

The City Council of the City of Columbus, Texas met in regular session on Thursday, December 09, 2010 at 6:30 p.m., in the Council Chambers of City Hall located at 605 Spring St., Columbus, Texas, with the following present:

Mayor	-	Dwain Dungen
Mayor Pro Tem	-	Curtiss Schonenberg
Councilman	-	Charles Richardson
Councilman	-	John Axel
Councilman	-	Bruce Tesch
Councilman	-	Chuck Rankin
City Manager	-	Donald Warschak
City Secretary	-	Cathy Ezell

**1. Call to Order.**

Mayor Dungen called the meeting to order at 6:30 pm.

**2. Pledge of Allegiance and Invocation.**

Mayor Dungen led the Pledge of Allegiance and Invocation.

**3. Consent Agenda:**

- a. Approval of invoices.
- b. Approval of minutes of November 23, 2010 Regular Meeting.
- c. October 2010 Financials

City Secretary, Cathy Ezell stated that the only thing that she wanted to bring to Council's attention was that the gas revenue was low but an increase in the revenue should be seen during the winter months.

Councilman Schonenberg made a motion to approve the Consent Agenda. Councilman Tesch seconded the motion

The vote was as follows:

Ayes: Councilman Richardson, Axel, Schonenberg, Tesch, and Rankin

The motion passed.

**4. Consideration and action to approve invoices from Curtiss Automotive.**

Councilman Richardson made a motion to approve the invoices from Curtiss Automotive. Councilman Rankin seconded the motion.

The vote was as follows:

Ayes: Councilman Richardson, Axel, Tesch, and Rankin  
Abstain: Councilman Schonenberg

The motion passed.

**5. Citizen's presentation and comments.<sup>1</sup>**

There were no Citizen's presentations or comments.

**6. City Manager report.**

City Manager, Donald Warschak, presented his City Manager's Report which is attached to these minutes.

**7. Second reading of Resolution 84-10, a resolution approving expenditures of 4B revenues over \$10,000 of city created economic development corporations, with less than 20,000 residents for funding the contract with Kerry R. Gilbert & Associates.**

Mayor Dungen conducted the second reading of Resolution 84-10.

**8. Consideration and action to approve Resolution 84-10, a resolution approving expenditures of 4B revenues over \$10,000 of city created economic development corporations, with less than 20,000 residents for funding the contract with Kerry R. Gilbert & Associates.**

Councilman Rankin asked that CCIDC communicate with the Planning and Zoning Board and make sure that the Planning and Zoning Board is involved in the process. Lori An Gobert stated that they planned to have a joint meeting with Planning and Zoning.

Councilman Rankin made a motion to approve Resolution 84-10, a resolution approving expenditures of 4B revenues over \$10,000 of city created economic development corporations, with less than 20,000 residents for funding the contract with Kerry R. Gilbert & Associates. Councilman Schonenberg seconded the motion.

The vote was as follows:

Ayes: Councilman Richardson, Axel, Schonenberg, Tesch, and Rankin

The motion passed.

**9. Consideration and action to approve the Hotel Occupancy Tax Grants for 2010-2011.**

Mayor Dungen stated that at the last Council meeting the grant applicants gave presentations for their requests. He stated that Council decided to bring the item back after they had time to further review the applications. He stated that more funds had been requested than had been budgeted. He stated that a couple of the grant applications are for infrastructure improvements, some are for year around activities and some are for one time events. He then stated that there was not a problem with any of the requests. He stated that he did however question a little the Colorado County Fair's request for the total advertising. He stated that he would like to hold back some of the grant funds to see what can be done to move Columbus forward rather than just maintaining current events.

Councilman Richardson asked how much would be held back. Mayor Dungen stated that he would like to hold back at least \$10,000 to \$15,000.

Councilman Schonenberg stated that he felt the requests from the Live Oak Art Center, Shropshire-Upton, Columbus Historical Preservation Trust, and the Columbus Chamber of Commerce & Tourism should receive all of their funding requests. He stated that the visitor center should receive what funds it takes to make sure it is effective.

Councilman Rankin stated that the organizations should ask others in the community what could make it better. He stated that he agreed with Mayor Dungen that there needs to be a target to reach out for activities.

Mayor Dungen stated that Columbus needs to find its identity. He also stated that he agreed with Councilman Schonenberg as to which grants to fully fund and that he would recommend funding \$7,500 to \$10,000 to the Colorado County Fair.

