



CITY COUNCIL MEETING

NOTICE

The City Council held a regular meeting
February 3, 2011 at 6:30 pm
Cottonwood Shores City Hall, 3808 Cottonwood Dr.
Cottonwood Shores, TX 78657

MINUTES

1. **Call to Order** by Mayor Long.
2. **Roll Call** by City Secretary Schwertner.

NAME	ROLL CALL
Mayor Long	Present
Councilmember Chavez	Present
Councilmember Plumley	Present
Councilmember Kline	Absent Excused
Councilmember Pace	Present
Councilmember Sherry	Present

City Secretary Schwertner announced a quorum was present.

3. **Pledge of Allegiance** led by Mayor Long.
4. **Invocation** led by Rick Copple
5. **Consent Agenda:**
 - 5.1 **Financial Report-December 2010**
 - 5.2 Councilmember Sherry made the motion to accept financial report.
 - 5.3 Councilmember Plumley seconded the motion.

Councilmember Chavez	Vote – Aye
Councilmember Plumley	Vote – Aye
Councilmember Kline	Absent
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

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

6. **Departmental Reports:**
 - 6.1 **Mayor/Administration Report**

6.2 City Administrator Cummings reported Public Works working on connections to approve connect to Horseshoe Bay with a 600', 4" pipe. Precinct 4 had 4 people here, PW just turned water on and had some leaks will have to work on further repairs. The temperatures at around 15 degrees are causing problems.

6.3 Councilmember Pace moved to revisit Administration report.

6.4 Councilmember Plumley seconded the motion.

Councilmember Chavez	Vote – Aye
Councilmember Plumley	Vote – Aye
Councilmember Kline	Absent
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

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

6.6 City Administrator Cummings reported update at 7:30 pm per Belinda Gonzalez water is running. She spoke with Peggy Smith our A license operator from Granite Shoals. She reported they have busted pipes and no water at their city hall.

6.7 Councilmember Chavez motioned to go back to Administration report.

6.8 Councilmember Plumley seconded the motion.

Councilmember Chavez	Vote – Aye
Councilmember Plumley	Vote – Aye
Councilmember Kline	Absent
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

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

6.10 City Administrator Cummings update at 8:28 pm report turned over to Public Work crew now in City Hall. Public Works Supervisor George Perry reported the pipes have frozen along with the pumps, the pipes have been repaired at the leak sites. The ductal line iron pipe running up the cliff to the water tower has icicles hanging from pipe. We have heaters running in the lab and pump room, and heat lamp going in the chlorine room. We are at a standstill as for what we can further do until morning when there is more light to see and temperature gets warmer.

Councilmember Plumley motioned to move 10.6 to here at this time.

Councilmember Pace seconded the motion.

Councilmember Chavez	Vote – Aye
Councilmember Plumley	Vote – Aye

Councilmember Kline	Absent
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

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

Councilmember Chavez motioned to move Item 11.1, 11.2 and 11.3 here at this time Councilmember Pace seconded the motion.

Councilmember Chavez	Vote – Aye
Councilmember Plumley	Vote – Aye
Councilmember Kline	Absent
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

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

7 . 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)

No comments.

8 . Presentations:

8.1 Presentation by David Smith, Marble Falls ISD Building/Shop Teacher. Presenting playground equipment design(s) for the Parks.

Mr. Smith requested to reschedule to February 17th meeting due to the cold weather.

9 . Committee Request:

9.1 Discuss & consider action on authorizing the Mayor to sign the Interlocal Agreement between the City of Cottonwood Shores and Burnet County for road repairs. Requested by Development Committee

9.1.1 Janet Taylor-Carusi reported Commissioner Dockery attended the Development Committee meeting to discuss which roads to be worked on. Work set to be completing the 800 block Driftwood Lane section, retop Willow Lane and retop 600 block of Pecan Lane.

9.1.2 Councilmember Plumley motioned to authorize Mayor Long to sign Agreement.

9.1.3 Councilmember Chavez seconded the motion.

Councilmember Chavez	Vote - Aye
Councilmember Plumley	Vote – Aye
Councilmember Kline	Absent
Councilmember Pace	Vote – Aye

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

9.2 Discuss & consider action on an Interlocal Service and Indemnity Agreement between the City of Cottonwood Shores and Burnet County for use of County employee's and equipment. Requested by Development Committee

9.2.1 Councilmember Pace motioned to accept.

9.2.2 Councilmember Chavez seconded the motion.

Councilmember Chavez	Vote – Aye
Councilmember Plumley	Vote – Aye
Councilmember Kline	Absent
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

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

9.3 Discuss & consider action on the nomination of Richard Frazier for Parks and Recreation Commission for alternate member seat position. Requested by Parks & Recreation Commission

9.3.1 Councilmember Sherry motioned to accept nomination.

9.3.2 Councilmember Chavez seconded the motion.

Councilmember Chavez	Vote – Aye
Councilmember Plumley	Vote – Aye
Councilmember Kline	Absent
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

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

10 . New Business:

10.1 Discuss & consider action on proposed Ordinance No. 1004 to call for the city general and/or special election and to approve the names of Amy Dulin, Presiding Judge and Barbara McBride as Alternate Judge to work the 2011 elections on May 14, 2011. Requested by City Secretary Schwertner

10.1.1 Councilmember Pace motioned to amend agenda item 10.1 to remove the and/or special from Ordinance No. 1004 heading.

