

City of Fredericksburg

SPECIAL CITY COUNCIL MEETING AGENDA TUESDAY, MAY 14, 2019 ~ 5:00 P.M. CITY HALL CONFERENCE ROOM ~ 126 W. MAIN STREET

Linda Langerhans, Mayor
Jerry Luckenbach, Councilmember
Tom Musselman, Councilmember

Gary Neffendorf, Councilmember
Charlie Kiehne, Councilmember
Kent Myers, City Manager

The City of Fredericksburg City Council will meet in a special session on Tuesday, May 14, 2019 at 5:00 p.m. in the City Hall Conference Room, 126 W. Main Street, Fredericksburg, Texas. This is an open meeting, open to the public, subject to the Open Meetings Law of the State of Texas, and as required by law, notice is hereby posted on May 10, 2019 before 5:00 p.m., providing time, place, date and agenda thereof. The meeting facility is wheelchair accessible and accessible parking spaces are provided. Requests for accommodations or interpretative services must be made to the City Secretary 48 hours prior to this meeting.

(Please turn off all pagers and phones, except emergency on-call personnel.)

1. Call to Order
2. Canvass the May 4, 2019 General Election and Special Election.
3. Consideration and approval of Resolution 2019-04R canvassing the returns and declaring the results of a Bond Election; and other matters in connection therewith.
(Agenda Packet Pages 2-7)
4. Consider approval of Resolution 2019-05R declaring the results of the General Election of the City of Fredericksburg, held May 4, 2019, for the purpose of electing two Councilmembers.
(Agenda Packet Page 8-10)
 - i. Issue the Certificate of Election and Administer Oath of Office to Bobby Watson.
(Agenda Packet Pages 11-13)
 - ii. Issue the Certificate of Election and Administer the Oath of Office to Gary R. Neffendorf.
(Agenda Packet Pages 14-16)
5. Adjourn

This is to certify that I, Shelley Goodwin, posted this Agenda at 9:45 a.m. on May 10, 2019 at the entrance and bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.

Shelley Goodwin, TRMC
City Secretary

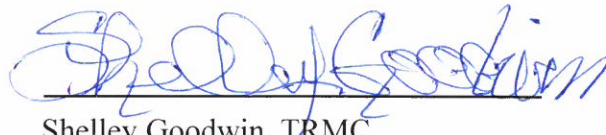
**ADDENDUM TO AGENDA
OF
CITY COUNCIL SPECIAL MEETING
TUESDAY, MAY 14, 2019 ~ 5:00 P.M.
CITY HALL CONFERENCE ROOM 2019 ~ 126 W. MAIN STREET**

Notice is hereby given of a Special Meeting of the Fredericksburg City Council, to be held on Tuesday, May 14, 2019 at 5:00 p.m. in the City Hall Conference Room, 126 West Main Street, Fredericksburg, Texas.

The following item is hereby added to the previously posted agenda for the City Council Special Meeting on Tuesday, May 14, 2019:

5. Consider and discuss approval of Resolution 2019-06R to direct the City Manager to an prepare annexation service plan for each area identified for potential future annexation by the City.
6. Adjourn (previously numbered as 5.)

This is to certify that I, Shelley Goodwin, posted this Addendum to Agenda at 11:55 a.m. on May 10, 2019 on the entrance door and bulletin board of the City of Fredericksburg City Hall, 126 W. Main St., Fredericksburg, Texas.


Shelley Goodwin, TRMC
City Secretary

RESOLUTION NO. 2019-04-R

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

WHEREAS, on February 4, 2019, the City Council (the *Council*) of the City of Fredericksburg, Texas (the *City*) ordered an election to be held on May 4, 2019 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 \$6,100,000 for the purpose of making permanent public improvements or other public purposes, to wit: designing, acquiring, constructing, renovating, improving, and equipping City park, recreation (including sports and athletics), and open space improvements, making park, recreation, and open space additions, acquiring lands and rights-of-way necessary thereto, and completing related landscaping, 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 \$6,100,000 OF CITY OF FREDERICKSBURG, TEXAS GENERAL OBLIGATION BONDS FOR PARK, RECREATION, AND OPEN SPACE IMPROVEMENTS, AND THE LEVYING OF A TAX IN PAYMENT THEREOF”

	<u>For</u>	<u>Against</u>
Early Votes	320	399
Election Day Votes	216	172
TOTAL	536	571

NOW, THEREFORE, BE IT RESOLVED 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 \$6,100,000 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.

