

STATE OF TEXAS  
COUNTY OF GILLESPIE  
CITY OF FREDERICKSBURG

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

On this the 4<sup>th</sup> day of March, 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  
KATHY SANFORD - COUNCIL MEMBER  
GRAHAM PEARSON - COUNCIL MEMBER  
SCOTT JONES - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER  
SHELLEY BRITTON - CITY SECRETARY  
PAT MCGOWAN - CITY ATTORNEY  
BRAD KOTT - DIR OF FINANCE  
JIMMY ALEXANDER - DIR. OF PARKS & RECREATION  
WALTER RAGSDALE - ACTING D.P.W.U.  
BRIAN JORDAN - DIR. DEVELOPMENT SERVICES  
STEVE WETZ - ACTING CHIEF OF POLICE

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

**CONSENT AGENDA** - It was moved by Council Member Pearson, seconded by Council Member Jones, to approve the consent agenda as follows:

1. **RESOLUTION AMENDING ICMA-RC RETIREMENT PLAN TO PERMIT LOANS ON AN EMERGENCY BASIS:**

**RESOLUTION**

Amending Retirement Plan to Permit Loans  
Section 457 Deferred Compensation Plan  
ICMA-RC Plan #307034

Employer: City of Fredericksburg  
State: Texas  
Re: Resolution of the above named Employer ("Employer")

WHEREAS, the Employer has employees rendering valuable services; and

WHEREAS, the Employer has established a retirement plan (the "Plan") for such employees which serves the interest of the Employer by enabling it to provide reasonable retirement security for it's

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 permitting participants in the retirement plan to take loans from the Plan will serve these objectives;

NOW THEREFORE BE IT RESOLVED that the Plan will permit loans.

I, Shelley Britton, City Secretary of the City of Fredericksburg, do hereby certify that the foregoing Resolution, proposed by Council Member Pearson, was duly passed and adopted by the City Council of the City of Fredericksburg at a regular meeting thereof assembled this 4<sup>th</sup> day of March, 2013, by the following vote:

AYES: 5, NAYS: 0, ABSENT: 0

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Shelley Britton, City Secretary  
City of Fredericksburg

## 2. TAXI/SHUTTLE PERMIT OF MIKE KINCHEN

The vote was as follows: AYE: Hoover, Pearson, Dooley, Sanford, and Jones. NAY: None. Motion carried.

**ORDINANCE ALLOWING EARLY RETIREES TO PARTICIPATE IN THE TMLIEBP'S EARLY RETIREE HEALTH INSURANCE POOL** - It was moved by Council Member Pearson, seconded by Council Member Jones, to adopt an Ordinance allowing early retirees to participate in the TMLIEBP's Retiree Health Insurance Pool. The vote was as follows: AYE: Hoover, Pearson, Dooley, Sanford, and Jones. NAY: None. Motion carried.

## ORDINANCE NO. 23-004

AN ORDINANCE AUTHORIZING HEALTH BENEFITS COVERAGE TO CITY OF FREDERICKSBURG RETIREES AND PROVIDING AN EFFECTIVE DATE. (Recorded in Ordinance Book)

**APPROVAL OF FUNDING OF GOLF FUND'S OPERATING DEFICIT AND COURSE CONSTRUCTION COSTS** - It was moved by Council Member Pearson, seconded by Council Member Jones, to amend the current year's line item in the general fund for the account titled "Transfer to Golf Fund for prior Deficit" to be increased by \$2,000 (from \$653,500 to \$655,500). The vote was as follows: AYE: Hoover, Pearson, Dooley, Sanford, and Jones. NAY: None. Motion carried.

**RECLASSIFICATION OF \$2,750,000 OF FUNDS ADVANCED TO GOLF FUND BY THE ELECTRIC FUND AS A TRANSFER, ELIMINATING ANY REQUIREMENT BY THE GOLF FUND TO REPAY THE FUNDS ADVANCED** - Following a lengthy discussion, it was moved by Council Member Sanford, seconded by Council Member Pearson, to reclassify \$2,750,000 in funds advanced to the Golf Fund by the Electric Fund as a Transfer,

eliminating any requirement by the Golf Fund to repay the funds advanced. The vote was as follows: AYE: Hoover, Pearson, Sanford, and Jones. NAY: Dooley. Motion carried.