Councilman Schonenberg stated that the Booster Club only had one event - the volleyball tournament. He stated that because of the scope of the event he was not sure of funding the \$3,000.

Mayor Dungen stated that the changes to the gym would be cosmetic. He stated that the Booster Club should apply to CCIDC for funding. Lori An Gobert stated that the CCIDC had just approved its Business Grant process. Mayor Dungen stated that he would recommend tabling the Booster Club grant application to see if CCIDC could possibly give them a grant and if not the Booster Club could come back to City Council for the request.

Councilman Rankin stated that the Booster Club needs to be asked to show more specifically what they would be funding with the grant funds.

Councilman Tesch stated that the Booster Club could get half of its funding from the HOT grants to pay for advertising and the other half from CCIDC for the gym improvements.

Mayor Dungen stated that if CCIDC does not fund the grant request the Booster Club could come back to Council for grant funds.

Councilman Rankin stated that the Booster Club needed to be more specific on what the building related issues are. He stated that he would recommend funding \$10,000 for the Colorado County Fair's requesting and holding the \$3,000 request from the Booster Club.

Councilman Rankin made a motion to fund the Hotel Occupancy Tax grants for the Colorado County Fair in the amount of \$10,000, the Columbus Chamber of Commerce & Tourism in the amount of \$35,000, the Live Oak Art Center in the amount of \$9,754, for the Columbus Lions Club in the amount of \$3,000, the Shropshire-Upton Chapter #361 in the amount of \$5,000 and the Columbus Historical Preservation Trust in the amount of \$29,378. Councilman Schonenberg seconded the motion.

The vote was as follows:

Ayes: Councilman Richardson, Axel, Schonenberg, Tesch, and Rankin

The motion passed.

**10. Review, discuss and take action as necessary on Ordinance 113-10, an ordinance of the City of Columbus, Texas superseding and replacing the former Ordinance Article 4.06 Oil & Gas Wells of Chapter 4 Business Regulations.**

City Manager, Donald Warschak stated that this ordinance is the ordinance that the City of Beaumont uses. He stated that he did call the City of Weatherford to check the reference that was provided by the seismic company. He stated that the Assistant City Manager of Weatherford stated that they did not have any problems or any damage to their infrastructure or private residents during the seismic testing. He then stated that the ordinance focuses on oil field drilling and seismic whole shots and the thumper method.

Councilman Rankin asked if the City would allow explosive charges and is there better technology.

Councilman Richardson stated that this ordinance would not allow for the use of explosives. City Attorney, Pat Gillespie, stated that Section 15.49 states that explosives cannot be set off within 500 feet of underground or above ground structure. She stated that there may be a place possible within in the City limits. Donald Warschak stated that there are areas at the Industrial Park that explosives could be used.

Councilman Rankin asked if the 250 foot requirement for the thumper process would allow anything to be done in the City. Mayor Dungen asked if this was the distance used in Beaumont. Donald Warschak stated yes this was the distance used by Beaumont.

Councilman Rankin asked if there was any distance that could be used. Lori An Gobert asked if it could possibly go down to 100 feet. Donald Warschak agreed that the requirement could go down to 100 feet. Councilman Rankin stated that the sensors have to be 200 feet apart to do the testing.

Councilman Axel stated that the receiver had to be 250 feet apart not the sensors.

Councilman Tesch stated that if the seismic testing is done in town that not every property owner would allow it. Mayor Dungen stated that Council does not want to stop the testing or prevent property owners from doing what they want and that they just want to protect the infrastructure. Councilman Tesch stated that his main concern was hurting the infrastructure.

Donald Warschak stated that the seismic company told City Council that the thumper method would be used in the City but in the letters that are being received by citizens it states that the whole shot method would be used. He stated that the letters and contracts need to be revised. Mayor Dungen stated that if this ordinance is adopted it does not matter what is in the contract because they could not use the whole shot method in the City.

Councilman Rankin stated that in Section 15.5 the publishing requirements needed to be changed to a week prior and also it would need to be changed in any other place that mentioned publishing requirements. Mayor Dungen stated that the publication parts needed to be changed to accommodate a weekly published paper. Councilman Schonenberg stated that he would like to see the notices published seven (7) days before they start and once a week until the project is finished. Councilman Rankin recommended publishing the notice the week prior to work beginning, the week the work begins, and one more week so that the notices are published three (3) consecutive weeks.

