

**CITY OF FREDERICKSBURG
CITY COUNCIL MEETING**

MONDAY, MAY 19, 2014 ~ 7:00 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.)

A G E N D A

(SWEARING IN OF NEW MEMBERS WILL OCCUR PRIOR TO CALL TO ORDER)

CALL TO ORDER.

Page Ref

PLEDGE OF ALLEGIANCE.

1. **MINUTES** - Consider approval minutes of City Council meetings.
 - A. March 2014 1-7
 - B. April 2014. 8-13

2. **PUBLIC HEARINGS**
 - A. PUBLIC HEARING (Z-1403) Request by Whataburger to amend their Conditional Use Permit to allow a change in the signage on the front of the building. 14-18

 - B. PUBLIC HEARING (Z-1404) Amendment to Section 7.825 of the Zoning Ordinance Pertaining to Special Provisions Applicable to Central Fredericksburg. 19-25

3. **ORDINANCES - RESOLUTIONS - ACTION ITEMS**
 - A. Receive recommendation and consider Z-1403.
 - B. Receive recommendation and consider adopting an ordinance re: Z-1404.
 - C. Consider Resolution to Deny Atmos Energy's Proposed Rate Increase 26-32
 - D. Consider Curfew Regulations 33-39

4. **INDIVIDUAL ITEMS FOR CONSIDERATION AND POSSIBLE ACTION**
 - A. Consider Revisions to City Personnel Policies 40-41
 - B. Receive Presentation of Mid-Year Budget Report. 42-62
 - C. Consider Professional Services Contract - WWTP Rehabilitation Projects 63-79
 - D. Consider Council Appointments: 80-81
 - (1) Mayor Pro Tem
 - (2) Airport Advisory Board
 - (3) Chamber of Commerce Board
 - (4) Convention & Visitors Bureau Board
 - (5) Economic Development Commission Board
 - (6) Relief Route Task Force - 2 positions.

5. **CITY MANAGER'S REPORT**
 - A. June 13 City Council Retreat
 - B. Comprehensive Plan Update
 - C. Water Conservation Education Program
 - D. City Employee Recognitions

6. **ITEMS FOR FUTURE AGENDA**
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. **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 - Consultation with Attorneys Regarding Potential Litigation and Attorney Client Privilege Regarding Charter Amendment and Bond Covenants.
 - B. Executive Session - Consultation with Attorneys Regarding Potential Litigation and Options Regarding Atmos Rate Increase Request.

ADJOURN

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

REGULAR CITY COUNCIL MEETING
MARCH 3, 2014
7:00 PM

On this the 3rd day of March, 2014, City Council of the CITY OF FREDERICKSBURG convened in regular session at the City Hall, with the following members present to constitute a quorum:

PRESENT: JERYL HOOVER - MAYOR
TIM DOOLEY - COUNCIL MEMBER
GRAHAM PEARSON - COUNCIL MEMBER
KATHY SANFORD - COUNCIL MEMBER

ABSENT: GARY NEFFENDORF - COUNCIL MEMBER

ALSO PRESENT: KENT MYERS - CITY MANAGER
SHELLEY BRITTON - CITY SECRETARY
PAT MCGOWAN - CITY ATTORNEY
BRIAN JORDAN - DIR OF DEVELOPMENT SERVICES
BRAD KOTT - DIRECTOR OF FINANCE
CLINTON BAILEY - D.P.W.U.
STEVE WETZ - CHIEF OF POLICE
RUSSELL IMMEL - IT

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

MINUTES – It was moved by Council Member Pearson, seconded by Council member Dooley, to approve the minutes of the January 2014 meetings 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 Sanford, to approve the consent agenda as follows:

1. Add member to the Relief Route Task Force.

All voted in favor; motion carried.

UPDATE TO SUBDIVISION ORDINANCE (2ND READING) – It was moved by Council Member Dooley, seconded by Council Member Sanford, to approve the Update to the Subdivision Ordinance (3rd draft). The vote was as follows: aye: Hoover, Pearson, Sanford, and Dooley. NAY: None. Motion carried.

RESOLUTION OF PUBLIC INTENT– Council Member Dooley moved, seconded by Council Member Pearson, to approve the Resolution of Public Intent for the purchase of a wheel loader for the landfill. The vote is as follows: AYE: Hoover, Sanford, Dooley, and Pearson. Motion carried.

DECLARATION OF OFFICIAL INTENT RESOLUTION

Principal Amount Expected To Be Financed: \$111,692.97.

WHEREAS, the above Lessee is a political subdivision of the State in which Lessee is located (the "State") and is duly organized and existing pursuant to the constitution and laws of the State.

WHEREAS, pursuant to applicable law, the governing body of the Lessee ("Governing Body") is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interests in property, leases and easements necessary to the functions or operations of the Lessee.

WHEREAS, the Governing Body hereby finds and determines that the execution of one or more lease-purchase agreements ("Equipment Leases") in the principal amount not exceeding the amount stated above ("Principal Amount") for the purpose of acquiring the property generally described below ("Property") and to be described more specifically in the Equipment Leases is appropriate and necessary to the functions and operations of the Lessee.

Brief Description of Property: 2011 924 HZ Wheel Loader to be used at the Sanitary Landfill.

WHEREAS, the Lessee may pay certain capital expenditures in connection with the Property prior to its receipt of proceeds of the Equipment Leases ("Lease Purchase Proceeds") for such expenditures and such expenditures are not expected to exceed the Principal Amount.

WHEREAS, the U.S. Treasury Department regulations do not allow the proceeds of a tax-exempt borrowing to be spent on working capital and the Lessee shall hereby declare its official intent to be reimbursed for any capital expenditures for Property from the Lease Purchase Proceeds.

NOW, THEREFORE, Be It Resolved by the Governing Body of the Lessee:

SECTION 1. Either one of the City Manager **OR** the Director of Finance (each an "Authorized Representative") acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver one or more Equipment Leases in substantially the form set forth in the document presently before the Governing Body, which document is available for public inspection at the office of the Lessee. Each Authorized Representative acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Equipment Lease (including, but not limited to, escrow agreements) as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Equipment Leases are hereby authorized.

SECTION 2. By a written instrument signed by any Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of the Lessee to execute and deliver agreements and documents relating to the Equipment Leases on behalf of the Lessee.

SECTION 3. The aggregate original principal amount of the Equipment Leases shall not exceed the Principal Amount and shall bear interest as set forth in the Equipment Leases and the Equipment Leases shall contain such options to purchase by the Lessee as set forth therein.

SECTION 4. The Lessee's obligations under the Equipment Leases shall be subject to annual appropriation or renewal by the Governing Body as set forth in each Equipment Lease and the Lessee's obligations under the Equipment Leases shall not constitute a general obligations of the Lessee or indebtedness under the Constitution or laws of the State.

SECTION 5. The Governing Body of Lessee anticipates that the Lessee may pay certain capital expenditures in connection with the Property prior to the receipt of the Lease Purchase Proceeds for the Property. The Governing Body of Lessee hereby declares the Lessee's official intent to use the Lease Purchase Proceeds to reimburse itself for Property expenditures. This section of the Resolution is adopted by the Governing Body of Lessee for the purpose of establishing compliance with the requirements of Section 1.150-2 of Treasury Regulations. This section of the Resolution does not bind the Lessee to make any expenditure, incur any indebtedness, or proceed with the purchase of the Property.

SECTION 6. As to each Equipment Lease, Lessee hereby designates each Equipment Lease as a "qualified tax-exempt obligation" for the purposes of and within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended ("Code") and Lessee reasonably anticipates that the total amount of Section 265 Tax-Exempt Obligations to be issued during the current calendar year by Lessee, or by an entity controlled by Lessee or by another entity the proceeds of which are loaned to or allocated to Lessee for purposes of Section 265(b) of the Code will not exceed \$10,000,000. "Section 265 Tax-Exempt Obligations" are obligations the interest on which is excludable from gross income of the owners thereof under Section 103 of the Code, except for private activity bonds other than qualified 501(c)(3) bonds, both as defined in Section 141 of the Code.

SECTION 7. This Resolution shall take effect immediately upon its adoption and approval.

ADOPTED AND APPROVED on this March 3, 2014.

The undersigned Secretary/Clerk of the above-named Lessee hereby certifies and attests that the undersigned has access to the official records of the Governing Body of the Lessee, that the foregoing resolutions were duly adopted by said Governing Body of the Lessee at a meeting of said Governing Body and that such resolutions have not been amended or altered and are in full force and effect on the date stated below.

/s/ Shelley Britton

Signature of Secretary/Clerk of Lessee

SELECT CONSULTING FIRM FOR THE UPDATE OF THE COMPREHENSIVE PLAN, AND AUTHORIZE CONTRACT NEGOTIATIONS – Brian Jordan, Dir. of Development Services, briefed council on the process for selecting a consulting firm for the update of the Comprehensive Plan. It was moved by Council Member Sanford, seconded by Council Member Dooley, to select Design Workshop of Austin, to perform the Update of the Comprehensive Plan, and to authorize the City Manager to negotiate the contract. All voted in favor and the motion carried.

FINANCIAL REPORT – Dir. of Finance Brad Kott presented the Financial Report to Council, including information on how our fund balances compare to the fund balance requirements included in our recently adopted financial management policies, and, since interfund transfers are a current topic of interest, information on the interfund transfers that took place this year were included. No action was taken.

FUNDING FOR LADY BIRD JOHNSON POOL – It was moved by Council Member Pearson, seconded by Council Member Dooley, to approve a budget amendment for \$578,000 from the General Fund prior year fund balance to cover the remaining cost for the Cox Construction contract. All voted in favor and the motion carried.

ENGINEERING CONTRACT – WATER PROJECTS – Following a presentation by DPWU Clinton Bailey, it was moved by Council Member Pearson, seconded by Council Member Sanford, to approve the Professional Services Agreement with Freese and Nichols, Inc. to perform professional services as outlined in the “Scope of Services” which includes basic and non-basic services consisting of preliminary and final professional engineering design, surveying, project bid and construction coordination, system modeling, geotechnical investigation, tank inspection and tank materials testing for the City’s proposed water distribution system improvements projects for a lump sum fee of \$609,178. The voted was as follows: AYE: Hoover, Pearson, Dooley, and Sanford. Motion carried.

AWARD CONTRACT FOR FINANCING FOR WHEEL LOADER LEASE – Council Member Dooley moved, seconded by Council Member Pearson, to award the purchase financing for the Caterpillar Wheel Loader Lease in the amount of \$115,000. The voted was as follows: AYE: Hoover, Pearson, Dooley, and Sanford. Motion carried.

REQUEST FROM GRAN FONDO BIKE RIDE – It was moved by Council Member Sanford, seconded by Council Member Pearson, to approve hosting the Texas Gran Fondo cycling event on April 5 and to close Travis Street between Adams and Crocket Streets between 5:00 am and 5:00 pm, and to block one lane of Travis Street between Llano and Orange streets from 10 am to 4:00 pm.

The voted was as follows: AYE: Hoover, Pearson, Dooley, and Sanford. Motion carried.

CITY MANAGER’S REPORT – City Manager Kent Myers reported on (1) the February 21 City Council Retreat, (2) Relief Route Task Force, (3) Consolidated City/County Dispatching Center, and (4) Employee Recognitions including Development Services and Public Works staff for their work on the new Subdivision Regulations, and the Finance staff for the Financial Report.

PUBLIC COMMENT - No comment.

COUNCIL COMMENT - No comment.

EXECUTIVE SESSION – At 8:35 PM, Council Member Dooley made a motion to recess the regular session and go into Executive Session. Council Member Pearson seconded the motion, and the motion carried. At 9:04 PM, Council Member Dooley made a motion to adjourn the Executive Session and reconvene the regular session. Council Member Sanford seconded, the motion carried.

Following Executive Session, the following action was taken:

POTENTIAL LITIGATION AND ATTORNEY CLIENT PRIVILEGE MATTERS – No action was taken.

With no further business, Council Member Dooley made a motion to adjourn the meeting at 9:05 PM. Council Member Pearson seconded the motion. Motion carried.

PASSED AND APPROVED this the 19th day of May, 2014.

SHELLEY BRITTON, CITY SECRETARY

(4)

LINDA LANGERHANS, MAYOR

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STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

SPECIAL CITY COUNCIL MEETING
MARCH 17, 2014
5:00 PM

On this the 17th day of February, 2014, 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
KATHY SANFORD - COUNCIL MEMBER
GARY NEFFENDORF – COUNCIL MEMBER

ABSENT: GRAHAM PEARSON - COUNCIL MEMBER
TIM DOOLEY – COUNCIL MEMBER

ALSO PRESENT: KENT MYERS - CITY MANAGER
PAT McGOWAN - CITY ATTORNEY
SHELLEY BRITTON - CITY SECRETARY
BRAD KOTT - DIRECTOR OF FINANCE
STEVE WETZ - CHIEF OF POLICE

The meeting was called to order at 5:00 PM.

WORKSHOP: 2014 HOTEL TAX FUND ALLOCATIONS – Council held a workshop on the 2014 Hotel Tax Fund requests.

With no further discussion, Council Member Dooley made a motion to adjourn the meeting at 5:20 PM. Council Member Neffendorf seconded the motion. Motion carried.

PASSED AND APPROVED this the 19th day of May, 2014.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

REGULAR CITY COUNCIL MEETING
MARCH 17, 2014
7:00 PM

On this the 17th day of March, 2014, 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
GARY NEFFENDORF – COUNCIL MEMBER

GRAHAM PEARSON - COUNCIL MEMBER
KATHY SANFORD - COUNCIL MEMBER

ABSENT: TIM DOOLEY - COUNCIL MEMBER

ALSO PRESENT: KENT MYERS - CITY MANAGER
SHELLEY BRITTON – CITY SECRETARY
PAT McGOWAN - CITY ATTORNEY
CLINTON BAILEY – D.P.W.U.
STEVE WETZ - CHIEF OF POLICE
BRAD KOTT – DIR OF FINANCE
BRIAN JORDAN - DIR. OF DEVELOPMENT SERVICES
JOHN CULPEPPER – DIR EMERGENCY SERVICES
RUSSELL IMMEL – INFORMATION TECH

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

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

1. Appointment to Convention & Visitor Bureau Board – Krista Grantini.
2. Approve contract with West Central Wireless for the Cell Tower at City Hall.

All voted in favor and the motion carried.

