CITY OF FREDERICKSBURG
CITY COUNCIL MEETING

MONDAY, DECEMBER 16, 2013 ~ 7:00 p.m.

Law Enforcement Center ~ 1601 East Main Street

Jeryl Hoover, Mayor	Gary Neffendorf, Council Member
Tim Dooley, Council Member	Kathy Sanford, Council Member
Graham Pearson, Council Member	Kent Myers, City Manager

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

AGENDA

CALL TO ORDER.

PLEDGE OF ALLEGIANCE.

Page Ref

1. Approve minutes of November 2013 meetings. — 1-7

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

   A. Consider Ratification of Mediation Settlement Agreement - Washburn Property. — 8-14
   B. Approve the Request for Qualifications for Professional Planning Services to Update the City's Comprehensive Plan. — 15-17
   C. Consider Amending Minutes of March 4, 2013. — 18-20

3. **PUBLIC HEARING**

   A. PUBLIC HEARING (Z-1315) by Capraia Partners, Ltd., for a Conditional Use Permit to allow a lodging development in the CBD, Central Business District, at 415 and 417 E. Main St. — 21-31
   B. Receive recommendation and consider Z-1315.

4. **ORDINANCES - RESOLUTIONS- ACTION ITEMS**

   A. Consider Resolution Authorizing Property Lease Agreement. — 32-35

5. **INDIVIDUAL ITEMS FOR CONSIDERATION AND POSSIBLE ACTION**

   A. Consider FY 2014 Budget Amendments. — 36-38
   B. Consider Wholesale Power Purchases. — 39-40
   C. Consider Performance Evaluations for City Manager, City Attorney, and Municipal Judge.

6. **CITY MANAGER'S REPORT**

   A. Recycling Survey
   B. Property Tax Collections
   C. Employee Recognitions

7. **ITEMS FOR FUTURE AGENDAS**

8. **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.

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

10 **EXECUTIVE SESSION** - Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.086 (Economic Development).

A. Executive Session - Competitive Matters as Permitted by Section 551.086 Government Code - Competitive Utility Matters.

B. Executive Session - Confidential Utility Matters and Consultation with Attorney Regarding Potential Litigation.

C. Executive Session - Personnel - Performance Evaluations for City Manager, City Attorney, and Municipal Judge.

11 **ADJOURN**

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

REGULAR CITY COUNCIL MEETING
NOVEMBER 4, 2013
7:00 PM

On this the 4th day of November, 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
KATHY SANFORD - COUNCIL MEMBER
GRAHAM PEARSON - COUNCIL MEMBER
GARY NEFFENDORF - COUNCIL MEMBER

ABSENT: TIM DOOLEY - COUNCIL MEMBER

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.
RUSSELL IMMEL – TECH

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

REPORT OF THE STATE OF THE CITY OF FREDERICKSBURG WATER SUPPLY

GILLESPIE COUNTY HISTORICAL SOCIETY NOTE RECEIVABLE $105,000 – It was moved by Council Member Pearson, seconded by Council Member Sanford, to approve the recommendation to reduce the note receivable by $57,749.67 and each subsequent to reduce the note by $6,999.96 as rental expanse, until maturity at May 25, 2020. The vote was as follows: AYE: Hoover, Neffendorf, Sanford, and Pearson. Motion carried.

AGREEMENT WITH STEHLING, KLEIN, AND THOMAS ARCHITECTS FOR EXPANSION OF VISITOR CENTER – Council Member Pearson moved, seconded by Council Member Neffendorf, to approve an agreement with Stehling, Klein, and Thomas Architects for expansion of the Visitor Center. All voted in favor and the motion carried.

CITY MANAGER'S REPORT – City Manager Kent Myers reported on (1) Follow-Up Actions – City Council Retreat, (2) Special City Council Meetings – Annexation of Stone Ridge and Subdivision Regulations, (3) Appointment of Planning & Zoning Commission Member, (4) Affordable Housing.

PUBLIC COMMENTS – None.

COUNCIL COMMENTS – Mayor encouraged all to vote on Constitutional Amendments.

With no further discussion, Council Member Neffendorf made a motion to adjourn the meeting at 8:50 PM. Council Member Sanford seconded the motion. Motion carried.

PASSED AND APPROVED this the 16th day of December, 2013.

SHELLEY BRITTON, CITY SECRETARY   JERYL HOOVER, MAYOR

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STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

SPECIAL CITY COUNCIL MEETING
NOVEMBER 13, 2013
11:00 AM

On this the 13th day of November, 2013, the City Council of the CITY OF FREDERICKSBURG convened in special session at City Hall, with the following members present to constitute a quorum:

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

ABSENT: GARY NEFFENDORF – COUNCIL MEMBER

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

INSTITUTION OF ANNEXATION PROCEEDINGS – It was moved by Council Member Dooley, seconded by Council Member Sanford, to institute annexation proceedings of approximately 15.29 acres of land out of the William H Anderson Survey No. 197, Abstract No. 97, otherwise known as Stone ridge Unit 8. All voted in favor and the motion carried.

With no further discussion, Council Member Pearson made a motion to adjourn the meeting at 11:02 AM. Council Member Sanford seconded the motion. Motion carried.

PASSED AND APPROVED this the 16th day of December, 2013.

SHELLEY BRITTON, CITY SECRETARY	JERYL HOOVER, MAYOR

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STATE OF TEXAS **REGULAR CITY COUNCIL MEETING**
COUNTY OF GILLESPIE **NOVEMBER 18, 2013**
CITY OF FREDERICKSBURG **7:00 PM**

On this the 18th day of November, 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.

MINUTES - It was moved by Council Member Dooley, seconded by Council Member Neffendorf, to approve the minutes of the October 2013 minutes as presented and corrected. 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 Request Z-1313 for the proposed Land Use Plan change 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. All voted in favor and the motion carried.

Director of Development Services Brian Jordan briefed Council on the request. 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.

REQUEST Z-1313 – Based on the recommendation of the Planning & Zoning Commission and staff, it was moved by Council member Pearson, seconded by Council Member Neffendorf, to leave the Land Use Plan as is and to adopt an ordinance to rezone the property from C-2 Commercial to R-1 Single Family Residential. All voted in favor and the motion carried.

ORDINANCE NO. 23-021

AN ORDINACE AMENDING THE ZONING ORDINANCE OF THE CITY OF FREDERICKSBURG AND CHANGING THE ZONING CLASSIFICATION OF 0.376 ACRE TRACT OF LAD MORE OR LESS BEING A PORTION OF LOT 14, BLOCK 2 OF LOUIS PREISS ADDITION, SITUATION IN THE CITY OF FREDERICKSBURG, TEXAS, FROM C-2 COMMERCIAL DISTRICT TO R-1 SINGLE FAMILY RESIDENTIAL. (Recorded in Ordinance Book)

PUBLIC HEARING – It was moved by Council Member Dooley, seconded by Council Member Neffendorf, to recess the regular session and open a Public Hearing on Request Z-1314 for a Conditional Use Permit to expand a Non-Conforming Use (single-family residence) in an M-1 Light Manufacturing District at 528 S. Lincoln St. All voted in favor and the motion carried.

Director of Development Services Brian Jordan briefed Council on the request. 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.

REQUEST Z-1314 – Based on the recommendation of the Planning & Zoning Commission and staff, it was moved by Council Member Sanford, seconded by Council Member Dooley, to approve Request Z-1314 for a Conditional Use Permit to expand a Non-Conforming Use (single-family residence) in a M-1 Light Manufacturing District at 528 S. Lincoln St. All voted in favor and the motion carried.

PRESENTATION - POLICE DEPARTMENT ACCREDITATION – Scott Reuben, Fair Oaks Ranch Police Chief and Chairman of the Texas Law Enforcement Best Practices Program, was on hand to present the award of "Recognized Law Enforcement Agency" to Fredericksburg Police Chief Steve Wetz.

PRESENTATION - WASTE WATER TREATMENT PLANT – Kris Kneese, Assistant City Engineer, updated Council on the waste water treatment plant, including improvements allocated in the 2012-2013 fiscal year and a master plan that HDR Engineering is currently working on which will outline improvements for the future. Their report will be brought before Council early in 2014.

PRESENTATION - COMPLETE STREETS – Representatives from Fredericksburg Shines gave a presentation on "Complete Streets" which identifies certain streets to better accommodate all mode of transportation.

WHOLESALE POWER PURCHASES – Director of Public Works and Utilities Clinton Bailey gave a presentation on wholesale power purchases.

FINANCING FOR LANDFILL 953D TRACK LOADER - It was moved by Council Member Pearson, seconded by Council Member Neffendorf, to award the contract for financing for a 953D Track Loader for the Landfill to JP Morgan, provided it be confirmed that their bid was received within the deadline. All voted in favor and the motion carried.

VOTE FOR NOMINATIONS FOR GILLESPIE CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS – Council Member Pearson moved, seconded by Council Member Neffendorf, to cast the city's 400 votes to nominate Tim Dooley for reappointment to the Gillespie Central Appraisal Board. The vote was as follows: AYE: Hoover, Sanford, Pearson, and Neffendorf; ABSTAIN: Dooley. Motion carried.

APPOINT P & Z MEMBER – It was moved by Council Member Dooley, seconded by Council Member Pearson, to appoint Daryl Whitworth to fill the unexpired term of Matt Lines on the Planning & Zoning Commission. All voted in favor and the motion carried.

CITY MANAGERS REPORT – The City Manager reported on (1) November 21 Special City Council Meeting, (2) Relief Route Task Force, (3) Employee Recognitions, including the Finance Dept., the Development Services Dept., and the Water Crew.

FUTURE AGENDA ITEMS – None.

PUBLIC COMMENTS – Randy Thompson commented on the Utility Rate increase and Walter Moldenhauer thanked Council for Lady Bird Johnson Pool and for effort to make improvements at Ft. Martin Scott.

COUNCIL COMMENTS – No comments.

With no further discussion, Council Member Neffendorf made a motion to adjourn the meeting at 8:40 PM. Council Member Dooley seconded the motion. Motion carried.

PASSED AND APPROVED this the 16th day of December, 2013.

SHELLEY BRITTON, CITY SECRETARY	JERYL HOOVER, MAYOR

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STATE OF TEXAS	**SPECIAL CITY COUNCIL MEETING**
COUNTY OF GILLESPIE	**NOVEMBER 21, 2013**
CITY OF FREDERICKSBURG	**5:30 PM**

On this the 21st day of November, 2013, the City Council of the CITY OF FREDERICKSBURG convened in special 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

PAT McGOWAN – CITY ATTORNEY
BRIAN JORDAN – DIR OF DEVELOPMENT SERVICES

WORKSHOP - SUBDIVISION ORDINANCE UPDATE – Council met in a joint workshop with the Planning and Zoning Commission to review a draft of the Subdivision Ordinance update. No action was taken.

With no further discussion, Council Member Neffendorf made a motion to adjourn the meeting at 6:40 PM. Council Member Dooley seconded the motion. Motion carried.

PASSED AND APPROVED this the 16th day of December, 2013.

SHELLEY BRITTON, CITY SECRETARY	JERYL HOOVER, MAYOR

CITY COUNCIL MEMO

DATE: December 20, 2013

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: Mediation Settlement Agreement-Washburn Property

Summary:

Our City Attorney has mediated the case involving James Washburn and reached the attached agreement subject to approval by the City Council.

Recommendation:

It is recommended that the Council approve the attached mediation agreement with James Washburn in an effort to clean up the property located at 128 Ridgewood.

Background / Analysis:

As previously related to the Council, the property located at 128 Ridgewood has been the subject of code enforcement actions for several years. We have tried to resolve numerous code violations at this address with little to no progress. Last week we were able to schedule a full-day mediation between our City Attorney and the property owner, James Washburn, and his attorney. The outcome of this mediation is the attached proposed agreement which we believe will finally revolve these

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serious code violations. Both the City Attorney and Code Enforcement Officer will be available at Monday's Council meeting to respond to any questions about the code violations or the proposed agreement.

The City of Fredericksburg

126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861

Cause No. 12679

City of Fredricksburg, Texas	**§**	**In the District Court**
v.	**§**	**Of Gillespie County, Texas**
James Stephen Washburn	**§**	**216th Judicial District**

MEDIATED SETTLEMENT AGREEMENT

Binding, Irrevocable, Mediated Settlement Agreement

THIS AGREEMENT IS NOT SUBJECT TO REVOCATION

The Agreement which follows is the Agreement of the parties and CANNOT be changed or revoked except by the written agreement of all of the parties.

Signed on December 3, 2013

Guilford L. Jones, III – Mediator

PARTY

Each of the undersigned affirms that:

I have read and understand the attached agreement, it is my agreement, and I understand that it cannot be revoked.