* * *

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
FREDERICKSBURG, TEXAS, ON THIS THE _____ DAY OF MAY, 2019.**

CITY OF FREDERICKSBURG, TEXAS

Linda Langerhans
Mayor

ATTEST:

Shelley Goodwin, TRMC
City Secretary

(SEAL)

EXHIBIT A

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

* * * *

EXHIBIT B

I MOVE TO ADOPT A RESOLUTION CANVASSING THE RETURNS AND
DECLARING THE RESULTS OF A BOND ELECTION

★ ★ ★ ★

RESOLUTION NO. 2019-05R

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FREDERICKSBURG, TEXAS, DECLARING THE RESULTS OF THE
GENERAL ELECTION OF THE CITY OF FREDERICKSBURG, HELD MAY
4, 2019, FOR THE PURPOSE OF ELECTING TWO CITY
COUNCILMEMBERS.**

WHEREAS, it is hereby found and determined that notice of the election was duly given in the form, manner and time required by law, and said election was in all respects legally held and conducted in accordance with applicable laws of the State of Texas and the proceedings calling and governing the holding of such election; and,

WHEREAS, it is imperative to consider the returns of the election held on May 4, 2019, for the purpose of electing the hereinafter named officials; and,

WHEREAS, the returns of said election have been duly and legally made and submitted to the City Council for canvassing, and a tabulation of the returns for the polling place and for early voting, as canvassed and tabulated by this governing body as follows:

	EARLY VOTES CAST	ELECTION DAY VOTES CAST	TOTAL VOTES CAST
Bobby Watson	441	224	665
Gary R. Neffendorf	470	252	722

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
FREDERICKSBURG, TEXAS, THAT:**

SECTION 1. Said election was duly called, that notice of said election was given in accordance with law, that said election was held in accordance with law, and that Bobby Watson and Gary R. Neffendorf were duly elected Councilmembers, subject to the taking of the Oath of Offices as provided by the laws of the State of Texas.

SECTION 2. It is further found and determined that in accordance with the order of this governing body, the City Secretary posted written notice of the date, place and subject of this meeting on the bulletin board located at City Hall, a place convenient and readily accessible to the general public.

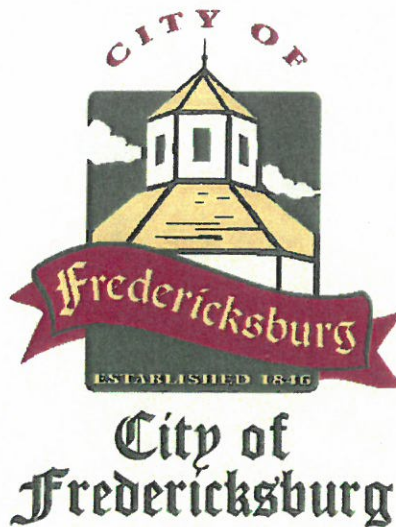
SECTION 3. This resolution shall become effective immediately from and after its passage.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FREDERICKSBURG,
TEXAS, ON THIS THE ____ DAY OF MAY, 2019.**

Linda Langerhans
Mayor

ATTEST

Shelley Goodwin, TRMC
City Secretary



In the name and by the authority of

The State of Texas

THIS IS TO CERTIFY, that at a General Election held on

4th day of May, 2019

BOBBY WATSON

was duly elected

COUNCILMEMBER

In testimony whereof, I have hereunto signed my name and affixed at the City
of Fredericksburg this the 14th day of May, 2019.

Linda Langerhans
Mayor

In the name and by the authority of

The State of Texas

OATH OF OFFICE

I, Bobby Watson, do solemnly swear, that I will faithfully execute the duties of the office of Councilmember of the City of Fredericksburg, State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

Affiant

SWORN TO and subscribed before me by affiant on this 14th day of May, 2019.

(Seal)

Signature of Person Administering Oath

Shelley Goodwin
Printed Name

Notary Public
Title

Statement of Officer

I, Bobby Watson, due solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

Bobby Watson
City of Fredericksburg City Councilmember

Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated therein are true.

Signature of Officer

Date



In the name and by the authority of

The State of Texas

THIS IS TO CERTIFY, that at a General Election held on

4th day of May, 2019

GARY R. NEFFENDORF

was duly elected

COUNCILMEMBER

In testimony whereof, I have hereunto signed my name and affixed at the City
of Fredericksburg this the 14th day of May, 2019.

Linda Langerhans
Mayor

In the name and by the authority of

The State of Texas

OATH OF OFFICE

I, Gary R. Neffendorf, do solemnly swear, that I will faithfully execute the duties of the office of Councilmember of the City of Fredericksburg, State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

Affiant

SWORN TO and subscribed before me by affiant on this 14th day of May, 2019.

(Seal)

Signature of Person Administering Oath

Shelley Goodwin
Printed Name

Notary Public
Title

Statement of Officer

I, Gary R. Neffendorf, due solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

Gary R. Neffendorf
City of Fredericksburg City Councilmember

Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated therein are true.

Signature of Officer

Date