

STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

REGULAR CITY COUNCIL MEETING
MARCH 3, 2014
7:00 PM

On this the 3rd day of March, 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: JERYL HOOVER - MAYOR
TIM DOOLEY - COUNCIL MEMBER
GRAHAM PEARSON - COUNCIL MEMBER
KATHY SANFORD - COUNCIL MEMBER

ABSENT: GARY NEFFENDORF - COUNCIL MEMBER

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.

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

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

1. Add member to the Relief Route Task Force.

All voted in favor; motion carried.

UPDATE TO SUBDIVISION ORDINANCE (2ND READING) – It was moved by Council Member Dooley, seconded by Council Member Sanford, to approve the Update to the Subdivision Ordinance (3rd draft). The vote was as follows: aye: Hoover, Pearson, Sanford, and Dooley. NAY: None. Motion carried.

RESOLUTION OF PUBLIC INTENT– Council Member Dooley moved, seconded by Council Member Pearson, to approve the Resolution of Public Intent for the purchase of a wheel loader for the landfill. The vote is as follows: AYE: Hoover, Sanford, Dooley, and Pearson. Motion carried.

DECLARATION OF OFFICIAL INTENT RESOLUTION

Principal Amount Expected To Be Financed: \$111,692.97.

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: 2011 924 HZ Wheel Loader to be used at the Sanitary Landfill.

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 March 3, 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

SELECT CONSULTING FIRM FOR THE UPDATE OF THE COMPREHENSIVE PLAN, AND AUTHORIZE CONTRACT NEGOTIATIONS – Brian Jordan, Dir. of Development Services, briefed council on the process for selecting a consulting firm for the update of the Comprehensive Plan. It was moved by Council Member Sanford, seconded by Council Member Dooley, to select Design Workshop of Austin, to perform the Update of the Comprehensive Plan, and to authorize the City Manager to negotiate the contract. All voted in favor and the motion carried.

FINANCIAL REPORT – Dir. of Finance Brad Kott presented the Financial Report to Council, including information on how our fund balances compare to the fund balance requirements included in our recently adopted financial management policies, and, since interfund transfers are a current topic of interest, information on the interfund transfers that took place this year were included. No action was taken.

FUNDING FOR LADY BIRD JOHNSON POOL – It was moved by Council Member Pearson, seconded by Council Member Dooley, to approve a budget amendment for \$578,000 from the General Fund prior year fund balance to cover the remaining cost for the Cox Construction contract. All voted in favor and the motion carried.

ENGINEERING CONTRACT – WATER PROJECTS – Following a presentation by DPWU Clinton Bailey, it was moved by Council Member Pearson, seconded by Council Member Sanford, to approve the Professional Services Agreement with Freese and Nichols, Inc. to perform professional services as outlined in the “Scope of Services” which includes basic and non-basic services consisting of preliminary and final professional engineering design, surveying, project bid and construction coordination, system modeling, geotechnical investigation, tank inspection and tank materials testing for the City’s proposed water distribution system improvements projects for a lump sum fee of \$609,178. The voted was as follows: AYE: Hoover, Pearson, Dooley, and Sanford. Motion carried.

AWARD CONTRACT FOR FINANCING FOR WHEEL LOADER LEASE – Council Member Dooley moved, seconded by Council Member Pearson, to award the purchase financing for the Caterpillar Wheel Loader Lease in the amount of \$115,000. The voted was as follows: AYE: Hoover, Pearson, Dooley, and Sanford. Motion carried.

REQUEST FROM GRAN FONDO BIKE RIDE – It was moved by Council Member Sanford, seconded by Council Member Pearson, to approve hosting the Texas Gran Fondo cycling event on April 5 and to close Travis Street between Adams and Crocket Streets between 5:00 am and 5:00 pm, and to block one lane of Travis Street between Llano and Orange streets from 10 am to 4:00 pm.
The voted was as follows: AYE: Hoover, Pearson, Dooley, and Sanford. Motion carried.

CITY MANAGER’S REPORT – City Manager Kent Myers reported on (1) the February 21 City Council Retreat, (2) Relief Route Task Force, (3) Consolidated City/County Dispatching Center, and (4) Employee Recognitions including Development Services and Public Works staff for their work on the new Subdivision Regulations, and the Finance staff for the Financial Report.

PUBLIC COMMENT - No comment.

COUNCIL COMMENT - No comment.

EXECUTIVE SESSION – At 8:35 PM, Council Member Dooley made a motion to recess the regular session and go into Executive Session. Council Member Pearson seconded the motion, and the motion carried. At 9:04 PM, Council Member Dooley made a motion to adjourn the Executive Session and reconvene the regular session. Council Member Sanford seconded, the motion carried.

Following Executive Session, the following action was taken:

POTENTIAL LITIGATION AND ATTORNEY CLIENT PRIVILEGE MATTERS –
No action was taken.

With no further business, Council Member Dooley made a motion to adjourn the meeting at 9:05 PM. Council Member Pearson seconded the motion. Motion carried.

PASSED AND APPROVED this the 19th day of May, 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
MARCH 17, 2014
5:00 PM

On this the 17th day of February, 2014, the City Council of the CITY OF FREDERICKSBURG convened in special session at the Law Enforcement Center, with the following members present to constitute a quorum:

JERYL HOOVER - MAYOR
KATHY SANFORD - COUNCIL MEMBER
GARY NEFFENDORF – COUNCIL MEMBER

ABSENT:

GRAHAM PEARSON - COUNCIL MEMBER
TIM DOOLEY – COUNCIL MEMBER

ALSO PRESENT:

KENT MYERS - CITY MANAGER
PAT MCGOWAN - CITY ATTORNEY
SHELLEY BRITTON - CITY SECRETARY
BRAD KOTT - DIRECTOR OF FINANCE
STEVE WETZ - CHIEF OF POLICE

The meeting was called to order at 5:00 PM.

