

MINUTES OF THE SPECIAL MEETING OF THE
CITY COUNCIL OF THE
CITY OF COTTONWOOD SHORES, TEXAS
4111 COTTONWOOD DRIVE – CIVIC CENTER
THURSDAY, MAY 5, 2005 AT 6:00 P.M.

COPY
Replaces Original

1. CALL TO ORDER AND ROLL CALL. Mayor Protem Hildebrand called the special meeting to order at 6:10 PM with Council Members Carusi, Beyer, Logan, Plumley and Logan in attendance; a quorum was present. Mayor Pfeifer was absent.
2. CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY MR. LARRY BAGGETT 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 400 AND 401, DRIFTWOOD SECTION, COTTONWOOD SHORES, TEXAS AS RECORDED IN VOLUME 1, PAGE 190, BURNET COUNTY PLAT RECORDS TO ALLOW FOR THE CONSTRUCTION OF A NEW HOME OVER AND UPON SAID UTILITY EASEMENT.

Councilman Plumley made the motion to approve the request by Mr. Larry Baggett 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 400 and 401, Driftwood Section, Cottonwood Shores, Texas, as recorded in Volume 1, Page 190, Burnet County Plat Records to allow for the construction of a new home over and upon said utility easement. Councilman Carusi seconded the motion and passed.

3. CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY MR. MICHEAL P. KELLY TO ACCEPT THE REQUEST AND PETITION FOR ANNEXATION OF LOTS 18, 19, 20, AND THE WEST ONE-HALF (1/2) OF LOT 21, CASTLE ACRES SUBDIVISION, A SUBDIVISION IN BURNET COUNTY, TEXAS, AS SHOWN ON THE PLAT RECORDED IN CABINET 1, SLIDE 8-A, PLAT RECORDS OF BURNET COUNTY, TEXAS.

Councilman Plumley made a motion to approve the request by Mr. Micheal P. Kelly to accept the request and petition for annexation of Lots 18, 19, 20, and the west one-half (1/2) of Lot 21, Castle Acres Subdivision, a subdivision in Burnet County, Texas, as shown on the plat recorded in Cabinet 1, Slide 8-A, Plat Records of Burnet County, Texas. Councilman Carusi seconded the motion and passed.

Councilman Plumley made a motion to set June 16, 2005, meeting as the date for the public hearing for the annexation. Councilman Carusi seconded the motion and passed.

4. CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY MR. DAVID MELDAU TO ACCEPT THE REQUEST AND PETITION FOR ANNEXATION OF LOT 82, CASTLE TERRACE SUBDIVISION, SECTION II, A SUBDIVISION IN BURNET COUNTY, TEXAS, AS SHOWN ON THE PLAT RECORDED IN VOLUME 1, PAGE 216, PLAT RECORDS OF BURNET COUNTY, TEXAS.

Councilman Carusi made the motion to approve the request by Mr. David Meldau to accept the request and petition for annexation of Lot 82, Castle Terrace Subdivision, Section II, a subdivision in Burnet County, Texas, as shown on the plat recorded in Volume 1, Page 216, plat records of Burnet County, Texas. Councilwoman Logan seconded the motion and passed.

Mayor Protem Hildebrand made a motion that the public hearing date on annexation of Lot 82, Castle Terrace Subdivision, Section II, be held on June 16, 2005. Councilman Plumley seconded the motion.

5. CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY MR. WES AIKEN FOR A REFUND OF EXPENSES WITHHELD FROM HIS FINAL PAYCHECK FROM THE CITY OF COTTONWOOD SHORES, TEXAS.

Councilman Carusi made a motion to deny the request by Mr. Wes Aiken for a refund of expenses withheld from his final paycheck from the City of Cottonwood Shores, Texas. Councilman Plumley seconded the motion and passed.

6. CONSIDER AND POSSIBLY TAKE ACTION ON A REQUEST BY MR. MARLEY PORTER AND MR. KEITH PATSCHKE TO SET A DATE FOR A PUBLIC HEARING TO CONSIDER REZONING PROPOSED DEVELOPMENT OF LITTLE CASTLE MOUNTAIN INCLUDING SURROUNDING LOTS IN THE BLUFF VIEW SECTION, COTTONWOOD SHORES, TEXAS AS A PLANNED UNIT DEVELOPMENT (PUD).

