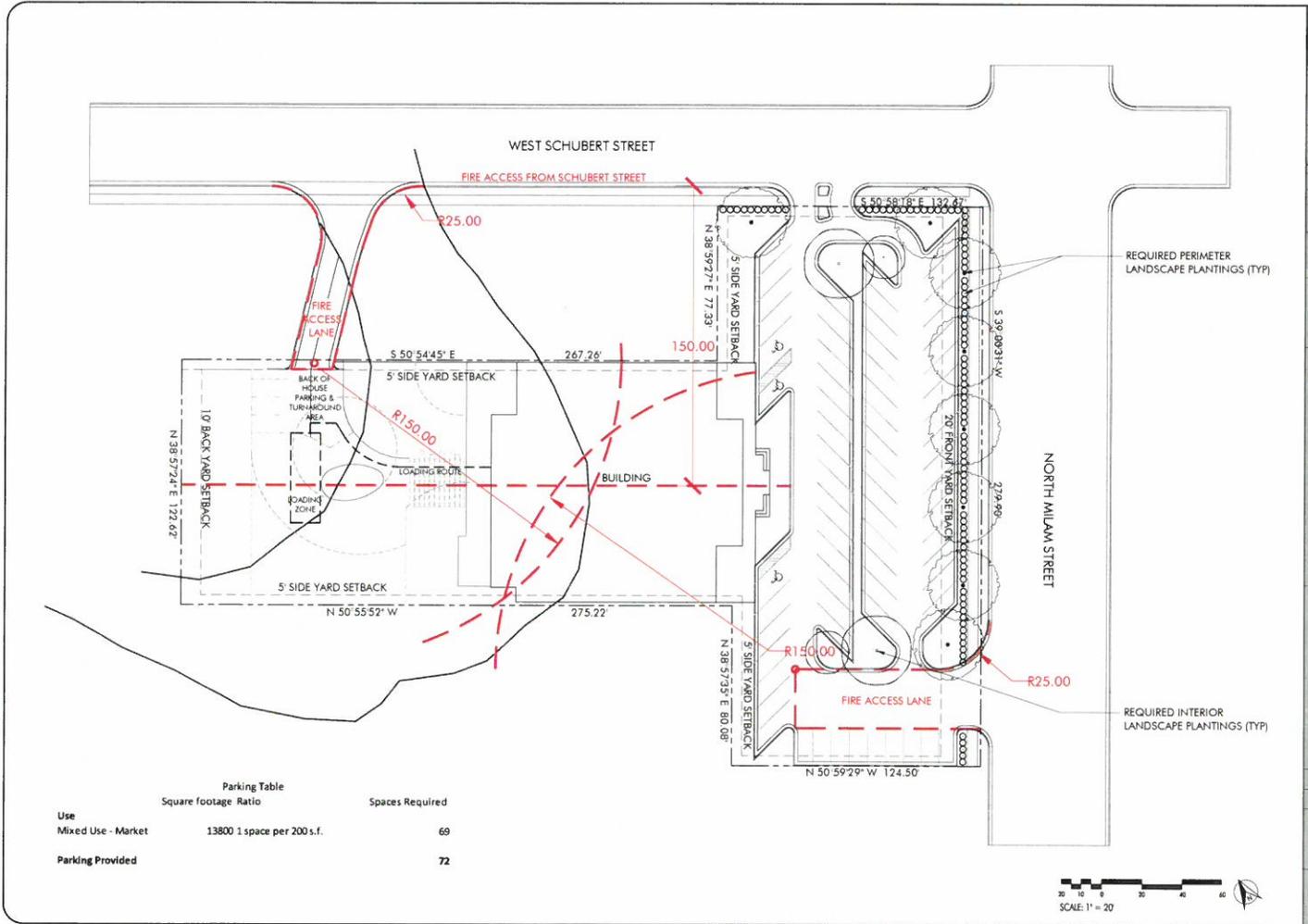
DATE: 08/11/2025
 TIME: 10:00 AM
 PROJECT: 2025-0001
 SHEET: 37 OF 37

FREDERICKSBURG MARKET

PREPARED BY: [Name]
 CHECKED BY: [Name]
 DATE: [Date]

SITE PLAN

SCALE: 1" = 20'





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: Fredericksburg Market
Project Address: 206 N Milam Street, Fredericksburg TX 78624
Tax ID Number (s): 19277

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: 1.6 No. of Lots: 1

Original Survey & Abstract No:
Legal Description: Fredericksburg Addition Block 23 Lot 21 and parts of Lots 19, 20, 53, & 54

Current Land Use Plan: Commercial Proposed Land Use Plan: Commercial

Current Zoning: C-1.5 Proposed Zoning: C-1.5

Location: 206 N Milam Street

Proposed Use(s): A multi-tenant market with 7 tenants, one kiosk, a variety of services, food services, wine and spirits tasting rooms, restaurants with the opportunity for rotating vendors and at-retail kiosks. There is a backyard amenity intended to be used by patrons of the tenants that will also host community events which may include: movie nights, game screening events, acoustic performances, and yoga classes. The backyard will also have two food service kiosks to be occupied by tenants.

Applicant's Signature

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

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: 

Printed Name: Michael Linehan, AIA Date: 06/30/2022

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): Fixing Fred LLC

Owner Name: Ken Satterlee

Address: 901 S Mopac Blvd Barton Oaks Plaza 1, Suite 160, Austin, TX 78746

Phone: (512) 391-0718

Fax: (512) 870-9371

Email: ksatterlee@stcroixca.com

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

Role: Agent Engineer Surveyor Other (note role):

Firm Name (if applicable): Land Strategies, Inc.

Address: 1411 W. 5th Street, Suite 100, Austin, TX 78703

Primary Contact Name: Michael Linehan

Phone: (512) 328-6050

Fax:

Email: mlinehan@lsiaustin.com

Secondary Contact Name: Christina Cantu

Phone: (512) 328-6050

Fax:

Email: ccantu@lsiaustin.com

III. Applicant

Firm Name (if applicable): Land Strategies, Inc.

Applicant Name (s): Michael Linehan

Address: 1411 W. 5th Street, Suite 100, Austin, TX 78703

Phone: (512) 328-6050

Fax:

Email: mlinehan@lsiaustin.com

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

Role: Agent Engineer Surveyor Other (note role):

Firm Name (if applicable): Land Strategies, Inc.

Address: 1411 W. 5th Street, Suite 100, Austin, TX 78703

Primary Contact Name: Michael Linehan

Phone: Fax: Email: mlinehan@lsiaustin.com (512) 328-6050



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 and/or CONDITIONAL USE PERMIT CHECKLIST

- 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
- PDF copies emailed to 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. (Must be Dark Sky compliant)
 - 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.
 - Location of signs
 - 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 Planning & Zoning meeting dates.

Owner/Agent:  Date: July 25, 2022

Printed Name: Michael Linehan, AIA



**206 N Milam Backyard Program Narrative for Resubmittal of Conditional Use Permit
July 25th 2022**

Garret Bonn, P.E., C.F.M.
Director of Development Services
City of Fredericksburg
126 W. Main Street
Fredericksburg, TX 78624
cc: Shelby Collier
Associate Planner

City of Fredericksburg Development Services,

Land Strategies Inc, on behalf of the owner, respectfully submits this Conditional Use Permit application packet for the proposed development known as Grand Central at Milam, Located at 206 N Milam Street with respect to the allowance of specific Land uses, for your review and approval.

The Proposed Project

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

Required Information about the Proposed Project

Square Footage of Existing Building:	+/- 13,800 s.f.
Required Parking (per City staff, 1 :200)	69 spaces
Provided Parking	72 spaces
Provided Loading	Loading is provided for in the backyard with access through an existing access easement from Schubert St.
-	
-	

Additional Improvements

Backyard amenities for use by the patrons of tenants and the Fredericksburg community including a yoga lawn, playground, shaded seating, open-air stage to host movie nights, sports screenings, musical performances, art installations, and two food service kiosks.

Site Program Development

After further development of this site following the approval of the original CUP application on September 10th 2020, the program uses and physical characteristics have become more defined. We have located food vending kiosks in the back yard and while the use of food service has previously been approved, the site plan

has developed further and the new location of the food kiosks requires approval. The program of the food service kiosks in the backyard is the impetus for the resubmission of a CUP for this project.

While we are not proposing new use types in this application, we are proposing new food service kiosks that are illustrated in the corresponding site plan to this application. In our effort to maintain full transparency, below are the previously approved and proposed (notated in bold text*) conditional uses and correlating intentional uses.

Proposed and approved conditional uses:

General Retail Services	Liquor Sales
Cocktail Lounge	Mini Distillery
Food Sales (Food Kiosks)*	

Intended use of the backyard program area:

<u>Program</u>	<u>Uses</u>
Open air Stage	Acoustic Music, Movie nights, Sporting event screening, Art installations, Covered seating
Yoga Lawn	Yoga Classes, informal seating
Shaded seating	Open picnic tables under a shade trellis
Lawn	Informal seating/ performance viewing
Food Kiosks	Food service vending for potentially seasonal vendors and restaurant start ups

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

In addition to addressing the kiosks in this resubmittal, attached is the backyard program narrative provided on June 28, 2022 that references hours of operation, sound decibels allowed, details of kiosk use, and approved conditions from the original Conditional Use Permit.

The included renderings are meant to show the atmosphere of the intended development. The actual design and location of program are out of date. On the renderings of the front façade, the signage is not accurate to what is proposed or being requested, but intended for marketing purposes only.

Please don't hesitate to contact me if you have any questions. Thank you for your consideration.



Michael Linehan, AIA
Managing Partner



206 N Milam Backyard Program Narrative

June 28, 2022

Garret Bonn, P.E., C.F.M.
Director of Development Services
City of Fredericksburg
126 W. Main Street
Fredericksburg, TX 78624
cc: Shelby Collier
Associate Planner

City of Fredericksburg Development Services,

This Narrative addresses the intended use of the back yard and the proposed construction of a small open air stage and two (2) 200 square foot food service vendor kiosks in relation to its appropriateness of the approved conditional uses for the property approved by the City of Fredericksburg on September 10th 2020 (Case Number Z-2011, recorded conditions have been copied to the bottom of this letter.)

The intended use for the stage is to host small acoustic performances in the afternoon hours that are compliant with the conditional hours of operation as well as the City of Fredericksburg decibel limitations. Other potential uses for the stage are to screen movies in the backyard, screen sporting events, and host art installations. The primary use for the stage will be covered seating when there is not a screening or installation in place.

Condition #3. Hours of operation shall be limited to 8am to 10pm Monday through Wednesday and 8am to 11pm Thursday through Sunday;

Daytime hours - before 8:00 p.m. - 85 dba
Evening hours - 8 p.m. to 10 p.m. - 75 dba
Night time hours - after 10 p.m. - 55 dba

The food service vendor kiosks are being constructed by the owner as shell structures to be equipped by prospective tenants. The intent of the kiosks is to house small food vendors for window service ordering and pick up; each kiosk is 200sf totaling 400sf for both kiosks. These vendors will be in keeping with the conditional use restrictions and will not be alcohol-oriented businesses.

Included with this letter are the architectural site plan from the approved building permit package, as well as the architectural site plan from the recently submitted building permit package for the exterior stage and kiosks. These site plans show the original location of this program and the newly proposed location which allows for more loading space as well as elevates the finished floor elevation at least 1 foot above the base flood elevation.

Please don't hesitate to contact me if you have any questions.

A handwritten signature in black ink, appearing to read 'Michael Linehan', is written over a horizontal line.

Michael Linehan, AIA
Managing Partner

Case Number Z-2011 Conditions of conditional use permit

1. Withdraw request for Club/Lodge CUP;
2. No more than 33% of the gross square footage of the building at any given time shall be used for alcohol-related uses (this does not include any restaurant use which may have alcohol sales as part of its business);
3. Hours of operation shall be limited to 8am to 10pm Monday through Wednesday and 8am to 11pm Thursday through Sunday;
4. No bars, taverns, cocktail lounges or similar uses engaged primarily in the preparation and retail sale of alcoholic beverages for on-premise consumption shall be permitted on the property, except when operated in conjunction with a restaurant or as a tasting room as further defined in these conditions;
5. The preparation and retail sale of alcoholic beverages for on-premise consumption shall be limited to the following:
 - a. Within a Restaurant, which shall be defined as a business that receives no more than 50% of its gross profits from the sale of alcoholic beverages (the remainder coming primarily from food sales);
 - b. Within a Wine, Beer or Spirit Tasting Room, which shall be defined as a retail operation offering samples and/or drinks by the glass for on-premise consumption, or sealed containers (bottles/cans) for off-premise consumption, only of products produced by the Tasting Room business.
 - c. Within a Microbrewery or Microdistillery, which shall be defined as a brewery that produces less than 10,000 barrels of beer per year (Microbrewery) or a distillery that produces beverage grade spirit alcohol in relatively small quantities, primarily in single batches (Microdistillery).
6. The sale of alcoholic beverages for off-premise consumption shall be limited to Wine, Beer or Spirit Tasting Rooms, Microbrewery or Microdistillery, as defined above, or to a Liquor Store (Liquor Sales) as defined in the Code; however, no more than 1 Liquor Store may operate on the property and no Liquor Store may exceed 2,500 square feet of gross floor area.
7. To the extent possible, commercial deliveries shall occur at the rear of the property (nearest Edison Street). If deliveries are to occur at the front of the property (nearest Milam Street), delivery vehicles shall park as close to the building as possible, shall not idle for extended periods of time, and shall not occur between the hours of 9pm to 7am Monday- Friday or between the hours of 10pm to 9am Saturday and Sunday.

Aug 15, 2022

Garrett Bonn
Cc: Shelby Collier
City of Fredericksburg
126 W Main Street
Fredericksburg, Texas 78624

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

Dear Garrett and Shelby:

Please find our response to the City of Fredericksburg's formal comments below in bold, italicized print. We appreciate your time.

Development:

- Address the neighborhood's concerns in narrative directly. ***Ownership has not received any concerns, or negative feedback from any of the neighbors abutting the project.***

Rather, input from the neighbors to both the north and south have been fully supportive, and in fact excited about the project and the positive impact it will have on the neighborhood. Owners to the west, are across the creek, and sufficiently distanced from the actual backyard, however, they have not reached out with any concerns at any point.

