

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

**SPECIAL CITY COUNCIL MEETING
FEBRUARY 3, 2011
3:15 PM**

On this the 3rd day of February, 2011, City Council of the CITY OF FREDERICKSBURG convened in special session at City Hall, with the following members present to constitute a quorum:

TOM MUSSELMAN - MAYOR
KEVIN MACWITHEY - COUNCIL MEMBER
GRAHAM PEARSON - COUNCIL MEMBER
TIM DOOLEY - COUNCIL MEMBER
BJORN KIRCHDORFER - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: GARY NEFFENDORF - CITY MANAGER
PAT McGOWAN - CITY ATTORNEY
BRIAN JORDAN - DIR OF DEVELOPMENT SERVICES
JIMMY ALEXANDER - DIR OF PARKS & RECREATION

The meeting was called to order at 3:15 PM.

2011 HOTEL TAX APPLICATIONS - Council discussed the 2011 Hotel Tax Applications. No action was taken.

POOL OPTIONS AND SPECIAL MEETING DATE - Council discussed pool options and set Feb. 10, 5:30 PM, at the LEC for a Special Meeting to finalize their decision on pool considerations and vote on debt issuance. Also present: Todd Kneese, Dawn Bourgeois, Leonard Bentsch, and Tommy Segner.

With no further business, Council Member Dooley made a motion to adjourn the meeting at 5:50 PM. Council Member Kirchdorfer seconded the motion. Motion carried.

PASSED AND APPROVED this the 5th day of July, 2011.

SHELLEY BRITTON, CITY SECRETARY

TOM MUSSELMAN, MAYOR

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

**REGULAR CITY COUNCIL MEETING
FEBRUARY 7, 2011
6:00 PM**

On this the 7th day of February 2011, 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:

TOM MUSSELMAN - MAYOR
KEVIN MACWITHEY - COUNCIL MEMBER
TIM DOOLEY - COUNCIL MEMBER
GRAHAM PEARSON - COUNCIL MEMBER

ABSENT: BJORN KIRCHDORFER - COUNCIL MEMBER

ALSO PRESENT: GARY NEFFENDORF - CITY MANAGER
PAT MCGOWAN - CITY ATTORNEY
CRAIG WALLENDORF - D.P.W.U.
BRIAN JORDAN - DIR. OF DEVELOPMENT SERVICES
JIMMY ALEXANDER - DIR. OF PARKS & REC

The meeting was called to order at 600 PM following the Pledge of Allegiance.

MINUTES - it was moved by Council Member MacWithey, seconded by Council Member Pearson, to approve the minutes of the October 2010 meeting as presented. All voted in favor and the motion carried.

JOINT MEETING WITH WAYFINDING COMMITTEE - Council met in a joint session with the Wayfinding Committee to receive a presentation from consultant Glenn Swantek (MERJE) on the final document for the Wayfinding and Guiding Signage Project. No action taken.

REPORT FROM CHRISTMAS COMMITTEE- Jeryl Hoover updated council on the Christmas Committee's plans for the upcoming year to add child friendly decorations, and music. No action taken.

POOL RENOVATIONS - Council received comments from the public concerning the decision to eliminate Town Pool and concentrate on a "one pool option" which could also include relocating the primary city pool to a central location and eliminating the Park Pool as well. Comments were received from the public both in favor of the "one pool option" and against it. Concern was also voiced about the proposal to do away with the lighted soccer field at Old Fair Park in order to place an Aquatic Facility at that location. Those speaking included Lorrie Hess, Jeff Hammond, Vince Conroe, George Bruns, Chuck Jenschke, All Carr, Dawn Bourgeois, and Tommy Segner.

RESOLUTION FOR ECONOMIC DEVELOPMENT PROGRAM - It was moved by Council Member Pearson, seconded by Council Member MacWithey, to adopt a Resolution Establishing Chapter 380 Economic Development Program. The vote was as follows: AYE: Musselman, Dooley, Pearson, and MacWithey. Motion carried.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG
ESTABLISHING CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM
EFFECTIVE FEBRUARY 7, 2010

I. General Statement of Purpose and Policy

The City of Fredericksburg, Texas is committed to the promotion of quality developments in all parts of the City and to an ongoing improvement of the quality of life for its citizens. The City has previously taken steps to encourage expansions and relocations of businesses within and to the City, however, the City now seeks to expand and enhance its economic development efforts by establishing this Chapter 380 Economic Development Program Policies and Procedures.

