

**MINUTES OF A SPECIAL MEETING OF THE
CITY COUNCIL OF THE CITY OF COTTONWOOD SHORES, TEXAS
3808 COTTONWOOD DRIVE – CITY HALL
HELD ON THURSDAY, OCTOBER 12, 2000 AT 5:00 P.M.**

1. **CALL TO ORDER AND ROLL CALL:** Mayor Pickens called this Special Meeting to Order at 5:04 p.m., with both Commissioner Phipps and Commissioner Pfeifer in attendance, a Quorum was present.
2. **CONSENT AGENDA:**
 - A. **MINUTES OF A REGULAR MEETING ON SEPTEMBER 21, 2000:** Commissioner Pfeifer stated he didn't find anything wrong in the minutes. He then made a motion to approve item 2(A) on the Consent Agenda. Commissioner Phipps seconded his motion, which carried.
3. **CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY MR. DEVEREL HARP TO APPROVE THE PROPOSED REPLAT OF LOTS 537, 538 & 539, SCARLET OAKS SECTION, COTTONWOOD SHORES, TEXAS AS RECORDED IN VOL. 1, PAGE 184, BURNET COUNTY PLAT RECORDS INTO LOT 537 AND THE SOUTHERLY HALF OF LOT 538, SCARLET OAKS AND LOT 539 AND THE NORTHERLY HALF OF LOT 538, SCARLET OAKS, COTTONWOOD SHORES, TEXAS:** Mayor Pickens explained that Mr. Harp had three, fifty-by-one-hundred foot lots which he wanted to have replatted into two, seventy-five-by-one-hundred foot lots in order to build two houses, one on each new lot. He stated he would like to encourage property owners to build on more than just one lot. Commissioner Pfeifer stated he didn't have a problem with him replatting his lots. Commissioner Phipps then made a motion to approve Item No. 3 on the Agenda, replatting Lots 537, 538 & 539 in the Scarlet Oaks Section. Commissioner Pfeifer seconded her motion, which carried.
4. **CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY MR. KEITH FERRILL TO APPROVE THE PROPOSED REPLAT OF LOTS 191, 192, 193, 194, & 195, DRIFTWOOD SECTION, COTTONWOOD SHORES, TEXAS AS RECORDED IN VOL. 1, PAGE 190, BURNET COUNTY PLAT RECORDS INTO LOT 191A, 193A & 195A AS RECORDED IN BURNET COUNTY PLAT RECORDS CABINET 1, SLIDE 44-C:** Mayor Pickens explained that Mr. Ferrill had five, fifty-by-one-hundred foot lots he wanted to have replatted into three, eighty-three-by-one-hundred foot lots in order to build three houses, one on each new lot. Commissioner Pfeifer made a motion to approve Item No. 4 on the Agenda, replatting Lots 191, 192, 193, 194, & 195 in the Driftwood Section. Commissioner Phipps seconded his motion, which carried.
5. **CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY MR. JOHNNY RUTHERFORD FOR A VARIANCE TO THE THIRTY-FOOT (30') SETBACK AND UTILITY EASEMENTS AS RECORDED IN VOL. 141, PAGE 434, BURNET COUNTY DEED RECORDS ON LOT 95, SCARLET OAKS SECTION, COTTONWOOD SHORES, TEXAS AS RECORDED IN VOL. 1, PAGE 194, BURNET COUNTY PLAT RECORDS, TO ALLOW THE CONSTRUCTION OF A FRONT AND SIDE PORCH ON HIS NEW SHOP BEING BUILT UPON LOT 95, SCARLET OAKS SECTION, COTTONWOOD SHORES, TEXAS:** Mayor Pickens explained that Mr. Rutherford needed to build a porch over the utility easement between Lot 95 & Lot 96 in the Scarlet Oaks Section as well as a porch on the front of his building which would encroach into the thirty-foot setback requirement. Commissioner Pfeifer asked if he wanted a twenty-foot setback and a variance for the utility easement on the eastside of his new building. Mayor Pickens stated that was correct. He added Mr. Rutherford owns both lots. Commissioner Pfeifer asked if we had determined there was no water line in easement between his lots. Mayor Pickens stated there was no water line between his lots. He added the water line is located on the westside of Lot 95, between Lot 95 & Lot 94. This was part of the reason for moving the building closer to the street. The sewer line is located in this easement along with the water, which actually encroaches onto Lot 95. Commissioner Pfeifer made a motion to grant a variance to Mr. Rutherford to allow the construction of a side porch over the utility easement between Lot 95 & Lot 96 as well as requiring only a twenty-foot setback for his new building. Commissioner Phipps seconded his motion, which carried.
6. **CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY MS. BERTHA COZBY FOR A CREDIT ADJUSTMENT ON HER UTILITY BILL FROM THE CITY OF COTTONWOOD SHORES FOR HIGH WATER USE DUE TO A WATER LEAK AT HER RESIDENCE ON LOT 10 IN THE CASTLE TERRACE SECTION:** Commissioner Phipps inquired if this was the same Ms. Cozby who had just received a discount for a leak. Mayor Pickens stated yes, she had found an additional sprinkler leaking. Commissioner Pfeifer stated it's supposed to be a onetime

adjustment. Commissioner Phipps stated she felt like once was enough. She added it was not fair to other citizens to make up the difference. Commissioner Pfeifer agreed. Commissioner Phipps then made a motion to disapprove Item 6 on the Agenda. Commissioner Pfeifer seconded her motion, which carried.

