

The City Council of the City of Columbus, Texas met in regular session on Thursday, February 24, 2011 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

Other City Staff present included:

Police Chief	-	Danny Jackson
Fire Chief	-	Walter Glaeser

**1. Call to Order.**

Mayor Dwain 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 February 10, 2011 Regular Meeting.
- c. Approval of January 2011 Financials.

Councilman Schonenberg made a motion to approve the consent agenda as presented. Councilman Rankin 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 B & D Graphics.**

Councilman Rankin made a motion to approve the invoices from B & D Graphics. Councilman Schonenberg seconded the motion.

The vote was as follows:

Ayes: Councilman Richardson, Axel, Schonenberg, and Rankin

Abstain: Councilman Tesch

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. **Consideration and action on Ordinance No. 115-11, an ordinance providing for a fee to defray costs of collecting delinquent fines, fees, court costs, and other debt pursuant to Article 103.0031 of the Texas Code of Criminal Procedure.**

City Secretary, Cathy Ezell explained that the City had approximately \$139,000 in delinquent court fines. She stated that this included State and City fines. She introduced Mike Darlow with Perdue, Brandon, Fielder, Collins, and Mott, LLP.

Mike Darlow stated that for the past year his firm has represented the City and County as the delinquent tax attorneys. He stated that his firm has ten years of experience collecting delinquent municipal court debt. He stated that this ordinance would allow a thirty percent fee to be added to the defendants' charges and that there would be no cost to the City. He stated that after sixty days the delinquent account would be turned over to his firm for collection. He stated that this is another tool to get additional court revenue.

Councilman Rankin asked is there anything that this does not cover. Mr. Darlow stated that it will cover all Class C Misdemeanors.

Councilman Axel made a motion to adopt Ordinance 115-11, an ordinance providing for a fee to defray costs of collecting delinquent fines, fees, court costs, and other debt pursuant to Article 103.0031 of the Texas Code of Criminal Procedure. Councilman Rankin seconded the motion.

The vote was as follows:

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

The motion passed.

8. **Consideration and action on the Mayor entering the City of Columbus into a contract with Perdue, Brandon, Fielder, Collins, and Mott, LLP for the collection of delinquent Municipal Court fines.**

Mike Darlow with Perdue, Brandon, Fielder, Collins, and Mott, LLP stated that the contract is a thirty day contract which means that if either party is not satisfied with the other the contract can be terminated with a thirty day notice. He stated that on any fine before 2003 the thirty percent fee could not be added to their fine. Therefore, the firm would receive fifteen percent of the fines collected for cases before 2003. He stated that his firm would not be collecting any of the money and that all payments would be made at the court. He also stated that if our Municipal Court software needed to be upgraded that his firm would pay for the upgrade.

Mayor Dungen asked if the thirty percent was a pass through. Mr. Darlow stated that was correct.

Councilman Schonenberg made a motion to approve the Mayor entering the City of Columbus into a contract with Perdue, Brandon, Fielder, Collins, and Mott, LLP for the collection of delinquent Municipal Court Fines. Councilman Axel seconded the motion.

The vote was as follows:

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

The motion passed.

9. **Consideration and action on the recommendation from the Planning and Zoning Board to review Article 14.02 Zoning, Division 3 District Regulations to address home offices.**

Mayor Dungen stated that the Planning and Zoning Board was asking to do a review of that Section to Adjust the Ordinance.

Mary Wagner stated that it has been interesting and she has been learning a lot through this process. She stated that all are aware that there is a large body of work to be done. She stated that if she has to start over with the process or resubmit her request for a zoning change she would like to know. Mayor Dungen stated that if the City was premature in accepting the request that the City would make the concessions to complete the process.

Councilman Rankin stated that the request from Planning and Zoning was too narrow. He stated that the fact that a person not owning the property can request a zoning change on that property also needed to be addressed. He stated that another classification might have to be created to address the professional office. Mayor Dungen stated that he agreed that just looking at the home office is too narrow.

Councilman Rankin stated that he thinks the ordinance is pretty clear.

Ms. Wagner stated that the reason she feels that this is broad body of work is because she has started doing research on her own. She said the issue that kept being addressed with her situation was what would happen in the future. She stated that there could be a special use permit given by the Board of Adjustment. She stated that there is a lot to look at.

Mayor Dungen stated that another classification for professional offices may have to be created.

Councilman Rankin stated that the recommendation from Planning and Zoning is narrow and it should be changed to review the ordinance as a whole. He stated that the CCIDC is conducting a study to look at things in the City and could come back with some recommendations on changes that need to be made in regards to zoning. Therefore he would recommend waiting until the study was done to make any changes.

Mayor Dungen stated that he understands that but he did not want to have the Wagners waiting through this process. Ms. Wagner stated that they will wait until everything is resolved.

Councilman Rankin stated that study includes work done by CCIDC. Councilman Schonenberg stated that it would have a broader base.

Mayor Dungen asked why we don't wait for the study. Councilman Schonenberg and Councilman Rankin stated that it was not known when the study would be complete. City Manager Donald Warschak stated that based on the billing that the company was about thirty-three percent complete. Councilman Axel asked if staff could call and see when they will be finished. Donald Warschak stated that he would call.

Councilman Rankin made a motion to table this item. Councilman Schonenberg seconded the motion.

The vote was as follows:

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

The item was tabled.

**10. Consideration and action on the property located at 1231 Preston Street, Block 111 LT PT S-5, 5 that has been determined to be in violation of Article 3.07 Unsafe or Substandard Building, Structures, and Premises.**

City Manager, Donald Warschak stated that at the last Council meeting the property owners were asked to provide a sale contract on the property. He stated that they had provided the contract.

