

**REGULAR MEETING OF THE CITY COUNCIL
CITY OF COTTONWOOD SHORES
THURSDAY, AUGUST 17, 2006 AT 7:00 P.M.
CWS CIVIC CENTER, 4111 COTTONWOOD DRIVE**

MINUTES

1. Call to Order by Mayor Sylvia Breen at 7:08 p.m.
2. Invocation was lead by Margie Phipps
3. Pledge of Allegiance was lead by Mayor Breen
4. Roll Call by City Secretary Larry Joe Capps. He reported the following members present and constituting a quorum: Sylvia Breen, Mayor; Frank Pfeifer, Councilmember; Shirley Adams, Councilmember; Lee Hildebrand, Councilmember; Niki Lauby, Councilmember; Place No. 2, Vacant
5. Consent Agenda:
 - a. Minutes of Meeting of July 20th (Regular), July 27th (Special), August 9th (Special "Budget Workshop")
 - b. Financial Statements
 - c. Budget Amendments
 - d. Waiver of Encroachment for Belinda Spatlen on lots 331 & 332 in Driftwood Section of Cottonwood Shores
 - e. Motion by Councilmember Adams, seconded by Councilmember Hildebrand that we accept the Consent Agenda. The Vote: Ayes—Four, Nays—None; Motion carried.
6. Department Reports
 - a. Water and Wastewater Report—None
 - b. Police Report—the department reported that they had a total of 86 calls for the reporting period, of which 75 were miscellaneous calls. The others were suspicious persons/vehicle (4), sexual assaults (1), burglaries (1), and disturbances (2).
 - c. Fire Department—Fire Chief reported that they had 14 active members and made four EMS assistance calls.
 - d. Fire Marshall—None
 - e. Animal Control Report—None
 - f. City Secretary—No written report
 - g. City Attorney Report—Alan Petrov was present; he had nothing new to report except for *Development Agreement*.

- h. Mayor' Report—she spoke on Civic Center air conditioning problem and seeking bids; and litigation.
 - i. Special Community Reports—None
 - j. Community Organizations Report—None
- 7. Presentation by George Bird, Pedernales Electric Co-op requested by Assistant General Manager—Not present
- 8. Citizens Comments—Wants Police Department to remove garbage container from curbside as required by city ordinance.
- 9. Motion by Councilmember Adams, seconded by Councilmember Pfeifer that we move the Executive Session for Personnel Matter to the Item No. 11 position on the agenda. The Vote: Ayes—Four, Nays—None; Motion carried.
- 10. Old Business.
 - a. Discussion and possible action to set up landlord accounts for the City Water Utilities similar to accounts of other utilities as requested by Barbara Lee. Motion by Councilmember Hildebrand, seconded by Councilmember Pfeifer that we amend the current Utility ordinance to provide for landlord accounts of \$ 125 for water and the same for sewer. The Vote: Ayes—Four, Nays—None; Motion carried. The City Attorney will draft an ordinance to be submitted at the next meeting for council approval.
 - b. Discussion and possible action on appointing a successor to Councilmember Martha Logan, Place No. 2. Mayor submitted the name Ray Whitis. Motion by Councilmember Pfeifer seconded by councilmember Adams that we appoint Mr. Ray Whitis for Place No. 2 for the remaining term. The Vote: Ayes—Three, Nays—One (Hildebrand); Motion carried.
 - c. Discussion and possible action to provide for water bill to be paid by automatic draft on credit or bank card as requested by W. E. Howard. City Secretary Capps submitted a draft ordinance for council to view wording of setting up such a program. City Treasurer Wafer reported he has been in contact with numerous venders who want to bid on this and would like to meet with. City Attorney Petrov stated we should check with TML about the program.
 - d. Discussion and possible action to adopt and approve the volunteer/community service worker policy as requested by Curtis Rittman. City Secretary Capps will send wording to City Attorney to include in policy. Motion by Councilmember Hildebrand, seconded by Councilmember Lauby that no action on the volunteer/community

service worker policy be taken at this time. The Vote: Ayes—Four, Nays—None; Motion carried.

g. Discussion and possible action to rezone city owned property, known as BWD, from governmental use to commercial use. Councilmember Lauby publicly announced that she would have to abstain from this vote due to conflict of interest. Motion by Councilmember Adams, seconded by Councilmember Hildebrand that we draft an ordinance to rezone the property, known as BWD, from governmental use to commercial use.

