

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

**REGULAR CITY COUNCIL MEETING  
NOVEMBER 6, 2017  
6:00 PM**

On this the 6<sup>th</sup> day of November, 2017, 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  
JERRY LUCKENBACH - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: CLINTON BAILEY – A.C.M./D.P.W.U.  
SHELLEY BRITTON - CITY SECRETARY  
BRIAN JORDAN – DIR OF DEVELOPMENT SERVICES  
LAURA HOLLENBECK – DIR OF FINANCE  
DANIEL JONES - CITY ATTORNEY  
RUSSELL IMMEL – IT MANAGER

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

**EMPLOYEE RECOGNITIONS** – None

**PRESENTATION FROM TOUCHSTONE GOLF** – Touchstone Golf's Executive Vice President Doug Harker presented details on their management plan for Lady Bird Johnson Municipal Golf Course.

**AMENDMENT TO NO SMOKING ORDINANCE (First Reading)** – Kelli Olfers was on hand to present the Health Board's recommendation to amend the No Smoking Ordinance to include vaping and e-cigarettes (first reading). No action taken.

**REVISED ORDINANCE FOR DISCHARGE OF FIREARMS (First Reading)** – Police Chief Steve Wetz presented the Revised Ordinance for Discharge of Firearms (First Reading). No action was taken.

**RESOLUTION FOR BUDGET AMENDMENT FOR USE OF HOT FUNDS** – It was moved by Council Member Kiehne, seconded by Council Member Watson, to adopt a Resolution to approve the use of HOT Funds in the amount of \$20,000 to use toward the expansion of the Historic District. The vote was as follows: AYE: Langerhans, Neffendorf, Kiehne, Watson, and Luckenbach; NAY: None. Motion carried.

**A RESOLUTION OF THE CITY OF FREDERICKSBURG, TEXAS,  
AUTHORIZING USE OF HOTEL OCCUPANCY TAX REVENUE FOR  
HISTORIC PRESERVATION**

WHEREAS, the Texas Tax Code authorizes the use of revenue from the municipal hotel occupancy tax for historical restoration and preservation projects or activities that promote tourism and the convention and hotel industry; and

WHEREAS, the City of Fredericksburg ("City") desires to preserve features in the City which have historical, cultural, or architectural merit, and which attract visitors to the City, thereby promoting tourism and the convention and hotel industry in the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL of the City of Fredericksburg, Texas, that:

1. The City Council hereby finds that the completion of a historic resource survey in the City is a historical restoration and preservation project or activity that would promote tourism and the convention and hotel industry in the City; and

2. The City Council hereby authorizes the use of revenue from the municipal hotel occupancy tax for a historic resource survey, in an amount as hereafter directed by the City Council.

PASSED AND APPROVED this 6<sup>th</sup> day of November, 2017.

/s/ Linda Langerhans, Mayor

ATTEST:

/s/ Shelley Britton, City Secretary

APPROVED AS TO FORM:

/s/ Daniel Jones, City Attorney

**RESOLUTION OF LEASE PURCHASE FINANCING** – Director of Finance Laura Hollenbeak, presented a Resolution for Lease Purchase Financing. It was moved by Council Member Neffendorf, seconded by Council Member Luckenbach, to approve the Resolution as presented. The vote was as follows: AYE: Langerhans, Neffendorf, Kiehne, Watson, and Luckenbach; NAY: None. Motion carried.

**A RESOLUTION OF THE CITY OF FREDERICKSBURG, TEXAS,  
APPROVING THE ACQUISITION AND FINANCING OF EQUIPMENT**

WHEREAS, the City of Fredericksburg ("City") desires to procure equipment using lease purchase financing; and

WHEREAS, the City has previously awarded the right to provide said financing to *City National Capital Finance, LLC*, based on competitive bidding and procurement practices as required by Texas Law.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL of the City of Fredericksburg, Texas, that:

1. The City Council hereby approves the acquisition and financing of the equipment using financing provided by *City National Capital Finance, LLC*; and

2. The City Council hereby approves the *Financing Documents*, copies of which are attached hereto as Exhibit A; and

3. The City Council hereby authorizes Kent Myers, in his capacity as City Manager, to execute the *Financing Documents* on behalf of the City.

