



## City of Cottonwood Shores

3915 Cottonwood Drive  
Marble Falls, Texas 78654  
Tel: 512/693-3830

Regular Meeting  
October 14, 1993  
7:00 p.m.

The meeting was called to order by Mayor Kathy Griffith at the Community Center located at 4111 Cottonwood Drive, Cottonwood Shores, Texas. All members of the City Council were present and confirmed by roll call, except Councilor Jim Wilson.

The Financial Report for the Month of September, 1993 was given to Council members prior to the meeting for review. Councilor Maugham made the suggestion to put the Dean Word payment against last year's budget, under Public Services. Councilor Smyrl stated that the Council would have to amend the Public Service portion of the Financial Report and bring it before the Council at the next meeting. Councilor Smyrl made a motion to accept the Financial Report as amended. Councilor Gawlik seconded the motion. All - Ayes, 0 - Noes. Motion carried.

The Minutes of the September 9, September 10, September 14, September 20, and September 23, 1993 Meetings were provided to the Council prior to the meeting. The Mayor stated that she would like to bring one thing to the Council's attention. At the Budget Meeting on September 10, 1993 the Council gave Bill Martin a 3% raise. She said she felt that it is not necessary at this point because he has not been hired full-time for very long. Councilor Maugham said she agreed that a raise should only occur when an employee has had a year of full time service. Councilor Smyrl made a motion to amend Bill Martin's raise. Councilor Maugham seconded the motion. All - Ayes, 0 - Noes. Motion carried. Councilor Maugham made a motion to approve the Minutes as written. Councilor Smyrl seconded the motion. All - ayes, 0 - Noes. Motion carried.

Will Martin and George Bird, of Pedemales Electric Co-op, gave an update of PEC activities. The Co-op has added a net increase of over 500 members in the last month. At this rate they expect to have 100,00 members before 1995. The concern of top management is that they don't let the quality of service suffer, and don't let the maintenance go. They have also had a tree trimming contractor in the area. Councilor Smyrl said that he had mentioned to Will Martin before the meeting, if PEC would have a little donation of service to Cottonwood, by setting a pole for a light at the Boat Ramp. There is a lot of people that fish down there at night. He said he would like to bring it up at the next Council meeting for approval. He said Mr. Martin had hinted that it might be possible. Mr. Martin also stated that anyone can call the local PEC office at 693-5525 and let them know if your trees need to be trimmed and they will send someone out to trim them.

Mr. Lynn Willis, of Willis Engineering, stated that they were very successful in getting 5 very good bids for construction of the sewer project. The bid that was submitted by Bay Maintenance, was sufficiently low. They evaluated all bids and found one or two small math errors. He said he would like to recommend the bid be awarded to Bay Maintenance, subject to Farmer's Home approval. Councilor Smyrl asked if there were any loop-holes in this contract that we should be aware of? Mr. Willis said there are not any rock clauses. The contractors were instructed to bid the project as he sees it, without any extra pay for rock. It is a calendar day project. There is a clause in the contract that if there is extenuating circumstances, where if it rains and rains and rains, we could take that into consideration if the contractor requests it. The contract

