

# CITY OF FREDERICKSBURG CITY COUNCIL MEETING

**MONDAY, JANUARY 20, 2014 ~ 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.**

### **Page Ref**

### **PLEDGE OF ALLEGIANCE.**

#### **1. PUBLIC HEARINGS**

- A. PUBLIC HEARING on proposed Parking Ordinance. 1-10

#### **2. ORDINANCES - RESOLUTIONS - ACTION ITEMS**

- A. Receive and consider Outdoor Lighting Ordinance. 11-30

#### **3. INDIVIDUAL ITEMS FOR CONSIDERATION AND POSSIBLE ACTION**

- A. Receive Health Department Report.  
B. Receive Annual EDC Report.  
C. Consider Cellular Tower on City Hall. 31-33  
D. Receive Requests for Hotel Occupancy Tax Funds: Packet
1. Fredericksburg Music Club
  2. Optimist Hill Country Run
  3. Ft Martin Scott Friends
  4. Heritage School - Eisbahn
  5. Hill Co Antique Tractors
  6. Canto Chamber Choir
  7. Fbg Jaycees Truck & Tractor Pull
  8. Gillespie County Fair & Festival Asso
  9. Admiral Nimitz Foundation
  10. Admiral Nimitz Foundation
  11. Gillespie County Historical Society
  12. Fbg Jaycees Crawfish Festival
  13. Hill Country Film Festival
  14. Chamber Christmas Parade/After Glow
  15. Systems GO
  16. Fbg Theater Company
  17. Friends of Gillespie Country Schools
  18. Boys & Girls Club Shopping Tournament
  19. Die Kuenstler
  20. 4<sup>th</sup> of July
  21. Fbg Art Guild
  22. Tx Society for Preservation of St. Joseph's Halle
  23. Fbg Farmer's Market
  24. Wings Over the Hills
  25. Vereins Quilt Club
  26. Zion Music Festival

**INDIVIDUAL ITEMS FOR CONSIDERATION AND POSSIBLE ACTION**, continued

|                                                                           |       |
|---------------------------------------------------------------------------|-------|
| E. Consider Amendment to Council Rules of Procedure Regarding Ordinances. | 34-35 |
| F. Consider City Manager Goals.                                           | 36-37 |
| G. Consider Fire/EMS staffing.                                            | 38-43 |
| H. Consider Wholesale Power Purchases.                                    | 44-45 |

4. **CITY MANAGER'S REPORT**

- A. February 21 City Council Retreat
- B. Adopt a Highway Program
- C. Property Tax Collections
- D. Employee Recognitions

5. **ITEMS FOR FUTURE AGENDAS**

6. **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.

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

8. **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.

9. **ADJOURN**



## CITY COUNCIL MEMO

---

**DATE:** January 20, 2014

**TO:** Mayor and City Council

**FROM:** Kent Myers, City Manager

**SUBJECT:** Proposed Parking Regulations

---

**Summary:**

As requested by the City Council, a public hearing has been scheduled for Monday's Council meeting to get public input on proposed new parking regulations (see attached).

**Recommendation:**

Following the public hearing, it is recommended that the City Council delay any action until you have an opportunity to fully discuss these regulations at your February 21 Retreat.

---

**Background / Analysis:**

Several months ago, a presentation was made on the need for additional parking regulations to address increasing neighborhood concerns with parking of large vehicles and trailers on public right-of-way and in unpaved areas on private properties. Following this presentation, an ordinance was presented to the Council including provisions that would prohibit certain parking in residential areas. At the City Council meeting, several concerns were expressed from local property owners particularly

①

The City of Fredericksburg

with regard to the provisions regulating parking on private properties. Based upon these concerns, the Council decided to schedule a public hearing at this meeting to insure that the public was fully informed about the new proposed regulations and to insure that local citizens had an opportunity to provide their input.



The City of Fredericksburg

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

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:** January 20, 2014

**TO:** Mayor and City Council

**FROM:** Kent Myers, City Manager

**SUBJECT:** Outdoor Lighting Ordinance

---

**Summary:**

Attached is a copy of an outdoor lighting ordinance that has been proposed by a local group known as the Fredericksburg Outdoor Lighting Committee. Members of this Committee will be present at Monday's Council meeting to present this proposed ordinance and respond to any questions.

**Recommendation:**

It is recommended that the Council discuss this proposed ordinance and ask the Committee any questions that you might have. Following this discussion, it is recommended that you delay any action on this ordinance until a more thorough review and discussion can take place at the next City Council Retreat.

---

**Background / Analysis:**

The attached ordinance has been prepared and presented to the Council by a local citizens group in an effort to preserve and protect our night sky. While there are a number of excellent provisions in this

(1)

The City of Fredericksburg

ordinance, there are also some sections that will difficult for the City to enforce in the future. In addition, for the City to comply with some of the provisions included in this ordinance this will require additional costs.

City staff have shared some of our concerns with members of the local committee during the past month. Rather than proceeding with a detailed discussion on our concerns at Monday's meeting, it would be preferable to discuss these issues at the February 21 Retreat. Following this discussion, Council guidance can be provided on what areas of the ordinance that you would like to include in the final ordinance for approval in March.

(12)

The City of Fredericksburg

## CITY OF FREDERICKSBURG

### CODE OF ORDINANCES

#### CHAPTER XX: OUTDOOR LIGHTING

##### **Sec. xx-1 Purpose**

The purpose of these rules and regulations are to provide uniform outdoor lighting standards and regulations to assure public safety, promote efficient and more cost effective lighting, enhance the ability to view the night sky and promote a positive city image reflecting order, harmony and pride, thereby strengthening the economic stability of Fredericksburg's business, cultural, historical and residential areas.

##### **Sec. xx-2 Jurisdiction and Scope**

This chapter applies within the city limits. Nothing contained in this chapter shall be construed to prevent or limit the city from applying this chapter to the ETJ through agreements with property owners, as a term affixed to a conditional approval (such as a variance), or as the provisions of this chapter may be applicable to the regulation of signs in the ETJ.

##### **Sec. xx-3 Definitions**

Words and phrases used in this chapter shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth therein. Words and phrases not defined in the Code of Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

*Applicant* means a person or entity who submits to the city an application for an approval required by the Code of Ordinances. To be qualified as an Applicant under this chapter, the person or entity must have sufficiently documented legal authority or proprietary interests in the land to commence and maintain proceedings under the Code of Ordinances. To avoid confusion, the term will not include anyone other than the property owner(s), tenant(s), or a duly authorized agent and representative of the property owner. As to enforcement between tenant(s) and property owner(s) of a particular piece of property, the property owner(s) shall have ultimate liability for violations of this chapter.

*City* means the City of Fredericksburg, an incorporated municipality located in Gillespie County, Texas.

*City limits* means the incorporated municipal boundary of the city, as may be expanded from time to time by annexation and as reflected in the official map of the city limits of Fredericksburg.

*ETJ* means the extraterritorial jurisdiction of the city.

*Full cut-off fixtures* means fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the luminaires or indirectly from the fixture, are not permitted to project above a horizontal plane running through the lowest point on the fixture where light is emitted.

*Holiday lighting* means lighting used for a specific celebration which may be one of the following types:

- (1) Festoon type low-output lamps, limited to small individual bulbs on a string with a maximum output of 70 lumens within any square foot if the bulbs are coated in a color, or a maximum output of 20 lumens within any square foot if the bulbs are clear.
- (2) Low-output lamps with a maximum output of 210 lumens within any cubic foot used to internally illuminate yard art.
- (3) Flood or spot lights with a maximum output of 2000 lumens each, whose light source is not visible from any other property, and which are used only as temporary lighting.

