

**CITY OF FREDERICKSBURG
CITY COUNCIL MEETING**

MONDAY, OCTOBER 3, 2016 ~ 6:00 p.m.

Law Enforcement Center ~ 1601 East Main Street

Linda Langerhans, Mayor
Graham Pearson, Council Member
Charlie Kiehne, Council Member

Gary Neffendorf, Council Member
Bobby Watson, Council Member
Kent Myers, City Manager

(REQUEST ALL PAGERS AND PHONES BE TURNED OFF, EXCEPT EMERGENCY ON-CALL PERSONNEL)

A G E N D A

CALL TO ORDER.

Page Ref

PLEDGE OF ALLEGIANCE.

1. **MINUTES** - Consider Approving Minutes of August 2016 Meetings 1-10
2. **EMPLOYEE RECOGNITIONS**
3. **ORDINANCES - RESOLUTIONS - ACTION ITEMS**
 - A. Receive Presentation on Fire/EMS Consolidation 11-32
 - B. Consider Ordinance for Fire/EMS Consolidation
 - C. Consider Approval of Sidewalk Contract Extension 33-34
 - D. Consider Purchase of Asphalt Zipper for Street and Water Departments 35-37
 - E. Consider Lease Purchase Financing for Acquisition of Equipment 38-42
4. **INDIVIDUAL ITEMS FOR CONSIDERATION AND POSSIBLE ACTION**
 - A. Consider Seeking Amicus Curiae Participation in Sign Litigation 43-48
5. **CITY MANAGERS REPORT**
 - A. October 25 City Council Retreat
 - B. Downtown Parking Study
6. **ITEMS FOR FUTURE AGENDAS**
7. **PUBLIC COMMENTS** This time is for citizens to address the City Council on issues and items of concern not on this agenda. There will be no City Council action at this time.
8. **COUNCIL COMMENTS** - No discussion or action may take place
9. **EXECUTIVE SESSION** - Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.086 (Economic Development).
 - A. Executive Session - Deliberations about Real Property - University Center Property
 - B. Executive Session - Deliberations about Real Property - Discuss Real Estate Agreement and Consultation With Attorney Re: Proposed Ufer Street Hotel.
10. **ADJOURN**

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

**SPECIAL CITY COUNCIL MEETING
AUGUST 1, 2016
8:30 AM**

On this the 1st day of August , the City Council of the CITY OF FREDERICKSBURG convened in special session at City Hall, with the following members present to constitute a quorum:

LINDA LANGERHANS - MAYOR
GARY NEFFENDORF - COUNCIL MEMBER
GRAHAM PEARSON - COUNCIL MEMBER
BOBBY WATSON - COUNCIL MEMBER
CHARLIE KIEHNE - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
CLINTON BAILEY - DPWU
LAURA HOLLENBEAK – DIR OF FINANCE

BUDGET WORKSHOP WITH COUNTY OF GILLESPIE – Council held a Budget Workshop with Gillespie County Commissioners Court. No action was taken.

With no further discussion, Council Member Pearson made a motion to adjourn the meeting at 11:15 AM. Council Member Watson seconded the motion. Motion carried.

PASSED AND APPROVED this the 3rd day of October, 2016.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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

**REGULAR CITY COUNCIL MEETING
AUGUST 1, 2016
6:00 PM**

On this the 1st day of August, 2016, 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:

LINDA LANGERHANS - MAYOR
GARY NEFFENDORF - COUNCIL MEMBER
GRAHAM PEARSON – COUNCIL MEMBER
JERRY LUCKENBACH - COUNCIL MEMBER

BOBBY WATSON - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
SHELLEY BRITTON - CITY SECRETARY
PAT McGOWAN - CITY ATTORNEY
CLINTON BAILEY - D.P.W.U.
LAURA HOLLENBEAK – DIR OF FINANCE
BRIAN JORDAN – DIR OF DEVELOPMENT SERVICES
ERIC WHITING – IT

The meeting was called to order at 6:00 PM following the Pledge of Allegiance.

EMPLOYEE RECOGNITIONS - The City Manager recognized the new Director of Parks & Recreation Andrea Warren and Fire Chief Lynn Bizzell.

MINUTES OF JUNE 2016 MEETINGS – It was moved by Council Member Watson, seconded by Council Member Neffendorf, to approve the minutes of the June 2016 meetings as presented. All voted in favor and the motion carried.

175TH ANNIVERSARY COMMITTEE – Tony Klein presented the twenty five names to serve on the 175th Anniversary Committee, including: Connie Crenwelge, Tim Dooley, Debbie Farquhar, Lester Frantzen, Steven Harris, Krista Gratigni, Barbara Heinen, Marty Kaderli, Joe Kammlah, Tony Klein, Timothy Kooock, Amanda Koone, Linda Langerhans, Ernie Loeffler, Penny McBride,, Gary Neffendorf, Chris Nevins, Karen Oestreich, Hector Pedregon, Loretta Schmidt, Chris Schoessow, Troy Sifford, Will Stehling, and Glen Treibs, with staff support supplied by Marion Wiggins.

ORDINANCE GRANTING AUTHORITY TO CITY MANAGER TO EXECUTE ROUTINE CONTRACTS (FIRST READING) – It was moved by Council Member Pearson, seconded by Council Member Watson, to forego the second reading and to adopt the Ordinance Granting Authority to the City Manager to Execute Routine Contracts as presented. All voted in favor and the motion carried.

ORDINANCE NO. 26-007a

AN ORDINANCE GRANTING THE AUTHORITY TO THE CITY MANAGER TO ENTER INTO AND SIGN CERTAIN CONTRACTS ON BEHALF OF THE CITY AND TO SIGN CERTAIN DOCUMENTS; TO AUTHORIZE THE CITY MANAGER TO APPROVE CERTAIN EVENTS AND ACTIVITIES BY THE VARIOUS DEPARTMENTS OF THE CITY; TO AUTHORIZE THE CITY MANAGER TO ISSUE CERTAIN TYPES OF REFUNDS; TO AUTHORIZE THE CITY MANAGER TO MAKE CERTAIN BUDGET TRANSFERS; TO AUTHORIZE THE CITY MANAGER TO ADMINISTRATIVELY HANDLE MATTERS PREVIOUSLY ADDRESSED BY RESOLUTIONS OF THE CITY

COUNCIL; AND TO SET FORTH THE DELEGATION OF ADMINISTRATIVE AUTHORITY TO THE CITY MANAGER. (Recorded in Ordinance Book)

FT. MARTIN SCOTT ADVISORY BOARD APPOINTMENT – It was moved by council Member Kiehne, seconded by Council Member Pearson, to appoint Stephen Schmidt to the Ft. Martin Scott Advisory Board. All voted in the favor and the motion carried.

WAIVER OF FEE FOR TURNER HALL FUNDRAISER – Council Member Watson moved, seconded by Council Member Kiehne, to approve a waiver of fees for rental of Market Square for a Turner Hall Fundraiser. All voted in favor and the motion carried.

CITY MANAGER'S REPORT - City Manager's Report included (1) Budget Update, (2) Animal Shelter Construction, (3) Proposed Annexation – Orchard Lakes, and (4) Marktplatz Improvements..

PUBLIC COMMENTS – Mo Saiide commented on the screening committee for RFP's for Hotel/Conference Center and Golf Course Status figures, Tom Musselman commented on County/City shared expenses, and on the budget process.

COUNCIL COMMENTS – No comments.

PASSED AND APPROVED this the 3rd day of October, 2016

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

SPECIAL CITY COUNCIL MEETING
AUGUST 3, 2016
4:00 PM

On this the 4th day of August , the City Council of the CITY OF FREDERICKSBURG convened in special session at City Hall, with the following members present to constitute a quorum:

LINDA LANGERHANS - MAYOR
GARY NEFFENDORF - COUNCIL MEMBER
GRAHAM PEARSON - COUNCIL MEMBER
BOBBY WATSON - COUNCIL MEMBER
CHARLIE KIEHNE - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
CLINTON BAILEY - DPWU
LAURA HOLLENBEAK – DIR OF FINANCE

BUDGET WORKSHOP – Council held a Budget Workshop. No action was taken.

