

CITY OF FREDERICKSBURG CITY COUNCIL MEETING

MONDAY, NOVEMBER 18, 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. **MINUTES** - Consider approving minutes of October 2013 meetings. 1-8
2. **PUBLIC HEARINGS**
 - A. **PUBLIC HEARING** Z-1313 - Consider a change in the Land Use Plan from Commercial to Low Density Residential, and to rezone from C-2 Commercial to R-1 Single Family Residential on 0.376 acres located generally at the southwest corner of Kay Street and W. Austin Street. (2nd of two public hearings) 9-15
 - B. **PUBLIC HEARING** Z-1314 - Consider a Conditional Use Permit to expand a Non-Conforming Use (single-family residence) to allow a private school in a M-1, Light Manufacturing District at 528 S. Lincoln Street. (2nd of two public hearings) 16-24
3. **ORDINANCES - RESOLUTIONS- ACTION ITEMS**
 - A. Receive recommendation and consider adopting ordinance for Z-1313.
 - B. Receive recommendation and consider Z-1314.
 - C. Consider Parking Ordinance. 25-33
4. **INDIVIDUAL ITEMS FOR CONSIDERATION AND POSSIBLE ACTION**
 - A. Presentation - Police Department Accreditation
 - B. Presentation - Waste Water Treatment Plant 34-36
 - C. Presentation - Complete Streets 37-38
 - D. Consider Wholesale Power Purchases. 39-40
 - E. Consider financing for Landfill 953D Track Loader. 41-42
 - F. Consider nomination(s) for Gillespie Central Appraisal District Board of Directors. 43-45
 - G. Consider appointing P & Z Member 46-52
5. **CITY MANAGER'S REPORT**
 - A. November 21 Special City Council Meeting
 - B. Relief Route Task Force
 - C. Employee Recognition
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.

ADJOURN

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

REGULAR CITY COUNCIL MEETING
OCTOBER 7, 2013
7:00 PM

On this the 3rd day of October, 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
BRIAN JORDAN - DIR DEVELOPMENT SERVICES
CLINTON BAILEY - D.P.W.U.
STEVE WETZ - CHIEF OF POLICE

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

MINUTES – It was moved by Council Member Pearson, seconded by Council Member Neffendorf, to approve the minutes of the August and September 2013 meetings as presented. All voted in favor and the motion carried.

CONSENT AGENDA – It was moved by council Member Dooley, seconded by Council Member Pearson, to approve the Consent Agenda as follows:

A. Taxi Permit – Bluebonnet Taxi & Shuttle, Christopher King.

All voted in favor and the motion carried.

PUBLIC HEARING – It was moved by Council Member Dooley, seconded by Council Member Sanford, to recess the regular session and open a Public Hearing on the proposed Annexation of approx. 15.29 acres out of the Wm. H Anderson Survey No. 197, Abstract No.

2, otherwise known as Stone Ridge Unit 8 (first of two). All voted in favor and the motion carried.

Dir. of Development Services Brian Jordan briefed Council on the annexation. No comments were received from the public.

It was moved by Council Member Dooley, seconded by Council Member Sanford, to adjourn the Public Hearing and reconvene the regular session. The vote was as follows: AYE: Hoover, Pearson, Neffendorf, Dooley, and Sanford; NAY: None. Motion carried.

ORDINANCE RELATING TO PARKING OF VEHICLES - Council was briefed on a proposed ordinance relating to parking of vehicles; no action was taken.

CITY MANAGER'S REPORT - City Manager Kent Myers reported on (1) October 25 City Council Retreat, (2) Employee Recognition - Police Department, and (3) New Fire Truck

PUBLIC COMMENTS - Russ Rose commented on parking.

COUNCIL COMMENTS - No comments.

EXECUTIVE SESSION - It was moved by Council Member Pearson, seconded by Council Member Neffendorf, at recess the regular session and to into Executive Session at 8:20 PM. All voted in favor and the motion carried. At 8:35, it was moved by Council Member Dooley, seconded by Council Member Pearson, to adjourn the Executive Session and reconvene the regular session. All voted in favor and the motion carried.

The following items were discussed in Executive Session:

CONSULT WITH ATTORNEY - SETTLEMENT AGREEMENT ON BEHALF OF COF VS JAMES WASHBURN CASE - No action.

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

PASSED AND APPROVED this the 18th day of November, 2013.

SHELLEY BRITTON, CITY SECRETARY

JERYL HOOVER, MAYOR

* * * * *

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

REGULAR CITY COUNCIL MEETING
OCTOBER 21, 2013
7:00 PM

On this the 21st day of October, 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
GRAHAM PEARSON - COUNCIL MEMBER
TIM DOOLEY - COUNCIL MEMBER
KATHY SANFORD - COUNCIL MEMBER
GARY NEFFENDORF - COUNCIL MEMBER

ABSENT: NONE

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

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

PUBLIC HEARING – It was moved by Council Member Dooley, seconded by Council Member Sanford, to recess the regular session and open a Public Hearing on the proposed Annexation of approx. 15.29 acres out of the Wm. H Anderson Survey No. 197, Abstract No. 2, otherwise known as Stone Ridge Unit 8 (second of two). All voted in favor and the motion carried.

Owner Levi Ellerbracht was on hand to answer questions; Director of Development Services, Brian Jordan, briefed Council on the annexation. No comments were received from the public.

It was moved by Council Member Dooley, seconded by Council Member Neffendorf, to adjourn the Public Hearing and reconvene the regular session. The vote was as follows: AYE: Hoover, Pearson, Neffendorf, Dooley, and Sanford; NAY: None. Motion carried.

ORDINANCE ADOPTING 2013-2014 BUDGET – It was moved by Council Member Sanford, seconded by Council Member Pearson, to adopt the Appropriation Ordinance to complete the 2013-2014 Budget process. The vote was as follows: AYE: Hoover, Pearson, Neffendorf, and Sanford; NAY: Dooley. Motion carried.

ORDINANCE NO. 23-020

AN ORDINANCE SETTING FORTH AN ITEMIZED ESTIMATE OF THE EXPENSE OF CONDUCTING EACH DEPARTMENT AND FUND OF THE MUNICIPAL GOVERNMENT OF THE CITY OF FREDERICKSBURG FOR THE ENSUING FISCAL YEAR BEGINNING OCTOBER 1, 2013, AND ENDING SEPTEMBER 30, 2014, AND APPROPRIATING MONEY FOR THE VARIOUS FUNDS AND PURPOSES OF SUCH ESTIMATE; PROVIDING FOR RATIFICATION OF OTHER APPROPRIATIONS; PROVIDING FOR UNEXPENDED BALANCES; PROVIDING FOR ALLOCATION OF UNAPPROPRIATED REVENUES; PROVIDING FOR SEVERABILITY/SAVINGS AND FOR THE REPEAL OF ALL ORDINANCES AND APPROPRIATIONS IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION APPROVING ATMOS RATE INCREASE – It was moved by Council Member Dooley, seconded by Council Member Neffendorf, to approve the Resolution approving the Atmos Rate increase as presented in Option 3: To deny Atmos' requested increase of \$22.7 million but approve an increase of \$16.6 million. The vote was as follows: AYE: Hoover, Pearson, Neffendorf, Dooley, and Sanford; NAY: None. Motion carried.

RESOLUTION

AN RESOLUTION BY THE CITY OF FREDERICKSBURG, TEXAS (“CITY”), APPROVING A CHANGE IN THE RATES OF ATMOS ENERGY CORPORATION, MID-TEX DIVISION (“ATMOS”) AS A RESULT OF A SETTLEMENT BETWEEN ATMOS AND THE ATMOS TEXAS MUNICIPALITIES (“ATM”) UNDER THE RATE REVIEW MECHANISM; FINDING THE RATES SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; DIRECTING ATMOS ENERGY TO REIMBURSE THE CITY’S RATE-CASE EXPENSES; FINDING THAT THE MEETING COMPLIED WITH THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THE RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

WHEREAS, the City of Fredericksburg, Texas (“City”) is a regulatory authority under the Gas Utility Regulatory Act (“GURA”) and under § 103.001 of GURA has exclusive original

jurisdiction over Atmos Energy Corporation – Mid-Tex Division’s (“Atmos”) rates, operations, and service of a gas utility within the municipality; and

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

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

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

WHEREAS, the Rate Review Mechanism (“RRM”) for 2013 that Atmos filed with the City Secretary on or around July 15, 2013 proposed a system-wide increase of \$22.7 million; and

WHEREAS, experts representing ATM have analyzed data furnished by Atmos and have interviewed Atmos’ management regarding the RRM; and

WHEREAS, it is necessary to establish the benchmark cost for Pensions and Other Post Employment Benefits (Pension/OPEB); and

WHEREAS, on September 26, 2013, ATM and Atmos entered into a settlement agreement which would provide for a net increase of \$16.6 million. This will cause the rates to increase by \$0.74 per month for a typical residential customer; and

WHEREAS, the settlement agreement’s net decrease to Atmos’ previously filed request would be approximately 27% less than such filed RRM; and

WHEREAS, the Steering Committee of ATM and its counsel recommend approval of the attached tariffs, set forth as Attachment A.

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

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

Section 2. The amended tariffs in Attachment A are hereby adopted to become effective on November 1, 2013.

