

**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF COTTONWOOD SHORES, TEXAS
4111 COTTONWOOD DRIVE – CIVIC CENTER
THURSDAY, MAY 20, 2004 AT 7:00 P.M.**

- 1) **CALL TO ORDER AND ROLL CALL:** Mayor Pickens called this Regular Meeting to Order at 7:05 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 APRIL 15, 2004:** Mayor Pickens stated that we did not have the minutes from this meeting.
 - b) **FINANCIAL STATEMENTS FOR THE MONTH OF MARCH 2004:** Commissioner Hildebrand made a motion to approve the financial statements. Commissioner Pfeifer seconded his motion, which carried.
- 3) **QUARTERLY PRESENTATION FROM MR. GEORGE BIRD WITH PEDERNALES ELECTRIC COOPERATIVE:** Mr. George Bird stated that starting June 1st power cost recovery factor would be going up because of the increase in fuel cost. He explained that since November the rate has been 1.55 cents per kilowatt hour, but as of June 1st it would be 2.4 cents per kilowatt hour. He noted that the P.E.C.'s bond rate was affected in the past by the lack of passing through the cost to the membership. Mrs. Marjorie Phipps asked Mr. Bird what choice she had if she didn't like the increase. Mr. Bird stated that was the next thing he had to tell us. He informed everyone of the annual meeting in Johnson City on June 19th at 2:00 p.m. to elect new board members. He added that was the opportunity for each member to address the board. He encouraged everyone to mail in their proxy if they were unable to attend the meeting. He noted that as of May 1st the new 25-hour call center was operating. He explained now that no matter what time of the day or night that you call they will be able to answer any questions on your account. He added that you don't have to worry about doing it on your lunch hour.
- 4) **PROCLAMATION BY MAYOR PICKENS DECLARING MAY AS WATER SAFETY MONTH WITHIN THE CITY OF COTTONWOOD SHORES, TEXAS:** Mayor Pickens stated that there were several organizations which had formed the Central Texas Water Safety Coalition. He added the lake season was starting. He noted that every year we do have some accidents. He encouraged everyone to watch their children. He then read the proclamation and stated that the Proclamation would be posted at City Hall.
- 5) **PRESENTATION BY MR. GANDOLF BURRUS, GRANT COORDINATOR, IN CONNECTION WITH O.R.C.A. C.D.B.G. GRANT NO. 723179:** Mayor Pickens stated that we didn't have a presentation tonight that would be done at a later date by Mr. Burrus.
- 6) **CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY MR. STEVE HURST OF BLACK WOLF PARTNERS, LTD. TO APPROVE THE PROPOSED PLAT NO. 1.1 BEING 11.19 ACRES OUT OF THE JOHN M. DARLIN SURVEY NO. 4, ABSTRACT NO. 248, BEING 10.31 ACRES BLACK WOLF PARTNERS, LTD., VOLUME 1233, PAGE 647, BURNET COUNTY PLAT RECORDS, AND THE EAST HALF OF LOT 21 AND ALL OF LOT 22, CASTLE ACRES RESUBDIVISION, BLACK WOLF PARTNERS, LTD., VOLUME 1233, PAGE 674, BURNET COUNTY PLAT RECORDS TO BE KNOWN AS "WIND CHIME SUBDIVISION":** Mr. Hurst stated that this was a request to approve the plat of 11.19 acres which is the lower half of the 25 acre parcel that he had been working on with this Council for over three years. He noted that the City was interested in preserving this land which was within the City's E.T.J. He noted that he wanted to develop the property into an apartment or condo community. He stated that he thought that the market would support a multi-family development. He noted that he originally requested that the upper portion be released, but he had withdrawn his request and offered to annex the lower portion

with no strings attached. He noted that he had acquired Lot 22 and ½ of Lot 21 in Castle Acres and this would provide access to the lower portion. He gave a brief history of the property purchased from Richard Sollers, and explained the restrictions which were put on the deed. Commissioner Hildebrand asked about the variance he wanted in regards to the public park area. He felt that the City didn't have enough parks. He noted that he would like to see some park area especially if he was going to put in 60 homes. Mr. Hurst stated that he didn't have a problem with using a portion for park area. He noted however that the topography made it difficult. He stated that when he submitted a petition for annexation one of the things he would do was offer a park land dedication. He suggested a park land fund which could be used to purchase a more suitable lot for a park. Mrs. Hurst stated one that was more level. Mr. Hurst stated that you could also improve the existing parks. Mr. Frank Smith stated his concerns about traffic flow. Mr. Hurst stated that this property does front on two public roads which could help handle any increase. He stated that he thought TXDOT was considering putting a left turn lane in that area now. Mr. Marley Porter stated that a couple of weeks ago the Castle Acres POA had a meeting and they approved the Multi-Family, R-3 Zoning for this area. Mr. Don Johnson stated that Lots 21 and 22 are part of the Castle Acres Subdivision. He questioned what if someone in the subdivision thought that it was a violation of the deed restrictions. Mr. Hurst stated that it was not mandatory to be part of the POA. He stated that there were no restrictive covenants on the property. He added that when the property was brought into the City then they would have to comply with the City rules and regulations. Mr. Johnson stated that property was a lease property which had restrictions. Mrs. Hurst stated that those had been released. Mr. Smith expressed his concerns about the impact on the water system. He noted that two years ago we had some outages and with the additional units he wanted the Council to consider that. Mayor Pickens stated that we had the capacity for the additional units. Ms. Diane Wells asked if he was building townhouses, condo or apartments. She stated she was not clear on what was being proposed. Mr. Hurst stated that what he would like to do is develop it as a condominium project that you could sell individually with separate meters. He noted with the lake view it was an idea location. He added that he lived right above this area and would be looking right down on it. He assured everyone that he would do something nice with the property. Mrs. Janet Carusi asked if he planned to bring the upper portion into the City. Mr. Hurst explained that he had got into an agreement with the Horseshoe Bay POA and he would have to get consent to the release that property. He noted that he had made the request, but he didn't know if they would release it. Mrs. Carusi asked if the development plan would include fire hydrants so that the City didn't have to go through the process of installing that infrastructure. She noted that the City had a tough time upgrading the water system in the City now. Mr. Hurst stated that he would be required to comply with all the existing codes. He noted that currently water and wastewater are adjacent to the property. He noted that he would be required to pay for all on-site improvements and, if necessary, any off-site improvements. Commissioner Pfeifer made a motion to approve the Plat 1.1 as submitted. Commissioner Hildebrand seconded his motion which carried.