- Exhibits – add photos of the back, “what can be seen from the backyard into the neighborhood?” ***Please see photos beginning on page 25 of the submittal packet***
- Make renderings match the site plan including rendering looking out to the back yard and kiosk locations ***Please see renderings, pages 6 & 7 of CUP Packet***
- Trees are inaccurate on page 14 ***The previous rendering sent was an outdated rendering and the trees depicted were for illustrative purposes. Please see site plan for tree details.***
- Interior renderings aren't as important as the backyard, maybe only provide one interior ***Please see updated site plan***
- Page 19 is old and shows the truck which isn't allowed, remove ***Please see updated site plan***
- Kiosk and stage as proposed are located in the Building Setback, please relocate out of the setback. ***Sec. 3.205 The setback has been annotated, please see updated site plan***
- Fence details need to be added, including 12' wrought iron, 10' wrought iron, 8' wrought iron and 10' CMU ***Please see sheet L1.00***
- Page 9 is the most important – overall site plan. Zoom in to focus on the backyard, the parking lot is not as important. Okay to keep it in the submittal but the main image should be updated. ***Please see updated site plan***
- Page 9 needs to add a Zoning Summary to include all items addressed in C1.5 Zoning as a Building height and Building coverage. ***Sec. 3.205 Please see updated site plan***
- Renderings in the front are showing 8' CMU walls at the front façade, there is a 6' fence according to google Earth. ***We are proposing an 8' CMU wall to provide screen for neighbors. Please see updated site plan.***
- Landscaping per Sec. ***7.920*** required to include a hedge or fence when abutting property is zoned for non-commercial use (norther property line). One (1) tree per 75 LF required. Off-street parking shall have ten (10) sq ft of interior landscaping for each parking space. ***Please see updated site plan.***



PLANT LEGEND:

SYMBOL	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE	COMMENTS
○	SM	Small tree/shrub	Little-leafed Dogwood	3	4"	12" H X 4" S W
○	UC	Utricularia	Cedar Elm	4	4"	12" H X 4" S W
○	PL	Plant	Flowering Dogwood	2	8"	10" H X 4" S W
○	SS	Small shrub	Texas Mountain Laurel	2	8"	10" H X 4" S W
○	CC	Small tree/shrub	Flowering Dogwood	4	8"	10" H X 4" S W

ACCENTS AND SPECIES:

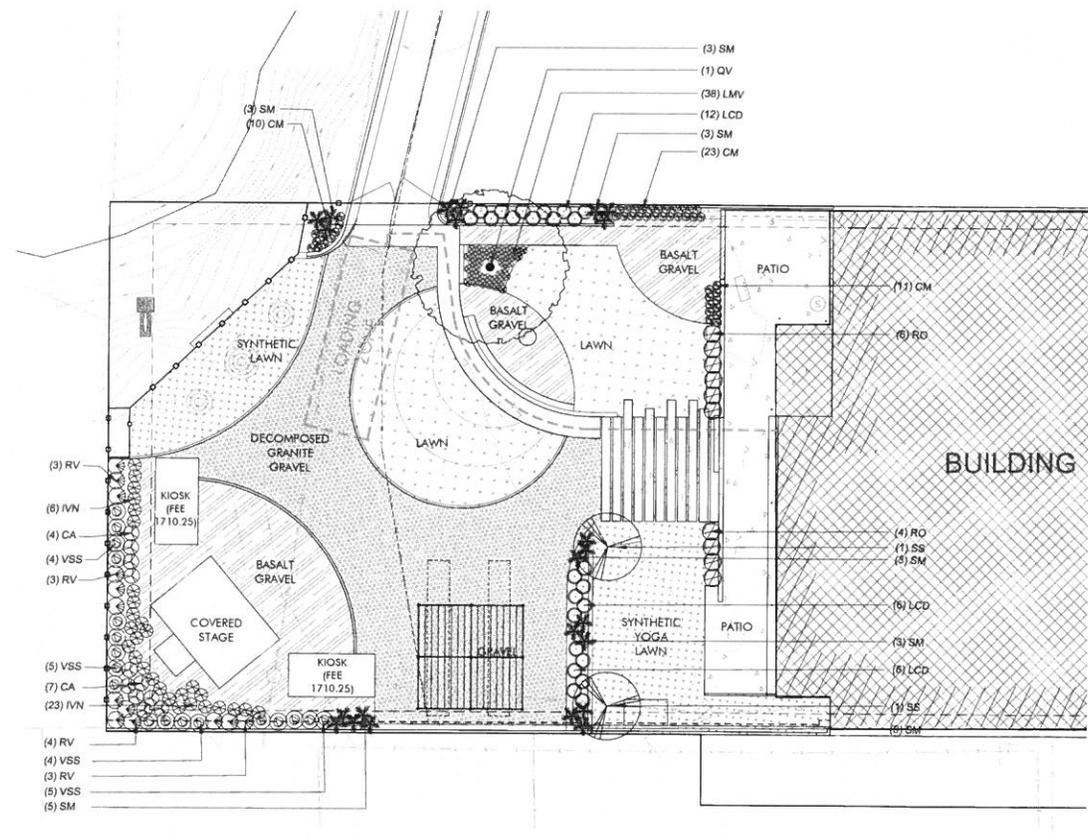
○	AC	Agave americana	Whale's Tongue	20	10"	10" H X 10" W
○	LCS	Lonicera xylosteum	Red Dogwood	8	8"	10" H X 10" W
○	LVA	Lonicera xylosteum	Red Dogwood	8	8"	10" H X 10" W
○	LFC	Lonicera xylosteum	Red Dogwood	8	8"	10" H X 10" W
○	LCD	Lonicera xylosteum	Red Dogwood	8	8"	10" H X 10" W
○	RO	Rosa	Flowering Dogwood	1	8"	10" H X 10" W
○	RD	Rosa	Flowering Dogwood	1	8"	10" H X 10" W
○	SP	Spirea	Flowering Dogwood	1	8"	10" H X 10" W
○	SS	Small shrub	Flowering Dogwood	1	8"	10" H X 10" W
○	RV	River Birch	Flowering Dogwood	1	8"	10" H X 10" W
○	CA	Cornus	Flowering Dogwood	1	8"	10" H X 10" W
○	VSS	Viburnum	Flowering Dogwood	1	8"	10" H X 10" W
○	IVN	Ilex	Flowering Dogwood	1	8"	10" H X 10" W
○	SM	Small tree/shrub	Flowering Dogwood	1	8"	10" H X 10" W

SPREADERS AND FERTILIZERS:

○	LS	Limestone	Topsoil	200	1"	12" H X 12" W
○	TR	Topsoil	Topsoil	200	1"	12" H X 12" W
○	TR	Topsoil	Topsoil	200	1"	12" H X 12" W
○	LSM	Limestone	Topsoil	200	1"	12" H X 12" W

NOTES:

- 1. All plants to be installed by 11/15/2022.
- 2. All plants to be installed by 11/15/2022.
- 3. All plants to be installed by 11/15/2022.



















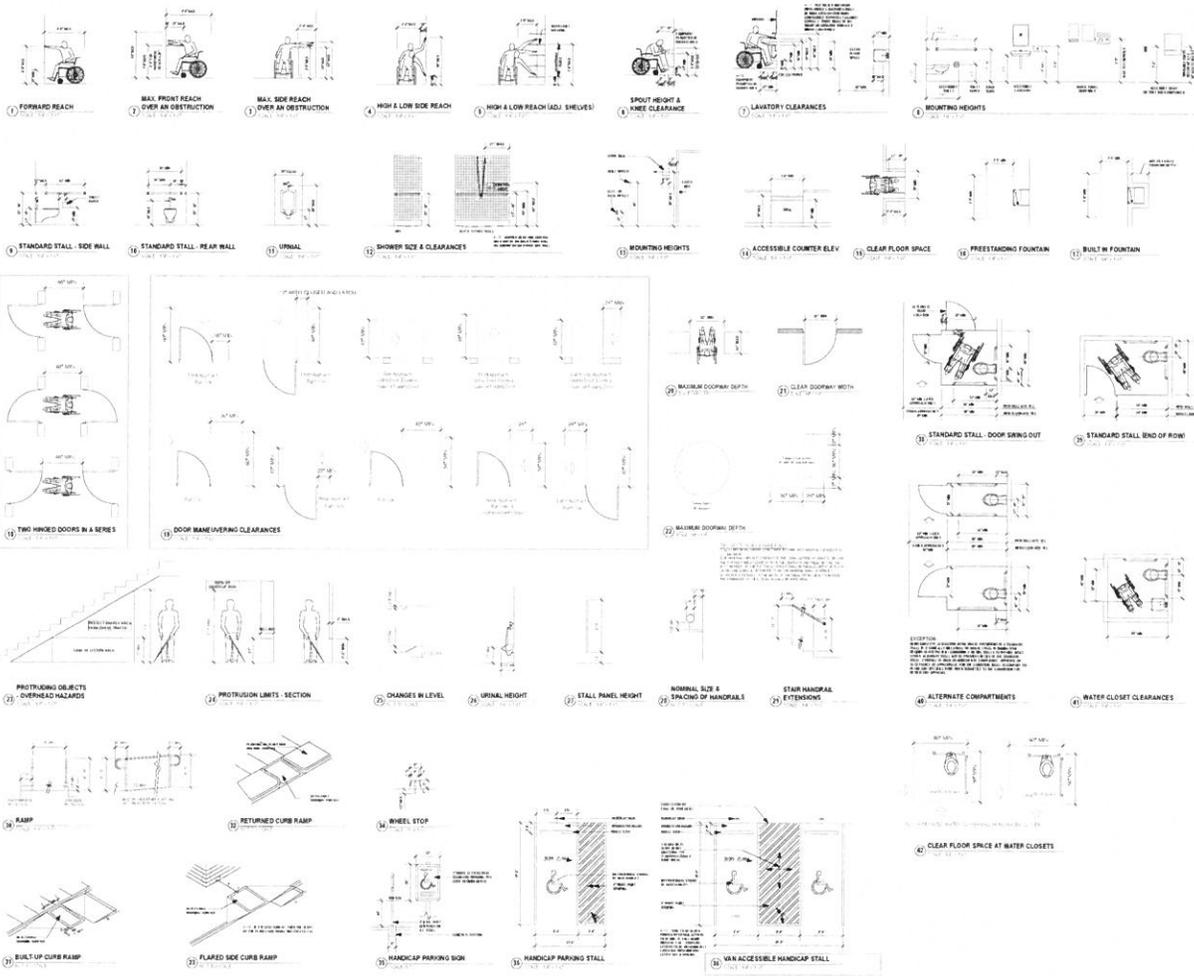


ABBREVIATIONS

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z
AD																									

MATERIAL REPRESENTATIONS

SECTION	ELEVATION
</	



GENERAL NOTES:

1. THE MINIMUM REQUIRED ACCESSIBILITY COMPLIANCE INCLUDES BUT IS NOT LIMITED TO THE INFORMATION SHOWN HEREIN.
2. NOT ALL CONDITIONS SHOWN ON THIS SHEET MAY BE REQUIRED BY THIS PROJECT. COMPARE THE REQUIREMENTS OF THE ARCHITECTURAL DRAWINGS WITH THIS SHEET FOR RELEVANCE OF INFORMATION.
3. DIMENSIONS INDICATED ARE THE MINIMUM CLEAR DIMENSIONS REQUIRED BY ACCESSIBILITY GUIDELINES. THE CONTRACTOR IS RESPONSIBLE FOR A VARIETY OF BUILDING ELEMENTS TO ASSURE THAT DIMENSIONS SHOWN ARE PROVIDED.
4. NOTIFY THE ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES BETWEEN THE ARCHITECTURAL DRAWINGS AND THE INFORMATION GIVEN ON THIS SHEET.
5. DO NOT SCALE THESE DRAWINGS.
6. UNLESS OTHERWISE INDICATED ALL FIGURE NUMBERS REFER TO ILLUSTRATIONS IN CHAPTER 11 OF THE 1992 (CODE) OF AMERICAN BUILDING OFFICIALS AMERICAN NATIONAL STANDARDS (ANSI) THE MAJORITY OF OTHER FIGURES AND NOTES REFER TO THE TAS TEXAS ACCESSIBILITY STANDARDS OF THE ARCHITECTURAL BARBERS DIVISION OF THE TEXAS DEPARTMENT OF LICENSING AND REGULATION (TDLR).
7. ANSI A117.1-1992 APPENDIX B ILLUSTRATIONS THE FIGURES CONTAINED IN THIS APPENDIX (SHEET) ARE PROVIDED ONLY TO ILLUSTRATE SOME OF THE CRITERIA IN THE STANDARDS. THEY ARE NOT INTENDED TO PRODUCE CRITERIA THAT ARE NOT CONTAINED IN THE STANDARDS.
8. OUTDOOR SURFACES SHALL BE DESIGNED SO THAT WATER WILL NOT ACCUMULATE ON WALKING SURFACES.
9. TAS OF ABC ART. 9102 TEXAS CIVIL STATUTES SEC. 43.75 OPE AN ACCESSIBLE ROUTE WITH FINISHING SLOPE GREATER THAN 1:20 (5%) IS A RAMP AND SHALL COMPLY WITH 4.8. HOWEVER SHALL THE CROSS SLOPE OF AN ACCESSIBLE ROUTE EXCEED 1:50 (2%).
10. LEVEL SURFACES SHALL HAVE A SLOPE NOT STEEPER THAN 1:50 PER TAS. (4.8 PER ANSI. THIS TRANSLATES TO 1/2" PER 12.5" (PER FOOT).

LAND STABILIZER, INC.