City of Fredricksburg, Texas

By: Pat McGowan

Its City attorney

Subject to ratification by the City Council

James Stephen Washburn

ATTORNEY

AGREED AS TO FORM ONLY

Genevieve A. Klein Gold

Viki H. Martino

EVERYONE INITIAL: JSW VM PM GKG GF

(10)

Binding, Irrevocable, Mediated Settlement Agreement

On December 3, 2013 the parties in the above-referenced case reached an agreement. All material terms of the agreement are written in this document. This agreement shall be filed in the office of the District Clerk as a Rule 11 agreement. Each party acknowledges that they have conferred with counsel regarding the advisability of entering this agreement prior to signing it. This agreement **CANNOT BE REVOKED** and is: A full and complete settlement agreement.

1. The parties understand and agree that this settlement agreement, however skeletal, is admissible, enforceable and subject to disclosure for the purposes of its enforcement. This agreement shall be binding and final whether or not a further formal agreement is executed.

2. The parties hereto agree to settle all claims and controversies between them, asserted or that could have been asserted in this case for any occurrences up to this date.

3. Definitions:

    a. "Property" means the real property the subject of and as described in this lawsuit.

    b. "House" means the residential structure on the Property.

    c. "City" means plaintiff herein

4. The essence of this agreement is to result in the House in question being removed from the Property by a date certain with certain assistance from the City, and that thereafter defendant be able to sell the Property and realize all net proceeds after satisfaction of the City liens.

5. No later than January 10, 2014 defendant will enter into a first and superior Mechanics Lien Contract with the City (providing for 3% interest) for demolition of the House and clean-up of the Property at City's actual cost for equipment and operators, not to exceed $30,000. Demolition will include removal of the House and removal of all debris from the Property.

6. Defendant will clear the Property of all debris and (as to the front and side yards and the back yard to a point just behind the detached garage) weeds or grass taller than 12" by March 31, 2014 and keep it clear thereafter. Debris means any

    a. Standing water or open containers capable of catching and holding water.

    b. Refrigerators, stoves, freezers or similar large appliances (excepting one each operating refrigerator and freezer).

EVERYONE INITIAL:

c. Weeds or grass over 12" in height.

d. Loose small objects such as cans, bottles, tools, parts or other materials. However, such objects may be stored in closed bins or containers which will be stacked adjacent to a structure.

7. Demolition will occur not before June 30, 2014, unless defendant gives written notice that he has vacated the Property.

8. Upon completion of demolition City will dismiss its suit.

9. City will

a. Waive landfill costs of disposing of the demolition debris.

b. Furnish a dumpster (with multiple dumps) for defendant's use, at no cost.

10. The lien which is the subject of this lawsuit will remain on the Property along with the new lien to be created. City will forbear from any action to foreclose the liens for 3-1/2 years after completion of the demolition ~~and for~~ so long as the Property is listed for sale with a reputable and licensed real estate broker and is being kept clear of excess vegetation and any debris so that it may be actively and effectively marketed. Defendant waives the right to assert a statute of limitations defense to enforcement of the lien presently existing on the Property.

11. Defendant will provide in his real estate listing contract for the City to have a copy of the listing agreement and any addenda or modifications to it, and for the broker to have permission to fully disclose to the City details of listing or showing activity regarding the Property. City will not interfere with the contractual relationship between defendant and his broker.

12. The above styled and numbered case shall be resolved by an agreed order of dismissal with costs taxed to the party incurring same.

13. The parties agree to release, discharge, and forever hold the other harmless from any and all claims, demands, or suits, known or unknown, fixed or contingent, liquidated or unliquidated whether or not asserted in the above case, as of this date, arising from or related to the events and transactions which are the subject matter of this case, except any express executory provisions set forth herein.

a. This mutual release runs to the benefit of all attorneys, agents, employees, officers, and (in the case of the City, public officials and managers) of the parties

b. "Party" as used in this release includes all named parties to this case.

EVERYONE INITIAL:

14. Each signatory, hereto warrants and represents:

    a. he or she has the authority to bind the parties for whom that signatory acts.

    b. the claims, suits, rights, and interests which are the subject matter hereto are owned by the party asserting same, have not been assigned, transferred or sold and are free of encumbrance.

15. Counsel for Plaintiff shall deliver drafts of any further settlement documents to counsel for the other party by DEC 20, 2013. The parties and their counsel agree to cooperate with each other in the drafting and execution of such additional documents as are reasonably requested or required to implement the terms and spirit of this agreement.

16. Not as a condition of the settlement, but as an additional obligation of the parties, in the event that a dispute arises regarding the interpretation or performances of this agreement or any of its provisions, the parties agree to attempt to resolve same by phone conference with the mediator who facilitated this settlement. If the parties cannot resolve their differences by phone conference, than each agrees to submit all (a) drafting disputes, (b) issues regarding the interpretation of this Mediated Settlement Agreement, and (c) issues regarding the intent of the parties as reflected in this Mediated Settlement Agreement to the Mediator, Guilford "Gil" Jones, as an arbitrator whose decision on such matters shall be binding on the parties, to include a decision on the assessment of attorney's fees and arbitration costs incurred as a result of the arbitration.

17. The parties shall keep the terms of this settlement and the substance of the mediation proceeding confidential except as necessary to enforce its terms. No party shall disclose the terms of the settlement or the facts, allegations, or other details of the litigation to any other parties or persons, except those who have a legitimate need to know and then only to the extent of such need.

18. Each party shall bear their own costs and attorney's fees unless expressly provided to the contrary elsewhere herein.

Signed this day December 3, 2013.

(signatures on page following)

EVERYONE INITIAL:

PARTY

Each of the undersigned affirms that:

I have read and understand the attached agreement, it is my agreement, and I understand that it cannot be revoked.

City of Fredricksburg, Texas

By: ______________________

____

Its City Attorney

Subject to ratification by the City Council

____

James Stephen Washburn

ATTORNEY

AGREED AS TO FORM ONLY

____

Genevieve A. Klein Gold

____

Viki H. Martino

MEDIATOR acknowledgement:

____

Guilford L. Jones, III

Date: 12/3/13

EVERYONE INITIAL:

CITY COUNCIL MEMO

DATE: December 11, 2013

TO: Mayor and City Council

FROM: Brian Jordan, AICP

SUBJECT: Request for Qualifications for Professional Planning Services to Update the City's Comprehensive Plan

Summary:

The City Council recently authorized an Issues based update to the City's Comprehensive Plan. The Issues to be addressed are a Hiking/Biking Trails Plan to include a Sidewalk Plan, a Plan for Entryway Features and Design Standards. Evaluation Criteria are outlined in the attached Request for Qualifications.

Recommendation:

Authorize staff to advertise for Professional Planning Services to update the City's Comprehensive Plan.

Background / Analysis:

The schedule would be to select a Consultant in February with completion of the update by September, 2014.

The City of Fredericksburg

126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861

City of Fredericksburg Development Services Department

126 West Main Street
830 997 7521

Fredericksburg, Texas 78624
bjordan@fbgtx.org

Request for Qualifications

Professional Planning Services

General Information: The City of Fredericksburg is seeking a qualified planning consultant to provide professional services for the preparation of an Update to the City's Comprehensive Plan that was adopted in January of 2006. A large number of the recommendations that were included in this Plan have been implemented to date. At this time we are planning to update only specific sections of the plan which is known as an Issues Based Update.

Elements:

- Hiking/Biking Trails Plan – The need for this Plan has been discussed as part of the Capital Improvement Plan. The plan is intended to provide linkage to major community sites, such as schools parks, museums, University Center and downtown area. This Plan would also include a final sidewalk plan that would provide a linkage between our sidewalks and any future trails that would be developed.
- Plan for Entryway Features – One of the goals in the 2006 Plan was the establishment of "community design features and development patterns at the community's edge that communicate one's arrival into Fredericksburg." This goal has not been accomplished to date and would be addressed in the Issues Based Update.
- Design Standards – As noted in the Plan, our city has an adopted set of design guidelines in the Historic District. However, the Plan recommended that "the City should consider design standards or guidelines to address additional key areas of the community." This includes design along major corridors, design for tourism-related developments and design of buildings adjacent to the historic district. The development of these design standards could be incorporated with the design of entryway features to provide some consistency.

City of Fredericksburg Development Services Department

126 West Main Street
830 997 7521

Fredericksburg, Texas 78624
bjordan@fbgtx.org

Evaluation Criteria:

- Experience in preparing Comprehensive Plan Updates
- Understanding of the project statutes
- Experience in building consensus
- Strong emphasis on user-friendly format
- Strong skills in written and oral communication
- Experience working with or demonstrated knowledge of the unique issues related to the City of Fredericksburg
- Experience in identifying, evaluating, and codifying qualities of community design and character

Submittal:

- Interested firms shall submit their qualification proposals to:

  City of Fredericksburg
  Brian Jordan, AICP
  Director of Development Services
  126 West Main Street
  Fredericksburg, Texas 78624
- All Proposals are due January 17, 2013 by 3:00 PM, CST.
- All Proposals must be originals. Faxes are not acceptable. A submittal that is incomplete or received after the above stated date and time will be rejected.
- Five (5) proposals labeled clearly as:

"Issues Based Update to City of Fredericksburg Comprehensive Plan"

Contact Information:

City of Fredericksburg

Brian Jordan, AICP

Director of Development Services

830 997 7521

bjordan@fbgtx.org

CITY COUNCIL MEMO

DATE: December 5, 2013

TO: Mayor and City Council

FROM: Brad Kott, Director of Finance

SUBJECT: Amendment to Minutes of March 4, 2013 Council Meeting

Summary:

At the March 4, 2013 City Council meeting staff presented the final construction costs for the Golf Course rennovations completed in 2012. Those costs amounted to $1,954,120. The Council agreed that the Electric and Solid Waste Funds would lend monies in equal amounts to fund these improvements. In addition, staff presented the agreed upon terms of the Golf Fund's note payable to the Electric and Solid Waste Funds.

The Council was asked to approve the final amount and terms of the note payable to the Electric and Solid Waste Funds for the funding of the rennovation to the Course. The terms were an amount of $1,954,120 ($977,060 note payable to each fund) an amortization of 20 years, with an annual interest rate of 1%. The first year's payments would be made during budget FY 2014 and would be only one-half of the annual payment.

The minutes for the March 4, 2013 City Council meeting do not reflect the approval of the final terms. After listening to the audio of the meeting, it was determined that the terms as presented were approved by action of the Council.

Recommendation:

Staff recommends that the Council amend the minutes of the March 4, 2013 meeting to show the actual action taken by the Council in its approval of the terms of the Golf Fund's note payable to the Electric and Solid Waste Funds.

The minutes should reflect that the motion was made by Graham Pearson to accept the terms as presented and shown on the amortization schedule (page 16 of the agenda packet) and was seconded by Kathy Sanford. The motion passed by a unanimous vote.

Background/Analysis:

Since this amount due from the Golf Fund to the Electric and Solid Waste Funds is in the form of a formal note, it is necessary to have the approval of the set terms and amount by the City Council.

The amortization schedule (page 16 of the agenda) is included for your review.

Golf Fund
Note Payable to Electric and Solid Waste Fund
$1,954,120.00 20 Year term @ 1% Annual Interest

Repayment Scchedule

Year	Total Payment	Total Principal	Interest	Electric Principal	Electric Interest	Solid Waste Principal	Solid Waste Interest
		$1,954,120.00					
2014	53,921.34	44,242.86	9,678.48	22,121 43	4,839.24	22,121.43	4,839.24
2015	107,842.68	89,151.02	18,691.66	44,575.51	9,345.83	44,575.51	9,345.83
2016	107,842.68	90,047.39	17,795.29	45,023.70	8,897.65	45,023.70	8,897.65
2017	107,842.68	90,952.00	16,890.68	45,476.00	8,445.34	45,476.00	8,445.34
2018	107,842.68	91,865.70	15,976.98	45,932.85	7,988.49	45,932.85	7,988.49
2019	107,842.68	92,788.58	15,054.10	46,394.29	7,527.05	46,394.29	7,527.05
2020	107,842.68	93,720.73	14,121.95	46,860.37	7,060.98	46,860.37	7,060.98
2021	107,842.68	94,662.25	13,180.43	47,331.13	6,590.22	47,331.13	6,590.22
2022	107,842.68	95,613.22	12,229.46	47,806.61	6,114.73	47,806.61	6,114.73
2023	107,842.68	96,573.75	11,268.93	48,286.88	5,634.47	48,286.88	5,634.47
2024	107,842.68	97,543.92	10,298.76	48,771.96	5,149.38	48,771.96	5,149.38
2025	107,842.68	98,523.85	9,318.83	49,261.93	4,659.42	49,261.93	4,659.42
2026	107,842.68	99,513.61	8,329.07	49,756.81	4,164.54	49,756.81	4,164.54
2027	107,842.68	100,513.32	7,329.36	50,256.66	3,664.68	50,256.66	3,664.68
2028	107,842.68	101,523.08	6,319.60	50,761.54	3,159.80	50,761.54	3,159.80
2029	107,842.68	102,542.97	5,299.71	51,271.49	2,649.86	51,271.49	2,649.86
2030	107,842.68	103,573.12	4,269.56	51,786.56	2,134.78	51,786.56	2,134.78
2031	107,842.68	104,613.61	3,229.07	52,306.81	1,614.54	52,306.81	1,614.54
2032	107,842.68	105,664.55	2,178.13	52,832.28	1,089.07	52,832.28	1,089.07
2033	107,842.68	106,726.05	1,116.63	53,363.03	558.32	53,363.03	558.32
2034	53,921.34	53,764.42	156.92	26,882.21	78.46	26,882.21	78.46
	2,156,853.60	1,954,120.00	202,733.60	977,060.00	101,366.80	977,060.00	101,366.80

CITY COUNCIL MEMO

DATE: December 11, 2013

TO: Mayor and City Council

FROM: Brian Jordan, AICP

SUBJECT: Conditional Use Permit to allow a Lodging facility in CBD, Central Business District at 415 and 417 E. Main Street (Z-1315).

