

AMENDED AGENDA

CITY OF FREDERICKSBURG CITY COUNCIL MEETING

MONDAY, MARCH 16, 2015 ~ 6:00 p.m.

Law Enforcement Center ~ 1601 East Main Street

Linda Langerhans, Mayor
Graham Pearson, Council Member
Jerry Luckenbach, Council Member

Gary Neffendorf, Council Member
Bobby Watson, Council Member
Kent Myers, City Manager

(REQUEST ALL PAGERS AND PHONES BE TURNED OFF, EXCEPT EMERGENCY ON-CALL PERSONNEL.)

AGENDA

CALL TO ORDER.

PLEDGE OF ALLEGIANCE.

Page Ref

1. **ORDINANCES - RESOLUTIONS - ACTION ITEMS**

- | | |
|---|------|
| A. Receive and Consider Annual Financial Statements and Independent Auditor's Report. | 1-2 |
| B. Consider Approving Adding 15% Penalty to the Amount of Delinquent Tax, Penalty, and Interest for the Year 2014 Remaining Delinquent as of July 1, 2015 Pursuant to Property Tax Code Section 33.07 to Defray Costs of Collection | 3 |
| C. Consider Approving Extension of Employment Contract with Bryla & Schoessow for Collection of Delinquent Taxes Owed the City of Fredericksburg for One Year | 4-7 |
| D. Consider Adopting Ordinance Calling May 9, 2015 Regular Election | 8-10 |

2. **INDIVIDUAL ITEMS FOR CONSIDERATION AND POSSIBLE ACTION**

- | | |
|---|-------|
| A. Consider Recycling Report | 11-13 |
| B. Consider Request by the Christian Methodist Episcopal Church for use of Historic Restoration Funding | 14-22 |

3. **CITY MANAGER'S REPORT**

- A. Relief Route Task Force
- B. City Council/City Staff Office Space Committee
- C. Appraisal District-Collection of City Taxes
- D. March 30 City Council Tour
- E. City Employee Recognitions

4. **ITEMS FOR FUTURE AGENDAS**

5. **PUBLIC COMMENTS** - This time is for citizens to address the City Council on issues and items of concern not on this agenda. There will be no City Council action at this time.

6. **COUNCIL COMMENTS** - No discussion or action may take place.

7. **EXECUTIVE SESSION** - Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.086 (Economic Development).
 - A. Executive Session - Competitive Matters Concerning Electric Rates
 - B. Executive Session - Update on CTEC vs City Litigation
 - C. Executive Session - Discuss the Proposed Exchange with the County for Property on Baron's Creek
8. **ADJOURN**



CITY COUNCIL MEMO

DATE: 3/16/2015

TO: Mayor and City Council

FROM: Laura Hollenbeak, Director of Finance

SUBJECT: Audited Financial Statements and Independent Auditors Report

Summary:

The accounting firm of Klein, Kraus and Company, LLC has performed an audit of the City's Annual Financial Statements for the fiscal year ended September 30, 2014. The financial statements are the responsibility of the City's administration. The auditor's responsibility is to express an opinion on the financial results presented based on their audit.

Pat Klein will be present to give an overview of the City's financials and to answer questions regarding the audit and the financial statements.

Recommendation:

Staff recommends that the Financial Statements be accepted into the records of the City as presented. If the Council wishes to discuss the financial statements in greater detail, staff suggests that we do so as part of a Council Retreat, a separate workshop, or on a one-on-one basis.

①
The City of Fredericksburg

Background / Analysis:

The City Charter requires an annual audit and examination of the City books and accounts of each department of the City. A complete audit in accordance with standards set by the American Institute of Certified Public Accountants shall be made at the end of each fiscal year by an Independent Certified Public Accountant selected by the City Council.



CITY COUNCIL MEMO

DATE: March 16, 2015

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: Penalty-Delinquent Property Taxes

Summary:

In the past, the City Council has approved adding a 15% penalty for any property owner who remains delinquent in their property taxes after June 30.

