

The City Council of the City of Columbus, Texas met in regular session on Thursday, February 25, 2010 at 6:30 p.m., in the Council Chambers of City Hall located at 605 Spring Street, Columbus, Texas, with the following present:

Mayor	-	Dwain Dungen
Mayor Pro Tem	-	Curtiss Schonenberg
Councilman	-	Charles Richardson
Councilman	-	John Axel
Councilman	-	Bruce Tesch
Councilman	-	John Wagner
City Manager	-	Donald Warschak
City Secretary	-	Patti Glaeser

Also City Staff present:

Police Chief	-	Danny Jackson
Utilities Superintendent	-	Wayne Karstadt

1. Call to Order.

Mayor Dungen called the meeting to order at 6:45 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 11, 2010 Regular Meeting.**
- c. **Approval of December Financial Statements.**

Councilman Richardson moved to approve the minutes. Councilman Axel seconded the motion. The vote was as follows:

Ayes: Councilman Richardson, Axel, Schonenberg, Tesch, Wagner

The motion passed.

Councilman Axel moved to approve the consent agenda. Councilman Schonenberg seconded the motion. The vote was as follows:

Ayes: Councilman Richardson, Axel, Schonenberg, Tesch, Wagner

The motion passed.

4. Citizen's Presentations and Comments.ⁱ

Chuck Rankin commented on Agenda Item # 15 asking council not to expend more money on legal fees because of his request for legal bills pertaining to the Glidden Fresh Water District Rate Case.

Elizabeth Flint asked council not to approve a no-whistle zone for railroad crossings.

5. **City Manager Report including City Gas System, Charter Street Water Improvements, Railroad Quiet Zones, EECBG Grant Application, Economic Indicators, Survey of Great Southern Wood Property for Appraisal District, Swimming Pool Cool Deck, Standard and Poor's Rating.**

City Manager, Donald Warschak, presented his City Manager's Report, which is attached to these minutes. He added that Gayle Muensch of Texana Pipeline could not attend the meeting, but should be in attendance on March 11. He also said that solar lights for railroad crossing warning lights would be about \$7,700 per pair, but he is still looking for additional options. These would be installed at the Austin Street Railroad Crossing.

6. **Consideration and Action to Award Bid for the 2010 Water Improvements including Charter Street and Milentz Street.**

David Sheblak, with John D. Mercer & Associates, reported on the bids received for the 2010 Water Improvements. Crostex Construction from Crosby was the low bidder with \$392,942.15, with a 90 day completion date. Mercer Construction was next with a bid of \$414,046.50 and a 150 day completion date. Councilman Schonenberg expressed his concern that the City was familiar with Mercer Construction, but not Crostex Construction. Mr. Sheblak said he had worked with Crostex Construction before and said they did a good job. He also checked their references. He said construction could start within 3 – 4 weeks. Councilman Schonenberg moved to award the bid for the 2010 Water Improvements Project including Charter and Milentz Streets for \$392,942.15 to Crostex Construction. Councilman Tesch seconded the motion. The vote was as follows:

Ayes: Councilman Richardson, Axel, Schonenberg, Tesch, Wagner

The motion passed.

7. **Consider and Take Action on Ordinance #103-10 of the City Council of the City of Columbus, Texas, Authorizing the Issuance and Sale of City of Columbus, Texas, General Obligation Refunding Bonds, Series 2010, in the Aggregate Principal Amount of Approximately \$3,955,000; Levying a Tax in Payment Thereof; Authorizing the Execution and Delivery of a Bond Purchase Contract and a Paying Agent/Registrar Agreement; Approving the Official Statement; and Enacting Other Provisions Relating Thereto.**

Jennifer Douglas, with Specialized Public Finance, discussed the refinancing of the 2008 Certificates of Obligation. The City received an A rating from Standard & Poor's which has increased from a prior Moody's rating of BAA1. The CCIDC received an A- rating which increased from a BBB previous rating from Fitch Rating. Ms Douglas reported that the City received a rate of 3.47% for the bonds which will have the same maturity date as the 2008 Certificates of Obligation of August 2027. The 2010 General Obligation Refunding Bonds cannot be refinanced until August 2019.

Councilman Schonenberg moved to approve Ordinance #103-10 of the City Council of the City of Columbus, Texas, Authorizing the Issuance and Sale of City of Columbus, Texas, General Obligation Refunding Bonds, Series 2010, in the Aggregate Principal Amount of Approximately \$3,955,000; Levying a Tax in Payment Thereof; Authorizing the Execution and Delivery of a Bond Purchase Contract and a Paying Agent/Registrar Agreement; Approving the Official Statement; and Enacting Other Provisions Relating Thereto. Councilman Richardson seconded the motion. The vote was as follows:

Ayes: Councilman Richardson, Axel, Schonenberg, Tesch, Wagner

The motion passed.

