

**REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF COTTONWOOD SHORES, TEXAS
THURSDAY, DECEMBER 15, 2005 AT 7:00 P.M.
CHRISTOPH COMMUNITY CENTER – 4100 WILLOW LANE**

MINUTES

1. Call to Order by Mayor Breen at 7:03 p.m.
2. Invocation given by Brother Bentley Martin.
3. Roll call taken by Jerrial Wafer, with Mayor Breen, and Council members B. Plumley, R. Carusi, M. Logan being present. Council members O. Beyer and L. Hildebrandt being absent. Quorum was met, and shortly thereafter, Council member L. Hildebrandt took his chair.
4. Consent Agenda
 - a. Minutes
 - i. Minutes of the Council meeting, December 1, 2005

Councilman Plumley made motion to accept the Minutes of December 1, 2005, motion seconded by Councilman Carusi, motion passed unanimously.

5. Departmental Reports
 - a. Water and Wastewater Reports; none given
 - b. Police Reports; written report was submitted by Sgt. Hallman
 - c. Fire Department's Report; none given
 - d. Fire Marshal's Report; none given.
 - e. City Secretary's Report; verbal was given by Laurel Kant stating that she is reviewing minutes and Ordinances for errors and council may want to address the fees Ordinance 092504 since it was not on an October agenda as previously requested.
 - f. Treasurer's Report; verbal was given by Jerrial Wafer on the audit results and looking into a grant for the municipal court, along with a written Cash Report for November, 2005
 - g. City Attorney's Report; Attorney was absent, no report was given.
 - h. Mayor's Report; Mayor Breen gave a verbal report concerning Christmas, progression on water project, new telephone system, and renovation of the Civic Center.
 - f. Special Committee Reports; Councilman Plumley gave a verbal report on the status of the pool renovations.
 - g. Communities Organization Reports; Brother Bentley gave a verbal status report on Toys for Tots, and Christmas services at the church. Janet T. Carusi gave verbal report on Christmas for Kids.
6. Citizens Comments; Marley Porter presented C.A.D. drawings for improvements and recommendations to the Civic Center. Bentley Martin inquired about getting the civic center up to the fire code, and Councilman Plumley advised that the push bars on the doors would bring the exits to code. Joe Don Dockery introduced himself, and that he is running for County Commissioner for Precinct 4. He also advised us that the March polling place would be at the Hill County Community Theater. Dan Corbin introduced himself and that he is running for Representative Dist. 54.
7. Presentation of Cottonwood Shores Christmas Lighting Contest Winners for the City of Cottonwood Shores was given by Mayor Breen. She presented the awards and prizes to the citizens that were present. List of winners are attached to these minutes.
8. New Business:
 - a. Discussion and possible action concerning directing the City's Financial Officer to explore the possibilities of a property tax deferment or exemption for over age 65 or disabled persons.

Councilwoman Logan made motion to appoint Financial Officer, Jerrial Wafer to explore the tax deferment or exemption for citizens over age 65 or disabled persons, Councilman Carusi seconded, motion passed unanimously.

