

**REGULAR MEETING OF THE CITY COUNCIL
CITY OF COTTONWOOD SHORES
THURSDAY, AUGUST 21st, 2008 AT 6:00 P.M.
PFEIFER CIVIC CENTER
4111 COTTONWOOD DRIVE**

MINUTES

- 1. Call to Order by Mayor Breen
- 2. Roll Call by Asst. City Secretary Schwertner

<i>Mayor Breen</i>	<i>Present</i>
<i>Councilmember Wayson</i>	<i>Present</i>
<i>Councilmember Whitis</i>	<i>Present</i>
<i>Councilmember Adams</i>	<i>Present</i>
<i>Councilmember Orr</i>	<i>Present by Phone</i>
<i>Councilmember Hartline</i>	<i>Present</i>

Asst. City Secretary Schwertner announced a quorum was present

- 3. Invocation by Pastor George Perry
- 4. Pledge of Allegiance

5. Consent Agenda:

- 5.1. Minutes-July 17th (Reg. Mtg.) and August 7th (Reg. Mtg.)
- 5.2. Financial Statements – May 2008 and June 2008

Councilmember Adams made the motion to accept the consent agenda. Councilmember Hartline 2nd the motion. All approved. Motion carried.

6. Reports:

6.1. City Administrator Report

City Administrator Reynolds reported road grader motor on way here from Washington, grader should be repaired before next meeting. Council has C.A. report. Police car engine is in, and should be back on road again soon.

6.2. Municipal Court Report

Council has received packets. No questions.

6.3. Mayor's Report

Glad to see so many tonight. Reported how much has changed since 2004. City was granted the CDBG Grant. Trails Grant for parks did not go through. Last week the county repaved Pecan, Dutch Leming, and Cottonwood Drive, police vehicle will have another engine, and the engine for road grader is on its way here from Washington.

6.4. Special Committee Reports

Janet Taylor-Carusi reported for Cottonwood Pride on the garage sale that was not as beneficial as last year. CWSVFD is having their open house with food and drinks Saturday, August 23rd from 6 pm to 8 pm. Mrs. Carusi reported for Fire Chief Atchley that the fire hydrant behind Monster Rides on Cottonwood Drive was dry, and Cottonwood Shores.Org web site is building up. Mrs. Carusi reported for Friends of the Library keep the books coming and Rebecca Sullivan is now President.

7. Community Input

7.1. PEC Presentation

George Byrd from PEC reported an upgrade will be coming in from 281 to 2147. The Marble Falls office is now closed on Saturday, and will also be closed for Labor Day. Asst. City Secretary Schwertner asked if

there was a drop box for payments. Mr. Byrd replied yes it is there at the drive through window. Councilmember Orr inquired if PEC has any street light Grants. Mr. Byrd remarked if the City would like to proceed the City would need to put in a request for such.

7.2 Citizen Comments: *This is the opportunity for visitors and guests to address the City Council on any issue. City Council may not discuss any presented issue, nor may any action be taken on any issue at this time. (Attorney General Opinion-Jc-0169)*

- Euclid Phipps inquired if the city knew about the pipes crossing under the roadway's with this paving talk.
- Elizabeth Matthews is new to area, and asked how can the city close a park but yet parks had received a \$200,000.00 Grant. It would be great to have paved roads.
- Steven Sherry made the comment what if the city could do a per lot charge.
- Martha Logan commented her appreciation for the officers, appreciate the city manager position, but do not understand the rush on an answer on the roads. Most of the people in CWS are on fixed incomes.
- Glen Stevenson spoke that the city needs to prepare a master plan on sewers, ditches and roads. This city is highest in the area on taxes. These taxes are supposed to be earmarked.
- Janet Taylor- Carusi inquired about the amount.
- Janelle Long asked if parks are closed then where can kids play and families gather.
- Elaine McDaniel reported the Aspen Park area has had teens drinking, there are too many policies, such as can't Park, can't swim, can't do this or that.
- Carl Boen spoke that this city does have some fine residents.
- Pam Stevenson commented she understands that the city can't have sidewalks and paved roads, but she enjoys driving down dirt roads.
- Bentley Martin commented the change of no comments that this council did not speak, or comment on.
- Don Roberts commented about the tax if it was used per foot of property, and why a building did not have a permit on Lakeview.
- Carl Boen/City Inspector reported this has been taken care of.

8. New Business:

- ❖ Councilmember Wayson made the motion to move forward items # 8.11 and #8.13 ahead of item #8.1. Councilmember Adams 2nd the motion. All approved. Motion carried.

8.1 Discuss and take action regarding an application to replat two lots of the Cottonwood Shores, Driftwood Section as requested by Mr. Dewey Hollingsworth of Spicewood, Texas

City Administrator Reynolds presented lot drafts to the Council to view. Councilmember Wayson made the motion to approve the replats. Councilmember Hartline 2nd the motion. All approved. Motion carried.

8.2 Discuss and consider action regarding HB 1411 implementation in the City of Cottonwood Shores as requested by Councilwoman Shirley Adams

Councilmember Adams made the motion to place news notice in paper regarding HB 1411, and Cottonwood Shores. Councilmember Hartline 2nd the motion. All approved. Motion carried.

8.3 Discuss and consider action amending Ordinance No. 011504C, the Animal Control Ordinance as requested by Councilwoman Shirley Adams

Councilmember Adams made the motion to take no action at this time. Councilmember Hartline 2nd the motion. All approved. Motion carried.

8.4 Discuss whether or not the City Council agendas were being submitted to the City Attorney as outlined in the City Decorum Policy as requested by Councilwoman Shirley Adams

Councilmember Adams commented the city Decorum Policy needs to be followed, and submitted to the City Attorney. No further action was discussed or taken.

8.5 Discuss and consider action regarding the road cuts that could be caused by LCRA land changes and the response by the City of Cottonwood Shores as requested by Councilman Roger Wayson
Councilmember Wayson made the motion to take no action. Councilmember Hartline 2nd the motion. All approved. Motion carried.

8.5 Discuss progress that has been made to the Master Plan of the City of Cottonwood Shores as (A) requested by Councilman Roger Wayson

Councilmember Wayson presented a small beginning of a master plan component sheet. Councilmember Wayson reported this was only a beginning, and from this we can get a committee started. Councilmember Whitis inquired about the old one. City Administrator Reynolds reported the 1989 plan is in the office. Councilmember Adams agreed with this component sheet. Councilmember Whitis replied that this does need to begin, and let citizens be involved. Councilmember Hartline agreed, and confirmed the statement that citizens are ready to get involved. It was also noted that there were (2) #8.5 items listed on the agenda. Therefore an (A) was added to these minutes to denote.

8.6 Discuss and consider action nominating at least one person for the Fire Protection Planning Committee as requested by Mayor Breen

Mayor Breen reported Bill Weaver has accepted the nomination for the Fire Protection Planning Committee. Councilmember Adams made the motion to submit Bill Weaver. Councilmember Hartline 2nd the motion. All approved. Motion carried.