*Initial lamp lumens* means the product of the initial number of lumens produced by the light emitting elements of an individual luminaire, multiplied by the luminaire efficiency. If the efficiency is not known for a residential luminaire, assume 70%. Initial luminaire lumens for all luminaires tested with absolute photometry are approximated as 100% of luminaire lumens.

*Lighting* means any source of light that does not include natural light emitted from celestial objects or fire. The term includes, without limitation, any type of lighting, fixed or movable, designed or used for illumination of buildings or homes, including lighting for billboards, streetlights, canopies, gasoline station islands, searchlights used for advertising purposes, externally or internally on or off premises advertising signs, area-type lighting and luminous elements or fixtures attached to structures, poles, the earth or any other location.

*Light trespass* means lighting emitted from fixtures designed or installed that causes light to fall on a property other than the one where the fixture is installed, motor vehicle drivers' eyes, or upwards toward the sky.

*Logo* means a representation or symbol adopted by a business, organization, or an individual used to promote instant public recognition.

*Lumen* means a unit of measurement used to quantify the amount of light produced by a bulb or emitted from a fixture (as distinct from "watt," a measure of power consumption). The lumen

rating associated with a given lamp is generally indicated on its packaging or may be obtained from the manufacturer (abbreviated lm).

*Lumens per net acre* means the total number of initial lamp lumens (see definition above) produced by all fixtures utilized in outdoor lighting on a property divided by the number of acres, or part of an acre, of the property being illuminated.

*Luminaire, or Luminous elements (of a light fixture)* means individually or collectively: the lamp (light bulb), any diffusing elements and surfaces intended to reflect or refract light emitted from the lamp.

*Non-residential* means property designated as nonresidential pursuant to the city's Code of Ordinances.

*Outdoor lighting* means temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outdoors. Non-residential fixtures that are installed indoors that cause light to shine outdoors are considered outdoor lighting for the purposes of this chapter. (See Figure A). Residential fixtures installed indoors generating more than 6200 lumens (approximately equal to a 300 watt incandescent bulb) that cause light rays to shine outdoors are also considered outdoor lighting for the purposes of this chapter.

*Person* means a human individual, corporation, agency unincorporated association, partnership or sole proprietorship.

*Residential* means property designated as residential pursuant to the City's Code of Ordinances.

*Temporary lighting* means lighting intended for uses which by their nature are of limited duration; for example holiday decorations, civic events, or construction projects.

*Total outdoor light output* means the total amount of light, measured in lumens, from all outdoor lighting fixtures within the illuminated area of a property. The total lumen value is the sum of the initial lamp lumens for each fixture within the illuminated area of a property.

*Uplighting* means lighting that causes light rays to project above a horizontal plane running through the lowest point on the fixture where light is emitted.

#### **Sec. xx-4 Lighting**

- (1) All outdoor lighting shall be installed to comply with the standards, rules and regulations established by this chapter.
- (2) It is an offense to install outdoor lighting that does not comply with the standards, rules and regulations established by this chapter.

#### **Sec. xx-5 Nonconforming Existing Lighting**

All existing outdoor lighting that was legally installed before the enactment of this chapter, and that does not comply with the standards, rules and regulations established by this chapter shall be

deemed nonconforming. Nonconforming existing outdoor lighting shall be brought into compliance with this chapter as follows:

- (1) All existing outdoor lighting located on a subject property that is part of an application for a conditional use permit, subdivision approval, or a building permit shall be brought into compliance with this chapter before final inspection, issuance of a certificate of occupancy, or final plat recordation, whichever applicable. All existing outdoor lighting located on a subject property that is part of an application for other permits issued by the city, such as a site development permit, a sign permit for an externally or internally-illuminated outdoor sign, the initial alcoholic beverage permit, the initial food establishment permit, and an on-site sewage facility permit, shall be brought into compliance with this chapter within 90 days from the date such permit is issued.
- (2) All nonconforming existing outdoor lighting that becomes damaged or inoperable and is subsequently repaired, replaced, or improved, as the case may be, shall be repaired, replaced, or improved in a manner to comply with this chapter as if new lighting.
- (3) All other nonconforming existing outdoor lighting on property used for non-residential purposes, not otherwise governed by Section xx-5(1), shall be brought into compliance with this chapter within \_\_\_\_\_ years from the date of adoption of this chapter.
- (4) All other nonconforming existing outdoor lighting on property used for residential purposes, not otherwise governed by Section xx-5(1) shall be brought into compliance with this chapter within \_\_\_\_\_ years from the date of adoption of this chapter.

#### **Sec. xx-6 Outdoor Lighting in the Extra Territorial Jurisdiction (ETJ) of the City**

Compliance with the standards, rules and regulations of this chapter in the ETJ is strongly encouraged. All outdoor lighting in the ETJ brought into the city limits as a result of annexation shall be brought into compliance with this chapter as follows:

- (1) All non-residential outdoor lighting that is installed, repaired, renovated, or moved after the date of adoption of this chapter shall be brought into compliance with this chapter within six (6) months from the date of annexation.
- (2) All non-residential outdoor lighting that is installed, repaired, renovated, or moved on or prior to the date of adoption of this chapter shall be brought into compliance with this chapter within one (1) year from the date of annexation.
- (3) All residential outdoor lighting that is installed, repaired, renovated, or moved on or prior to the date of annexation shall be brought into compliance with this chapter within two (2) years from the date of annexation.

## **Sec. xx-7 Full Cut-off, Shielding and Total Outdoor Light Output Standards**

- (1) Governmental owned streetlights shall be full cut-off fixtures in order to limit light trespass. (See Figure B).
- (2) All outdoor lighting, except governmental owned streetlights, shall be shielded so that the luminous elements of the fixture are not visible from any other property. (See Figures C and D).
- (3) Outdoor uplighting is prohibited, except in cases where the fixture is shielded by a roof overhang or similar structural shield and a licensed architect or engineer has certified and stamped a prepared lighting plan that ensures that the light fixtures will not cause light to extend beyond the structural shield, except as otherwise specifically permitted by this chapter.
- (4) All outdoor lighting fixtures shall be full cut-off fixtures, except as otherwise specifically permitted by this chapter (See Figures E and F).
- (5) Total outdoor light output (excluding governmental owned street lights used for illumination of public rights-of-way and outdoor recreation facilities) of any non-residential property shall not exceed 100,000 lumens per net acre in any contiguous illuminated area. This lumen per net acre limitation is an upper limit and not a design goal; design goals should be the lowest levels that meet the requirement of the task.
- (6) Total outdoor light output (excluding governmental owned street lights used for illumination of public rights-of-way and outdoor recreation facilities) of any residential property shall not exceed 25,000 lumens per net acre in any contiguous illuminated area.
- (7) Outdoor recreation facilities are not subject to the lumens per net acre limit. However, outdoor recreational facilities are subject to the shielding requirement (Section xx-7(2) above). Where fully shielded fixtures are not available, lighting fixtures using external louvers or shields that, in the final installed configuration, extend to within 3 inches on the lowest portion of the light fixture opening are required. (See Figure G). The fixtures shall be installed and maintained with aiming angles that permit no greater than 1% of the light emitted by each fixture to project above the horizontal. It is recommended that the lumens per net acre for multi-directional aerial sports (e.g., baseball, basketball, football, soccer) not exceed 1,000,000 lumens per net acre. It is recommended that the lumens per net acre for uni-directional aerial sports (e.g., golf at a driving range, skeet shooting) and all ground level sports (e.g., field hockey, swimming, archery, target shooting) not exceed 800,000 lumens per net acre.