SCALE: 3/8" = 1'-0"

PROJECT NO. 1992-001

DATE: 11/11/92

PROJECT: GRAND CENTRAL AT MILAM

206 N. MILAM ST., HOUSTON, TEXAS 77002

11/11/92

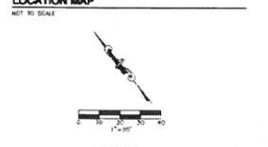
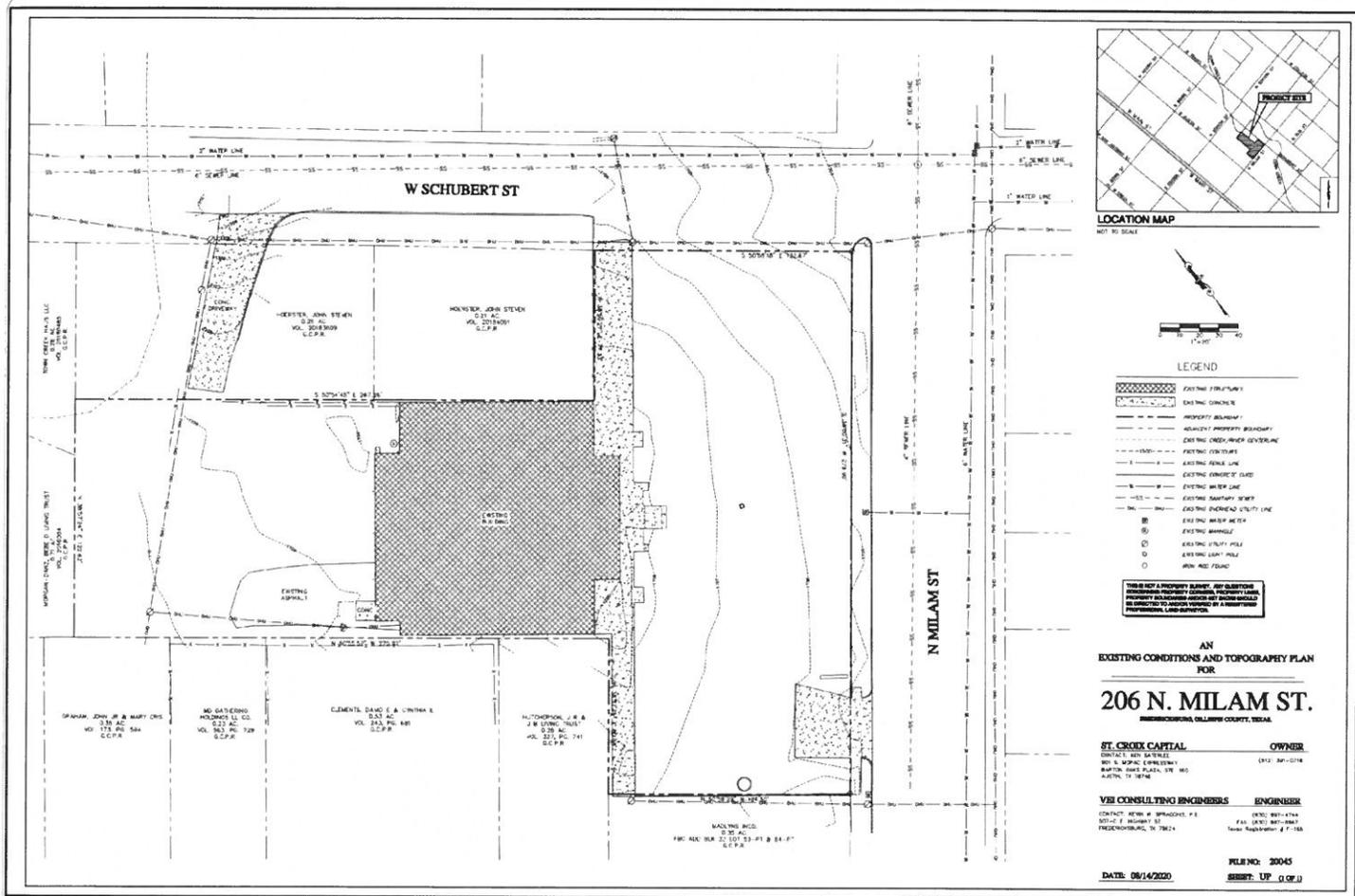
DESIGNED BY: [Signature]

CHECKED BY: [Signature]

TAS QUALITY CONTROL

SCALE: A0.02

OUTDOOR STAGE AND KIOSKS



- LEGEND**
- EXISTING STRUCTURE
 - EXISTING CONCRETE
 - PROPERTY BOUNDARY
 - ADJACENT PROPERTY BOUNDARY
 - EXISTING UNDER-PASSE UNDERWAY
 - EXISTING COUNTRY
 - EXISTING SEWER LINE
 - EXISTING GROUND COVER
 - EXISTING WATER LINE
 - EXISTING SANITARY SEWER
 - EXISTING ELECTRICAL UTILITY LINE
 - EXISTING WATER METER
 - EXISTING MANHOLE
 - EXISTING UTILITY POLE
 - EXISTING LIGHT POLE
 - SIGN AND FOUND

THIS IS NOT A PROPERTY BOUNDARY. FOR QUESTIONS REGARDING PROPERTY BOUNDARIES, CONTACT THE APPROPRIATE LOCAL GOVERNMENT OR PROFESSIONAL LAND SURVEYOR.

AN EXISTING CONDITIONS AND TOPOGRAPHY PLAN FOR 206 N. MILAM ST. (MEMORANDUM, DALLAS COUNTY, TEXAS)

ST. CROIX CAPITAL OWNER
 CONTACT: BOB STANLEY (817) 341-0178
 801 S. WYOMING EXPANSION
 BAYLOR GATE PLAZA, STE 100
 AUSTIN, TX 78748

VBI CONSULTING ENGINEERS ENGINEER
 CONTACT: KEVIN R. BRADSHAW, P.E. (817) 861-1114
 2012 E. HIGHTWAY 32
 FRENCHCREEK, TX 78624
 FAX: (817) 861-1881
 Email: kbradsh@vbi.com

DATE: 06/14/2020 FILE NO: 20045
 SHEET: UP (1 OF 1)

OUTDOOR STAGE AND KIOSKS

LAND: 21.84 AC. (2.81)

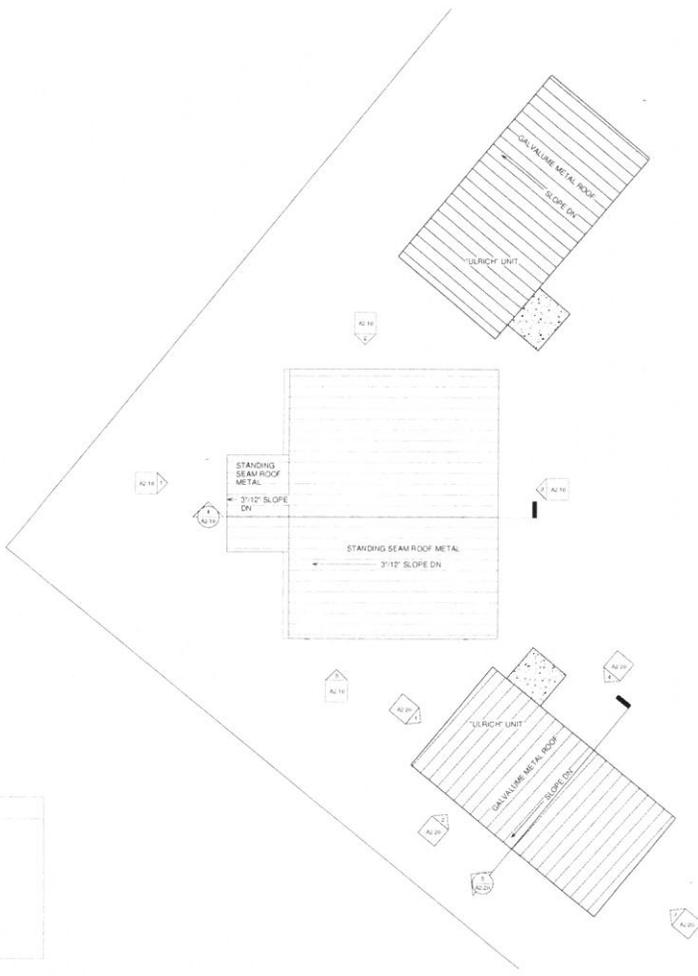
NO. 39

39

206 N. MILAM ST. FRENCHCREEK, TX 78624

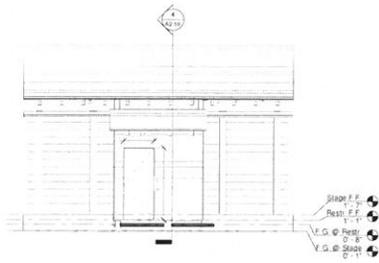
DATE: 06/14/2020

SCALE:

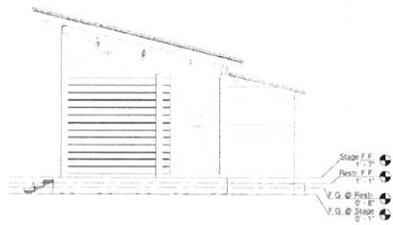


GENERAL NOTES:
 1.

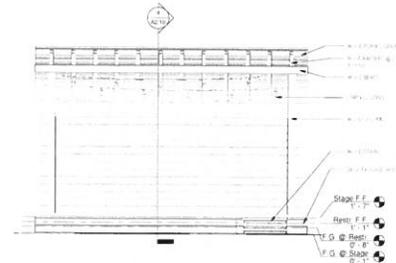
SCALE: 1/4" = 1'-0"



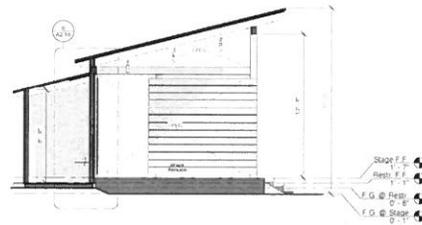
1 Restroom, Stage West Elevation
1/4" = 1'-0"



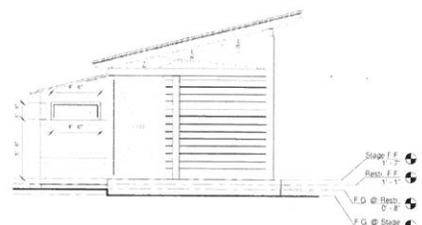
2 Stage, Restroom North Elevation
1/4" = 1'-0"



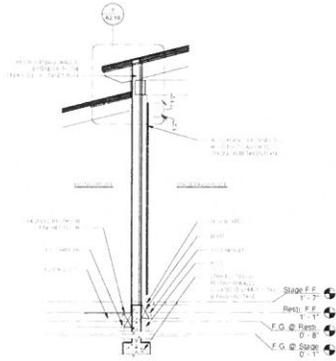
3 Stage East Elevation
1/4" = 1'-0"



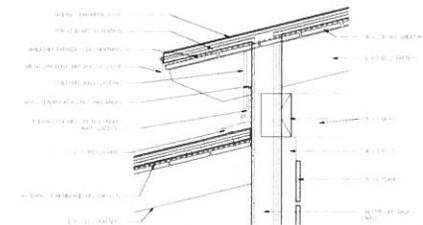
4 Stage, Restroom Section
1/4" = 1'-0"



5 Stage, Restroom South Elevation
1/4" = 1'-0"



6 Wall Section
1/2" = 1'-0"



7 Metal Roof Flashing at Endwall Detail
1/12" = 1'-0"

SCALE: As indicated

LANE STRATEGISTS INC.

NO. 39

OUTDOOR STAGE AND KIOSKS

GRAND CENTRAL PLAZA
200 N. Main St., Independence, TX 75240
PH: 972.366.0000

DATE: 03/10/10

PROJECT: Grand Central Plaza
11

SCALE: As indicated



LAND STRUCTURES & INC.

NOV. 2012

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

39

OUTDOOR STAGE AND KIOSKS

GRAND CENTRAL OF TEXAS
200 N. MAIN ST., FORT WORTH, TX 76102
TEL: 817.552.5555

BY: [Signature]

DATE: 11/1/12

PROJECT: [Project Name]

SCALE: As indicated

11

SCALE BY: [Signature]

DATE: 11/1/12

PROJECT: [Project Name]

SCALE: As indicated

11

11

11

11

11

11

11

11

11

11

11

11

11

11

11

11

11

11

11

11

11

11

11

11

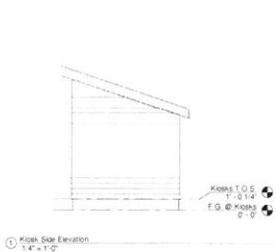
11

11

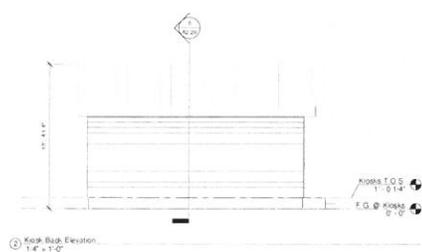
11

11

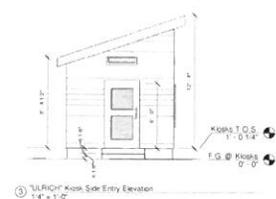
11



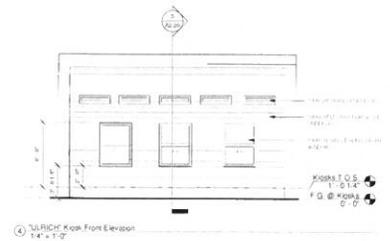
1 Kiosk Side Elevation
1/4" = 1'-0"



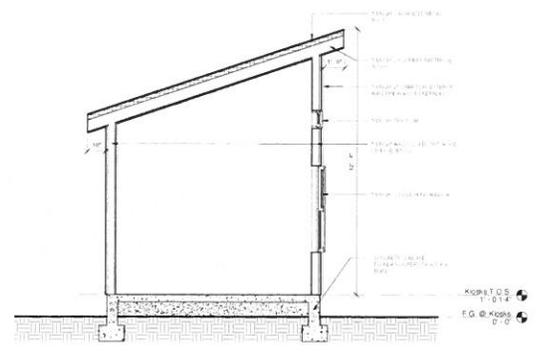
2 Kiosk Back Elevation
1/4" = 1'-0"



3 ULRICH Kiosk Side Entry Elevation
1/4" = 1'-0"



4 ULRICH Kiosk Front Elevation
1/4" = 1'-0"



5 Section at ULRICH Kiosk
1/2" = 1'-0"

GENERAL NOTES
1. ULRICH KIOSK PREFAB INCLUDES WALLS, WINDOWS, DOORS, ROOF. CONCRETE PAD TO BE POURED IN PLACE PER STRUCTURAL DWGS

SCALE: As indicated



















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.



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

HEARING

DATE: September 7, 2022

TIME: 5:30 PM

REQUEST

NUMBER: Z-2218

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-2218

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-2218: BY MICHAEL LINEHAN WITH LAND STRATEGIES, INC. TO CONSIDER A CONDITIONAL USE PERMIT PER SECTION 3.205 TO ALLOW FOOD SALES AS A PERMITTED USE FOR PROPERTY LOCATED AT 206 NORTH MILAM STREET.

APPLICANT: MICHAEL LINEHAN WITH LAND STRATEGIES, INC

LOCATION: 206 NORTH MILAM STREET

(See attached map)

REQUEST NO. Z-2218

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

Brenda Durst
Signed _____
BRENDA DURST

8-22-2022
Date _____

Printed Name _____ Address _____

AUG 22 2022

RECEIVED



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

HEARING

DATE: September 7, 2022

TIME: 5:30 PM

REQUEST

NUMBER: Z-2218

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-2218

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-2218: BY MICHAEL LINEHAN WITH LAND STRATEGIES, INC. TO CONSIDER A CONDITIONAL USE PERMIT PER SECTION 3.205 TO ALLOW FOOD SALES AS A PERMITTED USE FOR PROPERTY LOCATED AT 206 NORTH MILAM STREET.