PUBLIC HEARING (Z-1401) BY KEVIN KUNZ FOR A CONDITIONAL USE PERMIT TO ALLOW A CONVENIENCE STORAGE FACILITY IN THE C-2 COMMERCIAL ZONING DISTRICT LOCATED AT 711 BREHMER LANE – It was moved by Council Member Neffendorf, seconded by Council Member Sanford, to recess the regular session and open the Public Hearing on Z-1401 by Kevin Kunz for a Conditional Use Permit to allow a Convenience Storage Facility in the C-2 Commercial Zoning District located at 711 Brehmer Lane. All voted in favor and the motion carried.

Applicant Kevin Kunz and architect John Klein were on hand to address the application. With no comments from the public, it was moved by Council Member Pearson, seconded by Council Member Sanford, to adjourn the public hearing and reconvene the regular session. All voted in favor and the motion carried.

RECOMMENDATION ON Z-1401 – It was moved by Council Member Sanford, seconded by Council Member Pearson, to approve Z-1401 as presented. The vote was as follows: Hoover, Sanford, Pearson, and Neffendorf. NAY: Motion carried.

SPECIAL EVENTS POLICY – It was moved by Council Member Pearson, seconded by Council Member Sanford, to approve the Special Events Policy and timeline as presented. The vote was as follows: Hoover, Sanford, Pearson, and Neffendorf. NAY: Motion carried.

WATERING RESTRICTIONS – Council held the first reading of the Watering Restrictions Ordinance as presented by Director of Public Works, Clinton Bailey. No action was taken.



EFFLUENT AGREEMENT WITH FISD - Asst. City Engineer Kris Kneese presented a proposed Wastewater Treatment Plant Effluent Sales Contract with FISD. It was moved by Council Member Pearson, seconded by Council Member Neffendorf, to approve the WWTP Effluent Contract with FISD. The vote was as follows: Hoover, Sanford, Pearson, and Neffendorf. NAY: Motion carried.

AMENDMENT TO BUDGET FOR UTILITY COSTS FOR FORMER TEXAS RANGER HERITAGE CENTER – It was moved by Council Member Pearson, seconded by Council Member Neffendorf, to fund the relocation costs and approve a total of \$182,834.20 in utility improvements. The vote was as follows: AYE: Pearson and Neffendorf. NAY: Hoover and Sanford. Motion did not pass.

Following further discussion, it was moved by Council Member Neffendorf, seconded by Council Member Sanford, to approve funding of \$119,234 for the utility improvements, with a credit of \$63,600 for Phase II of the project. The vote was as follows: AYE: Hoover, Sanford, Pearson, and Neffendorf. NAY: Motion carried.

DEVELOPMENT SERVICES DEPARTMENT REPORT – Brian Jordan presented the Development Services Department Report.

CITY MANAGER'S REPORT – City Manager Kent Myers reported on (1) Recycling Survey Results, (2) Fort Martin Scott, (3) City Council/County Commissioners Joint Meeting, and (4) Employee Recognition

PUBLIC COMMENT – Russ Rose commented on water and Sonia Rivera commented on the city website.

COUNCIL COMMENT - No comments.

EXECUTIVE SESSION – At 8:45 PM, Council Member Pearson made a motion to recess the regular session and go into Executive Session. Council Member Neffendorf seconded the motion, and the motion carried. At 9:10 PM, Council Member Neffendorf made a motion to adjourn the Executive Session and reconvene the regular session. Council Member Sanford seconded, the motion carried

Following Executive Session, the following action was taken:

POTENTIAL LITIGATION AND ATTORNEY CLIENT PRIVILEGE MATTERS – No action was taken.

With no further discussion, Council Member made a motion to adjourn the meeting at 9:12 PM. Council Member Sanford seconded the motion. Motion carried.
Council Member Dooley was absent from this meeting!

PASSED AND APPROVED this the 19th day of May, 2014.

SHELLEY BRITTON, CITY SECRETARY

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LINDA LANGERHANS, MAYOR

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

REGULAR CITY COUNCIL MEETING
APRIL 7, 2014
7:00 PM

On this the 7th day of April, 2014, 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:

PRESENT: JERYL HOOVER - MAYOR
TIM DOOLEY - COUNCIL MEMBER
GRAHAM PEARSON - COUNCIL MEMBER
KATHY SANFORD - COUNCIL MEMBER

ABSENT: GARY NEFFENDORF - COUNCIL MEMBER

ALSO PRESENT: KENT MYERS - CITY MANAGER
SHELLEY BRITTON - CITY SECRETARY
PAT MCGOWAN - CITY ATTORNEY
BRIAN JORDAN - DIR OF DEVELOPMENT SERVICES
BRAD KOTT - DIRECTOR OF FINANCE
CLINTON BAILEY - D.P.W.U.
STEVE WETZ - CHIEF OF POLICE
RUSSELL IMMEL - IT

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

DYNAMIC PRICING FOR GOLF COURSE – It was moved by Council Member Pearson, seconded by Council Member Sanford, to adopt a change in the Fee Ordinance to allow for Dynamic Pricing for the Golf Course. The vote was as follows: AYE: Hoover, Pearson, Dooley, and Sanford. NAY: None. Motion carried.

WATER CONSERVATION ORDINANCE – 2ND READING – following the 2nd reading, it was moved by Council Member Sanford, seconded by Council Member Pearson, to adopt the new Water Conservation Ordinance, effective May 1, to start enforcement June 1, 2014. The vote was as follows: AYE: Hoover, Pearson, Dooley, and Sanford. NAY: None. Motion carried.

ORDINANCE NO. 24-002

AN ORDINANCE AMENDING AND REPLACING CHAPTER 47 OF THE CODE OF ORDINANCES OF THE CITY OF FREDERICKSBURG, THE DROUGHT CONTINGENCY PLAN OF THE CITY OF FREDERICKSBURG TO ESTABLISH A PURPOSE, DEFINITIONS, PERMANENT REQUIREMENTS, RESTRICTIONS AND LIMITATION ON WATERING, OUTLINING STAGES OF DROUGHT RESPONSE STAGES ESTABLISHING EXEMPTIONS, PROVIDING FOR ENFORCEMENT, VARIANCES, AND AN EFFECTIVE DATE. (Recorded in Ordinance Book)

PARKING ORDINANCE – 1st READING – Council held the 1st reading of the proposed Parking Ordinance. No action was taken.

CONSULTING SERVICES – RELIEF ROUTE - It was moved by Council Member Dooley, seconded by Council Member Pearson, to authorize the hiring of Greg Haley, for an amount not to exceed \$24,000, as consultant for the Relief Route. The vote was as follows: AYE: Hoover, Pearson, Dooley, and Sanford. NAY: None. Motion carried.

ORDINANCE FOR ELECTRIC RATES AT CAR CHARGING STATION – DPWU Clinton Bailey presented information on electric rates for the city’s car charging station. It was moved by Council Member Sanford, seconded by Council Member Pearson, to waive the 2nd reading of the ordinance and to adopt the electric rate proposed by staff. The vote was as follows: AYE: Hoover, Pearson, Dooley, and Sanford. NAY: None. Motion carried.

ORDINANCE NO. 24-003

ORDINANCE AMENDING THE SCHEDULE OF RATES FOR THE CITY OF FREDERICKSBURG ELECTRIC, LIGHT AND POWER DISTRIBUTION SYSTEM TO ADD A RATE FOR ELECTRIC VEHICLE CHARGING, REPEALING INCONSISTENT PROVISIONS AND SETTING AN EFFECTIVE DATE. (Recorded in Ordinance Book)

PRESENTATION BY DESIGN WORKSHOP ON COMPREHENSIVE PLAN UPDATE

Rebecca Lawrence of Design Workshop presented the scope of the project to update the Comprehensive Plan, including various phases of the project and a tentative schedule. No action was taken.

WASTEWATER TREATMENT PLANT MASTER PLAN PRESENTATION – Assistant City Engineer Kris Kneese, along with representatives from HDR Engineering, presented Council with the Waste Water Treatment Plant (WWTP) Master Plan, which included data acquisition, a regulatory compliance review, condition assessment of the WWTP, unit process and facility alternative evaluation and development, and cost estimating and constructing phasing for each improvement. No action was taken.

CITY MANAGER’S REPORT – City Manager Kent Myers reported on (1) City Charter Election, (2) Beautification Meeting, (3) City Council/County Commissioners Joint Meeting, (4) Update on 306 E. Austin Property, and (5) Employee Recognitions (Clinton Bailey, Clem Castillo, Cliff Hir).

PUBLIC COMMENT –Penny McBride invited everyone to the Chamber’s Candidate Forum on April 8 at the Hill Country University Center; Tim Riley commented on the Zero Waste Forum recently held by Fredericksburg Shines.

COUNCIL COMMENT - Council Member Dooley said that the City should “practice what it preaches” regarding watering, and encourage buildings to use xeriscaping methods. Mayor Hoover commented on water usage and Council Member Pearson spoke about the Charter Amendment Election.

With no further business, Council Member Dooley made a motion to adjourn the meeting at 8:30 PM. Council Member Pearson seconded the motion. Motion carried.

PASSED AND APPROVED this the 19th day of May, 2014.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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**STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG**

**REGULAR CITY COUNCIL MEETING
APRIL 21, 2014
7:00 PM**

On this the 21ST day of April, 2014, 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
GARY NEFFENDORF – COUNCIL MEMBER
TIM DOOLEY - COUNCIL MEMBER
GRAHAM PEARSON - COUNCIL MEMBER
KATHY SANFORD - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
SHELLEY BRITTON – CITY SECRETARY
PAT McGOWAN - CITY ATTORNEY
STEVE WETZ - CHIEF OF POLICE
BRAD KOTT – DIR OF FINANCE
BRIAN JORDAN - DIR. OF DEVELOPMENT SERVICES
JOHN CULPEPPER – DIR EMERGENCY SERVICES
RUSSELL IMMEL – INFORMATION TECH

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

MINUTES – It was moved by Council Member Pearson, seconded by Council Member Sanford, to approve the minutes of the February 2014 meetings as amended. All voted in favor and the motion carried.

PUBLIC HEARING Z-1402 BY MS. LORRIE’S LEARNING CENTER LLC FOR A CONDITIONAL USE PERMIT TO ALLOW DAY CARE SERVICES IN AN R-2 MIXED RESIDENTIAL ZONING DISTRICT AT 915 BELL STREET - It was moved by Council Member Dooley, seconded by Council Member Sanford, to recess the regular session and open a Public Hearing on Z-1402 by Ms. Lorrie’s Learning Center, LLC, for a Conditional Use Permit to

allow Day Care Services in an R-2 Mixed Residential District at 915 Bell Street. All voted in favor and the motion carried.

John Klein was on hand representing the applicants, Dean and Lorrie Stewart. There were no comments from the public. 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-1402 – It was moved by Council Member Dooley, seconded by Council Member Pearson, to approve Request Z-1402 by Ms. Lorrie’s Learning Center, LLC, for a Conditional Use Permit to allow Day Care Services in an R-2 Mixed Residential District at 915 Bell Street, as presented. The vote was as follows: AYE: Hoover, Sanford, Neffendorf, Pearson, and Dooley. NAY: None. Motion carried.

TxDOT TRAFFIC SIGNAL PRESENTATION – Howard Lyons, Area Engineer for TxDOT, briefed Council on the operation of the traffic signal system in downtown Fredericksburg.

REQUEST FROM OKTOBERFEST FOR CLOSURE OF ADAMS STREET AND USE OF CITY HALL PARKING LOT – Debbie Farquhar was on hand to present a request from Oktoberfest for a closure of Adams Street and for use of the City Hall parking lot during Oktoberfest. It was moved by Council Member Pearson, seconded by Council Member Sanford, to approve the request as presented. The vote was as follows: AYE: Hoover, Sanford, Neffendorf, Pearson, and Dooley. NAY: None. Motion carried.

CITY LIGHTING STANDARDS – Council held the first reading of the City Lighting Standards Ordinance. No action was taken.

WAIVER OF BUILDING PERMIT FEE FOR COUNTY JAIL - Following a lengthy discussion, it was moved by Council Member Dooley, seconded by Council Member Sanford, to deny the request for a waiver of Building Permit Fees for the County Jail. The vote was as follows: AYE: Hoover, Sanford, Neffendorf, Pearson, and Dooley. NAY: None. Motion carried.

RESOLUTION ADOPTING WATER CONTINGENCY PLAN – Following a presentation by Director of Public Works and Utilities Clinton Bailey, it was moved by Council Member Sanford, seconded by Council Member Pearson, to adopt a Resolution Adopting a Water Contingency Plan. The vote was as follows: AYE: Hoover, Sanford, Neffendorf, Pearson, and Dooley. NAY: None. Motion carried.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF FREDERICKSBURG, TEXAS, ADOPTING A WATER CONSERVATION PLAN FOR THE CITY OF FREDERICKSBURG, TEXAS AND AUTHORIZING SUBMISSION OF THE PLAN TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND THE TEXAS WATER DEVELOPMENT BOARD; PROVIDING FOR EFFECTIVE DATE AND OTHER RELATED MATTERS

WHEREAS, the City of Fredericksburg operates a public water supply system having more than 5,400 customer connections, and

WHEREAS, state law requires all cities having at least 3,300 water connections to submit a Water Conservation Plan to the Texas Commission on Environmental Quality and the Texas Water Development Board:

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

Section 1. The attached Water Conservation Plan for the City of Fredericksburg is hereby adopted. The Director of Public Works and Utilities is authorized and directed to submit the plan to TCEQ and the TWDB and to such other agencies as may be required by law.

Section 2. The Water Conservation Plan and appropriate ordinances providing for enforcement shall be reviewed, updated, and amended from time to time as appropriate to take into account changes in laws, regulations, or other conditions.

Section 3. This resolution shall be immediately effective upon adoption.

PASSED AND APPROVED this the 21st day of April, 2014.

/s/ Jeryl Hoover, Mayor

ATTEST:

/s/ Shelley Britton, City Secretary

POLICE DEPARTMENT PRESENTATION – Police Chief Steve Wetz delivered the Police Department Presentation.

CITY MANAGER'S REPORT – City Manager Kent Myers reported on (1) Countywide Beautification Day, (2) Wine and Culinary Arts Center, (3) New Watering Restrictions, and (4) Employee Recognitions, including Bradley Durst who was shot in the line of duty, all agencies who assisted in the incident, and Frank Stead and Deputy Hilario Villa for their prompt action in aiding Officer Durst.

FUTURE AGENDA ITEMS – Several items slated for future agendas include: (1) discussion of the B&B Ordinance, (2) Lighting, (3) Animal Shelter, (4) School District Parking, (5) WWTP Design, (6) Historic Review Board Annual Report, and (7) the Ground Transportation Ordinance

PUBLIC COMMENT - None.

COUNCIL COMMENT – None.

EXECUTIVE SESSION – At 9:35 PM, Council Member Dooley made a motion to recess the regular session and go into Executive Session. Council Member Sanford seconded the motion, and the motion carried. At 9:50 PM, Council Member Dooley made a motion to adjourn the Executive Session and reconvene the regular session. Council Member Sanford seconded, the motion carried.

Following Executive Session, the following action was taken:

(12)

SALE OF 306 E. AUSTIN STREET – No action taken.

With no further business, Council Member Dooley made a motion to adjourn the meeting at 9:55 PM. Council Member Pearson seconded the motion. Motion carried.

PASSED AND APPROVED this the 19th day of May, 2014.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR



CITY COUNCIL MEMO

DATE: May 14, 2014

TO: City Council

FROM: Brian Jordan, AICP

SUBJECT: Request by Whataburger to Amend their Conditional Use Permit to allow a change in the signage on the front of the building (Z-1403).

Summary:

The Conditional Use Permit for Whataburger was approved in April, 2013. As part of the approval, elevations of the building and signage were included in the package for consideration. The sign in question is on the front of the building facing E. Main Street, and is a 42" tall Whataburger Logo and what is being proposed is a 22" tall Letter sign, spelling out Whataburger (see the attached exhibit showing the existing sign and what is proposed).

Recommendation:

The Planning and Zoning Commission voted unanimously to recommend denying this request. In staff's opinion the existing sign appears to be in scale with the front of the building and is in balance. In addition, we believe the visibility of the site and building is quite good from Main Street, and additional signage is not necessary. Staff concurs with the Commission's recommendation of denial.

(124)

The City of Fredericksburg

Background / Analysis:

Under normal circumstances, the signage would not be considered by the Planning and Zoning Commission or the City Council. However, since this application was for a Conditional Use Permit, this allowed us to evaluate the design and materials of the building, including the signage.



The City of Fredericksburg

**CUSTOM LETTER SPACING.
SIGN CAN NOT EXCEED 12'-3"**

SIGN TYPE A 22" PCL - L.E.D. - RACEWAY - **ONE (1) SET REQ'D**

CHANNEL LETTERS INTERNALLY ILLUMINATED WITH L.E.D. MODULES.
DISPLAY TO HAVE ON/OFF SERVICE SWITCHES ON RACEWAY.

RACEWAY COLOR: TBD

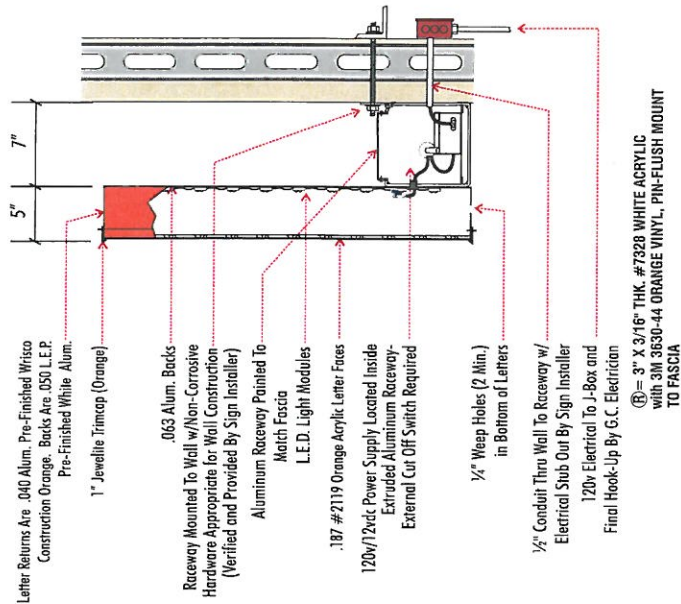
TBD

SCALE $1/2"=1'-0"$
22.42 SQ. FT.

22.42 SQ. FT.

LOW VOLTAGE L.E.D. LIGHTING SYSTEM

U.L. LISTED CLASS 2 - CONFORMS TO U.L. 48 NEC 600 CODE



SECTION DETAIL - LED ILLUMINATED WALL LETTERS- RACEWAY

N.T.S.

**FEDERAL
HEATH**

SIGN COMPANY
www.FederalHeath.com
2300 North Highway 121 • Euless, Texas 76039
(817) 685-9077 (800) 527-9495 Fax: (817) 685-9103

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Louisville, KY • Knoxville, TN • Grapeland, MS • Detroit, MI
Wilmington, IL • Turin, MI • Atlanta, GA
Tampa, FL • Daytona Beach, FL • Orlando, FL

[illegible]

Account Rep.	Joe Dunavan	Project / Location	#17-885 1301 East Main Street Frisco, TX 78724
Project Manager	Kay Bacon		
Driver By	Melanie Gray		
 Underwriters Laboratories Inc.		REACTION TO USE ALL UL LISTED MATERIALS TO MEET ALL U.S. STANDARDS ALL ELECTRICAL LIENS ARE TO COMPLY WITH U.L. STANDARDS	

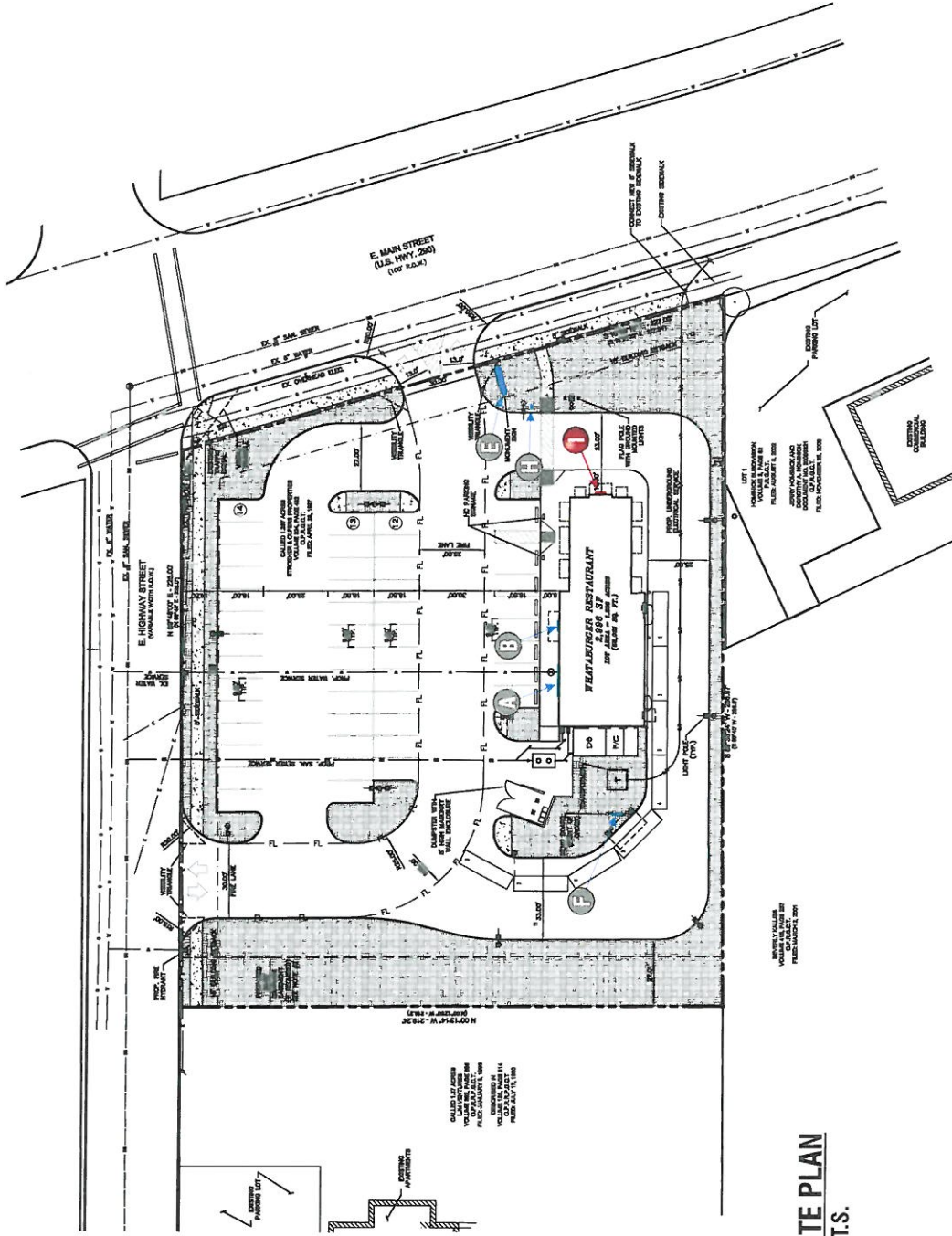
This original drawing is provided as part of a planned project and is not to be copied or reproduced without the written permission of the Federal Health Sign Company, LLC, of 55

EXISTING SIGNS

- A** 22" WHATABURGER LETTERS ON RACEWAY | ONE EXISTING
- B** 42" FLUSH MOUNT W-LOGOS | ONE EXISTING
- E** 4'-6" OAH D/F INTERNALLY ILLUMINATED MONUMENT | ONE EXISTING
- F** DRIVE-THRU MENU | ONE (1) REQ
- H** NON-ILLUMINATED DIRECTIONAL | ONE(1) REQ.

PROPOSED REPLACEMENT SIGN

- 1** EXISTING 42" FLUSH MOUNT "W" LOGO (15.32 SQ. FT) TO BE REMOVED AND REPLACED WITH 22" RACEWAY MOUNTED "WHATABURGER" LETTER SET (22.42 SQ. FT)



SITE PLAN N.T.S.



FEDERAL HEALTH SIGN COMPANY
www.FederalHealth.com
2300 North Highway 121 | Euless, Texas 76039
(817) 685-9077 | (800) 527-9495 Fax (817) 685-9103

Building Quality Signage Since 1901

Revisions: R1 Delete 2 well signed sign size of well lit (MG) 5/2/13
R2 Update signpost to LED edge light from inventory
R3 Update signpost to LED edge light from inventory
R4 10/1/13 Revised graphics on monument sign E (B&W)
R5 10/1/13 Update sign to be 11' high replacement (CH)
R6 10/1/13 Update sign to be 11' high replacement (CH)
R7 10/1/13 Update sign to be 11' high replacement (CH)
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Account: Joe Dunavan
Project Manager: Key Bacon
Drawn By: Melanie Gray
Underwriters Inc. (NEC)
Electrical to use all listed
ALL N.E.C. STANDARDS
ATTENTION: ALL ELECTRICAL
WORK SHALL BE DONE IN
ACCORDANCE WITH THE
LATEST EDITION OF THE
N.E.C. CODE BOOK AND
THE LATEST EDITION OF THE
N.E.C. STANDARDS

Project Location
#17-885
1301 East Main Street
Fredericksburg, TX 78624

ADD NUMBER: 23-14061-10
Date: April 26, 2012
Sheet Number: 1 of 3
Design Number: 23-14061-10-New Bldg-RTAD

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CITY COUNCIL MEMO

DATE: May 14, 2014

TO: City Council

FROM: Brian Jordan, AICP

SUBJECT: Amendment to Section 7.825 of the Zoning Ordinance pertaining to Special Provisions Applicable to Central Fredericksburg (Z-1404).

Summary:

Section 7.825 of the Zoning Ordinance (copy attached) relates to special parking provisions that apply to the area of town bounded by Milam Street on the west, Austin Street on the north, Washington Street on the east and San Antonio Street on the south. The intent of these provisions is to enhance the unique historical character and discourage inharmonious parking facilities in such historical districts or on sites occupied by historic structures and to reduce intrusion on pedestrian-oriented street frontages by parking facility access.

Recently, we have had two owners of property within the block just to the east and outside of this area, request that we consider extending this special parking provision one block to the east, to Elk Street. As stated in their letters (attached), the conditions are similar within this block, including that the CBD zoning and Historic District covers these properties. In addition to the block between Washington and Elk Street, the two blocks on the West end of Main Street between Milam and Bowie have similar circumstances and should be considered. The main difference between the two areas is that there is some residential zoning and neighborhood commercial zoning within the blocks on the west end of Main Street.

(19)

The City of Fredericksburg

Recommendation:

Planning and Zoning Commission voted 7-1 in favor of extending the provisions of Section 7.825 to include the blocks between Washington and Elk on the east end of town and the blocks between Milam and Bowie on the west end of town, with a condition that it be limited to the CBD zoned areas and that lodging or B&B units be excluded, meaning that they would be parked at the normal requirement. Staff concurs with the Commissions recommendation of approval.

Ernie Loeffler with the CVB and Tim Lehmberg with the EDC were both present at the meeting and spoke in favor of the amendment.

