

CITY OF FREDERICKSBURG
MINUTES OF CITY COUNCIL REGULAR
MEETING
JANUARY 6, 2020

Members Present:

Mayor Linda Langerhans
Mayor Pro Tem Gary Neffendorf
Councilmember Charlie Kiehne
Councilmember Tom Musselman
Councilmember Bobby Watson

Members Absent:

None

City Staff Present:

Kent Myers, City Manager
Clinton Bailey, Assistant City Manager/Director of Public Works and Utilities
Daniel Jones, City Attorney
Brian Jordan, Development Services Director
Steve Wetz, Police Chief
Russell Immel, Information Technology Director
Laura Hollenbeak, Director of Finance
Andrea Schmidt, Parks Department Director
Kris Kneese, Assistant Director of Public Works and Utilities
Garrett Bonn, Assistant Engineer
Lee Stubblefield, Electric Supervisor
Shelley Goodwin, City Secretary

1. PLEDGE OF ALLEGIANCE

Mayor Langerhans led the Pledge.

2. CALL TO ORDER

With a quorum of the City Council present, Mayor Langerhans called the regular meeting of the Fredericksburg City Council to order at 6:00 p.m. on Monday, January 6, 2020, in the Law Enforcement Center, 1601 East Main Street, Fredericksburg, Texas 78624.

3. EMPLOYEE RECOGNITIONS

Kent Myers, City Manager, stated he had two recognitions:

- A praise for a job well done for all of those involved in the New Year's Eve Events.
- Thank you letter for Officer Bosse from a visitor for the assistance they received.

4. PUBLIC COMMENTS

Edward Rode spoke against Agenda Items 7. A. He stated he felt the legal requirements for notification have not been met.

Rosemary Estenson provided figures for the number of TABC licenses on Main Street and the new businesses since November.

Mickey Poole spoke against the water and sewer agreement with Boot Ranch.

Tim Lafferty provided information on the Short-Term Rental court case filed against the City of Austin.

Josh Kramer read a letter written by Hill Country Builders Association regarding the trellis at 302 N. Bowie.

Cord Switzer spoke against the Annexation process and feels the City should be using the current laws instead the previous laws (grandfathered laws). He also spoke in support of Agenda Item 8. A.

5. CONSENT

THE FOLLOWING ITEMS MAY BE ACTED UPON IN A SINGLE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THESE ITEMS WILL BE HELD UNLESS PULLED AT THE REQUEST OF A MEMBER OF CITY COUNCIL.

A. Consider approval of the December 16, 2019, City Council Regular Meeting Minutes.

B. Consider the approval of street closure of W. Austin Street between N. Adams and N. Crockett Street between the hours of 12 p.m. and 7:15 p.m. on March 19, 2020 for the City Hall Open House and Touch-A-Truck.

Motion: A motion was made by Councilmember Musselman seconded by Councilmember Kiehne, to approve the Consent Agenda Items 6.A.-B, with amendments to 6. A. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

6. PUBLIC HEARING

A. Hold a public hearing to receive comments for or against the Property Assessed Clean Energy ("PACE) Program".

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Neffendorf, to go into the Public Hearing at 6:17 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

John Clamp, Alamo Area Council of Government, provided the history of the creation of the program to create low-interest financing for local economic development projects that create energy savings. He stated there is zero expense to the City.

John Rodriguez thanked the City Council for bringing the PACE Program to Fredericksburg.

Mathew Pipkin stated he supported the PACE Program.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to go out of the Public Hearing and back into the regular session at 6: 25 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

B. Hold a public hearing to receive comments for or against the voluntary annexation of 13.395 acres proposed as Stone Ridge Unit 10 located near the intersection of Lower Crabapple Road and Ellebracht Drive (1st of two public hearings).

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Neffendorf, to go into the Public Hearing at 6:26 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

Alan Lindskog, engineer representing Mr. Ellebracht, stated he is available to answer any questions.