## **Sec. xx-8 Lighting for Outdoor Signs and Panels**

- (1) Outdoor internally-illuminated signs (whether free standing or building mounted) shall be constructed with an opaque background and translucent letters and

symbols or with a colored background and lighter letters and symbols. (See Figure H). The internally-illuminated portion of the sign cannot be white, cream, off-white, or yellow unless it is part of a registered logo. White, cream, off-white or yellow are permitted in the logo only, provided that such colors in the logo shall represent not more than 33% of the total sign area permitted. Lamps used for internal illumination shall not be included in the total outdoor light output calculation.

- (2) Outdoor internally-illuminated panels (such as illuminated canopy margins or building faces), shall be included in the total outdoor light output calculation.
- (3) Outdoor externally-illuminated signs shall conform to all provisions of this chapter and the Sign Ordinance, chapter 29 of the City of Fredericksburg Code of Ordinances.

#### **Sec. xx-9 Lighting Under Canopies, Building Overhangs, or Roof Eaves**

- (1) All outdoor lighting fixtures located under canopies, under building overhangs, or under roof eaves shall conform to all provisions of this chapter.
- (2) Outdoor lighting fixtures located under canopies, under building overhangs, or under roof eaves where the center of the lamp or luminaire is located at 5 feet, but less than 10 feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-quarter (1/4) of the lamp's rated lumen output. (See Figures I and J).
- (3) Outdoor lighting fixtures located under canopies, under building overhangs, or under roof eaves where the center of the lamp or luminaire is located 10 or more feet from the nearest edge of a canopy, building overhang, or eave are to be included in the total outdoor light output as though they produced only one-tenth (1/10) of the lamp's rated lumen output. (See Figures I and J)
- (4) The total light output used for illuminating under canopies or building overhangs, defined as the sum of all under canopy initial lamp lumen outputs, shall not exceed 20 lumens per square foot under the canopy area. All lighting mounted under the canopy, including but not limited to lighting fixtures mounted on the lower surface of the canopy and auxiliary lighting within signage or illuminated panels under the canopy, is to be included in the total.

#### **Sec. xx-10 Neon Lighting**

Neon lighting is permitted, so long as lumen calculations from such lighting are included in the total outdoor light output calculations for the site. Lumens are calculated on a per foot basis, rather than per "fixture". Such lighting shall also be subject to the shielding requirements of this chapter, unless exempted under Section xx-15.

## **Sec. xx-11 Flag Poles**

It is preferred that flag poles not be illuminated and that the traditional patriotic raising of the flag after dawn and lowering of the flag before sunset be utilized. Lighting of up to two (2) governmental flags per property is permitted with the following restrictions:

- (1) Flag poles illuminated from below are limited to a height of 25 feet above ground level. They may be illuminated with no more than a single spot type fixture utilizing diffusers or hex louvers to reduce glare, with a maximum initial output of 75 lumens per foot of pole height, measured from the light fixture to the top of the flag pole. The fixture is to be mounted so that the lens is perpendicular to the flag pole.
- (2) Flag poles illuminated from above may utilize a light fixture attached to the top of the flag pole as illustrated in Figure K and the total number of lumens initially output from any light fixture mounted on top of the flag pole shall be limited to 800 lumens. Flag poles may also be illuminated from above by a fixture mounted above the top of the flag pole on a structure within fifteen (15) feet of the flag pole, provided that the fixture is shielded in compliance with Section xx-7(2).
- (3) Lighting fixtures used for flag pole illumination shall be included in the total outdoor light output calculation.

## **Sec. xx-12 Lighting Curfews**

- (1) Non-residential outdoor lighting intended to be left on more than 30 minutes after closing, or the completion of activities, must be reduced to 25% or less of the normal lumen output. Motion sensor activation may be allowed to cause the light to resume normal lumen output only when activated and to be reduced back to 25% or less of normal lumen output within 5 minutes after activation has ceased, and the outdoor lighting shall not be triggered by activity off the property.
- (2) Illumination for all advertising signs, both externally and internally illuminated, shall be turned off by the later of closing time or 10:00 p.m., provided, however, that such signs may be turned back on prior to sunrise, but no more than one hour prior to opening.
- (3) Government owned streetlights, other than at the intersection of roadways, shall utilize half-night photocells or timers to turn off the lights half-way between dusk and dawn.
- (4) Lighting for outdoor recreational facilities is allowed between one hour prior to sunset and 10:30 p.m., unless it is needed to complete a specific organized activity or event already in progress at 10:30 p.m.
- (5) All outdoor lighting is encouraged to be turned off when no one is present to use the light.

- (6) Controls shall be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system.

#### **Sec. xx-13 Prohibitions**

- (1) The installation of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited.
- (2) The installation of any wall pack style fixture for use as outdoor lighting is prohibited unless the fixture is rated by the manufacturer as full cut-off and otherwise complies with the shielding requirements of this chapter. Examples of acceptable wall packs, when mounted with light directed downward only are shown in Figure L.
- (3) The installation of any barn-light style fixture for use as outdoor lighting is prohibited unless the fixture includes a full opaque reflector instead of the standard translucent lens and otherwise complies with the shielding requirements of this chapter. An example of barn-light style with and without the required opaque reflector is shown in Figure M.
- (4) The operation of searchlights for advertising purposes is prohibited.

#### **Sec. xx-14 Submission of Plans and Evidence of Compliance**

- (1) All commercial building permit applications must include an outdoor lighting plan which includes the following information:
  - (A) The location of all existing and proposed light fixtures (may be included on site plan) including those indoor fixtures defined as outdoor lighting for the purposes of this chapter.
  - (B) A lumen calculation sheet to determine lumens per net acre. It must include the total area to be illuminated, the fixture descriptions, lamp types (i.e., incandescent, low pressure sodium, compact fluorescent, LED, etc.), wattages, number of lamps, initial lamp lumens, and the light loss factor (LLF) for all existing and proposed lamps.
  - (C) Specification sheets for all existing and proposed light fixtures.
  - (D) Acknowledgement that the Applicant has received notification of the provisions of this chapter.
- (2) Upon receipt of residential building permit applications, city staff shall provide the home builder and/or Applicant with either a summary of or a copy of this

chapter. The city's submission of the foregoing shall be *prima facie* evidence that the Applicant has received notification of the provisions of this chapter.

- (3) Verification that a residential or commercial construction project requiring a building permit application has complied with the provisions of this chapter shall occur during the final electrical inspection by the city building inspector.

## **Sec. xx-15 Exemptions**

The following lighting instances are exempt from this chapter:

- (1) Outdoor lighting fixtures with a maximum output of 300 lumens per fixture, regardless of the number of bulbs, (equals approximately one 25 watt incandescent light), may be left unshielded provided the fixture has an opaque top to prevent light from shining directly up, and the source of the light is not visible from any other property. The collective output from these fixtures shall not exceed 10% of the allowable lumens per net acre.
- (2) Outdoor lighting fixtures with a maximum output of 600 lumens per fixture, regardless of the number of bulbs, (equals approximately one 45 watt incandescent light), that are shielded with a colored lens provided such lens reduces the lumen output approximately in half, the fixture has an opaque top to prevent light from shining directly up and the source of the light is not visible from any other property. The output from these fixtures shall not exceed 20% of the allowable lumens per net acre.
- (3) Outdoor lighting for which light is produced directly by the combustion of fossil fuels.
- (4) Holiday lighting is exempt from complying with this chapter from November 15<sup>th</sup> to January 15<sup>th</sup> during the hours from 6:00 a.m. to midnight each day, except that flashing holiday lights are prohibited on non-residential properties. Flashing holiday lighting on residential properties are discouraged. Holiday lights may be illuminated one additional seven (7) day period per calendar year.
- (5) Lighting required by law to be installed on motor vehicles.
- (6) Lighting needed during activities of law enforcement, fire and other emergency services.
- (7) Lighting employed during emergency repairs of roads and utilities and such lighting may be unshielded provided the lights are positioned so they do not shine in the eyes of passing drivers.
- (8) Lighting required for the safe operation of aircraft.
- (9) Temporary lighting for theatrical, television, performance areas, or construction

areas provided the lights are positioned so they do not shine in the eyes of passing drivers and the source of the illumination is shielded from any other property.