WORKSHOP: 2014 HOTEL TAX FUND ALLOCATIONS – Council held a workshop on the 2014 Hotel Tax Fund requests.

With no further discussion, Council Member Dooley made a motion to adjourn the meeting at 5:20 PM. Council Member Neffendorf seconded the motion. Motion carried.

PASSED AND APPROVED this the 19th day of May, 2014.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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STATE OF TEXAS
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REGULAR CITY COUNCIL MEETING
MARCH 17, 2014
7:00 PM

On this the 17th day of March, 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:

JERYL HOOVER – MAYOR
GARY NEFFENDORF – COUNCIL MEMBER

GRAHAM PEARSON - COUNCIL MEMBER
KATHY SANFORD - COUNCIL MEMBER

ABSENT: TIM DOOLEY - COUNCIL MEMBER

ALSO PRESENT: KENT MYERS - CITY MANAGER
SHELLEY BRITTON – CITY SECRETARY
PAT McGOWAN - CITY ATTORNEY
CLINTON BAILEY – D.P.W.U.
STEVE WETZ - CHIEF OF POLICE
BRAD KOTT – DIR OF FINANCE
BRIAN JORDAN - DIR. OF DEVELOPMENT SERVICES
JOHN CULPEPPER – DIR EMERGENCY SERVICES
RUSSELL IMMEL – INFORMATION TECH
KRIS KNEESE – ASST ENGINEER

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

CONSENT AGENDA – It was moved by Council Member Sanford, seconded by Council Member Pearson, to approve the consent agenda as follows:

1. Appointment to Convention & Visitor Bureau Board – Krista Grantini.
2. Approve contract with West Central Wireless for the Cell Tower at City Hall.

All voted in favor and the motion carried.

PUBLIC HEARING (Z-1401) BY KEVIN KUNZ FOR A CONDITIONAL USE PERMIT TO ALLOW A CONVENIENCE STORAGE FACILITY IN THE C-2 COMMERCIAL ZONING DISTRICT LOCATED AT 711 BREHMER LANE – It was moved by Council Member Neffendorf, seconded by Council Member Sanford, to recess the regular session and open the Public Hearing on Z-1401 by Kevin Kunz for a Conditional Use Permit to allow a Convenience Storage Facility in the C-2 Commercial Zoning District located at 711 Brehmer Lane. All voted in favor and the motion carried.

Applicant Kevin Kunz and architect John Klein were on hand to address the application. With no comments from the public, it was moved by Council Member Pearson, seconded by Council Member Sanford, to adjourn the public hearing and reconvene the regular session. All voted in favor and the motion carried.

RECOMMENDATION ON Z-1401 – It was moved by Council Member Sanford, seconded by Council Member Pearson, to approve Z-1401 as presented. The vote was as follows: Hoover, Sanford, Pearson, and Neffendorf. NAY: Motion carried.

SPECIAL EVENTS POLICY – It was moved by Council Member Pearson, seconded by Council Member Sanford, to approve the Special Events Policy and timeline as presented. The vote was as follows: Hoover, Sanford, Pearson, and Neffendorf. NAY: Motion carried.

WATERING RESTRICTIONS – Council held the first reading of the Watering Restrictions Ordinance as presented by Director of Public Works, Clinton Bailey. No action was taken.

EFFLUENT AGREEMENT WITH FISD - Asst. City Engineer Kris Kneese presented a proposed Wastewater Treatment Plant Effluent Sales Contract with FISD. It was moved by Council Member Pearson, seconded by Council Member Neffendorf, to approve the WWTP Effluent Contract with FISD. The vote was as follows: Hoover, Sanford, Pearson, and Neffendorf. NAY: Motion carried.

AMENDMENT TO BUDGET FOR UTILITY COSTS FOR FORMER TEXAS RANGER HERITAGE CENTER – It was moved by Council Member Pearson, seconded by Council Member Neffendorf, to fund the relocation costs and approve a total of \$182,834.20 in utility improvements. The vote was as follows: AYE: Pearson and Neffendorf. NAY: Hoover and Sanford. Motion did not pass.

Following further discussion, it was moved by Council Member Neffendorf, seconded by Council Member Sanford, to approve funding of \$119,234 for the utility improvements, with a credit of \$63,600 for Phase II of the project. The vote was as follows: AYE: Hoover, Sanford, Pearson, and Neffendorf. NAY: Motion carried.

DEVELOPMENT SERVICES DEPARTMENT REPORT – Brian Jordan presented the Development Services Department Report.

CITY MANAGER'S REPORT – City Manager Kent Myers reported on (1) Recycling Survey Results, (2) Fort Martin Scott, (3) City Council/County Commissioners Joint Meeting, and (4) Employee Recognition

PUBLIC COMMENT – Russ Rose commented on water and Sonia Rivera commented on the city website.

COUNCIL COMMENT - No comments.

EXECUTIVE SESSION – At 8:45 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 9:10 PM, Council Member Neffendorf made a motion to adjourn the Executive Session and reconvene the regular session. Council Member Sanford seconded, the motion carried

Following Executive Session, the following action was taken:

POTENTIAL LITIGATION AND ATTORNEY CLIENT PRIVILEGE MATTERS – No action was taken.

With no further discussion, Council Member made a motion to adjourn the meeting at 9:12 PM. Council Member Sanford seconded the motion. Motion carried.

PASSED AND APPROVED this the 19th day of May, 2014.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR