

**CITY OF FREDERICKSBURG
CITY COUNCIL MEETING**

MONDAY, JULY 1, 2013 ~ 7:00 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. Approve minutes of May 2013 meetings. 1-9

2. **CONSENT AGENDA** - All items listed below are considered to be routine and non-controversial by the Council and will be approved by one motion. There will be no separate discussion of these items unless a council member or citizen so requests, in which case the item will be removed from the consent agenda and considered as part of the normal order of business.
 - A. Consider Taxi Permit - Aaron Morin. 10-16

3. **ORDINANCES - RESOLUTIONS- ACTION ITEMS**
 - A. Receive recommendation and consider Z-1303 initiated by the City Council of the City of Fredericksburg to: 17-29
 1. Consider a change in the Land Use Plan from Medium Density Residential to Low Density Residential on properties bordered by East Creek Street on the north and Baron's Creek on the west, south, and east.
 2. Consider a change in Zoning from R-2 Mixed Residential to R-1 Single Family Residential on said properties.

4. **INDIVIDUAL ITEMS FOR CONSIDERATION AND POSSIBLE ACTION**
 - A. Consider Code of Ethics. 30-46
 - B. Consider Council Rules of Procedure. 47-52
 - C. Consider approval of Sidewalk Project. 53-54
 - D. Consider appointing Alternate Truck Route Task Force committee. 55-56
 - E. Consider Utility Improvements Proposed for Bond Financing. 57-58

5. **CITY MANAGER'S REPORT**
 - A. Comprehensive Plan Update 59-61
 - B. Relocation of Chamber Offices
 - C. Special Event Policies and Procedures
 - D. 4th of July events.

6. **ITEMS FOR FUTURE AGENDAS**
7. **PUBLIC COMMENTS** - This time is for citizens to address the City Council on issues and items of concern not on this agenda. There will be no City Council action at this time.
8. **COUNCIL COMMENTS** - No discussion or action may take place.
9. **ADJOURNMENT**

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

REGULAR CITY COUNCIL MEETING
MAY 6, 2013
7:00 PM

On this the 6th day of May, 2013, the City Council of the CITY OF FREDERICKSBURG convened in regular session at the Law Enforcement Center, with the following members present to constitute a quorum:

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

ABSENT: NONE

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

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

MINUTES – It was moved by Council Member Dooley, seconded by Council Member Jones, to approve the minutes of the March and April 2013 minutes as corrected. All voted in favor and the motion carried.

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

1. TAXI PERMIT – ARMADILLO TAXI – JOE DUKE

INITIATE ZONING CHANGE IN VARIOUS AREAS OF TOWN FROM R-2 MIXED RESIDENTIAL TO R-1 SINGLE FAMILY RESIDENTIAL (Z-1303) – It was moved by Council Member Sanford, seconded by Council Member Pearson, to direct staff to initiate the process of a change in the Land Use Plan and a zoning change for the area bounded by Creek Street on the north and Baron's Creek on the west, south, and east from R-2 Mixed Residential to R-1 Single Family Residential. The vote was as follows: AYE: Pearson, Jones, and Sanford; NAY: Hoover and Dooley. Motion carried.

It was then moved by Council Member Dooley, seconded by Council Member Jones, to take no action on changing the zoning on the (1) east side of the middle school, bounded on the north by College Street and Travis on the south, and (2) the west side of the middle school, bounded by College Street on the north and Travis Street on the south. The vote was as follows: AYE: Hoover, Pearson, Jones, and Dooley; NAY: Sanford. Motion carried.

RESOLUTION AUTHORIZING PROPERTY LEASE AGREEMENT FOR THE ACQUISITION OF EQUIPMENT INCLUDING TWO EMERGENCY MEDICAL SERVICE AMBULANCE REMOUNTS, A GARBAGE TRUCK, AND CHIPPER TRUCK FOR THE SOLID WASTE FUND,

AND AN ELECTRIC FUND BUCKET TRUCK – It was moved by Council Member Pearson, seconded by Council Member Sanford, to approve a Resolution authorizing a Property Lease Agreement for the acquisition of equipment including two Emergency Medical Service ambulance remounts, a garbage truck, and a chipper truck for the Solid Waste Fund, and an Electric Fund bucket truck. The vote was as follows: AYE: Hoover, Sanford, Dooley, Pearson, and Jones, NAY: None. Motion carried.

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

The undersigned hereby certifies to HOUSTON COMMUNITY BANK, N.A that at a duly called meeting of the City Council (the "Board") held on the 6th day of May, 2013, there were at all times present members constituting a quorum of the Board, and that the following resolutions were adopted at said meeting, and remain in full force and effect as of the date hereof and have not been amended, rescinded or repealed:

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

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

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

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

Name(s)	Brad Kott	and/or	Kent Myers
Title(s)	Dir of Finance	and/or	City Manager

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

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

FURTHER RESOLVED, that the authorized officials be, and each of them hereby is authorized and directed to mortgage, pledge and assign to Lessor, to grant to Lessor a security interest in, and to deliver to Lessor as security for all obligations of Lessee arising under or in connection

with the leases now existing or hereafter entered into, and for all other indebtedness and obligations of Lessee to Lessor, whenever and however arising, any property, real or personal, belonging to Lessee, and from time to time to substitute for such property, or any part thereof, other property for the same purpose;

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

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

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

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

And

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the city of Fredericksburg this 6th day of May, 2013.

LESSEE: CITY OF FREDERICKSBURG, TEXAS

By: /s/ Jeryl Hoover

Title: Mayor

Date: May 6, 2013

WITNESS OR ATTEST:

By: /s/Shelley Britton

Title: City Secretary

PRESENTATION FROM OPTIMIST CLUB REGARDING THE OPTIMIST T-BALL FIELD – Representatives from the Fredericksburg Optimist Club were on hand to present a check for \$20,000 to cover the costs of new bleachers and field improvements at the Optimist T-ball field at Lady Bird Park.

FT. MARTIN SCOTT ADVISORY COMMITTEE – It was moved by Council Member Dooley, seconded by Council Member Sanford, to appoint the Ft. Martin Advisory Committee as presented: Mack Burnett, Joe Kammlah, Richard Laughlin, Ernie Loeffler, Joe Luther, Jim McCrea, Dwight Oestreich, Steve Thomas, and Brent Waldoch. All voted in favor and the motion carried.

WAYFINDING SIGNS – FREDERICKSBURG THEATER COMPANY – following a lengthy discussion, it was moved by Council Member Pearson, seconded by Council Member Sanford, to reconsider prior action relating to the Fredericksburg Theater Company on the Wayfinding Signs. All voted in favor and the motion carried.

It was then moved by Council Member Jones, seconded by Council Member Pearson, to restore the Fredericksburg Theater Company signs to the Wayfinding Signs. The vote was as follows: AYE: Hoover, Sanford, Pearson, and Jones, NAY: Dooley. Motion carried.

MID-YEAR FINANCIALS – A mid-year budget review was presented by Brad Kott, Director of Finance. No action taken.

ALTERNATE TRUCK ROUTE – Outgoing Acting D.P.W.U. Walter Ragsdale gave an indepth presentation on an alternate truck route to alleviate traffic in downtown Fredericksburg. He encouraged City, County, and State officials to work together with a “single voice and a single plan.”

CITY MANAGER’S REPORT – City Manager Kent Myers reported on (1) County-wide dispatching Research Committee, (2) Fire Department Volunteer Recruitment and Response Rates, (3) Ordinance Revisions, and (4) Ribbon Cutting at Town Pool.

PUBLIC COMMENTS – Kenneth Reissig commented on his foundation inspection.

COUNCIL COMMENTS – Mayor Hoover commented that the organizers of the Powwow needed to have a united message.

With no further discussion, Council Member Dooley made a motion to adjourn the meeting at 9:00 PM. Council Member Jones seconded the motion. Motion carried.

PASSED AND APPROVED this the 1st day of July, 2013.

SHELLEY BRITTON, CITY SECRETARY

JERYL HOOVER, MAYOR

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STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

SPECIAL CITY COUNCIL MEETING
MAY 16, 2013
4:30 PM

On this the 16th of May, 2013, the City Council of the CITY OF FREDERICKSBURG convened in special session at City Hall, with the following members present to constitute a quorum:

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

ABSENT: SCOTT JONES - COUNCIL MEMBER

ALSO PRESENT: KENT MYERS - CITY MANAGER
SHELLEY BRITTON – CITY SECRETARY

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

CANVASS AND APPROVE MAY 11, 2013 ELECTION RESULTS - A motion was made by Council Member Dooley, seconded by Council Member Pearson, to adopt the following Order Declaring the Result of the Regular City Election:

ORDER DECLARING RESULT OF REGULAR CITY ELECTION

On this the 16th day of May, 2013, the City Council in special session open to the public at City Hall, 126 W. Main St., with the following members present, to wit:

Jeryl Hoover
Graham Pearson
Tim Dooley
Kathy Sanford

with Scott Jones being absent, constituting a quorum, and among other proceedings, passed the following order and resolution:

AYES: Unanimous

The Resolution follows:

There came to be considered the returns of a regular City Election held on the 11th day of May, 2013, for the purpose of an election to vote for two (2) Council Members for said City, as set forth in the Order calling said election, and it appearing that said election was in all respects legally held and that said returns were duly and legally made.

IT IS THEREFORE FOUND, DECLARED, AND SO ORDERED AND RESOLVED by the City Council of the City of Fredericksburg, Texas that the legally qualified voters at said election above mentioned held on the 11th day of May, 2013 cast at said election the following votes:

COUNCIL MEMBER

Jones - 274
Pearson - 393
McAfee - 322
Neffendorf - 480

Total votes cast: 808

as shown in the official election returns submitted to the City Council of the City of Fredericksburg, Texas, on May 16th, 2013 by the officers holding said election:

IT IS FURTHER FOUND AND DETERMINED that in accordance with the order of this governing body, the City Secretary posted notice of the date, place, and subject of this meeting on the bulletin board located at the City Hall, a place convenient to the public, said notice having so posted and remaining posted continuously for at least 72 hours preceding the time on this meeting.

The Order passed unanimously.

PASSED AND APPROVED this the 16th of May, 2013.

/s/ Jeryl Hoover, Mayor

ATTEST: /s/ Shelley Britton, City Secretary

With no further discussion, Council Member Dooley made a motion to adjourn the meeting at 4:35 PM. Council Member Sanford seconded the motion. Motion carried.

PASSED AND APPROVED this the 1st day of May, 2013.

SHELLEY BRITTON, CITY SECRETARY

JERYL HOOVER, MAYOR

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

**REGULAR CITY COUNCIL MEETING
MAY 20, 2013
7:00 PM**

On this the 20th day of May, 2013, the City Council of the CITY OF FREDERICKSBURG convened in regular session at the Law Enforcement Center, with the following members present to constitute a quorum:

JERYL HOOVER – MAYOR

TIM DOOLEY - COUNCIL MEMBER
KATHY SANFORD - COUNCIL MEMBER
GRAHAM PEARSON - COUNCIL MEMBER
GARY NEFFENDORF - COUNCIL MEMBER

ABSENT: NONE

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

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

APPOINT MAYOR PRO-TEM – It was moved by council Member Dooley, seconded by Council Member Sanford, to appoint Council Member Pearson as Mayor Pro-Tem. All voted in favor and the motion carried.

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 CBD CENTRAL BUSINESS DISTRICT ZONES – It was moved by Council Member Dooley, seconded by Council Member Sanford, to open the public hearing on Request 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. All voted in favor and the motion carried.

No comments were received.

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

RECOMMENDATION ON REQUEST 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 CBD CENTRAL BUSINESS DISTRICT ZONES - It was moved by Council Member Dooley, seconded by Council Member Pearson, to adopt an ordinance to amend the Zoning Ordinance 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. The vote was as follows: AYE: Hoover, Sanford, Dooley, and Pearson. ABSTAIN: Neffendorf. Motion carried.

ORDINANCE NO. 23-007

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 SWELLINGS IN THE C-1 NEIGHBORHOOD COMMERCIAL, THE C-2 COMMERCIAL AND THE CBD CENTRAL BUSINESS DISTRICT ZONES WHETHER AS PRIMARY USES OR ACCESSORY USES, ADDING DEFINITIONS, REPEALING INCONSISTENT PROVISIONS AND PROVIDING FOR PARTIAL INVALIDITY AND AN EFFECTIVE DATE. (Recorded in Ordinance Book)

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 – Based on the recommendation of staff and the Planning & Zoning Commission, it was moved by Council Member Pearson, seconded by Council Member Sanford, to approve Variance P-1215 to Section 38-14(a) of the Subdivision Ordinance as the replat will not be detrimental to public health, safety, or welfare, or injurious to other property in the area. All voted in favor and the motion carried.