- (10) Temporary lighting required to save life, limb or property from imminent peril, provided the lighting is positioned so that it does not shine in the eyes of passing drivers.

#### **Sec. xx-16 Materials and Methods of Installation**

This chapter is not intended to prohibit the use of any design, material or method of prescribed installation not specifically proscribed by this chapter, provided such alternative meets the legislative intent of this chapter.

#### **Sec. xx-17 Compliance with Building Code**

All lighting installations commenced in accordance with this chapter must be in compliance with Buildings and Building Regulations, Chapter 5 of the City of Fredericksburg Code of Ordinances.

#### **Sec. xx-18 Civil & Criminal Penalties**

The city shall have the power to administer and enforce the provisions of this chapter as may be required by governing law. Any person violating any provision of this chapter is subject to suit for injunctive relief as well as prosecution for criminal violations.

#### **Sec. xx-19 Criminal Prosecution**

Any person violating any provision of this chapter commits an offense and shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500.00). Each day that a provision of this chapter is violated shall constitute a separate offense. Enforcement hereunder shall not require the pleading or proving of any culpable mental state.

#### **Sec. xx-20 Civil Remedies**

Nothing in this chapter shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this chapter and to seek remedies as allowed by law, including, but not limited to the following:

- (1) Injunctive relief,
- (2) Monetary damages, and
- (3) Other relief as directed by a court with jurisdiction over the matter.

### **Sec. xx-21 Alternative Relief**

To prevent specific conduct that violates this chapter or to require specific conduct that is necessary for compliance with this chapter; and

- (1) In lieu of criminal prosecution, a civil penalty up to five hundred dollars (\$500.00) a day, when it is shown that the defendant was actually notified of the provisions of this chapter and committed acts in violation of this chapter or failed to take action necessary for compliance with this chapter; and other available relief.
- (2) In the event work is not being performed in accordance with this chapter, the city may issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect.

### **Sec. xx-22 Public Nuisance**

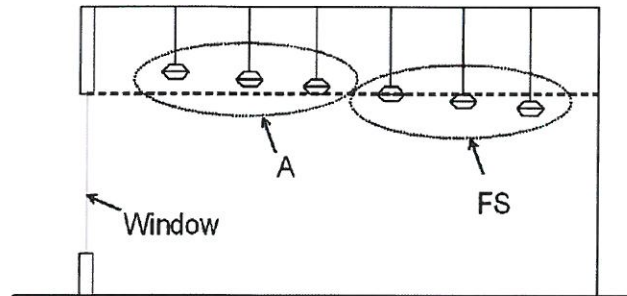
- (1) Any violation of this chapter that results in light trespass or an unreasonable interference with the common and usual use of neighboring property is hereby declared to be a public nuisance which is prohibited by this chapter.
- (2) It is an offense under this chapter for a person to emit light onto the property of another unreasonably interfering with the neighboring property owner's use and enjoyment of the property.

### **Sec. xx-23 Administrative Guidance**

The city is authorized to promulgate one or more interpretive documents to aid in the administration of, and compliance with, this chapter. Such interpretive documents shall be educational only and shall not constitute regulations, amendments, or exceptions.

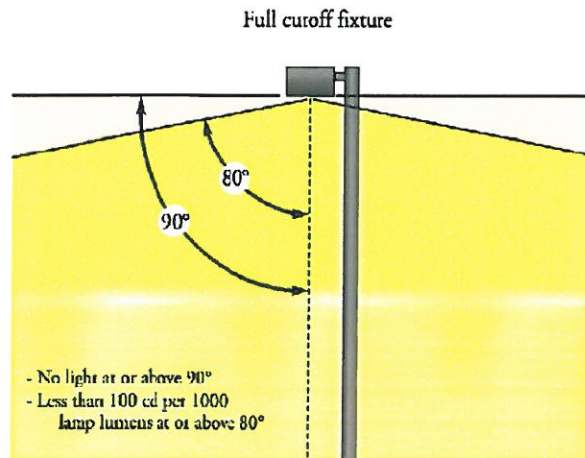
## FIGURES AND ILLUSTRATIONS

**FIGURE A:**



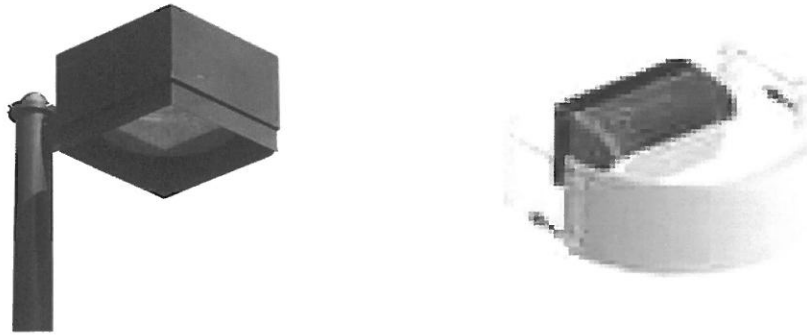
**Figure A:** Elevation view showing a non-residential application of indoor lighting, labeled FS, that constitutes outdoor lighting for purposes of this chapter and indoor lighting, labeled A, which is installed so that it does not constitute outdoor lighting for purposes of this chapter.

**FIGURE B:**



**Figure B:** A full cutoff fixture has a zero uplight component.

**FIGURE C:**



**Figure C:** Mounting height or proximity to property lines may cause the luminous elements of a light fixture to require additional shielding. Above are two examples of shielding.

