

**MINUTES OF THE SPECIAL MEETING
CITY OF COTTONWOOD SHORES**

THURSDAY -SEPTEMBER 25, 1997

1. MAYOR DALE PICKENS CALLED THE SPECIAL MEETING TO ORDER AND A ROLL CALL WAS CONDUCTED: COMMISSIONER FRANK PFEIFER AND COMMISSIONER PAUL HANCOCK WERE BOTH PRESENT. TIME: 4:20 P.M.

2. ITEM 4 ON THE POSTED AGENDA WAS FIRST AS BRAD SHAW WAS PRESENT AND TO BE PART OF THIS DISCUSSION. AFTER LENGTHY ADDRESS TO THE SUBJECT OF EXTENDED INTAKE PIPE, THE MAYOR RECOMMENDED A MOTION BE FORTHCOMING. COMMISSIONER PFEIFER THEN MOVED TO SEND A LETTER TO TNRCC ACCEPTING THE PROPOSAL. COMMISSIONER HANCOCK SECONDED THE MOTION AND IT PASSED ON A MAJORITY VOTE.

AFTER A BRIEF BREAK THE MAYOR RECONVENED THE MEETING AT 5:34 P.M.

3. ITEM 2 OF THE AGENDA WAS NEXT AND THE COUNCIL DISCUSSED THE REVISION OF THE BUILDING ORDINANCE. PRIMARY CHANGES INCLUDE A LIMIT ON THE AGE AND CONDITION OF MOBILE HOME PERMITTED INTO THE CITY AND THE ADOPTION OF THE SOUTHERN BUILDING CODE. COMMISSIONER PFEIFER MOVED TO ACCEPT THE ORDINANCE AS PROPOSED. COMMISSIONER HANCOCK SECONDED THE MOTION WHICH PASSED ON MAJORITY VOTE.

4. ITEM 3 CONCERNED CALLING A SPECIAL ELECTION TO ADOPT A 1% SALES TAX WITHIN THE CITY OF COTTONWOOD SHORES. COMMISSIONER PFEIFER MOVED TO APPROVE ORDINANCE 092597-B. SECONDED BY COMMISSIONER HANCOCK, THE MOTION PASSED ON MAJORITY VOTE.

5. THERE BEING NO OTHER ITEM ON THE AGENDA, THE MAYOR ADJOURNED THIS MEETING AT 6:25 P.M.



DALE PICKENS, MAYOR

ATTEST

BY



SUE PORTER, CITY SECRETARY



ORDER OF
SPECIAL
ELECTION

TO THE REGISTERED VOTERS OF THE CITY OF COTTONWOOD SHORES, TEXAS:

AN ELECTION IS HEREBY ORDERED TO BE HELD ON NOVEMBER 4, 1997 FOR THE PURPOSE OF AND IN ACCORDANCE WITH ORDINANCE NO. 092597-B, CALLING FOR AN ELECTION TO ADOPT A 1% SALES TAX WITHIN THE CITY OF COTTONWOOD SHORES, SAID ORDINANCE HAVING BEEN PASSED AT A SPECIAL MEETING HELD SEPTEMBER 25, 1997 BY A MAJORITY VOTE OF THE COMMISSIONERS.

LOCATION OF POLLING PLACE:
CIVIC CENTER
4111 COTTONWOOD DRIVE
COTTONWOOD SHORES, TEXAS

EARLY VOTING BY PERSONAL APPEARANCE WILL BE CONDUCTED EACH WEEKDAY AT THE CITY HALL, 3915 COTTONWOOD DRIVE, COTTONWOOD SHORES, TEXAS BETWEEN THE HOURS OF 9:00 A.M. AND 5:00 P.M. BEGINNING ON OCTOBER 20, 1997 AND ENDING ON OCTOBER 31, 1997.

