

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF COTTONWOOD SHORES, TEXAS  
4111 COTTONWOOD DRIVE – CIVIC CENTER  
THURSDAY, NOVEMBER 20, 2003 AT 7:00 P.M.**

- 1) **CALL TO ORDER AND ROLL CALL.** Mayor Pickens called the meeting to order at 7PM with Commissioners Pfeifer and Hildebrand in attendance. A quorum was present.
- 2) **CONSENT AGENDA:**
  - a) **MINUTES OF A SPECIAL MEETING ON SEPTEMBER 30, 2003 AND A REGULAR MEETING ON OCTOBER 16, 2003.**

Mayor Pickens stated that the minutes would be tabled.

- b) **FINANCIAL STATEMENTS FOR THE MONTHS OF SEPTEMBER 2003 AND OCTOBER 2003.**

A motion was made by Commissioner Hildebrand that the financial statement for the month of September, 2003, be accepted. Commission Pfeifer seconded the motion and was passed.

Mayor Pickens stated that the October, 2003, financial statements be placed on the next meeting.

- 3) **QUARTERLY PRESENTATION BY MR. GEORGE BIRD WITH PEDERNALES ELECTRIC COOPERATIVE.**

Mr. Bird explained that the rate for electricity, power cost recovery, was being increased due to the fuel increase to make electricity. Mr. Bird reported that PEC was going to continue the rebate program on the replacement of efficiency heat and air conditioner units and explained that there were three different types of rebates available. Mr. Bird also reported that they are going to a new automated system which would allow outages to reported when the telephone number is logged into the system.

Mr. Bird explained the idea or clearing the right of ways is to get access right away when there is an emergencies, it is not just to get rid of trees, it gives us access when people are without power.

- 4) **CONSIDER AND POSSIBLY TAKE ACTION ON ADOPTING A RESOLUTION OF VOTES CAST TO SELECT THE BOARD OF DIRECTORS FOR THE BURNET CENTRAL APPRAISAL DISTRICT FOR 2004-2005.**

Commissioner Hildebrand made a motion to give two (2) votes each to the candidates listed in the resolution of votes cast to select the board of directors for the Burnet Central Appraisal District for 2004-2005. Commissioner Pfeifer seconded the motion and was passed.

- 5) **CONSIDER AND POSSIBLY TAKE ACTION ON REINSTATING THE BUILDING PERMIT ISSUED TO MR. & MRS. WAYNE MAYNARD FOR AN ADDITION TO THEIR RESIDENCE AT 714 DRIFTWOOD LANE, COTTONWOOD SHORES, TEXAS.**

Commissioner Pfeifer reported that a letter had been received from the attorney that negotiations were still ongoing as to whether the mobile stays or leaves and had asked for a 30-day extension last month. Commission Pfeifer wanted to know how you could vote on reinstating the building permit when you did not know whether the mobile home was going to stay or leave. Commissioner Pfeifer stated that if the city reinstates the building permit for the one room and they pull the trailer out, all that is then left is the one room.

Mrs. Maynard stated that the decision was not fair that the City of Cottonwood was driving her out of her home and that her husband was in the hospital because of the stress and had over \$5,000 of medical bills because of the city's negligence and that a building permit was issued by the city in order to bring it into compliance of 1200 feet.

Mayor Pickens stated that this issue had gone on too long and there was a misunderstanding somewhere; Information was possibly not given, but let me state this one more time, when that mobile home was brought in, a permit was not visibly attached to the property, we did not have a sketch or a floor plan of the mobile home. The mobile home should have been taken out, but it is there now attached to the ground. I recommend that we give this family a variance and move on and make sure that the permitting process is fixed so that this does not happen again.

Mrs. Sylvia Breen asked if the building permit is issued if it would bring them into compliance. Mayor Pickens stated that it would not bring them into compliance as he understands the ordinance but will bring them into compliance with the 1200 square feet which is the minimum square feet for the residents of this city.

Mrs. Janet Taylor-Carusi wanted to know if a waiting period could be placed into effect to stop mistakes. Mayor Pickens stated that it clearly states 10 days on the form to approve it and we are anxious to help people and we try to approve them as quickly as possible and sometimes leads to errors by being hasty.

