

CITY COUNCIL MEETING

The City Council held a special meeting
January 7, 2011 at 6:30 pm
Cottonwood Shores City Hall, 3808 Cottonwood Dr.
Cottonwood Shores, TX 78657

MINUTES

- 1. Call to Order by Mayor Pro-tem Plumley at 6:30 pm.
- 2. Roll Call by City Secretary Schwertner.

NAME	PRESENT	ABSENT EXCUSED	ABSENT UNEXCUSED
Mayor Pro-tem Plumley	X		
Councilmember Chavez	X		
Councilmember Kline		X	
Councilmember Pace	X		
Councilmember Sherry	X		

City Secretary Schwertner announced a quorum was present

- 3. Pledge of Allegiance led by Mayor Pro-tem Plumley.
- 4. Invocation led by Rick Copple.
- 5. Financial Officer Report:
 - 5.1 Financial Officer Copple reported Auditor George Valentine to be in office with information update for City Audit.
 - 5.2 Will have Financial's for September and October on January 20th.

Councilmember Chavez requested items 9.4 and 9.1 items be moved up to here. Councilmember Pace seconded motion.

Mayor Pro-tem Plumley	Vote – Aye
Councilmember Chavez	Vote – Aye
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

Votes 4 ayes, 0 nays. Motion carried.

- 6. Community Input, Citizen's Comments
This is the opportunity for the public to address the City Council on any issue. Please sign up to speak and indicate the subject you intend to address. Speakers will be recognized in their order of sign-up. City Council may not discuss or act on any issue not posted on the agenda for this meeting. (Attorney General Opinion JC-0169)

- Don Orr commented concern of Council Chamber to be moved back to Library.
- Janelle Long inquired about the \$7500.00 for poles, why her son has to drive to San Antonio to pick up his tools that were stolen, coffee bar expense, and what about the neighborhood thefts going on.
- Richard Hockensmith commented about the coffee bar, employee raises, cost overruns, and Janelle needs \$7500 to have poles moved.

7. City Commission Requests:

7.1 Discuss & consider action on the reaffirmation of the current Parks & Recreation Commission in compliance with Ordinance 201 for the following terms: Janelle Long (2011-2012), Janet Taylor-Carusi (2011-2012), Billie Parker (2011-2013), Susan Hartline (2011-2013), Richard Long (2011-2013), Paige Taylor (2011-2013) and Martha Logan (2011-2013). Alternates are: Richard Long and Martha Logan. Requested by Parks and Recreation

Councilmember Sherry motioned to approve Commission.	Councilmember Pace seconded the motion.
Mayor Pro-tme Plumley	Vote – Aye
Councilmember Chavez	Vote – Aye
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

7.1.1 Votes 4 ayes, 0 nays, 0 abstains. Motion carried.

7.2 Discuss & consider action on a request from Parks & Recreation Commission to approve the installation of a three rail fence at Aspen Park. This fence will be paid for and installed with donations and donated labor and in accordance with current codes. A fence permit has already been requested as the beginning of the fence (the Aspen Park sign) has already been installed. Requested by Parks and Recreation

Councilmember Pace made motion to approve fence with donations.	Councilmember Sherry seconded the motion.
Mayor Pro-tem Plumley	Vote – Aye
Councilmember Chavez	Vote – Aye
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

7.2.1 Votes 4 ayes, 0 nays, 0 abstains. Motion carried.

7.3 Discuss & consider action on amending the budget in the amount of \$7,058.72 to relocate PEC utility poles at Community Park. Requested by City Administrator Cummings

Councilmember Chavez motioned to	Councilmember Pace
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approve the amendment.	seconded the motion.
Mayor Pro-tem Plumley	Vote – Aye
Councilmember Chavez	Vote – Aye
Councilmember Pace	Vote - Aye
Councilmember Sherry	Vote - Aye

7.3.1 Votes 4 ayes, 0 nays, 0 abstains. Motion carried.

7.4 Discuss & consider action for the (3) three vacancies on the Board of Adjustments and Appeals *Requested by City Secretary Schwertner*

7.4.1 Call for nominations to fill vacancies.

7.4.2 Call for vote to appoint (3) three members.

Nominations listed were Darla Zell, Wray Whitis, and Don Orr	
Councilmember Pace motioned to accept nomination names as listed.	Councilmember Sherry seconded the motion.
Mayor Pro-tem Plumley	Vote – Aye
Councilmember Chavez	Vote – Aye
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