Section 3. The benchmark for Pension and Other Post Employment Benefits shall be as shown in Atmos' RRM 2013 Application at Workpapers F-2.3 and F-2.3.1, for fiscal year 2013, appended to this Resolution as Attachment B.

Section 4. Atmos is hereby directed to reimburse the City's costs, as part of the Atmos Texas Municipalities, of engaging counsel, rate consultants, and other personnel in assisting the City in its investigation of Atmos' proposed increase in rates.

Section 5. To the extent any Resolution or Ordinance previously adopted by the City Council is inconsistent with this Resolution, it is hereby superseded.

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

Section 7. If any one or more sections or clauses of this Resolution is judged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Resolution and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

Section 8. This Resolution shall become effective from and after its passage.

Section 9. A copy of this Resolution shall be sent to Atmos Mid-Tex, care of Christopher Felan, Vice President of Rates and Regulatory Affairs, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1600, Dallas, Texas 75240 and to Mr. Alfred R. Herrera, Herrera & Boyle, PLLC, 816 Congress Avenue, Suite 1250, Austin, Texas 78701.

PASSED AND APPROVED this 21st day of October , 2013.

/s/ Jeryl Hoover, Mayor_____

ATTEST:

/s/ Shelley Britton, City Secretary

2013 TAX LEVY TOTALS – It was moved by Council Member Dooley, seconded by Council Member Neffendorf, to approve the 2013 Tax Levy Totals as presented. The vote was as follows: AYE: Hoover, Pearson, Neffendorf, Dooley, and Sanford; NAY: None. Motion carried.

2014 GILLESPIE COUNTY APPRAISAL DISTRICT BUDGET – Council Member Sanford moved, seconded by Council Member Pearson, to approve the 2014 Gillespie County Appraisal District Budget. The vote was as follows: AYE: Hoover, Pearson, Neffendorf, and Sanford; ABSTAIN: Dooley (Conflict of Interest). Motion carried.

SETTLEMENT AGREEMENT ON BEHALF OF COF VS JAMES WASHBURN CASE
It was moved by Council Member Dooley, seconded by Council Member Pearson, to authorize the City Attorney and City Manager to enter into a Settlement Agreement on behalf of the City of Fredericksburg vs. James Washburn Case. The vote was as follows: AYE: Hoover, Pearson, Neffendorf, Dooley, and Sanford; NAY: None. Motion carried.

FT. MARTIN SCOTT DONATIONS ACCOUNT – Council Member Pearson moved, seconded by Council Member Dooley, to approve setting up a separate account to receive donations for Fort Martin Scott as presented. All voted in favor and the motion carried.

CITY MANAGERS REPORT – The City Manager reported on (1) Oct 25 City Council Retreat, (2) City Council/Planning Commission Special Meeting – Review Subdivision Regulations, (3) Employee Recognitions (Stephen Itz and Kelli Olfers).

FUTURE AGENDA ITEMS – Ground Transportation Ordinance, Speed Limits in School Zones, COF Water Supply, Electric Power Purchases, and Complete Streets will appear on future agendas.

PUBLIC COMMENTS – Sonia Rivera, David Stone and Jonathon Baethge commented on parking; Gary Clifton commented on the need for a turn lane into Stone Ridge Subdivision.

COUNCIL COMMENTS – Council Member Pearson encouraged those interested in a turn lane to write to TxDOT and express their concerns.

With no further discussion, Council Member Dooley made a motion to adjourn the meeting at 7:40 PM. Council Member Neffendorf seconded the motion. Motion carried.

PASSED AND APPROVED this the 18th day of November, 2013.

SHELLEY BRITTON, CITY SECRETARY

JERYL HOOVER, MAYOR

* * * * *



CITY COUNCIL MEMO

DATE: November 6, 2013

TO: Mayor and City Council

FROM: Brian Jordan, AICP

SUBJECT: Consider a change in the Land Use Plan from Commercial to Low Density Residential, and a Rezone from C-2 Commercial to R-1 Single Family Residential on 0.376 acres located generally at the Southwest corner of Kay Street and W. Austin Street (Z-1313)

Summary:

The applicant Glenn and Deven Dixon are proposing to change the Land use Plan from Commercial to Low Density Residential and rezone the property from C-2 Commercial to R-1 Single Family Residential. This property was rezoned from R-1 to C-2 in May of 2012 at the request of the owner at that time. The owner at the time did not follow through with his plans and the current owners would like to have the property rezoned back to single-family residential. The subject property is currently vacant. The property is bordered on the west by the detention pond of the Post Office, on the north and east by residential and on the south by commercial uses (see the attached Zoning Change Brief for additional information).

Recommendation:

The Planning and Zoning Commission voted unanimously to recommend approval of the rezoning and not to change the Land Use Plan. Staff concurs with Commission's recommendation.

Background / Analysis:

The property to the west is zoned PF - Public facilities, to the north and east is zoned R-1, Single Family Residential and to the south is zoned C-2 Commercial. The rezoning of this property will result in a consistent zoning pattern along W. Austin Street (see attached zoning map).

ZONING CHANGE BRIEF

Rezoning Request # Z-1313

<u>OWNER/APPLICANT:</u>	Glenn and Deven Dixon
<u>SIZE:</u>	Approximately 0.376 acres (16,388 Square feet)
<u>LOCATION:</u>	100 Block of Kay Street, west side of Kay Street between Main Street and Austin Street (See attached map).
<u>EXISTING ZONING:</u>	C-2 Commercial
<u>PROPOSED CHANGE:</u>	1. Change in the Land Use Plan from Commercial to Low Density Residential; and 2. Change in Zoning from C-2 Commercial to R1, Single Family Residential District

FINDINGS:

- This property was rezoned from R-1 Single Family Residential to C-2 Commercial in May 2012 at the request of Mr. Michael Painter who had purchased the property, was remodeling the existing home and wanted to change a portion of the property for building an office at some point in the future.
- The subject property is part of two large, approximately 100'x 200' lots. The previous owner intended to resubdivide the property, creating an 80'x200' lot in the rear. The zoning was considered and approved, and a plat was submitted but never approved or filed.
- The current owners intend to utilize the property for residential purposes and are requesting that the property be rezoned back to R-1.
- The property is bordered by the Post Office on the west, single family homes to the north and east, and commercial businesses to the south.
- Water and Sanitary sewer are available to serve this property.
- Adjacent zoning is PF, Public Facilities to the west, R1, Single Family Residential to the north and east, and C-2, Commercial to the south (see attached zoning map).
- The Land Use Plan identifies properties surrounding the intersection of U.S. Highway 290 and U.S. Highway 87 as a Commercial Center. Beyond this area, the Land Use Plan identifies the area to the north as Low Density Residential, to the east and south as Uptown CBD, and to the west as Mixed Use Corridor (see attached Land Use Map).

LAND USE PLAN: As mentioned above, the subject property is within the Commercial Center land use designation. As defined in the Comprehensive Plan, such centers are located at the intersection of two existing or planned major arterials. They are intended to include community- and regional-serving shopping centers and malls. Some office or service uses may also locate here. Residential or hospitality uses may also be considered if they can be included in a compatible way. For new centers, the design should reduce the need for multiple automobile trips between stores.

The subject property by itself, would not be large enough to accommodate the type of development anticipated by the Commercial Center designation. When this property was considered originally, we noted that this was a very broad designation and a tract like the subject property would likely be considered supportive to any major development or be combined with other property.

ZONING: As proposed, the applicant intends to take the property back to it's original R-1 Single Family Residential Zoning, and develop it accordingly. While we would not typically recommend a zoning change on the same property back to the original zoning, given the size of the property, the surrounding land uses, zoning to the north and east, and the intended use by the current owners, the proposed change to R-1 would seem reasonable. To avoid the issue of spot zoning, this would need to be considered an extension of the existing zoning rather than a separate district altogether.

OPPOSITION/SUPPORT OF REQUEST: To date, we have received no letters for or against this request.

PLANNING AND ZONING COMMISSION RECOMMENDATION: The Commission voted unanimously to recommend approval of this zoning request and to leave the Land Use Plan as Commercial Center.

STAFF RECOMMENDATION: While the commercial center designation in the Comprehensive Plan certainly includes this tract, it would not be large enough on its own to accommodate the types of uses anticipated. However, given the circumstances within this block and the fact that the property was not subdivided, it is not reasonable to have two different zoning districts on one lot. Therefore, we do not object to changing the zoning back to R-1. In addition, we would recommend that the Land Use Plan designation of Commercial Center remain since it is a very broad category.

Attachment A
Application For Re-Zoning
Glenn & Deven Dixon

8. **Justification For Request:** Applicant owns Lot 14, Block 2, and Lot 15, Block 2, of the Louis Priess Addition, City of Fredericksburg, Gillespie County, Texas, a subdivision of record shown by plat records in Volume 4, Page 8 of the Deed Records of Gillespie County, Texas. Ordinance No. 22-012 dated May 21, 2012, re-zoned approximately 80' x 100' of the southwest portion of Lot 14 and approximately 80' x 100' of the southwest portion of Lot 15 from R-1 Single Family Residential to C-2 Commercial. The remainder of Lot 14 and Lot 15 are zoned R-1 Single Family Residential.

When Applicant purchased the property on April 8, 2013, the seller represented to Applicant that although a re-zoning application had been filed to change the zoning to C-2 for a portion of Lot 14 and Lot 15, that application had not been finalized and would be abandoned by the seller. Applicant had no knowledge the re-zoning application had been finalized until Applicant sought a building permit.