With no further discussion, Council Member Pearson made a motion to adjourn the meeting at 6:00 PM. Council Member Watson seconded the motion. Motion carried.

PASSED AND APPROVED this the 3rd day of October, 2016.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

SPECIAL CITY COUNCIL MEETING
AUGUST 24, 2016
6:00 PM

On this the 24th day of August, 2016, the City Council of the CITY OF FREDERICKSBURG convened in special session at City Hall, with the following members presented to constitute a quorum:

LINDA LANGERHANS - MAYOR
GARY NEFFENDORF – COUNCIL MEMBER
GRAHAM PEARSON – COUNCIL MEMBER

ABSENT: BOBBY WATSON – COUNCIL MEMBER
CHARLIE KIEHNE – COUNCIL MEMBER

ALSO PRESENT: LAURA HOLLENBEAK – DIR OF FINANCE

PUBLIC HEARING ON PROPOSED FY 2016-2017 PROPERTY TAX RATE, FIRST OF TWO – It was moved by Council Member Pearson, seconded by Council Member Neffendorf, to recess the regular session and open the Public Hearing on the Proposed FY 2016-2017 Property Tax Rate. All voted in favor and the motion carried.

Comments were received by Russ Rose regarding raising taxes .02.

With no other comments, it was moved by Council member Neffendorf, seconded by Council Member Pearson, to adjourn the public hearing and reconvene the regular session. All voted in favor and the motion carried.

At 6:09 PM, it was moved by Council Member Neffendorf, seconded by council Member Pearson, to adjourn the meeting. All voted in favor and the motion carried.

PASSED AND APPROVED this the 3rd day of October, 2016.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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

**REGULAR CITY COUNCIL MEETING
AUGUST 15, 2016
6:00 PM**

On this the 15th day of August, 2016, 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:

LINDA LANGERHANS - MAYOR
BOBBY WATSON - COUNCIL MEMBER
GARY NEFFENDORF - COUNCIL MEMBER
CHARLIE KIEHNE - COUNCIL MEMBER
GRAHAM PEARSON - 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
LAURA HOLLENBEAK – DIR OF FINANCE
RUSSELL IMMEL – IT MANAGER
STEVE WETZ – POLICE CHIEF

The meeting was called to order at 6:00 PM., followed by the Pledge of Allegiance.

EMPLOYEE RECOGNITIONS – The following employees were recognized: Clinton Bailey (Frantzen Park), John Culpepper (bird problem on Main St.), and Brian Jordan (zoning case).

PUBLIC HEARING FY 2016-2017 BUDGET– It was moved by Council Member Watson, seconded by Council Member Neffendorf, to recess the regular session and open the Public Hearing on the FY 2016-2017 Budget. All voted in favor and the motion carried.

With no comments from the public, it was moved by Council Member Neffendorf, seconded by Council Member Watson, to adjourn the public hearing and reconvene the regular session. All voted in favor and the motion carried.

PUBLIC HEARING Z-1608 BY KEVIN SPRAGGINS ON BEHALF OF TERRY HARTCRAFT FOR A CONDITIONAL USE PERMIT TO ALLOW CONVENIENCE STORAGE IN THE C-2 COMMERCIAL ZONING DISTRICT ON PROPERTY LOCATED AT 730 BREHMER LANE– It was moved by Council Member Kiehne , seconded by Council Member Pearson, to recess the regular session and open the Public Hearing Z-1608 by Kevin Spraggins on behalf of Terry Hartcraft for a Conditional Use Permit to Allow Convenience Storage in the C-2 Commercial Zoning District on Property Located at 730 Brehmer Lane. All voted in favor and the motion carried.

With no comments from the public, it was moved by Council Member Neffendorf, seconded by Council Member Watson, to adjourn the public hearing and reconvene the regular session. All voted in favor and the motion carried.

Z-1608 – It was moved by Council Member Pearson, seconded by council Member Watson, to approve Z-1608 as presented. The vote was as follows: AYE: Langerhans, Neffendorf, Watson, Kiehne, and Watson. Motion carried.

PUBLIC HEARING Z-1609 BY JAMES GRIFFIN OF BROWN AND ORTIZ PC, ON BEHALF OF WILLIAM VARNEY FOR THE FOLLOWING ACTIONS ON PROPERTY LOCATED AT 407 WHITNEY STREET (A) LAND USE PLAN CHANGE FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL, (B) ZONING CHANGE FROM R-1 SINGLE FAMILY RESIDENTIAL TO C-1 NEIGHBORHOOD COMMERCIAL AND (3) CONDITIONAL USE PERMIT TO ALLOW LIMITED RETAIL AND LIMITED RESTAURANT USES ON SAID PROPERTY– It was moved by Council Member Watson , seconded by Council Member Pearson, to recess the regular session and open the Public Hearing Z-1609 by James Griffin of Brown and Ortiz PC, on behalf of William Varney for the following actions on property located at 407 Whitney Street (1) Land Use Plan Change from Low Density Residential to Commercial, (2) Zoning Change from R-1 Single Family Residential to C-1 Neighborhood Commercial and (3) Conditional Use Permit to allow Limited Retail and Limited Restaurant uses on said property. All voted in favor and the motion carried.

With no comments from the public, it was moved by Council Member Neffendorf, seconded by Council Member Watson, to adjourn the public hearing and reconvene the regular session. All voted in favor and the motion carried.

ORDINANCE RE: Z-1609 – It was moved by Council Member Watson, seconded by Council Member, to approve Z-1609 as presented. The vote was as follows: AYE: Langerhans, Neffendorf, Watson, Kiehne, and Watson. Motion carried.

ORDINANCE NO. 26-008

AN ORDINANCE ADOPTING A CHANGE I THE COMPREHENSIVE PLAN OF THE CITY OF FREDERICKSBURG; SPECIFICALLY IN THE LAND US MAP AND COMPREHENSIVE PLAN AS TO LOT NO. 1, THE HERB FARM, SITUATED IN THE CITY OF FREDERICKSBURG, TEXAS; CHANGING SAID PROPERTY FROM PLANNED LOW DENSITY RESIDENTIAL TO COMMERCIAL; PROVIDING THAT THE CHANGE TO COMMERCIAL BECOME A PART OF THE COMPREHENSIVE PLAN AND PROVIDING FOR AN EFFECTIVE DATE. (Recorded in Ordinance Book)

ORDINANCE NO. 26-009

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FREDERICKSBURG AND CHANGING THE ZONING CLASSIFICATION OF LOT NO. 1, THE HERB FARM, SITUATED IN THE CITY OF FREDERICKSBURG, TEXAS, FROM R-1 SINGLE FAMILY RESIDENTIAL TO C-1 NEIGHBORHOOD COMMERCIAL. (Recorded in Ordinance Book)

PUBLIC HEARING Z-1610 BY SEAN HEEP FOR A ZONING CHANGE ON PROPERTY LOCATED AT 328 MORNING GLORY DRIVE FROM R-1 SINGLE FAMILY RESIDENTIAL TO R-1A, SINGLE FAMILY SMALL LOT ZONING - It was moved by Council Member Kiehne, seconded by Council Member Pearson, to recess the regular session and open the Public Hearing Z-1610 by Sean Heep for a Zoning Change on Property located at 328 Morning Glory Drive from R-1 Single Family Residential to R-1A, Single Family Small Lot Zoning. All voted in favor and the motion carried.

With no comments from the public, it was moved by Council Member Neffendorf, seconded by Council Member Watson, to adjourn the public hearing and reconvene the regular session. All voted in favor and the motion carried.

Z-1610 – Based on the recommendation of the Planning & Zoning Commission and staff, it was moved by Council Member Pearson, seconded by Council Member Neffendorf, to deny Z-1610 as presented. The vote was as follows: AYE: Langerhans, Neffendorf, Watson, Kiehne, and Watson. Motion carried.

ORDINANCE RE: TAX LIMITED NOTES – ANIMAL SHELTER FINANCING – It was moved by Council Member Neffendorf, seconded by Council Member Watson, to forgo the second reading and to adopt the Ordinance for Tax Limited Notes – Animal Shelter Financing.

