

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

**REGULAR CITY COUNCIL MEETING  
MAY 2, 2011  
7:00 PM**

On this the 2<sup>nd</sup> day of May, 2011, 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:

TOM MUSSELMAN - MAYOR  
TIM DOOLEY- COUNCIL MEMBER  
KEVIN MAC WITHEY - COUNCIL MEMBER  
GRAHAM PEARSON - COUNCIL MEMBER  
BJORN KIRCHDORFER - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: GARY NEFFENDORF - CITY MANAGER  
PAT McGOWAN - CITY ATTORNEY  
PAUL OESTREICH - CHIEF OF POLICE  
CRAIG WALLENDORF - D.P.W.U.  
JIMMY ALEXANDER - DIR. PARKS & REC  
BRAD KOTT - DIR OF FINANCE

The meeting was called to order at 7:00 PM following the Pledge of Allegiance.

**PRESENTATION FROM LCRA REGARDING OFFER TO PURCHASE LAND** - LCRA representatives Allan Kunze, Barbara Hoffmann, Fred Crawford and Randall Kopfer were on hand to present the proposal of a possible land sale to LCRA for a substation along Holmig Lane. A group of citizens from the area were present to express concerns which included lower property values, and an increase in electric fields. Those addressing council were Greg Ahrendt, Diane Eckhardt, Ken Derwin, Ron Moerbe, and Todd Kneese.

**PRESENTATION FROM ART RE: TROLLEY SERVICES** - Alamo Regional Transit (ART) representatives Ben Herr and Gary Washington reported that ART's weekend trolley service would be discontinued due to low numbers of riders and service would resume only during peak times such as Spring Break, Oktoberfest, and the holiday season.

**FUNDING OF EMERGENCY REPAIR/REPLACEMENT OF PAVERS IN THE HISTORY WALK AREA OF MARKTPLATZ** - It was moved by Council Member Pearson, seconded by Council Member MacWithey, to approve funds for repair/replacement of pavers in the History Walk of Marktplatz, along with \$1000 to advertise for paver sales. The vote was as follows: AYE: Musselman, Pearson, MacWithey, Kirchdorfer, and Dooley. Motion carried.

**AUDITOR'S REPORT FOR THE YEAR ENDED SEPTEMBER 30, 2010** - It was moved by Council Member Dooley, seconded by Council Member Kirchdorfer, to accept the Independent Auditor's Report "clean" rating related to City Financial Statements for the year ended September 30, 2010 as presented by Auditor Pat Klein and COF Director of Finance Brad Kott. The vote was as follows: AYE: Musselman, MacWithey, Pearson, Dooley, and Kirchdorfer. Motion carried.

**SALE OF LAND TO LCRA** - Council Member Pearson moved, seconded by Council Member Dooley, to table the consideration of a sale of land to LCRA until May 16. The vote was as follows: AYE: Musselman, Pearson, Kirchdorfer, MacWithey, and Dooley. Motion carried.

**PUBLIC COMMENT** - Bobby Sagebiel reported on a Military Blood Drive May 24-26 at the Post Office, 10am - 7pm; Penny Reeh gave information re: Candidate's Forum May 3<sup>rd</sup>, 6 pm at Hill Country University Center; Zepher Stone asked that Town Pool not be closed; Tommy Segner addressed possible associated costs with the pool proposal; Rosa Ortega said she didn't want the pool at the park but wanted a "normal" Town Pool; Scott Jones reported on a public debate on the pool hosted by the Tea Party and posed several questions including, "who painted the stripes at Washington and Austin Sts.?"

**COUNCIL COMMENT** - Mayor Musselman commented on street striping.

**EXECUTIVE SESSION** - At 9:15 PM, Council Member MacWithey made a motion to recess the regular session and go into Executive Session. Council Member Kirchdorfer seconded, and the motion carried. At 10:00 PM, Council Member Pearson made a motion to adjourn the Executive Session and reconvene the regular session. Council Member Dooley seconded and the motion carried.

At 10:02, it was moved by Council Member Dooley, seconded by Council Member Kirchdorfer, to go back in to Executive Session; motion carried. At 10:35 PM, Council Member Pearson made a motion to adjourn the Executive Session and reconvene the regular session. Council Member Dooley seconded and the motion carried.

Following Executive Session:

**REAL ESTATE - SALE OF LAND TO LCRA** - No action taken.

**POTENTIAL LITIGATION - CONSULTATION WITH ATTORNEY RE: WASTE-WATER TREATMENT PLANT PERMIT/OPERATIONS, ATTORNEY/CLIENT PRIVILEGE** - No action taken.

