

**CITY OF FREDERICKSBURG
CITY COUNCIL MEETING**

MONDAY, JUNE 3, 2013 ~ 6:00 p.m.

Law Enforcement Center ~ 1601 East Main Street

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

Gary Neffendorf, Council Member
Kathy Sanford, 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

CALL TO ORDER.

PLEDGE OF ALLEGIANCE.

Page Ref.

1. **6:00 PM - 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 - Consult with Attorney - Petition to amend Home Rule Charter
2. **CONSENT AGENDA** - All items listed below are considered to be routine and non-controversial by the Council and will be approved by one motion. There will be no separate discussion of these items unless a council member or citizen so requests, in which case the item will be removed from the consent agenda and considered as part of the normal order of business.
A. Consider adding Barry Wagner to the Fort Martin Scott Advisory Committee. 1
3. **ORDINANCES - RESOLUTIONS- ACTION ITEMS**
A. Consider an Ordinance amending Section 29-3 of the code of Ordinances (Sign Ordinance) to amend definitions. (Z-1309). 2-5
B. Consider Resolution of Support for the Alternate Truck Route. 6-7
4. **INDIVIDUAL ITEMS FOR CONSIDERATION AND POSSIBLE ACTION**
A. Consider creating Alternate Truck Route Task Force. 8-9
B. Consider request from 4th of July Parade Committee for city sponsorship. 10-14
C. Consider Power Purchases. 15-16
D. 2013 Street Paving Project - Presentation 17-18
E. Presentation of charter amendment petition by City Secretary with results of verification. 19-20
F. Consider accepting City Secretary's report on charter amendment petition and consider taking appropriate action if any.

5. **CITY MANAGER'S REPORT**

- A. Rainfall Data and Status of City Water Wells
- B. June 7 City Council Retreat
- C. Utility Rates
- D. Town Pool Project
- E. Meeting with Representative Doug Miller

6. **ITEMS FOR FUTURE AGENDAS**

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

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

9. **ADJOURNMENT**



CITY COUNCIL MEMO

DATE: June 3, 2013

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: Additional Member-Fort Martin Scott Advisory Committee

Summary:

Mayor Hoover has recently visited with Barry Wagner and would like for the Council to appoint Mr. Wagner as a member of the recently established Fort Martin Scott Advisory Committee.

Recommendation:

It is recommended that Barry Wagner be appointed to the Fort Martin Scott Advisory Committee.

Background / Analysis:

Recently Barry Wagner contacted Mayor Hoover to express his interest in helping with the Fort Martin Scott redevelopment. Barry has been involved in efforts to revive Fort Martin Scott since 2009 including the preparation of architectural plans for this site. He would be an asset for this Committee.

①

The City of Fredericksburg



CITY COUNCIL MEMO

DATE: May 30, 2013

TO: Mayor and City Council

FROM: Brian Jordan, AICP

SUBJECT: Consider an Ordinance Amending Section 29-3 of the Code of Ordinances (Sign Ordinance) to amend definitions (Z-1309).

Summary:

The Board of Adjustment recently had a case in which a business had frontage on two streets and they were requesting a sign to be based on the sum of the linear footage of both streets. The definition in the Sign Ordinance is clear on regular lots and corner lots, but "through Lots" (lots with frontage on two streets) are not clearly defined. As such, the staff has always utilized the definition in the Zoning Ordinance which states that on a through lot, the frontage is the lot line abutting the street providing the primary access to the lot. The attached ordinance amendment would incorporate the definition of Lot Frontage from the Zoning Ordinance into the Sign Ordinance.

Recommendation:

Approval of the Ordinance amendment.

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The City of Fredericksburg

Background / Analysis:

Although the Sign Ordinance and the Zoning Ordinance are similar, they are separate documents so if challenged one is not tied to the other. In the case of further clarification, Section 7.220 of the Zoning Ordinance states that where the identification or designation of the front, side or rear lot line is in doubt, the Planning and Zoning Commission shall determine the identity or designation of lot lines.

