

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

REGULAR CITY COUNCIL MEETING
JUNE 2, 2014
7:00 PM

On this the 2ND day of June, 2014, City Council of the CITY OF FREDERICKSBURG convened in regular session at the City Hall, with the following members present to constitute a quorum:

PRESENT: LINDA LANGERHANS - MAYOR
JERRY LUCKENBACH - COUNCIL MEMBER
GRAHAM PEARSON - COUNCIL MEMBER
BOBBY WATSON - COUNCIL MEMBER
GARY NEFFENDORF - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
SHELLEY BRITTON - CITY SECRETARY
PAT MCGOWAN - CITY ATTORNEY
BRIAN JORDAN - DIR OF DEVELOPMENT SERVICES
BRAD KOTT - DIRECTOR OF FINANCE
CLINTON BAILEY - D.P.W.U.
STEVE WETZ - CHIEF OF POLICE
RUSSELL IMMEL - IT

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

GROUND TRANSPORTATION ORDINANCE - Council held another 1st reading of the Ground Transportation Ordinance. No action taken.

RESOLUTION FOR TRAFFIC SIGNAL AT INTERSECTION OF HERITAGE HILLS AND HIGHWAY 290 - It was moved by Council Member Pearson, seconded by Council Member Neffendorf, to approve the Resolution for a TxDOT Traffic Signal Agreement at Heritage Hills Dr. and US Hwy 290, without a stipulation regarding funding. All voted in favor and the motion carried.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG APPROVING THE ADVANCE FUNDING AGREEMENT FOR THE CONSTRUCTION OF A TRAFFIC SIGNAL AT US 290 AND HERITAGE HILLS DRIVE IN THE CITY OF FREDERICKSBURG

WHEREAS, the City Council of the City of Fredericksburg has determined that it is in the best interests of the citizens of the City of Fredericksburg that a traffic signal be constructed at the intersection of US Highway 290 and Heritage Hills Drive within the City of Fredericksburg ("City"), and

WHEREAS, the State of Texas by and through the Texas Department of Transportation will construct said traffic signal with participation in the cost by the City and has provided an Advance Funding Agreement for such project, and

WHEREAS, the City Council has determined that the City should execute such agreement, and that this resolution should be enacted to permit and approve such agreement, and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG that the Advance Funding Agreement attached to this resolution with the State of Texas, by and through the Texas Department of Transportation for the construction of a traffic signal at US Highway 290 and Heritage hills Drive be and is hereby approved, and that the City Manager of the City be and is hereby authorized to execute the same on behalf of the City.

This resolution is PASSED, APPROVED and is EFFECTIVE this the 2nd day of June, 2014.

/s/ Linda Langerhans, Mayor
City of Fredericksburg

Attest:

/s/ Shelley Britton, City Secretary
City of Frederic

It was moved by Council Member Pearson, seconded by Council member Neffendorf, to approve the Resolution as presented, without stipulation regarding funding. The vote was as follows: AYE: Langerhans, Neffendorf, Pearson, Watson, and Luckenbach. . Motion carried.

JULY 4TH PARADE – It was moved by Council Member Pearson, seconded by Council Member Watson, to approve the City sponsorship of the July 4th Parade and to include the parade as part of the city's liability insurance coverage, with the cost reimbursed by the committee. The vote was as follows: AYE: Langerhans, Neffendorf, Pearson, Watson, and Luckenbach. Motion carried.

PUBLIC WORKS PRESENTATION – Dir. of Public Works & Utilities, Clinton Bailey, gave the Public Works Department presentation.

CITY MANAGER'S REPORT – City Manager Kent Myers reported on (1) City Council Retreat, (2) Presentation of Ammonia Nitrate Best Practices, (3) Animal Shelter Architectural Services, (4) Downtown Parking Issues, and (5) Employee Recognitions (Catherine Kuhlmann for her article in the paper, Brad Kott for the mid-year budget report, Eric Whiting for the cell phone switch over, and Brian Jordan for his work with the visioning meeting).

PUBLIC COMMENT – Russ Rose commented on water and Kurt Register commented on the resolution for a traffic signal.