The vote was as follows: AYE: Langerhans, Neffendorf, Watson, Kiehne, and Watson. Motion carried.

ORDINANCE NO. 26-009a

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS AUTHORIZING THE ISSUANCE OF "CITY OF FREDERICKSBURG, TEXAS LIMITED TAX NOTES, SERIES 2016", LEVYING AN ANNUAL AD VALOREM TAX, WITHIN THE LIMITATIONS PRESCRIBED BY LAW, FOR THE PAYMENT OF THE OBLIGATIONS; PRESCRIBING THE FORM, TERMS, CONDITIONS, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, AND DELIVERY OF THE OBLIGATIONS; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE AND INVESTMENT LETTER; COMPLYING WITH THE LETTER OF REPRESENTATIONS PREVIOUSLY EXECUTED WITH THE DEPOSITORY TRUST COMPANY; AUTHORIZING THE EXECUTION OF ANY NECESSARY ENGAGEMENT AGREEMENTS WITH THE CITY'S FINANCIAL ADVISORS AND/OR BOND COUNSEL; AND PROVIDING AN EFFECTIVE DATE. (Recorded in Ordinance Book)

2016 EFFECTIVE AND ROLLBACK TAX RATE CALCULATION – It was moved by Council Member Pearson, seconded by Council Member Neffendorf, to accept the 2016 Effective and Rollback Tax Rate Calculation as presented. All voted in favor and the motion carried.

PROPERTY TAX RATE, RECORD VOTE ON PROPOSED TAX RATE, AND SCHEDULE PUBLIC HEARINGS – It was moved by Council Member Neffendorf, seconded by Council member Watson, to approve the proposed property tax rate of \$0.24, a rate that is % above the effective tax rate of \$0.2203, as presented, and to schedule two public hearings on Tax Increase for Wednesday, August 24 and Wednesday August 31. The vote was as follows: AYE: Langerhans, Neffendorf, Watson, Kiehne, and Watson. Motion carried.

BUDGET AMENDMENT RE: PRIOR YEAR GOLF COURSE DEFICITS – It was moved by Council Member Pearson, seconded by Council Member Watson, to approve a Budget Amendment Re: Prior Year Golf Course Deficits at \$423,877 for 2014 and 2015. The vote was as follows: AYE: Neffendorf, Watson, Kiehne, and Watson; NAY: Langerhans. Motion carried.

CITY MANAGER'S REPORT – City Manager Kent Myers reported on (1) Animal Shelter Construction, (2) Orchard Lakes Subdivision, and (3) Ft. Martin Scott Utility Improvements.

PUBLIC COMMENTS –Sonia Rivera commented on recycling.

COUNCIL COMMENTS – None.

EXECUTIVE SESSION - It was moved by Council Member Kiehne, seconded by Council Member Watson, to recess the regular session and go into Executive Session at 7:50 PM. All voted in favor and the motion carried. At 8:32 PM, it was moved by Council Member Watson, seconded

by Council Member Neffendorf, to adjourn the Executive Session and reconvene the regular session. All voted in favor and the motion carried.

Following Executive Session:

HAHN WELL LITIGATION –Council agreed to a final settlement subject to approval by the City Manager.

With no further discussion, Council Member Watson made a motion to adjourn the meeting at 8:33 PM. Council Member Neffendorf seconded the motion. Motion carried.

PASSED AND APPROVED this the 3rd day of October, 2016.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

SPECIAL CITY COUNCIL MEETING
AUGUST 31, 2016
6:00 PM

On this the 31ST day of August , the City Council of the CITY OF FREDERICKSBURG convened in special session at City Hall, with the following members present to constitute a quorum:

LINDA LANGERHANS - MAYOR
GARY NEFFENDORF - COUNCIL MEMBER
CHARLIE KIEHNE - COUNCIL MEMBER

ABSENT: GRAHAM PEARSON - COUNCIL MEMBER
BOBBY WATSON - COUNCIL MEMBER

ALSO PRESENT: KENT MYERS - CITY MANAGER
LAURA HOLLENBEAK – DIR OF FINANCE

PUBLIC HEARING ON PROPOSED FY 2016-2017 PROPERTY TAX RATE, SECOND OF TWO – It was moved by Council Member Kiehne, seconded by Council Member Neffendorf, to recess the regular session and open the Public Hearing on the Proposed FY 2016-2017 Property Tax Rate. All voted in favor and the motion carried.

Comments were received by Russ Rose, Randy Dietrich, Jeanette Harmouth, Sonia Rivera, and Larry Burkhardt.

With no other comments, it was moved by Council Member Neffendorf, seconded by Council Member Kiehne, to adjourn the public hearing and reconvene the regular session. All voted in favor and the motion carried.

At 6:40 PM, it was moved by Council Member Neffendorf, seconded by Council Member Kiehne, to adjourn the meeting. All voted in favor and the motion carried.

PASSED AND APPROVED this the 3rd day of October, 2016.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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CITY COUNCIL MEMO

DATE: September 26, 2016

TO: Mayor and City Council

FROM: Lynn Bizzell; Fire Chief

SUBJECT: Consider Ordinance Amendment for Consolidation of Fire EMS

Summary:

This item is for the first reading and introduction of an ordinance amending the current ordinance combining the city services of Fire and EMS

Recommendation:

City Staff recommends introduction of the ordinance and proceeding to a second reading for adoption of the ordinance with any changes recommended by the City Council.

Background / Analysis:

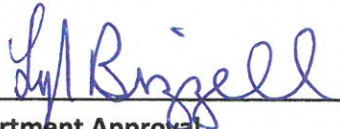
Amendments to the current Emergency Management, Emergency Medical Services, and Fire Protection Ordinance are consistent with the input and direction given staff by the City Council to merge the City Fire and EMS Departments. Staff developed a committee consisting of members from Fire, Emergency Management, and EMS Departments. The committee has been meeting weekly to develop a plan for consolidating the Fire and EMS into one city department. The plan is complete and we are ready to

(11)

The City of Fredericksburg

implement this change. The committee will continue to meet to evaluate our performance and make any necessary operational changes for continuous improvement.

The staff reviewed Chapter 11 Emergency Management and Services, Article 1 General, Article II Emergency Management, Article III Emergency Management, and Chapter 17 Fire Protection. In order to consolidate the Fire and EMS Department language has been revised to reflect the consolidation of Fire and EMS.