These Policies and Procedures are established in an effort to improve, develop and expand the local economy by promoting and encouraging development and expansion of tourism, businesses and industries that enhance the City's economic base and diversify and expand job opportunities. The ultimate goals and public purposes of programs established hereunder are to stimulate and diversify business and commercial activity in the City and the local economy, reduce unemployment and underemployment, and protect and enhance the City's fiscal ability to provide high quality municipal services to Fredericksburg residents.

In furtherance of these objectives, the City of Fredericksburg will, on a case by-case basis, give consideration to providing economic incentives to applicants in accordance with these Policies and Procedures as authorized by Chapter 380 of the Texas Local Government Code, as amended from time to time.

Nothing in this document is intended to imply or suggest that the City of Fredericksburg is under any obligation to provide economic incentives to any applicant. All applicants shall be considered on a case-by-case basis. The decision to approve or deny economic incentives shall be at the discretion of the Fredericksburg City Council. Each applicant granted economic incentives from the Chapter 380 Economic Development Program (also referred to as Program) under these Policies and Procedures must enter into an Economic Development Agreement with the City of Fredericksburg containing all terms required by these Policies and Procedures and state law, or as deemed necessary and appropriate by the City Council.

II. Definitions

- A. *Economic Development Agreement.* A contractual agreement between an applicant and the City for the purpose of an economic incentive.
- B. *Business Personal Property.* Property used by a business and which is not real property, and excluding inventory.
- C. *City.* The City of Fredericksburg, Texas, and all its governing and operating bodies.
- D. *Council.* The City Council of the City of Fredericksburg, Texas.
- E. *Expansion.* The addition of improvements and business personal property subject to ad valorem taxes to an existing facility, but excluding inventory.

- F. *Facility*. Improvements which, when completed, together comprise an integral whole.
- G. *Improvement*. A building, structure or fixture erected on or affixed to land.
- H. *Incentive*. Any City participation or contribution permissible under Chapter 380, as amended, of the Texas Local Government Code.
- I. *Modernization*. The replacement or upgrading of existing facilities, which increases the productive input or output, updates the technology, substantially lowers the unit cost of operation, or extends the economic life of the facility. Modernization may result from the construction, alteration, or installation of improvements. It shall not be for the purpose of reconditioning, refurbishing, repairing, or completion of deferred maintenance.
- J. *Project*. A business and/or facility that is to be considered for an economic incentive.
- K. *Real Property*. Shall mean land and all permanent improvements constructed or erected on the land.

III. Program Requirements for Incentive Consideration

- A. Incentives may be granted for new facilities, expansion or modernization of existing facilities that add new value to facilities intended for use by and open to the public to entities renovating or occupying existing facilities within the city limits of Fredericksburg which will enhance the cultural, civic, educational, or recreational industries or draw to the city of Fredericksburg. To be considered for incentives as a Chapter 380 Economic Development Program under these Policies and Procedures, a project must be commensurate with value of any incentives granted under this Program as determined by the City Council of the City of Fredericksburg.
- B. Incentives established under this Program shall be provided only to the extent that the revenue realized by the City as a whole and attributable to a project exceeds a minimum amount established in the Agreement by whatever manner of measurement is determined by the City Council. The public benefit or amount of revenue realized by the City as a whole and attributable to the project must be commensurate with value of any incentives granted under this Program

Primary Projects:

A project may be considered if it will:

- A. Result in a minimum of increased real property improvements in the City of Fredericksburg of at least \$3,000,000.00; and
- B. Provide justification for incentives based upon

- a. the type and number of jobs to be created or retained;
- b. additional revenues created for the City from sales tax and tax on real property, business personal property and inventory, Hotel-Motel Tax, utility revenues, projected increase in visitor ship of population and attendant increases in or stimulus of secondary economic benefits such as housing, the potential to attract related, ancillary or support businesses;
- c. the business is listed as or supports a target industry for the city as set forth in the Comprehensive Plan for the City;
- d. the business is one that enhances or compliments the existing businesses or industries in town or provides additional offerings for drawing people to visit the City;
- e. the market conditions and growth potential for the business activity;
- f. that it will be a positive addition to the City's Electric Service Territory, and water and wastewater services;
- g. that the incentive is needed in order to attract the facility, business or business expansion to the City; or
- h. any combination of the above.

