

**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF COTTONWOOD SHORES, TEXAS
4111 COTTONWOOD DRIVE – CIVIC CENTER
THURSDAY, FEBRUARY 19, 2004 AT 7:00 P.M.**

- 1) **CALL TO ORDER AND ROLL CALL:** Mayor Pickens called this Regular Meeting to Order at 7:02 p.m. with both Commissioner Pfeifer and Commissioner Hildebrand in attendance a Quorum was present.
- 2) **CONSENT AGENDA:**
 - a) **MINUTES OF A REGULAR MEETING ON JANUARY 15, 2004:** Commissioner Hildebrand made a motion to approve Item 2(a). Commissioner Pfeifer seconded his motion, which carried.
 - b) **FINANCIAL STATEMENTS FOR THE MONTH OF DECEMBER 2003:** Commissioner Pfeifer made a motion to approve Item 2(b). Commissioner Hildebrand seconded his motion, which carried.
- 3) **QUARTERLY PRESENTATION BY MR. GEORGE BIRD WITH PEDERNALES ELECTRIC COOPERATIVE:** Mr. George Bird stated that he wanted to brag about the Marble Falls District which now had all residential meters switched over to the automatic readers. He added that the Marble Falls district was the first to get the job done. He thanked everyone for allowing the clearing crews access to the lines in Cottonwood Shores. He stated that everyone cooperating made the process a lot easier and if any work was needed on the lines it would be easier as well. He then hand the Mayor the franchise check in the amount of \$11,439.17 which represented 2% of the gross revenue from January 1, 2003 until December 31, 2003. Mayor Pickens thanked him and PEC.
- 4) **ORDER OF ELECTION FOR THE CITY OF COTTONWOOD SHORES, TEXAS BY MAYOR PICKENS:** Mayor Pickens read the Order of Election for the May 15, 2004 General Election for the purpose of electing three Council Members for the City of Cottonwood Shores, Texas.
- 5) **PROCLAMATION ENCOURAGING PARTICIPATION IN THE BURNET COUNTY READS PROGRAM:** Ms. Mary Jackson with the Marble Falls Public Library presented a copy of *Will's War* to the Council and thanked them for supporting this program. She stated that the author, Janice Woods Windle, was raised in Sequin the book was based on her grandfather. She added it was a compelling and inspiring historical novel with many elements relevant to Burnet County residents.
- 6) **CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY MR. ADRIAN PYLYPEC FOR A REDUCTION ON PERMIT AND INSPECTION FEES TO ALLOW FOR THE CONSTRUCTION OF A NEW COMMERCIAL BUILDING ON LOTS 43 AND 66, BLUFF VIEW SECTION, COTTONWOOD SHORES, TEXAS:** Mayor Pickens explained that this was the property recently rezoned along RR 2147. Mr. Shelton Thibodeaux was present representing Mr. Pylypec who was unable to attend. Mr. Thibodeaux stated that Mr. Pylypec planned to build custom cars which would be street legal. He explained that the City of Marble Falls permit fees were a lot less and he was asking for some consideration on the amount charged by the City of Cottonwood Shores. He added that the permit fees in Marble Falls were \$1,400.00. Mr. Thibodeaux also stated that Mr. Pylypec was also concerned about the possibility of residents having a problem with a commercial building in that area. Mayor Pickens stated that action was taken according to government code with legal counsel the same was any city rezones property. He noted that the City Attorney sees no problem with it as well as the Council. He added that was the intension of the Council to see commercial growth in that area. Mr. Mike Butler asked if we would be starting a new president if someone doesn't like our building permit schedule. He asked what that would do to the other commercial buildings within the City. He also asked how the commercial building fees compare to the residential. Mayor Pickens stated that it all depends on the square footage. Mr. Butler stated so commercial and residential were the same. Mayor Pickens stated basically. City Secretary, Tena Collier stated that the price per square foot was different. She noted that it was .48 a square foot for commercial and .30 on residential. She added that the reason Mr. Pylypec's fees were so high is because he plans to build an 8,000 square foot building, which brings the total cost around \$7,600.00. Mr. Butler asked if we had assurance that this was how the building would be used. He stated that basically it would be a garage. Mr. Thibodeaux stated that it was a custom body shop used for restoration. He added that it would include body work

