

CITY OF COTTONWOOD SHORES

3808 Cottonwood Drive, Cottonwood Shores, Texas 78657
Office: (830) 693-3830 www.cottonwoodshores.org Fax: (830) 693-6436

Mayor: Donald Orr
Mayor Pro-Tem: Stephen Sherry
Councilmember: Tony Satsky



Councilmember: Cheri Trinidad
Councilmember: Brigitte Thomas
Councilmember: Roger L. Wayson

People, Parks and Prosperity

REGULAR CITY COUNCIL MEETING MINUTES

**** NOTICE ****

The City Council held a regular meeting on Thursday, October 5, 2017 at 6:00 p.m.
The meeting was held at the Cottonwood Shores City Hall,
located at: 3808 Cottonwood Drive in Cottonwood Shores, TX 78657

AGENDA

1. Call to Order: 6:00 p.m.
2. Roll Call:

NAME	PRESENT	ABSENT EXCUSED	ABSENT UNEXCUSED
Mayor Orr	√		
Mayor Pro-Tem Sherry	√		
Councilmember Satsky	√		
Councilmember Trinidad	√		
Councilmember Thomas	√		
Councilmember Wayson	√		

City Administrator/City Secretary Sheila C. Moore announced that a quorum was present.

3. Pledge of Allegiance to U.S. Flag and Texas Flag: Led by Mayor Donald Orr

Texas Flag Pledge: Honor the Texas Flag. I pledge allegiance to Thee, Texas, one state under God, one and indivisible.

4. Citizen's Comments:

This is the opportunity for the public to address the City Council. 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). Citizen's comments will be limited to 3 minutes after they have been acknowledged to speak by the chair of the meeting. If the Citizen wishes to make comments about an item that is already on the agenda, discussion will be deferred until the item comes up.

Citizen – Janet Taylor commented on three items:

1. She commented on the overpopulation of cats in the city stating there needed to be some means to trap and dispose of them. She stated that it was beginning to be a real problem.

2. She commented on the feeding of the deer stating that the citizens on both sides of her were feeding them and they were getting aggressive and her dogs were barking constantly.
3. As a member of the Cottonwood Shores Volunteer Fire Department Ms. Taylor stated that the Cottonwood Shores Volunteer Fire Department had to call off the National Night Out due to weather. She stated the department would like to see the responsibility of the National Night Out go back to the police department and the fire department assist them. She stated the fire department can work with the police department to hold this annual event. She also stated that they would not have a haunted house this year due to medical problems with the person that set up and constructed the house, however they will still have candy from about 6:30 until 8:00 on 10/31.

Ms. Taylor was given the name of Hill Country Cats which may be able to assist her in the removal of them.

5. Mayor and Park Reports:

Mayor Orr presented a report on the status of the New Water Plant Replacement. He stated that plans had been submitted to TCEQ. It will take them about 45 – 60 days to review the information and get back to the city with any revisions. The new plant could be under construction sometime in January 2018. He did say there was a minor setback with the CDBG grant which is to award around \$275,000.00 for construction. It pertained to the environmental portion of the wetlands area. They stated the construction in this area must be published if changed or altered within construction. It was decided if this became an issue those changes would not be included in the grant.

Councilmember Wayson stated that he would have liked to see a backup system.

It was explained that one of the backup systems was the water connection established with the City of Horseshoe Bay.

Court Clerk Bobby Herrin reported on an issue of the City of Cottonwood Shores email being spoofed. He gave the definitions of it and what measures had been taken to stop and further prevent this issue.

Chair Sylvia Breen of the Parks and Recreation Committee gave a report including the last year’s budget monies that were utilized and what was left over.

