

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

**REGULAR CITY COUNCIL MEETING
JUNE 4, 2018
6:00 PM**

On this the 4th day of June, 2018, 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
CHARLIE KIEHNE - COUNCIL MEMBER
JERRY LUCKENBACH - COUNCIL MEMBER
TOM MUSSELMAN - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER
CLINTON BAILEY - A.C.M./D.P.W.U.
BRIAN JORDAN - DIR DEVELOPMENT SERVICES
SHELLEY BRITTON - CITY SECRETARY
DANIEL JONES - CITY ATTORNEY

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

EMPLOYEE RECOGNITIONS – City Manager Kent Myers recognized Marian Wiggins, Clinton Bailey and Shelley Britton.

MINUTES – It was moved by Council Member Luckenbach, seconded by Council Member Neffendorf, to approve the minutes of the March and April 2018 minutes as presented and corrected. All voted in favor and the motion carried.

CONSENT AGENDA - It was moved by Council Member Musselman, seconded by Council Member Neffendorf, to approve the Consent Agenda as follows:

- 2018-2022 Hazard Mitigation Plan

The vote was as follows: AYE: Langerhans, Kiehne, Neffendorf, Luckenbach, and Musselman; NAY: None. Motion carried.

INSURANCE FROM 4TH OF JULY PARADE – It was moved by Council Member Kiehne, seconded by Council Member Luckenbach, to approve the request to provide insurance for the 4th of July Parade as presented. All voted in favor and the motion carried.

AMENDMENT TO ECONOMIC DEVELOPMENT AGREEMENT WITH TOUCHSTONE GOLF – It was moved by Council Member Neffendorf, seconded by Council Member Luckenbach, to approve the amendment to Golf Course Agreement with Touchstone Golf regarding TABC as presented. All voted in favor and the motion carried.

AMENDMENT TO ECONOMIC DEVELOPMENT AGREEMENT – UFER STREET HOTEL PROJECT – It was moved by Council Member Musselman, seconded by Council Member Neffendorf, to approve the Amendment to the Economic Development Agreement for the Ufer Street Hotel Project as presented. The vote was as follows: AYE: Langerhans, Kiehne, Neffendorf, Luckenbach, and Musselman; NAY: None. Motion carried.

CHANGES TO CITY COUNCIL RULES OF PROCEDURE – It was moved by Council Member Luckenbach, seconded by Council Member Kiehne, to approve the changes to City Council Rules of Procedure as presented. All voted in favor and the motion carried.

CITY MANAGERS REPORT - City Manager Kent Myers reported on (1) Relocation of Municipal Court Offices, (2) Community Visioning Process, (3) City Council Retreat Action Items, and (4) Relief Route Open House.

FUTURE AGENDA ITEMS - Council discussed future agenda items.

PUBLIC COMMENTS – Eight people spoke in opposition to the fluoridation of the city’s water supply, asking council to consider discontinuing the process.

COUNCIL COMMENTS - None

EXECUTIVE SESSION - It was moved by Council Member Luckenbach, seconded by Council Member Kiehne, to recess the regular session and go into Executive Session at 7:05 PM. All voted in favor and the motion carried. At 8:00 PM, it was moved by Council Member Luckenbach, seconded by Council Member Kiehne, to adjourn the Executive Session and reconvene the regular session. All voted in favor and the motion carried.

Following Executive Session, the following action was taken:

ALPHA SECURITIES LLC vs CITY OF FREDERICKSBURG (SEC.551.071) - No action was taken.

PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY LOCATED IN THE VICINITY OF LADY BIRD JOHNSON MUNICIPAL PARK (SEC.551.072) - No action was taken.

With no further discussion, Council Member Kiehne made a motion to adjourn the meeting at 8:01 PM. Council Member Musselman seconded the motion. Motion carried.

PASSED AND APPROVED this the 16th day of July, 2018.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

SPECIAL CITY COUNCIL MEETING
JUNE 11, 2018
8:30 AM

On this the 11th day of June, the City Council of the CITY OF FREDERICKSBURG convened in special session at the Fire Station Meeting Room, with the following members present to constitute a quorum:

GARY NEFFENDORF – MAYOR PRO-TEM
JERRY LUCKENBACH - COUNCIL MEMBER
TOM MUSSELMAN - COUNCIL MEMBER
CHARLIE KIEHNE - COUNCIL MEMBER

ABSENT: LINDA LANGERHANS - MAYOR

ALSO PRESENT: KENT MYERS - CITY MANAGER
SHELLEY BRITTON – CITY SECRETARY
DANIEL JONES – CITY ATTORNEY

Mayor Pro-Tem Neffendorf called the meeting to order at 8:30 AM.