Kent Myers, City Manager, stated the owners of Stone Ridge donated the future site for the water tank and it has been secured.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to go out of the Public Hearing and back into the regular session at 6: 29 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

7. ORDINANCE

A. Annexation of 91.43 acres of land situated in Gillespie County, Texas along the south side of W. Live Oak and extending from east of Post Oak Road

- i. Consider the approval of Annexation Agreement with CSE Commercial Real Estate, LP for the Live Oak/Post Oak Plan for Development.**
- ii. Consider the approval of the Ordinance 2020-01 annexing approximately 91.43 acres of land, located along the Southside of W. Live Oak Street extending from east of Post Oak Road to west of Smokehouse Road, Gillespie County, extending the corporate limits of the City so as to include said territory granting to all inhabitants and future inhabitants of said territory; all of the rights and privileges of other citizens of the City; binding the inhabitants and future inhabitants of said territory by any and all acts, Ordinances, Resolutions and regulations of said City ; and adopting an Annexation Service Plan for the extension of Municipal Services into said territory and the construction and maintenance of public utilities related to such annexation.(1st of two readings; City Council may waive second reading)**
- iii. Consider the approval of the Ordinance 2020-02 adopting a change in the Comprehensive Plan of the City; specifically in the Land Use Map and Comprehensive Plan as to tracts located along the South Side of W. Live Oak Street extending from east of Post Oak Road to west of Smokehouse Road; changing said property to commercial, public, and high density residential; providing that the change become a part of the Comprehensive Plan and providing for an effective date (1st of two readings; City Council may waive second reading).**
- iv. Consider the approval of the Ordinance 2020-03 amending the Zoning Ordinance of the City and establishing the Zoning District as to tracts located along the south side of W. Live Oak Street, extending from east of Post Oak Road to west of Smokehouse Road, upon annexation into the City; establishing Residential, Public Facilities, and Commercial Zoning for said property upon annexation; and providing for an effective date (first of two readings; City Council may waive second reading).**

Kent Myers, City Manager, stated Mr. Rode inquired to public hearing posting requirements and currently Staff is looking into his claims. He recommended not to take action on W. Live Oak Street items and bring back the items at the Regular Meeting scheduled for January 21, 2020.

The City Council agreed by consensus not to take action on the W. Live Oak Street items and to bring them back at the January 21, 2020 Regular Meeting.

8. OTHER ACTION ITEMS AND UPDATES

A. Consider the approval of the proposed Performance Agreement and associated financial security in amount of \$132,000.00 in the form of a performance bond for required public subdivision improvements (Oaks of Windcrest Unit 5).

Garrett Bonn, Assistant Engineer, reviewed Section 5.05 of the Subdivision Ordinance which allows an option for developers to pursue the approval and recordation of the final plat for a subdivision prior to the completion of the public improvements required in connection with the approval of the subdivision plat by executing a Performance Agreement and providing an associated security in the amount of 110% of the cost to construct and complete the remaining public improvements, which includes water, wastewater, storm water and street infrastructure.

Jacob Grant, President 10-8 Properties, LLC., stated he is available to answer any questions.

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Kiehne, for approval of the proposed Performance Agreement and associated financial security in amount of \$132,000.00 in the form of a performance bond for required public subdivision improvements (Oaks of Windcrest Unit 5). The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

B. Consider the awarding the construction contract for the new Electric Department Building to Kendnel Kasper Construction in the amount of \$2,115,284.00.

Kris Kneese, Assistant Director of Public Works and Utilities, provided the history of the project. He also stated Steve Thomas, SKT Architects, developed the Electric Department Building Project bid documents which advertised for four (4) weeks starting October 30th. The City received eight bids and recommends approving Kendnel Kasper, which included two deductive bid alternates. Staff recommends Option 2 with base bid of 2,163,261.00 and a deduction of the split face block on exterior wall (\$47,977.00), which would equal \$2,115,284.00.

Motion: A motion was made by Councilmember Kiehne, seconded by Councilmember Musselman, for awarding the construction contract for the new Electric Department Building to Kendnel Kasper Construction in the amount of \$2,115,284.00 for Option 2. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

C. Consider the award of financing for the lease purchase of a Fire Pumper for the Fire Department to Signature Public Funding Corp.

Laura Hollenbeak, Director of Finance, stated the FY2020 Budget approved the funding for lease purchase payments for the acquisition of a Fire Pumper for the Fire Department. She also stated the City went out for bids for financing \$811,900.31. Staff recommended awarding the lease purchase financing for acquisitions of the Fire Pumper to Signature Public Funding Corp at an interest rate of 2.19%.

