

CITY COUNCIL MEETING

NOTICE

The City Council held a Special meeting
December 9, 2010 at 6:30 pm
Cottonwood Shores City Hall, 3808 Cottonwood Dr.
Cottonwood Shores, TX 78657

MINUTES

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

NAME	PRESENT	ABSENT EXCUSED	ABSENT UNEXCUSED
Councilmember Chavez	X		
Councilmember/Mayor Pro-tem Plumley	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. **Departmental Reports:**
 - 5.1 **Mayor/Administration Report:** No report.
 - 5.1.1 **City Administrator Report:** Report attached.
 - 5.1.2 **Councilmember Project Updates:**
 - 5.1.2.1 Councilmember Pace reported she has one volunteer still working on a vacant lot and one new person signed up. We will be attempting to have an emergency card for emergencies for elderly and disabled and later will have a call check on the elderly and disabled.
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)
 - 6.1 Janet Taylor-Carusi reported the Christmas for Kids will be Saturday

5:30 pm to 8 pm and will have a hay ride, then come see Santa. The Christmas lighting will be next week and awarding on December 16th Council meeting. The sign is now up at Aspen Park.

- 6.2 Kenneth Pittman – Spoke his concern about Aspen Park playground area where the pipes around it, that if in a wheelchair you are unable to get into playground area. Gave ideas on ways to get into area.

7. Old Business:

- 7.1 **Discuss & consider action to amend Ordinance 248 (Levying Taxes 2010/2011) to include the M&O and I&S rates. (Requested by Financial Officer Copple**

Councilmember Sherry motioned to accept and include the M&O and I&S.	Councilmember Pace seconded the motion.
Councilmember Chavez	Vote – Aye
Councilmember/Mayor Pro-tem Plumley	Vote – Aye
Councilmember Kline	Vote – Aye
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote – Aye

7.1.1 Votes 5 ayes, 0 nays, motion carried.

Councilmember Sherry motioned to move Items 9.1, 9.2, and 9.3 up before Item 8.	Councilmember Pace seconded the motion.
Councilmember Chavez	Vote – Aye
Councilmember/Mayor Pro-tem Plumley	Vote – Aye
Councilmember Kline	Vote – Aye
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote – Aye

Votes 5 ayes, 0 nays, motion carried.

8. New Business:

- 8.1 **Discuss & consider action for the tendering of resignation for retirement dated as of December 7th, 2010 by Mayor Bentley Martin. Requested by Mayor Martin**

Councilmember Pace motioned to accept Item 8.1.	Councilmember Sherry seconded the motion.
Councilmember Chavez	Vote – Aye
Councilmember/Mayor Pro-tem Plumley	Vote – Aye
Councilmember Kline	Vote – Aye

Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote – Aye

8.1.1 Votes 5 ayes, 0 nays, motion carried.

8.2 Discuss & consider action on possibly authorizing the Mayor Pro-tem Plumley to take nominations to fill vacancy of Mayor at the regular January 6th Council meeting. *Requested by Mayor Martin*

8.2.1 Item 8.2 stricken from Agenda.

8.3 Discuss & consider action for the annexation of LCRA property (AKA Wirtz Dam Road) and Bay Marine property on proposed Ordinance No. 1001 (Annexation of LCRA & Bay Marine). *Requested by City Administrator Cummings*

Councilmember Pace made the motion to accept the annexation Ordinance 1001.	Councilmember Kline seconded the motion.
Councilmember Chavez	Vote – Aye
Councilmember/Mayor Pro-tem Plumley	Vote – Aye
Councilmember Kline	Vote – Aye
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote – Aye

8.3.1 Votes 5 ayes, 0 nays, motion carried.

8.4 Discuss & consider action on Council as hiring authority on all police personnel openings until all positions are filled. *Requested by Councilmember Pace*

Councilmember Pace made the motion for Council to act as Personnel Panel for the hiring of both the Police Chief and any vacant Officer position. I would therefore like this Council to direct the City Administrator to place an ad in the newspaper of record and in the trade papers for law enforcement agency's that aid in the posting board and the hiring for TML. This posting to be made as soon as possible with the close date of January 15 th 2011. I would like the City Administrator to also re-advertise the position of officer with the same criteria. All the applications to be presented to Council at the January 20, 2011 Council meeting for reviewing. At this time Council will choose applications to be interviewed. Interviews to be conducted at a special called meetings to be determined on a date between January 24, 2011 and January 30, 2011 when all applicants can be present. Hiring to be finalized at February 4, 2011 City Council meetings.	Councilmember/Mayor Pro-tem Plumley seconded the motion.
Councilmember Chavez	Vote – Aye
Councilmember/Mayor Pro-tem Plumley	Vote – Aye

Councilmember Kline	Vote – Aye
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote – Aye

8.4.1 Votes 5 ayes, 0 nays, motion carried.

8.5 Discuss & consider action on lot combination request by **Guillermo Rubio** on **Scarlet Oak Section Lots 615, 616, 673 and 674. Requested by City Secretary Schwertner**

Councilmember Pace motioned to not accept lot combination until property owner in compliance with city.	Councilmember Chavez seconded the motion.
Councilmember Chavez	Vote – Aye
Councilmember/Mayor Pro-tem Plumley	Vote – Aye
Councilmember Kline	Vote – Aye
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote – Aye

