

The City Council of the City of Columbus, Texas met in regular session on Thursday, April 14, 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 (Arrived at 6:34 p.m.)
Councilman	-	John Axel
Councilman	-	Bruce Tesch (Absent)
Councilman	-	Chuck Rankin
City Manager	-	Donald Warschak
City Secretary	-	Cathy Ezell

Other City Staff present included:

Police Chief	-	Danny Jackson
Fire Chief	-	Walter Glaeser
City Attorney	-	Pat Gillespie

**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 March 24, 2011 Regular Meeting.
- c. Approval of February 2011 financial reports.

Councilman Richardson arrived at 6:34 p.m. After clarification of some invoices, Councilman Schonenberg made a motion to approve the consent agenda as presented. Councilman Axel seconded the motion.

The vote was as follows:

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

The motion passed.

**4. Consideration and action on the approval of Curtiss Automotive Invoices.**

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

The vote was as follows:

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

The motion passed.

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

There were no citizen presentations or comments

**6. City Manager Report.**

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

**7. Hear presentation on the results of the Columbus Trash-Off.**

Marian Schonenberg stated that she wanted to thank the City for its support of the Trash-Off. She also stated that she wanted to thank the Council members and the City Manager, Donald Warschak for working as teams. Donald Warschak stated that the City had taken nineteen loads to be disposed over and above the roll-off dumpsters that were used on the day of the event. Ms. Schonenberg stated that they had 238 volunteers work the event. She stated that the mission of Keep Texas Beautiful is to educate and engage Texans to take responsibility for improving their community environment.

Mayor Dungen stated that he would like to thank the Garden Club for everything that they had done and all of their hard work.

Councilman Schonenberg stated that if Council and management had any recommendations that could make the event better to please let the Garden Club know.

Mayor Dungen thanked City staff for all of the work that they did. Councilman Rankin also thanked City staff.

**8. Consideration and action on the variance request of Chapter 15 Regulation of Oil & Gas Exploration of the City Code of Ordinances by Total Exploration.**

Bobby Hollerook with Total Exploration stated the City was 2.5 miles of the project that they are working on. He stated that they would like to receive a temporary use permit to map out the push points and present them to City Council for approval. He stated that they do not have any issues with the City ordinance.

City Manager, Donald Warschak stated that in Section 15-46 that the cost would be \$50 plus \$100 per whole shot, but that they were using vibrations and not whole shots. Therefore they were questioning if the fee would be \$100 for each vibration point. Mr. Hollerook stated that they were okay with paying that fee.

Mayor Dungen asked would there be a problem with issuing a temporary use permit. Donald Warschak stated that all the City would need the proof of insurance.

City Attorney, Pat Gillespie stated that the point of impulse is the same if they use the whole shot or the vibration point method.

Councilman Rankin asked if the fee would be \$50 and \$100 for every vibration point on City property. Donald Warschak stated yes.

Mayor Dungen stated that there was no variance request at this time and that no action was required on the agenda item at this time.

**18. Executive Session: In accordance with Texas Government Code, Subchapter D, Section 551.071 and 551.074, consultation with City Attorney and deliberation about personnel matters.**

Mayor Dungen adjourned the regular session and entered into executive session at 6:52 p.m.

**19. Reconvene into Regular Session and consideration and action, if any, regarding Executive Session, personnel matters.**

Mayor Dungen reconvened the regular session at 7:13 p.m.

Councilman Rankin made a motion to authorize the City Attorney to respond to opposing council on the personnel matter that the City refuses to negotiate a settlement. Councilman Richardson seconded the motion.

The vote was as follows:

Ayes: Councilman Richardson, Axel, Schonenberg, and Rankin

Absent: Councilman Tesch

The motion passed.

9. **Consideration and action on the creation of a sub-committee to address safety issues in City Parks.**

Councilman Schonenberg stated that at a CCIDC meeting there was discussion on building a sidewalk on Montezuma Street and that in the process of discussing the sidewalk it was determined that there were other safety issues that needed to be addressed. He stated that the creation of a sub-committee was discussed to address the safety issues at the Park on Montezuma Street by the Board. He also stated that the Board had designated Matt Sprague as the Board's representative. City Manager, Donald Warschak stated that he felt that the sub-committee should look at all of the City Parks.

Councilman Richardson made a motion to name Mayor Dungen, Councilman Axel, City Manager, Donald Warschak, Police Chief, Danny Jackson, and Matt Sprague to the sub-committee to address safety issues in City Parks. Councilman Axel seconded the motion.

The vote was as follows:

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

The motion passed.

10. **Consideration and action on declaring the 2000 Ford Crown Victoria VIN Number 2FAFP72WXYX146053 Police car as surplus property.**

Councilman Axel made a motion to declare the 2000 Ford Crown Victoria VIN Number 2FAFP72WXYX146053 Police car as surplus property. Councilman Schonenberg seconded the motion.

The vote was as follows:

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

The motion passed.

11. **Consideration and action on the adoption of Resolution # 88-11, a resolution adopting a City of Columbus Fraud Prevention and Detection Policy.**

City Secretary, Cathy Ezell stated that this policy had been reviewed at the last Council meeting and was being brought forward for adoption.

Councilman Schonenberg made a motion to adopt Resolution #88-11, a resolution adopting a City of Columbus Fraud Prevention and Detection Policy. Councilman Rankin seconded the motion.

The vote was as follows:

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

The motion passed.

12. **Consideration and action on the adoption of Resolution # 89-11, a resolution adopting a City of Columbus Cash Receipts Policy.**

Mayor Dungen asked if the policy was already being followed and that this policy was just to formalize what was being done. City Secretary, Cathy Ezell stated that yes the policy was already being followed.

