

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

**REGULAR CITY COUNCIL MEETING  
MAY 6, 2013  
7:00 PM**

On this the 6<sup>th</sup> day of May, 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  
CLINTON BAILEY - D.P.W.U.

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

**MINUTES** – It was moved by Council Member Dooley, seconded by Council Member Jones, to approve the minutes of the March and April 2013 minutes as corrected. All voted in favor and the motion carried.

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

1. TAXI PERMIT – ARMADILLO TAXI – JOE DUKE

**INITIATE ZONING CHANGE IN VARIOUS AREAS OF TOWN FROM R-2 MIXED RESIDENTIAL TO R-1 SINGLE FAMILY RESIDENTIAL (Z-1303)** – It was moved by Council Member Sanford, seconded by Council Member Pearson, to direct staff to initiate the process of a change in the Land Use Plan and a zoning change for the area bounded by Creek Street on the north and Baron’s Creek on the west, south, and east from R-2 Mixed Residential to R-1 Single Family Residential. The vote was as follows: AYE: Pearson, Jones, and Sanford; NAY: Hoover and Dooley. Motion carried.

It was then moved by Council Member Dooley, seconded by Council Member Jones, to take no action on changing the zoning on the (1) east side of the middle school, bounded on the north by

College Street and Travis on the south, and (2) the west side of the middle school, bounded by College Street on the north and Travis Street on the south. The vote was as follows: AYE: Hoover, Pearson, Jones, and Dooley; NAY: Sanford. Motion carried.

**RESOLUTION AUTHORIZING PROPERTY LEASE AGREEMENT FOR THE ACQUISITION OF EQUIPMENT INCLUDING TWO EMERGENCY MEDICAL SERVICE AMBULANCE REMOUNTS, A GARBAGE TRUCK, AND CHIPPER TRUCK FOR THE SOLID WASTE FUND, AND AN ELECTRIC FUND BUCKET TRUCK** – It

was moved by Council Member Pearson, seconded by Council Member Sanford, to approve a Resolution authorizing a Property Lease Agreement for the acquisition of equipment including two Emergency Medical Service ambulance remounts, a garbage truck, and a chipper truck for the Solid Waste Fund, and an Electric Fund bucket truck. The vote was as follows: AYE: Hoover, Sanford, Dooley, Pearson, and Jones, NAY: None. Motion carried.

**CERTIFIED RESOLUTION OF GOVERNING BODY  
AUTHORIZING PERSONAL PROPERTY LEASE AGREEMENT  
AND ITS  
DESIGNATION AS A QUALIFIED TAX-EXEMPT OBLIGATION**

The undersigned hereby certifies to HOUSTON COMMUNITY BANK, N.A that at a duly called meeting of the City Council (the "Board") held on the 6th day of May, 2013, there were at all times present members constituting a quorum of the Board, and that the following resolutions were adopted at said meeting, and remain in full force and effect as of the date hereof and have not been amended, rescinded or repealed:

WHEREAS, the CITY OF FREDERICKSBURG, TEXAS ("Lessee") has determined that a need exists for the acquisition of the equipment ("Equipment") described in the Lease Agreement and Equipment Schedule No. 1 to be entered into between Lessee and HOUSTON COMMUNITY BANK, N.A., ("Lessor") that has been presented to this meeting (the "Lease"), and that the use of such Equipment is essential to Lessee's proper, efficient and economic operation; and

WHEREAS, the Board of Lessee has taken the necessary and appropriate steps under applicable law, including, without limitation, any legal bidding requirements, to arrange for the acquisition of the Equipment under the Lease.