**REQUEST FROM TWO PROPERTY OWNERS ADJACENT TO TOWN POOL FOR A FENCE/WALL TO PROVIDE A BARRIER BETWEEN THEIR PROPERTIES AND TOWN POOL**

– Joe Cloud and Kurt Ditzes were present to request that the city consider constructing a fence/wall to shield them from the newly constructed Town Pool, adjacent to their properties. No action was taken.

**HISTORIC REVIEW BOARD ANNUAL REPORT** – Historic Review Board Chair Sharon Joseph was on hand to present the Historic Review Boards Annual Report. She ended her comments with a request that Council allocate funds for signs in the Historic District, and also for properties that fall into the category of Demolition by Neglect. No action was taken.

**CITY MANAGERS REPORT** – City Manager Kent Myers reported on (1) Public Works Director Interviews, (2) County/City Commissioners Joint Meeting, (3) Employee Recognition, and (4) the Austin Street Bridge Project

**FUTURE AGENDA ITEMS** – Future agenda items include (1) LCRA watershed, (2) sidewalk funding, (3) Recycling Committee Report, (4) Wayfinding Phase 2, (5) Whataburger, (6) Joint work session with P&Z, and (7) WalMart PUD amendment.

**PUBLIC COMMENT** - Russ Rose commented on the fence request adjacent to Town Pool, and on the Historic Review Board funding request. Richard Laughlin reiterated a need for funds to handle cases of Demolition by Neglect in the Historic District.

**COUNCIL COMMENT** – Scott Jones asked that everyone keep Police Chief Paul Oestreich in their prayers through his current health challenge, Kathy Sanford reported on “Airport Day” coming up on April 13, with experimental aircraft on hand, and Graham Pearson commented on the walkway located next to Town Pool.

With no further discussion, Council Member Dooley made a motion to adjourn the meeting at 8:25 PM. Council Member Pearson seconded the motion. Motion carried.

PASSED AND APPROVED this the 6<sup>th</sup> day of May, 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

REGULAR CITY COUNCIL MEETING  
MARCH 18, 2013  
7:00 PM

On this the 18<sup>th</sup> day of March, 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  
KATHY SANFORD - COUNCIL MEMBER  
SCOTT JONES - COUNCIL MEMBER  
GRAHAM PEARSON - COUNCIL MEMBER

ABSENT:

NONE

ALSO PRESENT:

KENT MYERS - CITY MANAGER  
SHELLEY BRITTON - CITY SECRETARY  
PAT MCGOWAN - CITY ATTORNEY  
BRIAN JORDAN - DIR OF DEVELOPMENT SERVICES  
WALTER RAGSDALE - ACTING D.P.W.U.  
STEVE WETZ - ACTING CHIEF OF POLICE  
ALAN SAENGER - ASST D.P.W.U.  
LEA FEUGE – ENGINEERING TECHNICIAN  
ANNETTE LOTH - CODE ENFORCEMENT OFFICER  
KRIS KNEESE – ASSISTANT CITY ENGINEER

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

**MINUTES** - It was moved by Council Member Dooley, seconded by Council Member Jones, to approve the February 2013 minutes as presented and corrected. All voted in favor and the motion carried.

**CONSENT AGENDA** - It was moved by Council Member Dooley, seconded by Council Member Jones, to approve the Consent Agenda as follows:

1. TAXI PERMIT FOR 290 WINE TOURS - GEORGE BURNS

The vote was as follows: AYE: Hoover, Sanford, Dooley, and Pearson. ABSTAIN: Jones. Motion carried.