- b. Discussion and possible action concerning accepting the resignation of Patty Segovia from the position of Assistant City Secretary/Court Clerk.
- Councilman Carusi made motion to accept the resignation of Patty Segovia, seconded by Councilman Plumley, motion passed unanimously. Mayor Breen and Jerrial Wafer signed her resignation.
- c. Discussion and possible action concerning Gustavo Lobera's request for a credit back to account 919 for garbage service and the sales tax due to having no garbage can for the month.
- Jerrial Wafer explained the circumstances, Councilwoman Logan made motion to credit Mr. Lobera's account for \$17.82, Councilman Carusi seconded, motion passed unanimously.
- d. Discussion and possible action concerning a request to rezone 4401 Cottonwood Road and the lot known as "BWD" from R1 to Commercial.
- Discussion revealed that BWD property is not R1 but actually is un-zoned as government property. Councilman Hildebrand made a motion to take no action until further review from our attorney, Councilwoman Logan seconded, motion passed with 3 "ayes", Councilman Plumley voted "nay".
- e. Discussion and possible action concerning authorization of a surplus property auction.
- Councilwoman Logan made motion to have Jerrial Wafer present a list of surplus property at the January 19th Council meeting, Councilman Plumley seconded, motion passed unanimously.
- f. Discussion and possible action concerning a proposed amendment of Ordinance 081704, Posting of Agendas.
- Councilwoman Logan made a motion to accept the amended Ordinance 081704, as prepared by City Secretary, Councilman Carusi seconded, motion passed unanimously.
- g. Discussion and possible action concerning the disposal of a white shed on Oak Lane located by the Civic Center and owned by the City of Cottonwood Shores.
- Councilman Plumley made a motion to have Tim McClain contact Hill Country Recycling to see if any of the unwanted items can be recycled, and if so then have a roll-off to take it away, Councilman Hildebrand seconded, motion passed unanimously.
- h.. Discussion and possible action concerning the use of the Civic Center on January 11 through 13, 2006 from 8:00 a.m. to 5:00 p.m. for a Basic Water Works class.
- Councilman Carusi made a motion to host the Basic Water Works class, January 11-13 at the Christoph Community Center, Councilman Plumley seconded, motion passed unanimously.
- i. Discussion and possible action concerning the installation of a vending machine at the City Hall.
- Councilman Carusi made a motion to accept the vending machine at City Hall, and to use the profit funds for employee functions, parties, etc., Councilwoman Logan seconded, motion passed unanimously.
- j. Discussion and possible action concerning repairing the parking lot at Bob's Drive-In, the northern section of lot from power pole to Dutch Lemming Lane, which is City property.
- Councilman Plumley made a motion to get bids from surveyors to determine what is City property before taking action on repairing the parking lot, Councilman Carusi seconded, motion passed unanimously.
- k. Discussion and possible action concerning filling the position of Assistant City Secretary/Court Clerk with Christine Widmer.

Councilwoman Logan made a motion to hire Christine Widmer for the full time position of Assistant City Secretary/Court Clerk, seconded by Councilman Carusi, motion passed unanimously. Mayor Breen and Jerrial Wafer signed her employment change of status document.

1. Discussion and possible action concerning appointing Steve Kallman of S.D. Kallman Engineering as City Engineer.

Councilwoman Logan made a motion to appoint Steve Kallman as City Engineer and accept his contract as submitted, Councilman Carusi seconded, motion passed unanimously. The contract was signed and executed.

9. Executive Session for Personnel Matters

- a. Convene into Executive Session Pursuant to Section 551.074 of the Texas Government Code, to hear a complaint against or deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or the dismissal of the for evaluation of Belinda Gonzales, Public Works Department.

Council convened into Executive Session at 9:03 p.m.

- b. Reconvene into Open Session and take action on Item 9.a., as necessary

Council reconvened to Open Session at 9:22 p.m. Councilman Hildebrand made a motion to accept the pay raise as discussed in Executive Session for Belinda Gonzales, Councilman Carusi seconded, motion passed unanimously.

10. Executive Session for Personnel Matters

- a. Convene into Executive Session Pursuant to Section 551.074 of the Texas Government Code, to hear a complaint against or deliberate the duties of Mayor Sylvia Breen, including action or inaction relating to Ordinance No. 080505

Council convened into Executive Session at 9:23 p.m.

- b. Reconvene into Open Session and take action Item 10.a. as necessary

Council reconvened into Open Session at 9:45 p.m.. Councilwoman Logan made a motion to take no action, Councilman Carusi seconded, motion passed unanimously.

11. Executive Session for Legal Matters

- h. Convene into Executive Session to consult with Legal Counsel pursuant to Section 551.071, Texas Government Code, regarding Cause No. 31190, Ken Anderson, et. al., v. The City of Cottonwood Shores, et. al., in the 33rd Judicial Court, Burnet County, Texas

Council convened into Executive Session at 9:47 p.m.

- i. Reconvene into Open Session and take action on Item 11.a., as necessary

Council reconvened into Open Session at 10:00 p.m.

Councilwoman Logan made a motion to approve the letter agreement between the Andersons, Mike Kelley Developer, and the City of Cottonwood Shores, substantially as written, Councilman Carusi seconded, motion passed unanimously.

12. Future Agenda Items


Council wants Ordinance 092504 to be put on January's agenda.

The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by the Texas Government Code including, but not limited to, Sections: 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development), 418.183 (Deliberations about Homeland Security Issues) and as authorized by the Texas Tax Code including, but not limited to, Section 321.3022 (Sales Tax Information).

5. Adjournment

Councilman Carusi made a motion to adjourn, Councilman Hildebrand seconded, motion passed unanimously at 10:04 p.m.

