CITY OF FREDERICKSBURG
CITY COUNCIL MEETING

MONDAY, MAY 6, 2013 ~ 6:00 p.m.

Law Enforcement Center ~ 1601 East Main Street

Jeryl Hoover, Mayor	Scott Jones, Council Member
Tim Dooley, Council Member	Kathy Sanford, Council Member
Graham Pearson, 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.	**MINUTES** - Consider approving minutes of the March and April 2013 meetings.	1-15
2.	**CONSENT AGENDA** - All items listed below are considered to be routine and non-controversial by the Council and will be approved by one motion. There will be no separate discussion of these items unless a council member or citizen so requests, in which case the item will be removed from the consent agenda and considered as part of the normal order of business.	
	A. Consider Taxi Permit for Armadillo Taxi, Joe Duke.	16-20
3.	**ORDINANCES - RESOLUTIONS- ACTION ITEMS**	
	A. Consider initiating a change in the zoning of various areas of town from R-2 Mixed Residential to R-1 single Family Residential (Z-1303).	21-26
	B. Consider Resolution authorizing Property Lease Agreement for the acquisition of equipment including two Emergency Medical Service ambulance remounts, a garbage truck, and chipper truck for the Solid Waste Fund, and an Electric Fund bucket truck.	27-30
4.	**INDIVIDUAL ITEMS FOR CONSIDERATION AND POSSIBLE ACTION**	
	A. Receive and consider presentation from Optimist Club regarding the Optimist T-Ball Field.	31
	B. Consider appointing Ft. Martin Scott Advisory Committee.	32-34
	C. Reconsider Wayfinding signs - Fredericksburg Theater Company.	35-36
	D. Consider Mid Year Financials.	37-38
	E. Consider Alternate Truck Route.	
5.	**CITY MANAGER'S REPORT**	
	A. County-Wide Dispatching Research Committee.	
	B. Fire Department Volunteer Recruitment and Response Rates	
	C. Ordinance Revisions	
	D. Ribbon Cutting-Town Pool	

6. **ITEMS FOR FUTURE AGENDAS**

7. **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.

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

9. **ADJOURNMENT**

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

REGULAR CITY COUNCIL MEETING
MARCH 4, 2013
7:00 PM

On this the 4th day of March, 2013, the City Council of the CITY OF FREDERICKSBURG convened in regular session at the Law Enforcement Center, with the following members present to constitute a quorum:

JERYL HOOVER - MAYOR
TIM DOOLEY - COUNCIL MEMBER
KATHY SANFORD - COUNCIL MEMBER
GRAHAM PEARSON - COUNCIL MEMBER
SCOTT JONES - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT:
KENT MYERS - CITY MANAGER
SHELLEY BRITTON - CITY SECRETARY
PAT MCGOWAN - CITY ATTORNEY
BRAD KOTT - DIR OF FINANCE
JIMMY ALEXANDER - DIR. OF PARKS & RECREATION
WALTER RAGSDALE - ACTING D.P.W.U.
BRIAN JORDAN - DIR. DEVELOPMENT SERVICES
STEVE WETZ - ACTING CHIEF OF POLICE

The meeting was called to order at 7:00 PM following the Pledge of Allegiance.

CONSENT AGENDA - It was moved by Council Member Pearson, seconded by Council Member Jones, to approve the consent agenda as follows:

1. RESOLUTION AMENDING ICMA-RC RETIREMENT PLAN TO PERMIT LOANS ON AN EMERGENCY BASIS:

RESOLUTION

Amending Retirement Plan to Permit Loans
Section 457 Deferred Compensation Plan
ICMA-RC Plan #307034

Employer: City of Fredericksburg
State: Texas
Re: Resolution of the above named Employer ("Employer")

WHEREAS, the Employer has employees rendering valuable services; and

WHEREAS, the Employer has established a retirement plan (the "Plan") for such employees which serves the interest of the Employer by enabling it to provide reasonable retirement security for it's

employees, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel: and
WHEREAS, the Employer has determined that permitting participants in the retirement plan to take loans from the Plan will serve these objectives;

NOW THEREFORE BE IT RESOLVED that the Plan will permit loans.

I, Shelley Britton, City Secretary of the City of Fredericksburg, do hereby certify that the foregoing Resolution, proposed by Council Member Pearson, was duly passed and adopted by the City Council of the City of Fredericksburg at a regular meeting thereof assembled this 4th day of March, 2013, by the following vote:

AYES: 5, NAYS: 0, ABSENT: 0

Shelley Britton, City Secretary
City of Fredericksburg

2. TAXI/SHUTTLE PERMIT OF MIKE KINCHEN

The vote was as follows: AYE: Hoover, Pearson, Dooley, Sanford, and Jones. NAY: None. Motion carried.

ORDINANCE ALLOWING EARLY RETIREES TO PARTICIPATE IN THE TMLIEBP'S EARLY RETIREE HEALTH INSURANCE POOL - It was moved by Council Member Pearson, seconded by Council Member Jones, to adopt an Ordinance allowing early retirees to participate in the TMLIEBP's Retiree Health Insurance Pool. The vote was as follows: AYE: Hoover, Pearson, Dooley, Sanford, and Jones. NAY: None. Motion carried.

ORDINANCE NO. 23-004

AN ORDINANCE AUTHORIZING HEALTH BENEFITS COVERAGE TO CITY OF FREDERICKSBURG RETIREES AND PROVIDING AN EFFECTIVE DATE. (Recorded in Ordinance Book)

APPROVAL OF FUNDING OF GOLF FUND'S OPERATING DEFICIT AND COURSE CONSTRUCTION COSTS – It was moved by Council Member Pearson, seconded by Council Member Jones, to amend the current year's line item in the general fund for the account titled "Transfer to Golf Fund for prior Deficit" to be increased by $2,000 (from $653,500 to $655,500). The vote was as follows: AYE: Hoover, Pearson, Dooley, Sanford, and Jones. NAY: None. Motion carried.

RECLASSIFICATION OF $2,750,000 OF FUNDS ADVANCED TO GOLF FUND BY THE ELECTRIC FUND AS A TRANSFER, ELIMINATING ANY REQUIREMENT BY THE GOLF FUND TO REPAY THE FUNDS ADVANCED – Following a lengthy discussion, it was moved by Council Member Sanford, seconded by Council Member Pearson, to reclassify $2,750,000 in funds advanced to the Golf Fund by the Electric Fund as a Transfer, eliminating any requirement by the Golf Fund to repay the funds advanced. The vote was as follows: AYE: Hoover, Pearson, Sanford, and Jones. NAY: Dooley. Motion carried.

REQUEST FROM TWO PROPERTY OWNERS ADJACENT TO TOWN POOL FOR A FENCE/WALL TO PROVIDE A BARRIER BETWEEN THEIR PROPERTIES AND TOWN POOL – Joe Cloud and Kurt Ditges were present to request that the city consider constructing a fence/wall to shield them from the newly constructed Town Pool, adjacent to their properties. No action was taken.

HISTORIC REVIEW BOARD ANNUAL REPORT – Historic Review Board Chair Sharon Joseph was on hand to present the Historic Review Boards Annual Report. She ended her comments with a request that Council allocate funds for signs in the Historic District, and also for properties that fall into the category of Demolition by Neglect. No action was taken.

CITY MANAGERS REPORT – City Manager Kent Myers reported on (1) Public Works Director Interviews, (2) County/City Commissioners Joint Meeting, (3) Employee Recognition, and (4) the Austin Street Bridge Project

FUTURE AGENDA ITEMS – Future agenda items include (1) LCRA watershed, (2) sidewalk funding, (3) Recycling Committee Report, (4) Wayfinding Phase 2, (5) Whataburger, (6) Joint work session with P&Z, and (7) WalMart PUD amendment.

PUBLIC COMMENT - Russ Rose commented on the fence request adjacent to Town Pool, and on the Historic Review Board funding request. Richard Laughlin reiterated a need for funds to handle cases of Demolition by Neglect in the Historic District.

COUNCIL COMMENT – Scott Jones asked that everyone keep Police Chief Paul Oestreich in their prayers through his current health challenge, Kathy Sanford reported on "Airport Day" coming up on April 13, with experimental aircraft on hand, and Graham Pearson commented on the walkway located next to Town Pool.

With no further discussion, Council Member Dooley made a motion to adjourn the meeting at 8:25 PM. Council Member Pearson seconded the motion. Motion carried.

PASSED AND APPROVED this the 6th day of May, 2013.

