

# COMMUNITY MEETING

## NOTICE

The City Council held a meeting  
on November 4, 2010 at 6:30 pm at  
Cottonwood Shores City Hall, 3808 Cottonwood Dr.  
Cottonwood Shores, TX 78657

### MINUTES

1. **Call to Order** at 6:30 pm by Mayor Martin.
2. **Roll Call** by City Secretary Schwertner.

NAME	PRESENT	ABSENT EXCUSED	ABSENT UNEXCUSED
Mayor Martin	X		
Councilmember Chavez	X		
Councilmember Plumley	X		
Councilmember Kline	X		
Councilmember Pace	X		
Councilmember Sherry	X		

2.1 City Secretary Schwertner announced a quorum was present.

3. **Pledge of Allegiance** led by Mayor Martin.
4. **Invocation** led by George Perry.
5. **Consent Agenda:**

5.1 **Minutes September 2, 7, & 16, 2010**

5.2 **Financial Report August 2010**

Councilmember Sherry moved to accept consent agenda.	Councilmember Kline seconded motion.
Councilmember Chavez	Vote – Aye
Councilmember Plumley	Vote – Aye
Councilmember Kline	Vote – Aye
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote – Aye

5.3 Votes 5 ayes, 0 nays, motion carried.

6. **Departmental Reports:Vote – Aye**

- 6.1 **Municipal Court Report** – Read by Court Clerk Schwertner.
- 6.2 **Police Department Report** Read by Chief Reeh.
- 6.3 **Fire Department Report** – No report.

- 6.4 **Public Works Report** – Report by Public Works Supervisor Perry.
7. **Mayor/Administration Report:**
- 7.1 **Mayor Report** – Ryland Whitis has left for Colorado; Road reclamation work to be back on; Ordinance Codification to be worked on; staff has been out of offices with flu and will be out of town tomorrow night so will not be able to attend meeting for 5<sup>th</sup>.
- 7.1.1 **Proclamations** - None
- 7.2 **City Administrator Report** – Parks projects with the TPWD and Outdoor Recreation Grants moving forward. Will be taking bids on Bike and Skate Park and splash pad at Community Park.
- 7.3 **Councilmember Project updates** – Councilmember Chavez reported City Administrator Cummings covered. Councilmember Pace reported volunteers still signing up and helping Public Works Supervisor Perry with tires for the Bike and Skate Park.
8. **Special Commission/Committee Reports:**
- 8.1 **Parks and Recreation Commission**
- 8.2 Janelle Long has prepared signs for front entry.
9. **Civic Organization Reports:**
10. **First Public Hearing:** Opened at 6:53 pm.
- 10.1 **Public Hearing concerning annexation of Lots A, B, and C in the Castle Ares Subdivision aka Bay Marine.**
- 10.1.1 City Administrator Cummings reported info.
- 10.1.2 No comments from public.
- 10.2 **Public Hearing concerning annexation of the adjacent Wirtz Dam Road, being 2.74 acre tract situated in the A.C. Fuchs Survey No. 1448, abstract No. 1484 being a portion of the remainder of a 62.5 acre tract of land described in a deed from C.T Hedges, ET UX to the Lower Colorado River Authority.**
- 10.2.1 No comments from public.
- 10.2.2 Public Hearing closed at 6:55 pm.
11. **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)*

Stephan Sherry – Commented concerning news letter; road base at park; thank you to Janet Taylor for purchase of road base now city needs to replace what has been used; and the need to tone down the brownish shirt so called “Enforcement Team”.

Mayor Martin – Requested for the record the disrespectful remark made by Mr. Sherry.

Frank Chavez – Call from other residents, respectful to keep their own identity. Remembers as a kid playing in a park. A Councilmember using someones front

loader moving large boulders to his property. Would like to see all this seized.

Councilmember Sherry motioned to move Item 13.8 up to this place.	Councilmember Plumley seconded the motion.
Councilmember Chavez	Vote – Nay
Councilmember Plumley	Vote – Nay
Councilmember Kline	Vote – Nay
Councilmember Pace	Vote – Nay
Councilmember Sherry	Vote – Nay

Votes 0 Ayes, 5 Nays, motion not carried.

Councilmember Sherry motioned to move Items 13.7 and 13.8 up to here.	Councilmember Kline seconded the motion.
Councilmember Chavez	Vote – Aye
Councilmember Plumley	Vote – Aye
Councilmember Kline	Vote – Aye
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote – Aye

Votes 5 ayes, 0 Nays, motion carried.