and painting with a showroom. Mr. Butler stated that he was the neighbor and as far as the facility being there he didn't have a problem. He added that it was the future beer-joint that he didn't want to see. Commissioner Hildebrand asked what kind of production he anticipated out of the shop. Mr. Thibodeaux stated that they hoped for two to three cars a month. Mr. Adrian Gawlik asked what the noise level would be. Mr. Thibodeaux stated that it would be no more than what it is now operating out of his building now there by his storage building. He added that he has been operating there for seven years and has never had a complaint. Mrs. Sylvia Breen stated so basically he was just enlarging the facility and moving to another location within the City and there have not been any complains so she didn't see a problem. Mr. Thibodeaux stated that most cities do make stipulation for larger buildings. Mr. Bill Plumley stated that he thought that the added tax base alone would be worth it. Commissioner Hildebrand asked what reduction amount he had in mind. Mr. Thibodeaux stated that he didn't know for sure, but perhaps something more in line with Marble Falls. Commissioner Hildebrand stated that he didn't have a problem giving him a reduction if it would benefit the City in the long run. Mr. Gandolf Burrus stated that he had seen other cities give a conditional reduction with the stipulation that if the sales tax revenue equal that and if not, you get your fee back at the end of the time frame agreed upon. Commissioner Hildebrand stated that he hated to give reduction without some kind of an agreement. He added that he would like to sit down and discuss this with Mr. Pylypec. Mr. Thibodeaux stated that he could talk to Mr. Pylypec and set something up for next week. Mayor Pickens stated that would be best. He noted that we needed 72 hours notice to post an agenda. No action was taken on this item.

- 7) **CONSIDER AND POSSIBLY TAKE ACTION ON RECOMMENDATION OF AWARD OF CONSTRUCTION CONTRACT FROM STEVE KALLMAN, PROJECT ENGINEER IN CONNECTION WITH O.R.C.A. C.D.B.G. GRANT NO. 723179:** Mr. Steve Kallman stated that the Council had before them his Letter of Recommendation of February 17, 2004 on the evaluation of bids received. He explained that the bidding was set up to do the base bid to do several streets and then designed a couple of additional streets as alternates in case the bids came in low and we were able to do more. He noted that the City received eight bids which ranged from \$177,000.00 to \$478,000.00. He added that the City would be able to do the base bid as well as alternate bid 1A, and if the City is willing maybe even more. He stated that the low bid was received from Boretex, LLC. He noted that Mr. Luc Larocque was in attendance tonight. He stated that he had checked the reference provided by Boretex to talk to them about the work that he had done and didn't get anything but good reports. Mayor Pickens stated that the City had been looking forward to this for many years. He added that we were unsure about bidding, but did come in pretty close. He noted that the full project would require additional funds from the City. He recommended that the City fund the entire project. He noted that this was the first year in five or six years that the City has paid off all the short term debt. He noted that we still had the long term debt obligations for the sewer system and water plant. He noted that there was \$47,000.00 in the Utility Fund for improvements of which \$25,000.00 was for this grant. He stated that we could put an additional \$20,000.00 into this project without endangering the City. Mr. Kallman stated that would be enough to do the base bid, sign and alternate 1A, as well as a portion of alternate 2A. He noted that would be almost the entire project except the last street. He added that the City could come in later on and install the service meters. Commissioner Pfeifer stated that we should be able to get all the streets in even if we leave out the water taps and meters. Mr. Kallman stated that he did a cost estimate on that and it was a little over \$21,000.00. He suggested awarding the base bid and then authorize the Mayor to sign the change order for the \$215,000.00 plus no more than \$20,000.00. Mr. Burrus stated that we are limited to the amount of pipe we can lay before we hook someone up. He added we will have to focus on that when we get to that point. He thought Steve's advice was the right direction and that it left us some flexibility when negotiating the change order. He noted that the contractor didn't have to accept any change orders. He added that this was a voluntary process. Mr. Kallman stated that was why we took alternate bids really he has too accept. Mr. Burrus stated that change orders were different. Mr. Kallman stated that the alternate bids were the change orders. Mr. Burrus stated that he was confused by the language. He just wanted to make it clear that we were not discussing change orders at this time. Mr. Kallman stated that he would check with Mr. Burrus on requirements for the last street. Commissioner Hildebrand stated that he felt that we should get as much done as we possibly could and if we had the money we should put it to good use.

