

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

**REGULAR CITY COUNCIL MEETING
OCTOBER 3, 2016
6:00 PM**

On this the 3rd day of October, 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:

BOBBY WATSON – MAYOR PRO TEM
GARY NEFFENDORF - COUNCIL MEMBER
GRAHAM PEARSON – COUNCIL MEMBER
CHARLIE KIEHNE - COUNCIL MEMBER

ABSENT: LINDA LANGERHANS - MAYOR

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
RUSSELL IMMEL - IT

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

EMPLOYEE RECOGNITIONS - The City Manager recognized Brian Vorauer of the Police Department.

MINUTES OF AUGUST 2016 MEETINGS – It was moved by Council Member Pearson, seconded by Council Member Kiehne, to approve the minutes of the August 2016 meetings as presented and corrected. All voted in favor and the motion carried.

PRESENTATION ON FIRE/EMS CONSOLIDATION – Chief Lynn Bizzell made a presentation to combine Fire and EMS into one department: Fredericksburg Fire/EMS.

ORDINANCE FOR FIRE/EMS CONSOLIDATION – It was moved by Council Member Pearson, seconded by Council Member Neffendorf, to forego the second reading and to approve the Ordinance for Fire/EMS Consolidation as presented. The vote was as follows: AYE: Watson, Neffendorf, Kiehne, and Pearson; NAY: None. Motion carried.

ORDINANCE NO. 26-014

AN ORDINANCE AMENDING CHAPTERS 11 EMERGENCY MANAGEMENT AND 17, FIRE PROTECTION OF THE CODE OF ORDINANCES OF THE CITY OF FREDERICKSBURG TO AMEND THE DUTIES OF THE DIRECTOR OF EMERGENCY MANAGEMENT SERVICES, TO CONSOLIDATE THE DEPARTMENTS OF FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES, TO DEFINE THE OFFICES AND DUTIES OF THE EMPLOYEES AND MEMBERS OF SUCH SERVICES, TO SET AN

EFFECTIVE DATE, TO REPEAL INCONSISTENT PROVISIONS AND PROVIDE FOR PARTIAL INVALIDITY. (Recorded in Ordinance Book)

SIDEWALK CONTRACT EXTENSION – It was moved by Council Member Pearson, seconded by Council Member Neffendorf, to approve the extension of the sidewalk contract with Hazelett Concrete Contractors through September 30, 2017 as presented. The vote was as follows: AYE: Watson, Neffendorf, Kiehne, and Pearson; NAY: None. Motion carried.

PURCHASE OF ASPHALT ZIPPER FOR STREET AND WATER DEPARTMENT - It was moved by Council Member Pearson, seconded by Council Member Neffendorf, to approve the purchase of an asphalt zipper for the Street and Water Departments from Asphalt Zipper Inc. in the amount of \$108,690.00 as presented. The vote was as follows: AYE: Watson, Neffendorf, Kiehne, and Pearson; NAY: None. Motion carried.

RESOLUTION FOR LEASE PURCHASE FINANCING FOR ACQUISITION OF EQUIPMENT - It was moved by Council Member Kiehne, seconded by Council Member Neffendorf, to approve the Resolution for Lease Purchase Financing for the Acquisition of Equipment. The vote was as follows: AYE: Watson, Neffendorf, Kiehne, and Pearson; NAY: None. Motion carried.

RESOLUTION

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

Excavator	Sewer Press Machine, Dump Truck, (2) Generators, and Compact for the Water Department
Waste	Brush Chipper, Garbage Truck and Landfill Compactor for the Solid Department
	Ambulance Remount for the EMS Department

WHEREAS, Blanco National Bank of Fredericksburg ("Lessor") is expected to act as the lessor under the Equipment Leases.

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 3rd of October, 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.

/s/ Shelley Britton, City Secretary

Signature of Secretary/Clerk of Lessee

AMICUS CURIAE PARTICIPATION IN SIGN LITIGATION - It was moved by Council Member Neffendorf, seconded by Council Member Kiehne, to approve the city's participation in an amicus curiae brief supporting the Attorney General in a motion for rehearing the case of Auspro LLP v. TxDOT involving the regulation of billboards. All voted in favor and the motion carried.