With no further discussion, Council Member Pearson made a motion to adjourn the meeting at 10:36 PM. Council Member Kirchdorfer seconded the motion. Motion carried.

PASSED AND APPROVED this the 15<sup>th</sup> day of August, 2011.

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

TOM M

\* \* \* \* \*

STATE OF TEXAS  
COUNTY OF GILLESPIE  
CITY OF FREDERICKSBURG

REGULAR CITY COUNCIL MEETING  
MAY 16, 2011  
7:00 PM

On this the 16<sup>th</sup> day of May, 2011, City Council of the CITY OF FREDERICKSBURG convened in special session at the Law Enforcement Center, with the following members present to constitute a quorum:

TOM MUSSELMAN - MAYOR  
KEVIN MACWITHEY- COUNCIL MEMBER  
TIM DOOLEY - COUNCIL MEMBER  
GRAHAM PEARSON - COUNCIL MEMBER  
BJORN KIRCHDORFER - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: GARY NEFFENDORF - CITY MANAGER  
PAT MCGOWAN - CITY ATTORNEY  
CRAIG WALLENDORF - D.P.W.U.

The meeting was called to order at 7:00 p.m. following the Pledge of Allegiance.

**SET SPECIAL MEETING DATES** - May 23<sup>rd</sup> at 8a.m. was set for a special meeting to consider electric matters.

**SALE OF LAND TO LCRA** - Council Member Pearson moved, seconded by Council Member Dooley, to un-table from the previous meeting the consideration of a sale of land to LCRA. The vote was as follows: AYE: Musselman, Pearson, Kirchdorfer, MacWithey, and Dooley. Motion carried.

Patrick Lindner asked council to table the item again, on behalf of his clients. No motion was made.

After the discussion, it was moved by Council Member Kirchdorfer, seconded by Council Member Dooley, to authorize the sale of land to LCRA for \$505,000 plus enhancement details, with the understanding that if LCRA moves to another substation site, the City can buy the property back for \$505,000. The vote was as follows: AYE: Musselman, Kirchdorfer, MacWithey, and Dooley. NAY: Pearson. Motion carried.

**PUBLIC COMMENT** - Jean Moellering asked questions regarding canvassing election results.

**COUNCIL COMMENT** - The mayor congratulated Scott Jones and Tommy Segner on receiving the highest number of votes in the May 14 election, thanked Kevin MacWithey and Bjorn Kirchdorfer for their service, and thanked all citizens who voted. Bjorn Kirchdorfer thanked council for the opportunity to serve and thanked city staff. Mayor Musselman reported that the city received a petition for recount from Jim McAfee. Graham Pearson elaborated on his vote regarding LCRA stating that he promised Bob White residents that he would vote "no".

**EXECUTIVE SESSION** - At 7:45 PM, Council Member Dooley made a motion to recess the regular session and go into Executive Session. Council Member Kirchdorfer seconded the motion, and the motion carried. At 8:32 PM, Council Member Dooley made a motion to adjourn the Executive Session and reconvene the regular session, Council Member Pearson seconded and the motion carried.

**REAL ESTATE** - Sale of Land.

**POTENTIAL LITIGATION** - Consultation with Attorney concerning wastewater treatment plant permit/operations, attorney/client privilege.

With no further discussion, Council Member Dooley made a motion to adjourn the meeting at 8:32 PM. Council Member Kirchdorfer seconded the motion. Motion carried.

PASSED AND APPROVED this the 15<sup>th</sup> day of August, 2011.

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

TOM M

\* \* \* \* \*  
**STATE OF TEXAS** **SPECIAL CITY COUNCIL MEETING**  
**COUNTY OF GILLESPIE** **MAY 17, 2011**  
**CITY OF FREDERICKSBURG** **8:30 AM**

On this the 17<sup>th</sup> day of May, 2011, the City Council of the CITY OF FREDERICKSBURG convened in special session at City Hall, with the following members present to constitute a quorum:

TOM MUSSELMAN - MAYOR  
KEVIN MACWITHEY- COUNCIL MEMBER  
TIM DOOLEY - COUNCIL MEMBER  
BJORN KIRCHDORFER - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: GARY NEFFENDORF - CITY MANAGER  
SHELLEY BRITTON - CITY SECRETARY

The meeting was called to order at 8:30 AM.

