

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

**SPECIAL CITY COUNCIL MEETING  
JANUARY 2, 2013  
11:00 AM**

On this the 2<sup>nd</sup> day of January, 2013, the City Council of the CITY OF FREDERICKSBURG convened in special session at City Hall, with the following members present to constitute a quorum:

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

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER  
PAT MCGOWAN - CITY ATTORNEY  
ALAN SAENGER - ASST. D.P.W.U.  
BRIAN JORDAN - DIR DEVELOPMENT SERVICES

The meeting was called to order at 11:00 am.

**EXECUTIVE SESSION** - It was moved by Council Member Dooley, seconded by Council Member Sanford, at recess the regular session and to into Executive Session. All voted in favor and the motion carried. At 12:10, it was moved by Council Member Dooley, seconded by Council Member Jones, to adjourn the Executive Session and reconvene the regular session. All voted in favor and the motion carried.

**OPEN AND EXECUTIVE SESSION TO CONSULT WITH CITY ATTORNEY ON ATTORNEY CLIENT MATTERS AND POSSIBLE LITIGATION REGARDING APPEAL FROM PLANNING AND ZONING COMMISSION - SP 1209** - Council received legal guidance from the City Attorney regarding an appeal from Planning & Zoning Commission SP 1209. No action taken.

PASSED AND APPROVED this the 18<sup>th</sup> day of February, 2013.

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SHELLEY BRITTON, CITY SECRETARY

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JERYL HOOVER, MAYOR

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

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**REGULAR CITY COUNCIL MEETING  
JANUARY 7, 2013  
7:00 PM**

On this the 7<sup>th</sup> day of January, 2013, the City Council of the CITY OF FREDERICKSBURG convened in regular session at the Law Enforcement Center, with the following members present to constitute a quorum:

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

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER  
SHELLEY BRITTON - CITY SECRETARY  
BRAD KOTT - DIR OF FINANCE  
RUSSELL IMMEL - INFORMATION SYSTEMS MANAGER

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

**MINUTES** - It was moved by Council Member Jones, seconded by Council Member Sanford, to approve the minutes of the November and December 2012 meetings as presented. All voted in favor and the motion carried.

**WAIVER OF FEES FOR FIRE DEPARTMENT STORAGE BUILDING** - Council Member Jones moved, seconded by Council Member Dooley, to approve the waiver of all fees for the Fire Department storage building. The vote was as follows: AYE: Hoover, Dooley, Pearson, Jones and Sanford. NAY: None. The motion carried.

**TAXI PERMIT FROM HILL COUNTRY EXPRESS TOURS** - It was moved by Council Member Pearson, seconded by Council Member Jones, to approve a Taxi Permit for Hill Country Express Tours. The vote was as follows: AYE: Hoover, Dooley, Pearson, Jones and Sanford. NAY: None. The motion carried.

**UTILITY RATE STUDY** - Council Member Dooley moved, seconded by Council member Pearson, to authorize the City Manager to enter into contract negotiations with HDR Engineering, Inc., to perform a utility rate study including recommended changes to utility rates. The vote was as follows: AYE: Hoover, Dooley, Jones, Sanford and Pearson. Motion carried.

**AWARD BID ON MORNING GLORY DRIVE** - It was moved by Council Member Dooley, seconded by Council Member Jones, to award the bid for the Morning Glory Drive project to Allen Keller Company for a total of \$929,130.38, which includes \$46,022 in engineering design costs paid in 2012. The vote was as follows: AYE: Hoover, Dooley, Jones, Sanford and Pearson. Motion carried.

**AWARD BID ON AUSTIN STREET BRIDGE** - It was moved by Council Member Dooley, seconded by Council Member Pearson, to award the bid for the Austin Street Bridge project to BPI Environmental Services for \$412,458.16. The vote was as follows: AYE: Hoover, Pearson, Dooley and Sanford; NAY: Jones. Motion carried.