Councilman Tesch asked if the fact that the structure needed to be demolished was in the contract. Councilman Richardson stated that it is a straight contract. Donald Warschak stated that the notice had been filed at the County Court House.

Councilman Rankin stated that the current owner had asked for an extension until the end of March.

Councilman Rankin made a motion to find the property located at 1231 Preston Street, Block 111 LT PT S-5, 5 to be in violation of Article 3.07 Unsafe or Substandard Building Structures, and Premises and for the owner to remove the structure in violation by March 31, 2011. Councilman Richardson seconded the motion.

The vote was as follows:

Ayes: Councilman Richardson, Schonenberg, Tesch and Rankin

Nays: Councilman Axel

The motion passed.

**11. Review, discussion, and take action as necessary on the winter averaging of sewer bills.**

City Secretary, Cathy Ezell stated that she had reviewed all of the averages. She stated that she looked at every account whose average increased over 4,000 gallons. She stated that she then marked all of the accounts where a leak had been reported. She then compared the consumption in January and February. She stated that if the consumption in January was more than February or if the consumption in the two months was within 2,000 gallons they were crossed off the list. She stated that this left seventy-one accounts in question and twenty of those accounts had reported leaks leaving fifty accounts in question.

Councilman Rankin stated that the logic of the process was sound but there still could be issues with citizens running the water.

Mayor Dungen stated that yes this could happen in January and February and those are the base for the rates but in July the person could have a running toilet and this would not be charged.

Councilman Tesch asked if the bills could be backed up before the time of the freeze. Cathy Ezell stated that to do that we would have had to read the meters before the freeze.

Councilman Rankin stated that he had no problem with the concept used but he was concerned about those citizens who aggressively ran their water. Councilman Tesch stated that if you adjusted the average you would have to do it across the board.

Councilman Rankin stated that the fifty customers who were still in question should be sent a letter asking if there was a reason for the high consumption. Cathy Ezell stated that she would make sure this was done.

Mayor Dungen stated that this was an administrative issue.

No action was taken.

**12. Discussion and action on the January 2011 Police Report.**

Police Chief, Danny Jackson, gave the Police Report for January 2011.

No action was taken.

**13. Consideration and action on adopting Resolution # 87-11, a resolution adopting a City of Columbus Policy and Procedures for Repairs and Maintenance of Vehicle and Equipment.**

City Manager, Donald Warschak stated that this policy had been presented to Council at the meeting before last. He stated that years ago there was a policy in place and this policy tweaked what was already in place. He stated that employees will be required to fill out a work order form. He stated that policy puts into place provisions on major repairs that require an estimate to be given to the department heads to look at the budget.

Mayor Dungen stated that for the most part that the items in the policy were already being done but this put into place the documentation.

Councilman Schonenberg stated that he was concerned about Section I. He stated that the reporting would require at least a day or two for the mechanic to complete. City Secretary, Cathy Ezell stated that he could submit written records and that she would compile the data. Councilman Schonenberg asked if a form could be created to simplify this process. Cathy Ezell stated that the Work Order Form asked for the information.

Councilman Rankin made a motion to adopt Resolution # 87-11, a resolution adopting a City of Columbus Policy and Procedures for Repairs and Maintenance of Vehicle and Equipment. Councilman Tesch seconded the motion.

The vote was as follows:

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

The motion passed.

**14. Consideration and action on adopting Resolution # 87-12, a resolution adopting a City of Columbus Purchasing Policies and Procedures.**

City Secretary, Cathy Ezell went over why the policy is needed. She stated that on page six on number one and two it should say "the City requires" instead of "the City will require."

Councilman Richardson made a motion to adopt Resolution # 87-12, a resolution adopting a City of Columbus Purchasing Policies and Procedures with the revisions. Councilman Schonenberg seconded the motion.

The vote was as follows:

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

The motion passed.

**15. Review and discussion on changes to Chapter 13 Utilities of the Code of Ordinances.**

City Secretary, Cathy Ezell went over the changes to the procedures for termination of service. She stated that with the current ordinance that the City is required to mail out a form letter with all delinquent accounts and that this costs the City approximately \$500 a year extra in postage. She stated that by making the changes presented, which are basically the same were just written differently that the information could be printed on the bills. She then went over the changes to the application for services. She stated that now a lease agreement would have to be provided and that all parties on the lease would be on the application for service. She stated that no service would be provided if the applicants owed the City any utility debt. She also stated that if water is used between tenants that the owner would be responsible for paying for any consumption. She went over the changed in the rates. Councilman Schonenberg asked if the City ever installed the two inch meters. City Manager, Donald Warschak stated yes.

Cathy Ezell went over the changes to the fees associated with the disconnection of services for non-payment. She stated that there will be additional fees if the meter is locked or if the meter is pulled. She also stated that additional deposits would be required until the deposit amount equaled \$300 on the account.

Cathy Ezell stated that a section was being added to allow the City to be able to place a lien on the property if the owner of the property does not pay the bill.

She stated that the all of the changes that were made to the water section of the ordinance were also made to the gas section.

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

Councilman Richardson – no comment.

Councilman Axel – no comment.

Councilman Schonenberg – no comment.

Councilman Tesch – stated that he would like the work performance evaluation of the City Manager in executive session to be added to the next agenda.

Councilman Rankin – no comment.

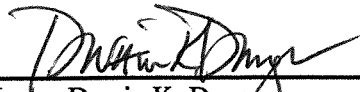
Mayor Dungen – no comment.

**17. Announcements.**


City Secretary, Cathy Ezell announced that the next Council meeting would be March 10, 2011. City Manager, Donald Warschak announced that the FFA parade would be Saturday.

**18. Adjournment.**

The mayor adjourned the meeting at 7:50 p.m.

  
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Mayor, Dwain K. 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.