**CANVASS AND APPROVE MAY 14, 2011 ELECTION RESULTS** - A motion was made by Council Member Dooley, seconded by Council Member Kirchdorfer, to adopt the following Order Declaring the Result of the Regular City Election:

**ORDER DECLARING RESULT OF REGULAR CITY ELECTION**

On this the 17<sup>th</sup> day of May, 2011, the City Council in special session open to the public at City Hall, 126 W. Main St., with the following members present, to wit:

Tom Musselman  
Kevin Mac Withey  
Graham Pearson  
Tim Dooley

Bjorn Kirchdorfer

with no one being absent, constituting a quorum, and among other proceedings, passed the following order and resolution:

AYES: Unanimous

The Resolution follows:

There came to be considered the returns of a regular City Election held on the 14<sup>th</sup> day of May, 2011, for the purpose of an election to vote for two (2) Council Members for said City, as set forth in the Order calling said election, along with a Proposition on the issuance of bonds in an amount not to exceed \$3,200,000 for swimming pool and related improvements, and it appearing that said election was in all respects legally held and that said returns were duly and legally made.

IT IS THEREFORE FOUND, DECLARED, AND SO ORDERED AND RESOLVED by the City Council of the City of Fredericksburg, Texas, that the legally qualified voters at said election above mentioned held on the 14<sup>th</sup> day of May, 2011 cast at said election the following votes:

**COUNCIL MEMBER**

MacWithey - 593

Segner - 867

McAfee - 599

Jones - 623

**PROPOSITION**

FOR - 366

AGAINST - 1140

Total votes cast: 1522

as shown in the official election returns submitted to the City Council of the City of Fredericksburg, Texas, on May 14<sup>th</sup>, 2011 by the officers holding said election:

IT IS FURTHER FOUND AND DETERMINED that in accordance with the order of this governing body, the City Secretary posted notice of the date, place, and subject of this meeting on

the bulletin board located at the City Hall, a place convenient to the public, said notice having so posted and remaining posted continuously for at least 72 hours preceding the time on this meeting.

The Order passed unanimously.

PASSED AND APPROVED this the 17<sup>th</sup> of May, 2011.

/s/ Tom Musselman, Mayor

City Secretary

ATTEST: /s/ Shelley Britton,

It was then noted by Mayor Musselman that the city had received a Recount Request from candidate James McAfee.

With no further business, it was moved by Council Member Pearson, seconded by Council Member Dooley, to adjourn the meeting at 8:53 AM. All voted in favor and the motion carried.

PASSED AND APPROVED this the 15<sup>th</sup> day of August, 2011.

---

SHELLEY BRITTON, CITY SECRETARY

\* \* \* \* \*

---

TOM MUSSELMAN, MAYOR

\* \* \* \* \*

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

**SPECIAL CITY COUNCIL MEETING  
MAY 23, 2011  
8:00 AM**

MEETING CANCELED MAY 20, 2011, 4PM

\* \* \* \* \*

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

**SPECIAL CITY COUNCIL MEETING  
MAY 25, 2011  
7:00 PM**

On this the 25<sup>th</sup> day of May, 2011, the City Council of the CITY OF FREDERICKSBURG convened in special session at the Law Enforcement Center, with the following members present to constitute a quorum:

TOM MUSSELMAN - MAYOR  
TIM DOOLEY - COUNCIL MEMBER  
GRAHAM PEARSON - COUNCIL MEMBER  
BJORN KIRCHDORFER - COUNCIL MEMBER

ABSENT: KEVIN MACWITHEY- COUNCIL MEMBER

ALSO PRESENT: GARY NEFFENDORF - CITY MANAGER  
PAT McGOWAN - CITY ATTORNEY

The meeting was called to order at 7:00 PM.

**CANVASS AND APPROVE RECOUNT OF MAY 14, 2011 ELECTION RESULTS** - A motion was made by Council Member Kirchdorfer, seconded by Council Member Pearson, to adopt

the following Order Declaring the Result of the Regular City Election as performed by a Recount Committee on May 23, 2011:

### ORDER DECLARING RESULT OF RECOUNT OF REGULAR CITY ELECTION

On this the 25<sup>th</sup> day of May, 2011, the City Council in special session open to the public at the Law Enforcement Center, 1601 E. Main St., with the following members present, to wit:

Tom Musselman  
Graham Pearson  
Tim Dooley  
Bjorn Kirchdorfer

with Kevin MacWithey being absent, constituting a quorum, and among other proceedings, passed the following order and resolution:

AYES: Unanimous

The Resolution follows:

There came to be considered the recount returns as performed by a Recount Committee on May 23, 2011 of a regular City Election held on the 14<sup>th</sup> day of May, 2011, for the portion of the election to vote for two (2) Council Members for said City, as set forth in the Order calling said election it appearing that said election was in all respected legally held and that said returns were duly and legally made.