Recommendation:

It is recommended that this penalty apply to property owners who are delinquent in payment of their property taxes as of July 1, 2015.

Background / Analysis:

If this Council agrees with assessing this penalty the motion should read "adding 15% penalty to the amount of delinquent tax, penalty and interest for the Year 2014 remaining delinquent as of July 1, 2015 pursuant to the property tax code Section 33.07 to defray costs of collection."

③

The City of Fredericksburg



CITY COUNCIL MEMO

DATE: March 16, 2015

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: Contract-Collection of Delinquent Property Taxes

Summary:

The local legal firm, Bryla & Schoessow, P.C., has collected our delinquent property taxes for the past several years and have done an excellent job collecting these taxes.

Recommendation:

It is recommended that the contract with Bryla & Schoessow, P.C. be extended for another year.

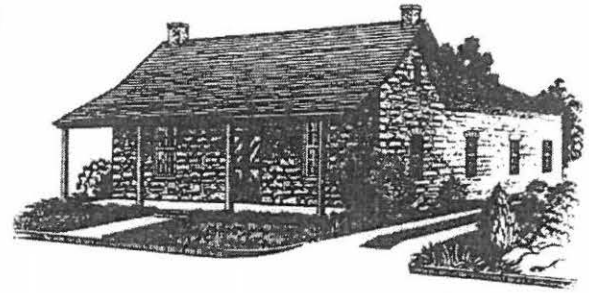
Background / Analysis:

The City needs legal services in order to assist with the collection of delinquent property taxes. The local firm Bryla and Schoessow, P.C. represents most of the taxing entities in the area and does an excellent job. The only changes to their current contract is in Section VII where it is noted that the City is in the process of negotiating a new contract with the Gillespie Central Appraisal District for the collection of our property taxes for the coming year.

THE LAW OFFICES OF
BRYLA & SCHOESSOW, P.C.
105 W. SAN ANTONIO STREET
FREDERICKSBURG, TEXAS 78624
830-997-4377 OR 997-2145
FAX 830-997-2172

CARROLL J. BRYLA
CRISTOL N. SCHOESSOW
CARL E. SCHOESSOW
CHRIS C. SCHOESSOW *
GAYLE D. SCHOESSOW
JENNIFER D. BRYLA

*BOARD CERTIFIED - ESTATE PLANNING AND PROBATE LAW
TEXAS BOARD OF LEGAL SPECIALIZATION



February 25, 2015

City of Fredericksburg
C/O Mr. Kent Myers
126 W. Main Street
Fredericksburg, Texas 78624

Dear Mr. Myers:

Enclosed is a proposed renewal contract for the Collection of Delinquent Taxes which would extend the firm's contract for an additional one (1) year. The present contract expires on March 13, 2014. You will note that our firm is willing to continue the collection of taxes for the City of Fredericksburg for the 15% penalty which is assessed against the delinquent taxpayer.

If the contract is in order, I would suggest that the agenda read as follows:

1. Approve the adding of 15% penalty to the amount of delinquent tax, penalty, and interest for the year 2014 remaining delinquent as of July 1, 2015 pursuant to Property Tax Code Section 33.07 to defray costs of collection; and
2. Approve the extension of the employment contract with Bryla and Schoessow for collection of delinquent taxes owed the City of Fredericksburg for one (1) year.

Should you have any questions, please let me know.

Very truly,

Cristol Schoessow

Cristol Schoessow

CS/cyb
Enclosure

EMPLOYMENT CONTRACT

COLLECTION OF TAXES

The CITY OF FREDERICKSBURG, ("City"), 126 W. Main Street, Fredericksburg, Texas, hereby retains and employs BRYLA AND SCHOESSOW, (the "Firm") 105 West San Antonio Street, Fredericksburg, Texas, for the purpose of collecting delinquent taxes to which the City is entitled.

I.

In consideration of services rendered and to be rendered by the firm of Bryla and Schoessow, the City of Fredericksburg hereby agrees to pay to the Firm the following:

For the Tax Years through 2013

Fifteen (15%) per cent of the gross amount of delinquent tax, penalty and interest collected.

