

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

REGULAR CITY COUNCIL MEETING
MAY 7, 2012
7:00 PM

On this the 7th day of May, 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: BRAD KOTT - DIRECTOR OF FINANCE
CRAIG WALLENDORF - D.P.W.U.
BRIAN JORDAN - DIR. DEVELOPMENT SERVICES
PAT MCGOWAN - CITY ATTORNEY
PAUL OESTREICH - CHIEF OF POLICE

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

INDEPENDENT AUDITORS REPORT AND ANNUAL FINANCIAL REPORT FOR YEAR ENDING SEPTEMBER 31, 2011 - Council received the Independent Auditors report and Annual Financial report for year ending September 31, 2011.

PROCLAMATION FOR JOHN O. MEUSEBACH MONTH - Mayor Musselman read a proclamation designating May 2012 as John O. Meusebach Month.

STAFF UPDATE ON AUSTIN ST. BRIDGE, MORNING GLORY DRIVE AND CURRENT WATER WELL LEVELS - Council received an update on the Austin St. Bridge, Morning Glory Dr. and well levels from DPWU Craig Wallendorf.

SIGN ORDINANCE AMENDMENT ALLOWING SIGNS FOR B&B'S IN RESIDENTIAL ZONING DISTRICTS - No action taken.

PUBLIC COMMENT - Tonya Benson and Jerry Farley commented on the recent advertisement in the paper regarding the pool propositions. Steve O'Brien commented on his live-streaming broadcasts of City Council meetings.

COUNCIL COMMENT - Council Member Segner commented that the pool committee advertisement was not funded by the City. Mayor Musselman thanked Gary Neffendorf for his years of service with the City and welcomed new City Manager Kent Myers. Council Member Jones and Mayor Musselman urged the public to vote in the City election on May 12.

With no further discussion, Council Member Dooley made a motion to adjourn the meeting at 7:45 PM. Council Member Jones seconded the motion. Motion carried.

PASSED AND APPROVED this the 18th day of June, 2012.

SHELLEY BRITTON, CITY SECRETARY

JERYL HOOVER, MAYOR

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

**SPECIAL CITY COUNCIL MEETING
MAY 18, 2012
8:30 AM**

On this the 18th day of May, 2012, the City Council of the CITY OF FREDERICKSBURG convened in special session at City Hall, 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: SHELLEY BRITTON - CITY SECRETARY

The meeting was called to order at 8:30 AM.

CANVASS AND APPROVE MAY 12, 2012 ELECTION RESULTS - A motion was made by Council Member Dooley, seconded by Council Member Jones, to adopt the following Order declaring the result of the Regular City Election:

ORDER DECLARING RESULT OF REGULAR CITY ELECTION and RECALL ELECTION

On this the 18th day of May, 2012, the City Council in special session open to the public at City Hall, 126 W. Main St., with the following members present, to wit:

- Tom Musselman
- Tim Dooley
- Graham Pearson
- Tommy Segner
- Scott Jones

with no one being absent, constituting a quorum, and among other proceedings, passed the following order and resolution.

AYES: Unanimous

The Resolution follows:

There came to be considered the returns of a regular City Election held on the 12th day of May, 2012, for the purpose of an election to vote for a Mayor and two (2) Council Members for said City, and the recall of Council Member Tommy Segner as requested by Petition, as set forth in the Order calling said election, and it appearing that said election was in all respects legally held and that said returns were duly and legally made.

IT IS THEREFORE FOUND, DECLARED, AND SO ORDERED AND RESOLVED by the City Council of the City of Fredericksburg, Texas, that the legally qualified voters at said above mentioned election held on the 12th day of May, 2012 cast at said election the following votes:

MAYOR

Hoover - 1176

Segner - 279

Musselman - 599

COUNCIL MEMBER

Pearson - 660

Regester - 572

Kirchdorfer - 471

Sanford - 1030

Dooley - 667

PROPOSITION #1

Recall Council Member Tommy Segner

Yes 1163

No 844

PROPOSITION #2

THE ISSUANCE OF BONDS IN AN AMOUNT NOT TO EXCEED \$1,800,000.00 FOR SWIMMING POOL AND RELATED IMPROVEMENTS AT LADYBIRD JOHNSON MUNICIPAL PARK.