**1<sup>ST</sup> QUARTER REPORT ON LADY BIRD JOHNSON GOLF COURSE** - Director of Golf Alan Wooley presented the 1<sup>st</sup> Quarter Report on Lady Bird Johnson Golf Course.

**REQUEST TO CLOSE LINCOLN ST. BETWEEN MAIN AND SAN ANTONIO STREETS FROM 10AM TO 2AM, TUESDAY, FEBRUARY 12, 2013 FOR FAT TUESDAY**- It was moved by Council Member Pearson, seconded by Council Member Jones, to approve the request to close Lincoln Street between Main Street and San Antonio Street from 10am to 2am on Tuesday, February 12, 2013 for Fat Tuesday. The vote was as follows: AYE: Hoover, Dooley, Jones, Sanford and Pearson. Motion carried.

**APPEAL OF PLANNING & ZONING COMMISSION'S APPROVAL OF SITE PLAN SP-1209, COTTAGES ON BARON'S CREEK** - Attorney Norman Nevins presented an appeal on behalf of residents in the neighborhood of the proposed condominium project on S. Lee Street (Site Plan SP-1209), Cottages on Baron's Creek. Comments were also received from Karen Lochte Watson, Chris Kaiser, and developer Kevin Spraggins. Following a lengthy discussion, it was moved by Kathy Sanford, seconded by Graham Pearson, to grant the appeal, finding that the Planning & Zoning Commission did not act within its authority under the guidelines provided in the Zoning Ordinance, that the P&Z had before it sufficient evidence to make a decision, and that the evidence does not support their decision in that they failed to apply the necessary and pertinent sections of the Zoning Ordinance to the evidence. The vote was as follows: AYE: Pearson, Sanford and Jones; NAY: Hoover and Dooley. Motion carried.

**REQUEST FROM ROSEMARY ESTENSON REGARDING CHRISTMAS DECORATION FUNDING** - Rosemary Estenson requested ongoing funding for the Christmas Decoration Committee, as a line item in the budget. Following her presentation, Ms. Estenson was encouraged to submit an application for Hotel Occupancy Tax Funds on behalf of the Christmas Decoration Committee. No action was taken.

**CITY MANAGER'S REPORT** - The City Manager reported on (1) January 28 Special City Council meeting to receive HOT Fund requests, (2) Lady Bird Johnson Pool Discussion, and (3) Water Forum.

**FUTURE AGENDA ITEMS** - No items discussed.

**PUBLIC COMMENT** - No comments.

**COUNCIL COMMENT** - No comments.

With no further discussion, Council Member Pearson made a motion to adjourn the meeting at 10:05 p.m. Council Member Sanford seconded the motion. Motion carried.

PASSED AND APPROVED this the 18<sup>th</sup> day of February, 2013.

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SHELLEY BRITTON, CITY SECRETARY

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JERYL HOOVER, MAYOR

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STATE OF TEXAS  
COUNTY OF GILLESPIE  
CITY OF FREDERICKSBURG

SPECIAL CITY COUNCIL MEETING  
JANUARY 21, 2012  
5:30 PM



BRIAN JORDAN - DIR. OF DEVELOPMENT SERVICES  
WALTER RAGSDALE - ACTING D.P.W.U.  
STEVE WETZ - ACTING CHIEF OF POLICE  
BRAD KOTT - DIR OF FINANCE

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

**CONSENT AGENDA** - It was moved by Council Member Dooley, seconded by Council Member Sanford to approve the Consent Agenda as presented, to include the Resolution approving ICMA-RC for employee deferred compensation. All voted in favor and the motion carried.