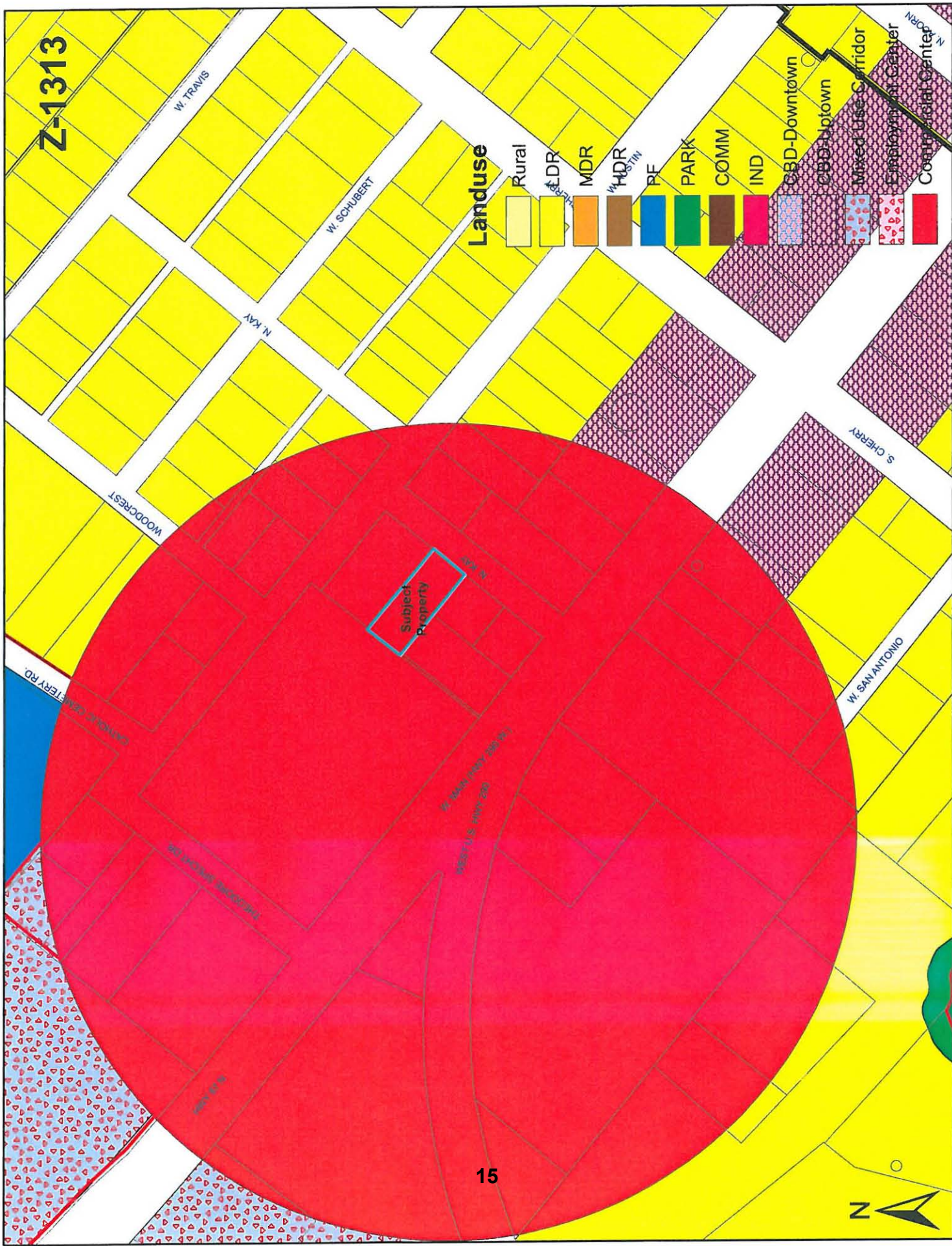
Applicant purchased Lot 14 and Lot 15 for residential purposes. Applicant plans to remodel the existing dwelling which will be Applicant's primary residence, and to build a guest house for visiting family and friends, and a barn. Applicant has been advised that it cannot get a building permit for a residential structure to be constructed on a site which is partially in R-1 zoning and partially in C-2 zoning, which is the case with the building site for the barn which is 38' within R-1 zoning and 12' within C-2 zoning.

Applicant also points out that the zoning change for a portion of Lot 14 and a portion of Lot 15 was by application from the previous owner of the property who requested the zoning change because he planned to replat Lot 14 and Lot 15 into 3 lots, one of which would be an 80' x 200' lot that he wanted zoned C-2 Commercial and the other 2 lots which would remain R-1 Single Family Residential. The previous owner abandoned the application to replat Lot 14 and Lot 15 when he sold the property to us, but since re-zoning of a portion of these lots was already final, a part of Lot 14 and a part of Lot 15 are zoned C-2 and the remainder of each lot is zoned R-1.

The property which is the subject of this re-zoning request had always been R-1 until its re-zoning just over a year ago. This property is an undivided portion of Lot 14 and Lot 15, the majority of which is zoned R-1. Lot 14 and Lot 15 are part of a residential neighborhood on Austin and Kay streets. The back southwest portion of the property adjoins property zoned C-2, but this is true for all of the residential property on Austin Street because these properties all adjoin property which fronts on Main Street.

Finally, Applicant would point out that the legal description of the property to be re-zoned was incorrect in all of the documents relating to its re-zoning to C-2, including the Notice of Public Hearing, the minutes from the Planning & Zoning Commission, the minutes from the City Council Meeting and the Ordinance. Granting Applicant's application to re-zone the property back to its original R-1 zoning will clear up an otherwise ambiguous zoning issue.





Z-1313

Landuse

- Rural
- ADR
- MDR
- HDR
- PF
- PARK
- COMM
- IND
- CBD-Downtown
- CBD-Uptown
- Mixed Use Corridor
- Employment Center
- Commercial Center

Subject Property



CITY COUNCIL MEMO

DATE: November 6, 2013

TO: Mayor and City Council

FROM: Brian Jordan, AICP

SUBJECT: Conditional Use Permit to expand a non-conforming use (single-family residence) allow a private school in an M-1, Light Manufacturing District at 528 S. Lincoln Street (Z-1314).

Summary:

The subject property contains a single-family residence, a garage and an accessory building. The applicant would like to convert the existing accessory building located in the rear of the property to a guest house. Since the property is located in an M-1, Light Manufacturing District, a Conditional Use Permit is required to expand a non-conforming use. The property is surrounded primarily by residential uses except to the north where there is an upholstery shop (see the attached brief for further explanation).

Recommendation:

The Planning and Zoning Commission voted unanimously to recommend approval of the Conditional Use Permit with two conditions: 1) curbing being added along Lincoln Street, and 2) improvements to the structure comply with the current building setbacks. Staff concurs with the Commission's recommendation of approval.

We have received 3 letters in support of this request, none in opposition.

Background / Analysis:

See attached Zoning Brief for request Z-1314

CONDITIONAL USE PERMIT BRIEF

Request Z-1314

Applicant: Tamara Lea Novian
Owner: Joseph Alan Michael Jones
Location: 528 S. Lincoln
Existing Zoning: M-1, Light Manufacturing
Request: Conditional Use Permit to expand a non-conforming use (Single-Family Residence) in an M-1, Light Manufacturing District.

Site Plan Overview:

- The property has approximately 99' of frontage on Lincoln Street, and a depth of approximately 145', totaling approximately 14,375 square feet.
- The property currently contains a single-family home, a garage and an outbuilding.
- The applicant intends to convert the outbuilding in the rear of the property into a guest house (see attached letter)
- The property is surrounded primarily by single-family homes which are considered non-conforming under the current M-1 zoning.
- Section 6.110 of the Zoning Ordinance states that a use may only be enlarged within the boundary of the lot in which the non-conforming use has operated upon approval of a Conditional Use Permit.
- Building coverage is estimated at 24% of the site, maximum is 75%.
- Impervious coverage is estimated at 24% of the site, maximum is 85%.

Review and Evaluation Criteria:

A. CONFORMANCE WITH APPLICABLE REGULATIONS:

- Affirmative, except that the existing buildings encroach into the building setback lines (see attached Site Plan).

B. COMPATIBILITY WITH EXISTING OR PERMITTED USES IN ABUTTING SITES:

- With the exception of the upholstery shop to the north, uses within the area are primarily residential.

C. POTENTIALLY UNFAVORABLE EFFECTS OR IMPACTS ON OTHER EXISTING OR PERMITTED USES ON ABUTTING PROPERTY:

- We do not expect the proposed use to have a negative affect on adjacent properties.

D. MODIFICATIONS TO THE SITE PLAN WHICH WOULD RESULT IN INCREASED COMPATIBILITY AND WOULD MITIGATE POTENTIALLY UNFAVORABLE IMPACTS:

- None.

