

CITY OF FREDERICKSBURG CITY COUNCIL MEETING

MONDAY, MAY 20, 2013 ~ 7:00 p.m.

Law Enforcement Center ~ 1601 East Main Street

Jeryl Hoover, Mayor
Tim Dooley, Council Member
Graham Pearson, Council Member

Kent Myers, City Manager
Kathy Sanford, Council Member
Gary Neffendorf, Council Member

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

A G E N D A

CALL TO ORDER.

PLEDGE OF ALLEGIANCE.

Page Ref.

1. Consider appointing Mayor Pro-Tem.
2. **PUBLIC HEARING** - To hear comments on the following:
 - A. Public Hearing (Z-1308) by the City of Fredericksburg to permit existing single family residential structures to be used as single family residential dwellings in the C-1 Neighborhood Commercial, C-2 Commercial, and the CBD Central Business District zones, whether as primary uses or accessory uses, repealing inconsistent provisions and providing for partial invalidity and an effective date. 1-11
3. **ORDINANCES - RESOLUTIONS- ACTION ITEMS**
 - A. Receive recommendation and consider ordinance for Z-1308.
 - B. Consider a Variance (P-1215) to Section 38-14(a) of the Subdivision Ordinance relating to right-of-way widths on existing streets regarding a subdivision of Lot No. 38, Oak Terrace Addition, also known as 1302 and 1304 Pike Lane. 12-17
 - C. Consider 2013 Budget Amendments. 18-19
4. **INDIVIDUAL ITEMS FOR CONSIDERATION AND POSSIBLE ACTION**
 - A. Consider Oktoberfest request for closure of Adams St. - Thursday October 3 at noon - Monday October 7, noon. 20-22
 - B. Consider request to develop a Dog Park on City property. 23-25
 - C. Receive and consider LCRA Watershed Study. 26-27
 - D. Consider Former Texas Rangers Heritage Center revised agreement. 28-33
 - E. Receive and consider 2013 Street Paving Program presentation. 34
5. **CITY MANAGER'S REPORT**
 - A. May 28 City Council Work Session
 - B. June 7 City Council Retreat
 - C. City/County Dispatch Research Committee
6. **ITEMS FOR FUTURE AGENDAS**

7. **PUBLIC COMMENTS** - This time is for citizens to address the City Council on issues and items of concern not on this agenda. There will be no City Council action at this time.
8. **COUNCIL COMMENTS** - No discussion or action may take place.
9. **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 attorney; attorney client privilege and potential litigation regarding petition filed by Isabel Wertz et al for election on an amendment to the City Charter regarding enterprise funds.
10. **RECONVENE INTO OPEN SESSION AND TAKE ANY ACTION NECESSARY RESULTING FROM EXECUTIVE SESSION**
11. **ADJOURNMENT**



CITY COUNCIL MEMO

DATE: May 15, 2013

TO: Mayor and City Council

FROM: Brian Jordan, AICP

SUBJECT: Z-1308 - Consider Single Family Residential Use in Commercially zoned districts.

Summary:

The current Zoning Ordinance only allows single family dwellings (detached) in the C-1, C-2, and CBD districts by Conditional Use Permit. Historically, the staff has allowed existing homes/structures to be occupied as a residence without the need for a CUP, and has applied the CUP requirement only when someone wishes to build a new detached dwelling in one of the commercial zones. And, because a single family dwelling may be used as a B&B, we have also allowed them without the need for a CUP. After discussing this matter with the City Attorney, she suggested that we amend the zoning ordinance to make this interpretation definitive.

Recommendation:

Amend the C-1, C-2 and CBD zoning districts to allow single family residential (detached) if the structure was not used as other than residential in its most recent use, require a Conditional Use Permit for single family residential (detached) - new construction or after cessation of use other than residential, and allow single family residential use as an accessory use in commercially zoned district whether detached or contained in a commercially used structure. Planning and Zoning Commission voted unanimously to approve this Zoning Ordinance amendment.

The City of Fredericksburg



Background / Analysis:

Under the existing zoning ordinance Section 6.110 pertaining to Nonconforming Uses in commercially zoned areas, a non-conforming use is terminated upon discontinuance, being defined as non-operative or non use for a period of at least 365 successive days. Discontinuance may be, but is not required to be, evidenced by termination of utility service, the failure to maintain regular hours of operation, the utilization of the premises for other purposes, abandonment or by any other reasonable means.

This basically means if a residence that is located in a commercial zone is not used for a year, it then cannot be used for single family purposes. This amendment would allow relief from this requirement as long as the property has not been converted to another use.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FREDERICKSBURG TO PERMIT THE USE OF EXISTING SINGLE FAMILY RESIDENTIAL STRUCTURES WHICH HAVE NOT BEEN CONVERTED TO ANOTHER USE REGARDLESS OF THE LENGTH OF TIME THE SAME HAS NOT BEEN USED TO BE USED AS SINGLE FAMILY RESIDENTIAL DWELLINGS IN THE C-1 NEIGHBORHOOD COMMERCIAL, THE C-2 COMMERCIAL AND THE CBD CENTRAL BUSINESS DISTRICT ZONES AS WHETHER AS PRIMARY USES OR ACCESSORY USES, ADDING DEFINITIONS, REPEALING INCONSISTENT PROVISIONS AND PROVIDING FOR PARTIAL INVALIDITY AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Fredericksburg, based on recommendation from the Planning and Zoning Commission has determined that it is in the interests of the citizens of the city and will promote the future economic viability of the various commercially zoned sections of the City to permit and encourage residential use in certain commercial zones when the structure for the same is existing and has not been converted to another use, and

WHEREAS, Public hearings have been had in accordance with the provisions of the zoning ordinance by the Planning and Zoning Commission and the City Council of the City of Fredericksburg, and

NOW THEREFORE, BE IT ORDAINED that the following sections of the City of Fredericksburg Zoning Ordinance be and is hereby amended to read as follows:

Sec. 3.200. - C-1: NEIGHBORHOOD COMMERCIAL.