SHELLEY BRITTON, CITY SECRETARY	JERYL HOOVER, MAYOR

* * * * * * * * * * * * *

STATE OF TEXAS	**REGULAR CITY COUNCIL MEETING**
COUNTY OF GILLESPIE	**MARCH 18, 2013**
CITY OF FREDERICKSBURG	**7:00 PM**

On this the 18th day of March, 2013, the City Council of the CITY OF FREDERICKSBURG convened in regular session at the Law Enforcement Center, with the following members present to constitute a quorum:

	JERYL HOOVER - MAYOR
	TIM DOOLEY - COUNCIL MEMBER
	KATHY SANFORD - COUNCIL MEMBER
	SCOTT JONES - COUNCIL MEMBER
	GRAHAM PEARSON - COUNCIL MEMBER
ABSENT:	NONE
ALSO PRESENT:	KENT MYERS - CITY MANAGER
	SHELLEY BRITTON - CITY SECRETARY
	PAT MCGOWAN - CITY ATTORNEY
	BRIAN JORDAN - DIR OF DEVELOPMENT SERVICES
	WALTER RAGSDALE - ACTING D.P.W.U.
	STEVE WETZ - ACTING CHIEF OF POLICE
	ALAN SAENGER - ASST D.P.W.U.
	LEA FEUGE – ENGINEERING TECHNICIAN
	ANNETTE LOTH - CODE ENFORCEMENT OFFICER
	KRIS KNEESE – ASSISTANT CITY ENGINEER

The meeting was called to order at 7:00 PM following the Pledge of Allegiance.

MINUTES - It was moved by Council Member Dooley, seconded by Council Member Jones, to approve the February 2013 minutes as presented and corrected. All voted in favor and the motion carried.

CONSENT AGENDA - It was moved by Council Member Dooley, seconded by Council Member Jones, to approve the Consent Agenda as follows:

1. TAXI PERMIT FOR 290 WINE TOURS - GEORGE BURNS

The vote was as follows: AYE: Hoover, Sanford, Dooley, and Pearson. ABSTAIN: Jones. Motion carried.

PUBLIC HEARING Z-1302 BY JOHN CORCORRAN FOR A CONDITIONAL USE PERMIT TO ALLOW A BED & BREAKFAST/LODGING DEVELOPMENT IN THE CBD, CENTRAL BUSINESS DISTRICT, AT 508 & 512 W. MAIN STREET – It was moved by Council Member Dooley, seconded by Council Member Jones, to recess the regular session and open Public Hearing Z-1302 for a Conditional Use Permit to allow a bed & breakfast/lodging development in the CBD at 508 and 512 W Main St. All voted in favor and the motion carried.

John Klein presented the project which consists of two properties, one currently contains a historic Sunday/Guest house and the other is a residential structure currently used as a B&B, and a tank house. The project includes the two existing structures being upgraded, expanding the tank house into a B&B and constructing 9 additional cottage units.

It was moved by Council Member Dooley, seconded by Council Member Sanford, to adjourn the Public Hearing and reconvene the regular session. All voted in favor and the motion carried.

REQUEST Z-1302 – Based on the recommendation of the Planning & Zoning Commission, and staff, it was moved by Council Member Pearson, seconded by Council Member Dooley, to approve Request Z-1302 for a Conditional Use Permit to allow a Bed & Breakfast/Lodging development in the CBD, with the following conditions:

1. TxDOT approval of the drive on W. Main St.
2. Approval of a Landscape Plan prior to issuance of a Building Permit
3. All external lighting being shielded
4. Approval of Construction Plans prior to issuance of a Building Permit
5. Approval of Building Plans by the Historic Review Board prior to the issuance of a Building Permit
6. The property being replatted into a single tract prior to issuance of a Building Permit

The vote was as follows: AYE: Hoover, Pearson, Sanford, Jones, and Dooley; NAY: None. Motion carried.

PUBLIC HEARING - REVOCATION OF TAXI PERMIT - FREDERICKSBURG TAXI – Following comments by taxi owner Cole Liefeste, it was moved by Council Member Dooley, seconded by Council Member Pearson, to allow Mr. Liefeste till April 1, 2013 to be permanently compliant with the Taxi Permit Ordinance, and that one more complaint would result in revocation of his permit. The vote was as follows: AYE: Hoover, Pearson, Sanford, Jones, and Dooley; NAY: None. Motion carried.

RESOLUTION SUPPORTING THE PRESERVATION OF OUR NIGHT SKIES – It was moved by Council Member Jones, seconded by Council Member Sanford, to adopt a Resolution in support of *Our Night Skies* as presented by Robert Deming. AYE: Hoover, Pearson, Sanford, Jones, and Dooley; NAY: None. Motion carried.

RESOLUTION

Supporting the Preservation of Our Night Skies

WHEREAS, Fredericksburg residents recognize the importance of the city and the surrounding Texas Hill Country for their rich cultural heritage and breathtaking scenic beauty, including starry night skies; and

WHEREAS, our heritage of starry night skies has rapidly been eroding and generations are growing up never having seen the wonders of the Milky Way; and

WHEREAS light trespass from night lighting fixtures has been steadily on the rise, negatively impacting the natural environment and the quality of life of the people in the city by, among other things, reducing night sky visibility and enjoyment for citizens and visitors alike.

WHEREAS, some of Fredericksburg's neighboring cities such as Blanco, Dripping Springs and Junction have already, or are in the process of, adopting outdoor lighting ordinances to preserve the night skies around their cities, and

WHEREAS, in recent years greater focus has been placed on the economic and financial benefits of preserving the scenic beauty in and around the city in order to maintain the city's unique historic heritage and enhance tourism; and

WHEREAS, the city is a significant destination for tourism, which is important to many community members, and preserving the starry night skies in and around Fredericksburg will enhance the city's attraction and appeal as a destination for tourism; and

WHEREAS, preserving the rich historic heritage and starry night skies of Fredericksburg is important to its citizens in order for the city to remain unique from other large Texas urban areas where unnecessary and inefficient lighting has turned night into day.

WHEREAS, inexpensive night lighting fixtures are readily available that are designed to direct light only where it is needed, distribute light more efficiently and effectively and thereby reduce glare, power consumption and cost, and

WHEREAS, the city of Fredericksburg is committed to supporting practices that limit or minimize light trespass from night lighting fixtures in order to protect the beauty of the night skies and allow others the full benefit and use of their property.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, that the city shall promote and encourage outdoor lighting fixtures and practices that follow up-to-date suggested guidelines and use available technologies for efficient, cost effective, non-intrusive lighting and will endeavor to educate and encourage landowners, businesses, residential neighborhoods and public entities to join this commitment to reduce energy consumption, save money, reduce light trespass and preserve our starry night skies.

Adopted this the 18th day of March, 2013.

Jeryl Hoover, Mayor

ATTEST: Shelley Britton, City Secretary

SIDEWALK FUNDING PROGRAM - Walter Ragsdale, Acting Director of Public Works and Utilities, presented the Annual Sidewalk Funding Program. Assistant City Engineer Kris Kneese gave an overview of the proposed Sidewalk Project, which includes $100,000 in this year's fiscal budget to construct/repair some specific sidewalks around town. Council agreed to proceed with the plan; no action was taken.

FINAL PLANS FOR WAYFINDING PHASE 2 – Director of Development Services Brian Jordan updated council on the Wayfinding Project. After a lengthy discussion, it was moved by Council Member Jones, seconded by Council Member Pearson, to remove "For Profit" businesses from the Wayfinding Phase 2 signs. The vote was as follows: AYE: Dooley, Pearson, and Jones; NAY: Hoover and Sanford. None. Motion carried.

COST PARTICIPATION FOR FENCE AT TOWN POOL – Following a lengthy deliberation concerning cost participation for fencing at Town Pool to screen adjacent property owners, it was moved by Council Member Dooley to not participate in the cost of a fence. Motion died for lack of a second.

It was then moved by Council Member Sanford to allocate the amount designated for foliage plus an additional amount not to exceed $5,000 for a fence. Motion died for lack of a second.

It was then moved by Council Member Jones, seconded by Council Member Pearson, to allocate the amount for foliage for a screening to the fence. The vote was as follows: AYE: Pearson and Jones; NAY: Hoover, Sanford, and Dooley. Motion failed.

FINAL REPORT FROM RECYCLING COMMITTEE – Committee Member Laura Cook presented the Final Report from the Ad Hoc Committee on Recycling, which included the following recommendation:

1. Educate and promote to the community the current recycling opportunities available at our Recycling Center including the products that are accepted, operating hours, and other information. The Recycling Committee has recently approved the allocation of $1,500 from the $25,000 recycling budget for this marketing campaign.
2. Purchase 6 recycling containers for key location in the downtown area for use by visitors for plastic and aluminum products. One of the intents for locating these containers in the downtown area is to measure the results and determine whether additional containers should be purchased in the future. The Recycling Committee recommended the allocation of $8,400 from the cycling budget for this purpose.
3. Encourage the use of recyclable paper products for all festivals that take place on the Marktplatz.
4. Establish a single-stream curbside recycling program that would be implemented in 2013 or 2014 to all residential customers in the City of Fredericksburg.
5. Prior to the establishment of the curbside recycling program, the City should evaluate the continued operation of the Recycling Center as it may not be needed (or the hours of the Center might be reduced) once the new program is underway. The City should discuss this item with County officials since approx 30% of the users of the Center are County residents based upon a recent users' survey conducted by the City.

FUTURE AGENDA ITEMS – None.

PUBLIC COMMENT – No comments were received.

COUNCIL COMMENT – No comments.