10.1.2 Councilmember Plumley seconded the motion.

Councilmember Chavez	Vote – Aye
Councilmember Plumley	Vote – Aye
Councilmember Kline	Absent

Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

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

10.1.4 Councilmember Pace motioned to approve Item 10.0 for Ordinance 1004 with correction.

10.1.5 Councilmember Chavez seconded the motion.

Councilmember Chavez	Vote – Aye
Councilmember Plumley	Vote – Aye
Councilmember Kline	Absent
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

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

10.2 Discuss & consider action on Ordinance No. 202 Rules and Procedures for Meetings and Decorum. Requested by Councilmember Pace

10.2.1 Councilmember Pace motioned to table.

10.2.2 Councilmember Chavez seconded the motion.

Councilmember Chavez	Vote – Aye
Councilmember Plumley	Vote – Aye
Councilmember Kline	Absent
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

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

10.3 Discuss & consider action on the City Administrative Ordinance No. 225. Requested by Councilmember Pace

10.3.1 Councilmember Pace motioned to table.

10.3.2 Councilmember Chavez seconded the motion.

Councilmember Chavez	Vote – Aye
Councilmember Plumley	Vote – Aye
Councilmember Kline	Absent
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

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

10.4 Discuss & consider action on amending Exhibit A on the Personnel Policy Chain of

Command reflecting to correspond with the Chain of Command On Ordinance

225. Requested by Mayor Long

10.4.1 Councilmember Pace motioned to table.

10.4.2 Councilmember Chavez seconded the motion.

Councilmember Chavez	Vote – Aye
Councilmember Plumley	Vote – Aye
Councilmember Kline	Absent
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

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

10.5 Discuss & consider action on amending Ordinance No. 242 IESI Solid Waste service annual CPI (Consumer Price Index) price rates adjustment. Requested by City Administrator Cummings

10.5.1 Councilmember Sherry motioned to allow increase.

10.5.2 Councilmember Plumley seconded the motion.

Councilmember Chavez	Vote – Aye
Councilmember Plumley	Vote – Aye
Councilmember Kline	Absent
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

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

10.6 Discussion covering the City Audits and requests by the Financial Analyzer for changes in the City Staff duties, responsibilities, and reporting lines. Requested by Financial Analyzer Orr Mr. Orr unable to attend was read by Roger Wayson, see attachment.

10.6.1 **Actions covering the City Audits and changes in City Staff duties, responsibilities and reporting lines. Requested by Financial Analyzer Orr**

10.6.2 Councilmember Plumley motioned we approve items 1 thru 4 placing Don Orr over Financial Officer Rick Copple to report to City Administrator Cummings to complete up to 2009 audit.

10.6.3 Councilmember Sherry seconded the motion.

Councilmember Chavez	Vote – Aye
Councilmember Plumley	Vote – Aye
Councilmember Kline	Absent
Councilmember Pace	Vote – Aye

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

Open Session closed at 6:57 pm for Executive Session I.

11 . Executive Session: I

- 11.1 Convene into Executive Session pursuant to Section 551.074 of the Texas Government Code: Deliberate regarding the dismissal appeal of Howard Bostwick.
- 11.2 Convene into Executive Session pursuant to Section 551.071 of the Texas Government Code: Consultation with Legal Counsel regarding pending or contemplated litigation (Howard Bostwick) and with respect to items in which Counsel has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.
- 11.3 Reconvene into Open Session and consider action, if any, on Executive Session Items 11.1 and 11.2.
- 11.4 Reconvened into Open Session at 7:14 pm
- 11.5 Councilmember Plumley motioned to accept TML Counsel advisement.
- 11.6 Councilmember Pace seconded the motion.

Councilmember Chavez	Vote – Aye
Councilmember Plumley	Vote – Aye
Councilmember Kline	Absent
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

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

Open Session closed at 7:33 pm for Executive Session II.

12 . Executive Session II:

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

Michael Warren concerning 90 day probation due date

- 12.2 Reconvene into Open Session and take action on Item 12.1.
- 12.3 Reconvened into Open Session at 7:42 pm.
- 12.4 Councilmember Sherry moved to vacate probationary period.
- 12.5 Councilmember Plumley seconded the motion.

Councilmember Chavez	Vote – Aye
Councilmember Plumley	Vote – Aye

Councilmember Kline	Absent
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

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

Open Session closed at 7:43 pm for Executive Session III.

13 . Executive Session III:

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

Richard Frazier concerning employment personnel issues

13.2 Reconvene into Open Session and take action on Item 13.1.

13.3 Reconvened at 8:22 pm into Open Session.

13.4 Councilmember Sherry motioned to correct paperwork in Richard Frazier's personnel files.

13.5 Councilmember Pace seconded the motion.

Councilmember Chavez	Vote – Aye
Councilmember Plumley	Vote – Aye
Councilmember Kline	Absent
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

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

Councilmember Plumley motioned to table Executive Session IV.

Councilmember Chavez seconded the motion.

Councilmember Chavez	Vote – Aye
Councilmember Plumley	Vote – Aye
Councilmember Kline	Absent
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote - Aye

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

14 . Executive Session IV:

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

Possible reassignment of duties and responsibilities of Public Works and/or Utilities

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George Perry, Belinda Gonzalez-Smith, Gaspar Caracheo, and Juan Rios

14.2 Reconvene into Open Session and take action on Item 14.1.

- 15 . Future Agenda Items: None
- 16 . Adjournment at 8:39 pm by Mayor Long.

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 31, 2011 before 5:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Janelle Long, Mayor

Attest:

Cynthia Schwertner, City Secretary

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