Judge Austin asked if the council passed the variance in this instance what type of a legal precedence for any future situations would this set. Mayor Pickens stated that variance is not mentioned in this

and it should be mentioned that it is a variance of the ordinance and if it came up again, the council would have approval authority over it. Mayor Pickens stated that the object was to prevent this from happening again.

Commissioner Hildebrand made a motion for a variance to reinstate the building permit issued to Mr. And Mrs. Wayne Maynard for an addition to their residence at 714 Driftwood, Cottonwood Shores, Texas. Mayor Pickens seconded the motion and was passed.

- 6) CONSIDER AND POSSIBLY TAKE ACTION ON CLARIFYING THE CITY OF COTTONWOOD SHORES' POLICY ON EMERGENCY RESPONSES BY EMPLOYEES AND VOLUNTEERS UPON CITY STREETS.

A lengthy discussion was held on the legality of speed limits for emergency vehicles within the city and of liability involvement in case of an accident. It was pointed out that the city does not have the authority to limit the speed of fire trucks or police vehicles. Mr. Tom Powell stated that there was a written agreement with the city to show that the volunteer fire department insurance would cover accidents.

- 7) CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY MR. DION PEREZ FOR A VARIANCE TO THE FIVE FOOT UTILITY EASEMENT AND SETBACK REQUIREMENT AS RECORDED IN VOLUME 141, PAGE 434, BURNET COUNTY DEED RECORDS ON LOTS 504 AND 505, SCARLET OAKS SECTION, COTTONWOOD SHORES, TEXAS AS RECORDED IN VOLUME 1, PAGE 184, BURNET COUNTY PLAT RECORDS TO ALLOW FOR THE CONSTRUCTION OF A NEW HOME OVER AND UPON SET UTILITY EASEMENT.

A motion was made by Commissioner Pfeifer to approve the request by Mr. Dion Perez for a variance to the five foot utility easement and setback requirement as recorded in Volume 141, Page 434, Burnet County Deed Records on lots 504 and 505, Scarlet Oaks Section, Cottonwood Shores, Texas, as recorded in Volume 1, Page 184, Burnet County Plat Records to allow for the construction of a new home over and upon set utility easement. Commissioner Hildebrand seconded the motion and was passed.

- 8) CONSIDER AND POSSIBLY TAKE ACTION ON ADOPTING AN ORDINANCE PROVIDING FOR THE CONTROL OF ANIMALS WITHIN THE CITY OF COTTONWOOD SHORES, TEXAS, REPEALING ORDINANCE NO. 031193.

Mr. Tom Powell suggested that this be placed on hold until the next city council meeting for further study by animal control, city council and the police department. Mayor Pickens recommended that a workshop meeting be planned for Wednesday, December 3, 2003, at 5:30 PM.

- 9) MONTHLY ACTIVITY REPORTS:  
A. POLICE DEPARTMENT:  
(1) ACTIVITY LOG.

Mayor Pickens read the report for October: 2 suspicious parked vehicles; 2 accidents; 1 assault, family violence; 2 criminal mischief; 1 disturbance; other agency assists, EMS fire, 1; harassment. 1; welfare concern, 2 welfare checks; death, 1; and 36 miscellaneous calls for a total of 49 calls. Municipal court citations issued: There were 2 arrests, no juvenile arrests. There was 390 hours and 2,136 miles driven.

- B. PUBLIC WORKS:  
(1) WATER & SEWER SYSTEM PERFORMANCE & USAGE.

Nathan reported that there was a lot of technical problems with the No. 1 lift station; had a motor burn up, had a pump seal go out and had to pull the pump out on No. 3. water usage low, 3.5 million gallons (raw water); rather high waste water usage, but this is being checked and should here back from LBJ within the next day or two.

- (2) ANIMAL CONTROL.

Mr. Powell had been working on an ordinance. Mr. Powell reported that there were an awful lot of snakes, animals being dumped and that it was a real mess and will need everyone's help and cooperation.