Other Projects:

Any other project may be considered if it is specifically determined by the City Council to bring extraordinary benefit to the City consistent with this policy.

IV. Types of Economic Incentives

- A. Grant incentives offered under these Policies and Procedures may be utilized for:
 - a. relocation assistance;
 - b. land and/or building acquisition costs;
 - c. building improvements or relocation;
 - d. utility line extension/connections;
 - e. payment of water and sewer impact fees;
 - f. extension of public roads;
 - g. drainage improvements;
 - h. leases of land owned by the City; or
 - I. Any other purpose approved by City Council.

- B. Depending upon the number of employees, wage levels, capital improvements, inventory, and type of business, other types of incentives allowed by Chapter 380, Texas Local Government Code, as amended from time to time, may be considered.

V. Denial of Incentives

All eligible applications for incentives shall be considered on a case-by-case basis as set forth herein, and the decision to approve or deny any incentive shall be made at the discretion of the City Council.

VI. Application Process

- A. **Required Information:** In order for the City to evaluate a request for economic incentive and to determine the level at which an applicant qualifies for incentives, the applicant shall make application to the City, and perform an economic impact analysis for the proposed project. Additional information may be included to further describe the project and may be required to provide a comprehensive evaluation. Applicants are encouraged to include any information regarding ancillary benefits associated with the project such as the ability of the project to attract other projects to the city.
- B. **Application Submittal:** Application or request should be submitted to the City Manager of the City of Fredericksburg, 124 West Main Street, Fredericksburg, Texas 78624.
- C. **Application Review:** Upon receipt of the application or request, the City Manager, or his or her designee, which may be a committee established for such purpose, will review the application and make a recommendation for approval/denial to City Council.

VII. Approval of Incentives

Upon approval of any incentives authorized by City Council, before the City of Fredericksburg incentive grant will be made to the applicant, the applicant shall:

- A. Enter into an executed Economic Development Agreement
- B. Pursue and complete the project that is the basis upon which the incentives were considered, i.e. by creating new capital investment in accordance with the time periods specified in the Economic Development Agreement, renovating/improving an existing building, etc; and
- C. Be a member of the Fredericksburg Chamber of Commerce.

Passed and approved this the 7th day of February, 2011.

/s/ Tom Musselman, Mayor

SECTION 380 ECONOMIC DEVELOPMENT AGREEMENT WITH THE FORMER TEXAS RANGERS FOUNDATION - It was moved by Council Member Dooley, seconded by Council Member MacWithey, to approve a Section 380 Economic Development Agreement with the Former Texas Rangers Foundation to include a land lease, and to authorize the City Manger to execute documents on behalf of the city. The vote was as follows: AYE: Musselman, Dooley, Pearson, and MacWithey. Motion carried.

PUBLIC COMMENT - No comments received from the public.

COUNCIL COMMENT - No comments.

EXECUTIVE SESSION - At 8:50 PM, Council Member Pearson made a motion to recess the regular session and go into Executive Session. Council Member MacWithey seconded the motion, and the motion carried. At 9:54 PM, Council Member Pearson made a motion to adjourn the Executive Session and reconvene the regular session. Council Member MacWithey seconded, the motion carried.

Following Executive Session, the following action was taken:

REAL ESTATE - SALE, PURCHASE, AND EXCHANGE OF PROPERTY - No action was taken.

PUBLIC POWER UTILITIES - POSSIBLE PARTICIPATION IN A "POWER SUPPLY AGREGATION GROUP" WHICH INVOLVES A "LOAD DECREASE" PURSUANT TO SECTION 3.6 OF THE LCRA WHOLESALE POWER SUPPLY AGREEMTNS - No action taken.

With no further discussion, Council Member Dooley made a motion to adjourn the meeting at 9:55 PM. Council Member Pearson seconded the motion. Motion carried.

PASSED AND APPROVED this the 5th day of July, 2011.

SHELLEY BRITTON, CITY SECRETARY

TOM MUSSELMAN, MAYOR

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

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SPECIAL CITY COUNCIL MEETING
FEBRUARY 10, 2011
5:30 PM

On this the 10th day of February, 2011, City Council of the CITY OF FREDERICKSBURG convened

in special session at City Hall, with the following members present to constitute a quorum:

TOM MUSSELMAN - MAYOR
KEVIN MACWITHEY - COUNCIL MEMBER
GRAHAM PEARSON - COUNCIL MEMBER
TIM DOOLEY - COUNCIL MEMBER
BJORN KIRCHDORFER - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: GARY NEFFENDORF - CITY MANAGER
PAT McGOWAN - CITY ATTORNEY
JIMMY ALEXANDER - DIR OF PARKS & RECREATION
PAUL OESTREICH - CHIEF OF POLICE

The meeting was called to order at 5:30 PM.