6. Consent Agenda

6.1. Minutes from the Regular Meeting of the City Council held on September 21, 2017.

6.2. Discussed and considered action on PUE Relinquishment request between Lots 298 and 299, Scarlett Oaks Section, 841 Cypress. *As requested by Vanessa and Angel Ortega*

6.1.1. Motion to approve the consent agenda.

6.1.1.1. Motion: Mayor Pro Tem Sherry

6.1.1.2. Second: Councilmember Satsky

NAME	Yea	Nay	Abstain
Mayor Pro-Tem Sherry	√		
Councilmember Satsky	√		
Councilmember Trinidad	√		
Councilmember Thomas	√		
Councilmember Wayson	√		

6.1.2. Vote: Yea: 5 Nay: 0 Abstain: 0

6.1.3. Motion: Passed

7. Unfinished Business:

7.1. Discussed and considered action on approving PUD Development Agreement between CWS and Burkhart, LLC. *As requested by Staff*

The agreement was discussed by the council. A citizen (Janet Taylor) stated that there could be an issue with the Texas Historical Society and an Indian Artifact Location on a portion of the property in question. After consideration it was determined that the city would check records and make sure the Indian Artifact Location would not be an issue or has been removed. It was also discussed that a swale or culvert would need to be added.

7.1.1. Motion to approve the PUD Development Agreement between the City of Cottonwood Shores and Brohart, LLC pending the verification of the Indian Artifacts.

7.1.1.1. Motion: Mayor Pro Tem Sherry

7.1.1.2. Second: Councilmember Satsky

NAME	Yea	Nay	Abstain
Mayor Pro-Tem Sherry	✓		
Councilmember Satsky	✓		
Councilmember Trinidad	✓		
Councilmember Thomas	✓		
Councilmember Wayson	✓		

7.1.2. Vote: Yea: 5 Nay: 0 Abstain: 0

7.1.3. Motion: Passed

7.2. Discussed and considered action on completing the population of the City Ordinance Review Task Force. *As requested by Councilmember Wayson*

Councilmember Wayson stated that there actually needed to be steps in the process, indicating the need to start off with; 1) a list of the problems within a specific ordinance, then; 2) have a workshop on the ordinance to change any verbiage, make alterations or modifications that may need to be addressed; and 3) a final outcome to be presented for approval.

Councilmember Wayson stated the task force should be made up of two city councilmembers (Roger Wayson & Stephen Sherry), two citizens (Donald Orr and Mary Ann Plumley)

Citizen- Janet Taylor stated that Mary Ann Plumley contacted her and requested that she be an alternative is she could not appear.

Mayor Orr stated that he had contacted Rex Holloway and Mr. Holloway stated he could be on the task force. Councilmember Wayson stated that he had attempted to get Rex Holloway to be on the task force at the previous meeting.

After discussion the task force was defined as:

- 2 Councilmembers Stephen Sherry, Roger Wayson
- 2 Citizens Donald Orr, Mary Ann Plumley
- 1 Alternate Rex Holloway.

7.2.1 Motion to appoint Stephen Sherry, Roger Wayson, Donald Orr, and Mary Ann Plumley to the task force and Rex Holloway as an alternate.

7.2.1.1. Motion: Councilmember Wayson

7.2.1.2. Second: Mayor Pro Tem Sherry

NAME	Yea	Nay	Abstain
Mayor Pro-Tem Sherry	✓		
Councilmember Satsky	✓		
Councilmember Trinidad		✓	
Councilmember Thomas	✓		
Councilmember Wayson	✓		

7.2.2. Vote: Yea: 4 Nay: 1 Abstain: 0

7.2.3. Motion: Passed

7.3. Discussed and considered action on the use of a narcotic K-9 in the Cottonwood Shores Police Department. *As requested by Mayor Orr*

Mayor Orr presented Ordinance 9002 and conveyed the portion that stated the police can utilize all legal means to accomplish their duties.

Councilmember Satsky asked the cost of the animal and handling. The cost was given at approximately \$134.00 per year for insurance. Any other costs were absorbed by the owner of the dog.

Mayor Pro Tem Sherry said the issue may need to be submitted to TML to clarify legal issues due to the funds not being in the budget. He stated that the cost would be a great difference due to the cost of the dog if it was injured while being used. City Administrator Moore explained that she had spoken with TML's insurance underwriter and the annual fee of \$134.00 was for liability insurance.

Mayor Pro Tem Sherry stated that using a dog would not be a positive image for the city.

Councilmember Wayson said he like dogs, but had spoken with the County Attorney but was concerned about the tag teaming at traffic stops and how long the vehicle stopped could be detained.

Citizen Sylvia Breen stated that as a citizen, she didn't want the City to miss this opportunity.