PASSED AND APPROVED this 6<sup>th</sup> day of November, 2017.

/s/ Linda Langerhans, Mayor

ATTEST: /s/ Shelley Britton, City Secretary

APPROVED AS TO FORM:

/s/ Daniel Jones, City Attorney

**SOFTWARE CONTRACT WITH STR HELPER** – Council Member Watson moved, seconded by Council Member Luckenbach, to award the Software Contract of \$22,000 with STR Helper as presented. The vote was as follows: Langerhans, Neffendorf, Luckenbach, Kiehne, and Watson; NAY: Motion carried.

**LEASE EXTENSION – FORMER TEXAS RANGERS HERITAGE CENTER** – Joe Davis of Former Texas Rangers Heritage Center was on hand to request a ten year lease extension for Phase 2. No action taken.

**GILLESPIE CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS BALLOT** - It was moved by Council Member Neffendorf, seconded by Council Member Watson, to divide the city's 348 votes between the five nominees: Nicole Bartel, Donald Davis, Tim Dooley, Tony Klein, and James McAfee. All voted in favor and the motion carried.

**ANNUAL SIDEWALK EXTENSION PROGRAM – CONTRACT EXTENSION** – It was moved by Council Member Neffendorf, seconded by Council Member Kiehne, to approve the extension of the current sidewalk contract with Hazelett Concrete Contractors through September

30, 2018 with the initial budget of \$50,000 which could be increased to the full FY 2018 budgeted amount of \$100, 000 with Council approval at a later date. The vote was as follows: Langerhans, Neffendorf, Luckenbach, Kiehne, and Watson; NAY: Motion carried.

**REPORT ON STREET DEPARTMENT EQUIPMENT PURCHASES FOR FY 2018** –

Garrett Bonn presented a report on Street Department Equipment Purchases for FY 2018. It was moved by Council Member Watson, seconded by Council Member Luckenbach, to approve the Street Department Equipment Purchases for FY 2018 as presented. All voted in favor and the motion.

**WATER REPORT** – Asst. City Manager Clinton Bailey presented a water supply update. No action was taken.

**CITY MANAGERS REPORT** - City Manager Kent Myers reported on (1) Attainable Housing, (2) TxDOT Meeting, (3) City Council Retreat Action Items.

**PUBLIC COMMENTS** – No comments.

**COUNCIL COMMENTS** – No comments.

With no further discussion, Council Member Luckenbach made a motion to adjourn the meeting at 8:15 PM. Council Member Watson seconded the motion. Motion carried.

PASSED AND APPROVED this the 15<sup>th</sup> day of January, 2018.

---

SHELLEY BRITTON, CITY SECRETARY

---

LINDA LANGERHANS, MAYOR

\* \* \* \* \*

\* \* \* \* \*

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

**SPECIAL CITY COUNCIL MEETING  
NOVEMBER 16, 2017  
8:45 AM**

On this the 16<sup>th</sup> day of November, 2017, the City Council of the CITY OF FREDERICKSBURG convened in special session at the Hill Country University Center, with the following members present to constitute a quorum:

LINDA LANGERHANS - MAYOR  
CHARLIE KIEHNE - COUNCIL MEMBER

ABSENT:

GARY NEFFENDORF – COUNCIL MEMBER  
BOBBY WATSON – COUNCIL MEMBER  
JERRY LUCKENBACH – COUNCIL MEMBER

ALSO PRESENT:

SHELLEY BRITTON - CITY SECRETARY

**CANVASS AND APPROVE NOVEMBER 7, 2017 ELECTION RESULTS** - A motion was made by Mayor Langerhans, seconded by Council Member Kiehne, to adopt the following Resolution declaring the result of the City Bond Election:

**A RESOLUTION CANVASSING THE RETURNS AND DECLARING THE  
RESULTS OF A BOND ELECTION; AND OTHER MATTERS IN  
CONNECTION THEREWITH**

WHEREAS, on August 10, 2017, the City Council (the *Council*) of the City of Fredericksburg, Texas (the *City*) ordered an election to be held on November 7, 2017 for the purpose of determining whether the resident, qualified voters of the City would authorize the issuance of general obligation bonds by the City; and

WHEREAS, the Council has reviewed and investigated all matters pertaining to this election, including the resolving, notices, election officers, holding, and returns thereof; and

WHEREAS, the Council hereby canvasses the returns of this election, at which there was submitted to all resident, qualified voters of the City for their action thereupon, the following proposition:

PROPOSITION A

“Shall the City Council of the City of Fredericksburg, Texas be authorized to issue and sell one or more series of general obligation bonds of the City in the aggregate principal amount of not more than \$12,600,000 for the purpose of making permanent public improvements or other public purposes, to wit: designing, acquiring, constructing, renovating, improving, and equipping City park, recreation, and open space improvements, making park, recreation, and open space additions, acquiring lands and rights-of-way necessary thereto, such bonds to mature serially or otherwise (not more than 40 years from their date) in accordance with law; and any issue or series of said bonds to bear interest at such rate or rates (fixed, floating, variable or otherwise) as may be determined within the discretion of the City Council, provided that such rate of interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of said bonds; and shall the City Council of the City be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes, within the limitations prescribed by law, on all taxable property in said City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity and the cost of any credit agreements executed in connection with the bonds?”  
and

WHEREAS, the Council has diligently inquired into the poll lists and the official election returns which were duly and lawfully made to the Council by the judges and clerks holding and conducting such election; the poll lists and the official election returns showing separately the votes cast in the election; and

WHEREAS, from these returns, this Council hereby finds that the following votes were cast in the election by voters who were resident, qualified voters of the City:

PROPOSITION A

“THE ISSUANCE OF NOT TO EXCEED \$12,600,000 OF CITY OF  
FREDERICKSBURG, TEXAS GENERAL OBLIGATION BONDS FOR PARK,  
RECREATION, AND OPEN SPACE IMPROVEMENTS AND THE LEVYING  
OF A TAX IN PAYMENT THEREOF”

For: 667

Against: 767

TOTAL: 1436

NOW, THEREFORE, IT IS ACCORDINGLY FOUND, DECLARED, AND ORDAINED BY  
THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS THAT:

SECTION 1: The Council officially finds, determines, and declares that the election was duly and properly ordered, that proper legal notice of such election was duly given in the English language and the Spanish language (to the extent required by law), that proper election officers were duly appointed prior to the election, that the election was duly and legally held, that all resident, qualified voters of the City were permitted to vote at the election, that due returns of the results of the election had been made and delivered, and that the Council has duly canvassed such returns, all in accordance with the laws of the State of Texas and of the United States of America, and the order calling the election.

SECTION 2: A MAJORITY of the resident, qualified voters of the City of Fredericksburg, Texas voting in such election, having voted AGAINST the authorization and issuance of \$12,600,000 of bonds and the levy and pledge of the tax in payment thereof as provided in Proposition A, the Council hereby finds and determines that Proposition A failed at the election, that the election was duly called, that proper notice was given, and that the election was held in all aspects in conformity with the law.

SECTION 3: The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 4: All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

SECTION 5: This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 6: If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such

provision to other persons and circumstances shall nevertheless be valid, and the Council hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 7: It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 8: This Resolution shall be in force and effect from and after its final passage and it is so resolved.

The Order passed unanimously.

PASSED AND APPROVED this the 16<sup>th</sup> of November, 2017.

/s/ Linda Langerhans, Mayor

ATTEST: /s/ Shelley Britton, City Secretary

With no further business, it was moved by Mayor Langerhans, seconded by Council Member Kiehne, to adjourn the meeting at 8:55 AM. All voted in favor and the motion carried.

PASSED AND APPROVED this the 15<sup>th</sup> day of January, 2018.