- E. SAFETY AND CONVENIENCE OF VEHICULAR AND PEDESTRIAN CIRCULATION IN THE VICINITY:**
- No problems are anticipated.
- F. PROTECTION OF PERSONS AND PROPERTY FROM EROSION, FLOOD OR WATER DAMAGE, FIRE, NOISE, GLARE:**
- NA.
- G. LOCATION OF LIGHTING AND TYPE OF SIGNS; THE RELATION OF SIGNS TO TRAFFIC CONTROL AND ADVERSE EFFECTS OF SIGNS ON ADJACENT PROPERTIES:**
- NA.
- H. ADEQUACY AND CONVENIENCE OF OFF STREET PARKING AND LOADING FACILITIES:**
- Adequate parking is proposed.
- I. DETERMINATION THAT THE PROPOSED USE IS IN ACCORDANCE WITH THE OBJECTIVES OF THESE ZONING REGULATIONS AND PURPOSES OF THE ZONE IN WHICH THE SITE IS LOCATED:**
- The zoning of this lot is M-1, Light Manufacturing, and this zoning changes to R-2 Mixed Residential immediately to the west. While residential uses are not generally considered compatible with commercial or industrial uses, allowing the remodeling of an existing building for residential purposes does not seem unreasonable.
- J. DETERMINATION THAT THE PROPOSED USE WILL COMPLY WITH EACH OF THE APPLICABLE PROVISIONS OF THE ZONING ORDINANCE:**
- Additions proposed to the outbuilding are required to comply with the existing setbacks.
- K. DETERMINATION THAT THE PROPOSED USE AND SITE DEVELOPMENT, TOGETHER WITH ANY MODIFICATIONS APPLICABLE, THERETO, WILL BE COMPATIBLE WITH EXISTING OR PERMITTED USES IN THE VICINITY:**
- Affirmative.
- L. DETERMINATION THAT ANY CONDITIONS APPLICABLE TO APPROVAL ARE THE MINIMUM NECESSARY TO MINIMIZE POTENTIALLY UNFAVORABLE IMPACTS ON NEARBY USES AND TO ENSURE COMPATIBILITY OF THE PROPOSED USE WITH EXISTING OR PERMITTED USES IN THE SAME DISTRICT AND THE SURROUNDING AREA:**
- Affirmative

M. DETERMINATION THAT THE PROPOSED USE TOGETHER WITH THE CONDITIONS APPLICABLE THERETO, WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, OR WELFARE OR MATERALLY INJURIOUS TO PROPERTIES OR IMPROVEMENTS IN THE VICINITY:

- Affirmative

OPPOSITION/SUPPORT OF REQUEST: Three letters received in support, none in opposition.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Approval, conditioned upon curbing the street in front of the home, and any building additions being made within the established setbacks.

STAFF RECOMMENDATION: Staff concurs with the Commission's recommendation.

Joseph Jones
528 South Lincoln Street
Fredericksburg, Texas 78624
970-948-6404

October 3, 2013

Planning & Zoning Commission
126 West Main Street
Fredericksburg, Texas 78624
830-997-7521

Dear Planning & Zoning Commission,

Today we are here to submit a Conditional Use application for a building on our property at 528 South Lincoln Street, in Fredericksburg, Texas. The property was purchased in June of this year from the original owners, and it is currently a non-conforming residence. It is zoned in the M1 – Light Industrial section of Fredericksburg, with a designation of commercial use for the overall planning of the city.

We are requesting to modify the interior of one of the structures that is already present on the property. This building was used as a parakeet coup by the previous owner. It appears that the owner had not used the structure for some time, as the interior and roof are in need of repair. The structure is currently uninhabitable for humans, or animals.

The modifications we would like to have completed on the structure by the end of this year, would effectively transform the building into a 798 square foot guesthouse for my grandmother, Anneliese Chumley's use during her visits to Texas. My grandmother is 74 years old, and is currently living in the mountains of Colorado. During the long winters, she prefers to travel outside of the state in order to get more sunshine and less snow. We were sad to move away from her; however the chance to own a home in the beautiful town of Fredericksburg was too great an opportunity to miss. Anneliese is from a small town in Austria, and has been a United States citizen for many decades. She has not yet had the chance to experience Fredericksburg; however she is really looking forward to spending her time in the historic, and yet modern town we now call home. She especially looks forward to shopping on Main Street, and visiting the many festivals put on throughout the winter months.

We had planned on remodeling the "coup" into a guesthouse when we purchased the property so that she could come and enjoy Fredericksburg with us. Unfortunately, we were unaware of the zoning restrictions and now need to proceed with the Conditional Use application process.

The guesthouse will have two small rooms approximately 17' x 9'; as well as a living space that is 20' x 19'. We plan to install a full kitchen, and bathroom with a shower, toilet, and sink. Currently, the structure is 35' long with a 3' x 4' area on one side that was housing a heating unit. We plan to expand that wall to either side of the building and create about 95 square feet of space in order to accommodate a hot water heater, and

washer/dryer, pantry and the bathroom. We do not plan to tap directly into the city water or sewer lines. Parking will be limited to our current approximately 60' x 30' driveway. There will be no excessive traffic on the block due to the remodeling of the structure. During the construction phase of the project, approximately 3 weeks long, the workers will park in our driveway, or directly in front of the house. Work will be performed during "business hours," no earlier than 7 am and no later than 7 pm. Once complete, the guesthouse may be used sporadically throughout the year for my grandmother, or other family member guests. It is not intended for use as a full time residence.

Currently, the adjacent blocks behind our property are zoned as Medium Density Residential. Other structures in our neighborhood are non-conforming residential. Although the overall plan for the area is commercial/light industrial, there is currently only one business that meets that description on our block. Mr. Stephen Durst, of Durst Upholstery, has a warehouse connected to his residence. We do not foresee any objections from our neighbors as the remodeling of the parakeet coup would only improve the look of our property, and would not impede upon our neighbors.

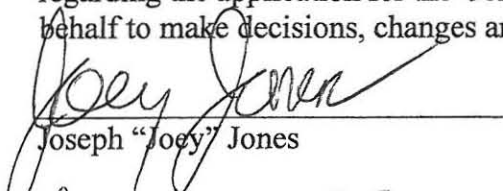
Thank you for the consideration of our application for the Conditional Use of the structure on our property as a guesthouse.

Sincerely,

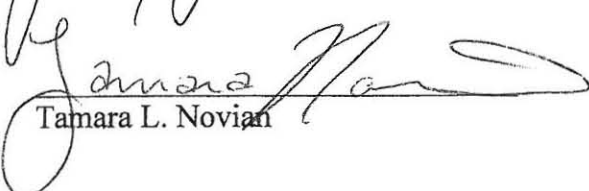


Joseph "Joey" Jones
Owner

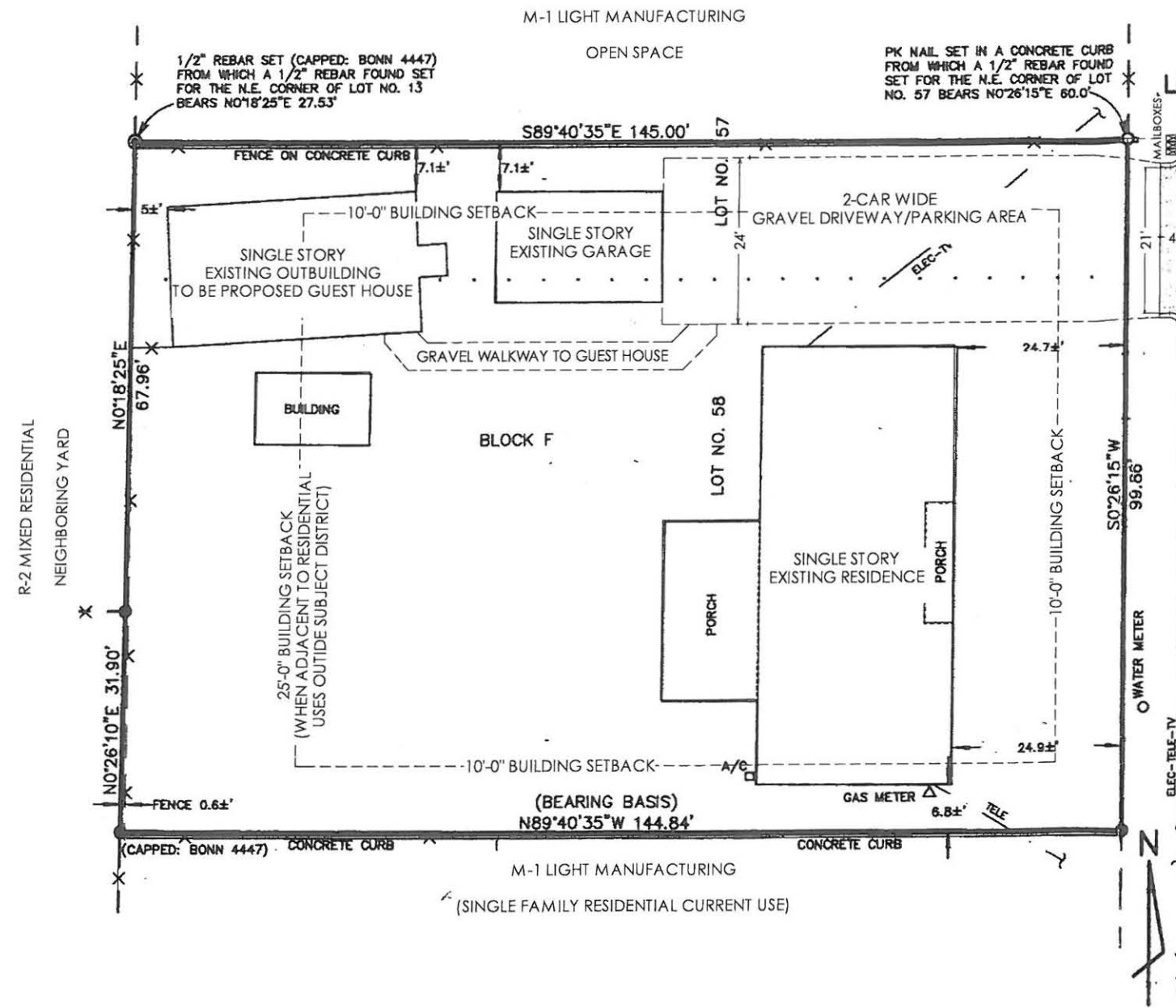
This letter also authorizes Tamara Lea Novian to act as my agent, or representative regarding the application for the Conditional Use Permit. She is authorized to act on my behalf to make decisions, changes and/or submissions requested, or required.