APPLICANT: MICHAEL LINEHAN WITH LAND STRATEGIES, INC

LOCATION: 206 NORTH MILAM STREET

(See attached map)

REQUEST NO. Z-2218

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

Signed

Printed Name

Date

Address

08.23.22

Parcel # 304



CITY COUNCIL MEMO

DATE: September 19, 2022
TO: Mayor and City Council
FROM: Laura Hollenbeak, Finance Director
SUBJECT: Adoption of the FY 2023 City Budget

Summary:

Following five City Council budget work sessions, the FY 2023 City Budget is being presented for adoption.

Recommendation:

The FY 2023 City Budget, which includes changes recommended by the City Council, is recommended for adoption. With probable revision for a reduction in Property Tax Revenues after tax rate is approved. The attached revenue and expenditure summary include property tax revenues based on revised tax rate of .209822.

Background / Analysis:

Over the last four months, we have had five budget work sessions to discuss the proposed FY 2023 City Budget. This budget process has been productive with the City Council adding several changes to the Budget. As a result, this final budget addresses the policy goals of the City Council. I am excited about the programs and services that are included in the Budget for funding in the coming year. This funding will allow us to continue to improve basic services, upgrade critical infrastructure and offer a continued high quality of life for our citizens.

Attachments:

The City of Fredericksburg

FY 2023 Proposed Budget Summary and an Ordinance adopting and approving the City Budget for the Fiscal Year beginning October 1, 2022, and ending September 30, 2023

Laura Hollenbeck

Department Approval

Chris Bailey

City Manager Approval

D. J. [Signature]

City Attorney Approval

The City of Fredericksburg

City of Fredericksburg
2023 Budget Summary



FY 2023 Budgeted Revenues vs Budgeted Expenditures	FY 2023 Budgeted Revenues	FY 2023 Budgeted Expenditures	Revenue Adjustments	Expense Adjustments	Revenues in Excess (Deficiency) of Expenditures
Governmental Funds					
Administrative (ADJ for ARPA Broadband and Unalloc EXP)	18,000,644	4,983,874	-	(1,537,875)	14,554,645
Police	297,503	7,654,723	-	-	(7,357,219)
Fire	1,058,691	2,462,341	-	-	(1,403,650)
Street	854,948	3,605,314	-	-	(2,750,366)
Park	1,227,275	3,162,662	-	-	(1,935,387)
Development Services	504,200	1,596,311	-	-	(1,092,111)
Health	242,977	349,454	-	-	(106,477)
Municipal Court	156,600	749,148	-	-	(592,548)
Engineering	-	254,324	-	-	(254,324)
Sub-total	22,342,838	24,818,151	-	(1,537,875)	(937,438)
Food & Wine Fest	184,900	282,700	-	-	(97,800)
Total Governmental Funds	22,527,738	25,100,851	-	(1,537,875)	(1,035,238)
Special Revenue Funds					
Tourism	6,047,200	6,305,197	-	-	(257,997)
Police Forfeiture	2,040	2,500	-	-	(460)
Emergency Management	297,273	297,273	-	-	-
Animal Shelter	7,150	98,842	-	-	(91,692)
Parks & Recreation	114,730	127,834	-	-	(13,104)
Total Special Revenue Funds	6,468,393	6,831,645	-	-	(363,253)
Enterprise Funds					
Electric	14,477,927	14,286,710	-	-	191,217
Water & Sewer (ADJ's of \$785k for Impact fee REV, and \$4,756k for EXP related to ARPA, Impact fees, and Bond funds)	10,608,311	14,923,261	(785,000)	(4,756,235)	(343,715)
Golf	147,188	148,004	-	-	(815)
Sanitation	3,001,400	4,337,170	-	-	(1,335,770)
EMS	4,727,786	4,727,786	-	-	-
Drainage / Vegetation Mgt	649,280	1,008,082	-	-	(358,802)
Total Enterprise Funds	33,611,892	39,431,013	(785,000)	(4,756,235)	(1,847,885)
Capital Project Fund					
Water & Wastewater	-	2,000,000	-	-	(2,000,000)
Total Capital Project Fund		2,000,000	-	-	(2,000,000)
Internal Service Funds					
Health Insurance	2,499,707	2,496,564	-	-	3,143
Total Internal Service Funds					
Debt Service	785,716	814,781	-	-	(29,065)
Total All Funds	65,893,446	76,674,854	(785,000)	(6,294,110)	(5,272,297)

- * Animal Shelter funded with prior year donations
- * Broadband Infrastructure (Admin exp) \$1,113,000 to be funded with American Rescue funds
- * Unallocated ARPA (Admin exp) \$424,875 moved from FY 2022 to FY 2023
- * Water Generators \$553,735 to be funded with American Rescue funds
- * Other Water & Sewer capital projects to be funded with W&S Impact Fees, prior year fund balance, and remaining bond funds
- * Debt Service budgeted deficit funded with prior fiscal year fund balance
- * Police Forfeiture funded with prior fiscal year fund balance
- * Tourism funded with prior year fiscal year fund balance

ORDINANCE NO. 2022-30

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, ADOPTING AND APPROVING THE CITY BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023, AND MAKING APPROPRIATIONS FOR EACH DEPARTMENT AND ACCOUNT.

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

Section 1. That the City Manager of the City of Fredericksburg, Texas (“City”) has prepared and filed a proposed City budget for the fiscal year 2022-2023, and subject to the applicable provisions of State Law and the City Charter, and after a public hearing as required by law, the budget for the fiscal year beginning October 1, 2022 and ending September 30, 2023, as filed by the City Manager and as amended by the City Council, containing estimates of City revenues and resources for the fiscal year, and estimates of expenditures for City operations, activities, purchases, and projects, is hereby approved and adopted. Such City resources and revenues are hereby appropriated for City department and account expenditures as detailed in said budget.

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

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

Section 4. Effective Date. This ordinance shall be effective on and after the date of passage and publication when required by law.

Record vote

	Hoover	Kirchner	Watson	Klein	Joseph
1st					
2nd					
Vote Aye					
Vote Nay					

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

Jeryl Hoover, Mayor
City of Fredericksburg, Texas

ATTEST:

Shelley Goodwin, TRMC, City Secretary

APPROVED AS TO FORM:

Daniel D. Jones, City Attorney



CITY COUNCIL MEMO

DATE: September 19, 2022

TO: Mayor and City Council

FROM: Laura Hollenbeak, Finance Director

SUBJECT: Adoption of the 2022 Property Tax Rate for the FY 2023 Budget Year

Summary:

The attached ordinance sets the property tax rate for tax year 2022. State law requires that a city adopt a budget before they adopt the tax rate. The City can adopt a budget and a tax rate at the same meeting as long as the budget is adopted first as a separate item.

Recommendation:

The City must adopt a tax rate by official action and set it out in a written ordinance using specific wording set out in the Tax Code. Staff recommends adopting the attached ordinance levying a Tax Rate for the City of Fredericksburg for the Tax Year 2022. The proposed adopted tax rate exceeds the no-new-revenue tax rate but does not exceed the voter-approval tax rate.

A motion to adopt an ordinance, setting a tax rate that exceeds the no-new-revenue tax rate must be made in the following form:

"I move that the property tax rate be increased by the adoption of a tax rate of (specify tax rate), which is effectively a (insert percentage by which the proposed tax rate exceeds the no-new revenue tax increase in the tax rate:"

Background / Analysis:

The City of Fredericksburg

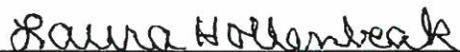
126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861

Agenda Packet Page 181

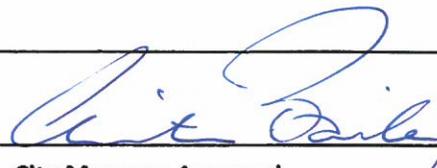
During the development of the FY 2023 City Budget, the City Council discussed various tax rates for the coming year. The proposed adopted tax rate is \$0.221641. A taxing unit authorized to pay both M&O and debt service with property taxes must adopt its rate as two separate components. The proposed M&O tax rate is \$0.195304, and the proposed Debt tax rate is \$0.026337, for a total proposed tax rate of \$0.221641.

Attachments:

- 1) An Ordinance Levying a Tax Rate for the City of Fredericksburg for the Tax Year 2022, and
- 2) Additional Property Tax Rate scenarios including the information required to make a motion using one of the attached Property Tax Rates.



Department Approval



City Manager Approval



City Attorney Approval

The City of Fredericksburg

	NNR Tax Rate 0.165262	Last Year's Tax Rate 0.195823	City Council Requested Reduce VAR Revenue by \$300K 0.209822	Proposed Tax Rate & Voter Approval Tax Rate 0.221641
Maintenance & Operations	4,344,749	5,121,078	5,476,704	5,776,932
Debt Service	779,038	779,037	779,022	779,027
Total Property Taxes	5,123,787	5,900,115	6,255,726	6,555,959

Tax Rates

M&O	0.140135	0.169967	0.183693	0.195304
Debt	0.025127	0.025856	0.026129	0.026337
Total	0.165262	0.195823	0.209822	0.221641

A motion to adopt an ordinance, setting a tax rate that exceeds the no-new-revenue tax rate must be made in the following form:

If adopting last year's tax rate of 0.195823:

I move that the property tax rate be increased by the adoption of a tax rate of 0.195823, which is effectively a 18.5% increase in the tax rate.

If adopting the tax rate that City Council requested to reduce property tax revenue by approximately \$300K:

I move that the property tax rate be increased by the adoption of a tax rate of 0.209822, which is effectively a 27% increase in the tax rate.

If adopting the proposed tax rate of \$0.221641:

I move that the property tax rate be increased by the adoption of a tax rate of 0.221641, which is effectively a 34.1% increase in the tax rate.

ORDINANCE NO. 2022-31

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, SETTING THE TAX LEVY FOR THE TAXABLE YEAR 2022; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. That, there be assessed, levied and collected on all taxable property in the City of Fredericksburg, Texas (“City”), for the taxable year 2022, the following tax, to wit:

\$0.**XXXXXX** on a one-hundred dollar (\$100.00) valuation of all taxable property in the City for the purposes of maintenance and operations; and

\$0.**XXXXXX** on a one-hundred dollar (\$100.00) valuation of all taxable property in the City for the payment of principal and interest on the debt of the City; for a

\$0.**XXXXXXX** total tax rate for one-hundred dollar (\$100.00) valuation of all taxable property in the City.

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

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

Section 4. Effective Date. This ordinance shall be effective on and after the date of passage and publication when required by law.

Record vote

	Hoover	Kirchner	Watson	Klein	Joseph
1st					
2nd					
Vote Aye					
Vote Nay					

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

Jeryl Hoover, Mayor
City of Fredericksburg, Texas

ATTEST:

Shelley Goodwin, TRMC, City Secretary

APPROVED AS TO FORM:

Daniel D. Jones, City Attorney

Use for adopting NNR rate

ORDINANCE NO. 2022-31

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, SETTING THE TAX LEVY FOR THE TAXABLE YEAR 2022; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. That, there be assessed, levied and collected on all taxable property in the City of Fredericksburg, Texas ("City"), for the taxable year 2022, the following tax, to wit:

\$0. XXXXXX on a one-hundred dollar (\$100.00) valuation of all taxable property in the City for the purposes of maintenance and operations; and

\$0. XXXXXX on a one-hundred dollar (\$100.00) valuation of all taxable property in the City for the payment of principal and interest on the debt of the City; for a

\$0. XXXXXXX total tax rate for one-hundred dollar (\$100.00) valuation of all taxable property in the City.

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE NO-NEW-REVENUE MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$(Insert amount)

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

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

Section 4. Effective Date. This ordinance shall be effective on and after the date of passage and publication when required by law.

Record vote

	Hoover	Kirchner	Watson	Klein	Joseph
1st					
2nd					
Vote Aye					
Vote Nay					

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

Jeryl Hoover, Mayor
City of Fredericksburg, Texas

ATTEST:

Shelley Goodwin, TRMC, City Secretary

APPROVED AS TO FORM:

Daniel D. Jones, City Attorney



CITY COUNCIL MEMO

DATE: September 19th, 2022

TO: Mayor and City Council

FROM: Lt. Braxton Roemer, Fredericksburg Police Department

SUBJECT: Bullet-Resistant Shield Grant Program

Summary:

The Office of the Texas Governor, Criminal Justice Division has offered a grant opportunity for Bullet-Resistant Shields. This grant program is in response to recent active shooters incidents. The Fredericksburg Police Department uses these shields and has equipped most of our patrol shifts but has not completed equipping the downtown shift or our School Resource Officers. Through this grant, we would request 6 shields totaling \$17,726.85 to finish this project and to assure that if we were to have an active shooter event in Fredericksburg, all our patrol shifts and resource officers are equipped to respond to it.

Recommendation:

It is recommended that the City Council consider approval of the resolution to pursue the Bullet-Resistant Shield Grant Program.

Background / Analysis:

The City of Fredericksburg

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

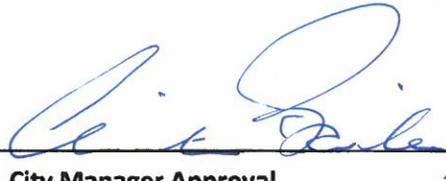
Governor Greg Abbott authorized a grant budget of \$50 Million to law enforcement agencies in the State of Texas with priority given to police officers directly employed by the school district, police officer contracted by the school district, and other officers who may respond to a school safety emergency. This grant will require no match on the part of the City, so if awarded, the full amount of the grant will be funded. There are specific requirements of the grant. Agencies are required to have an Active Shooter Policy in place, which the Fredericksburg Police Department already has. The grant requires that those officers that are assigned the shields are to complete an Advanced Law Enforcement Rapid Response Training (ALERRT) within the last 24 months or commit to attend within the next 24 months. Though many of our officers have completed ALERRT training and all train annually for Active Shooter situations, the officers that will receive the shields have not done so in the past or previous 24 months. However, ALERRT training is typically free, and the only expense to complete this training will be travel.

Attachments:

Grant Resolution



Department Approval



City Manager Approval

The City of Fredericksburg

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

RESOLUTION 2022-19R

WHEREAS, the City of Fredericksburg finds it in the best interest of the citizens of Fredericksburg, Texas, that the Bullet-Resistant Shield project be operated for 2022-2023; and

WHEREAS, the City of Fredericksburg agrees to provide applicable matching funds for the said project as required by the Office of the Governor, Public Safety Office Criminal Justice Division Bullet-Resistant Shield Grant Program application; and

WHEREAS, the City of Fredericksburg agrees that in the event of loss or misuse of the Criminal Justice Division funds, the City of Fredericksburg assures that the funds will be returned to the Criminal Justice Division in full.