- C. CIVIC PRIDE:  
(1) UPCOMING MEETING DATES & FUTURE PROJECTS.

Mayor Pickens stated that nothing is in the works for the Civic Pride and noted that the monument that was vandalized is back in place.

- D. VOLUNTEER FIRE DEPARTMENT.

We had one chimney fire and stated that anyone that has a fireplace should have the fireplace every two years because creosote will build up and catch on fire when it gets hot enough. Everyone should have fire detectors in their homes and change the batteries during daylight savings time. For the city employees we will be giving a CPR class on December 6, 2003, from 1 PM to 6 PM at the fire department and there will be no charge.

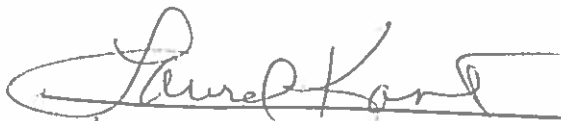
10) CITIZEN COMMENTS.

Judge Joann Austin stated that along with re-writing the animal control ordinance that she wanted to suggest that some procedures be written for the recordkeeping of animals that are picked up and held: when they were picked, where they were picked up, any identification, when and if released or how they were disposed of. There have been problems in the past for not having those records. Mayor Pickens stated that Mr. Powell already had that system in place.

There was discussion on the entrance to the city and that the state would have to use the grinder to repair. Mayor Pickens stated that he would call Burnet to ask for repair and would also contact the judge who said he would help if it was not done.

11) ADJOURNMENT. Mayor Pickens adjourned the meeting at 8:08 PM.

TENA COLLIER, CITY SECRETARY

  
Laurel Kant, City Secretary  
Replaces Original Minutes  
Dec. 21, 2005

**COTTONWOOD SHORES  
MONTHLY WATER/ WASTEWATER  
DEPARTMENT REPORT**

**November 2003**

**Raw water usage**

3,370,000 total  
112,000 average  
195,000 max  
80,000 min

**Treated water usage**

3,034,000 total  
101,000 average  
195,000 max  
69,000 min

**Wastewater pumpage**

1,657,000 gallons of wastewater was pumped to LBJ MUD for treatment.

**Streets**

Worked on bar ditches as time permitted.







# City of Cottonwood Shores

Chartered 1987

3915 Cottonwood Drive  
Marble Falls, Texas 78654  
830/ 693-3830  
Fax 830/ 693-6436

Dale Pickens - Mayor

Tena Collier - City Secretary

## AGENDA ITEM REQUEST

I hereby request the following subject to be placed on the Agenda for the next Regular Meeting of the City Commissioners of the City of Cottonwood Shores, Texas:

Date of next Regular Meeting: 11.20.03

Subject to be addressed: POLICY on 911 RUNS  
TO CALL OUTS

Informational Presentation: Yes  No

Requires Action by Commission: Yes  No

Name(s) of requester: BILL PLUMLEY

Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_

William Plumley 11-14-03  
Requester Date

Tena Collier 11-14-03 11:50  
Received by City Employee Date Time a.m./p.m.

**SUBCHAPTER B. OPERATION OF CERTAIN FIRE-FIGHTING EQUIPMENT**

546.021. Mutual aid organizations.

**SUBCHAPTER A. AUTHORIZED EMERGENCY VEHICLES**

**§546.001. Permissible conduct.**

In operating an authorized emergency vehicle the operator may:

- (1) park or stand, irrespective of another provision of this subtitle;
- (2) proceed past a red or stop signal or stop sign, after slowing as necessary for safe operation;
- (3) exceed a maximum speed limit, except as provided by an ordinance adopted under Section 545.365, as long as the operator does not endanger life or property; and
- (4) disregard a regulation governing the direction of movement or turning in specified directions.

(Added by L. 1995, chap. 165(1), eff. 9/1/95.)

**§546.002. When conduct permissible.**

Section 546.001 applies only when the operator is:

- (1) responding to an emergency call;
- (2) pursuing an actual or suspected violator of the law; or
- (3) responding to but not returning from a fire alarm.

(Added by L. 1995, chap. 165(1), eff. 9/1/95.)