Joseph "Joey" Jones

10/5/2013
Date


Tamara L. Novian

10-5-2013
Date



SURVEY MAP SHOWING
A 0.33 ACRE TRACT OF LAND, BEING ALL OF
LOT NO. 58 & PART OF LOT NO. 57, BLOCK F,
SOUTH SIDE ADDITION, SITUATED IN THE
CITY OF FREDERICKSBURG, GILLESPIE
COUNTY, TEXAS, PLAT FOUND OF RECORD
IN VOLUME 11, PAGE 611 OF THE DEED
RECORDS OF GILLESPIE COUNTY, TEXAS.
SURVEY MADE AT THE REQUEST OF
JOE D. KAISER, ET AL

SITE PLAN NOTES & DATA:

528 S. LINCOLN ST, FREDERICKSBURG, TEXAS

- PROPOSED USE:**
 -Existing Back Out Building for Guest House for Occasional Use; No New Construction
- ZONING SUMMARY:**
 -Zoned: M1 - Light Manufacturing (Currently being used as Single Family Residential)
 -Actual Lot Size: ~14,375 SF(.33 Acre) (Min. 5000 SF)
 -Building Heights: All One Story Buildings < 15' Hgt. (Maximum Building Height: 3 Stories; 38 feet)
 -Building Coverage: (All Existing) 3445 SF (24% of site) (Max 75%)
 -Impervious Coverage: (All Existing Buildings Only) 3445 SF (24% of Site) (Max 85%)
 -Driveway/Parking/Walkways to be Pervious Materials
 -Minimum Required Setbacks: Front Yard: 10 feet ; Interior Side Yard: 10 feet*;
 Rear Yard: 10 feet* (* 25 feet when adjacent to Residential uses outside subject district)
- OTHER REQ. INFO:**
 -Parking Spaces Required (Per Section 7.863): Single Family Residential : 2 Spaces Per Dwelling Unit
 -Perimeter Fencing: Existing Fencing
 -All Utilities to Remain in Existing Locations

Prepared By:
 Shayna Thompson
 830.998.1673
 fbgdesign@hotmail.com

Owner: Joseph Alan Michael Jones
 528 S. Lincoln Street
 Fredericksburg, Texas

Site Plan
 1" = 10'-0"
 10.7.13

Zoning

- C1 - Neighborhood Commercial
- C2 - Commercial
- CBD - Central Business District
- M1 - Light Manufacturing
- M2 - Medium Manufacturing
- M3 - Industrial Park
- OS - Open Space
- PF - Public Facilities
- PUD - Planned Unit Development
- R1 - Single Family Residential
- R2 - Mixed Residential
- R3 - Multi-Family Residential
- R4 - Manufactured Home Residential
- R5 - Patio Home Residential

24

Subject
Property

Z-1314

GRANITE AVE.

WALNUT

WALNUT

S. LINCOLN

KRAUPAHEN

HALE

S. WASHINGTON (HWY 87 S.)

LONGHORN

HENRIETTA

E. WINDCREST

HILL

HILL

E. HILL

MUELLER





CITY COUNCIL MEMO

DATE: November 18, 2013

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: Proposed New Parking Ordinance

Summary:

The attached parking ordinance has been revised to primarily deal with the parking of large vehicles in public rights-of-way.

Recommendation:

It is recommended that the attached parking ordinance be approved with any revisions recommended by the Council at Monday's meeting.

Background / Analysis:

About a month ago, the Council was presented with a proposed comprehensive parking ordinance that included a number of restrictions on parking of large vehicles on both private and public property. The Code Enforcement Officer presented photos showing how some of these vehicles were impacting our residential neighborhoods. The City Council expressed a number of concerns regarding

the proposed regulations. In addition, at the last City Council meeting several local citizens spoke against certain provisions in these regulations dealing with private property.

Over the past several weeks, the City Attorney and I met with the Mayor to discuss these concerns. Following this meeting we prepared a completely new draft ordinance that was sent to the Police Chief for his review. He offered several changes that will enhance the enforceability of these regulations. A final draft was then prepared and sent to the Council about a week ago and we did not receive any additional concerns. We also posted this new draft on the City website and I have had no additional citizen concerns expressed about the revised regulations.

11/7/13 after email from Mayor and discussion with Steve

BASICALLY: ALL PARKING ON PROPER SURFACES

IN COMMERCIAL STREETS: NO RESTRICTIONS

IN RESIDENTIAL STREETS: NO BIG THINGS (EXCEPT RV'S AND FARM TRAILERS FOR NO MORE THAN A WEEK) OTHER THAN IF DURING THE DAY, BEING USED OR FOR EMERGENCY

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 44, TRAFFIC AND MOTOR VEHICLES, ARTICLE VI, STOPPING, STANDING AND PARKING, SECTION 44-224, PARKING ON APPROVED SURFACES AND IN APPROVED SPACES, ADDING SECTION 44-225 PARKING ON PUBLIC PROPERTY, STREETS, RIGHTS OF WAY, ALLEYS, OR OTHER PUBLIC EASEMENTS IN OR BORDERING RESIDENTIALLY ZONED AREAS OF THE CODE OF ORDINANCES OF THE CITY OF FREDERICKSBURG PROVIDING LIMITATION ON PARKING IN ALL AREAS OF THE CITY AND GREATER LIMITATIONS ON PARKING IN RESIDENTIALLY ZONED AREAS OF THE CITY AND AMENDING CHAPTER 14, ENVIRONMENT, ARTICLE II, UNSIGHTLY OR INSANITARY ACCUMULATIONS- PUBLIC NUISANCE ADDING SECTION 14- 19 (b) TO PROVIDE THAT IT IS A NUISANCE TO USE A VEHICLE FOR THE STORAGE OF TRASH; PROVIDING FOR PENALTIES, AND SETTING AN EFFECTIVE DATE.

WHEREAS, The City Council has determined that the parking of vehicles such as large commercial vehicles, tractors, trailers and the like over sidewalks, in yards, long term in certain residential areas, and recreational vehicles and boats without screening is detrimental to the orderliness, of the City, that parking of the same in the streets can cause a safety hazard in ceratin areas, and that the same need to be regulated; and

WHEREAS, the City Council of the City of Fredericksburg has determined that the following regulations should be adopted to further the health, safety and welfare of the citizens of the City of Fredericksburg; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS THAT THE FOLLOWING ORDINANCE BE AND IS HEREBY ENACTED AND THAT SECTION 44-224 BE AMENDED, THAT SECTION 44-225 BE ADDED AND THAT SECTION 14-19 (b) BE ADDED AND EXISTING 14-19 (b) BE RE-NUMBERED TO BE SECTION 14-19 (c) ALL OF THE CODE OF ORDINANCES OF THE CITY OF FREDERICKSBURG AS FOLLOWS:

Chapter 44

TRAFFIC AND MOTOR VEHICLES

Article VI Stopping, Standing and Parking

Sec. 44-224 Parking on approved surfaces and in approved spaces.

(a) The following provisions apply to property which is not publically owned, which is not a street or right of way, alley or public easement:

(1) It is declared to be a nuisance and is unlawful for any person to park, store,

allow to remain, or permit another to park, store or allow to remain a motor vehicle as defined in the Transportation code of the State of Texas, or any boat, trailer, recreational vehicle or camper whether operative or not, or whether containing all of its parts or not, on any property, other than on an All Weather Surface for parking of the size and material as set forth in Section 7.860 of this Code of Ordinances and as described below.

(2) All Weather Surface, for the purpose hereof shall mean a solid surface, asphalt, gravel-on-base material, concrete, concrete pavers or other approved material pavers, all constructed in accordance with city standards and compliant with the total allowed impervious cover permitted for the particular property. Provided, however, no residentially zoned property may contain an All Weather Parking surface of more than fifty (50%) of the front yard of the property.

(3) All Weather Surfaces for parking shall be maintained in good and safe conditions, and shall be free of defects affecting the use, safety, appearance or drainage of the Improved Surface or the adjoining property.

(4) It is a defense to this section (a) that the vehicle was so parked during daylight hours (defined as: 7 am on one day and 8 pm on the same day) for the purpose of construction on the property in question or for an emergency (defined as any occurrence or set of circumstances involving actual or imminent physical trauma or property damage or loss that demands immediate action.)

(b) The following provisions apply to property which is publically owned, which is a street or right of way, alley or public easement:

(1) It is declared to be a nuisance and is unlawful for any person to park, store, allow to remain, or permit another to park, store or allow to remain a motor vehicle as defined in the Transportation code of the State of Texas, or any boat, trailer, recreational vehicle or camper of any description, whether operative or not, or whether containing all of its parts or not, so as to extend into any sidewalk, public right of way or easement unless properly parked in approved parking spaces or areas.