EXECUTIVE SESSION - At 9:30 PM, Council Member Dooley made a motion to recess the regular session and go into Executive Session. Council Member Jones seconded the motion, and the motion carried. At 9:35 PM, Council Member Jones made a motion to adjourn the Executive Session and reconvene the regular session. Council Member Sanford seconded, the motion carried.

Following Executive Session:

REAL PROPERTY - SALE OF LAND – No action taken.

With no further discussion, Council Member Dooley made a motion to adjourn the meeting at 9:46 PM. Council Member Pearson seconded; motion carried.

PASSED AND APPROVED this the 6th day of May, 2013.

SHELLEY BRITTON, CITY SECRETARY	JERYL HOOVER, MAYOR

* * * * * * * * * * * * *

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

REGULAR CITY COUNCIL MEETING
APRIL 1, 2013
7:00 PM

On this the 1st day of April, 2013, the City Council of the CITY OF FREDERICKSBURG convened in regular session at the Law Enforcement Center, with the following members present to constitute a quorum:

JERYL HOOVER - MAYOR
TIM DOOLEY - COUNCIL MEMBER
KATHY SANFORD - COUNCIL MEMBER
GRAHAM PEARSON - COUNCIL MEMBER
SCOTT JONES - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT:
KENT MYERS - CITY MANAGER
SHELLEY BRITTON - CITY SECRETARY
PAT MCGOWAN - CITY ATTORNEY
BRAD KOTT - DIR OF FINANCE
JIMMY ALEXANDER - DIR. OF PARKS & RECREATION
WALTER RAGSDALE - ACTING D.P.W.U.
BRIAN JORDAN - DIR. DEVELOPMENT SERVICES
STEVE WETZ - ACTING CHIEF OF POLICE

The meeting was called to order at 7:00 PM following the Pledge of Allegiance.

FINAL PLANS FOR WAYFINDING PHASE 2 – Council considered their motion from the previous meeting concerning For Profit and Not For Profit entities being listed on the Wayfinding Signs. Following a lengthy discussion, it was moved by Council Member Sanders to rescind the prior motion; motion died for lack of a second.

CITY MANAGER'S REPORT – City Manager Kent Myers reported on (1) rainfall totals and status of city water wells, (2) the proposed 2013-14 Budget Schedule, (3) City Council/ County Commissioners meeting on April, and (4) the City Council/Planning & Zoning Commission meeting on April 8.

FUTURE AGENDA ITEMS – No items were discussed.

PUBLIC COMMENTS – No comments received.

COUNCIL COMMENTS – No comments.

With no further discussion, Council Member Dooley made a motion to adjourn the meeting at 7:30 PM. Council Member Pearson seconded the motion. Motion carried.

PASSED AND APPROVED this the 6th day of May, 2013.

SHELLEY BRITTON, CITY SECRETARY　　　　JERYL HOOVER, MAYOR

* * * * * * * * * * * * * *

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

SPECIAL CITY COUNCIL MEETING
APRIL 1, 2013
7:30 PM

On this the 1st day of April, 2013, the City Council of the CITY OF FREDERICKSBURG convened in special session at the Law Enforcement Center, with the following members present to constitute a quorum:

JERYL HOOVER - MAYOR
TIM DOOLEY - COUNCIL MEMBER
KATHY SANFORD - COUNCIL MEMBER
GRAHAM PEARSON - COUNCIL MEMBER
SCOTT JONES - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT:
KENT MYERS - CITY MANAGER
PAT MCGOWAN - CITY ATTORNEY
BRAD KOTT - DIR OF FINANCE
JIMMY ALEXANDER - DIR. OF PARKS & RECREATION
WALTER RAGSDALE - ACTING D.P.W.U.
BRIAN JORDAN - DIR. DEVELOPMENT SERVICES
STEVE WETZ - ACTING CHIEF OF POLICE

The meeting was called to order at 7:45 PM.

WORKSHOP: CAPITAL IMPROVEMENT PLAN – Walter Ragsdale, Acting Director of Public Works & Utilities, gave an in depth presentation of the City's Capital Improvement Plan.

With no further discussion, Council Member Dooley made a motion to adjourn the meeting at 8:45 PM. Council Member Pearson seconded the motion. Motion carried.

PASSED AND APPROVED this the 6th day of May, 2013.

SHELLEY BRITTON, CITY SECRETARY　　　　JERYL HOOVER, MAYOR

*   *   *   *   *   *   *   *   *   *   *   *   *

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

SPECIAL CITY COUNCIL MEETING
APRIL 5, 2013
9:00 AM

On this the 5th day of April, 2013, the City Council of the CITY OF FREDERICKSBURG convened in special session at the Fire Station Training Room, with the following members present to constitute a quorum:

JERYL HOOVER - MAYOR
TIM DOOLEY - COUNCIL MEMBER
KATHY SANFORD - COUNCIL MEMBER
GRAHAM PEARSON - COUNCIL MEMBER
SCOTT JONES - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT:
KENT MYERS - CITY MANAGER
BRIAN JORDAN - DIR. DEVELOPMENT SERVICES
JOHN CULPEPPER – DIR OF EMERGENCY SERVICES
BRAD KOTT - DIR OF FINANCE
WALTER RAGSDALE - ACTING D.P.W.U.
STEVE WETZ - ACTING CHIEF OF POLICE

The meeting was called to order at 7:45 PM.

JOINT MEETING WITH GILLESPIE COUNTY COMMISSIONERS COURT – Council met in joint session with Gillespie County Commissioners Court, including Judge Stroeher, Commissioner Ransleban, Commissioner Cameron, Commissioner Schuch, and Commissioner Roeder. Also in attendance were Sherriff Mills and County Auditor Larry Krump.

Items discussed:

A. fire and EMS Budget Update
B. County Jail Facility
C. Alternate Truck Route
D. County Courthouse Square Plan
E. Update from Austin Community College Steering Committee
F. City Recycling Center

With no further business, Council Member Dooley made a motion to adjourn the meeting at 11:30 AM. Council Member Sanford seconded the motion. Motion carried.

PASSED AND APPROVED this the 6th day of May, 2013.

SHELLEY BRITTON, CITY SECRETARY JERYL HOOVER, MAYOR

* * * * * * * * * * * * *

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

REGULAR CITY COUNCIL MEETING
APRIL 15, 2013
7:00 PM

On this the 15th day of April, 2013, the City Council of the CITY OF FREDERICKSBURG convened in regular session at the Law Enforcement Center, with the following members present to constitute a quorum:

JERYL HOOVER - MAYOR
TIM DOOLEY - COUNCIL MEMBER
KATHY SANFORD - COUNCIL MEMBER
GRAHAM PEARSON - COUNCIL MEMBER
SCOTT JONES - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT:
KENT MYERS - CITY MANAGER
SHELLEY BRITTON - CITY SECRETARY
PAT MCGOWAN - CITY ATTORNEY
BRAD KOTT - DIR OF FINANCE
JIMMY ALEXANDER - DIR. OF PARKS & RECREATION
WALTER RAGSDALE - ACTING D.P.W.U.
BRIAN JORDAN - DIR. DEVELOPMENT SERVICES
STEVE WETZ - ACTING CHIEF OF POLICE

The meeting was called to order at 7:00 PM following the Pledge of Allegiance.

CONSENT AGENDA - It was moved by Council Member Pearson, seconded by Council Member Jones, to approve the consent agenda as follows:

1. TAXI/SHUTTLE PERMIT – MAJESTY TOURS, K. K. WELCH

PUBLIC HEARING Z-1305 BY CYNTERGY ON BEHALF OF WAL-MART AT 1435 E. MAIN ST. FOR AN AMENDMENT TO THE PLANNED UNIT DEVELOPMENT TO PAINT THE BUILDING EXTERIOR NEW COLOR SCHEME AND TO REPLACE EXISTING SIGNS – It was moved by Council Member Dooley , seconded by Council Member Jones, to open the public hearing on Request Z-1305 by Cyntergy on behalf of Wal-Mart at 1435 E.

Main St., for an amendment to the Planned Unit Development to paint the building exterior a new color scheme and to replace existing signs. All voted in favor and the motion carried.

David Skinner of Cyntergy presented the plans, which are primarily interior changes, but include color changes to the building and sign changes. No comments were received.

It was moved by Council Member Dooley, seconded by Council Member Jones, to adjourn the public hearing and reconvene the regular session. All voted in favor and the motion carried.

RECOMMENDATION ON REQUEST Z-1305 BY CYNTERGY ON BEHALF OF WAL-MART AT 1435 E. MAIN ST. FOR AN AMENDMENT TO THE PLANNED UNIT DEVELOPMENT TO PAINT THE EXTERIOR NEW COLOR SCHEME AND TO REPLACE EXISTING SIGNS - It was moved by Council Member Sanford, seconded by Council Member Dooley, to adopt an ordinance to amend the Planned Unit Development (Z-1305) to paint the building exterior a new color scheme and to replace existing signs of Wal-Mart at 1435 E. Main St. The vote was as follows: AYE: Hoover, Sanford, Dooley, Pearson, and Jones, NAY: None. Motion carried.

