

**CITY OF FREDERICKSBURG
CITY COUNCIL MEETING**

MONDAY, SEPTEMBER 15, 2014 ~ 7:00 p.m.

Law Enforcement Center ~ 1601 East Main Street

Linda Langerhans, Mayor
Graham Pearson, Council Member
Jerry Luckenbach, Council Member

Gary Neffendorf, Council Member
Bobby Watson, Council Member
Kent Myers, City Manager

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

A G E N D A

CALL TO ORDER

PLEDGE OF ALLEGIANCE.

Page Ref

1. **MINUTES** - Consider approval of minutes of August 2014 City Council meetings. 1-13
2. **PUBLIC HEARING**
 - A. Public Hearing - Z-1408 by Daniel J. and Verna Fritz for a Change in Zoning From C-1 Neighborhood Commercial to C-2 Commercial on Approx. One Acre Out of a Six Acre Tract of Land Located at 402 E. Creek St. 14-21
3. **ORDINANCES - RESOLUTIONS - ACTION ITEMS**
 - A. Receive Recommendation and Consider Adopting Ordinance re: Z-1408. Hand Out
 - B. Consider Approval of FY 2013-2014 Budget Amendments. 22-25
 - C. Consider Approval of Contracts for Work Order System. 26-29 & Hand Outs
4. **ITEMS FOR FUTURE AGENDA**
5. **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.
6. **COUNCIL COMMENTS** - No discussion or action may take place.
7. **ADJOURN**

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

REGULAR CITY COUNCIL MEETING
AUGUST 4, 2014
7:00 PM

On this the 4th day of August, 2014, the City Council of the CITY OF FREDERICKSBURG convened in regular session at the Law Enforcement Center, with the following members present to constitute a quorum:

LINDA LANGERHANS - MAYOR
JERRY LUCKENBACH - COUNCIL MEMBER
GRAHAM PEARSON - COUNCIL MEMBER
BOBBY WATSON - COUNCIL MEMBER
GARY NEFFENDORF - COUNCIL MEMBER

ABSENT: NONE

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

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

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

1. Appoint Marvin Schroeder to the Ft. Martin Scott Advisory Committee.
2. Amend the Utility Rate Ordinance Regarding Multi-Family Accounts.

All voted in favor; motion carried.

ORDINANCE NO. 24-014

AN ORDINANCE AMENDING APPENDIX A FEE SCHEDULE ARTICLE 16.000 WATER AND SEWER RATES FEES, SPECIFICALLY SECTIONS 16.300 WATER DEPARTMENT UTILITY RATES, AND SECTION 16.400 SEWER DEPARTMENT UTILITY RATES, ESTABLISHING AN EFFECTIVE DATE, REPEALING INCONSISTENT PROVISIONS, AND PROVIDING FOR PARTIAL INVALIDITY. (Recorded in Ordinance Book)

PUBLIC HEARING – 290 EAST ANNEXATION (1st OF TWO PUBLIC HEARINGS) – It was moved by Council Member Neffendorf, seconded by Council Member Watson, to recess the regular session and open a Public Hearing on the 290 East Annexation. All voted in favor and the motion carried.

Director of Development Services, Brian Jordan, briefed Council on the history of the proposed annexation, explaining the 2006 Comprehensive Plan and its annexation goals. Comments were received from the public in opposition, citing utility costs, increased taxes, private road issues, building permit issues, etc. as reasons to oppose the annexation.

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

RESOLUTION AUTHORIZING COOPERATIVE AGREEMENT WITH TEXAS HOUSING FOUNDATION – No action was taken.

DISPATCH TELECOMMUNICATIONS CENTER AS A COUNTY DEPARTMENT – John Culpepper reported that the Dispatch Advisory Committee recommended the consolidated dispatch/telecommunications center be operated as a new County department reporting directly to the Commissioners Court. The budget and Interlocal Agreement between the City and the County are currently being developed. It was moved by Council Member Pearson, seconded by Council Member Watson, to approve the organizational structure as presented. All voted in favor and the motion carried.

DISPATCH ADVISORY BOARD CHAIRMAN – It was moved by Council Member Pearson, seconded by Council Member Luckenbach, to approve the selection of John Culpepper, Dir. of Emergency Services for Fredericksburg and Gillespie County, as the Chairman of the Dispatch Advisory Board. All voted in favor and the motion carried.

PROCESS FOR COMPLETION OF COMPREHENSIVE PLAN ISSUES UPDATE – Council discussed the process for completion of the Comprehensive Plan Issues Update and committed to two work sessions with the Planning & Zoning Commission and the Historic Review Board. Council also agreed to look at the trails plan to link schools and other destinations for local citizens as the highest priority.

CITY MANAGER'S REPORT – City Manager Kent Myers reported on the (1) Water Conservation Education Program, (2) City Council/County Commissioners Meeting, (3) Electric Fuel Rates, (4) Local Labor Task Force Meeting, and (5) Employee Recognitions.

PUBLIC COMMENT – Roxanne Frantzen commented on the need for sidewalks.

COUNCIL COMMENT - No comments.