## **A RESOLUTION OF THE CITY OF FREDERICKSBURG, TEXAS RELATING TO A 457 DEFERRED COMPENSATION PLAN**

Whereas, the City of Fredericksburg ("Employer") has employees rendering valuable services; and

Whereas, the establishment of a deferred compensation plan for such employees serves the interests of the Employer by enabling it to provide reasonable retirement security for its employees, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel; and,

Whereas, the Employer has determined that the establishment of a deferred compensation plan to be administered by the ICMA Retirement corporation serves the above objectives; and,

Whereas, the Employer desires that its deferred compensation plan be administered by the ICMA Retirement Corporation, and that same or all of the funds held under such plan be invested in the Vantage Trust Company, a trust established by public employees for the collective investment of funds held under their retirement and deferred compensations plans; and,

NOW, THEREFORE BE IT RESOLVED that the Employer hereby adopts the deferred compensation plan (the "Plan") in the form of:

The ICMA Retirement Corporation Deferred Compensation Plan and Trust,  
referred to as Appendix A

BE IT FURTHER RESOLVED that the Employer hereby executes the Declaration of Trust of the VantageTrust Company, attached hereby as Appendix B, intending this execution to be operative with respect to any retirement or deferred compensation plan subsequently established by the Employer, if the assets of the plan are to be invested in the VantageTrust Company.

BE IT FURTHER RESOLVED that the assets of the Plan shall be held in trust, with the Employer serving as trustee, for the exclusive benefit of the Plan participants and their beneficiaries, and the assets shall not be diverted to any other purpose.

BE IT FURTHER RESOLVED that the Employer hereby agrees to serve as trustee under the Plan.

BE IT FURTHER RESOLVED that the Human Resources Manager shall be the coordinator for this

program; shall receive necessary reports, notices, etc. from the ICMA Retirement Corporation or the VantageTrust Company; shall cast, on behalf of the Employer, any required votes under the VantageTrust Company; Administrative duties to carry out the plan may be assigned to the appropriate departments, and is authorized to execute all necessary agreements with ICMA Retirement Corporation incidental to the administration of the Plan.

I, Shelley Britton, City Secretary of the City of Fredericksburg, do hereby certify that the foregoing Resolution was duly passed and adopted by the City Council of Fredericksburg at a regular meeting thereof assembled this 21<sup>st</sup> day of January, 2013 by the following vote:

AYES: 5

NAYS: 0

ABSENT: 0

/s/ Shelley Britton, City Secretary

**PUBLIC HEARING: #Z-1217 BY BILL HAM FOR A CHANGE IN ZONING FROM C-1, NEIGHBORHOOD COMMERCIAL, TO C-2 COMMERCIAL ON LOTS 8 AND 18, BLOCK 3 OF THE FAIR GROUNDS ADDITION AND A IN ZONING FROM M-1 LIGHT MANUFACTURING TO C-2 COMMERCIAL ON LOTS 5, 6, AND 7 OF SAID E. LIVEOAK AND 513 S. ADAMS** - It was moved by Council Member Dooley, seconded by Council Member Jones, to recess the regular session and open public hearing on Request # Z-1217 by Bill Ham for a change in zoning from C-1 Neighborhood Commercial to C-2 Commercial on Lots 8 and 18, Block 3 of the Fair Grounds Addition and a change in zoning from M-1 Light Manufacturing to C-2 Commercial on Lots 5, 6, and 7 of said subdivision, also known as 106 E Live Oak and 513 S Adams. All voted in favor and the motion carried.

With no comments from the public, it was moved by Council Member Dooley, seconded by Council Member Jones, to adjourn the public hearing and reconvene the regular session. All voted in favor and the motion carried.

**REQUEST Z-1217** - It was moved by Council Member Dooley, seconded by Council Member Jones, to approve Request Z-1217 as presented and adopt an ordinance to change the zoning from C-1 Neighborhood Commercial to C-2 Commercial on Lots 8 and 18, Block 3 of the Fair Grounds Addition and change the zoning from M-1 Light Manufacturing to C-2 Commercial on Lots 5, 6, and 7 of said subdivision, also known as 106 E Live Oak and 513 S. Adams St. The vote was as follows: AYE: Hoover, Dooley, Pearson, Jones and Sanford. NAY: None. The motion carried.