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The City of Fredericksburg

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 29-3 OF THE CODE OF ORDINANCES OF THE CITY OF FREDERICKSBURG TO AMEND DEFINITIONS, TO PROVIDE FOR AN EFFECTIVE DATE, AND TO REPEAL INCONSISTENT PROVISIONS OF THE SIGN ORDINANCE.

WHEREAS, the City Council of the City of Fredericksburg has determined that the definition of business frontage and lot frontage as the same relates to the application of the sign ordinance to various properties should be clarified, and that the definitions found in the City of Fredericksburg's Zoning ordinance should apply unless otherwise provided in the said sign ordinance and that the Sign Ordinance of the City of Fredericksburg should be amended in the manner set forth below;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG that Section 29-3 of The Code of Ordinances of the City of Fredericksburg be and is hereby amended as to the application and as to the definitions of Building Frontage and Business frontage as follows, and that the same are hereby adopted:

SECTION 29-3 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. In the event a term is not defined in this ordinance the definitions of the Zoning Ordinance of the City of Fredericksburg will be used.

Building frontage means the distance or length of the primary building on the property adjacent and generally parallel to the business frontage or lot frontage. In the case of multitenant buildings, each tenant space shall be lease space portions of the building frontage.

Business frontage/lot frontage means the distance along the adjacent street frontage between the two side lot lines. On an interior lot, such distance shall be measured along the lot line abutting the street. On a corner lot, the shorter lot line abutting a street or the line designated as the front lot line by the subdivision or parcel map shall be used. On a through lot, the lot line abutting the street providing the primary access to the lot shall be used. On a flag (panhandle) lot, the interior lot line designated as a front lot line by a subdivision or parcel map, or the line determined by the director of development services to be the front line shall be used. Where such identification is in doubt, the same shall be determined in accordance with Section 7.220 (or its successor in the event the section number is changed) of the Zoning Ordinance of the City of Fredericksburg. On corner lots, the business/lot frontage shall be measured along a highway or street. Lot lines shall be those established by the most recent deed to the property as recorded in the real property records of the County Clerk of Gillespie County. If one business, or integrated business, occupies and utilizes more than one lot, the frontage distance of all lots occupied by the business, or integrated business, may be combined.

All other definitions of said Section 29-3 shall remain as written.

This ordinance shall become effective upon its passage and publication in accordance with law.

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

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.

PASSED AND APPROVED this the 20 th day of May, 2013.

JERYL HOOVER, MAYOR

City of Fredericksburg, Texas

ATTEST:

Shelley Britton, City Secretary

APPROVED AS TO FORM:

Pat McGowan, City Attorney



CITY COUNCIL MEMO

DATE: June 3, 2013

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: Alternate Truck Route Resolution

Summary:

Resolutions supporting the planning and construction of the alternate truck route are being requested to show that the community is united in its efforts to work together on this project.

Recommendation:

It is recommended that the Council approve the attached resolution supporting the alternate truck route.

Background / Analysis:

During recent meetings with our State Representative Doug Miller, he emphasized the importance of the City, County and other local organizations working together to support the alternate truck route. This cooperation, according to Representative Miller, will play a critical role in our ability to get future funding from the State. The attached resolution, which is similar to one recently adopted by the EDC, illustrates that we are committed to this project and that it is a community priority.

(6)
The City of Fredericksburg

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG

WHEREAS, the City of Fredericksburg and Gillespie County populations have increased by 51 and 42 percent, respectively, since 1990; and

WHEREAS, in addition to the growth in the population the City and County have experienced a growth in agriculture, the number of wineries, restaurants, festivals and other destinations and activities, and the number of persons visiting the area has significantly increased, and

WHEREAS, population growth and growth in the number of visitors is expected to continue locally, for the Hill Country Region and the entire State of Texas; and

WHEREAS, the City of Fredericksburg is situated at the confluence of two U.S. Highways and one State Highway which not only converge in its downtown area, but which serve as the main streets in the historic downtown of the City and as the main arteries for accessing the secondary streets of the County; and

WHEREAS, shopping and lodging in the historic downtown area are primary reasons approximately one and a half million visitors come to Fredericksburg annually; and

WHEREAS, truck and vehicular traffic on US Highway 290 which is Main Street appears to have reached capacity for this roadway creating congestion in the heart of the City; and