INSTITUTION OF ANNEXATION PROCEEDINGS FOR THE ANNEXATION OF APPROX. 24.77 ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF SMOKEHOUSE ROAD AND THE EXTENSION OF W WINDCREST DRIVE, OTHERWISE KNOWN AS LOTS 2B-2R, 2B-1R, AND 2A-R OF THE SEIPP SUBDIVISION – It was moved by Council Member Musselman, seconded by Council Member Kiehne, to Institute Annexation Proceedings for the Annexation of approx. 24.77 acres of land located at the northwest corner of Smokehouse Road and the extension of W Windcrest Drive, otherwise known as Lots 2B-2R, 2B-1R, and 2A-R of the Seipp Subdivision. All voted in favor and the motion carried.

With no further discussion, Council Member Kiehne made a motion to adjourn the meeting at 8:35 AM. Council Member Luckenbach seconded the motion. Motion carried.

PASSED AND APPROVED this the 16th day of July, 2018.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

REGULAR CITY COUNCIL MEETING
JUNE 18, 2018
6:00 PM

On this the 18th day of June, 2018, 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:

GARY NEFFENDORF –MAYOR PRO-TEM
JERRY LUCKENBACH - COUNCIL MEMBER
TOM MUSSELMAN - COUNCIL MEMBER
CHARLIE KIEHNE - COUNCIL MEMBER

ABSENT: LINDA LANGERHANS - MAYOR

ALSO PRESENT: KENT MYERS - CITY MANAGER
CLINTON BAILEY - ACM/D.P.W.U.
SHELLEY BRITTON – CITY SECRETARY
BRIAN JORDAN - DIR OF DEVELOPMENT SERVICES
DANIEL JONES - CITY ATTORNEY
RUSSELL IMMEL - IT MANAGER

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

EMPLOYEE RECOGNITIONS - No employee recognitions at this meeting.

PUBLIC COMMENTS – No comments.

PUBLIC HEARING ON THE VOLUNTARY ANNEXATION OF APPROX. 11.282 ACRES OF LAND LOCATED ON THE SOUTH SIDE OF N US HWY 87, WEST OF US HIGHWAY 290, FOR THE PROPOSED HOTEL/CONFERENCE CENTER (1ST OF TWO) - It was moved by Council Member Luckenbach, seconded by Council Member Musselman, to adjourn the regular session and open the public hearing on the voluntary annexation of approx. 11.282 acres of land located on the south side of N US Hwy 87, west of US Hwy 290, for the proposed Hotel/Conference Center (1st of two).

Bobby Sagebiel was on hand to represent the owners. Brian Jordan briefed Council on the request and timeline. With no comments from the public, it was moved by Council Member Luckenbach, seconded by Council Member Musselman, to adjourn the Public Hearing and reconvene the regular session.

PUBLIC HEARING Z-1802 TO AMEND THE LAND USE PLAN FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL AND TO CHANGE THE ZONING FROM THE ZONING AT 610, 612, 616, 618, AND 620 W LIVE OAK FROM R-1 SINGLE FAMILY RESIDENTIAL TO C1 NEIGHBORHOOD COMMERCIAL- It was moved by Council Member Musselman, seconded by Council Member Kiehne, to recess the regular session and open the Public Hearing on Z-1802 to amend the Land Use Plan from Low Density Residential to Commercial and to change the zoning at 610, 612, 616, 618, and 620 W Live Oak from R-1 Single Family Residential to C1 Neighborhood Commercial. All voted in favor and the motion carried.

Following comments from St. Vincent's representative Dottie Duecker, it was moved by Council Member Musselman, seconded by Council Member Luckenbach, to adjourn the public hearing and reconvene the regular session. All voted in favor and the motion carried.

RECOMMENDATION AND ORDINANCES FOR Z-1802 – Based on the recommendation of the Planning & Zoning Commission and the staff, it was moved by Council Member Luckenbach, seconded by Council Member Musselman, to approve the Ordinance to amend the Land Use Plan from Low Density Residential to Commercial and the Ordinance to change the Zoning at 610, 612, 616, 618 and 620 W. Live Oak Rd from R1 Single Family Residential to C1, Neighborhood Commercial. The vote was as follows: AYE: Neffendorf, Kiehne, Musselman, and Luckenbach; NAY: None. Motion carried.

ORDINANCE NO. 28-006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, ADOPTING A CHANGE IN THE COMPREHENSIVE PLAN OF THE CITY OF FREDERICKSBURG; SPECIFICALLY IN THE LAND USE MAP AND COMPREHENSIVE PLAN AS TO PART OF OUTLOT NO. 97, SITUATED IN THE CITY OF FREDERICKSBURG, TEXAS; CHANGING SAID PROPERTY FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL; PROVIDING THAT THE CHANGE BECOME A PART OF THE COMPREHENSIVE PLAN AND PROVIDING FOR AN EFFECTIVE DATE. (Recorded in Ordinance Book)