Intent

This zone is intended to provide for the establishment of restricted commercial facilities, to serve the conveniences and needs of the immediate neighborhood and must be compatible with the residential character and environment of the neighborhood. These uses generally result in limited traffic generation.

Principal Permitted Uses

Building, structures and lands shall be used, and buildings and structures shall hereinafter be erected, altered or enlarged only for the following uses as the

City Council, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Administrative and Business Office	Multiple Family Residential
Convalescent Services	Personal Services
Cultural Services	Private Primary Educational Services
Day Care Services	Private Secondary Educational Facilities
Group Residential	Professional Office
Local Utility Services	Religious Assembly
Medical Services	Single Family Residential (detached) if structure was not used as other than residential in its most recent use

Uses Permitted Subject to Conditional Use Permit

The following uses may be permitted subject to a Conditional Use Permit as provided for in Section 5.400.

Arts and Crafts	Duplex Residential
Automotive Washing	Food Sales
Building Maintenance Services	Guidance Services
Business School	Laundry Services
Business Support Services	Limited Retail Sales
Club or Lodge	Liquor Sales
Communication Services	Personal Improvement Services
Condominium Residential (Section 7.610)	Pet Services
Consumer Repair Services	Restaurant - Limited
Convenience Storage	Single Family Residential (detached)- new construction or after cessation of use other than residential
Convenience Store/Self Serve Gasoline	Townhouse Residential Drive through Facilities Associated with any use

Property Development Standards

Except as hereinafter provided, no building or structure or part thereof shall be erected,

Sec. 3.210. - C-2: COMMERCIAL.

Intent

This zone is intended to provide for businesses and services that serve persons throughout the city and the area. These uses generally require frontages on major cross street intersections of highways or other major arterial, given their high visibility and traffic generation ability.

Principal Permitted Uses

Administrative and Business Office	General Retail Sales
Agricultural Sales and Services	Guidance Services
Arts and Crafts	Hotel/Motel
Automotive Rentals	Horticulture
Automotive Repair Services	Hospital Services (Limited)
Automotive Sales	Indoor Entertainment
Automotive Washing	Indoor Sports and Recreation
Building Maintenance Services	Kennels
Business or Trade School	Laundry Services
Business Support Services	Liquor Sales
Club or Lodge	Local Utility Services
Cocktail Lounge	Maintenance and Service Facilities
Commercial Off-Street Parking	Medical Offices
Communication Services	Multiple Family Residential
Construction Sales and Services	Outdoor Entertainment
Consumer Convenience Services	Outdoor Sports and Recreation
Consumer Repair Services	Pawn Shop Services
Convalescent Services	Personal Improvement Services
Convenience Store/Self Serve Gas.	Personal Services
Cultural Services	Pet Services
Custom Manufacturing	Private Primary Educational Facilities
Day Care Services	Private Secondary Educational Facilities
Equipment Repair Services	Professional Offices
Equipment Sales	Religious Assembly

Exterminating Services	Research Services
Financial Services	Restaurant - Drive-In/Fast Food
Food Sales	Restaurant
Funeral Services	Service Station
Group Residential	Veterinary Services
Single Family Residential (detached) if structure was not used as other than residential in its most recent use	

Buildings, structures and lands shall be used, and buildings and structures shall hereinafter be erected, altered or enlarged only for the following uses, plus such other uses as the City Council, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Uses Permitted Subject to Conditional Use Permit

The following uses may be permitted subject to a Conditional Use Permit as provided for in Section 5.400.

Camp Grounds	Duplex Residential Condominium Residential
(Section 7.610)	Single Family Residential (Detached)
Convenience Storage	Townhouse Residential (Section 7.610)
Drive through facilities associated with any use	Transportation Terminals
Single Family Residential (detached)- new construction or after cessation of use other than residential	

Sec. 3.220. - CBD: CENTRAL BUSINESS DISTRICT.

Intent

This zone is intended to provide for the intense commercial activities of the central business district or central trading area of the City. This district establishes the character of the City by serving the tourist as well as the residents of the City.

Principal Permitted Uses



Buildings, structures and lands shall be used, and buildings and structures shall hereinafter be erected, altered or enlarged only for the following uses, plus such other uses as the City Council, by resolution, may deem to be similar to those uses listed and not obnoxious or detrimental to the public health, safety and welfare:

Administrative and Business Office	Liquor Sales
Arts and Crafts	Local Utility Services
Club or Lodge	Multiple Family Residential
Cocktail Lounge	Personal Improvement Services
Consumer Convenience Services	Personal Services
Consumer Repair Services	Pet Services
Cultural Services	Private Primary Educational Facilities
Day Care Services	Private Secondary Educational Facilities
Financial Services	Professional Offices
General Retail Sales	Religious Assembly
Guidance Services	Restaurant
Single Family Residential (detached) if structure was not used as other than residential in its most recent use	

Uses Permitted Subject to Conditional Use Permit

The following uses may be permitted subject to a Conditional Use Permit as provided for in Section 5.400.

Business or Trade School	Horticulture
Business Support Services	Hospital Services (Limited)
Commercial Off-Street Parking	Hotel/Motel
Communications Services	Indoor Entertainment
Condominium Residential (Section 7.610)	Indoor Sports and Recreation
Custom Manufacturing	Medical Offices
Drive through Facilities associated with any use	Outdoor Entertainment
Duplex Residential	Outdoor Sports and Recreation
Food Sales	Single Family Residential (Detached)

Funeral Services	Townhouse Residential (Section 7.610)
Single Family Residential (detached)- new construction or after cessation of use other than residential Group Residential	Transportation Terminals

Sec. 6.100. - NONCONFORMING USES AND STRUCTURES.

A Nonconforming status shall exist under the following provisions of this ordinance.