ATTEST:


Laurel Kant, City Secretary



Cottonwood Shores Christmas Lighting Contest Results - 2005

First Place: 4301 Twin Oaks Dr. - The Maynards

Second Place: 636 Dogwood Lane - The Cains

Third Place: 851 Westwood - The Perkins

Honorable Mention

844 Aspen - The Bolings

866 Cypress - The Patricks

615 Pine - The Mirandas

648 Driftwood - The Popes

205 knights Row - The Pounds

606 Pecan - The Schwartzners

3722 Lakeview - The Sierras

840 Cypress - The Steins

725 Pine - The Tarvins

505 Pikes Peak - The Weavers

531 Chief Reeh
532 Sgt. Hallman

December

2005

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1 532	2 532	3 531
4 531	5 531	6 531	7 531 532 School	8 531	9 531	10 531
11 531	12 532 D 531 N	13 532 D 531 N	14 532 D 531 N	15 532	16 532	17 532
18	19	20	21 Vacation	22 532	23 532	24 531
25 531	26 532 D 531 N	27 532 D 531 N	28 532 D 531 N	29 532	30 532	31 531

COTTONWOOD SHORES POLICE DEPARTMENT

3915 COTTONWOOD DRIVE
COTTONWOOD SHORES ,TEXAS 78654

MONTHLY REPORT FOR NOVEMBER 2005

SUSPICIOUS PERSON/VEHICLES:	<u>1</u>
ABANDONED VEHICLE	_____
ACCIDENTS	<u>2</u>
AGGRAVATED /ASSAULTS	_____
SEXUAL ASSAULTS	_____
ASSAULTS	_____
SIMPLE ASSAULT	_____
ASSAULT/FAMILY VIOLENE	_____
BURGLARIES	_____
CRIMINAL MISCHIEF	_____
DISTURBANCES	<u>2</u>
THEFT	_____
MISSING PERSONS	_____
OTHER AGENCY ASSISTS / EMS/FIRE	<u>2</u>
HARASSMENT	_____
TRESPASS	_____
WELFARE CONCERN	_____
DEATHS	_____
MISCELLANEOUS CALLS	<u>52</u>
TOTAL CALLS	<u>59</u>

OPEN INVESTIGATION ASSAULT, SEXUAL ASSAULT AND
THEFT

MUNICIPAL COURT CITATIONS	<u>20</u>
ARRESTS	<u>0</u>
JUVENILE ARRESTS	<u>0</u>
HOURS WORKED	<u>340</u>
HOURS ON CALL	<u>285</u>
RES. HRS. WORKED	<u>0</u>
TOTAL HRS	<u>625</u>
TOTAL MILES DRIVEN	<u>2950</u>

City of Cottonwood Shores

Consolidated Cash Position Report

as of

November 2005

Account Name	Bank	Account #	Last Month	Balance
Operating Account	Security State Bank & Trust	1077783	\$52,922.19	\$26,696.95
Money Market Deposit Account	Security State Bank & Trust	7019284	\$47,165.12	\$47,205.83
Texas Community Development Account	Security State Bank & Trust	1077833	\$1.75	\$1.75
Water Deposit Account	Security State Bank & Trust	1077817	\$37,122.03	\$38,435.23
Sewer Reserve Account	Security State Bank & Trust	7019292	\$10,611.30	\$10,880.21
Sewer Interest & Sinking Fund	Security State Bank & Trust	7019300	\$58,839.06	\$61,973.17
Water Interest & Sinking Fund	Security State Bank & Trust	7019334	\$9,886.78	\$10,795.31
Petty Cash			\$300.00	\$300.00

\$216,848.23 \$196,288.45

RECEIVED

NOV 21 2005

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: 12/15/05

Subject to be Addressed:

Introduction of Candidate for State Representative
(District 54).

Informational Presentation: Yes X No

Requires Action By Council: Yes No X

Name(s) of Requester: Dan Corbin

Address: 6009 Stillwood
Killeen, TX 76543

Phone No.: (254) 318-7991

[Signature] 11/2/05
Requester Date

[Signature] 11-21-2005 9 AM
Received by City Employee Date Time am/pm

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DEC 8 2005
BY: *PLZ*

CITY OF COTTONWOOD SHORES

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(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: 12-15-05

Subject to be Addressed: Presentation of CWS Lighting
Contest Awards

Informational
Presentation: Yes No

Requires Action
By Council: Yes No

Name(s) of Requester: SYLVIA BREEN

Address: _____

Phone No.: 693 3718

Sylvia Breen 12-8-05
Requester Date

Darla Zell 12-8-05 11:25
Received by City Employee Date Time am/pm

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DEC 06 2005

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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: Dec 15, 2005

Subject to be Addressed:

DISCUSS & POSSIBLE ACTION ON APPOINTING
Jerrial Wafer to begin exploring the possibilities
of a tax deferment or exemption for over 65 or
disabled persons

Informational
Presentation: Yes No

Requires Action
By Council: Yes No

Name(s) of Requester: Jerrial Wafer

Address: _____

Phone No.: _____

Jerrial Wafer
Requester

12-6-2005
Date

Laurel Kant
Received by City Employee

12-6-05
Date

9:00
Time (am/pm)

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DEC 08 2005



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: 12-15-2005

Subject to be Addressed:

Accept Resignation of Patty Segovia

Informational Presentation: Yes No

Requires Action By Council: Yes No

Name(s) of Requester: Jerril Wafar

Address: _____

Phone No.: _____

Jerril Wafar 12-8-2005
Requester Date

Lawrence Kant 12-8-05 8:30
Received by City Employee Date Time am/pm

RECEIVED
DEC 8 2005
BY: D. Zell

**CITY OF COTTONWOOD SHORES
AGENDA ITEM REQUEST**

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

Date of next Regular Meeting: Dec 15-05

I would like for this to be on the Agenda if a Special Meeting is Called: Yes No

Subject to be Addressed:
Has no Garbage Can. Request
Garbage and sales to be credited
back to Acct 919

Informational
Presentation: Yes No

Requires Action
By Council: Yes No

Name(s) of Requester: Gustavo Lobera

Address: 703A Driftwood
CWS

Phone No.: _____

[Signature] 12-8-05
Requester Date

Darrel F. Zell 12-8-05 11:45
Received by City Employee Date Time am/pm

CITY OF COTTONWOOD SHORES
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 (830) 693-3830

FIRST-CLASS MAIL
 U.S. POSTAGE
 PAID

18

PERMIT NO.

TYPE OF SERVICE	METER READING		USED	CHARGES
	PRESENT	PREVIOUS		
Water	0	0	0	22.00
Sewage				29.50
Garbage				-- 16.58
EMS/VFD				4.00
Sales Tax				- 1.24

CUSTOMER		PAY GROSS AMOUNT AFTER THIS DATE
ROUTE	ACCOUNT	
10	919	12/10/05
NET AMOUNT TO BE PAID		GROSS AMOUNT TO BE PAID
73.32		80.25

MAIL THIS STUB WITH YOUR PAYMENT

4311 OAK PARK DR

Service From 10/15/2005 TO 11/15/2005 ACCOUNT 919 11/22/05

METER READ MONTH	METER READ DAY	CLASS	TOTAL DUE UPON RECEIPT	LATE CHARGE AFTER DUE DATE	PAST DUE AMOUNT
11	15	1	73.32	6.93	80.25

GUSTAVO LOBERA
 703-A DRIFTWOOD LANE
 COTTONWD SHORES TX 78657

AVOID LATE CHARGES, PAY BY THE 10th. PAY PAST DUE AMOUNT IF AFTER THE 10th. SUBJECT TO DISCONNECTION IF NOT PAID BY 1:00 ON THE 20th. NO LATE NOTICE WILL BE MAILED.



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DEC 7 2005
BY: D. Zell

CITY OF COTTONWOOD SHORES

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(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: December 15, 2005

Subject to be Addressed: REZONING OF 4401 COTTONWOOD ROAD
& LOT "BWD" TO COMMERCIAL FROM R.1

Informational Presentation: Yes No

Requires Action By Council: Yes No

Name(s) of Requester: MARLEY & LYNN PORTER

Address: _____

Phone No.: 830-798-9810

MARLEY PORTER 12.05.05
Requester Date

D. Zell 12-7-05 12-7-05
Received by City Employee Date Time am/pm

CITY OF COTTONWOOD SHORES

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COTTONWOOD SHORES, TX 78657
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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: 12-15-05

Subject to be Addressed: Surplus Auction

Informational Presentation: Yes No

Requires Action By Council: Yes No

Name(s) of Requester: William Plumley

Address: _____

Phone No.: _____

William Plumley 12-5-05
Requester Date

Darke L. Zell 12-6-05 1:15
Received by City Employee Date Time am/pm

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DEC 06 2005



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: Dec 15, 2005

Subject to be Addressed:

Amend Ord. for posting of agendas,
No 081704

Informational Presentation: Yes No

Requires Action By Council: Yes No

Name(s) of Requester: Laurel Kant

Address: 1503 Mountain Dew
H.S. Bay, Tx

Phone No.: 830-~~693~~ 693-3830

Laurel Kant 12-6-05
Requester Date

Jemil Wf 12-6-05 9 Am
Received by City Employee Date Time am/pm

ORDINANCE NO. 081704

AN ORDINANCE OF THE CITY OF COTTONWOOD SHORES, TEXAS, AMENDING ORDINANCE NO. 081704, ESTABLISHING PROCEDURES FOR POSTING OF AGENDAS FOR REGULAR AND SPECIAL MEETINGS AND WORKSHOPS OF THE CITY COUNCIL; DIRECTING STAFF TO PROVIDE FOR POSTING OF AGENDAS; AND PROVIDING FOR RELATED MATTERS; SPECIFICALLY TO CLARIFY POSTING OF AGENDAS;

WHEREAS, the City of Cottonwood Shores, Texas, a Texas municipality, (herein the "City") holds two regular Council meetings monthly, being every first and third Thursday of the month and special meetings and workshops as needed;

WHEREAS, the City Secretary is required to post the agendas a minimum of 72 hours in advance of a meeting; and

WHEREAS, it is in the best interest of the citizens of the City to have sufficient access and notice of meetings,

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. Official Posting of Agendas. The Agenda box, a glass box (the "box") is to be maintained at all times immediately outside the front of City Hall. The City Secretary is hereby directed to ensure all agendas indicating a meeting of the City Council at a regular, or special meeting, or workshop are placed in the box a minimum of 72 hours prior to any such meeting.

Specific posting locations:

1. The Agenda box;
2. Two additional agendas shall be taped on both the inside and outside of the front door of City Hall, on the hinged side, with both copies facing outward in a stacked placement;
3. On the bulletin board inside the City Hall that is accessible to the public;
4. Further, agendas shall be maintained on the front counter without cost to any person requesting a copy.

Section 3. Effective Date. This Ordinance shall be in force and effect from and after its passage on the date shown below.

PASSED AND APPROVED on this 15th day of DECEMBER, 2005.


Sylvia Breen, Mayor

ATTEST:


Laurel Kant, City Secretary



ORDINANCE NO. 081704

AN ORDINANCE OF THE CITY OF COTTONWOOD SHORES, TEXAS, ESTABLISHING PROCEDURES FOR POSTING OF AGENDAS FOR REGULAR AND SPECIAL MEETINGS AND WORKSHOPS OF THE CITY COUNCIL; DIRECTING STAFF TO PROVIDE FOR POSTING OF AGENDAS; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Cottonwood Shores, Texas, a Texas municipality, (herein the "City") holds a regular Council meeting monthly every third Thursday of the month and special meetings and workshops as needed;

WHEREAS, the City Secretary is required to post the agendas a minimum of 72 hours in advance of a meeting; and

WHEREAS, it is in the best interest of the citizens of the City to have sufficient access and notice of meetings,

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. Official Posting of Agendas. The Mayor, or his designee, is hereby directed to cause to be installed an encased, locking, glass box (the "box") to be maintained at all times immediately outside the front of City Hall. Upon installation of the box, the City Secretary is hereby directed to ensure all agendas indicating a meeting of the City Council at a regular or special meeting or workshop are placed in the box a minimum of 72 hours prior to any such meeting. An additional agenda shall be taped on the inside of the front door of City Hall and on a bulletin board inside the City Hall that is accessible to the public. Further, agendas shall be maintained on the front counter without cost to any person requesting a copy.

Section 3. Effective Date. This Ordinance shall be in force and effect from and after its passage on the date shown below.

PASSED AND APPROVED on this 17th day of August, 2004.

Donald E. Santee
Donald E. Santee, Mayor

ATTEST:

Tena Collier
Tena Collier, City Secretary



Double
+
on hinged
side



RECEIVED
DEC 8 2005
BY: *D. Zell*

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: Dec 15, 05

Subject to be Addressed: Disposing of white shed
on creek ln by civic center.