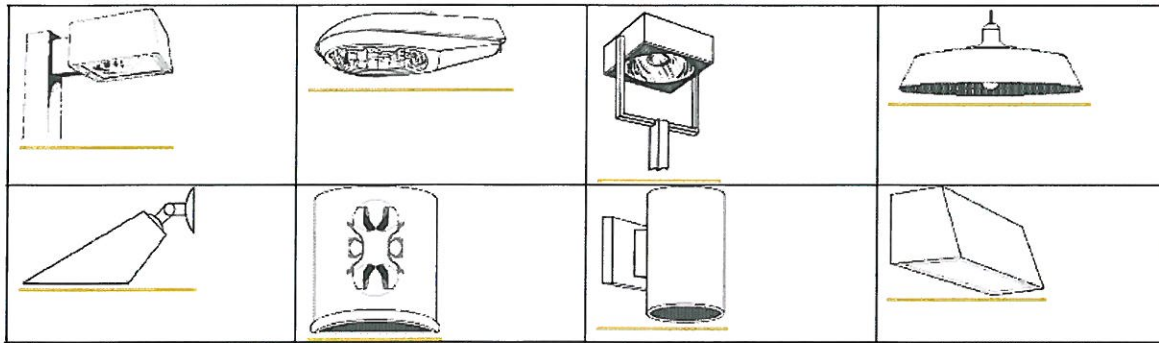
**FIGURE D:**

## Examples of Acceptable / Unacceptable Lighting Fixtures



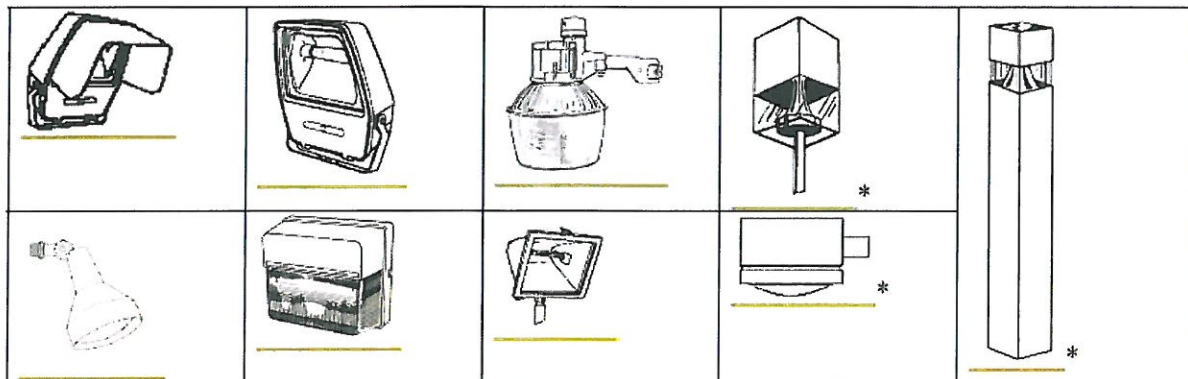
**Figure D:** The lights on the left are non-conforming due to inadequate shielding. Those on the right can be used in most cases; however, the mounting height and proximity to the property line may require additional shielding to prevent the luminous elements from being visible from any other property.

**FIGURE E:**



**Figure E:** This figure shows examples of full cut-off fixtures because they are closed on top and mounted such that the bottom opening is horizontal. Note that the mounting height and proximity to the property line may require additional shielding to prevent the luminous elements from being visible from any other property. A practical way to determine if a light fixture is a full cut-off fixture is that the lamp or tube, any reflective surface or lens cover (clear or prismatic) must NOT be visible when viewed from above or the side.

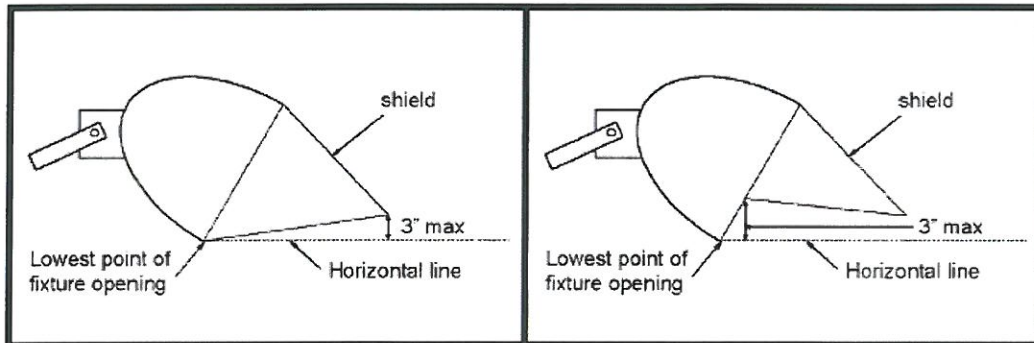
**FIGURE F:**



**Figure F:** This figure illustrates examples of fixtures that are NOT full cut-off fixtures.

\*Note: Even though the lamps in these fixtures are shielded from direct view when viewed from the side or above, reflective surfaces within the fixtures and or lens covers *are* directly visible from the side.

**FIGURE G:**



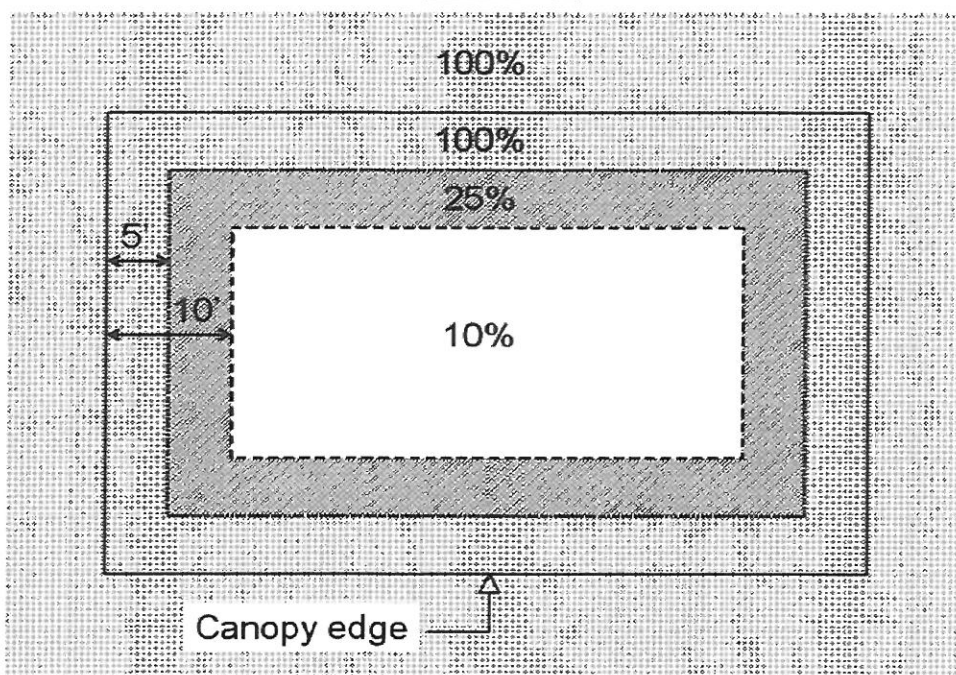
**Figure G:** Sports lighting where fully shielded fixtures are not available.

**FIGURE H:**

| Light Background<br><input type="checkbox"/> | Colored Background<br><input checked="" type="checkbox"/> | Opaque Background<br><input checked="" type="checkbox"/> |
|----------------------------------------------|-----------------------------------------------------------|----------------------------------------------------------|
|                                              |                                                           |                                                          |
|                                              |                                                           |                                                          |

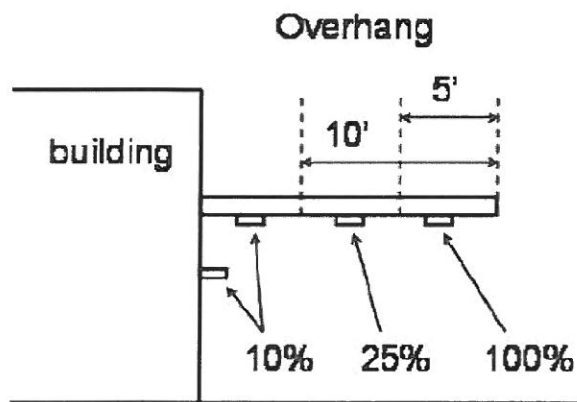
**Figure H:** Internally-illuminated Signs.

**FIGURE I:**



**Figure I:** Plan view of a canopy, showing fixture location and lumen lamp output percentage counted toward total lumens.

**FIGURE J:**



**Figure J:** Elevation view of a canopy or overhang attached to a building, showing location of shielded fixtures and initial lamp output percentage counted toward total lumens.