\_\_\_\_\_  
SHELLEY BRITTON, CITY SECRETARY

\_\_\_\_\_  
LINDA LANGERHANS, MAYOR

\* \* \* \* \*

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

**REGULAR CITY COUNCIL MEETING  
NOVEMBER 20, 2017  
6:00 PM**

On this the 20<sup>th</sup> day of November, 2017, 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  
BOBBY WATSON - COUNCIL MEMBER

ABSENT: JERRY LUCKENBACH - COUNCIL MEMBER  
CHARLIE KIEHNE - COUNCIL MEMBER

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

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

**EMPLOYEE RECOGNITIONS** – The City Manager recognized Daryl Kott and Clinton Bailey.

**CONSENT AGENDA** – It was moved by Council Member Watson, seconded by Council Member Neffendorf, to approve the Consent Agenda as follows:

- Health Board Appointments
- Lease Extension – Former Texas Rangers Heritage Center

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

**PUBLIC HEARING Z-1710 FOR A CONDITIONAL USE PERMIT FOR A DRIVE-THRU FACILITY ASSOCIATED WITH FIRST UNITED BANK** – It was moved by Council Member Watson, seconded by Council Member Neffendorf, to recess the regular session and open the Public Hearing on Z-1710 for a Conditional Use Permit for a Drive-Thru Facility Associated with First United Bank. All voted in favor and the motion carried.

Following a brief description of the project by the developer and the architect, there were no public comments.

It was moved by Council Member Watson, seconded by Council Member Neffendorf, to adjourn the public hearing and reconvene the regular session. All voted in favor and the motion carried.

**Z-1710** - Council Member Neffendorf moved, seconded by Council Member Watson, to approve Z-1719 for a Conditional Use Permit for a Drive-Thru Facility Associated with First United Bank as recommended by Planning & Zoning. The vote was as follows: AYE: Langerhans, Watson, and Neffendorf; NAY: None. Motion carried.

**AMEND NO-SMOKING ORDINANCE (SECOND READING)** – It was moved by Council Member Neffendorf, seconded by Council Member Watson, to approve the amendment to the No-Smoking Ordinance as presented. The vote was as follows: AYE: Langerhans, Neffendorf, and Watson; NAY: None. Motion carried.

## ORDINANCE NO. 27-015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG, TEXAS, AMENDING SECTION 20-180 OF ARTICLE V. – SMOKING IN PUBLIC PLACES, OF CHAPTER 20 OF THE CODE OF ORDINANCES, BY INCLUDING THE USE OF ELECTRONIC SMOKING DEVICES IN PUBLIC AS AN ACTIVITY THAT IS PROHIBITED. (Recorded in Ordinance Book)

**SHORT TERM RENTAL ORDINANCE (FIRST READING)** – Council reviewed the Short Term Rental Ordinance; no action was taken.

**LEASE WITH TOUCHSTONE GOLF** – ACM Clinton Bailey presented information regarding the Lease with Touchstone Golf. It was moved by Council Member Watson, seconded by Mayor

Langerhans, to approve the Golf Course Net Lease Agreement with Touchstone Golf. The vote was as follows: AYE: Langerhans, Neffendorf, and Watson; NAY: None. Motion carried.

**CITY MANAGER'S REPORT** – City Manager Kent Myers reported on (1) Parks Bond Election, (2) Attainable Housing, (3) Relief Route Feasibility Study, (4) University Center Master Plan, and (5) Community Visioning Process.

**PUBLIC COMMENTS** – Mo Saiide commented on the Adopt a County Road Program, modeled after the State's Adopt a Highway Program.

**COUNCIL COMMENTS** – None.

With no further discussion, Council Member Neffendorf made a motion to adjourn the meeting at 7:30 PM. Council Member Watson seconded the motion. Motion carried.

PASSED AND APPROVED this the 15<sup>th</sup> day of January, 2018.

---

SHELLEY BRITTON, CITY SECRETARY

---

LINDA LANGERHANS, MAYOR