- 7) **CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST FROM MR. DON KEITH FOR A VARIANCE TO THE FIVE FOOT UTILITY EASEMENT BETWEEN LOTS 63 AND 64, CASTLE TERRACE SECTION II, COTTONWOOD SHORES, BURNET COUNTY, TEXAS AS RECORDED IN VOLUME 1, PAGE 198, BURNET COUNTY DEED RECORDS TO ALLOW FOR THE CONSTRUCTION OF A NEW HOME OVER AND UPON SAID UTILITY EASEMENT:** Commissioner Pfeifer and Commissioner Hildebrand looked at the proposed layout. Mayor Pickens asked Mac McCurdy if he had seen the property site. Mr. McCurdy stated that he had spoke with Mr. Keith and had no problem with his request. Commissioner Pfeifer made a motion to approve the variance request. Commissioner Hildebrand seconded his motion, which carried.
- 8) **CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY MR. ROGER VAN VOORHEES FOR A VARIANCE TO THE FIVE FOOT UTILITY EASEMENT AND SETBACK REQUIREMENT AS RECORDED IN VOLUME 141, PAGE 362, BURNET COUNTY DEED RECORDS ON LOT 27, DRIFTWOOD II SECTION, COTTONWOOD SHORES, TEXAS AS RECORDED IN VOLUME 1, PAGE 212, BURNET COUNTY PLAT RECORDS TO ALLOW FOR THE PLACEMENT OF A MOBILE HOME OVER AND UPON SAID UTILITY EASEMENT:** Mayor Pickens stated that he had asked for an engineer to review the proposal. He added that we had received the proposal and it could be done. He explained that we would put a tinhorn across Lake View Drive to help with the

runoff. Commissioner Hildebrand asked about approving a variance with 1-foot on the back lot line. Mayor Pickens stated that there was a water line in the back. Mr. Greg Widmer asked if this was a mobile on a single lot. Mayor Pickens replied yes. Mr. Widmer noted that this gentleman had moved other trailers in before and should know the requirements. He wondered why we would give him a variance. Mayor Pickens stated that he had requested the variance at the past meeting, but we were concerned with the drainage. He noted that an engineer had stated that the drainage was able to be done so now we were acting on his variance. Mr. McCurdy suggested that the decision be delayed until Mr. Van Voorhees returns and could demonstrate why he needs this variance. He noted that no one had been by the other trailer to remove the window as had been promised and he was concerned about this trailer. Commissioner Pfeifer made a motion to table this item. Commissioner Hildebrand seconded his motion, which carried.

- 9) **CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY THE COTTONWOOD COMMUNITY CHURCH FOR A VARIANCE TO THE BUILDING PERMIT FEES AS PRESCRIBED IN ORDINANCE NO. 022602, AN ORDINANCE OF THE CITY OF COTTONWOOD SHORES, TEXAS:** Mrs. Gerri Pickens stated that as the representative of the Trustee Body for the Cottonwood Community Church she was asking the Council to grant them a new Building Permit in order to complete our project at 4100 Willow Drive. She asked to waive the fees because they had paid the permit. She noted that in November 2001 they paid in full all permit fees and then in August 2001 they paid an additional \$650.00. She noted that all they were asking was to waive the fees. She noted that they had been notified as of today that we will close our door and we will not open them until we are within compliance. She added that if they didn't get a permit fee then that meant it would be a little bit harder. She noted that they had been given to Habitat for Humanity and others. Ms. Wells asked if the permits issued in 2001 were one year permits. Mrs. Pickens stated yes, we have been in violation since 2001. Mrs. Wells asked if they had ever been in compliance. Mr. Bentley Martin stated that they had taken an eighteen month hiatus from construction in order to take funds for the completion of the building to help the families which were suffering from the economic downturn after Parker Lumber closed. He noted that there were families out here struggling and we had a choice of finishing the building or helping people. Ms. Wells asked if they had bathroom facilities. Mr. Bentley Martin stated that they had bathroom facilities. He noted that the Building Inspector said it was okay that they could use the bathroom facilities of one of their members who lived right across the street. Mr. Smith asked the Council to look at the fact that this was the only church we had in the City and do whatever we can to help the church finish completion. Mrs. Carusi asked why they couldn't move out of the church and then come to ask for the waiver. Mr. Smith stated that there was no point in doing that since the doors were already closed. Mrs. Pickens agreed. She added that the doors were closed as of today. Mr. Bentley Martin stated that they had already moved out. He noted that they would be holding services at site on Sunday morning in a tent. City Secretary, Tena Collier asked if that could be right. Mayor Pickens replied why not. Mrs. Collier stated that the whole idea was for there to be no children at the construction site. Mayor Pickens replied as long as they don't enter the building. Mrs. Pickens stated that it was their property. Mr. Greg Widmer asked how much money were the permit fees. Mr. Bentley Martin replied \$2,231.36. Mrs. Eva Vercher thanked the church for supporting her after her car wreck. She noted that we had a high level of poverty in the community and the way to upgrade the community was to reach out to them with programs of support. She stated that one time when she went to City Hall there was a proposal there to help a local business get a liquor license. She was unsure if the business was in the City, but knew it was in the area. She wondered why there was no proposal to keep the church. Mrs. Carusi stated that she has nothing against the church and thought that Cottonwood Shores needed a church. She stated that for two and one-half years she had watched them hold services illegally. She stated that her issue was that the building was not complete and they didn't have a Certificate of Occupancy. She noted that everybody running for office was in support of fair and equal treatment, however, we could not let "Joe" down the street do this. She stated that if they moved out and then asked for a waiver then that showed that they were willing to abide by the law. She noted that they had not been in compliance and it was time to do so. Mr. Bentley Martin stated that they were out of the building before they came to the meeting tonight. He asked if they had to walk out the door and come back in. Mrs. Linda Smith told Mrs. Carusi that she didn't know what she was talking about. Mrs. Carusi stated that actually she did and Sunday they were in the church having services. Commissioner Hildebrand stated that the point was that the

