



City of Cottonwood Shores

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

REGULAR MEETING

August 18, 1994

7.03 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 a roll call.

James Smith of Mutual of Omaha was present and explained that as per Texas law, an employer is to pay 75% of the Health Insurance. He went on to explain the two policies the Council may consider. He also stated that Mutual of Omaha offers a 401K Retirement Plan and there is no charge to set up the plan. Employees put in to the 401K Plan, the employer does not. He explained the Accident Plan and the Disability Plan. Mr. James stated that the Mutual of Omaha Plan covers all children and the Mutual of Omaha Companies Plan only covers a maximum of two children.

The Mayor said she felt that this did not need further discussion at this time. This took the Council by surprise. If the Council decides in the future that the City would like Health Insurance, and can fit it in to the budget, we will contact them. She thanked him for his presentation.

Will Martin, George Bird, and Ronnie Floyd, of Pedernales Electric Cooperative, were present. Will Martin explained that PEC was focusing on a Maintenance Program, basically doing a pole by pole inspection. He also stated that PEC and the PUC have come to a firm decision that the new rate will not go into effect until the Public Utilities Commission signs off on it. This may be some time in October. There was no further discussion.

Mr. Lynn Willis, of Willis Engineering, explained that Hoover Construction was the low bidder and their bid was over the amount that we would receive on the Grant. We had six bidders who bid on the job.

He went on to explain that we have several options as to how to do the improvements to the Water Plant.

Option #1 - Break it down in to two plants, with 1/2 million gallons of treated water per day. This would allow about 580 connections. The benefit would be that you don't have to operate both. Cost - \$242,895. This is the option that is the most desirable. Fifty per-cent of the time you would only have to operate one plant.

Option #2 - Do the same thing, but with only one plant. 350 Gallons per minute. Cost - \$210,000.

Option #3 - The same type of plant, but with a 24 x 36 foot building with 12' ceilings, enclosing the plant. Cost - \$235,000.

There is no money in the budget to dismantle old structures (filters and clarifier). His recommendation was to go with Option #2 at a cost of \$210,000. It would be on a slab with no building. His reason was that there is already an existing system that is housed and has its own electrical controls and piping and you know where everything is. He stated that there might be some contingency come up that they cannot foresee and it might cost a little bit more money. The amount of contingency reserve, after the amount is

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spent for construction and engineering, is approximately \$20,000. If that money was still available, then maybe during the course of the job we might be able to construct a building. We also might be able to insulate it to keep it from freezing. Mr. Willis also said we knew that this job was going to require a lot more money than we had, so under the present plan, we simply disconnect the existing unit, filter & clarifier. There is one filter there that is not being used anyway. It costs money to dismantle and get everything out of there, so it was not included in this new plan. Mr. Willis then made the suggestion to the council to go ahead and award the contract to Hoover Construction at \$349,000 and then submit a change order.

Bryan Hicks, City Attorney, made the suggestion to award the contract, pending the execution of the change order, and bring it down to no more than 25% below what your bid price is.

Commissioner Maugham made a motion to award the contract to Hoover Construction, low bidder, pending the change order is not more than 25% below what the bid price is. Commissioner Gawlik seconded the motion. All - Ayes, 0 - Noes. Motion carried.

Bryan Hicks, City Attorney, advised that he had spoken with Shirley and Ken, regarding the overtime hours that William Martin had allegedly worked. Based on those conversations, his understanding that the hours that Mr. Martin is claiming that he worked, apparently were worked. He did work more than forty hours for a number of weeks. The reason for that was there was some work being done at the big tank on the hill, and the Water Plant was being operated on a twenty-four hour basis. He said he knows Mr. Martin was hired to work forty hours a week, but the law is that if an employee works more hours than forty hours a week, and you allow that to be done, then you are responsible for paying overtime for an employee who is covered by the Fair Labor and Standards Act, on both the minimum wage portion and the overtime portion.

Mr. Hicks stated if Mr. Martin made a claim against the City for the overtime pay, then the City could make a counter-claim against him for breach of contract. The only consideration about that is, it's going to be difficult to convince a jury that paying him out of this pocket and put it back in this pocket. I think the jury would be sympathetic to the employee in that situation. They assume the City has resources.

He stated his suggestion to the Council, would be that we contact Mr. Martin and offer him some kind of a settlement and go from there.