ORDINANCE NO. 23-005

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FREDERICKSBURG AND AMENDING THE ZONING CLASSIFICATION OF 23.35 ACRES OF LAND BEING ALL OF THAT CERTAIN TRACT OF LAND AS IS SHOWN ON THE PUD SITE PLAN OF THE SAME DESCRIBED IN ZONING ORDINANCE NO 14-010, FROM PUD COMMERCIAL TO FIRST AMENDED PUD COMMERCIAL. (Recorded in Ordinance Book)

PUBLIC HEARING Z-1306 BY WHATABURGER RESTAURANTS LLC FOR A CONDITIONAL USE PERMIT TO ALLOW A DRIVE THROUGH FACILITY ASSOCIATED WITH A FAST FOOD RESTAURANT IN THE C-2 COMMERCIAL ZONING DISTRICT AT 1301 E MAIN ST. – Based on the recommendation of the Planning & Zoning Commission, and staff, it was moved by Council Member Dooley, seconded by Council Member Jones, to open the public hearing on Request Z-1306 by Whataburger Restaurants LLC for a Conditional Use Permit to allow a drive through facility associated with a fast food restaurant in the C-2 Commercial Zoning District at 1301 E. Main St. All voted in favor and the motion carried.

With no comments from the public, it was moved by Council Member Dooley, seconded by Council Member Jones, to adjourn the public hearing and reconvene the regular session. All voted in favor and the motion carried.

RECOMMENDATION ON REQUEST Z-1306 BY WHATABURGER RESTAURANTS, LLC, FOR A CONDITIONAL USE PERMIT TO ALLOW A DRIVE THROUGH FACILITY ASSOCIATED WITH A FAST FOOD RESTAURANT IN THE C-2 COMMERCIAL ZONING DISTRICT AT 1301 E MAIN ST. – Based on the recommendation of the Planning & Zoning Commission, and staff, it was moved by Council Member Dooley, seconded by Council Member Sanford, to approve Request Z-1306 by Whataburger Restaurants for a Conditional Use Permit to allow a drive through facility associated with a fast food facility restaurant in the C-2 Commercial Zoning District at 1301 E. Main St. The vote was as follows: AYE: Hoover, Sanford, Dooley, Pearson, and Jones, NAY: None. Motion carried.

ORDINANCE DESIGNATING AUTHORITY OF TRAFFIC ENGINEER FOR ESTABLISHING CERTAIN TRAFFIC CONTROL REGULATIONS - It was moved by Council Member Dooley, seconded by Council Member Pearson, to adopt an ordinance designating a traffic engineer for establishing certain traffic control regulations. The vote was as follows: AYE: Hoover, Sanford, Dooley, Pearson, and Jones, NAY: None. Motion carried.

ORDINANCE NO. 23-006

AN ORDINANCE AMENDING CHAPTER 44 TRAFFIC AND MOTOR VEHICLES OF THE CODE OF ORDINANCES OF THE CITY OF FREDERICKSBURG TO DESIGNATE THE TRAFFIC ENGINEER OF THE CITY OF FREDERICKSBURG AS THE PERSON RESPONSIBLE FOR THE DETERMINING: LOCATIONS FOR THE OPERATION OF VEHICLES UPON THE CITY STREETS OF THE CITY OF FREDERICKSBURG, LOCATIONS FOR THE INSTALLATION AND ERECTION OF TRAFFIC CONTROL DEVICES' SPEED REGULATIONS' AND REGULATIONS FOR STOPPING, STANDING AND PARKING, AMENDING OTHER SECTIONS OF SAID ARTICLE TO CORRESPOND WITH CURRENT PRACTICES AND FOR CORRECTIONS, PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS, PARTIAL INVALIDITY AND ESTABLISHING AN EFFECTIVE DATE. (Recorded in Ordinance Book)

REQUEST FOR CLOSURE OF ADAMS STREET DURING CRAWFISH FESTIVAL – After hearing comments from representatives of the Fredericksburg Crawfish Festival, and a lengthy discussion between Council and staff, it was moved by Council Member Dooley, seconded by Council Member Jones, to deny the request to close Adam St. during the Crawfish Festival. The vote was as follows: AYE: Hoover, Dooley, and Jones; NAY: Pearson and Sanford. The motion carried.

CITY MANAGERS REPORT – The City Manager reported on (1) the Mid-Year Budget Review underway, (2) the upcoming joint City Council/County Commissioners Meeting, (3) the ongoing installation of new water meters, (4) the proposed relocation of Chamber offices

FUTURE AGENDA ITEMS – Wayfinding signs, zoning issues, and a presentation from the Optimist Club will be on an upcoming agenda.

PUBLIC COMMENTS – Russ Rose thanked the City for support (Fire, EMS, and Police) at the Experimental Aircraft Association event the previous weekend; Penny Reeh invited everyone to the candidate's forum sponsored by the Chamber at the Hill Country University Center on April 22, 2013.

COUNCIL COMMENTS – Council Member Jones extended condolences to the Boston area in light of the bombings earlier that day; he also told the Crawfish Festival representatives that Council needed more time to consider their request, but their denial was not a reflection on the event.

Council Member Pearson told Council that he had recently become aware that the City Council and the County Commissioners were now honorary members of the Volunteer Fire Department, and reminded those in attendance that the coming Saturday was the Annual Fish Fry, the fund raiser for the Volunteer Fire Department. Pearson also commented on the ACC Taxation issue, stating that the City Council had taken NO action on the proposal.

EXECUTIVE SESSION - At 8:15 PM, Council Member Dooley made a motion to recess the regular session and go into Executive Session. Council Member Jones seconded the motion, and the motion carried. At 8:52 PM, Council Member Dooley made a motion to adjourn the Executive Session and reconvene the regular session. Council Member Pearson seconded, the motion carried.

Following Executive Session:

REAL PROPERTY - SALE OF LAND - No action taken.

With no further discussion, Council Member Dooley made a motion to adjourn the meeting at 8:53 PM. Council Member Pearson seconded the motion. Motion carried.

PASSED AND APPROVED this the 6th day of May, 2013.

SHELLEY BRITTON, CITY SECRETARY	JERYL HOOVER, MAYOR

* * * * * * * * * * * * *

CITY COUNCIL MEMO

DATE: May 2, 2013

TO: City Council

FROM: Shelley Britton, City Secretary

SUBJECT: Taxi Permit - Armadillo Taxi of Fredericksburg

Summary:

Application for a Taxi Permit has been received from Joe Duke (Armadillo Taxi of Fredericksburg) to provide taxi service in the City of Fredericksburg.

Recommendation:

It is recommended that this request be approved.

Background / Analysis:

According to the City Ordinance, applicants are required to make application to City Council, which shall determine whether granting the application will service public "convenience and necessity". Mr. Duke has met insurance requirements. His "fixed facility" is located in Cain City. There is currently one other taxi service licensed.

The City of Fredericksburg

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

CITY OF FREDERICKSBURG

APPLICATION FOR ANNUAL PERMIT FOR TAXI SERVICE

PERMIT FEE PAID: ______________

1. ***BUSINESS NAME:*** ARMADillo TAXI OF FREDERKksburg

2. ***NAME & ADDRESS OF APPLICANT:*** JOSEPH A. DUKE
   886 BAETHGE BLVD.
   FREDERICKSBURG TX 78624
   830-998-1824

3. ***TYPE OF BUSINESS (CORPORATION, PARTNERSHIP, ETC.):*** ______________

   (IF NOT AN INDIVIDUAL, ATTACH A COPY OF DOCUMENTS ESTABLISHING THE BUSINESS)

4. ***LIST INDIVIDUALS HAVING INTEREST IN THE BUSINESS:***

   A. NAME Joseph A. DUKE
      ADDRESS 886 BAETHGE BLVD. FBG TX 78624
      CITIZENSHIP U.S. CITIZEN

   B. NAME ______________
      ADDRESS ______________
      CITIZENSHIP ______________

5. ***LIST DRIVER'S LICENSE AND SOCIAL SECURITY NUMBER OF TAXI DRIVERS:***

   A. NAME: Joseph Duke DL# 04399625 SS# ______________
   B. NAME: ______________ DL# ______________ SS# ______________

6. ***STATEMENT OR EVIDENCE OF OWNERSHIP OF ALL TAXI'S EQUIPMENT SUBMITTED:*** REGISTRATION

7. ***DESCRIBE PAST BUSINESS EXPERIENCE OF APPLICANT, PARTICULARLY IN PROVIDING PASSENGER TRANSPORTATION SERVICES:*** ARMY NATIONAL GUARD 1977 - 1984

8. ***DESCRIBE ANY REVOCATION OR SUSPENSION OF A PERMIT HELD BY APPLICANT OR BUSINESS BEFORE THE DATE OF FILING THE APPLICATION:*** NONE

9. ***GIVE NUMBER AND DESCRIPTION OF TAXI:*** 2010 TOYOTA MATRIX (GREY)
   REGISTRATION - 2T1KU4EE8AC307555
   LICENCE PLATE # CGZ 9780

10. *DESCRIBE SERVICES TO BE OFFERED*: TRANSPORTATION OF INDIVIDUALS IN FREDERICKSBURG TX

11. *LOCATION OF FIXED FACILITIES*: CAIN CITY - 886 BAETHGE BLVD

12. *INSURANCE*

A. TYPE: COMPREHENSIVE GENERAL (PUBLIC) LIABILITY

B. AMOUNT: $300,000.00 (COMBINED SINGLE LIMIT FOR BODILY INJURY & PROPERTY DAMAGE PER OCCURRENCE)

C. INCLUDES:
- _____ PREMISES/OPERATIONS
- _____ INDEPENDENT CONTRACTORS
- _____ PERSONAL INJURY
- _____ PRODUCTS/COMPLETED OPERATIONS
- _____ CONTRACTUAL LIABILITY
- _____ OPERATION OF TAXI
- _____ CITY NAMED A ADDITIONAL INSURED
- _____ WAIVER OF SUBROGATION
- _____ THIRTY (30) DAYS ADVANCE NOTICE, IN WRITING, OF CANCELLATION OR MATERIAL CHANGE

D. FEE PAID: ______________________ DATE: ______________

13. *I HAVE READ A COPY OF THE ORDINANCE AND AGREE TO ABIDE BY ITS TERMS*:

SIGNATURE OF APPLICANT: Joseph A. Duke

THE STATE OF TEXAS X
X
COUNTY OF GILLESPIE X

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 15th DAY OF April, ~~19~~ 2013,
BY Joseph A. Duke.