When a use or structure which does not conform to the regulations prescribed in the district in which such use or structure is located was in existence and lawfully operating prior to the effective date of this Ordinance and has been operating since without discontinuance.

When at some subsequent date a use or structure which does not conform to the regulations prescribed in the district in which such use or structure is located was in existence at the time of annexation to the City of Fredericksburg and has since been in regular and continuous use.

Sec. 6.110. - Continuance of a Nonconforming Use.

Residential Districts

Enlargement. A non-conforming use shall not be enlarged, expanded, extended or changed.

Conversions. A non-conforming use may be continued as the same classification, or may be changed to a use of a more restricted classification upon approval of a conditional use permit. If it is changed to a use in a more restricted classification or to a conforming use, it cannot be changed back to its original non-conforming use. For purpose of this paragraph, the phrase "same classification" means: uses permitted in the same district; a "more restricted classification" means: use in a district having more restricted use (i.e., C-2 vs. C-1); and provided that:

The new use is similar to or less intensive than that of the old use in terms of noise generated, outdoor storage, customer activity and impact on other conforming uses in the area, and that the new use comply with the parking requirements of this ordinance as applicable to newly established uses.

Termination.

If a non-conforming use or any portion thereof is voluntarily discontinued for a period of ninety (90) days, any future use of such land or portion thereof shall be in conformity with the regulations of the district in which such land or portion thereof is located.

Non-conforming use is terminated upon a change in use other than provided in [Section 6.110A2](#), above.

Non-conforming use is terminated upon destruction of a structure occupied by a non-conforming use unless it is permitted to be rebuilt under [section 6.110C](#) below.

Other Districts

Enlargement. A non-conforming use may be enlarged within the boundary of the lot in which the non-conforming use has legally operated upon approval of a Conditional use Permit (Section 5.400). Such enlargement or extension shall be in compliance with all city ordinances, codes, or policies. Existing non-conforming single family residential uses may be enlarged without the necessity of obtaining a Conditional Use Permit.

Conversions. A non-conforming use may be continued as the same classification, or may be changed to a use of a more restricted classification upon approval of a conditional use permit. If it is changed to a use in a more restricted classification or to a conforming use, it cannot be changed back to its original non-conforming use. For purpose of this paragraph, the phrase "same classification" means: uses permitted in the same district; a "more restricted classification" means: use in a district having more restricted use (i.e., C-2 vs. C-1); and provided that:

The new use is similar to or less intensive than that of the old use in terms of noise generated, outdoor storage, customer activity and impact on other conforming uses in the area.

The new use complies with the parking requirements of this ordinance as applicable to newly established uses.

Termination. A nonconforming use is terminated under the following conditions:

Upon a change in use other than as provided in [Section 6.110 B.2](#) above.

Upon discontinuance, being defined as non-operative or non use for a period of at least 365 successive days. Discontinuance may be, but is not required to be, evidenced by termination of utility service, the failure to maintain regular hours of operation, the utilization of the premises for other purposes, abandonment or by any other reasonable means.

Upon destruction of a structure occupied by a nonconforming use except if it is permitted to be rebuilt under [Section 6.110 C](#) below.

Replacement. If a structure occupied by a nonconforming use is destroyed by fire, the elements or other cause, it may not be rebuilt except to conform to the provisions of this Ordinance. In the case of partial destruction of a nonconforming use not exceeding seventy-five percent (75%) of its tax roll assessed value, reconstruction will be permitted but the size or function of the nonconforming use shall not be expanded.

Sec. 6.120. - Continuance of Nonconforming Structures.

Subject to all limitations herein set forth, any nonconforming structure may be occupied and operated and maintained in a state of good repair, but no nonconforming structure shall be enlarged or extended.

A nonconforming structure in which only permitted uses are operated may be enlarged or extended if the enlargement or extension can be made in compliance with all the provisions of this chapter established for structures in the district in which the nonconforming structure is located. Such enlargement shall also be subject to all other applicable city ordinances.

Termination of nonconforming structures:

Damage to structures. The right to operate and maintain any nonconforming structure shall terminate and shall cease to exist whenever the nonconforming structure is damaged in any manner and from any cause whatsoever and the cost of repairing such damage exceeds seventy-five percent (75%) of the tax roll assessed value of such structure on the date of such damage.

Obsolescence of structure. The right to operate and maintain any nonconforming structure shall terminate and shall cease to exist whenever the nonconforming structure becomes obsolete or substandard under an applicable ordinance of the municipality and the cost of placing such structure in lawful compliance with the applicable ordinance exceeds seventy-five percent (75%) of the tax roll assessed value of such structure on the date that the proper official of the municipality determines that such structure is obsolete or substandard.

Determination of replacement cost. In determining the replacement cost of any nonconforming structure there shall not be included therein the cost of land or any factors other than the nonconforming structure itself.

Sec. 8.230. - Accessory Uses: Commercial and Industrial Types.

Commercial or industrial use types include the following accessory uses, activities, and structures on the same site or lot:

Any other commercial or industrial use type that is not listed as a permitted use in the same district, and complies with all of the following criteria:

Is operated primarily for the convenience of employees, clients or customers of the principal use.

Occupies less than ten percent (10%) of the total floor area of the use.

Is located and operated as an integral part of the principal use and does not comprise a separate business use or activity.

Single family residential use whether detached or contained in the commercially used structure

(Ord. No. 18-014, § 8.220, 12-1-2008)

Section 3. That this ordinance shall take effect from and after the date of its passage.

PASSED AND APPROVED this the _____ day of _____, 199!.

Jeryl Hoover, Mayor
City of Fredericksburg

ATTEST:

Shelley Britton, City Secretary

APPROVED AS TO FORM:

Pat McGowan, City Attorney





CITY COUNCIL MEMO

DATE: May 15, 2013

TO: Mayor and City Council

FROM: Brian Jordan, AICP

SUBJECT: P-1215 - Replat of Lot 38, Oak Terrace Addition - Variance Request to Section 38-14 (a) .

