

Minutes of Special Meeting held September 28, 2015

Special meeting with the following present: Mayor Mark Bowen; Aldermen Jerry Stone, Ruble Farmer, Ward Sanders, Sam Cortez; City Secretary Josie Campa; City Attorney Tom Cate.

Visitors: Jeanice Farmer, Linda Cate, Derek Evans.

Mayor Bowen opened the special meeting at 12:03 p.m. and read the item on the agenda, and asked City Attorney Tom Cate to tell Council about it.

CONSIDER AND ACT UPON SETTLEMENT OFFER FROM CHARLIE COX A.K.A. EMPIRE UNDERGROUN DEVELOPMENT, INC. CONCERNING DAMAGES TO THE CITY OF LYTLLE'S WATER LINES

Mr. Cate told Council he had sent a letter and bill to Charlie Cox of Empire Underground Development, Inc. for the damages to the city's 12-inch water main and other smaller lines. He said the bill totalled over \$31,000.00. Mr. Cate said Mr. Cox had offered \$10,000.00 and he had turned it down. Mr. Cox then offered \$15,000.00 for damages, and after another letter he agreed to \$20,000.00 in two payments of \$10,000.00 over a 45-day period. Mr. Cate told Council he had discussed this with the City Secretary and they had agreed to take this to Council.

The City Secretary told Council the original bill had a cost of two (2) acre feet of water if bought by city that totalled \$11,000.00. She said if this amount of water was billed to a commercial customer, the cost would be \$4,200.00. The City Secretary told Council that the City had to pay Cruz Contracting \$5,300.00 for line repairs and Barrera Construction \$9,500.00 for repairing the street, and the other costs were time billed for all of the city workers that were being paid for that day anyway. Both the City Attorney and City Secretary recommended to Council that they accept this offer from Mr. Cox to avoid a long drawn out lawsuit and attorney's fees.

Alderman Stone made the motion that Council accept the offer of \$20,000.00 from Mr. Cox to be made in two payments and if Mr. Cox does not pay the city as he offered, then proceed with a lawsuit. Seconded by Alderman Cortez. Passed unanimously.

Meeting adjourned at 12:14 p.m.