8. **Consider and Take Action on Ordinance #104-10 by the City Council of the City of Columbus, Texas, Relating to the "Columbus Community and Industrial Development Corporation Sales Tax Revenue Refunding Bonds, Series 2010"; Approving (1) the Resolution of the Board of Directors of the Columbus Community Industrial Development Corporation Authorizing the Issuance of Such Bonds and (2) the Execution, on behalf of the City of an Amended and Restated Financing/Use Agreement Relating to Such Financing by the Columbus Community and Industrial Development Corporation; Resolving Other Matters Incident and Related to the Issuance of such Bonds; and Providing an Effective Date.**

Councilman Axel moved to table Agenda Item #8, Ordinance #104-10, until March 11, 2010. Councilman Schonenberg seconded the motion. The vote was as follows:

Ayes: Councilman Richardson, Axel, Schonenberg, Tesch, Wagner

The motion passed.

9. **Consideration and Action to Approve Resolution 73-10, Authorizing Designated Signators for its Texas Community Development Block Grant Program Contract.**

Councilman Schonenberg moved to approve Resolution 73-10, authorizing designated signators for its Texas Community Development Block Grant Program Contract to add the City Manager in place of the Mayor Pro Tem. Councilman Axel seconded the motion. The vote was as follows:

Ayes: Councilman Richardson, Axel, Schonenberg, Tesch, Wagner

The motion passed.

10. **Consideration and Action Regarding Garbage Contract.**

Jay Howard with Texas Disposal Systems was present to discuss the garbage service contract renewal. Councilman Tesch asked that other contractors be contacted for proposals for cost and recycling services. Mayor Dungen agreed. Councilman Tesch moved to table Agenda Item #10 until other proposals could be heard at the next meeting. Councilman Schonenberg seconded the motion. The vote was as follows:

Ayes: Councilman Richardson, Axel, Schonenberg, Tesch, Wagner

The motion passed.

11. **Consideration and Action Regarding Electrical Contract.**

Councilman Schonenberg moved to authorize management to negotiate a new electrical rate contract. Councilman Axel seconded the motion. The vote was as follows:

Ayes: Councilman Richardson, Axel, Schonenberg, Tesch, Wagner

The motion passed.

12. **Consideration and Action to Approve Probation Contract.**

Councilman Schonenberg moved to approve a contract with the 2nd 25th Judicial District Juvenile Probation Department for the City to provide community service opportunities for juveniles. Councilman Tesch seconded the motion. The vote was as follows:

Ayes: Councilman Richardson, Axel, Schonenberg, Tesch, Wagner

The motion passed.

13. Consideration and Action to Approve Contract with Columbus Chamber of Commerce.

Councilman Richardson moved to approve a contract with Columbus Chamber of Commerce for Publicity and Tourism. The City awarded the Chamber of Commerce \$33,826.41 in Hotel Occupancy Tax funds. Councilman Axel seconded the motion. The vote was as follows:

Ayes: Councilman Richardson, Axel, Schonenberg, Tesch, Wagner

The motion passed.

A copy of the Chamber's budget for these funds is included with the contract.

14. Consideration and Action to Approve Budget Fund Transfer.

Councilman Schonenberg moved to approve a budget fund transfer in the amount of \$220,000 as contained in the 2010 Budget. Councilman Richardson seconded the motion. The vote was as follows:

Ayes: Councilman Richardson, Axel, Schonenberg, Tesch, Wagner

The motion passed.

17. Discussion of January Police Report.

Chief Jackson presented his January Police Report which is attached to these minutes.

15. Executive Session: In Accordance with Texas Government code, Subchapter D, Section 551.071 – Consultation with Attorney Regarding Waiver of Confidentially and Attorney Client Privilege with Regard to Legal Bills Pertaining to Glidden Rate Matter.

Mayor Dungen closed the regular session and entered into Executive Session at 7:40 pm.

16. Reconvene into Regular Session and Consider Action, if Any, Regarding Executive Session - Waiver of Confidentially and Attorney Client Privilege with Regard to Legal Bills Pertaining to Glidden Rate Matter.

Mayor Dungen reconvened into regular session at 8:10pm with the same council members present. Councilman Wagner moved to provide the information requested by Chuck Rankin when either the council receives an opinion from the Texas Attorney General's Office authorizing the release of the information or the completion of all litigation and documentation and release by TCEQ or SOAH. Councilman Richardson seconded the motion. The vote was as follows:

Ayes: Councilman Richardson, Axel, Schonenberg, Tesch, Wagner

The motion passed.

17. Items from Councilmembers.²

Councilman Richardson – no comment.

Councilman Axel wished everyone a good week.

Councilman Schonenberg also wished everyone a good week.

Councilman Tesch reminded everyone of the Columbus Volunteer Fire Department's Oyster Fry on Sunday, February 28th.

Councilman Wagner – no comment.

Mayor Dungen – no comment.

18. Announcements.

There were no additional announcements.

19. Adjournment.

The mayor adjourned the meeting at 8:12 pm.

Dwain K. Dungen, Mayor

ATTEST:

Patti Glaeser, City Secretary

¹During 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.

² 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.