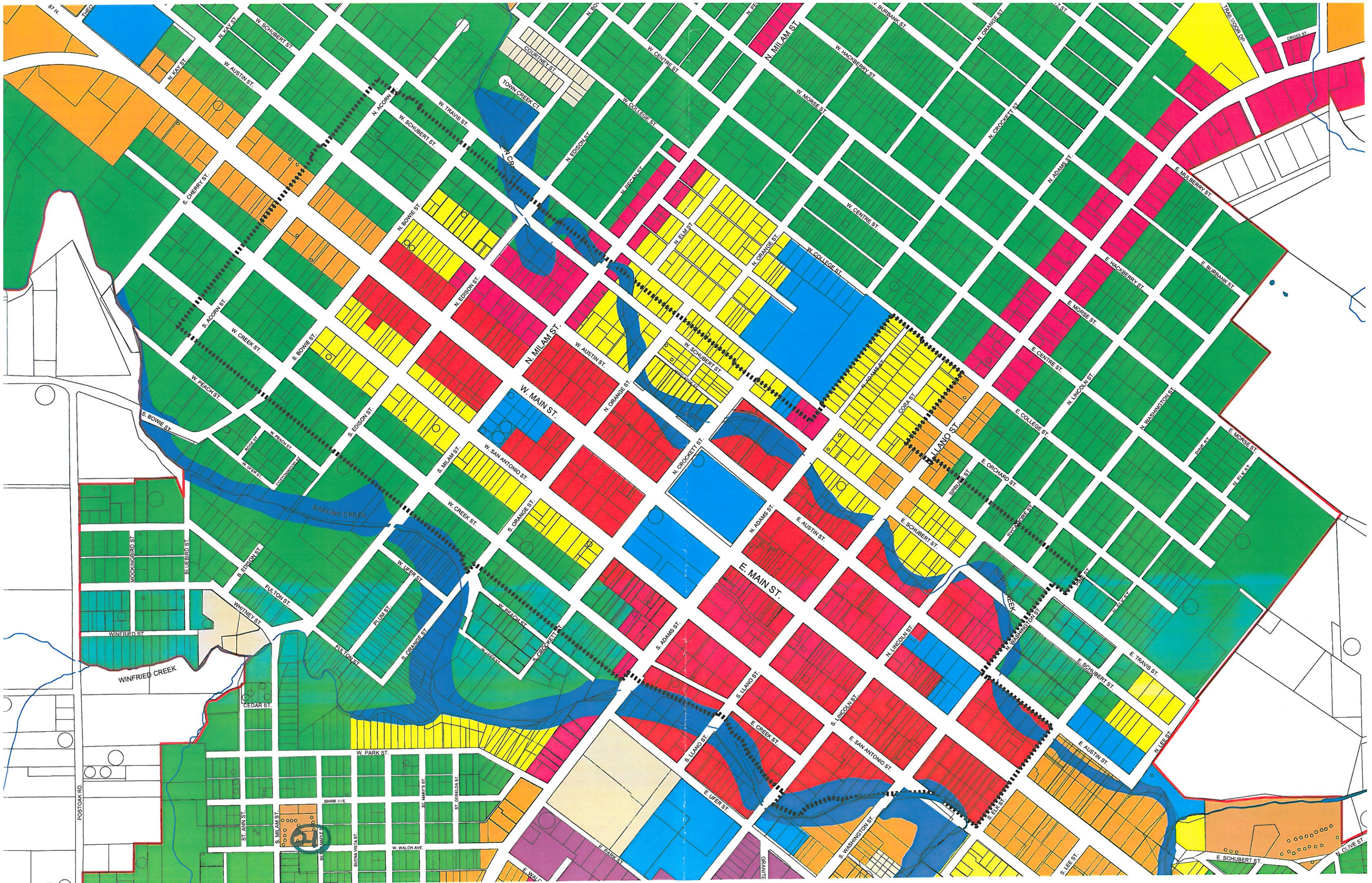
Background / Analysis:

The special provisions state the following:

1. When any existing building is (1) converted to another use; or (2) has the usable floor area within the existing building perimeter enlarged, rehabilitated or remodeled, without enlarging said building perimeter, then said building conversion or improvement shall not require additional off-street parking, other than the number of existing off-street parking spaces which are utilized by said building.
2. For new buildings or expanded building space, the uses shall provide fifty percent (50%) of the off-street parking requirements of Table 7.863 of the Zoning Ordinance.
3. The provisions of 2 above shall not apply for sites where a historic structure is removed and a new building built.



The City of Fredericksburg



7.825 Special Provisions Applicable To Central Fredericksburg

- A. Special parking requirements shall apply within designated portions of Central Fredericksburg in order to further enhance the unique historical character and discourage inharmonious parking facilities in such historical districts or on sites occupied by historic structures and to reduce intrusion on pedestrian-oriented street frontages by parking facility access.
- B. Special Parking Requirements Area, including all of blocks 28, 34, 68, 43, 48, 53, 52, 47, 42, 67, 33 and 27 of the Fredericksburg Addition further described as those blocks bordered by Austin Street on the north, San Antonio Street on the south, Milam Street on the west, and Washington Street on the east.
- C. Special Provisions
 - 1. For those businesses which construct their own off-street, off-premises parking, the distance to the parking lot may be extended fifty percent (50%) in addition to the provisions in Section 7.850.
 - 2. When any existing building is: (1) converted to another use; or (2) has the usable floor area within the existing building perimeter enlarged, rehabilitated or remodeled, without enlarging said building perimeter, then said building conversion or improvement shall not require additional off-street parking, other than the number of existing off-street parking spaces which are utilized by said building.
 - 3. For new buildings or expanded building space, the following uses shall provide fifty percent (50%) of the off-street parking requirements of Table 7.863.
 - 4. The provisions of C.3 above shall not apply for sites where a historic structure is removed and a new building built.

April 14, 2014

146 Keidel Lane
Fredericksburg, Texas 78624

Brian Jordan
Director of Development Services
City of Fredericksburg
126 West Main Street
Fredericksburg, Texas 78624
(830) 997-7521

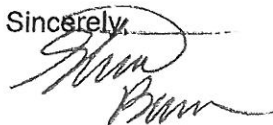
Regarding: 401 East Main Street

Dear Mr. Jordan:

I am requesting an amendment to Sec. 7.825 Special Provisions Applicable to Central Fredericksburg, the City of Fredericksburg's off street parking requirement (OSPR). This area was established "to further enhance the unique historical character and discourage inharmonious parking facilities in such historical districts or on-site occupied by historic structures and to reduce intrusion on pedestrian-oriented street frontages by parking facilities access." As you are aware the OSPR does not exactly overlay the Central Business District or the Historical District. In my opinion it is applied un-uniformly in the southeast quadrant of the city. I believe the OSPR should be extended down San Antonio Street (right of way) to Elk Street, and then up Elk and across Main. Elk Street appears to be logical division point. It is where the change in lot design starts. Properties on the east side of Elk are generally laid out with parking in the front of the business lending itself to vehicular traffic and the properties on the west of Elk catering to the pedestrian traffic with the business fronts adjacent to the sidewalk.

We are currently planning to develop 401 E Main Street which wraps around the corner from HWY 290 down HWY 87 to Baron's Creek. Our property is located inside the Historical District and the Central Business District but not inside the reduced off street parking requirement area. We would like to develop this property in the side-by-side (possibly two story) building fashion Fredericksburg is known for, but this type of development is not possible if we forced to provide all parking on site. The existing conditions and the depths of the lots on this block of Main Street make it is very difficult fit all the required parking on site. Please amend the off street parking requirements to include this area if possible. If you would like, I would be happy to meet with you or appear at a board meeting or council meeting to discuss further.

Sincerely,



Stuart Barron



PO Box 4515
Austin, Texas 78765

Tel 512 659 8425
Fax 512 453 7672

April 3, 2014

Brian Jordan, AICP
Director of Development Services
City of Fredericksburg
126 West Main Street
Fredericksburg, TX 78624
(830) 997-7521

Regarding: *406 East Main Street – Off Street Parking Requirements
Fredericksburg, Texas*

Dear Brian:

On March 17, 2014 we met with you, Kent Myers and Clinton Bailey to give you a project update. One of the main topics concerned how the Schedule of Off-Street Parking Requirements applies to this specific project. We walked through how our project is designed to provide all of the required parking. You noted that the site was in an unusual location and might warrant special consideration by the Planning and Zoning Commission to ease the parking count. We believe that this project deserves this consideration, and we offer the following reasons to explain why.

Our site is inside of the boundary of both the Historic Overlay (Section 3.500) and the Historic Shopping District Overlay (Section 3.510), and is both bound by and designed to meet all of these applicable zoning requirements. This project will significantly enhance the continuity and integrity of the Core historic fabric of downtown Fredericksburg, especially when you consider what is currently located on the property. The project provides a now-lacking retail street frontage, carefully integrates the single existing heritage tree into a welcoming, intimate courtyard, and completely hides all of the parking below Main Street ground level. This project will extend and fill the existing gap in the City's core retail frontage

Unfortunately, we just miss the defined boundary of Central Fredericksburg by about 150 feet to the east. This zoning provision - Section 7.825, "Special Provisions Applicable to Central Fredericksburg" – makes significant reductions in off-street parking requirements in order to facilitate the pedestrian-oriented streetscape experience that our project so fully delivers. The provision's opening statement completely dovetails with the Historic District's intent – "...in order to further enhance the unique historical character and discourage inharmonious parking facilities in such historical districts.....and to reduce intrusion on pedestrian-oriented street frontages by parking facility access."

This Central Fredericksburg Provision allows for a 50% reduction in off-street parking requirements. We are not seeking anywhere near that amount, but we would request consideration of a 25% reduction. The project has carefully shoehorned in approximately 105 spaces, and we ask for this reduction not to compromise function or short function of the mixed uses of Hotel and Retail, but to allow for necessary flexibility in the Café seating arrangements.

We would also note that our project is going to other lengths to lessen the parking demand for both our project and the city at large. We are contemplating closing up two existing curb cuts, which would add 6 additional street parking spots along Main Street, all for public use. We are also committed to prominently featuring and providing alternative cycling accommodations at both the Main Street and Austin Street levels – this will include bikes for rent or guest use, bicycle storage, and integration into bike paths both onsite and offsite.

(24)

To sum up, this project is predicated on enhancing the unique pedestrian experience of central, historic Fredericksburg, and is carefully, unobtrusively inserting as much parking as is physically and economically feasible. We are likely adding to the pool of street parking (not in our parking count), and we are making alternative transportation – cycling – a key component of the project both aesthetically and operationally. We respectfully request consideration to reduce the parking count 25% - only half the reduction allowed to properties only 150' away.

1

Sincerely,

A handwritten signature in black ink, appearing to read 'Shaesby A. Scott'. The signature is stylized with a large, loopy 'S' and a distinct 'A'.

Shaesby A. Scott

CC: Kent Myers
Daniel Brooks
Philip Keil



CITY COUNCIL MEMO

DATE: May 19, 2014

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: Atmos Energy Rate Increase

Summary:

Atmos Energy has recently requested an increase in its revenues and a change in their gas rates.

Recommendation:

It is recommended that the City Council approve the attached resolution denying the increase in rates requested by Atmos Energy.

Background / Analysis:

The City of Fredericksburg is a member of Atmos Texas Municipalities (ATM) which has hired an Austin law firm, Herrera & Boyle, to review rate increases proposed by Atmos Energy. Background information on past rate increases and the current rate request is attached along with the recommendation of our legal counsel. An executive session has been scheduled if needed to discuss more specific information related to this rate increase. Council action is required by the end of this month.

(26)

The City of Fredericksburg

AGENDA INFORMATION SHEET
AGENDA ITEM NO. _____

**DENIAL OF ATMOS ENERGY CORPORATION, MID-TEX DIVISION'S
(ATMOS) REQUEST TO INCREASE ITS REVENUE AND CHANGE ITS
RATES UNDER THE RATE REVIEW MECHANISM**

ATMOS TEXAS MUNICIPALITIES

The City is a member of the Atmos Texas Municipalities (ATM). The ATM group was organized by a number of municipalities served by Atmos and has been represented by the law firm of Herrera & Boyle, PLLC (through Mr. Alfred R. Herrera). ATM also retained the services of a consulting firm, Utilitech, Inc. (Mr. Mike Brosch and Mr. Steve Carver) to assist in reviewing an application submitted by the Atmos Energy-Mid-Tex Division (Atmos) that seeks to increase its rates and change its rates. Both Herrera & Boyle, PLLC and Utilitech, Inc. have participated in prior rate cases involving Atmos and have extensive knowledge and experience in rate matters affecting Atmos' rates, operations, and services.

HISTORY OF PRIOR RATE INCREASES

General Rate Case (Approved December 2012)

In January 2012, Atmos sought an increase of about \$49.1 million. Ultimately, the ATM cities and Atmos were not able to reach agreement on an increase and Atmos filed an appeal to the Railroad Commission of Texas. The Railroad Commission approved an increase of about \$24.1 million, representing an increase in revenue of about 7%

Prior Increase Under the RRM (July 2013)

In the summer of 2013, Atmos and ATM entered into an agreement that approved a revised Rate Review Mechanism (RRM). The RRM approved in the Summer of 2013 is the third iteration of that rate-setting mechanism.

Less than a year ago, on or around July 15, 2013, Atmos submitted a request to increase rates under the RRM. Atmos requested an increase in rates on a system-wide basis of \$22.7 million, which is an increase of about 5%. Following a series of settlement negotiations between Atmos' experts and ATM's experts, Atmos agreed to an increase of \$16.6 million, an increase in revenue of about 3.7%.

RATE REVIEW MECHANISM

On February 28, 2013, Atmos initiated a ratemaking proceeding with cities in the coalition known as the Atmos Texas Municipalities (ATM) by submitting an application to increase its revenue by about \$45.6 million and to change its rates to collect that increase in revenue. An increase of \$45.6 million represents an increase of about 9.2% in annual base-rate revenue. The increase for an average customer is as follows:

Residential Customer:	\$2.02/month (9.96%) in base rates.
Commercial Customer:	\$2.16/month (10.16%) in base rates.
Industrial/Transportation Customer:	\$53.65/month (10.29 %) in base rates.

ATM retained the law firm of Herrera & Boyle, PLLC (H&B) as Special Counsel and the consulting firm of Utilitech, Inc. (Utilitech) to review Atmos' filing. After an extensive review of Atmos' request to increase its revenue and change its rates, on about April 10, 2014, ATM's Special Counsel and consultants concluded Atmos merited an increase of no more than about \$26.6 million. Special Counsel's and the consultants' assessment was preliminary and excluded additional downward adjustments to Atmos' request that are not included in the \$26.6 million amount because of the amount of time to review Atmos' request and because of then-outstanding responses to requests for information submitted to Atmos by ATM's Special Counsel.

The basis for ATM's consultants' preliminary assessment that Atmos warranted at most an increase of \$26.6 million is based on numerous exclusions of costs or rejection of accounting practices for which Atmos failed to carry its burden of proof that such costs or practices were reasonable and consistent with sound ratemaking and regulatory principles. Examples of these items included Atmos' request with regard to:

- An increase in Uncollectible Revenue related to implementation of a new billing system and unexplained cost overruns associated with implementation of the new billing system
- An increase in promotional advertising expenses unrelated to the conservation of energy and more related to promoting Atmos' corporate image
- Atmos' Incentive Compensation program for its executives and upper management
- Inclusion in its capital accounts of items the Railroad Commission had in prior orders excluded from Atmos' cost of service
- Atmos' use of projected costs related to medical and dental benefits
- Atmos' deferred accounting treatment of certain pension benefits
- The amount of Cash Working Capital Atmos proposed to recover from customers
- Atmos' treatment of certain federal income tax expenses including its ratemaking treatment of accumulated deferred income tax (ADIT) reserves
- Atmos' calculation of accounting balances related to certain regulatory assets allowed under the Railroad Commission's rules

This is not intended to be nor is it an exhaustive list of the issues identified by ATM's rate experts. It is provided to show some of the areas in Atmos' application to change rates in which ATM's Special Counsel and rate experts found deficiencies in Atmos' request.