2013 BUDGET AMENDMENTS – It was moved by Council Member Dooley, seconded by Council Member Pearson, to approve 2013 Budget Amendments as presented. The vote was as follows: AYE: Hoover, Sanford, Dooley, and Pearson. ABSTAIN: Neffendorf. Motion carried.

REQUEST FOR CLOSURE OF ADAMS STREET DURING OKTOBERFEST – After hearing comments from Debbie Farquhar-Garner, Manager of Oktoberfest, it was moved by Council Member Pearson, seconded by Council Member Sanford, to approve the request for closure of Adams Street, between Main and Austin, from Thursday Oct 3 at noon to Monday October 7, noon. The vote was as follows: AYE: Hoover, Dooley, Neffendorf, Pearson and Sanford. The motion carried.

REQUEST FOR DOG PARK ON CITY PROPERTY – Jody Donovan presented Council with a request to allow a group of citizens to develop a dog park on city property. It was moved by Council Member Dooley, seconded by Council Member Sanford, to allow the group to enter a formal agreement with the city to develop the dog park at Lady Bird Johnson Park. The vote was as follows: AYE: Hoover, Sanford, Dooley, and Pearson. NAY: Neffendorf. Motion carried.

LCRA WATERSHED STUDY – Lisa Hatzenbuehler, Manager of the LCRA Water Quality Protection Division, and David Cowan, Senior Aquatic Scientist, presented the results of their study of Live Oak Creek and Baron’s Creek. No action was taken.

FORMER TEXAS RANGERS HERITAGE CENTER REVISED AGREEMENT – It was moved by Council Member Pearson, seconded by Council Member Dooley, to approve the two amendments to the Former Texas Ranger’s Lease and Economic Development Agreement as presented. The vote was as follows: AYE: Hoover, Sanford, Dooley, Pearson, and Neffendorf. NAY: None. Motion carried.

2013 STREET PAVING PROGRAM PRESENTATION – Director of Public Works and Utilities, Clinton Bailey, presented information on the 2013 Street Paving Project, which included the City’s overall street maintenance needs, standard practices, and budget. Also presented was background information on street life cycle costs, and the development and execution of the City’s annual street paving program. No action was taken.

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

PUBLIC COMMENTS – None.

COUNCIL COMMENTS – None.

EXECUTIVE SESSION - At 8:00 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 9:00 PM, Council Member Dooley made a motion to adjourn the Executive Session and reconvene the regular session. Council Member Pearson seconded, the motion carried.

EXECUTIVE SESSION – CONSULTATION WITH ATTORNEY – ATTORNEY CLIENT PRIVILEGE AND POTENTIAL LITIGATION REGARDING PETITION FILED BY ISABEL WERTZ EL AL FOR ELECTION ON AN AMENDMENT TO THE CITY CHARTER REGARDING ENTERPRISE FUNDS - No action was taken.

With no further discussion, 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 6th day of May, 2013.

SHELLEY BRITTON, CITY SECRETARY

JERYL HOOVER, MAYOR

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CITY COUNCIL MEMO

DATE: June 23, 2013
TO: City Council
FROM: Shelley Britton, City Secretary
SUBJECT: Taxi Permit - Big Country Cabs

Summary:

Application for a Taxi Permit has been received from Aaron Morin (Big Country Cabs) to provide taxi service.

Recommendation:

It is recommended that this request be approved.

Background / Analysis:

Mr. Morin's insurance will become effective after Council approval.

According to the City Ordinance, applicants are required to make application to City Council, which shall determine whether granting the application will service public "convenience and necessity".

There are currently two other taxi's licensed.

(10)

The City of Fredericksburg

CITY OF FREDERICKSBURG
APPLICATION FOR ANNUAL PERMIT FOR TAXI SERVICE

PERMIT FEE PAID: _____

1. BUSINESS NAME: Big Country Cabs
2. NAME & ADDRESS OF APPLICANT: Aaron Morin 210-835-5155
313 W Hackberry
Fbg, TX 78624
aaron_morin@hotmail.com
3. TYPE OF BUSINESS (CORPORATION, PARTNERSHIP, ETC.): Proprietorship
(IF NOT AN INDIVIDUAL, ATTACH A COPY OF DOCUMENTS ESTABLISHING THE BUSINESS)
4. LIST INDIVIDUALS HAVING INTEREST IN THE BUSINESS:

A.	NAME	<u>N/A</u>		
	ADDRESS			
	CITIZENSHIP			
B.	NAME	<u>N/A</u>		
	ADDRESS			
	CITIZENSHIP			
5. LIST DRIVER'S LICENSE AND SOCIAL SECURITY NUMBER OF TAXI DRIVERS:

A.	NAME: <u>Aaron Morin</u>	DL# <u>20654101</u>	SS#	
B.	NAME: _____	DL# _____	SS# _____	
6. STATEMENT OR EVIDENCE OF OWNERSHIP OF ALL TAXI'S EQUIPMENT SUBMITTED: _____
7. DESCRIBE PAST BUSINESS EXPERIENCE OF APPLICANT, PARTICULARLY IN PROVIDING PASSENGER TRANSPORTATION SERVICES: 2 year experience as a courtesy shuttle driver for Toyota of Boerne.
8. DESCRIBE ANY REVOCATION OR SUSPENSION OF A PERMIT HELD BY APPLICANT OR BUSINESS BEFORE THE DATE OF FILING THE APPLICATION: N/A
9. GIVE NUMBER AND DESCRIPTION OF TAXI: 2008 Silver Dodge Grand Caravan

10. DESCRIBE SERVICES TO BE OFFERED: taxi service

11. LOCATION OF FIXED FACILITIES: Immel Motors

12. INSURANCE

A. TYPE: COMPREHENSIVE GENERAL (PUBLIC) LIABILITY

B. AMOUNT: \$500,000.00 (COMBINED SINGLE LIMIT FOR BODILY INJURY & PROPERTY DAMAGE PER OCCURRENCE)

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

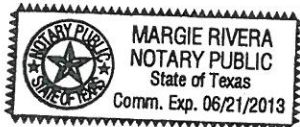
D. FEE PAID: _____ DATE: _____

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

SIGNATURE OF APPLICANT: Aaron Morin

THE STATE OF TEXAS X
 X
COUNTY OF GILLESPIE X

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 20 DAY OF June, 2013.
BY Aaron Morin



Margie Rivera
NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

MY COMMISSION EXPIRES: 6-21-13
Margie Rivera
PRINTED NAME OF NOTARY

APPROVAL OF CITY COUNCIL: DATE: _____

EXPIRATION DATE OF PERMIT: _____

Aaron Morin dba Big Country Cabs

Quote expires in 7 days, or Proposed Effective Date.

Proposed Effective Date

**Your Partner
For Security**

Annual Policy, 12 Months

A- Rated Insurance Company

Insurance Company

Tower Insurance Company

I. Coverages

Limits of Coverage

Liability

Collateral

- **Automobile Liability** **\$500,000**
- **Uninsured Motorists** **\$30,000/\$60,000**
- **Underinsured Motorists (UIM)** **No Coverage**
- **Personal Injury Protection** **No Coverage**
- **Collision Coverage** **No Coverage**

Combined Single Limit
Bodily Injury Split Limit

- Higher Coverage is Available

IV. Terms & Conditions

- SYMBOL 7 Specified Vehicles Only.
- All Drivers Must Meet Driver Guidelines.
- Minimum Earned Premium at 20% if cancelled.
- No Drivers Under 25
- Assault and Battery Excluded
- Policies Cancelled Early are subject to a penalty
- Coverage is cancelled flat if down payment is not received
- Refer to policy for a full list of Exclusions

III. Premium & Payment Terms

Number of Units	1	Per Unit	Total Annual
Automobile Liability		\$2,750.00	\$2,750.00
Uninsured Motorists		\$0.00	\$0.00
Underinsured Motorists		\$0.00	\$0.00
Agency Fee:		\$0.00	\$0.00
Auto Theft Prevention		\$2.00	\$2.00
State SL Fee:		0.000%	
State Tax:		0.000%	
Total Annual Due			\$2,752.00
Installment Fee Included At		\$5.00	Per Payment
Down Payment			% Down
		\$552.00	20%
Monthly Payment			Installments
First Payment due in 30 days		\$225.00	10

Please see cover letter for instructions to bind. Thank you.

Direct Bill, Insurance Company

☒ Make Check Payable to ABI: FAX Down Payment to (800) 980-1960 (We Cash Your Faxed Check) Do not mail original.

American Business Insurance Services, Inc.

www.abiweb.com

Lic 762658

Version 12/08

PLEASE SIGN HERE

— Sign Here and Return —

(13)

Questions? Call (800) 980-1950

Andrew York (ext 30)

Account Executive

The final coverages may differ from what is listed in this Proposal, please see the "INSURANCE BINDER" for coverages you purchased.
THANK YOU FOR YOUR BUSINESS!



Public Automobile Insurance Application
___ **CastlePoint National Insurance Company**
___ **Preserver Insurance Company**
___ **Tower Insurance Company of New York**

IT IS SPECIFICALLY REPRESENTED THAT THE STATEMENTS IN THE APPLICATION ARE TRUE AND CORRECT. IT IS FURTHER UNDERSTOOD THAT THE REPRESENTATIONS IN THIS APPLICATION HAVE BEEN MADE TO THE INSURANCE COMPANY FOR THE PURPOSE OF INDUCING THE INSURANCE COMPANY TO ISSUE THE INSURANCE POLICY, AND THE INSURANCE COMPANY IS RELYING UPON THE TRUTHFULNESS OF THE STATEMENTS IN MAKING THE DECISION TO ACCEPT THIS RISK.

GENERAL APPLICANT INFORMATION							
NAME OF APPLICANT (AND "DBA") Aaron Morin Big Country Cabs		CELL PHONE: 210-835-5155		YEARS IN BUSINESS: new			
BUSINESS PHONE AND FAX NUMBER: PHONE: 210-835-5155 FAX:		E-MAIL ADDRESS: aaron_morin@hotmail.com		☒ INDIVIDUAL ☐ JOINT VENTURE ☐ LLC ☐ CORPORATION ☐ PARTNERSHIP ☐ OTHER			
FEIN NUMBER IF CORP, LLC OR JOINT VENTURE:		SS NO. IF INDIVIDUAL OF DBA:		IS AN ICC/PUC FILING REQUIRED: ☐ YES ☒ NO. IF YES, DOCKET NUMBER: _____ NAME OF FILING AUTHORITY: _____			
IS THIS A NEW VENTURE? ☒ YES ☐ NO IF YES, HAVE YOU EVER DRIVEN FOR OR BEEN ASSOCIATED WITH ANY CAB (LIVERY) COMPANY? ☐ YES ☐ NO IF YES, GIVE NAME, ADDRESS AND DATES:							
MAILING ADDRESS 313 West Hackbury		CITY Fredericksburg		STATE TX		ZIP 78624	
CONTACT PERSON NAME AND PHONE NUMBER:							
DISPATCH/GARAGING ADDRESS, IF DIFFERENT 313 West Hackbury		CITY Fredericksburg		STATE TX		ZIP 78624	
POLICY TERM	FROM new	TO new	NEW ☒ RENEWAL ☐	RENEWAL / PRIOR POLICY POLICY NO. _____			
BRIEF DESCRIPTION OF BUSINESS OPERATIONS Taxicab Services			HOW MANY YEARS HAS THIS ORGANIZATION BEEN UNDER THE PRESENT NAME? new				
IS THIS YOUR PRIMARY BUSINESS? ☒ YES ☐ NO IF NO, EXPLAIN:			HAVE YOU EVER FILED BANKRUPTCY? ☐ YES ☒ NO IF YES, WHEN _____ PLEASE EXPLAIN:				
IS APPLICANT A SUBSIDIARY OF ANOTHER ENTITY? ☐ YES ☒ NO			DOES THE APPLICANT HAVE ANY SUBSIDIARIES?			☐ YES ☒ NO	
LIST NAME OF ALL SUBSIDIARIES:			ANY POLICY OR COVERAGE CANCELLED OR NON RENEWED DURING THE PRIOR 3 YEARS? (Missouri Applicants – Do Not Answer this Question)			☐ YES ☒ NO	
DURING THE LAST FIVE YEARS (10 IN RI) HAS ANY APPLICANT BEEN INDICTED FOR OR CONVICTED OF ANY DEGREE OF THE CRIME OF FRAUD, BRIBERY, ARSON OR ANY OTHER ARSON-RELATED CRIME IN CONNECTION WITH THIS OR ANY OTHER PROPERTY? In RI, this information must be answered by any applicant of property insurance. Failure to disclose the existence of an arson conviction is a misdemeanor punishable by a sentence of up to one year of imprisonment). ☐ YES ☐ NO							
EXPLAIN ANY YES ANSWERS ABOVE:							
AUTOMOBILE COVERAGES							
LIABILITY –		DEDUCTIBLE _____		SIR _____			
COMBINED SINGLE LIMIT BI & PD	SPLIT LIMITS			MEDICAL PAYMENTS	PERSONAL INJURY PROTECTION	UNINSURED MOTORIST	UNDER-INSURED MOTORIST
	BODILY INJURY		PROPERTY DAMAGE				
	EACH PERSON	EACH ACCIDENT	EACH ACCIDENT				
\$500,000						Stat	Stat
PHYSICAL DAMAGE – COMPREHENSIVE AND COLLISION (VA ONLY)							
500 DED		1,000 DED		2,500 DED		5,000 DED 10,000 DED	
SCHEDULE OF EQUIPMENT – ATTACH A SEPARATE SHEET IF NECESSARY							
Unit No.	Year	Make	Model	VIN/SERIAL NO	STATED VALUE (VA ONLY)	*VEH. TYPE	SEATING CAPACITY
	2009	Toyota	Sienna				5
*VEHICLE TYPE: TAXI (T) LIMO (L) VAN (V)							