COUNCIL COMMENT - No comments.

EXECUTIVE SESSION – At 8:18 PM, Council Member Pearson made a motion to recess the regular session and go into Executive Session. Council Member Neffendorf seconded the motion, and the motion carried. At 9:05 PM, Council Member Luckenbach made a motion to adjourn the Executive Session and reconvene the regular session. Council Member Neffendorf seconded, the motion carried.

Following Executive Session, the following action was taken:

LCRA ELECTRIC RATE INCREASE – No action was taken.

With no further business, Council Member Luckenbach made a motion to adjourn the meeting at 9:10 PM. Council Member Neffendorf seconded the motion. Motion carried.

PASSED AND APPROVED this the 7th day of July, 2014.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

* * * * *

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

**REGULAR CITY COUNCIL MEETING
JUNE 16, 2014
7:00 PM**

On this the 16th day of June, 2014, 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
STEVE WETZ - CHIEF OF POLICE
CLINTON BAILEY – D.P.W.U.
BRAD KOTT – DIR OF FINANCE
JOHN CULPEPPER – DIR EMERGENCY SERVICES
RUSSELL IMMEL – INFORMATION TECH

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

MINUTES – It was moved by Council Member Pearson, seconded by Council Member Neffendorf, to approve the minutes of the May 2014 meetings as presented. All voted in favor and the motion carried.

PUBLIC HEARING Z-1405 BY PAGE SOUTHERLAND PAGE, INC ON BEHALF OF GABLE S CORPORATION FOR A CONDITIONAL USE PERMIT TO ALLOW A HOTEL/MOTEL IN THE CENTRAL BUSINESS DISTRICT ON PROPERTY LOCATED AT 406 AND 412 E. MAIN ST - It was moved by Council Member Pearson, seconded by Council Member Watson, to recess the regular session and open a Public Hearing on Z-1405 by Page Southerland Page, Inc., on behalf of Gable S Corporation for a Conditional Use Permit to allow a hotel/motel in the CBD at 406 and 412 E. Main St. All voted in favor and the motion carried.

Shaesby Scott (owner) and Phillip Kyle (applicant) were on hand to present the application to develop a multi-use project, with a 63 room full-service hotel, retail space, and a restaurant. The building will be 3 stories in height and parking would be beneath and to the rear of the proposed building.

Comments were heard in favor of the project from Ernie Loeffler (CVB) and against the project by Timothy Kooock and Janie Atwell, citing concerns with “form, not function.”

There were no other comments from the public. It was moved by Council Member Luckenbach, seconded by Council Member Neffendorf, to adjourn the public hearing and reconvene the regular session. All voted in favor and the motion carried.

REQUEST Z-1405 – Following a lengthy discussion, and based on the recommendation of the Planning & Zoning Commission, the Historic Review Board, and staff, it was moved by Council Member Watson, seconded by Council Member Neffendorf, to approve Z-1405 with the following conditions:

1. Approval of a Landscape Plan prior to issuance of a Building Permit.
2. All external lighting being shielded.
3. Approval of construction Plans prior to issuance of a Building Permit.
4. Approval of Building Plans by the Historic Review Board prior to issuance of a building permit.
5. The property being replatted into a single tract prior to issuance of a building permit.

The vote was as follows: AYE: Langerhans, Watson, Neffendorf, Pearson, and Luckenbach. NAY: None. Motion carried.

PUBLIC HEARING Z-1406 BY CARROLL BRYLA, REPRESENTING SEVERAL PROPERTY OWNERS, TO CONSIDER A CHANGE IN THE LAND USE PLAN FROM MEDIUM DENSITY RESIDENTIAL TO COMMERCIAL, AND A CHANGE IN ZONING FROM R-2 MIXED RESIDENTIAL TO C-2 COMMERCIAL, ON APPROX 19.40 ACRES OF LAND BORDERED BY FRANKLIN ST ON THE NORTH, S. CREEK ON THE EAST, HIGHWAY ST. ON THE SOUTH, AND S. UFER ST. ON THE WEST- It was moved by Council Member Pearson, seconded by Council Member Neffendorf, to recess the regular session and open a Public Hearing on Z-1406 to change the Land Use Plan from

Medium Density Residential to Commercial and change the zoning from R-2 Mixed Residential to C-2 Commercial, on approx. 19.40 acres of land. All voted in favor and the motion carried.