ATM's Special Counsel and consultants engaged in good-faith negotiations with Atmos to attempt to reach a settlement of Atmos' proposed increase, but those negotiations failed to produce an agreement.

At this juncture, the ATM cities' options are as follows:

Option 1. To deny Atmos' requested increase and approve no increase;

Option 2. To deny Atmos' requested increase and approve an increase of no more than \$26.6 million, based on ATM's consultants' preliminary report; or

Option 3. To take no action and allow Atmos' proposed increase of \$45.6 million and its related rates to go into effect.

Note that under Option 1 and Option 2, Atmos has the right to appeal the ATM cities' decisions to the Railroad Commission of Texas and pending such an appeal has the right to implement its proposed increase of \$45.6 million effective June 1, 2014, subject to refund if the Commission's review later finds a lower amount is appropriate. Atmos has notified ATM's Special Counsel of Atmos' intent to file an appeal of the City's decision to deny its requested increase.

RECOMMENDATION:

ATM's experts' preliminary report suggests Atmos does not warrant an increase of \$45.6 million. Given that the ATM cities and Atmos were not able to reach agreement on an amount by which to increase Atmos' annual revenue and that ATM's Special Counsel and rate experts believe a much lower increase is in order, and in light of the significant increases Atmos has obtained in the recent past, ATM's Special Counsel recommends that the City deny Atmos' proposed increase in revenue and changes in rates.

Atmos will appeal the City's decision denying its requested increase and changes in rates to the Railroad Commission. ATM's Special Counsel recommends that the City participate in Atmos' appeal to the Railroad Commission and in any appeals to the courts of the Railroad Commission's decision.

The attached Resolution also directs Atmos to reimburse ATM's rate-case expenses incurred to date and to reimburse on a monthly basis, ATM's rate-case expenses for any and all related appeals.

The City should take action as soon as possible but no later than May 31, 2014.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS DENYING AN INCREASE IN RATES REQUESTED BY ATMOS ENERGY CORPORATION – MIDTEX DIVISION, SUBMITTED ON OR ABOUT FEBRUARY 28, 2014 UNDER THE RATE REVIEW MECHANISM; FINDING ATMOS' REQUEST UNREASONABLE; DIRECTING ATMOS ENERGY TO REIMBURSE THE CITY'S RATE-CASE EXPENSES; AUTHORIZING THE CITY'S PARTICIPATION IN APPEALS ATMOS MAY TAKE DENYING ITS REQUESTED INCREASE; REQUIRING DELIVERY OF THE RESOLUTION TO THE COMPANY AND THE CITY'S SPECIAL COUNSEL; FINDING THAT THE MEETING COMPLIED WITH THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, Atmos Energy Corporation-MidTex Division ("Atmos" or "Company") filed a request with the City of Fredericksburg, Texas ("City") on or about February 28, 2014, thereby initiating a ratemaking proceeding to increase its revenue and change its rates within the corporate limits of the City, and specifically to increase its system-wide, annual revenue requirement by approximately \$45.7 million, which is an increase in base rates exclusive of the cost of gas of approximately 9.2%; and

WHEREAS, the City is a regulatory authority under Utilities Code § 103.001 (more commonly referred to as the Gas Utility Regulatory Act ("GURA")) and has exclusive original jurisdiction over Atmos' rates, operations, and services within the City; and

WHEREAS, Section 103.021 of GURA authorizes the City to obtain information from Atmos as necessary to make a determination of the basis for the Atmos' proposed increase in rates in the City; and

WHEREAS, Section 103.022 of GURA provides that Atmos shall reimburse the City its reasonable cost of engaging personnel to assist it in reviewing Atmos' application; and

WHEREAS, the City has participated in prior cases regarding Atmos as part of a coalition of cities known as the Atmos Texas Municipalities ("ATM"); and

WHEREAS, Atmos submitted its application to increase rates under the Rate Review Mechanism (“RRM”); and

WHEREAS, Special Counsel and experts representing ATM have analyzed the data furnished by Atmos, sought and obtained additional data, and have interviewed Atmos’ management regarding Atmos’ request to increase rates; and

WHEREAS, the City’s Special Counsel and rate experts concluded that Atmos’ request to increase rates by \$45.7 million is unreasonably high; and

WHEREAS, the City’s Special Counsel and rate experts’ conclusion that Atmos’ request to increase rates by \$45.7 million is unreasonably high is based on numerous elements in Atmos’ request that are inconsistent with sound rate-setting and regulatory principles; and

WHEREAS, the City’s Special Counsel and rate experts participated in discussions with Atmos to attempt to resolve Atmos’ proposed change in rates and increase in revenue through negotiations but were unable to reach agreement; and

WHEREAS, it is anticipated that Atmos will appeal the City’s denial of its request to increase rates to the Railroad Commission of Texas and possibly to the courts, thus requiring the continued assistance of Special Counsel and rate experts in those proceedings.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS THAT:

Section 1. The findings set forth in this Resolution are hereby in all things approved.

Section 2. Atmos Energy Corporation-MidTex Division’s request to change its rates and to increase its revenue by approximately \$45.7 million is hereby **DENIED**.

Section 3. Pursuant to Utilities Code § 103.022 and under the terms of the Rate Review Mechanism, Atmos is hereby directed to reimburse the City’s rate case expenses, as participants in the coalition of cities known as the Atmos Texas Municipalities, for engaging counsel, rate consultants, and other personnel in assisting the City in its investigation of Atmos’ proposed increase in rates, and is further directed to reimburse the City’s rate case expenses on a monthly

basis for the City's participation in any appeal Atmos seeks of the City's denial of its request to increase rates.

Section 4. This Resolution supersedes any Resolution or Ordinance previously adopted by the City Council to the extent such previously adopted Resolution or Ordinance is inconsistent with this Resolution.

Section 5. The meeting at which this Resolution was approved was in all things conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 6. If any one or more sections or clauses of this Resolution is judged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Resolution and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

Section 7. This Resolution shall become effective from and after its passage.

Section 8. A copy of this Resolution shall be sent to Atmos Energy-Mid-Tex Division, care of Christopher Felan, Vice President of Rates and Regulatory Affairs, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1600, Dallas, Texas 75240, and to Special Counsel, Mr. Alfred R. Herrera, Herrera & Boyle, PLLC, 816 Congress Avenue, Suite 1250, Austin, Texas 78701.

PASSED AND APPROVED this 19th day of May, 2014.

Linda Langerhans,
Mayor, City of Fredericksburg

ATTEST:

Shelley Britton,
City Secretary, City of Fredericksburg



CITY COUNCIL MEMO

DATE: April 23, 2014
TO: Mayor and City Council
FROM: Steven Wetz, Chief of Police
SUBJECT: Review of Juvenile Curfew Order or Ordinance

Summary: In accordance with Texas Government code 370.002, the city must review the local juvenile curfew ordinance every three years or the ordinance will expire.

Recommendation: Vote to continue the ordinance as is and make no changes.

Background / Analysis: This ordinance was enacted in April 2009 due to problems with juvenile crimes occurring in the late night hours. Since the inception of this ordinance juvenile crimes have fallen. The ordinance by law has lapsed but I feel that it should be reinstated.

370.002. REVIEW OF JUVENILE CURFEW ORDER OR
ORDINANCE.

(a) Before the third anniversary of the date of adoption of a juvenile curfew ordinance by a general-law municipality or a home-rule municipality or an order of a county commissioners court, and every third year thereafter, the governing body of the general-law municipality or home-rule municipality or the commissioners court of the county shall:

(1) review the ordinance or order's effects on the community and on problems the ordinance or order was intended to remedy;

(2) conduct public hearings on the need to continue the ordinance or order; and

(3) abolish, continue, or modify the ordinance or order.

(b) Failure to act in accordance with Subsections (a)(1)-(3) shall cause the ordinance or order to expire.

Added by Acts 1995, 74th Leg., ch. 262, § 96, eff. May 31, 1995.

ORDINANCE NO. 19-003

AN ORDINANCE RE-ADOPTING SECTION 20-118 THROUGH 20-123, AND AMENDING SECTION 20-123 THEREOF, OF THE CODE OF ORDINANCES OF THE CITY OF FREDERICKSBURG REGARDING JUVENILE CURFEWS, RE- ESTABLISHING THE NECESSITY THEREFOR AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, An ordinance establishing a curfew for juveniles within the City of Fredericksburg was first established in 1994, and

WHEREAS, Since that time the City Council of the City of Fredericksburg has determined that the primary purposes of the ordinance, being to protect the juveniles involved, and to decrease the amount of crime within the City have been met, and that the interests of society in these goals require continuation of the juvenile curfew ordinance, they being the least restrictive means to accomplish said goals, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS THAT THE FOLLOWING ORDINANCE BE AND IS HEREBY RE-ADOPTED AND ENACTED AND THAT SECTION 20-123 THE CODE OF ORDINANCES OF THE CITY OF FREDERICKSBURG BE AMENDED OR ADDED AS FOLLOWS:

The following sections of the code of ordinances of the City of Fredericksburg are hereby re-adopted and enacted: Sections 20-118 through 20-122;

Section 20-123 is hereby amended to read as follows:

Sec.20-123. Effective date and time. It is hereby declared that this article shall become effective on 4/25, 2009 at 12:01 o'clock A.M.

-----End of Code Text-----

Severability / 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.

Repealer

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

PASSED AND APPROVED this the 2nd day of March, 2009.



Jeryl Hoover, Mayor
City of Fredericksburg

ATTEST:



Shelley Britton, City Secretary

APPROVED AS TO FORM:



Pat McGowan, City Attorney

Sec. 20-118. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Curfew hours means:

- (1) Between the hours of 12:01 a.m. and 6:00 a.m. on any Monday, Tuesday, Wednesday, Thursday or Friday; and
- (2) Between the hours of 1:01 a.m. and 6:00 a.m. on any Saturday or Sunday.

Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Establishment means any privately or publicly owned place of business to which the public is invited, including but not limited to any place of amusement or entertainment.

Guardian means:

- (1) A person who, under court order, is the guardian of the person of a minor; or
- (2) A public or private agency with whom a minor has been placed by a court.

Minor means any person under 17 years of age.

Operator means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation or other person in control of the premises.

Parent means a person who is:

- (1) A natural parent, adoptive parent, or step-parent of another person; or
- (2) At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

Remain means to:

- (1) Linger or stay; or
- (2) Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

Serious bodily injury means bodily injury that creates a substantial risk of death or that causes death, or may cause serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(Code 1992, § 7.801)

Sec. 20-119. Offenses; minors.

- (a) A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours. When the following day is a Fredericksburg independent school district holiday, the curfew hours shall be the same as on Saturday and Sunday.

(b) A parent or guardian of a minor commits an offense if he knowingly permits, or, by insufficient control, allows the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.

(c) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(Code 1992, § 7.802)

Sec. 20-120. Defenses.

(a) It is a defense to prosecution under section 20-119 that the minor was:

- (1) Accompanied by the minor's parent or guardian;
- (2) On a lawful errand at the direction of the minor's parent or guardian, without any detour or stop;
- (3) In a motor vehicle involved in interstate travel;
- (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (5) Involved in an emergency;
- (6) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
- (7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, Fredericksburg independent school district, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, Fredericksburg independent school district, a civic organization, or another similar entity that takes responsibility for the minor;
- (8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly;
- (9) Married or had been married or had disabilities of minority removed in accordance with state law; or
- (10) Has graduated from high school.

(b) It is a defense to prosecution under section 20-119 that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours.

(Code 1992, § 7.803)

Sec. 20-121. Enforcement.

Before taking any enforcement action under this article, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in section 20-120 is present.

(Code 1992, § 7.804)

Sec. 20-122. Penalties.

(a) A person who violates a provision of this article is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine as provided for in the general penalty provision found in section 1-6 of this Code.

(b) When required by V.T.C.A., Family Code § 51.08 as amended, the municipal court shall waive original jurisdiction over a minor who violates section 20-119 of this article and shall refer the minor to the juvenile court.

(Code 1992, § 7.805)

Sec. 20-123. Effective date and time.

It is hereby declared that this article shall become effective on September 25, 1994 at 12:01 o'clock a.m.

(Code 1992, § 7.806)



CITY COUNCIL MEMO

DATE: May 9, 2014
TO: Mayor and City Council
FROM: Wynell Herbort, Human Resources Manager
SUBJECT: Personnel Policies and Procedures Manual

Summary:

The new and revised policies are taken from the Texas Municipal Human Resources Association Sample Employee Handbook as prepared by Lynn Pham & Ross, LLP. These policies were reviewed and amended by a committee consisting of City of Fredericksburg employees in addition to Kent Myers, City Manager, and Pat McGowan, City Attorney. There are many changes in the language and set up of the manual from the previous version. Following is a summary of the major additions and changes:

Chapter 1. Introduction

- 1.01 Departmental Policies
- 1.02 Division of Responsibility
- 1.03 Management Authority

Chapter 2. Employment

- 2.01 ADA Policy Statement
- 2.02 EEO Policy Statement

Chapter 5. Employee Behavior, Ethics, and Regulations

- 5.02 Sexual Harassment
- 5.04 Cell Phone Use in the Workplace

- 5.05 Electronic Communications & Systems Access Use
- 5.08 Drug & Alcohol Policy
- 5.09 DOT Drug & Alcohol Policy
- 5.10 Arrests and Confinement
- 5.11 City Property
- 5.12 Social Networking
- 5.13 Weapons Control & Violence Prevention Policy
- 5.14 Fitness for Duty
- 5.15 Performance Evaluation Systems
- 5.17 Searches

Chapter 6. Hours of Work and Payroll Practices

- 6.03 Inclement Weather-Emergency Closings
- 6.05 Compensation Plan
- 6.07 Conflict of Interest

Chapter 7. Health and Safety

- 7.00 Employee Safety

Recommendation:

Staff recommends adopting the manual as written.

Background/Analysis:

The last revision of the City's Personnel Policy and Procedures Manual was approved in 2001. In the updated manual, we have included some policies from the old version, as well as new policies.



