

STATE OF TEXAS  
COUNTY OF GILLESPIE  
CITY OF FREDERICKSBURG

REGULAR CITY COUNCIL MEETING  
FEBRUARY 6, 2012  
7:00 PM

On this the 6<sup>th</sup> day of February, 2012, City Council of the CITY OF FREDERICKSBURG convened in regular session at the City Hall, with the following members present to constitute a quorum:

PRESENT: TOM MUSSELMAN - MAYOR  
TIM DOOLEY - COUNCIL MEMBER  
GRAHAM PEARSON - COUNCIL MEMBER  
SCOTT JONES - COUNCIL MEMBER  
TOMMY SEGNER - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: GARY NEFFENDORF - CITY MANAGER  
PAT MCGOWAN - CITY ATTORNEY  
CRAIG WALLENDORF - D.P.W.U.  
BRIAN JORDAN - DIR. DEVELOPMENT SERVICES  
BRAD KOTT - DIRECTOR OF FINANCE  
PAUL OESTREICH - CHIEF OF POLICE

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

**SIDEWALK ORDINANCE** - Council discussed the current sidewalk ordinance and agreed to hold a workshop Feb. 27 at 6 pm.

**CURRENT ESCROW POLICY FOR FUTURE SIDEWALK AND CURBING REQUIREMENTS** - Council discussed the current Escrow Policy; a workshop on Feb. 27 at 6pm will be held to consider it further.

**UPDATE ON AUSTIN STREET BRIDGE AND MORNING GLORY DRIVE PROJECTS** - D.P.W.U. Craig Wallendorf updated Council on the Austin St. Bridge and Morning Glory Dr. projects.

**SPECIAL MEETING DATES** - February 13, 6pm, was set for a special meeting date for a Hotel Tax workshop; February 27, 6pm, was set for a special meeting on sidewalks and escrow policy for future sidewalks and curbing.

**FUTURE AGENDA ITEMS** - Brehmer Lane and Sunrise Street were considered for future discussion.

**PUBLIC COMMENT** - Russ Rose commented on sales tax, and Larry Wertz, Vic Nixon and Don Nagel commented on sidewalks.

**COUNCIL COMMENT** - Council Member Pearson commented on the City Manager replacement process, and Mayor Musselman extended condolences to the Cantu family.

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

PASSED AND APPROVED this the 16<sup>th</sup> day of April, 2012.

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SHELLEY BRITTON, ~~COMMISSIONER~~ CLERK, MAYOR

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

**SPECIAL CITY COUNCIL MEETING  
FEBRUARY 13, 2012  
6:00 PM**

On this the 13<sup>th</sup> day of February, 2012, 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:

TOM MUSSELMAN - MAYOR

GRAHAM PEARSON - COUNCIL MEMBER

TIM DOOLEY - COUNCIL MEMBER

TOMMY SEGNER - COUNCIL MEMBER

ABSENT:

SCOTT JONES - COUNCIL MEMBER

ALSO PRESENT:

GARY NEFFENDORF - CITY MANAGER

PAT MCGOWAN - CITY ATTORNEY

CRAIG WALLENDORF - D.P.W.U.

PAUL OESTREICH - CHIEF OF POLICE

BRAD KOTT - DIRECTOR OF FINANCE

The meeting was called to order at 6:00 PM.

**2012 HOTEL TAX FUND ALLOCATION** - It was moved by Council Member Dooley, seconded by Council Member Pearson, to allocate the 2012 Hotel Occupancy Tax Funds as follows:

- Fredericksburg Music Club: \$3,000
- Die Kunstler von Fredericksburg: \$2,200
- Fredericksburg Art Guild: \$4,000
- Hill Country Antique Tractor & Engine Club, Inc.: \$3,000
- Arion Men's Choir ~ Hermann Sons Mixed Choir: \$2,500
- Fredericksburg Jaycees/Crawfish Festival: \$5,000
- Fredericksburg July 4<sup>th</sup> Program & Parade: \$4,500
- Vereins Quilt Guild of Fredericksburg: \$3,000
- Fredericksburg Rotary/Friends of Fredericksburg Nature/Wings Over the Hills: \$3,000
- Fredericksburg Farmers Market: \$2,400
- Montabaur Sister City Verein: \$3,000

- Admiral Nimitz Foundation: \$125,000
- Chamber of Commerce/NIOF: \$12,000
- Chamber of Commerce/St. Nikolaus Markt: \$8,000
- Fredericksburg Theater Company: \$30,000
- Friends of Gillespie County Schools: \$15,000
- Boys & Girls Clubs of the Texas Hill Country Fredericksburg Unit: \$10,000
- Gillespie County Fair & Festivals Association, Inc.: \$40,000
- Gillespie County Historical Society/Pioneer Museum: \$125,000
- Hill Country Film Festival: \$10,000
- Hill Country Wine & Music Festivals: \$10,000
- Optimist Club of Fredericksburg, dba Hill Country Run: \$7,500

The vote was as follows: AYE: Musselman, Pearson, Dooley, and Segner; NAY: None. Motion carried.