The Vote: Ayes—Three, Nays—None, Abstained—One (Lauby); Motion carried. Ordinance will be placed on next month agenda.

New Business

a. Discussion and possible action on a possible sublease of land between the city fence and the next building located at 3914 Cottonwood Drive as requested by Maurice Docherty. Motion by Councilmember Hildebrand, seconded by Councilmember Pfeifer that we do not approve a sublease for the property between the city fence and the next building located at 3914 Cottonwood Drive. The Vote: Ayes—Four, Nays—None; Motion carried.

b. Discussion and possible action on engaging an outside auditor to examine city accounts requested by Councilmember Lauby. Motion by Councilmember Adams, seconded Councilmember Lauby that we get bids on outside audit of our accounts from October, 2004 to April, 2006. The Vote: Ayes—Four, Nays—None; Motion carried.

10. Old Business Continued

e. Discussion and possible action concerning a *Development Agreement between the City and Sealy Krumm Ranch Partners, LP.*, as requested by City Attorney Petrov. The following individuals were present for a brief presentation on the proposed development: Andy Barrett, Attorney representing Sealy; Stacy Rudd; Bob Richardson, Landscape Architect. Mr. Richardson showed concept drawing of the 415 acre plot, designating ranch house, green belt area, wildlife area and residential lots (located in the back). It is their objective to preserve the Old Ranch House or at least document the history of the ranch. Preserving the Old School is unresolved at this time. Both Mr. Barrett and Mr. Petrov went over the highlights of the agreement. They will build a water treatment plant for the city. Mr. Barrett pointed out that future developers benefiting from their investment should reimburse them for the use. Councilmember Hildebrand wanted some type of revenue to assist rapid increase in

demand. Construction Revenue Rebates were discussed. They are looking at a December, 2008 Timeline. The water and wastewater according to the attorneys on both sides would need to be worked out mutually. Motion by Councilmember Adams seconded by Councilmember Hildebrand that we accept *Development Agreement between the City and Sealy Krumm Ranch Partners, LP.* as presented. (Secretary Note: Copy attached to these minutes and a copy placed in the city files.) The Vote: Ayes—Four, Nays—None; Motion carried.

12. Future Agenda Items—Request for Audio systems

9. Executive Session for Personnel Matters


Motion by Councilmember Hildebrand, seconded by Councilmember Lauby that we have an Executive Session

Here at the Civic Center. The Vote: Ayes—Four, Nays—None; Motion carried.

a. After a short break, Mayor Breen announced at 8:29pm. That the City Council would go into Executive Session at the Civic Center, not the City Offices as posted on the notice, to discuss personnel matters pursuant to *Section 551.074 of the Government Code*, to hear a complaint against or deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of, or for the evaluation of: (1) Reinhard Reeh, annual review, (2) Belinda Gonzalez appeal of lose sick pay.

b. At 8:53 pm. Mayor Breen announced that the council would reconvene into open session to consider any action. Motion by Councilmember Hildebrand, seconded by Councilmember Pfeiffer that Reinhard Reeh, Police Chief, receive a 10% increase in salary effective, tomorrow. The Vote: Ayes—Four, Nays—None; Motion carried. Motion by Councilmember Hildebrand, seconded by Councilmember Adams that we pay Belinda Gonzalez for her August 3rd lose of pay; *not* pay for August 4th loss. The Vote: Ayes—Four, Nays—None; Motion carried. Councilmember Hildebrand stated that a change in Personnel Policy should be on next agenda.

13. Adjournment—Motion by Councilmember Adams, seconded by Councilmember Hildebrand that we adjourn (8:56 PM.) Motion carried.


Larry Joe Capps, City Secretary


Sylvia Breen, Mayor