EXECUTIVE SESSION – At 9:35 PM, Council Member Luckenbach made a motion to recess the regular session and go into Executive Session. Council Member Pearson seconded the motion, and the motion carried. At 10:14 PM, Council Member Pearson made a motion to adjourn the Executive Session and reconvene the regular session. Council Member Luckenbach seconded, the motion carried.

Following Executive Session, the following action was taken:

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PURCHASE OF GROBE PROPERTY – No action was taken.

With no further business, Council Member Watson made a motion to adjourn the meeting at 10:15 PM. Council Member Luckenbach seconded the motion. All voted in favor and the motion carried.

PASSED AND APPROVED this the 15th day of August, 2014.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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

**SPECIAL CITY COUNCIL MEETING
AUGUST 8, 2014
8:00 AM**

On this the 8th day of August, 2014, the City Council of the CITY OF FREDERICKSBURG convened in special session at City Hall – Fire Station Training Room, with the following members present to constitute a quorum:

LINDA LANGERHANS - MAYOR
JERRY LUCKENBACH - COUNCIL MEMBER
BOBBY WATSON - COUNCIL MEMBER
GRAHAM PEARSON - COUNCIL MEMBER
GARY NEFFENDORF - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
BRAD KOTT – DIRECTOR OF FINANCE
CLINTON BAILEY – D.P.W.U.

JOINT SESSION WITH GILLESPIE COUNTY COMMISSIONERS COURT:

WORKSHOP – Council held a joint work session with Gillespie County Commissioners Court concerning shared services.

With no further discussion, Council Member Pearson made a motion to adjourn the meeting at 10:00 AM. Council Member Neffendorf seconded the motion. Motion carried.

PASSED AND APPROVED this the 15th day of August, 2014.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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

**SPECIAL CITY COUNCIL MEETING
AUGUST 11, 2014
NOON**

On this the 11th day of August, 2014, the City Council of the CITY OF FREDERICKSBURG convened in special session at City Hall, with the following members present to constitute a quorum:

LINDA LANGERHANS - MAYOR
JERRY LUCKENBACH - COUNCIL MEMBER
BOBBY WATSON - COUNCIL MEMBER
GRAHAM PEARSON - COUNCIL MEMBER
GARY NEFFENDORF - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
BRAD KOTT – DIRECTOR OF FINANCE
CLINTON BAILEY – D.P.W.U.

WORKSHOP – Council held a workshop on the FY 2014-2015 Budget.

With no further discussion, Council Member Luckenbach made a motion to adjourn the meeting at 2:30 PM. Council Member Neffendorf seconded the motion. Motion carried.

PASSED AND APPROVED this the 15th day of August, 2014.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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

**REGULAR CITY COUNCIL MEETING
AUGUST 18, 2014
7:00 PM**

On this the 18th day of August, 2014, the City Council of the CITY OF FREDERICKSBURG convened in regular session at the Law Enforcement Center, with the following members present to constitute a quorum:

LINDA LANGERHANS – MAYOR
GARY NEFFENDORF – COUNCIL MEMBER
GRAHAM PEARSON - COUNCIL MEMBER
JERRY LUCKENBACH - COUNCIL MEMBER
BOBBY WATSON - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER

SHELLEY BRITTON – CITY SECRETARY
PAT McGOWAN - CITY ATTORNEY
STEVE WETZ - CHIEF OF POLICE
CLINTON BAILEY – D.P.W.U.
JOHN CULPEPPER – DIR EMERGENCY SERVICES
RUSSELL IMMEL – INFORMATION TECH

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

PUBLIC HEARING – 290 EAST ANNEXATIONS (2ND OF TWO PUBLIC HEARINGS)

It was moved by Council Member Luckenbach, seconded by Council Member Neffendorf, to adjourn the regular session and open a public hearing on the proposed annexation of the 290 East areas. All voted in favor and the motion carried.

Director of Development Services Brian Jordan presented the plans for the proposed annexation, and further explained the Agricultural Exemption. He explained that the City was required to offer those properties with an Ag Exemption an agreement not to be annexed under certain conditions, and the deadline was extended to August 20, 2014. He also went over the advantages and disadvantages of being in the city limits.

Comments in opposition to annexation were received from Ilda Scheib, Wayne Turrentine, Deb Miles, Mike Eckert, Branden Behrends, John Thomas, Ken Schindler, and Steve Franke.

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

PUBLIC HEARING – FY 2014-2015 BUDGET – It was moved by Council Member Luckenbach, seconded by Council Member Watson, to recess the regular session and open the public hearing on the FY 2014-2015 Budget. All voted in favor and the motion carried.

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

RESOLUTION AUTHORIZING COOPERATIVE AGREEMENT WITH TEXAS HOUSING FOUNDATION – Mark Mayfield, Director of the Texas Housing Foundation, was on hand to address the Council on the Texas Housing Foundation. Following a lengthy discussion, it was moved by Council Member Watson, seconded by Council Member Neffendorf, to approve the Resolution Authorizing the Cooperative Agreement with Texas Housing Foundation. The vote was as follows: AYE: Langerhans, Neffendorf, Watson, and Luckenbach; NAY: Pearson. The Motion carried.