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and specifications are very clear. Councilor Smyrl said that on some of the drawings of the original plans that were turned in, the lines coming from the houses out to the main are not going to be where they are drawn. Is that going to be a problem with moving those a few feet from where they were originally drawn? Mr. Willis said that when the plans were drawn they did not know where everyone's septic was located. They can adjust where the lines go. There is no extra charge for changes. Everything is bid on a unit price. The footage of pipe may vary, but there will be a strict accounting of it. Councilor Gawlik made a motion to award the bid to Bay Maintenance. Councilor Maugham seconded the motion. All - Ayes, 0 - Noes. Motion carried. The bid for construction of the sewer project was awarded to Bay Maintenance. Mr. Willis said he would start the paperwork for the contractor to get his performance bond, payment bond, and insurance certificates. This would probably take a couple of weeks. At the same time he would be getting Farmer's Home paperwork complete also. Councilor Smyrl asked if there was something in the contract that protects our water lines from any heavy equipment crossing them? Mr. Willis said the contractor is responsible for any damage to any public or private property. Sylvia Lewis asked if any sub-contractor has to go through the main contractor? Mr. Willis said any sub-contractor is working for the general contractor. Dan Schwertner asked what type of set up would the homeowner have to do to actually get hooked up to the sewer, and does the house have to meet certain specifications? Mr. Willis said that is in the plans and specifications for the contractor of how to hook it up. Each house may vary according to where the septic tank is. There will be some that have two septic tanks. Mr. Schwertner asked if you have to have a certain type of pipe coming off of your house? Mr. Willis said they will tap into your line coming out of your house, between your house and the septic tank, and the contractor takes it from there and it is a specified, certain type of pipe. Once the work has been accepted or completed by the contractor, the individual homeowner is responsible for the line from his house to the main, or to the property line. Mrs. Griggs asked if this was a guaranteed firm bid? Mr. Willis said yes it is a firm bid with the explanation that it is a unit price bid. He then said the amount of the bid from Bay Maintenance was \$1,030,349.00. Claudie Short said that she had heard it rumored two ways, she heard only LCRA is required to drain and fill septic tanks with sand and outside of their jurisdiction the tanks will not be drained and filled with sand. Mr. Willis said she was right about LCRA requiring that within 2200 feet of the lake. This project was bid for only those that are within 2200 feet of the lake. However, the bids came in so well that there is a lot of contingency money and all septic tanks in the city will be filled with sand. Sandra Compton asked if it was a mandatory hook-up? The Mayor said yes we do have an ordinance for mandatory hook-up. The Mayor then personally thanked Mr. Willis for all of his work and effort that he has put into the sewer project.

The City Secretary presented the Council with two estimates for the purchase of a computer. One from Dell Computers for \$1089.00 and one from Clarence Petty for \$1,695.00. Councilor Smyrl said he would like to have someone look at this bid that is knowledgeable in computers. The Mayor handed John Compton the two bids. He said his suggestion was rather than buy a whole new system, look into networking. He said he is qualified for personal computers, not for installing a network in an office. Jim Robertson made the suggestion to look into contracting with another city who has a main frame already, to do our billing, you just dial up the system, input the information and then go pick up your bills. Sylvia Lewis said she thought that main frames were being phased out. Councilor Smyrl made a motion to check into the networking system as opposed to purchasing a complete new system and present the comparison at the next meeting. Councilor Maugham seconded the motion. All - Ayes, 0 - Noes. Motion carried.

Mike Butler addressed the Council about starting a mission in Cottonwood Shores. The Bluebonnet Hills Baptist Church would like to start a mission and use the Community Center to hold its services and have some kind of non binding agreement with the City. Pastor Harlan Haynes said that after a survey had been done in the surrounding area, it had come to their attention that there was a need for a Hispanic Mission in this area. It is supported by several organizations. Their proposal is to bring the Center up to handicap code, do some maintenance on the building, etc. This is part of a pilot project for the whole state. Councilor Smyrl said he was receptive to the proposal from the church. Pastor Haynes said at the present time they were using the home of one of the members of the church for their services. There is 21 people in attendance right now. In one year there may be an increase to 30 or 40 people. They would work with the Council on meeting dates. Right now all they are asking is for the Council to consider the possibility of

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renting the Community Center to them at some point in the future, (maybe three months). The Council decided to take no action until the Church has made much firmer plans.

The Mayor stated that at the meeting on February 11, 1993 the Council had already approved giving the Volunteer Fire Department \$1,000.00 over the amount the city has already given to them. Councilor Smyrl said if the Council has already approved giving the money to them, he would like to make a motion to give the \$1,000.00 to them. It was already approved in last years budget. Councilor Maugham seconded the motion. All - Ayes, 0 - Noes. Motion carried.