**§546.003. Audible or visual signals required.**

Except as provided by Section 546.004, the operator of an authorized emergency vehicle engaging in conduct permitted by Section 546.001 shall use, at the discretion of the operator in accordance with policies of the department or the local government that employs the operator, audible or visual signals that meet the pertinent requirements of Sections 547.305 and 547.702. (Added by L. 1995, chap. 165(1), eff. 9/1/95.)

**§546.004. Exceptions to signal requirement.**

(a) A volunteer fire fighter who operates a private vehicle as an authorized emergency vehicle may engage in conduct permitted by Section 546.001 only when the fire fighter is using visual signals meeting the pertinent requirements of Sections 547.305 and 547.702.

(b) An authorized emergency vehicle that is operated as a police vehicle is not required to be equipped with or display a red light visible from the front of the vehicle.

(c) A police officer may operate an authorized emergency vehicle for a law enforcement purpose without using the audible or visual signals required by Section 546.003 if the officer is:

- (1) responding to an emergency call or pursuing a suspected violator of the law with probable cause to believe that:
  - (A) knowledge of the presence of the officer will cause the suspect to:

- (i) destroy or lose evidence of a suspected felony;
  - (ii) end a suspected continuing felony before the officer has obtained sufficient evidence to establish grounds for arrest; or
  - (iii) evade apprehension or identification of the suspect or the suspect's vehicle; or

(B) because of traffic conditions on a multilaned roadway, vehicles moving in response to the audible or visual signals may:

- (i) increase the potential for a collision; or
  - (ii) unreasonably extend the duration of the pursuit; or
- (2) complying with a written regulation relating to the use of audible or visible signals adopted by the local government that employs the officer or by the department.

(Added by L. 1995, chap. 165(1), eff. 9/1/95.)

**§546.005. Duty of care.**

This chapter does not relieve the operator of an authorized emergency vehicle from:

- (1) the duty to operate the vehicle with appropriate regard for the safety of all persons; or
- (2) the consequences of reckless disregard for the safety of others.

(Added by L. 1995, chap. 165(1), eff. 9/1/95.)

§§546.006 to 546.020. (Reserved.)

**SUBCHAPTER B. OPERATION OF CERTAIN FIRE-FIGHTING EQUIPMENT**

**§546.021. Mutual aid organizations.**

(a) Two or more businesses whose activities require the maintenance of fire-fighting equipment may form a mutual aid organization in which the member businesses agree to assist each other during an emergency by supplying fire-fighting equipment or services.

(b) The presiding officer or director of an organization formed under this section shall deliver a list to the county fire marshal, or to the commissioners court of a county if the county does not have a fire marshal, in each county in which a member business is located. The list must contain the name of the registered owner and license plate number of each motor vehicle that each member intends to use in supplying fire-fighting equipment or services.

(c) If the county fire marshal or commissioners court determines that the operation of the vehicles on the list is in the public interest and not a threat to public safety, the marshal or court shall approve the list.

(d) On approval of the list by the county fire marshal or commissioners court, a person operating a listed motor vehicle in response to a call for emergency fire-fighting assistance from a member has the rights and restrictions placed by this subtitle on the operator of an authorized emergency vehicle.

(e) A county is not liable for damage to a person or property caused by a person approved by the county under this section to operate a motor vehicle for emergency fire-fighting assistance.

(Added by L. 1995, chap. 165(1), eff. 9/1/95.)

**CHAPTER 547. VEHICLE EQUIPMENT**

**SUBCHAPTER A. GENERAL PROVISIONS**

Section	Definitions.
547.001.	Definitions.
547.002.	Applicability.
547.003.	Equipment not affected.
547.004.	General offenses.
547.005.	Offense relating to violation of special-use provisions.
547.006 to 547.100.	(Reserved.)

**SUBCHAPTER B. ADOPTION OF RULES AND STANDARDS**

547.101.	Rules and standards in general.
547.102.	School bus equipment standards.
547.103.	Air-conditioning equipment standards.
547.104.	Slow-moving-vehicle emblem standards.
547.105.	Maintenance and service equipment lighting standards.
547.106 to 547.200.	(Reserved.)



