

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

REGULAR CITY COUNCIL MEETING
OCTOBER 6, 2014
6:00 PM

On this the 6th day of October, 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
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
LAURA HOLLENBEAK - INTERIM FINANCE DIRECTOR
BRIAN JORDAN - DIR. OF DEVELOPMENT SERVICES
CLINTON BAILEY - D.P.W.U.
STEVE WETZ - CHIEF OF POLICE
RUSSELL IMMEL - IT

The meeting was called to order at 6:00 PM.

EXECUTIVE SESSION – At 6:00 PM, Council Member Watson made a motion to recess the regular session and go into Executive Session. Council Member Luckenbach seconded, and the motion carried. At 6:42 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:

CHARTER AMENDMENT LAWSUIT – Following the Executive Session, no action was taken.

ORDINANCE FOR EMERGENCY SERVICES COST RECOVERY – John Culpepper briefed council on the proposed ordinance for Emergency Services Cost Recovery. It was moved by Council Member Pearson, seconded by Council Member Luckenbach, to approve the first reading and to refer the ordinance back to staff for adjustments. All voted in favor and the motion carried.

ORDINANCE FOR NEW FEES FOR BANNERS – It was moved by Council Member Pearson, seconded by Council Member Luckenbach, to forgo the second reading and adopt the Ordinance for New Fees for Banners as presented. All voted in favor and the motion carried.

ORDINANCE NO. 24-021

AN ORDINANCE AMENDING APPENDIX A FEE SCHEDULE ARTICLE 5.100 FEES FOR BUILDING PERMITS OF THE CODE OF ORDINANCES OF THE CITY OF FREDERICKSBURG TO SET OUT FEES FOR THE ERECTION OF BANNERS BY THE CITY, ESTABLISHING AN EFFECTIVE DATE, REPEALING INCONSISTENT PROVISIONS, AND PROVIDING FOR PARTIAL INVALIDITY. (Recorded in Ordinance Book)

RESOLUTION FOR LEASE PURCHASE FINANCING – It was moved by Council Member Watson, seconded by Council Member Luckenbach, to adopt the Resolution Authorizing the Personal Property Lease Agreement with Chase Bank for \$595,130.00 for equipment. The vote was as follows: AYE: Langerhans, Neffendorf, Pearson, Watson, and Luckenbach. Motion carried.

DECLARATION OF OFFICIAL INTENT RESOLUTION

Lessee City of Fredericksburg

:

Principal Amount Expected To Be Financed: \$595,130.00

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: Series 700 MHz radios for Police, Fire, and EMS Departments

**Fire Marshal Vehicle
Oil Distributor Truck for the Street Department
Backhoe for the Water 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 6th of October, 2014.

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.

/s/ Shelley Britton

Signature of Secretary/Clerk of Lessee

RESOLUTION AMENDING AUTHORIZED REPRESENTATIVES FOR TEX POOL ACCOUNTS – It was moved by Council Member Watson, seconded by Council Member Neffendorf, to adopt the Resolution Amending Authorized Representatives for Tax Pool Accounts. The vote was as follows: AYE: Langerhans, Neffendorf, Pearson, Watson, and Luckenbach. Motion carried.

**RESOLUTION AMENDING
AUTHORIZED REPRESENTATIVES**

WHEREAS, the City of Fredericksburg ("Participant") is a local government of the State of Texas and is empowered to delegate to a public funds investment pool the authority to invest funds and to act as custodian of investments purchased with local investment funds; and

WHEREAS, it is in the best interest of the Participant to invest local funds in investments that provide for the preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

WHEREAS, the Texas Local Government Investment Pool ("TexPool/ TexPool *Prime*"), a public funds investment pool, were created on behalf of entities whose investment objective in order of priority are preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act.

NOW THEREFORE, be it resolved as follows:

- A. That the individuals, whose signatures appear in this Resolution, are Authorized Representatives of the Participant and are each hereby authorized to transmit funds for investment in TexPool / TexPool *Prime* and are each further authorized to withdraw funds from time to time, to issue

letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.

- B. That an Authorized Representative of the Participant may be deleted by a written instrument signed by two remaining Authorized Representatives provided that the deleted Authorized Representative (1) is assigned job duties that no longer require access to the Participant's TexPool/TexPool *Prime* account or (2) is no longer employed by the Participant; and
- C. That the Participant may by Amending Resolution signed by the Participant add an Authorized Representative provided the additional Authorized Representative is an officer, employee, or agent of the Participant;

List the Authorized Representatives of the Participant. Any new individuals will be issued personal identification numbers to transact business with TexPool Participant Services.

- 1. Name: Laura Hollenbeak, Interim Director of Finance
- 2. Name: Heather Koch, Assistant Accountant
- 3. Name: Shelley Britton, City Secretary

List the name of the Authorized Representative listed above that will have primary responsibility for performing transactions and receiving confirmations and monthly statements under the Participation Agreement.

- 1. Name: Laura Hollenbeak

- D. That this Resolution and its authorization shall continue in full force and effect until amended or revoked by the Participant, and until TexPool Participant Services receives a copy of any such amendment or revocation. This Resolution is hereby introduced and adopted by the Participant at this regular meeting held on the 6th day of October, 2014.

Signed: /s/ Linda Langerhans, Mayor

Attest: /s/ Shelley Britton, City Secretary

CITY MANAGER'S REPORT – City Manager Kent Myers reported on the (1) recent Oktoberfest event, (2) City/County Dispatch Center, (3) Employee Recognitions: Alan Wooley for the City golf tournament, D. Seeling and R. Rabke for promotion to Patrol Sergeant, and all city departments that helped with Oktoberfest.