* ADDITIONAL INSURED (AI) OR CERTIFICATE HOLDERS (CH) -- ATTACH SEPARATE SHEET IF NECESSARY				AI or CH		
UNIT	NAME	COMPLETE ADDRESS				
* LOSS PAYEE -- ATTACHED SEPARATE SHEET IF NECESSARY						
UNIT	NAME	COMPLETE ADDRESS				
HOW MANY SHIFTS DO YOUR VEHICLE(S) RUN PER DAY? <u>Varies</u>		WHAT IS THE AVERAGE ANNUAL MILEAGE PER VEHICLE? <u>varies</u>		HOW MANY VEHICLES DO YOU OWN? <u>1</u>		
HOW MANY PLATES DO YOU HAVE REGISTERED TO OPERATE WITHIN THE CITY &/OR STATE? TAXI <u>1</u> LIMO <u> </u> ALL OTHER (BUS) <u> </u> NON-EMERGENCY MEDICAL <u> </u>						
LIST THE CITIES OR STATES IN WHICH YOU HAVE OPERATING AUTHORITY: <u>Fredericksburg</u>						
WHAT PERCENTAGE OF TRIPS ARE: AIRPORT <u>5%</u> , CORPORATE <u> </u> , NON-EMERGENCY MEDICAL <u> </u> , DISABLED/HANDICAPED <u>\$500</u> , SCHOOL <u> </u> , OTHER <u> </u> (EXPLAIN) <u> </u>						
ARE THE VEHICLES SUBJECT TO REGULATORY INSPECTIONS BY A CITY, MUNICIPALITY OR STATE? YES <u> </u> NO <u>X</u> IF YES, PLEASE IDENTIFY THE REGULATORY AUTHORITY <u> </u> HOW OFTEN ARE INSPECTION(S) PERFORMED? <u> </u>						
LIST THE NAME OF THE AIRPORT(S) YOU SERVICE. DO YOU HAVE AN AIREPORT CONTRACT? <u> </u> YES <u>X</u> NO <u> </u> DO YOU PICK UP? <u> </u> YES <u> </u> NO <u> </u> OR DELIVER? <u> </u> YES <u> </u> NO <u> </u>						
RADIUS OF OPERATION: 0 - 50 MILES <u>99</u> % 51 - 200 MILES <u>1</u> % OVER 200 MILES <u> </u> %						
IS ANY OF THE VEHICLES CUSTOMIZED, ALTERED OR HAVE SPECIAL EQUIPMENT? YES <u> </u> NO <u>X</u> IF YES, PLEASE IDENTIFY THE VEHICLE AND PROVIDE SPECIFICATIONS (I.E. LENGTH OF LIMO, STRETCHED SUV, WHEELCHAIR LIFT) <u> </u>						
(ALL DRIVERS MUST BE LISTED) -- ATTACH A SEPARATE SHEET IF NECESSARY						
DRIVER'S NAME (FIRST, LAST, MI)		DATE OF BIRTH	STATE	DRIVER'S LICENSE NUMBER	YRS EXP.	SOCIAL SECURITY NUMBER
1. Aaron Morin		01/17/1986		20654101		
2. <u> </u>						
3. <u> </u>						
4. <u> </u>						
5. <u> </u>						
TOTAL NUMBER OF DRIVERS: <u>1</u>		DURING THIS PAST YEAR, HOW MANY DRIVERS HAVE BEEN ADDED? <u>0</u>		HOW MANY HAVE BEEN REPLACED? <u>0</u>		
HOW OFTEN ARE DRIVER MVRs CHECKED? <u>X</u> ANNUALLY <u> </u> SEMI-ANNUALLY <u> </u> QUARTERLY <u> </u> AFTER AN ACCIDENT <u> </u>						
DO YOU HAVE A DRIVER TRAINING PROGRAM? IF SO, EXPLAIN <u> </u>		<u> </u> YES <u>X</u> NO		DO YOU HAVE A SAFETY PROGRAM? Written Program <u> </u> IF SO, EXPLAIN <u> </u>		<u>X</u> YES <u> </u> NO
DO YOU HAVE A DRIVER INCENTIVE PROGRAM? <u> </u>		<u>X</u> YES <u> </u> NO		ARE YOUR DRIVERS EMPLOYEES OR INDEPENDENT OPERATORS? <u> </u>		<u>X</u> YES <u> </u> NO
IS A NEW DRIVER MVR REQUIRED PRIOR TO HIRING? <u> </u>		<u>X</u> YES <u> </u> NO		DO YOU PROVIDE WORKERS COMPENSATION COVERAGE ON YOUR DRIVERS? <u> </u>		<u> </u> YES <u>X</u> NO
IS A NEW DRIVER BACKGROUND CHECK REQUIRED? <u> </u>		<u>X</u> YES <u> </u> NO				
ARE ALL VEHICLES SOLELY OWNED BY AND REGISTERED TO THE APPLICANT? IF NO, THERE MUST BE A LEASE AGREEMENT BETWEEN THE NAMED INSURED AND THE VEHICLE OWNER. (PROVIDE COPY ON ALL VEHICLES) <u> </u>		<u>X</u> YES <u> </u> NO		(APPLIES TO LIMOUSINES ONLY) DO YOU EVER TRANSPORT UNSCHEDULED PASSENGERS? <u> </u> ARE ALCOHOLIC BEVERAGES SERVED IN THE PASSENGER COMPARTMENT? <u> </u>		<u> </u> YES <u> </u> NO <u> </u> YES <u> </u> NO
ARE CUSTOMERS ACCEPTED ON PRE-ARRANGED BASIS? <u> </u>		<u> </u> YES <u>X</u> NO		DO YOU HAVE A WRITTEN VEHICLE MAINTENANCE PROGRAM? <u> </u>		<u>X</u> YES <u> </u> NO
ARE THE MAINTENANCE RECORDS REVIEWED BY MANAGEMENT? HOW OFTEN? <u>Quarterly</u>		<u>X</u> YES <u> </u> NO		DO YOU PREFORM THE VEHICLE (S) SERVICE? HOW OFTEN? IF NOT YOU, PROVIDE THE NAME & ADDRESS <u> </u>		<u> </u> YES <u>X</u> NO
ARE DAILY OR PRE-TRIP INSPECTIONS PREFORMED ON THE VEHICLES? <u> </u>		<u>X</u> YES <u> </u> NO		ARE RECORDS MAINTAINED FOR ACCIDENT INVESTIGATIONS, MAINTENANCE AND REVIEW PROCEDURES? <u> </u>		<u>X</u> YES <u> </u> NO
DOES THE REVIEW PROCEDURES INCLUDE DISCIPLINARY ACTIONS? EXPLAIN: <u> </u>		<u> </u> YES <u>X</u> NO		DO YOU SHARE DISPATCH SERVICE WITH ANY OTHER COMPANY? IF YES, NAME AND LOCATION REQUIRED <u> </u>		<u> </u> YES <u>X</u> NO
DO THE DRIVERS TAKE THE VEHICLES HOME? <u> </u> YES <u>X</u> NO IF YES, ARE THE VEHICLES USED BY FAMILY MEMBERS? <u> </u> YES <u> </u> NO IF, YES, PROVIDE NAME, DATE OF BIRTH & DRIVER LICENSE NUMBER OF FAMILY MEMBER. <u> </u>						

LOSS EXPERIENCE – PROVIDE PRIOR INSURANCE CARRIERS INFORMATION FOR PAST FULL THREE YEARS

POLICY TERM		INSURANCE COMPANY NAME	NO. OF MOTOR POWERED VEHICLES	NO OF ACCIDENTS	PREMIUM	TOTAL AMOUNT CLAIMS PAID & RESERVES			
FROM	TO				LIABILITY	BI	PD	COMP/COLL	OTHER
/ /	/ /	new							
/ /	/ /								
/ /	/ /								
/ /	/ /								

GIVE DETAILS OF CLAIMS IN EXCESS OF \$10,000. INCLUDE NAME OF DRIVER INVOLVED
(ATTACH SEPARATE SHEET IF NECESSARY AND COPY OF ACCIDENT REPORT IF AVAILABLE)

DATE	RESERVES	TOTAL INCURRED LOSSES AUTOMOBILE LIABILITY	TOTAL INCURRED LOSSES AUTO PHYSICAL DAMAGE	TOTAL INCURRED LOSSES MOTOR TRUCK CARGO	TOTAL NUMBER OF CLAIMS

The completion of this application creates no express or implied obligation on the part of the insurance company or its manager to offer a quotation or provide insurance.

UNDERWRITING REPRESENTATIONS

The insured understands and agrees that all vehicle changes, additions, and deletions must be reported to the Insurance Company in writing, to be effective. NO AUTOMATIC COVERAGE IS AFFORDED UNDER THE BINDER AND/OR POLICY FOR NEWLY ADDED, TEMPORARY SUBSTITUTE OR REPLACEMENT VEHICLES.

The insured represents that it has submitted to the Insurance Company all drivers of its vehicles as of the policy date. Further, the insured represents that it will pre-submit to the Insurance Company all drivers for approval PRIOR to permitting said drivers to drive an insured vehicle, and will not permit any person not submitted and approved to drive. The insured agrees and understands that coverage on any driver newly placed into service will become effective as of the date and time that the Insurance Company advises me in writing that the driver is approved and not before. Drivers submitted for approval to operate an insured auto under any policy of insurance with the Insurance Company are required to have a minimum of 2 years of driving history in a motor vehicle similar to the type of motor vehicle insured under this policy of insurance.

I have read and fully understand my obligation concerning immediate claim reporting, vehicle inspections, vehicle changes and additional drivers. I further understand that the producer signature who appears below is my agent and not the agent of the Insurance Company. The agent has no authority to bind the Insurance Company without first obtaining confirmation from the Insurance Company through a telephonic binder and receiving a corresponding binder number. The agent has no right to make, alter, modify or discharge any contract or policy issued on the basis of this application.

The insured and the insured's agent agree that the policy of insurance (including any endorsements) associated with this application of insurance is deemed delivered to the insured by providing the insured's agent a link to electronically access, print and store a true and correct electronic record of the policy of insurance.

I have read and understand the foregoing representations, and understand and acknowledge that these representations are being made in order to induce the Insurance Company to underwrite this risk and that the Insurance Company would not have underwritten this risk but for reliance upon said representations, including this statement

SIGN HERE

NAMED INSURED (REPRESENTING ALL INSURED'S) Aaron Morin Owner
(PRINT) NAME AND TITLE OF SIGNATURE PARTY

If a Partnership or Corporation, signatory must be empowered by Articles of Incorporation, etc. to bind to insurance agreements. This application is in compliance with State Statutes, and is submitted in the best interest of the applicant or insured to whom a copy has been furnished and coverage is: () Bound Effective 12:01 AM (time) (date)

To Expiration 12:01 AM (time) (date) () Not bound *

I agree that if my down payment or full payment check is returned by the bank because of non-sufficient funds, coverage will be null and void from inception.

CAUTION INSURED'S: Coverage cannot be bound except by Tower Group Companies. Ask to see binder confirmation from Tower Group Companies.

SIGNATURE

SIGNATURE OF INSURED'S AGENT

Andrew M York

PRINT AGENT NAME AND LICENSE NUMBER

NAME OF AGENCY American Business Insurance Services, Inc.