Summary:

The proposed project consists of a total of 9 Lodging Units, including 8 new units and the conversion of the existing building at 415 E. Main Street to a 3 bedroom unit. The existing building at 417 E. Main will be utilized as the lounge/lobby for the complex. The Historic Review Board approved the minor building changes on December 10, 2013. The property is approximately 0.86 acres (37,330 square feet). Parking will be provided to the rear of the two existing buildings and a one-way in/out driveway configuration is propsed due to available space on site. This project is being considered as a lodging facility rather than a B&B development based on the definition and recent adoption of Ordinance 23-014.

Recommendation:

The Planning and Zoning Commission voted unanimously to recommend approval of the Conditional Use Permit with conditions as noted in the attached staff brief. Staff concurs with the Commission's recommendation of approval. No letters were received concerning this request.

The City of Fredericksburg

126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861

Background / Analysis:

See attached Zoning Brief for request Z-1315

The City of Fredericksburg

126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861

CONDITIONAL USE PERMIT BRIEF

Request Z-1315

Owner:	John Muraglia
Applicant:	Shayna Thompson
Location:	415/417 E. Main Street
Existing Zoning:	CBD, Central Business District
Request:	Conditional Use Permit to allow a Lodging facility in CBD, Central Business Zoning district.

Site Plan Overview:

- The property currently contains 2 vacant buildings. The building on property at 417 was most recently Fredericksburg Paper Goods, and the building at 415 E. Main is a residential structure.
- The applicant intends to utilize the residential structure as a single unit with 3 bedrooms, the commercial building as a lounge/lobby for the complex and add 8 lodging units to the rear of the property.
- The site area is approximately 0.86 acres (37,330 square feet), of which 0.73 acres (31,913 square feet) are out of the floodplain.
- In addition to the proposed lodging units, the site will include a new parking lot with brick pavers and 13 parking spaces, two of which will be handicap accessible.
- Since the site has two narrow driveways, a one-way in and one-way out drive configuration is proposed.
- Building coverage is estimated to be approximately 22.7% (no maximum in the CBD - District)
- Impervious coverage is estimated to be approximately 54% (90% maximum allowed in the CBD District).
- The site is bordered by Baron's creek on the south, an art gallery (Whistle Pik) on the east, commercial businesses to the west and north.
- Surrounding zoning is CBD.
- By definition in the recently adopted Ordinance 23-014, because this project will have more than 8 units it will be considered a lodging facility rather than a B&B.

Review and Evaluation Criteria:

A. **CONFORMANCE WITH APPLICABLE REGULATIONS:**

- As designed, the site is compliant regarding applicable zoning regulations, including building height, setbacks, building coverage, impervious coverage and parking.

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

- The existing historical buildings fronting on Main Street will be preserved and all building improvements will be to the rear of the property. A lodging or B&B complex should be compatible with surrounding properties. This type of use will serve to support the commercial activities within the vicinity.

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

- We do not anticipate unfavorable effects from the proposed use on abutting properties.

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

- NA.

E. SAFETY AND CONVENIENCE OF VEHICULAR AND PEDESTRIAN CIRCULATION IN THE VICINITY:

- Because the properties have limited access from Main Street, the applicant is proposing a one-way entrance drive on the west side of the property and a one-way exit drive on the east side of the property. Parking spaces are provided on the interior of the property. Given the existing circumstances, vehicular access is adequate.

F. PROTECTION OF PERSONS AND PROPERTY FROM EROSION, FLOOD OR WATER DAMAGE, FIRE, NOISE, GLARE:

- The property is encumbered by the 100-year floodplain along Barons Creek to the rear of the property and is noted on the plan. The applicant has been advised that no structures requiring a permit will be allowed within the floodplain, that the finished floor elevation of all structures abutting the floodplain shall be a minimum of 1' above the base flood elevation, and that the established base flood elevation shall be staked on the ground prior to construction. In addition, the 100-year floodplain shall be designated as a Drainage Easement. A Fire Department connection has been provided on the interior of the property.

G. LOCATION OF LIGHTING AND TYPE OF SIGNS; THE RELATION OF SIGNS TO TRAFFIC CONTROL AND ADVERSE EFFECTS OF SIGNS ON ADJACENT PROPERTIES:

- All exterior lighting will utilize fixtures that screen the source of illumination. All signage will require a permit and shall comply with the Sign Ordinance.

H. ADEQUACY AND CONVENIENCE OF OFF STREET PARKING AND LOADING FACILITIES:

- Based on the proposed size, configuration and number of units proposed, adequate parking is provided. This includes two handicap parking spaces. As mentioned previously, the access drive serving the parking spaces is a one-way drive.

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:

- While the zoning of the property is CBD, a lodging facility will serve to support the commercial activities in the area.

J. DETERMINATION THAT THE PROPOSED USE WILL COMPLY WITH EACH OF THE APPLICABLE PROVISIONS OF THE ZONING ORDINANCE:

- Affirmative.

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:

- The applicant has addressed the site issues required by the Development Review Committee. Final details will be addressed as part of the Construction Plans required prior to issuance of a building permit.

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. Building elevations are provided. Since the property is located within the Historic District, final building design will be subject to Historic Review Board approval.

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:

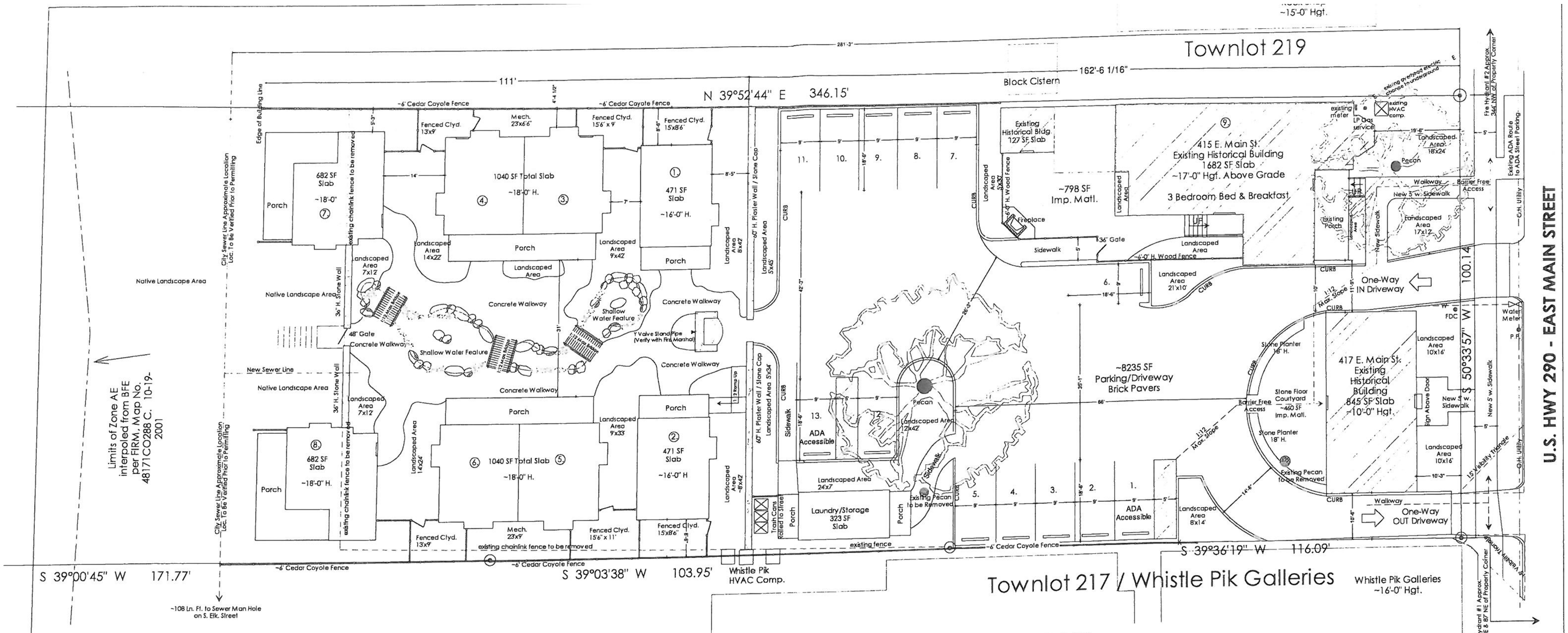
- Affirmative

OPPOSITION/SUPPORT OF REQUEST: No letters have been received concerning this request.

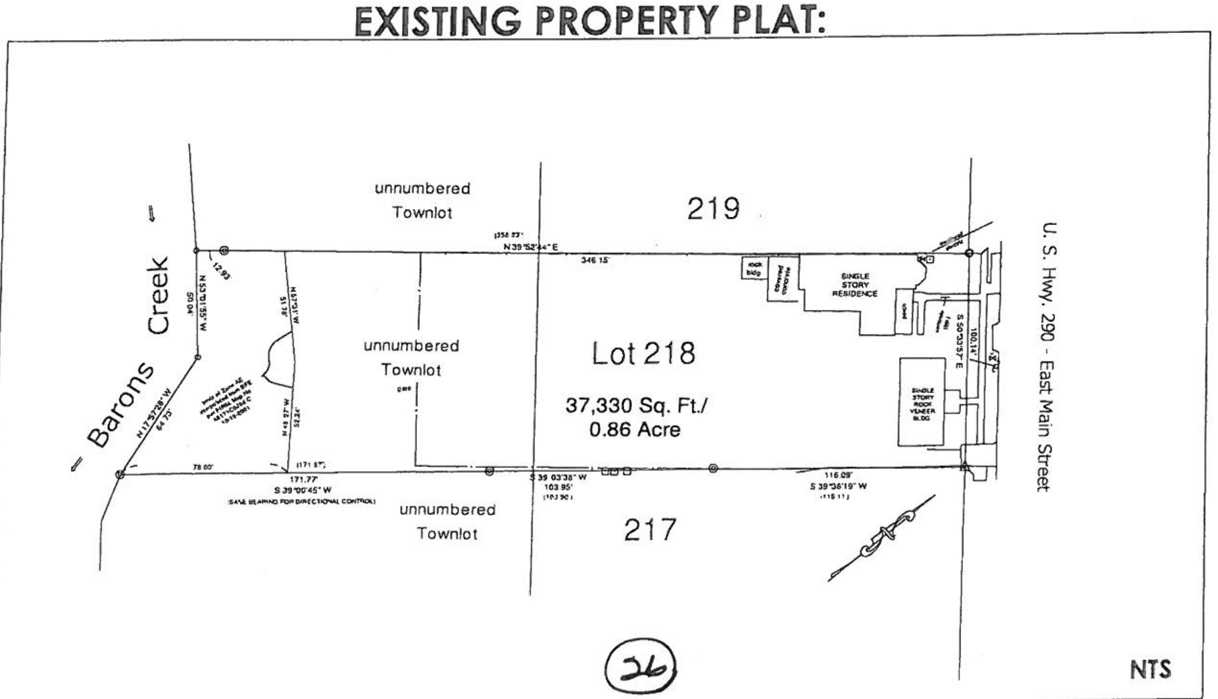
PLANNING AND ZONING COMMISSION RECOMMENDATION: Approval, conditioned upon the following:

1. Approval of a Landscape Plan prior to issuance of a Building Permit.
2. All external lighting being shielded.
3. Approval of Construction Plans prior to issuance of a Building Permit.
4. Approval of Building Plans by the Historic Review Board prior to issuance of a building permit.
5. The property being replatted into a single tract prior to issuance of a building permit.