BE IT RESOLVED, by the Board of Lessee that the Board has reviewed the form of the Lease and finds the terms of said Lease are in the best interests of Lessee;

FURTHER RESOLVED, the Board of Lessee designates and confirms the following persons to execute and deliver, and to witness or attest the Lease and to take all other actions necessary and desirable in connection therewith, including, without limitation, execution and delivery of such other related documents and materials in such form and containing such provisions, covenants and agreements as may reasonably be required by the Lessor necessary or appropriate to the consummation of the transactions contemplated by the Lease, and hereby further represents that the signatures opposite their respective names are true and correct signatures:

Name(s)	Brad Kott	and/or	Kent Myers
Title(s)	Dir of Finance	and/or	City Manager

FURTHER RESOLVED, Lessee hereby represents and warrants to Lessor that Lessee has full power and authority, without the necessity of further approvals, to fulfill all obligations of Lessee under the terms of the Lease, subject to appropriations;

FURTHER RESOLVED, that the authorized officials be, and each of them hereby is, authorized and directed, in the name and on behalf of Lessee, from time to time to execute and deliver modifications, renewals, extensions, and replacements of such agreements and other documents containing such terms and conditions as they, or any of them, in the exercise of their discretion, deem necessary, advisable or appropriate;

FURTHER RESOLVED, that the authorized officials be, and each of them hereby is authorized and directed to mortgage, pledge and assign to Lessor, to grant to Lessor a security interest in, and to deliver to Lessor as security for all obligations of Lessee arising under or in connection with the leases now existing or hereafter entered into, and for all other indebtedness and obligations of Lessee to Lessor, whenever and however arising, any property, real or personal, belonging to Lessee, and from time to time to substitute for such property, or any part thereof, other property for the same purpose;

FURTHER RESOLVED, that the authorized officials be, and each of them hereby is, authorized and directed to execute and deliver any mortgages, deeds of trust, pledges, assignments, security agreements or other agreements of any type to secure all obligations of Lessee arising under or in connection with the leases between Lessor and Lessee, now existing or hereafter entered into, and all other indebtedness and obligations of Lessee to Lessor, whenever and however arising, and any financing statements, memoranda or notices for filing or recording related thereto, all of which shall be in such form and contain such provisions, covenants and agreements as Lessor may require;

FURTHER RESOLVED, that the obligations of Lessee authorized hereby are in addition to all other financial accommodations, if any, now or hereafter extended by Lessor to or for the benefit of Lessee, and future resolutions may be adopted by Lessee authorizing additional leases, loans, credits and other financial accommodations from Lessor to Lessee without derogation of the authority set forth herein;

FURTHER RESOLVED, that all prior acts of any officers, employees or agents of Lessee (including but not limited to the authorized officials) in obtaining leases, loans, credits and other financial accommodations to Lessee from Lessor and the execution of any instruments or documents to evidence or secure any obligations due Lessor are hereby ratified and approved; and this resolution shall remain in full force and effect and Lessor may rely on these resolutions until written notice of their revocation is received by the Lessor and until all obligations of Lessee to Lessor have been fully paid and satisfied; and

FURTHER RESOLVED, that pursuant to Section 265(b)(3)(B)(I) of the Internal Revenue Code of 1986 (the "Code"), Lessee hereby specifically designates the Lease as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3)(A) of the Code;

And

FURTHER RESOLVED, that the aggregate face amount of all tax-exempt obligations issued or to be issued by the Lessee and all subordinate entities thereof during calendar year 2013 is not reasonably expected to exceed ten million (10,000,000) dollars.

FURTHER RESOLVED, that the authority granted by this resolution shall apply with equal force and effect to the respective successors in office of the individuals herein named.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the city of Fredericksburg this 6th day of May, 2013.

LESSEE: CITY OF FREDERICKSBURG, TEXAS

By: /s/ Jeryl Hoover

WITNESS OR ATTEST:

Title: Mayor

By: /s/Shelley Britton

Date: May 6, 2013

Title: City Secretary

**PRESENTATION FROM OPTIMIST CLUB REGARDING THE OPTIMIST T-BALL**

**FIELD** – Representatives from the Fredericksburg Optimist Club were on hand to present a check for \$20,000 to cover the costs of new bleachers and field improvements at the Optimist T-ball field at Lady Bird Park.