7. **CONSIDER AND POSSIBLY TAKE ACTION ON AMENDING THE CONTRACT FOR TREATMENT AND DISPOSAL OF WASTEWATER BETWEEN LAKE LBJ MUNICIPAL UTILITY DISTRICT AND THE CITY OF COTTONWOOD SHORES:** Mayor Pickens stated he was not sure what to do with the first draft amendment to the contract proposed by LBJ MUD. He added he was not happy with some of the conditions, but was not sure if the City had a choice. He was particularly upset with the \$48,000 Capitol Outlay. He noted the City could not afford to pay \$48,000 outright. He suggested making payment arrangements, which the City could afford. Commissioner Pfeifer stated he did not see why LBJ MUD had to come into the City to inspect every tap before connecting to the City's system. He suggested going before the MUD Board to see what payment arrangements could be made and discussing their inspection fees. Mayor Pickens wanted to let the attorneys hash out the differences. Commissioner Phipps thought it was a good idea to let the attorneys work it out. Commissioner Pfeifer stated he would rather go before the board to see what could be worked out. Mayor Pickens stated Mr. Doyle Wyatt was out of town now, but he would get with him later. He felt he could not agree with the City paying all the legal fees and engineering fees as stated in this first draft amendment. Commissioner Pfeifer stated he didn't care who did the talking, the lawyers or Commissioners, but he was not ready to sign the first draft proposed. Commissioner Phipps asked what options the City did have. Mayor Pickens replied the City didn't have a lot of options, we have to have sewer treatment. Commissioner Pfeifer stated we should go before the board and see what options we have such as payment options. Mayor Pickens stated he didn't have a problem amending the contract or paying the \$48,000 since we were sending more sewage than allowed in the original contract. He just didn't agree with all of LBJ MUD's conditions. Commissioner Pfeifer inquired why couldn't we make them pay for the City's legal fees. Mayor Pickens suggested talking with Mr. Ed Padgett to see if perhaps he would pay the \$48,000 up front and then let the City repay Mr. Padgett. Commissioner Pfeifer stated that sounded like a good idea. He then made a motion to disapprove the first draft amendment to the contract for treatment and disposal of wastewater as proposed until revisions discussed can be made by the City's attorney and a second draft presented for approval. Commissioner Phipps seconded his motion, which carried.

8. **CITIZEN COMMENTS:** Mr. Euclid Phipps asked what the \$48,000 was actually for. Mayor Pickens stated it is for the added growth and resulting sewage sent for treatment. He noted when the sewer system went into the ground the City paid \$100,000 as a set-up fee. According to the billing information over the years, the City was only using 12-15% of the capacity allowed. Towards the end of May, we had the meter recalibrated at the request of LBJ MUD. The recalibration showed that the meter was reading tenths, not hundredths like it should have been. Now, instead of only using 12-15% we are already using over the amount of sewage allowed in the original contract. He added LBJ MUD should bear some of the responsibility for the mistaken calibration. They were running the sewer system when first installed. They never requested for the meter to be recalibrated in the past. Commissioner Phipps asked if the City had to pay the \$48,000. Mayor Pickens stated yes. He added he understood about paying to build a larger sewer plant for growth within the City. He just didn't know how the City would pay for it. Commissioner Pfeifer noted the \$48,000 doesn't cover any of the past growth, just for future growth.

9. **ADJOURNMENT:** Mayor Pickens adjourned this Special Meeting at 5:55 p.m.

ATTEST:


TENNA COLLIER, CITY SECRETARY


DALE PICKENS, MAYOR



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CITY COUNCIL OF THE CITY OF COTTONWOOD SHORES, TEXAS
3808 COTTONWOOD DRIVE – CITY HALL
THURSDAY, OCTOBER 12, 2000 AT 5:00 P.M.**

A G E N D A

1. CALL TO ORDER AND ROLL CALL.
2. CONSENT AGENDA:
 - A. MINUTES OF A REGULAR MEETING ON SEPTEMBER 21, 2000.
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7. CONSIDER AND POSSIBLY TAKE ACTION ON AMENDING THE CONTRACT FOR TREATMENT AND DISPOSAL OF WASTEWATER BETWEEN LAKE LBJ MUNICIPAL UTILITY DISTRICT AND THE CITY OF COTTONWOOD SHORES.
8. CITIZEN COMMENTS.
9. ADJOURNMENT.

I CERTIFY THAT THE ABOVE NOTICE WAS POSTED AT CITY HALL, 3808 COTTONWOOD DRIVE, COTTONWOOD SHORES, TEXAS ON THIS 9TH DAY OF OCTOBER 2000 AT 5:00 PM.

ATTEST:



DALE PICKENS, MAYOR



TENA COLLIER, CITY SECRETARY