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



EXISTING PROPERTY PLAT:



SITE PLAN NOTES & DATA:

-Proposed Business: The property will be comprised of a 9 Unit Bed & Breakfast operation. The existing historical structure on 415 E. Main Street will be a Bed & Breakfast unit with 3 bedrooms and the historical structure on 417 E. Main Street is a proposed Lobby/Lounge for the operation. 8 additional Bed & Breakfast units are proposed to the rear of the lot. Both Main Street historical properties will be restored to keep the historical integrity of the buildings and further beautify Main Street frontage.

-Zoned: Sec 3.220 Central Business District
Minimum Required Lot Area : 5000 SF
Actual Lot Size : 37,330 SF
Min. Lot Width: 50'
Actual Lot Width: 100.14'
-Required Building Setbacks : All 0'-0"
-Total Impervious Coverage (Max 90%) ~17,333 SF of 31,913 SF (~54% of Lot Area Outside of Flood Plain)
-Building Coverage: 7,263 SF (No Max. Per CBD zone)
-CBD Maximum Building Hgt. 38' ; All Buildings Existing & New are Single Story <18' Hgt.
-Parking Requirements :
1.1 Parking Space per Unit (9 Units) = 9.9 (10) Spaces
2 Spaces for Lobby Area
13 Total Spaces Available (2 of which are ADA)
-Density: 1 Efficiency Unit per 1600sf lot area = 31,913SF (outside flood plain) / 1600sf = ~19 Units Max.
-Sign: Wall Sign placed on 417 E. Main St. Building Max. 60sf (~40 Lin. Ft. Building Frontage)
To Comply with Sign Ordinance
-Perimeter Fencing: Existing Fencing to be removed & replaced with 6' Hgt. Cedar Coyote Privacy Fencing.
-All Exterior Lighting to be Hooded / Dark Sky Compliant
-Existing Townlot 218 and Unnumbered Townlot in process of replatting into 1 lot
-Buildings Finshed Floor Heights will be determined and noted with Grading Plan & Stormwater Control Evaluation.
-Fire Department Connection to Y valve is noted inside the proerty line in front of the buildings.

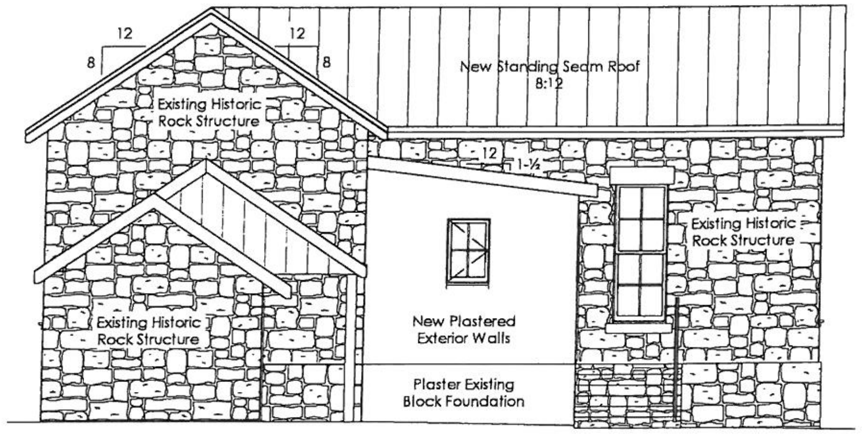
415 & 417 E. MAIN STREET, FREDERICKSBURG, TEXAS

PLAT SHOWING A 37,330 SQUARE FOOT/0.86 OF AN ACRE TRACT OF LAND WHICH COMPRISES TOWNLOT LYING SOUTHWEST OF SAID TOWNLOT NO. 218, AS SAID TOWNLOTS ARE DESIGNATED ON THE MAP OR PLAT OF THE COITY OF FREDERICKSBURG AND ENVIRONS BY THE GERMAN EMIGRATION COMPANY; GILLESPIE COUNTY, TEXAS

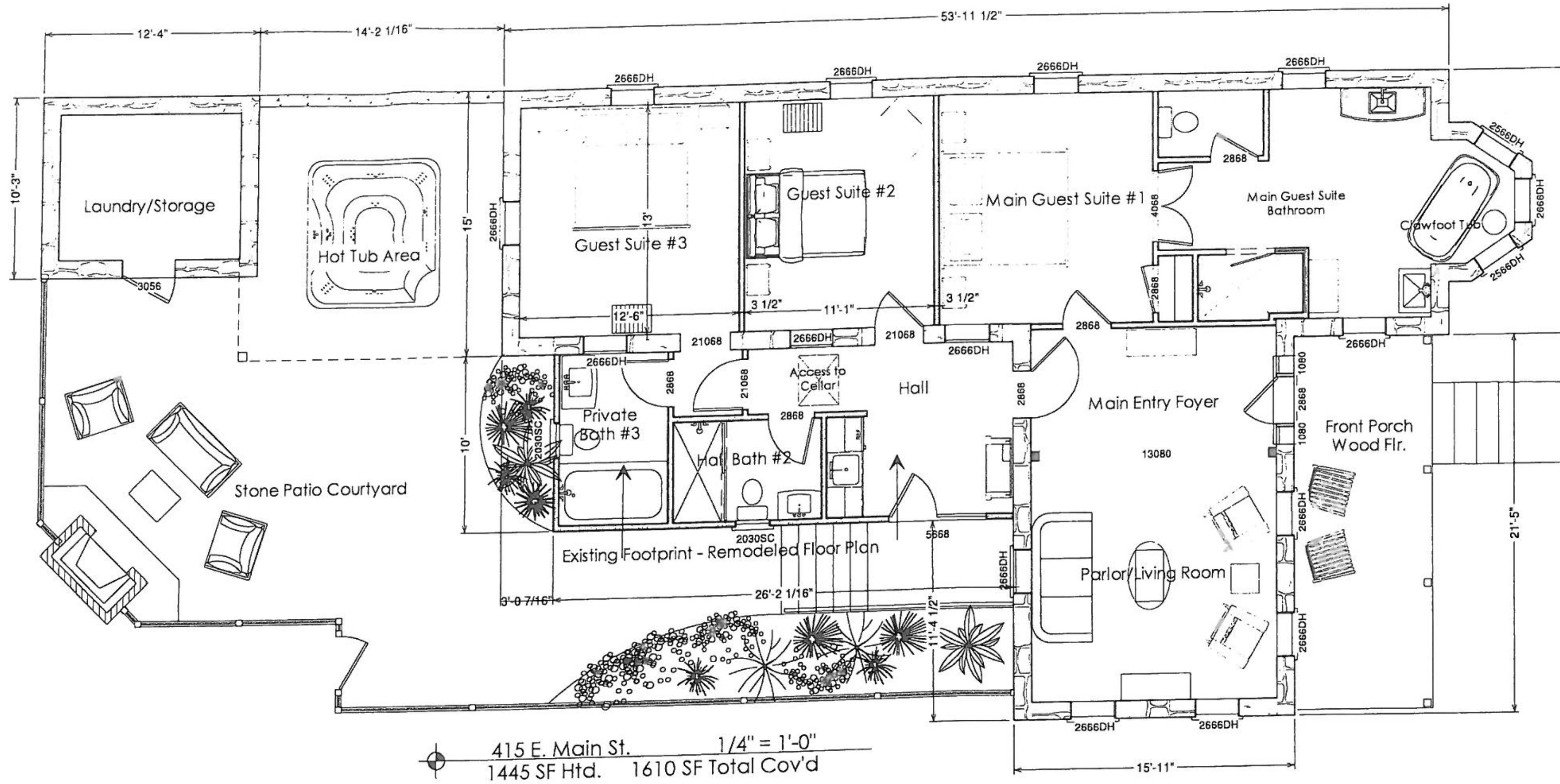
John Muraglia 415 & 417 East Main Street Fredericksburg, Texas 78624	Prepared By: Shayna Thompson 830.998.1673
Site Plan	Scale 1" = 10'-0" Date 11-1-13 1

415 E. Main Street

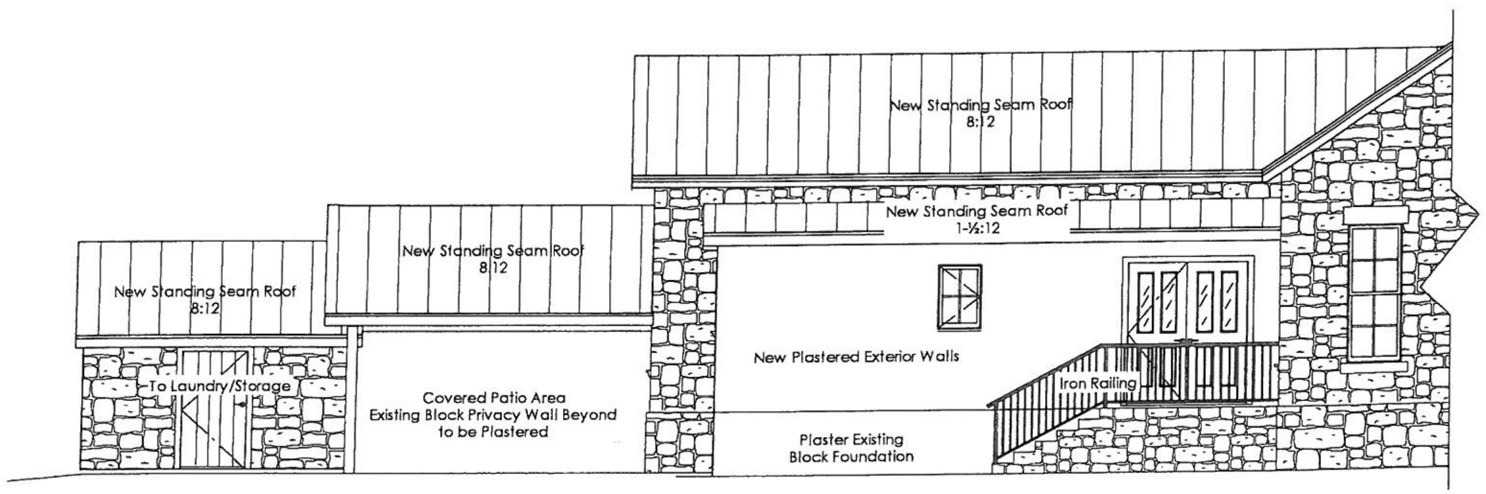
- -No signifiant exterior changes in structure/design
- -Existing wood windows remain - strip & repaint & caulk
- -New standing seam galvalume roof
- -New paint on windows/overhang trim (colors TBD)
- -New Front Porch skirting - stone to match existing foundaiton stone
- -New Front Porch flooring
- -New Front Porch Posts - Turned Wood Posts(design of posts to mirror more accurate for late 1800's)
- -Existing Addition on SE side of building will have new Plaster Siding and new interior floor plan
- -New stone steps to back entrance



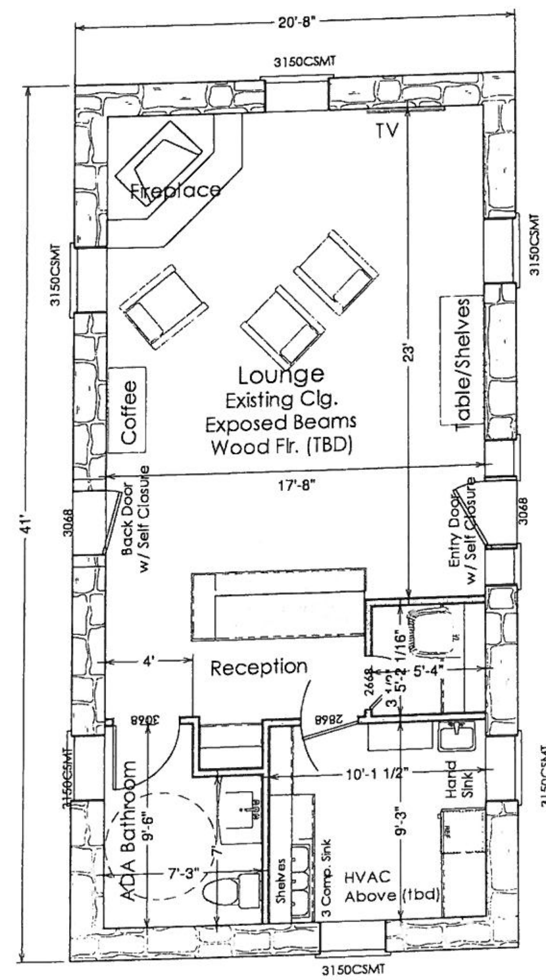
South Elevation



415 E. Main St. 1/4" = 1'-0"
1445 SF Htd. 1610 SF Total Cov'd



East Elevation



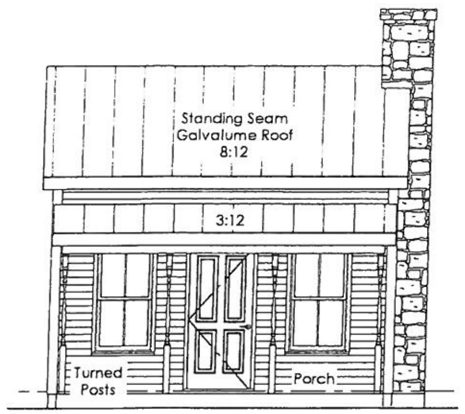
417 E. Main St. 1/4" = 1'-0"
843 SF Htd./Slab