RESOLUTION

A RESOLUTION SUBSTITUTING THE TEXAS HOUSING FOUNDATION FOR THE MARBLE FALLS HOUSING FOUNDATION AND AUTHORIZING THE TEXAS HOUSING FOUNDATION TO EXERCISE ITS POWERS WITHIN THE CITY OF

FREDERICKSBURG, TEXAS AS TO TOWN PARK I AND II.

WHEREAS, the Housing Authority of the City of Marble Falls, Texas was previously authorized, via a cooperation agreement, to exercise its powers in the City. Resolutions by the Housing Authority of the City of Marble Falls, Texas and the Texas Housing Foundation have been approved that would allow the Texas Housing Foundation to take the place of Housing Authority of the City of Marble Falls, Texas. There is no other housing authority authorized to exercise its powers in the City other than the Housing Authority of the City of Marble Falls, Texas. By this resolution, the City, desires to terminate the existing Cooperation Agreement with the Housing Authority of the City of Marble Falls, Texas and replace it with the attached Cooperation Agreement with the Texas Housing Foundation; and

WHEREAS, the Texas Housing Foundation, a Texas regional housing authority ("THF") has significant experience and expertise in successfully providing, developing, financing and managing housing projects that are affordable to lower income residents and that are assets to the communities they serve; and

WHEREAS, Texas Local Government Code, Section 392.017(d) requires that the governing body of a municipality adopt a resolution declaring a need for a municipal housing authority to exercise its powers in another jurisdiction, and authorizing a cooperation agreement under Section 392.059;

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

- Section 1. The City Council of the City of Fredericksburg, Texas is the governing body of the City. No housing authority other than the Housing Authority of the City of Marble Falls is authorized to exercise its powers in the City.
- Section 2. The previously enacted cooperation agreement and authorization for the Housing Authority of the City of Marble Falls is hereby terminated.
- Section 3. Pursuant to Texas Local Government Code, Section 392.017(d)(1), the City Council declares that there is a need for THF to exercise its powers within the City to provide decent, safe and sanitary housing that is affordable for lower income residents of the City. THF is hereby authorized to exercise its powers within the City as to the existing housing developments known as TownePark 1 and TownePark II, and as more particularly described in said prior cooperation agreement.
- Section 4. Pursuant to Texas Local Government Code, Section 392.017(d)(2) and the Cooperation Agreement attached hereto and incorporated herein between THF and the City, THF is hereby authorized under Texas Local Government Code Section 392.059(a) to exercise its powers within the City as to the developments therein described. The City agrees to cooperate with THF to allow THF to provide such housing for lower

income residents in the City consistent with the terms of the Cooperation Agreement. The City Manager is hereby authorized to execute the Cooperation Agreement on behalf of the City.

Section 5. The City Manager of the City of Fredericksburg or a duly appointed representative thereof is authorized to take any reasonable and necessary action to effectuate the direction and intention of this resolution and the attached Cooperation Agreement.

Passed and approved this 18th day of August, 2014.

/s/ Linda Langerhans, Mayor

Attest: /s/ Shelley Britton, City Secretary

LIGHTING STANDARDS ORDINANCE (2nd Reading) – It was moved by Council Member Pearson, seconded by Council Member Luckenbach, to adopt the Lighting Standards Ordinance as presented. The vote was as follows: AYE: Langerhans, Luckenbach, Watson, Neffendorf, and Pearson. Motion carried.

ORDINANCE NO. 24-014

AN ORDINANCE ESTABLISHING LIGHTING STANDARDS FOR PROPERTIES WITHIN THE CITY LIMITS OF THE CITY OF FREDERICKSBURG AND FOR SIGNS IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY, AMENDING CHAPTER 5 BUILDINGS AND BUILDING REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF FREDERICKSBURG TO ADD ARTICLE xiv OUTDOOR LIGHTING SECTIONS 5-500 THROUGH 5-516, SETTING FORTH PURPOSE, JURISDICTION AND SCOPE, DEFINITIONS, USE OF EXISTING LIGHTING, STANDARDS FOR OUTDOOR LIGHTS AND SIGNS, LIGHTING CURFEWS, PROHIBITED LIGHTS, SUBMISSION OF LIGHTING PLANS, EXEMPTIONS, MATERIALS, ENFORCEMENT AUTHORITY OF DIRECTOR OF DEVELOPMENT SERVICES, ILLUSTRATIONS, REPEAL OF INCONSISTENT PROVISIONS, PARTIAL INVALIDITY AND AN EFFECTIVE DATE. (Recorded in Ordinance Book)

RESOLUTION ADDRESSING THE PROPOSAL BY THE BOARD OF DIRECTORS OF THE GILLESPIE CENTRAL APPRAISAL DISTRICT (GCAD) TO PURCHASE LAND WHICH GCAD INTENDS TO CONSTRUCT A BUILDING, LOCATED AT 515 FM 2093, FREDERICKSBURG TEXAS – It was moved by Council Member Watson, seconded by Council Member Pearson, to adopt the Resolution addressing the proposal by the GCAD Board of Directors to purchase land located at 515 FM 2093 to construct a building. The vote was as follows: AYE: Langerhans, Watson, Pearson, Luckenbach, and Neffendorf. Motion carried.