PHONE NO. 800-980-1950 ext. 30



CITY COUNCIL MEMO

DATE: June 26, 2013

TO: Mayor and City Council

FROM: Brian Jordan, AICP

SUBJECT: Z-1303 - Consider a change in the Land Use Plan from Medium Density Residential to Low Density Residential and a change in the zoning from R-2 Mixed Residential to R-1 Single Family Residential on the property bordered by E. Creek Street on the north and Baron's Creek on the west south and east.

Summary:

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

The Council asked the Planning and Zoning Commission to discuss these areas and make a recommendation of whether or not to initiate a change in the zoning. The Commission discussed this matter at their March 6, 2013 meeting, and considered initiating a zoning change of these areas on April 3, 2013. The Commission voted unanimously to recommend leaving the zoning as R-2 and not to initiate a change in zoning in any of the areas. On May 6, 2013, the City Council considered initiating a

change in the zoning of the three areas mentioned above and voted (3-2) to initiate the change in the Land Use Plan and the Zoning of the subject area and leave the other areas as they are presently zoned. A zoning map of the subject area is attached.

Recommendation:

The Commission considered the testimony made during the meeting and evaluated the change based on the description of the zoning proposed and the land use definitions of the Comprehensive Plan. Following the discussion, the Planning and Zoning voted unanimously to recommend not changing the Land Use Plan from Medium Density Residential to Low Density Residential and the zoning from R-2 Mixed Residential to R-1 Single Family residential.

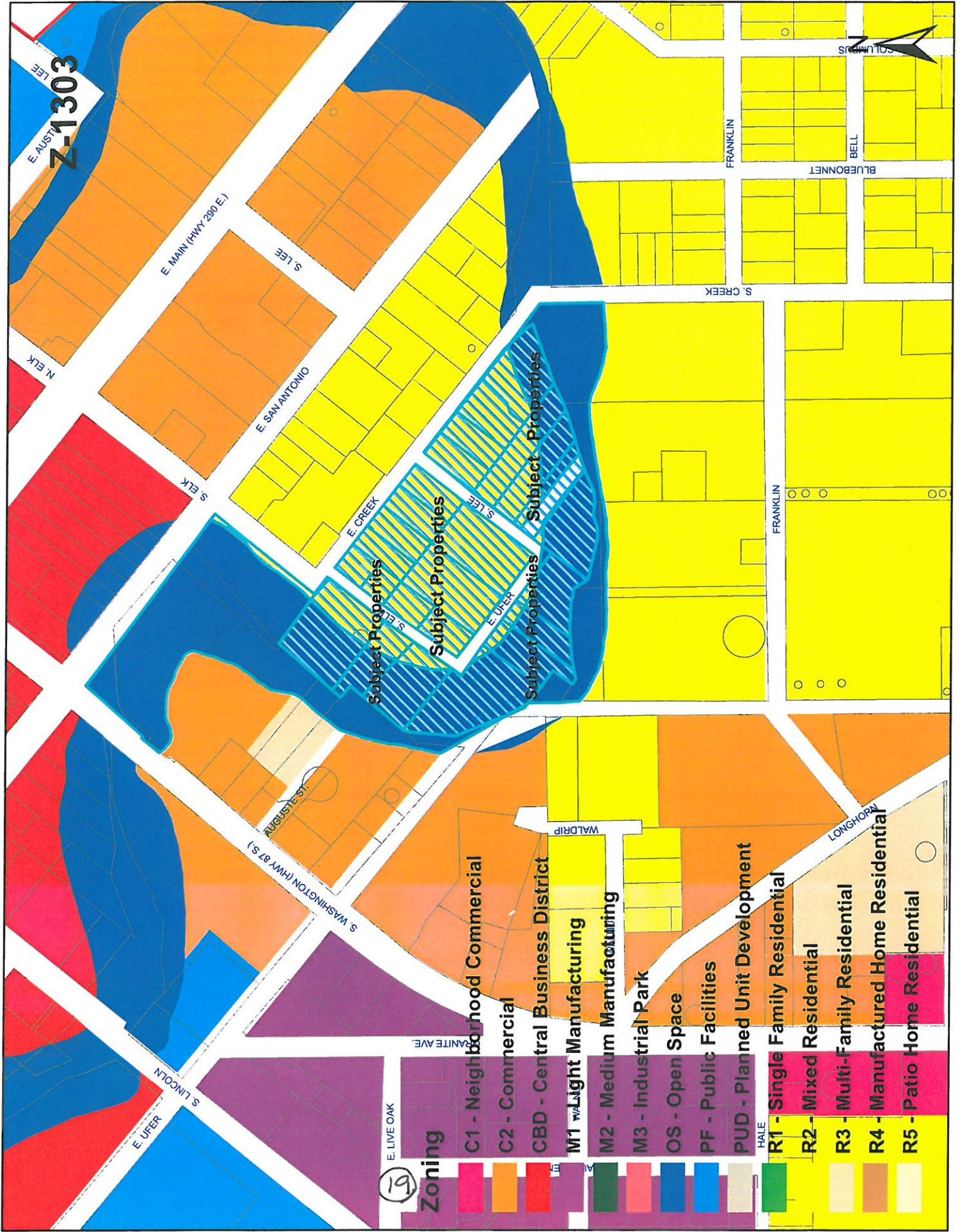
There have been 25 letters received in support of the change and none in opposition. Fourteen letters were from property owners within the subject area and eleven were from property owners within 200' of the subject area.

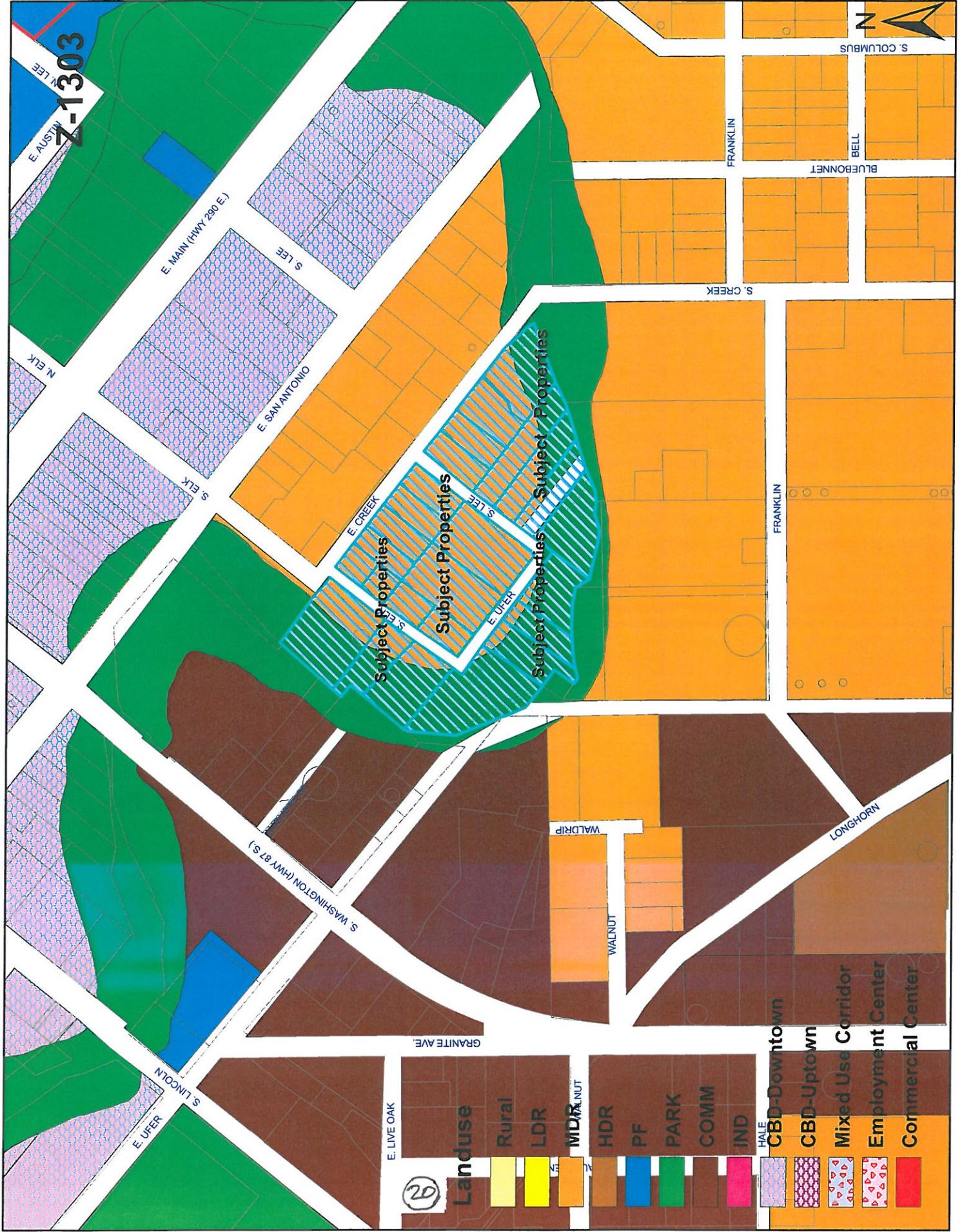
The City Council opened the Public Hearing on this case at the June 17, 2013 meeting. There were 2 individuals who spoke in favor the the change in zoning and land use, and 1 individual who spoke to keep the zoning as R-2. The Council voted to continue the public hearing at the July 1, 2013 Council Meeting.

Background / Analysis:

Per Section 5.310 of the Zoning Ordinance, the Commission shall make the following determinations prior to forwarding a recommendation to the City Council.

- A. The property affected by the request is adequate in size and shape to facilitate those uses normally associated with the requested designation.
- B. The property affected by the request does not exceed the capabilities of the infrastructure.
- C. The request will have no adverse affect on any property within six hundred (600) feet of the affected property.
- D. The requested change is to accommodate an appropriate land use and is consistent with other elements of the Comprehensive Plan.
- E. The request, together with the applicable conditions, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvments in the vicinity.







Z-1303

21

Sec. 3.100. - R-1: SINGLE FAMILY RESIDENTIAL...

Intent

This zone is intended to provide for a single family dwellings, with not more than one principal residence permitted on any lot to ensure an environment conducive to single family residential use. Additional uses necessary and incidental to a single family residential dwelling unit are also permitted. This zone is typically associated with the Low Density Residential Land Use category but is conditionally allowed within all land use categories except "Open Space/Parks", "Industrial" and "Public Facilities".

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:

Single Family Residential (Detached)	Local Utility Services
--------------------------------------	------------------------

Uses Permitted Subject to Conditional Use Permit

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

Community Recreation	Private Primary Education
Day Care Services	Private Secondary Education
Guidance Services	Religious Assembly

Property Development Standards

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered or converted for any use permitted in this district unless it is in conformity with all the standards and regulations herein specified for lot area, width and depth, dwelling unit area, lot coverage, yards and building height. The following standards shall apply except in cases where a lot does not meet the standards herein required but was an official "lot of record" prior to the adoption of this ordinance. In such cases, the present dimension shall be maintained as a minimum standard unit until such time as the use is removed. The replacement shall meet the standards and regulations herein specified.

Site Development Regulations

Each site in the R-1 district shall be subject to the following site development regulations:

Feature	Regulation
Lot Size	Minimum Lot Area, 7500 Square feet
Lot Width	Minimum Lot Width, 70 feet
Height	Maximum Building Height, 2½ stories, 28 feet
Front Yard	Minimum Required Setback, 25 feet
Street Side Yard	Minimum Required Setback, 15 feet
Interior Side Yard	Minimum Required Setback, 5 feet
Rear Yard	Minimum Required Setback, 10 feet
Residential Density (Living Area Only)	Maximum Dwelling Units per Lot, 1 per Lot Minimum Dwelling Areas 750 Square feet
Maximum Building Coverage	Percent of Lot Area, 40%
Nonconforming Uses	<u>Section 6.100</u>
Special Yard Regulations	<u>Section 7.300</u>
Fences, Walls and Visibility	<u>Section 7.530</u>
Parking	<u>Section 7.800</u>
Temporary/Accessory Building	<u>Section 8.000</u>
Home Occupations	<u>Section 8.300</u>

Sec. 3.110. - R-2: MIXED RESIDENTIAL...

Intent

This zone is intended to provide for medium density living, for example, with not more than one (two bedroom) dwelling unit permitted for each 3,500 square feet of lot area. (See Site Development Regulations). Additional uses necessary and incidental to multiple family residential dwellings are also permitted. It is a zone well suited as a buffer between single family uses and other more intense uses. This zone is typically associated with Medium Density Residential Land Use category but is allowed within all Land Use categories except "Open Space/Park," "Public Facility" and "Industrial."