417 E. Main Street

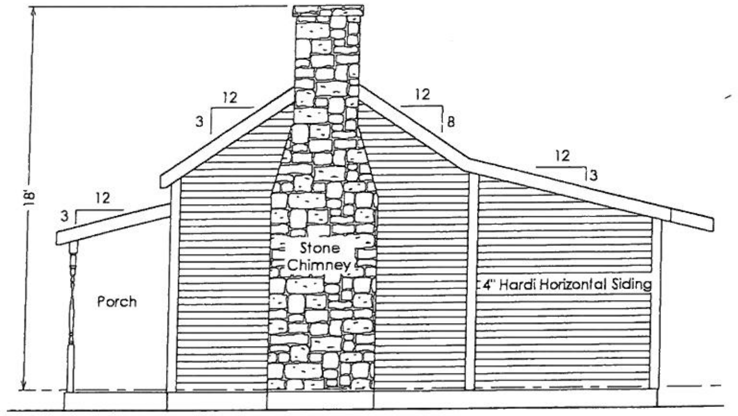
- -No signifiant exterior changes in structure/design
- -Existing wood windows remain - strip & repaint & caulk
- -New standing seam galvalume roof
- -Interior Changes Only

PLANS NOT FOR CONSTRUCTION
FOR HISTORIC REVIEW ONLY

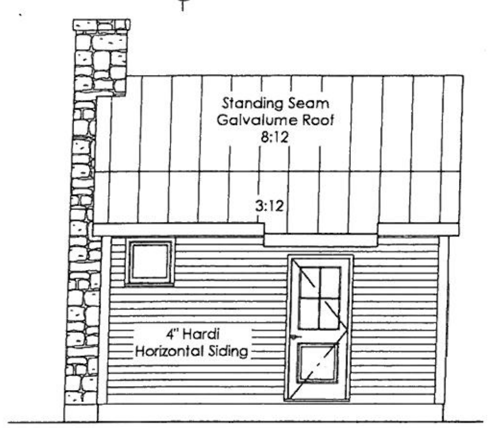
John Muraglia 415 & 417 East Main Street Fredericksburg, Texas 78624	Prepared By: Shayna Thompson 830.998.1673
415/417 E. Main St. Buildings	Scale 1/4" = 1'-0" Date 11-25-13 — 2



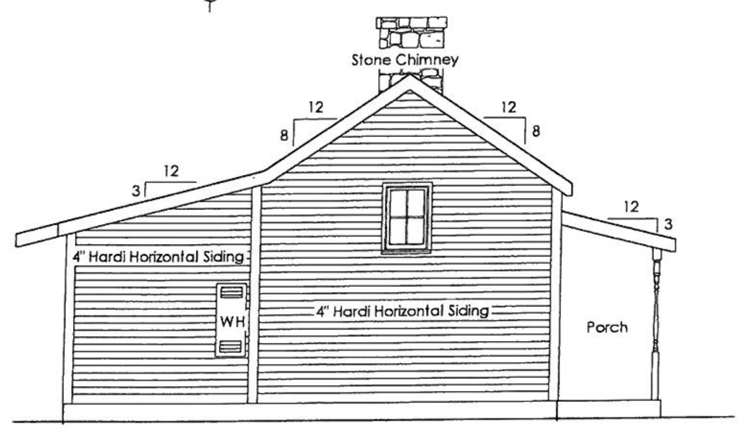
East Elevation



North Elevation

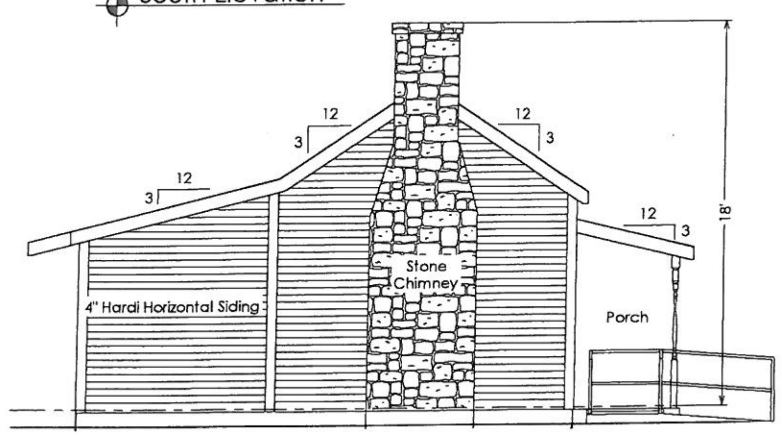


West Elevation

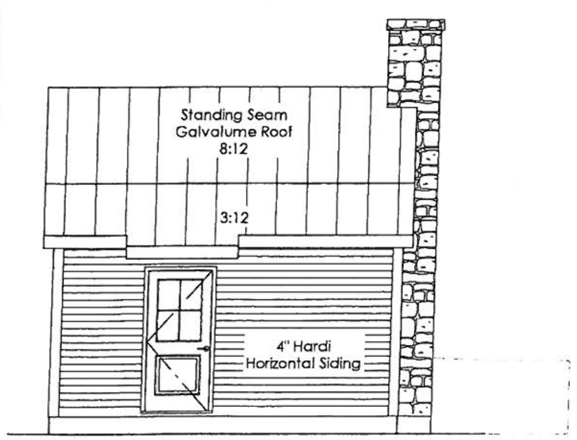


South Elevation

West Elevation

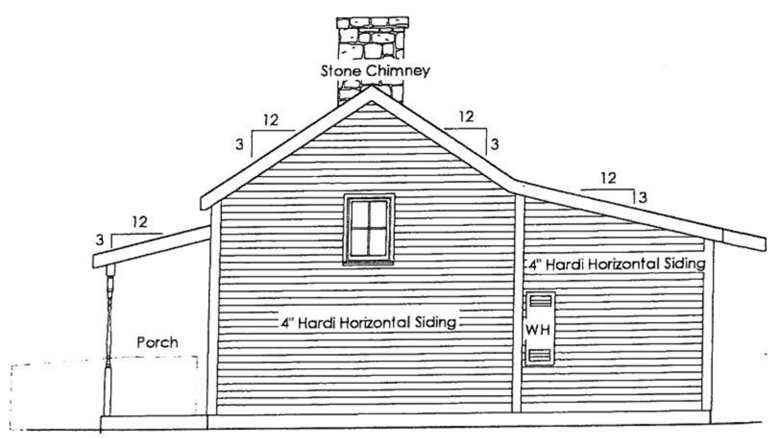


North Elevation

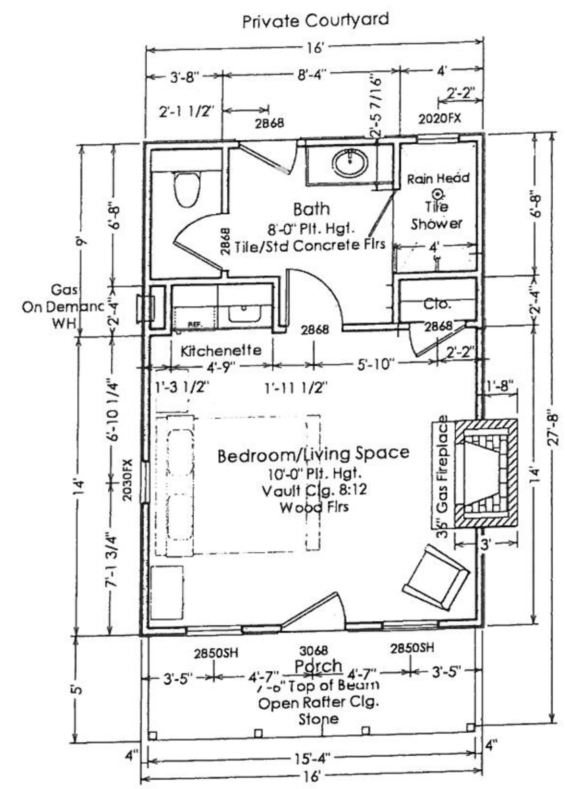


East Elevation

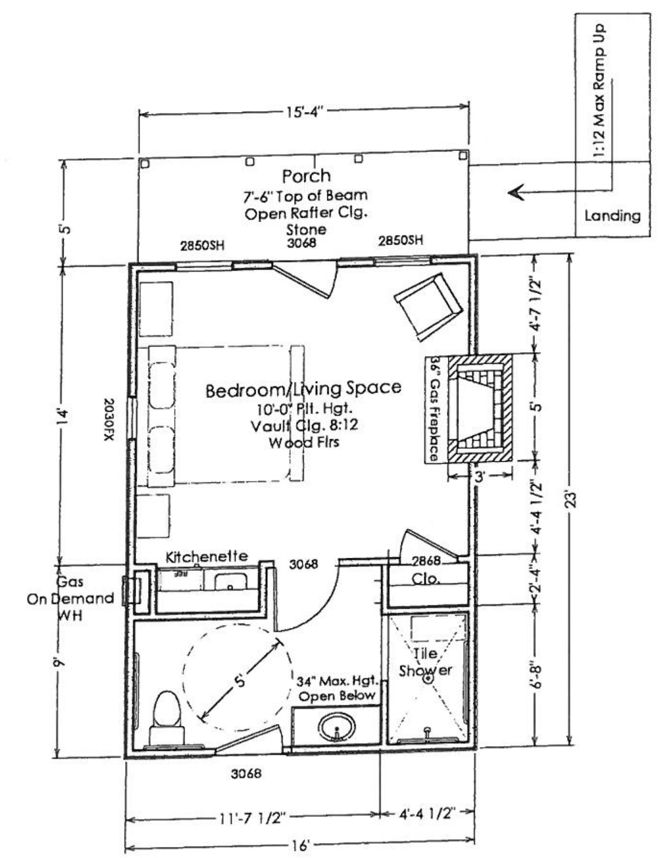
(28)



South Elevation



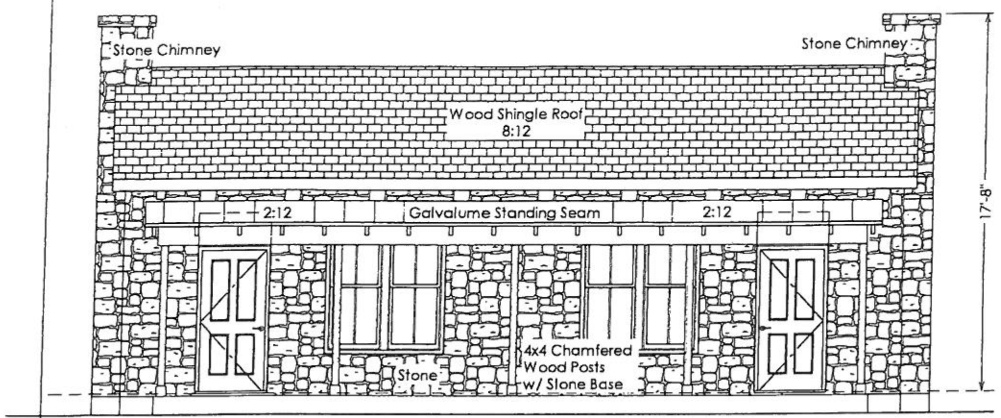
Unit 1 1/4" = 1'-0"
368 SF Htd. 464 SF Slab