**EXECUTIVE SESSION** - At 6:37 PM, Council Member Dooley made a motion to recess the regular session and go into Executive Session. Council Member Pearson seconded the motion, and the motion carried. At 7:10 PM, Council Member Dooley made a motion to adjourn the Executive Session and reconvene the regular session. Council Member Segner seconded, the motion carried.

Following Executive Session, the following action was taken.

**MARKET BASED RATE PARTIAL REQUIREMENTS AGREEMENT** - It was moved by Council Member Dooley, seconded by Council Member Segner, to approve the Market Based Rate Partial Requirements Agreement decrease by 5%, effective June 25, 2014. The vote was as follows: AYE: Musselman, Pearson, Dooley, and Segner; NAY: None. Motion carried.

With no further discussion, Council Member Dooley made a motion to adjourn the meeting at 7:11 PM. Council Member Segner seconded the motion. Motion carried.

PASSED AND APPROVED this the 16<sup>th</sup> day of April, 2012 .

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SHELLEY BRITTON, CITY SECRETARY

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TOM MUSSELMAN, MAYOR

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

**REGULAR CITY COUNCIL MEETING  
FEBRUARY 20, 2012  
7:00 PM**

On this the 20<sup>th</sup> day of February, 2012, 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:

TOM MUSSELMAN - MAYOR  
TIM DOOLEY - COUNCIL MEMBER  
GRAHAM PEARSON - COUNCIL MEMBER  
SCOTT JONES - COUNCIL MEMBER  
TOMMY SEGNER - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: GARY NEFFENDORF - CITY MANAGER  
BRIAN JORDAN - DIR. OF DEVELOPMENT SERVICES  
PAT MCGOWAN - CITY ATTORNEY  
PAUL OESTREICH - CHIEF OF POLICE  
SHELLEY BRITTON - CITY SECRETARY

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

**PROCLAMATION - ROTARY INTERNATIONAL** - Mayor Musselman presented a proclamation to Rotary International recognizing Feb. 23, 2012 as Rotary International Day.

**MINUTES OF NOVEMBER 2011 MEETINGS** - It was moved by Council Member Pearson, seconded by Council Member Dooley, to approve the minutes of the November 2011 meetings as presented. The vote was as follows: AYE: Musselman, Segner, Dooley, Pearson and Jones; NAY: None. Motion carried.

**PUBLIC HEARING ON REQUEST #Z-1201 BY THE CITY OF FREDERICKSBURG FOR A CHANGE IN ZONING FROM M-2 MEDIUM MANUFACTURING TO PF PUBLIC FACILITIES ON APPROXIMATELY 4.0 ACRES OF LAND LOCATED AT 1601 E. MAIN STREET** - Council Member Dooley made a motion to recess the regular session and open a public hearing on the request by the City of Fredericksburg for a change in zoning from M-2 Medium Manufacturing to PF Public Facilities on approximately 4.0 acres of land located at 1601 E. Main Street. Council Member Jones seconded the motion. Motion carried.

With no comments from the public, it was moved by Council Member Dooley, seconded by Council Member Segner to adjourn the public hearing and reconvene the regular session. The motion carried.

**RECOMMENDATION AND ADOPT ORDINANCE ON REQUEST #Z-1201** - It was moved by Council Member Dooley, seconded by Council Member Pearson, to approve Request #Z-1201 and to adopt an ordinance for a change in zoning from M-2 Medium Manufacturing to PF Public Facilities on approximately 4.0 acres of land located at 1601 E. Main Street. The vote was as follows: AYE: Musselman, Segner, Dooley, Pearson and Jones; NAY: None. Motion carried.