8.7 Discuss and consider action nominating at least one person to the Board of Adjustments and Appeals as requested by Mayor Breen

Mayor Breen reported Bill Plumley has accepted the nomination to the Board of Adjustments and Appeals. Councilmember Hartline made the motion to accept Bill Plumley. Councilmember Whitis 2nd the motion. All approved. Motion carried.

8.8 Discuss and consider action to approve the purchase of a dump truck by lease-purchase under the I & S account as requested by the City Staff

Councilmember Wayson made the motion to approve the purchase. Councilmember Hartline 2nd the motion. All approved. Motion carried.

8.9 Discuss and consider action regarding Direction for the City Administrator as requested by Mayor Breen

Councilmember Adams made the motion to take no action. Councilmember Hartline 2nd the motion. All approved. Motion carried.

8.10 Discuss and consider action regarding the 2008-2009 City of Cottonwood Shores Budget as requested by Mayor Breen

Councilmember Hartline made the motion to take no action. Councilmember Adams 2nd the motion. All approved. Motion carried.

8.11 Discuss and consider action regarding Resolution #082108A of the City of Cottonwood Shores, Burnet County, Texas, to Adopt a Proposed Tax Rate for the 2008-2009 Fiscal Year as requested by City Staff

Councilmember Wayson made the motion to accept the rollback rate.
Councilmember Whitis 2nd the motion. All approved. Motion carried.

8.12 Discuss and consider action regarding Resolution #082108B to adopt a schedule of meetings and deadlines for adopting a budget for the 2008-2009 Fiscal Year as requested by City Staff

Treasurer Cople reported this will need to be reported tomorrow as budget officer is to report this to Stan Hemphill with BCAD. No further discussion or action taken.

8.13 Discuss a proposed Ordinance No. 082108 establishing the Street Paving Fund for the purpose of Paving, Improving, and Maintaining Streets as requested by City Staff
Councilmember Wayson commented that a drainage plan and master plan needs to be completed. Councilmember Wayson made the motion to take no action.
Councilmember Hartline 2nd the motion. All approved. Motion carried.

8.14 Executive Session for Legal Matters

a.) Convene in Executive Session pursuant to Section 551.074 of the Texas Government Code: deliberate for the purpose of hearing the appeal of Mr. Richard Frazier, who was terminated from City employment

Council members convened at 8:12 pm

b) Reconvene into Open Session and take action on Item 8.14

Council members reconvened at 9:18 pm. Councilmember Whitis made the motion to have Councilmember Hartline do a legal research on this. Councilmember Adams 2nd the motion. All approved. Motion carried.

8.15 Executive Session for Legal Matters

a.) Convene in Executive Session pursuant to Section 551.074 of the Texas Government Code: deliberate for the purpose of hiring, terminating, demotion, or evaluating Don Reynolds as City Administrator

Council members convened at 9:19 pm

b) Reconvene into Open Session and take action on Item 8.15

Council members reconvened at 9:50 pm. Councilmember Whitis made the motion to terminate the current contract with City Administrator effective immediately.

Councilmember Hartline 2nd the motion. All approved. Motion carried.

Councilmember Hartline made the motion to authorize Mayor Breen to inquire if Hans Schneider would resume position as Interim City Administrator. All approved. Motion carried.

9. Future Agenda

Councilmember Hartline asked to see fire department information spoken earlier on next agenda.

Councilmember Wayson asked for discussion and volunteers for Noah Thompson Park to be set for swimming area. Also to bring back the speed limit ordinance, and setting a Committee for Master Plans.

Mayor Breen asked to place the Parks Grant info on next agenda.

10. Adjournment motion made by Councilmember Adams. Mayor Breen adjourned meeting at 9:54 pm.

ATTEST:


Cynthia Schwertner, Asst. City Secretary




Sylvia H. Breen Mayor

Cottonwood Shores, Texas Municipal Court

July, 2008

Total Violation Citations Written	10			
Cases Disposed	4	Johnson, Scott Harold	Utility Connection	PIF
		Money, August Quinton	Speeding	Deferral Dismissed
		Moore, Cory Lee	Speeding	PIF
		Gibson, Joe Ryne	VPTA	dismissed FTA to VPTA
Defendants Granted DSC	1	Lawler, Michael Gerard		
Defendants Granted Deferral	0			
Warrants Issued	3	Gibson, Joe Ryne		
		Allen, Rodney Duane (2)		
Total Money Collected in July		\$730.00		

CE-Code Enforcement	DSC-Driving Safety Course	CTS-Credit Time Served
PN-Public Nuisance	DPS-Department Public Safety	PIF-Paid in Full

Violations By Officer From Jul 1, 2008 through Jul 31, 2008

Mike Bostwick

Total Violations **7**

Violation	Number
3001 SPEEDING	6
3364 Permit unlicensed minor to drive/guardian	1

Mike Warren

Total Violations **3**

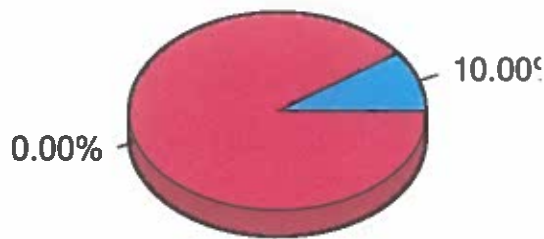
Violation	Number
3001 SPEEDING	3

Number of Violations Written **10**

Violations Written From Jul 1, 2008 through Jul 31, 2008

VIOL	Description	Number	Percent
1	SPEEDING	9	90%
3334	Permit unlicensed minor to drive/guardian	1	10%
		Number of Violations Written	10

Violations Written



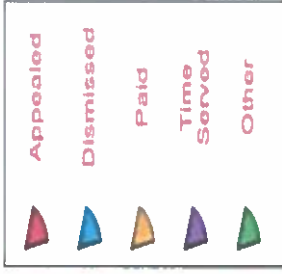
 SPEEDING

 minor no DL

Cases Disposed From 7/1, 2008 through Jul 31, 2008

Disp Dt and Code	Case Number	Defendant	Violation	Offense Location
Jul 8, 2008	PAYF CMC1577-2050-0	JOHNSON,SCOTT HAROLD	Utility Connect	637 Driftwood
Jul 22, 2008	DSMS CMC1578-3586-0	MONEY,AUGUST QUINTON	SPEEDING	4000 Bik 2147
Jul 25, 2008	VOID CMC1386-2608-0	VASQUEZ,JULIO R	ASSAULT CONTACT	826 Eastwood Dr.
Jul 29, 2008	PAYF CMC1581-3001-0	MOORE,CORY LEE	SPEEDING	4000 Bik 2147 W
Jul 31, 2008	DSMS FTA1540-900-0	GIBSON,JOE RYNE	PROMISE APPEAR	3808 COTTONWOOD DR

Disposition Summary



Disposition Method	Number
Appealed	0
Dismissed	2
Paid	2
Time Served	0
Other	1
Total Dispositions	5

COTTONWOOD SHORES
Defendants Granted DSC as of Aug 18, 2008

Name	Address	Request/Due
LAMER, MICHAEL GERARD	59 N. LAMERIE WAY THE WOODLANDS, TX 77382-0000	Jul 23, 2008 Oct 23, 2008

Number of DSC Requested Listed **1**

H.B. No. 141

AN ACT

relating to the unlawful restraint of dogs; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 821, Health and Safety Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. UNLAWFUL RESTRAINT OF DOG

Sec. 821.076. DEFINITIONS. In this subchapter:

(1) "Collar" means any collar constructed of nylon, leather, or similar material, specifically designed to be used for a dog.