Margie Rivera
NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

MARGIE RIVERA
NOTARY PUBLIC
State of Texas
Comm. Exp. 06/21/2013

MY COMMISSION EXPIRES: 6-21-13

Margie Rivera
PRINTED NAME OF NOTARY

APPROVAL OF CITY COUNCIL: DATE: ______________________

EXPIRATION DATE OF PERMIT: ______________________

FIRST INSURANCE® FUNDING

A WINTRUST COMPANY

COMMERCIAL PREMIUM FINANCE AGREEMENT AND DISCLOSURE STATEMENT

Customer ID: n/a

Quote Number: 000002352599

INSURED/BORROWER (Name and address as shown on Policy)
JOE DUKE DBA
ARMADILLO TAXI OF FREDERICKSBURG
886 BAETHGE BLVD

FREDERICKSBURG TX 78624

Telephone Number: (830) 998-1824

Direct Correspondence to: JOE DUKE

AGENT or BROKER (Name and Business Address) 89029-0001
BIERSCHWALE-REES INSURANCE

1105 N. LLANO

FREDERICKSBURG TX 78624

Telephone Number: (830) 997-7693

F/D: 000

A	Total Premium, Taxes and Fees	$	4,435.00
B	Cash Down Payment Required	$	665.25
C	Unpaid Balance	$	3,769.75
D	Documentary Stamp Tax (only applicable in Florida)	$	0.00
E	Amount Financed (The amount of credit provided on your behalf)	$	3,769.75
F	**FINANCE CHARGE** (Dollar amount credit will cost you)	$	175.85
G	Total of Payments (Amount you will have paid after making all scheduled payments)	$	3,945.60
	ANNUAL PERCENTAGE RATE (Cost of your credit figured as a yearly rate)		10.050 %

PAYMENT SCHEDULE BELOW, or ☐ See Schedule Attached

Number of Payments	Payments are due Monthly	Amount of Each Payment
10	Beginning 06/01/2013	394.56

LENDER FIRST INSURANCE FUNDING CORP.

FIRST

450 Skokie Blvd, Suite 1000
P.O. Box 3306
Northbrook, IL 60065-3306
Telephone: (800) 837-3707
Fax: (800) 837-3709

Prepayment The Insured may prepay the full amount due and receive a refund of the unearned interest as provided on page 2 of this agreement.

Security As security for the payments to be made, the insured assigns FIRST INSURANCE FUNDING CORP. (herein referred to as "FIRST") a security interest in return premiums, dividend payments, and certain loss payments with reference to the policies listed below. Under certain conditions, FIRST HAS THE RIGHT TO CANCEL FINANCED POLICIES, as provided on page 2 of this agreement.

Late Payment A late charge will be imposed on any payment which is not received by FIRST within five (5) days of its due date (unless a longer grace period is specified under applicable law, in which case a late charge will be imposed on any payment not received by FIRST within such grace period) This late charge will be 5% of the overdue amount or the maximum late charge permitted by applicable law, whichever is less. The maximum late charge is $5.00 in DE, MT, and ND.

Contract Reference Reference should be made to the terms of this agreement as stated below and on page 2 for information about nonpayment, default, cancellation, the right to demand immediate payment in full, and prepayment.

CONT_TYPE:STD PRN:041213 CFG:00000-0783 RT:783SBMP CRD:N/A BP:Bill SUB:89029-0001

SCHEDULE OF POLICIES

Policy Number And Prefix	Full Name of Insurance Company and Name and Address of General Agent or Company Office to Which Funds are Paid	Type of Insurance	Policy Term in Months	Effective Date Mo. Day. Yr.	Premiums, Taxes, and Fees
TBD	00481-001 - National Liab & Fire Ins Co 000600 - Specialty Insurance Managers	AUTO [ME%: 0.000 CX: 10]	12	05-01-2013 FIN TXS/FEES ERN TXS/FEES	4,433.00 2.00 0.00
3,769.75					
				TOTAL (Record in "A")	4,435.00

NOTICE: SEE PAGE 2 FOR IMPORTANT INFORMATION
The provisions on page 2 are incorporated by reference and constitute a part of this agreement

AGENT OR BROKER REPRESENTATIONS AND WARRANTIES
The undersigned agent or broker has read the Agent/Broker Representations and Warranties on Page 2, has completed page 2 of all copies where required, and makes all such Representations and Warranties recited herein. Further, the undersigned agent or broker agrees to: (i) pay all reasonable attorney fees, courts costs, and other collection costs incurred by FIRST in recovering amounts due from the agent or broker in connection with any breach of the Agent/Broker Representations and Warranties, and (ii) indemnify FIRST for any and all losses FIRST incurs as a result of any error committed by the Agent/Broker in completing or failing to complete any portion of this agreement.

Signature of Agent or Broker

Title Date

INSURED'S AGREEMENT:
In consideration of the payments (the "Amount Financed" above) to be made to the above captioned AGENT or BROKER by FIRST, the named insured (herein referred to as "Insured") promised to pay, to the order of FIRST, the Total of Payments subject to all of the provisions set forth on both pages of this agreement.

NOTICE TO THE INSURED:
(1) Do not sign this agreement before you read both pages of it, or if it contains blank spaces. (2) You are entitled to a completely filled-in copy of this agreement. (3) Under the law, you have the right to pay off in advance the full amount due and under certain conditions to obtain a partial refund of the service charge. (4) Keep your copy of this agreement to protect your legal rights.

19

Name of Insured (Print or Type)

By: Signature

Title Date

FIF TX 0112

SPECIALTY INSURANCE MANAGERS, INC.

* AUSTIN * ARLINGTON * GRANBURY * HOUSTON * LUBBOCK
Phone: (800) 876-3278 **Fax:** (877) 399-2720

 # OF PAGES: 3

TO: BIERSCHWALE-REES INSURANCE **ATTN:** CAMMIE CRENWELGE **DATE:** 04/10/2013

RE: ARMADILLO TAXI OF FREDERICKSBURG

☒ **Quote** ☐ **Indication Only** **Term:** Annual **Renewal of:** **Sub #:** 3360253A

Expiring:

COMPANY: NATIONAL LIABILITY & FIRE INS. - A++

☒ **BUSINESS AUTO COVERAGE FORM**

COVERAGES	COVERED AUTO SYMBOLS	LIMIT THE MOST WE WILL PAY FOR ANY ONE ACCIDENT OR LOSS			
☒ **LIABILITY** ☐ BODILY INJURY ☐ PROPERTY DAMAGE ☒ COMBINED LIABILITY	7	$ $ $500,000	EACH PERSON EACH ACCIDENT EACH ACCIDENT	$	EACH ACCIDENT
☒ **PERSONAL INJURY PROTECTION**	7	$2,500	EACH INSURED		
☐ **MEDICAL PAYMENTS**		$	EACH INSURED		
☒ **UNINSURED/UNDERINSURED** ☐ BI/PD SPLIT LIMIT ☒ COMBINED LIMIT	10	$ $ $500,000	EACH PERSON EACH ACCIDENT EACH ACCIDENT	$	EACH ACCIDENT

☒ **PHYSICAL DAMAGE INSURANCE**

COVERAGES	COVERED AUTO SYMBOLS	LIMIT THE MOST WE WILL PAY FOR ANY ONE ACCIDENT OR LOSS	DEDUCTIBLE
SPECIFIED CAUSES OF LOSS		LIMIT OF LIABILITY: $	$
COMPREHENSIVE	7	LIMIT OF LIABILITY: $9,000	$500
COLLISION	7	LIMIT OF LIABILITY: SAME AS ABOVE	$500

SCHEDULE OF AUTOS: PER VEHICLE SCHEDULE ON FILE WITH GENERAL AGENT/ COMPANY AS SUBMITTED BY PRODUCER.