Mayor Pro Tem Sherry made a motion to postpone indefinitely;

Councilmember Satsky seconded the motion.

Citizen Jim Bristow stated that drug dealers were not concerned about the police because they feel they can hide drugs from the police but are scared to death of drug dogs. He felt the dog would be a positive impression for the City as we would be trying to make CWS a drug free City.

Councilmember Satsky said he did not want to see the Council militarize the police.

Police Chief Liendo stated that both Councilmember Wayson and Mayor Pro Tem Sherry had come by and visited with him and he respects their opinions, but the residents want the dog. He said he did not want the police militarized either and that was not going to happen. He had been in this business for 40 years and he does not break the law, it will not happen. He said he did not come here to be a controversy. He respects Mr. Wayson and Mr. Sherry's opinion but he people want the dog.

Mayor Pro Tem Sherry said they do and the rub would come with the SOP and the Policy that is when it will all blow up again and we get the lawyers in here.

Chief Liendo said the SOP he prepared was standard and something he was required to do for his commission.

Mayor Pro Tem Sherry withdrew his motion and Councilmember Satsky withdrew his second.

After further discussion a motion was asked for.

Since there was no motion, Mayor Orr said that he was going to assume that no motion meant that the police could use all lawful means to enforce the law.

Mayor Pro Tem Sherry said that is not what that means, it means there was no vote on the use of a canine in CWS. Mayor Orr said he would accept it to mean they Police can use all lawful mean.

Mayor Pro Tem Sherry said you can accept whatever you want to Don, we will just change it.

7.3.1. Motion to DIED TO LACK OF MOTION

7.3.1.1. Motion:

7.3.1.2. Second:

NAME	Yea	Nay	Abstain
Mayor Pro-Tem Sherry			
Councilmember Satsky			
Councilmember Trinidad			
Councilmember Thomas			
Councilmember Wayson			

7.3.2. Vote: Yea: Nay: Abstain:

7.3.3. Motion: **Passed**

8. New Business:

8.1. Discussed and considered action on adopting Resolution 706 (Expressing Opposition to the Rock and Concrete Crushing Plant Proposed by Asphalt, Inc.). *As requested by Staff*

8.1.1. Motion to adopt Resolution 706 (Expressing Opposition to the Rock and Concrete Crushing Plant Proposed by Asphalt, Inc.).

8.1.1.1. Motion: Mayor Pro Tem Sherry

8.1.1.2. Second: Councilmember Satsky

NAME	Yea	Nay	Abstain
Mayor Pro-Tem Sherry	✓		
Councilmember Satsky	✓		
Councilmember Trinidad	✓		
Councilmember Thomas	✓		
Councilmember Wayson	✓		

8.1.2. Vote: Yea: 5 Nay: 0 Abstain: 0

8.2.3. Motion: **Passed**

8.2. Discussed and considered action on adopting Resolution 707 (Authorizing City Officers).

As requested by Staff

Mayor Pro Tem Sherry opened stating that this item should be stricken as the action should be in an ordinance instead of a resolution per TLGC

8.2.1. Motion to strike based on not being an ordinance

8.2.1.1. Motion: Mayor Pro Tem Sherry

8.2.1.2. Second: Councilmember Satsky

NAME	Yea	Nay	Abstain
Mayor Pro-Tem Sherry	✓		
Councilmember Satsky	✓		
Councilmember Trinidad	✓		
Councilmember Thomas	✓		
Councilmember Wayson	✓		

8.2.2. Vote: Yea: 5 Nay: 0 Abstain: 0

8.2.3. Motion: **Passed**

8.3. Discussed and considered action on amending Ordinance 14000 (Zoning) as it relates to M1 setbacks. *As requested by Staff*

City Administrator / City Secretary Sheila C. Moore explained to the City Council the reasoning to amend Ordinance 14000 in the areas of setbacks for M1 properties. She stated that for a 1200 sq. ft. home, the length on new mobile homes is approximately a foot longer than the allowable setback footage required in the ordinance.