Motion: A motion was made by Councilmember Neffendorf, seconded by Councilmember Watson, for approval of award of financing for the lease purchase of a Fire Pumper for the Fire Department to Signature Public Funding Corp. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

D. Mo Saiidi's Citizen Request to make a presentation and discuss the City and Boot Ranch Development Water Agreement (10 minutes).

Mo Saiidi provided a PowerPoint presentation on the City & Boot Ranch Development Water Agreement. He provided his research, opinion on issues and concerns. He also provided his suggestions and recommendations.

Councilmember Neffendorf inquired to whether he should abstain from Boot Ranch items since he signed the original Agreement when he was the City Manager.

Daniel Jones, City Attorney, stated he does not need to abstain from Boot Ranch items.

Councilmember Watson stated he owns property in Boot Ranch.

Daniel Jones, City Attorney, stated there is no issue with listening to the presentation.

The City Council discussed the information provided in the presentation.

Alan Brecher spoke in support of Mo Saiidi's presentation and encouraged the City Council to do what is best for the City.

8. CITY MANAGER'S REPORT

A. January 14 Relief Route Open House

Kent Myers, City Manager, stated the Relief Route Open House will be held on January 14th at Farm Bureau from 2p.m.-7p.m.

B. January 16 City Council Work Session

Kent Myers, City Manager, stated the City Council Workshop will be held on January 16th at Golf Course in the Cardinal Room at 8:30a.m. He reviewed the agenda items.

The City Council asked that the City Council Rules and Procedures Policy and the public comment period be included on the Work Session Agenda.

C. January 28 Traffic Impact Study Open House

Kent Myers, City Manager, stated the Traffic Impact Study Open House will be held on January 28th at Law Enforcement Center from 5p.m.-8p.m. He stated with the possibility of high attendance the Open House was moved from City Hall to the Law Enforcement Center.

9. ITEMS FOR FUTURE AGENDA

Kent Myers, City Manager, reviewed the upcoming agenda items.

10. COUNCIL COMMENTS

Councilmember Kiehne thanked everyone involved in making the New Year's Eve Ball Drop a successful event.

11. EXECUTIVE SESSION

The City Council will recess its open meeting and reconvene in Executive Session pursuant to Texas Government Code Section 551.071, 551.074, and 551.087

A. Consider and discuss economic development agreement related to the construction and operation of a Hotel and Conference Center in the City; and to receive legal advice concerning said economic development agreement (Section 551.087 and Section 551.071),

B. Consider and discuss legal advice regarding the Water and Sewer Construction Contract entered into between the City and Boot Ranch Development (Section 551.071), and

C. Consider and discuss the annual evaluation of the City Manager and City Attorney (Section 551.074 – Personnel Matters).

Motion: A motion was made by Councilmember Musselman, seconded by Councilmember Watson, to go out of Regular Session into Executive Session at 7:32 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

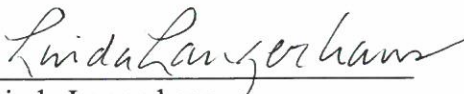
Motion: A motion was made by Councilmember Neffendorf, seconded by Councilmember Watson, to go out of Executive Session into Regular Session at 10:21 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

12. BUSINESS ITEM

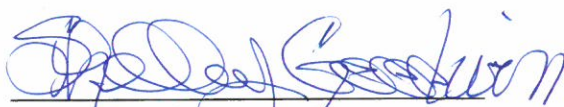
Motion: A motion was made by Councilmember Neffendorf, seconded by Councilmember Watson, to approve a 4% salary increase for Kent Myers, City Manager and an annual salary of \$107,000 for Daniel Jones, City Attorney for the FY2020. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.

13. ADJOURN

Motion: A motion was made by Councilmember Watson, seconded by Councilmember Kiehne, to adjourn the Monday, January 6, 2020, City Council Regular Meeting at 10:23 p.m. The City Council voted five (5) for and none (0) opposed. The motion carried unanimously.


Linda Langerhans
Mayor

ATTEST


Shelley Goodwin, TRMC
City Secretary