APPLICATIONS FOR BALLOT BY MAIL SHALL BE MAILED TO:
SUE PORTER, 3915 COTTONWOOD DRIVE, MARBLE FALLS, TX 78654.
APPLICATIONS FOR BALLOT BY MAIL MUST BE RECEIVED NO LATER THAN THE CLOSE OF BUSINESS ON OCTOBER 26, 1997.



DALE PICKENS, MAYOR

ORDEN DE ELECCION ESPECIAL

POR LA PRESENTE SE ORDENA QUE SE LLEVARA A CABO UNA ELECCION EL NOVEMBER 4, 1997, CON EL PROPOSITO DE

AN ELECTION TO ADOPT A 1% SALES TAX WITHIN THE CITY OF COTTONWOOD SHORES, TEXAS.

LA VOTACION ADELANTADA EN PERSONA SE LLEVARA A CABO DE LUNES A VIERNES EN 3915 COTTONWOOD DRIVE, COTTONWOOD SHORES, TEXAS, ENTRE LAS 9:00 DE LA MANANA Y LAS 5:00 DE LA TARDE EMPAZANDO EL 20 DE OCTOBER 1997 Y TERMINANDO EL 31 DE OCTOBER 1997.

LAS SOLICITUDES PASRA BOLETAS QUE SE VOTARAN EN AUSENCIA POR CORREO DEBERAN ENVIARSE A: SUE PORTER, 3915 COTTONWOOD DRIVE, MARBLE FALLS, TEXAS 78654. LAS SOLICITUDES PARA BOLETAS QUE SE VOTARAN EN AUSENCIO POR CORREO DEBERAN RECIBIRSE PARA EL FIN DE LAS HORAS DE NEGOCIO EL 28 DE OCTOBER 1997.



DALE PICKENS, MAYOR

ORDINANCE NO. 101697-A

AN ORDINANCE ESTABLISHING CURFEWS FOR MINORS; PROVIDING DEFINITIONS; PROVIDING DEFENSES AND EXCEPTIONS; PROVIDING PENALTIES; AND PROVIDING OPEN MEETINGS, SEVERABILITY AND RELATED CLAUSES.

WHEREAS, THE CITY COUNCIL OF THE CITY OF COTTONWOOD SHORES, TEXAS FINDS THE ESTABLISHMENT OF REASONABLE CURFEW HOURS FOR MINORS TO BE NECESSARY AND REASONABLE FOR THE PROTECTION OF SUCH MINORS AND THE PUBLIC HEALTH, SAFETY AND WELFARE;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY COTTONWOOD SHORES, TEXAS.

SECTION 1. SHORT TITLE. THIS ORDINANCE SHALL BE KNOWN AND MAY BE CITED AS THE "CURFEW HOURS FOR MINORS ORDINANCE."

SECTION 2. DEFINITIONS. FOR THE PURPOSES OF THIS ORDINANCE THE FOLLOWING TERMS, PHRASES, WORDS, AND THEIR DERIVATIONS SHALL HAVE THE MEANING GIVEN HEREIN. WHEN NOT INCONSISTENT WITH THE CONTEXT, WORDS USED IN THE PRESENT TENSE INCLUDE THE FUTURE, WORDS IN THE PLURAL NUMBER INCLUDE THE SINGULAR NUMBER, WORDS IN THE SINGULAR NUMBER INCLUDE THE PLURAL NUMBER, AND THE WORD HE OR SHE IS INTERCHANGABLE. THE WORD "SHALL" IS ALWAYS MANDATORY AND NOT MERELY DIRECTORY.

(A) "CURFEW HOURS" MEANS:

(1) 11:00 P.M. ON ANY SUNDAY, MONDAY, TUESDAY, WEDNESDAY, OR THURSDAY, UNTIL 6:00 A.M. OF THE FOLLOWING DAY; AND,

(2) 12:00 MIDNIGHT UNTIL 6:00 A.M. ON ANY FRIDAY OR SATURDAY.