8.5.1 Votes 5 ayes, 0 nays, motion carried.

8.6 Discuss & consider action on **Ordinance No. 6001 concerning (Solid Waste Fees, Services and Violations) repealing Ordinance No 242 (Solid Waste). Requested by Councilmember Pace**

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

8.6.1 Votes 5 ayes, 0 nays, motion carried.

8.7 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**

Councilmember Pace motioned to accept Item 8.7.	Councilmember Kline seconded the motion.
Councilmember Chavez	Vote – Aye
Councilmember/Mayor Pro-tem Plumley	Vote – Aye
Councilmember Kline	Vote – Aye

Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote – Aye

8.7.1 Votes 5 ayes, 0 nays, motion carried.

8.8 Discuss & consider action on purchasing a Pickup truck for public works. Requested by Public Works Supervisor Perry

Councilmember Pace moved to table until Financial Officer Copple can look into it.	Councilmember Kline seconded the motion.
Councilmember Chavez	Vote – Aye
Councilmember/Mayor Pro-tem Plumley	Vote – Aye
Councilmember Kline	Vote – Aye
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote – Aye

8.8.1 Votes 5 ayes, 0 nays, motion carried.

8.9 Discuss & consider action amending the holidays off in the personnel policy. Requested by City Administrator Cummings

Councilmember Sherry made the motion to accept amending personnel policy.	Councilmember Chavez seconded the motion.
Councilmember Chavez	Vote – Aye
Councilmember/Mayor Pro-tem Plumley	Vote – Aye
Councilmember Kline	Vote – Aye
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote – Aye

8.9.1 Votes 5 ayes, 0 nays, motion carried.

8.10 Discuss & consider action to prioritize city projects to give directions to Public Works personnel. Requested by Mayor Martin

8.10.1 Item 8.10 stricken from agenda.

8.11 Discuss & consider action on Parks Point Person Janet Taylor-Carusi to remain as the TPWD Outdoor Boating and Recreation and LCRA PIP. Requested by Janet Taylor-Carusi

Councilmember Chavez made the motion to accept action for Janet Taylor-Carusi to remain as Parks Point Person.	Councilmember Sherry seconded the motion.
Councilmember Chavez	Vote – Aye
Councilmember/Mayor Pro-tem Plumley	Vote – Aye

Councilmember Kline	Vote – Aye
Councilmember Pace	Vote – Aye
Councilmember Sherry	Vote – Aye

8.11.1 Votes 5 ayes, 0 nays, motion carried.

9 . Executive Session: I Council convened into Executive Session at 6:47 pm.

- 9.1** Convene into Executive Session pursuant to Section 551.074 of the Texas Government Code: Deliberate regarding the dismissal appeal of Howard Bostwick.
- 9.2** 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.
- 9.3** Reconvene into Open Session and consider action, if any, on Executive Session Items 9.1 and 9.2.
- 9.4** Council reconvened into open session at 7:53 pm.

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

9.5 Votes 5 ayes, 0 nays, motion carried.

10 . Executive Session II Council convened into Executive Session at 7:53 pm.

- 10.1** Convene in Executive Session pursuant to *Section 551.074 of the Texas Government Code*:
- 10.2** Deliberate the appointment, employment, evaluation, reassignment, duties, or dismissal of, or for the following persons

Karrie Cummings *Rick Copple* *Cynthia Schwertner*

- 10.3** Reconvene into Open Session and take action on item 10.2 if necessary.
- 10.4** Council reconvened into Open Session at 9:27 pm.

Councilmember Sherry motioned to take no action.	Councilmember Chavez seconded the motion.
--	---

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

10.5 Votes 5 ayes, 0 nays, motion carried.

11. Executive Session III Stricken from agenda.

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

11.2 Deliberate the appointment, employment, evaluation, reassignment, duties, or dismissal of, or for the following persons

Acting Police Chief Frank Smith, Sr., Patrol Officer Mike Warren, Reserve Officer Katrina Jennings

11.3 Reconvene into Open Session and take action on item 11.2 if necessary.

12. Executive Session IV Stricken from agenda.

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

12.2 Deliberate the appointment, employment, evaluation, reassignment, duties, dismissal, or recommendation for the hiring of (1) one of (3) three applications submitted for the Patrol Officer Position for the Cottonwood Shores Police Department.

12.3 Reconvene into Open Session and take action on item 12.2 if necessary.

13. Future Agenda Items:

13.1 Councilmember Pace requested Council do a workshop on Personnel Policy and Ordinance 225.

13.2 City Secretary requested to set a workshop before a grant due on January 6th Council meeting.

13.3 Councilmember/Mayor Pro-tem Plumley requested for the January 6th Council meeting to replace former Mayor on CAPCOG and appoint a new representative.

13.4 Councilmember Sherry requested to bring back the Executive Session III on next meeting.

13.5 Commented statement from Acting Police Chief Frank Smith, Sr.

14. Adjournment at 9:30 pm.

William Plumley, Mayor Pro-tem

ATTEST:

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.

Cynthia Schwertner, City Secretary

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 December 6, 2010 before 5:00 p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of said 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.