Mr. Marley Porter explained his presentation of the proposed development of Little Castle Mountain and the surrounding lots in the Bluff View section.

Mrs. Dorothy Butler stated that she wanted a 10-foot wall between her and the development. Mrs. Butler also wanted to know about the drainage since there are natural springs in the area. Mr. Porter assured Mrs. Butler that there would be no problem with the drainage and would be handled with ponds.

Mr. Mike Butler asked how many condos there would be. Mr. Porter replied that there were sixteen (16) proposed. Mr. Butler wanted to know if the fire department would have access, and Mr. Porter replied that he needed to meet with the fire department. Mr. Butler asked how tall the parking garage would it be, and Mr. Porter that it would be no more than 36 feet.

Ms. Dorothy Butler stated that she was worried about the noise level. Mr. Porter stated that the units would be like residencies and the neighbors would more than likely ask them to stifle the noise. Mr. Porter also stated that they had removed the amphitheater from the plans.

Mr. Schultz explained that residents could call the Burnet County Sheriff's Department and report the noise of Marty McFly's and if it was not remedied, call again. Mr. Schultz further stated that every time a call is made to the department it is logged and if there are enough complaints, they will be shut down.

Mr. Porter was asked how many people would be accommodated at the development. Mr. Porter stated that if everyone came at the same time to the restaurant and condos, there would not be more than 500 people outside. Mr. Porter was asked if Cottonwood Shores would be supplying the water and sewer; he replied that it would supply the water, but was not sure the sewer would go to Horseshoe Bay, or to Cottonwood Shores. Mr. Porter stated that they were putting together a study to see how much surcharge to put on developments like this to build own separate septic system. Mr. Porter further stated that the condos might be rented and therefore a hospitality tax could be put into effect.

Ms. Dorothy Butler questioned whether the road that had been closed would be re-opened. Mr. Porter offered an alternative that would be used by the construction vehicles.

Mr. Schultz questioned the urgency of the road that would open Granite Shoals, over the Wirtz Dam. Mr. Schultz stated the concern should be with the traffic on route 2147. Mr. Porter replied that he had no control but that issue lies with Texas Department of Transportation.

Ms. Janet Taylor-Carusi asked what the market value of the condos and what was he marketing them against. Mr. Porter stated that he did not know yet. Mr. Porter stated that Horseshoe Bay announced 336, eight (8) story units, and six (6) eight (8) story towers, and their prices were \$350,000 to \$700,000, and the price was increased to \$750,000 for a one (1) bedroom and 1.2 million for a penthouse. Mr. Porter stated that the planned condos would be on the lower end around \$225,000 to \$250,000.

The questions of easements were discussed. Councilman Carusi questioned Mr. Porter on the grade of the location of the six (6)-story building. Mr. Porter explained the grades and assured Councilman Carusi that the building would not be on the steep and drop off grade.

City Attorney Allen Petrov stated that a specific application would be on file with the city before a hearing date is set. City Attorney Petrov said that details need to be worked out of what is being proposed before a hearing date is established. Mr. Porter asked the City Attorney if it would be a public hearing and the City Attorney told him that it would just be just to submit some of the engineering work, an application, what is being proposed and the backup material and drawings would be formally submitted which would then become a public document. City Attorney Petrov said that a hearing date could then be scheduled and give public notice of the hearing and anyone could look at the documents and be prepared at the hearing to talk about the issues.

City Attorney Allen Petrov stated there is usually an application fee and a bond requirement because the end result of the agreement is that they are required to put in a certain streets, utilities or drainage improvements and the bond would be put up to make sure those improvements are made and released at completion.

City Attorney Petrov stated that it was the council's discretion since there is no formal policy that establishes the committees and they can appoint an Ad Hoc committee at their discretion.

The council agreed to take no action on this proposal at this time.

7. CONSIDER AND POSSIBLY TAKE ACTION ON ADOPTING AN ORDINANCE SETTING TWO REGULAR MEETINGS PER MONTH, ESTABLISHING THE REOCCURRING DAY OF THE MONTH AND TIME OF EACH MEETING FOR THE CITY COUNCIL OF COTTONWOOD SHORES, TEXAS.

Councilman Carusi proposed making the meetings on the first and third Thursdays of the month because at the last meeting there were 22 items on the agenda and a time restriction was imposed to everyone. Councilman Carusi stated that if the first meeting is not needed, it could be cancelled. Councilman Hildebrand asked why a meeting could not just be called if needed. Councilman Carusi replied that at a special meeting, four (4) people are needed and at a regular meeting only three (3) are needed.