RESOLUTION

CITY OF FREDERICKSBURG
TAXING UNIT RESOLUTION

WHEREAS, Section 6.051 of the Texas Property Tax Code allows the acquisition of real property by purchase or lease, the conveyance of real property, and the construction or renovation of a building or other improvement by an appraisal district for the purpose of establishing and operating the appraisal office or a branch appraisal office; and

WHEREAS, Section 6.051 requires that the board of directors of an appraisal district must propose the property transaction by resolution which must be approved by the governing bodies of three-fourths of the taxing units entitled to vote on the appointment of board members; and

WHEREAS, the governing body of the City of Fredericksburg, a taxing unit of the Gillespie County Central Appraisal District received notification of the resolution adopted by the Board of Directors of the Gillespie Central Appraisal District as required by Section 6.051, a copy of which resolution is attached hereto;

NOW THEREFORE BE IT HEREBY RESOLVED that on this date, the City Council of the City of Fredericksburg hereby approves, in accordance with the terms of the attached resolution of the Gillespie County Central Appraisal District, the purchase of the following property:

**2.18 +/- Acres of land located at
515 FM 2093 and being legally described as
Tract 1 AR, a replat of the Alfred and Olivia Weirich Subdivision,
City of Fredericksburg, Gillespie County, Texas**

BE IT FURTHER RESOLVED that this document be filed with the Chief Appraiser of the Gillespie Central Appraisal District on or before the 30th day after the receipt of notification of the aforementioned resolution.

The above resolution was passed by at least a majority vote taken in a public meeting as required by law at a duly held meeting on August 18, 2014.

SIGNED this 18th day of August, 2014.

/s/ Linda Langerhans, Mayor
City of Fredericksburg

Attest:
/s/ Shelley Britton, City Secretary
City of Fredericksburg

RESOLUTION FOR PROPOSED RAILROAD COMMISSION RULES TO MINIMIZE/ELIMINATE CITY PARTICIPATION IN RATE CASES – It was moved by Council Member Watson, seconded by Council Member Neffendorf, to adopt a resolution for the City's participation in opposing proposed Railroad Commission rules to minimize/eliminate city participation in rate cases. All voted in favor and the motion carried.

RESOLUTION

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS AUTHORIZING THE CITY'S PARTICIPATION IN A COALITION OF SIMILARLY SITUATED CITIES IN PROCEEDINGS BEFORE THE RAILROAD COMMISSION OF TEXAS AND THE TEXAS LEGISLATURE RELATED TO THE CITY'S AUTHORITY TO EFFECTIVELY REVIEW AND REGULATE UTILITY RATES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Fredericksburg, Texas, hereinafter referred to as "City," is a member of Atmos Texas Municipalities ("ATM"); and,

WHEREAS, ATM has participated in utility ratemaking proceedings before the Railroad Commission of Texas; and,

WHEREAS, ATM has participated in legislative proceedings before the Texas Legislature; and,

WHEREAS, as recently as in the 83rd Regular Session of the Texas Legislature the Legislature considered and rejected legislation that if enacted, would have negatively affected municipalities' original jurisdiction to regulate a utility's rates, services, and operations in the City; and,

WHEREAS, as recently as the 83rd Regular Session of the Texas Legislature in 2013, the Legislature considered and rejected legislation that if enacted, would have negatively affected municipalities' ability to undertake a meaningful evaluation of a utility's request to increase gas rates and effectively challenge unreasonable rate increases; and,

WHEREAS, the Railroad Commission of Texas has initiated proceedings to adopt new rules whose effect would be similar to the restrictions that the Legislature rejected in its 83rd Regular Session; and,

WHEREAS, the rules the Railroad Commission of Texas proposed would diminish, if not altogether eliminate, Texas cities' original ratemaking jurisdiction over gas utilities and cities' ability to meaningfully review a gas utility's request to increase its rates; and,

WHEREAS, the City supports ATM's and other similarly situated coalitions of cities' opposition to proposed rules or laws that would diminish and/or eliminate municipalities' ability to effectively regulate gas utility rates or to meaningfully participate in contested proceedings before the Railroad Commission of Texas; and,

WHEREAS, as the Legislature noted in Section 101.002 of the Gas Utility Regulatory Act, utilities are by definition monopolies in the areas they serve and as a result, the normal forces of competition that regulate prices in a free enterprise society do not operate and therefore, public agencies, including the City, regulate utility rates, operations, and services as a substitute for competition; and,

WHEREAS, gas utilities continue to be monopolies whose rates are not governed by the normal forces of competition; and,

WHEREAS, to provide fair, just, and reasonable rates and adequate and efficient services, Section 103.001 of the Gas Utility Regulatory Act grants the City exclusive original jurisdiction over the rates, operations, and services of a gas utility within the municipality; and,

WHEREAS, under Section 103.001 of the Gas Utility Regulatory Act passed by the Texas Legislature into law, a municipality regulating a gas utility has the right to require gas utilities to submit information as necessary for the municipality to make a reasonable determination of the utility's actual rate base, expenses, investment, and rate of return for providing its services and to retain personnel necessary to make the determination of reasonable rates; and,