POOL PROJECT - Mark Hatchel of Kimley-Horn Associates presented updated information on the pool project.

Comments were received from John Detmar, Robin Coswer, Mark Harmon, George Burns, Jerry Farley, Chuck Jenschke, Tonya Benson, and Kelly Musselman.

RESOLUTION DIRECTING THE PUBLICATION OF NOTICE OF INTENTION TO ISSUE CITY OF FREDERICKSBURG, TEXAS, COMBINATION TAX REVENUE CERTIFICATES OF OBLIGATION, SERIES 2011, AND OTHER MATTERS RELATED THERETO - It was moved by Council Member Dooley, seconded by Council Member Kirchdorfer, to adopt a Resolution directing the Publication of Notice of Intention to Issue City of Fredericksburg, Texas, Combination Tax Revenue Certificates of Obligation, Series 2011, not to exceed \$3,200,000. The vote was as follows: AYE: Mussleman, MacWithey, Pearson, Dooley and Kirchdorfer. NAY: None. Motion carried.

RESOLUTION DIRECTING THE PUBLICATION OF NOTICE OF INTENTION
TO ISSUE CITY OF FREDERICUSBURG, TEXAS COMBINATION TAX AND
REVENUE CERTIFICATES OF OBLIGATION, SERIES 2011; AND OTHER
MATTERS RELATED THERETO

WHEREAS, the City Council (the "Council") of the City of Fredericksburg, Texas (the "City") finds that the payment in whole or in part of contractual obligations incurred or to be incurred for (1) construction of an aquatic center, including a swimming pool, and restoration of existing facilities located at Lady Bird Municipal Park, and (2) the payment of professional services in connection therewith including legal, fiscal, and engineering fees and the costs of issuance in connection with the certificates described below (the "contractual Obligations") would be

beneficial to the inhabitant of the City and are needed to perform essential City functions; and

WHEREAS, the Council has deemed it advisable to give notice of intention to issue certificated of obligation in a maximum principal amount not to exceed \$3,200,000 (the "Certificates") pursuant to the provision of the Certificate of Obligation Act of 1971, Section 271.041 et seq., Local Government Code (the "Act") for the purpose of financing the Contractual Obligations, and

WHEREAS, prior to the issuance of the Certificates, the City is required under the Act to publish notice of its intention to issue the Certificates once a week for two consecutive weeks in a newspaper of general circulation in the City with the first publication to be at least 30 days before the date tentatively set for passage of the Ordinance authorizing the Certificates, the notice stating: (I) the time and place tentatively set of the passage of the ordinance authorizing the issuance of the Certificates, (ii) the maximum amount and purpose of the Certificates to be authorized, and (iii) the manner in which the Certificates will be paid; and

WHEREAS, the meeting at which this Resolution is adopted was open to the public and public notice of the time, place and purpose of the meeting was given, all as required by Chapter 551, Texas Government Code, as amended:

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, THAT

1. Attached here is a form of the Notice of Intention to issue the Certificates, the form and substance of which is hereby adopted and approved in substantially such form.
2. The City Secretary or other authorised representatives of the City, shall cause the notice be published in substantially the form attached hereto, in a newspaper of general circulation in the City, once a week for two consecutive weeks, the date of the first publication to be at least thirty (30) days prior to the time set for the ordinance authorizing the issuance of the Certificates as shown in the notice.
3. This Resolution shall become effective immediately upon adoption. The Mayor and City Secretary are hereby authorized and directed to execute this Resolution on behalf of the City and to do any and all things proper and necessary to carry out the intent of this Resolution.
4. This City hereby authorized the disbursement of a fee equal to the lesser of (I) one-tenth of one percent of the principal amount of the Certificates of (ii) \$9,500, provided that such fee shall not be less that \$750, to the Attorney General of Texas Public Finance Division for payment of the examination fee charged by the State of Texas for the Attorney General's review and approval of public securities and credit agreements, as required by Section 1202.004 of the Texas Government Code. The appropriate member of the City's staff is hereby instructed to take the necessary measures to make this

payment. The City is also authorized to reimburse the appropriate City funds for such payment from proceeds of the Certificates.