building was tagged...Mr. Smith said to have Code Enforcement to write a ticket and we will pay the ticket so we can move on. During this time there are too many people talking to clearly identify who said what. Commissioner Hildebrand asked everyone to please stop arguing. He said that it was very futile for the simple fact that the church was out of compliance...Mrs. Pickens interrupted by saying okay so we untapped the deal; shame on us. Commissioner Hildebrand asked if he could finish. He stated again that the church was out of compliance and disregarded anything that the inspector had said, and wouldn't come before the City. He noted that everybody wants to blow this out of proportion and are choosing sides. He stated, in his opinion, that they were acting very childish and it was getting ridiculous. He noted that everybody needed to understand that everybody should be treated equally. He understood that there had been some unfair and unjust treatment in the past, but we were trying to make sure that everybody has to play by the same rules regardless of what type of organization that you are. Mr. B.E. Martin stated so in other words you are taking God out of Cottonwood. Commissioner Hildebrand replied that was not what he said. Mr. Bentley Martin stated that in the packet given to the City Council there is a letter that he personally received from the Building Inspector. He noted that the Cottonwood Community Church, Inc. had never received anything from the Building Inspector. He noted that if you look in that packet the Building Permits have our mailing address on them. He noted that the church had never until they contacted the building man themselves, never got an official notice from him like he says in this letter. He added that he also says that he put a notice on the door, which was removed after consultation with law enforcement agencies because there was no official number, no official City Stamp, no Building Inspector signature, nothing, and we were told that it was not legal because it didn't have those things. He added so we removed it. He noted that in the letter that Commissioner Hildebrand was implying to the Building Inspector says we were in violation because we did that. He noted that he has a copy of the thing took down and it was not legal. He added just like that letter that the Building Inspector wrote me personally, he noted that he was not the business section of Cottonwood Community Church and yet it was sent to his personal address and written to him personally when the City of Cottonwood Shores had the mailing address. He noted that the Building Inspector was dealing with him personally as a member of the church instead of going through the channels of dealing with the church corporate office. He added that they were being bashed because they haven't gone through everything like they were legally supposed to, but the Building Inspector has not, also. He added that the Building Inspector has come to him personally. He noted that the letter he received today came to him personally and the Trustees. He added that it should have been addressed to the Trustees because he has nothing to do with it. Mrs. Jo Anne Austin stated that Bentley was complaining that things were addressed to him personally instead of whomever he thinks they should have been, but when the church was red-tagged by the inspector Mrs. Pickens herself came to my door and threw a screaming fit blaming her for it when she had no idea what she was talking about. Mr. Bentley Martin replied that Mrs. Pickens was one of the business officers of the church. Again so many people are talking that it is impossible to determine who says what until Mrs. Pickens said to close the doors. Mr. Marley Porter stated that we should do unto others as you would have done to you. He noted that the church had some hiccups in procedure as well as the City. He noted that the church was not exempt from the rules, but maybe a simple we are sorry and will clean up the mess was in order so they could get on with a place for worship. He added lets quit arguing about it. Commissioner Hildebrand agreed. Mr. Mike Butler stated that we had pretty much beat this horse to death. He suggested we go ahead and take action on the agenda item. Mr. Arleen Lewis stated that he agreed that everybody was nit-picking. He suggested going by the facts and going on with business. Mr. Keith Patschke stated that he was in support of a variance. He noted that he had to pay fees, but he didn't have a problem with the church getting a variance. Ms. Wells stated that when her builder walked off she was pressed to get her house done in time to receive her Certificate of Occupancy for her house. She understood what it was like to be up against a deadline, and she didn't have a problem with granting variances for non-profit organizations. She noted however that over the extended period of time to be openly and blatantly violating the City ordinances is not a good thing. She understood that the whole reason that the permit expires in a year was so we wouldn't have a lot of unfinished houses and buildings in the City. She added that she understood the plight of the church, but they needed to bring it into compliance. Mayor Pickens stated that Ms. Wells was given a provisional occupancy certificate because her house was not completed. Ms. Wells stated that 1,200 sq. ft. was completed and she believed that was the City's requirement. Mayor Pickens stated that