Summary:

Lot No. 38 of the Oak Terrace Subdivision is located at the southeast corner of Pike Lane and Goehmann Lane. Code of Ordinances , item 38-14 (a) Street layout, right-of-way, and pavement widths requires Collector type streets to have 60' of right-of-way and 44' of pavement width (back to back of curb), and Local Streets to have 50' of right-of-way and 40' of pavement width. Goehmann Lane is classified as a "Collector" type street and Pike Lane is classified as a "Local" type street on the Thoroughfare Plan. The applicant has submitted a request for a variance to allow for less than the required right-of-way.

Recommendation:

Planning and Zoning Commission voted unanimously to recommend approval of this variance. Development Services, Public Works and Engineering Staff support the request of this variance for the reasons mentioned in the following Background/Analysis section, and the attached memo.

The City of Fredericksburg

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Background / Analysis:

The south curb line of Goehmann Lane and the east curb line of Pike Lane are already established and built and 5 feet of right-of-way behind the curb lines for utilities already exists in most location in this area. The applicant is dedicating 10' of right-of-way along Goehmann Lane which will accommodate the established curb line and provide 5' of right-of-way behind the curb. In addition, the applicant is willing to provide a "Street and Utility easement" along Pike Lane to create the necessary 5' behind the curb for utilities and eliminate a building setback encroachment.

The staff feels that the granting of the request for the variance to the minimum right-of-way width of Goehmann Lane and Pike Lane adjoining the subject property will not be detrimental to public health, safety or welfare, or injurious to other property in the area.

The City of Fredericksburg



Memorandum

To: Brian Jordan
CC: Walter Ragsdale
From: Engineering Department
Date: 4/29/2013
Re: Mr. Mabery's Right-of-Way Variance Request

Brian,

The engineering staff does support Mr. Mabery's request for a variance to the minimum right-of-way width of 60 feet on Goehmann Lane and also to the minimum right-of-way width of 50 feet on Pike Lane.

The engineering staff is in support of the request for the following reasons:

1. The south curb line of Goehmann Lane and the east curb line of Pike Lane are already established and built and 5 feet of right-of-way behind the curb lines for utilities already exists in most locations in this area.
2. Mr. Mabery is dedicating 10 feet of right-of-way along Goehmann Lane which will accommodate the established south curb line as well as providing 5 feet of right-of-way behind the curb line for utilities.
3. Only a portion of the 5 feet of right-of-way for utilities exists behind the established and built east curb line of Pike Lane along Mr. Mabery's property. Dedicating additional right-of-way along Pike Lane would create a building set-back encroachment on Mr. Mabery's property that would need to be acknowledged by the City. However, Mr. Mabery has agreed to dedicate to the City a "Street and Utility Easement" over the additional area adjoining the right-of-way of Pike Lane needed to provide the full 5 foot wide utility area behind the curb. Since the east curb line of Pike Lane is established and built and Mr. Mabery is willing to provide an easement over the additional area needed, thus eliminating the building set-back encroachment, it seems reasonable that no additional right-of-way should be required.

The engineering staff feels that the granting of the request for the variance to the minimum right-of-way width of Goehmann Lane and Pike Lane in the location of Mr. Mabery's property will not be detrimental to public health, safety or welfare, or injurious to other property in the area.



April 24, 2013

Mr. Brian Jordan
Director of Development Services
City of Fredericksburg
126 West Main Street
Fredericksburg, TX 78624

Re: Replat of Lot No. 38, Oak Terrace Addition

Dear Mr. Jordan,

I am requesting a variance from Pike Lane from the classification of a "Type A Local" street on the Thoroughfare Plan. "Type A Local" street requires 50' of right-of-way and 40' of pavement width. The existing right-of-way shown is approximately 40'. My request is for a variance to be granted for the existing 40' right-of-way instead of the required 50'.

If you have any questions, please give me a call to discuss them at 830-456-4160.

Sincerely,

A handwritten signature in black ink that reads 'Matthew Mabery'. The signature is written in a cursive, flowing style.

Matthew Mabery



April 26, 2013

Mr. Brian Jordan
Director of Development Services
City of Fredericksburg
126 West Main Street
Fredericksburg, TX 78624

Re: Replat of Lot No. 38, Oak Terrace Addition

Dear Mr. Jordan,

I am requesting a variance for Goehmann Lane from the classification of a "Collector" type street on the Thoroughfare Plan. A "Collector" type street requires 60' of right-of-way and 44' of pavement width. The existing right-of-way shown is approximately 30'. My request is for a variance to be granted for the 60' of right-of-way to 50' of right-of-way.

If you have any questions, please give me a call to discuss them at 830-456-4160.