The Mayor said we no longer have an Animal Control Officer and we need to advertise to fill the position. The position is an on-call basis. This year's budget has \$500.00 for Animal Control. When this has been spent, there will be no more money for Animal Control. Councilor Smyrl said we should set in motion, a system where people will have to pay when they want an animal picked up. This will help defray some of the cost the City has incurred. We can not afford another another full time person in the budget. He also said he didn't know how we can advertise for this position when we can't really afford a salary for this. Councilor Maugham made the suggestion to post a job notice, or maybe just by word of mouth and maybe get some results from that. Councilor Smyrl said we should put a sign up at Bob's Grocery instead of advertising in the paper. Councilor Gawlik said there should be a flat charge, for a person to pay, for having an animal put to sleep. It should be the responsibility of the person wanting the animal picked to pay for disposing of the animal. It should be put on the next agenda to set a fee. Sandra Compton said she thought the City should revise the ordinance (Animal Control) because she has researched the laws and found that under the Texas Penal Code and Local Government Code you cannot demand how many animals a person can own. You can only ask them not to run a kennel and not to own certain kinds of animals. If a animal runs loose, you can ask them to control their animals. The Mayor ask her if she would let us have a copy of the law. Mrs. Compton said that it should be in our book under Animal Control. The Mayor said that it would be researched for possible revisions. Councilor Smyrl made a motion to post a notice to fill the position of Animal Control Officer and wait until the next meeting before we hire anybody, so we can set up fees and help defray the expense. Councilor Gawlik seconded the motion. All - Ayes, 0 - Noes. Motion carried.

The Mayor said the Council has discussed in the past, receiving bids to perform our annual audit. Councilor Smyrl said it was his understanding that one of the groups that went to talk to Judge McLean, mentioned an audit. He told them he could recommend three or four different ones for a City of our size. The Mayor asked if the group received any names. There were no names received. Councilor Smyrl made a motion to advertise for bids for performance of our audit. Councilor Maugham seconded the motion. All - Ayes, 0 - Noes. Motion carried.

The Mayor announced that BFI had raised the fee for collection of garbage. There was some discussion about checking with the other company that provides garbage pick-up services. The Mayor said that she previously thought that was the best route to go, but now with BFI building a transfer station, it would cost us more to have someone else haul it to BFI's transfer station. Councilor Smyrl made a motion to increase the garbage rate, per the notification by BFI, plus the necessary raise in tax. Councilor Gawlik seconded the motion. All - Ayes, 0 - Noes. Motion carried.

The Mayor stated that we do not have a Code Enforcement Officer and would like to set a date for the Council to drive around and look for violations of ordinances. Mike Cherry said the Council should look into the separation of powers of the branches of government. After some discussion of dual office holding and having a Councilmember assigned over each department, the decision was made to not have the Council check into possible violations of ordinances. It will be put on the next agenda to have discussion and possible action to let the Council or a member of the Council act as Code Enforcement Officer.

The Mayor addressed the Council and residents in attendance. She said she had received a lot of floating letters, and a lot of phone calls. A certain percentage of people think that she is not doing her job. One of the reasons being, the letters she had received. Most of them are form letters that was stuck in front of

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someone and they signed them. If someone has something to say, she feels they should be able to write it with their own handwriting and in their own words, rather than a letter already written, handed to them and signed. These letters are wanting her to fire city employees for past due water bills. She had Sharon go through the bills of people that had signed the letters and found that some of them have gone two to three months at a time without paying their bills. She said that is a double standard. She also heard rumor that there is a petition being circulated to get her out of office. If that is a known fact, and you get the majority of the people in the City of Cottonwood, registered voters, to sign that petition, I will resign my position as Mayor. She is in this position to better Cottonwood. She is not stealing money from the City, the employees are not stealing money from the City. We are in there trying to do a job for the citizens. The petition would not be enough to get her out of office. If they can prove that I willingly and knowingly did anything wrong, I will resign. She felt she has done nothing wrong. Sandra Compton read the statute 22.008. The Mayor said she has read that law and has contacted an attorney on it. The attorney said as long as the Council voted to let them pay it out, there is nothing illegal about it. Mrs. Griggs said because as long as this went on and no report was made, it was hidden in the books, so if you look at it that way, the money was taken. It was taken from the citizens, from the water department and the water department has a hard enough struggle as it is. The employees were not up front with it and in that respect the money was taken. If the employee was having problems, they should have come to the Mayor. It was hidden too long. The letters that the Mayor received were from people who maybe didn't have time to write a letter. The Mayor said she would not accept that. One of the letters was signed by some people who only lived here two months. One is signed by someone who does not even live here, his family lives here. The Mayor then said she still stands behind her decision and the Council's decision on the way to handle past due utility bills. She also said that people, like the saying goes, clean your own front porch before you try and clean someone else's. Quit trying to be friends with someone to their face and when they turn their back, stab them in the back. We need to work things out together, not against each other.