WHEREAS, the City of Fredericksburg designates the City Manager as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED that the City of Fredericksburg approves submission of the grant application for the Bullet-Resistant Shield project to the Office of the Governor, Criminal Justice Division.

Signed by: _____
Jeryl Hoover
Mayor, City of Fredericksburg

Passed and Approved this _____ (Day) of _____ (Month), _____ (Year)

Grant Number: 4643701



CITY COUNCIL MEMO

DATE: September 19, 2022

TO: Mayor and City Council

FROM: Andrea Schmidt, Parks & Recreation Director

SUBJECT: Consider approving an amendment to the Construction Manager At Risk Services agreement with JK Bernhard Construction for the Marktplatz Redevelopment Commission Project

Summary:

In September of 2018, City Council approved the Market Square Redevelopment Commission to move forward with plans to develop the northwest corner of Marktplatz. This project will include renovating the City Hall Annex drive through to add a meeting room, restrooms, and plaza areas.

In October of 2019, City Council approved a professional services contract with Stan Klein. He and his staff have been working on plans over the last couple of years as the Commission worked on fundraising for the project.

A construction manager at risk services agreement was approved by City Council in April 2022.

The project architect, engineer, city staff, the Market Square Redevelopment Commission Chairmen and JK Bernhard Construction staff have worked over the last several months to finalize the plans and obtain bids for the work. This amendment to the original agreement sets the maximum price for Phase I at \$1,786,405. The bids for the subcontractors are included with the amendment.

Phase II of the project, at a cost of \$319,486, will not be completed at this time.

Recommendation:

The City of Fredericksburg

Consider approving the amendment to the Construction Manager at Risk Services agreement with JK Bernhard Construction for the Marktplatz Redevelopment Commission Project at a maximum price of \$1,786,405.

Background / Analysis:

In the budget being adopted tonight, the City has included \$681,871 for phase II of the project in the Tourism Fund. Additionally, \$100,000 will be used from the Fredericksburg Food and Wine Fest toward the project. Currently there is a balance of \$980,054.13 in the Community Foundation account for this project. In addition, there are pledges of \$28,800 to still be received for a total of \$1,790,725. These funds were raised by the Market Square Redevelopment Commission. The Commission will work over the next 6-9 months to raise additional funds for the furniture and fixtures.

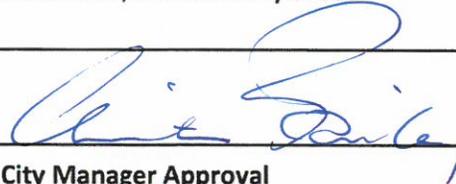
If the amendment is approved, we expect the project to break ground in the next 6-8 weeks and the work to be completed in a little less than a year.

Attachments:

Site plan and photographs, Guaranteed Maximum Price Amendment, Bid summary sheet



Department Approval



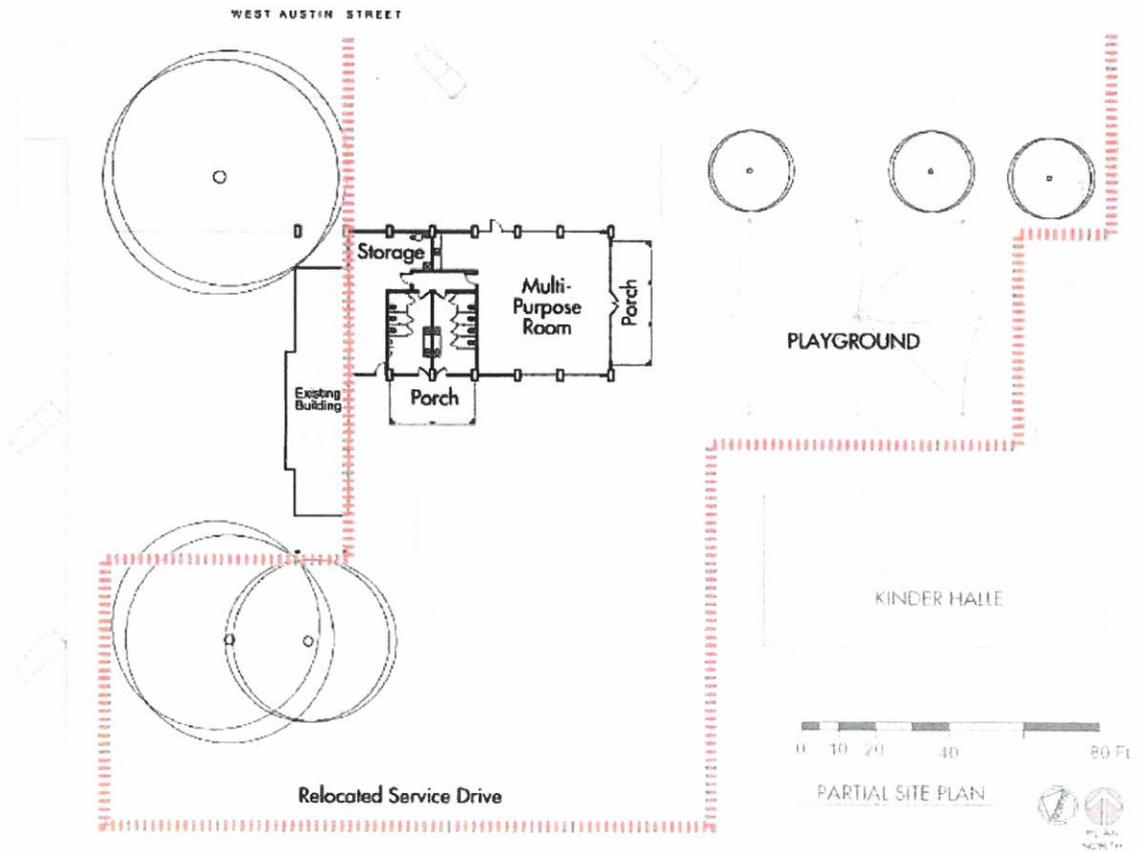
City Manager Approval

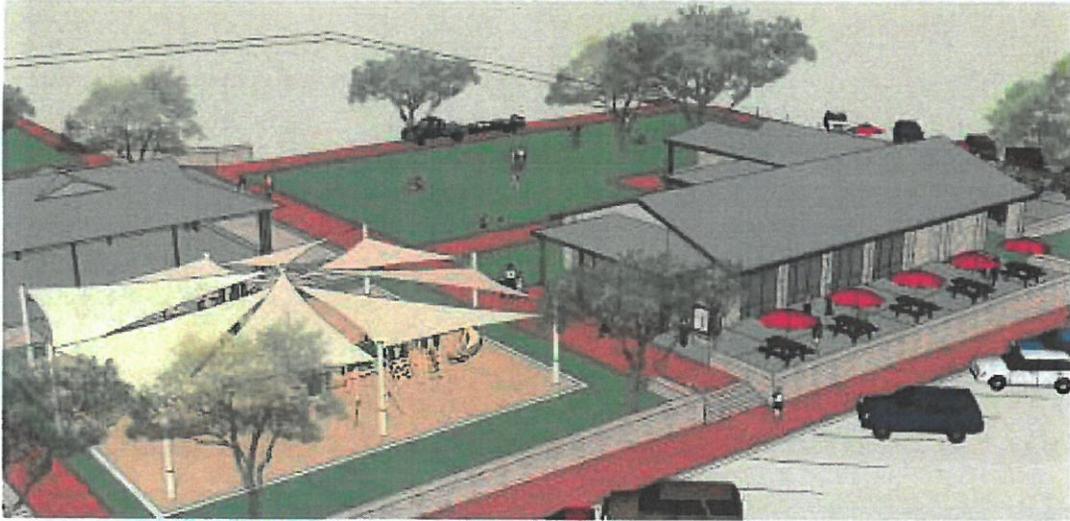


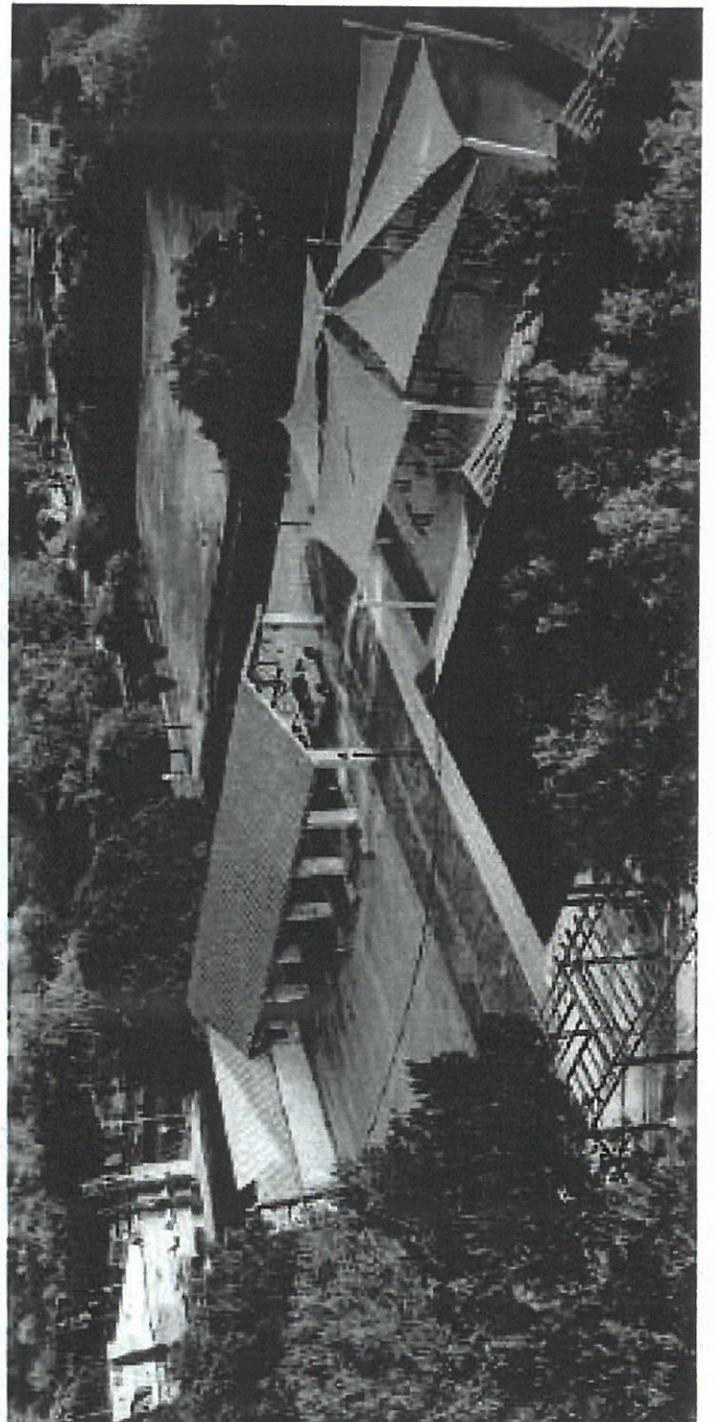
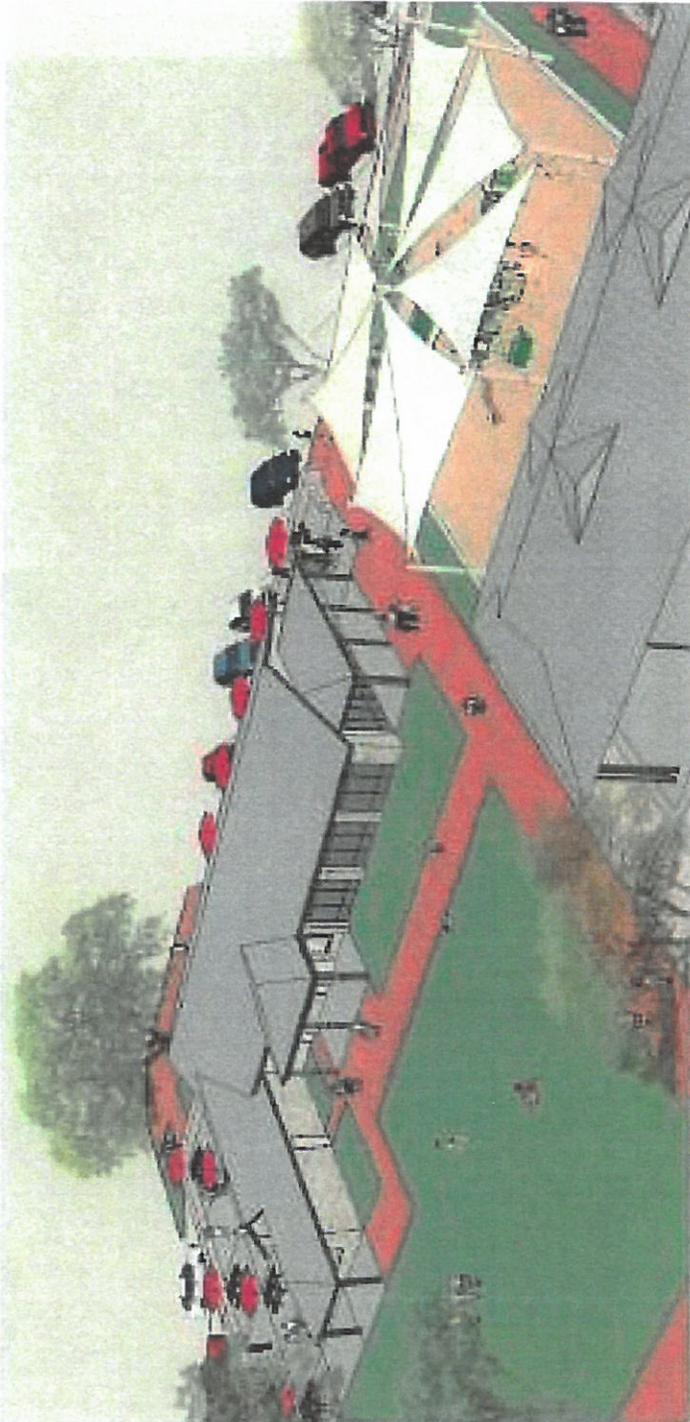
City Attorney Approval

The City of Fredericksburg

MARKTPLATZ REDEVELOPMENT
CURRENT PHASE







AIA[®] Document A133[™] – 2019 Exhibit A

Guaranteed Maximum Price Amendment

This Amendment dated the Nineteenth day of September in the year Two Thousand Twenty Two, is incorporated into the accompanying AIA Document A133[™]-2019, Standard Form of Agreement Between Owner and Construction Manager as Constructor where the basis of payment is the Cost of the Work Plus a Fee with a Guaranteed Maximum Price dated the day of in the year (the "Agreement")
(In words, indicate day, month, and year.)

for the following **PROJECT**:
(Name and address or location)

Market Square Development
115 N. Crocket Street
Fredericksburg, Texas 78624

THE OWNER:
(Name, legal status, and address)

City of Fredericksburg
126 W. Main Street
Fredericksburg, Texas 78624

THE CONSTRUCTION MANAGER:
(Name, legal status, and address)

JK Bernhard Construction Co. LLC
2546 Goat Creek Road
Kerrville, Texas 78028

TABLE OF ARTICLES

- A.1 **GUARANTEED MAXIMUM PRICE**
- A.2 **DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION**
- A.3 **INFORMATION UPON WHICH AMENDMENT IS BASED**
- A.4 **CONSTRUCTION MANAGER'S CONSULTANTS, CONTRACTORS, DESIGN PROFESSIONALS, AND SUPPLIERS**

ARTICLE A.1 GUARANTEED MAXIMUM PRICE

§ A.1.1 Guaranteed Maximum Price

Pursuant to Section 3.2.6 of the Agreement, the Owner and Construction Manager hereby amend the Agreement to establish a Guaranteed Maximum Price. As agreed by the Owner and Construction Manager, the Guaranteed Maximum Price is an amount that the Contract Sum shall not exceed. The Contract Sum consists of the Construction Manager's Fee plus the Cost of the Work, as that term is defined in Article 6 of the Agreement.