Carroll Bryla was on hand representing the property owners. He proposed changing the request to zone 100ft. of the border of the block to C-1 and the interior of the block to C-2, to allow expansion of a veterinary practice currently located on 6 acres of the subject property. Comments were heard from Charles Ramsay, Linda Navels, and Bobby Sagebiel, all in favor of C-1 zoning.

There were no other comments from the public. It was moved by Council Member Luckenbach, seconded by Council Member Watson, to adjourn the public hearing and reconvene the regular session. All voted in favor and the motion carried.

REQUEST Z-1406 – Following a lengthy discussion, it was moved by Council Member Neffendorf, seconded by Council Member Pearson, to approve Z-1406 and to adopt an ordinance to change the Land Use Plan from Medium Density Residential to Commercial and to adopt an ordinance changing the zoning from R-2 Mixed Residential to C-2 Commercial, on approx. 19.40 acres of land bordered by Franklin St on the North, S. Creek on the East, Highway St. on the South, and S. Ufer St. on the West as presented. The vote was as follows: AYE: Langerhans, Watson, Neffendorf, Pearson, and Luckenbach. NAY: None. Motion carried.

ORDINANCE NO. 24-005a

AN ORDINANCE ADOPTING A CHANGE IN THE COMPREHENSIVE PLAN OF THE CITY OF FREDERICKSBURG; SPECIFICALLY IN THE LAND USE MAP AND COMPREHENSIVE PLAN AS TO: TRACT 1: SIX ACRES OF LAND MORE OR LESS, PART OF OUTLOT NO. 564 AND OUTLOT NO. 563, SITUATED IN THE CITY OF FREDERICKSBURG, TEXAS; TRACT II: SIX ACRES OF LAND MORE OR LESS PART OF OUTLOT 564 AND 563, SITUATED IN THE CITY OF FREDERICKSBURG, TEXAS; AND TRACT III: ALL THAT CERTAIN TRACT, A PART OF OUTLOT 561, OUTLOT 562M AND OUTLOT 563 AND CONTAINING 7.4 ACRES OF LAND MORE OR LESS, SITUATED IN THE CITY OF FREDERICKSBURG, TEXAS; 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. 24-006

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FREDERICKSBURG AND CHANGING THE ZONING CLASSIFICATION OF TRACT 1: SIX ACRES OF LAND MORE OR LESS, PART OF OUTLOT NO 564 AND OUTLOT 563, SITUATED IN THE CITY OF FREDERICKSBURG TEXAS; TRACT II: SIX ACRES OF LAND MORE OR LESS PART OF OUTLOT NO 564 AND OUTLOT NO 563, SITUATED IN THE CITY OF FREDERICKSBURG, TEXAS; TRACT III: ALL THAT CERTAIN TRACT CONTAINING 7.4 ACRES OF LAND MORE OF LESS, A PART OF OUTLOT 561, OUTLOT 562, AND OUTLOT 563, SITUATED IN THE CITY OF FREDERICKSBURG, TEXAS, FROM R-2 MIXED RESIDENTIAL TO C-1 COMMERCIAL. (Recorded in Ordinance Book)

GROUND TRANSPORTATION ORDINANCE – It was moved by Council Member Luckenbach, seconded by Council Member Pearson, to approve the 2nd reading and adopt the Ground Transportation Ordinance as presented. The vote was as follows: AYE: Langerhans, Watson, Neffendorf, Pearson, and Luckenbach. NAY: None. Motion carried.

ORDINANCE NO. 24-007

AN ORDINANCE AMENDING CHAPTER 50, VEHICLES FOR HIRE, OF THE CODE OF ORDINANCES OF THE CITY OF FREDERICKSBURG AMENDING THE ENTIRETY OF ARTICLE II, TAXICABS, PROVIDING FOR DEFINITIONS, INSURANCE AND SIGNAGE REQUIREMENTS FOR TAXI AND PEDICAB SERVICE, PROVIDING FOR PARTIAL INVALIDITY, REPEAL OF INCONSISTENT PROVISIONS AND AN EFFECTIVE DATE.