EXHIBIT A

**NOTICE OF INTENTION TO ISSUE
CERTIFICATES OF OBLIGATION**

NOTICE IS HEREBY GIVEN that it is the intention of the City Council of the City of Fredericksburg, Texas, to issue interest bearing certificates of obligation of the City entitled "City of Fredericksburg, Texas Combination Tax and Revenue Certificates of Obligation, Series 2011" for the purpose of paying contractual obligations incurred or to be incurred by the City of (1) construction of an aquatic center, including a swimming pool, and restoration of existing facilities located at Lady Bird Municipal Park, and (2) the payment of professional services in connection therewith including legal, fiscal, and engineering fees and the costs of issuance in connection with the Certificates. The City Council tentatively proposed to authorize the issuance of such Certificates at it's regular meet5ing place at the Law Enforcement Center, 1601 E, Main St., Fredericksburg, Texas, at a meeting to commence at 7:00 pm on the 4th day of April, 2011. The maximum amount of Certificates that may be authorized for such purpose if \$3,200,000. The city council presently proposes to provide for the payment of such Certificates from the levy of ad valorem taxes and from a limited pledge of surplus revenues not to exceed \$1,000 derived from the operation of the City's combined waterworks and sewer system.

CITY OF FREDERICKSBURG, TEXAS

With no further business, Council Member Dooley made a motion to adjourn the meeting at 7:30 PM. Council Member Kirchdorfer seconded the motion. Motion carried.

PASSED AND APPROVED this the 5th day of July , 2011.

SHELLEY BRITTON, CITY SECRETARY

TOM MUSSELMAN, MAYOR

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

**REGULAR CITY COUNCIL MEETING
FEBRUARY 21, 2011
7:00 PM**

On this the 21st day of February, 2011, 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:

TOM MUSSELMAN - MAYOR
KEVIN MACWITHEY - COUNCIL MEMBER
GRAHAM PEARSON - COUNCIL MEMBER

TIM DOOLEY - COUNCIL MEMBER
BJORN KIRCHDORFER - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: GARY NEFFENDORF - CITY MANAGER
PAT MCGOWAN - CITY ATTORNEY
BRAD KOTT - DIR OF FINANCE
PAUL OESTREICH - CHIEF OF POLICE
CRAIG WALLENDORF - D.P.W.U.
BRIAN JORDAN - DIR OF DEVELOPMENT SERVICES
JIMMY ALEXANDER - DIR OF PARKS & RECREATION

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

PUBLIC HEARING Z-1101 BY STONE RIDGE FARMS TO (A) CHANGE LAND USE PLAN FROM LOW DENSITY TO COMMERCIAL ON PROPERTY LOCATED AT 1210 N. MILAM, AND (B) CHANGE ZONING FROM R-1 SINGLE FAMILY RESIDENTIAL TO C-1 NEIGHBORHOOD COMMERCIAL - It was moved by Council Member Dooley, seconded by Council Member Kirchdorfer, to recess the regular session and open the public hearing on Request Z-1101 by Stone Ridge Farms for (A) a Land Use Plan change from Low Density Residential to Commercial on property located at 1210 N. Milam St. and (B) a zoning change from R-1 single Family Residential to C-1 Commercial on said property. All voted in favor and the motion carried.

The applicant was not present. It was moved by Council Member Dooley, seconded by Council Member MacWithey, to adjourn the public hearing and reconvene the regular session. All voted in favor and the motion carried.

RECEIVE RECOMMENDATION AND CONSIDER REQUEST Z-1101 - Based on the recommendation of the Planning & Zoning Commission and the staff, it was moved by Council Member MacWithey, seconded by Council Member Dooley, to deny Request Z-1101. The vote was as follows: AYE: Musselman, Dooley, Pearson, Kirchdorfer, and MacWithey. Motion carried.