was what they were looking for was to complete a portion of it and then ask for a provisional occupancy certificate. Ms. Wells stated she had to complete all the electrical and plumbing for her final inspection. Mayor Pickens agreed. Mrs. Dorothy Butler stated that the City had done a lot of good things and was still trying to do more good things. She noted that they had rules and had to follow them. She noted that she was a person of God. She added that God was perfect, but we are not. She stated that the City is doing the best that they can and so is the church. She stated that the compromise here is to figure out to do the best for the City and the church. She added that she was sure that the church was sorry if they did wrong things and she is sure that the City doesn't want to have push this ordinance on the church, but they have to follow the rules, too. She explained that her father was a City Manager and she understood the City's point of view. If the church is saying from this point on we will try to fix this then that's when we need to move forward and keep the community together. Mr. Bentley Martin stated that since June of last year the church has been trying to get with the City to get our buildings up to code. He added that since September we have been talking with the Building Inspector and this past Spring the church and the Building Inspector came to an agreement about 1,200 sq. ft. so we could get a temporary occupancy certificate. He stated that we then got with the City to find out how much we would have to pay all over again. He noted that the point of us coming and saying we have already met with the Building Inspector on finishing the Chapel and the bathrooms. He added that the Building Inspector is okay with that because it will meet the 1,200 sq. ft. requirement for temporary occupancy. He stated that we could not absorb \$2,700.00 again and be able to finish the chapel this Fall. He added that we needed the Council to help us so we could continue to help the City otherwise if we have to pay that fee then that building is not going to be finished this year because it is going to take us until the Fall to raise the building fee and then we have to raise the \$3,000.00 again. He continued with so it would be next year before that building ever has anything done with it and by that time we will be heading into Winter with us holding services outside because we cannot afford to rent the Civic Center and we are not going to the City to ask for you to waive the fee because we do try to pull our weight. He noted that when we started this church in 1997 we left this so we wouldn't have to keep saying okay we need for you to waive this fee again. He added that the VFD had graciously allowed us to use their place, but we have now out grown their meeting facility and have no where to go. Mr. Nathan Cantrell stated that Bentley had just stated right there what they came here for. He added that everything else is just talking around the subject and that it should be up to the Council. Mrs. Marjorie Phipps stated that her personal feeling was that with the church came into compliance with the City then they should be given the waiver. Mrs. Carusi stated that she would like to request that the City allow the church to use the Civic Center because they are a non-profit organization. She added that gave them a place to hold their services in safety from the weather. Mr. Bentley Martin stated then someone would say that we are getting special treatment. Mr. Smith stated that had been said before. Mrs. Carusi stated that she would request it for them. Mr. Smith replied that she didn't speak for everybody. Mayor Pickens stated that they did have a provision to do that in the past and there were some problems with that, but we could readdress that. He suggested we move on and if they do request to do that we could put it on the agenda at that time. Commissioner Pfeifer stated that he didn't understand why the church could not have come before the Council earlier and we could have worked something out. He added he was not against the church, but they should not have been meeting in the unfinished building. He noted they could have talked to us about using the Civic Center again like you did before. Mr. Bentley Martin said when they used it before they got hammered for the special treatment. Commissioner Pfeifer said not from me. Mr. Smith stated that if Commissioner Pfeifer was concerned about a violation of law to have the code enforcement officer write them a f****ing ticket and we will pay it so we can get on with the variance. Commissioner Pfeifer replied that was not what he was saying. Again they are so many people talking that it is unclear as to who says what until Mr. B. E. Martin says you're taking God out of Cottonwood. Mr. Bentley Martin stated that we withdraw our request; we will find the money to pay for it. Mayor Pickens stated that it was on the agenda and we have come this far let's get the Commissioners to take a vote and record it. He then asked for a motion. Commissioner Hildebrand stated that he didn't have a problem with giving them a reduction, but he wasn't sure about a total waiver. He added that was something we needed to look at anyway. He agreed with Commissioner Pfeifer that if they had come before the Council earlier we could have worked on waiving the fees or reducing them to something the church could work with. Commissioner Hildebrand then made a motion to cut the building fees in half. Mr. Smith stated that was not the issue put forth. He stated we

put forth this issue in honesty; houses of humanity that have been built out here didn't pay their fees. He added that he sure as the h*** had to pay his. He added that the church paid their \$3,500.00 a couple of years ago. He stated again that if you are concerned about the lapse of us doing something wrong, write us a ticket, slap our hand, however, request a waiver of the entire thing. Mr. Bentley Martin stated that they had paid in full once before we are asking not to have to pay in full again. Commissioner Hildebrand stated that was what he said. He added that is not paying in full that is paying half. Mayor Pickens stated that it was his understanding that the building was up and the interior was all they were lacking. Commissioner Hildebrand stated he read what the Building Inspector and Code Enforcement printed. He added that he had to stick with what they said and if it was unsafe for kids to be there...Mr. Bentley Martin stated that they were not asking to hold services there; they were just asking to waive the fees so they could work. Commissioner Hildebrand stated he had made his motion. Mayor Pickens stated that there was a motion to reduce the permit fees by 50%. Commissioner Pfeifer seconded his motion, which carried.