For the Tax Year 2014

Fifteen (15%) per cent of the gross amount of delinquent tax, penalty and interest collected beginning July 1, 2015.

II.

The City Manager shall have the authority to review claims and assist the Firm in determining the probability in collecting amounts owed and whether suits should be instituted, comprised, settled or dismissed.

III.

The City agrees to provide the Firm with necessary information on each claim including taxpayer's name, address, identity of property, appraised value, and amount of tax, penalty and interest due.

IV.

The costs of court and all reasonable expenses incurred in the prosecution of such claims not adjudged by a court against the delinquent taxpayer and fees for abstracting judgment and other post judgment expenses such as fees for execution shall be borne entirely by the City.

V.

This agreement shall be construed under and in accordance with the laws of the State of Texas, and specifically pursuant to section 6.30 of the TAX CODE of the State of Texas, and all obligations of the parties created hereunder are performable in Gillespie County, Texas.

This agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors and assigns.

VI.

In case any one or more of the provisions contained in this agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof, and this agreement shall be construed as if such invalid, illegal, or unenforceable provision had not been contained herein.

VII.

This Agreement shall be for a period of one year beginning March 13, 2015 through March 12, 2016.

City is in the process of negotiating a contract with the Gillespie Central Appraisal District ("GCAD") for the assessment and collection of City's taxes. Both City and Firm agree that this Contract can be modified, if necessary to conform to the provisions of the contract to be entered into between City and GCAD.

EXECUTED on the ____ day of _____, 2015.

BRYLA AND SCHOESSOW

BY: Cristal Schoessow

CITY OF FREDERICKSBURG

BY: _____



CITY COUNCIL MEMO

DATE: March 10, 2015
TO: City Council
FROM: Shelley Britton, City Secretary
SUBJECT: Election Ordinance

Summary:

An Ordinance Calling a Regular City Election on May 9, 2015 is required.

Recommendation:

It is recommended that the attached Ordinance be adopted at the first reading.

**NOTICE OF ELECTION
(NOTICA DE ELECTION)**

To the duly qualified resident voters of the City of Fredericksburg, Texas, and to all other interested persons:

(A los votantes debidamente calificados residentes de la ciudad de Fredericksburg, Texas y todos otros personas interesados:)

Notice is hereby given that an election will be held at the Middle School Cafeteria Building at 110 W. Travis Street in the City of Fredericksburg, Texas, on the 9th day of May, 2015, for the purpose of electing the following officials for said City: Two (2) Council Members; in keeping with the following ordinance adopted by the City Council of the City of Fredericksburg, Texas:

(Por lo presente se da aviso que tendra lugar un eleccion en la Middle School Cafeteria Building, 110 W. Travis St., en la Ciudad de Fredericksburg, Texas, el 9 de Mayo, 2015, con el proposito de elegir los siguientes oficiales para dicha Ciudad: Dos (2) Consejeros; en conformidad con la ordenanza siquiente adoptado por el Comision de la Ciudad de Fredericksburg, Texas:)

ORDINANCE NO. _____

AN ORDINANCE CALLING A REGULAR CITY ELECTION ON MAY 9, 2015, FOR THE ELECTION OF TWO (2) COUNCIL MEMBERS FOR THE CITY OF FREDERICKSBURG, TEXAS; ESTABLISHING PROCEDURES, RULES AND REGULATIONS FOR CONDUCTING SUCH ELECTION; AND PROVIDING FOR NOTICE OF SUCH ELECTION.

WHEREAS, the City Council of the City of Fredericksburg, Texas, deems it advisable to call the election hereinafter ordered;

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

Section 1. That a regular city election shall be held on May 9, 2015, in the City of Fredericksburg, Texas, at which election the qualified voters at said election shall elect two (2) Council Members of the City of Fredericksburg, Texas.

Section 2. That the polls shall be open from 7:00 o'clock a.m. to 7:00 o'clock p.m. on said date and that said election shall be held at the following designated polling place in Fredericksburg, Texas:

MIDDLE SCHOOL CAFETERIA BUILDING
AT 110 W. TRAVIS STREET

said City shall constitute a single election precinct for said election.