Informational
Presentation: Yes No

Requires Action
By Council: Yes No

Name(s) of Requester: William Plumley

Address: _____

Phone No.: _____

Per William Plumley 12-8-05
Requester Date

Darlene A. Zell 12-8-05 11:10
Received by City Employee Date Time (am/pm)

RECEIVED
DEC 05 2005

CITY OF COTTONWOOD SHORES

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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: _____

Subject to be Addressed:

Use of the Civic Center Jan 11-13
from 8:00 AM to 5:00 PM ~~Basic~~ Basic Water Work:
class

Informational
Presentation: Yes _____ No _____

Requires Action
By Council: Yes No _____

Name(s) of Requester: Tim McClain

Address: _____

Phone No.: _____

Tim McClain 12-5-05
Requester Date

Jamal Wafar 12-5-2005 1 PM
Received by City Employee Date Time am/pm

RECEIVED
DEC 7 2005
BY: *J. Kant*

CITY OF COTTONWOOD SHORES

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(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: 12-15-2005

Subject to be Addressed:

Vending machines for city hall

Informational Presentation: Yes No

Requires Action By Council: Yes No

Name(s) of Requester: _____

Address: _____

Phone No.: _____

Joan Taylor 12-7-2005
Requester Date

Lauree Kant 12-7-05 2:00
Received by City Employee Date Time am/pm

RECEIVED
DEC 8 2005
BY: *DA Zell*

CITY OF COTTONWOOD SHORES

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(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: 12-15-05

Subject to be Addressed: Fixing PARKING Lot @ Bobs
NORTHERN SECTION OF LOT FROM POWER POLE
TO DUTCH LEMMING LAKE IS CITY PROPERTY

Informational Presentation: Yes No

Requires Action By Council: Yes No

Name(s) of Requester: Bill Plumley

Address: _____

Phone No.: _____

William Plumley 12-8-05
Requester Date

Darla Zell 12-8-05 10:20
Received by City Employee Date Time am/pm

RECEIVED

DEC 08 2005

CITY OF COTTONWOOD SHORES

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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: 12-15-2005

Subject to be Addressed:

fill position of Asst City Secy / Court Clerk
w/ Christine Widmer

Informational
Presentation: Yes No

Requires Action
By Council: Yes No

Name(s) of Requester: Jerral Wager

Address: _____

Phone No.: _____

Jerral Wager 12-8-2005
Requester Date

Laurel Kant 12-8-08 8:30
Received by City Employee Date Time (am/pm)



City of Cottonwood Shores
3808 Cottonwood Drive
Cottonwood Shores, Texas 78657
(830) 693-3830 FAX (830) 6936-64

RECEIVED

DEC 08 2005

AGENDA ITEM REQUEST

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

Date of next Regular Meeting: Dec 15, 2005

I would like for this to be on the Agenda if a Special Meeting is Called: Yes No

Subject to be Addressed:

Appoint Steve Kallman of SD Kallman
Engineering as City Engineer

Informational Presentation: Yes No

Required By Council: Yes No

Name(s) of Requester: William Plumby
Address: _____

Phone No.: _____

William Plumby
Requestor _____ Date _____

Jenil Wolfe 12-8-2005 11:30 AM am/pm
Received by City Employee _____ Date _____ Time _____

CITY OF COTTONWOOD SHORES

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

RECEIVED

DEC 06 2005



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: Dec 15, 2005

Subject to be Addressed:

Executive session for Evaluation
of Belinda Gonzales; Public Works

Informational
Presentation: Yes No

Requires Action
By Council: Yes No

Name(s) of Requester: Terrial Wafer

Address: _____

Phone No.: _____

Terrial Wafer
Requester

12-6-2005
Date

Laurel Kent
Received by City Employee

12-6-05
Date

9:00
Time am/pm

RECEIVED

DEC 01 2005

CITY OF COTTONWOOD SHORES

3808 COTTONWOOD DRIVE
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(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: 12-15-05

Subject to be Addressed: MAYORS ORDINANCE & THE MAYOR

Informational Presentation: Yes No

Requires Action By Council: Yes No

Name(s) of Requester: _____

Address: _____

Phone No.: _____

William Shumley 12-1-05
Requester Date

Darla L. Zell 12-1-05 8:40
Received by City Employee Date Time am/pm

December 15, 2005

VIA TELECOPY
Mr. Ollie Sandlin, Esq.

VIA TELECOPY
Mr. Alan Petrov, Esq.