(B) "EMERGENCY" MEANS AN UNFORESEEN COMBINATION OF CIRCUMSTANCES OR THE RESULTING STATE THAT CALLS FOR IMMEDIATE ACTION. THE TERM INCLUDES, BUT IS NOT LIMITED TO, A FIRE, A NATURAL DISASTER, AN AUTOMOBILE ACCIDENT, OR ANY SITUATION REQUIRING IMMEDIATE ACTION TO PREVENT SERIOUS BODILY INJURY OR LOSS OF LIFE.

(C) "ESTABLISHMENT" MEANS ANY PRIVATELY-OWNED PLACE OF BUSINESS OPERATED FOR A PROFIT TO WHICH THE PUBLIC IS INVITED, INCLUDING, BUT NOT LIMITED TO, ANY PLACE OF AMUSEMENT OR ENTERTAINMENT.

(B) "GUARDIAN" MEANS:

(1) A PERSON WHO, UNDER COURT ORDER, IS THE GUARDIAN OF A MINOR; OR,

(2) A PUBLIC OR PRIVATE AGENCY WITH WHOM A MINOR HAS BEEN PLACED BY A COURT.

(E) "MINOR" MEANS ANY PERSON UNDER SEVENTEEN (17) YEARS OF AGE.

(F) "OPERATOR" MEANS ANY INDIVIDUAL, FIRM, ASSOCIATION, PARTNERSHIP, OR CORPORATION, OPERATING, MANAGING, OR CONDUCTING ANY ESTABLISHMENT. THE TERM INCLUDES THE MEMBERS OR PARTNERS OF AN ASSOCIATION OR PARTNERSHIP AND THE OFFICERS OF A CORPORATION.

(G) "PARENT" MEANS A PERSON WHO IS:

(1) A NATURAL PARENT, ADOPTIVE PARENT, OR STEP-PARENT OR ANOTHER PERSON; OR,

(2) AT LEAST EIGHTEEN (18) YEARS OF AGE AND AUTHORIZED BY A PARENT OR GUARDIAN IN WRITING TO HAVE THE CARE AND CUSTODY OF A MINOR.

(H) "PUBLIC PLACE" MEANS ANY PLACE TO WHICH THE PUBLIC OR A SUBSTANTIAL GROUP OF THE PUBLIC HAS ACCESS AND INCLUDES, BUT IS NOT LIMITED TO, STREETS, HIGHWAYS, AND THE COMMON AREAS OF SCHOOLS, HOSPITALS, APARTMENT HOUSES, OFFICE BUILDINGS, TRANSPORT FACILITIES, AND SHOPS.

(I) "REMAIN" MEANS TO:

(1) LINGER OR STAY; OR,

(2) FAIL TO LEAVE PREMISES WHEN REQUESTED TO DO SO BY A POLICE OFFICER OR THE OWNER, OPERATOR, OR OTHER PERSON IN CONTROL OF THE PREMISES.

(J) "SERIOUS BODILY INJURY" MEANS BODILY INJURY THAT CREATES A SUBSTANTIAL RISK OF DEATH OF THAT CAUSES DEATH, SERIOUS PERMANENT DISFIGUREMENT, OR PROTRACTED LOSS OR IMPAIRMENT OF THE FUNCTION OF ANY BODILY MEMBER OR ORGAN.

SECTION 3. CURFEW RELATED OFFENSES. (A) A MINOR COMMITS AN OFFENSE IF HE OR SHE REMAINS IN ANY PUBLIC PLACE OR ON THE PREMISES OF ANY ESTABLISHMENT WITHIN THE CITY DURING CURFEW HOURS.

(B) A PARENT OR GUARDIAN OF A MINOR COMMITS AN OFFENSE IF HE KNOWINGLY PERMITS, OR BY INSUFFICIENT CONTROL ALLOWS, THE MINOR TO REMAIN IN ANY PUBLIC PLACE OR ON THE PREMISES OF ANY ESTABLISHMENT WITHIN THE CITY DURING CURFEW HOURS.