1	Light		Medium		Heavy		Extra Heavy		Trailers	

Total Premium:	$4,433.00	10% Commission
Anti Theft Fee:	$2.00	
Total:	$4,435.00	

PLEASE NOTE: If Binder is requested, you should receive confirmation within a few days. If not, contact your underwriter.

COPY OF ANY CERTIFICATES OF INSURANCE ISSUED BY YOUR OFFICE MUST BE PROVIDED TO SPECIALTY

NEED PREMIUM FINANCING ON THIS ACCOUNT?
CONTACT MIKE O'CONNOR or ANNE LYNCH AT
LONGHORN ACCEPTANCE (finance@longhornacceptance.com)
Phone: (800) 388-1039 Fax: (214) 942-3588

UNDERWRITER: Sherri Hendricks/cjg

PLEASE REVIEW CAREFULLY. IT MAY NOT INCLUDE SAME COVERAGES, TERMS, AS REQUESTED!

ALL BINDER REQUESTS WITH FILINGS SHOULD BE IN OUR OFFICE NO LATER THAT 24 HOURS PRIOR TO THE EXPIRATION OF THE POLICY (REV: 07/18/11)

CITY COUNCIL MEMO

DATE: May 1, 2013

TO: Mayor and City Council

FROM: Brian Jordan, AICP

SUBJECT: Z-1303 - Consider Initiating a change in the zoning of various areas of town from R-2 Mixed Residential District to R-1, Single Family Residential District.

Summary:

At the Retreat in February, the Council discussed the possibility of rezoning various areas of town from R-2 Mixed Residential to R-1 Single Family Residential. After reviewing the areas of town currently zoned R-2, the Council focused on three primary areas. The first area is basically bounded by Creek Street on the north and Baron's Creek on the west, south and east. The second area is on the east side of the middle school, bounded on the north by College Street and Travis on the south. And, the thrid area is on the west side of the Middle School, bounded by College Street on the north and Travis Street on the south. A zoning map of each of these areas is attached.

Recommendation:

The Planning and Zoning Commission discussed this matter at their March 6, 2013 meeting, and considered initiating a zoning change of these areas on April 3, 2013. The Commission voted unanimously to leave the zoning as R-2 and not to initiate a change in zoning in any of the areas.

The City of Fredericksburg

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

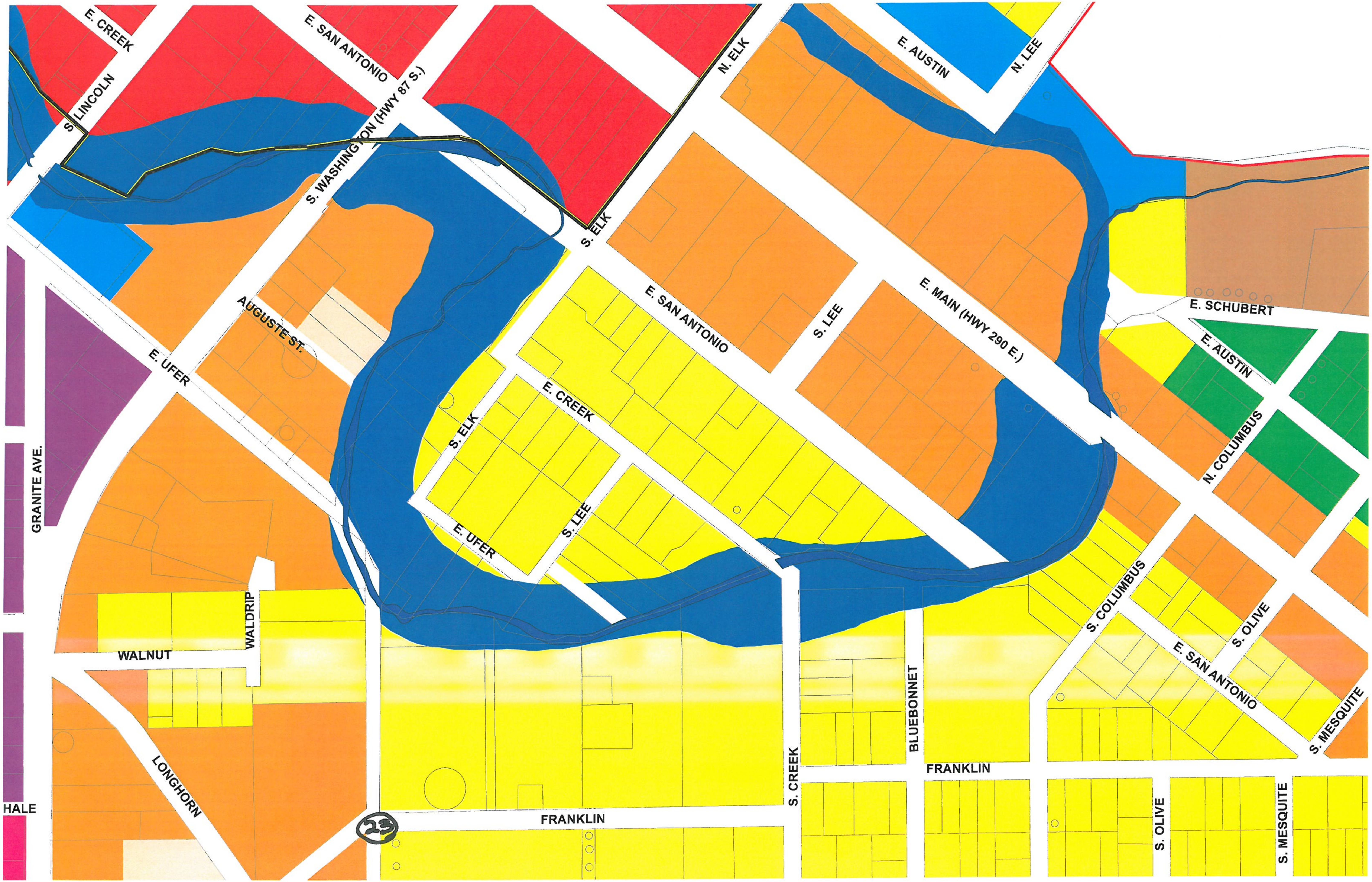
Background / Analysis:

Section 5.220 of the Zoning Ordinance states that a rezoning request may be initiated by the owner of the property involved, or his/her duly authorized agent by filing an application. If the property is owned by more than one person or entity, all the owners or their authorized agents shall join in filing the application. A rezoning request may also be iniated by the Planning and Zoning Commission or the City Council.

If the Council decides to initiate a rezoning on any or all of these areas, the staff would schedule the public hearing dates and process the required advertisement and notification. The process would include a public hearing by the Planning and Zoning Commission in which they would make a recommendation on the possible change and a second public hearing by the City Council in which a final decision on the matter would take place. The advertisement would include a notice of the zoning change in the newspaper a minimum of 15 days prior to the public hearing and a notification by mail of all property owners within the affected areas as well as all property owners within 200 feet.