**12 . City Commission Request:**

**12.1 Discuss & consider action to appoint an alternate member to Parks & Recreation. Requested by Parks & Recreation**

**12.1.1** Mayor Martin reported Richard Long volunteered his name.

Councilmember Pace moved to accept Richard Long for Parks and Recreation.	Councilmember Kline seconded the motion.
Councilmember Chavez	Vote – Aye
Councilmember Plumley	Vote – Aye
Councilmember Kline	Vote – Aye
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote – Aye

**12.1.2** Votes 5 ayes, 0 nays, motion carried.

**Mayor Martin called for a break at 7:21 pm will return to Item 14.**

**7:31 pm Mayor Martin called Council back into session.**

**Councilmember Plumley requested to allow 13.1 and 13.2 first.**

**13 . New Business:**

**13.1 Discuss & consider action to close Aspen Park and restrict access (block parking and foot traffic) until park and all amenities within are in compliance with state law regarding safety and accessibility standards.**

*Requested by Councilmember Sherry*

**13.1.1** Janet Taylor-Carusi spoke and requested noting for record on minutes. She reported she was tired of spending money and no one else helping especially from this room or putting any effort out there to help. She resents how to spend her personal money that she could spend for Christmas for kids or Friends of Library Halloween program or any other thing that we do fund raisers and take up money for. When she don't see you busting a grape. None of ya. Especially you Mr. Sherry. You have a personal agenda with this park or vendetta.

Mr. Sherry quoted it be done correctly, I'm not against park. Janet Taylor-Carusi said then come help, get up off your ass and come help. Everything you have done has shown us your actions. Your actions have shown the people in this community that you don't care about Aspen Park. That all you care about is what you want. I'm going to tell you that I have lived with ADA for 7 years. My mother is confined to a wheelchair. I took her all over Aspen Park in that wheelchair. I brought her in the City Hall, I take her to the Library every week for Bingo in that wheelchair. ADA this, I rarely say anything, and you guys know it. This is ridiculous. Get off it, leave it alone and somebody man up and call the question. Its enough.

Councilmember Pace called the question.	Councilmember Plumley seconded the motion.
Councilmember Chavez	Vote - Aye
Councilmember Plumley	Vote - Aye
Councilmember Kline	Vote - Aye
Councilmember Pace	Vote - Aye
Councilmember Sherry	Vote - Aye

**13.1.2** Votes 5 ayes, 0 nays, motion carried.

Councilmember Plumley motioned to leave park open.	Councilmember Chavez seconded the motion.
Councilmember Chavez	Vote – Aye
Councilmember Plumley	Vote - Aye
Councilmember Kline	Vote - Aye
Councilmember Pace	Vote - Aye

Councilmember Sherry	Vote - Nay
----------------------	------------

**13.1.3** Votes 4 ayes, 1 nay, motion carried.

**13.2 Discuss & consider action to include measures to lessen negative impact of Aspen Park to its neighbors, i.e. wood privacy fencing, on/off switching for lights, and parking barricades for hours of darkness. Requested by Councilmember Sherry**

Councilmember Plumley made the motion its a park, no switches, fences or barricades it is a park.	Councilmember Chavez seconded the motion.
Councilmember Chavez	Vote - Aye
Councilmember Plumley	Vote - Aye
Councilmember Kline	Vote - Aye
Councilmember Pace	Vote - Aye
Councilmember Sherry	Vote - Nay

**13.2.1** Votes 4 ayes, 1 nay, motion carried.

**Councilmember Plumley motioned to move Item 14 up to here. Councilmember Chavez seconded the motion.**

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

Votes 5 ayes, 0 nays, motion carried.