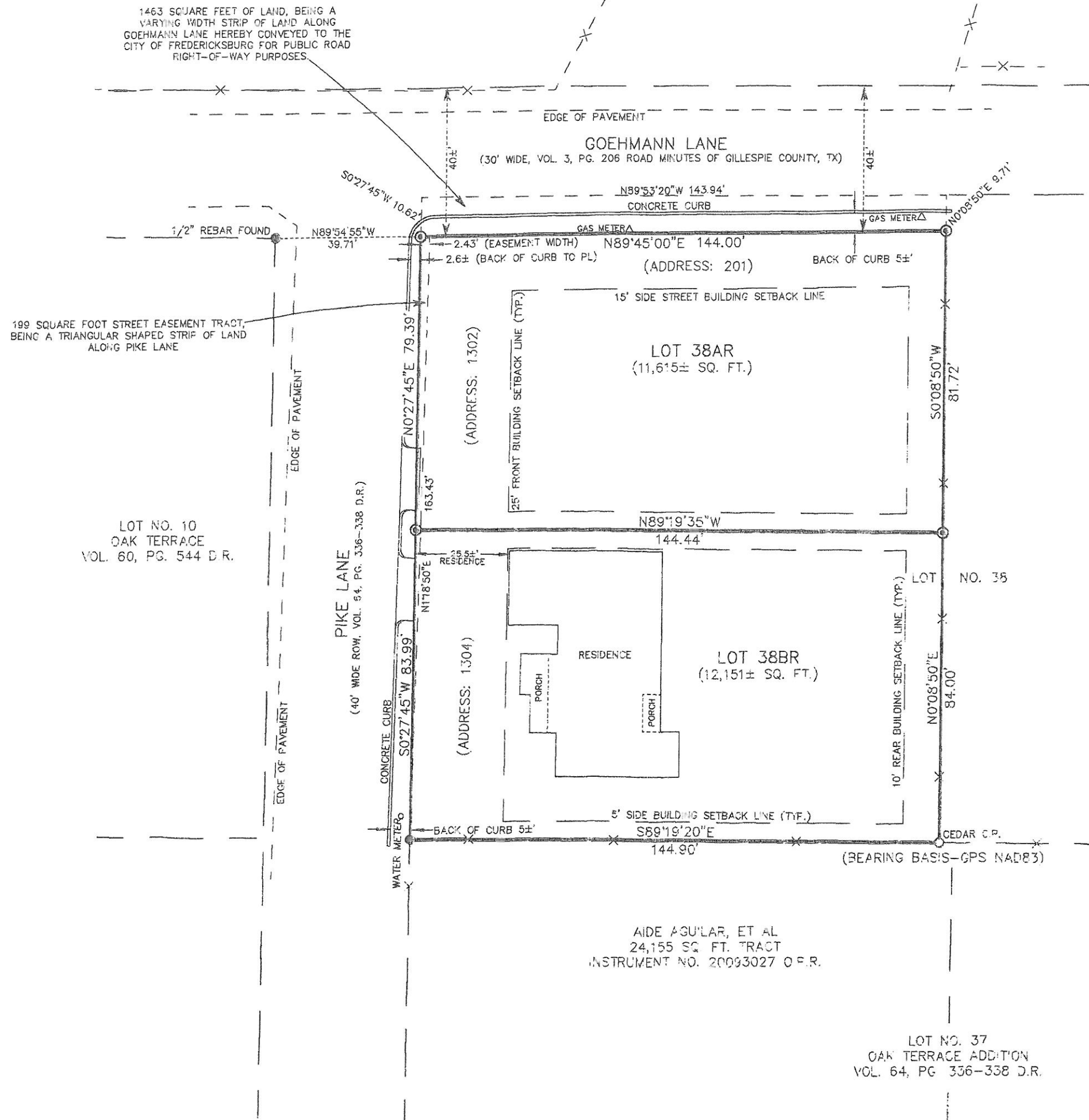
Sincerely,

A handwritten signature in black ink that reads 'Matthew Mabery'. The signature is written in a cursive, flowing style.

Matthew Mabery



NOTE:
BUILDING SETBACK LINES SHOWN HEREON REFLECT CURRENT
R1-SINGLE FAMILY RESIDENTIAL ZONING FOR THIS PROPERTY AS
OF THE DATE OF THIS PLAT. BUILDING SETBACK LINES ARE SUBJECT
TO CHANGES IN PROPERTY ZONING.





CITY COUNCIL MEMO

DATE: May 15, 2013

TO: Mayor and City Council

FROM: Brad Kott, Director of Finance

SUBJECT: 2013 Budget Amendments

Summary:

After completion of the mid-year budget review, staff has compiled the following 2013 budget amendments. The amendments are listed with general ledger account numbers and by fund.

Recommendation:

As you recall, all of these amendments have been discussed in prior City Council meetings and met with your approval. It is staff's recommendation that council formally approve the budget amendments as presented on the attached worksheet.

Background / Analysis:

The city's charter allows amending the City budget in the case of public necessity as determined and declared by the City Council. Amendments to the budget may be caused by changes in original projections, omissions, or unanticipated variables. The changes suggested make the City's budget more accurate and therefore improve the effectiveness of measuring operating results.