§ A.1.1.1 The Contract Sum is guaranteed by the Construction Manager not to exceed One Million Seven Hundred Eighty-Six Thousand Four Hundred Five Dollars (\$ 1,786,405.00)

ADDITIONS AND DELETIONS:

The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

AIA Document A201[™]-2017, General Conditions of the Contract for Construction, is adopted in this document by reference. Do not use with other general conditions unless this document is modified.

Init.

AIA Document A133[™] – 2019 Exhibit A. Copyright © 1991, 2003, 2009, and 2019 by The American Institute of Architects. All rights reserved. The "American Institute of Architects," "AIA," the AIA Logo, and "AIA Contract Documents" are registered trademarks and may not be used without permission. This document was produced by AIA software at 12:12:44 ET on 09/10/2022 under Order No.2114313010 which expires on 04/18/2023, is not for resale, is licensed for one-time use only, and may only be used in accordance with the AIA Contract Documents[®] Terms of Service. To report copyright violations, e-mail copyright@aia.org.
User Notes: (1464236628)

1

), subject to additions and deductions by Change Order as provided in the Contract Documents.

§ A.1.1.2 Itemized Statement of the Guaranteed Maximum Price. Provided below is an itemized statement of the Guaranteed Maximum Price organized by trade categories, including allowances; the Construction Manager's contingency; alternates; the Construction Manager's Fee; and other items that comprise the Guaranteed Maximum Price as defined in Section 3.2.1 of the Agreement.

(Provide itemized statement below or reference an attachment.)

See Attachment A

§ A.1.1.3 The Construction Manager's Fee is set forth in Section 6.1.2 of the Agreement.

§ A.1.1.4 The method of adjustment of the Construction Manager's Fee for changes in the Work is set forth in Section 6.1.3 of the Agreement.

§ A.1.1.5 Alternates

§ A.1.1.5.1 Alternates, if any, included in the Guaranteed Maximum Price:

Item	Price
Not Used	

§ A.1.1.5.2 Subject to the conditions noted below, the following alternates may be accepted by the Owner following execution of this Exhibit A. Upon acceptance, the Owner shall issue a Modification to the Agreement.

(Insert below each alternate and the conditions that must be met for the Owner to accept the alternate.)

Item	Price	Conditions for Acceptance
Not Used		

§ A.1.1.6 Unit prices, if any:

(Identify the item and state the unit price and quantity limitations, if any, to which the unit price will be applicable.)

Item	Units and Limitations	Price per Unit (\$0.00)
Not Used		

ARTICLE A.2 DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

§ A.2.1 The date of commencement of the Work shall be:

(Check one of the following boxes.)

The date of execution of this Amendment.

Established as follows:

(Insert a date or a means to determine the date of commencement of the Work.)

Notice to Proceed by Owner

If a date of commencement of the Work is not selected, then the date of commencement shall be the date of execution of this Amendment.

§ A.2.2 Unless otherwise provided, the Contract Time is the period of time, including authorized adjustments, allotted in the Contract Documents for Substantial Completion of the Work. The Contract Time shall be measured from the date of commencement of the Work.

§ A.2.3 Substantial Completion

§ A.2.3.1 Subject to adjustments of the Contract Time as provided in the Contract Documents, the Construction Manager shall achieve Substantial Completion of the entire Work:

(Check one of the following boxes and complete the necessary information.)

Init.

AIA Document A133™ – 2019 Exhibit A. Copyright © 1991, 2003, 2009, and 2019 by The American Institute of Architects. All rights reserved. The "American Institute of Architects," "AIA," the AIA Logo, and "AIA Contract Documents" are registered trademarks and may not be used without permission. This document was produced by AIA software at 12:12:44 ET on 09/10/2022 under Order No.2114313010 which expires on 04/18/2023, is not for resale, is licensed for one-time use only, and may only be used in accordance with the AIA Contract Documents® Terms of Service. To report copyright violations, e-mail copyright@aia.org.
User Notes: (1464236628)

2

Not later than Three Hundred Nine (309) calendar days from the date of commencement of the Work.

By the following date:

§ A.2.3.2 Subject to adjustments of the Contract Time as provided in the Contract Documents, if portions of the Work are to be completed prior to Substantial Completion of the entire Work, the Construction Manager shall achieve Substantial Completion of such portions by the following dates:

Portion of Work	Substantial Completion Date
TBD	TBD

§ A.2.3.3 If the Construction Manager fails to achieve Substantial Completion as provided in this Section A.2.3, liquidated damages, if any, shall be assessed as set forth in Section 6.1.6 of the Agreement.

ARTICLE A.3 INFORMATION UPON WHICH AMENDMENT IS BASED

§ A.3.1 The Guaranteed Maximum Price and Contract Time set forth in this Amendment are based on the Contract Documents and the following:

§ A.3.1.1 The following Supplementary and other Conditions of the Contract:

Document	Title	Date	Pages
Project Manual	General Conditions	07-08-2022	SGC 1 thru SGC 7

§ A.3.1.2 The following Specifications:
(Either list the Specifications here, or refer to an exhibit attached to this Amendment.)

See Attachment B

Section	Title	Date	Pages
---------	-------	------	-------

§ A.3.1.3 The following Drawings:
(Either list the Drawings here, or refer to an exhibit attached to this Amendment.)

See Attachment C

Number	Title	Date
--------	-------	------

§ A.3.1.4 The Sustainability Plan, if any:
(If the Owner identified a Sustainable Objective in the Owner's Criteria, identify the document or documents that comprise the Sustainability Plan by title, date and number of pages, and include other identifying information. The Sustainability Plan identifies and describes the Sustainable Objective; the targeted Sustainable Measures; implementation strategies selected to achieve the Sustainable Measures; the Owner's and Construction Manager's roles and responsibilities associated with achieving the Sustainable Measures; the specific details about design reviews, testing or metrics to verify achievement of each Sustainable Measure; and the Sustainability Documentation required for the Project, as those terms are defined in Exhibit C to the Agreement.)

Title	Date	Pages
Not Used		

Other identifying information:

§ A.3.1.5 Allowances, if any, included in the Guaranteed Maximum Price:
(Identify each allowance.)

Item Price
None

§ A.3.1.6 Assumptions and clarifications, if any, upon which the Guaranteed Maximum Price is based:
(Identify each assumption and clarification.)

None

§ A.3.1.7 The Guaranteed Maximum Price is based upon the following other documents and information:
(List any other documents or information here, or refer to an exhibit attached to this Amendment.)

Documents referred to in Attachment B & C

ARTICLE A.4 CONSTRUCTION MANAGER'S CONSULTANTS, CONTRACTORS, DESIGN PROFESSIONALS, AND SUPPLIERS

§ A.4.1 The Construction Manager shall retain the consultants, contractors, design professionals, and suppliers, identified below:

(List name, discipline, address, and other information.)

Not Used

This Amendment to the Agreement entered into as of the day and year first written above.

OWNER *(Signature)*

CONSTRUCTION MANAGER *(Signature)*

(Printed name and title)

(Printed name and title)

Init.

AIA Document A133™ – 2019 Exhibit A. Copyright © 1991, 2003, 2009, and 2019 by The American Institute of Architects. All rights reserved. The "American Institute of Architects," "AIA," the AIA Logo, and "AIA Contract Documents" are registered trademarks and may not be used without permission. This document was produced by AIA software at 12:12:44 ET on 09/10/2022 under Order No.2114313010 which expires on 04/18/2023, is not for resale, is licensed for one-time use only, and may only be used in accordance with the AIA Contract Documents® Terms of Service. To report copyright violations, e-mail copyright@aia.org.
User Notes:
(1464236828)

4

Additions and Deletions Report for AIA® Document A133™ – 2019 Exhibit A

This Additions and Deletions Report, as defined on page 1 of the associated document, reproduces below all text the author has added to the standard form AIA document in order to complete it, as well as any text the author may have added to or deleted from the original AIA text. Added text is shown underlined. Deleted text is indicated with a horizontal line through the original AIA text.

Note: This Additions and Deletions Report is provided for information purposes only and is not incorporated into or constitute any part of the associated AIA document. This Additions and Deletions Report and its associated document were generated simultaneously by AIA software at 12:12:44 ET on 09/10/2022.

PAGE 1

This Amendment dated the Nineteenth day of September in the year Two Thousand Twenty Two, is incorporated into the accompanying AIA Document A133™–2019, Standard Form of Agreement Between Owner and Construction Manager as Constructor where the basis of payment is the Cost of the Work Plus a Fee with a Guaranteed Maximum Price dated the day of in the year (the "Agreement")

...

Market Square Development
115 N. Crocket Street
Fredericksburg, Texas 78624

...

City of Fredericksburg
126 W. Main Street
Fredericksburg, Texas 78624

...

JK Bernhard Construction Co. LLC
2546 Goat Creek Road
Kerrville, Texas 78028

...

§ A.1.1.1 The Contract Sum is guaranteed by the Construction Manager not to exceed One Million Seven Hundred Eighty-Six Thousand Four Hundred Five Dollars (\$ 1,786,405.00), subject to additions and deductions by Change Order as provided in the Contract Documents.

PAGE 2

See Attachment A

...

Not Used

...

Not Used

...

Not Used

...

[] Established as follows:

...

Notice to Proceed by Owner

PAGE 3

[] Not later than Three Hundred Nine (309) calendar days from the date of commencement of the Work.

...

TBD

TBD

...

Project Manual

General Conditions

07-08-2022

SGC 1 thru SGC 7

...

See Attachment B

...

See Attachment C

...

Not Used

PAGE 4

None

...

None

...

Documents referred to in Attachment B & C

...

Not Used

Certification of Document's Authenticity

AIA® Document D401™ – 2003

I, Stan Klein, hereby certify, to the best of my knowledge, information and belief, that I created the attached final document simultaneously with its associated Additions and Deletions Report and this certification at 12:12:44 ET on 09/10/2022 under Order No. 2114313010 from AIA Contract Documents software and that in preparing the attached final document I made no changes to the original text of AIA® Document A133™ – 2019 Exhibit A, Guaranteed Maximum Price Amendment, as published by the AIA in its software, other than those additions and deletions shown in the associated Additions and Deletions Report.

(Signed)



Project Architect

(Title)

9/9/2022

(Dated)

PROJECT: Market Square Redevelopment

DATE:

8/18/2022

JOB COST WORKSHEET - PHASE 1						
SCOPE						COST
GENERAL CONDITIONS						
PROJECT MANAGER	10	Mo	\$3,854	Per MO		\$38,540
PROJECT SUPERINTENDENT	10	Mo	\$9,900	Per MO		\$99,000
TEMPORARY PROTECTIONS/FENCE	10	Mo	\$750	Per MO		\$7,500
FUEL/TRAVEL EXPENSES	10	Mo	\$500	Per MO		\$5,000
INSURANCE	1	LS	\$22,000	Per MO		\$22,000
BUILDING PERMITS	1	LS	\$0			\$0
IMPACT FEES	1	LS	\$0			\$0
DUMPSTER	10	Mo	\$500			\$5,000
CONSTRUCTION TOILETS	10	Mo	\$450			\$1,000
SITE SURVEYING/LAYOUT	1	LS	\$4,500			\$4,500
SWPPP & SWPPP MAINTENANCE	10	Mo	\$675			\$5,000
FINAL CLEAN	3875	SF	\$2			\$5,813
*TOTAL GENERAL CONDITIONS						
BUILDING COSTS						
DEMOLITION - SITE			Stephen Lang			\$32,950.00
DEMOLITION - BUILDING						\$20,469.00
SITE WORK			Stephen			\$83,700.00
CONCRETE			COD			\$84,440.00
WRP - LIGHT POLE BASES						\$7,000.00
WOOD FRAMING/SHEATHING			JKB		\$	48,930.00
TRUSSES			JKB		\$	38,434.00
STRUCTURAL STEEL			Danco			\$51,439.00
MASONRY			Jacobs Masonry - lacking dump pad			\$58,815.00
INSULATION			LB Insulation			\$11,590.00
DRYWALL			JKB		\$	32,287.00
FRP			JKB		\$	9,645.00
METAL CEILINGS			JKB		\$	5,652.00
PAINT	3000	SF	\$	12.00	per SF	\$36,000.00
ELECTRICAL			ITZ Electric			\$228,821.00
WRP - Electrical			Pole demo, auto openers connections, OH door connections			\$32,500.00
MECHANICAL			Trade-Mark			\$119,575.00
WRP - UG CW Piping			WRP			\$25,500.00
PLUMBING			REEH Plumbing			\$182,650.00
STORM DRAINAGE			REEH Plumbing			\$17,900.00
DOORS			CDR			\$15,525.00
OH DOORS			Alamo Doors			\$8,374.00
FLOORING - CONCRETE			Concrete Worx			\$9,835.00
FLOORING - TILE			Clarlyle			\$8,470.00
WALL TILE			Clarlyle			\$18,757.00
WATERPROOFING			Allow			\$8,500.00
WRP - PENETRATION SEALANT			WRP			\$3,500.00
ROOFING			Cypress Roofing			\$8,600.00
MILLWORK			Powell Cabinets			\$14,912.60
COUNTERTOPS - RR						\$0.00
COUNTERTOPS - Cabinets						\$0.00
STOREFRONT			MF G&M			\$74,961.00
WRP - AUTO OPERATOR			WRP			\$9,000.00
WRP - TRIM			WRP			\$4,000.00
RESTROOM SPECIALTIES			Hohmann			\$21,222.00
LANDSCAPING - PAVERS			Tuscany			\$84,093.00
LANDSCAPING - TURF			COD			\$7,200.00
STRIPING/SIGNAGE			Sealcoat Specialists			\$3,047.00