FOR - 1125

AGAINST - 892

PROPOSITION #3

THE ISSUANCE OF BONDS IN AN AMOUNT NOT TO EXCEED \$1,400,000.00 FOR SWIMMING POOL AND RELATED IMPROVEMENTS AT THE CURRENT LOCATION AT WEST TRAVIS STREET.

FOR - 1502

AGAINST - 537

Total votes cast: 2081

as shown in the official election returns submitted to the City Council of the City of Fredericksburg, Texas, on May 18th, 2012 by the officers holding said election.

IT IS FURTHER FOUND AND DETERMINED that in accordance with the order of this governing body, the City Secretary posted notice of the date, place, and subject of this meeting on the bulletin board located at the City Hall, a place convenient to the public, said notice having so posted and remaining posted continuously for at least 72 hours preceding the time on this meeting.

The Order passed unanimously.

PASSED AND APPROVED this the 18th of May, 2012.

/s/ Tom Musselman, Mayor

ATTEST: /s/ Shelley Britton, City Secretary

With no further business, it was moved by Council Member Pearson, seconded by Council Member Dooley, to adjourn the meeting at 8:34 AM. All voted in favor and the motion carried.

PASSED AND APPROVED this the 18th day of June, 2012.

SHELLEY BRITTON, CITY SECRETARY

JERYL HOOVER, MAYOR

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STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

REGULAR CITY COUNCIL MEETING
MAY 21, 2012
7:00 PM

On this the 21st day of May, 2012, 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
SCOTT JONES - COUNCIL MEMBER
TIM DOOLEY - COUNCIL MEMBER
KATHY SANFORD - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
SHELLEY BRITTON - CITY SECRETARY
PAT MCGOWAN - CITY ATTORNEY
PAUL OESTREICH - CHIEF OF POLICE
BRIAN JORDAN - DIR. DEVELOPMENT SERVICES
CRAIG WALLENDORF - D.P.W.U.

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

APPROVE MINUTES OF MARCH AND APRIL 2012 MEETINGS - It was moved by Council Member Dooley, seconded by Council Member Jones, to approve the minutes of the March and April 2012 meetings as corrected. All voted in favor and the motion carried.

PUBLIC HEARING Z-1205 BY MICHAEL G. PAINTER FOR A CHANGE IN ZONING FROM R-1 SINGLE FAMILY RESIDENTIAL TO C-2 COMMERCIAL ON A 0.376 ACRES TRACT OF LAND LOCATED AT THE SOUTHWEST CORNER OF KAY STREET AND AUSTIN STREET - It was moved by Council member Dooley, seconded by Council Member Sanford, to recess the regular session and to open the Public Hearing on Request Z-1205 by Michael Painter to change the zoning from R-1 Single Family Residential to C-2 Commercial on a -.376 acres tract of land being a portion of Lot A4, Block 2, and Lot 15, Block 2 of the Louis Preiss Addition, generally located at the southwest corner of Kay Street and Austin Street. All voted in favor and the motion carried.

Mr. Painter was not present. Only one comment was received from the public: Oscar Durham stated that he thought there was a need for a 4-way stop at the corner of Austin and North Cherry.

At 7:12 PM, Council Member Dooley moved to adjourn the public hearing and reconvene the regular session; Council Member Sanford seconded. The motion carried.

RECOMMENDATION AND ORDINANCE FOR Z-1205 - Based on the recommendation of the staff and the Planning & zoning Commission, it was moved by Council Member Dooley, seconded by Council Member Sanford, to adopt an ordinance changing the zoning from R-1 Single

Family Residential to C-2 Commercial on a 0.376 acre tract of land being a portion of Lot A4, Block 2, and Lot 15, Block 2, of the Louis Preiss Addition, generally located at the southwest corner of Kay Street and Austin Street. The vote was as follows: AYE: Hoover, Dooley, Jones, and Sanford. NAY: None. Motion carried.