Councilman Rankin made a motion to adopt Resolution # 89-11, a resolution adopting a City of Columbus Cash Receipts Policy. Councilman Axel seconded the motion.

The vote was as follows:

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

The motion passed.

**13. Discussion and action on the February Police Report.**

Mayor Dungen stated that Police Chief, Danny Jackson asked to have this item moved to the next Council meeting.

This item will be brought back at the next Council meeting.

**14. Review, discussion and take action on school zones.**

Ester Chandler stated that she was here on behalf of Dr. O'Conner. She stated that the required signage for not using cell phones in a school zone is not up in all areas. She stated that the signs needed to be put in place because the drivers need to be focused on child safety.

Mayor Dungen asked if the no cell phone usage in a school zone was a state law and the only issue was that the City did not have the signs up. City Manager, Donald Warschak stated that the state law could not be enforced if the signs were not up.

Ms. Chandler presented a letter to Council with the streets that Columbus ISD would like to have designated as school zones. Councilman Rankin asked if the City had already defined the school zones. Mayor Dungen stated there probably was one a longtime ago but the cleanest thing would be to re-designate the school zones.

Councilman Rankin asked if there was a specific distance from a school that had to be designated as a school zone. Police Chief, Danny Jackson stated no there was not. Chris Christenson stated that he had researched the law and it stated that it was up to the municipality to conduct a hearing to determine the school zones.

Councilman Rankin state that he would like Donald Warschak to draw out the new school zones. Mayor Dungen stated that the signs need to be ordered. Donald Warschak stated that staff would conduct an inventory of the signs and go from there.

Mr. Christenson stated that he would like to see Gregory and Gegenworth Streets be included in the school zone. He also stated that he would like council to look at the speed limits in the school zones and see if there was a way to make the signs more graphic.

Mayor Dungen stated that he would like staff to come back and present the new school zones at a public hearing at the next council meeting.

**15. Review, discussion, and take action on garbage rates.**

City Secretary, Cathy Ezell stated that the current garbage rates do not cover the operating costs. She stated to cover the costs that the administration fee would have to go to fifteen percent instead of the current ten percent. Councilman Rankin asked if the transfer to the General Fund was included in the calculations. Cathy Ezell stated that it was. He asked how that amount was determined. Cathy Ezell stated that she did not know. She stated that she would be looking at the transfers as part of the budget.

Councilman Rankin asked if that number could change. Cathy Ezell stated that it could. She stated that at this time she would recommend raising the administration fee to 12.5 percent. Councilman Rankin stated that the administration fee could be left at ten percent and then raised at later time after further analysis could be done.

Cathy Ezell stated she had to bring an ordinance to Council at the next meeting because the garbage company adjusted their rates as of April 1, 2011.

Councilman Rankin made a motion to leave the administration fee at ten percent. Councilman Schonenberg seconded the motion.

The vote was as follows:

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

The motion passed.

**16. Review and discuss the City of Columbus Credit Card Policy.**

City Secretary, Cathy Ezell went over the Credit Card Policy.

**17. Review and discuss the City of Columbus Financial Management Goals and Objectives.**

City Secretary, Cathy Ezell went over the Financial Management Goals and Objectives. Councilman Rankin asked what a balanced budget is. Cathy Ezell stated that your revenue and expenditures do not have to equal for the budget to be balanced. That you can use reserves as long as you maintain the twenty percent fund balance. Councilman Rankin stated that you can spend down the reserves and still have a balanced budget. Cathy Ezell stated yes.

Councilman Rankin stated that section 2.31 is establishing a minimum fund balance of twenty percent or 72 days. Mayor Dungen stated that this is more than standard. Councilman Rankin stated that it allows for a more effective use of money and you have a reserve.

Cathy Ezell continued to go through the goals and objectives. Mayor Dungen stated that in the past the budgeting of capital expenditures was done using the 2003 and 2007 study. Cathy Ezell stated that the five year capital plan would be adopted every year through the budget process. Mayor Dungen stated that it would be a rolling five year plan.

Councilman Rankin stated in section 2.22 it stated that performance measures, goals, and objectives would be integrated into the budget. He stated that he thought it was a good idea. Cathy Ezell stated that this would happen by next year. Mayor Dungen stated that time would be needed to collect the data.

Councilman Rankin asked what percent of the assessed value is the current debt. Cathy Ezell stated that she would have to get that information.

Councilman Schonenberg asked why the City would need to lease purchase an item. Cathy Ezell stated that it just gives the City another financing tool and that you would compare rates to those of issuing a bond.

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

Councilman Richardson – no comment.

Councilman Axel – no comment.

Councilman Schonenberg – stated that Donald needed to look at the paving costs since the price of oil was continuing to rise. He stated that maybe staff needed to look at doing the project now instead of later.

Councilman Tesch – absent.

Councilman Rankin – stated that staff needed to look to make sure the cost of the paving could be covered and possibly look at doing more since sales tax is still increasing.

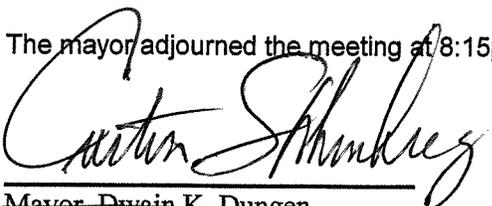
Mayor Dungen – stated that he truly appreciated the participation of the property owners. He stated that they have been very accommodating and are working with the City.

**21. Announcements.**

City Secretary, Cathy Ezell stated that the next City Council meeting would be April 28, 2011.

**22. Adjournment.**

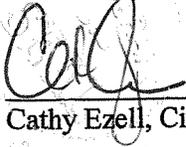
The mayor adjourned the meeting at 8:15p.m.



Mayor, Dwain K. Dungen

Mayor Pro Tem, Curtiss Schonenberg

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.