

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

**REGULAR CITY COUNCIL MEETING
SEPTEMBER 3, 2013
7:00 PM**

On this the 3rd day of September, 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.
STEVE WETZ - CHIEF OF POLICE

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

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

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

1. Appointees to CVB Board: Dan Mittel and Debbie Farquhar-Garner (second 3-year terms), and Donna Herrera and Ross Burtwell (3-year terms).

All voted in favor and the motion carried.

REVISED TRANSPORTATION CODE – No action taken.

FILMING GUIDELINES – It was moved by Council Member Dooley, seconded by Council Member Sanford, to approve the Filming Guidelines as presented. The vote was as follows: AYE: Hoover, Neffendorf, Dooley, Sanford, and Pearson. NAY: None. Motion carried.

LADY BIRD JOHNSON PARK POOL - It was moved by Council Member Dooley, seconded by Council Member Sanford, to approve the original design for the Lady Bird Johnson Park Pool, to award the low bid to Cox Construction, Inc. and to direct staff to come back to council with limited tax note data. The vote was as follows: AYE: Hoover, Dooley, Sanford, and Neffendorf. NAY: Pearson. Motion carried.

WASTEWATER PLANT MASTER PLAN – It was moved by Council Member Dooley, seconded by Council Member Pearson, to award the contract for the Wastewater Plant Master Plan to HDR Engineering for a total of \$111,500.00. The vote was as follows: AYE: Hoover, Neffendorf, Dooley, Sanford, and Pearson. NAY: None. Motion carried.

CITY MANAGER'S REPORT – City Manager Kent Myers reported on (1) Budget Update, (2) October City Council Retreat, (3) Morning Glory Drive, (4) TxDOT – Hwy 290 Bridge Project, and (5) Fort Martin Scott.

PUBLIC COMMENTS – John Detmar and Russ Rose commented on Lady Bird Johnson Pool and George Burns commented on the Transportation Code.

COUNCIL COMMENTS – No comments.

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

PASSED AND APPROVED this the 7th day of October, 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
SEPTEMBER 9, 2013
5:00 PM**

On this the 9th day of September, 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
SHELLEY BRITTON - CITY SECRETARY
PAT McGOWAN - CITY ATTORNEY
STEVE WETZ - CHIEF OF POLICE

REVOCATION OF TAXI PERMIT – ARMADILLO TAXI OF FREDERICKSBURG –

The Council received information concerning complaints against Joe Duke who is the owner and operator of Armadillo Taxi. Information presented included that he was in the taxi and was passed out in the middle of the road, that he was not coherent when approached, and was later arrested for DUI by the Gillespie County’s Sherriff’s office. Deputy Sherriff Wesley Rheinhardt was present and provided his police report and video of events to the Council. Mr. Duke was present and admitted that he had been under the influence of medications and was tired. Due to the danger to the travelling public, it was moved by Council Member Dooley, seconded by Council Member Sanford, to revoke the Taxi Permit of Armadillo Taxi of Fredericksburg, and to schedule a public hearing for the September 23, 2013 City Council meeting. The vote was as follows: Aye: Hoover, Pearson, Sanford, Neffendorf, and Dooley. Nay: None. Motion carried.

With no further discussion, Council Member Dooley made a motion to adjourn the meeting at 6:10 PM. Council Member Pearson seconded the motion. Motion carried.

PASSED AND APPROVED this the 7th day of October, 2013.

SHELLEY BRITTON, CITY SECRETARY	JERYL HOOVER, MAYOR
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STATE OF TEXAS	REGULAR CITY COUNCIL MEETING
COUNTY OF GILLESPIE	SEPTEMBER 16, 2013
CITY OF FREDERICKSBURG	7:00 PM

On this the 16th day of September, 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.
BRIAN JORDAN – DIR OF DEVELOPMENT SERVICES
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.

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

1. BUDGET AMENDMENT
2. NEW PARK FEES

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

PUBLIC HEARING – REVOCATION OF TAXI PERMIT OF ARMADILLO TAXI OF FREDERICKSBURG, JOE DUKE - It was moved by Council Member Dooley, seconded by Council Member Pearson, to open the public hearing on the revocation of the Taxi Permit of Armadillo Taxi of Fredericksburg – Joe Duke. All voted in favor and the motion carried.

Comments were received from Mr. Duke, and one of his regular customers, Michelle Bennett, asking that Council allow his permit to remain in affect provided he find another driver until his legal issues are resolved.

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.

REVOCATION OF TAXI PERMIT OF ARMADILLO TAXI OF FREDERICKSBURG, JOE DUKE – It was moved by Council Member Pearson, seconded by Council Member Sanford, to keep the revocation of the Taxi Permit of Armadillo Taxi of Fredericksburg in place at this time, with the agreement that when he finds another driver his permit could be reinstated The vote was as follows: Aye: Hoover, Pearson, Sanford, Neffendorf, and Dooley. Nay: None. Motion carried.