Councilman Schonenberg stated that Section 15.2 (b) addresses drilling within 1,000 feet of a school, but no where does it address seismic testing near a school. He asked if all the bond and insurance amounts were sufficient. He stated that in Section 15.43 it states that the company does not have to get permission of the Building Official when there is a spill.

Councilman Rankin agreed with Councilman Schonenberg about notifying the Building Official. Mayor Dungen stated that it was most likely due to if something happened on the weekend and the Building Official could not be reached and that he would most likely be notified at a later time.

Pat Gillespie stated that they would have to comply with all state and federal regulations. Donald Warschak stated that maybe the ordinance should state that the Building Official would be notified within twenty-four (24) hours of the spill.

Councilman Rankin asked if the bond reduction in Section 15.7 to \$10,000 would cover the cost of a spill. Pat Gillespie stated that the ordinance states that the company is to take responsibility for all liability. She also stated that the statement says the City may and not shall reduce the bond and that the City is not required to reduce the bond.

Councilman Schonenberg stated that in the last paragraph it states that the Building Official shall not revoke the permit within ten (10) days. Pat Gillespie stated that the company has to stop all work once they receive notification not waiting until the permit is revoked.

Pat Gillespie stated that she would make the changes requested by Council. Donald Warschak stated that we would look in to the 250 feet restriction for the thumper method.

No action taken.

**11. Consideration and action to approve a Budget Amendment in the amount of \$15,000 for the Austin Street Railroad Crossing.**

City Manager Donald Warschak stated that the grade is too steep and the only thing to do is flatten the top more. He stated that on the north side a shorter section is going to be flattened and a larger section is going to be flattened on the south side. He stated that most of the work was going to be done in house and the only part that would be outsourced would be the seal coating. He stated that he was checking with TXDOT to obtain material at a lower cost.

Mayor Dungen stated that by constructing the grade this way Crockett Street would not be affected.

Donald Warschak stated that the cost is mostly for material, a slight amount for the rental of equipment and seal coat.

Councilman Tesch made a motion to approve a Budget Amendment in the amount of \$15,000 for the Austin Street Railroad Crossing. Councilman Axel seconded the motion.

The vote was as follows:

Ayes: Councilman Richardson, Axel, Schonenberg, Tesch, and Rankin

The motion passed.

**12. Consideration and action to approve a Dell Poweredge Server as surplus property.**

City Manager Donald Warschak stated that the City was in the process of getting a new server and by declaring the old server as surplus property we would be able to sell it to another government agency. He stated that the consultant that is used by the City may have another client that could use the server.

Councilman Schonenberg made a motion to approve a Dell Poweredge Server as surplus property. Councilman Rankin seconded the motion.

The vote was as follows:

Ayes: Councilman Richardson, Axel, Schonenberg, Tesch, and Rankin

The motion passed.

**13. Items from Councilmembers.<sup>2</sup>**

Councilman Richardson – no comment.

Councilman Axel – no comment.

Councilman Schonenberg – welcomed Pat Gillespie as City Attorney.

Councilman Tesch – will not be at the December 20, 2010 meeting.

Councilman Rankin – stated that he sent an email hoping to see a positive way to combat the drug use. He is looking forward to hearing about the City working with the school.

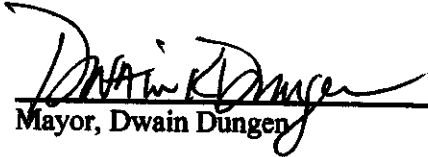
Mayor Dungen – stated that Donald Warschak had spoken with the school to start the process of working together on drug prevention. He announced that the next Council meeting would be December 20, 2010 at 12:00 noon and the employee Christmas get together would be December 10, 2010. He then thanked everyone for all of their hard work.

**14. Announcements.**

There were no announcements.

**15. Adjournment.**

The mayor adjourned the meeting at 8:05 pm.

  
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Mayor, Dwain Dungen

ATTEST:

  
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Cathy Ezell, City Secretary

<sup>1</sup>During this agenda item, citizens may comment for the record on items, which are not on the agenda. However, the Council may not participate in discussion or deliberation on any item that is not on the agenda. Citizens may request that a topic be added to a future agenda.

Citizens who wish to comment on a posted agenda item may do so when that item is addressed by the Mayor. Citizen's comments are limited to five minutes.

<sup>2</sup>Limited to statements. Issues raised by councilmembers under this item cannot be deliberated by Council. The Open Meetings Act does not allow Council to deliberate items that don't appear on the agenda.