(2) It is a defense to prosecution under this section (b) that the vehicle or trailer was so parked because of an emergency (defined as any occurrence or set of circumstances involving actual or imminent physical trauma or property damage or loss that demands immediate action) or for the purpose of construction on the property in question, if it was necessary to do so.

44- 225 Parking on public property, streets, rights of way, alleys, or other public easements in or bordering residentially zoned areas.

(a) It is declared to be a nuisance and is unlawful for any person to park, store, allow to remain or permit another to park, store or allow to remain any **tractor (farm or otherwise), other heavy equipment, semi-tractor/trailer, bus with over twelve person capacity, truck over 30,000 Gross Vehicle Weight**, or any parts thereof, in or bordering a residentially zoned area, within publically owned property, a street, right of way, alley or public easement. It is a defense to prosecution under this section that the defined item was so parked during daylight hours (defined as: 7 am on one day and 8 pm on the same day), actively being utilized in the loading or unloading of material, goods or passengers or parked because of an emergency (defined as any occurrence

or set of circumstances involving actual or imminent physical trauma or property damage or loss that demands immediate action.)

(b) It is declared to be a nuisance and is unlawful for any person to park, store, allow to remain or permit another to park, store or allow to remain any **recreational vehicle, camper, trailer, boat or boat trailer**, or any parts thereof, within publicly owned property, a street, right of way, alley or public easement in or bordering a residentially zoned area. It is a defense to prosecution under this section that the defined item was so parked during daylight hours (defined as: 7 am on one day and 8 pm on the same day), actively being utilized in the loading or unloading of material, goods or passengers, parked because of an emergency (defined as any occurrence or set of circumstances involving actual or imminent physical trauma or property damage or loss that demands immediate action), or that it is a recreational vehicle or farm trailer parked for no longer than seven overnight periods in any one calendar month.

Chapter 14

ENVIRONMENT

ARTICLE I. IN GENERAL

Sec. 14-19 Public nuisance declared.

(b) It shall be unlawful for any person or entity who shall own or occupy any property in the City to use or allow the use of a vehicle, trailer, part of a vehicle or trailer or other vehicle attachment for the storage of junk, trash and/or debris or for housekeeping, living, or sleeping quarters not normally associated with the intended use of the said item.

Sec. 14-19 (b) beginning: "For the purposes hereof.....", the following definitions are used:

is hereby re-numbered to be Sec. 14-19 (c) .

Other than as hereinabove set out, all sections and parts of sections not changed shall remain as written.

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

Severability / Invalidity.

If any provision of this ordinance or the application hereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without defeating the purpose or objective of the provisions, and to this end, the provisions of this ordinance are declared to be severable.

Repealer

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

Penalties

Penalties provided for in the Code Ordinances of the city of Fredericksburg shall apply to violations hereof.

This ordinance shall take effect from and after the date of its passage and publication in accordance with the law.

PASSED AND APPROVED this the _____ day of _____, 2013

Jeryl Hoover, Mayor
City of Fredericksburg

ATTEST:

Shelley Britton, City Secretary

APPROVED AS TO FORM:

Pat McGowan, City Attorney



CITY COUNCIL MEMO

DATE: November 13, 2013

TO: Mayor and City Council

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

SUBJECT: WWTP Master Plan Project Update

Summary:

HDR Engineering and City Staff have been working together to develop the WWTP Master Plan. As part of the project, HDR has provided the City operational and regularity support regarding the WWTP. An HDR operational specialist spent two days at the WWTP analyzing operations, the facilities' equipment, and lab sampling and testing procedures. HDR and City Staff met with the Texas Commission of Environmental Quality (TCEQ) in Austin to discuss the WWTP Master Plan, WWTP discharge permit renewal, and other past and future items at the WWTP. Additionally, HDR has completed the first of three tasks for the WWTP Master Plan, which includes the development of the Baseline Technical Memorandum (Baseline TM).

Recommendation:

City Staff, along with HDR will provide a project update to inform City Council about the WWTP Master Plan Project.

Background / Analysis:

The City's WWTP was constructed in 1995. Since 1995, few infrastructure improvements have been made to keep the plant in good operating condition. Last year, the Council approved a contract with Matous Construction to install a new bar screen. This project is near completion and will eliminate large debris from by-passing the headworks and entering the downstream treatment processes. However, other major infrastructure improvements are necessary as well. Such improvements include aeration basin, sludge dewatering, chemical storage and site security improvements.

Additionally, in the last few years the WWTP has had issues meeting the ammonia-nitrogen discharge limits set by the TCEQ with the City's discharge permit. As a result, the City has had to fund Supplemental Environmental Projects, such as the Household Hazardous Waste Clean-up.

As part of the WWTP rehabilitation process, City staff proposed creating a good "roadmap" to determine the best approach and treatment technologies available for the WWTP. This "roadmap", in the form of a WWTP Master Plan, will optimize the City's available funds for these projects, create a solution to ensure the treatment process is in compliance with State regulations, plan for future nutrient discharge limits, and give guidance to creating an efficient process at the WWTP. The WWTP Master Plan has three (3) parts.

- Task A: Data Acquisition, Regulatory Review and Condition Assessment
- Task B: Facilities and Unit Process Alternative Evaluation
- Task C: Alternative Development, Cost Estimating and Construction Phasing.

In September, the City Council awarded a contract with HDR Engineering to develop a WWTP Master Plan. As part of the project, HDR has provided the City operational and regularity support regarding the WWTP. An HDR operational specialist spent two days at the WWTP analyzing operations, the facilities equipment, and lab sampling and testing procedures. To summarize HDR's time spent at the WWTP, they provided a technical memo with operational data and recommendations to insure the City stays within the permit limits at the WWTP until completing the WWTP rehabilitation project.

Additional, HDR and City Staff met with the Texas Commission of Environmental Quality (TCEQ) in Austin to discuss the WWTP Master Plan, WWTP discharge permit renewal, and other past and future items at the WWTP. The meeting with TCEQ was invaluable as the City will be working closely with TCEQ in the next couple of years with the permit renewal process and the WWTP rehabilitation project.

HDR has completed the first task of the WWTP Master Plan, which included developing the Baseline Technical Memorandum. As you will recall, the Baseline TM includes three (3) major components.

1. Data Acquisition
2. Regulatory Review

3. Condition Assessment of the WWTP

With this task completed, HDR will proceed with the remainder of the WWTP Master Plan, including 1. Facilities and Unit Process Alternatives Evaluation; and 2. Alternative Development, Cost Estimating and Construction Phasing. The WWTP Master Plan is scheduled to be completed in late February. After completing the next phase of the WWTP Master Plan, City staff will prepare a presentation and provide the City Council with a project update, which will include a recommendation of the process alternative for the ultimate build out of the WWTP rehabilitation project.



CITY COUNCIL MEMO

DATE: November 18, 2013

TO: Mayor and City Council

FROM: Kent Myers., City Manager

SUBJECT: Presentation on Complete Streets

Summary:

Several members of Fredericksburg Shines, a local non-profit organization, have requested an opportunity to present information on a Complete Streets program that they recommend the City consider implementing in the future.

Recommendation:

No action is required by the City Council as this presentation is intended only for educational purposes.

Background / Analysis:

For the past year, a sub-committee of Fredericksburg Shines has researched the design concept of Complete Streets. Clinton Bailey, Walter Ragsdale and I have attended several of their meetings. This new concept is a way of arranging city streets to accommodate all types of transportation modes. They have requested this opportunity to brief the Council on their research and encourage that the City consider this concept in the planning and design of future roadway. I have included an article from last Sunday's San Antonio Express News that explains this concept in more detail.

The City of Fredericksburg

BUILDING SAN ANTONIO *by Christine Viña*

Complete streets are vital to urban living

The grassroots momentum throughout our city toward efforts that focus on pushing our downtown to be a better model of urban development is encouraging.

The resurgence in both the commercial and residential markets in downtown and near-downtown neighborhoods is evident. Small- and large-scale residential infill projects are popping up north and south of downtown, and they are being leased or sold before the construction is finished.

While some inner-city schools are perceived as barriers to young families moving to the downtown area, those who don't have to consider schools are flocking to amenities that only vibrant downtown neighborhoods can offer. Recent informal polling in some of the downtown commercial corridor businesses showed strong patronage by adults of all ages who live near or outside Loop 504. Anecdotally, the visitors often state that there isn't much of "this" up there. When pressed to define "this," patrons refer to the ambiance of a walkable neighborhood with a regular street grid, variety of locally based restaurants and a lot of street life.

As city and community planners know, the ability to create such an ambiance generally doesn't happen unless the underlying streetscape — defined by the street pattern and condition — contributes to the economic life of the city in the form of mixed-use development.



Christine Viña is an architect and planner.

That includes retail, office, commercial and residential spaces.

Last week, the UTSA Urban & Regional Planning program, in conjunction with the non-profit organization imagineSanAntonio, hosted a forum on Urban Connectivity, and outlined the concept of complete streets — arranging the public rights-of-way so all users (pedestrians, cyclists, motorists, transit) can coexist and function well.

