

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

REGULAR CITY COUNCIL MEETING
JULY 1, 2013
7:00 PM

On this the 1ST day of July, 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
CLINTON BAILEY - D.P.W.U.
BRIAN JORDAN - DIR. DEVELOPMENT SERVICES
STEVE WETZ - CHIEF OF POLICE

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

The meeting was called to order, followed by the Pledge of Allegiance.

CONSENT AGENDA – It was moved by council Member Dooley, seconded by Council Member Sanford, to approve the Consent Agenda as follows:

1. Taxi Permit – Aaron Morin.

All voted in favor and the motion carried.

RECOMMENDATION ON REQUEST Z-1303 INITIATED BY THE CITY OF FREDERICKSBURG TO (A) CONSIDER A CHANGE IN THE LAND USE PLAN FROM MEDIUM DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL ON PROPERTIES BORDERED BY EAST CREEK STREET ON THE NORTH AND BARON'S CREEK ON THE WEST, SOUTH AND EAST, AND (B) CONSIDER A CHANGE IN ZONING FROM R-2 MIXED RESIDENTIAL TO R-1 SINGLE FAMILY RESIDENTIAL ON SAID PROPERTIES - Following a lengthy deliberation, it was moved by Council Member Sanford, seconded by Council Member Pearson, to approve the request Z-1303 to

change the land use plan from medium density residential to low density residential on properties bordered by East Creek Street on the north and Baron's Creek on the west, south and east. The vote was as follows: AYE: Sanford, Pearson; NAY: Hoover, Neffendorf, and Dooley. Motion failed.

CODE OF ETHICS – No action taken.

COUNCIL RULES OF PROCEDURE – It was moved by Council Member Dooley, seconded by Council Member Neffendorf, to adopt Council Rules of Procedure as presented and amended. The vote was as follows: AYE: Hoover, Sanford, Pearson, Neffendorf, and Dooley. NAY: None. Motion carried.

City of Fredericksburg City Council Rules of Procedure

Section 1 – Rules

These Rules shall govern the procedures followed by the City of Fredericksburg City Council for the conduct of Council meetings and other Council activities pursuant to state law and the City Charter.

Section 2 – Open Public Meetings Act

The Council shall comply with the provisions of the Open Public Meetings Act in the conduct of all meetings to which said Act is applicable.

Section 3 – Executive Sessions

The Council may discuss topics in executive session, which topics are specified in state law or relate to potential or pending litigation and are subject to attorney-client privilege. The City Attorney shall inform the Council whenever any proposed discussion in executive session is not legally allowed.

No member of the City Council, employee of the City or any other person present during executive session of the City Council shall disclose to any person the content or substance of any discussion or action which took place during said executive session.

Consideration of Executive Session items may take place in Open Session, provided they are listed on the agenda for consideration.

Section 4 – Work Sessions and Council Retreats

Special meetings designated as work sessions or Council retreats shall be advertised and conducted in the same manner as regular meetings. Work sessions and retreats are for the purpose of in-depth review and discussion of specified issues. Council actions shall not be taken at designated work sessions or retreats.

Section 5 – Quorum

At all meetings of the Council a majority of the Council members shall constitute a quorum for the transaction of business.

Section 6 – Attendance

Attendance/Excused Absence - Council Members shall forfeit his/her office by failing to attend three consecutive regular meetings of the Council without being excused by the Council. Members of the Council may ask to be excused by following the procedure described in this paragraph. The member shall contact the Mayor prior to the meeting and state the reason for his/her inability to attend the meeting. If the member is unable to contact the Mayor, the member shall contact the City Manager or City Secretary, who shall convey the message to the Mayor. Following the call to order, the Mayor shall inform the Council of the member's absence, state the reason for such absence, and inquire if there is a motion to excuse the member. This motion shall be non-debatable. Upon passage of such motion by a majority of members present, the absent member shall be considered excused and the City Secretary will make an appropriate notation in the minutes.

Attendance via telephone conference call or video conference call – To participate in a meeting, all members of the Council shall be present, except that a meeting held by telephone conference call or video conference may be held if:

1. an emergency or public necessity exists within the meaning of Section 551.045 of the Government Code, and
2. the convening at one location of a quorum of the government body is difficult or impossible, and
3. the other requirements of Section 551.125 are met

Additionally, a member may attend a meeting via videoconference if a quorum of the government body is physically present at one location of the meeting, the proper communication equipment is available, and the other requirements of Section 551.127 of the Government Code are met.

Section 7 – Chair of the Council

The Mayor shall be the Chair of the Council and shall preside at all Council meetings. A Mayor Pro-Tem shall be selected annually at the first regular meeting of a new Council. In the absence of Mayor, the Mayor Pro-Tem shall preside. If neither the Mayor nor the Mayor Pro-Tem is present at a meeting, the presiding officer for that meeting shall be selected by a majority of the vote of those Council Members present, providing there is a quorum.