2011 HOTEL OCCUPANCY TAX ALLOCATIONS - It was moved by Council Member Dooley, seconded by Council Member Pearson, to award the 2011 Hotel Occupancy Tax Requests as follows:

1. Gillespie County Historical Society - Pioneer Museum - \$125,000
2. Nimitz Foundation- \$100,000
3. Gillespie County Fair and Festivals Association - \$40,000
4. Fb. Theater Company - \$30,000
5. Nimitz Foundation - Nauwald Building (Special Request) \$25,000
6. Fbg Chamber of Commerce - NIOF - \$8,500
7. Fbg Chamber of Commerce - St. Nikolaus Markt - \$8,000

8. Hill Country Film Festival - \$7,000 (contingent on receiving non-profit status)
9. Fbg Rotary Club - Wings Over the Hills - \$5,000
10. Boys & Girls Club - \$5,000
11. Optimists - Hill Country Run - \$5,000
12. Fbg Jaycees - Crawfish Festival - \$5,000
13. Fbg. Jaycees - Tractor Pull - \$5,000
14. 4th of July Celebration - \$4,000
15. Fbg. Art Guild - \$3,000
16. Hill Country Antique Tractor & Engine Club - \$3,000
17. Fbg. Music Club - \$3,000
18. Ignite - \$2,600
19. Arion Men's Choir - \$2,500
20. Fbg. Farmer's Market - \$2,400
21. Knights of Columbus - \$2,000
22. Die Kuenstler von Fredericksburg - \$2,000

A friendly amendment to the motion was then made by Council Member MacWithey, accepted by Council Member Dooley, that all organizations that have a website are required to have a link to the Fredericksburg Convention & Visitors Bureau website. The vote was as follows: AYE: Musselman, Dooley, Pearson, Kirchdorfer, and MacWithey. Motion carried

ORDINANCE BANNING TEXTING-WHILE-DRIVING WITHIN THE CITY LIMITS -

Council received a presentation from high school health occupation students Ashlyn Beckmann, Victoria Burke, Jena Ottmers, and Alexis Schmidt regarding texting-while-driving. The HOSA students requested that council adopt an ordinance making it unlawful for anyone to text while driving. It was moved by Council Member Pearson, seconded by Council Member MacWithey, to adopt an ordinance banning texting-while-driving. The vote was as follows: AYE: Musselman, Dooley, Pearson, Kirchdorfer, and MacWithey. Motion carried.

ORDINANCE NO. 21-001

AN ORDINANCE ADDING SECTION 44-40 (TRAFFIC AND MOTOR VEHICLES) TO THE CODE OF ORDINANCES OF THE CITY OF FREDERICKSBURG, TEXAS PROHIBITING THE USE OF A HAND-HELD COMMUNICATION TO VIEW, SEND, COMPOSE AN ELECTRONIC MESSAGE OR OTHER INFORMATION OR ENGAGE IN ANY OTHER USE OF THE DEVICE BESIDES TELEPHONE NUMBERS OR TALKING WHILE OPERATING A MOVING MOTOR VEHICLE, AND PROVIDING FOR PENALTIES, PARTIAL INVALIDITY, AND INCONSISTENT PROVISIONS AND ESTABLISHING AN EFFECTIVE DATE. (Ordinance Book)

RESOLUTION ADOPTING WATER CONSERVATION PLAN FOR THE CITY OF FREDERICKSBURG - Craig Wallendorf, Director of Public Works and Utilities, presented council

with a Water Conservation Plan in conformance with the rules governing water conservation plans as set forth by the Texas Commission on Environmental Quality (TCEQ) Title 30, Texas Administrative Code (TAC), and the Texas Water Development Board (TWDB). It was moved by Council Member

The vote was as follows: AYE: Musselman, Dooley, Pearson, Kirchdorfer, and MacWithey. Motion carried.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF FREDERICKSBURG, TEXAS, ADOPTING A WATER CONSERVATION PLAN FOR THE CITY OF FREDERICKSBURG, TEXAS, AND AUTHORIZING SUBMISSION OF THE PLAN TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND THE TEXAS WATER DEVELOPMENT BOARD; PROVIDING FOR EFFECTIVE DATE AND OTHER RELATED MATTERS.

WHEREAS, the City of Fredericksburg operates a public water supply system having more than 3,300 customers connections, and

WHEREAS, state law requires all cities having at least 3,300 water connections to submit a Water Conservation Plan to the Texas Commission on Environmental Quality and the Texas Water Development Board;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS:

- Section 1. The attached Water Conservation Plan for the City of Fredericksburg is hereby adopted. The Director of Public Works is authorized and directed to submit the plan to TCEQ and the TWDB and to such other agencies as may be required by law.
- Section 2. The Water Conservation Plan and appropriate ordinances providing for endorsement shall be reviewed, updated, and amended from time to time as appropriate to take into account changes in laws, regulations, or the conditions.
- Section 3. This resolution shall be immediately effective upon adoption.