The City of Fredericksburg

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FY 2013 BUDGET AMENDMENTS

			2013 BUDGET	2013 AMENDED	CHANGE
GENERAL FUND REVENUES					
01-00-4108-00		1 1/2% CITY SALES TAX	\$ 4,100,000	\$ 4,210,000	\$ 110,000
01-00-4515-00		DONATIONS - PARKS & REC	-	27,300	27,300
01-00-4181-00		SALE OF FIXED ASSETS - ADMIN	-	100	100
01-00-4281-00		SALE OF FIXED ASSETS - POLICE	-	1,400	1,400
01-00-4481-00		SALE OF FIXED ASSETS - STREET	-	25,600	25,600
01-00-4581-00		SALE OF FIXED ASSETS - PARK	-	8,800	8,800
GENERAL FUND EXPENDITURES					
01-20-6004-00	ADMIN	TRANSFER TO GOLF PRIOR DEFICIT	653,500	655,500	(2,000)
01-23-4040-00	FIRE	SMALL TOOLS (EXTRICATION)	11,000	50,400	(39,400)
01-24-5006-00	STREET	MORNING GLORY DRIVE	472,000	565,000	(93,000) *
01-24-5463-00	STREET	AUSTIN STREET BRIDGE	316,000	396,000	(80,000) *
SET UP - NEW	PARK	CHRISTMAS DECORATIONS REPAIR	-	5,000	(5,000)
01-25-4100-00	PARK	MARKET SQUARE EXPENSES	95,000	80,000	15,000
01-25-4230-00	PARK	SWIMMING POOL EXPENSES	56,000	71,000	(15,000)
01-25-5513-00	PARK	BLEACHER/COVER	-	20,000	(20,000)
SET UP - NEW	PARK	CROSS MOUNTAIN-SIGNAGE/IMPROV	-	7,300	(7,300)
NET CHANGES - GENERAL FUND					\$ (73,500)
ELECTRIC FUND					
02-00-4181-00	REVENUE	SALE OF FIXED ASSETS	\$ -	\$ 11,900	\$ 11,900
02-21-5210-00	EXPENSE	INVENTORY PURCHASES	310,000	175,000	135,000
02-21-5263-00	EXPENSE	NEW CIRCUIT (FB-100)	25,600	125,600	(100,000)
NET CHANGES - ELECTRIC FUND					\$ 46,900
WATER FUND					
03-00-4165-00	REVENUE	MISCELLANEOUS REVENUE	\$ 3,000	\$ 33,000	\$ 30,000
03-00-4181-00	REVENUE	SALE OF FIXED ASSETS	-	19,000	19,000
03-21-1070-00	EXPENSE	OVERTIME	83,900	113,900	(30,000)
NET CHANGES - WATER/SEWER FUND					\$ 19,000
SOLID WASTE FUND					
05-00-4181-00	REVENUE	SALE OF FIXED ASSETS	\$ -	\$ 2,700	\$ 2,700
NET CHANGES - SOLID WASTE FUND					\$ 2,700
EMS FUND					
06-00-4170-00	REVENUE	DONATIONS	\$ 100	\$ 35,500	\$ 35,400
06-21-4010-00	EXPENSE	COMMUNICATION EXPENSE	17,000	22,600	(5,600)
06-21-4025-00	EXPENSE	EMS MEDICAL EQUIPMENT	45,000	56,700	(11,700)
06-21-4040-00	EXPENSE	SMALL TOOLS	4,500	12,000	(7,500)
06-21-4430-00	EXPENSE	VEHICLE MAINTENANCE	12,500	21,500	(9,000)
NET CHANGES - EMS FUND					\$ 1,600
DRAINAGE FUND					
10-21-4900-00	EXPENSE	DRAINAGE PROJECTS	\$ 200,000	\$ 100,000	\$ 100,000
SET-UP NEW	EXPENSE	AUSTIN STREET BRIDGE	-	100,000	(100,000) *
10-21-4990-00	EXPENSE	DETENTION POND REPAIRS	100,000	15,000	85,000
10-21-4066-00	EXPENSE	MORNING GLORY DRIVE	150,000	365,000	(215,000) *
NET CHANGES - DRAINAGE FUND					\$ (130,000)

* Please note that these budget amendments were discussed and approved at a prior council meeting when the bids were awarded for the construction of Morning Glory Drive and the Austin Street Bridge.





CITY COUNCIL MEMO

DATE: May 20, 2013

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: Closure of Adams Street-Oktoberfest

Summary:

The organizers for Oktoberfest have requested the closure of Adams Street, from Main to Austin Street, for this year's event.

Recommendation:

It is recommended that the attached request for street closure be approved.

Background / Analysis:

As you know, last year the City Council approved the closure of Adams Street adjacent to MarktPlatz during the large Oktoberfest event. The Council agreed that this would be done on a trial basis and we would evaluate whether closure of this street should be approved in the future. Some of the Council visited the site during the event and observed how the area along Adams Street was used for expansion of some of the Oktoberfest attractions. In addition, it should be noted that the City did not

The City of Fredericksburg

receive any complaints about this closure and we did not experience any problems with the street closure.

Both Steve Wetz and John Culpepper have met with Debbie Farquhar-Garner, Manager of Oktoberfest, to review her request. They concur that this street closure can be handled without impacting public safety services. Due to the size of the event, this street closure would help to spread out some of the attractions and would help facilitate the flow of visitors during the event.

The City of Fredericksburg

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Oktoberfest Celebrates
33 Years of *Gemütlichkeit*
First Weekend in October!

October 4 | 5 | 6

MarktPlatz

Downtown

Fredericksburg

Join us, its fun!



OktoberfestinFbg.com

Danke Schön!

Oktoberfest was started by a group of artists over 33 years ago with a goal in mind to have a venue to showcase local artists. The group called themselves Pedernales Creative Arts Alliance and this is how Oktoberfest got its start. Pedernales Creative Arts Alliance (PCAA)/Oktoberfest, is a non-profit, 501(c) 3, organization. Through Oktoberfest's successes, PCAA in turn gives back to the community with scholarships, gifts and grants and concerts.

How the community benefits from Oktoberfest proceeds:

- 12 students this year receive money for the fall and spring semesters
- Over 20 gifts and grant programs for local art projects. An example of some are arts guilds, school programs, concerts, theater, instruments, and more
- MarktPlatz Concert Series- These concerts are on Sunday evenings and are free to the public.

MAYOR

Jeryl Hoover

COUNCIL MEMBERS

Tim Dooley

Gary Neffendorf

Graham Pearson

Kathy Sanford

May 13, 2013

Dear Mayor Hoover and Council members;

Oktoberfest would like to request the closure of Adams Street from Thursday, October 3, 2013, at noon – Monday October 7, 2013, at noon.

We were granted the street closure in 2012 for safety and to accommodate the number of people who attend our festival. Oktoberfest is averaging between 17,000 – 20,000 guests annually.

With the street closure and adding one larger tent for seating inside allowed our guest more space to roam.

2012 pre-closure:

-Paul Oestreich and I visited with the Adams Street merchants and met no resistance.

-Paul Oestreich visited with Marc Williamson about Street closure and temporary alternate bus route was agreed upon.

-Week of I worked closely with City staff, Paul Oestreich, Steve Wetz and Kyle Koch.

During Fest:

-Strassen Zelt (Street tent) and Austin Street side tent seated approximately 550 more people.

- Onsite meeting Saturday with Mayor, Council, and Jimmy Alexander to review closure.

- The Oktoberfest team made sure tables and chairs were removed from Strassen Zelt Sunday evening to ensure clearance for tent crew to come in first thing Monday morning. All food trailers, ticket booth and beer trailer vacated first thing Monday so City could re-open Adams Street.