- 8) **CONSIDER AND POSSIBLY TAKE ACTION ON AWARD OF CONSTRUCTION CONTRACT FOR WATER SYSTEM IMPROVEMENTS IN CONNECTION WITH O.R.C.A. C.D.B.G. GRANT NO. 723179:** Commissioner Hildebrand made a motion to approve awarding the contract to Boretex, LLC pending negotiation of alternative bids and authorizing the Mayor to sign change order. Commissioner Pfeifer seconded his motion, which carried.
- 9) **CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY MS. SYLVIA BREEN TO FORM A COMMITTEE TO REVIEW CURRENT CITY ORDINANCES AND RECOMMEND REVISIONS FOR IMPROVEMENTS:** Mayor Pickens stated that we addressed this at the last meeting and that Sylvia had some more information for us. Ms. Breen stated that she was pleased that Mr. Donald Santee to agree to assist in this project. She noted that he had legal background and would help do this correctly. She stated that Mr. Bill Plumley had also agreed to assist so we have three members willing to work diligently to get this done. City Secretary, Tena Collier stated that Mr. Ray Whitis had come into City Hall earlier today and had stated that he would be willing to help also if you would like a fourth. Ms. Breen stated that it might be good to have an additional member in case someone had to be away. Mayor Pickens stated that Mr. Whitis was on the Council at one time and was somewhat knowledgeable about the City. Ms. Breen stated that the discussion we had earlier about permit fees would be a good place to start. She noted that Mr. Santee had said that the first thing to do was to get the ordinances codified where everything to do with one item was all together and in order so it would be easier for the public and Council to understand. She noted that the whole idea was to do it right and to make things better for the City. Commissioner Pfeifer made a motion to approve forming a committee to review the City ordinances. Commissioner Hildebrand seconded his motion, which carried.
- 10) **CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY MR. PHILLIP BOYD TO FURNISH WATER AND SEWER SERVICES TO LOTS 12 AND 13, EVERGREEN SECTION, COTTONWOOD SHORES, BURNET COUNTY, TEXAS:** Mayor Pickens stated that this property was located in the undeveloped Evergreen Section. He added that we have talked about ways to get water and sewer to this property for years. He noted that normally developer would have to provide those services. He didn't see anyway that the City could afford to provide services to this area at this time. Commissioner Hildebrand stated that maybe everyone in that area could chip in. Mr. Keith Patschke asked how much he would have to chip in. Commissioner Hildebrand stated that he didn't know how much a project like that would cost. Mayor Pickens stated that there was no way that this Council could put a dollar figure on. He noted that it would have to be engineered and would require bonds and certificates of obligation. He added that certificates of obligation required an election that the citizens have to vote on. He stated that he would not want to approach the citizens about putting water into the undeveloped section when we are hurting down the street here where we do have houses. Mr. Patschke asked if there was some future date when the City might have funds available to help with the costs. Mayor Pickens stated that the property owners down there could develop a committee to put the infrastructure in. He explained how a developer put in the sewer structure in Castle Terrace. Mr. Patschke asked if it would be possible to drill a well and put in a septic system in that area since the City can't provide those services. Mayor Pickens replied no, at the present time ordinance prohibits septic systems within the City. Mr. Patschke wanted to know what options the property owner had if they couldn't afford \$50,000.00 for services to his property. Ms. Diane Wells stated that she wanted clarification on what was said; the City can't furnish utilities and won't provide the ability to use a septic system or well. Mayor Pickens stated that at the present time, we do not allow those in the City. Mr. Patschke stated that if you added this to your tax base you could have an additional 20 to 30 houses along the lake. Mayor Pickens stated that there was a big drop-off down into the floodplain and that the majority of the property was not able to be build on. Commissioner Pfeifer stated that the property owners have to get together and get an engineer. He then made a motion to disapprove the request. Commissioner Hildebrand seconded his motion, which carried.
- 11) **CONSIDER AND POSSIBLY TAKE ACTION ON ADOPTING RESOLUTION NO. 021904, A RESOLUTION ADOPTING A HAZARD MITIGATION PLAN FOR THE CITY OF COTTONWOOD SHORES, TEXAS:** Mayor Pickens stated that this was required by FEMA since the 1997 flood. He added that the floodplain coalition had been working on this for many years. He added that the City

was a member of that coalition. He then read the resolution. Commissioner Pfeifer made a motion to approve the resolution. Commissioner Hildebrand seconded his motion, which carried.