- 10) **CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY MR. DON JOHNSON FOR A DETERMINATION ON ORDINANCE NO. 022602, AN ORDINANCE OF THE CITY OF COTTONWOOD SHORES, TEXAS PROVING FOR ZONING DISTRICTS TO ALLOW FOR A OFFICE/WAREHOUSE FACILITY ON LOTS 46, 47, 62, AND 63, BLUFF VIEW SECTION, COTTONWOOD SHORES, TEXAS:** Mr. Don Johnson stated that his desire was to build an office/warehouse facility somewhere in the area. He noted that he had not purchased these lots. He was just here to get a determination as to what the zoning would allow. He noted that it seems as though it would fall under a C-1 Zoning as there were several categories under C-1. He noted that this would be two buildings, 50 x 150 each with five office/warehouses inside designed to accommodate small contractors such as plumbing, air conditioning and electrical contractors. He added someone who would need a small warehouse and a place to put a desk. He stated that his question was would this fall under the C-1 category and would it be possible to do this on that property. Ms. Wells asked didn't we already had enough warehouse and storage facilities lining the entrance into the City. Mayor Pickens replied yes, more than our share of storage buildings. Mrs. Sylvia Breen asked what percent of this would be storage warehouse and what percent would be office space. Mr. Johnson stated that each space would be 30 x 50 with an area in the front which would be the office and the back would be the warehouse with possibly a break room in between. Mr. Smith stated that his concern was traffic flow. He added take a look at Bob's anytime during the day and you can't get in or out of Cottonwood safely. He stated that wishful planning here in Cottonwood is near zero about planning anything in the future or us trying to get a light because we have tried that before. He stated that if you are talking about Bluff View Estates here that dead ends right on 2147 where the speed limit is 50 and you are going to add a bunch more traffic here you have to drop the speed limit or something. He noted that he sees a lot of 18-wheelers and other vehicles turning into Bluff View Estates and all the traffic problems you are going to have. Mr. Johnson stated that the property right now under that category was zoned for an amusement park and you talk about having traffic. He asked what you are going to do; no one is going to build a house. He added that you are going to set with land you are trying to develop, but you don't want the development. He noted that was a catch-22. Commissioner Hildebrand stated that area was rezoned to help promote growth and encourage building. Commissioner Pfeifer stated that the only access to that area was from the highway. Mr. Johnson showed the Council a sketch of what he proposed to build. Mrs. Vercher expressed concerns of the commercial development increasing property taxes in the area. She added that you don't even realize that there is a residential area behind on the storage building on the road now. Mr. Porter stated that development was going to happen and our property value was going to go up. He noted that the question was how to regulate that growth and development. Commissioner Pfeifer stated that he would like to see some type of business which produced sales tax and not another warehouse. Mr. Johnson stated that this was not for storage it was an office with a warehouse area. He added that it could be leased by someone who sold doors or air conditioners. Mayor Pickens stated that they could be used to store Frito Lay products or bread instead and that's not something he wanted in here. Commissioner Pfeifer made a motion to disapprove item 10. Commissioner Hildebrand asked if he was rejecting the determination of the ordinance or was he rejecting the office/warehouse facility. Commissioner Pfeifer stated the office/warehouse. Commissioner Hildebrand stated that what he was asking for was a determination of the ordinance.

Commissioner Pfeifer stated that Mr. Johnson wanted to allow for an office/warehouse. Commissioner Hildebrand stated he was in agreement that we need business which increase sales tax revenue, or provided a service which we need. He felt that the lot could be used better to serve the City's needs. Mr. Johnson stated that you would consider a bar or nightclub more attractive to the community. Commissioner Hildebrand then seconded the motion, which carried.

- 11) **CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY MR. KEITH PATSCHKE TO REZONE LOTS 74 THROUGH 86, BLUFF VIEW SECTION, COTTONWOOD SHORES, BURNET COUNTY, TEXAS FROM SINGLE-FAMILY RESIDENTIAL TO COMMERCIAL, C-2:** Mayor Pickens stated that this was not the official determination, but just to consider to start the process. He added that we had to hold a Public Hearing and send letters to the adjacent property owners. He thought that Mr. Patschke wanted to know if the Council would consider his request. Mr. Patschke stated that he had lived in the City since 1992 and had invested his time and money in Cottonwood Shores. He would like to have these lots rezoned for a recreational vehicle resort. He noted that the hotel tax would add additional revenue for Cottonwood Shores. He added that these lots could be accessed from Wirtz Dam Road. He believed that this could bring additional revenue to the restaurants in the area and to the businesses. Mr. Smith asked if it would be for overnight or month to month rental. Mr. Patschke hoped it would be the larger, high-end RV's which would stay for the winter months, but he would welcome overnight visitors as well. Mr. Smith again renewed his concern about the traffic. He worried about at 32' trailer pulling out onto 2147 from Wirtz Dam Road. He noted as you keep adding all these places you are going to have an impact on traffic. Mrs. Dorothy Butler asked the Council to consider that her home was over there where you are talking about building non-home entities around. Mr. Porter stated that hotel/motel tax would generate revenue. Mayor Pickens stated that the City had the two things required before you could collect that tax. He noted that the City had a Civic Center and a Historical Cemetery so we should be able to collect that tax. Commissioner Pfeifer stated that the revenue could not be used for anything other than the Civic Center or the cemetery. Mayor Pickens stated that it could be used for a road down to the cemetery. Commissioner Hildebrand made a motion to approve considering the rezoning. Commissioner Pfeifer seconded his motion, which carried.
- 12) **CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY MR. KEITH PATSCHKE TO REZONE A TRACT OF LAND OUT OF THE F. ENGLEKING SURVEY NO. 611, BURNET COUNTY, TEXAS, ALSO BEING A PART OF THE BLUFF VIEW SECTION, COTTONWOOD SHORES, BURNET COUNTY, TEXAS, COMMONLY KNOWN AS LOT 103, BLUFF VIEW SECTION, COTTONWOOD SHORES, BURNET COUNTY, TEXAS FROM SINGLE-FAMILY RESIDENTIAL TO COMMERCIAL, C-2:** Commissioner Hildebrand stated that this was the same; to just start the process. Mr. Patschke stated that there was access to this property off of RR 2147. Commissioner Pfeifer made a motion to approve the consideration and start process. Commissioner Hildebrand seconded his motion, which carried.
- 13) **CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY MR. HOLLAND LESTER TO REZONE LOTS 54 AND 55, BLUFF VIEW SECTION, COTTONWOOD SHORES, BURNET COUNTY, TEXAS FROM SINGLE-FAMILY RESIDENTIAL TO COMMERCIAL, C-1:** Mayor Pickens stated that these lots are next to the other lots along RR 2147 which the Council recently rezoned. Commissioner Pfeifer made a motion to approve the consideration. Commissioner Hildebrand seconded his motion, which carried.
- 14) **CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY MR. GRAZIANO PEROZZI TO REZONE LOTS 52 AND 57, BLUFF VIEW SECTION, COTTONWOOD SHORES, BURNET COUNTY, TEXAS FROM SINGLE-FAMILY RESIDENTIAL TO COMMERCIAL, C-1:** Mrs. Breen asked if we had any idea what the property owners were planning to do. Mayor Pickens stated that they would have to come before us. City Secretary, Tena Collier stated it could be anything in C-1 because that is the zoning they are requesting. Commissioner Hildebrand made a motion to approve the consideration. Commissioner Pfeifer seconded his motion, which carried.