ORDINANCE NO. 28-007

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY AND CHANGING THE ZONING DISTRICT AS TO PART OF OUTLOT NO. 97, SITUATED IN THE CITY OF FREDERICKSBURG, TEXAS; CHANGING SAID PROPERTY FROM R-1 SINGLE FAMILY RESIDENTIAL TO C-1 NEIGHBORHOOD COMMERCIAL; AND PROVIDING FOR AN EFFECTIVE DATE. (Recorded in Ordinance Book)

PUBLIC HEARING Z-1805 TO AMEND THE LAND USE PLAN FROM MEDIUM DENSITY RESIDENTIAL TO COMMERCIAL AND TO CHANGE THE ZONING FROM R2 MIXED RESIDENTIAL TO C2 COMMERCIAL ON 4.91ACRES BEING PART OF OUTLOT 9 IN THE CITY LOCATED AT THE SOUTH WEST CORNER OF S. EAGLE ST. AND FRIENDSHIP LANE- It was moved by Council Member Musselman, seconded by Council Member Kiehne, to recess the regular session and open the Public Hearing to amend the Land Use Plan from Medium Density Residential to Commercial and to change the Zoning from R2 Mixed Residential to C2 Commercial on 4.91acres being part of Outlot 9 in the City located at the South West corner of S. Eagle St. and Friendship lane. All voted in favor and the motion carried.

Following comments from Representative Jaret Muraglia, Brenda Segner and Kelly Musselman, it was moved by Council Member Musselman, seconded by Council Member Luckenbach, to adjourn the public hearing and reconvene the regular session. All voted in favor and the motion carried.

REQUEST Z-1805 – It was moved by Council Member Kiehne, seconded by Council Member Luckenbach, to concur with the Planning & Zoning Recommendation and deny the request. Council also agreed to take a look at the comprehensive plan adopted in 2006. The vote was as follows: AYE: Luckenbach and Kiehne; NAY: Neffendorf. (Musselman abstained from the discussion and the vote) Motion carried.

RESOLUTION FOR LEASE OF GOLF COURSE MOWING EQUIPMENT – It was moved by Council Member Kiehne, seconded by Council Member Musselman, to approve the Resolution for the Lease with TCF Equipment Finance for the lease/purchase of two pieces of golf course mowing equipment: (1) Toro Greensmaster 3150 and (1) Toro Reelmaster 5510. The vote was as follows: AYE: Neffendorf, Kiehne, Musselman, and Luckenbach; NAY: None. Motion carried.

RESOLUTION

WHEREAS, City of Fredericksburg, Texas dba Lady Bird Johnson Golf Course, (the "Lessee") is a political subdivision duly organized and existing pursuant to the Constitution and laws of the State of Texas; and

WHEREAS, Lessee is duly authorized by applicable law to acquire such items of personal property as are needed to carry out its governmental functions and to acquire such personal property by entering into lease-purchase agreements; and

WHEREAS, Lessee hereby finds and determines that the execution of a Lease for the purpose of leasing with the option to purchase the property designated and set forth in the Lease is appropriate and necessary to the function and operations of the Lessee; and

WHEREAS, TCF Equipment Finance, a division of TCF National Bank, (the "Lessor") shall act as Lessor under said Lease; and

WHEREAS, the Lease shall not constitute a general obligation indebtedness of the Lessee within the meaning of the Constitution and laws of the State;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF City of Fredericksburg, Texas dba Lady Bird Johnson Golf Course:

Section 1. The Lease, in substantially the form as presently before the governing body of the Lessee, is hereby approved, and the representative of the Lessee, is hereby authorized to negotiate, enter into, execute, and deliver the Lease and related documents in substantially the form as presently before the governing body of the Lessee, with such changes therein as shall be approved by such officer, and which Lease will be available for public inspection at the offices of Lessee.

Section 2. The Lessee shall, and the officers, agents and employees of the Lessee are hereby authorized and directed to take such further action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution, and to carry out, comply with and perform the duties of the Lessee with respect to the Lease.

Section 3. The Lessee's obligations under the Lease shall be expressly subject to annual appropriation by Lessee; and such obligations under the Lease shall not constitute general obligation of Lessee or indebtedness of Lessee within the meaning of the Constitution and laws of the State of Texas.

Section 4. All other related contracts and agreements necessary and incidental to the Lease are hereby authorized, ratified and approved. Section 5. This resolution shall take effect immediately upon its adoption and approval.

CERTIFIED TO this the 18th day of June, 2018.

/s/ Shelley Britton, City Secretary

CITY MANAGER'S REPORT - City Manager Kent Myers reported on (1) the Art Guild Building, (2) Animal Shelter – County Utilization, (3) Municipal Court Relocation, and (4) 2019 Budget Process.

FUTURE AGENDA ITEMS - Council discussed future agenda items.

COUNCIL COMMENTS – No comments.

With no further discussion, Council Member Kiehne made a motion to adjourn the meeting at 7:08 PM. Council Member Luckenbach seconded the motion. Motion carried.

PASSED AND APPROVED this the 16th day of July, 2018.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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