(2) "Owner" means a person who owns or has custody or control of a dog.

(3) "Properly fitted" means, with respect to a collar, a collar that measures the circumference of a dog's neck plus at least one inch.

(4) "Restraint" means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

Sec. 821.077. UNLAWFUL RESTRAINT OF DOG. (a) An owner may not leave a dog outside and unattended by use of a restraint that unreasonably limits the dog's movement:

(1) between the hours of 10 p.m. and 6 a.m.;

(2) within 500 feet of the premises of a school; or

(3) in the case of extreme weather conditions, including conditions in which:

(A) the actual or effective outdoor temperature is below 32 degrees Fahrenheit;

(B) a heat advisory has been issued by a local or state authority or jurisdiction; or

(C) a hurricane, tropical storm, or tornado warning has been issued for the jurisdiction by the National Weather Service.

(b) In this section, a restraint unreasonably limits a dog's movement if the restraint:

(1) uses a collar that is pinch-type, prong-type, or choke-type or that is not properly fitted to the dog;

(2) is a length shorter than the greater of:
(A) five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail; or

(B) 10 feet;

(3) is in an unsafe condition; or

(4) causes injury to the dog.

Sec. 821.078. EXCEPTIONS. Section 821.077 does not apply to:

(1) a dog restrained to a running line, pulley, or trolley system and that is not restrained to the running line, pulley, or trolley system by means of a pinch-type, prong-type, choke-type, or improperly fitted collar;

(2) a dog restrained in compliance with the requirements of a camping or recreational area as defined by a federal, state, or local authority or jurisdiction;

(3) a dog restrained for a reasonable period, not to exceed three hours in a 24-hour period, and no longer than is necessary for the owner to complete a temporary task that requires

the dog to be restrained;

(4) a dog restrained while the owner is engaged in, or actively training for, an activity that is conducted pursuant to a valid license issued by this state if the activity for which the license is issued is associated with the use or presence of a dog;

(5) a dog restrained while the owner is engaged in conduct directly related to the business of shepherding or herding cattle or livestock; or

(6) a dog restrained while the owner is engaged in conduct directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.

Sec. 821.079. PENALTY. (a) A person commits an offense if the person knowingly violates this subchapter.

(b) A peace officer or animal control officer who has probable cause to believe that an owner is violating this subchapter shall provide the owner with a written statement of that fact. The statement must be signed by the officer and plainly state the date on which and the time at which the statement is provided to the owner.

(c) A person commits an offense if the person is provided a statement described by Subsection (b) and fails to comply with this subchapter within 24 hours of the time the owner is provided the statement. An offense under this subsection is a Class C misdemeanor.

(d) A person commits an offense if the person violates this subchapter and previously has been convicted of an offense under this subchapter. An offense under this subsection is a Class B misdemeanor.

(e) If a person fails to comply with this subchapter with respect to more than one dog, the person's conduct with respect to each dog constitutes a separate offense.

(f) If conduct constituting an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

Sec. 821.080. DISPOSITION OF PENALTY. Notwithstanding any other law, the clerk of a court that collects a penalty under this subchapter shall remit the penalty collected for deposit in the general fund of the county.

Sec. 821.081. HAND-HELD LEASHES. This subchapter does not prohibit a person from walking a dog with a hand-held leash.

SECTION 2. (a) The change in law made by this Act applies only to an offense committed on or after September 1, 2007.

(b) An offense committed before September 1, 2007, is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before September 1, 2007, if any element of the offense was committed before that date.

SECTION 3. This Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 1411 was passed by the House on May 3, 2007, by the following vote: Yeas 139, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1411 was passed by the Senate on May 23, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____
Date

Governor

ORDINANCE NO. 011504

ANIMAL CONTROL ORDINANCE

AN ORDINANCE PROVIDING FOR THE REPEAL OF ORDINANCE # 031193; PROVIDING A REPEALER CLAUSE; PROVIDING DEFINITIONS; ESTABLISHING ADOPTION OF THE RABIES CONTROL ACT OF 1981; ESTABLISHING LOCAL HEALTH AUTHORITY; PROVIDING AUTHORITY, RECORDS, ESTABLISHING FEES, HEARING REQUIREMENTS, PERMIT REQUIREMENTS, PERMIT APPLICATION, PERMIT FEES AND TERM OF PERMIT. ESTABLISHING MINIMUM STANDARDS; PROVIDING FOR INSPECTIONS, PERMIT REFUSAL OR REVOCATION; NOTICE OF REFUSAL OR REVOCATION, FOR HEARING, FOR DISPOSITION OF ANIMALS, FOR DESTRUCTION OF ANIMALS, AND FOR BITING ANIMALS. PROVIDING PROHIBITIONS; PROVIDING PENALTY; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COTTONWOOD SHORES, TEXAS:

SECTION I- REPEAL OF ORDINANCE # 031193. This Ordinance hereby repeals and replaces Ordinance # 031193, concerning keeping and the control of animals in the City of Cottonwood Shores, Texas (the "City"), in its entirety.

SECTION II- DEFINITIONS. Wherever in this Ordinance the following terms shall appear, the meanings set forth opposite each term in this section shall be ascribed to them, unless the context in which the term appears require a different meaning.

- A. **ANIMAL.** A non-human live, vertebrate creature, wild or domestic.
- B. **ANIMAL CONTROL OFFICER.** The person duly designated to carry out the duties of the Animal Control Officer as prescribed in this Ordinance, unless otherwise specifically designated by the City Council, the Chief of Police shall be the Animal Control Officer.
- C. **ANIMAL CONTROL FACILITY.** A facility operated or used by the City for the purposes of impounding animals as prescribed in this Ordinance.
- D. **ANIMAL PERMIT.** A printed or written certificate issued by the designated representative of the City to allow a resident to harbor any animal allowed under this Ordinance within the City.
- E. **ANIMAL TAG.** A metal, plastic or other permanent identification plate issued along with an animal permit by the designated representative of the City to be worn by the permitted animal at all times.
- F. **BREEDER.** A person, partnership, firm, corporation, company, or association engaged in the business of breeding, buying, selling, boarding, or harboring four (4) or more animals at one time.
- G. **BREEDER PERMIT.** A printed or written certificate issued by the designated representative of the City authorizing the holder to operate a Breeding Facility within the corporate limits of the City of Cottonwood Shores.
- H. **BREEDING FACILITY.** A facility operated or used by a Breeder for the purpose of breeding, buying, selling, boarding, or harboring four (4) or more animals at one time as prescribed in the Ordinance.
- I. **COMMERCIAL ANIMAL ESTABLISHMENT.** Any commercial operation which is reasonably calculated to provide shelter, care, maintenance, training, breeding, treatment of, or the provision of services to four (4) or more animals at one time.
- J. **COMMERCIAL ANIMAL PERMIT.** A printed or written certificate issued by the designated representative of the City authorizing the holder to operate a Commercial Animal Establishment within the corporate limits of the City.
- K. **DANGEROUS ANIMALS.** Any animal that is not tame or gentle, but is of a wild nature or disposition and which, because of its size, nature, or other characteristics would constitute a danger to human life or property if it was not kept or maintained in a safe manner or in secure quarters.
- L. **FARM ANIMALS.** Including, but not limited to goats, horses, chickens, ducks, pigs, and emu.