**FIGURE K:**



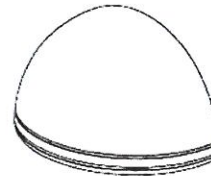
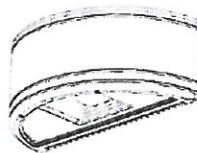
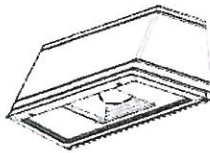
**Figure K:** Options for flag pole lighting.

**FIGURE L:**

WST

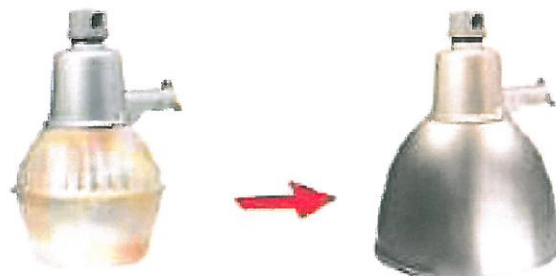
WSR

WSQ



**Figure L:** Samples of acceptable wall packs.

**FIGURE M:**



**Figure M:** Acceptable shielding of barn-style light fixtures.



## CITY COUNCIL MEMO

---

**DATE:** January 15, 2014

**TO:** Mayor and City Council

**FROM:** Russell A Immel, Information Systems Manager

**SUBJECT:** Cellular Tower on City Hall

---

**Summary:**

The City of Fredericksburg is seeking a qualified company to locate cellular antenna(s) and appropriate or necessary appurtenances on the concrete pad site atop City Hall where the siren is currently located. The deadline for the submission of Request for Proposal (RFP) was January 15, 2014.

We received one bid. West Central Wireless proposes a 30 year lease, initial 5 year term with 25 one year renewal possibilities as per lease. The compensation would be \$450.00 per month, paid annually, or \$5,400.00 per year for the initial year of the lease with a 2% increase per year after the initial year. After reviewing the bid, all requirements of the proposal were met satisfactorily.

**Recommendation:**

Approval.

(31)

**The City of Fredericksburg**

---

**Background / Analysis:**

The City was approached by a cellular phone vendor requesting to locate a cell tower on the roof of City Hall to better cover the downtown Fredericksburg area.

The city has a structure mounted on the roof that currently supports the very large, heavy siren that was used to summon the volunteer fireman and alert the citizens that emergency vehicles were in route. The siren has not worked in a number of years and there is no plan to reuse it. After staff discussion, it was determined that the location would be suitable for such a use, and it was an opportunity to remove the existing inoperative siren from the roof. As per law, we advertised for Request for Proposals. There were several inquiries but only one bid received. After reviewing the bid, all requirements of the proposal were met satisfactorily. As there are no other rooftop installations locally to compare with, we contacted some other cities. After research the compensation is in line with other such installations in other locations.

As this is in the Historical District, the proposed antennas and appurtenances shall be subject to Historic Review Board approval.

West Central Wireless would like to take proper steps to enhance wireless coverage in the downtown area of the city by placing cellular gear and antennas on the roof of city hall. We have met with Brian Jordan and Russell Immel along with Mike Kunz of Global One on several occasions and have concluded the best place for the gear would be on the concrete pad where the old siren is now occupied. The install would consist of 3 panel antennas approximately 53 inches tall, mounted on a pole bracket, extending approximately 10 feet above the bracket where the siren is now located. In that the installation of these antennas is somewhat lighter than the siren we feel the bracket system will be able to support the install without any modifications needed once we remove the siren. West Central will remove the siren during antenna installation free of charge as a condition of the lease. A cabinet approximately 30"X30"X60" tall weighing approximately 500 lbs. will be placed near the antenna brackets. Electricity will be provided by the city and we will compensate accordingly. This equipment requires a 220v. 40 amp circuit. One of our sites that has the same gear but also has tower lights metered with it averages \$75.00 per month. We propose and increase of rent by \$50.00 per month to compensate for the power. This will allow for \$450.00 per month, paid annually, or \$5400.00 per year for the initial year of the lease with a 2% increase per year after the initial year.

We would like to start the installation as soon as possible if approved and once we have a contract in place.

West Central proposes a 30 year lease, initial 5 year term with 25 one year renewal possibilities as per lease.

Once the install is complete, we feel the only thing that will be visible from the street level will be the 3 antennas.

Thanking you in advance



Ed Probandt



## CITY COUNCIL MEMO

---

**DATE:** January 20, 2013

**TO:** Mayor and City Council

**FROM:** Kent Myers, City Manager

**SUBJECT:** Council Procedure-Consideration of New Ordinances

---

**Summary:**

Based upon the increasing number of City ordinances that have recently been presented and discussed, a specific policy is needed to define the procedure that the Council will follow in considering new ordinances in the future.

**Recommendation:**

It is recommended that the procedure for considering new ordinances, which is stated below, be adopted so that the City will have a fair and consistent way for considering new ordinances proposed by City Council members, City staff and local citizens.

---

**Background / Analysis:**

Over the past several months, the City has been presented with 4-5 different new ordinances and there has been a variety of different procedures that have been used in reviewing and considering these ordinances. This includes the outdoor lighting ordinance recommended by a local citizens

(34)

The City of Fredericksburg

committee and a new parking ordinance recommended by City staff. In one case, an ordinance has been referred to a committee for review and revision. In another case, a public hearing has been scheduled to get citizen input on a proposed ordinance prior to adoption.

In some of the cities where I have previously worked, there has been a procedure that requires two readings of an ordinance before it is adopted. I am recommending that we adopt this type of procedure for our City. So the procedure that is recommended includes the following:

**ALL CITY ORDINANCES WILL REQUIRE TWO READINGS OF THE CITY COUNCIL AT TWO DIFFERENT CITY COUNCIL MEETINGS PRIOR TO ADOPTION. FOLLOWING THE FIRST READING OF THE ORDINANCE, THE COUNCIL WILL TAKE ONE OF THE FOLLOWING ACTIONS BEFORE PROCEEDING WITH THE SECOND READING AND ADOPTION OF THE ORDINANCE.**

- 1. THE COUNCIL WILL MAKE A MOTION TO PROCEED WITH THE SECOND READING OF THE ORDINANCE AT THE NEXT CITY COUNCIL MEETING WITH ANY REVISIONS MADE BY THE COUNCIL DURING THE FIRST READING.**
- 2. THE COUNCIL WILL MAKE A MOTION TO SCHEDULE A PUBLIC HEARING AT THE NEXT CITY COUNCIL MEETING TO ALLOW PUBLIC COMMENT ON THE PROPOSED ORDINANCE PRIOR TO THE SECOND READING OF THE ORDINANCE.**
- 3. THE COUNCIL WILL MAKE A MOTION TO TABLE THE ORDINANCE FOR REVIEW AND COMMENTS BY OTHER ORGANIZATIONS OR COMMITTEES PRIOR TO THE SECOND READING OF THE ORDINANCE.**
- 4. THE COUNCIL WILL MAKE A MOTION TO TABLE THE ORDINANCE AND REFER THE ORDINANCE FOR DISCUSSION AT THE NEXT SCHEDULED CITY COUNCIL RETREAT.**
- 5. THE COUNCIL WILL MAKE A MOTION TO TABLE THE ORDINANCE AND INSTRUCT STAFF TO MAKE CHANGES TO THE ORDINANCE FOR FURTHER DISCUSSION AND CONSIDERATION BY THE COUNCIL AT THE NEXT CITY COUNCIL MEETING PRIOR TO THE SECOND READING BEING SCHEDULED.**
- 6. THE COUNCIL WILL MAKE A MOTION TO DISAPPROVE THE ORDINANCE FOLLOWING THE FIRST READING.**

This new procedure will provide a lot of flexibility in dealing with ordinances in the future. It will also insure that the city gets input from citizens and other impacted groups prior to adoption if it appears that this input is needed.