Section 3. That the following election officers will be appointed to hold said election:

Presiding Judge - Katherine Halamicek
Alternate Presiding Judge - Julia Weed

Section 4. That the presiding Judge shall appoint not less than two (2) qualified election clerks to serve and assist in conducting the election; provided that if the Presiding Judge actually serves as expected, the Alternate presiding Judge shall be one of such clerks.

Section 5. That said election shall be held in accordance with the Constitution and laws of the State of Texas and all resident qualified voters of the City of Fredericksburg, Texas, shall be entitled to vote at said election.

Section 6. That notice of said election shall be given by publication one time in a newspaper of general circulation, published in the City of Fredericksburg, Texas, not less than ten (10) nor more than thirty (30) days prior to the date set herein for such election; and by posting such notice at the polling place not later than the 21st day before the date set herein for such election.

PASSED AND APPROVED this the 16th day of March, 2015.

LINDA LANGERHANS, Mayor
City of Fredericksburg, Texas

ATTEST:

SHELLEY BRITTON, City Secretary



CITY COUNCIL MEMO

DATE: March 16, 2015

TO: Mayor and City Council

FROM: Monika Janson, City Management Intern

SUBJECT: Recycling Program Presentation

Summary:

This agenda item will include a presentation and discussion by City Staff regarding the current City of Fredericksburg Recycling Program.

Recommendation: N/A

Background / Analysis:

The City Management Intern will provide an overview of the current City of Fredericksburg Recycling Program. The presentation will include the following items:

- 1) The amount of recyclables collected over the past year.
- 2) The revenues generated from the recyclables.
- 3) Landfill space savings.
- 4) Recycling methods in Germany.
- 5) Open discussion with Council regarding recycling in the City of Fredericksburg.

Recycling Report

Recycling Tonnages in 2014 (Total)

	Weight in tons
Aluminum	7.2965
Corrugated Cardboard	340.5247
Used Newsprint	262.5740
Office Waste	53.6935
Mixed Paper	22.3548
Magazines	119.6176
Hard Backed Books	1.5836
HDPE/PETE Plastic Baled	45.5360
HDPE/PETE Plastic Mixed	10.8325
Steel Sunbright	10.6636
Steel FBG Metal Recycling	36.5900
Total	911.2668

Recycling Revenues in 2014 (Total)

	\$ Price Per Ton	\$ Receipts
Aluminum	639.79	4,668.20
Corrugated Cardboard	57.33	19,522.23
Used Newsprint	1.93	507.90
Office Waste	41.74	2,241.07
Mixed Paper	12.18	272.38
Magazines	10.19	1,218.63
Hard Backed Books	12.05	19.09
HDPE/PETE Plastic Baled	38.40	1,748.47
HDPE/PETE Plastic Mixed	32.27	349.53
Steel Sunbright	62.79	669.61
Steel FBG Metal Recycling	58.09	2,125.40
Total		33,342.51

Revenues	\$33,342.51
Expenditures	- \$105,170.14
Excess	- \$71,827.63

Over the last few years the collected tons of recyclables have sunk. In 2008 over 2,025 tons of recyclables were brought to the Recycling Center. In 2014, 911.2668 tons were brought. Reasons for decreases in recycling could be:

- Major local businesses such as HEB and Wal-Mart do their own recycling now.
- Opening of the Fredericksburg Metal Recycling Company, which pays people to bring their metal to them.

Landfill Space

The City saved in 2014, 952.65m³ landfill space by recycling in the Recycling Center. The value of the saved landfill space is \$34,638.35 (\$36.36 per cubic meter).

If the city would provide curbside recycling, 30 - 40 % of 4,800 tons (automated residential collection) could be recycled. That are 1,680 tons recyclables in average. This would save 1,758.26m³ landfill space. This would be 805.61m³ more than which is saved by the Recycling Center now. The value of saved landfill-space would be \$63,390.33.