**FT. MARTIN SCOTT ADVISORY COMMITTEE** – It was moved by Council Member Dooley, seconded by Council Member Sanford, to appoint the Ft. Martin Advisory Committee as presented: Mack Burnett, Joe Kammlah, Richard Laughlin, Ernie Loeffler, Joe Luther, Jim McCrea, Dwight Oestreich, Steve Thomas, and Brent Waldoch. All voted in favor and the motion carried.

**WAYFINDING SIGNS – FREDERICKSBURG THEATER COMPANY** – following a lengthy discussion, it was moved by Council Member Pearson, seconded by Council Member Sanford, to reconsider prior action relating to the Fredericksburg Theater Company on the Wayfinding Signs. All voted in favor and the motion carried.

It was then moved by Council Member Jones, seconded by Council Member Pearson, to restore the Fredericksburg Theater Company signs to the Wayfinding Signs. The vote was as follows: AYE: Hoover, Sanford, Pearson, and Jones, NAY: Dooley. Motion carried.

**MID-YEAR FINANCIALS** – A mid-year budget review was presented by Brad Kott, Director of Finance. No action taken.

**ALTERNATE TRUCK ROUTE** – Outgoing Acting D.P.W.U. Walter Ragsdale gave an indepth presentation on an alternate truck route to alleviate traffic in downtown Fredericksburg. He encouraged City, County, and State officials to work together with a “single voice and a single plan.”

**CITY MANAGER’S REPORT** – City Manager Kent Myers reported on (1) County-wide dispatching Research Committee, (2) Fire Department Volunteer Recruitment and Response Rates, (3) Ordinance Revisions, and (4) Ribbon Cutting at Town Pool.

**PUBLIC COMMENTS** – Kenneth Reissig commented on his foundation inspection.

**COUNCIL COMMENTS** – Mayor Hoover commented that the organizers of the Powwow needed to have a united message.

With no further discussion, Council Member Dooley made a motion to adjourn the meeting at 9:00 PM. Council Member Jones seconded the motion. Motion carried.

PASSED AND APPROVED this the 1<sup>st</sup> day of July, 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  
MAY 16, 2013  
4:30 PM**

On this the 16<sup>th</sup> of May, 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  
KATHY SANFORD - COUNCIL MEMBER  
GRAHAM PEARSON - COUNCIL MEMBER

ABSENT: SCOTT JONES - COUNCIL MEMBER

ALSO PRESENT: KENT MYERS - CITY MANAGER  
SHELLEY BRITTON – CITY SECRETARY

The meeting was called to order at 4:30 PM.

**CANVASS AND APPROVE MAY 11, 2013 ELECTION RESULTS** - A motion was made by Council Member Dooley, seconded by Council Member Pearson, to adopt the following Order Declaring the Result of the Regular City Election:

ORDER DECLARING RESULT OF REGULAR CITY ELECTION

On this the 16<sup>th</sup> day of May, 2013, the City Council in special session open to the public at City Hall, 126 W. Main St., with the following members present, to wit:

Jeryl Hoover  
Graham Pearson  
Tim Dooley  
Kathy Sanford

with Scott Jones 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 11<sup>th</sup> day of May, 2013, for the purpose of an election to vote for two (2) Council Members for said City, 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 election above mentioned held on the 11<sup>th</sup> day of May, 2013 cast at said election the following votes:

**COUNCIL MEMBER**

Jones - 274  
Pearson - 393  
McAfee - 322  
Neffendorf - 480

Total votes cast: 808

as shown in the official election returns submitted to the City Council of the City of Fredericksburg, Texas, on May 16<sup>th</sup>, 2013 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 16<sup>th</sup> of July, 2013.

/s/ Jeryl Hoover, Mayor

ATTEST: /s/ Shelley Britton, City Secretary

With no further discussion, Council Member Dooley made a motion to adjourn the meeting at 4:35 PM. Council Member Sanford seconded the motion. Motion carried.