The forum highlighted how an interconnected, uninterrupted street grid is the lifeblood of any city, especially in downtown. Attendees were reminded how the "distance an army could walk in one day" became the almost three-mile distance between the original encampment nodes in the city. If we compare that to current regulatory measures and planning guidelines, a 5- to 10-minute walkable distance — up to a half-mile — becomes the radius by which we plan walkable neighborhood nodes that knit the city together through a grid. Ideally, in an urban context, one should be able to walk to one's daily locations within that radius and take public transit for farther destinations.

However, the condition and ambiance of the street through which one

traverses makes all the difference in how long, and even if, someone will walk, especially in summer. Sidewalks at least 6 feet wide (up to 12 feet if shared with bicycles), with shading from trees or building canopies, can offer its patrons a wonderful backdrop for urban life.

I was once told that the "perfect width of a downtown urban street is 16 feet," to allow for street furniture, utilities, a passageway and seating for outdoor cafés.

At night, the height of and type of light emitted from lighting fixtures can make or break whether people want to use a street, which directly impacts the economic bottom line, especially for retail and restaurants, and residential unit access points, which are vital to the ground floor of city-life streets.

The concept of complete streets has been adopted into recent downtown planning efforts.

The way we address our public realm — whether street grid, streetscape and sidewalk — is important to the way residents use them and is important to the economic viability of the businesses along them.

The opportunity for the mixed-use development that tends to locate on well-designed streets and sidewalks also makes a lot of sense — street sense!

Christine Viña serves as the AIA-SA commissioner of government and community affairs.



CITY COUNCIL MEMO

DATE: November 18, 2013

TO: Mayor and City Council

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

SUBJECT: Consider Wholesale Power Purchases

Summary:

The City of Fredericksburg and other Power Supply Aggregation Group (PSAG) members currently receive 10% of their load from AEP. This will increase to 15% on July 1, 2014. This will increase again to 20% on July 1, 2015. Contracts with AEP end June 30, 2017 after which Fredericksburg will be responsible to procure 5% of its energy from the market from July 1, 2015 to June 30, 2017. The 5% energy procurement requirement is based on the notice to increase load release to 20% provided to LCRA in June 2013 above the already contracted 15%. Fredericksburg will be responsible to procure 20% of its energy from the market following the conclusion of the AEP contracts.

In October of this year, Schneider Engineering issued a limited release Request for Proposals to the market for pricing starting July 1, 2016 with the following four term options:

1. 1 Year Term (July 2015-June 2016)
2. 2 Year Term (July 2015-June 2017)
3. 3 Year Term (July 2015-June 2018)
4. 4 Year Term (July 2015-June 2019)

Prices were received from the following four electric suppliers:

1. EDF
2. AEP
3. GPL
4. NextEra

Potential cost savings were calculated from LCRA power cost forecasts derived from LCRA FY 2014 Business Plan for each supplier for each of the four above listed terms.

Recommendation:

Following review and discussion of current and proposed pricing in executive session, it is recommended that the City Council decide whether or not to select a new electric provider with whom to contract, decide on the term of the contract if a new electric provider is selected and determine future levels of participation in load release.

Background / Analysis:

The City is part of a Power Supply Aggregation Group of municipally owned utilities. This group includes Brady, Cuero and Lockhart. The Group has retained the services of Schneider Engineering to evaluate the anticipated pricing of power from LCRA compared to the pricing of power purchased on the open market. A status report from Schneider Engineering was presented to the City Council during their regular meeting on June 3, 2013 regarding the amount of power we currently purchase from LCRA and the power we presently purchase from the open energy market. Following review and discussion on current pricing information in executive session, the City Council decided to purchase an additional 5% of our power on the open market starting in FY 2018 which increased the City's overall open market power purchase from 15% to 20%.



CITY COUNCIL MEMO

DATE: November 13, 2013

TO: Mayor and City Council

FROM: Brad Kott, Director of Finance

SUBJECT: Award Bid for Landfill 953D Track Loader Lease/Purchase Financing

Summary:

The City requested bids for the lease purchase financing of \$199,000 for a new 953D Track Loader at the Landfill. Two bids were received, from Houston Community Bank and Government Capital Corporation.

Recommendation:

Both bids were competitive. Staff recommends awarding the financing to Houston Community Bank with their bid of 1.92% annual interest. The annual debt payment using this interest rate amounts to \$67,693 each year which is less than the \$ 75,900 budgeted for FY 2014. The purchase price of the equipment was less than estimated and the borrowing rate is much less than the 3.00% interest rate that was used for budgeting purposes.

Government Capital Corporation submitted a bid of 3.21%.

Background / Analysis:

The City has used Houston Community Bank in the past to finance lease/purchase equipment and has received excellent service.



CITY COUNCIL MEMO

DATE: November 18, 2013

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: Nominations-Gillespie Central Appraisal District Board of Directors

Summary:

The City is allowed 400 votes for the five nominees for the Board of Directors of the Gillespie Central Appraisal District and the Council should decide how to allocate these votes

Recommendation:

It is recommended that the City Council approve the City's allocation of votes for one or more of the nominees shown on the attached ballot.

Background / Analysis:

Each taxing entity in Gillespie County is allocated a number of votes based upon the value of their property. The City has 400 votes that should be allocated to one or more of the nominees for the Board of Directors.



GILLESPIE CENTRAL APPRAISAL DISTRICT

101 W. Main, #11
Gillespie County Courthouse
Fredericksburg, TX 78624
Phone (830) 997-9807
Fax (830) 990-0860

October 28, 2013

Mr. Kent Myers
City of Fredericksburg
126 West Main St.
Fredericksburg, Texas 78624

RE: Gillespie Central Appraisal District Board of Director's Nominations

Dear Mr. Myers,

The terms of the current Directors of the Gillespie Central Appraisal District will expire on December 31, 2013. The governing bodies of voting taxing units within the appraisal district have nominated the attached list of candidates. The Gillespie CAD Board of Directors has five elected positions.

Enclosed with your entity manager's letter you will find the ballot of nominees. Under the column Total Votes is the number of votes that your entity is allowed to cast. You can split your votes however your entity decides. Please write the number of votes that you wish to cast under the name of each candidate.

Each voting entity must then notify the Gillespie CAD by **December 15, 2013**, after casting their allotted votes per candidate by written resolution. The chief appraiser will then notify the entities of the outcome.

For your information, the following is a list of the current board members.

Tim Dooley, Chairman
James McAfee, Vice-Chairman
Tony Klein, Secretary
Donald Davis
Wayne Harrell

If you should have any questions on the process, please do not hesitate to contact me.

Sincerely;

David D. Oehler, RPA
Chief Appraiser

GCAD BOD BALLOT 2014-2015 RESULTS		Nominated by: FISD	Nominated by: FISD	Nominated by: FISD	Nominated by: FISD & Gilles Co.	Nominated by: FISD
Voting Entities	Total Votes	Don Davis	Tim Dooley	Wayne Harrell	Tony Klein	Jim McAfee
		Place # of Votes under corresponding nominee				
Doss CCSD	32					
Harper ISD	326					
City of Fredericksburg	400					
⁴ Gillespie County	1,051					
Fredericksburg ISD	3,191					
TOTAL	5,000					

Entity Name: _____

Signature: _____ Date: _____



CITY COUNCIL MEMO

DATE: November 6, 2013

TO: Mayor and City Council

FROM: Brian Jordan

SUBJECT: Planning and Zoning Commission Appointment to replace Matt Lines.

Summary:

Matt Lines, a member of the Planning and Zoning Commission has resigned from the Planning and Zoning Commission. His term will expire in July, 2014. At the previous Council Meeting, we discussed to process to fill this position and it was determined that we would put an add in the newspaper and on the City's website, as well as consider the current applications from Daryl Whitworth and Donnie Finn. Mr. Whitworth and Mr. Finn are willing to serve if appointed (applications attached).

Recommendation:

Appoint either Mr. Whitworth or Mr. Finn to finish the term of Mr. Lines, or consider any new applications received by the deadline November 15, 2013.

Background / Analysis:

Attached is a list of current members of the Planning and Zoning Commission and their current terms.



City of Fredericksburg

Application for Consideration of Appointment

Board / Commission / Committee You Are Applying For: (Check all that may apply)

- ☐ Planning & Zoning ☐ Historic Review Board ☒ Board of Adjustment
☐ G.C. Economic Development Commission ☐ City/County Health Board
☐ Other _____

Name: Mr Daryl G Whitworth Date: 7-16-2013
(Title) (First) (M.I.) (Last)

Home Address: 2146 Lightstone 830 990 0181
(Street) (Home Phone Number)

Mailing Address: 136 E main Ste 3 940 665 1339
(Street or Post Office Box #) (Business Phone Number)

Fax Number: 940-665-0076 E-mail Address: daryl.whitworth@maddenmedia.com

Employer: Madden Media - 345 E Toole Ave Tucson AZ 85701
(Name / Address)

Occupation: Regional Account Manager

Are you a qualified voter of the City of Fredericksburg?

☒ Yes

☐ No

Are you a City of Fredericksburg resident?

☒ Yes

☐ No

How Long? 17 years - born here

So the council may know more about you, please complete the following:

Education: MBA - Angelo State; BS Angelo State

Volunteer Experience / Community Service: too much to list

Fourth of July parade organizer, events volunteer

Areas of Interest: history, historic preservation, economic development of area,

Please specify membership on any other governmental or community board/commission/committee:

None to date - previously was a conflict of interest with CVB

Please provide a brief narrative outlining your reasons for seeking appointment to a board or commission.
(Resumé or additional information may be attached.)