7.4.2.1 Votes 4 ayes, 0 nays, 0 abstains. Motion carried.

7.5 Discuss & consider action for the (3) three vacancies on the Crime Control and Prevention District Board members. *Requested by City Secretary Schwertner*

7.5.1 Call for nominations to fill vacancies.

7.5.2 Call for vote to appoint (3) three members.

Nominations listed were Frank Goad and Frank Smith.	
Councilmember Pace moved to accept nomination names as listed.	Councilmember Chavez seconded the motion.
Mayor Pro-tem Plumley	Vote – Aye
Councilmember Chavez	Vote – Aye
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

7.5.2.1 Votes 4 ayes, 0 nays, 0 abstains. Motion carried.

Councilmember Chavez motioned to move Executive Session I and II,

Items 10.1 and 10.2 to here. Councilmember Pace seconded motion.

Mayor Pro-tem Plumley	Vote – Aye
Councilmember Chavez	Vote – Aye
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

Votes 4 ayes, 0 nays. Motion carried.

8. City Financial Requests:

8.1 Discuss & consider action to amend Ordinance No. 220 (Financial Management) to remove Exhibit A. Requested by Financial Officer Copple

Councilmember Chavez motioned to approve amendment.	Councilmember Sherry seconded the motion.
Mayor Pro-tem Plumley	Vote – Aye
Councilmember Chavez	Vote – Aye
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

8.1.1 Votes 4 aye, 0 nays, 0 abstains. Motion carried.

8.2 Discuss & consider action on proposed Resolution No. 632 removing former Mayor Bentley Martin and designating signatures on City Depository Account. Requested by Financial Officer Copple

Councilmember Chavez motioned to approve Resolution 632.	Councilmember Pace seconded the motion.
Mayor Pro-tem Plumley	Vote – Aye
Councilmember Chavez	Vote – Aye
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

8.2.1 Votes 4 ayes, 0 nays, 0 abstains. Motion carried.

8.3 Discuss & consider action amending payroll budget for Police Department. Requested by City Administrator Cummings

Councilmember Pace motioned to table to next meeting.	Councilmember Chavez seconded the motion.
Mayor Pro-tem Plumley	Vote – Aye
Councilmember Chavez	Vote – Aye
Councilmember Pace	Vote – Aye

Councilmember Sherry	Vote - Aye
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8.3.1 Votes 4 ayes, 0 nays, 0 abstains. Motion carried.

9. New Business:

9.1 Discussion of nominations to fill vacancy of Mayor seat. Requested by City Secretary Schwertner

Nominations listed were Janelle Long and Rick Carusi.

9.1.1 Take action to appoint a nominee to fill Mayor seat. Requested by City Secretary Schwertner

Councilmember Sherry motioned to take no action.	Councilmember Chavez seconded the motion.
Mayor Pro-tem Plumley	Vote – Abstain
Councilmember Chavez	Vote – Aye
Councilmember Pace	Vote – Nay
Councilmember Sherry	Vote – Aye

Votes 2 ayes, 1 nay, 1 abstain. Motion not carried.

Councilmember Pace motioned to table item.	Councilmember Chavez seconded the motion.
Mayor Pro-tem Plumley	Vote – Aye
Councilmember Chavez	Vote – Aye
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

Votes 4 ayes, 0 nays, 0 abstains. Motion carried.

9.1.2 Swearing in of nominee to fill Mayor seat. Requested by City Secretary Schwertner

9.1.2.1 No further action taken.

9.2 Discuss & take action on replacing former Mayor Martin as representative to CAPCOG. Requested by Councilmember Pace

Councilmember Pace motioned to replace name.	Motion died for lack of second.
Councilmember Chavez made the motion to table item.	Councilmember Pace seconded the motion.
Mayor Pro-tem Plumley	Vote – Aye
Councilmember Chavez	Vote – Aye

Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

9.2.1 Votes 4 ayes, 0 nays, 0 abstains. Motion carried.

9.3 Discuss & consider action by request of commercial property owner Aline Dickey at 3805 F.M. 2147 aka Scarlet Oaks Section Lots 3, 4, and 5. Plan is to improve land on Lot 5 to fill front portion with topsoil to level lot, but keep berms already in place for water flow on back property line.
Requested by Councilmember Chavez (from last meeting held, future agenda)

Councilmember Chavez motioned to take no action.	Councilmember Pace seconded the motion.
Mayor Pro-tem Plumley	Vote – Aye
Councilmember Chavez	Vote – Aye
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