PASSED AND APPROVED this the 1<sup>st</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  
MAY 20, 2013  
7:00 PM**

On this the 20<sup>th</sup> day of May, 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  
GARY NEFFENDORF - 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.

**APPOINT MAYOR PRO-TEM** – It was moved by council Member Dooley, seconded by Council Member Sanford, to appoint Council Member Pearson as Mayor Pro-Tem. All voted in favor and the motion carried.

**PUBLIC HEARING Z-1308 BY THE CITY OF FREDERICKSBURG TO PERMIT EXISTING SINGLE FAMILY RESIDENTIAL STRUCTURES TO BE USED AS SINGLE FAMILY RESIDENTIAL DWELLINGS IN THE C-1 NEIGHBORHOOD COMMERCIAL, C-2 COMMERCIAL, AND CBD CENTRAL BUSINESS DISTRICT ZONES** – It was moved by Council Member Dooley , seconded by Council Member Sanford, to open the public hearing on Request Z-1308 by the City of Fredericksburg to permit existing single family residential structures to be used as single family residential dwellings in the C-1 Neighborhood Commercial, C-2 commercial, and the CBD Central Business District zones, whether as primary uses or accessory uses, repealing inconsistent provisions and providing for partial invalidity and an effective date. All voted in favor and the motion carried.

No comments were received.

It was moved by Council Member Dooley, seconded by Council Member Pearson, to adjourn the public hearing and reconvene the regular session. All voted in favor and the motion carried.

**RECOMMENDATION ON REQUEST Z-1308 BY THE CITY OF FREDERICKSBURG TO PERMIT EXISTING SINGLE FAMILY RESIDENTIAL STRUCTURES TO BE USED AS SINGLE FAMILY RESIDENTIAL DWELLINGS IN THE C-1 NEIGHBORHOOD COMMERCIAL, C-2 COMMERCIAL, AND CBD CENTRAL BUSINESS DISTRICT ZONES** -

It was moved by Council Member Dooley, seconded by Council Member Pearson, to adopt an ordinance to amend the Zoning Ordinance to permit existing single family residential structures to be used as single family residential dwellings in the C-1 Neighborhood Commercial, C-2 Commercial, and the CBD Central Business District zones, whether as primary uses or accessory uses, repealing inconsistent provisions and providing for partial invalidity and an effective date. The vote was as follows: AYE: Hoover, Sanford, Dooley, and Pearson. ABSTAIN: Neffendorf. Motion carried.

ORDINANCE NO. 23-007

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FREDERICKSBURG TO PERMIT THE USE OF EXISTING SINGLE FAMILY RESIDENTIAL STRUCTURES WHICH HAVE NOT BEEN CONVERTED TO ANOTHER USE REGARDLESS OF THE LENGTH OF TIME THE SAME HAS NOT BEEN USED TO BE USED AS SINGLE FAMILY RESIDENTIAL DWELLINGS IN THE C-1 NEIGHBORHOOD COMMERCIAL, THE C-2 COMMERCIAL AND THE CBD CENTRAL BUSINESS DISTRICT ZONES WHETHER AS PRIMARY USES OR ACCESSORY USES, ADDING DEFINITIONS, REPEALING INCONSISTENT PROVISIONS AND PROVIDING FOR PARTIAL INVALIDITY AND AN EFFECTIVE DATE. (Recorded in Ordinance Book)

**VARIANCE P-1215 TO SECTION 38-14(a) OF THE SUBDIVISION ORDINANCE RELATING TO RIGHT-OF-WAY WIDTHS ON EXISTING STREETS REGARDING A SUBDIVISION OF LOT NO. 38, OAK TERRACE ADDITION, ALSO KNOWN AS 1302 AND 1304 PIKE LANE** –

Based on the recommendation of staff and the Planning & Zoning Commission, it was moved by Council Member Pearson, seconded by Council Member Sanford, to approve Variance P-1215 to Section 38-14(a) of the Subdivision Ordinance as the replat will not be detrimental to public health, safety, or welfare, or injurious to other property in the area. All voted in favor and the motion carried.