- M. **OWNER.** A person, partnership, firm, corporation, company, or association who has, harbors, or keeps an animal on or about its premises. An animal is harbored if it is fed or sheltered for three or more days in any (30) day period.
- N. **PUBLIC NUISANCE.** The term "public nuisance" includes, but is not limited to any animal that:
 - 1. Molests passerby or a passing vehicle;
 - 2. Acts in a threatening manner in any location other than the property of its owner toward any person other than its owner;
 - 3. Attacks or chases another animal, when such other animal is on the property of its owner or custodian;
 - 4. Causes trash or garbage to be removed from a trash or garbage container;
 - 5. Defecates on the property of another person;
 - 6. Trespasses on school grounds;
 - 7. Is at large;
 - 8. Damages private or public property;
 - 9. Makes frequent or continued noise in the neighborhood which is disturbing to a person who has normal nervous sensibilities and ordinary tastes, habits and moods of living;
 - 10. Causes an offensive odor, which is detectable across its owner's property line.
- O. **RABIES TAG.** A metal, plastic or other permanent identification plate issued by a licensed veterinarian to identify a specific animal and to show that said animal has been vaccinated against rabies.
- P. **RESTRAINT.** The term "restraint" shall mean:
 - 1. The security of any animal by a leash or lead;
 - 2. The controlling of any animal so that the animal is obedient to the commands of a responsible person;
 - 3. The animal is confined by fence or other structure within the real property limits of its owner.
- Q. **VICIOUS ANIMAL.** Any animal which constitutes a physical threat to human beings or other animals.
- R. **WILD ANIMAL.** Any live monkey or non-human primate, raccoon, skunk, fox, panther, tiger, lion, lynx, or any other animal normally found in the wild state.

SECTION III- ADOPTION OF THE RABIES CONTROL ACT OF 1981. The Rabies Control Act of 1981, Tex. Health & Safety Code, Chapter 826, as amended, and the standards and regulations adopted and incorporated into the Ordinance as minimum standards; however to the extent that this Ordinance provides standards that are compatible with those standards and are equal to, or more stringent than the act or the standards and regulations adopted by the State Board of Health, this Ordinance prevails over the act and the standards and regulations.

SECTION IV- LOCAL HEALTH AUTHORITY. For purposes of the Rabies Control Act of 1981, Tex. Health & Safety Code, Chapter 826, as amended, the Building Inspector of the City is designated as the Local Health Authority.

SECTION V- AUTHORITY; RECORDS.

- A. **General Authority.** The procedures established in the Ordinance shall be administered by the Animal Control Officer, who may request the personnel, equipment and facilities of the Police Department or authorized persons, equipment and facilities as necessary to implement and enforce the provisions of this Ordinance.
- B. **Records Required.** The Animal Control Officer shall maintain for each Animal Permit, Breeder Permit, Commercial Animal Establishment Permit, or impounded animal coming under the purview of this Ordinance,
 - 1. A file that includes but is not limited to a record of all pertinent names, addresses, and date(s); copies of all correspondence, notices, applications, permits and certificates, and a record of all other related activities;
 - 2. An accurate accounting of all fees and charges of funds and payments collected, including date of payment and identification of payee.

SECTION VI – RESIDENTIAL ANIMAL PERMITS

- A. **Permit required.** An Animal Permit is required in order to harbor any animal within the corporate limits of the City of Cottonwood Shores, Texas. Failure to have a valid, unexpired Animal Permit, or to comply with the requirements herein applicable to any holder of such permit, shall be deemed a violation of this Ordinance.

- B. Permit Application. An applicant for a new permit, or a permit renewal, must make application on a form provided by the City, accompanied by the Permit Fee set out in Section VI, C.
- C. Permit Fee.
 - 1. The fees related to an Animal Permit are as follows:
 - a) The owner must pay an annual permit fee of \$5.00 for each animal registered with the City; however, the fee for permit applications made during the second half of a calendar year shall be \$2.50 for each animal registered.
 - b) A reapplication fee of \$5.00 must be paid if reapplication is made as a result of a lost Animal Tag.
 - 2. All fees paid under Section VI, C, are non-refundable.
 - 3. A receipt for all fees paid under this Ordinance shall be furnished to the person paying the fee.
 - 4. All fees collected under this Ordinance shall be deposited into the General Fund Account for the City.
- D. Term of Permit.
 - 1. Permits expire on the last day of December of the year in which they are issued.
 - 2. Renewals of existing permits must be issued on or before the first day of January.

SECTION VII – BREEDER.

- A. Permit required. A permit is required in order to operate as a Breeder within the corporate limits of the City. Only members of a nationally or internationally recognized breeders club (AKC, UKC, etc.) shall be permitted to operate a Breeding Facility within the corporate limits of the City.
- B. Permit Application. An applicant for a new permit, or a permit renewal or transfer, must make application on a form provided by the City, accompanied by the permit fee set out in Section VII, C.
- C. Permit Fee.
 - 1. The fees related to a Breeder are as follows:
 - a. The Breeder must pay an annual permit fee of \$75.00 to operate a Breeding Facility; however, the fee for permit applications made during the second half of a calendar year is \$37.50.
 - b. A reapplication fee of \$100.00 must be paid if reapplication is made as a result of a permit denial.
 - 2. All fees paid under Section VII, C, are non-refundable.
 - 3. A receipt for all fees paid under this Ordinance shall be furnished to the person paying the fee.
 - 4. All fees collected under this Ordinance shall be deposited into the General Fund Account of the City.
- D. Term of Permit.
 - 1. Permits expire on the last day of December of the year in which they are issued.
 - 2. Renewals of existing permits must be issued on or before the first day of January, subject to compliance with applicable provisions of the Ordinance.
 - 3. No Residential Animal Permit Fee shall be charged to a Breeder; however, each animal harbored at the Breeding Facility for more than ninety (90) days shall be issued an Animal Tag for identification purposes.

