

**MINUTES OF A SPECIAL MEETING OF THE CITY COUNCIL
OF THE CITY OF COTTONWOOD SHORES, TEXAS
4111 COTTONWOOD DRIVE – CIVIC CENTER
WEDNESDAY, OCTOBER 27, 2004 at 7:00 PM**

1. **CALL TO ORDER AND ROLL CALL:** Mayor Pfeifer called this Special Meeting to Order at 7:00 p.m. with Council Members Logan, Carusi, Hildebrand, and Plumley in attendance a Quorum was Present. Council Member Beyer was absent.

2. **SECOND PUBLIC HEARING ON THE PROPOSED ANNEXATION OF LOT 1, WINDCHIME SUBDIVISION, A SUBDIVISION IN BURNET COUNTY, TEXAS, AS SHOWN ON THE PLAT RECORD IN CABINET 3, SLIDES 136 C & D, PLAT RECORDS OF BURNET COUNTY, TEXAS, BEING 10.31 ACRES, MORE OR LESS, LOCATED ON THE EAST SIDE OF THANKSGIVING MOUNTAIN, WEST OF THE CURRENT CITY LIMITS, AND SOUTH OF RR 2147, INCLUDING THE ABUTTING STREETS, RIGHTS-OF-WAY AND ROADS:** Mayor Pfeifer opened the public hearing at 7:01 p.m. He asked if everyone knew where the property was located. Ms. Sharon Nash asked for him to point to the Catholic Church on the map. Mayor Pfeifer pointed it out and explained where it was in relation to her property. Ms. Nash expressed concern with water from the drainage coming down on her property. She stated that the man who was developing up there came to one of Castle Acres POA meetings. She noted that he asked to be allowed to build condominiums, but she didn't know anything about a hotel. She asked if the developer had made any provisions for the runoff such as a French drain to catch the water. She didn't want a situation like they had in Kingsland. Mrs. Hurst stated that it was her property. Ms. Nash stated that she was aware of that. Mrs. Hurst stated that they had submitted the petition for annexation. She explained that the zoning that would allow for any development would be address at another public hearing, actually two hearings on the zoning which will be addressed at that time. Ms. Nash stated well you are here and the reason all the people from Castle Acres are here is the water problem and we don't want to be flooded out of our homes. She asked if it was in the plans to do anything like a French drain and could we get that in writing before anyone votes on the zoning. Mrs. Hurst stated that we were not here to vote on the zoning that we were here to discuss the annexation. She agreed that there were a lot of issues to address, but that would be done at a different time. She assured them that the developer didn't want that liability either. Councilman Hildebrand asked where the water that Ms. Nash was talking about was coming from. Several people are talking at the

same time about once in 1991 when the water came into houses in the area including Marvin Finn's house. Ms. Nash stated that there were 3-4 inches of water that came through her house. Mr. Marley Porter stated that when the development comes up everyone would be able to see the plans. He introduced Mr. Paul Pedersen with Primera Homes. He stated that there would be an extensive drainage plan, which should improve the existing homes that back up to the property. He stated that the developer had already purchased eleven (11) additional lots, two of which cannot be built on which can be used to take sheet water into a pond and channel the water away from the homes. Ms. Nash asked if they were going to channel it towards her home. Mr. Porter stated it would be in the lower area of the property. He noted that the streets were designed parallel to RR 2147 in order to divert the water away. Councilman Hildebrand stated that as far as he could tell what the developer was proposing to do would not have any impact on the drainage coming to Ms. Nash's house. He stated that the run off she was speaking of was coming from the hill by the water tower. He added that the run off the developer would be catching would be coming from the other side of the raven. Mr. Pedersen stated that the way the drainage would be designed would positively impact the adjoining neighborhoods and in no way to negatively. He added that we could not divert the water onto anybody's property. Mrs. Hurst stated that LCRA had an ordinance on non-point source pollution and anyone developing in the area must have LCRA's stamp of approval. Ms. Nash stated see, we were all up in the air, but because we got this out in the beginning we are not as upset about zoning. She added that we were told that what happen in Kingsland was they didn't say anything until it was a done deal. Someone asked about the lot, which was in Castle Acres. Mr. Schultz stated that he was curious about the replating, too. He stated that was part of Castle Acres and then whoever bought the land how did they get that done. He added that if that was the case then maybe he ought to replat his place to be in Horseshoe Bay. Mrs. Hurst stated that it was a legal process that was done all the time. Mr. Don Sherman with Willis Engineering explained that there was a process that was governed by state law. Since they owned the property and all the property behind it they were able to take it out of one subdivision to form another one through the City of Cottonwood Shores and Burnet County. Someone asked if replatting relieved them of the restrictions that were currently on that property. Mrs. Hurst stated not the act of replatting, but they did have deed restrictions removed from the property. She explained that the entity, which put the deed restrictions on the property, signed a release. She noted that the original restrictions were put on by a lease signed by Anderson and Hedges then later there was a release signed by Anderson terminating that lease thereby releasing those restrictions. When Southwest Acquisition bought the property they put the