**PUBLIC HEARING Z-1302 BY JOHN CORCORAN FOR A CONDITIONAL USE PERMIT TO ALLOW A BED & BREAKFAST/LODGING DEVELOPMENT IN THE CBD, CENTRAL BUSINESS DISTRICT, AT 508 & 512 W. MAIN STREET** – It was moved by Council Member Dooley, seconded by Council Member Jones, to recess the regular session and open Public Hearing Z-1302 for a Conditional Use Permit to allow a bed & breakfast/lodging development in the CBD at 508 and 512 W Main St. All voted in favor and the motion carried.

John Klein presented the project which consists of two properties, one currently contains a historic Sunday/Guest house and the other is a residential structure currently used as a B&B, and a tank house. The project includes the two existing structures being upgraded, expanding the tank house into a B&B and constructing 9 additional cottage units.

It was moved by Council Member Dooley, seconded by Council Member Sanford, to adjourn the Public Hearing and reconvene the regular session. All voted in favor and the motion carried.

**REQUEST Z-1302** – Based on the recommendation of the Planning & Zoning Commission, and staff, it was moved by Council Member Pearson, seconded by Council Member Dooley, to approve Request Z-1302 for a Conditional Use Permit to allow a Bed & Breakfast/Lodging development in the CBD, with the following conditions:

1. TxDOT approval of the drive on W. Main St.
2. Approval of a Landscape Plan prior to issuance of a Building Permit
3. All external lighting being shielded
4. Approval of Construction Plans prior to issuance of a Building Permit
5. Approval of Building Plans by the Historic Review Board prior to the issuance of a Building Permit
6. The property being replatted into a single tract prior to issuance of a Building Permit

The vote was as follows: AYE: Hoover, Pearson, Sanford, Jones, and Dooley; NAY: None. Motion carried.

**PUBLIC HEARING - REVOCATION OF TAXI PERMIT - FREDERICKSBURG TAXI** – Following comments by taxi owner Cole Liefeste, it was moved by Council Member Dooley, seconded by Council Member Pearson, to allow Mr. Liefeste till April 1, 2013 to be permanently compliant with the Taxi Permit Ordinance, and that one more complaint would result in revocation of his permit. The vote was as follows: AYE: Hoover, Pearson, Sanford, Jones, and Dooley; NAY: None. Motion carried.

**RESOLUTION SUPPORTING THE PRESERVATION OF OUR NIGHT SKIES** – It was moved by Council Member Jones, seconded by Council Member Sanford, to adopt a Resolution in support of *Our Night Skies* as presented by Robert Deming. AYE: Hoover, Pearson, Sanford, Jones, and Dooley; NAY: None. Motion carried.

## **RESOLUTION**

### **Supporting the Preservation of Our Night Skies**

WHEREAS, Fredericksburg residents recognize the importance of the city and the surrounding Texas Hill Country for their rich cultural heritage and breathtaking scenic beauty, including starry night skies; and

WHEREAS, our heritage of starry night skies has rapidly been eroding and generations are growing up never having seen the wonders of the Milky Way; and

WHEREAS light trespass from night lighting fixtures has been steadily on the rise, negatively impacting the natural environment and the quality of life of the people in the city by, among other things, reducing night sky visibility and enjoyment for citizens and visitors alike.

WHEREAS, some of Fredericksburg's neighboring cities such as Blanco, Dripping Springs and Junction have already, or are in the process of, adopting outdoor lighting ordinances to preserve

the night skies around their cities, and

WHEREAS, in recent years greater focus has been placed on the economic and financial benefits of preserving the scenic beauty in and around the city in order to maintain the city's unique historic heritage and enhance tourism; and

WHEREAS, the city is a significant destination for tourism, which is important to many community members, and preserving the starry night skies in and around Fredericksburg will enhance the city's attraction and appeal as a destination for tourism; and

WHEREAS, preserving the rich historic heritage and starry night skies of Fredericksburg is important to its citizens in order for the city to remain unique from other large Texas urban areas where unnecessary and inefficient lighting has turned night into day.