WHEREAS, large trucks traveling on Main Street create the potential for increased crash rates for vehicles and pedestrians, large truck traffic poses a direct safety hazard to pedestrians crossing Main Street and its intersecting side streets, traffic congestion caused by large trucks on Main Street increases emergency response times thus potentially decreasing the health, safety and welfare of the public and that congestion in the downtown area has caused motorists to seek alternative routes through the City jeopardizing residential neighborhoods; and

WHEREAS, the idea of an alternate thoroughfare bypassing downtown has been on every City and County Comprehensive and Transportation plan for at least 45 years; and

WHEREAS, the City of Fredericksburg's Master Thoroughfare Plan currently shows the general location and alignment of a truck route around Main Street from US Highway 290 East to US Highway 87 North; and

WHEREAS, in the future construction of an alternate thoroughfare will only continue to become more urgent for traffic safety and will be more challenging and expensive as development occurs and costs increase; and

WHEREAS, the City and County will both benefit economically from removing the through truck traffic from Main Street; and

WHEREAS, property values and future economic development potential adjacent to the truck route around Main Street will be enhanced due to access to the route; and

WHEREAS, as a result of the above considerations, an Alternate Truck Route Task Force which consists of representatives from the City of Fredericksburg, Gillespie County, TXDOT, the Chamber of Commerce and other local community members has been created to facilitate the coordination, future planning, design, funding, acquisition of right of way and construction of the proposed alternate truck route, and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS that the City supports the goals of the Alternate Truck Route Task Force and urges the task force to aggressively pursue the construction of the Alternate Truck Route, and seeks the support of Gillespie County and the Texas Department of Transportation in such project.

PASSED AND APPROVED this the 3rd day of June, 2013.

Jeryl Hoover, Mayor
City of Fredericksburg

Attest:

Shelley Britton, City Secretary,
City of Fredericksburg



CITY COUNCIL MEMO

DATE: June 3, 2013

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: Alternate Truck Route Task Force

Summary:

A local Alternate Truck Route Task Force would be helpful in coordinating the future planning, design, funding and construction of this major roadway project.

Recommendation:

It is recommended that an Alternate Truck Route Task Force be created and that appointments to this Task Force be made in the next 30 days.

Background / Analysis:

Recently Council Member Kathy Sanford and Kory Keller with Keller Construction Company approached Clinton Bailey and me about the need to create a Task Force that would help to keep the alternate truck route project on track. As you will recall, this project has been discussed a number of times over the past 20-30 years but has gotten sidetracked due to several issues including TXDOT's proposed roadway design. This Task Force would play a useful role in coordinating the project and



The City of Fredericksburg

communicating to the public the progress that is being made. It would help insure that the City, County and TXDOT work together to address any challenges or problems that take place in the planning, design, funding or construction of this major project.

Last week Clinton and I met with Kathy and Kory to discuss this Task Force. It was suggested that it be made up of two Council members, two County Commissioners, one citizen appointed by the Council, one citizen appointed by the Commissioners, one Chamber representative, one EDC representative and one TXDOT representative. The Chamber, EDC and TXDOT have all confirmed that they would be willing to participate on this Task Force if approved by the Council and Commissioners. This 9-member committee would likely meet at least once every two months. I expect that their initial focus would be on implementation of the recommendations included in the recent report completed by Walter Ragsdale.



The City of Fredericksburg



CITY COUNCIL MEMO

DATE: June 3, 2013

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: 4th of July Parade Sponsorship

Summary:

The organizers of the 4th of July Parade have requested that the City officially sponsor this event in order for the parade to be covered for liability insurance.

Recommendation:

It is recommended that the Council approve the City serving as the sponsor for this year's 4th of July Parade.