- 12) **CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY MR. CHARLIE FISHER FOR A VARIANCE TO THE FIVE FOOT UTILITY EASEMENT AS RECORDED ON LOTS 651 AND 652, SCARLET OAKS SECTION, COTTONWOOD SHORES, BURNET COUNTY, TEXAS, AS RECORDED IN VOLUME 141, PAGE 434, BURNET COUNTY DEED RECORDS TO ALLOW FOR THE CONSTRUCTION OF A NEW HOME OVER AND UPON SAID UTILITY EASEMENT:** Mayor Pickens stated that this property was in the 600 block of Maple. Commissioner Pfeifer asked if there were any utilities in the easement. Mr. Nathan Cantrell stated that there were none. Commissioner Hildebrand made a motion to approve the request. Commissioner Pfeifer seconded his motion, which carried.

13) **MONTHLY ACTIVITY REPORTS:**

A. POLICE DEPARTMENT:

- (1) **ACTIVITY LOG:** Mayor Pickens stated that Sergeant Hallman's mother had passed away so he was in Pennsylvania. He asked everyone to keep him in their thoughts and prayers. He stated that we didn't have an activity log. Mr. Greg Widmer asked what hours there were supposed to be officers here. Mayor Pickens stated that they produced a schedule. Mr. Widmer asked how many hours a day. Mayor Pickens stated that we only have two Police Officers to cover a 24 hour day, seven days a week. Mr. Widmer stated that he understood that we had two officers and a reserve. Mayor Pickens replied a very inactive reserve. Mr. Widmer stated that perhaps we needed to get some more active people. He added that there had been a lot of crime in the area and a lot of things tore up by vandals. Mayor Pickens agreed. Mr. Widmer stated he was not sure how to fix it, but if they were not here they were not doing their job. Mayor Pickens stated that we only have two Police Officers who can only work so many hours a day. Mr. Widmer stated that he was not raising hell; he was just asking a simple question. He noted that you could drive by there 10 times a day and there is no car there. He added when are they supposed to be here. Mayor Pickens stated that we needed more Police Officers that was a well known fact and hopefully down the road the budget will allow for them. Commissioner Pfeifer stated that he knew one of them was here in the daytime about 8 to 10 hours. He added for what they are getting paid they are putting in a lot of hours. He added then when the man comes on at night at 6:00 or before and he is there most all of the night. Mayor Pickens stated that they were on call and if there was an emergency then they respond from their home. He noted that we had good relations with Burnet County which helps fill in. Mr. Widmer stated that he listens to the scanner a lot and in the last couple of months he has heard where they called three or four times when they called for one of our officers and no one responded. Mayor Pickens stated that the Police Chief answers by phone because he knows a lot of people have scanners and some of the well known suspects will not know he has been dispatched to their area. He added that hopefully in another year there would be more funds for another officer. He stated that next year we could put in for another grant from the Department of Justice to fund another one possibly two additional officers. He stated that was the way we started out with the two we have now, and now the City totally funds both positions. He noted that he understood Mr. Widmer's concern and didn't mean to get snappy with him, but he was talking louder than he should or he wouldn't be able to be heard because his voice was about to leave him.

B. PUBLIC WORKS:

- (1) **WATER & SEWER SYSTEM PERFORMANCE & USAGE:** Mr. Cantrell stated that there had no major breaks so water loss was down quite a bit. He noted that because the weather they had been doing a lot of internal maintenance, painting and organizing parts and supplies. He then read the report for the Water and Sewer System. Mayor Pickens thanked him for fixing the road crossing on Pecan Lane.
- (2) **ANIMAL CONTROL:** Mr. Tom Powell stated that the new ordinance was going into effect on the 23rd so anyone with animals needed to register them. He noted that if they wanted a copy of the new ordinance they could come by City Hall.

- C. VOLUNTEER FIRE DEPARTMENT:** Mr. Mike Butler stated that he didn't make it to the last business meeting so he was unsure of what happened. Mr. Powell stated that they were having an awards banquet here at the Civic Center to introduce new officers to the community on March 6th at 6:30.

14) **CITIZEN COMMENTS:** Mrs. Terry Ortiz asked if they could pay for materials so county could pave her street, Aspen Lane. Mayor Pickens stated that after the construction we could see how much money we had left and planned to pave streets where new lines are done. Mrs. Ortiz asked what the time frame was before installation was finished. Commissioner Pfeifer stated that it would take about 150 days to complete the job. Commissioner Hildebrand stated that it had already been approved so citizens could pay for road cover if they wanted. Mayor Pickens stated that hopefully something could be done after the liens were installed.