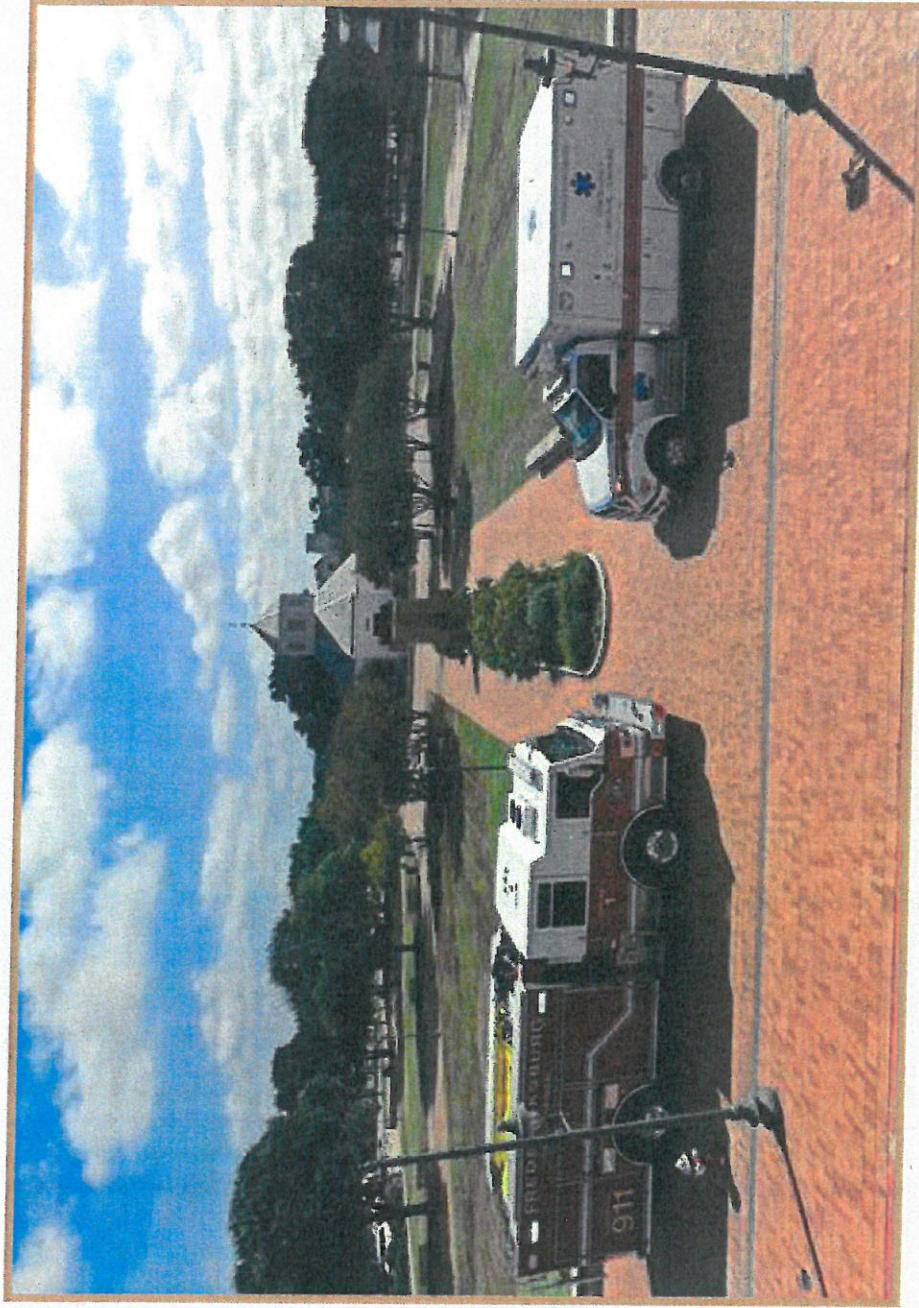


Department Approval



City Manager Approval

Fredericksburg Fire/EMS



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*Coming Together
To Better Serve Our Community*

Fredericksburg Fire/EMS

Consolidation Committee Members

Fire Chief – Lynn Bizzell

Director of Emergency Services – John Culpeper

EMS Administrator – David Jung

Volunteer Assistant Chief – Myron Fiedler

Volunteer FD President – Billy Moellering

(14)



Fredericksburg Fire/EMS

Consolidation Committee Members

EMS Captain – Romney Kowert, EMT-P

EMS Captain – Harvey Lansford, EMT-P

Fire Marshall – Dave Wisniewski, Interim Fire Marshall

Fire Lieutenant – Stacy Kuhlmann, EMT-I / Firefighter

EMS Lieutenant – Eric Scott, EMT-P / Firefighter

EMS Accounts Administrator– Lori Seewald, EMT-P

EMS Training Officer – Brandon Miller EMT-P /

Firefighter



Fredericksburg Fire/EMS

Goals for Fire & EMS Consolidation

- Continue to provide quality customer service at the highest level in a safe and friendly environment
- Provide quality training for fire, emergency medical operations in a safe environment with focus on certification for Fire and EMS crews
- Develop transfer guidelines that enable the availability of two ambulances designated for emergency calls at all times

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Fredericksburg Fire/EMS

Goals for Fire & EMS Consolidation

- Develop logo and guidelines for a uniform policy
- Evaluate current Fire and EMS ordinances and recommend changes for city council consideration
(Propose one ordinance for both Fire & EMS to be reviewed and adopted by City Council)
- Evaluate staffing needs which allows immediate response by Fire and EMS crews
(Propose additional staffing to increase response readiness)
*(Propose cross training of personnel to respond to fire and EMS calls as needed) **Cost of one additional staff member \$46,241.25 with benefits \$62,290.76 per year***