I was brought up to be a community minded individual and have given untold hours to the betterment of this community

Daryl Whitworth
Signature

July 16, 2013
Date

Please return the completed form to the City Manager's office for processing. Your application will be kept on file for 12 months.



City of Fredericksburg

Application for Consideration of Appointment

Board / Commission / Committee You Are Applying For: (Check all that may apply)

- ☒ Planning & Zoning ☐ Historic Review Board ☒ Board of Adjustment
☐ G.C. Economic Development Commission ☐ City/County Health Board
☐ Other _____

Name: Donnie R Finn Date: 7-22-13
(Title) (First) (M.I.) (Last)

Home Address: 1211 Running Buck Lane 830-997-0405
(Street) (Home Phone Number)

Mailing Address: 830-997-9551 x 1030
(Street or Post Office Box #) (Business Phone Number)

Fax Number: 830-997-6164 E-mail Address: donnief@fisd.org

Employer: Fredericksburg Independent School District
(Name / Address)

Occupation: Assistant Superintendent Operations & Personnel

Are you a qualified voter of the City of Fredericksburg? ☒ Yes ☐ No

Are you a City of Fredericksburg resident? ☒ Yes ☐ No How Long? 9 yrs

So the council may know more about you, please complete the following:

TSCI - Superintendent Cent

Education: Sam Houston State University - B.A.T., University of Houston - Victoria - M.Ed

Volunteer Experience / Community Service: Kiwanis Club, Fredericksburg Youth Baseball Assoc., Young Life, Fisd Community Ed., Pacific Museum, Oktoberfest, NIOF

Areas of Interest: anything to help Fredericksburg

Please specify membership on any other governmental or community board/commission/committee:

Texas Higher Education Board, membership chair Texas Assoc. of Personnel Admin, safety board committee member Texas Assoc. of School Boards, HR committee member Texas Assoc. of School Administrators

Please provide a brief narrative outlining your reasons for seeking appointment to a board or commission.

(Resumé or additional information may be attached.)

I would like to serve my community by providing leadership to enhance and keep Fredericksburg among the best towns to live and visit in the state.

Signature [Signature]

7-22-13

48 Date

Please return the completed form to the City Manager's office for processing. Your application will be kept on file for 12 months.

Donald Ray Finn, Jr.

1211 Running Buck Lane ~ Fredericksburg, Texas 78624-2537 Home Phone 830-997-0405
Cell ~ 830-889-9566 ~ Work 830-997-9551 ~ Fax 830-997-9164 Email: donnief@fisd.org

► EDUCATION AND CERTIFICATIONS

- 03 Texas Superintendents' Certification Institute: ESC XIII & ESC XX
Emphasis: Texas Superintendent Qualifications/Certificate
- 97 Masters of Education: University of Houston-Victoria
Major: Administration and Supervision- Mid-Management Administrator
- 89 Bachelor of Arts in Teaching: Sam Houston State University
Major: Kinesiology, Minors: English & Secondary Education

Texas Educator Certificates

Superintendent (EC-12)	Standard	Expires	2014
Mid-Management Administrator (PK-12)	Professional	Life	
Secondary Physical Education (6-12)	Provisional	Life	
Generic Special Education (6-12)	Standard	Expires	2014
Secondary English Language Arts (6-12)	Provisional	Life	
Secondary History (6-12)	Provisional	Life	

► HONORS AND AWARDS

- 11 Administrator of the week for Gillespie Standard News, article about me and what I do for Fredericksburg ISD schools
- 09 Honored as writer and winner of 5 consecutive TASB Safety Grants at members' conference
- 05 Membership/Recruiting Award Kiwanis International Club Gillespie County
- 00 Nominated for Outstanding Secondary Principal of the Year- HEB Excellence
- 94 Finalist for Teacher of the Year, Fort Bend Elkins HS
- 91 Finalist for Teacher of the Year, Fort Bend Dulles HS
- 90-88 Delta Phi Epsilon Kinesiology Honor Society- Sam Houston University

► PROFESSIONAL EXPERIENCE

- 13-05 Assistant Superintendent of Operations & Personnel- Fredericksburg ISD
- 05-03 Director of Human Resources- Fredericksburg ISD
- 03-00 Principal and UIL Director for District 26AA - Center Point High & Middle School
- 03-00 Budget Director and Grant Writer- Center Point ISD
- 98-00 Vice Principal- Bandera Middle School
- 98-97 Freshman English Team Leader, Varsity Football- Alief Elsik High School
- 97-90 Senior English Teacher, Football, Basketball, Baseball, Track- Fort Bend Schools

► PUBLICATIONS/PRESENTATIONS

- 13 FISD School Safety presentation article in local paper and TEXASISD News
- 12-05 My TASB School Safety Grants were used as examples for others in magazine
- 11-10 Assisted with School Safety District Audit Report at TASB Risk-Management Members Conference
- 08 Assisted peer in presentation at TASA Mid-Winter Conference on NCLB HQ issues
- 06 Tabletop discussion at TASPAs conference on issues about NCLB HQ
- 05 "Tidings from Gillespie County" Gillespie County Leadership Class article for Fredericksburg Standard Post Newspaper
- 04 "Larry Gatlin FYBA Concert" Fredericksburg Youth Baseball Association article for Fredericksburg Standard Post Newspaper
- 04 "Teacher Certification Requirements and Issues" presentation at TASPAs conference
- 03 "Years Fly By" article in Texas Coach ~ October 2003
- 03 "Dancing with the Bear; School & Community Relations" presentation at ESC XIII workshop
- 02 "Public School Employment Issues in Texas" presentation at ESC XX workshop/class
- 98 "Off the Field Influence" article in Texas Coach ~ October 1998

► PROFESSIONAL ORGANIZATION MEMBERSHIP AND ACTIVITIES

13-05 Texas Association of School Boards
13-03 Interscholastic Track Officials Association of Texas
13-90 Texas High School Coaches Association
13-98 Texas Association of Administrators and School Personal
05-04 Gillespie County Leadership Program
12-03 Texas Association of School Personnel Administrators
07-04 Kiwanis International Club Gillespie County-still volunteer on projects
04-99 Kiwanis International Club Bandera County

► CONSULTING OR ADVISORY ACTIVITIES

13 Tabletop discussion member at TASA Mid-Winters Conference
12-10 Advisory committee member for conducting DAR School Safety Audits
09-08 TASA Tabletop discussion member for hard-to hire teachers committee, Hill Country Representative
07-04 Texas Association of School Personnel Administrators Nomination Committee
07-06 Hill Country Higher Education Consortium
03-00 Kerr County Educational Committee
01-0 Committee Member- US Blue Ribbon Schools-(NEA)

► REFERENCES

Dr. Marc Williamson, 830-997-9551 marc@fisd.org
Superintendent, Fredericksburg Independent School District
234 Friendship Lane, Fredericksburg, Texas 78624

Dan Mittle, 830 997-5612 info@gastehaus.com
Ex-Fredericksburg City Council member
Owner Gastehaus Schmidt Reservation Service
231 W Main Fredericksburg, TX 78624

Jim McAfee, 830-997-4763 james.mcafee@lpl.com
City of Fredericksburg Board Of Adjustment Committee Member
Gillespie County Appraisal District
Joseph Financial Partners
123 W. San Antonio St.
Fredericksburg, TX 78624

David Shanley, 830-868-7410 DShanley@Johnsoncity.txed.net
Superintendent, Johnson City Independent School District
303 North LBJ Drive, Johnson City, Texas 78636

Clem Zapata, 512-467-0222 Clem.Zabalza@tasb.org
Division Director, Texas Association of School Boards Loss Prevention Services
P.O. Box 400, Austin, Texas 78767

PLANNING AND ZONING COMMISSION**TERM EXPIRES:**

Bobby Watson Partner with Miller & Associates (Manufacturer Representatives, Commercial Kitchen Equipment)	7/2015
Steve Thomas Architect	7/2016
Chris Kaiser Builder	7/2014
Charlie Kiehne Realtor	7/2015
Janice Menking - Chair Controller, Hill Country Memorial Hospital	7/2016
Brenda Segner - Vice Chair Accounting & Compliance, Brent Forrest & Associates, Inc.	7/2014
Bill Pipkin Banker	7/2016
Todd Willingham Insurance Agent	7/2015
Vacant (Matt Lines)	7/2014

Tammie Loth

From: Matt Lines <mlines@bootranch.com>
Sent: Tuesday, October 22, 2013 3:00 PM
To: Brian Jordan
Cc: Tammie Loth
Subject: Planning and Zoning Commission Resignation

Dear Brian,

As we have touched on over the course of the last couple months, other commitments have caused me to miss several meetings. This will likely be the norm for the rest of the year and well into 2014. With that said, I'd like to request removal from the Commission as I will not be able to devote the attention and effort that's necessary to be effective.

Please know that I have thoroughly enjoyed my experience on the Commission and interacting with all parties. My fellow Commissioners, Tammie, and you make even the most difficult issues as streamlined as possible. The way you organize and present each case truly makes our work much more efficient.

Thank you,

Matt M Lines
Director of Development
776 Boot Ranch Circle
Fredericksburg, TX 78624
T: 830.990.7624 F: 990.7666
Cell: 830.998.8300

Please consider the environment before printing this email or any attachments.