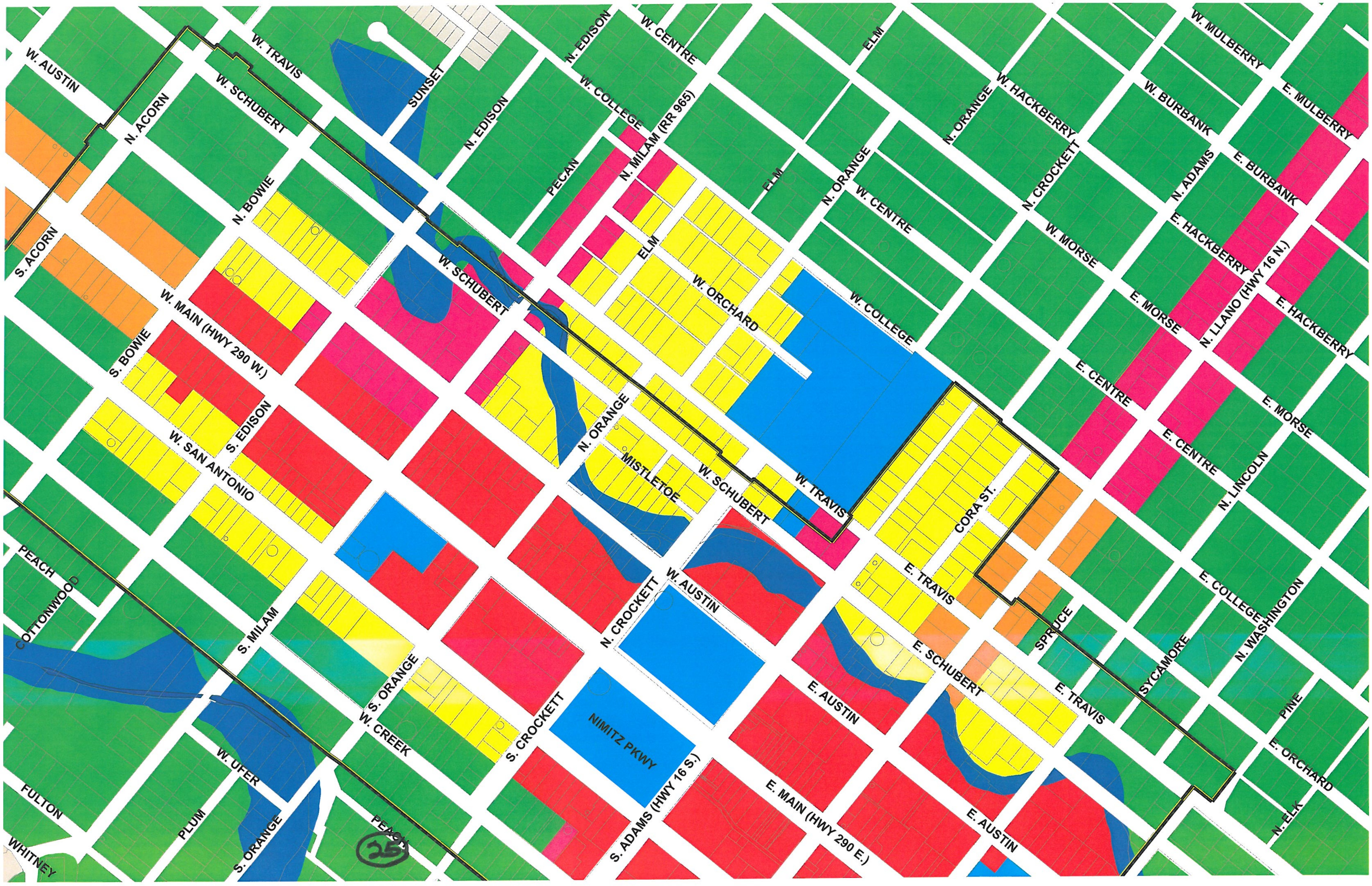
The City of Fredericksburg

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



E. CREEK
E. SAN ANTONIO
N. ELK
E. AUSTIN
N. LEE
S. LINCOLN
S. WASHINGTON (HWY 87 S.)
S. ELK
E. SAN ANTONIO
S. LEE
E. MAIN (HWY 290 E.)
E. SCHUBERT
E. AUSTIN
N. COLUMBUS
AUGUSTE ST.
E. UFER
GRANITE AVE.
E. CREEK
S. ELK
S. LEE
E. UFER
WALDRIP
WALNUT
S. COLUMBUS
S. OLIVE
E. SAN ANTONIO
S. MESQUITE
BLUEBONNET
S. CREEK
FRANKLIN
HALE
LONGHORN
FRANKLIN
23
S. OLIVE
S. MESQUITE


E. CREEK
S. LINCOLN
E. SAN ANTONIO
S. WASHINGTON (HWY 87 S.)
N. ELK
E. AUSTIN
N. LEE
S. ELK
E. SAN ANTONIO
S. LEE
E. MAIN (HWY 290 E.)
E. SCHUBERT
E. AUSTIN
N. COLUMBUS
AUGUSTE ST.
E. UFER
GRANITE AVE.
S. ELK
E. CREEK
S. LEE
E. UFER
WALDRIP
WALNUT
S. COLUMBUS
S. OLIVE
E. SAN ANTONIO
S. MESQUITE
BLUEBONNET
S. CREEK
FRANKLIN
LONGHORN
HALE
24
FRANKLIN
S. OLIVE
S. MESQUITE


W. AUSTIN
N. ACORN
W. SCHUBERT
W. TRAVIS
SUNSET
N. EDISON
W. CENTRE
W. COLLEGE
N. EDISON
ELM
W. MULBERRY
E. MULBERRY
W. HACKBERRY
N. ORANGE
W. BURBANK
E. BURBANK
N. ADAMS
N. MILAM (RR 965)
PECAN
ELM
N. ORANGE
W. CENTRE
N. CROCKETT
W. MORSE
E. HACKBERRY
N. LLANO (HWY 16 N.)
E. HACKBERRY
S. ACORN
N. BOWIE
W. SCHUBERT
ELM
W. ORCHARD
W. COLLEGE
E. MORSE
E. CENTRE
E. MORSE
W. MAIN (HWY 290 W.)
S. BOWIE
N. ORANGE
S. EDISON
W. SAN ANTONIO
MISTLETOE
W. SCHUBERT
W. TRAVIS
CORA ST.
E. CENTRE
N. LINCOLN
PEACH
COTTONWOOD
S. MILAM
N. CROCKETT
W. AUSTIN
E. TRAVIS
E. COLLEGE
N. WASHINGTON
SPRUCE
SYCAMORE
E. SCHUBERT
S. ORANGE
W. CREEK
S. CROCKETT
NIMITZ PKWY
E. AUSTIN
E. TRAVIS
PINE
W. UFER
E. ORCHARD
FULTON
PLUM
S. ADAMS (HWY 16 S.)
E. MAIN (HWY 290 E.)
E. AUSTIN
N. ELK
S. ORANGE
PEACH
WHITNEY
25

W. AUSTIN
W. TRAVIS
N. ACORN
W. SCHUBERT
SUNSET
N. EDISON
W. CENTRE
W. COLLEGE
N. MILAM (RR 965)
PECAN
N. BOWIE
S. ACORN
S. BOWIE
W. MAIN (HWY 290 W.)
S. EDISON
W. SAN ANTONIO
ELM
N. ORANGE
W. ORCHARD
MISTLETOE
SCHUBERT
W. TRAVIS
W. HACKBERRY
N. CROCKETT
W. MORSE
W. MULBERRY
W. BURBANK
E. MULBERRY
N. ADAMS
E. BURBANK
E. HACKBERRY
E. MORSE
N. LLANO (HWY 16 N.)
E. CENTRE
CORA ST.
E. TRAVIS
N. LINCOLN
E. COLLEGE
N. WASHINGTON
SPRUCE
SYCAMORE
PINE
E. ORCHARD
N. ELK
PEACH
COTTONWOOD
S. MILAM
S. ORANGE
W. CREEK
S. CROCKETT
N. CROCKETT
W. AUSTIN
NIMITZ PKWY.
E. AUSTIN
E. SCHUBERT
E. MAIN (HWY 290 E.)
S. ADAMS (HWY 16 S.)
W. UFER
PLUM
FULTON
WHITNEY

CITY COUNCIL MEMO

DATE: May 3, 2013

TO: Mayor and City Council

FROM: Brad Kott, Director of Finance

SUBJECT: Resolution Authorizing Property Lease Agreement

Summary:

The 2013 adopted City Budget approved funding for lease purchase payments for the acquisition of equipment including two Emergency Medical Service ambulance remounts, a garbage truck and chipper truck for the Solid Waste Fund, and an Electric Fund bucket truck.

Cumulatively, the equipment was purchased at approximately $32,000 under the projected amount. The total purchase price of $680,076 will all be financed. The financing was bid with the low bid received from Houston Community Bank (HCB) at 1.88% annual interest. As part of the lease documentation, the City Council must adopt a Resolution authorizing the Personal Property Lease Agreement with Houston Community Bank and also the designation of the lease as a Qualified Tax - Exempt Obligation. In order for the lease to qualifiy as a tax exempt obligation the City must reasonably expect not to issue more than $10 million of tax-exempt obligations during 2013.

Furthermore, the adoption of this ordinance will give authorization to the City Manager to execute all documents related to this lease agreement.

The City of Fredericksburg

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

Recommendation:

Staff recommends that the Council adopt the resolution authorizing the property lease agreement and its designation as a qualified tax-exempt obligation. The lease has been reviewed by the City Attorney. In respect to the designation of the lease purchase as a tax-exempt obligation, the City does not intend to issue more than $10 million dollars of tax-exempt obligations in 2013.

Background / Analysis:

The City of Fredericksburg has used Houston Community Bank many times during the past 10 years for financing and has received the utmost in professional service. HCB continues to deliver attractive interest rates for this specific type of financing.

EXHIBIT "B"

CERTIFIED RESOLUTION OF GOVERNING BODY AUTHORIZING PERSONAL PROPERTY LEASE AGREEMENT AND ITS DESIGNATION AS A QUALIFIED TAX-EXEMPT OBLIGATION

The undersigned hereby certifies to HOUSTON COMMUNITY BANK, N.A that at a duly called meeting of ____________ (the "Board") held on the ______ day of _______, 2013, there were at all times present members constituting a quorum of the Board, and that the following resolutions were adopted at said meeting, and remain in full force and effect as of the date hereof and have not been amended, rescinded or repealed:

WHEREAS, the CITY OF FREDERICKSBURG, TEXAS ("Lessee") has determined that a need exists for the acquisition of the equipment ("Equipment") described in the Lease Agreement and Equipment Schedule No. 1 to be entered into between Lessee and HOUSTON COMMUNITY BANK, N.A., ("Lessor") that has been presented to this meeting (the "Lease"), and that the use of such Equipment is essential to Lessee's proper, efficient and economic operation; and

WHEREAS, the Board of Lessee has taken the necessary and appropriate steps under applicable law, including, without limitation, any legal bidding requirements, to arrange for the acquisition of the Equipment under the Lease.