*TOTAL BUILDING COSTS						
MISC						\$ -
CONTINGENCY	2%					\$32,432.92
SUB-TOTAL						\$1,654,079.02
CONTRACTOR FEE				8.0%		\$132,326.32
TOTAL						\$1,786,405.34

INDEX TO SPECIFICATIONS

DIVISION 1 - GENERAL REQUIREMENTS

01000	Special Concerns
01010	Summary of Work
01019	Contract Considerations
01039	Coordination and Meetings
01300	Submittals
01400	Quality Control
01500	Construction Facilities and Temporary Controls
01600	Material and Equipment
01650	Starting of Systems
01700	Contract Closeout

DIVISION 2 – SITEWORK

02010	Site Clearing
02072	Demolition
02222	Excavating
02223	Backfilling
02225	Trenching
02281	Soil Treatment

DIVISION 3 - CONCRETE

03100	Concrete Formwork
03200	Concrete Reinforcement
03300	Cast-In-Place Concrete

DIVISION 4 - MASONRY

04100	Mortar & Masonry Grout
04451	Stone Veneer

ATTACHMENT B

DIVISION 5 - METALS

05120 Structural Steel

05400 Metal Wall Framing

DIVISION 6 - WOOD AND PLASTIC

06112 Framing and Sheathing

06200 Finish Carpentry

06410 Custom Casework

DIVISION 7 - THERMAL AND MOISTURE PROTECTION

07213 Foam and Batt/Blanket Insulation

07620 Sheet Metal Flashing & Trim

07611 Metal Roofing System

07900 Joint Sealers

DIVISION 8 - DOORS AND WINDOWS

08111 Standard Steel Doors

08112 Standard Steel Frames

08211 Flush Doors

08360 Overhead Coiling Doors

08410 Aluminum Entrance Doors and Storefront

06610 Wood Windows

08710 Door Hardware

08800 Glazing

DIVISION 9 - FINISHES

09220 Portland Cement Plaster

09260 Gypsum Board Systems

09306 Floor Tile

09307 Wall Tile

09900 Painting

ATTACHMENT B

DIVISION 10 - SPECIALTIES

- 10165 Toilet Compartments
- 10522 Fire Extinguishers, Cabinets and Accessories
- 10800 Toilet and Bath Accessories

DIVISION 11 – EQUIPMENT

- 11400 Appliances

DIVISION 12 – FURNISHINGS -NOT USED

DIVISION 13 - SPECIAL CONSTRUCTION - NOT USED

DIVISION 14 - CONVEYING SYSTEMS – NOT USED

DIVISION 22 – PLUMBING; 23 – HVAC & DIVISION 25 – ELECTRICAL (On drawings)

INDEX TO DRAWINGS

Architectural

A0-0	TITLE SHEET
A0-1	ADA
A0-2	ADA
D1-0	DEMOLITION PLAN
A1-0	SITE PLAN
A1-1	SITE GRADING & DRAINAGE PLAN
A1-2	FLOOR PLAN & SCHEDULES
A1-3	ENLARGED PLAN & RCP
A2-0	SECTIONS & ELEVATIONS
A2-1	WINDOW & DOOR DETAILS
A3-0	WALL SECTION DETAILS

Structural

S-1	GENERAL NOTES
S-2	FOUNDATION PLAN
S-3	PARTIAL ROOF & FRAMING PLAN
S-4	FOUNDATION DETAILS
S-5	FRAMING DETAILS

Mechanical

M-0	MECHANICAL SYMBOLS & ABBREVIATIONS
M-1	MECHANICAL FLOOR PLAN
M-2	MECHANICAL SCHEDULES
MS-1	MECHANICAL SITE PLAN

Electrical

E-0	ELECTRICAL SYMBOLS & ABBREVIATIONS
E-S	ELECTRICAL - SITE PLAN
E-1	LIGHTING FLOOR PLAN
E-2	POWER FLOOR PLAN
E-3	EQUIPMENT POWER & FLOOR PLAN
E-4	SPECIAL SYSTEMS FLOOR PLAN
E-5	ELECTRICAL ONE LINE RISER DIAGRAM
E-6	ELECTRICAL SCHEDULES
E-7	ELECTRICAL SCHEDULES
E-8	ELECTRICAL DETAILS
E-9	ELECTRICAL DETAILS

Plumbing

P-0	PLUMBING SYMBOLS & ABBREVIATIONS
PS-1	PLUMBING SITE PLAN
P-1	PLUMBING UNDER FLOOR PLAN
P-2	PLUMBING FLOOR PLAN
P-3	PLUMBING SCHEDULES & RISERS
P-4	PLUMBING DETAILS
P-5	PLUMBING DETAILS
P-6	PLUMBING SPECIFICATIONS

Phase 1							
Trade Package	Bidder #1	Bid Value	Bidder #2	Bid Value	Bidder #3	Bid Value	Best Value Recommendation
02.05 - Site Demolition	Langinats	\$32,950					Langinats
03.05 - Cast-In-Place Concrete	Lehne	\$149,000	Complete Outdoor Development	\$84,440			Complete Outdoor Development
03.25 - Polished Concrete Finishing	Concrete Work	\$9,235					Concrete Work
04.05 - Masonry	Jacob's Masonry	\$58,815					Jacob's Masonry
05.30 - Structural Steel	Danco	\$54,439					Danco
06.05 - Rough Carpentry	JKB SP	\$47,363					JKB SP
06.20 - Finish Carpentry	Powell	\$14,913					JKB SP
07.20 - Insulation	LB Insulation	\$11,590					LB Insulation
07.50 - Roofing	Cypress Roofing	\$8,600					Cypress Roofing
08.10 - Doors, Frames & Hardware	CDR	\$15,825					CDR
08.30 - Specialty Doors	Alamo Doors	\$8,374	Schilling Overhead Door	\$11,700			Alamo Doors
08.60 - Entrances, Storefronts & Curtainwall	Lambert Glass & Mirror	\$112,845	Marble Falls	\$74,961			Marble Falls
09.20 - Drywall	JKB SP	\$32,287					JKB SP
09.60 - Ceramic Tile	Clarlyle	\$27,227					Clarlyle
10.20 - Toilet Accessories	Hohmann	\$21,222					Hohmann
21.05 - Plumbing Systems	Reeh Plumbing	\$138,662	Plumbrite	\$141,345	Yemas Star	\$145,175	Reeh Plumbing
23.05 - HVAC Systems	Trademark	\$119,575	AC Technical Services	\$121,439			Trademark
26.05 - Electrical Systems	DW Electric	\$259,965	Wainwright	\$279,616	ITZ Electric	\$228,021	ITZ Electric
31.05 - Earthwork	Langinats	\$83,700					Langinats
31.17 - Striping	Seacoast Specialist	\$3,047					Seacoast Specialist
31.30 - Site Improvements (Pavers)	Tuscany Pavers	\$44,098	Summit Landscape	\$344,917			Tuscany Pavers
31.30 - Landscaping	Complete Outdoor Development	\$7,300					Complete Outdoor Development
33.05 - Site Utilities	Reeh Plumbing	\$61,888	GS Utilities	\$84,095			Reeh Plumbing



CITY COUNCIL MEMO

DATE: September 14, 2022
TO: Mayor and City Council
FROM: Clinton Bailey, City Manager
SUBJECT: Lease Amendment-Municipal Court Office Space.

Summary:

The attached lease is for additional space for Municipal Court operations located on Industrial Loop across from the Law Enforcement Center (LEC).

Recommendation:

Staff recommends approval of the proposed lease of 4,500 square feet of space located at 103 Industrial Loop at a rate of \$67,500 a year (\$5,625.00 per month) be approved.

Background / Analysis:

The Municipal Court has outgrown their current space in Suite 1000 and is requesting to add an additional 4,500 square foot suite to the lease. The proposed lease is a five (5) year lease.

Attachments:

Proposed lease agreement

Department Approval


City Manager Approval

The City of Fredericksburg

This Commercial Lease Agreement ("Lease") is made and effective Sept 19, 2022, by and between Allen and Molly Nance ("Landlord") and the City of Fredericksburg, Texas ("Tenant").

Landlord is the owner of land and improvements commonly known and numbered as 103 Industrial Loop, Fredericksburg, TX 78624 and legally described as follows (the "Building"): The Mission; and

Landlord and Tenant previously entered into a commercial lease agreement in 2018 for space in the Building, and the Tenant now desires to enter into this Lease and occupy additional space in the Building; and

Landlord now makes available for lease a portion of the Building designated as Suite 1000 and Suite 1050 (known collectively as the "Leased Premises"), consisting of approximately four thousand and five hundred square feet (4500 sq. ft.) of space; and

Landlord desires to lease the Leased Premises to Tenant, and Tenant desires to lease the Leased Premises from Landlord for the term, at the rental and upon the covenants, conditions and provisions herein set forth.

NOW, THEREFORE, in consideration of the mutual promises herein, contained and other good and valuable consideration, it is agreed:

1. **Term.**

A. Landlord hereby leases the Leased Premises to Tenant, and Tenant hereby leases the same from Landlord, for a five (5) year Initial Term, beginning Sept 19, 2022 and ending Aug 31, 2027.

B. Tenant may optionally renew the Lease for one renewal term of up to five (5) years per renewal term. Tenant shall exercise such renewal option, if at all, by giving written notice to Landlord not less than sixty (60) days prior to the expiration of the Initial Term. The renewal term shall be at the rental rate set forth below and otherwise upon the same covenants, conditions and provisions as provided in this Lease.

2. **Rental.**

A. Tenant shall pay to Landlord during the Initial Term an annual rental rate of Sixty Seven Thousand and Five Hundred (\$67,500.00) per year, payable in monthly installments of Five Thousand and Six Hundred and Twenty-five dollars (\$5,625.00). Each installment payment shall be due in advance on the first day of each calendar month during the lease term to Landlord at 103 Industrial Loop, Ste 10, Fredericksburg, TX 78624 or at such other place designated by written notice from Landlord or Tenant, provided that Landlord has delivered an invoice to Tenant for said installment payment. The rental payment amount for any partial calendar months included in the lease term shall be prorated on a daily basis. The first rental payment is due upon execution of this Lease and will be applied as the first month's rent installment payment.

B. The rental rate for any renewal term, if created as permitted under this Lease, shall be Five Thousand and Six Hundred and Twenty-five dollars (\$5,625.00) per month, plus the Consumer Price Index (CPI) increase since beginning of initial lease per year, payable in monthly installments.

3. **Use**

Notwithstanding the foregoing, Tenant shall not use the Leased Premises for the purposes of storing, manufacturing or selling any explosives, flammables or other inherently dangerous substance, chemical, thing or device. Any manufacturing operations will need to comply with current zoning.

4. **Sublease and Assignment.**

This lease cannot be assigned or sublet without written consent of the landlord, which will not be unreasonably withheld.

5. **Repairs.**

During the Lease term, Tenant shall make, at Tenant's expense, all necessary repairs to the Leased Premises. For the purposes of this Paragraph, necessary repairs shall include such items as routine repairs of floors, walls, ceilings, and other parts of the Leased Premises damaged or worn through normal occupancy, except for the exterior structure, subject to the obligations of the parties otherwise set forth in this Lease. Tenant is responsible for routine maintenance of the Leased Premises such as air conditioning filter replacement, pest control, light bulbs and any water treatment equipment.

6. **Alterations and Improvements.**

Tenant, at Tenant's expense, shall have the right following Landlord's consent and review of plans to remodel, redecorate, and make additions, improvements and replacements of and to all or any part of the Leased Premises inside the exterior walls as Tenant may deem desirable, provided the same are made in a workmanlike manner and utilizing good quality materials.

Tenant shall have the right to place and install personal property, trade fixtures, equipment and other temporary installations in and upon the Leased Premises, and fasten the same to the premises. All personal property, equipment, machinery, trade fixtures and temporary installations, whether acquired by Tenant at the commencement of the Lease term or placed or installed on the Leased Premises by Tenant thereafter, shall remain Tenant's property free and clear of any claim by Landlord. Tenant shall have the right to remove the same at any time during the term of this Lease provided that all damage to the Leased Premises caused by such removal shall be repaired by Tenant at Tenant's expense.

Walls, doors, windows, electrical wiring, plumbing fixtures or any construction related materials shall not be considered personal property and shall not be removed.

7. **Property Taxes.**

Tenant shall pay prorated property taxes during the term of this Lease. The prorated share is 4500 out of 20000 sq. ft.

8. **Insurance.**

A. Landlord shall maintain fire and extended coverage insurance on the Building and the Leased Premises in such amounts as Landlord shall deem appropriate. Tenant shall be responsible, at its expense, for fire and extended coverage insurance on all of its personal property, including removable trade fixtures, located in the Leased Premises.

B. Tenant and Landlord shall, each at its own expense, maintain a policy or policies of comprehensive general liability insurance with respect to the respective activities of each in the Building with the premiums thereon fully paid on or before due date, issued by and binding upon some insurance company approved by Landlord, such insurance to afford minimum protection of not less than \$1,000,000 combined single limit coverage of bodily injury, property damage or combination thereof. Landlord shall be listed as an additional insured on Tenant's policy or policies of comprehensive general liability insurance, and Tenant shall provide Landlord with current Certificates of Insurance evidencing Tenant's compliance with this Paragraph. Tenant shall obtain the agreement of Tenant's insurers to notify Landlord that a policy is due to expire at least (10) days prior to such expiration. Landlord shall not be required to maintain insurance against thefts within the Leased Premises or the Building.

9. Utilities.

Tenant shall pay all charges for gas, electricity, telephone, garbage and other services and utilities used by Tenant on the Leased Premises during the term of this Lease unless otherwise expressly agreed in writing by Landlord. In the event that any utility or service provided to the Leased Premises is not separately metered, Landlord shall pay the amount due and separately invoice Tenant for Tenant's pro rata share of the charges. Tenant shall pay such amounts within fifteen (15) days of invoice. Tenant acknowledges that the Leased Premises are designed to provide standard office use electrical facilities and standard office lighting. Tenant shall not use any equipment or devices that utilize excessive electrical energy or which may, in Landlord's reasonable opinion, overload the wiring or interfere with electrical services to other tenants.