Post Fest:

-Special called meeting with Oktoberfest Manager and Advisory Team, Council, Mayor, City Manager and other City officials to discuss and get an overview of Street closure.

We appreciate your consideration of our request for 2013. If approved we plan to use the space similar to last year (aerial included). We have some updates and modifications we want to make which will only enhance the Strassen Zelt area better.

Respectfully submitted

Festively

Debbie Farquhar-Garner

Oktoberfest Manager





CITY COUNCIL MEMO

DATE: May 16, 2013

TO: City Council

FROM: Jimmy Alexander, Director of Parks & Recreation

SUBJECT: Dog Park

Summary:

A group of citizens would like the City to consider allowing them to raise the funding needed to build a Dog Park on City property.

Recommendation:

It is recommended that we allow this group to proceed with entering into a formal agreement with The City to develop the Dog Park.

Background / Analysis:

City staff has been working with a group of citizens interested in Developing a Dog Park here. We toured and considered several potential sites and have determined that the city owned property adjacent to Lady Bird Johnson Park that borders the Airport offers the best opportunity of City owned

The City of Fredericksburg

Fredericksburg Dog Park Association

Request for Use of City Land

The Fredericksburg Dog Park Association (FDPA), a local non-profit organization, is seeking approval from the Fredericksburg City Council to proceed with fundraising efforts and development of a public, off-leash dog park at Lady Bird Johnson Municipal Park.

We, the FDPA, do hereby request:

- The granting and designation of “The Old Soccer Fields,” a fenced parcel of approximately 5.7 acres on Lady Bird Municipal Park, located between the Gillespie County Airport fence and the RV spots on Campers Loop, as the Fredericksburg Dog Park
- FDPA be allowed to raise all funds necessary for the construction of said dog park
- The Fredericksburg Parks & Recreation Department support the FDPA in engineering and construction design of the dog park and by providing liability insurance coverage once it is operational
- That an agreement, similar to the agreement with the Morning Rotary Club of Fredericksburg to design and construct a Skate Park, be developed by FDPA and City Attorney, Pat McGowen

Once the above requests are approved and the agreement signed, FDPA will begin the processes of fundraising and designing construction plans in conjunction and coordination with Jimmy Alexander and the Fredericksburg Parks & Recreation Department. These plans will be presented to the Fredericksburg City Council at a later meeting.



CITY COUNCIL MEMO

DATE: May 20, 2013

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: LCRA Presentation on Local Watersheds

Summary:

The Lower Colorado River Authority (LCRA) has recently completed a study of our watershed areas including Live Oak Creek and Baron's Creek and will present a summary of their study at Monday's Council meeting.

Recommendation:

it is recommended that the Council consider this presentation and provide questions and comments.

Background / Analysis:

One of the services provided by LCRA to local communities is a study of their watershed areas since the creeks in these areas flow into the Pedernales River which is a major source of water for LCRA. The focus of these studies is on the current status of water quality in the watershed areas and how this quality can be protected in the future. Lisa Hatzenbuehler, Manager of the LCRA Water Quality

The City of Fredericksburg

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Protection Division and David Cowan, Senior Aquatic Scientist, will present the results of their study at the Council meeting.

In our case, we also requested LCRA to study the future opportunities for recreational use of our watershed areas. Since these areas are located in the flood plain, they are ideal for recreational use such as hiking and biking trails. Many cities around the country are using their flood plains as an integral part of their trails system and they have proven to be a major improvement to local quality of life and have helped to create healthier communities. The summary that they will present at the Council meeting will identify prime areas along the creeks that could be developed as part of our trail system. If the City decides to fund a trails master plan next year, this plan could include this information and show specific areas along our creeks that could be included in this trail system.

Over the past several months, I have been contacted by several residents and property owners who are interested in being involved in any future development of trails along our creeks. They will likely be attending Monday's Council meeting and may want to offer some comments.

The City of Fredericksburg

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CITY COUNCIL MEMO

DATE: May 20, 2013

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: Revisions to the Lease and Economic Development Agreements-Former Texas Rangers Heritage Center

Summary:

The two agreements between the City and the Former Texas Rangers Foundation need to be revised prior to the start-up of construction of phase 1 of the Heritage Center project in the next several months.

Recommendation:

it is recommended that the attached amendments to the lease agreement and economic development agreement with the Rangers Foundation be approved.

Background / Analysis:

The City entered into two different agreements with the Former Texas Rangers Foundation in February, 2011 regarding their use of City-owned property on Highway 290. This includes a lease agreement expiring in 2110 and an economic development agreement that allows the City to make a

The City of Fredericksburg

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grant using public resources for their project since it impacts local economic development. The lease agreement includes a provision identifying two phases for their project with a completion date for phase 1 of 7 years (February 7, 2018).

Over the past two years, the Foundation has been successful in raising funds to proceed with phase 1 of their project. They have hired an architectural team, including Steve Thomas, to design this project and it is now ready for bidding and construction. In the original economic development agreement phase 1 consisted of 28,500 square feet of improvements including an educational center, galleries, support building, related parking and the Rangers Ring of Honor. The second phase included an auditorium facility of approximately 16,000 square feet. According to the attached amendment, phase 1 will now consist of a group pavilion, outside amphitheatre, the Ring of Honor, Campanile and related parking and landscaping. Phase 2 will now include the 28,000 square-foot Heritage Center.

The amendment to our lease agreement includes a provision allowing the Former Texas Rangers Foundation a temporary access easement during the construction of phase 2. This is necessary due to the fact that the facilities included in phase 1 will not allow adequate access for construction crews for the heritage center.

The City of Fredericksburg

GROUND LEASE FIRST AMENDMENT

THIS FIRST AMENDMENT TO GROUND LEASE (this "Lease") is entered into effective as of May ____, 2013 (the "Effective Date") by City of Fredericksburg, a municipal corporation, ("Landlord") and Former Texas Rangers Foundation ("Tenant").