### **ORDINANCE NO. 23-001**

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FREDERICKSBURG AND CHANGING THE ZONING CLASSIFICATION OF 0.89 ACRES OF LAND MORE OR LESS AND REZONING LOT NOS 5, 6, AND 7 BLOCK 3, FAIRGROUNDS ADDITION, SITUATED IN THE CITY OF FREDERICKSBURG, TEXAS, TOGETHER WITH 2649 SQUARE FEET BEING PART OF THE "KERRVILLE ROAD" AS SHOWN ON THE PLAT OF FAIRGROUNDS ADDITION, FROM M1 LIGHT MANUFACTURING TO C-2 COMMERCIAL AND REZONING LOT NOS 8 AND 18, BLOCK 3, FAIRGROUNDS ADDITION, SITUATED IN THE CITY OF FREDERICKSBURG, TEXAS, FROM C-1 NEIGHBORHOOD COMMERCIAL TO C-2 COMMERCIAL. (Recorded in Ordinance Book)

**PUBLIC HEARING: #Z-1218 BY WHATABURGER RESTAURANTS, LLC, FOR A CONDITIONAL USE PERMIT TO ALLOW A DRIVE-THRU FACILITY ASSOCIATED WITH A FAST FOOD REASTURANT IN THE C-2 ZONING DISTRICT AT 1301 E. MAIN ST.** - This item was withdrawn by the applicant.

**ORDINANCE ABANDONING A PORTION OF MEDICAL DRIVE AND DEDICATING THE ROW TO HILL COUNTRY MEMORIAL HOSPITAL** - It was moved by Council Member Pearson, seconded by Council Member Sanford, to adopt the ordinance abandoning a portion of Medical Drive and dedicating the ROW to Hill Country Memorial Hospital. The vote was as follows: AYE: Hoover, Dooley, Pearson, and Sanford. NAY: Jones. The motion carried.

### **ORDINANCE NO. 23-002**

AN ORDINANCE ABANDONING TO THE FREDERICKSBURG HOSPITAL AUTHORITY A PORTION OF MILAM STREET CONTAINING .438 ACRE OF LAND MORE OR LESS PART OF OUTLOT 79 AND BLOCK VII AS SAID OUTLOT AND BLOCK ARE DESIGNATED ON THE MAP OR PLAT OF FREDERICKSBURG AND ENVIRONS BY THE GERMAN EMIGRATION COMPANY; CITY OF FREDERICKSBURG, GILLESPIE COUNTY, SAND SETTING AN EFFECTIVE DATE. (Recorded in Ordinance Book).

**EDC ANNUAL REPORT** - Tim Lehmberg presented the EDC Annual Report.

**UTILITY RATE STUDY AGREEMENT** - Tony Bagwell, Vice President of HDR, was on hand to address questions by Council. It was moved by Council Member Dooley, seconded by Council Member Pearson, to approve the Utility Rate Study Agreement as presented for an amount of \$40,000. The vote was as follows: AYE: Hoover, Dooley, Pearson, and Sanford. NAY: Jones. The motion carried.

**CITY MANAGERS REPORT** - The City manager reported on (1) Morning Glory Drive, (2) Austin Street Bridge Project, (3) Subdivision Regulations, (4) City Council Retreat, (5) Employee Recognition (Paul Hannemann).

**FUTURE AGENDA ITEMS** - The following were discussed as future agenda items: the Audit Report, Former Texas Rangers presentation, and allocation of Hotel Occupancy Tax funds.

**PUBLIC COMMENT** - Russ Rose commented on the State Comptroller's article in the paper regarding local government indebtedness. He also encouraged the city to recycle wastewater.

**COUNCIL COMMENT** - No comments.

**EXECUTIVE SESSION** - None.

With no further discussion, Council Member Dooley made a motion to adjourn the meeting at 7:55 PM. Council Member Jones seconded the motion. Motion Carried

PASSED AND APPROVED this the 18<sup>th</sup> day of February, 2013.