15) **CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY MS. EDNA WHISENANT TO REZONE LOTS 51 AND 58, BLUFF VIEW SECTION, COTTONWOOD SHORES, BURNET COUNTY, TEXAS FROM SINGLE-FAMILY RESIDENTIAL TO COMMERCIAL, C-1:** Commissioner Hildebrand made a motion to approve the consideration. Commissioner Pfeifer seconded his motion, which carried.

16) **MONTHLY ACTIVITY REPORTS:**

A. POLICE DEPARTMENT:

(1) **ACTIVITY LOG:** Mayor Pickens read the report since Sergeant Hallman had been called out.

B. PUBLIC WORKS:

(1) **WATER & SEWER SYSTEM PERFORMANCE & USAGE:** Mayor Pickens read the report.

(2) **ANIMAL CONTROL:** Mayor Pickens stated that we had a new Animal Control Officer.

C. VOLUNTEER FIRE DEPARTMENT: Mr. Mike Butler stated that they had not been real busy. He noted that they wanted to invest in a devibulator. He noted that the Ladies Auxiliary would be having a rummage sale/fund raiser on July 3rd. He encouraged everyone to come and he would burn a hotdog for them. He introduced his wife, Dorothy, who was trying to get the auxiliary going. He added that they were quickly becoming larger than the fire fighters which was great.

17) **CITIZEN COMMENTS:** Mrs. Carusi read a statement thanking City Secretary, Tena Collier for working to help make our City a more community oriented place to live. She noted that any employee of the City should not have to deal with the negativity that she has had to deal with lately and that a conducive and safe working environment should be expected on the part of all the employees of the City. Mr. Smith inquired about a letter he had presented to the Mayor concerning the water and sewage calculations. He wondered when he would get an answer. Mayor Pickens stated that he called him today and should have added that. He noted that he had the information he requested and...Mr. Smith stated that he wanted it in writing. Mayor Pickens stated that he still had to explain it to him. Mr. Smith stated that he was not sure who the lady was who was so articulate, but if Tena Collier feels so threatened she can certainly go someplace else to work. Mr. Smith then stated that he was so dishearten and upset with this City Council to include Mr. Pfeifer and the way he disrespected you tonight. He added that he couldn't believe that we would do anything to shut down a church. He noted that we help the humanity folks with no fees at all, but we won't bend a second for the church. He added as a citizen and a tax payer who can voice his opinion, and you now got it. Mrs. Vercher stated that she would like to say thank you to the City Council for waiving 50% of the fees. She added that she was not a member of the Cottonwood Community Church, but she did appreciate what they did to help the church. Mrs. Butler stated that she had a tendency to make things personal and that she had actually got mad at the Mayor a few times. She stated that we had to get past the "them and they", and get to an "us". She noted that was not going to happen until the community stopped expecting the Council to fix everything. She stated that we needed to start talking to each other to bring the community together. She stated that we needed to wipe the slate clean and start fresh. Commissioner Hildebrand agreed. He stated that there was a lot of resentment within the City. He noted that there were a lot of things going on latterly that were unprofessional to say the least. He added that no one should be subjected to that and that we all get heated about our personal opinions, but we needed to realize that was what they were, personal. He stated that he had numerous people come and complain, but on the day that he needed them here they're not. He added things were not going to change if people don't show up. Mrs. Butler stated that the City cannot fix everything for you that is not what they are there for. She added that the City was just a tool for the community and if the community was going to get together we had to stop pointing fingers at the Council and look at the group out here. Mr. Widmer stated that Friday afternoon he paged the water department because he had no water and no one ever called him back. He called Tena on Monday to see if radios were down or what was up. He suggested that there should be an attempt to call residents and inform them of the situation. Mayor Pickens stated that he wished we had the equipment to do that and maybe someday we would be able to invest in a better system.

18) **ADJOURNMENT:** Mayor Pickens adjourned this Regular Meeting at 9:15 p.m.


Laurel Kant, City Secretary

Replaces Original Minutes of May 20, 2005

December 22, 2005

COTTONWOOD COMMUNITY CHURCH
4100 Willow
Cottonwood Shores, TX 78657\

The City of Cottonwood Shores
Cottonwood Shores, TX 78657

The mayor has received a written request concerning waiving fees for our re-issued building permits so that we can complete the section of our building needed to receive a certificate of occupancy. We are requesting that this matter be put on the agenda for the City Council Meeting of Thursday, May 20, 2004.