WHEREAS, under Section 103.022 of the Gas Utility Regulatory Act, a municipality participating in or conducting a ratemaking proceeding may engage rate consultants, accountants, auditors, attorneys, and engineers to fully evaluate a utility's request to change rates and the gas utility in the ratemaking proceeding shall reimburse the municipality its reasonable rate case expenses; and,

WHEREAS, in order to ensure the reasonableness of gas utility rates and ensure the adequacy of gas utility service by preserving cities' right to effectively investigate and challenge utility-proposed rate increases both before the City and before any state agency that is authorized to regulate gas utilities' rates the City Council adopts the following resolution.

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

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. The City directs ATM to oppose rules or legislation that would:

- Eliminate or reduce the ability of incorporated municipalities to exercise their statutorily guaranteed original jurisdiction over gas utility rates.
- Allow the approval of increases in rates without a complete and thorough review of a utility's capital expenditures or operating expenses by cities representing their ratepayers' interests.
- Eliminate, delay, or diminish the reimbursement of municipalities' reasonable costs incurred while investigating and challenging utility rate proposals or that would otherwise reduce municipalities' ability to participate in the rate-setting process.

Section 3. The City directs ATM to support processes that:

- Uphold and enforce municipalities' original jurisdiction over gas utility ratemaking.
- Preserve municipalities' ability to fully investigate and challenge gas utilities' proposed changes to their rates and tariffs.
- Preserve municipalities' historical right to prompt reimbursement of reasonable costs that the municipalities' incur while investigating and challenging gas utilities' proposals to change their rates in all related proceedings, without any onerous predicate requirements.

Section 4. The City authorizes the ATM Steering Committee to hire and direct its advocates in these efforts before the Railroad Commission of Texas and the Texas Legislature.

Section 5. That a copy of this resolution shall be sent to Mr. Alfred R. Herrera, Herrera & Boyle, PLLC, 816 Congress Avenue, Suite 1250, Austin, Texas 78701, in his role as Special Counsel to ATM.

Section 6. That the meeting at which this resolution was adopted was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 7. That this resolution shall become effective from and after its passage.

PASSED AND APPROVED this 18th day of August, 2014.

/s/ Linda Langerhans, Mayor
City of Fredericksburg

ATTEST:

/s/ Shelley Britton, City Secretary
City of Fredericksburg

APPROVAL OF FCVB 2014-2015 BUDGET – Ernie Loeffler presented the 2014-2015 Fredericksburg Convention and Visitor Bureau Budget. It was moved by Council Member Pearson, seconded by Council Member Luckenbach, to approve the FCVB 2014-2015 Budget as presented. The vote was as follows: AYE: Langerhans, Luckenbach, Watson, Neffendorf, and Pearson. Motion carried.

CHAMBER REQUEST FOR LIGHT SHOW BEFORE THIS YEAR'S CHRISTMAS PARADE – It was moved by Council Member Watson, seconded by Council Member Luckenbach, to approve the request by the Chamber of Commerce for a light show before this year's Christmas parade. All voted in favor and the motion carried.

2014 EFFECTIVE TAX RATE CALCULATION – It was moved by Council Member Pearson, seconded by Council Member Luckenbach, to accept the 2014 Effective and Rollback Tax Rate Calculation as prepared by the Tax Assessor, which is \$0.2482 per \$100 of property value. The vote was as follows: AYE: Langerhans, Neffendorf, Pearson, Luckenbach, and Watson. The motion carried.

PROPERTY TAX RATE, TAKE RECORD VOTE ON PROPOSED TAX RATE AND SCHEDULE SPECIAL PUBLIC HEARING – It was moved by Council Member Watson, seconded by Council Member Neffendorf, to approve the proposed effective tax rate of .2482, a rate that is 0% above the effective tax rate of \$0.2482, as presented. The vote was as follows: AYE: Langerhans, Neffendorf, Watson, Pearson, and Luckenbach. The motion carried.

REVISIONS TO PROPERTY AGREEMENT WITH CHAMBER FOR 306 E. AUSTIN – It was moved by Council Member Watson, seconded by Council Member Luckenbach, to approve the minor revisions to the Right of First Refusal Agreement with the Chamber for 306 E. Austin. All voted in favor and the motion carried.

CITY MANAGER'S REPORT – City Manager Kent Myers reported on (1) Local Compensation Study, (2) Comprehensive Plan Issues Update Meeting, (3) Animal Shelter Architectural Plans, and (4) Employee Recognitions (Clem Castillo).

FUTURE AGENDA ITEMS – Annexation proceedings and a Special Meeting on Sept. 8 with the Planning & Zoning Commission and Historic Review Board are future agenda items.

PUBLIC COMMENT – Russ Rose commented.

COUNCIL COMMENT – No comments.

With no further business, Council Member Watson made a motion to adjourn the meeting at 10:30 PM. Council Member Neffendorf seconded the motion. Motion carried.