PUBLIC COMMENT – Russ Rose commented on utility rates for the average citizen; Larry Wertz commented on the need for sidewalks

COUNCIL COMMENT - No comments.

With no further business, Council Member Pearson made a motion to adjourn the meeting at 7:55 PM. Council Member Watson seconded the motion. All voted in favor and the motion carried.

PASSED AND APPROVED this the 17th day of November, 2014.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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

**REGULAR CITY COUNCIL MEETING
OCTOBER 20, 2014
7:00 PM**

On this the 20th day of October, 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
BOBBY WATSON - COUNCIL MEMBER
JERRY LUCKENBACH - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
SHELLEY BRITTON - CITY SECRETARY
LAURA HOLLENBEAK - INTERIM FINANCE DIRECTOR
PAT MCGOWAN - CITY ATTORNEY
STEVE WETZ - CHIEF OF POLICE
CLINTON BAILEY - D.P.W.U.
KRIS KNEESE - ASST. CITY ENGINEER
RUSSELL IMMEL - INFORMATION TECHNOLOGY MGR.

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

MINUTES - It was moved by Council Member Luckenbach, seconded by Council Member Watson, to approve the minutes of the September 2014 City Council meetings as presented. All voted in favor and the motion carried.

ORDINANCE FOR EMERGENCY SERVICES COST RECOVERY - It was moved by Council Member Pearson, seconded by Council member Luckenbach, to approve the second reading of the Ordinance for Emergency Services Cost Recovery, to be reviewed in March 2015. The vote was as follows: AYE: Luckenbach, Neffendorf, Luckenbach, Pearson, and Watson. Motion carried.

ORDINANCE NO. 24-022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FREDERICKSBURG SPECIFICALLY TO ADD CHAPTER 11 EMERGENCY MANAGEMENT AND SERVICES, ARTICLE V EMERGENCY SERVICES COST

RECOVERY SECTIONS 11-102 THROUGH 11-104 AND AMENDING APPENDIX A FEE SCHEDULE TO ADD ARTICLE 27 ADOPTING FEES; PROVIDING FOR ENFORCEMENT, SEVERABILITY; REPEALER; AND AN EFFECTIVE DATE. (Recorded in Ordinance Book)

UPDATE ON SKATE PARK - Susan Kimbrell from Morning Rotary was on hand to update council on the proposed skate park to be funded and built by the Morning Rotary Club.

REQUEST FOR CITY FUNDING FOR WI-FI SERVICES ON MARKTPLATZ - It was moved by Council Member Watson, seconded by Council Member Pearson, to approve \$5000 in funds toward the funding of Wi-Fi services on Marktplatz. The vote was as follows: AYE: Luckenbach, Neffendorf, Luckenbach, Pearson, and Watson. Motion carried.

UPDATE ON WATER BOND PROJECTS - DPWU Clinton Bailey briefed Council on the Water Bond Projects and Kris Kneese briefed council on Waste Water Bond Projects.

CITY MANAGER'S REPORT - City Manager Kent Myers reported on (1) City Council Meeting Time (changing to 6:00 PM), (2) Legislative Luncheon sometime in November, (3) City Council Retreat, Oct 23, (4) Chamber of Commerce Banquet at St. Mary's, and (5) Employee Recognitions: Clinton Bailey for taking over for the City Manager in his absence for three days.

FUTURE AGENDA ITEMS - (1) Update on Golf Course Operations, (2) 2015 Golf Fees (3) Financial Management Policies.

PUBLIC COMMENT - None

COUNCIL COMMENT - Council Members reported on various committee meetings attended.

EXECUTIVE SESSION - At 8:20 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 9:22 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 - UPDATE FROM SCHNEIDER ENGINEERING ON LOAD RELEASE PROGRAM - No action was taken.

With no further business, Council Member Watson made a motion to adjourn the meeting at 9:23 PM. Council Member Neffendorf seconded the motion. Motion carried.

PASSED AND APPROVED this the 17th day of November, 2014.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

SPECIAL CITY COUNCIL MEETING
OCTOBER 23, 2014
8:30 AM

On this the 23rd day of October, 2014, the City Council of the CITY OF FREDERICKSBURG convened in special session at the Cardinal Room, Lady Bird Johnson Golf Course, with the following members present to constitute a quorum:

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

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
PAT McGOWAN - CITY ATTORNEY
LAURA HOLLENBEAK - INTERIM DIR. OF FINANCE
STEVE WETZ - CHIEF OF POLICE
JULI BAHLINGER - COMMUNICATIONS MANAGER
BRIAN JORDAN - DIR. OF DEVELOPMENT SERVICES
JOHN CULPEPPER - DIR. OF EMERGENCY SERVICES

CITY COUNCIL RETREAT – Council held a quarterly retreat to discuss a variety of issues, including: (1) Fire Department Response Times, (2) Ft. Martin Scott, (3) Affordable Housing, (4) Options for Future Purchase of Additional Park Land, Friendship Lane Area, and (5) Options for Management and Operations of Golf Course. No action was taken.

With no further discussion, Council Member Neffendorf made a motion to adjourn the meeting at 2:30 PM. Council Member Pearson seconded the motion. Motion carried.

PASSED AND APPROVED this the 17th day of November, 2014

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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