E. MINIMUM STANDARDS.

- 1. All Breeding Facilities within the City shall meet and maintain the following minimum standards;
 - a. Be located not closer than 100 feet from any:
 - (1) Building used for residential purposes by anyone other than the person maintaining the Breeding Facility or the person's immediate family;
 - (2) School, hospital, church, public park, restaurant, food store, or building where people are employed;
 - (3) Public way, other than an alley
 - b. Maintain premises and surrounding grounds in a clean and sanitary manner, in order to keep them free from accumulations of manure, decaying food and refuse;
 - c. Utilize airtight receptacles or containers for the storage of manure, decaying food, and refuse;
 - d. Dispose of solid waste in a manner that is not offensive or unsanitary;
 - e. Be constructed and maintained in order to prevent infestation by rats or other rodents or vermin. The presence of rats in a Breeding Facility is prima facie evidence that the facility is maintained in violation of this Ordinance.

2. Any person who fails to comply with the requirements of this Ordinance shall be guilty of a Class C Misdemeanor and shall be fined as provided in Section XIV.
 3. In addition to the requirements of this section, all Breeding Facilities must comply with the City Zoning Ordinance and all other applicable ordinances, laws, and governmental rules and regulations.
- F. INSPECTIONS. It is a condition of the issuance of any permit authorized by this ordinance that the Animal Control Officer is permitted, at any time, to inspect the Breeding Facility, its animals, and the property on which such establishment is located.
- G. PERMIT REFUSAL OR REVOCATION.
1. A new or renewal permit may be refused, or an existing permit revoked if:
 - a. Permission for an inspection in accordance with the provisions of Section VII, F, above is refused;
 - b. Upon inspection, the premises of a Breeding Facility are found:
 - (1) Not to be in compliance with the minimum standards established in Section VII, E, of this Ordinance;
 - (2) To be in an unsanitary or offensive condition or in any condition affecting the health, safety, or general welfare of the public or the animals being maintained on the premises.
 - c. The person has falsified any information on the application for a permit;
 - d. The person has been convicted in a court having jurisdiction over these matters of:
 - (1) The offense of cruelty to animals;
 - (2) Any violation of this Ordinance;
 - (3) Any other law governing the protection and keeping of animals.
 2. Upon the revocation of, or refusal to renew a Breeder Permit, the permit holder must remove all animals owned, kept, or harbored at such Breeding Facility within five (5) days.
 3. Any person who is denied a permit or whose permit is revoked:
 - a. May not reapply for a period of 30 days from the date of the denial or revocation,
 - b. Will be considered to be a new applicant, unless reapplication is made within 180 days from the date of denial or revocation.
- H. Notice of Refusal or Revocation.
1. Any person who is denied a permit or whose permit is revoked must be given notice of the denial or revocation.
 2. The notice must:
 - a. Be dated and in writing;
 - b. State the reason for the denial or revocation;
 - c. Advise that a written request for an informal hearing to show cause why the permit should not have been denied or revoked must be made within five (5) working days of the date of the notice by posting the request to:

Municipal Judge
City of Cottonwood Shores
3808 Cottonwood Dr.
Cottonwood Shores, TX 78657
 3. Advise, if applicable, that the person must remove all animals within five (5) days from the date of the notice.
- I. Hearing.
1. Timely filing of a written request for an informal hearing stays the denial or revocation of a permit until final action is taken by the Municipal Judge;
 2. A permit will not be denied or revoked if, after a hearing by the Municipal Judge it is determined that the owner was not in violation of the Ordinance;
 3. Upon the written request of an addressee of a notice in this Section, the Municipal Judge, shall conduct an informal hearing;
 4. Written notice of the place, date, and time of such hearing shall be given to the person requesting the hearing, and the person must be given the opportunity to present any evidence that may be pertinent to the hearing;
 5. The Municipal Judge must determine, after reviewing the evidence presented, whether the addressee was in fact in violation of the Ordinance, and make his or her ruling as set out in Section VII, I of this Ordinance.

SECTION VIII -- COMMERCIAL ANIMAL ESTABLISHMENTS.

- A. Permit required. A permit is required in order to operate a Commercial Animal Establishment within the corporate limits of the City.
- B. Permit Application. An applicant for a new permit, or a permit renewal or transfer, must make application on a form provided by the City, accompanied by the permit fee set out in Section VIII, C.
- C. Permit Fee.
 - 1. The fees related to a Commercial Animal Establishment Permit are as follows:
 - a. The owner of a Commercial Animal Establishment must pay an annual permit fee of \$150.00 to operate the commercial animal establishment; however, the fee for permit applications made during the second half of a calendar year are \$75.00;
 - b. A permit transfer fee of \$150.00 must be paid to transfer a permit for a Commercial Animal Establishment to a new owner or operator; and
 - c. A reapplication fee of \$175.00 must be paid if reapplication is made as a result of a permit denial.
 - 2. All fees paid under Section VIII, C, are non-refundable.
 - 3. No permit fees are required of any government operated zoological park or any veterinary hospital or clinic; however, facilities exempted from permit fees are not exempted from the requirement to obtain a permit.
 - 4. A receipt for all fees paid under this Ordinance shall be furnished to the person paying the fee.
 - 5. All fees collected under this Ordinance shall be deposited into the General Fund Account of the City.
- D. Term of Permit.
 - 1. Permits expire on the last day of December of the year in which they are issued.
 - 2. Upon the change of ownership or operation of a Commercial Animal Establishment, the new owner or operator must have an existing current permit transferred to the new owner or operator's name. The transferred permit expires on the last day of December in which it is issued.
 - 3. Renewals of existing permits must be issued on or before the first day of January, subject to compliance with applicable provisions of the Ordinance.
- E. MINIMUM STANDARDS.
 - 1. All Commercial Animal Establishments within the City shall meet and maintain the following minimum standards:
 - a. Be located not closer than 100 feet from any:
 - (1) Building used for residential purposes by anyone other than the person maintaining the commercial animal establishment or the person's immediate family;
 - (2) School, hospital, church, public park, restaurant, food store, or building where people are employed;
 - (3) Public way, other than an alley.
 - b. Maintain premises and surrounding grounds in a clean and sanitary manner, in order to keep them free from accumulations of manure, decaying food and refuse;
 - c. Utilize airtight receptacles or containers for the storage of manure, decaying food, and refuse;
 - d. Dispose of solid waste in a manner that is not offensive or unsanitary;
 - e. Be constructed and maintained in order to prevent infestation by rats or other rodents or vermin. The presence of rats in a Commercial Animal Establishment is prima facie evidence that the establishment is maintained in violation of this Ordinance.
 - 2. Any person who fails to comply with the requirements of this Ordinance shall be guilty of a Class C Misdemeanor and shall be fined as provided in Section XIV.
 - 3. In addition to the requirements of this section, all Commercial Animal Establishments must comply with the City Zoning Ordinance and all other applicable ordinances, laws, and governmental rules and regulations.
- F. INSPECTIONS. It is a condition of the issuance of any permit authorized by this ordinance that the Animal Control Officer is permitted, at any time, to inspect the Commercial Animal Establishment, its animals, and the property on which such establishment is located.