PASSED AND APPROVED this the 15th day of September, 2014.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR



CITY COUNCIL MEMO

DATE: September 10, 2014

TO: Mayor and City Council

FROM: Brian Jordan, AICP

SUBJECT: Change in the Zoning from C-1 Neighborhood Commercial to C-2 Commercial on approximately 1 acre located at the southwest corner of Franklin Street and Creek Street (Z-1408).

Summary:

The subject property was rezoned from R-2 Mixed Residential to C-1 Neighborhood Commercial on June 16, 2014. The property is currently owned by Dr. Daniel and Verna Fritz, and is home to the Gillespie Animal Clinic. The 1 acre proposed for rezoning at this time is the very corner property that includes the primary buildings that support the veterinary services of the business. The applicant has indicated that they wish to have the area rezoned to C-2 to allow the business to be a conforming use and not require a Conditional Use Permit for any future expansion.

Recommendation:

The Planning and Zoning Commission voted 5-2 to deny the request to change the zoning from C-1 Neighborhood Commercial to C-2 Commercial. Staff concurs with the Commission's recommendation. One letter has been received in support of the request.

It should be noted that since the Commission did not recommended the change in zoning, a 3/4 vote by the City Council will be required to approve the zoning change.

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The City of Fredericksburg

Background / Analysis:

See attached Zoning Brief for request Z-1408

ZONING CHANGE BRIEF

Rezoning Request # Z-1408

OWNER/APPLICANT: Daniel and Verna Fritz

LOCATION: Southwest Corner of Creek and Franklin Streets (See attached map).

SIZE: Approximately 1.0 acre

EXISTING ZONING: C-1, Neighborhood Commercial

PROPOSED CHANGE: Change in Zoning from C-1 to C-2 Commercial

FINDINGS:

- The subject property includes the main buildings and operation of the Gillespie Animal Clinic. The applicant is requesting that this 1 acre be changed from C-1 to C-2.
- The subject property along with approximately 18 adjoining acres were rezoned from R-2 to C-1 in June, 2014.
- Water and Sanitary sewer are available to serve this property.
- Adjacent zoning is R-2 to the north and east, and C-1 to the south and west. (see attached zoning map).
- The Land Use Plan identifies the subject property as well as the property to the west and south as commercial, and the property to the north and east as medium density residential.
- Adjacent land uses include residential to the north, south and east, and commercial to the west.

LAND USE PLAN: The Land Use Plan was recently changed for the subject property from Medium Density Residential to Commercial. The Commercial land use designation may include retail and office uses as well as the light commercial activities that typically need some outdoor storage, display and sales area. For the most part, this land use category is found in areas where a mix of non-residential uses already exists and where change is not anticipated. The Commercial land use designation does not distinguish between light and heavy commercial activities.

In considering a Land Use Plan or Zoning change, the Planning and Zoning Commission shall make the following determinations prior to forwarding a recommendation to the Council.

- A. Will the proposed change enhance the site and the surrounding area? **While the change may enhance the site from the owner's perspective, certain heavier**

commercial activities would not enhance the surrounding residential neighborhoods. In other words, most of the area neighbors do not object to the existing veterinary operation or its potential expansion. However, we believe that certain permitted uses such as hotels/motels, automotive sales and repair, liquor sales and retail establishments would be inappropriate and not enhance the area.

- B. Is the proposed change a better use than that recommended by the Future Land Use Map? **The Commercial land use category does not distinguish between the light and heavy commercial activities. Light commercial activities such as offices, day care centers, medical services and personal services seem more appropriate in proximity nearby neighborhoods.**
- C. Will the proposed use impact adjacent residential areas in a negative manner? Or, will the proposed use be compatible with, and/or enhance, adjacent residential areas. **The veterinary clinic which is located much closer to the residential area, seems to be a little more compatible. The point here is that it really depends on the nature and characteristics of the commercial use to determine compatibility.**
- D. Are uses adjacent to the proposed use similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility? **The veterinary clinic seems to be more compatible with the neighborhood. As for proposed uses, heavier commercial activities would be incompatible with the surrounding neighborhood, where lighter commercial activities may be fine.**
- E. Can the proposed use be served by the available public facilities and services? **Utility infrastructure is available and adequate to serve commercial uses. Roadway infrastructure, on the other hand, would not be adequate to serve intensive commercial activities.**
- F. Does the proposed use present a significant benefit to the public health, safety and welfare of the community? Would it contribute to the City's long-term economic well-being? **Only certain commercial activities would seem to present a significant public benefit to the community and contribute to the long term economic well-being.**

ZONING: The zoning of this area was considered in June of this year. While there were really no objections to the zoning proposed, and particularly the continuation of the veterinary clinic, staff and the Planning and Zoning Commission felt that certain uses in C-2 were incompatible with the surrounding neighborhood. Therefore, a recommendation of C-1 was made rather than C-2. Our position on this matter has not changed and we really do not support the spot zoning of 1 acre at the corner of Franklin and Creek.

OPPOSITION/SUPPORT OF REQUEST: One letter in support.

PLANNING AND ZONING COMMISSION RECOMMENDATION: The Commission voted 5-2 to deny the request to rezone the property from C-1 Neighborhood Commercial to C-2 Commercial.