8.3.1. Motion to change the setbacks of M1 and M2 to 18 feet in the front and 4 feet in the back.

8.3.1.1. Motion: Mayor Pro Tem Sherry

8.3.1.2. Second: Councilmember Thomas

NAME	Yea	Nay	Abstain
Mayor Pro-Tem Sherry	✓		
Councilmember Satsky	✓		

Councilmember Trinidad	✓		
Councilmember Thomas	✓		
Councilmember Wayson	✓		

8.3.2. Vote: Yea: 5 Nay: 0 Abstain: 0

8.3.3. Motion: **Passed**

8.4. Discussed and considered action on authorizing \$23,059.00 to fund balance on Motorola radios.

As requested by Staff

Mayor Orr opened with explaining that this expense would be funded from a carryover of I&S funds from the previous year. There is not a budget line item for the expense.

Mayor Pro Tem Sherry stated that there must be a line item in the budget for the expense and he requested this be submitted to TML to see if this can be done.

He then stated that the estimate enclosed in the Council's Packet for the cost of the radios had expired in April so it was no longer valid.

8.4.1. Motion to postpone and present an updated bid at the next meeting.

8.4.1.1. Motion: Councilmember Wayson

8.4.1.2. Second: Councilmember Trinidad

NAME	Yea	Nay	Abstain
Mayor Pro-Tem Sherry	✓		
Councilmember Satsky	✓		
Councilmember Trinidad	✓		
Councilmember Thomas	✓		
Councilmember Wayson	✓		

8.4.2. Vote: Yea: 5 Nay: 0 Abstain: 0

8.4.3. Motion: **Passed**

8.5. Discussed and considered action on authorizing the construction of a school bus shelter with benches on the Boat Ramp front parking area.

As requested by Staff

Mayor Orr opened the discussion indicating that since he had this item placed on the Agenda, the Parks Committee had expressed interest in working on this project. He also stated that the funds from the child safety fund could be utilized on items like this and there is currently approximately \$2,100.00 available in the fund.

When considering a location for the bus shelter, City Administrator / City Secretary Sheila C. Moore addressed the Marble Falls Independent School Districts' bus routes and stops within the city.

Councilmember Wayson questioned the number of stops.

Mayor Pro Tem Sherry stated that his opinion was to not utilize the barn style design as presented and hoped the Parks Committee could present a better design.

8.5.1. Motion to let the Parks and Recreation Committee workup the details and come back to the City Council with a proposal.

8.5.1.1. Motion: Mayor Pro Tem Sherry

8.5.1.2. Second: Councilmember Satsky

NAME	Yea	Nay	Abstain
Mayor Pro-Tem Sherry	✓		
Councilmember Satsky	✓		
Councilmember Trinidad	✓		
Councilmember Thomas	✓		
Councilmember Wayson	✓		

8.5.2. Vote: Yea: 5 Nay: 0 Abstain: 0

8.5.3. Motion: **Passed**

Mayor Pro Tem Sherry left the meeting prior to the Executive Session.

9. Executive Session:

9.1. Convene into executive session at 7:25 p.m., pursuant to Section 551.074 of the Texas Government Code to deliberate the appointment, employment, evaluation, or reassignment of: City of Cottonwood Shores City Administrator/City Secretary

9.2. Re-convened into open session at 8:00 p.m., to take action on Item 9.1.

9.2.1. Motion to keep Sheila Moore as City Administrator/City Secretary

9.2.1.1. Motion: Councilmember Thomas

9.2.1.2. Second: Councilmember Satsky

NAME	Yea	Nay	Abstain
Mayor Pro-Tem Sherry			
Councilmember Satsky	✓		
Councilmember Trinidad	✓		
Councilmember Porter	✓		
Councilmember Wayson	✓		

9.2.2. Vote: Yea: 4 Nay: 0 Abstain: 0

9.2.3. Motion: **Passed**

10. Future agenda items

- 10.1. Deer Feeding Ordinance.
- 10.2. Water Plant Fence and Signage
- 10.3. Deer Education Program
- 10.4. Ordinance Task Force Workshop 10/16 at 6:00pm
- 10.5. Motorola Radios
- 10.7. Burnet County Hunger Alliance during the Holidays discussion

11. Adjournment: 8:03 p.m.

The preceding document is a true and accurate reflection of the minutes of the Regular Council Meeting of the City of Cottonwood Shores, held on October 5, 2017.



Attest:

Sheila C. Moore

Sheila C. Moore
City Administrator / City Secretary