CITY MANAGER'S REPORT - City Manager's Report included (1) City Council October Retreat scheduled for October 25, and (2) Downtown Parking Study.

PUBLIC COMMENTS – Mo Saïde commented on the recycling center

COUNCIL COMMENTS – Charlie Kiehne commented on the recent Veteran's trip.

EXECUTIVE SESSION - It was moved by Council Member Pearson, seconded by Council Member Neffendorf, to recess the regular session and go into Executive Session at 6:50 PM. All voted in favor and the motion carried. At 7:29 PM, it was moved by Council Member Pearson, 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:

UNIVERSITY CENTER PROPERTY – No action taken.

UFER STREET HOTEL – No action taken.

With no further business, it was moved by Council Member Pearson, seconded by Council Member Neffendorf, to adjourn the meeting at 7:29 PM. All voted in favor and the motion carried.

PASSED AND APPROVED this the 19th day of December, 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
OCTOBER 17, 2016
6:00 PM

On this the 17th day of October, 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
CLINTON BAILEY - D.P.W.U.
STEVE WETZ – CHIEF OF POLICE

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

EMPLOYEE RECOGNITIONS - The City Manager recognized Andrea Warren for her work with the marathon event.

ORDINANCE AMENDING GOLF COURSE FEES – Clinton Bailey presented the amendments to the Golf Course Fees Ordinance, with the addition of expanded “residential rates” to Bandera, Blanco, Burnet, Llano, Kendall Kerr, Kimble and Mason counties. All voted in favor and the motion carried.

ORDINANCE NO. 26-015

AN ORDINANCE AMENDING APPENDIX A FEE SCHEDULE ARTICLE 24 RECREATIONAL FEES, SPECIFICALLY SECTION 24.100 GOLF FEES TO INCLUDED RESIDENTS OF THE SURROUNDING COUNTIES OF BANDERA, BLANCO, BURNET, LLANO, KENDALL, KERR, KIMBLE AND MASON COUNTIES IN THE LIST OF PERSONS WHO ARE ELIGIBLE FOR RESIDENT GUEST RATES FOR GOLFING AT LADY BIRD JOHNSON MUNICIPAL GOLF COURSE, DEFINING JUNIOR MEMBER RATES, ESTABLISHING AN EFFECTIVE DATE, REPEALING INCONSISTENT PROVISIONS, AND PROVIDING FOR PARTIAL INVALIDITY. (Recorded in Ordinance Book)

CITY MANAGER'S REPORT – City Manager Kent Myers reported on (1) October 25 city Council Retreat, and (2) Modifications to City Hall Annex.

PUBLIC COMMENTS – None.

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 6:25 PM. All voted in favor and the motion carried. At 6:40 PM, it was moved by Council Member Watson, seconded by Council Member Pearson, to adjourn the Executive Session and reconvene the regular session. All voted in favor and the motion carried.

Following Executive Session:

OAKCREST PARK PROPERTY – No action taken.

With no further discussion, Council Member Watson made a motion to adjourn the meeting at 6:41 PM. Council Member Pearson seconded the motion. Motion carried.

PASSED AND APPROVED this the 19th day of December, 2016.

SHELLEY BRITTON, CITY SECRETARY

LINDA LANGERHANS, MAYOR

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STATE OF TEXAS
COUNTY OF GILLESPIE
CITY OF FREDERICKSBURG

CITY COUNCIL RETREAT
OCTOBER 25, 2016
8:30 AM

On this the 25th day of October 2016, 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
GARY NEFFENDORF - COUNCIL MEMBER
GRAHAM PEARSON - COUNCIL MEMBER
BOBBY WATSON - COUNCIL MEMBER
CHARLIE KIEHNE - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: KENT MYERS - CITY MANAGER

CITY COUNCIL RETREAT – Council held a quarterly retreat to discuss a variety of issues, including: (1) B&B’s and Short Term Rentals, (2) New Trolley Services, (3) Funding for CVB, (4) Hazard Mitigation Plan, (5) Proposed 2017 Parks Bond Project, (6) Proposed Sound Ordinance Advisory Committee, (7) New Community visioning Process.

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

PASSED AND APPROVED this the 19th day of December, 2016.

_____ SHELLEY BRITTON, CITY SECRETARY	_____ LINDA LANGERHANS, MAYOR
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