Commissioner Maugham asked if the hours in question were the hours that the Water Plant was in twenty-four operation? She said she was under the impression that no one had to be at the plant twenty-four hours. She said she had gone up to the plant on two separate instances and there was no one there. Bryan Hicks said that is one thing Mr. Martin would have the burden of proof that he actually did work those hours. The amount of overtime hours he is claiming was discussed. About 153 hours. The claim is for about \$1,400. Mr. Hicks said if Council wants to pursue the facts, then he felt the staff members of City Hall could answer those questions better than he could.

The Mayor asked Mr. Hicks what his recommendation was? Mr. Hicks stated that his suggestion was to offer a settlement.

Commissioner Gawlik stated that he felt this is one the City could not win. He would highly recommend that the City offer him a settlement, maybe not the full amount, but a portion. The Mayor asked if he was making that a motion. He stated he was making that a motion. Commissioner Maugham seconded the Motion. All - Ayes, 0 - Noes. Motion carried.

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After some discussion of having Jim Turpin as Code Enforcement Officer, Commissioner Maugham made a motion to have Jim as Code Enforcement Officer. Commissioner Gawlik seconded the motion. All - Ayes, 0 - Noes. Motion carried.

Herman Williams addressed the Council and offered to be City Marshal without pay. He explained how much experience he has in law enforcement. He also stated that he did not know what days he would be able to be patrolling the City. It would be better if people did not know.

After some discussion of establishing the office of City Marshal, Commissioner Maugham made a motion to establish the office of City Marshal. Commissioner Gawlik seconded the motion. All - Ayes, 0 - Noes. Motion carried.

There was some discussion about having Herman Williams as City Marshal. Commissioner Gawlik said he would like to wait on appointing Herman Williams because there were a lot of pros and cons. There was more discussion. Commissioner Maugham made a motion to appoint Herman Williams as City Marshal. Commissioner Gawlik seconded the motion. All - Ayes, 0 - Noes. Motion carried.

The Mayor read the caption of Ordinance No. 081894 (amending certain sections of Water Ordinance). There was discussion of the amendments. Commissioner Maugham made a motion to approve Ordinance No. 081894 (Water Ordinance). Commissioner Gawlik seconded the motion. All - Ayes, 0 - Noes. Motion carried.

The Financial Report for the month of July was discussed. Commissioner Gawlik made a motion to approve the Financial Report for the month of July, 1994. Commissioner Maugham seconded the motion. All - Ayes, 0 - Noes. Motion carried.

Approval of the Minutes of the previous meetings were discussed. Commissioner Maugham made a motion to approve all Minutes as submitted. Commissioner Gawlik seconded the motion. All - Ayes, 0 - Noes. Motion carried.

Tony Satsky asked when the citizens were going to get something for their tax dollar. He also complained about the sewer construction.

Chet Altis stated that he was quite certain there will be a lawsuit against the supplier of the pipe because of the pipe collapsing. He asked if the City wanted to be a part of it. The Mayor stated that she was not aware of any lawsuit pending. When she becomes aware of any lawsuit, then the Council can decide at that time if they want to be a part of the lawsuit. Mr. Altis then asked the Mayor if he puts Bay Maintenance on notice did she want her name and the City's name included in the letter. The Mayor stated that she felt we should not do that.

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Commissioner Maughan made a motion to adjourn.

The Meeting adjourned at 8:40 p.m.

Respectfully,



Shirley Pitts
Shirley Pitts, City Secretary

Kathy Griffith
Mayor

Regular Meeting

Attendance Record

City Commission Meeting

City of Cottonwood Shores

Date: August 18, 1994

7:00 pm

~~John Sataly~~
~~Bob & Anita~~
Jim Smith
George Bird
Lloyd Miller
Frankie - Lloyd
Ally Hugg
James W. Lumb
Bill Hillis
Leon Lepshauer
A.B. - Kuf.
Jim Ferguson
Donna Ferguson
Susan Williams
K.D.M. - Birds
Sylvia Lewis



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REGULAR MEETING
OF THE CITY COUNCIL
August 18, 1994

7:00 P.M.

SUPPLEMENT AGENDA

1. Discussion and/or action on having Jim Turpin as Code Enforcement Officer.

I certify that the above notice was posted on the bulletin board located at 3915 Cottonwood Drive, Cottonwood Shores, Texas this 17th day of August, 1994.

Respectfully,

Shirley Pitts

Shirley Pitts
City Secretary/Clerk