**13.3 Discuss & consider action concerning proposed budget amendment for Crime Control & Prevention District Board. Requested by Financial Officer Copple**

**13.3.1** Item 13.3 recessed to November 5<sup>th</sup>, 2010 special meeting.

Councilmember Chavez moved to accept Item 13.3.	Councilmember Pace seconded the motion.
Councilmember Chavez	Votes - Aye
Councilmember Plumley	Vote - Aye
Councilmember Kline	Vote - Aye
Councilmember Pace	Vote - Aye

Councilmember Sherry	Vote - Aye
----------------------	------------

**13.3.2** Votes 5 ayes, 0 nays, motion carried.

**13.4** Discuss & consider action on purchase of used 2006 water truck 2000 gallon capacity from Holt Caterpillar for \$30,000.00 for use on preparing, making and maintaining all roads, parks etc.. *Requested by Public Works Supervisor Perry.*

**13.4.1** Item 13.4 to be brought back at a later date.

**13.5** Discuss & consider action for Lot Combination by property owner Abran Santibanz on Lots 384, 385, & 386 of Driftwood Section. *Requested by City Staff*

**13.5.1** Item 13.5 to be brought back at a later date.

**13.6** Discuss & consider action for proposal on annexation of Lake LBJ Marina Corporation, general partner of LBJ Yacht Club and Marina, LTD. (Marina), being the leaseholder of the 18.113 acre tract. *Requested by City Administrator Cummings*

**13.6.1** Item 13.6 recessed to November 5<sup>th</sup>, 2010 special meeting.

Councilmember Sherry moved that Council accepts proposal.	Councilmember Plumley seconded the motion.
Councilmember Chavez	Vote - Aye
Councilmember Plumley	Vote - Aye
Councilmember Kline	Vote - Aye
Councilmember Pace	Vote - Aye
Councilmember Sherry	Vote - Aye

**13.6.2** Votes 5 ayes, 0 nays, motion carried.

**13.7** Discuss & consider action on proposed Ordinance No. 6001 *Sanitation concerning Health and Safety. Requested by City Administrator Cummings*

Councilmember Sherry moved to postpone indefinitely	Councilmember Kline seconded the motion.
Councilmember Chavez	Vote - Aye
Councilmember Plumley	Vote - Aye
Councilmember Kline	Vote - Aye
Councilmember Pace	Vote - Aye
Councilmember Sherry	Vote - Aye

13.7.1 Votes 5 ayes, 0 nays, motion carried.

13.8 Discuss & consider action concerning the appointment of a Food Establishment Inspector. *Requested by City Administrator Cummings*

13.8.1 Mayor Martin strikes out Item 13.8.

13.9 Discuss & consider action on proposed Ordinance No. 3001 *International Residential Code ICC* concerning building. *Requested by City Administrator Cummings*

13.9.1 Item 13.9 recessed to November 5<sup>th</sup>, 2010 special meeting.

Councilmember Chavez motioned to accept Ordinance 3001 with amendment to keep the currant fee schedule from Ordinance 215.	Councilmember Pace seconded the motion.
Councilmember Chavez	Vote - Aye
Councilmember Plumley	Vote - Aye
Councilmember Kline	Vote - Aye
Councilmember Pace	Vote - Aye
Councilmember Sherry	Vote - Aye

13.9.2 Votes 5 ayes, 0 nays, motion carried.

13.10 Discuss & consider action on proposed Ordinance No. 5001 *Burning* concerning burn ordinance repealing Ordinance 091808B and 061506 burn ordinances. *Requested by City Administrator Cummings*

13.10.1 Item 13.10 recessed to November 5<sup>th</sup>, 2010 special meeting.

Councilmember Pace motioned to adopt Item 13.10.	Councilmember Sherry seconded the motion.
Councilmember Chavez	Vote - Aye
Councilmember Plumley	Vote - Aye
Councilmember Kline	Vote - Aye
Councilmember Pace	Vote - Aye
Councilmember Sherry	Vote - Aye

13.10.2 Votes 5 ayes, 0 nays, motion carried.

13.11 Discuss & consider action on proposed Ordinance No. 5002 concerning Life Code 101. *Requested by City Administrator Cummings*

13.11.1 Item 13.11 recessed to November 5<sup>th</sup>, 2010 special meeting.

Councilmember Sherry motioned to accept Item 13.11.	Councilmember Kline seconded the motion.
Councilmember Chavez	Vote - Aye

Councilmember Plumley	Vote - Aye
Councilmember Kline	Vote - Aye
Councilmember Pace	Vote - Aye
Councilmember Sherry	Vote - Aye

**13.11.2** Votes 5 ayes, 0 nays, motion carried.

**14 . Executive Session: Session I**

**14.1** Convene in Executive Session pursuant to *Section 551.074 of the Texas Government Code*: Convened at 8:11 pm.

**14.2** Deliberate the appointment, employment, evaluation, reassignment, duties, or dismissal of, or for the following person:

*Chief Reeh, Asst. Chief Caraway, Officer Warren and Officer Smith, Sr.*

**14.3** Reconvene into Open Session and take action on item 14.2 if necessary.

**14.3.1** Reconvened Council back into Open Session at 10 pm.

Councilmember Plumley made the motion to dismiss Chief Reeh with regards to Police Policy F and G.	Councilmember Chavez seconded the motion.
Councilmember Chavez	Vote - Aye
Councilmember Plumley	Vote - Aye
Councilmember Kline	Vote - Aye
Councilmember Pace	Vote - Aye
Councilmember Sherry	Vote - Aye

**14.3.2** Votes 5 ayes, 0 nays, motion carried.

Councilmember Kline made the motion that Officer Smith step in as Acting Police Chief.	Councilmember Sherry seconded the motion.
Councilmember Chavez	Vote - Aye
Councilmember Plumley	Vote - Aye
Councilmember Kline	Vote - Aye
Councilmember Pace	Vote - Aye
Councilmember Sherry	Vote - Aye

**14.3.3** Votes 5 ayes, 0 nays, motion carried.

Councilmember Chavez moved	Councilmember Plumley
----------------------------	-----------------------



that Officer Warren be given 90 days probation and review after.	seconded the motion.
Councilmember Chavez	Vote - Aye
Councilmember Plumley	Vote - Aye
Councilmember Kline	Vote - Aye
Councilmember Pace	Vote - Aye
Councilmember Sherry	Vote - Aye

**14.3.4** Votes 5 ayes, 0 nays, motion carried.

Councilmember Plumley motioned that Officer Warren do additional training.	Councilmember Pace seconded the motion.
Councilmember Chavez	Vote - Aye
Councilmember Plumley	Vote - Aye
Councilmember Kline	Vote - Aye
Councilmember Pace	Vote - Aye
Councilmember Sherry	Vote - Aye

**14.3.5** Votes 5 ayes, 0 nays, motion carried.

Councilmember Chavez motion for staff to be given 120 days to look into recruiting outside city for Police staff.	Councilmember Sherry seconded the motion.
Councilmember Chavez	Vote - Aye
Councilmember Plumley	Vote - Aye
Councilmember Kline	Vote - Aye
Councilmember Pace	Vote - Aye
Councilmember Sherry	Vote - Aye

**14.3.6** Votes 5 ayes, 0 nays, motion carried.

**15 . Executive Session: Session II - Item 15 Rescheduled to later date.**

**15.1** Convene in Executive Session pursuant to *Section 551.074 of the Texas Government Code:*

**15.2** Deliberate the appointment, employment, evaluation, reassignment, duties, or dismissal of, or for the following person:

*An Appeal By Howard Bostwick*

**15.3** Reconvene into Open Session and take action on item 15.2 if

necessary.

Mayor Martin called meeting into recess, to be carried over into tomorrow special meeting of November 5, 2010 at 6:30 pm to continue with Items 13.3, 13.6, 13.9, 13.10, and 13.11 and then go into the public hearing.

**16 . Future Agenda Items:** None from November 4  
(Requests from November 5<sup>th</sup>, 2010 special meeting.)

**16.1** Councilmember Pace requested the hiring policy for the Police Department.

**16.2** Janet Taylor-Carusi noted once petition signed will set up for Public Hearings for voluntary annexation. We now have the population to involuntarily annex.

**16.3** City Administrator Cummings reported we now have 952 acres and have to stay under 10% for next year.

**17 . Adjournment:** Mayor Martin adjourned at 10:07 pm.

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.

---

**Bentley Martin, Mayor**

**Attest:**

---

**Cynthia Schwertner, City Secretary**

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 November 1, 2010 before 5:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of said meeting.

**The city of Cottonwood Shores is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call (830)693-3830 or TDD/TTY (512)974-2445. For Sign Language Interpreter or Braille requests, please call at least 4-5 days in advance of the meeting.**

**La Ciudad de Cottonwood Shores se compromete a cumplir con el Decreto de los Americanos Incapacitados. Con solo solicitarlo se proveerán modificaciones e igual acceso a comunicaciones. Para información favor de llamar a (830)693-3830 o TDD (512)974-2445. Para un intérprete del lenguaje de señales o solicitudes de Braille, por favor, nos llame 4 a 5 días antes de la reunión.**