Background / Analysis:

Recently we were approached by members of the 4th of July Parade Committee who expressed concerns that, as an independent organization, they were not covered by any liability insurance. If the City formally sponsors the event, then we can add the parade to our liability insurance policy. The additional cost for adding this event would be about \$250 and the Parade Committee has agreed to

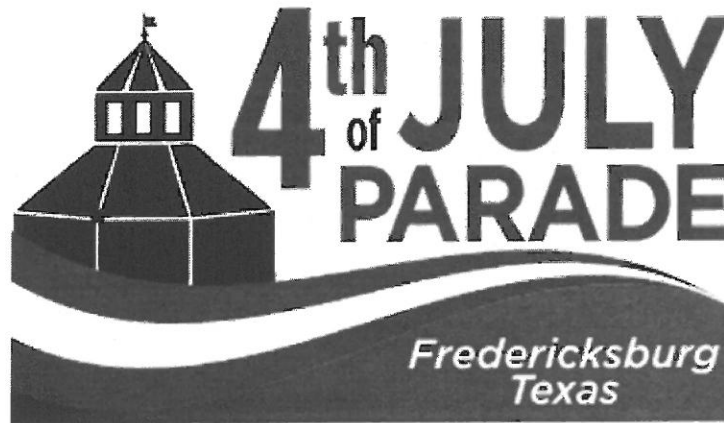
(10)

The City of Fredericksburg

reimburse the City for these costs. It should be understood, however, that adding this event does create additional risk for the City since we have a \$10,000 deductible for liability insurance.

We are not proposing to add the parade volunteers to our workers compensation since we do not cover any other event volunteers under this policy. Also, adding this coverage would create additional paperwork in tracking the workers as well as additional costs.

I have attached information on the 4th of July Parade including a listing of their sponsors and members of the Parade Committee.



Fredericksburg July 4th

The Fredericksburg Community Fourth of July Parade takes place annually on July 4th at 10:00 a.m. in downtown Fredericksburg before a street audience of thousands of spectators. The annual Fourth of July Parade, begun in 1991 by a group of community volunteers, has been held every year for over two decades on July Fourth.

Our Parade consists of invited bands, floats, military, equestrian, school bands, VIP's, national dignitaries, antique cars, antique tractors and more. All are permitted to enter free-of-charge and all that is asked of them is to decorate their entry patriotically or to dress-up in red, white and blue!

The Parade has kept its "home-town America" feel through-out its history , with the Parade, followed by our patriotic program on MarktPlatz and culminating at Lady Bird Johnson Park with a free concert followed by the City of Fredericksburg's impressive fireworks show and music. It is a patriotic, flag-waving, red white and blue celebration of America's birthday!

The Parade is produced by a group of volunteers (list attached) and co-chaired by Helen McDonald and Daryl Whitworth.

As the parade takes place on City streets, we work closely with the Police Department and city crews on our route, barricades, traffic control and all parade details. Chief Paul Oestreich was

an avid supporter for many years and we look forward to continuing our relationship with the new Chief Steve Wetz. We hope that he will be a contributor to our committee and City liaison.

The parade forms behind the Gillespie County Courthouse and begins at the intersection of Main and Adams streets.

It goes east for three blocks on Main Street and then U-turns at Washington Street in front of the National Museum of the Pacific War.

The route then goes west on Main Street for eight blocks and ends at Bowie Street where entries have the option of going to Marktplatz for the Patriotic Program or returning to the staging area.

Marktplatz We will have our program following the parade.

Sentimental Journey Orchestra

Fredericksburg Theater Company

Color Guard

Mayor Hoover

Joe Kammlah, Master of Ceremonies

Food booth

Lady Bird Johnson Park

Music

Firework show

Event Website:

www.fbgparade.org

2013 Fourth of July Committee Members:

Helen McDonald/ Daryl Whitworth co-chairmen
 Helen, Program chairman
 Daryl , Parade Chairman
Linda Nevels. Evening music program @Lady Bird Johnson Park
Debbie Farquhar-Garner Marketing
Steve Wetz - Police Chief
Joe Kammlah, emcee at Market Square program & parade committee
Tony Klein – Flag lead
Steven Harris - Chamber Leadership, Food Sales
Russell Immel, parade committee (assists with signage for dignitaries)
Gene Garrett, parade committee
And about 5-8 additional parade volunteers who help line up the parade

Sponsors and Partners (historic)

City of Fredericksburg
 Streets and staffing for parade
 Marktplatz for Patriotic Program
 Lady Bird Johnson Park – location for band
 Fireworks

Pedernales Creative Arts Alliance
 Sentimental Journey Orchestra

Stroeher and Olfers
 Truck and trailer for band during parade
 Mules for use by parade committee

Jeks
 Water and ice for participants

HEB
 Sandwiches for bands for programs

Keg One
 Refreshments for bands



CITY COUNCIL MEMO

DATE: June 3, 2013

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: Power Purchases

Summary:

The City has the option to increase our purchase of power on the open market from 15% to 20% starting in FY 2018.