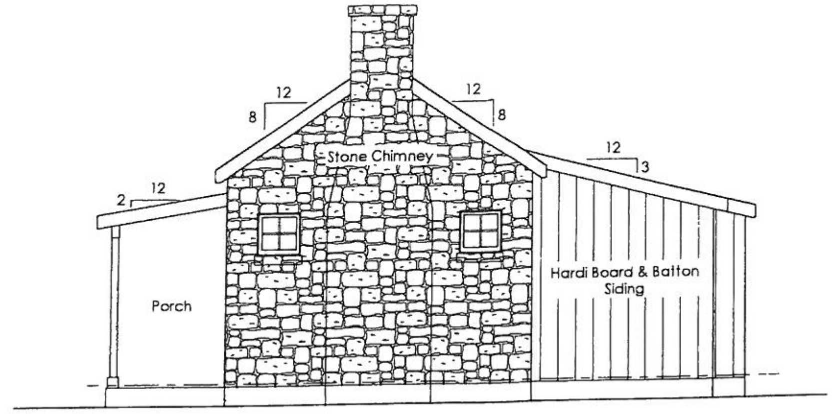
Unit 2 1/4" = 1'-0"
368 SF Htd. 454 SF Slab

PLANS NOT FOR CONSTRUCTION
FOR HISTORIC REVIEW ONLY

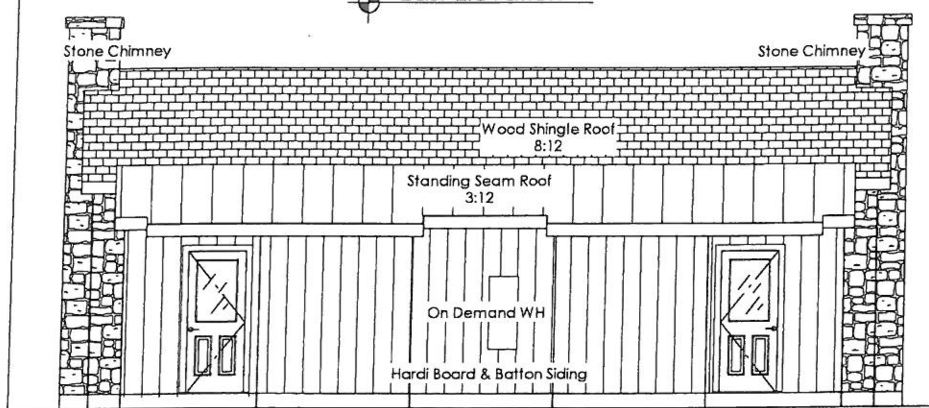
John Muraglia 415 & 417 East Main Street Fredericksburg, Texas 78624	Prepared By: Shayna Thompson 830.998.1673
Unit #1 & #2	Scale 1/4" = 1'-0" Date 11-25-13 — 3