Thank you.



Sylvia M. Lewis
Trustee

COTTONWOOD SHORES POLICE DEPARTMENT

3915 COTTONWOOD DRIVE
COTTONWOOD SHORES ,TEXAS 78654

MONTHLY REPORT FOR MARCH 2004

SUSPICIOUS PERSON/VEHICLES:	<u>2</u>
ABANDONED VEHICLE	<u> </u>
ACCIDENTS	<u>1</u>
ASSAULTS/FAMILY VIOLENE	<u>1</u>
BURGLARIES	<u>1</u>
CRIMINAL MISCHIEF	<u> </u>
DISTURBANCES	<u> </u>
THEFT	<u>2</u>
MISSING PERSONS	<u> </u>
OTHER AGENCY ASSISTS / EMS/FIRE	<u> </u>
HARASSMENT	<u>1</u>
TRESPASS	<u> </u>
WELFARE CONCERN	<u>3</u>
DEATHS	<u> </u>
MISCELLANEOUS CALLS	<u>40</u>
TOTAL CALLS	<u>51</u>
MUNICIPAL COURT CITATIONS	<u>4</u>
ARRESTS	<u>1</u>
JUVENILE ARRESTS	<u>3</u>
HOURS WORKED	<u>370</u>
RES. HRS. WORKED	<u>8</u>
TOTAL HRS	<u>378</u>
TOTAL MILES DRIVEN	<u>2140</u>

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

March 2004

Raw water usage

2,777,000 total
90,000 average
125,000 max
17,000 min

Treated water usage

2,198,000 total
71,000 average
102,000 max
50,000 min

Wastewater pumpage

1,836,000 gallons of wastewater was pumped to LBJ MUD for treatment.

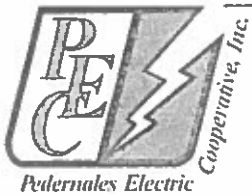
We have had some problems with the hydraulics on the backhoe, but it is back up and running now.

Animal Control

Picked up several cats and one raccoon off lakeview and cypress (relocating them)
We currently have 3 male dogs and 1 female dog jail

City of Cottonwood Shores Activity Report

Mar-04		
Date	Activity	Address
1-Mar	gray electric here to install water plant dial outs and shutdowns	
2-Mar	new tap	858 pecan lane
2-Mar	reconnect	632 magnolia
2-Mar	delivered trash cart	750 pecan
2-Mar	cleaned up around # 1 lift station	
3-Mar	cutting bar ditch	600 block of cypress
4-Mar	delivered trash cart	819 birch
4-Mar	cutting bar ditches	600 block of fir
4-Mar	blading roads	all gravel roads east of pecan
4-Mar	routed caustic line in pvc pipe for protection	water plant
8-Mar	installed airwash on west side of filter in waterplant	waiting on 2" flange to complete
8-Mar	checked on sewer	3829 westwood
8-Mar	ordered 8 " meter for backwash line should be here	within two weeks
9-Mar	delivered trash cart	3712 lakeview
9-Mar	customer broke main	3717 lakeview
9-Mar	customer broke sewer cleanout	628 fir
9-Mar	customer broke sewer cleanout	614 magnolia
9-Mar	customer broke sewer cleanout	aspen
10-Mar	csi/reconnect	625 fir
10-Mar	gray electric here and finished installing dialouts and shutdowns for water plant	
10-Mar	replace curbstop and meter	625 fir
11-Mar	received 900 gallons of alum at the water treatment plant	
11-Mar	patched street cut	lakeview
11-Mar	moved old shredder from city hall to police dept. for bid viewing	
11-Mar	repaired main break	718 pecan
12-Mar	back-filled hole filled trench	803 magnolia
12-Mar	bladed eastwood and northwood	
12-Mar	repaired driveway	815 cypress
15-Mar	replaced # 1 pump in # 1 liftstation	
15-Mar	water/sewer locate	lots 182/183 pecan
15-Mar	started reading meters	
16-Mar	contractors broke 4" water main assisted them in repairing	
16-Mar	finished reading meters	
16-Mar	patching washouts on gravel roads	
16-Mar	replaced meter lid	707 fir
17-Mar	reconnect	726 cypress
17-Mar	adding granite gravel to roads	
17-Mar	problems with lift station # 1	driftwood
18-Mar	continued with road repair	
18-Mar	finished installing airwash on west side of filter in waterplant	
19-Mar	cutting bar ditch	600 block of cypress
19-Mar	water plant truck died had alexander auto tow it to shop	
22-Mar	delivered trash cart	3733 northwood
22-Mar	meter changeout	bay marine & sports center
23-Mar	delivered trash cart	726 cypress
24-Mar	blowoff broken by contractor	prince peak
25-Mar	recut bar ditches	cottonwood dr.
26-Mar	disconnect	736 fir
26-Mar	water and sewer taps installed	813 cypress
28-Mar	csi/reconnect	648-A fir
29-Mar	reconnect	2824 rr 2147 west
29-Mar	cutoff	636 dogwood
29-Mar	check for leak	721 magnolia
29-Mar	reconnect	625 fir
29-Mar	reconnect	702 fir



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

April 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 May 20, 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,



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, MAY 20, 2004 AT 7:00 P.M.