Recommendation:

It is recommended that we do not exercise this option at this time and continue to purchase 85 % of our power from LCRA.

Background / Analysis:

The City has the option until the end of June to increase our level of public power purchased on the open market from 15% to 20%. This increase, if approved, would be effective in FY 2018.

The City is part of a Power Supply Aggregation Group of municipally owned utilities. This Group includes Brady, Cuero and Lockhart. The Group has retained the services of Schneider Engineering to

15

The City of Fredericksburg

evaluate the anticipated pricing of power from LCRA compared to the pricing of power purchased on the open market. On May 13, the four cities participated with representatives from Schneider Engineering in a conference call to discuss the pricing comparisons as well as the advantages and disadvantages of increasing our power purchases on the open market. Due to the limited projected savings from this increase in open market purchases, the consensus of the Group was to not change the level of power purchases on the open market at this time.

Representatives from Schneider Engineering will make a presentation at Monday's Council meeting and be available to respond to any questions.



The City of Fredericksburg



CITY COUNCIL MEMO

DATE: May 30, 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.

Recommendation:

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

Background / Analysis:

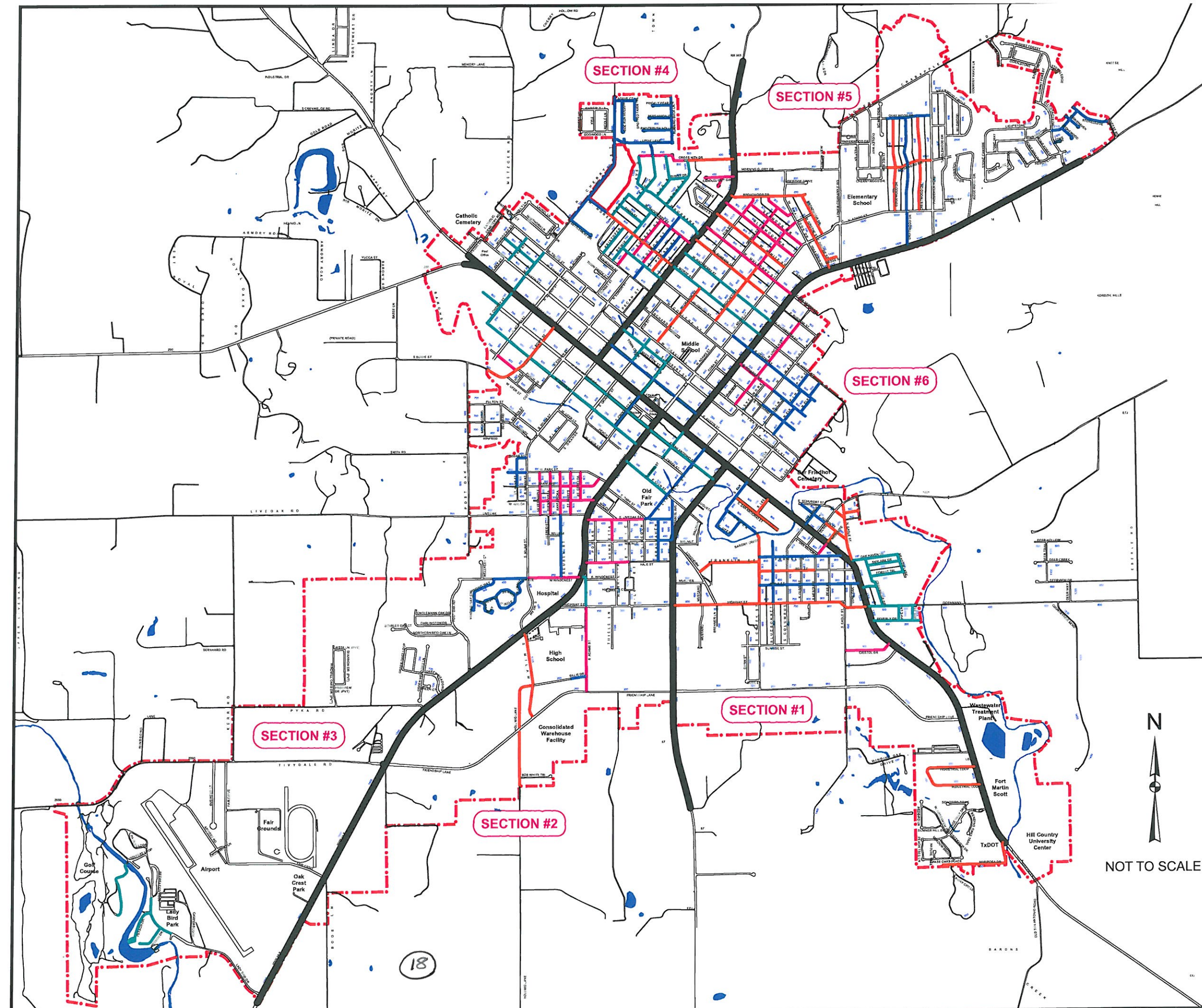
The presentation on this item is intended to give members of the City Council broad yet detailed background information on pavement life cycle costs and the development and execution of the City's annual street paving program.