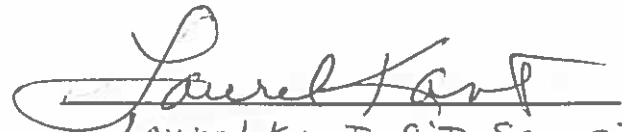
Councilman Carusi made a motion to adopt an ordinance setting two regular meetings per month, establishing the first and third Thursday of each month at 7:00 PM for the meetings of the City Council of Cottonwood Shores, Texas. Councilman Plumley seconded the motion and passed. Councilman Hildebrand voted no.

Mr. Keith Patschke stated that he had been cut off. Councilman Plumley explained that what he was presenting was not on the agenda.

8. ADJOURNMENT. Mayor Protem Hildebrand adjourned the meeting at 7:37 PM.

ATTEST:

TENA COLLIER, CITY SECRETARY


Laurel Kant, City Secretary
Replaces Original Minutes
Dec. 22, 2005

ORDINANCE NO. 050505

AN ORDINANCE OF THE CITY OF COTTONWOOD SHORES, TEXAS, PROVIDING THE DAYS AND TIMES OF TWO REGULAR COUNCIL MEETINGS PER MONTH, AND IN ADDITION, SPECIAL MEETINGS AS NEEDED AND POSTED; PROVIDING OPEN MEETINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Cottonwood Shores, Texas, (herein the "City") was incorporated as a Type A General Law Municipality;

WHEREAS, the City Council designates time, place, and call of special meetings in compliance with *Texas Local Government Code § 22.038*; and

WHEREAS, the City Council, at an open meeting, accepted public comments and discussion concerning calling for two regular council meeting days to provide for all the agenda requests, reducing the time restriction that had been imposed on everyone previously.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COTTONWOOD SHORES, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Regular Meeting Dates and Time. By majority vote of the governing council, it is hereby established that there will be two regular meeting days per month, being the first and third Thursday of each month at 7:00 p.m., with special meetings being called if necessary, and that the first meeting of the month could be cancelled if not needed.

Section 3. Severability. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 4. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on this 5th day of May, 2005.



Lee Hildebrand, Mayor Pro Tempore

ATTEST:



Jerril Wafer, Financial Manager



CITY OF COTTONWOOD SHORES

3808 COTTONWOOD DRIVE
COTTONWOOD SHORES, TX 78657
(830) 693-3830 FAX: (830) 693-6436



AGENDA ITEM REQUEST

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

Date of next Regular Meeting: 5-19-05 (5/5/05)?

Subject to be Addressed: Money withheld from
final paycheck

Informational Presentation: Yes No

Requires Action By Council: Yes No

Name(s) of Requester: Wes Aiken

Address: 1200 Silver Dollar
Horseshoe Bay Texas ~~7876~~ 78657

Phone No.: 830 798 8134

Wes Aiken Wes Aiken 4-29-05
Requester Date

[Signature] 4/29/05 8:55
Received by City Employee Date Time am/pm

CITY OF COTTONWOOD SHORES

3808 COTTONWOOD DRIVE
COTTONWOOD SHORES, TX 78657
(830) 693-3830 FAX: (830) 693-6436



AGENDA ITEM REQUEST

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

Date of next Regular Meeting: May 5, 2005

Subject to be Addressed:

① Create or Amend Ord to 1st & 3rd Thursday @ 7pm meeting each month

②

Informational Presentation: Yes No

Requires Action By Council: Yes No

Name(s) of Requester: Richard Causi

Address: 709 Aspen Ln
Mobile 3 Cottonwood Shores, TX 78657

Phone No.: 693-2075

RJC Requester 5-1-05 Date

Received by City Employee

Date

Time

am/pm

**SPECIAL MEETING OF THE
CITY COUNCIL OF THE
CITY OF COTTONWOOD SHORES, TEXAS
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8. ADJOURNMENT.

I CERTIFY THAT THE ABOVE NOTICE WAS POSTED AT CITY HALL, 3808 COTTONWOOD DRIVE, COTTONWOOD SHORES, TEXAS ON THIS 2ND DAY OF MAY, 2005 AT 6:15 P.M.

ATTEST:



TENA COLLIER, CITY SECRETARY