Principal Permitted Uses

Buildings, structures and land 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:

Community Recreation	Local Utility Service
Duplex Residential	Multiple Family Residential
Townhouses (Section <u>7.610</u>)	Condominiums (Section <u>7.610</u>)
Group Residential	Single Family Residential (Detached)
Single Family Small Lot (Section <u>3.101</u> R-1-A)	

Uses Permitted Subject To Conditional Use Permit

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

Private Primary Educational Facilities	Private Secondary Educational Facilities
Day Care Services	
Convalescent Services	
Cultural Services	Religious Assembly
Guidance Services	

Property Development Standards

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered or converted for any use permitted in this district unless it is in conformity with all the standards and regulations herein specified for lot area, width and depth, dwelling unit area, lot coverage, yards and building height. The following standards shall apply except in cases where a lot does not meet the standards herein required but was an official "lot of record" prior to the adoption of this ordinance. In such cases, the present dimension shall be maintained as a minimum standard until such time as the use is removed. The replacement shall meet the standards and regulations herein specified.

Site Development Regulations

Each site in the R-2 district shall be subject to the following site development regulations:

Feature	Regulation
Lot Size	Minimum Lot Area, 5,000 Square feet
Lot Width	Minimum Lot Width, 50 feet
Height	2½ Stories, 28 feet
Front Yard	Minimum Required Setback, 15 feet (20 feet for garage)
Street Side Yard	Minimum Required Setback, 15 feet
Interior Side Yard	Minimum Required Setback, 5 feet
Rear Yard	Minimum Required Setback, 10 feet
Residential Density	Minimum Site Area per Dwelling Units,
	Efficiency: 2,500 Square feet
	1 Bedroom: 3,000 Square feet
	2 Bedroom: 3,500 Square feet
Maximum Impervious Coverage	65%
Maximum Building Coverage	Percent of Lot Area, 55%
Nonconforming Uses	<u>Section 6.100</u>
Site Development Regulations	<u>Section 7.000</u>
Special Yard Regulations	<u>Section 7.300</u>
Fences, Walls and Visibility	<u>Section 7.530</u>
Parking	<u>Section 7.800</u>
Landscaping and Screening Regulations	<u>Section 7.900</u>
Temporary/Accessory Building	<u>Section 8.000</u>
Home Occupations	<u>Section 8.300</u>

In an R-2 Zone the R-1-A Site Development Regulations may apply to the development of single family dwellings at the option of the Owner.

(Ord. No. 18-014, § 3.110, 12-1-2008)

Land Use Map include the related uses that are currently in existence. Places of worship identified in the Existing Land Use Inventory are shown on this map.

Over time, there will be a need for additional public uses as the population grows and the city's area expands. The City should consider the needs for new public facility sites as part of planning for annexation and service to developing areas that are now in the ETJ. Such sites could include locations for schools, police, fire or recreational facilities.

d) Low Density Residential

This use is representative of traditional, single-family detached dwelling units. Low density residential accounts for the largest percentage of residential development in Fredericksburg today and will continue to do so with the development shown on this "Future Land Use Map". The areas designated for low density residential land use are generally not adjacent to major thoroughfares or incompatible land uses, and are in proximity to existing single-family residential land use. Within these areas, the City should encourage a range of lot sizes and housing types in order to promote increased housing diversity and affordability. For this reason, several single-family zoning districts with various lot sizes should be provided in the Zoning Ordinance. For the purpose of discussing Fredericksburg's ultimate population capacity (in the Growth Element of this plan), areas of the City or ETJ designed for low density residential development are assumed to develop at an average of three dwelling units per gross acre.

e) Medium Density Residential

This use category includes single family detached dwellings on smaller lots and attached dwelling units, such as duplex units and townhomes. Medium density land uses often provide housing for "empty nesters" who may not want the maintenance of a large-lot single-family home, and for young families who may find a townhome or duplex more affordable than a single-family home. They play an important role in providing workforce housing as well. These residential uses can provide a buffer between lower density residential areas and more intensive residential, non-residential or mixed use areas. An average of 8 dwelling units per gross acre is assumed for these areas.

f) High Density Residential

High density residential developments meet the needs of people living alone, empty nesters and those who cannot afford or do not choose to live in a home with more yard area. Higher densities mean there are more people living close together, so there is a larger market of customers to support the restaurants and retail in a mixed use area. As a result, these residential uses can contribute to the sense of life and 24-hour activity desired in many downtowns and communities.

In Fredericksburg, there are few vacant areas planned solely for high density residential use. This land use should also occur in the Mixed Use Corridors along major transportation routes.

Z-1303

200' Notification Area

E. MAIN (HWY 290 E.)

E. SAN ANTONIO

S. WASHINGTON (HWY 87 S.)

AUGUSTE ST.

E. UFER

E. CREEK

E. UFER

WALDRIP

WALNUT

LONGHORN

S. CREEK

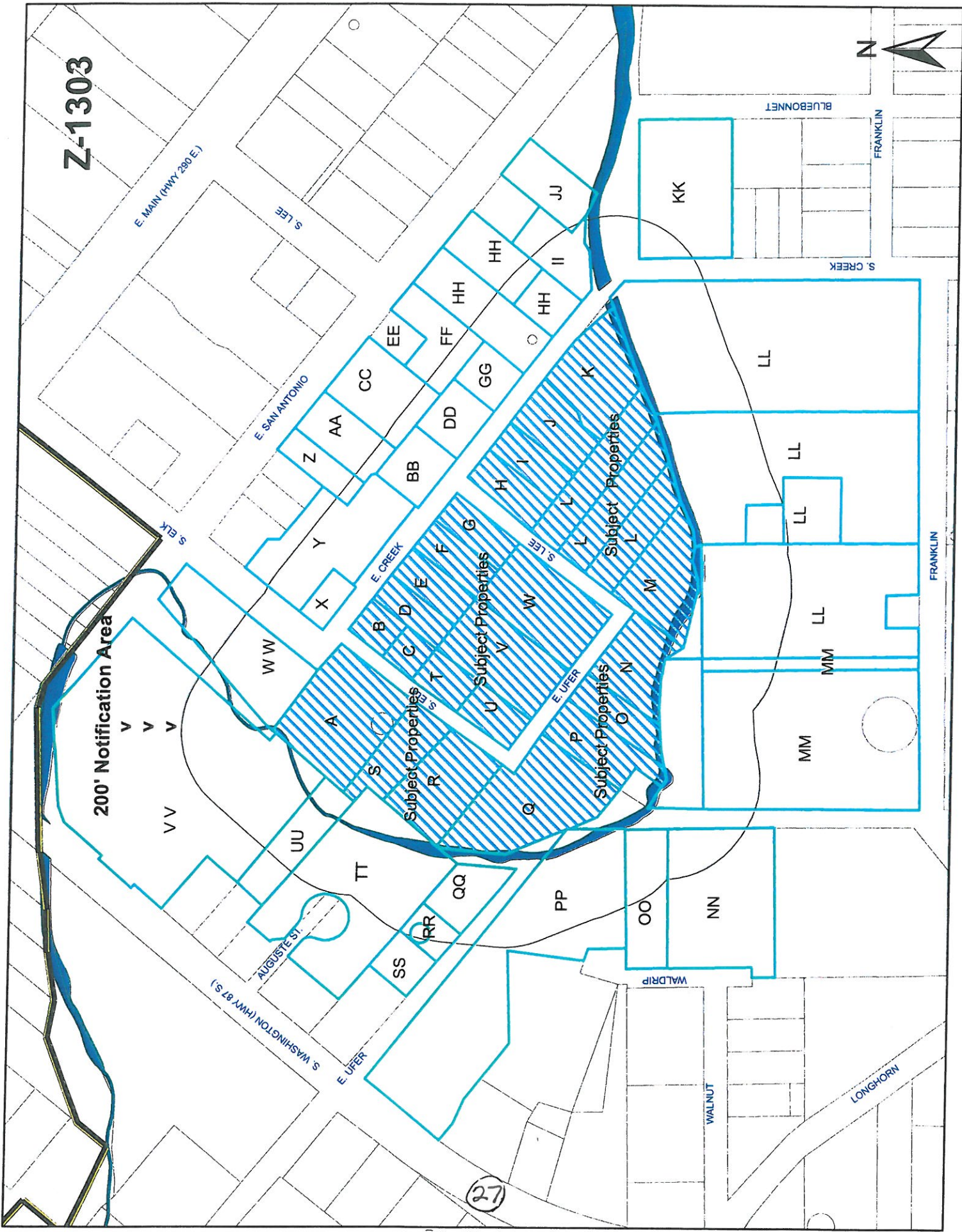
BLUEBONNET

FRANKLIN

FRANKLIN



(27)



Letter	Owner	
A	William J. & Antoinette Joseph	411 E. Creek
B	Antoinette J. Joseph	501 E. Creek
C	Ethel J. Helmers	303 S. Elk
D	Matthew & Melissa Mabery	503 E. Creek
E	Matthew & Melissa Mabery	505 E. Creek
F	Mark Langerhans	507 E. Creek
G	Mark Langerhans	509 E. Creek
H	Mark Roeder et al	601 E. Creek
I	Karen Lochte-Watson	603 E. Creek
J	Michael A. & Michelle Weberpal	605 E. Creek
K	Mitchell B. Leland	607 E. Creek
L	Properties of Baron's Creek	0 S. Lee
M	Russell H & Christine A. Reese	0 S. Lee
N	Russell H & Christine A. Reese	0 E. Ufer
O	Donley & Lynn M. Watt	507 E. Ufer
P	William A. Vernon	503 E. Ufer
Q	Constance Cameron	501 E. Ufer
R	Jewel Ed Crossley	308 S. Elk
S	Jewel Ed Crossley	306 S. Elk
T	Stephen Robert & Jayne Elizabeth Pope	305 S. Elk
U	Jay Houston & Gretchen Seale	307 S. Elk
V	Gary L. Klier	506 E. Ufer
W	Mark Langerhans	509 E. Ufer
X	Karson W. Smith	209 S. Elk
Y	Clayton A. Clark	205 S. Elk
Z	Greg Langehennig	511 E. San Antonio
AA	Jimmy Richardson	513 E. San Antonio
BB	Bill Teague	510 E. Creek
CC	Jerald D. & Dianna S. Blount Life Estate	517 E. San Antonio
DD	Lorraine Baumann Life Estate	602 E. Creek
EE	Grove House, LLP	519 E. San Antonio
FF	Grove House, LLP	601 E. San Antonio
GG	Grove House, LLP	606 E. Creek
HH	Grove House, LLP	608 E. Creek
II	Grove House, LLP	610 E. Creek
JJ	Consuelo Chavarria	611 E. San Antonio



CITY COUNCIL MEMO

DATE: July 1, 2013

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: Code of Ethics

Summary:

The Council has indicated an interest in adopting a Code of Ethics that would establish specific guidelines for standards of conduct for Council members and City employees.

Recommendation:

It is recommended that the Council review the attached proposed Code of Ethics and make any revisions prior to adoption.

Background / Analysis:

Earlier this year, the Council discussed the need for a formal Code of Ethics to provide guidance on proper standards of conduct for City officials. The City Attorney and I have worked the past several months in preparing the attached proposed Code of Ethics. In preparing this Code, we used similar Codes adopted by other cities in the area such as Kerrville and Boerne. Please review the attached Code carefully and be prepared to discuss any concerns or proposed revisions at Monday's Council

The City of Fredericksburg

meeting. If you are comfortable with the document as proposed, then it is recommended that you proceed with adoption.

The City of Fredericksburg

(31)

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Part II Code of Ordinances

Chapter 2 Administration

Sec. 2-201. - Policy.

Sec. 2-202. - Purpose.

Sec. 2-203. - Definitions.

Sec. 2-204. - Standards of conduct.

Sec. 2-205. - Ethics commission.

Sec. 2-201. - Policy.

- (a) It is hereby declared to be the policy of the City that the proper operation of democratic government requires that public officers and employees be independent, impartial and responsible only to the people of the city; that no officers, employees or members of any standing committee or board shall permit any interest, financial or otherwise, direct or indirect, or engagement in any business, transaction or professional activity to conflict with the proper discharge of their duties in the public interest; that public office not be used for illegal or improper personal gain; and that the city council at all times shall be maintained as a nonpartisan body. To implement such a policy, the City Council deems it advisable to enact the following standards of conduct for all officers and employees, whether elected or appointed, paid or unpaid and the sanctions set forth for failure to adhere to the standards of conduct.
- (b) The city further recognizes that public servants are also members of society and, therefore, cannot and should not be without any personal and economic interest in the decisions and policies of government; that public servants retain their rights as citizens to interests of a personal or economic nature, and their rights to publicly express their views on matters of general public interest. It is not the intent of this article to prevent the exercise and enjoyment of public servants' rights as citizens of the community.

Sec. 2-202. - Purpose.