restrictions back on when they conveyed it to Sollers and retained a lien on the property. When the Sollers' sold the property and paid off the lien they released the lien and the restrictions, also. Mr. Porter explained how a City changes its boundaries through annexation. Ms. Nash stated so if the City gets this piece of land and it is contiguous then they can take in Castle Acres because that piece of land was in Castle Acres. Someone asked about access to the park. Mrs. Hurst asked if they meant the 1/25th interest in the Lot 2. Several people replied yes. Mrs. Hurst stated that she thought that the property still had a 1/25th interest in the common area. Ms. Nash stated that the bottom line was that once you get the property and become contiguous to Castle Acres you can decide to annex us without us having any right to object. Mr. Porter stated that was not correct. Mrs. Collier stated that Castle Acres is already contiguous to the City Limits without Lot 22 and ½ of 21. Mayor Pfeifer stated that Castle Acres was within the City's ETJ every since the City incorporated in 1987 because it was within ½ mile. Councilman Hildebrand explained that it is not always ½ mile, but it is the serviceable area around a City. Mayor Pfeifer closed the public hearing at 7:25 p.m.

3. **SECOND PUBLIC HEARING ON THE PROPOSED ANNEXATION OF 11.55 ACRES, MORE OR LESS, SITUATED IN BURNET COUNTY, TEXAS, LOCATED ON THE EAST SIDE OF THANKSGIVING MOUNTAIN, WEST OF THE CURRENT CITY LIMITS, AND EAST OF HIRIDGE ROAD, AND ABUTTING THE SOUTHERN AND WESTERN BOUNDARIES OF LOT 1, WINDCHIME SUBDIVISION, INCLUDING THE ABUTTING STREETS, RIGHTS-OF-WAY AND ROADS:** Mayor Pfeifer open the public hearing at 7:26 p.m. He showed everyone where the property was located. Ms. Nash asked if they were going to stock fish in the pond. Mrs. Hurst replied that was a good idea. Ms. Nash stated that she heard that Horseshoe Bay was going to stop providing the City sewer service and she wondered if there was any truth to that rumor. Several people laughed and stated that she should have been here last night. Ms. Nash asked if the City was paying the bill because if we were paying the bill then they couldn't shut you off. Councilman Hildebrand replied yes. Ms. Nash stated that she was relieved because she would hate to not be able to flush her toilet. Mayor Pfeifer closed the public hearing at 7:28 p.m.
4. **SECOND PUBLIC HEARING ON THE PROPOSED ANNEXATION OF 3.54 ACRES, MORE OR LESS, SITUATED IN BURNET COUNTY, TEXAS, LOCATED ON THE EAST SIDE OF THANKSGIVING MOUNTAIN, WEST OF THE CURRENT CITY LIMITS, AND EAST OF HIRIDGE ROAD, AND ABUTTING THE WESTERN RIGHT-OF-WAY OF KNIGHT'S ROW, INCLUDING THE ABUTTING STREETS, RIGHTS-OF-**

WAY AND ROADS: Mayor Pfeifer opened the public hearing at 7:29 p.m. He showed everyone where the property was located. Ms. Nash stated that she hoped those people on top of the hill will prepare for us because if Lake Buchanan ever lets go the only save place will be up there. Mayor Pfeifer closed the public hearing at 7:30 p.m.