**2013 BUDGET AMENDMENTS** – It was moved by Council Member Dooley, seconded by Council Member Pearson, to approve 2013 Budget Amendments as presented. The vote was as follows: AYE: Hoover, Sanford, Dooley, and Pearson. ABSTAIN: Neffendorf. Motion carried.

**REQUEST FOR CLOSURE OF ADAMS STREET DURING OKTOBERFEST** – After hearing comments from Debbie Farquhar-Garner, Manager of Oktoberfest, it was moved by Council Member Pearson, seconded by Council Member Sanford, to approve the request for closure

of Adams Street, between Main and Austin, from Thursday Oct 3 at noon to Monday October 7, noon. The vote was as follows: AYE: Hoover, Dooley, Neffendorf, Pearson and Sanford. The motion carried.

**REQUEST FOR DOG PARK ON CITY PROPERTY** – Jody Donovan presented Council with a request to allow a group of citizens to develop a dog park on city property. It was moved by Council Member Dooley, seconded by Council Member Sanford, to allow the group to enter a formal agreement with the city to develop the dog park at Lady Bird Johnson Park. The vote was as follows: AYE: Hoover, Sanford, Dooley, and Pearson. NAY: Neffendorf. Motion carried.

**LCRA WATERSHED STUDY** – Lisa Hatzenbuehler, Manager of the LCRA Water Quality Protection Division, and David Cowan, Senior Aquatic Scientist, presented the results of their study of Live Oak Creek and Baron’s Creek. No action was taken.

**FORMER TEXAS RANGERS HERITAGE CENTER REVISED AGREEMENT** – It was moved by Council Member Pearson, seconded by Council Member Dooley, to approve the two amendments to the Former Texas Ranger’s Lease and Economic Development Agreement as presented. The vote was as follows: AYE: Hoover, Sanford, Dooley, Pearson, and Neffendorf. NAY: None. Motion carried.

**2013 STREET PAVING PROGRAM PRESENTATION** – Director of Public Works and Utilities, Clinton Bailey, presented information on the 2013 Street Paving Project, which included the City’s overall street maintenance needs, standard practices, and budget. Also presented was background information on street life cycle costs, and the development and execution of the City’s annual street paving program. No action was taken.

**CITY MANAGERS REPORT** – The City Manager reported on (1) the Mid-Year Budget Review underway, (2) the upcoming joint City Council/County Commissioners Meeting, (3) the ongoing installation of new water meters, (4) the proposed relocation of Chamber offices

**PUBLIC COMMENTS** – None.

**COUNCIL COMMENTS** – None.

**EXECUTIVE SESSION** - At 8:00 PM, Council Member Dooley made a motion to recess the regular session and go into Executive Session. Council Member Sanford seconded the motion, and the motion carried. At 9:00 PM, Council Member Dooley made a motion to adjourn the Executive Session and reconvene the regular session. Council Member Pearson seconded, the motion carried.

**EXECUTIVE SESSION – CONSULTATION WITH ATTORNEY – ATTORNEY CLIENT PRIVILEGE AND POTENTIAL LITIGATION REGARDING PETITION FILED BY ISABEL WERTZ EL AL FOR ELECTION ON AN AMENDMENT TO THE CITY CHARTER REGARDING ENTERPRISE FUNDS** - No action was taken.

With no further discussion, Council Member Dooley made a motion to adjourn the meeting at 9:05 PM. Council Member Pearson seconded the motion. Motion carried.

PASSED AND APPROVED this the 1<sup>st</sup> day of July, 2013.

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SHELLEY BRITTON, CITY SECRETARY

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JERYL HOOVER, MAYOR

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