§545.364. (Repealed by L.1999, chap. 1346(3), eff. 9/1/99.)

§545.365. Speed limit exception for emergencies; municipal regulation.

(a) The regulation of the speed of a vehicle under this subchapter does not apply to:

- (1) an authorized emergency vehicle responding to a call;
- (2) a police patrol; or
- (3) a physician or ambulance responding to an emergency call.

(b) A municipality by ordinance may regulate the speed of:

- (1) an ambulance;
- (2) an emergency medical services vehicle; or
- (3) an authorized vehicle operated by a blood or tissue bank.

(Added by L.1995, chap. 165(1), eff. 9/1/95.)

§§545.366 to 545.400. (Reserved.)

### SUBCHAPTER I. MISCELLANEOUS RULES

§545.401. Reckless driving; offense.

(a) A person commits an offense if the person drives a vehicle in wilful or wanton disregard for the safety of persons or property.

(b) An offense under this section is a misdemeanor punishable by:

- (1) a fine not to exceed \$200;
- (2) confinement in county jail for not more than 30 days;

or

- (3) both the fine and the confinement.

(c) Notwithstanding Section 542.001, this section applies to:

(1) a private access way or parking area provided for a client or patron by a business, other than a private residential property or the property of a garage or parking lot for which a charge is made for the storing or parking of motor vehicles; and

- (2) a highway or other public place.

(d) Notwithstanding Section 542.004, this section applies to a person, a team, or motor vehicles and other equipment engaged in work on a highway surface.

(Added by L.1995, chap. 165(1), eff. 9/1/95.)

§545.402. Moving a parked vehicle.

An operator may not begin movement of a stopped, standing, or parked vehicle unless the movement can be made safely. (Added by L.1995, chap. 165(1), eff. 9/1/95.)

§545.403. Driving through safety zone.

An operator may not drive through or in a safety zone. (Added by L.1995, chap. 165(1), eff. 9/1/95.)

§545.404. Unattended motor vehicle.

An operator may not leave the vehicle unattended without:

- (1) stopping the engine;
- (2) locking the ignition;
- (3) removing the key from the ignition;
- (4) setting the parking brake effectively; and
- (5) if standing on a grade, turning the front wheels to the curb or side of the highway.

(Added by L.1995, chap. 165(1), eff. 9/1/95.)

§545.405. Driving on mountain highway.

An operator moving through a defile or canyon or on a mountain highway shall:

(1) hold the vehicle under control and as near the right-hand edge of the highway as possible; and

(2) on approaching a curve that obstructs the view of the highway for 200 feet, give warning with the horn of the motor vehicle.

(Added by L.1995, chap. 165(1), eff. 9/1/95.)

§545.406. Coasting.

(a) An operator moving on a downgrade may not coast with the gears or transmission of the vehicle in neutral.

(b) An operator of a truck, tractor, or bus moving on a downgrade may not coast with the clutch disengaged.

(Added by L.1995, chap. 165(1), eff. 9/1/95.)

§545.407. Following or obstructing fire apparatus or ambulance.

(a) An operator, unless on official business, may not follow closer than 500 feet a fire apparatus responding to a fire alarm or drive into or park the vehicle in the block where the fire apparatus has stopped to answer a fire alarm.

(b) An operator may not:

- (1) follow closer than 500 feet an ambulance that is flashing red lights unless the operator is on official business; or
- (2) drive or park the vehicle where an ambulance has been summoned for an emergency call in a manner intended to interfere with the arrival or departure of the ambulance.

(Added by L.1995, chap. 165(1), eff. 9/1/95.)

§545.408. Crossing fire hose.

An operator may not, without the consent of the fire department official in command, drive over an unprotected hose of a fire department if the hose is on a street or private driveway and is intended for use at a fire or alarm of fire. (Added by L.1995, chap. 165(1), eff. 9/1/95.)

§545.409. Drawbars and trailer hitches; saddle-mount towing.

(a) The drawbar or other connection between a vehicle drawing another vehicle and the drawn vehicle:

- (1) must be strong enough to pull all weight drawn; and
- (2) may not exceed 15 feet between the vehicles except for a connection between two vehicles transporting poles, pipe, machinery, or other objects of structural nature that cannot readily be dismembered.