PUBLIC HEARING Z-1304 BY THE CITY OF FREDERICKSBURG TO CONSIDER AN AMENDMENT TO SECTION 2.100 OF THE ZONING ORDINANCE RPERTAINING TO THE DEFINITION OF BED & BREAKFAST FACILITIES AS A

PERMITTED USE AND/OR A USE SUBJECT TO A CONDITIONAL USE PERMIT IN R-1 SINGLE FAMILY RESIDENTIAL, R-2 MIXED RESIDENTIAL R-3 MULTI FAMILY RESIDENTIAL, C-1 NEIGHBORHOOD COMMERCIAL, C-2 COMMERCIAL AND CBD CENTRAL BUSINESS DISTRICT – It was moved by Council Member Dooley, seconded by Council Member Pearson, to open the Public Hearing on Z-1304 by the City of Fredericksburg to consider an amendment to Section 2.100 of the zoning ordinance pertaining to the definition of Bed & Breakfast Facilities as a permitted use and/or a use subject to a conditional use permit in R-1 Single Family Residential, R-2 Mixed Residential R-3 Multi-Family Residential, C-1 Neighborhood Commercial, C-2 Commercial and CBD Central Business District. 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 Pearson, to adjourn the public hearing and reconvene the regular session. All voted in favor and the motion carried.

RECOMMENDATION AND ORDINANCE ON REQUEST Z-1304 BY THE CITY OF FREDERICKSBURG TO CONSIDER AN AMENDMENT TO SECTION 2.100 OF THE ZONING ORDINANCE PERTAINING TO THE DEFINITION OF BED & BREAKFAST FACILITIES AS A PERMITTED USE AND/OR A USE SUBJECT TO A CONDITIONAL USE PERMIT IN R-1 SINGLE FAMILY RESIDENTIAL, R-2 MIXED RESIDENTIAL R-3 MULTI FAMILY RESIDENTIAL, C-1 NEIGHBORHOOD COMMERCIAL, C-2 COMMERCIAL AND CBD CENTRAL BUSINESS DISTRICT – It was moved by Council Member Dooley, seconded by Council Member Pearson, to approve Request Z-1304 to amend Section 2.100 of the Zoning Ordinance pertaining to the definition of Bed & Breakfast Facilities as a permitted use subject to a Conditional Use Permit in R-1 Single Family Residential, R-2 Mixed Residential, R-3 Multi-Family Residential, C-1 Neighborhood Commercial, C-2 Commercial and CBD Central Business District The vote was as follows: AYE: Hoover, Pearson, Neffendorf, Sanford, and Dooley. NAY: None. Motion carried.

ORDINANCE NO. 23-014

AN ORDINANCE AMENDING THE TEXT OF THE ZONING ORDINANCE OF THE CITY OF FREDERICKSBURG TO FURTHER DEFINE BED AND BREAKFAST USE, TO PERMIT THE USE OF BED AND BREAKFAST IN THE RESIDENTIAL DISTRICTS OF R-1, R-2 AND R-3 AND IN THE COMMERCIAL DISTRICTS OF C-1, C-2 AND CBD UNDER CERTAIN CONDITIONS, PROHIBITING THE SAME IN THE RESIDENTIAL DISTRICTS OF R-1-A, R-4 AND R-5 AND IN THE MANUFACTURING DISTRICTS OF M-1, M-2 AND M-3 AND IN THE PUBLIC FACILITIES PF DISTRICT DEFINING THE CONDITIONS AND ADDING CERTAIN REQUIREMENTS FOR USE OF PROPERTY AS A BED AND BREAKFAST, ADDING A REQUIREMENT FOR A USE PERMIT FOR BED AND BREAKFAST USE, PROVIDING FOR PARTIAL INVALIDITY, REPEALING INCONSISTENT PROVISIONS AND ESTABLISHING AN EFFECTIVE DATE. (Recorded in Ordinance Book)

RESOLUTION AND DECLARATION OF OFFICIAL INTENT TO ENTER IN LEASE/PURCHASE OF FIRE DEPT PUMPER – Council Member Pearson moved, seconded by Council Member Dooley, to adopt a Resolution and Declaration of Official Intent to Enter in Lease/Purchase of Fire Department Pumper with JP Morgan Chase for \$526,520.00. The vote was as follows: AYE: Hoover, Pearson, Neffendorf, Sanford, and Dooley. NAY: None. Motion carried.

(Resolution goes here)

ORDINANCE FOR NEW UTILITY RATES – It was moved by Council Member Sanford, seconded by Council Member Neffendorf, to adopt an ordinance adopting new Utility Rates. The vote was as follows: AYE: Hoover, Pearson, Neffendorf, Sanford, and Dooley. NAY: None. Motion carried.