City of Fredericksburg

Paving Record
Date: May 30, 2013

Legend

- STATE HWY / Section Boundary
- 2010 - 169,130 SY Paved
- 2011 - 209,384 SY Paved
- 2012 - 256,838 SY Paved
- 2013 - 259,032 SY to Pave
- Edge of Pavement
- City Limit Boundary



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CITY COUNCIL MEMO

DATE: May 28, 2013
TO: City Council
FROM: Shelley Britton, City Secretary
SUBJECT: Petition

Summary:

A petition was delivered to City Hall April 12, 2013.

The petition is for a charter amendment to read:

The City of Fredericksburg shall not use proceeds or reserves from an Enterprise Fund (including by not limited to the Electric, Water and Sewer, Solid Waste, and Drainage funds) except for expenditures within the purpose of the fund unless approved by the voters in elections that specify the amount and the fund from which the money will be withdrawn.

Background / Analysis:

Of the 440 signatures submitted, 22 were discarded as not registered voters of the City of Fredericksburg.

Other irregularities were noted as follows:

1. 41 signatures taken by an affiant who was not a signer of the petition. Ruby Lee Clark page 33 with 11 signatures and Larry Werts pages 22 and 23 with 30 signatures.
2. The date of the notary's sworn statement is before the date the petition is signed. Pages 15 with 3 signatures, page 24 with 12 signatures, Greg Werts notary, and page 48 with 3 signatures, Chas Quindy notary.
3. No date at signature by 1 signer, William Smallwood, on page 21, 3 signatures on page 39 where phone numbers were used instead of the date, and signer Ruth Winkler on page 41 who inserted the birthdate instead of the date of signing.
4. Not sworn: Page 14 with 8 signatures, page 13 with 2 signatures, page 34 with 7 signatures and page 40 with 2 signatures.
5. Two cases where it appears that the same person signed for both husband and wife. (page 33 Kenneth and Linda Fuege and page 8 Patricia and John Evans.) Note the page 33 one is a

duplicate problem so we did not count off for this one as we had previously discounted the entire page.

6. Incomplete date on notary's sworn statement. (page 37 with 17 signatures : March 12, 20—.)
7. Affiant is not a registered voter (page 31 with 9 signatures).
8. Page 33: Frances Smith and Ken Locklin: no DOB or voter reg # (this is again another duplicate and we would not count off for these if we disqualify the whole page).

369 valid signatures were needed. 440 were submitted. If we disqualify all of the above, it leaves only 309 valid signatures.

Recommendation:

As a result of the unknown affect of the irregularities, I cannot certify this as a valid petition.

20

The City of Fredericksburg

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