Sandra Compton said the agenda should be more complete. Where the agenda says Open Discussion, that is very vague. According to TML, every agenda has to say what is being discussed. She also said she thought it was a violation of the law.

Sylvia Lewis said City Hall is not receptive to complaints. The Mayor said her telephone tells her different. Sylvia said a procedure should be set up to receive complaints. The Mayor then said that anything she has changed from what the law reads, she has received confirmation on it before she does any changing.

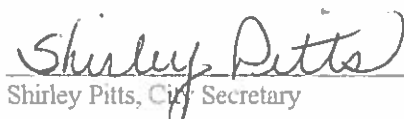
Mrs. Griggs said that the Mayor had requested people to write letters to her if they had a complaint. You asked for the letters, you got the letters, now you are reprimanding us for writing the letters. The Mayor said that she (Mrs. Griggs) didn't write the letters. She also felt that it was inappropriate to go in and fire these people after the Council had already agreed to let them pay it out. Also, Bill Martin has not been convicted of anything. If she went in and fired Bill, we would be using the taxpayers money to defend this City in court.

Bill Martin then addressed the people who were in attendance. He said he would like to thank everyone who had signed those letters asking for him to be fired because he was guilty of child abuse. He said he had a court order dismissing all charges and everyone of you are guilty of slander. He said he is going to take them to an attorney and he will file on them, everyone who signed the letters. He has signed proof.

Councilor Smyrl made a motion to adjourn. Councilor Gawlik seconded the motion.

The meeting adjourned at 8:40 p.m..

Respectfully,

  
Shirley Pitts, City Secretary



  
Kathy Griffith, Mayor

Attendance Record  
City Commission Meeting  
City of Cottonwood Shores

Date: October 14, 1993

Quita Mitchell

K.D. McBride

Debra Briggs

Cheryl Altis

Sandra & Paul Compton

Claudia Lu Shatt

Barry Brannon

Bill Mart

Mary Thompson

David Thompson

Dave Schuster

David Vasterling

Becky Rameslochon

Ed Maugham

KD & Barbara McBride

Larry Salafy

Alan Dill

Rzell Robertson

George Bird

Willard

Mary Jo

J. R. Ral

Mike Butler

Phyllis Clay



## City of Cottonwood Shores

3915 Cottonwood Drive  
Marble Falls, Texas 78654  
Tel: 512/693-3830

### REGULAR MEETING OF THE CITY COUNCIL

October 14, 1993  
7:00 P.M.

Community Center  
4111 Cottonwood Drive  
Cottonwood Shores, Texas

### AGENDA

#### CONSENT AGENDA:

- (a) Approval of the Financial Report for the Month of September, 1993.
- (b) Approval of Minutes:     September 9, 1993  
                                   September 10, 1993  
                                   September 14, 1994  
                                   September 20, 1993  
                                   September 23, 1993

#### GUEST SPEAKER:

Will Martin and George Bird, of PEC, to update residents on PEC activities.

#### ITEMS FOR INDIVIDUAL CONSIDERATION:

- (c) Discussion and possible action on awarding bid for construction of sewer to Bay Maintenance, subject to Farmers Home Administration approval.
- (d) Discussion and/or action on the purchase of computer and software for the Water Department.
- (e) Discussion and/or action regarding a request from Bentley Martin to use the Community Center once a week for the Bluebonnet Hills Baptist Church and bring the Center up to handicap code.
- (f) Discussion and/or action to give the Volunteer Fire Department \$1,000.00.
- (g) Discussion and possible action to approve advertising for Animal Control Officer.
- (h) Discussion and possible action to approve advertising for bids for Annual Audit.
- (i) Discussion and possible action to increase garbage rate per notification by BFI..
- (j) Discussion and possible action to set a date for Council members to have tour of City to check for possible violations of City ordinances.

October 14, 1993 Agenda Cont'd:

(k) Mayor to address Council and residents.

OPEN DISCUSSION.

I certify that the above notice was posted on the bulletin board located at 3915 Cottonwood Drive, Cottonwood Shores, Texas this 11th day of October, 1993.

Respectfully,

*Shirley Pitts*

Shirley Pitts  
City Secretary/Clerk