Relocate two ambulance from Friendship Station to Main Street Station



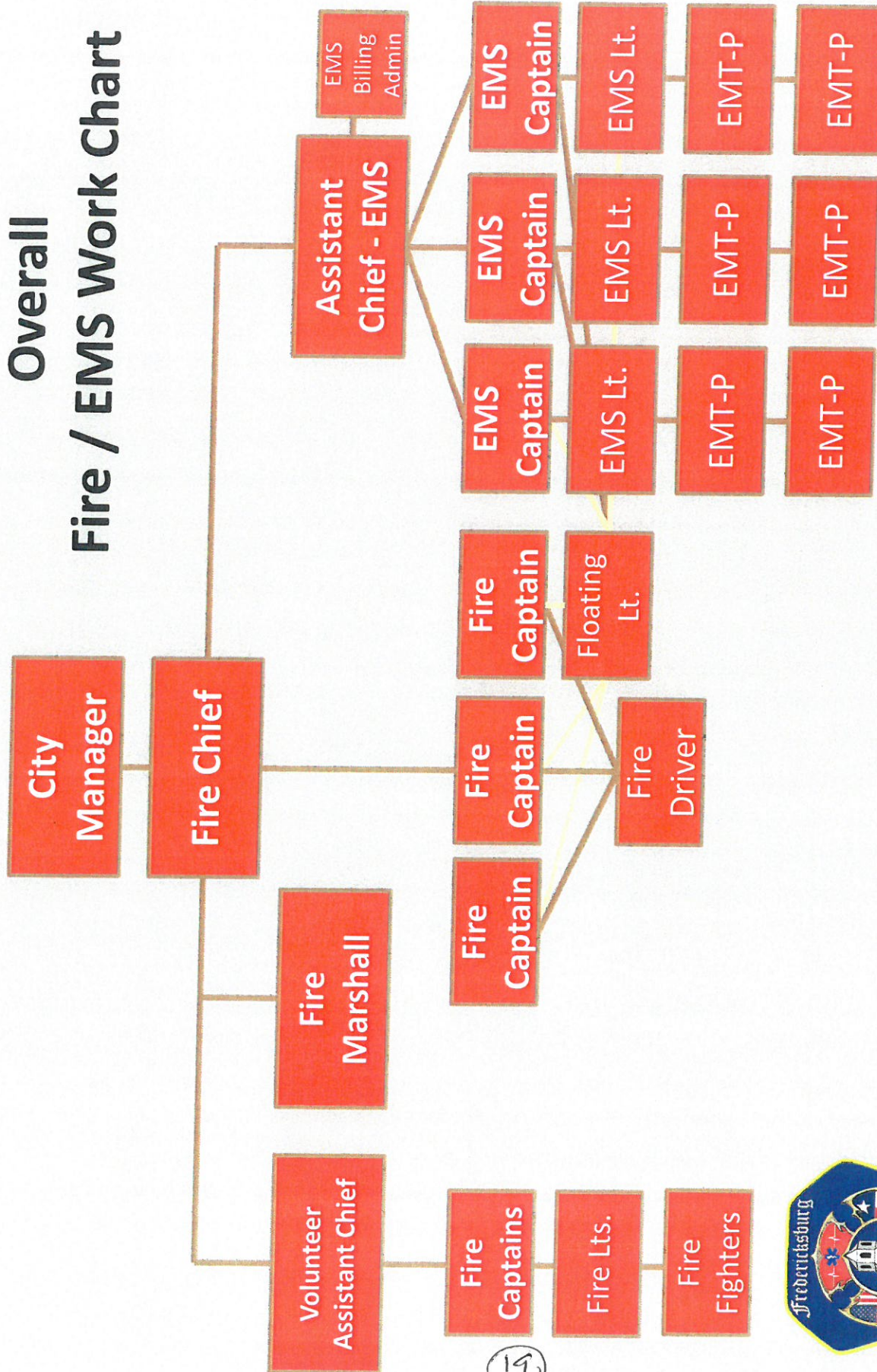
Fredericksburg Fire/EMS

Proposed Organization Work Charts

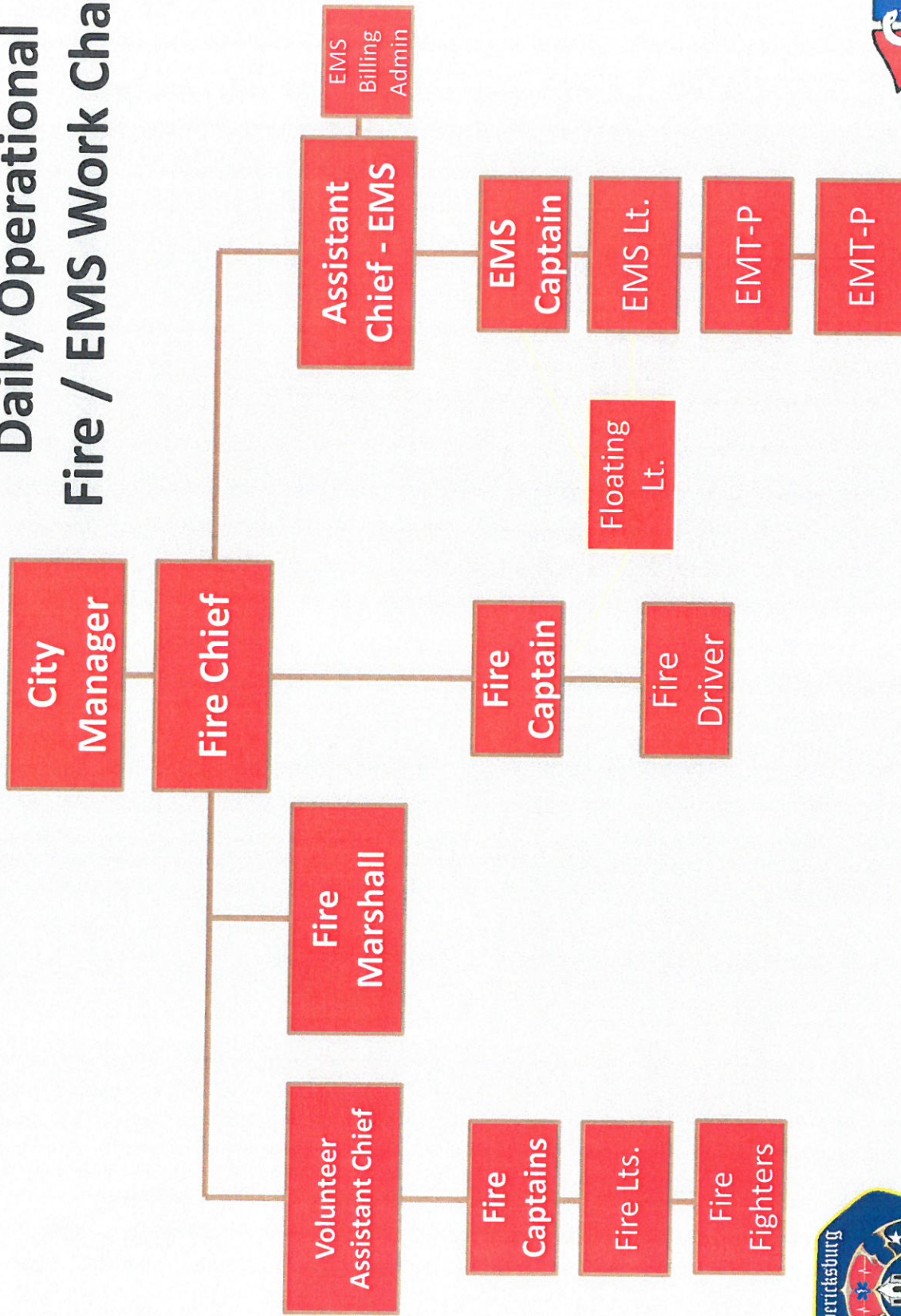
18



Overall Fire / EMS Work Chart



Daily Operational Fire / EMS Work Chart



Fredericksburg Fire/EMS

Training

To Respond & Save Lives



Fredericksburg Fire/EMS

Training Of Personnel

- Train eight (8) Paramedics to the Firefighter I & II certification level (*Currently 3 Paramedic/Fire Fighters on staff*)

(Plan will allow personnel who are certified to both levels the ability to staff the fire truck or ambulance depending on the type of situation required) **Cost for training one staff member to the Firefighter Certification I/II level \$3,500.00**



Fredericksburg Fire/EMS

- Train five (5) Volunteers to the Firefighter I & II certification level and Emergency Medical Technician Level (This creates an application pool from the volunteer ranks for future positions)
** Cost for training one volunteer to Firefighter Certification I/II & Emergency Medical Technician level \$4,500.00 **
- Provide Emergency Medical Responder (EMR) & Emergency Medical Technician training to build a Gillespie County First Responder Program managed by Fredericksburg Fire & EMS
- Provide NIMS level training for all responders
- Provide Emergency Services Officer Training



Fredericksburg Fire/EMS

Daily Operational Plan



Fredericksburg Fire/EMS

Daily Operational Plan

- Continually evaluate our responses utilizing after action reviews and resolving customer concerns in a timely manner
- Evaluate the current transfer policies including financial implications, hospital input, and ability to keep two ambulances available for emergency response in Gillespie County



Review current uniform policy and revise as needed



Fredericksburg Fire/EMS

Daily Operational Plan

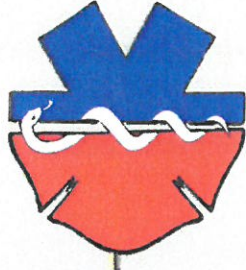
- Continue to utilize and recruit members in the Fredericksburg Volunteer Fire Department to help increase response capability and decrease overtime cost
- Provide opportunities for Fire Department's volunteers that are EMS trained to build their skills and experience
- Review and adopt changes to the Volunteer's Constitution & By-Laws to match the needs of the consolidation of the department



Fredericksburg Fire/EMS

Daily Operational Plan

- Renovation of the day room in the fire station to accommodate additional personnel on duty 24 hours a day
- Review placement of all Fire and EMS equipment to accommodate additional ambulances in the Main Street Station if needed



Fredericksburg Fire/EMS

Fire Regular Alarm

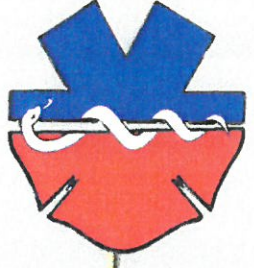
- MVC (E-1, EMS, R-1)
- Structure Fire – **City**
(E-1, EMS, E-2, R-1 or L-1)
- Structure Fire – **County**
(E-1, EMS, R-1, E-2 & T-1)
- Car Fire (E-1, EMS & R-1)
- Technical / Water Rescue
(E-1, EMS & R-2)
- Haz-Mat
(E-1, EMS, E-2, & R-1)
- Brush Fire (structures
threatened)
(E-2, B-1, B-2, B-3, T-1 & EMS)
- Confirmed Gas Leak – **City**
(E-1, EMS, E-2, & R-1)



Fredericksburg Fire/EMS

- Minor MVC (E-1 or R-2)
- Fire / CO2 Alarms (E-1 & EMS?)**
- Smell of Smoke or Gas (E-1 & EMS?)
- Investigations (E-1)**
- Service Call (E-1)
- Public Assist (E-1)

Fire Still Alarm



Fredericksburg Fire/EMS

- MVC
- Unresponsive
- Cardiac Arrest
- Chest Pain
- Stroke
- Respiratory Distress
- Major Trauma
 - Falls with Injuries
- E-Rock
- Bariatric Calls (400lbs+)

Fire Priority 3 response

EMS

Priority 1

EMS / Fire



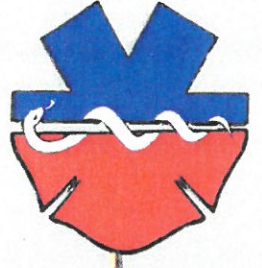
Fredericksburg Fire/EMS

- Medical Alarm
- Lift Assist
- Sick Call
- MEDCOM / Critical Transfer
- Shortness of Breath

EMS

Priority 2/3
EMS Only

(3)



Fredericksburg Fire/EMS



*Coming Together
To Better Serve Our Community*



CITY COUNCIL MEMO

DATE: October 3, 2016
TO: Mayor and City Council
FROM: Garret Bonn, P.E., CFM – Asst. City Engineer
SUBJECT: Annual Sidewalk Program – Contract Extension

Summary:

City Council awarded the Annual Sidewalk Contract to Hazelett Concrete Contractors in June of 2013. The contract allows for additional one year extensions for up to five years. During the 2015-2016 budget year, the City Council agreed to extend the contract with Hazelett Concrete Contractors through September 30, 2016. Before Council is a one year contract extension with Hazelett Concrete Contractors for the Annual Sidewalk Project.