The City of Fredericksburg



## CITY COUNCIL MEMO

---

**DATE:** January 20, 2014

**TO:** Mayor and City Council

**FROM:** Kent Myers, City Manager

**SUBJECT:** City Manager Performance Goals

---

**Summary:**

Over the past several weeks, the attached listing of performance goals has been prepared based upon input from the City Council.

**Recommendation:**

It is recommended that the Council discuss the attached draft listing of performance goals and discuss any revisions that you would like to make prior to approval.

---

**Background / Analysis:**

Once approved, these performance goals will be used as guidance for me so that I will focus on areas that are important to the Council. During my evaluation next December you can also use these performance goals as a basis for your discussion on my overall performance during 2014.

(36)

The City of Fredericksburg

## City Manager-2014 Performance Goals

### City of Fredericksburg

1. Prepare report and recommendations on future City options for owning and managing the municipal golf course.
2. Develop education campaign for fully informing local voters about the impact of the proposed Charter amendment prior to the May election.
3. Develop policies and procedures for future Council consideration of major new ordinances and policies.
4. Develop future plan for future city office space including consideration of use of the Security Bank property at the corner of Crockett and Austin Streets.
5. Develop future staffing plan for the City Council's review and consideration.
6. Continue to explore possible future expansion of City recycling services including the possibility of curbside recycling and glass recycling.
7. Work with Finance Director to develop a five-year financial plan.
8. Present options for expansion of Visitor's Center and effectively coordinate any expansion of the Visitor's Center.
9. Continue to work with EDC, Chamber and other local entities on expanding our local labor force to fill current and future job positions in community.
10. Work closely with Relief Route Task Force to support their efforts and insure that they progress with their analysis of a future relief route.
11. Complete report and recommendations on areas proposed for annexation into the City Limits.
12. Keep bond projects such as the Park Pool and utility improvements on schedule and within budget.



## CITY COUNCIL MEMO

---

**DATE:** January 20, 2014

**TO:** Mayor and City Council

**FROM:** Kent Myers, City Manager

**SUBJECT:** Fire/EMS Staffing

---

**Summary:**

We have several staffing issues that are impacting our Fire/EMS operations that we need to present and discuss with the City Council at Monday's meeting (see attached report).

**Recommendation:**

It is recommended that one additional full-time employee be added to our Fire/EMS staff to cover calls as a result of several recent changes.

---

**Background / Analysis:**

Normally we consider any new full-time staff requests during the annual budget discussions. However, over the past several months we have encountered several different issues in our Fire/EMS staffing that require the consideration of a new employee in order to cover our calls. This new employee would reduce our needs for part-time employees which are very difficult to find during the normal work week.

(38)

The City of Fredericksburg

One of the major issues, that is discussed in the attached report, is that one of our full-time Fire employees has been called to active duty and will not return for about a year. In addition, as a result of the new Affordable Care Act, we cannot employ anyone more than 30 hours a week without providing full health insurance coverages. Therefore, we get to a point where we cannot use certain part-time employees towards the end of the pay period because we do not provide health insurance to these individuals.

If the new employee is added as requested, this would reduce our part-time employee costs and would help insure that all of our Fire and EMS calls are fully covered. This employee would be cross-trained and could be used for both Fire and EMS calls.

## **Request for Full-Time EMS Position**

Emergency Services and particularly EMS requires an additional full time position. Federal Law requires that part-time employees that work over 30 hours a week on a regular basis be given benefits to include health insurance. We have around 14 part time employees in EMS and have routinely run into the problem of several part time employees working over 60 hours in a 2 week pay period (a sample EMS Payroll document is included below—in the example below 6 part-time employees would be required by law to be paid the same benefits as a full time employee). Our Fire division is often faced with the same problem. This puts us in a precarious position as if a part time employee works more than 30 hours per week they must be paid benefits. By combining two of our part time positions into a full time position we can virtually eliminate our violations. We have tried to implement operating procedures to curtail the hours of part time employees but as Emergency Services is the one department within the City that cannot operate short of personnel we do not have enough part-time employees to achieve this goal. In EMS we must have four paramedics on duty at all times or face fines and suspension of our State license -- the Fire and Dispatch Divisions are also 24/7 one deep positions that must be continuously manned.

EMS is currently in the process of hiring one full time employee to fill the position Trent Williams vacated on 31 December. With your concurrence I would like to hire two of the individuals we have interviewed to fill the vacant full time position and an additional full time position created by consolidating two part time positions as was done in the Golf Department.

We have part time employees that fill in for EMS, Fire and Dispatch positions. By combining two part-time positions into one full time position and hiring a person qualified to fill in for any division (EMS, Fire or Dispatch) we could substantially reduce the number of part-time hours required. Both of the individuals available and selected for hire could easily fill part-time needs for any division. This option would be particularly beneficial to the Fire Division as every third shift for the next year will be required to be filled by a part-time employee due to the military deployment of one of our full-time firefighters. Obtaining part-time employees that can fill vacancies during the week and overnight is very difficult and is one of the reasons that we regularly exceed the 30 hours per week for part-time workers. A part-time employee is limited to one shift per week for Fire and EMS where a full time employee works 3 shifts per week on a normal basis.

EMS employees currently earn 2,256 hours of PTO annually. Fire Division employees currently earn 516 hours of PTO annually. Dispatch Division employees currently earn 456 hours of PTO annually. The total PTO hours earned by EMS and Emergency Services shift employees is 3, 228 annually. This equates to 134.5 EMS shifts annually (The normal number of EMS shifts per year for a full-time employee is 140 shifts). While not every person will take all the PTO they accumulate each year, if you combine all the PTO required throughout all divisions (and the 140 fire shifts that will be vacant this year) we have more hours available than one additional full time employee can fill (we must also consider that a new full time employee will also earn 96 hours of PTO in each of the first 2 years of service). So part-time employment will not be eliminated, but we will be able to manage the number of part-time hours worked each week to eliminate the necessity of paying part-time employees benefits.

Reduction in over-time as a result activating another full-time position is questionable. Currently, EMS employee salaries are based on 848 hours of scheduled overtime annually. Fire and Dispatch shift employees are also scheduled for mandatory over-time also but at a lesser amount than EMS employees. A study I conducted in 2009 while a student at the National Fire Academy showed that even if we increased EMS staffing by 25 percent, total personnel cost would increase substantially and mandatory scheduled over-time would still be necessary. However, the amount of over-time we pay to part-time employees would be eliminated with the activation of an additional full time position that could be rotated through all three divisions with shift employees. In 2013 EMS paid part-time employees for 852 hours of over-time (this was 4 hours more than the amount of overtime scheduled for one full time employee, additionally 427 of those part-time over-time hours were to one individual). Of the 27 pay periods paid by EMS in 2013 only 3 did not have part-time over-time, yet every pay period had substantial part-time. Judging from my analysis I do not see any significant decrease in total over-time hours but we would realize the total elimination of part-time over-time hours.