5. **CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY MR. GEORGE COLLINS AND MS. PAULINE NGUYEN TO APPROVE THE PROPOSED REPLAT OF LOTS 507, 508 AND 509, SCARLET OAKS SECTION, COTTONWOOD SHORES, TEXAS AS RECORDED IN VOLUME 1, PAGE 184, BURNET COUNTY PLAT RECORDS INTO TWO LOTS TO BE KNOWN AS LOTS 507-A AND 508-A, SCARLET OAKS SECTION, COTTONWOOD SHORES, TEXAS:** Ms. Nash asked where this was located. Mayor Pfeifer stated that this was in the 600 block of Aspen Lane approximately in the middle. He stated that they had three lots there and they wanted to replat them into two lots to build two houses on three lots. Councilman Hildebrand made a motion to approve the request. Councilman Carusi seconded his motion, which carried by unananimous vote.
6. **CITIZEN COMMENTS:** There were none.
7. **ADJOURNMENT:** Councilwoman Logan made a motion to adjourn at 7:33 p.m.

ATTEST:



TENA COLLIER, CITY SECRETARY



**SPECIAL MEETING OF THE CITY COUNCIL
OF THE CITY OF COTTONWOOD SHORES, TEXAS
4111 COTTONWOOD DRIVE – CIVIC CENTER
WEDNESDAY, OCTOBER 27, 2004 at 7:00 PM**

AGENDA

1. CALL TO ORDER AND ROLL CALL.
2. SECOND PUBLIC HEARING ON THE PROPOSED ANNEXATION OF LOT 1, WINDCHIME SUBDIVISION, A SUBDIVISION IN BURNET COUNTY, TEXAS, AS SHOWN ON THE PLAT RECORD IN CABINET 3, SLIDES 136 C & D, PLAT RECORDS OF BURNET COUNTY, TEXAS, BEING 10.31 ACRES, MORE OR LESS, LOCATED ON THE EAST SIDE OF THANKSGIVING MOUNTAIN, WEST OF THE CURRENT CITY LIMITS, AND SOUTH OF RR 2147, INCLUDING THE ABUTTING STREETS, RIGHTS-OF-WAY AND ROADS.
3. SECOND PUBLIC HEARING ON THE PROPOSED ANNEXATION OF 11.55 ACRES, MORE OR LESS, SITUATED IN BURNET COUNTY, TEXAS, LOCATED ON THE EAST SIDE OF THANKSGIVING MOUNTAIN, WEST OF THE CURRENT CITY LIMITS, AND EAST OF HI-RIDGE ROAD, AND ABUTTING THE SOUTHERN AND WESTERN BOUNDARIES OF LOT 1, WINDCHIME SUBDIVISION, INCLUDING THE ABUTTING STREETS, RIGHTS-OF-WAY AND ROADS.
4. SECOND PUBLIC HEARING ON THE PROPOSED ANNEXATION OF 3.54 ACRES, MORE OR LESS, SITUATED IN BURNET COUNTY, TEXAS, LOCATED ON THE EAST SIDE OF THANKSGIVING MOUNTAIN, WEST OF THE CURRENT CITY LIMITS, AND EAST OF HI-RIDGE ROAD, AND ABUTTING THE WESTERN RIGHT-OF-WAY OF KNIGHT'S ROW, INCLUDING THE ABUTTING STREETS, RIGHTS-OF-WAY AND ROADS.
5. CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY MR. GEORGE COLLINS AND MS. PAULINE NGUYEN TO APPROVE THE PROPOSED REPLAT OF LOTS 507, 508 AND 509, SCARLET OAKS SECTION, COTTONWOOD SHORES, TEXAS AS RECORDED IN VOLUME 1, PAGE 184, BURNET COUNTY PLAT RECORDS INTO TWO LOTS TO BE KNOWN AS LOTS 507-A AND 508-A, SCARLET OAKS SECTION, COTTONWOOD SHORES, TEXAS.
6. CITIZEN COMMENTS.
7. ADJOURNMENT.

I CERTIFY THAT THE ABOVE NOTICE WAS POSTED AT CITY HALL, 3808 COTTONWOOD DRIVE, COTTONWOOD SHORES, TEXAS ON THIS 22ND DAY OF OCTOBER, 2004 AT 5:00 P.M.