## **ORDINANCE NO. 22-002**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF**

**FREDERICKSBURG AND CHANGING THE ZONING CLASSIFICATION OF 4 ACRES OF LAND BEING PART OF SURVEY NO. 36, PATENTED TO NATHANIEL TOWNSEND, ASSIGNEE OF W. O. MERRIWETHER, BY PATENT NO. 76, VOLUME 3, DATED DECEMBER 6, 1845; RECORDED IN VOLUME B, PAGE 413 OF THE DEED RECORDS OF GILLESPIE COUNTY, TEXAS BEING SITUATED IN THE CITY OF FREDERICKSBURG, TEXAS, FROM M2-MEDIUM MANUFACTURING TO PF-PUBLIC FACILITIES. (Recorded in Ordinance Book)**

**PUBLIC HEARING ON REQUEST #Z-1202 BY JUDY BOATWRIGHT FOR A CONDITIONAL USE PERMIT TO ALLOW LIMITED RETAIL SALES AND LIMITED RESTAURANT USE IN THE C-1 NEIGHBORHOOD COMMERCIAL ZONING DISTRICT LOCATED AT 619 S. WASHINGTON STREET** - Council Member Dooley made a motion to recess the regular session and open a public hearing on Request #Z-1202 by Judy Boatwright for a Conditional Use Permit to allow Limited Retail Sales and Limited Restaurant Use in the C-1 Neighborhood Commercial Zoning District located at 619 S. Washington Street. Council Member Segner seconded the motion. Motion carried.

With no comments from the public, it was moved by Council Member Dooley made a motion to adjourn the public hearing and reconvene the regular session. Council Member Segner seconded the motion. The motion carried.

**REQUEST #Z-1202** - It was moved by Council Member Dooley, seconded by Council Member Jones, to approve Request #Z-1202 for a Conditional Use Permit to allow Limited Retail Sales and Limited Restaurant use in the C-1 Neighborhood Commercial Zoning District located at 619 S. Washington Street, and to exclude the providing of a 5' sidewalk along the frontage of S. Washington Street. The vote was as follows: AYE: Musselman, Segner, Dooley, Pearson and Jones; NAY: None. Motion carried.

**HOTEL TAX FUNDS** - It was moved by Council Member Pearson, seconded by Council Member Dooley, to ratify the allocation of Hotel Tax funds agreed to at the Feb. 13, 2012 meeting, and to amend the allocation from \$12,000 to \$16,000 for the Chamber's Night in Old Fredericksburg. The vote was as follows: AYE: Musselman, Segner, Dooley, Pearson and Jones; NAY: None. Motion carried. (Note: Council Member Dooley abstained from the 4<sup>th</sup> of July Committee vote due to a conflict of interest.)

2012 Hotel Tax Allocations:

- Fredericksburg Music Club: \$3,000
- Die Kunstler von Fredericksburg: \$2,200
- Fredericksburg Art Guild: \$4,000
- Hill Country Antique Tractor & Engine Club, Inc.: \$3,000
- Arion Men's Choir ~ Hermann Sons Mixed Choir: \$2,500
- Fredericksburg Jaycees/Crawfish Festival: \$5,000
- Fredericksburg July 4<sup>th</sup> Program & Parade: \$4,500

- Vereins Quilt Guild of Fredericksburg: \$3,000
- Fredericksburg Rotary/Friends of Fredericksburg Nature/Wings Over the Hills: \$3,000
- Fredericksburg Farmers Market: \$2,400
- Montabaur Sister City Verein: \$3,000
- Admiral Nimitz Foundation: \$125,000
- Chamber of Commerce/NIOF: \$16,000
- Chamber of Commerce/St. Nikolaus Markt: \$8,000
- Fredericksburg Theater Company: \$30,000
- Friends of Gillespie County Schools: \$15,000
- Boys & Girls Clubs of the Texas Hill Country Fredericksburg Unit: \$10,000
- Gillespie County Fair & Festivals Association, Inc.: \$40,000
- Gillespie County Historical Society/Pioneer Museum: \$125,000
- Hill Country Film Festival: \$10,000
- Hill Country Wine & Music Festivals: \$10,000
- Optimist Club of Fredericksburg, dba Hill Country Run: \$7,500

**PRESENTATION FROM MARKET SQUARE REDEVELOPMENT COMMISSION CONCERNING PLAYGROUND COVER ON MARKET SQUARE** - Council received a

presentation from Dir of Parks and Recreation Jimmy Alexander, along with members of the Market Square Redevelopment Commission Tim Crenwelge, Dan Mittle, Debbie Garner, and Shelley Britton, for a playground cover on Market Square, to be funded by the Fredericksburg Food and Wine Fest. It was moved by Council Member Dooley, seconded by Council Member Segner, to approve the concept and funding as presented. The vote was as follows: AYE: Musselman, Segner, Dooley, Pearson and Jones; NAY: None. Motion carried.