**RE: Ken Anderson, et al. v. The City of Cottonwood Shores, et al.,
Cause No. 31190, 33rd Judicial District, Burnet County, Texas**

Dear Counsel:

This Letter Agreement is entered into as of the ___ day of December, 2005. It is a non-binding expression of intent among the Parties set out below to be used as a guide for the creation of definitive documents memorializing the proposed agreement of the Parties regarding the following:

- (i) zoning, development, construction upon, and use and occupancy of a 25.4 acre tract described in Exhibit A (the "Property") located in the City of Cottonwood Shores, Burnet County, Texas (the "City") and currently owned by Kelly Land Investments, L.P., a Texas limited partnership ("KLI"). KLI is defined herein to include its successors and assigns;
- (ii) the settlement and dismissal of certain pending litigation (the "Litigation") brought by Ken Anderson and Jean Anderson (collectively, the "Andersons") and styled as *Ken Anderson and Jean Anderson v. The City of Cottonwood Shores, Jane Marie Hurst, William S. Hurst, Individually and as Trustee of the Norma Lee Hurst Irrevocable Living Trust, Black Wolf Partners, Ltd*, Cause No. 31190, in the District Court of Burnet County, Texas, 33rd Judicial District; and
- (iii) the mutual release and waiver of claims by and other undertakings of the Parties as set forth herein. KLI, the City, the Andersons, and Brownie and Janet Dunn (sometimes collectively referred to as the "Parties" or in the singular as a "Party").

The Property is comprised of three tracts, these being the hilltop tract currently zoned C-1/R-3 ("Upper Tract"), the hillside tract currently zoned R-3 ("Lower Tract") and the southernmost tract currently zoned R-3 ("Apartment Tract") as marked on Exhibit A, each of the foregoing being included in a Planned Unit Development ("PUD") adopted under the City's zoning ordinances.

The Parties have entered into good faith discussions to settle the Litigation and resolve other disputes regarding the intended development of the Property. The Parties have reached the following agreements in principle, as set forth herein (the "Proposed Settlement"). The Proposed Settlement remains subject to ratification by the City's City Council. It is contemplated that the Proposed Settlement, if ratified and fully executed as contemplated herein, will be given effect via the collaborative drafting and execution by all Parties of definitive documents, including at

minimum a Settlement Agreement and Mutual Release and Deed Restriction, containing the terms contemplated herein, as appropriate, and other terms and conditions as the parties may agree.

- 1) **Dividing Wall.** Prior to commencing any construction work upon the Upper Tract, KLI and/or its successors, and assigns will build or cause to be built and will maintain a dividing wall on the Upper Tract and the Apartment Tract running along the westerly border of the Property. The wall will be at least 12 feet in height beginning at the northwest corner of the Property and continuing to the southeast corner of Lot 41052 in the Horseshoe Bay development. For the remainder of its length, the wall will be at least 10 feet in height. The wall will be constructed of cinder blocks reinforced with steel rebar and joined via internal concrete pours in a permanent and structurally appropriate fashion. The wall will be finished with a stucco veneer in beige, or other muted earth tone agreed upon by the Andersons and KLI. The wall shall be built flush with the described property line on the Property. The Andersons shall provide KLI with permission to access up to five feet of the Property's westerly boundary and further apply their best efforts to obtain access rights for KLI from the owner(s) of the five foot strip of property that runs along the remainder of the westerly boundary of the Property to permit KLI to apply the finish to the wall. All access and transportation to the wall location shall occur on KLI's property. KLI and/or its contractors shall be solely responsible for any damages caused to others' property as a result of the wall construction. Upon commencement, KLI shall build the wall promptly and in accordance with all applicable building codes and sound construction practices. This condition will be included in the Development Agreement to be entered into by and between the City and KLI governing development of the Property.
- 2) **Setback and Building Configuration.** KLI agrees that all construction on the Upper Tract shall be subject to the following limitations:
 - a. The minimum setback from the westerly property line shall be 10 feet-this shall include drives and other construction. Any structure placed along this property line shall have a maximum unit height of one story and be subject to the other provisions contained herein;
 - b. All residential construction shall be constructed in a stairstep manner away from from the Property's westerly boundary as roughly detailed in the attached Exhibit B and shall be subject to the other provisions contained herein.
 - c. This condition will be included in the Development Agreement to be entered into by and between the City and KLI governing development of the Property.
- 3) **Sightline Restriction and Coverage.** KLI agrees to develop the Upper Tract in a manner such that the improvements constructed on the Upper Tract will not be visible from the properties adjacent to the westerly border of the Property. This condition will be included in the Development Agreement to be entered into by and between the City and KLI governing development of the Property.
- 4) **Zoning.** KLI agrees that the City will remove C-1 zoning from the Upper Tract and re-zone it R-3, PUD. KLI agrees that the Property shall irrevocably be committed to no more than R-3 uses. The City and KLI shall promptly undertake and complete the legal

process necessary to effectuate the rezoning required herein. Notwithstanding the foregoing, KLI will retain under PUD zoning the right to construct improvements on the Upper Tract not to exceed five stories or 72 feet above the adjacent grade. Except as specifically modified herein, the approved PUD plan and its limitations shall remain in place.