STAFF RECOMMENDATION: We believe that the change to C-1 for this area was and continues to be appropriate for this area. This allows the owner to request a change or expansion based on the Conditional Use Permit process. Staff concurs with the Commission's recommendation of denial.

DRAWN BY:	d.a.s.	DATE:	14
CHECKED BY:	d.a.s.	DRAWING NO.:	zoning exhibit
JOB NO.:	S-14-5755	SHEET	1 of 1

Franklin Street

South Creek Street

208.7

208.7

Gillespie
Animal
Clinic

shed

shed

residence

Six (6) Acres
remainder tract
Vol. 32 - Pg. 413
Deed Records

Outlot

563

Outlot

564

Gillespie Livestock Company
Six (6) Acres
Vol. 107 - Pg. 621
Deed Records

19.

Doc. 20134350
R. Wunderlich, et al



Z-1408





CITY COUNCIL MEMO

DATE: September 11, 2014
TO: Mayor and City Council
FROM: Brad Kott, Director of Finance
SUBJECT: Budget Amendments FY2014

Summary:

As part of the FY2015 budget process, staff projects final revenues and expenditures for the current budget year FY2014. In doing so, the following amendments are necessary to fund increased or unforeseen expenditures. The amendments are listed by general ledger account numbers and fund.

Recommendation:

Staff recommends approving the attached budget amendments for FY2014.

Background/Analysis:

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

FY 2014 Budget Amendments

General Fund

Account No.	Description	FY 2014 Budgeted	Proposed Amendment	Difference
01-00-4108-00	1 1/2% City Sales Tax	\$4,400,000	\$4,570,000	\$170,000
01-00-4110-00	Mixed Drinks Tax	70,000	98,000	28,000
		<u>\$4,470,000</u>	<u>\$4,668,000</u>	<u>\$198,000</u>
	Total General Fund Revenue Increase			<u><u>\$198,000</u></u>
01-20-3130-00	Legal (Charter Amendment)	\$40,000	\$69,000	\$29,000 *
01-20-5New	IT Warehouse Improvements	-	42,500	42,500 **
01-20-6005-00	Golf Subsidy	127,100	421,900	294,800
01-22-6221-00	700 Radio System - Principal	83,200	-	(83,200)
01-22-6222-00	700 Radio System - Interest	6,000	-	(6,000)
01-24-5420-00	Traffic Signal - Heritage Hill - Texas Ranger	-	10,386	10,386 *
01-25-New	T-fer to Capital Project Fund - Swimming Pool	-	564,400	564,400 *
		<u>\$256,300</u>	<u>\$1,108,186</u>	<u>\$851,886</u>
	Total General Fund Expenditure Increase			<u><u>\$851,886</u></u>

* Previously approved by City Council

** \$42,500 additional funds requested. \$50,000 already budgeted in Electric Fund

Electric Fund

02-21-New	Secondary Service to Texas Rangers	\$0	\$30,000	\$30,000
	Total Electric Fund Expenditure Increase			\$30,000

Water Fund

03-00-4110-00	Forfeited Discounts	\$0	\$47,500	\$47,500
03-00-4500-00	Water Impact Fee	63,000	200,000	137,000
03-00-4505-00	Sewer Impact Fee	65,100	200,000	134,900
		\$128,100	\$447,500	\$319,400

Total Water Fund Revenue Increase

\$319,400

03-21-3130-00	Legal (Charter)	\$500	\$50,000	\$49,500
03-21-5311-00	Knauth Well	175,000	-	(175,000)
		\$175,500	\$50,000	(\$125,500)

Total Water Fund Expenditure Decrease

(\$125,500)

Golf Fund

04-00-4161-00	Transfer from GF	<u>\$127,100</u>	<u>\$421,900</u>	<u>\$294,800</u>
	Total Golf Fund Revenue Increase			<u><u>\$294,800</u></u>

Capital Projects

25-00-New	Transfer from GF	<u>\$0</u>	<u>\$564,400</u>	<u>\$564,400</u>
	Total Capital Projects Fund Revenue Increase			<u><u>\$564,400</u></u>



CITY COUNCIL MEMO

DATE: September 10, 2014

TO: Mayor & City Council

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

SUBJECT: GIS-Centric Work Order & Asset Management System Agreements

Summary:

Over the past year, City staff has researched vendors, viewed demonstrations, visited with other cities, and issued a Request for Proposals (RFP) regarding a GIS-Centric Work Order & Asset Management System (WOMS). The City received RFP submittals from 5 firms including PubWorks, Nexgen Asset Management, VUEWorks, CityWorks/URS and CityWorks/NTB. Upon evaluation of the 8 criteria set forth in the RFP, City Engineering & Public Works Staff has arrived at a consensus recommendation for a WOMS with VUEWorks that will provide the City of Fredericksburg with an efficient method for maintaining the City's infrastructure and assets, as well as provide a method for public interaction and handle work requests both internal and external.