ORDINANCE NO. 23-015

AN ORDINANCE AMENDING CHAPTER 5 BUILDING AND BUILDING REGULATIONS, ARTICLE X. IMPACT FEES SEC. 5-287 (d) IMPACT FEES TO ADD SUCH FEES TO APPENDIX A AND PROVIDE THAT NO FEE WILL BE COLLECTED ON AN ADDITIONAL METER, AND CHAPTER 47 UTILITIES ARTICLE I WATER AND SEWER SYSTEM IN GENERAL SPECIFICALLY SECTION 47-7 DEPOSIT REQUIRED, SECTION 47-11 BILLING: DISCONNECTION OF SERVICE FOR NONPAYMENT; RECONNECTION FEE, ARTICLE VI. ELECTRIC LIGHT AND POWER DISTRIBUTION SYSTEM SPECIFICALLY SECTIONS 47-222 DEFINITIONS, 47-223 SCHEDULE OF RATES, 47-234 DEPOSIT TO ENSURE PAYMENT, SECTION 47-235 BILLING AND APPENDIX A FEE SCHEDULE ARTICLE 11.701 UTILITY DEPOSITS AND BILLING, ARTICLE 11.702 RATES AND ARTICLE 16.000 WATER AND SEWER RATES FEES, SPECIFICALLY, SECTIONS 16.100 CHARGE FOR CONNECTION TO WATER SYSTEM, SECTION 16.200 DEPOSIT FEE FOR WATER SERVICE, SECTION 16.300 WATER DEPARTMENT UTILITY RATES, SECTION 16.400 SEWER DEPARTMENT UTILITY RATES, AND SECTION 16.500 RECONNECTION AFTER DISCONNECTION, ARTICLE 19.000 ELECTRIC AND POWER RATES AND FEES SPECIFICALLY SECTION 19.108 CONNECTIONS AND DISCONNECTIONS, 19.300 DEPOSIT FOR ELECTRICAL SERVICE, AND 19.400 RETURNED CHECK FEE AND ADDING ARTICLE 26.000 MISCELLANEOUS FEES, SPECIFICALLY SEC 26.100 RETURNED CHECK FEES, ESTABLISHING AN EFFECTIVE DATE, REPEALING INCONSISTENT PROVISIONS, AND PROVIDING FOR PARTIAL INVALIDITY. (Recorded in Ordinance Book)

ORDINANCE FOR NEW DEVELOPMENT FEES – It was moved by Council Member Pearson, seconded by Council Member Neffendorf, to adopt an ordinance to approve new

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

ORDINANCE NO. 23-016

AN ORDINANCE AMENDING CHAPTER 38 SUBDIVISIONS SPECIFICALLY SECTION 38-6 FEES, APPENDIX A FEE SCHEDULE ARTICLES 5.--- CONSTRUCTION FEES AND PERMITS, 5.500 APPLICATION FEES, 6.000 FEES FOR GENERAL CONTRACTOR LICENSE AND BOND AND 15 FILING FEES FOR PLATS APPENDIX B ZONING ORDINANCE SPECIFICALLY SECTIONS 5.230, 5.420, 5.710 AND 7.120 REGARDING FEES, OF THE CODE OF ORDINANCES OF THE CITY OF FREDERICKSBURG TO SET OUT AND AMEND DEVELOPMENT FEES FOR THE CITY, ESTABLISHING AN EFFECTIVE DATE, REPEALING INCONSISTENT PROVISIONS, AND PROVIDING FOR PARTIAL INVALIDITY. (Recorded in Contract Book)

ORDINANCE FOR NEW HEALTH FEES - Council Member Pearson moved, seconded by Council Member Neffendorf, to adopt an ordinance to approve new Health Fees. The vote was as follows: AYE: Hoover, Pearson, Neffendorf, Sanford, and Dooley. NAY: None. Motion carried.

ORDINANCE NO. 23-017

AN ORDINANCE AMENDING APPENDIX A FEE SCHEDULE TO AMEND CHAPTER 8 BUSINESSES ARTICLE V. FOOD ESTABLISHMENT REGULATIONS, SECTION 8-111 (c), (d), AND (e) REGARDING FEES, AND TO ADD APPENDIX A ARTICLE 25 HEALTH DEPARTMENT FEES, ESTABLISHING AN EFFECTIVE DATE, REPEALING INCONSISTENT PROVISIONS, AND PROVIDING FOR PARTIAL INVALIDITY. (Recorded in Contract Book)

ORDINANCE FOR NEW GOLF FEES – It was moved by Council Member Neffendorf, seconded by Council Member Sanford, to adopt an ordinance approving new Golf Fees. The vote was as follows: AYE: Hoover, Pearson, Neffendorf, Sanford, and Dooley. NAY: None. Motion carried.