The Chair of the Council may vote on all matters coming before the Council and may offer seconds to motions.

The Chair of the Council shall state all questions coming before the Council, provide opportunity for discussion from the Council Member, and announce the decisions of the Council on all subjects. Procedural decisions shall be made by the Chair of the Council, who may request advice on such matters from the City Attorney.

Section 8 – Agenda

The City Manager shall prepare the agenda of business for all Council meetings. Topics may be added to the agenda:

1. When deemed appropriate by the City Manager
2. At the direction of the Mayor

3. As directed by at least two City Council Members

Every agenda action item must be supported by a written staff report informing the Council and staff of the issue, background and/or analysis, and recommendation and/or conclusion, unless the item is self-explanatory or unless the City Manager has waived this requirement. All written materials for the agenda shall be delivered to the City Secretary by twelve o'clock noon of the Thursday preceding the Council meeting. Except for announcements, late items that the City Manager does not receive by the stated deadlines shall not be considered by the Council except upon specific authorization of the City Manager.

Agendas will be made available to the public at least 72 hours prior to regular Council Meetings, work sessions or retreats, in the following ways:

1. A copy is placed on the City website at www.fbgtx.org
2. Copies are placed on the front counter at City Hall in the Utility Cashier services area
3. A copy is posted on the front door at City Hall

Section 9 – Order of Business

The Mayor may determine the order of business for a particular City Council meeting. The agenda should be arranged to best serve the needs and/or convenience of the Council and the public. The items of business for regular Council meetings may include the following:

1. Call to Order
2. Pledge of Allegiance
3. Ceremonial Matters/Proclamations/Employee Recognition
4. Consent Agenda
5. Public Hearings
6. Ordinances and Resolutions
7. Other considerations
8. City Manager's Report
9. Council Comments
10. Public Comment: The Mayor will invite citizens to address the Council. All persons wishing to be heard are asked to give their names and addresses and topic. To allow the Council to complete its legislative agenda, comments should be limited to no more than 3 minutes per person. At the discretion of the Mayor, or upon vote of the Council, this time period may be lengthened or shortened. Following any public comment, the Mayor or any member of the City Council may direct staff to research the issue or concern raised by the public and report back to the Council. In addition, this concern can be added to the next Council agenda as specified in Section 8. The Council shall not deliberate or discuss issues raised in Public Comment if it was not listed on the agenda. Written comments may be submitted into the record of a Council meeting by presenting the written document to the City Secretary prior to the meeting, and by making copies of the same available to those in attendance, and a copy of the document will be provided to each Council Member, but the document will not be read aloud; or a document may be distributed to the City Council, with a copy to the City Secretary, by a speaker, while the speaker is addressing the Council.
11. Executive Session

12. Adjournment

Section 10 – Voting

Each Council Member shall vote on all questions put to the Council unless a conflict of interest or appearance of fairness problem requires a Council Member to excuse him/herself, and the same shall be noted in the minutes.

Section 11 – Reconsideration of Previous Vote

The City Council may at times want to reconsider a vote previously taken. In order to proceed with reconsideration, a motion should be made for reconsideration and such motion should be voted on and passed by a majority of the Council before the agenda item can be discussed or reconsidered.

Section 12 – Decorum and Debate

When a measure is presented for consideration to the Council, the Mayor shall recognize the appropriate individual to present the matter. When two or more members wish to speak, the Mayor shall name the member who is to speak first. No member of the Council shall interrupt another while speaking except to make a point of order or privilege.

No Council Member shall be permitted to indulge in personalities, use language personally offensive, or use language tending to hold a member of the Council up to contempt.

Section 13 – Questions of Parliamentary Procedure

Questions of parliamentary procedure not covered by these Rules shall be governed by the 11th Edition of Robert's Rules of Order, Newly Revised (2011 Edition).

Section 14 – Notice of Public Hearings

Notice of all public hearings to be conducted by the City Council or any of its advisory boards and commissions shall be given by publishing written notice, as required by law, ordinance or other statute, or if there is no particular requirement, then at least once in the City's official newspaper prior to the date of the hearing.

SIDEWALK PROJECT – Following a presentation by Asst. City Engineer Kris Kneese and DPWU Clinton Bailey, it was moved by Council Member Pearson, seconded by Council Member Dooley, to approve the Annual Sidewalk Project as presented. The vote was as follows: AYE: Hoover, Dooley, Pearson, Sanford, and Neffendorf. NAY: None. Motion carried.

APPOINT ALTERNATE TRUCK ROUTE TASK FORCE COMMITTEE – Council Member Dooley moved, seconded by Council Member Neffendorf, to appoint Mayor Hoover, Council Member Sanford, and Kory Keller as the City representatives on the Alternate Truck Route Task Force Committee and to amend the Task Force body to include a member to the Committee from the CVB. The vote was as follows: AYE: Hoover, Pearson, Neffendorf, Sanford, and Dooley. NAY: None. Motion carried.