(C) THE OWNER, OPERATOR, OR ANY EMPLOYEE OF ANY ESTABLISHMENT COMMITS AN OFFENSE IF HE KNOWINGLY ALLOWS A MINOR TO REMAIN UPON THE PREMISES OF THE ESTABLISHMENT DURING CURFEW HOURS.

SECTION 4. EXCEPTIONS AND DEFENSES. (A) IT IS A DEFENSE TO PROSECUTION UNDER SECTION 3 THAT THE MINOR WAS:

(1) ACCOMPANIED BY THE MINOR'S PARENT OR GUARDIAN;

(2) ON A LAWFUL ERRAND AT THE DIRECTION OF THE MINOR'S PARENT OR GUARDIAN, WITHOUT ANY DETOUR OR STOP;

(3) IN A MOTOR VEHICLE INVOLVED IN INTERSTATE TRAVEL;

(4) ENGAGED IN AN EMPLOYMENT ACTIVITY, OR GOING TO OR RETURNING HOME FROM AN EMPLOYMENT ACTIVITY, WITHOUT ANY DETOUR OR STOP;

(5) INVOLVED IN AN EMERGENCY;

(6) ON THE SIDEWALK ABUTTING THE MINOR'S RESIDENCE OF A NEXT-DOOR NEIGHBOR IF THE NEIGHBOR DID NOT COMPLAIN TO THE POLICE DEPARTMENT ABOUT THE MINOR'S PRESENCE;

(7) ATTENDING AN OFFICIAL SCHOOL, RELIGIOUS, OR OTHER RECREATIONAL ACTIVITY SUPERVISED BY ADULTS AND SPONSORED BY THE CITY OF COTTONWOOD SHORES, A CIVIC ORGANIZATION, OR ANOTHER SIMILAR ENTITY THAT TAKES RESPONSIBILITY FOR THE MINOR, OR GOING TO OR RETURNING HOME FROM, WITHOUT ANY DETOUR OR STOP, AN OFFICIAL SCHOOL, RELIGIOUS, OR OTHER RECREATIONAL ACTIVITY SUPERVISED BY ADULTS AND SPONSORED BY THE CITY COTTONWOOD SHORES, A CIVIC ORGANIZATION; OR ANOTHER SIMILAR ENTITY THAT TAKES RESPONSIBILITY FOR THE MINOR;

(8) EXERCISING FIRST AMENDMENT RIGHTS PROTECTED BY THE UNITED STATES CONSTITUTION, SUCH AS THE FREE EXERCISE OF RELIGION, FREEDOM OF SPEECH, AND THE RIGHT OF ASSEMBLY; OR

(9) MARRIED OR HAD BEEN MARRIED OR HAD DISABILITIES OF MINORITY REMOVED IN ACCORDANCE WITH CHAPTER 31 OF THE TEXAS FAMILY CODE.

(B) IT IS A DEFENSE TO PROSECUTION UNDER SUBSECTION 3(C) THAT THE OWNER, OPERATOR, OR EMPLOYEE OF AN ESTABLISHMENT PROMPTLY NOTIFIED THE POLICE DEPARTMENT THAT A MINOR WAS PRESENT ON THE PREMISES OF THE ESTABLISHMENT DURING CURFEW HOURS AND REFUSED TO LEAVE.

SECTION 5. ENFORCEMENT. BEFORE TAKING ANY ENFORCEMENT ACTION UNDER THIS ORDINANCE, A POLICE OFFICER SHALL ASK THE APPARENT OFFENDER'S AGE AND REASON FOR BEING IN THE PUBLIC PLACE. THE OFFICER SHALL NOT ISSUE A CITATION OR MAKE AN ARREST UNDER THIS ORDINANCE UNLESS THE OFFICER REASONABLY BELIEVES THAT AN OFFENSE HAS OCCURRED AND THAT, BASED ON ANY RESPONSE AND OTHER CIRCUMSTANCES, NO DEFENSE IN SECTION 4 IS PRESENT.