(Recorded in Ordinance Book)

SPECIAL EVENTS ORDINANCE – It was moved by Council Member Watson, seconded by Council Member Luckenbach, to approve the 1st reading of the Special Events Ordinance, to forgo the 2nd reading, and to adopt the Special Events Ordinance as presented. The vote was as follows: AYE: Langerhans, Watson, Pearson, and Luckenbach. NAY: Neffendorf. Motion carried.

ORDINANCE 24-008

AN ORDINANCE ADDING CHAPTER 36 SPECIAL EVENTS TO THE CODE OF ORDINANCES OF THE CITY OF FREDERICKSBURG PROVIDING DEFINITIONS, CHECKLIST AND PERMIT REQUIREMENTS, TIMEFRAMES, REQUIREMENTS FOR ISSUANCE OF PERMIT, APPEAL; PROVIDING FOR PARTIAL INVALIDITY, PENALTIES AND AN EFFECTIVE DATE. (Recorded in Ordinance Book)

GOLF DEPARTMENT PRESENTATION - This item was cancelled.

CITY MANAGER'S REPORT – City Manager Kent Myers reported on (1) New City Telephone System, (2) Local Labor Task Force, (3) Employee Recognitions (to be given at the City Picnic, Friday June 20).

FUTURE AGENDA ITEMS – The Night Sky Ordinance, Parking Ordinance, Animal Shelter Plans, and Board Appointments are slated for the next agenda.

PUBLIC COMMENT – No comments were received.

COUNCIL COMMENT – Council Member Watson apologized for missing the Council Retreat June 13.

EXECUTIVE SESSION – At 8:55 PM, Council Member Pearson made a motion to recess the regular session and go into Executive Session. Council Member Neffendorf seconded, and the

motion carried. At 9:42 PM, Council Member Luckenbach made a motion to adjourn the Executive Session and reconvene the regular session. Council Member Watson seconded, the motion carried.

Following Executive Session, the following action was taken:

EXECUTIVE SESSION – CONSULTATION WITH ATTORNEYS REGARDING POTENTIAL LITIGATION AND ATTORNEY CLIENT PRIVILEGE REGARDING CHARTER AMENDMENT AND BOND COVENANTS - It was moved by Council Member Pearson, seconded by Council Member Neffendorf, to file a statutory lawsuit in Travis County District Court seeking a judgment that the Charter Amendment is unenforceable for as long as the city’s current debt instruments remain outstanding. The vote was as follows: AYE: Langerhans, Watson, Neffendorf, Pearson, and Luckenbach. NAY: None. Motion carried.

EXECUTIVE SESSION – It was then moved at 9:45 PM by Council Member Neffendorf to recess the regular session and go into Executive Session. Council Member Watson seconded, and the motion carried. At 9:56 PM, Council Member Luckenbach made a motion to adjourn the Executive Session and reconvene the regular session. Council Member Neffendorf seconded, the motion carried.

Following Executive Session, the following action was taken:

EXECUTIVE SESSION – REAL ESTATE – EXCHANGE OF PROPERTY AT 306 E. AUSTIN TO THE CHAMBER OF COMMERCE - It was moved by Council Member Watson seconded by Council Member Neffendorf, to exchange city owned property at 306 E Austin to the Chamber of Commerce in exchange for the outstanding lease obligation in the amount of \$160,000, with the city paying all closing costs and plat amendment fees, and to authorize the City Manager to proceed according to these terms and conditions. The vote was as follows: AYE: Langerhans, Neffendorf, Luckenbach, Pearson, and Watson. Motion carried.

With no further business, Council Member Watson made a motion to adjourn the meeting at 9:58 PM. Council Member Luckenbach seconded the motion. Motion carried.

PASSED AND APPROVED this the 7th day of July, 2014.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

* * * * *