CITY COUNCIL MEMO

DATE: March 10, 2015

TO: Mayor and City Council

FROM: Brian Jordan, AICP

SUBJECT: Consider Request by the Christian Methodist Episcopal Church for use of Historic Restoration Funding.

Summary:

The Historic Review Board has been working with the owners of the Christian Methodist Episcopal Church to preserve and maintain the building located at 520 E. Main Street. Due to the condition of the structure, the Historic Review Board sent a letter to the owners to advise them that work would need to be done to keep the structure from deteriorating from demolition by neglect. The property is designated as a Historic Landmark and is an RTHL property. Because there was no individual in charge of the property, and no group representing the heirs had been formalized, no real funding was available to do the work. It was suggested by the staff and the Historic Review Board that the group make a request of the City Council to use funds established in the City's budget for historic preservation. It was also suggested at this time that the group establish a non-profit organization for future contributions to their preservation effort.

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The City of Fredericksburg

Recommendation:

The Historic Review Board voted unanimously to recommend that the City Council grant the church funding from the Historic Preservation Fund. Staff concurs with the Review Board's Recommendation. The amount budgeted in this fund for 2014-15 Budget year is \$25,000.

Background / Analysis:

The church has established a 501c3 called the Church for the Colored People of Gillespie County. The Board of Directors consists of Paul Phillips III, Paula Phillips and Jordin Phillips. The attached letter outlines the specific items intended to be repaired by the church in the initial phase, along with a contractors bid for each item. The church has been working with assistance offered by Stan Klein, AIA, local architect.

RE: Christian Methodist Episcopal Church Bids for Restoration

02/27/2015

Greetings Brian,

Attached below is a copy of the church restoration phases with the bids by each step.

The contractors submitting these bids are recommended by Mr. Stan Klien.

Also, I was contacted by your local newspaper publisher and editor, Ken Cooke, asking if they could run a feature article once we begin the restoration. He is also over your historian files which could be a major advantage to us as we attempt to restore the church to its original state.

We have received the IRS paperwork with the EIN number for our tax exempt status. As far as we can tell all the paperwork is complete and we are prepared to solicit donations. We are tentatively planning to be in Fredericksburg Monday March 2 to open an account in the Non Profit Name at a local bank. We will be placing a project sign at the church with information on where donations can be sent.

Tammy and I walked the land the last time we were there and noticed that directly behind the church, across the river, is the road that leads to the cemetery where my grandparents are buried. We discussed the possibility that maybe a bridge could be built across the river to the rear of the property.

As Tammy mentioned in the meeting with the Historical Review Board at some point in the future we hope to be able to purchase the land beside the church to further our vision in this wedding venue by building pavilions, gazebos, restroom facilities, parking and picnic areas. A bridge would work perfectly into this vision.

Wherever this vision leads we appreciate the support of Fredericksburg in helping us keep my family history alive. We also look forward to what this endeavor will bring to the city.

Thank you for all you have done to help my family honor the wishes of my late mother Frances Phillips-Hunter to do something with the Historical Church.

Sincerely,

Gary Hunter

Here is the breakdown of the bids I have already received:

Removal of the old roof, deck installation w/ ice & water shield: \$3,240

Move stone base underneath the church w/ vent & easements : \$1,300

Restore windows to original condition: \$2,400

Purchase and delivery of endura shake shingles: \$5,175

Installation of endure shake shingles: \$9,000

Painting the outside (scraping, sanding, linseed oil & paint / 2 coats ea.: \$5,000

Scaffolding rental: \$450

\$26,565

If you want us to make our presentation before the city council or mayor just let us know when and Tammy and I will be there.

Thanks again for all your help.