WHEREAS, inexpensive night lighting fixtures are readily available that are designed to direct light only where it is needed, distribute light more efficiently and effectively and thereby reduce glare, power consumption and cost, and

WHEREAS, the city of Fredericksburg is committed to supporting practices that limit or minimize light trespass from night lighting fixtures in order to protect the beauty of the night skies and allow others the full benefit and use of their property.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, that the city shall promote and encourage outdoor lighting fixtures and practices that follow up-to-date suggested guidelines and use available technologies for efficient, cost effective, non-intrusive lighting and will endeavor to educate and encourage landowners, businesses, residential neighborhoods and public entities to join this commitment to reduce energy consumption, save money, reduce light trespass and preserve our starry night skies.

Adopted this the 18<sup>th</sup> day of March, 2013.

Jeryl Hoover, Mayor

ATTEST: Shelley Britton, City Secretary

**SIDEWALK FUNDING PROGRAM** - Walter Ragsdale, Acting Director of Public Works and Utilities, presented the Annual Sidewalk Funding Program. Assistant City Engineer Kris Kneese gave an overview of the proposed Sidewalk Project, which includes \$100,000 in this year's fiscal budget to construct/repair some specific sidewalks around town. Council agreed to proceed with the plan; no action was taken.

**FINAL PLANS FOR WAYFINDING PHASE 2** – Director of Development Services Brian Jordan updated council on the Wayfinding Project. After a lengthy discussion, it was moved by Council Member Jones, seconded by Council Member Pearson, to remove “For Profit” businesses from the Wayfinding Phase 2 signs. The vote was as follows: AYE: Dooley, Pearson, and Jones; NAY: Hoover and Sanford. None. Motion carried.

**COST PARTICIPATION FOR FENCE AT TOWN POOL** – Following a lengthy deliberation concerning cost participation for fencing at Town Pool to screen adjacent property owners, it was moved by Council Member Dooley to not participate in the cost of a fence. Motion died for lack of a second.

It was then moved by Council Member Sanford to allocate the amount designated for foliage plus an additional amount not to exceed \$5,000 for a fence. Motion died for lack of a second.

It was then moved by Council Member Jones, seconded by Council Member Pearson, to allocate the amount for foliage for a screening to the fence. The vote was as follows: AYE: Pearson and Jones; NAY: Hoover, Sanford, and Dooley. Motion failed.

**FINAL REPORT FROM RECYCLING COMMITTEE** – Committee Member Laura Cook presented the Final Report from the Ad Hoc Committee on Recycling, which included the following recommendation:

1. Educate and promote to the community the current recycling opportunities available at our Recycling Center including the products that are accepted, operating hours, and other information. The Recycling Committee has recently approved the allocation of \$1,500 from the \$25,000 recycling budget for this marketing campaign.
2. Purchase 6 recycling containers for key location in the downtown area for use by visitors for plastic and aluminum products. One of the intents for locating these containers in the downtown area is to measure the results and determine whether additional containers should be purchased in the future. The Recycling Committee recommended the allocation of \$8,400 from the recycling budget for this purpose.
3. Encourage the use of recyclable paper products for all festivals that take place on the Marktplatz.
4. Establish a single-stream curbside recycling program that would be implemented in 2013 or 2014 to all residential customers in the City of Fredericksburg.
5. Prior to the establishment of the curbside recycling program, the City should evaluate the continued operation of the Recycling Center as it may not be needed (or the hours of the Center might be reduced) once the new program is underway. The City should discuss this item with County officials since approx 30% of the users of the Center are County residents based upon a recent users' survey conducted by the City.

**FUTURE AGENDA ITEMS** – None.

**PUBLIC COMMENT** – No comments were received.

**COUNCIL COMMENT** – No comments.

**EXECUTIVE SESSION** - At 9:30 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 9:35 PM, Council Member Jones made a motion to adjourn the Executive Session and reconvene the regular session. Council Member Sanford seconded, the motion carried.

Following Executive Session:

**REAL PROPERTY - SALE OF LAND** – No action taken.

With no further discussion, Council Member Dooley made a motion to adjourn the meeting at 9:46 PM. Council Member Pearson seconded; motion carried.

PASSED AND APPROVED this the 6<sup>th</sup> day of May, 2013.

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SHELLEY BRITTON, CITY SECRETARY

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JERYL HOOVER, MAYOR

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