- 5) Nonsuit with Prejudice; Release of Current Claims. The Andersons and the City shall mutually prepare a notice of nonsuit with prejudice which shall be filed upon execution of the Settlement Agreement and Deed Restriction and further the City's payment in good funds of \$_____ to the Andersons. Except as provided herein, the City and the Andersons shall bear their own costs and expenses from the Litigation.
- 6) Mutual Release of Existing Claims/Indemnity in event of Breach. The City, the Andersons, and KLI will execute a mutual release of all now-existing claims asserted in the Litigation or which could have been asserted in the Litigation. Additionally, the Parties will waive potential claims now existing, whether known or unknown, based upon facts now existing, relating to the zoning, development, and use of the Property, excepting future acts or omissions. All parties hereto agree to indemnify each other from any breach of the covenants and terms contained herein or the Settlement Agreement and/or the Deed Restriction.
- 7) Attorneys' Fees. In event of litigation over terms of the Settlement Agreement, the prevailing party will be entitled to seek and recover attorneys' fees reasonably incurred by such party in connection with the dispute.
- 8) No Precedential Effect; No Third Party Beneficiaries. This Letter Agreement and the Proposed Settlement are the product of good faith, voluntary discussions among and between the Parties. Nothing contained herein, nor the existence of this Letter Agreement or the Settlement Agreement, shall be construed as having precedential effect nor be deemed to evidence consent or assent by any Party as to issues of a Party's standing or capacity which may arise in future disputes regarding the Property, other than disputes regarding enforcement of agreed terms. Neither this Letter Agreement nor, if executed, the definitive documents giving effect to the Proposed Settlement will be construed so as to confer rights or remedies upon any person other than the Parties or future holders of record title to the Property.
- 9) Term; Termination. This Letter Agreement shall be effective upon execution, and shall remain in effect for a period of 30 days, unless earlier terminated as set forth herein. This Letter Agreement is contingent upon the City Council and the Andersons agreeing to the exact terms of paragraph 5 herein. Once the Letter Agreement is fully executed, subject to operation of the termination conditions set forth herein, the Parties agree to use their respective reasonable efforts in order to negotiate and enter into the Settlement Agreement and other definitive documents necessary to give effect to the Proposed Settlement.

Any Party may terminate this Letter Agreement by notice to the other Parties hereto immediately upon the occurrence of the Parties' failure to agree to and execute the Settlement Agreement and other definitive documents contemplated herein on or before

thirty days from the City Council and the Anderson's approval of paragraph 5 herein, provided a Party may not seek to terminate this Letter Agreement if the failure to finalize and execute the Settlement Agreement is due to that Party's violation of the terms contained herein.

Please sign below to signify your agreement and return a copy of this letter to me via telecopy at your earliest convenience.

Sincerely,

FRITZ, BYRNE, HEAD & HARRISON, L.L.P.

Christopher D. Atwell

CDA/sh
Enclosures

APPROVED AND AGREED:

Alan Petrov, City Attorney, City of
Cottonwood Shores

Oliver Sandlin, Attorney in Fact for
Kelly Land Investments, L.P. and Michael
Kelly

bcc: Rick Harrison, Esq. (*Firm w/encls.*)
Ken and Jean Anderson

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DEC 01 2005

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: 12-15-05

Subject to be Addressed: KEEPING "CHRISTMAS" IN THE SEASON
RESOLUTION REAFFIRMING CWS WILL KEEP CHRISTMAS
IN THE SEASON. I.E. CWS CHRISTMAS FOR KIDS, ECT.

Informational Presentation: Yes No

Requires Action By Council: Yes No

Name(s) of Requester: _____
Address: _____
Phone No.: _____

*Withdrawn
JK
12-8-05
(per ~~JK~~)
B. Blumberg*

William Blumberg 12-1-05
Requester Date

Darla L. Zell 12-1-05 9:40
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



CITY COUNCIL MEETING
ATTENDANCE RECORD

12-15-05

PLEASE SIGN IN:

Cindy Schwertne

Janet Taylor

Pauline Schwertne

Debra Perkins

Barbara Powers

Diane Thompson

Debbie & Kemy Sema

Bill & Lucy Weaver

Glenn & Marc

Barbara Day

Joe Don Doherty

Roger & Jerral Poling

Bruce & Joannette Schwartz

Mr. & Mrs. Richard Meynard

Donald & Suzanna

Romni & Blake Cain