Gary Hunter

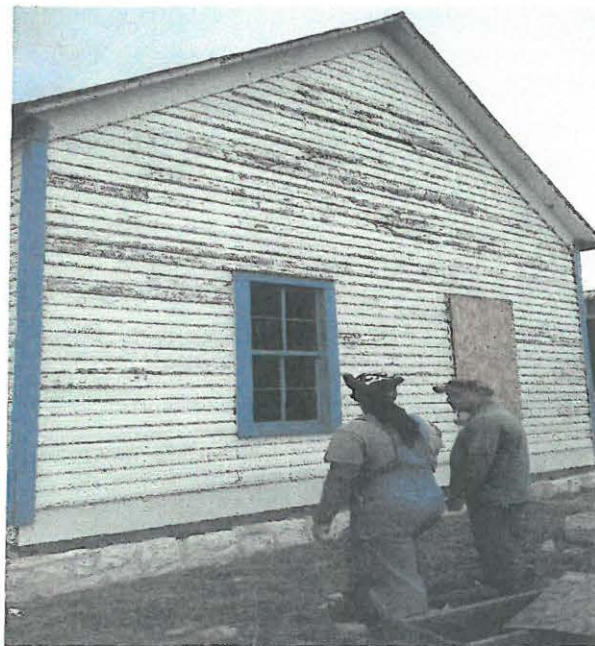
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Mission Statement: It is our mission, with the restoration of the Christian Methodist Episcopal Church, to preserve and share the rich diversity of Fredericksburg's culture as it existed during the post-civil war era. Arguably the most difficult period of our nation's history, racial segregation was a reality in our country both before and after the Civil War. Fredericksburg was no exception. But tolerance prevailed over prejudice as a place was made for the black population of Fredericksburg to build their own house of worship where it still stands on its original site on Main Street today.

PROPOSAL FOR THE RESTORATION OF THE OLD CHURCH

PHASE 1: Preservation Phase: Stabilize the current structure

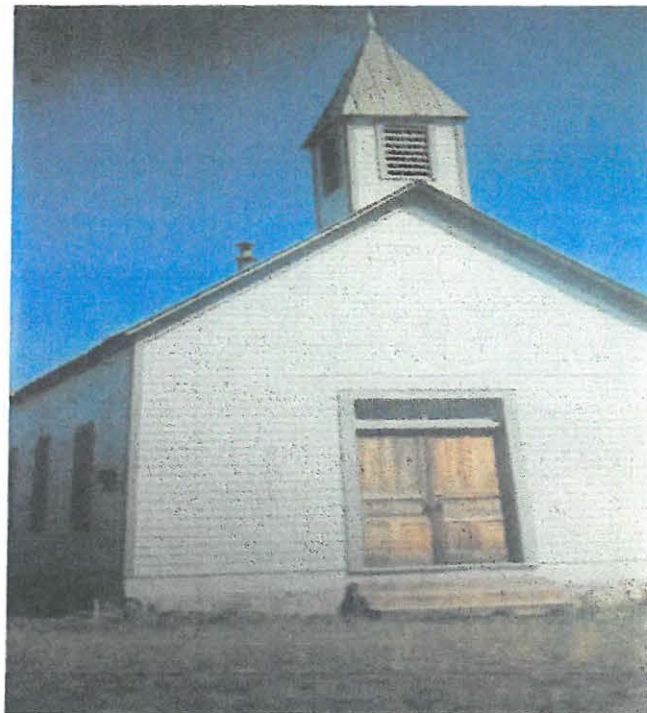
- Beginning with the north face, scrape sections, apply linseed oil, prime and paint the outside;



- Install a vapor barrier to waterproof the building from the inside as much as possible;



- Paint the outside white; need approval;



- Replace the metal roof with another metal roof while we consider the pros and cons of a possible return to cedar shingles in the future;



- Replace the current skirting with a skirt that actually sits underneath the building and install flashing to keep rain from collecting underneath;



- Make a way to access the building from underneath in preparation for electrical supply.
- Repair and waterproof the windows; with special attention to the flashing, window panes and preservation of existing wood as much as possible;

PHASE TWO: Utility Phase: Stimulating public interaction

- Get with city to obtain the necessary permits and install permanent electrical supply fixtures;
- Enhance the exterior with shrubs, benches and possibly a gazebo for lounging and/or a pavilion with a B-B-Que pit;



- Install an exterior audio/video slide show of the history of the church with a well secured place for donations;