The purpose of this article is to:

- (1) Encourage high ethical standards by city officers and employees in conducting official business, and

(2) Establish minimum guidelines for ethical standards of conduct to be followed by city officers and employees, and

(3) Provide a mechanism for punishment of those officers and employees who violate the established standard of conduct.

Sec. 2-203. - 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:

Business entity means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law.

City council or councilmember means the elected legislative and governing body of the city consisting of the mayor, mayor pro tem and councilmembers.

Economic benefit means any money, real or personal property, contract rights, sale, lease, option, credit, loan, discount, employment, including that for Family Members, service or other tangible or intangible thing of value, whether similar or dissimilar to those enumerated.

Economic interest means a legal or equitable interest in real or personal property or a fiduciary obligation to such property or contractual right in such property that is more than minimal or insignificant and would be recognized by reasonable persons to have weight in deciding a case or an issue. Service by a city official as an officer or director with decision or policy making authority in an educational, religious, charitable, fraternal, or civic organization does create an economic interest in the property of that organization. Ownership of an interest in a mutual or common investment fund that holds securities or other assets is not an economic interest in the securities or other assets unless the city official participates in the management of the fund. A person does not have an economic interest in a matter if the economic impact on the city official is indistinguishable from the impact on the public or on the particular group affected by the matter.

Employee means any person employed by the city including part-time and temporary employees.

Family Member means the spouse, children, parents, spouse's parents and any other family member within two (2) degrees of affinity or consanguinity of the Councilmember, Officer, City Official or employee.

Officer or City Official means any appointive member of a city board, commission, or committee set up by city council action, ordinance, charter, state law, or federal law on a permanent or ad hoc basis. Officer or City Official shall also include the City Manager or Municipal Judge.

Substantial interest means an interest in an entity or property if a Councilmember, Officer, City Official or employee of the City and or any Family Member:

- (a) owns ten (10%) percent or more of the stock of a corporation or ownership interest in any entity, trust or estate, or
- (b) owns ten (10%) percent or more or twenty five hundred (\$2,500.00) or more of the fair market value of a corporation or of any entity, trust or estate, or
- (c) If funds received from any of the above described entities exceeds ten (10%) or more of the person's gross income for the previous year.

A Councilmember, Officer, City Official or employee of the City and or any Family Member has a substantial interest in real property if he or she, or controls an interest in said property, and the interest owned or controlled has a market value of twenty five hundred (\$2,500.00) or more. A prima facie determination of value will be the percentage of the property owned or controlled applied to the appraised value of the property by the Appraisal District records of the County in which the property is located for the year in which the complained of action occurs.

Sec. 2-204. - Standards of conduct.

- (a) General prohibitions.
 - (1) No Councilmember, Officer, City Official or Employee may act as surety for any person or business entity that has a contract with the city or as a surety on any bond required by the city for a city official.
 - (2) The provisions of this Article do not prohibit a Councilmember, Officer, City Official or Employee from representing his or her interest in his or her owner-occupied homestead before any city body, except the body of which the official is a member.
 - (3) Councilmembers, Officers and City Officials shall respect and adhere to the City Manager structure of the City of Fredericksburg's government as provided in state law and the City Charter.

(4) Councilmembers, Officers and City Officials except Employees shall not attend internal staff meetings or meetings between city staff and third parties unless invited by city staff or directed by the City Council.

(5) Councilmembers, Officers, City Officials and Employee shall refrain from abusive conduct, actions and language and shall not knowingly make a false statement of material fact relating to the character or motives of other members of the city council, boards, commissions, committees, city staff or the public.

(6) Councilmembers, Officers and City Officials shall make all reasonable efforts to attend all properly noticed public meetings where their attendance is required by state law or the City Charter.

(7) Officers and City Officials addressing the City Council or any other city board or commission as members of the general public during the public comments section, public hearing section or any other time during which public comments are taken during any open meeting shall identify themselves by name and disclose their position with the city.

(8) A councilmember who serves on the board of a public or private nonprofit organization shall be permitted to take part in discussions of, but shall have not vote on any funding request or contract by that organization, unless the organization has a board of directors or trustees appointed in whole or in part by the city council.

(b) Prohibition against gifts.

(1) Councilmembers, Officers, City Officials and Employees of the City shall not accept or solicit any gift, favor, service, employment or other economic benefit from any person or business entity doing business with the City that might reasonably tend to:

influence him or her in the discharge of their official duties, or

influence or encourage him or her to grant any improper favor, service or thing of value, or

influence his or her judgment or discretion.

(2) Factors which may be considered in evaluating whether a gift is prohibited include the value of the gift, any preexisting relationship between the donor and donee, whether the benefit of the gift flows to the City or to an

individual Councilmember, Officer, City Official or Employee and whether any consideration is given or expected in exchange for the gift. Those items or services that do not constitute prohibited gifts include, but are not limited to, political contributions made and reported in accordance with state law, awards publicly presented in recognition of public service, entertainment, meals or refreshments furnished to attendees of public events, appearances or ceremonies, or ceremonial gifts by other dignitaries or exchange program participants.

(3) Any item offered to a Councilmember, Officer, City Official or Employee may be accepted and donated to a charitable organization or be presented to the City.

(c) Substantial interest

Councilmembers, Officers, City Officials and Employees shall not vote on or participate in any decision-making process with regard to any matter concerning property or a business entity in which they have a direct or indirect Substantial Interest.

(d) Economic interest.

Councilmembers, Officers, City Officials and Employees shall not vote on or participate in any decision-making process on a matter if he or she has an economic interest in the outcome of the matter under consideration.

(e) Conflict of interest.

(1) No former Councilmember, Officer, City Official or Employee shall represent or appear on behalf of themselves or on behalf of the private interests of others before the City Council or any city board, commission or committee when such person has a Substantial Interest or an Economic Interest or represent the private interest of others in any action or proceeding involving the city for a period of one year following the termination of his or her service or employment.

(2) No former city employee may, for a period of one year, for compensation, appear on behalf of any person other than a governmental entity, or make any appearance before, or negotiate with any city officer or employee in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge relating to any matter that involved the employee's former employment.

(3) Except as specifically authorized below or by other city ordinance, no Councilmember, Officer, City Official or Employee may appear before the body of which he or she is a member to represent himself, herself or any other person or entity, nor may that Councilmember, Officer, City Official or Employee contact another member of such body regarding a matter which he or she is representing himself, herself or another. Such person may designate and be represented by a person of his or her choice in any such matter, other than a Family Member or member or employee of the same entity as such Councilmember, Officer, City Official or Employee. This prohibition shall not apply to a person who serves as an officer or director of an educational, religious, charitable, fraternal, or civic organization and has no an economic interest in the property of that organization and who receives no compensation from such organization, nor to a person who has ownership of an interest in a mutual or common investment fund that holds securities or other assets unless such person participates in the management of the fund, nor to a person who has an economic interest in a matter if the economic impact on such person is indistinguishable from the impact on the public or on the particular group affected by the matter.

(4) A Councilmember, Officer, City Official or Employee shall recuse himself or herself from meetings, discussions or other participation in matters where he or she is an adverse party to that of the City or the body of which he or she is a member and in which matters confidential to the City or body are to be discussed. An adverse party is a party whose interests are opposed to another party in a legal action or threatened legal action, and/ or a person whose presence would otherwise prevent privileged communication from taking place.

(f) Disclosure of interest and recusal.

(1) A Councilmember, Officer, City Official or Employee who has a Substantial Interest, an Economic Interest in the outcome of the matter under consideration or a Conflict of Interest regarding the matter under consideration shall disclose the same and shall recuse himself/herself from voting on or participating in the relevant decision-making process.

(2) Such Councilmember, Officer or City Official, if required by State Law, shall also promptly file an affidavit with the city secretary disclosing the nature and extent of the Interest, and the affidavit shall be included in the official minutes of the body, in accordance with state law.

(3) Upon recusal, a person who has disclosed having either a Substantial Interest, Economic Interest or a Conflict of Interest in the outcome of a matter under consideration shall leave the dais, if applicable, but may remain at the open meeting in the public seating area.

(g) Confidential information.

Councilmembers, Officers, City Officials and Employees of the City shall not directly or indirectly disclose information that such person is privy to because of his or her position but which is otherwise unavailable to the public under the provisions of any applicable United States or Texas public information laws as the same may be amended from time to time, nor directly or indirectly use any information gained solely by reason of their official position or employment, for their own personal gain or benefit or for the private interest of others.

(h) Use of City property.

Councilmembers, Officers, City Officials and Employees of the City shall not use city supplies, equipment, resources or facilities for any purpose other than to conduct official city business, unless otherwise provided for by law, ordinance or city policy.

Sec. 2-205. - Ethics commission.

(a) Creation of ethics commission.

An Ethics Commission (hereinafter "Commission") shall be created and consist of five members, all of whom must reside within the corporate limits of the City. Each member of the City Council, and the Mayor will appoint a member to the Commission after taking office and that individual's term in office will run concurrent with the term of the City Councilmember who made the appointment. Members of the Commission may not hold or be a candidate for any city elected or appointed office at the time of their service on the commission. Two (2) alternates, who must also be residents of the City, shall be appointed by the Mayor, subject to approval by the City Council, who will serve in the absence of regular members and whose terms will be concurrent with that of the Mayor's. Commission members will serve without compensation.

(b) Terms of office and commission vacancies. The members of the commission shall serve during the same term as his or her appointing Council person or Mayor as applicable. All vacancies shall be filled for the unexpired terms. Appointments to fill vacancies on the Commission shall be made within 30 days by the same

appointing authority that appointed the prior holder of the position. A vacancy or vacancies shall not impair the right of the remaining members to exercise the powers of the Commission. Members shall hold office until their successors have been appointed and shall continue to hold office after their successors have been appointed for the limited purpose of disposing of all complaints filed and unresolved during the member's term. No member may participate in a decision regarding a complaint initiated prior to their appointment.

- (c) Removal of Commission members. Members of the commission may be removed by:
 - (1) An affirmative vote of three (3) City Council members at the discretion of the City Council; or
 - (2) Automatic removal for non-attendance of two administrative enforcement hearings.
- (d) Officers/quorum. The Commission shall elect a chairperson, vice chairperson and secretary at its first meeting following the annual City election date. The vice-chairperson shall act as chairperson in the absence of the chairperson or in the event of a vacancy in that position. The officers shall serve one-year terms. Three of the members of the Commission shall constitute a quorum.
- (e) Meetings/ staff liaison. The Commission shall meet when necessary to carry out its responsibilities, but in any event the commission shall hold two meetings annually. The chairperson, three members of the Commission or the City Attorney may call a meeting. The Commission shall comply with the Texas Open Meetings Act when applicable. The city secretary shall serve as staff liaison and shall be responsible for taking the minutes of the meetings.
- (f) Other Rules of procedure.
 - (1) The commission shall establish its own parliamentary procedure, provided that such is not in conflict with the specific provisions of state law, city charter or city ordinance.
 - (2) Three (3) members of the commission shall constitute a quorum. The chairperson shall be entitled to vote upon any question, shall have no veto power.

- (3) Written notice of the date, hour, place and subject of each meeting of the commission shall be properly posted at least seventy-two (72) hours in advance.
- (4) The chairperson of the Commission may administer oaths and compel the attendance of witnesses.
- (5) The Commission shall keep minutes of its proceedings, which shall be filed in the office of the City Secretary. All records of the commission shall be maintained in accordance with the provisions of the Texas Public Information Act (V.T.C.A., Government Code Ch. 552).
- (g) Role of the commission. The Ethics Commission shall have jurisdiction of complaints involving the City Councilmembers, City Officers and City Officials The City Manager shall have jurisdiction of complaints involving Employees other than those who are Officers or Officials, and shall enforce the provisions of this Article with regard to them. This jurisdiction shall be exclusive for complaints arising solely from the provisions of this Article and non-exclusive for any other complaints regardless of the source of law for which a violation is alleged.
- (h) Duties of the Commission. The Commission shall:
- (1) Make recommendations to the City Council concerning matters relating to the standards of conduct.
 - (2) To the extent allowed by law, preserve and maintain the confidentiality of any documentation filed with the Commission for a period of five years after a finding has been rendered at which time such documents shall be destroyed.
 - (3) Review and investigate complaints when presented and issue a written finding of the Commission's determination when appropriate.

The Commission may:

- a. Prepare reports and make recommendations to the City Council regarding ethical issues affecting the City.
- b. Seek any necessary assistance from the City Council and City Mmanager regarding financial support needed to carry out the Commission's duties.
- c. Adopt rules of procedures for carrying out the provisions of the standard of conduct.

(i) Role of the City Attorney.