CITY COUNCIL MEMO

DATE: May 14, 2014
TO: Mayor and City Council
FROM: Brad Kott, Director of Finance
SUBJECT: Mid Year Budget Review FY 2014

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 the attached power point presentation to the City Council.

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 next council meeting.

Background/Analysis:

This is the second annual mid year budget review. Again this review is required per the City's financial policies.

Mid Year Budget Review

FY 2014

(43)



Mid-Year Budget Review

The purpose of the mid-year budget review is to update the City Council on the status of the current year's budget through the first six months.

As part of this process, staff will;

(44)

- Identify any problem areas and recommend corrective action or additional funding,
- Use first six month actual results, current economic conditions, and prior trends to better forecast this year's results, and
- Recommend any budget amendments.



GENERAL FUND

MID-YEAR BUDGET REVIEW

	2014 BUDGET	2014 PROJECTED	VARIANCE
GENERAL FUND REVENUES	\$ 10,286,400	\$ 10,518,700	\$ 232,300
CHANGES			
SALES TAXES	\$ 4,400,000	\$ 4,525,000	\$ 125,000
IN LIEU OF TAXES	1,571,600	1,609,900	38,300
MIXED DRINKS TAX	70,000	100,000	30,000
ANIMAL CONTROL DONATION	-	14,000	14,000
CAMPING	310,000	335,000	25,000
	\$ 6,351,600	\$ 6,583,900	\$ 232,300



ADMINISTRATIVE DEPARTMENT

MID-YEAR BUDGET REVIEW

	2014 BUDGET	2014 PROJECTED	VARIANCE
ADMIN EXPENDITURES	\$ 1,718,900	\$ 1,990,500	\$ (271,600)
CHANGES			
TRANSFER TO GOLF	\$ 127,100	\$ 437,700	\$ (310,600)
TRANSFER TO EMS	395,800	356,800	39,000
	\$ 522,900	\$ 794,500	\$ (271,600)



POLICE DEPARTMENT

MID-YEAR BUDGET REVIEW

	2014 BUDGET	2014 PROJECTED	VARIANCE
POLICE DEPT EXPENDITURES	<u>\$ 3,875,700</u>	<u>\$ 3,856,800</u>	<u>\$ 18,900</u>
CHANGES			
CITY ATTORNEY WAGES	\$ -	\$ 7,000	\$ (7,000)
MISCELLANEOUS EXPENSES	24,000	16,000	8,000
COMPUTER & SOFTWARE MAINT	100,000	92,000	8,000
SUBSTATION EXPENSES	16,600	12,000	4,600
GASOLINE, OIL & LUBRICANTS	114,100	112,000	2,100
POLICE VEHICLES	117,200	114,000	3,200
	<u>\$ 371,900</u>	<u>\$ 353,000</u>	<u>\$ 18,900</u>





FIRE DEPARTMENT MID-YEAR BUDGET REVIEW

FIRE DEPT EXPENDITURES

2014 BUDGET	2014 PROJECTED	VARIANCE
\$ 758,300	\$ 758,300	\$ -

CHANGES

NO VARIANCES

48



STREET DEPARTMENT

MID-YEAR BUDGET REVIEW

	2014 BUDGET	2014 PROJECTED	VARIANCE
STREET DEPT EXPENDITURES	<u>\$ 2,427,400</u>	<u>\$ 2,351,100</u>	<u>\$ 76,300</u>
CHANGES			
FULL TIME WAGES	\$ 573,300	\$ 527,700	\$ 45,600
SOCIAL SECURITY	48,400	42,200	6,200
RETIREMENT	51,600	50,000	1,600
HOSPITALIZATION INSURANCE	102,400	79,500	22,900
	<u>\$ 775,700</u>	<u>\$ 699,400</u>	<u>\$ 76,300</u>

Note

Budgeted 3 Street Dept crew workers at \$24,960 each
 Hired 2 Solid Waste crew workers 12/9/13 at \$29,120 each



PARK DEPARTMENT

MID-YEAR BUDGET REVIEW

	2014 BUDGET	2014 PROJECTED	VARIANCE
PARK DEPT EXPENDITURES	\$ 1,370,400	\$ 1,370,400	\$ -

CHANGES

NO VARIANCES



DEVELOPMENT SERVICES

MID-YEAR BUDGET REVIEW

	2014 BUDGET	2014 PROJECTED	VARIANCE
DEVELOPMENT SERVICES EXPENDITURES	\$ 401,100	\$ 426,100	\$ (25,000)
CHANGES			
CITY ATTORNEY WAGES	\$ -	\$ 25,000	\$ (25,000)

(57)



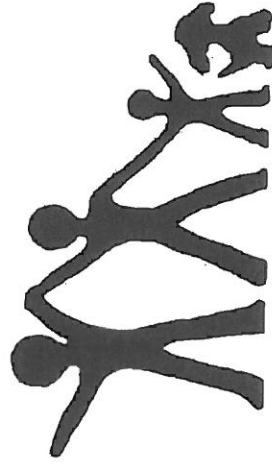
HEALTH DEPARTMENT

MID-YEAR BUDGET REVIEW

	2014 BUDGET	2014 PROJECTED	VARIANCE
HEALTH DEPT EXPENDITURES	\$ 153,200	\$ 153,200	\$ -

CHANGES

NO VARIANCES



FREDERICKSBURG FOOD & WINE FEST

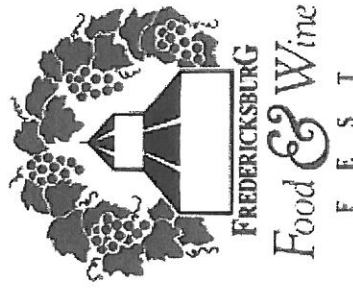
MID-YEAR BUDGET REVIEW

	2014 BUDGET	2014 PROJECTED	VARIANCE
FFWF EXPENDITURES	\$ 140,000	\$ 140,000	\$ -

CHANGES

NO VARIANCES

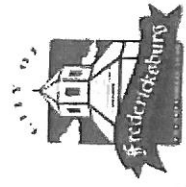
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GENERAL FUND SUMMARY

MID-YEAR BUDGET REVIEW

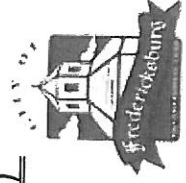
	2014 BUDGET	2014 PROJECTED	VARIANCE
REVENUES	\$ 10,286,400	\$ 10,518,700	\$ 232,300
EXPENDITURES			
ADMIN	\$ 1,718,900	\$ 1,990,500	\$ (271,600)
POLICE	3,875,700	3,856,800	18,900
FIRE	758,300	758,300	-
STREET	2,427,400	2,351,100	76,300
PARK	1,370,400	1,370,400	-
DEV SERVICES	401,100	426,100	(25,000)
HEALTH	153,200	153,200	-
FFWF	140,000	140,000	-
	\$ 10,845,000	\$ 11,046,400	\$ (201,400)
NET EFFECT			\$ 30,900



ELECTRIC FUND

MID-YEAR BUDGET REVIEW

	2014 BUDGET	2014 PROJECTED	VARIANCE
REVENUES			
EXPENDITURES			
	\$ 12,329,800	\$ 12,683,800	\$ 354,000
	12,400,000	12,579,000	(179,000)
	<u>\$ (70,200)</u>	<u>\$ 104,800</u>	<u>\$ 175,000</u>
REVENUES			
RESIDENTIAL SALES	\$ 4,798,700	\$ 5,198,700	\$ 400,000
COMMERCIAL SALES	7,049,800	6,974,800	(75,000)
MISCELLANEOUS REVENUE	182,000	211,000	29,000
	<u>\$ 12,030,500</u>	<u>\$ 12,384,500</u>	<u>\$ 354,000</u>
EXPENDITURES			
LEGAL EXPENSES	\$ 500	\$ 35,500	\$ (35,000)
IN LIEU OF TAXES	986,400	1,012,400	(26,000)
POWER PURCHASES	8,361,300	8,261,300	100,000
TRANSMISSION PROVIDER FEES	970,000	1,193,000	(223,000)
CONTRACT TREE TRIMMING	80,000	60,000	20,000
VEHICLE MAINTENANCE	30,000	45,000	(15,000)
	<u>\$ 10,428,200</u>	<u>\$ 10,607,200</u>	<u>\$ (179,000)</u>



WATER FUND

MID-YEAR BUDGET REVIEW

	2014 BUDGET	2014 PROJECTED	VARIANCE
REVENUES			
EXPENDITURES			
	\$ 5,498,300	\$ 5,549,300	\$ 51,000
	5,768,500	5,782,600	(14,100)
	<u>\$ (270,200)</u>	<u>\$ (233,300)</u>	<u>\$ 36,900</u>

REVENUES

WATER SALES	\$ 2,946,200	\$ 2,775,200	\$ (171,000)
SEWER SALES	2,336,200	2,356,200	20,000
FORFEITED DISCOUNTS	-	45,000	45,000
IMPACT FEES	128,000	285,000	157,000
	<u>\$ 5,410,400</u>	<u>\$ 5,461,400</u>	<u>\$ 51,000</u>

EXPENDITURES

IN LIEU OF TAXES	\$ 439,900	\$ 444,000	\$ (4,100)
SEWER LIFT MAINTENANCE	30,000	40,000	(10,000)
	<u>\$ 469,900</u>	<u>\$ 484,000</u>	<u>\$ (14,100)</u>



GOLF FUND

MID-YEAR BUDGET REVIEW

	2014 BUDGET	2014 PROJECTED	VARIANCE
REVENUES	\$ 1,716,100	\$ 1,636,100	\$ (80,000)
EXPENDITURES	1,716,100	1,636,100	80,000
	\$ -	\$ -	\$ -
REVENUES			
GREEN FEES	\$ 779,500	\$ 584,900	\$ (194,600)
DRIVING RANGE	35,000	26,000	(9,000)
CONCESSION REVENUES	288,000	216,000	(72,000)
MERCHANDISE SALES	157,500	118,500	(39,000)
CART FEES	303,800	227,800	(76,000)
Sub-Total	1,563,800	1,173,200	(390,600)
TRANSFER FROM GENERAL FUND	127,100	437,700	310,600
	\$ 1,690,900	\$ 1,610,900	\$ (80,000)
EXPENDITURES			
UTILITIES	\$ 15,000	\$ 10,000	\$ 5,000
ADVERTISING - GOLF COURSE	4,000	2,000	2,000
CONTRACT PROFESSIONAL SERVICES	4,500	2,000	2,500
EFFLUENT SO2 TREATMENT	35,000	19,000	16,000
TREE CARE AND REPLACEMENT	5,000	2,500	2,500
GASOLINE	43,000	29,000	14,000
ADVERTISING - GRILL	2,000	1,000	1,000
GRILL APPLIANCES	3,000	1,000	2,000
INVENTORY	135,000	100,000	35,000
	\$ 246,500	\$ 166,500	\$ 80,000



SOLID WASTE FUND

MID-YEAR BUDGET REVIEW

	2014 BUDGET	2014 PROJECTED	VARIANCE
REVENUES	\$ 1,815,300	\$ 1,918,300	\$ 103,000
EXPENDITURES	1,871,400	1,884,700	(13,300)
	<u>\$ (56,100)</u>	<u>\$ 33,600</u>	<u>\$ 89,700</u>

REVENUES

LANDFILL FEES	\$ 1,000,000	\$ 1,100,000	\$ 100,000
RECYCLING REVENUES	31,000	24,000	(7,000)
FORFEITED DISCOUNTS	-	10,000	10,000
	<u>\$ 1,031,000</u>	<u>\$ 1,134,000</u>	<u>\$ 103,000</u>

EXPENDITURES

CITY ATTORNEY WAGES	\$ 10,400	\$ -	\$ 10,400
FULL TIME WAGES	642,400	662,000	(19,600)
SOCIAL SECURITY	56,100	54,700	1,400
RETIREMENT	60,700	65,000	(4,300)
HOSPITALIZATION INSURANCE	101,200	94,200	7,000
IN LIEU OF TAXES	145,300	153,500	(8,200)
	<u>\$ 1,016,100</u>	<u>\$ 1,029,400</u>	<u>\$ (13,300)</u>





EMERGENCY MEDICAL SERVICES

MID-YEAR BUDGET REVIEW

REVENUES

EXPENDITURES

2014 BUDGET	2014 PROJECTED	VARIANCE
\$ 1,718,800	\$ 1,718,800	\$ -
1,718,800	1,718,800	-
\$ -	\$ -	\$ -

REVENUES

EMS REVENUES

DISALLOWANCES

CITY FUNDS

COUNTY FUNDS

\$ 1,380,000	\$ 1,500,000	\$ 120,000
(460,700)	(502,700)	(42,000)
395,800	\$ 356,800	(39,000)
395,800	356,800	(39,000)
\$ 1,710,900	\$ 1,710,900	\$ -

EXPENDITURES

NO VARIANCES



TOURISM FUND

MID-YEAR BUDGET REVIEW

	2014 BUDGET	2014 PROJECTED	VARIANCE
REVENUES	\$ 2,190,700	\$ 2,190,700	\$ -
EXPENDITURES	2,370,600	2,303,600	67,000
	<u>\$ (179,900)</u>	<u>\$ (112,900)</u>	<u>\$ 67,000</u>

⑧

REVENUES

NO VARIANCES

EXPENDITURES

WAYFINDING PROJECT

\$ 322,000	\$ 255,000	\$ 67,000
<u>\$ 322,000</u>	<u>\$ 255,000</u>	<u>\$ 67,000</u>



DRAINAGE FUND

MID-YEAR BUDGET REVIEW

	2014 BUDGET	2014 PROJECTED	VARIANCE
REVENUES	\$ 379,300	\$ 379,300	\$ -
EXPENDITURES	452,400	452,400	-
	<u>\$ (73,100)</u>	<u>\$ (73,100)</u>	<u>\$ -</u>

EXPENDITURES

NO VARIANCES

(61)



HOSPITALIZATION INSURANCE FUND

MID-YEAR BUDGET REVIEW

	2014 BUDGET	2014 PROJECTED	VARIANCE
REVENUES	\$ 1,207,000	\$ 1,153,400	\$ (53,600)
EXPENDITURES	1,188,300	1,511,300	(323,000)
	<u>\$ 18,700</u>	<u>\$ (357,900)</u>	<u>\$ (376,600)</u>

REVENUES

EMPLOYEE PREMIUM	\$ 947,200	\$ 941,800	\$ (5,400)
DEPENDENT PREMIUM	231,800	183,600	(48,200)
	<u>\$ 1,179,000</u>	<u>\$ 1,125,400</u>	<u>\$ (53,600)</u>

EXPENDITURES

REINSURANCE	\$ 190,000	\$ 200,000	\$ (10,000)
CLAIMS PAID	730,000	1,150,000	(420,000)
STOP LOSS REFUNDS	-	(87,000)	87,000
PRESCRIPTION	175,000	155,000	20,000
	<u>\$ 1,095,000</u>	<u>\$ 1,418,000</u>	<u>\$ (323,000)</u>





CITY COUNCIL MEMO

DATE: May 3, 2014

TO: Mayor and City Council

FROM: Kris Kneese, P.E., Assistant City Engineer

SUBJECT: Professional Services – WWTP Rehabilitation Projects

Summary:

City Council approved \$6.5 million in revenue bonds in July 2013 for water and wastewater improvements projects. Preliminary construction cost estimates presented by staff illustrated that roughly half of the approved funding would be utilized for rehabilitation projects at the Wastewater Treatment Plant (WWTP). To start the WWTP rehabilitation process, City staff hired HDR Engineering to complete the WWTP Master Plan. With HDR's experience after completing the WWTP Master Plan, City Staff requested that HDR develop a draft contract proposal for providing professional services including preliminary and final engineering design and construction management for the City's proposed wastewater treatment plant projects.