If a new position is not created I would envision a minimum of 4 individuals that would need to receive benefits for regularly working more than 30 hours a week. Two working in EMS and two working in the fire division, while Fred is on his military deployment, would be required to receive benefits. In EMS Lee Dreyer worked a total of 1,973 hours averaging 73 hours per pay period and Anthony Pradia who worked a total of 772 hours averaging 52 hours per pay period would definitely be required to receive benefits. Two other EMS personnel that might be in the running for benefits are Reggie Loeffler worked a total of 563 hours averaging 47 hours per pay period and Austin Dreyer worked a total of 552 hours averaging 28 hours per pay period. If a new position is not created the personnel listed above may be required to work additional hours as Adrain Cook, who was a part-time employee for the year and worked 312 hours averaging 26 hours a pay period, is now a full time employee working in dispatch. Myron Fiedler and Randall Fuchs are members of the Fredericksburg Volunteer Fire Department and regularly work to cover Fred's shift as they can work during the week as well as weekends (they are both single and don't mind the extra work). These two, at least for the next year, would most probably be required to receive benefits if a new position is not created.

I do not have the statistical expertise to determine if creating a full time position for coverage of all three Emergency Services Divisions will actually result in savings to the City. I can with a high degree of certainty confirm that part-time expenditures will be substantially reduced, part-time over-time will be eliminated, it will be much more easy to fill week day and overnight vacancies, and most importantly -- we will comply with Federal Law and avoid paying numerous part-time employees the same benefits that full time employees receive.

Respectfully request your favorable consideration and approval of converting two part-time positions into one full-time position to insure compliance with Federal Regulations and avoid paying four part-time employees the same benefits that one full-time employee would receive.

(41)

Very Respectfully

John

*John C. Culpepper*

*Director of Emergency Services  
Fredericksburg and Gillespie County*

## CITY OF FREDERICKSBURG EMS

PAYROLL FOR THE PAY PERIOD OF DECEMBER 19 THRU JANUARY 01, 2014

REG      OT      PTO  
HOURS

|                   |     |      |             |
|-------------------|-----|------|-------------|
| DENNIS LOTH       | 68  | 16   | -12 PTO     |
| DAVID SWIFT       | 80  | 32   | 0           |
| TERRY FRITZ       | 32  | 16   | -48 PTO     |
| CATHERINE KUHLMAN | 32  | 16   | -48 PTO     |
|                   |     |      |             |
| ROMNEY KOWERT     | 24  | 40   | -56 PTO     |
| TRENT WILLIAMS    | HAS | BEEN | PAID        |
| KEVIN SCHERER     | 51  | 40   | -29 PTO     |
| KARL STEWART      | 80  | 40   | 0           |
|                   |     |      |             |
| DAVID JUNG        | 40  | 0    | 24HD -16PTO |
|                   |     |      |             |
| BRIAN MARKS       | 8   | 40   | -72 PTO     |
| DEAN STEWART      | 8   | 40   | -72 PTO     |
| HARVEY LANSFORD   | 56  | 40   | -24 PTO     |
| ADONICA HARPER    | 56  | 40   | -24 PTO     |
| LORI SEEWALD      | 40  | 0    | 24HD -16PTO |
|                   |     |      |             |

## **PART TIME**

|                 |    |    |                |
|-----------------|----|----|----------------|
| Lee Dreyer      | 69 | 8  | 0 Paramedic    |
| Jason Leifester | 40 | 8  | 0 Paramedic    |
| Tony Pradia     | 64 | 20 | 0 Paramedic    |
| Tonya Rankin    | 64 | 32 | 0 Paramedic    |
| Austin Dreyer   | 40 | 8  | 0 Basic        |
| Justin Blue     | 60 | 0  | 0 Paramedic    |
| Stacy Kuhlmann  | 24 | 0  | 0 Intermediate |

## **EMS High Hour Part-timers**

| Lee   | Justin | Austin | Jason | Spencer | Reggie | Amy | Anthony | Tanya | Eric | Adrain | Homer |
|-------|--------|--------|-------|---------|--------|-----|---------|-------|------|--------|-------|
| 124   | 36     | 24     | 26    | 48      | 88     | 9   | 12      | 40    | 24   | 22     | 24    |
| 71    | 62     | 14     | 10    | 23      | 24     | 50  | 24      | 24    | 40   | 22     | 24    |
| 72    | 24     | 24     | 48    |         | 64     | 16  | 40      | 24    | 40   | 19     | 89    |
| 56    | 12     | 28     | 15    |         | 48     | 25  | 24      | 24    | 11   | 58     | 24    |
| 72    | 24     | 57     | 25    |         | 48     | 48  | 64      | 24    | 24   | 7      | 21    |
| 56    | 12     | 35     | 48    |         | 61     | 30  | 24      | 18    | 24   | 13     | 2     |
| 72    | 36     | 5      | 57    |         | 38     | 5   | 64      | 96    |      | 14     | 12    |
| 24    | 40     | 44     | 48    |         | 24     | 26  | 39      |       |      | 23     |       |
| 54    | 24     | 54     |       |         | 24     | 13  | 77      |       |      | 8      |       |
| 64    | 32     | 4      |       |         | 24     | 39  | 27      |       |      | 11     |       |
| 124   | 24     | 38     |       |         | 24     | 27  | 64      |       |      | 61     |       |
| 92    | 24     | 14     |       |         | 96     | 5   | 116     |       |      | 54     |       |
| 64    | 24     | 24     |       |         |        | 6   | 80      |       |      |        |       |
| 97    | 60     | 16     |       |         |        | 33  | 33      |       |      |        |       |
| 98    |        | 25     |       |         |        | 24  | 84      |       |      |        |       |
| 55    |        | 38     |       |         |        |     |         |       |      |        |       |
| 100   |        | 40     |       |         |        |     |         |       |      |        |       |
| 78    |        | 6      |       |         |        |     |         |       |      |        |       |
| 32    |        | 14     |       |         |        |     |         |       |      |        |       |
| 65    |        | 48     |       |         |        |     |         |       |      |        |       |
| 109   |        |        |       |         |        |     |         |       |      |        |       |
| 90    |        |        |       |         |        |     |         |       |      |        |       |
| 93    |        |        |       |         |        |     |         |       |      |        |       |
| 48    |        |        |       |         |        |     |         |       |      |        |       |
| 112   |        |        |       |         |        |     |         |       |      |        |       |
| 102   |        |        |       |         |        |     |         |       |      |        |       |
| 77    |        |        |       |         |        |     |         |       |      |        |       |
|       |        |        |       |         |        |     |         |       |      |        |       |
| 1,973 | 434    | 552    | 277   | 71      | 563    | 356 | 772     | 250   | 163  | 312    | 196   |



## CITY COUNCIL MEMO

---

**DATE:** January 20, 2014

**TO:** Mayor and City Council

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

**SUBJECT:** Consider Wholesale Power Purchases

---

**Summary:**

During the regular meeting of the City Council on December 16, 2013, the City Council approved a motion to instruct Schneider Engineering to work with the City Manager and Director of Public Works and Utilities on the purchase of 35% of the City of Fredericksburg's power from Electricite De France (EDF) over a 5 year period and to select optimum times to execute all documents. Since the City Council meeting on December 16<sup>th</sup>, prices for purchasing power on the open market from American Electric Power (AEP) have become competitive with EDF.

**Recommendation:**

Following review and discussion of power purchase prices by both EAP and EDF in executive session, it is recommended that the City Council decide which power provider to contract with for the previously approved 35% of the City of Fredericksburg's power over a 5 year period and to instruct Schneider Engineering to work with the City Manager and Director of Public Works and Utilities on selection of the optimum time to execute the contract.

(44)

The City of Fredericksburg

**Background / Analysis:**

According to representatives of Schneider Engineering, due to shifts in prices of purchasing power on the open market, AEP has now become competitive with the previous City Council approved power provider EDF. These shifts in pricing may result in potentially lower costs to the City for purchasing power from AEP.

(45)

The City of Fredericksburg

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