UTILITY IMPROVEMENTS PROPOSED FOR BOND FINANCING – Following a presentation by Public Works regarding critical water and wastewater improvements that are needed, along with projected annual debt service costs and how the costs will blend with existing bond

payments presented by the City Manager, it was moved by Council Member Dooley, seconded by Council Member Neffendorf, to approve the Utility Improvement Bond Financing as presented and to instruct staff to proceed accordingly. The vote was as follows: AYE: Hoover, Pearson, Neffendorf, Sanford, and Dooley. NAY: None. Motion carried.

CITY MANAGER'S REPORT – City Manager Kent Myers reported on (1) Comprehensive Plan Update, (2) Relocation of Chamber Offices, (3) Special Event Policies and Procedures, and (4) 4th of July Events.

FUTURE AGENDA ITEMS – Park Pool Designs, Board Appointments, and the Petition to amend the Charter.

PUBLIC COMMENTS – No comments.

COUNCIL COMMENTS – No comments.

With no further discussion, Council Member Sanford made a motion to adjourn the meeting at 8:30 PM. Council Member Dooley seconded the motion. Motion carried.

PASSED AND APPROVED this the 3rd day of September, 2013.

SHELLEY BRITTON, CITY SECRETARY

JERYL HOOVER, MAYOR

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

**REGULAR CITY COUNCIL MEETING
JULY 15, 2013
7:00 PM**

On this the 15th day of July, 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
GRAHAM PEARSON - COUNCIL MEMBER
TIM DOOLEY - COUNCIL MEMBER
KATHY SANFORD - COUNCIL MEMBER
GARY NEFFENDORF - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER

SHELLEY BRITTON - CITY SECRETARY
PAT MCGOWAN - CITY ATTORNEY
CLINTON BAILEY - D.P.W.U.
BRAD KOTT - DIR OF FINANCE
JIMMY ALEXANDER - DIR. OF PARKS & RECREATION
BRIAN JORDAN - DIR. DEVELOPMENT SERVICES
STEVE WETZ - CHIEF OF POLICE

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

MINUTES OF JUNE 2013 MEETINGS – It was moved by Council Member Pearson, seconded by Council Member Neffendorf, to approve the minutes of the June 2013 meetings as presented. All voted in favor and the motion carried.

PUBLIC HEARING ON REQUEST Z-1310 TO REZONE 7.781 ACRES ON FM 2093 FROM R-1 TO M-2– It was moved by Council Member Dooley, seconded by Council Member Sanford, to open the public hearing on Request Z-1313, to rezone 7.781 acres from R-1 to M-2. All voted in favor and the motion carried.

Andy Bray represented the applicant, The Estate of Natalie M. Massey, proposing to rezone the property from R-1 Single Family Residential to M-2 Medium Manufacturing. The property on either side of this tract is zoned M-2 Medium Manufacturing.

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

RECOMMENDATION AND ORDINANCE ON REQUEST Z-1310 TO REZONE 7.781 ACRES ON FM 2093 FROM R-1 TO M-2 – It was moved by Council Member Dooley, seconded by Council Member Pearson, to approve Request Z-1310 as presented and adopt an Ordinance rezoning 7.781 acres on FM 2093 from R-1 to M-2. The vote was as follows: AYE: Hoover, Pearson, Neffendorf, Sanford, and Dooley. NAY: None. Motion carried.

ORDINANCE NO. 23-010

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FREDERICKSBURG AND CHANGING THE ZONING CLASSIFATION OF 7.781 ACRES OF LAND MORE OR LESS BEING A PART OF OUTLOT NO. 150, SITUATED IN THE CITY OF FREDERICKSBURG, TEXAS, FROM R-1 SINGLE FAMILY RESIDENTIAL TO M-2 MEDIUM MANUFACTURING. (Recorded in Ordinance Book)

APPROVAL OF POOL DESIGN FOR LADY BIRD JOHNSON POOL – Mark Hatchel of Kimley-Horn presented plans for the Lady Bird Park pool project. It was moved by Council Member Dooley, seconded by Council Member Pearson, to approve the design as presented for

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

EARLY RETIREMENT INCENTIVE PROGRAM – Director of Finance Brad Kott presented information on an Early Retirement Incentive Program proposed by the city’s employee benefits committee. No action was taken.

CITY MANAGERS REPORT – The City Manager reported on (1) Budget Update – Upcoming Budget Meetings, (2) CVB and Chamber Offices, (3) Water & Wastewater System Revenue Bonds, (4) Water Conservation, (5) City/County Dispatch Committee, and (6) Alternate Truck Route Task Force.