(b) An operator drawing another vehicle and using a chain, rope, or cable to connect the vehicles shall display on the connection a white flag or cloth not less than 12 inches square.

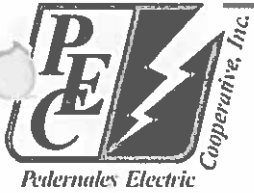
(c) A motor vehicle may not draw more than three motor vehicles attached to it by the triple saddle-mount method. In this subsection, "triple saddle-mount method" means the mounting of the front wheels of trailing vehicles on the bed of another vehicle while leaving the rear wheels only of the trailing vehicles in contact with the roadway. (Added by L.1995, chap. 165(1), eff. 9/1/95.)

§545.410. Towing safety chains.

(a) An operator of a passenger car or light truck may not draw a trailer, semitrailer, house trailer, or another motor vehicle unless safety chains of a type approved by the department are attached in a manner approved by the department from the trailer, semitrailer, house trailer, or drawn motor vehicle to the drawing vehicle. This subsection does not apply to the drawing of a trailer or semitrailer used for agricultural purposes.

(b) The department shall adopt rules prescribing the type of safety chains required to be used according to the weight of the trailer, semitrailer, house trailer, or motor vehicle being drawn. The rules shall:

- (1) require safety chains to be strong enough to maintain the connection between the trailer, semitrailer, house trailer, or drawn motor vehicle and the drawing vehicle; and



P.O. Box 1 Johnson City, Texas 78636-0001  
(830) 868-7155 • 1-888-554-4732

October 21, 2003

The Honorable Dale Pickens  
City of Cottonwood Shores  
3808 Cottonwood Drive  
Cottonwood, Texas 78654

Dear Mayor Pickens:

Pedernales Electric requests that time be reserved on Cottonwood Shores' city council agenda for the meeting scheduled November 20, 2003, at 7:00 p.m. George Bird will be attending to provide the council with an update on the Cooperative's activities in your area as well as answer any questions you may have.

If there is a change in the date or time of the above scheduled meeting, please notify Ginny Bain at (830) 868-4921 or toll free at 1-888-554-4732, Extension 4921.

Sincerely,

*Jeanell Davis*  
Jeanell Davis  
Operations Manager

JD:GB:gb

cc: Trey Grebe  
✓ Ms. Tena Collier, Secretary

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF COTTONWOOD SHORES, TEXAS  
4111 COTTONWOOD DRIVE – CIVIC CENTER  
THURSDAY, NOVEMBER 20, 2003 AT 7:00 P.M.


AGENDA

- 1) CALL TO ORDER AND ROLL CALL.
- 2) CONSENT AGENDA:
  - a) MINUTES OF A SPECIAL MEETING ON SEPTEMBER 30, 2003 AND A REGULAR MEETING ON OCTOBER 16, 2003.
  - b) FINANCIAL STATEMENTS FOR THE MONTHS OF SEPTEMBER 2003 AND OCTOBER 2003.
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- 9) MONTHLY ACTIVITY REPORTS:
  - A. POLICE DEPARTMENT:
    - (1) ACTIVITY LOG.
  - B. PUBLIC WORKS:
    - (1) WATER & SEWER SYSTEM PERFORMANCE & USAGE.
    - (2) ANIMAL CONTROL.
  - C. CIVIC PRIDE:
    - (1) UPCOMING MEETING DATES & FUTURE PROJECTS.
  - D. VOLUNTEER FIRE DEPARTMENT.
- 10) CITIZEN COMMENTS.
- 11) ADJOURNMENT.

I CERTIFY THAT THE ABOVE NOTICE WAS POSTED AT CITY HALL, 3808 COTTONWOOD DRIVE, COTTONWOOD SHORES, TEXAS ON THIS 17<sup>TH</sup> DAY OF NOVEMBER, 2003 AT 5:00 P.M.

  
DALE PICKENS, MAYOR

ATTEST:

  
TENA COLLIER, CITY SECRETARY