9.3.1 Votes 4 ayes, 0 nays, 0 abstains. Motion carried.

9.4 Discuss & consider action to award a contract for engineering services for the CDBG-R #710889GR Grant received from the Texas Department of Rural Affairs. *Requested by Grant Development Services/Gandolf Burris*

Councilmember Sherry moved to accept Grant contract.	Councilmember Chavez seconded the motion.
Mayor Pro-tem Plumley	Vote – Aye
Councilmember Chavez	Vote – Aye
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

9.4.1 Votes 4 ayes, 0 nays, 0 abstains. Motion carried.

9.5 Discuss & consider action on proposed Ordinance No. 9002 *Police Department* establishing Police Chief and duties, and appointing officers.
Requested by City Staff

9.5.1 Councilmember Pace requested for correction from Deputy to Officer.

Councilmember Sherry moved to accept Ordinance 9002 with the amendment in reference to section 3 to state “The Police Chief may hire officers as necessary, within budgetary	Councilmember Chavez seconded the motion.
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constraint, to provide adequate public safety. The Chief of Police is responsible for hiring, ongoing training, discipline, and termination of officers employed by the City of Cottonwood Shores Police Department.”	
Mayor Pro-tem Plumley	Vote - Aye
Councilmember Chavez	Vote – Aye
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

9.5.2 Votes 4 ayes, 0 nays, 0 abstains. Motion carried.

9.6 Discuss & take action for a workshop on Wednesday January 12th, 2011 for reviewing applications for Police positions that have been received, and also set a second date to review the remaining ones after the deadline of January 15, 2011. Requested by Councilmember Pace

Councilmember Sherry made the motion to strike item 9.6.	Motion died for lack of second.
Councilmember Chavez motioned to approve action for workshop.	Councilmember Pace seconded the motion.
Mayor Pro-tem Plumley	Vote – Aye
Councilmember Chavez	Vote – Aye
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Nay

9.6.1 Votes 3 ayes, 1 nay, 0 abstains. Motion carried.

Councilmember Sherry requested to revisit Item 9.6.	To clarify to set a second date for reviews.
Councilmember Chavez motioned to set date of January 19 th for remainder of applications to be reviewed.	Councilmember Pace seconded the motion.
Mayor Pro-tem Plumley	Vote – Aye
Councilmember Chavez	Vote – Aye
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

9.6.2 Votes 4 ayes, 0 nays, 0 abstains. Motion carried.

9.7 Discuss & take action on a date for the workshop on changing Ordinance 225 and 202 and the personnel policy. Requested by Councilmember Pace

Councilmember Chavez made the motion to set workshop date for Wednesday Feb. 2 nd .	Councilmember Pace seconded the motion.
Mayor Pro-tem Plumley	Vote – Aye
Councilmember Chavez	Vote – Aye
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

9.7.1 Votes 4 ayes, 0 nays, 0 abstains. Motion carried.

9.8 Discuss & consider action to schedule a work shop date in reference to International Codes for clarification of duties and responsibilities of building Inspector and Code Compliance Officer. Requested by Jackie Semmler Code Compliance Officer

Councilmember Chavez motioned to schedule workshop for February 17 th at 5:30 pm.	Councilmember Pace seconded the motion.
Mayor Pro-tem Plumley	Vote – Aye
Councilmember Chavez	Vote – Aye
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote – Aye

9.8.1 Votes 4 ayes, 0 nays, 0 abstains. Motion carried.

9.9 Discuss & consider action on approval of a plan for Public Works coordinating the installation of traffic signs (i.e speed limit, yield and stop signs) in Castle Terrace in compliance with current codes and ordinances for the City of Cottonwood Shores. Requested by Development Committee

Councilmember Sherry made the motion to consider at next meeting after review of financials.	Councilmember Pace seconded the motion.
Mayor Pro-tem Plumley	Vote – Aye
Councilmember Chavez	Vote – Aye
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

9.9.1 Votes 4 ayes, 0 nays, 0 abstains. Motion carried.

9.10 Discuss & consider action on the approval of a long term lease between the City of Cottonwood Shores and Cottonwood Pride/Cottonwood Shores Friends of the Library for the term of Twenty (20) years. This will allow for the application of a grant on behalf of the Friends of the Library for minor renovation within the Library building to the installation of a new floor, renovation of the kitchen and installing new storage and remodel of the small staff bathroom. All to be done within the required codes necessary for the city. *Requested by Janet Taylor-Carusi*