10. Signs.

Following Landlord's consent, Tenant shall have the right to place on the Leased Premises, at locations selected by Tenant, any signs which are permitted by applicable zoning ordinances and private restrictions. Landlord may refuse consent to any proposed signage that is in Landlord's opinion too large, deceptive, unattractive or otherwise inconsistent with or inappropriate to the Leased Premises or use of any other tenant. Landlord shall assist and cooperate with Tenant in obtaining any necessary permission from governmental authorities or adjoining owners and occupants for Tenant to place or construct the foregoing signs. Tenant shall repair all damage to the Leased Premises resulting from the removal of signs installed by Tenant.

11. Entry.

Landlord shall have the right to enter upon the Leased Premises at reasonable hours to inspect the same, provided Landlord shall not thereby unreasonably interfere with Tenant's business on the Leased Premises.

12. Parking.

During the term of this Lease, Tenant shall have the non-exclusive use in common with Landlord, other tenants of the Building, their guests and invitees, of the non-reserved common automobile parking areas, driveways, and footways, subject to rules and regulations for the use thereof as prescribed from time to time by Landlord. Landlord reserves the right to designate parking areas within the Building or in reasonable proximity thereto, for Tenant and Tenant's agents and employees.

13. Building Rules.

Tenant will comply with the rules of the Building adopted and altered by Landlord from time to time and will cause all of its agents, employees, invitees and visitors to do so; all changes to such rules will be sent by Landlord to Tenant in writing. The initial rules for the Building are attached hereto as Exhibit "A" and incorporated herein for all purposes.

14. Damage and Destruction.

Tenant shall be responsible for all interior repairs to building fixtures. Landlord shall be responsible for all damage to exterior structure including walls, roof and pavement. Windows and doors that are damaged due to tenant use shall be repaired by tenant. Windows and doors damaged by weather or vandalism shall be repaired by Landlord.

15. Default.

Tenant shall notify Landlord if monthly rent is expected to be late more than 15 days.

16. **Quiet Possession.**

Landlord covenants and warrants that upon performance by Tenant of its obligations hereunder, Landlord will keep and maintain Tenant in exclusive, quiet, peaceable and undisturbed and uninterrupted possession of the Leased Premises during the term of this Lease.

17. **Condemnation.**

If any legally, constituted authority condemns the Building or such part thereof which shall make the Leased Premises unsuitable for leasing, this Lease shall cease when the public authority takes possession, and Landlord and Tenant shall account for rental as of that date. Such termination shall be without prejudice to the rights of either party to recover compensation from the condemning authority for any loss or damage caused by the condemnation. Neither party shall have any rights in or to any award made to the other by the condemning authority.

18. **Subordination.**

Tenant accepts this Lease subject and subordinate to any mortgage, deed of trust or other lien presently existing or hereafter arising upon the Leased Premises, or upon the Building and to any renewals, refinancing and extensions thereof, but Tenant agrees that any such mortgagee shall have the right at any time to subordinate such mortgage, deed of trust or other lien to this Lease on such terms and subject to such conditions as such mortgagee may deem appropriate in its discretion. Landlord is hereby irrevocably vested with full power and authority to subordinate this Lease to any mortgage, deed of trust or other lien now existing or hereafter placed upon the Leased Premises of the Building, and Tenant agrees upon demand to execute such further instruments subordinating this Lease or attorning to the holder of any such liens as Landlord may request. Tenant agrees that it will from time to time upon request by Landlord execute and deliver to such persons as Landlord shall request a statement in recordable form certifying that this Lease is unmodified and in full force and effect (or if there have been modifications, that the same is in full force and effect as so modified), stating the dates to which rent and other charges payable under this Lease have been paid, stating that Landlord is not in default hereunder (or if Tenant alleges a default stating the nature of such alleged default) and further stating such other matters as Landlord shall reasonably require.

19. **Security Deposit.**

Security Deposit of \$5625 shall be held by Landlord and is refundable at end of lease if property is left in clean and good condition, reasonable wear and tear excepted. Good condition is defined as 1. Walls free of defects larger than small picture hanger holes. 2. All doors and locks in good working order. 3. Carpets and floors cleaned. 4. Sinks and toilet fixtures clean and operational. 4. Any damage ceiling and/or tiles repaired.

20. **Notice.**

After occupancy begins, any notice required or permitted under this Lease shall be deemed sufficiently given or served if sent by United States certified mail, return receipt requested, addressed as follows:

If to Landlord to: Allen and Molly Nance, 103 Industrial Loop, Ste 450, Fredericksburg, TX 78624.

If to Tenant to: City of Fredericksburg, Attn: City Manager, 126 W. Main, Fredericksburg, TX 78624.

Landlord and Tenant shall each have the right from time to time to change the place notice is to be given under this paragraph by written notice thereof to the other party.

21. **Brokers.**

Tenant represents that Tenant was not shown the Premises by any real estate broker or agent and that Tenant has not otherwise engaged in, any activity which could form the basis for a claim for real estate commission, brokerage fee, finder's fee or other similar charge, in connection with this Lease.

22. **Waiver.**

No waiver of any default of Landlord or Tenant hereunder shall be implied from any omission to take any action on account of such default if such default persists or is repeated, and no express waiver shall affect any default other than the default specified in the express waiver and that only for the time and to the extent therein stated. One or more waivers by Landlord or Tenant shall not be construed as a waiver of a subsequent breach of the same covenant, term or condition.

23. **Memorandum of Lease.**

The parties hereto contemplate that this Lease should not and shall not be filed for record, but in lieu thereof, at the request of either party, Landlord and Tenant shall execute a Memorandum of Lease to be recorded for the purpose of giving record notice of the appropriate provisions of this Lease.

24. **Headings.**

The headings used in this Lease are for convenience of the parties only and shall not be considered in interpreting the meaning of any provision of this Lease.

25. **Successors.**

The provisions of this Lease shall extend to and be binding upon Landlord and Tenant and their respective legal representatives, successors and assigns.

26. **Consent.**

Landlord shall not unreasonably withhold or delay its consent with respect to any matter for which Landlord's consent is required or desirable under this Lease.

27. **Intentionally Deleted.**

28. **Compliance with Law.**

Tenant shall comply with all laws, orders, ordinances and other public requirements now or hereafter pertaining to Tenant's use of the Leased Premises. Landlord shall comply with all laws, orders, ordinances and other public requirements now or hereafter affecting the Leased Premises. This Lease is subject to the availability and appropriation of budgeted funds by City beyond the City's current fiscal year, and upon an occurrence of non-appropriation by City in a future fiscal year, this Lease shall terminate immediately.

29. **Final Agreement.**

This Agreement terminates and supersedes all prior understandings or agreements on the subject matter hereof. This Agreement may be modified only by a further writing that is duly executed by both parties.

This Agreement supersedes and replaces the Commercial Lease Agreement made and entered into between the Parties on Sept 1, 2018, related to a portion of the Leased Premises.

30. **Governing Law.**

This Agreement shall be governed, construed and interpreted by, through and under the Laws of the State of Texas.

IN WITNESS WHEREOF, the parties have executed this Lease as of the day and year first above written.

_____ Date _____
[Landlord] Allen Nance

_____ Date _____
**[Tenant] City of Fredericksburg,
By City Manager Clinton Bailey**

Exhibit A Building Rules

1. All items placed outside of leased space, need to be approved by Landlord.



CITY COUNCIL MEMO

DATE: September 19, 2022

TO: Mayor and City Council

FROM: Krista Wareham, Finance Manager

SUBJECT: Approval of OpenGov Budgeting Software 3-yr Contract

Summary:

This item is for the consideration of authorizing the execution of a professional services agreement with OpenGov in the amount of \$123,769.03 (FY 2023-FY 2025). Our purchasing policy requires Council approval for purchases that are >\$50,000 before issuing a purchase order.

Recommendation:

City staff recommends approving the budgeting and transparency software from OpenGov which integrates with our current financial software, Springbrook Enterprise. Once approved, we will begin implementation in September, 2022 to produce an Online Budget Book for FY 2023.

Background / Analysis:

After evaluation of the City's current budget and reporting process, it was determined that an integration system was needed to improve efficiencies. Our current reporting and budgeting process is very manual, with the use of Microsoft Excel. The Finance Department as well as other departments spend many hours each year preparing, formatting, reviewing, re-formatting, and re-working reports and budget documents.

When reviewing different options, the main product priorities were as follows:

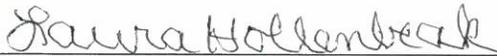
- A transparent product, allowing citizens to view (in real time) the City's financial performance and other information shared by City staff and departments.

The City of Fredericksburg

- The ability to utilize data and easily produce critical reports to analyze trends, workflows, etc.
- The ability of the product to integrate with our current financial system, Springbrook Enterprise to be more efficient.
- No limit on the number of users or amount of data.
- User friendly.

Attachments:

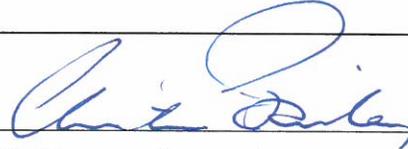
OpenGov Quote – 2 pgs. (TX-DIR)



Department Approval



City Attorney Approval



City Manager Approval



FROM
 Carly Moore
 Vertosoft LLC
 1602 Village Market Blvd, Suite 215
 Leesburg, VA 20175

DUNS# 080431574
 Cage Code: 7QV38
 Federal Tax ID: 81-3911287
 Business Size: Small Business
 sales@vertosoft.com
 Fax: 571-291-4119
 www.vertosoft.com

PHONE
 703-568-4703

FOR
 City of Fredericksburg TX

TO
 Laura Hollenbeak

EMAIL
 lhollenbeak@fbgtx.org

QUOTE NUMBER
 8094

DATE
 July 27, 2022

VALID UNTIL
 September 30, 2022 at 4:00 PM

Vertosoft OpenGov Quote - TX DIR - City of Fredericksburg TX

Payment Terms - Net 30

Delivery Type: Electronic
 Billing Frequency: Annually in Advance

Texas DIR Contract Number: DIR-TSO-4227

Government Customer Ship To: City of Fredericksburg, TX

126 W. Main Street
 Fredericksburg, TX
 United States

Laura Hollenbeak
 lhollenbeak@fbgtx.org

Subscription Term

Start Date: 08/01/2022
 End Date: 09/30/2025

OPGV-GABS-B4060M-RR-1Y
Budgeting & Planning Between \$40-60 Million 1Y

09/01/2022-09/30/2022

x 1

OPGV-GGBP-B4060M-NR-0Y
Professional Services Deployment - Prepaid - Between \$40-60 Million-0Y

Billed upfront- 08/01/2022

212.48
 x 11
 2,337.28

OPGV-GABS-B4060M-RR-1Y Budgeting & Planning Between \$40-60 Million 1Y 10/01/2022-09/30/2023	2,337.03 x 1 2,337.03
OPGV-GGBP-B4060M-NR-0Y Professional Services Deployment - Prepaid - Between \$40-60 Million-0Y Billed upfront- 10/01/2022	212.48 x 289 61,406.72
Subtotal	66,081.03
OPGV-GABS-B4060M-RR-1Y Budgeting & Planning Between \$40-60 Million 1Y 10/01/2023-09/30/2024	28,844.00 x 1 28,844.00
OPGV-GABS-B4060M-RR-1Y Budgeting & Planning Between \$40-60 Million 1Y 10/01/2024-09/30/2025	28,844.00 x 1 28,844.00
Total	\$123,769.03

OpenGov Terms of Service

Customer's use of the OpenGov Services is pursuant to Texas DIR Contract Number - DIR-TSO-4227 and the Terms and Conditions - Software Service Agreement (Purchase through an OpenGov Authorized Reseller) set forth at <https://opengov.com/terms-of-service>. Any Professional Services shall be performed pursuant to the attached Statement of Work.

All Purchase Orders must include: End User Name, Phone Number, Email Address, Purchase Order Number, Government Contract Number and Our Quote Number, Bill-To and Ship-To Address (Cannot ship to a PO Box), Period of Performance (if applicable), and a Signature of a duly Authorized Representative.

Future Agenda Worksheet
October 4, 2022 – December 5, 2022

	CITY COUNCIL MEETING DATES & FUTURE AGENDA ITEMS	ACTION	PRESENTER
	Tuesday, October 4, 2022 (Work Session or Special Meeting)		
1	September 19, 2022, Regular Meeting Minutes	Consent	Shelley
2	September 14, 2022, Special Meeting Minutes	Consent	Shelley
3			
	Tuesday, October 18, 2022 (Regular Meeting)		
1	October 4, 2022, Minutes	Consent	Shelley
2	Annual Sidewalk Contract Extension	Approval	Evan
3	Trails of Windcrest Land Use & Zoning (Z-2222)	Public Hearing & Approval	Garret
4	611 & 613 E Austin/106 & 108 N Columbus Land Use & Zoning (Z-2219)	Public Hearing & Approval	Garret
5	Frieden PUD Amendment (Z-2221)	Public Hearing & Approval	Garret
6	112 E. Austin CUP (Z-2223)	Public Hearing & Approval	Garret
7	SECO PUD Amendment (Z-2220)	Public Hearing & Approval	Garret
8	CVB Lease Agreement	Approval	Clinton
9	Texas Ranger Subordination Agreement	Approval	Andrea
	Tuesday, November 8, 2022 (Work Session or Special Meeting)		
1	October 18, 2022, Regular Meeting Minutes	Consent	Shelley
	Tuesday, November 22, 2022 (Regular Meeting)		
1	November 8, 2022, Minutes	Consent	Shelley
	Tuesday, December 6, 2022 (Work Session or Special Meeting)		
1	November 22, 2022, Regular Meeting Minutes	Consent	Shelley

Future Agenda Worksheet
October 4, 2022 – December 5, 2022

	Tuesday, December 20, 2022 (Regular Meeting)		
1	December 6, 2022, Minutes	Approval	Shelley
	FUTURE AGENDA ITEMS		
1	Lady Bird Johnson Golf Course Lease	Approval	Clinton
2	Capital Improvement Fund in General Fund (postponed from 5-16-2022)	Resolution	Laura
3	Naming rights for Market Square	Approval	Andrea
4	Boards and Commissions (EDC, 2 BOA vacancies, & Market Square Redevelopment vacancy)	Appoint	Shelley
5	Mass event rentals at Market Square	Discussion	City Council
6	Soccer Agreement Name Change	Approval	Andrea
7	Sports Park, Fees and Facilities	Discussion	Andrea
8	W. Live Oak Zoning & Land Use Change	Public Hearing & Approval	Garret
9	N. Llano Storm Sewer (TWDB Grant & Loan) Project Drainage Revenue Bond	Approval	Garret
10			
11			