G. PERMIT REFUSAL OR REVOCATION.

1. A new or renewal permit may be refused, or an existing permit revoked if
 - a. Permission for an inspection in accordance with the provisions of Section VIII, F, above is refused;
 - b. Upon inspection, the premises of a Commercial Animal Establishment are found:
 - (1) Not to be in compliance with the minimum standards established in Section VIII, E, of this Ordinance;
 - (2) To be in an unsanitary or offensive condition or in any condition affecting the health, safety, or general welfare of the public or the animals being maintained on the premises.
 - c. The person has falsified any information on the application for a permit;
 - d. The person has been convicted in a court having jurisdiction over these matters of:
 - (1) The offense of cruelty to animals;
 - (2) Any violation of this Ordinance;
 - (3) Any other law governing the protection and keeping of animals.
2. Upon the revocation of, or refusal to renew a Commercial Animal Establishment Permit, the permit holder must remove all animals owned, kept, or harbored at such Commercial Animal Establishment within five (5) days;
3. Any person who is denied a permit or whose permit is revoked:
 - a. May not reapply for a period of 30 days from the date of the denial or revocation;
 - b. Will be considered to be a new applicant, unless reapplication is made within 180 days from the date of denial or revocation.

H. Notice of Refusal or Revocation.

1. Any person who is denied a permit or whose permit is revoked must be given notice of the denial or revocation.
2. The notice must:
 - a. Be dated and in writing;
 - b. State the reason for the denial or revocation;
 - c. Advise that a written request for an informal hearing to show cause why the permit should not have been denied or revoked must be made within five (5) working days of the date of the notice by posting the request to:

Municipal Judge
City of Cottonwood Shores
3808 Cottonwood Dr.
Cottonwood Shores, TX 78657
3. Advise, if applicable, that the person must remove all animals within five (5) days from the date of the notice.

I. Hearing.

1. Timely filing of a written request for an informal hearing stays the denial or revocation of a permit until final action is taken by the Municipal Judge.
2. A permit will not be denied or revoked if, after a hearing by the Municipal Judge it is determined that the owner was not in violation of the Ordinance;
3. Upon the written request of an addressee of a notice in this Section, the Municipal Judge, shall conduct an informal hearing;
4. Written notice of the place, date, and time of such hearing shall be given to the person requesting the hearing, and the person must be given the opportunity to present any evidence that may be pertinent to the hearing;
5. The Municipal Judge must determine, after reviewing the evidence presented, whether the addressee was in fact in violation of the Ordinance, and make his or her ruling as set out in Section VIII, I of this Ordinance.

SECTION IX- INDIVIDUAL ANIMALS; RESIDENTIAL

A. General Authority.

1. The Animal Control Officer or a designated representative, may order impoundment of an animal, if the animal:
 - a. Is found to be running at large within the City;
 - b. Has bitten or injured any person within the City;
 - c. Is dangerous, vicious, or wild and is not securely confined in such a manner that it cannot come in contact with, or do harm to, any person or other animal.
2. The owner of the animal has the option to place the animal in the City facility or an approved facility of his choice, and is responsible for all expenses.

3. Should the owner of an animal fail or refuse to allow the impoundment of the animal, or attempt to interfere with the impoundment, the Animal Control Officer shall contact the Police Department to help accomplish the impoundment.

4. Farm Animals within the City shall be reported to the Police, pursuant to the provisions of the Tex. Agricultural Code, Chapter 142. The Police shall issue a Citation to the Owner of the Farm Animal(s) in lieu of impoundment. The owner shall have ten (10) Days to remove the Farm Animal(s) from the City Limits, or become subject to the Fees/Fines as set forth in Section XIV of this Ordinance.

B. Notice of Impoundment.

1. In lieu of impounding an animal, the Animal Control Officer, based on the reasonable belief that the owner is in violation of this Ordinance, shall issue to the owner of the animal a citation. This would require the appearance of the owner in Municipal Court for prosecution of the alleged violations of this Ordinance.

2. When the Owner of an animal that is impounded is known, or reasonably thought by the Animal Control Officer to be identifiable, the Animal Control Officer shall give written notice to the Owner of the impoundment.

3. The notice must contain the following information for animals impounded for any reason:

- a. Date of notice;
- b. Date and location of animals impoundment;
- c. Reason for impoundment;
- d. Reasonable description of the animal;
- e. Location of impoundment facilities and hours of which an animal can be retrieved by the owner.

4. The Animal Control Officer may not release the animal into the owner's possession unless the owner provides satisfactory evidence that the animal has had a rabies vaccination within the proceeding thirty-six (36) months. If the animal is not vaccinated, the owner will receive a citation and has fifteen (15) days in which to bring papers verifying vaccination to the Municipal Court to have charges dismissed.

5. The owner of an impounded animal may not take possession of the impounded animal until all fees and charges incurred during the impoundment have been paid in full.

6. The owner has the right to an informal hearing before the Municipal Judge to show cause why the owner should not be subjected to fees for return of the animal;

a. A written request for an informal hearing must be sent to and received by the Municipal Judge within three (3) working days of the date of the notice, the request must be addressed to:

Municipal Judge
City of Cottonwood Shores
3808 Cottonwood Dr.
Cottonwood Shores, TX 78657

7. The Animal Control Officer may not release an animal to an owner if there are any unresolved violations in Section XII.

C. Fees/Fines Imposed; Collected

1. The following fees/fines will be charged by the City and collected by the Animal Control Officer or Court Clerk in accordance with this Ordinance for each animal impounded hereunder:

- a. An impoundment fee of \$15.00 for the first offense within a twelve (12) month period;
- b. An impoundment fee of \$25.00 for the second offense within a twelve (12) month period;
- c. After an animal has been impounded twice during the previous twelve (12) month Period, the fees shall be \$25.00 multiplied by the number of times the animal has been impounded during the previous twelve (12) month period but not exceeding five hundred (\$500) dollars;
- d. A fee of \$7.50 for each day an animal remains impounded;
- e. Actual cost for the preparation and posting or mailing of each notice required under this Ordinance. The actual cost shall be presumed to be \$5.00 unless after hearing, the Municipal Judge finds otherwise;
- f. Charge for long distance telephone calls in connection with the administration of this section;