Recommendation:

City staff recommends approval of the Professional Services Contract with HDR Engineering to perform professional services outlined in the "Part 2.0 Scope of Services" of the attached agreement which includes preliminary design, final design, bid and negotiation phase services and construction phase services for the City's proposed WWTP improvements projects identified in the WWTP Master Plan for a fee of \$429,680.00.

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The City of Fredericksburg

Background / Analysis:

To start the WWTP rehabilitation process, City staff hired HDR Engineering to complete the WWTP Master Plan. Though the WWTP Master Plan project, infrastructure improvements in need of repair or rehabilitation were identified. Below is a list of improvements identified in the WWTP Master Plan:

- Mechanical aeration basin improvements
- Sludge dewatering process expansion
- Disinfection and chemical storage improvements
- Site security (fence and gate) improvements, including green landscaping
- Process flow control (RAS/WAS control) modifications
- New administration building
- Improvements to MLSS pump station
- Gravity thickener piping modifications
- Solids dewatering building exhaust repair
- Upgrade to polymer feed system
- Addition of a composite sampler
- Effluent storage pond improvements

The total estimated construction cost of the projects listed above is \$4.9 million. Since the available budget for the WWTP improvements is between \$3 and \$3.5 million, City staff identified approximately \$1.5 million worth of projects that could be designed and constructed in the future as part of Capital Improvement Program. Additionally, the estimated contingency for these projects is approximately \$260,000, which could result in an overall construction cost savings.

Due to the volatility and unknowns of contractor bidding in 8 months, City staff will include two needed projects, site security and administration building, as additive alternates in the bid package. This will allow some freedom in choosing whether or not to include these two projects in this phase of construction depending on the results of the construction bids relative to the budget.

With HDR's experience after completing the WWTP Master Plan, City Staff requested that HDR develop a draft contract proposal for provide professional services including preliminary and final engineering design and construction management for the City's proposed wastewater projects. After


The City of Fredericksburg

review and negotiation of the draft contract by City Staff, HDR prepared and submitted a revised Professional Services Contract which staff is recommending for approval by City Council.

(65)

The City of Fredericksburg

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

TASK ORDER No. 3

This Task Order pertains to an Agreement by and between the City of Fredericksburg, Texas, ("OWNER/CITY"), and IHDR Engineering, Inc. ("ENGINEER"), dated September 6, 2013 ("the Agreement"). Engineer shall perform services on the project described below as provided herein and in the Agreement. This Task Order shall not be binding until it has been properly signed by both parties. Upon execution, this Task Order shall supplement the Agreement as it pertains to the project described below.

TASK ORDER NUMBER: **Three**

PROJECT NAME: **City of Fredericksburg Wastewater Treatment Plant Improvements Design**

PART 1.0 PROJECT DESCRIPTION:

The City of Fredericksburg (City) conducted a master plan to evaluate the City's Wastewater Treatment Plant (WWTP) existing limitations, define the WWTP's capacity, develop and analyze process alternatives, and guide and prioritize the capital improvements needed. The proposed improvements will be phased so that the highest priority items will utilize the funds available from the City's 2013 bond program. Funds for the lower priority items will be included in the City's future capital improvements program (CIP). The improvements identified in the master plan will be designed under Task Order No. 3 to allow the City to include future items as bid alternatives in Phase 1.

The major improvements identified at the WWTP include:

- New mechanical aeration equipment. The currently installed 140-HP of floating brush aerators was determined to be insufficient as part of the master plan evaluation, and will be increased to 330-HP. Modifications will include removal of existing aerators, installation of new surface mechanical aeration equipment, necessary electrical upgrades to carry the increased electrical load, and dissolved oxygen monitoring.
- Mechanical dewatering expansion. The WWTP currently utilizes a 1.2 meter belt filter press to dewater waste activated sludge (WAS) installed in the late 1990's. A second belt filter press unit will be added to serve as the WWTP's primary dewatering unit, while the existing unit will remain as a backup to the newly installed unit. Expansion will include a new building to house the new belt filter press, a conveyor system to transport dewatered sludge to a waiting hauling truck, and associated paving and sitework.
- Disinfection and chemical storage improvements. Currently, the chlorine and sulfur dioxide gas cylinders are stored in the open and near one another. The existing chlorine feed system is aging, and has resulted in occasional plant discharges that exceed permitted bacterial limits. Improvements will include a new building with monorail to store chlorine and sulfur dioxide in separate rooms,

as required by the Texas Commission on Environmental Quality (TCEQ), new chlorine feed system, residual chlorine analyzer, safety equipment, scrubber system for containment and associated instrumentation and control.

- Gravity thickener modifications. Site investigations indicate the gravity thickener was not constructed as designed. Modifications to the gravity thickener include piping modifications and the addition of a weir inside the basin, new piping from the aerated chamber to the belt filter press feed line, a bypass from the gravity thickener feed line to the belt filter press feed line, and associated valving.
- Improved return activated sludge (RAS) and WAS measurement and control. Currently, the WWTP does not have the ability to measure the amount of sludge that is recycled to the activated sludge system, or the amount of sludge that is wasted from the system. Improvements will include the addition of flow meters on the individual RAS lines from each secondary clarifier, removal of the two airlift pumps, the addition of a small pump station including two positive displacement pumps with a flow meter on the discharge header, associated piping and valving.
- Improved Site Security. Modifications include the addition of chain-link site fencing surrounding the treatment plant units, a new access gate, and signage as required by the TCEQ. Aesthetic upgrades such as solid concrete fencing and landscaping to act as a screening wall from Highway 290 will be designed and included as additive bid alternates.
- New Administrative building. The existing administrative building is undersized for the multiple functions it serves. A new building will be designed that will include separate areas for a laboratory, offices, and breakroom. The design will include architectural features such as exterior limestone and a standing seam metal roof, to blend in with the City of Fredericksburg's hill country aesthetic standards.

PART 2.0 SCOPE OF SERVICES TO BE PERFORMED BY ENGINEER ON THE PROJECT:

TASK 1.0 – WWTP IMPROVEMENTS PRELIMINARY DESIGN

A. Task 1.0 represents the basic engineering services anticipated in the preliminary design of the WWTP improvements.

1. Geotechnical Investigation. Provide City a recommended scope of geotechnical engineering services including exploratory work, laboratory and field testing. The City will contract the geotechnical work directly with the Geotechnical Consultant.
2. Survey. Provide the City a recommended scope of surveying services. The City will contract the surveying work directly with the Survey Consultant.
3. Perform research and calculations to determine the size, capacity and operation of proposed treatment units that were not fully established in the Master Plan for annual average, maximum month, maximum day and peak instantaneous conditions. This will include mechanical dewatering, RAS/WAS control, gravity thickener improvements, and chemical disinfection system. The preliminary design will include a liquid and solids hydraulic profile and site plan. Prepare a Design Memorandum which summarizes the improvement design as determined by the prepared calculations. The design memorandum will include thirty (30) percent drawings and specifications as an appendix.
 - a. Prepare Opinion of Probable Construction Cost (OPCC) and Schedule of Final Design and Bidding.

Deliverables: Electronic meeting agendas, electronic meeting minutes with action items, electronic recommended scope of geotechnical and surveying services, electronic Design Memorandum, OPCC and Construction Schedule.
Format: PDF for all deliverables.

TASK 2.0 – WWTP IMPROVEMENTS FINAL DESIGN

A. This Task describes the engineering basic services required for the final design of the City of Fredericksburg WWTP Improvements. Task 2.0 represents the work anticipated in the final design of the WWTP improvements. The Engineer shall provide the basic services set forth herein.

1. Meetings. Participate in eight (8) regularly scheduled monthly meetings with the City during the anticipated eight-month design duration established in the project objectives. Four (4) of the meetings will be held in person, and four (4) will be conducted via conference call. Participate in up to two (2) additional meeting as requested by the City to address specific project issues or attend City Council

meetings. Prepare and provide to the City a meeting agenda prior to the meetings. Provide materials required for the meetings. Prepare meeting minutes for each meeting and provide draft minutes to the City within five (5) working days of the meeting date. Establish sections within the minutes that clearly identify project team decisions and action items with responsible party and due date(s).

2. Prepare final Drawings and Specifications indicating the scope, extent and character of the Work to be performed and furnished by the Contractor. Specifications shall conform to the 6-Digit Numbering system/50 Divisions format of the Construction Specifications Institute. Preparation of drawings will be based on scanned background images of the City's available drawings for the facilities to be modified.
3. Submit three (3) sets of design documents at each of thirty (30), sixty (60), ninety (90) and one-hundred (100) percent deliverable milestones. Each deliverable shall include an updated Engineer's OPCC for the City to review and comment. Each submittal will be half-size plans on 11"x17" paper.
4. Review and provide written responses to City's comments and incorporate appropriate revisions into the next milestone deliverable.
5. Submit summary transmittal letter and one set of final plans (Full size – 24" x 36"), and specifications to the TCEQ for construction approval.
6. Perform internal QA/QC prior to each submittal to the City.

Deliverables: Milestone design documents, response to Owner's comments and OPCC.

Format: PDF for all deliverables

TASK 4.0 –BIDDING AND NEGOTIATION PHASE SERVICES

- A. This Task describes the engineering basic services required for the bid phase of the City of Fredericksburg WWTP Improvements. After acceptance by the City of the Bidding Documents and the most recent Engineer's OPCC as prepared in the Final Design Phase, and upon written authorization by City to proceed, the Engineer shall provide the basic services set forth herein.
 1. Assist Owner in advertising for bids, distributing to bidders plans and specifications, and obtaining bids or proposals for the Work and, where applicable, maintain a record of prospective bidders to whom Bidding Documents have been issued. The cost of the Bid Documents will be passed on to the Contractors purchasing Bid Documents, and will be based on actual printing and distribution cost. Attend one (1) pre-bid conference and receive and process contractor charges for the Bidding Documents.

2. Issue Addenda as appropriate to clarify, correct, or change the Bidding Documents.
3. Print and provide ten (10) sets of half-size plans with laminated covers bound with GBC or spiral binders including any modifications by addenda. Specify that they are conformed drawings.
4. Attend the Bid opening, prepare Bid tabulation sheets, assist City in evaluating Bids or proposals, and provide recommendation for award letter and assist City in assembling and awarding contracts for the Work.
5. Attend City Council meeting for Award of Construction Contract.

Deliverables: Addenda, Plan Holders list, Bid Tabulation/Summary, Letter of Recommendation for Bid Award, and Conformed Documents.

Format: PDF for all deliverables.

TASK 5.0 – CONSTRUCTION PHASE SERVICES

A. Upon successful completion of the Bidding and Negotiation Phase, and upon written authorization to proceed from Owner, Engineer shall provide the basic services set forth herein.

1. General Administration of Construction Contract. Consult with Owner and act as Owner's representative as provided in the General Conditions. The extent and limitations of the duties, responsibilities, and authority of Engineer as assigned in the General Conditions shall not be modified, except as Engineer may otherwise agree in writing. All of Owner's instructions to Contractor will be issued through Engineer, which shall have authority to act on behalf of Owner in dealings with Contractor to the extent provided in this Agreement and the General Conditions except as otherwise provided in writing.
2. Pre-Construction Conference. Participate in one (1) Pre-Construction Conference prior to commencement of Work at the Site.
3. Schedules. Receive, review, and determine the acceptability of the schedules that Contractor is required to submit to Engineer, including the Progress Schedule, Schedule of Submittals, and Schedule of Values.
4. Visits to Site and Observation of Construction. In connection with observations of Contractor's Work while it is in progress:
 - Make ten (10) visits to the Site at intervals appropriate to the various stages of construction, as Engineer deems necessary, to observe as an experienced and qualified design professional the progress and quality of Contractor's executed Work. Participate in up to three (3) additional meetings as requested by the City to address specific project issues. It is

assumed that Contractor will be responsible for preparing agenda and minutes for each meeting. Such visits and observations by Engineer, if any, are not intended to be exhaustive or to extend to every aspect of Contractor's Work in progress or to involve detailed inspections of Contractor's Work in progress beyond the responsibilities specifically assigned to Engineer in this Agreement and the Contract Documents, but rather are to be limited to spot checking, selective sampling, and similar methods of general observation of the Work based on Engineer's exercise of professional judgment. Based on information obtained during such visits and observations, Engineer will determine in general if the Work is proceeding in accordance with the Contract Documents, and Engineer shall keep Owner informed of the progress of the Work.