VUEWorks is owned by Data Transfer Solutions, LLC (DTS). DTS is capable of providing mobile data collection services of the City's paved roadways. Assets that could be extracted from the collected imagery includes traffic signs, sidewalks, ADA ramps, pavement markings, curbs, guardrails, decorative street lighting, manholes, valves, fire hydrants, poles, etc. The collection of these assets and importing the data into the City's GIS is crucial since the information in the GIS will be the backbone of the WOMS.

(26)

The City of Fredericksburg

On May 5, 2014, the City Council authorized the Director of Public Works & Utilities to enter into contract negotiations with VUEWorks to provide a GIS-Centric Work Order & Asset Management System for the City of Fredericksburg.

Recommendation:

City Engineering & Public Works Staff recommends that the City Council authorize the Director of Public Works & Utilities to enter into the Customer Software License and Professional Services Agreements with VUEWorks to provide a GIS-Centric Work Order & Asset Management System and mobile data collection for the City of Fredericksburg.

Background / Analysis:

The City has never had a true asset management/work order management system in place. When work orders are issued, they are done so by hand and kept in a file with no true record of maintenance, emergency fixes, how much money has been spent on a particular asset or service request, etc. To justify Capital Improvement Projects, good records must be kept in order to prioritize the need for infrastructure improvements such as water/sewer line replacements or electric circuit upgrades. With a WOMS, the City would be able to easily accomplish these tasks, as well as streamline the work order process for all users of the system from a citizen calling in a request to a crew making the repairs to the Director mining through data to update the CIP.

Since 2009, staff has been evaluating different WOMS solutions to provide an efficient method for maintaining the City's infrastructure and assets, as well as provide a method for public interaction and handle work requests both internal and external. To be able to tie information for all assets together, including work order history, inventory, billing, etc., staff recognized the importance of the WOMS integrating with the geographic information system (GIS) and the utility billing and accounting solution, Springbrook.

In January 2014, the City of Fredericksburg issued an RFP, seeking a system that would allow the City to better handle service requests, work orders, schedule preventative maintenance, and track assets. The RFP also reflected that the system be GIS based in that all work, work history, outstanding and current work orders, service requests and asset information be readily available visually in the GIS environment.

Submittals from five (5) firms including PubWorks, Nexgen Asset Management, VUEWorks, CityWorks/URS, and CityWorks/NTB, were accepted in February 2014. The submittals were evaluated first on 7 of 8 criteria, which were identified in the RFP. These included (1) ability to provide detailed data tied to assets to include a comprehensive GIS component, (2) ability to provide a complete work order system from the initial service request to completion of the project / service request, (3) ability to provide for an inventory system and have ability to interface with the City's financial software system Springbrook, (4) firm's reputation, experience, capability, ability / willingness to work with the City,

conversion / implementation plan to include timeline and long term commitment to the City, (5) price for startup cost and all other costs associated with successful performance of the proposed software product after final acceptance, (6) provide training plan both short term and long term, and (7) completeness of RFP packet. Upon the completed evaluation of these seven (7) criteria, the top three (3) firms were selected to give a product demonstration to the evaluation committee, which was the 8th criteria. These three (3) firms included VUEWorks, CityWorks/URS and CityWorks/NTB.

Upon the completion of the product demonstrations, the evaluation committee rated the demonstrations of the three finalists. VUEWorks received the highest rating during the evaluation of all the criteria with a score of 284. NTB received an overall score of 262 while URS received 249 points.

The evaluation committee was made up of end users of the system including Superintendents from the Street, Water, and Electric Departments, the IT Director, the Director of Public Works & Utilities and an Engineering Technician. As end users of the system, VUEWorks met all the requirements of the RFP, including an established relationship and experience with implementation with Springbrook, a MobileVUE application that will allow City staff access to the assets via mobile devices and has additional services to offer including mobile asset data collection.

VUEWorks software is a web-based, asset-agnostic, GIS-centric, enterprise-level asset and work management system that will provide the City with the ability to manage, analyze, integrate and share valuable asset and work management information. It will manage any infrastructure asset to minimize the total cost of owning and operating it, while delivering the service levels the City desires. The system will allow the City to track and manage assets including but not limited to water, waste water, solid waste, streets, electric, fleet, parks and facilities.

To fund this system, \$100,000 was budgeted in the FY 2014 budget. This includes \$10,000 from the Solid Waste Fund, \$30,000 from the Water Fund, \$30,000 from the Electric Fund, and \$30,000 from the Street Fund.

The initial cost of this software including modules and implementation is as follows:

- Standard Work Management: \$20,000
- Advanced Work Management: \$7,200
- Asset Management: \$13,980
- Tier 2 Implementation: \$33,800
- **Total software cost:** **\$74,980 first year (\$41,180 annually after initial year)**

This leaves \$25,020 remaining for this budgeted project. Staff recommends using this remaining amount to fund asset data collection as follows:

- Verify City Street Network: \$640
- Mobile Image Data Collection: \$9,800
- Traffic Sign Inventory & Condition Rating: \$5,880
- Sidewalk Inventory & Assessment from Imagery: \$4,410

- Streetlights: \$3,920
- ***Total data collection/extraction cost:*** ***\$24,650***

This would bring the total cost of the project to **\$99,630**.