Recommendation:

Hazelett Concrete Contractors has agreed to extend the current contract for an additional year without an increase in the unit prices they bid in the 2013 bid/agreement.

City staff recommends extending the current sidewalk contract with Hazelett Concrete Contractors through September 30, 2017.

Background / Analysis:

Three bids were received on June 18, 2013 for the Annual Sidewalk Project. The bidders Included:

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The City of Fredericksburg

- 1) Hazelett Concrete Contractors - Fredericksburg, Texas
- 2) M & C Fonseca - Granite Shoals, Texas
- 3) Allen Keller Company - Fredericksburg, Texas

Bids were evaluated based on the Total Base Bid from each contractor's unit price bid submittal for approximate quantities of work included in the Bid Form.

Since awarding the contract to Hazelett Concrete Contractors in July of 2013, the contractor has constructed sidewalks, sidewalk ramps, driveway approaches, curbs and necessary retaining walls at various locations throughout the City. During the past year, sidewalks and related construction have been completed in the following locations:

- 1) North side of W. Schubert St. from N. Adams to Town Pool;
- 2) North Adams Street (between the Bethany Lutheran Church parking lot and Austin);
- 3) North side of W. San Antonio from S. Adams to Crockett;
- 4) East side of Crockett from San Antonio to Nimitz Pkwy;
- 5) Int. of S. Milam and Friendship Ln;
- 6) Curb ramp improvements at int. of Austin and Crockett;
- 7) North side of W. San Antonio in front of the Historical Society Building.

If approved, planned improvements for FY 2017 include the following locations:

- 1) North side of Travis St. from N. Adams to N. Orange (near Fredericksburg Middle School);
- 2) South side of Travis St. from Town Pool to N. Adams;
- 3) South side of College St. from N. Adams to N. Orange (near Fredericksburg Middle School);
- 4) S. Milam from Windcrest to Walch;
- 5) West side of S. Orange from San Antonio to Creek St;
- 6) ADA ramp improvements at int. of San Antonio and S. Orange (near St. Mary's School).

Attachments:

N/A



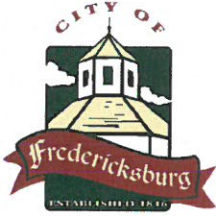
Department Approval



City Manager Approval

(34)

The City of Fredericksburg



CITY COUNCIL MEMO

DATE: October 3, 2016

TO: Mayor and City Council

FROM: Garret Bonn, P.E., CFM – Asst. City Engineer

SUBJECT: Consider Purchase of Asphalt Zipper for Street and Water Departments

Summary:

Funding in the amount of \$110,000.00 for the purchase of an asphalt zipper was included in the approved FY 2017 City Budget. The machine will be utilized by both the Street and Water Departments so funding was split evenly between these two budgets.

Recommendation:

Staff recommends that the City Council approve the purchase of Asphalt Zipper Model AZ360B-173 from Asphalt Zipper Inc. in the amount of \$108,690.00 (HGAC Discount Pricing).

Background / Analysis:

As part of an interlocal agreement with the City of San Angelo, the City's Street Dept. has been borrowing an asphalt zipper to assist with the repair of known base failures along S. Milam, in advance of the mill and overlay project. Additionally, the machine has been used to sawcut utility trenches for the Water Dept. where utility lines lie under existing pavement. The asphalt zipper machine has been very beneficial to City crews by streamlining the pavement removal process and due to this success, funding in the amount of \$110,000.00 was included in the FY 2017 City Budget for the purchase of an

(35)

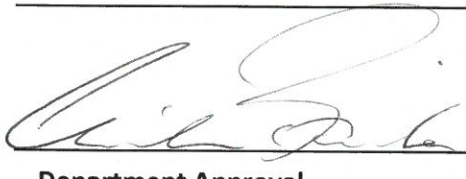
The City of Fredericksburg

asphalt zipper. The attached quote was obtained from Asphalt Zipper Inc. utilizing HGAC Discount Pricing so it meets State of Texas government procurements requirements.



Attachments:

AZ360-B173 HGAC Quote from Asphalt Zipper, Inc.


Department Approval


City Manager Approval

(36)

The City of Fredericksburg

Asphalt Zipper

THE WORLD LEADER IN PORTABLE RECLAMATION

AZ360-B173 HP "Hot Rod Unit" Quote

To: City of Fredericksburg TX

Date: August 15, 2016

Equipment: Asphalt Zipper AZ360B-173, Cummins 173HP Inter-Cooled Turbo Diesel Engine - (527 ft. lb. torque - Tier 3 Air & Dust Certified), Magnum Duty Planetary, Hydraulic Bucket Clamps, Hydraulic Open Hatch (easy access bit replacement), & 36" Heavy Duty ZMag Cutter-Head.

Included:

- Shipping (within USA) & Training
- Custom Duel Axel Trailer
- Wireless Remote
- 25 Extra Cutting Teeth
- 5 Extra Blocks (tooth holders)
- 1 Brass Hammer (tooth replacement)
- 12 Month Warranty
- Riser Skid Feet
- 300 Gal. Water System
- GatorPro Enhancement Pulverizing Containment System
- 1 Bit Puller (tooth replacement)
- 1 Curved Knock Out Punch (tooth replacement)
- 1 Asphalt Zipper Owners & Operators Manual

\$108,690

Total New Unit HGAC Discount Pricing (sales tax not included)

Thank you,
Barry Dill
Barry Dill
Cell 817-776-2660
Asphalt Zipper, Inc.

Quote guaranteed though December 31, 2016

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ASPHALT ZIPPER WORLD HEADQUARTERS

310 West 700 South • Pleasant Grove, UT 84062, USA • Phone: 801-847-3200 • FAX: 801-847-3250 • Toll Free: 1-888-ZIPPER-8 • www.asphaltzipper.com



CITY COUNCIL MEMO

DATE: October 3, 2016

TO: Mayor and City Council

FROM: Laura Hollenbeak, Director of Finance

SUBJECT: Lease Purchase Financing for Acquisition of Equipment

Summary:

The 2017 adopted City Budget approved funding for lease purchase payments for the acquisition of equipment including SCBA Breathing Apparatus for the Fire Department, a Street Sweeper for the Street Department, an Asphalt Zipper for the Street and Water Department, a Sewer Press Machine, Dump Truck, (2) Generators, and a Compact Excavator for the Water Department, a Brush Chipper, Garbage Truck and a Landfill Compactor for the Solid Waste Department, and an Ambulance Remount for the EMS Department.

The purchase price of \$1,883,851 will be financed. The financing was bid with the low bid received from Blanco National Bank of Fredericksburg with an interest rate of 0.95%. As part of the lease documentation, the City Council must adopt a Resolution authorizing the Personal Property Lease Agreement with Blanco National Bank and also the designation of the lease as a Qualified Tax Exempt Obligation. In order for the lease to qualify as a tax-exempt obligation the City must reasonably expect not to issue more than \$10 million of tax-exempt obligations during calendar year 2016.

Furthermore, the adoption of this resolution will give authorization to the City Manager to execute all documents related to this lease agreement.

Recommendation:

Staff recommends that the Council adopt the resolution authorizing the property lease agreement and its designation as a qualified tax-exempt obligation. The City Attorney will review the lease. In respect to

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The City of Fredericksburg

the designation of the lease purchase as a tax-exempt obligation, the City does not intend to issue more than \$10 million dollars of tax-exempt obligations in calendar year 2016.

Background / Analysis:

The City of Fredericksburg requested proposals for Lease Purchase financing and reviewed proposals received from ten financial institutions. Blanco National Bank in Fredericksburg provided the lowest interest rate of 0.95%.