AGENDA

- 1) CALL TO ORDER AND ROLL CALL.
- 2) CONSENT AGENDA:
 - a) MINUTES OF A REGULAR MEETING ON APRIL 15, 2004.
 - b) FINANCIAL STATEMENTS FOR THE MONTH OF MARCH 2004.
- 3) QUARTERLY PRESENTATION FROM MR. GEORGE BIRD WITH PEDERNALES ELECTRIC COOPERATIVE.
- 4) PROCLAMATION BY MAYOR PICKENS DECLARING MAY AS WATER SAFETY MONTH WITHIN THE CITY OF COTTONWOOD SHORES, TEXAS.
- 5) PRESENTATION BY MR. GANDOLF BURRUS, GRANT COORDINATOR, IN CONNECTION WITH O.R.C.A. C.D.B.G. GRANT NO. 723179.
- 6) CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY MR. STEVE HURST OF BLACK WOLF PARTNERS, LTD. TO APPROVE THE PROPOSED PLAT NO. 1.1 BEING 11.19 ACRES OUT OF THE JOHN M. DARLIN SURVEY NO. 4, ABSTRACT NO. 248, BEING 10.31 ACRES BLACK WOLF PARTNERS, LTD., VOLUME 1233, PAGE 647, BURNET COUNTY PLAT RECORDS, AND THE EAST HALF OF LOT 21 AND ALL OF LOT 22, CASTLE ACRES RESUBDIVISION, BLACK WOLF PARTNERS, LTD., VOLUME 1233, PAGE 674, BURNET COUNTY PLAT RECORDS TO BE KNOWN AS "WIND CHIME SUBDIVISION".
- 7) CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST FROM MR. DON KEITH FOR A VARIANCE TO THE FIVE FOOT UTILITY EASEMENT BETWEEN LOTS 63 AND 64, CASTLE TERRACE SECTION II, COTTONWOOD SHORES, BURNET COUNTY, TEXAS AS RECORDED IN VOLUME 1, PAGE 198, BURNET COUNTY DEED RECORDS TO ALLOW FOR THE CONSTRUCTION OF A NEW HOME OVER AND UPON SAID UTILITY EASEMENT.
- 8) CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY MR. ROGER VAN VOORHEES FOR A VARIANCE TO THE FIVE FOOT UTILITY EASEMENT AND SETBACK REQUIREMENT AS RECORDED IN VOLUME 141, PAGE 362, BURNET COUNTY DEED RECORDS ON LOT 27, DRIFTWOOD II SECTION, COTTONWOOD SHORES, TEXAS AS RECORDED IN VOLUME 1, PAGE 212, BURNET COUNTY PLAT RECORDS TO ALLOW FOR THE PLACEMENT OF A MOBILE HOME OVER AND UPON SAID UTILITY EASEMENT.
- 9) CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY THE COTTONWOOD COMMUNITY CHURCH FOR A VARIANCE TO THE BUILDING PERMIT FEES AS PRESCRIBED IN ORDINANCE NO. 022602, AN ORDINANCE OF THE CITY OF COTTONWOOD SHORES, TEXAS.
- 10) CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY MR. DON JOHNSON FOR A DETERMINATION ON ORDINANCE NO. 022602, AN ORDINANCE OF THE CITY OF COTTONWOOD SHORES, TEXAS PROVING FOR ZONING DISTRICTS TO ALLOW FOR A OFFICE/WAREHOUSE FACILITY ON LOTS 46, 47, 62, AND 63, BLUFF VIEW SECTION, COTTONWOOD SHORES, TEXAS.
- 11) CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY MR. KEITH PATSCHKE TO REZONE LOTS 74 THROUGH 86, BLUFF VIEW SECTION, COTTONWOOD SHORES, BURNET COUNTY, TEXAS FROM SINGLE-FAMILY RESIDENTIAL TO COMMERCIAL, C-2.
- 12) CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY MR. KEITH PATSCHKE TO REZONE A TRACT OF LAND OUT OF THE F. ENGLEKING SURVEY NO. 611, BURNET COUNTY, TEXAS, ALSO BEING A PART OF THE BLUFF VIEW SECTION, COTTONWOOD SHORES, BURNET COUNTY, TEXAS, COMMONLY KNOWN AS LOT 103, BLUFF VIEW SECTION, COTTONWOOD SHORES, BURNET COUNTY, TEXAS FROM SINGLE-FAMILY RESIDENTIAL TO COMMERCIAL, C-2.
- 13) CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY MR. HOLLAND LESTER TO REZONE LOTS 54 AND 55, BLUFF VIEW SECTION, COTTONWOOD SHORES, BURNET COUNTY, TEXAS FROM SINGLE-FAMILY RESIDENTIAL TO COMMERCIAL, C-1.
- 14) CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY MR. GRAZIANO PEROZZI TO REZONE LOTS 52 AND 57, BLUFF VIEW SECTION, COTTONWOOD SHORES, BURNET COUNTY, TEXAS FROM SINGLE-FAMILY RESIDENTIAL TO COMMERCIAL, C-1.
- 15) CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY MS. EDNA WHISENANT TO REZONE LOTS 51 AND 58, BLUFF VIEW SECTION, COTTONWOOD SHORES, BURNET COUNTY, TEXAS FROM SINGLE-FAMILY RESIDENTIAL TO COMMERCIAL, C-1.
- 16) CONSIDER AND POSSIBLY TAKE ACTION ON
- 17) 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.
- 18) CITIZEN COMMENTS.
- 19) ADJOURNMENT.

I CERTIFY THAT THE ABOVE NOTICE WAS POSTED AT CITY HALL, 3808 COTTONWOOD DRIVE, COTTONWOOD SHORES, TEXAS ON THIS 17TH DAY OF MAY, 2004 AT 5:00 P.M.

ATTEST:


TENA COLLIER, CITY SECRETARY




DALE PICKENS, MAYOR