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SHELLEY BRITTON, CITY SECRETARY

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JERYL HOOVER, MAYOR

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

**SPECIAL CITY COUNCIL MEETING  
JANUARY 28, 2012  
7:00 PM**

On this the 28<sup>th</sup> day of January, 2013, City Council of the CITY OF FREDERICKSBURG convened in special session at the Law Enforcement Center, with the following members present to constitute a quorum:

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

ABSENT

SCOTT JONES - COUNCIL MEMBER

ALSO PRESENT:

KENT MYERS - CITY MANAGER  
SHELLEY BRITTON - CITY SECRETARY  
BRAD KOTT - DIR OF FINANCE

The meeting was called to order at 7:00 PM.

**REQUESTS FOR 2013 HOTEL OCCUPANCY TAX FUNDS** - Council held a workshop to consider requests from 32 local organizations for HOT Funds; No action was taken.

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|-----|--|---------|
| 1.  | Fredericksburg Music Club                                | 4,000   |
| 2.  | Hill Country Film Festival                               | 10,000  |
| 3.  | Arion Men's Choir  | 5,000   |
| 4.  | Optimist Club/Hill Country Run                           | 7,500   |
| 5.  | Boys & Girls Club Golf Tournament                        | 5,000   |
| 6.  | Boys & Girls Club Shopping Tournament                    | 5,000   |
| 7.  | Fbg Farmers Market                                       | 2,750   |
| 8.  | Gillespie County Historical Society/Pioneer Museum       | 236,857 |
| 9.  | Fbg Theater Company                                      | 35,000  |
| 10. | Admiral Nimitz Foundation                                | 133,000 |
| 11. | Admiral Nimitz Foundation                                | 25,000  |
| 12. | Texas Society for the Preservation of St. Joseph's Halle | 150,000 |
| 13. | Fbg Rotary Club/Friends of Fbg Nature Center             | 5,000   |
| 14. | Systems Go   | 2,500   |
| 15. | Fredericksburg Art Guild                                 | 5,000   |
| 16. | Hill Co Antique Tractors                                 | 6,000   |
| 17. | Friends of Gillespie County Country Schools              | 22,750  |
| 18. | Gillespie County Fair & Festival Assoc.                  | 76,500  |
| 19. | Hill Country Wine & Music                                | 17,500  |
| 20. | Fbg Jaycees/Crawfish Festival                            | 5,000   |
| 21. | Die Kunstler   | 2,500   |
| 22. | Ft Martin Scott Museum Asso                              | 16,000  |
| 23. | Knights of Columbus/Best Fest                            | 3,500   |

|     |  |                   |
|-----|--|-------------------|
| 24. | Stonewall Chamber of Commerce Peach JAMboree           | 10,000            |
| 25. | Fbg Chamber of Commerce St. Nikolausmarkt              | 8,000             |
| 26. | Fbg Chamber of Commerce NIOF                           | 16,000            |
| 27. | Friends of Head Start/Empty Bowl Event                 | 3,000             |
| 28. | 175 <sup>th</sup> Anniv Preliminary Planning Committee | 5,000             |
| 29. | Renewable Energy Roundup                               | 20,000            |
| 30. | Fbg Christmas Funding                                  | 20,000            |
| 31. | Fbg July 4 <sup>th</sup> Committee                     | 4,500             |
| 32. | Texas Hill Country Opera and Arts                      | 25,000            |
|     |  | <u>\$ 892,857</u> |

With no further business, it was moved by Council Member Dooley, seconded by Council Member Sanford, to adjourn the meeting at 10:00 PM. All voted in favor and the motion carried.

PASSED AND APPROVED this the 18<sup>th</sup> day of February, 2013.

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SHELLEY BRITTON, CITY SECRETARY

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JERYL HOOVER, MAYOR