Attachments:

Summary of Bids and Declaration of Official Intent Resolution



Department Approval



City Manager Approval

City of Fredericksburg - \$1,883,851 Lease / Purchasing Financing, FY 2017

Summary of Bids Received

Bidder	Interest Rate	Principal Amount	Total Interest		Fee if any	Total P & I & Fees		Rank
			Cost					
Blanco National Bank	0.95%	1,883,851.00	20,067.23		-	1,903,918.23		1
usbancorp	1.24%	1,883,851.00	23,300.57		-	1,907,151.57		2
Bank of America	1.345%	1,883,851.00	25,224.20		-	1,909,075.20		3
Signature	1.51%	1,883,851.00	28,302.98		350.00	1,912,503.98		4
Chase	1.65%	1,883,851.00	30,912.60		-	1,914,763.60		5
Whitney	1.62%	1,883,851.00	33,003.62		700.00	1,917,554.62		6
Santander	1.86%	1,883,851.00	34,822.40		-	1,918,673.40		7
Frost Bank	1.90%	1,883,851.00	35,566.51		1,000.00	1,920,417.51		8
NBH Bank	2.14%	1,883,851.00	43,463.56		250.00	1,927,564.56		9
Broadway Bank	2.24%	1,883,851.00	42,226.06		1,500.00	1,927,577.06		10

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DECLARATION OF OFFICIAL INTENT RESOLUTION

Lessee: City of Fredericksburg

Principal Amount Expected To Be Financed: \$1,883,851

WHEREAS, the above Lessee is a political subdivision of the State in which Lessee is located (the "State") and is duly organized and existing pursuant to the constitution and laws of the State.

WHEREAS, pursuant to applicable law, the governing body of the Lessee ("Governing Body") is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interests in property, leases and easements necessary to the functions or operations of the Lessee.

WHEREAS, the Governing Body hereby finds and determines that the execution of one or more lease-purchase agreements ("Equipment Leases") in the principal amount not exceeding the amount stated above ("Principal Amount") for the purpose of acquiring the property generally described below ("Property") and to be described more specifically in the Equipment Leases is appropriate and necessary to the functions and operations of the Lessee.

Brief Description of Property: **SCBA Breathing Apparatus for the Fire Department**
 Street Sweeper for the Street Department
 Asphalt Zipper for the Street and Water Department
 Sewer Press Machine, Dump Truck, (2) Generators, and Compact Excavator
 for the Water Department
 Brush Chipper, Garbage Truck and Landfill Compactor for the Solid Waste
 Department
 Ambulance Remount for the EMS Department

WHEREAS, the Lessee may pay certain capital expenditures in connection with the Property prior to its receipt of proceeds of the Equipment Leases ("Lease Purchase Proceeds") for such expenditures and such expenditures are not expected to exceed the Principal Amount.

WHEREAS, the U.S. Treasury Department regulations do not allow the proceeds of a tax-exempt borrowing to be spent on working capital and the Lessee shall hereby declare its official intent to be reimbursed for any capital expenditures for Property from the Lease Purchase Proceeds.

NOW, THEREFORE, Be It Resolved by the Governing Body of the Lessee:

SECTION 1. Either one of the City Manager or the Director of Finance (each an "Authorized Representative") acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver one or more Equipment Leases in substantially the form set forth in the document presently before the Governing Body, which document is available for public inspection at the office of the Lessee. Each Authorized Representative acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Equipment Lease (including, but not limited to, escrow agreements) as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Equipment Leases are hereby authorized.

SECTION 2. By a written instrument signed by any Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of the Lessee to execute and deliver agreements and documents relating to the Equipment Leases on behalf of the Lessee.

SECTION 3. The aggregate original principal amount of the Equipment Leases shall not exceed the Principal Amount and shall bear interest as set forth in the Equipment Leases and the Equipment Leases shall contain such options to purchase by the Lessee as set forth therein.

SECTION 4. The Lessee's obligations under the Equipment Leases shall be subject to annual appropriation or renewal by the Governing Body as set forth in each Equipment Lease and the Lessee's obligations under the Equipment Leases shall not constitute a general obligations of the Lessee or indebtedness under the Constitution or laws of the State.

SECTION 5. The Governing Body of Lessee anticipates that the Lessee may pay certain capital expenditures in connection with the Property prior to the receipt of the Lease Purchase Proceeds for the Property. The Governing Body of Lessee hereby declares the Lessee's official intent to use the Lease Purchase Proceeds to reimburse itself for Property expenditures. This section of the Resolution is adopted by the Governing Body of Lessee for the purpose of establishing compliance with the requirements of Section 1.150-2 of Treasury Regulations. This section of the Resolution does not bind the Lessee to make any expenditure, incur any indebtedness, or proceed with the purchase of the Property.

SECTION 6. As to each Equipment Lease, Lessee hereby designates each Equipment Lease as a "qualified tax-exempt obligation" for the purposes of and within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended ("Code") and Lessee reasonably anticipates that the total amount of Section 265 Tax-Exempt Obligations to be issued during the current calendar year by Lessee, or by an entity controlled by Lessee or by another entity the proceeds of which are loaned to or allocated to Lessee for purposes of Section 265(b) of the Code will not exceed \$10,000,000. "Section 265 Tax-Exempt Obligations" are obligations the interest on which is excludable from gross income of the owners thereof under Section 103 of the Code, except for private activity bonds other than qualified 501(c)(3) bonds, both as defined in Section 141 of the Code.

SECTION 7. This Resolution shall take effect immediately upon its adoption and approval.

ADOPTED AND APPROVED on this _____, 2016.

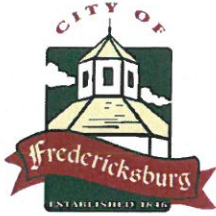
The undersigned Secretary/Clerk of the above-named Lessee hereby certifies and attests that the undersigned has access to the official records of the Governing Body of the Lessee, that the foregoing resolutions were duly adopted by said Governing Body of the Lessee at a meeting of said Governing Body and that such resolutions have not been amended or altered and are in full force and effect on the date stated below.

Signature of Secretary/Clerk of Lessee

Print Name: _____

Official Title: _____

Date: _____



CITY COUNCIL MEMO

DATE: September 22, 2016

TO: Mayor and City Council

FROM: Kent Myers, City Manager

SUBJECT: Support for Rehearing on TXDOT's Regulation of Billboards

Summary:

The City has been requested to participate in an amicus curiae brief supporting the Attorney General in a motion for a rehearing in the case of Auspro LLP v. TXDOT involving the regulation of billboards.

Recommendation:

It is recommended that we participate as a supporter in this brief.

Background / Analysis:

The Austin Court of Appeals recently issued an opinion that declared key sections of the Texas Highway Beautification Act to be unconstitutional. As a result, TXDOT will no longer be able to regulate billboards. If this ruling stands, it is very likely that we will see a number of billboards erected on key state roadways such as Highways 290E and 87S. This could have a major negative impact on the scenic beauty of the Hill Country.

The Texas Municipal League, Scenic Texas, Texas City Attorneys Association and other entities are all supporting a rehearing in the above-referenced case. Our City Attorney would like us to show the City's support by agreeing to participate in this brief. Additional information is attached.

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The City of Fredericksburg

Attachments:

Recent letter from Scenic Texas

Recent Austin American-Statesman Article

Agreement to Participate in the Amicus Curiae Brief


Department Approval


City Manager Approval

The City of Fredericksburg

126 W. Main St. • Fredericksburg, Texas 78624-3708 • (830) 997-7521 • Fax (830) 997-1861

Kent Myers

From: Anjali Naini <anjali@texasmunicipallawyers.com>
Sent: Wednesday, September 21, 2016 4:56 PM
Subject: Call to Action Regarding Billboard Regulations
Attachments: Auspro- Amicus form to complete.pdf; Auspro Statesman article re TxHBA decision (Aug 30 2016).pdf; AusPro v. TxDOT case (2016).pdf

Dear Friends of Scenic Hill Country,

As you may have heard, on August 29th, the Austin Court of Appeals issued an opinion that declared key sections of the Texas Highway Beautification Act unconstitutional. As a result, TxDOT can no longer regulate billboards (*Auspro Enterprises v. Texas Department of Transportation*). If the 3rd Court of Appeals doesn't grant a rehearing, and the opinion is not narrowed, we're at risk of billboards sprouting up all along Texas highways (outside of cities). Potentially, highway beautification acts in other states will follow.