(1) The City Attorney shall serve as legal counsel and staff liaison to the Commission. When complaints are filed relating to the Mayor, City Councilmembers, City Manager, City Prosecutor or Municipal Court Judge, independent legal counsel shall be utilized at the request of the City Attorney to advise the Commission and take part in hearings. When complaints are filed relating to the City Attorney, independent legal counsel shall be utilized to advise the Commission, take part in hearings and fill the role of the City Attorney in this section.

(2) The City Attorney shall serve as ethics advisor to city Employees and Officers. As ethics advisor, the City Attorney is available to respond confidentially to inquiries relating to this section. Provided however, the City Attorney shall not be required to act in cases prohibited by the Texas Rules of Disciplinary Procedure or other relevant ethical considerations.

(3) The City Attorney shall receive all sworn complaints and conduct a preliminary analysis and review of the complaint. The City Attorney shall forward a legal review and recommendation to the Commission for action as set forth below. If a Complainant alleges a violation by the City Attorney, the complaint must be sent to each member of the Commission, with a copy to the Mayor and the City Manager.

(j) Complaints.

(1) Any person may file a complaint alleging possible violations of federal, state and city laws relating to conflicts of interest, governmental ethics and standards of conduct. All complaints shall:

- a. Be submitted in writing, on a form prescribed by and filed with the City Attorney;
- b. Be signed under oath;
- c. Be dated; and
- d. Provide, with as much detail and specificity as possible, all information requested on the form, including the name and address of the alleged violator (Respondent), the provision(s) of law allegedly violated, facts constituting the alleged violations(s), copies of any evidence substantiating the allegations or the relevant facts, the names and

addresses of potential witnesses, additional information, if any, and an address and telephone number at which the complainant may be reached during normal business hours. All such information shall be provided to the best of the complainant's knowledge and belief.

(2) Complaints and any evidence collected during the investigation of the alleged violation shall be kept confidential by the Commission.

(3) A complaint shall be filed with the City Attorney within six months from the date on which the complainant knew of or should have known about the alleged violation.

(4) No later than thirty (30) business days after receipt of the complaint, the City Attorney shall acknowledge receipt of the complaint in writing to the complainant and provide a copy of the complaint to each member of the Commission and Respondent by certified mail. Respondent shall have thirty (30) business days from receipt of the notice to submit a sworn written response to the City Attorney along with any information the Respondent desires to have considered. The City Attorney shall provide a copy of any sworn written response to each member of the Commission and the complainant, conduct a preliminary investigation and review the facts to determine whether there is a legal basis for the claim. The city attorney shall submit in writing a preliminary analysis and recommendation to the Commission. The City Attorney shall make one of the following recommendations to the commission:

- a. Enforcement shall not be taken, and stating the reasons therefor. If the Commission concurs with this recommendation and no further action is taken in the matter, the City Attorney may still refer the information to another agency or department for appropriate action. A determination by the Commission that no further action should be taken shall not prevent any other agency or department from initiating other enforcement action, including disciplinary action, based on the same allegations and facts;
- b. An administrative enforcement hearing should be commenced. If the City Attorney makes this recommendation to the Commission then the City Attorney shall prepare a probable cause report to be presented with the recommendation which shall contain a summary of law, facts and evidence gathered through the investigation, including exculpatory and mitigating information of

which he or she has knowledge. The evidence may include hearsay, including declarations of investigators or others relating to the statements of witnesses or concerning the examination of physical evidence;

- c. A civil action pursuant to any local, state or federal law should be commenced. If the Commission concurs with this recommendation, then the City Attorney shall commence the appropriate civil action and the Commission shall take no further action; or
- d. A referral to another agency is appropriate. If the commission concurs with this recommendation, then the city attorney shall refer the information to the appropriate agency and the commission shall take no further action.

(k) Notification of intent to take action. No later than 75 business days after receipt of the complaint by the City Attorney, the Commission shall notify the complainant and Respondent in writing if the Commission intends to schedule an administrative enforcement hearing or take other action concerning the complaint. If the Commission makes a determination that there is probable cause to schedule an administrative enforcement hearing, then the City Attorney shall serve Respondent with a copy of the probable cause report and notification that Respondent has the right to respond in writing to the probable cause report and to request a disposition conference with the City Attorney at which the respondent may be present in person and represented by legal counsel or any representative of his or her choosing.

(1) Response to probable cause report.

- a. Respondent may submit a written response to the probable cause report, in which it may request a disposition conference. The response may contain legal arguments, a summary of evidence, and any mitigating or exculpatory information.
- b. Any response and request for a disposition conference must be filed not later than 15 business days following service of the probable cause report. If the probable cause report is not personally served, three business days shall be added to the prescribed period.

(l) Disposition conference.

(1) If requested, the disposition conference shall be held at a time fixed by the City Attorney and shall be held informally by the City Attorney. The Respondent shall be given at least ten business days notice of the date, time and location of the conference.

(2) Formal rules of evidence shall not apply to such a conference.

(3) The conference shall be closed to the public unless the Respondent otherwise requests and all other Respondents agree to a public conference.

(m) Ex parte communications. After a complaint has been filed and during the consideration of a complaint by the Commission, a member of the Commission may not communicate directly or indirectly with any party or person about any issue of fact or law regarding the complaint, except at a meeting of the Commission, nor may any Commission member conduct an independent investigation or gathering of information.

(n) Administrative enforcement hearings.

(1) Administrative prosecution. The City Attorney shall prepare and present the case in support of the accusation to be heard at the hearing.

(2) Informal disposition. An informal disposition may be made of an administrative enforcement hearing by:

- a. Stipulation;
- b. Agreed settlement; or
- c. Default.

All informal dispositions through stipulation or agreed settlement shall be negotiated through a disposition conference pursuant to the above provision. The Commission has the right to accept or reject any stipulation or agreed settlement. In the event of an Agreed Settlement or agreed Stipulation, the sanctions shall be included in such agreement, and no further action will be taken before the City Council.

(3) Open or closed hearing. If the Commission and Respondent do not informally dispose of the administrative enforcement hearing, Respondent may request either a closed or open hearing and may have legal counsel present. If

Respondent does not request a hearing, the Commission in any event shall conduct a hearing. The hearing shall be held as expeditiously as possible, but in any event no later than one hundred twenty (120) days from the date the complaint was received. Respondent shall be given at least fourteen (14) days notice of the hearing. The notice shall be in substantially the following form but may contain additional information:

"You are hereby notified that a hearing will be held before the Ethics Commission at _____ on the _____ day of _____ 20_____, at the hour of _____, upon the charges made in the complaint filed against you on _____. You may be present at the hearing, but need not be represented by counsel, you may present any relevant evidence, and you will be given full opportunity to cross-examine all witnesses testifying. If you choose not to attend this hearing a default may be taken."

(4) Default. If Respondent does not appear at a scheduled hearing the commission may declare a default and make a recommendation to the City Council without the need to reschedule a hearing.

(5) Waiver. If Respondent waives his or her right to a hearing the Commission may schedule a hearing without any further notice to Respondent.

(6) Standard of proof. The issue at the hearing shall be whether the violation alleged in the complaint occurred. The Commission shall make its decision based on clear and convincing evidence presented during the hearing.

(7) Finding of violation. An affirmative vote of a majority of the members of the Commission (including alternates if required to have five members at a hearing) shall be required for the determination that a violation has occurred and to recommend any sanction under this section. If the Commission determines that a violation has occurred, it shall state its finding(s) in writing, identifying the particular provision(s) which have been violated, make a sanctions recommendation and deliver a copy of the findings to the complainant, Respondent and the City Council within ten business days.

(o) Sanctions.

(1) If the Commission determines that an Officer or City Official has violated the standard of conduct, it shall declare its findings along with any recommended sanctions in a report to the City Council. An affirmative vote of a majority of the members of the Commission (including alternates if required to

have five members at a hearing) shall be required for the determination that a violation has occurred and to recommend any sanction under this section.

(2) If the commission determines that an Officer or City Official has violated the standard of conduct, it may recommend a private or public reprimand, temporary suspension, removal from office or any other sanction or corrective action within the power of the City Council.

(3) In arriving at its recommendation, the Commission shall consider the seriousness of the violation, the importance of deterrence, the impact on public confidence in government, the number of times the violation occurred, the mental state with which the violation was committed and any previous violations committed and any previous violations committed by Respondent. A written recommendation shall be forwarded to the City Council with a copy to Respondent.

(4) If the Commission determines that the conduct occurred, but the facts indicate that the violation was unintentional or de minimus, the Commission may dismiss the complaint be dismissed and no sanction will be imposed. The Commission may issue a clarifying opinion to help guide future cases.

(5) The City Council shall consider the recommendation of the Commission and exercise its own judgment and discretion in determining the sanction to be imposed.

(6) If the Commission determines a member of **City Council** has violated the standard of conduct, the Commission will have the final determination in such cases. In addition to declaring its findings, the Commission may reprimand or recommend recall of the Councilmember in question. An affirmative vote of a majority of the members (including alternates if required to have five members at a hearing) shall be required for the determination that a violation has occurred and to approve any sanctions under the standard of conduct. A letter of reprimand or a recommendation of recall directed to an elected city official shall be delivered to the City Secretary and published in a local newspaper of the largest general circulation.



CITY COUNCIL MEMO

DATE: July 1, 2013

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: Council Rules of Procedure

Summary:

At the recent City Council Retreat a draft of proposed City Council Rules of Procedure were discussed and several revisions to these Rules were suggested.

Recommendation:

It is recommended that the Council approve the attached revised Rules of Procedure.

Background / Analysis:

Many cities have Rules of Procedure that provide guidance on the conduct of City Council meetings and the preparation of agendas for these meetings. At the recent Council Retreat draft Rules of Procedure were discussed and several changes were recommended. These changes have been made to the attached document. Please review these Rules one more time and let me know if you have any questions or comments. It is suggested that these Rules be updated every year or two as needed.

The City of Fredericksburg

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City of Fredericksburg

City Council Rules of Procedure

Section 1 – Rules

These Rules shall govern the procedures followed by the City of Fredericksburg City Council for the conduct of Council meetings and other Council activities pursuant to state law and the City Charter.

Section 2 – Open Public Meetings Act

The Council shall comply with the provisions of the Open Public Meetings Act in the conduct of all meetings to which said Act is applicable.

Section 3 – Executive Sessions

The Council may discuss topics in executive session, which topics are specified in state law or relate to potential or pending litigation and are subject to attorney-client privilege. The City Attorney shall inform the Council whenever any proposed discussion in executive session is not legally allowed.

No member of the City Council, employee of the City or any other person present during executive session of the City Council shall disclose to any person the content or substance of any discussion or action which took place during said executive session.

Section 4 – Work Sessions and Council Retreats

Special meetings designated as work sessions or Council retreats shall be advertised and conducted in the same manner as regular meetings. Work sessions and retreats are for the purpose of in-depth review and discussion of specified issues. Council actions shall not be taken at designated work sessions or retreats.

Section 5 – Quorum

At all meetings of the Council a majority of the Council members shall constitute a quorum for the transaction of business.

Section 6 – Attendance

Attendance/Excused Absence - Council Members shall forfeit his/her office by failing to attend three consecutive regular meetings of the Council without being excused by the Council. Members of the Council may ask to be excused by following the procedure described in this paragraph. The member shall contact the Mayor prior to the meeting and state the reason for his/her inability to attend the meeting. If the member is unable to contact the Mayor, the member shall contact the City Manager or City Secretary, who shall convey the message to the Mayor. Following the call to order, the Mayor shall inform the Council of the member's absence, state the reason for such absence, and inquire if there is a motion to excuse the member. This motion shall be non-debatable. Upon passage of such motion by a majority of members present, the absent member shall be considered excused and the City Secretary will make an appropriate notation in the minutes.

Attendance via telephone conference call or video conference call – To participate in a meeting, all members of the Council shall be present, except that a meeting held by telephone conference call or video conference may be held if:

1. an emergency or public necessity exists within the meaning of Section 551.045 of the Government Code, and
2. the convening at one location of a quorum of the government body is difficult or impossible, and
3. the other requirements of Section 551.125 are met

Additionally, a member may attend a meeting via videoconference if a quorum of the government body is physically present at one location of the meeting, the proper communication equipment is available, and the other requirements of Section 551.127 of the Government Code are met.

Section 7 – Chair of the Council

The Mayor shall be the Chair of the Council and shall preside at all Council meetings. A Mayor Pro-Tem shall be selected annually at the first regular meeting of a new Council. In the absence of Mayor, the Mayor Pro-Tem shall preside. If neither the Mayor nor the Mayor Pro-Tem is present at a meeting, the presiding officer for that meeting shall be selected by a majority of the vote of those Council Members present, providing there is a quorum.