Councilmember Chavez motioned to table until lease agreement clarified by City Attorney.	Councilmember Pace seconded the motion.
Mayor Pro-tem Plumley	Vote – Aye
Councilmember Chavez	Vote – Aye
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

9.10.1 Votes 4 ayes, 0 nays, 0 abstains. Motion carried.

9.11 Discuss & consider action on a request from Cottonwood Pride , Friends of the Library and CWSAVFD to hold an “Annual Easter in the Park” at Aspen Park on April 16, 2011 at 2:00 pm. *Requested by Janet Taylor-Carusi*

Councilmember Sherry moved to accept request.	Councilmember Chavez seconded the motion.
Mayor Pro-tem Plumley	Vote – Aye
Councilmember Chavez	Vote – Aye
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

9.11.1 Votes 4 ayes, 0 nays, 0 abstains. Motion carried.

9.12 Discuss & consider action on separation of public works department and water/wastewater department, appointing a supervisor for each department. *Requested by City Administrator Cummings*

Councilmember Chavez made motion to table Item 9.12.	Councilmember Sherry seconded the motion.
Mayor Pro-tem Plumley	Vote – Aye
Councilmember Chavez	Vote – Aye
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

9.12.1 Votes 4 ayes, 0 nays, 0 abstains. Motion carried.

9.13 Discuss & consider action regarding contract for Election Services between Burnet County Elections Administrator and City of Cottonwood Shores for the May 14, 2011 General/Special Election. Requested by City Secretary Schwertner

Councilmember Chavez motioned to approve Election contract.	Councilmember Sherry seconded the motion.
Mayor Pro-tem Plumley	Vote – Aye
Councilmember Chavez	Vote – Aye
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

9.13.1 Votes 4 ayes, 0 nays, 0 abstains. Motion carried.

Mayor Pro-tem Plumley closed Open Session at 7:25 pm with a 10 minute break.

10. Executive Session I: Requested by Jackie Semmler and Councilmember Pace

10.1 Convene in Executive Session pursuant to Section 551.074 of the Texas Government Code: deliberate the appointment, employment, evaluation, reassignment, duties, or dismissal of :

Jackie Semmler, David Brasich, Richard Frazier and Belinda Gonzalez-Smith

10.2 Reconvene into Open Session and take action on Item 10.1.

10.3 Reconvened into Open Session at 9:09 pm.

Councilmember Sherry made the motion to take no action on Item 10.1.	Councilmember Chavez seconded the motion.
Mayor Pro-tem Plumley	Vote – Aye
Councilmember Chavez	Vote – Aye
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

10.4 Votes 4 ayes, 0 nays, 0 abstains. Motion carried.

Mayor Pro-tem Plumley closed Open Session at 9:12 pm.

11. Executive Session II: Requested by Councilmember Pace

11.1 Convene in Executive Session pursuant to Section 551.074 of the Texas Government Code: deliberate the appointment, employment, evaluation, reassignment, duties, or dismissal of :

Karrie Cummings, Rick Cople and Cynthia Schwertner

11.2 Reconvene into Open Session and take action on Item 11.1.

11.2.1 Reconvened into Open Session at 10:32 pm.

Councilmember Pace made the motion to take action with a 90 day probation write up on City Secretary Cynthia Schwertner, City Financial Officer Rick Copple and City Administrator Karrie Cummings.	Councilmember Sherry seconded the motion.
Mayor Pro-tem Plumley	Vote – Aye
Councilmember Chavez	Vote – Aye
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

11.2.2 Votes 4 ayes, 0 nays, 0 abstains. Motion carried.

12 . Future Agenda Items:

12.1 Janet Taylor-Carusi requested for Library Lease Agreement.

12.2 Cynthia Schwertner requested for 1 more CCPD nomination name.

13 . Adjournment at 11:54 pm by Mayor Pro-tem Plumley.

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 this agenda, as authorized by the Texas Government Code including, but not limited to Sections: 551.074 (Consultation with Attorneys), 551.072 Deliberations about Real Property), 551.073 (Deliberations about Gifts & 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.

I, Cynthia Schwertner, City Secretary for the City of Cottonwood Shores, Texas do hereby certify that this meeting notice was posted on the Official Public Notices Board at City Hall, a place readily accessible to the general public at all times, on January 4, 2011 before 5:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of said meeting.

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William Plumley
Mayor Pro-tem

Attest:

.....
Cynthia Schwertner, City Secretary

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