SECTION 6. PENALTIES. (A) A PERSON WHO VIOLATES A PROVISION OF THIS SECTION IS GUILTY OF A SEPARATE OFFENSE FOR EACH DAY OR PART OF A DAY DURING WHICH THE VIOLATION IS COMMITTED, CONTINUED, OR PERMITTED. EACH OFFENSE, UPON CONVICTION, IS PUNISHABLE BY A FINE NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS.

(B) WHEN REQUIRED BY SECTION 51.08 OF THE TEXAS FAMILY CODE, AS AMENDED, THE MUNICIPAL COURT SHALL WAIVE ORIGINAL JURISDICTION OVER A MINOR WHO VIOLATES SUBSECTION 3(A) OF THIS ORDINANCE AND SHALL REFER THE MINOR TO JUVENILE COURT.

SECTION 7. CONFLICTING ORDINANCES. ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH OR IN CONFLICT WITH THIS ORDINANCE ARE HEREBY AMENDED AND REPEALED TO THE EXTENT OF SUCH INCONSISTENCY OR CONFLICT.

SECTION 8. SEVERABILITY. IF ANY PROVISION OF THIS ORDINANCE OR THE APPLICATION OF ANY PROVISION TO ANY PERSON OR CIRCUMSTANCES IS HELD INVALID, THE INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS HEREOF WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS ORDINANCE ARE DECLARED TO BE SEVERABLE.

SECTION 9. OPEN MEETINGS. THAT IT IS HEREBY OFFICIALLY FOUND AND DETERMINED THAT THE MEETING AS WHICH THIS ORDINANCE IS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED AND THAT PUBLIC NOTICE OF THE TIME, PLACE, AND PURPOSE OF SAID MEETING WAS GIVEN AS REQUIRED BY THE OPEN MEETINGS ACT, CHAPTER 551, LOC. GOVT. CODE.

SECTION 10. EFFECTIVE DATE. THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS ADOPTION BY THE CITY COUNCIL AND PUBLICATION AS REQUIRED BY THE LOCAL GOVERNMENT CODE.

PASSED AND APPROVED THIS 16th DAY OF OCTOBER, 1997.



Luc Porter
PORTER, CITY SECRETARY

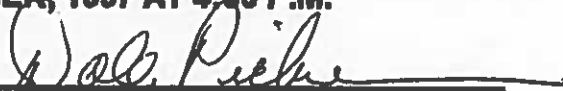
CITY OF COTTONWOOD SHORES
Dale Pickens
DALE PICKENS, MAYOR

**NOTICE OF SPECIAL MEETING
CITY COUNCIL OF CITY OF COTTONWOOD SHORES
THURSDAY - SEPTEMBER 25, 1997
CITY HALL, 3915 COTTONWOOD DRIVE
4:00 P.M.**

A G E N D A

- 1. CALL TO ORDER AND ROLL CALL.**
- 2. DISCUSSION/ACTION ON ORDINANCE 092597-A, REPLACING ORDINANCE NO. 101791-1A, SUBJECT: BUILDING ORDINANCE (SPECIFIC CHANGES INCLUDE: SOUTHERN BUILDING CODE AND AGE/CONDITION OF MOBILE HOMES PERMITTED).**
- 3. DISCUSSION/ACTION ON ORDINANCE 092597-B, CALLING FOR AN ELECTION TO ADOPT A 1% SALES TAX WITHIN THE CITY OF COTTONWOOD SHORES.**
- 4. DISCUSSION/ACTION ON INTAKE MATTER .**
- 5. ADJOURNMENT.**

I CERTIFY THAT THE ABOVE NOTICE WAS POSTED AT CITY HALL, 3915 COTTONWOOD DRIVE, COTTONWOOD SHORES, TEXAS, THIS THE 22ND DAY OF SEPTEMBER, 1997 AT 4:00 P.M.


DALE PICKENS, MAYOR

(THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE REQUESTS FOR ACCOMMODATIONS FOR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THE MEETING. PLEASE CONTACT THE CITY SECRETARY.)