IT IS THEREFORE FOUND, DECLARED, AND SO ORDERED AND RESOLVED by the City Council of the City of Fredericksburg, Texas, that the legally qualified voters at said election above mentioned held on the 14<sup>th</sup> day of May, 2011 cast at said election the following votes:

#### **COUNCIL MEMBER**

MacWithey - 596  
Segner - 868  
McAfee - 599  
Jones - 623

Total votes cast: 1522

as shown in the official recount election returns submitted to the City Council of the City of Fredericksburg, Texas, on May 25<sup>th</sup>, 2011 by the officers holding said election:

IT IS FURTHER FOUND AND DETERMINED that in accordance with the order of this governing body, the City Secretary posted notice of the date, place, and subject of this meeting on the bulletin board located at the City Hall, a place convenient to the public, said notice having so posted and remaining posted continuously for at least 72 hours preceding the time on this meeting.

The Order passed unanimously.

PASSED AND APPROVED this the 25<sup>th</sup> of May, 2011.

/s/ Tom Musselman, Mayor ATTEST: /s/ Gary Neffendorf, City  
Manager

d by Council Member Pearson, seconded by Council Member Kirchdorfer, to adjourn the meeting at 7:02 PM. All voted in favor and the motion carried.

15<sup>th</sup> day of August, 2011.

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

\_\_\_\_\_  
TOM MUSSELMAN, MAYOR

\* \* \* \* \*

(Swearing in 7:15 PM)

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

**SPECIAL CITY COUNCIL MEETING  
MAY 25, 2011  
7:15 PM**

On this the 25<sup>th</sup> day of May, 2011, the City Council of the CITY OF FREDERICKSBURG convened in special session at the Law Enforcement Center, with the following members present to constitute a quorum:

TOM MUSSELMAN - MAYOR  
TIM DOOLEY - COUNCIL MEMBER  
GRAHAM PEARSON - COUNCIL MEMBER  
TOMMY SEGNER - COUNCIL MEMBER  
SCOTT JONES - COUNCIL MEMBER

ABSENT: NONE

ALSO PRESENT: GARY NEFFENDORF - CITY MANAGER  
PAT McGOWAN - CITY ATTORNEY  
PAUL OESTREICH - CHIEF OF POLICE  
CRAIG WALLENDORF - D.P.W.U.  
JIMMY ALEXANDER - DIR. PARKS & REC  
BRAD KOTT - DIR OF FINANCE

The meeting was called to order at 7:00 PM

**PROVIDING SHUTTLE TO/FROM PARK POOL FOR SUMMER 2011** - Director of Parks and Recreation Jimmy Alexander presented Council with various options for providing a shuttle service to/from the park pool for the summer 2011 season. It was moved by Council Member Segner, seconded by Council Member Jones, to not provide the shuttle service. The vote was as follows: AYE: Musselman, Pearson, Dooley, Segner, and Jones. NAY: None. Motion carried.

**SESSION** - At 7:42 PM, Council Member Dooley made a motion to recess the regular session and go into Executive Session. Council Member Pearson seconded the motion, and the motion carried. At 8:05 PM, Council Member Dooley made a motion to adjourn the Executive Session and reconvene the regular session, Council Member Segner seconded and the motion carried.

Executive Session:

**PASSED RATE PARTIAL REQUIREMENTS AGREEMENT** - It was moved by Council Member Pearson, seconded by Council Member Dooley, to approve an agreement (Market Based Rate Partial Requirements Agreement) with AEP (American Electric Power) to purchase 10 percent of the city's electrical supply, and to authorize the city manager to sign and correct typos in the contract. The vote was as follows: AYE: Musselman, Dooley, Pearson; ABSTAIN: Segner and Jones. Motion carried.

After business, it was moved by Council Member Pearson, seconded by Council Member Dooley, to adjourn the meeting at 8:09 PM. All voted in favor and the motion carried.

PASSED AND APPROVED this the 15<sup>th</sup> day of August, 2011.

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

\_\_\_\_\_  
TOM MUSSELMAN, MAYOR