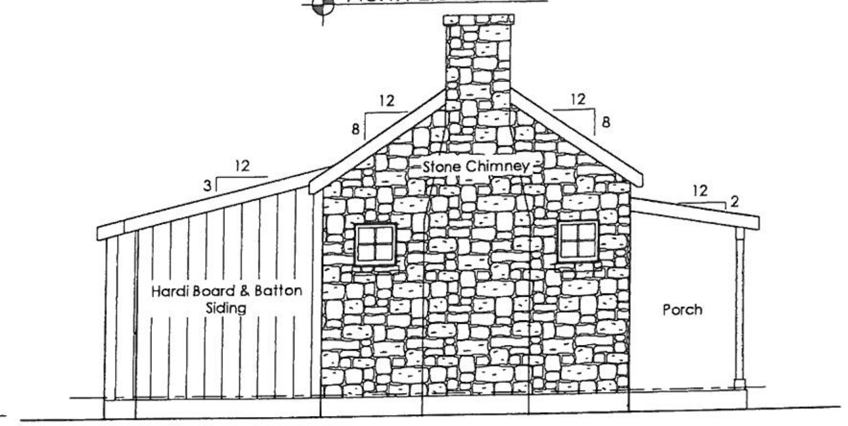
East Elevation



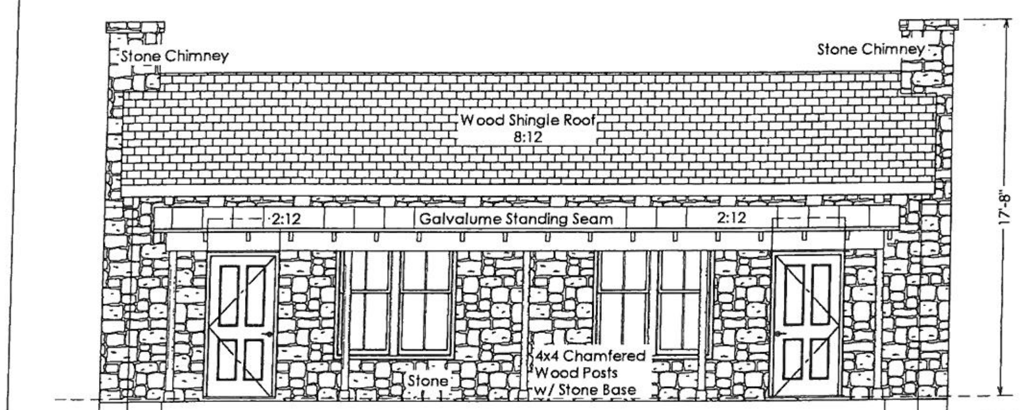
North Elevation



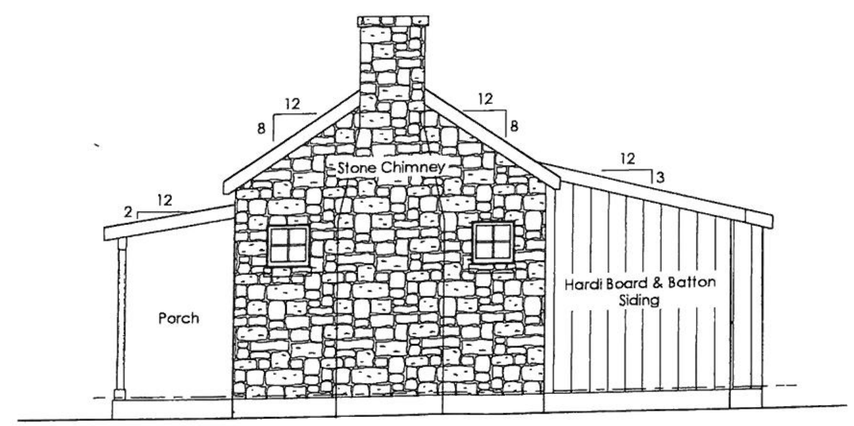
West Elevation



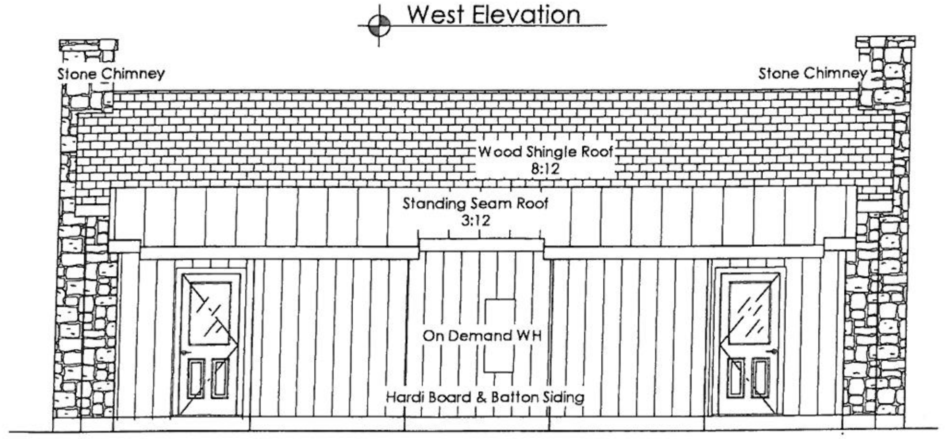
South Elevation



West Elevation

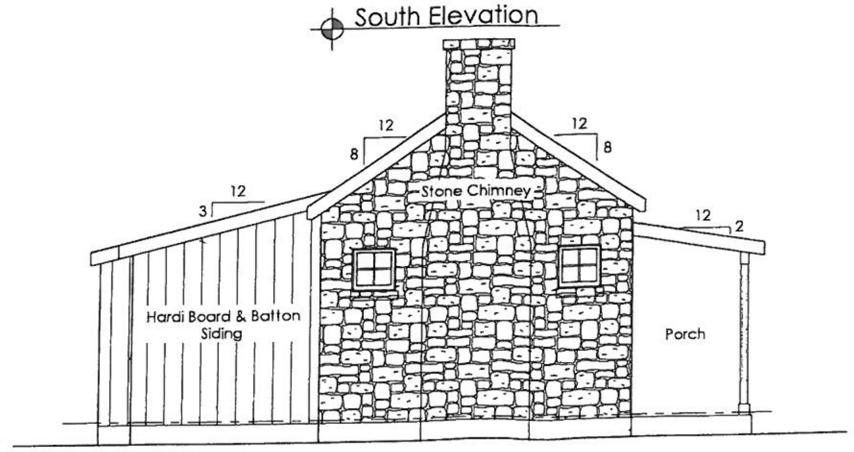


South Elevation

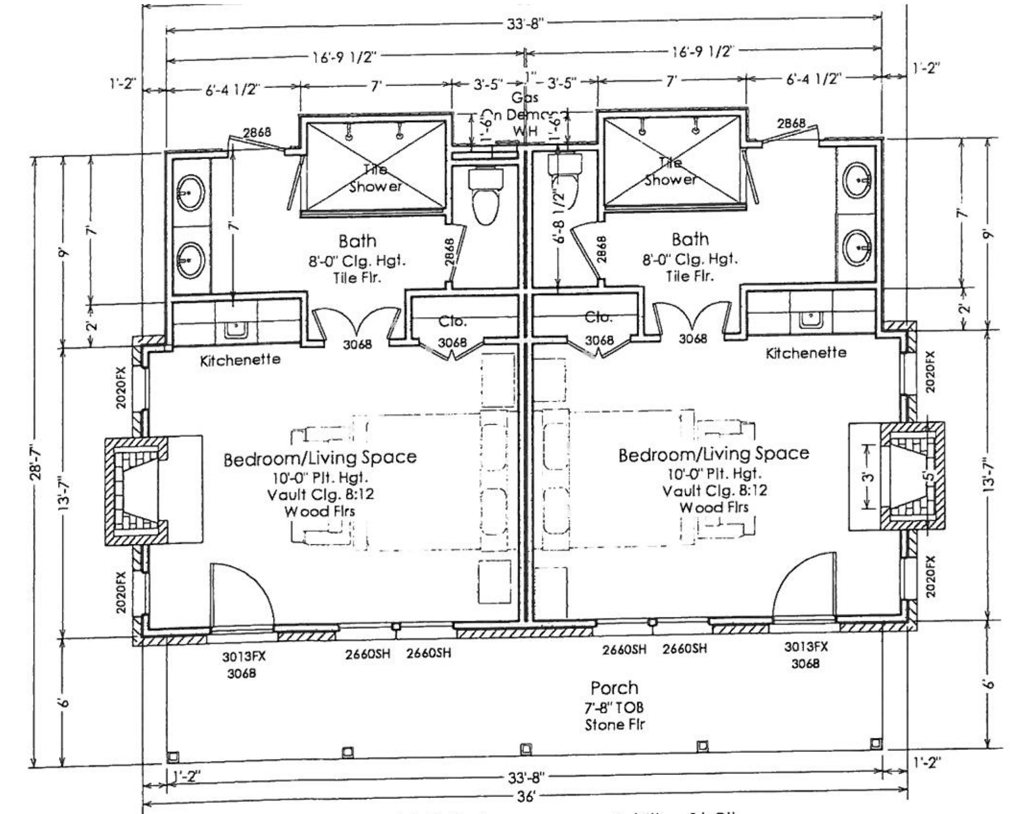


East Elevation

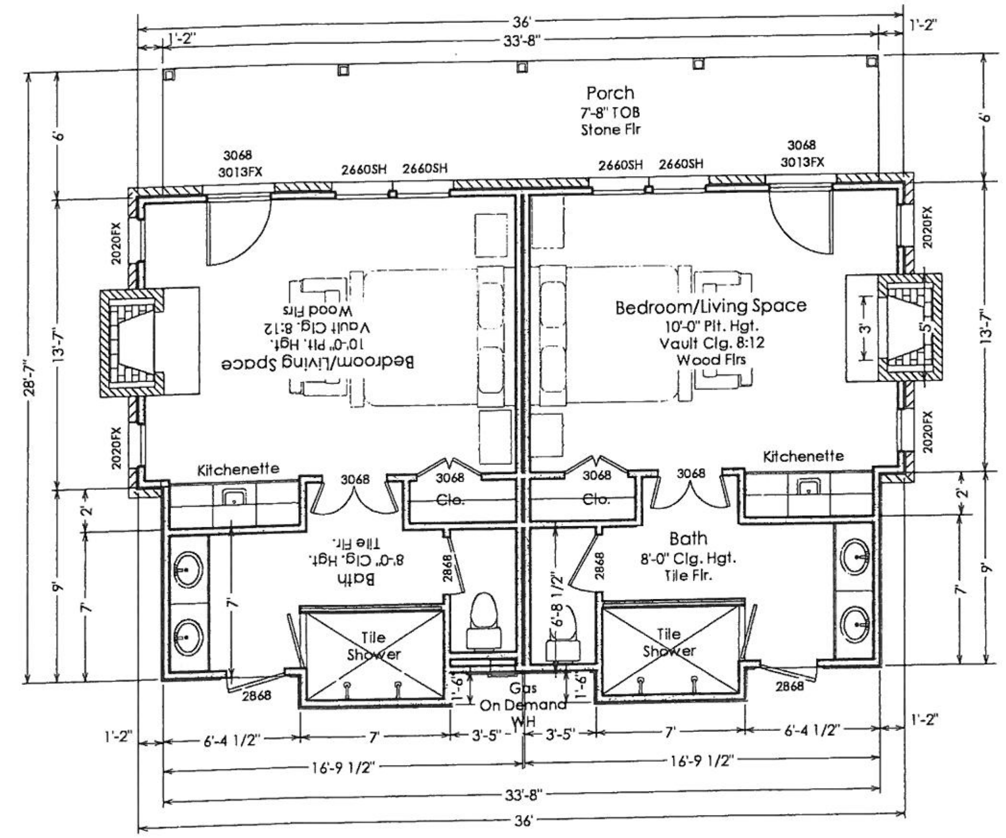
29



North Elevation



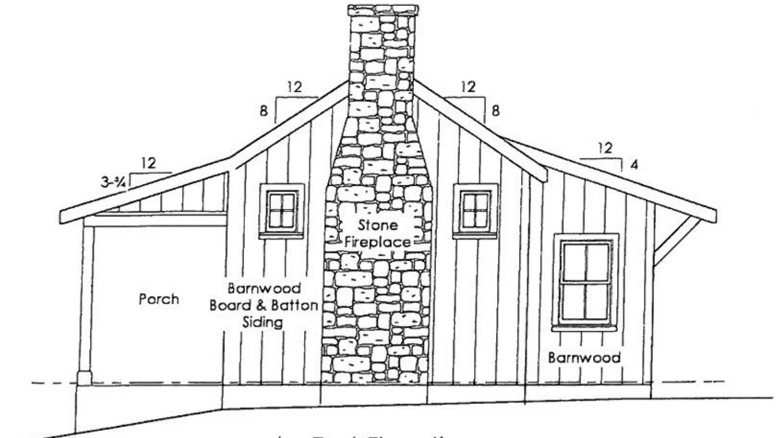
Unit 3-4 1/4" = 1'-0"
429 SF Htd. 521 SF Slab (1042 Total Bldg)



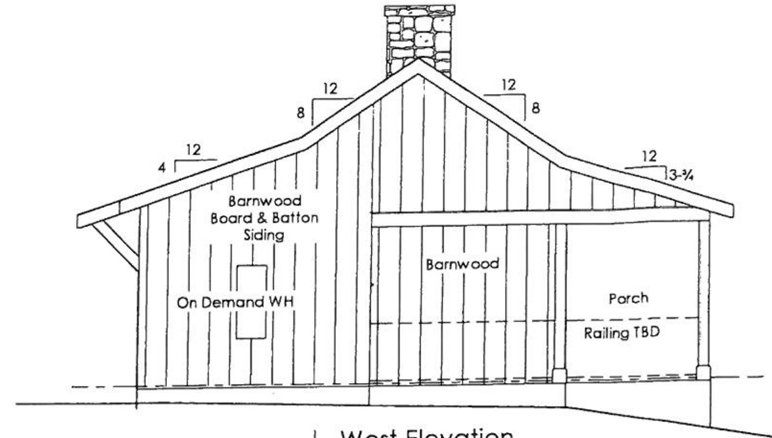
Unit 5-6 1/4" = 1'-0"
429 SF Htd. 521 SF Slab (1042 Total Bldg)

PLANS NOT FOR CONSTRUCTION
FOR HISTORIC REVIEW ONLY

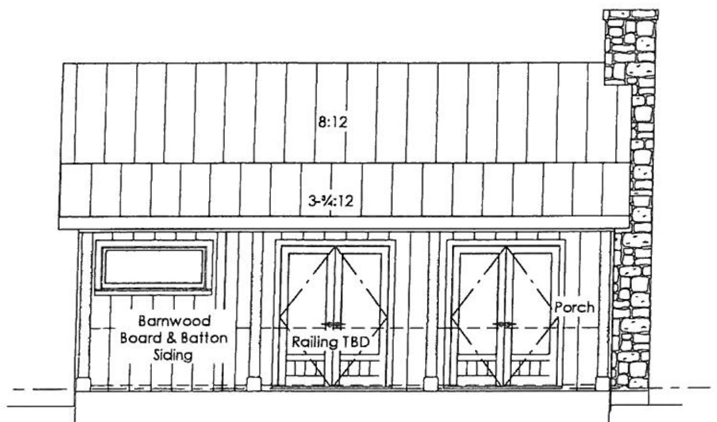
John Muraglia 415 & 417 East Main Street Fredericksburg, Texas 78624	Prepared By: Shayna Thompson 830.998.1673
Unit #3-4 & #5-6	Scale 1/4" = 1'-0" Date 11-25-13 4



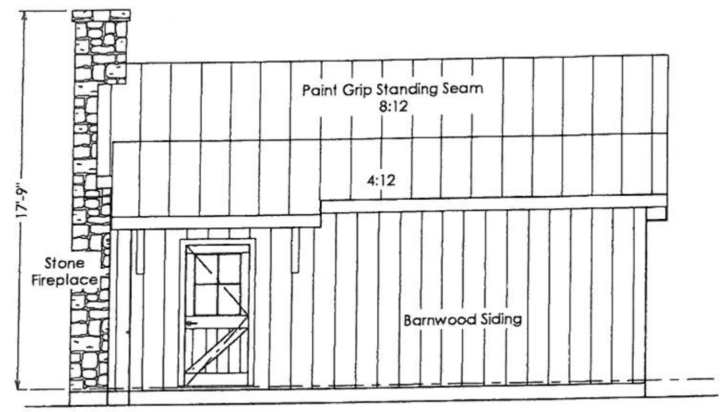
East Elevation



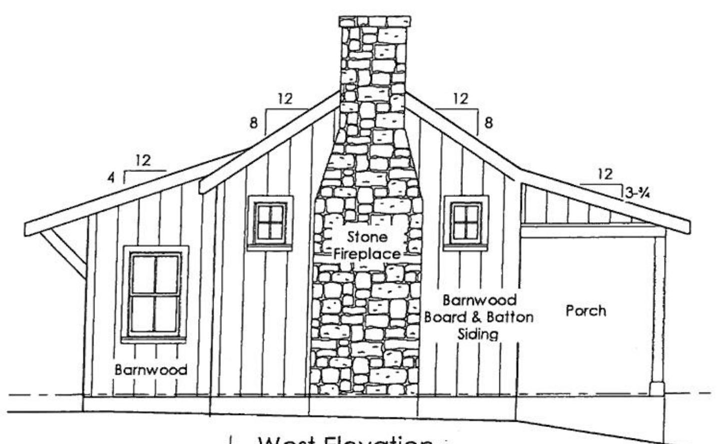
West Elevation



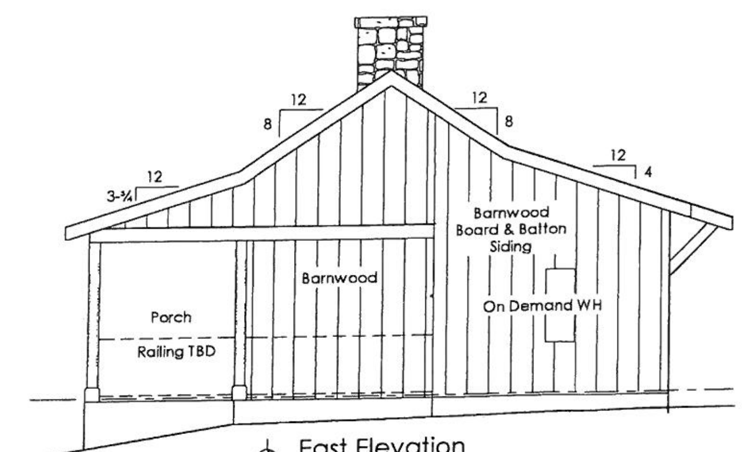
South Elevation



North Elevation



West Elevation



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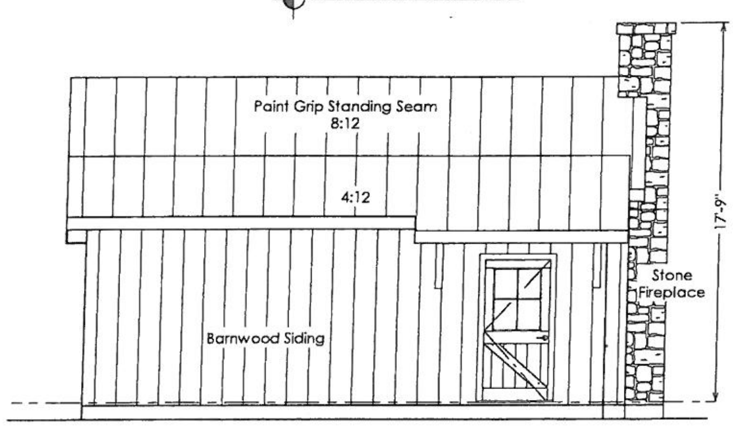

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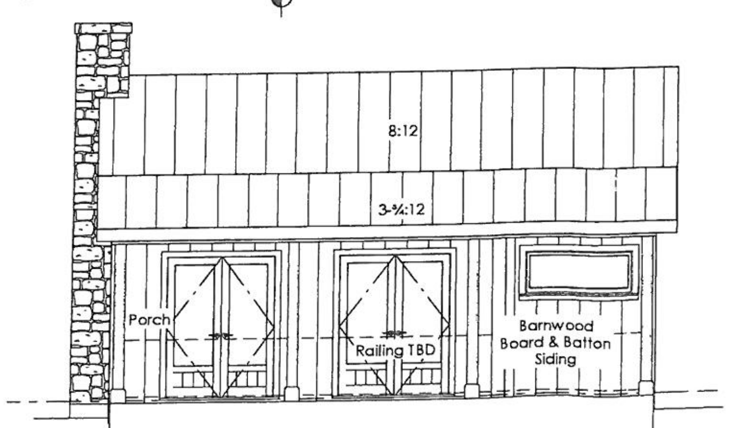
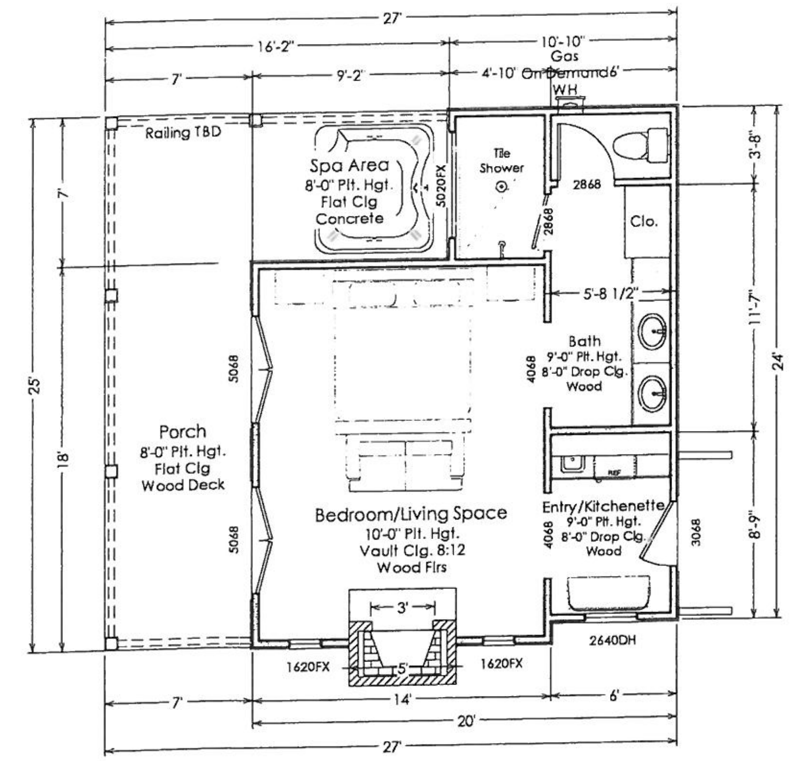
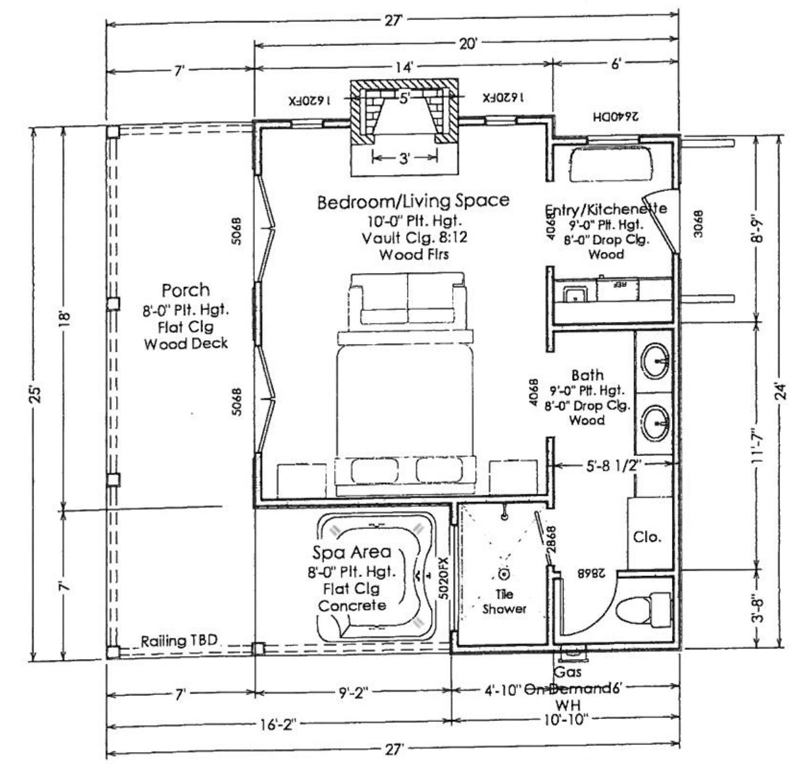