- g. The cost of additional personnel and specialized equipment necessary during an animal's apprehension and impoundment;
 - h. Medical costs, including but not limited to veterinarian fees, vaccines, and other specialized care and equipment;
 - i. Any other expenses incurred incidental to the impoundment of an animal hereunder;
 - j. Court cost as determined by the Municipal Judge.
- 2. If no one accepts responsibility for animals in the City's control, the animals can be adopted out with respect to the Rabies Control Act of 1981. The adopting owners will also pay an impoundment fee of \$10.00, plus no more than \$1.00 in daily fees (3 days), plus the rabies costs incurred. Younger animals will have a longer period of time in which to get mandated shots. It will be the Animal Control Officer's duty to check these animals at the appropriate time to make sure all shots has been done.
- 3. Fees collected.
 - a. All fees and charges incurred under this section will be charged against and are the obligation of the owner of an impounded animal, regardless of the disposition of the animal.
 - b. Except as otherwise specifically provided herein, the owner, adopter, or purchaser may not take possession of an impounded animal until the fees and charges incurred during the impoundment of the animal have been paid in full.
 - c. A receipt for all fees paid under this Ordinance shall be furnished to the person paying the fees.
 - 4. All fees collected under this Ordinance shall be deposited into the General Fund Account of the City.
- D. Hearing.
- 1. Upon written request of an addressee of a notice under this Section of this ordinance for a hearing, the Municipal Judge, or a designated representative, shall conduct an informal hearing.
 - 2. Written notice of the place, date, and time of such hearing shall be given to the person requesting the hearing, and the person must be given the opportunity to present any evidence that may be pertinent to the hearing.
 - 3. The Municipal Judge, must determine, after reviewing the evidence presented, whether the addressee was in fact in violation of the Ordinance, and make his or her ruling as set out in Sections VII, I; VIII, I; and IX, D of this Ordinance.
 - 4. Timely filing of a written request for an informal hearing stays the proceeding under this Ordinance until final action is taken by the Municipal Judge.
 - 5. The fees and charges imposed under Section IX, C, above shall not be imposed, if, after a hearing by the Municipal Judge, or a designated representative, it is determined that the owner was not in violation of the Ordinance, or that the animal should not have been impounded under the provisions of this Ordinance.

SECTION X- DISPOSITION OF ANIMALS.

- A. Impounded animals, except as provided elsewhere in this Ordinance, must be kept in impoundment for not less than three (3) business days (not including the impoundment day) if no notice has been given because of no identifiable owner. If an animal has a collar (even with no tag) all possible avenues will be taken to locate the owner and the animal shall be impounded for up to five (5) days. When the owner is found, a notice will be given and the owner will pay the fees as stated in Section IX, C of this Ordinance. If the animal has a collar with tags, the owner shall have ten (10) business days to claim the animal. A notice will be given to the owner that states when and where the animal was found. The owner will pay fees as stated in Section IX, C of this Ordinance.
- B. No animal may be released to a person other than the owner or the owner's authorized Representative until the requirements of the Tex Health and Safety Code, Chapter 828, which relates to sterilization of dogs and cats, have been satisfied.
- C. If the animal is adopted by a person other than the owner and the Animal Control Officer has not received evidence sufficient to demonstrate that the animal has had a rabies vaccination within the preceding thirty-six (36) months, the purchaser must provide sufficient evidence of rabies vaccination to the Animal Control Officer within fifteen (15) days of the adoption of the animal. Failure to provide evidence of vaccination within fifteen (15) days of the adoption of the animal is a violation of the Ordinance and subject to fines as herein specified.

- D. Any animal described in "A" of this section that is not claimed by its owner within the time period designated in the section, becomes the property of the City. The City may then either adopt out the animal, humanely dispose of it, or take it to a state recognized animal care provider.
- E. At any time prior to its adoption, or disposal, the owner of an animal may claim it from the City after satisfying the requirements of this Ordinance, including payment of fees.

SECTION XI- DESTRUCTION OF ANIMALS.

- A. The Animal Control Officer may destroy or authorize the destruction of an animal under the following circumstances:
 - 1. When the animal is attempting or threatening injury to any person or another animal, and such destruction appears to be the most reasonable means available to prevent such injury;
 - 2. When there is evidence that any person or another animal has been bitten or scratched by an animal which is attempting or threatening to escape, and the owner of the animal inflicting such injury is unknown or cannot be located;
 - 3. An animal may be put down immediately if there is evidence that the animal is terminally ill or mortally injured or is suffering from a disease that is a threat to public health;
 - 4. Any animal not adoptable, or picked up by the owner, may be disposed of or taken to a State recognized animal care provider for disposition, in accordance with detention Described in Section X, A.
- B. Any animal destroyed pursuant to A, 2, of this Section must be tested for rabies.

SECTION XII- BITING ANIMAL.

- A. An animal impounded for biting shall be confined for at least ten (10) days. At the request of its owner, and with the consent of a veterinarian, the animal may be confined at facilities maintained by a licensed veterinarian.
- B. When the owner of an animal impounded for biting is known, or reasonably thought by the Animal Control Officer to be identifiable, the Animal Control Officer must attempt to personally contact the owner in order to determine if and when the animal has been vaccinated for rabies.
- C. In addition to all the notice requirements listed in Section IX, B, the notice must contain the following information for animals impounded for biting:
 - 1. That the animal will be confined for at least ten days;
 - 2. That, if the owner has not already done so, the owner should immediately contact the Animal Control Officer to discuss if and when the impounded animal was vaccinated for rabies;
 - 3. That the owner may not take possession of the impounded animal until the Animal Control Officer has received a certificate signed by a licensed veterinarian certifying that the animal is free of transmittable rabies.
- D. No animal impounded for biting shall be released to its owner until the Animal Control Officer has received either:
 - 1. A certificate signed by a licensed veterinarian certifying that the animal is free of transmittable rabies
 - 2. If the animal is over the age of four months and subject to rabies evidence sufficient to satisfy the Animal Control Officer that it has had a rabies vaccination within the preceding thirty-six (36) months or that it has been given the required vaccination during its period of impoundment.

SECTION XIII- PROHIBITIONS. It is a violation of this Ordinance to:

- A. It is a violation of this Ordinance to:
 - 1. Maintain a Public Nuisance as defined by Section II, O;
 - 2. Allow an un-spayed female animal, while the animal is in heat, to be upon the streets and in public places of the City;
 - 3. Own or operate a Breeding Facility or Commercial Animal Establishment without having in force or effect a permit issued in accordance with this Ordinance;

4. Allow an animal to run at large;
5. Fail to keep an animal under restraint and to exercise proper care and control of an animal to prevent it from becoming a public nuisance;
6. Tamper with any trap or animal-catching device set out by the Animal Control Officer or a designated representative;
7. Keep within the City an animal subject to contracting rabies which is over the age of four months and fail to:
 - a) Have the animal vaccinated for rabies;
 - b) Affix around the animal's neck, a collar with a current rabies tag attached when it is not on the property of the owner.
8. Keep, maintain, use, or have a dangerous, vicious, or wild animal, unless it is securely confined in a manner so that it cannot come in contact with, or do harm to, any person or another animal.
9. Interfere with, hinder, or molest any City employee in the performance of the employee's duties under this Ordinance.
10. Shelter, harbor or own more than a total of three dogs and cats. Persons known to shelter, harbor or own more than three dogs and cats at the time this Ordinance is passed, shall upon the demise of the animals, adhere to the total three rule. Newborn animals of less than 90 days of age are not included in the count.
11. Do any act which otherwise is prohibited in the Ordinance.

SECTION XIV- PENALTY.