We would like to ask support of the amicus curiae brief that will be submitted by Scenic Texas later this month. Please support us by agreeing to support the brief.

Please see the attached information for more details and please pass around to your organizations or friends. Please let me know if you or your organization is supportive.

Thank you,
Anjali

Anjali Naini, AICP

Coordinator, Scenic Hill Country
Web: www.scenichillcountrytx.org



City Planner
Bojorquez Law Firm
12325 Hymeadow Dr. Ste. 2-100
Austin, Texas 78750
Work: (512) 250-0411
Fax: (512) 250-0749
Web: www.texasmunicipallawyers.com

The logo for Bojorquez Law Firm, PC. It features the name "BOJORQUEZ" in a large, bold, serif font, with "LAW FIRM, PC" in a smaller, bold, serif font below it. The text is set against a dark, textured background. Below the text is a horizontal line, and underneath that is the website address "TexasMunicipalLawyers.com" in a sans-serif font.

TexasMunicipalLawyers.com

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NOTICE - This transmission may be: (1) subject to the Attorney-Client Privilege, (2) attorney work product, or (3) strictly confidential. If you are not the intended recipient of this message, you may not disclose, print, copy or disseminate this information. If you have received this in error, please reply and notify the sender (only), and delete the message. Unauthorized interception of this e-mail is a violation of federal criminal law. Unless otherwise noted, this message does not create an attorney-client relationship in the absence of such an existing relationship.

Sending Friday's email again to be sure it rises to the top of your email queue today -- *Your help is needed!*

As you know, Scenic Texas is hard at work to save the Texas Highway Beautification Act, following the recent Austin Court of Appeals *Auspro* decision (attached) which dismantles much of the law. We have secured former Texas Supreme Court Justice Scott Brister (of Andrews Kurth law firm) to write an amicus brief on behalf of Scenic Texas in support of the State's Motion for Rehearing. To build the strongest amicus brief possible, we need many government entities and other partners to join as amicus partners -- a wide array of partners demonstrates the broad and deep concern across the state that a gutted Texas HBA hurts Texas.

- **Already, Texas Municipal League, Texas City Attorneys Association and Harris County have joined Scenic Texas in this effort!** •

ACTION REQUEST: Please enlist your local government and organization contacts to join as amicus brief partners. **Share the attached Action Alert and Amicus Response Form** with your city and county contacts, and with the organizations in which you are involved – business associations, trade associations, garden clubs, etc. We need to secure partners by Friday, September 30th.

And also: This legal effort is critically important, but unanticipated and un-budgeted. While financial contributions are not required to join the amicus brief, we hope that amicus partners will consider doing so, and the attached response form includes that option. I encourage each of you, as Scenic Texas leaders, to make a special donation to this effort. Many thanks to Kathleen Krueger and Cece Fowler, who made their contributions last week. I can't over-emphasize the importance of maintaining Lady Bird's work in Texas. If we fail here, the country will follow.

Please reach out to me or Anne Culver with any questions or concerns you have. In advance, I thank you for your support in making the Scenic Texas legal position the strongest possible.

Your scenic friend,

Margaret Lloyd
Vice President, Board of Directors
Scenic Texas
713-898-2819

Anne Culver
Executive Vice President



Title: **CourtvoidsTexaslaw limitingroadsidesigns**
 Author: By Chuck Lindell clindell@statesman.com
 Size: 49.29 column inches
 Austin, TX Circulation: 174350



TEXAS COURTS

Court voids Texas law limiting roadside signs

Content-based rules violate free speech, appeals court says.

By Chuck Lindell

clindell@statesman.com

A state appeals court has overturned a law that allowed Texas officials to regulate signs along highways and interstates, saying key sections of the 1972 Texas Highway Beautification Act violate free speech rights.

Limits on outdoor advertising, the legacy of efforts by Lady Bird Johnson to reduce eyesores along the nation's growing highway system, cannot be enforced because

the law improperly regulates billboards and signs based on what they say, the Austin-based 3rd Court of Appeals ruled.

Signs, for example, are treated differently if they relate to elections, advertise activities at a business or point to a scenic or historic attraction, the court said.

Such content-based restrictions violate new standards created

last year when the U.S. Supreme Court placed strict limits on when governments can infringe on speech by regulating signs, billboards and related advertising, the Texas court said.

The ruling, delivered Friday, arose from a fight over a sign supporting Republican Ron Paul's presidential campaign that was placed outside a Planet K shop in Bee Cave in 2011.

The Texas Department of Transportation cited the sign as illegal, saying Planet K's owner did not get the necessary state permit to display a sign along Texas 71. The agency also said the sign did not meet an exemption that allows political signs to be displayed without a permit

Signs continued on A5

Signs

continued from A1

for 90 days before an election and 10 days afterward.

When Planet K's owner, Michael Kleinman, refused to remove the sign, state officials took him to court, winning a judgment from state District Judge Timothy Sulak, who ordered that the sign be removed and imposed a \$3,500 fine.

Kleinman appealed, arguing that the law violated his freedom of speech.

"It took us over five years of litigation to vindicate our First Amendment rights, but it was worth the wait," Kleinman said. "The court got it right. Texas sign laws are unconstitutional."

Meredith Parenti, Kleinman's lawyer, said the ruling affirms the principle

that "government cannot pick and choose its favorite topics of speech."

"The ball is now in the Texas Legislature's court to rewrite the law so that it no longer infringes on citizens' First Amendment rights," Parenti said.

The ruling does not apply to city and county regulations that place limits on billboards and other outdoor signs.

The appeals court also left intact minor portions of the Highway Beautification Act, including regulations on roadside junk yards and limits on off-premises signs advertising goods, services or merchandise along specified corridors, including U.S. 290 between Austin

and Fredericksburg.

State officials can appeal the ruling to the Texas Supreme Court.

"We are reviewing the decision and weighing our options," said Kayleigh Lovvorn, spokeswoman for the state attorney general's office.

The Texas law was passed in response to the U.S. Highway Beautification Act of 1965, a priority of then-President Lyndon B. Johnson that was overseen by his wife.

The U.S. law required states to regulate outdoor advertising within 660 feet of interstates and highways that received federal money or risk losing 10 percent of road funding. Signs

that were farther away but intended to be visible from the roads also had to be regulated.

The Texas law essentially banned all advertising in the 660-foot zone but added a number of exemptions, including signs in commercial or industrial areas that get a state-issued permit. Other exemptions allowed for-sale and for-lease notices, safety warnings, signs advertising activities taking place on a business' property and political signs posted within 90 days of an election.

Violators could be fined \$500 to \$1,000 per day.

Contact Chuck Lindell at 512-912-2569.

Twitter: @chucklindell

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AGREEMENT TO JOIN SCENIC TEXAS, TEXAS MUNICIPAL LEAGUE,
TEXAS CITY ATTORNEYS ASSOCIATION AND HARRIS COUNTY

IN AN AMICUS CURAIE BRIEF

SUPPORTING THE TEXAS ATTORNEY GENERAL IN A MOTION FOR REHEARING IN THE CASE OF
AUSPRO ENTERPRISES LLP V. TEXAS DEPARTMENT OF TRANSPORTATION

(Name of governmental entity or organization)

(Name and title of official contact granting authority to join)

(Email and phone contact information)

(Mailing address)

While not a requirement to join as an amicus partner, Scenic Texas welcomes contributions to this effort. Organizing a solid amicus response to the *Auspro* decision is an unexpected and unbudgeted expense for Scenic Texas, a 501 c 3 organization.

☐ \$5000

☐ \$2500

☐ \$1000

Make check payable to Scenic Texas. Mail to 5615 Kirby Drive, Suite 645, Houston, TX 77005

(Signature of official contact)



Scenic Texas is a 501 c 3 organization, with the mission to preserve and protect the visual character of Texas.
Anne Culver, Executive Vice President | Anne@scenictexas.org | 713-629-0481