ORDINANCE NO. 22-012

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FREDERICKSBURG AND CHANGING THE ZONING CLASSIFICATION OF 0.376 ACRES TRACT OF LAND MORE OR LESS BEING A PORTION OF LOT A4, BLOCK 2 OF LOUIS PREISS ADDITION, SITUATED IN THE CITY OF FREDERICKSBURG, TEXAS, FROM R-1 SINGLE FAMILY RESIDENTIAL TO C-2 COMMERCIAL DISTRICT. (Recorded in Ordinance Book)

ORDINANCE DENYING APPLICATION TO INCREASE RATES SUBMITTED BY ATMOS ENERGY CORPORATION - It was moved by Council Member Sanford, seconded by Council Member Jones, to adopt an ordinance denying the application to increase rates submitted by Atmos energy Corporation. The vote was as follows: AYE: Hoover, Dooley, Jones, and Sanford. NAY: None. Motion carried.

ORDINANCE NO. 22-013

AN ORDINANCE BY THE CITY OF FREDERICKSBURG, TEXAS, (“CITY”) DENYING A RATE INCREASE REQUESTED BY ATMOS ENERGY CORPORATION ON OR ABOUT JANUARY 31, 2012; DETERMINING THAT THE MEETING COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; AND MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT. (Recorded in Ordinance Book)

HORSE DRAWN CARRIAGE PERMIT APPLICATION - It was moved by Council Member Dooley, seconded by Council Member Sanford, to approve the Horse Drawn Carriage Permit application submitted by Brandon Rogers of Sturdy Oak Carriages. The vote was as follows: AYE: Hoover, Dooley, and Sanford. NAY: Jones. Motion carried.

CLOSURE OF ADAMS STREET DURING OKTOBERFEST - Council received a presentation from Oktoberfest coordinator Debbie Farquhar-Garner, requesting that the block of Adams St. adjacent to Marktplatz, be closed for Oktoberfest to provide additional seating. Following a lengthy discussion, no action was taken pending approval of Fredericksburg Independent School District for the closure, since some school buses would have to re-rerouted.

UPDATE ON CURRENT WELL LEVELS AND CURRENT WATER RATIONING STAGE - Director of Public Works and Utilities Craig Wallendorf briefed council on current well levels; water rationing based on current conditions was discussed as the aquifer is not recharging adequately to go out of Stage 4.

APPOINT MAYOR PRO-TEM - No action was taken.

CITY MANAGER’S REPORT - City Manager Kent Myers recognized several police officers, Sgt.

Mark Ward, Officer Regan Rabke, and Officer Chad Lovelady, as well as Animal Shelter Manager Yvonne Gerhardt, pledged efforts to move forward on pool projects, and reported the budget process is getting underway.

FUTURE AGENDA ITEMS - The following were listed as potential future agenda items: pools, golf course, sidewalks, budget, utility rates, council retreat, skate-board park, youth council, Home Rule Charter, 4-way stop at Cherry and Austin Streets, horse-drawn carriage permit, and Austin St. Bridge.

PUBLIC COMMENT - Russ Rose commented on the closure of Adams St. during Oktoberfest and suggested that new car washes be required to recycle water, Steve O'Brien welcomed the new council and gave details for his "live casting" of the city council meetings, and Dorothy Jessee commented that horse-drawn carriages should be required to have lights on the horse as well as the carriage.

COUNCIL COMMENT - Kathy Sanford commented that Steve O'Brien was allowed to record the council meetings under the Open Records Act, but that it was not sanctioned by the City Council.

EXECUTIVE SESSION - At 8:52 PM, Council Member Dooley made a motion to recess the regular session and go into Executive Session. Council Member Jones seconded the motion, and the motion carried. At 9:50 PM, Council Member Dooley made a motion to adjourn the Executive Session and reconvene the regular session, Council Member Sanford seconded and the motion carried. Following Executive Session, the following action was taken.

APPOINTMENT TO FILL UNEXPIRED TERM OF TOMMY SEGNER - It was moved by Council Member Dooley, seconded by Council Member Sanford, to appoint Graham Pearson to fill the unexpired term of Tommy Segner. The vote was as follows: AYE: Hoover, Dooley, Jones, and Sanford. NAY: None. Motion carried.

With no further discussion, Council Member Dooley made a motion to adjourn the meeting at 9:50 PM. Council Member Jones seconded the motion. Motion carried.

PASSED AND APPROVED this the 18th day of June, 2012.

SHELLEY BRITTON, CITY SECRETARY

JERYL HOOVER, MAYOR

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