**RECALL PETITION TO COUNCIL REGARDING COUNCIL MEMBER TOMMY**

**SEGNER** - City Secretary Shelley Britton presented Council with a petition that had been submitted and certified of 595 qualified voters, calling for a recall of Council Member Tommy Segner to be placed on the May 12 ballot. No action was taken.

**FUTURE AGENDA ITEMS** - Council set February 27 for a Special Meeting at 6 pm at the Law Enforcement Center to discuss sidewalks, pools, and for Council Member Segner's public hearing on the recall issue.

**PUBLIC COMMENT** - John Klein told council about a downtown parking idea he experienced in Austin; Steve O'Brien, Jerry McCurkle, Cay Meadows, and Tanya Benson spoke in support of Council Member Segner.

**COUNCIL COMMENT** - Council Member Tommy Segner spoke briefly about his ongoing situation with the IRS and his public hearing on Feb 27. Scott Jones commented on the recall, saying it was a "sad moment" and suggested there were deeper and darker issues beside the recall; Mayor Musselman commented on a situation that had been brought to his attention concerning speeding on the west end of Main St.

With no further discussion, Council Member Dooley made a motion to adjourn the meeting at 8:00

PM. Council Member Segner seconded the motion. Motion carried.

PASSED AND APPROVED this the 16<sup>th</sup> day of April, 2012

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SHELLEY BRITTON, CITY SECRETARY

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TOM MUSSELMAN, MAYOR

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

**SPECIAL CITY COUNCIL MEETING  
FEBRUARY 27, 2012  
5:30 PM**

On this the 27<sup>th</sup> day of February, 2012, 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:

TOM MUSSELMAN - MAYOR  
TIM DOOLEY - COUNCIL MEMBER  
GRAHAM PEARSON - COUNCIL MEMBER  
SCOTT JONES - COUNCIL MEMBER  
TOMMY SEGNER - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: GARY NEFFENDORF - CITY MANAGER  
CRAIG WALLENDORF - D.P.W.U.  
PAT MCGOWAN - CITY ATTORNEY  
PAUL OESTREICH - CHIEF OF POLICE

The meeting was called to order at 5:30 PM.

**EXECUTIVE SESSION: CONSULTATION WITH ATTORNEY REGARDING POTENTIAL LITIGATION** - At 5:30 PM, Council Member Dooley made a motion to recess the regular session and go into Executive Session for consultation with attorney regarding potential litigation concerning Frank Schmidt. Council Member Segner seconded the motion, and the motion carried. At 6:22 PM, Council Member Pearson made a motion to adjourn the Executive Session and reconvene the regular session. Council Member Jones seconded, the motion carried.

Following Executive Session, no action was taken.

**PROCLAMATION: TEXAS INDEPENDENCE WEEK** - It was moved by Council Member Dooley, seconded by Council Member Jones, to proclaim "Texas Week". The vote was as follows: AYE: Musselman, Segner, Dooley, Jones and Pearson; NAY: None. Motion carried.

**RECOMMENDATION FROM POOL COMMITTEE** - Pool Committee Chair Linda Langerhans presented the final recommendations of the Pool Committee: to adopt the plan as presented, for a \$1.4 million Town Pool and a \$1.8 million Park Pool at their current locations. It was moved by Council Member Pearson, seconded by Council Member Dooley, to accept the recommendations as presented, and direct staff to prepare ballot language for the upcoming election to be held on May 12, 2012. The vote was as follows: AYE: Musselman, Dooley, Jones and Pearson; NAY: Segner. Motion carried.

**FUTURE AGENDA ITEMS** - Council set Monday March 6, 4-6 pm, City Hall, for a Special Meeting to consider a city ordinance for house numbers on houses or curbs, and to discuss sidewalks.

With no further discussion, Council Member Dooley made a motion to adjourn the meeting at 6:45 PM. Council Member Pearson seconded the motion. Motion carried.

**PUBLIC HEARING** - Per Article VII, Section 7.06 of the City of Fredericksburg charter, Council Member Segner held a Public Hearing to address recall petition issues.

PASSED AND APPROVED this the 16<sup>th</sup> day of April, 2012.

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SHELLEY BRITTON, CITY SECRETARY

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TOM MUSSELMAN, MAYOR

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