/s/ Tom Musselman, Mayor

Attest: /s/ Shelley Britton, City Secretary

PARK FACILITIES RATE ADJUSTMENTS - Jimmy Alexander, Director of Parks and Recreation, presented a park facilities rate comparison for council's consideration. It was moved by Council Member Dooley, seconded by Council Member MacWithey, to adjust the camping rates to \$30/day, \$395 monthly, with a review in three years. The vote was as follows: AYE: Musselman, Dooley, Pearson, Kirchdorfer, and MacWithey. Motion carried.

PUBLIC COMMENT - Frank Schmidt commented on the benefits of run-off.

COUNCIL COMMENT - Council Member Kirchdorfer reported that he would not be running for

election.

EXECUTIVE SESSION - At 8:30 PM, Council Member Dooley made a motion to recess the regular session and go into Executive Session. Council Member MacWithey seconded the motion, and the motion carried. At 9:05 PM, Council Member Dooley made a motion to adjourn the Executive Session and reconvene the regular session. Council Member Kirchdorfer, the motion carried.

Following Executive Session, the following action was taken:

PERSONNEL AND CONSULTATION WITH ATTORNEY, CITY ATTORNEY PERSONNEL - No action taken.

With no further discussion, Council Member MacWithey made a motion to adjourn the meeting at 9:06 PM. Council Member Dooley seconded the motion. Motion carried.

PASSED AND APPROVED this the 5th day of July , 2011.

_____ SHELLEY BRITTON, CITY SECRETARY	_____ TOM MUSSELMAN, MAYOR
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STATE OF TEXAS	SPECIAL CITY COUNCIL MEETING
COUNTY OF GILLESPIE	FEBRUARY 23, 2011
CITY OF FREDERICKSBURG	3:15 PM

On this the 23rd day of February, 2011, City Council of the CITY OF FREDERICKSBURG convened in special session at City Hall, with the following members present to constitute a quorum:

TOM MUSSELMAN - MAYOR
GRAHAM PEARSON - COUNCIL MEMBER
TIM DOOLEY - COUNCIL MEMBER
BJORN KIRCHDORFER - COUNCIL MEMBER

ABSENT: KEVIN MACWITHEY - COUNCIL MEMBER

ALSO PRESENT: GARY NEFFENDORF - CITY MANAGER
PAT McGOWAN - CITY ATTORNEY
BRAD KOTT - DIR OF FINANCE
CRAIG WALLENDORF - D.P.W.U.
LEE STUBBLEFIELD - ELECTRIC SUPT..

The meeting was called to order at 3:15 PM.

LEASE-PURCHASE FINANCING FOR EQUIPMENT AND RELATED DOCUMENTS
It was moved by Council Member Dooley, seconded by Council Member Pearson, to award the lease-

purchase financing for equipment to Houston Community Bank and to authorize city manager Gary Neffendorf to sign the lease documents. The vote was as follows: AYE: Musselman, Pearson, Dooley, and Kirchdorfer; motion carried.

EXECUTIVE SESSION - At 3:15 PM, Council Member Dooley a motion to recess the regular session and go into Executive Session concerning confidential electric matters and consultation with attorney. Council Member Kirchdorfer seconded the motion, and the motion carried. At 4:20 PM, Council Member Dooley made a motion to adjourn the Executive Session and reconvene the regular session. Council Member Kirchdorfer, the motion carried.

Following Executive Session, the following action was taken:

INITIAL NOTICE TO LCRA REGARDING ELECTRIC ENERGY REQUIREMENTS OF LCRA WHOLESALE POWER AGREEMENT - It was moved by Council Member Dooley, seconded by Council Member Kirchdorfer, to proceed with notification to LCRA that the city intends to purchase 10% of its power from someone other than LCRA, effective June 25, 2011, for a period of two years. The vote was as follows: AYE: Musselman, Pearson, Dooley, and Kirchdorfer; motion carried.

With no further business, Council Member Dooley made a motion to adjourn the meeting at 7:30 PM. Council Member Kirchdorfer seconded the motion. Motion carried.

PASSED AND APPROVED this the 5th day of July , 2011.

SHELLEY BRITTON, CITY SECRETARY

TOM MUSSELMAN, MAYOR