- A. Any person found to be violating this Ordinance is guilty of a misdemeanor and, upon conviction, is subject to a fine not to exceed \$500.00 per offense. Each day of such violation constitutes a separate offense.

SECTION XV- SEVERABILITY.

Should any word, phrase, sentence, paragraph, or portion of this Ordinance be determined by a court of competent jurisdiction to be invalid for any reason then in that event that event such invalidity shall not affect the remaining portions of the Ordinance.

SECTION XVI- EFFECTIVE DATE.

This Ordinance shall become effective upon passage, adoption and publication in accordance with state law.

PASSED AND APPROVED by the City Council of Cottonwood Shores, Texas at a meeting on the 15th day of January, 2004.


 Dale Pickens, Mayor

ATTEST:


 Tena Collier, City Secretary



MEMO

TO: Council Members

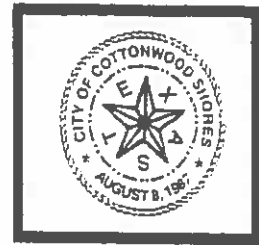
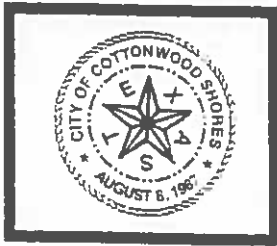
FROM: Sylvia Breen

RE: Fire Protection Committee

I finally made contact with Bill Weaver, who lives in Castle Terrace or LBJ Estates, depending who you are talking too, and he agreed he will serve on the Fire Protection Committee. I guess since the Fire Department had already selected Tracey Carroll before he resigned we need to let them choose again from these 3, Bill Weaver, Richard Frazer and Hans Schneider..

Now we can move forward with this item.

Sylvia



CITY OF COTTONWOOD SHORES
3808 COTTONWOOD DRIVE
COTTONWOOD SHORES, TEXAS 78657
PH.830-693-3830 FAX 830-693-6436

CITY COUNCIL MEETING
ATTENDANCE RECORD

08/21/08

PLEASE SIGN IN:

Elysha Mankins
 SYLVIA LEWIS
George Bird Jr.
W. Wayson

W. Wayson
Lincoln Kiba

William Phumby
Janet Taylor
Euchid Dhyon
Edna McDaniel

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~~*[Signature]*~~
 STEPHEN SHERRY
 JEAN LANGENDORF
 Carol Luce Wright
 Michael Wright
 Phil Apple

Artulone
Pam and Glenn Stevenson
Loris Law Cook
Martha Logan
Janelle Id Jones
Richard Taylor
Jeanie Blackwell
WON ROBERT
 Corine Apple
 CARL BOEN

Elizabeth Matthews

City of Cottonwood Shores, Texas
REGULAR MEETING OF THE CITY COUNCIL
CITY OF COTTONWOOD SHORES
THURSDAY, AUGUST 21st, 2008 AT 6:00 P.M.
PFEIFER CIVIC CENTER
4111 COTTONWOOD DRIVE

 ORIGINAL

AGENDA

1. Call to Order
2. Roll Call
3. Invocation
4. Pledge of Allegiance
5. Consent Agenda:
 - 5.1. Minutes-July 17th (Reg. Mtg.) and August 7th (Reg. Mtg.)
 - 5.2. Financial Statements – May 2008 and June 2008
6. Reports:
 - 6.1. City Administrator Report
 - 6.2. Municipal Court Report
 - 6.3. Mayor's Report
 - 6.4. Special Committee Reports
7. Community Input
 - 7.1. PEC Presentation
 - 7.2. Citizen Comments: *This is the opportunity for visitors and guests to address the City Council on any issue. City Council may not discuss any presented issue, nor may any action be taken on any issue at this time. (Attorney General Opinion-Jc-0169)*
8. New Business:
 - 8.1 Discuss and take action regarding an application to replat two lots of the Cottonwood Shores, Driftwood Section as requested by Mr. Dewey Hollingsworth of Spicewood, Texas
 - 8.2 Discuss and consider action regarding HB 1411 implementation in the City of Cottonwood Shores as requested by Councilwoman Shirley Adams
 - 8.3 Discuss and consider action amending Ordinance No. 011504C, the Animal Control Ordinance as requested by Councilwoman Shirley Adams
 - 8.4 Discuss whether or not the City Council agendas were being submitted to the City Attorney as outlined in the City Decorum Policy as requested by Councilwoman Shirley Adams
 - 8.5 Discuss and consider action regarding the road cuts that could be caused by LCRA land changes and the response by the City of Cottonwood Shores as requested by Councilman Roger Wayson
 - 8.5 Discuss progress that has been made to the Master Plan of the City of Cottonwood Shores as requested by Councilman Roger Wayson

- 8.6 Discuss and consider action nominating at least one person for the Fire Protection Planning Committee as requested by Mayor Breen
- 8.7 Discuss and consider action nominating at least one person to the Board of Adjustments and Appeals as requested by Mayor Breen
- 8.8 Discuss and consider action to approve the purchase of a dump truck by lease-purchase under the I & S account as requested by the City Staff
- 8.9 Discuss and consider action regarding Direction for the City Administrator as requested by Mayor Breen
- 8.10 Discuss and consider action regarding the 2008-2009 City of Cottonwood Shores Budget as requested by Mayor Breen
- 8.11 Discuss and consider action regarding Resolution #082108A of the City of Cottonwood Shores, Burnet County, Texas, to Adopt a Proposed Tax Rate for the 2008-2009 Fiscal Year as requested by City Staff
- 8.12 Discuss and consider action regarding Resolution #082108B to adopt a schedule of meetings and deadlines for adopting a budget for the 2008-2009 Fiscal Year as requested by City Staff
- 8.13 Discuss a proposed Ordinance No. 082108 establishing the Street Paving Fund for the purpose of Paving, Improving, and Maintaining Streets as requested by City Staff
- 8.14 Executive Session for Legal Matters
 - a.) Convene in Executive Session pursuant to Section 551.074 of the Texas Government Code: deliberate for the purpose of hearing the appeal of Mr. Richard Frazier, who was terminated from City employment
 - b) Reconvene into Open Session and take action on Item 8.14
- 8.15 Executive Session for Legal Matters
 - a.) Convene in Executive Session pursuant to Section 551.074 of the Texas Government Code: deliberate for the purpose of hiring, terminating, demotion, or evaluating Don Reynolds as City Administrator
 - b) Reconvene into Open Session and take action on Item 8.15

9. Future Agenda
10. Adjournment

The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by the Texas Government Code including, but not limited to Section: 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Homeland Security Issues) and authorized by the Texas Tax Code including, but not limited to Section 321.3022 (Sales Tax Information).

I certify that the above notice was posted at City Hall, 3808 Cottonwood Drive, Cottonwood Shores, Texas on this the 18 day of Aug., 2008 at 5:00 p.m.

Sylvia H. Breen
Sylvia H. Breen, Mayor

ATTEST:

Cynthia Schwertner
Cynthia Schwertner, Asst. City Secretary