FUTURE AGENDA ITEMS – Code of Ethics, Early Retirement Incentive Program, Transportation Code, Special Events Policy, Adoption of ICC Codes, and Banking Services.

PUBLIC COMMENTS – No comments.

COUNCIL COMMENTS – Mayor Hoover commented on his remarks from the last meeting regarding Rezoning Request Z-1303 (Creek and Lee St. neighborhood), and, while he stood by his decision, he apologized for putting the neighborhood on the defensive.

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 8:10 PM, Council Member Dooley made a motion to adjourn the Executive Session and reconvene the regular session. Council Member Pearson seconded, the motion carried.

Following Executive Session:

BOARD APPOINTMENTS - It was moved by Council Member Dooley, seconded by Council Member Pearson, to approve:

HISTORIC REVIEW BOARD

Reappointments: Larry Jackson and Eric Parker

Appointment: David Bullion (from Alternate to Regular)
Karen Oestreich (Alternate Member - from Board of Adjustment)

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

It was then moved by Council Member Dooley, seconded by Council Member Pearson, to approve:

BOARD OF ADJUSTMENT:

Reappointments: Cindy Scroggins (from Alternate to Regular), Jim McAfee (Alternate)

Appointment: Gesena Houy (Alternate)

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

It was then moved by Council Member Dooley, seconded by Council Member Pearson, to approve:

PLANNING & ZONING COMMISSION

Reappointments: Janice Menking and Steve Thomas

Appointment: Bill Pipkin – 3 year term

And to accept the resignations of Bjorn Kirchdorfer and Jason Helfrich.

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

PETITION TO AMEND HOME RULE CHARTER – No action taken.

With no further discussion, Council Member Dooley made a motion to adjourn the meeting at 8:16 PM. Council Member Pearson seconded the motion. Motion carried.

PASSED AND APPROVED this the 3rd day of September, 2013.

SHELLEY BRITTON, CITY SECRETARY

JERYL HOOVER, MAYOR

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

**SPECIAL CITY COUNCIL MEETING
JULY 22, 2013
6:00 PM**

On this the 22ND day of July, 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
GARY NEFFENDORF - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
BRAD KOTT - DIR OF FINANCE
ALAN WOOLEY – DIR OF GOLF

BUDGET WORK SESSION – GENERAL FUND AND GOLF FUND – Council held a budget work session concerning the General Fund and the Gold Fund. No action was taken.

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

PASSED AND APPROVED this the 3rd day of September, 2013.

SHELLEY BRITTON, CITY SECRETARY

JERYL HOOVER, MAYOR

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

**SPECIAL CITY COUNCIL MEETING
JULY 26, 2013
11:00 AM**

On this the 26th day of July, 2013, the City Council of the CITY OF FREDERICKSBURG convened in special session at City Hall – Fire Station Training Room, with the following members present to constitute a quorum:

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

ABSENT: TIM DOOLEY - COUNCIL MEMBER

ALSO PRESENT: KENT MYERS - CITY MANAGER
BRAD KOTT - DIR OF FINANCE
JOHN CULPEPPER – DIR OF EMER SERVICES
DAVE WISNEWSKI – ASST EMER MAGT COOR
DAVID JUNG – EMS ADMINISTRATOR
KYLE KOCH – FIRE MARSHAL
LAURA HOLLENBEAK – SENIOR ACCOUNTANT
HEATHER KOCH – ACCOUNTANT
KELLI OLFERS – SANITARIAN

BUDGET WORK SESSION – JOINT SESSION WITH COUNTY OF GILLESPIE –

Council held a budget work session with the Gillespie County Commissioners Court concerning Shared Services. No action was taken.

With no further discussion, Council Member Neffendorf made a motion to adjourn the meeting at 12:35 PM. Council Member Sanford seconded the motion. Motion carried.

PASSED AND APPROVED this the 3rd day of September, 2013.

SHELLEY BRITTON, CITY SECRETARY

JERYL HOOVER, MAYOR

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

**SPECIAL CITY COUNCIL MEETING
JULY 31, 2013
NOON**

On this the 31st day of July, 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
GARY NEFFENDORF - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
BRAD KOTT - DIR OF FINANCE
LAURA HOLLENBEAK – SENIOR ACCOUNTANT
HEATHER KOCH – ACCOUNTANT

BUDGET WORK SESSION – UTILITIES, ENTERPRISE FUND, TOURISM FUND –

Council held a budget work session to discuss Utilities, the Enterprise Funds, and the Tourism Fund. No action was taken.

With no further discussion, Council Member Neffendorf made a motion to adjourn the meeting at 1:30 PM. Council Member Dooley seconded the motion. Motion carried.

PASSED AND APPROVED this the 3rd day of September, 2013.

SHELLEY BRITTON, CITY SECRETARY

JERYL HOOVER, MAYOR