South Elevation

30



Unit 7 1/4" = 1'-0"
439 SF Htd. 679 SF Slab



Unit 8 1/4" = 1'-0"
439 SF Htd. 679 SF Slab

PLANS NOT FOR CONSTRUCTION
FOR HISTORIC REVIEW ONLY

John Muraglia
415 & 417 East Main Street
Fredericksburg, Texas 78624

Prepared By:
Shayna Thompson
830.998.1673

Unit #7 & #8

Scale
1/4" = 1'-0"

Date
11-25-13

5

Z-1315
E AUSTIN
N ELK
E. MAIN (HWY 290 E.)
S. ELK
E. SAN ANTONIO
S. WASHINGTON (HWY 87 S.)
E. SAN ANTONIO

CITY COUNCIL MEMO

DATE: December 5, 2013

TO: Mayor and City Council

FROM: Brad Kott, Director of Finance

SUBJECT: Resolution Authorizing Property Lease Agreement

Summary:

The 2014 adopted City Budget approved funding for lease purchase payments for the acquisition of equipment including a 953D Track Loader for the Landfill.

The equipment was purchased for $199,000. The total purchase price of $199,000 will be financed with 3 annual payments beginning FY 2014.

The financing was bid with the low bid was received from and awarded to JP Morgan CHASE Bank N.A. at 1.342% annual interest. As part of the lease documentation, the City Council must adopt a Resolution authorizing the Personal Property Lease Agreement with JP Morgan and also the designation of the lease as a Qualified Tax -Exempt Obligation. In order for the lease to qualifiy as a tax exempt obligation the City must reasonably expect not to issue more than $10 million of tax-exempt obligations during 2014.

Furthermore, the adoption of this ordinance will give authorization to the City Manager and the Director of Finance to execute all documents related to this lease agreement.

Recommendation:

Staff recommends that the Council adopt the resolution authorizing the property lease agreement and its designation as a qualified tax-exempt obligation. The lease has been reviewed by the City Attorney. In respect to the designation of the lease purchase as a tax-exempt obligation, the City does not intend to issue more than $10 million dollars of tax-exempt obligations in 2014.

Background / Analysis:

The City of Fredericksburg has used JP Morgan CHASE Bank several times during the past 10 years for financing and has received the utmost in professional service. JP Morgan continues to deliver attractive interest rates for this specific type of financing.

CHASE

RESOLUTION AND DECLARATION OF OFFICIAL INTENT

Lessee: CITY OF FREDERICKSBURG

Principal Amount Expected To Be Financed: $199,000.00

WHEREAS, the above Lessee is a political subdivision of the State in which Lessee is located (the "State") and is duly organized and existing pursuant to the constitution and laws of the State.

WHEREAS, pursuant to applicable law, the governing body of the Lessee ("Governing Body") is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interests in property, leases and easements necessary to the functions or operations of the Lessee.

WHEREAS, the Governing Body hereby finds and determines that the execution of one or more lease-purchase agreements ("Equipment Leases") in the principal amount not exceeding the amount stated above ("Principal Amount") for the purpose of acquiring the property generally described below ("Property") and to be described more specifically in the Equipment Leases is appropriate and necessary to the functions and operations of the Lessee.

Brief Description Of Property: See Attached Schedule A-1

WHEREAS, JPMorgan Chase Bank, N.A. ("Lessor") is expected to act as the lessor under the Equipment Leases.

WHEREAS, the Lessee may pay certain capital expenditures in connection with the Property prior to its receipt of proceeds of the Equipment Leases ("Lease Purchase Proceeds") for such expenditures and such expenditures are not expected to exceed the Principal Amount.

WHEREAS, the U.S. Treasury Department regulations do not allow the proceeds of a tax-exempt borrowing to be spent on working capital and the Lessee shall hereby declare its official intent to be reimbursed for any capital expenditures for Property from the Lease Purchase Proceeds.

NOW, THEREFORE, Be It Resolved by the Governing Body of the Lessee:

SECTION 1. Either one of the (insert title) ____________________ **OR** the (insert title) ____________________ (each an "Authorized Representative") acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver one or more Equipment Leases in substantially the form set forth in the document presently before the Governing Body, which document is available for public inspection at the office of the Lessee. Each Authorized Representative acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Equipment Lease (including, but not limited to, escrow agreements) as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Equipment Leases are hereby authorized.

SECTION 2. By a written instrument signed by any Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of the Lessee to execute and deliver agreements and documents relating to the Equipment Leases on behalf of the Lessee.

SECTION 3. The aggregate original principal amount of the Equipment Leases shall not exceed the Principal Amount and shall bear interest as set forth in the Equipment Leases and the Equipment Leases shall contain such options to purchase by the Lessee as set forth therein.

SECTION 4. The Lessee's obligations under the Equipment Leases shall be subject to annual appropriation or renewal by the Governing Body as set forth in each Equipment Lease and the Lessee's obligations under the Equipment Leases shall not constitute a general obligations of the Lessee or indebtedness under the Constitution or laws of the State.

SECTION 5. The Governing Body of Lessee anticipates that the Lessee may pay certain capital expenditures in connection with the Property prior to the receipt of the Lease Purchase Proceeds for the Property. The Governing Body of Lessee hereby declares the Lessee's official intent to use the Lease Purchase Proceeds to reimburse itself for Property expenditures. This section of the Resolution is adopted by the Governing Body of Lessee for the purpose of establishing compliance with the requirements of Section 1.150-2 of Treasury Regulations. This section of the Resolution does not bind the Lessee to make any expenditure, incur any indebtedness, or proceed with the purchase of the Property.

SECTION 6. As to each Equipment Lease, Lessee hereby designates each Equipment Lease as a "qualified tax-exempt obligation" for the purposes of and within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended ("Code") and Lessee reasonably anticipates that the total amount of Section 265 Tax-Exempt Obligations to be issued during the current calendar year by Lessee, or by an entity controlled by Lessee or by another entity the proceeds of which are loaned to or allocated to Lessee for purposes of Section 265(b) of the Code will not exceed $10,000,000. "Section 265 Tax-Exempt Obligations" are obligations the interest on which is excludable from gross income of the owners thereof under Section 103 of the Code, except for private activity bonds other than qualified 501(c)(3) bonds, both as defined in Section 141 of the Code.

SECTION 7. This Resolution shall take effect immediately upon its adoption and approval.

ADOPTED AND APPROVED on this ________________________, 20___.

The undersigned Secretary/Clerk of the above-named Lessee hereby certifies and attests that the undersigned has access to the official records of the Governing Body of the Lessee, that the foregoing resolutions were duly adopted by said Governing Body of the Lessee at a meeting of said Governing Body and that such resolutions have not been amended or altered and are in full force and effect on the date stated below.

____

Signature of Secretary/Clerk of Lessee

Print Name: ______________________________

Official Title: ______________________________

Date: ______________________________

CITY COUNCIL MEMO

DATE: December 11, 2013

TO: Mayor and City Council

FROM: Brad Kott, Director of Finance

SUBJECT: FY 2014 Budget Amendments

Summary:

The attached FY 2014 Budget Amendments represent expenditures that were budgeted but not spent in the prior fiscal year. At the time the FY 2014 Budget was prepared, these amounts had been projected to be spent by the end of FY 2013.

Recommendation:

Staff recommends that the Council approve these amendments to the FY 2014 adopted City Budget. As a result of these amendments, $136,500 in expenditures will be added to the General Fund, $272,000 will be added to the Water and Sewer Fund , and $272,000 will be added to the Tourism Fund. The final operating results for each of these funds for the prior FY 2013 show excess revenues over expenditures that will cover these amendments. The favorable results for the prior year are in part a result of not spending these amounts we are now carrying forward.

Background/Analysis:

These amendments represent items that were budgeted but not spent in the prior year and did not have a contract that guaranteed appropriation of funds to complete the project in the following year.

BUDGET AMENDMENTS FY 2014

GENERAL FUND $136,500

Sidewalk Improvements - Street

01-24-5465-00

Original FY 2014 Budget	100,000
Amendment	89,500
Amended Budget	189,500

$100,000 was budgeted for last year and only $10,569.65 was spent. This amendment carries forward the unspent amount of 89,430.35 to FY 2014.

Sports Facilities Maintenance - Parks

01-25-4260-00

Original FY 2014 Budget	15,000
Amendment	6,600
Amended Budget	21,600

The City received a one-time $20,000 donation from the Optimist Club in FY 2013 for T-ball improvements. Only $13,450.07 was spent. The remainder of $6,549.93 will be spent in FY 2014.

Cross Mountain Improvements - Parks

01-25-4277-00

Original FY 2014 Budget	0
Amendment	4,400
Amended Budget	4,400

The City received a one-time $7,388 donation from the Gillespie County Leadership Program in FY 2013 for Cross Mountain improvements. Only $3,020 was spent. The remainder of $4,368 will be spent in FY 2014.

Contract Professional Services - Development Services

01-27-3140-00

Original FY 2014 Budget	70,000
Amendment	36,000
Amended Budget	106,000

$75,000 was budgeted for the subdivision ordinance update last year and only $39,025 was spent. This amendment carries forward the unspent amount of $35,975 to FY 2014.

WATER AND SEWER FUND $272,000

Knauth Well Improvement - Water

03-21-5311-00	
Original FY 2014 Budget	0
Amendment	175,000
Amended Budget	175,000

$175,000 was budgeted for last year and $0 was spent. This amendment carries forward the unspent amount of $175,000 to FY 2014.

SCADA Project - Water

03-21-5313-00	
Original FY 2014 Budget	0
Amendment	97,000
Amended Budget	97,000

$125,000 was budgeted for last year and only $28,065.33 was spent. This amendment carries forward the unspent amount of $96,934.67 to FY 2014.

TOURISM FUND $272,000

Hotel Tax Distributions -Special - Tourism

07-21-3261-00	
Original FY 2014 Budget	50,000
Amendment	272,000
Amended Budget	322,000

290,000 was budgeted for Wayfinding Phase II last year and only $16,107.59 was spent. This amendment carries forward the unspent amount of $273,892.43 to FY 2014. Because the installation contract came in under budget, only $272,000 is required to be budgeted. The $50,000 originally budgeted this year represents architect design fees for the proposed FCVB building addition.

CITY COUNCIL MEMO

DATE: December 16, 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 and that this percentage will increase to 15% on July 1, 2014 and again on July 1, 2015 to 20%. 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; this 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. Additionally, the City has not committed to releasing load beyond 2017 but may exercise its option to do so and enter into contracts for up to 35% of its total load.

Recommendation:

Following review and discussion of various contract scenarios 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.

The City of Fredericksburg

126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861

Background / Analysis:

The City is part of a Power Supply Aggregation Group (SPAG) of municipally owned utilities. This group includes Brady, Cuero and Lockhart. PSAG 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.

The City of Fredericksburg

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