The Chair of the Council may vote on all matters coming before the Council and may offer seconds to motions.

The Chair of the Council shall state all questions coming before the Council, provide opportunity for discussion from the Council Member, and announce the decisions of the Council on all subjects. Procedural decisions shall be made by the Chair of the Council, who may request advice on such matters from the City Attorney.

Section 8 – Agenda

The City Manager shall prepare the agenda of business for all Council meetings. Topics may be added to the agenda:

1. When deemed appropriate by the City Manager
2. At the direction of the Mayor
3. As directed by at least two City Council Members

Every agenda action item must be supported by a written staff report informing the Council and staff of the issue, background and/or analysis, and recommendation and/or conclusion, unless the item is self-explanatory or unless the City Manager has waived this requirement. All written materials for the agenda shall be delivered to the City Secretary by twelve o'clock noon of the Thursday preceding the Council meeting. Except for announcements, late items that the City Manager does not receive by the stated deadlines shall not be considered by the Council except upon specific authorization of the City Manager.

Agendas will be made available to the public at least 72 hours prior to regular Council Meetings, work sessions or retreats, in the following ways:

1. A copy is placed on the City website at www.fbgtx.org
2. Copies are placed on the front counter at City Hall in the Utility Cashier services area
3. A copy is posted on the front door at City Hall

Section 9 – Order of Business

The Mayor may determine the order of business for a particular City Council meeting. The agenda should be arranged to best serve the needs and/or convenience of the Council and the public. The items of business for regular Council meetings may include the following:

1. Call to Order
2. Pledge of Allegiance
3. Ceremonial Matters/Proclamations/Employee Recognition
4. Consent Agenda
5. Public Hearings
6. Ordinances and Resolutions
7. Other considerations

8. City Manager's Report
9. Council Comments
10. Public Comment: The Mayor will invite citizens to address the Council. All persons wishing to be heard are asked to give their names and addresses and topic. To allow the Council to complete its legislative agenda, comments should be limited to no more than 3 minutes per person. At the discretion of the Mayor, or upon vote of the Council, this time period may be lengthened or shortened. Following any public comment, the Mayor or any member of the City Council may direct staff to research the issue or concern raised by the public and report back to the Council. In addition, this concern can be added to the next Council agenda as specified in Section 8. The Council shall not deliberate or discuss issues raised in Public Comment if it was not listed on the agenda. Written comments may be submitted into the record of a Council meeting by presenting the written document to the City Secretary prior to the meeting, and by making copies of the same available to those in attendance, and a copy of the document will be provided to each Council Member, but the document will not be read aloud; or a document may be distributed to the City Council, with a copy to the City Secretary, by a speaker, while the speaker is addressing the Council.
11. Executive Session
12. Adjournment

Section 10 – Voting

Each Council Member shall vote on all questions put to the Council unless a conflict of interest or appearance of fairness problem requires a Council Member to excuse him/herself, and the same shall be noted in the minutes.

Section 11 – Reconsideration of Previous Vote

The City Council may at times want to reconsider a vote previously taken. In order to proceed with reconsideration, a motion should be made for reconsideration and such motion should be voted on and passed by a majority of the Council before the agenda item can be discussed or reconsidered.

Section 12 – Decorum and Debate

When a measure is presented for consideration to the Council, the Mayor shall recognize the appropriate individual to present the matter. When two or more members wish to speak, the Mayor shall name the member who is to speak first. No member of the Council shall interrupt another while speaking except to make a point of order or privilege.

No Council Member shall be permitted to indulge in personalities, use language personally offensive, or use language tending to hold a member of the Council up to contempt.

Section 13 – Questions of Parliamentary Procedure

Questions of parliamentary procedure not covered by these Rules shall be governed by the 11th Edition of Robert's Rules of Order, Newly Revised (2011 Edition)

Section 14 – Notice of Public Hearings

Notice of all public hearings to be conducted by the City Council or any of its advisory boards and commissions shall be given by publishing written notice, as required by law, ordinance or other statute, or if there is not particular requirement, then at least once in the City's official newspaper prior to the date of the hearing.

Section 15 – Council Vacancies

The selection process for filling Council vacancies shall be as follow:

1. Notice of the vacancy and the procedure for filling the vacancy shall be published twice in the City's official newspaper.
2. The Council will open a filing period of not less than 10 days for the vacancy and request each candidate to complete an application form or submit a letter of interest. The Charter requires that the appointment shall occur within 30 days.
3. The candidates will then be interviewed during a public Council meeting.
4. The Council may deliberate on the qualifications of the candidates in a closed session and then vote on the appointment in an open meeting.
5. In all other respects, the procedure for filing a Council vacancy shall be as provided in State Law, or the City's Charter, as applicable.



CITY COUNCIL MEMO

DATE: June 26, 2013

TO: Mayor and City Council

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

SUBJECT: Annual Sidewalk Program

Summary:

Bids for the City's Annual Sidewalk Program were opened June 18, 2013. City Engineering Staff will present the bid results and provide a recommendation to the City Council for consideration of awarding the bid.

Recommendation:

City Engineering Staff recommends awarding the 2013 Annual Sidewalk Program contract to Hazelett Concrete Contractors of Fredericksburg, TX in the amount not to exceed \$125,000. A breakdown of the proposed contract amount is as follows:

1. \$100,000 – City Council Approved budget for the Annual Sidewalk Program
2. \$15,000 - Contribution to City's sidewalk escrow account for construction of a sidewalk on East Austin Street from Austin Street Bridge to Elk Street (North Side)
3. \$10,000 – Allowance for future contributions to the City's sidewalk escrow account for work to be completed within the first year of this contract

The City of Fredericksburg

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Background / Analysis:

Three bids were received on June 18, 2013 for the Annual Sidewalk Project. The bidders included:

1. Hazelett Concrete Contractors, Fredericksburg, TX
2. M&C Fonseca, Granite Shoals, TX
3. Allen Keller Company, Fredericksburg, TX

Bids were evaluated based on the Total Base Bid from each Contractor's unit price bid submittal for approximate quantities of work included in the Bid Form. Actual quantities of work to be constructed will be determined by field measurements taken by City Engineering Staff for each item of work after award of the contract.

With Council's approval, City Engineering Staff will direct the Contractor to begin constructing sidewalks at the locations listed in order of priority below until project funds have been exhausted:

- 1) South Washington Street – Selected Spots from Main to Baron's Creek Inn (West Side of Highway)
- 2) East Austin Street – Austin Street Bridge to Elk Street (North Side)
- 3) East Austin Street – Selected Spots from Llano Street to Adams (North Side)
- 4) North Adams Street – Austin Street to Travis Street (West Side)

Current and future contributions to the City's escrow account will also be utilized for construction of sidewalks under this contract.

This is an annual contract that may be extended each year for up to five years. Within ten (10) months of date of Notice to Proceed for the first year of the contract and each subsequent year of contract renewal, the City will provide the Contractor with a bid evaluation form with adjusted quantities of work for evaluation and negotiation of a contract extension. Extension of the contract is contingent upon the City and the Contractor arriving at mutually agreed upon bid prices for the work. If the City and the Contractor cannot arrive at mutually agreed upon bid prices then the contract will be re-bid. Under the contract, the City reserves the right re-bid each year.

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CITY COUNCIL MEMO

DATE: July 1, 2013

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: Appointments-Alternate Truck Route Task Force

Summary:

With the County's recent approval of the Alternate Truck Route Task Force it is now time to proceed with appointment of members to this Task Force.

Recommendation:

It is recommended that you designate two Council members and one local citizen to serve as the City's representatives on this Task Force.

Background / Analysis:

The Alternate Truck Route Task Force is intended to keep this large roadway project on track and to insure that there is coordination between the three organizations that will be involved in this project (City, County and TXDOT). It is expected that this Task Force will meet once every month in the initial stages and possibly every two months once certain initial steps are completed. Both Clinton Bailey and I will attend their meetings.

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The County, EDC, Chamber and TXDOT should be making their appointments to the Task Force in the next 30 days and the first meeting should be held sometime in August. It has been brought to my attention that the CVB does not have a position on the Task Force and you might want to consider adding this position.

The City of Fredericksburg

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CITY COUNCIL MEMO

DATE: July 1, 2013

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: Utility Bond Financing

Summary:

Following the detailed presentation on the proposed utility bond financing at last Monday's special City Council meeting, it was suggested that we present a summary of the utility projects that will be funded by the bonds at next Monday's regular Council meeting. This will help to insure that the public is fully informed about the need for these projects.

Recommendation:

Following the presentation at this Monday's meeting it is recommended that the Council approve a motion to proceed with the bond financing for the utility improvements that have been identified and discussed. This will allow Dan Wegmiller to proceed with the bond sale. At the August 5 Council meeting an ordinance approving the bond sale will be considered by the Council.

Background / Analysis:

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At last Monday's Council meeting a detailed presentation was provided by Clinton Bailey and Chris Kneese regarding critical water and wastewater improvements that are needed at this time. The total costs for these projects is estimated to be \$6 Million. Since several concerns were expressed that the proposed funding may not be sufficient to cover all costs, City staff is closely evaluating our cost projections and we will have a final amount for bond financing to provide at the Council meeting. This will likely range from \$6-6 1/2 Million . In addition to a brief presentation at Monday's Council meeting on the projects that are proposed for financing, we will also provide the Council with the projected annual debt service costs and how these costs will blend with our existing bond payments.

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Date: June 26, 2013

To: Mayor and City Council

From: Kent Myers, City Manager

Subject: Update to City Comprehensive Plan

At the recent City Council Retreat, I provided an update on what we have accomplished since the Comprehensive Plan was adopted in January, 2006. This report noted that a large number of the recommendations that were included in this Plan have been implemented to date.

During the discussion on this progress report, the Council related that it might be time to consider an update to our Comprehensive Plan. It was also suggested that we might want to update certain sections of our Plan and wait for several years to update the entire Plan. Last week, Clinton Bailey, Brian Jordan and I had a conference call with Dan Sefko with Freese and Nichols who was one of the principal consultants involved in developing the 2006 Comprehensive Plan. I wanted to provide this summary of our conference call. At Monday's Council meeting I would like to discuss during my City Manager's Report the options for proceeding with an update to our Comprehensive Plan. This discussion will be helpful in determining if we should include funding for this update in next year's proposed City Budget.

Normally cities update their Comprehensive Plan at least once every 8-10 years depending upon a number of factors including community growth and changing conditions. Dan indicated that we can either do a complete update of our Code or only update specific sections of the Plan which is known as an

Issues Based Update. A complete update will, of course, involve additional costs and the need to appoint another steering committee. It will also involve a one-year planning process including a number of public hearings. In addition, it should be recognized that a major part of the Plan involves the land use study and our land use has not experienced many major changes over the past 7 1/2 years.

Therefore, it recommended that we consider the Issues Based Update as an optional approach to updating the Plan. If this approach is selected, then the complete update to our Plan could likely be postponed for at least several years. In considering this option, we need to discuss what issues would need to be updated. We discussed with Dan the issues listed below. We need Council reaction and discussion on these issues at Monday's meeting if this option is preferred.

- **Update of Thoroughfare Plan-**This is one of the first steps that has been suggested to establish the preferred alignment for the alternate truck route. We also have had some recent discussions about the need to define a route linking FM 1631 to Highway 290 East and this would be considered as part of the new Thoroughfare Plan.
- **Hiking/Biking Trails Plan-**The need for this Plan was discussed by Jimmy Alexander as part of the Capital Improvement Plan. We have also recently discussed this as part of the study on use of our flood plain areas along local creeks. This Plan could also include a final sidewalk plan that would like provide a linkage between our sidewalks and any future trails that would be developed.
- **Plan for Entryway Features-**One of the goals in the 2006 Plan was the establishment of "community design features and development patterns at the community's edge that communicates one's arrival into Fredericksburg." This goal has not been accomplished to date and might be addressed in the Issues Based Update.
- **Design Standards-**As noted in the Plan, our city has an adopted set of design guidelines in the Historic District. However, the Plan

recommended that “the City should consider design standards or guidelines to address additional key areas of the community.” This includes design along major corridors, design for tourism-related developments and design of buildings adjacent to the historic district. With the recent discussions involving the new Auto Zone and Whataburger, it might be timely to include these design standards as part of any update. The development of these design standards could be incorporated with the design of entryway features to provide some consistency.

There may be other planning issues that the Council has identified that need to be included in this update. Please take some time to consider the issues discussed above as well as any other issues that need to be included. In addition, please consider whether you want to proceed with this Issues Update or a complete update of our Comprehensive Plan. Following Monday’s discussion, we will get back with Dan Sefko and request that he provide a cost estimate and this will be discussed by the Council as part of our upcoming budget meetings.