BE IT RESOLVED, by the Board of Lessee that the Board has reviewed the form of the Lease and finds the terms of said Lease are in the best interests of Lessee;

FURTHER RESOLVED, the Board of Lessee designates and confirms the following persons to execute and deliver, and to witness or attest the Lease and to take all other actions necessary and desirable in connection therewith, including, without limitation, execution and delivery of such other related documents and materials in such form and containing such provisions, covenants and agreements as may reasonably be required by the Lessor necessary or appropriate to the consummation of the transactions contemplated by the Lease, and hereby further represents that the signatures opposite their respective names are true and correct signatures:

Name(s)______________________ and/or ________________________

Title(s)______________________ and/or ________________________

FURTHER RESOLVED, Lessee hereby represents and warrants to Lessor that Lessee has full power and authority, without the necessity of further approvals, to fulfill all obligations of Lessee under the terms of the Lease, subject to appropriations;

FURTHER RESOLVED, that the authorized officials be, and each of them hereby is, authorized and directed, in the name and on behalf of Lessee, from time to time to execute and deliver modifications, renewals, extensions, and replacements of such agreements and other documents containing such terms and conditions as they, or any of them, in the exercise of their discretion, deem necessary, advisable or appropriate;

FURTHER RESOLVED, that the authorized officials be, and each of them hereby is authorized and directed to mortgage, pledge and assign to Lessor, to grant to Lessor a security interest in, and to deliver to Lessor as security for all obligations of Lessee arising under or in connection with the leases now existing or hereafter entered into, and for all other indebtedness and obligations of Lessee to Lessor, whenever and however arising, any property, real or personal, belonging to Lessee, and from time to time to substitute for such property, or any part thereof, other property for the same purpose;

FURTHER RESOLVED, that the authorized officials be, and each of them hereby is, authorized and directed to execute and deliver any mortgages, deeds of trust, pledges, assignments, security agreements or other agreements of any type to secure all obligations of Lessee arising under or in connection with the leases between Lessor and Lessee, now existing or hereafter entered into, and all other indebtedness and obligations of Lessee to Lessor, whenever and however arising, and any financing statements, memoranda or notices for filing or recording related thereto, all of which shall be in such form and contain such provisions, covenants and agreements as Lessor may require;

FURTHER RESOLVED, that the obligations of Lessee authorized hereby are in addition to all other financial accommodations, if any, now or hereafter extended by Lessor to or for the benefit of Lessee, and future resolutions may be adopted by Lessee authorizing additional leases, loans, credits and other financial accommodations from Lessor to Lessee without derogation of the authority set forth herein;

FURTHER RESOLVED, that all prior acts of any officers, employees or agents of Lessee (including but not limited to the authorized officials) in obtaining leases, loans, credits and other financial accommodations to Lessee from Lessor and the execution of any instruments or documents to evidence or secure any obligations due Lessor are hereby ratified and approved; and this resolution shall remain in full force and effect and Lessor may rely on these resolutions until written notice of their revocation is received by the Lessor and until all obligations of Lessee to Lessor have been fully paid and satisfied; and

FURTHER RESOLVED, that pursuant to Section 265(b)(3)(B)(I) of the Internal Revenue Code of 1986 (the "Code"), Lessee hereby specifically designates the Lease as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3)(A) of the Code;

and

FURTHER RESOLVED, that the aggregate face amount of all tax-exempt obligations issued or to be issued by the Lessee and all subordinate entities thereof during calendar year 2013 is not reasonably expected to exceed ten million (10,000,000) dollars.

FURTHER RESOLVED, that the authority granted by this resolution shall apply with equal force and effect to the respective successors in office of the individuals herein named.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of ________________ this _____ day of __________, 2013.

LESSEE: CITY OF FREDERICKSBURG, TEXAS

By:	______________________	WITNESS OR ATTEST:	
Title:	______________________	By:	______________________
Date:	______________________	Title:	______________________

CITY COUNCIL MEMO

DATE: May 6, 2013

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: Presentation-Fredericksburg Optimist Club

Summary:

Representatives from the Fredericksburg Optimist Club plan on attending Monday's Council meeting to make a presentation regarding the Optimist T-Ball Field.

Recommendation:

It is recommended that the Council consider this presentation and offer the City's appreciation to the Optimist for their work in renovating this ballfield.

Background / Analysis:

The Optimist Club had undertaken the development of the T-Ball Field at Lady Bird Johnson as a local community project. They are in the process of renovating this field to accommodate the many t-ballers in the Fredericksburg area. At Monday's Council meeting, they plan on presenting a check for $20,000 to cover the costs for the new bleachers and other field improvements.

The City of Fredericksburg

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

CITY COUNCIL MEMO

DATE: May 2, 2013

TO: City Council

FROM: Jimmy Alexander, Director of Parks & Recreation

SUBJECT: Ft. Martin Scott Advisory Committee

Summary:

It has been suggested that the City consider appointing a Ft. Martin Scott Advisory Committee to advise the City on issues regarding promotion, development, interpretation, curation, and special events of Ft. Martin Scott.

Recommendation:

It is recommended that the City appoint an advisory committee for Ft. Martin Scott.

Background / Analysis:

A meeting was held between Mayor Hoover, the City Manager, myself, and Jim McCrae to discuss the future of Ft. Martin Scott. The discussion at that meeting centered around the need for guidance regarding all issues related to the Fort. Jim McCrae agreed to head up a group of local interested

The City of Fredericksburg

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

citizens to address these issues subject to City Council approval. Jim has a vast knowledge of the history of the Fort and has a passion for preservation and interpretation. Jim has approached others in the community with similar interest in Ft. Martin Scott and has nine prospective members for your consideration that have agreed to serve. Jim will be in attendance at the meeting to address the Council and answer any questions.

The City of Fredericksburg

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

FORT MARTIN SCOTT
City of Fredericksburg, Texas

Advisory Committee

PROSPECTIVE MEMBERS

	Home	**Cell**	**Work**	**Email**
Mack Burnett	997-3163	None	None	macila@austin.rr.com
Joe Kammlah	997-6289		997-9523	jkammlah@stmarysmail.com
Richard Laughlin	889-8181	987-4974		rl@hillcountrybuilder.com
Ernie Loeffler			997-6523	director@fbgtx.org
Joe Luther	792-3240	377-1305	None	jluther@stx.rr.com
Jim McCrae	669-2729	456-4068	None	drycreek1@hctc.net
Dwight Oestreich		889-0296	997-9591	doestreich@c21sunset.com
Steve Thomas			997-0383	steve@sktarchitects.com
Brent Waldoch	669-2548	456-2912	None	brentwaldoch@live.com

CITY COUNCIL MEMO

DATE: May 6, 2013

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: Wayfinding Signs-Fredericksburg Theatre

Summary:

Two City Council members (Graham Pearson and Scott Jones) have requested that the previous action by the City Council deleting the wayfinding signs for the Fredericksburg Theatre be revisited.

Recommendation:

It is recommended that a motion be made to reconsider the previous action taken by the City Council eliminating the two wayfinding signs for the Fredericksburg Theatre. If this motion is adopted, then the Council should discuss the pros and cons of adding this sign back to our wayfinding program for this year.

Background / Analysis:

Last month, the City Council decided to eliminate several signs that were originally included in phase 2 of our wayfinding program. This includes signs for wineries, Wildseed Farm, Herb Farm and the Fredericksburg Theatre. Since that time, I have received a number of questions and comments about

The City of Fredericksburg

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

these signs. Two weeks ago, Council members Jones and Pearson requested that the Fredericksburg Theatre signs be placed back on the Council agenda for further consideration.

Last week, Brian Jordan and I met with the Chairman and Executive Director of the Theatre to discuss their signage needs. We shared with them the original plans that included two signs for the Fredericksburg Theatre for both westbound and eastbound traffic on Friendship Lane. These signs were proposed for directing traffic to their facility on Highway 87. They agreed that the signs should be directing traffic to this facility. Most of the Theatre tickets are purchased on-line and they do not have a need to direct traffic to their current ticket office on Austin Street. In addition, early next year they are planning on moving their ticket office to the facility on Highway 87. Several representatives from the Theatre plan to attend the City Council meeting and will be available to respond to any questions.

The City of Fredericksburg

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

CITY COUNCIL MEMO

DATE: May 3, 2013

TO: Mayor and City Council

FROM: Brad Kott, Director of Finance

SUBJECT: 2013 Mid Year Budget Review

Summary:

The mid year budget review is intended to measure budget performance by using the first six month's of actual results, along with prior year's trends, to project year end results. As part of that review, staff has identified certain accounts that might have a material variance to the budgeted amounts. Those findings will be presented in a power point presentation at the Council meeting.

Based on the mid year budget review findings, the City does not find itself having to implement any cost-cutting measures to achieve meeting its budget at this time.

The City of Fredericksburg

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

Recommendation:

As part of the discussion on these individual variances, staff wishes to receive direction from Council if any of the projected variances require an amendment to the budget. Those amendments, if any, will be presented for approval at the following council meeting.

Background / Analysis:

This represents the first year that the City has performed a formal mid year budget review. This review will be a requirement as set forth in our soon to be developed Financial Policies.

The City of Fredericksburg

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