The parties hereto desire to amend the original Ground Lease to provide for a change in the phasing of improvements to be made, and

NOW, THEREFORE, for and in consideration of the Project undertaken by Tenant, the Economic Development obligations of Tenant and the agreements set forth herein, Landlord and Tenant (collectively, the "Parties" and individually, a "Party") hereby agree that the Ground Lease is hereby amended as follows:

RECITALS

- D. Tenant has developed its initial plans for the Center, and has proposed construction of the Phase One and Phase Two buildings all as shown on Exhibit "A" attached hereto and made a part hereof.

AGREEMENTS

ARTICLE 1

PREMISES, USE, DEVELOPMENT LAND EASEMENTS

1.03 Development. It is anticipated that the construction of the Center will consist of two phases. Phase One of construction will be improvements to consist of a group pavilion, outside amphitheater the Texas Rangers Ring of Honor and Campanile and related parking and landscaping as is shown on Exhibit "A". Such construction shall be complete and operating on or before July 1, 2015. Phase Two of construction will be an approximate 28,000 square feet. Heritage Center to consist of educational center with approximately five galleries, interactive exhibits, library, curatorial area, administrative offices and related parking and landscaping. Such construction shall be complete and operating on or before seven (7) years from the date of the original Ground Lease agreement which is February 7, 2011. If the Center, both Phase One and Phase Two, as described above is not developed and in operation within seven (7) years of the date of the original Ground Lease agreement, Landlord, at Landlord's option may terminate this lease. It is understood and agreed that the Master Plan (Site Plan) attached hereto as Exhibit "A", has not been approved by the City of Fredericksburg in accordance with its

development ordinances, and that Tenant shall obtain such approvals prior to the commencement of construction. Tenant shall abide by all then current development ordinances of the City during the term hereof.

As Tenant develops the Property, Landlord will pay for the archeology studies and mitigation necessary for Tenant to obtain all needed construction approvals.

1.06 Temporary Construction Easement. At such time as the construction of Phase Two commences, Landlord may permit tenant to access the construction site across its adjoining property as a temporary construction easement. If such access is permitted, Tenant shall abide by Landlord's rules for the use of the same. It is understood that the same has not been granted although it is shown on the Architectural Site Plan on Exhibit "A".

ARTICLE 13

EVENT OF DEFAULT AND REMEDIES AND EARLIER TERMINATION

13.01 **Event of Default.** Each of the following shall be an "Event of Default" by Tenant hereunder and a material breach of this Lease: (the only change is to paragraph B, the remainder of Section 13.01 shall remain as written.)

- B. Tenant fails, to timely complete construction of the Center (Phases One and Two) or fails to commence operation within seven (7) years from the date hereof;

Other than as amended hereby all other terms and conditions of the original Ground Lease shall remain as written and are hereby ratified and confirmed.

LANDLORD:
CITY OF FREDERICKSBURG, TEXAS

By: Kent Myers
City Manager

TENANT:
FORMER TEXAS RANGERS FOUNDATION

By: Joe Davis
President, Former Texas Rangers Foundation

**CITY OF FREDERICKSBURG AND FORMER
TEXAS RANGERS FOUNDATION
CHAPTER 380
ECONOMIC DEVELOPMENT AGREEMENT
FIRST AMENDMENT**

This is a First Amendment to the Chapter 380 Economic Development Agreement ("Agreement") made and entered into by and between the Former Texas Rangers Foundation ("Foundation"), organized under the laws of the State of Texas, and the City of Fredericksburg, Texas, a home rule city and municipal corporation ("City") on February 7, 2011.

For and in consideration of the project, the parties hereto have agreed to amend said Economic Development agreement and the related Ground Lease so as to redefine the improvements to be constructed in each phase of the Project. The City Council has approved the general Master Plan as the same is set forth on Exhibit "A" hereof, however, it is understood that there has been no approval of the same in accordance with the City's development ordinances.

Therefore, the parties therefore agree that section 1.02 is hereby amended as follows:

1. FOUNDATION'S OBLIGATIONS

1.02 Operation of History and Education Center. Foundation shall construct the following improvements upon the Property in the time periods as follows:

- A. Phase I- improvements to consist of a group pavilion, outside amphitheater the Texas Rangers Ring of Honor and Campanile and related parking and landscaping as is shown on Exhibit "A". Such construction shall be complete and operating on or before July 1, 2015.
- B. Phase II- An approximate 28,000 square feet. Heritage Center to consist of educational center with approximately five galleries, interactive exhibits, library, curatorial area, administrative offices and related parking and landscaping. Such construction shall be complete and operating on or before seven (7) years from the date of the original agreement which is February 7, 2011.

Exhibits. The following Exhibit is attached and incorporated by reference for all purposes.

Exhibit "A": Master Plan (Architectural Site Plan)

Other than as amended hereby all other terms and conditions of the original economic development agreement shall remain as written and are hereby ratified and confirmed.

This agreement is executed this the ____ day of May, 2013.

FORMER TEXAS RANGERS FOUNDATION

By: _____
Joe Davis
President

CITY OF FREDERICKSBURG, TEXAS

By: _____
Kent Myers
City Manager



CITY COUNCIL MEMO

DATE: May 16, 2013

TO: Mayor and City Council

FROM: Clinton Bailey, P.E., Director of Public Works and Utilities

SUBJECT: 2013 Street Paving Presentation

Summary:

This agenda item will include a presentation by City Staff regarding the City's overall street maintenance needs, standard practices and budget. The presentation is intended to give members of the City Council broad yet detailed background information on street life cycle costs and the development and execution of the City's annual street paving program.

Recommendation:

City Staff recommends proceeding with its annual street paving program as presented with no changes in project scope, schedule or budget.

Background / Analysis:

n/a

The City of Fredericksburg