ORDINANCE NO. 23-018

AN ORDINANCE AMENDING APPENDIX A FEE SCHEDULE ARTICLE 24 RECREATIONAL FEES, SPECIFICALLY SECTION 24.100 GOLF FEES, AMENDING RATES AND ESTABLISHING RATES FOR JUNIOR MEMBERS, ESTABLISHING AN EFFECTIVE DATE, REPEALING INCONSISTENT PROVISIONS, AND PROVIDING FOR PARTIAL INVALIDITY. (Recorded in Contract Book)

HOSPITAL AUTHORITY REPORT – Tony Klein updated council on what the Hospital Authority has accomplished this past year and their future plans. No action taken.

CVB BUDGET – Ernie Loeffler, Executive Director of the Convention and Visitors Bureau, was on hand to present the 2014 CVB Budget. It was moved by Council Member Pearson, seconded by Council Member Sanford, to approve the CVB Budget as presented. The vote was as follows: AYE: Hoover, Pearson, Neffendorf, Sanford, and Dooley. NAY: None. Motion carried.

CONTRACT FOR BANKING SERVICES – Following comments from Director of Finance, Brad Kott, it was moved by Council Member Pearson, seconded by Council Member Sanford, to award the contract for banking services to Security State Bank and Trust. The vote was as follows: AYE: Hoover, Pearson, Neffendorf, Sanford, and Dooley. NAY: None. Motion carried.

2014 BUDGET – After a lengthy discussion:

- (1) It was moved by Council Member Sanford, seconded by Council Member Pearson, to keep the TMRS cost of living benefit in the budget. The vote was as follows: AYE: Hoover, Pearson, and Sanford. NAY: Dooley. ABSTAIN: Neffendorf. Motion carried.
- (2) It was moved by Council Member Neffendorf, seconded by Council Member Dooley, to reduce the FY2014 budgeted expenditures for the Electric, Water & Wastewater, Sanitation and Drainage funds so that the FY2014 budget for each fund is balanced. The vote was as follows: AYE: Neffendorf and Dooley. NAY: Hoover, Sanford, and Pearson. Motion failed.
- (3) It was moved by Council Member Pearson, seconded by Council Member Dooley, to reduce the FY2014 budgeted expenditures for the Water & Wastewater fund so that the FY2014 budget for this fund only is balanced. The vote was as follows: AYE: Hoover, Pearson, Neffendorf, and Dooley. NAY: Sanford. Motion carried.
- (4) It was moved by Council Member Pearson, seconded by Council Member Sanford, to approve the Budget as presented with the change in (3) above to the Water & Wastewater Fund, and to include amendments to the Police fund to accommodate the latest information from the County regarding shared expenses at the Law Enforcement Center. The vote was as follows: AYE: Hoover, Pearson, and Sanford. NAY: Neffendorf and Dooley. Motion carried.

2014 TAX RATE - It was moved by Council Member Neffendorf, seconded by Council Member Sanford, to adopt a Property Tax Rate for 2013 at \$0.2600. The vote was as follows: AYE: Hoover, Dooley, Neffendorf, Sanford, and Pearson. NAY: None. Motion carried.

ORDINANCE NO. 23-019

AN ORDINANCE LEVYING A TAX RATE FOR THE CITY OF FREDERICKSBURG FOR THE TAX YEAR 2013

Be it ordered and ordained by the City Council of the City of Fredericksburg that we, the City Council of Fredericksburg, do hereby levy and adopt the tax rate on \$100 valuation for this City for the tax year 2013 as follows:

\$0.1879 for the purposes of maintenance and operations

\$0.0721 for the payment of principal and interest on the debt of the City

\$0.2600 total tax rate

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

This ordinance is effective from the date of its passage and publication in accordance with applicable law(s).

Passed and approved this 16th day of September, 2013.

/s/ Jeryl Hoover, Mayor

Attest:

/s/ Shelley Britton, City Secretary

CITY MANAGERS REPORT – The City Manager reported on (1) Oktoberfest, (2) Transportation Code, (3) Former Texas Ranger Heritage Center, (4) Water Leak Detection Program, (5) Employee Recognition (Steve Wetz – graduated Cum Laude, Midwestern State University).

FUTURE AGENDA ITEMS – None.

PUBLIC COMMENTS – Russ Rose thanked Council for all the hard work on the budget.

COUNCIL COMMENTS – No comments.

With no further discussion, Council Member Dooley made a motion to adjourn the meeting at 9:48 PM. Council Member Neffendorf seconded the motion. Motion carried.

PASSED AND APPROVED this the 7th day of October, 2013.

SHELLEY BRITTON, CITY SECRETARY

JERYL HOOVER, MAYOR

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