- The purpose of Engineer's visits to the Site will be to enable Engineer to better carry out the duties and responsibilities assigned to and undertaken by Engineer during the Construction Phase, and, in addition, by the exercise of Engineer's efforts as an experienced and qualified design professional, to provide for Owner a greater degree of confidence that the completed Work will conform in general to the Contract Documents and that Contractor has implemented and maintained the integrity of the design concept of the completed Project as a functioning whole as indicated in the Contract Documents. Engineer shall not, during such visits or as a result of such observations of Contractor's Work in progress, supervise, direct, or have control over Contractor's Work, nor shall Engineer have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected or used by Contractor, for security or safety on the Site, for safety precautions and programs incident to Contractor's Work, nor for any failure of Contractor to comply with Laws and Regulations applicable to Contractor's furnishing and performing the Work. Accordingly, Engineer neither guarantees the performance of any Contractor nor assumes responsibility for any Contractor's failure to furnish and perform the Work in accordance with the Contract Documents.
 - Defective Work. Recommend to Owner that Contractor's Work be rejected while it is in progress if, on the basis of Engineer's observations, Engineer believes that such Work will not produce a completed Project that conforms generally to the Contract Documents or that it will threaten the integrity of the design concept of the completed Project as a functioning whole as indicated in the Contract Documents.
5. Clarifications and Interpretations; Field Orders. Issue necessary clarifications and interpretations of the Contract Documents as appropriate to the orderly completion of Contractor's work. Such clarifications and interpretations will be consistent with the intent of and reasonably inferable from the Contract

Documents. Engineer may issue Field Orders authorizing minor variations in the Work from the requirements of the Contract Documents.

6. Change Orders and Work Change Directives. Recommend Change Orders and Work Change Directives to Owner, as appropriate, and prepare Change Orders and Work Change Directives as required.
7. Shop Drawings and Samples. Review and approve or take other appropriate action in respect to Shop Drawings and Samples and other data which Contractor is required to submit, but only for conformance with the information given in the Contract Documents and compatibility with the design concept of the completed Project as a functioning whole as indicated by the Contract Documents. Such reviews and approvals or other action will not extend to means, methods, techniques, sequences, or procedures of construction or to safety precautions and programs incident thereto. Engineer shall meet the Contractor's submittal schedule previously reviewed and agreed upon by the Engineer prior to the start of the construction.
8. Substitutes and "or-equal." Evaluate and determine the acceptability of substitute or "or-equal" materials and equipment proposed by Contractor.
9. Inspections and Tests. Require such special inspections or tests of Contractor's work as deemed reasonably necessary, and receive and review all certificates of inspections, tests, and approvals required by Laws and Regulations or the Contract Documents. Engineer's review of such certificates will be for the purpose of determining that the results certified indicate compliance with the Contract Documents and will not constitute an independent evaluation that the content or procedures of such inspections, tests, or approvals comply with the requirements of the Contract Documents. Engineer shall be entitled to rely on the results of such tests.
10. Disagreements between Owner and Contractor. Render formal written decisions on all duly submitted issues relating to the acceptability of Contractor's work or the interpretation of the requirements of the Contract Documents pertaining to the execution, performance, or progress of Contractor's Work; review each duly submitted Claim by Owner or Contractor, and in writing either deny such Claim in whole or in part, approve such Claim, or decline to resolve such Claim if Engineer in its discretion concludes that to do so would be inappropriate. In rendering such decisions, Engineer shall be fair and not show partiality to Owner or Contractor and shall not be liable in connection with any decision rendered in good faith in such capacity.
11. Applications for Payment. Based on Engineer's observations as an experienced and qualified design professional and on review of Applications for Payment and accompanying supporting documentation:
 - a. Determine the amounts that Engineer recommends Contractor be paid. Such

recommendations of payment will be in writing and will constitute Engineer's representation to Owner, based on such observations and review, that, to the best of Engineer's knowledge, information and belief, Contractor's Work has progressed to the point indicated, the quality of such Work is generally in accordance with the Contract Documents (subject to an evaluation of the Work as a functioning whole prior to or upon Substantial Completion, to the results of any subsequent tests called for in the Contract Documents, and to any other qualifications stated in the recommendation), and the conditions precedent to Contractor's being entitled to such payment appear to have been fulfilled in so far as it is Engineer's responsibility to observe Contractor's Work. In the case of unit price work, Engineer's recommendations of payment will include final determinations of quantities and classifications of Contractor's Work (subject to any subsequent adjustments allowed by the Contract Documents).

- b. By recommending any payment, Engineer shall not thereby be deemed to have represented that observations made by Engineer to check the quality or quantity of Contractor's Work as it is performed and furnished have been exhaustive, extended to every aspect of Contractor's Work in progress, or involved detailed inspections of the Work beyond the responsibilities specifically assigned to Engineer in this Agreement and the Contract Documents. Neither Engineer's review of Contractor's Work for the purposes of recommending payments nor Engineer's recommendation of any payment including final payment will impose on Engineer responsibility to supervise, direct, or control Contractor's Work in progress or for the means, methods, techniques, sequences, or procedures of construction or safety precautions or programs incident thereto, or Contractor's compliance with Laws and Regulations applicable to Contractor's furnishing and performing the Work. It will also not impose responsibility on Engineer to make any examination to ascertain how or for what purposes Contractor has used the moneys paid on account of the Contract Price, or to determine that title to any portion of the Work in progress, materials, or equipment has passed to Owner free and clear of any liens, claims, security interests, or encumbrances, or that there may not be other matters at issue between Owner and Contractor that might affect the amount that should be paid.

12. Contractor's Completion Documents. Receive, review, and transmit to Owner maintenance and operating instructions, schedules, guarantees, bonds, certificates or other evidence of insurance required by the Contract Documents, certificates of inspection, tests and approvals, Shop Drawings, Samples and other data approved, and the annotated record documents which are to be assembled by Contractor in accordance with the Contract Documents to obtain final payment.

13. Substantial Completion. Promptly after notice from Contractor that Contractor considers the entire Work ready for its intended use, in company with Owner and Contractor, conduct a visit to determine if the Work is substantially complete. If

after considering any objections of Owner, Engineer considers the Work substantially complete; Engineer shall deliver a certificate of Substantial Completion to Owner and Contractor.

14. Additional Tasks. Perform or provide the following additional Construction Phase tasks or deliverables:

- a. Project Management & Administration - Provide accounting/invoice preparation and review, progress tracking, filing, mailing, copying, monthly updates to City, participate in routine internal progress meetings, and maintain an issues log. Deliverables: Monthly invoice, Monthly Project Manager Status Report, Project Guide with updates, Decision Log.

15. Final Notice of Acceptability of the Work. Conduct a final inspection to determine if the completed Work of Contractor is acceptable so that Engineer may recommend, in writing, final payment to Contractor. Accompanying the recommendation for final payment, Engineer shall also provide a notice that the Work is acceptable to the best of Engineer's knowledge, information, and belief and based on the extent of the services provided by Engineer under this Agreement.

B. Duration of Construction Phase. The Construction Phase will commence with the execution of the construction Contract for the Project or any part thereof and will terminate upon written recommendation by Engineer for final payment to Contractors. Engineer shall be entitled to an equitable increase in compensation if Construction-Phase services are required after the original date for final completion of the Work as set forth in the construction Contract.

C. Limitation of Responsibilities. Engineer shall not be responsible for the acts or omissions of any Contractor, or of any subcontractors, suppliers, or other individuals or entities performing or furnishing any of the Work. Engineer shall not be responsible for the failure of any Contractor to perform or furnish the Work in accordance with the Contract Documents.

PART 3.0 OWNER'S RESPONSIBILITIES:

- A. Owner shall be responsible for, and Engineer may rely upon, the accuracy and completeness of all requirements, programs, instructions, reports, data, and other information furnished by Owner to Engineer pursuant to this Agreement. Engineer may use such requirements, programs, instructions, reports, data, and information in performing or furnishing services under this Agreement. The Owner shall at its expense:
1. Provide Engineer with all criteria and full information as to Owner's requirements for the Project, including objectives and constraints, space, capacity and performance requirements, flexibility, and expandability, and any budgetary limitations; and furnish copies of all design and construction standards which Owner will require to be included.
 2. Furnish to Engineer any other available information pertinent to the Project including previous design plans, reports and data relative to previous designs, or investigation at or adjacent to the Site.
 3. Following Engineer's assessment of initially-available Project information and data and upon Engineer's request, furnish or otherwise make available such additional Project related information and data as is reasonably required to enable Engineer to complete its Basic and Additional Services. Such additional information or data would generally include the following:
 - a. Property descriptions.
 - b. Zoning, deed, and other land use restrictions, if required.
 - c. Property, boundary, easement, right-of-way, and other special surveys or data, including establishing relevant reference points, if required.
 - d. Explorations and tests of subsurface conditions at or contiguous to the Site, drawings of physical conditions relating to existing surface or subsurface structures at the Site, or hydrographic surveys, with appropriate professional interpretation thereof, if required.
 - e. Environmental assessments, audits, investigations, and impact statements, and other relevant environmental or cultural studies as to the Project, the Site, and adjacent areas, if required.
 - f. Data or consultations as required for the Project but not otherwise identified in the Agreement or the Exhibits thereto.
 4. Give prompt written notice to Engineer whenever Owner observes or otherwise becomes aware of the presence at the Site of any Constituent of Concern, or of any other development that affects the scope or time of performance of Engineer's services, or any defect or nonconformance in Engineer's services.

5. Arrange for safe access to and make all provisions for Engineer to enter upon public and private property as required for Engineer to perform services under the Agreement.
6. Examine all alternate solutions, studies, reports, sketches, proposals, and other documents presented by Engineer (including obtaining advice of an attorney, insurance counselor, and other advisors or consultants as Owner deems appropriate with respect to such examination) and render in writing timely decisions pertaining thereto.
7. Provide reviews, approvals, and permits from all governmental authorities having jurisdiction to approve all phases of the Project designed or specified by Engineer and such reviews, approvals, and consents from others as may be necessary for completion of each phase of the Project.
8. Recognizing and acknowledging that Engineer's services and expertise do not include the following services, provide, as required for the Project:
 - a. Accounting, bond and financial advisory, independent cost estimating, and insurance counseling services.
 - b. Legal services with regard to issues pertaining to the Project as Owner requires, or Engineer reasonably requests, including but not limited to the review of Contract Documents supplied by Engineer.
 - c. Such auditing services as Owner requires to ascertain how or for what purpose Contractor has used the moneys paid.
9. Advise Engineer of the identity and scope of services of any independent consultants employed by Owner to perform or furnish services in regard to the Project, including, but not limited to, cost estimating, project peer review, value engineering, and constructability review, if required.
10. Furnish to Engineer data as to Owner's anticipated costs for services to be provided by others (including, but not limited to, accounting, bond and financial, independent cost estimating, insurance counseling, and legal advice) for Owner so that Engineer may assist Owner in collating the various cost categories which comprise Total Project Costs, if required.
11. Provide the services of an independent testing laboratory to perform all inspections, tests, and approvals of samples, materials, and equipment required by the Contract Documents, or to evaluate the performance of materials, equipment, and facilities of Owner, prior to their incorporation into the Work with appropriate professional interpretation thereof.
12. Provide Engineer with the findings and reports generated by the entities providing services to Owner pursuant to this paragraph.

13. Inform Engineer in writing of any specific requirements of safety or security programs that are applicable to Engineer, as a visitor to the Site.

- B. Owner shall be responsible for, and Engineer may rely upon, the accuracy and completeness of all requirements, programs, instructions, reports, data, and other information furnished by Owner to Engineer pursuant to this Agreement. Engineer may use such requirements, programs, instructions, reports, data, and information in performing or furnishing services under this Agreement.

PART 4.0 PERIODS OF SERVICE:

- A. Engineer is authorized to begin rendering services as of the date of Notice to Proceed.
- B. Engineer shall complete its obligations within a reasonable time. Specific period of time for rendering services is twenty-two (22) months, and are hereby agreed to be reasonable. The twenty-two (22) month anticipated duration includes eight (8) months of preliminary and final design services, two (2) months for bid phase services, and twelve (12) months of construction administration services.
- C. If, through no fault of Engineer, such periods of time or dates are changed, or the orderly and continuous progress of Engineer's services is impaired, or Engineer's services are delayed or suspended, then the time for completion of Engineer's services, and the amounts of Engineer's compensation, shall be adjusted equitably.
- D. If Owner authorizes changes in the scope, extent, or character of the Project, then the time for completion of Engineer's services, and the amounts of Engineer's compensation, shall be adjusted equitably.
- E. Owner shall make decisions and carry out its other responsibilities in a timely manner so as not to delay the Engineer's performance of its services.

PART 5.0 PAYMENTS TO ENGINEER:

A. Owner shall pay Engineer for Basic Services set forth in Part 2.0 as follows:

1. Task 1: A Total Lump Sum amount of \$429,680.00 for the WWTP Improvements.

WWTP Improvements Preliminary Design: \$ 67,240.00

WWTP Improvements Final Design: \$271,930.00

Bidding and Negotiation Phase Services: \$ 24,900.00

Construction Phase Services: \$ 65,610.00

2. Engineer may alter the distribution of compensation between individual tasks noted herein to be consistent with services actually rendered, but shall not exceed the Total Lump Sum amount unless approved in writing by the Owner.
3. The Lump Sum includes compensation for Engineer's services and services of Engineer's Consultants, if any. Appropriate amounts have been incorporated in the Lump Sum to account for labor, overhead, profit, and Reimbursable Expenses.
4. The portion of the Lump Sum amount billed for Engineer's services will be based upon Engineer's estimate of the percentage of the total services actually completed during the billing period.

B. Period of Service: The compensation amount stipulated is conditioned on a period of service not exceeding twenty-two (22) months. If such period of service is extended, the compensation amount for Engineer's services shall be appropriately adjusted.

This Task Order is executed this _____ day of _____, 20__.

THE CITY OF FREDERICKSBURG

"OWNER"

BY: _____

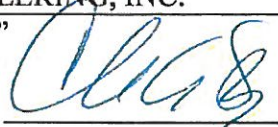
NAME: Kent Myers

TITLE: City Manager

ADDRESS: 126 W. Main Street
Fredericksburg, Texas 78624

HDR ENGINEERING, INC.

"ENGINEER"

BY: 

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CITY COUNCIL MEMO

DATE: May 19, 2014

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: Council Appointments

Summary:

Following each Council election, appointments are normally made for Council members to serve in various positions.

Recommendation:

It is recommended that appointments be made at Monday's Council meeting to fill the positions listed below.

Background / Analysis:

The City Charter requires that the Council appoint a Mayor Pro Tem following each Council election. In addition, Council members serve as both voting members and non-voting ex-officio members on several advisory boards and committees. Therefore, the following appointments need to be made at Monday's Council meeting:

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The City of Fredericksburg

1. Mayor Pro Tem
2. Airport Advisory Board
3. Chamber of Commerce Board
4. Convention and Visitors Bureau Board
5. Economic Development Commission Board
6. Relief Route Task Force (2 Positions)



The City of Fredericksburg