15) **ADJOURNMENT:** Mayor Pickens adjourned this Regular Meeting at 8:35 p.m.

ATTEST:


TENA COLLIER, CITY SECRETARY



CITY OF COTTONWOOD SHORES

3808 COTTONWOOD DRIVE
COTTONWOOD SHORES, TX 78654
(830) 693-3830 FAX: (830) 693-6436

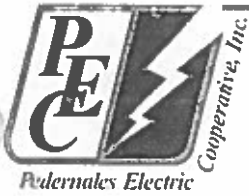


ATTENDANCE RECORD
CITY COMMISSIONERS MEETING
CITY OF COTTONWOOD SHORES, TEXAS

DATE: 2.19.04

PLEASE SIGN IN:

<u>Thomson</u>	_____
<u>Paula Pfeifer</u>	_____
<u>Pavel Barnes GPS</u>	_____
<u>Darlene Day</u>	_____
<u>Kath Potok</u>	_____
<u>George Bird - PEC</u>	_____
<u>William Bill Plumley</u>	_____
<u>GARY D. PARSONS</u>	_____
<u>Marjorie Phipps</u>	_____
<u>Evelyn Phipps</u>	_____
<u>Suzie Bean</u>	_____
<u>Diane Helms</u>	_____
<u>Barry Knacke</u>	_____
<u>Greg Widmer</u>	_____
<u>Alvin Faulk</u>	_____
<u>Mike Butler</u>	_____
<u>Jerry Oster</u>	_____
<u>Paula Pfeifer</u>	_____



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

January 20, 2004

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 February 19, 2004, 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,

Jeanel 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, FEBRUARY 19, 2004 AT 7:00 P.M.

AGENDA

- 1) CALL TO ORDER AND ROLL CALL.
- 2) CONSENT AGENDA:
 - a) MINUTES OF A SPECIAL MEETING ON JANUARY 15, 2004.
 - b) FINANCIAL STATEMENTS FOR THE MONTH OF DECEMBER 2003.
- 3) QUARTERLY PRESENTATION BY MR. GEORGE BIRD WITH PEDERNALES ELECTRIC COOPERATIVE.
- 4) ORDER OF ELECTION FOR THE CITY OF COTTONWOOD SHORES, TEXAS BY MAYOR PICKENS.
- 5) PROCLAMATION ENCOURAGING PARTICIPATION IN THE BURNET COUNTY READS PROGRAM.
- 6) CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY MR. ADRIAN PYLYPEC FOR A REDUCTION ON PERMIT AND INSPECTION FEES TO ALLOW FOR THE CONSTRUCTION OF A NEW COMMERCIAL BUILDING ON LOTS 43 AND 66, BLUFF VIEW SECTION, COTTONWOOD SHORES, TEXAS.
- 7) CONSIDER AND POSSIBLY TAKE ACTION ON RECOMMENDATION OF AWARD OF CONSTRUCTION CONTRACT FROM STEVE KALLMAN, PROJECT ENGINEER IN CONNECTION WITH O.R.C.A. C.D.B.G. GRANT NO. 723179.
- 8) CONSIDER AND POSSIBLY TAKE ACTION ON AWARD OF CONSTRUCTION CONTRACT FOR WATER SYSTEM IMPROVEMENTS IN CONNECTION WITH O.R.C.A. C.D.B.G. GRANT NO. 723179.
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- 13) MONTHLY ACTIVITY REPORTS:
 - A. POLICE DEPARTMENT:
 - (1) ACTIVITY LOG.
 - B. PUBLIC WORKS:
 - (1) WATER & SEWER SYSTEM PERFORMANCE & USAGE.
 - (2) ANIMAL CONTROL.
 - C. VOLUNTEER FIRE DEPARTMENT.
- 14) CITIZEN COMMENTS.
- 15) ADJOURNMENT.

I CERTIFY THAT THE ABOVE NOTICE WAS POSTED AT CITY HALL, 3808 COTTONWOOD DRIVE, COTTONWOOD SHORES, TEXAS ON THIS 16TH DAY OF FEBRUARY, 2004 AT 5:00 P.M.

ATTEST:


TENA COLLIER, CITY SECRETARY

