

The City Council of the City of Columbus, Texas met in regular session on Thursday, July 12, 2012 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	-	Steve Woodall
Councilman	-	John Axel
Councilman	-	Bruce Tesch
Councilman	-	Chuck Rankin
City Manager	-	Donald Warschak
City Secretary	-	Linda Lakich

Other City Staff present included:

Acting Police Chief	-	Tomas Ramirez
Fire Chief	-	Walter Glaeser
City Attorney	-	Pat Gillespie
Code Enforcement Off.	-	Ford Stein
Utilities Supervisor	-	Jody Ripper

1. Call to Order.

Mayor Dwain Dungen called the meeting to order at 6:30 p.m.

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 June 28, 2012 Regular Meeting.

Councilman Schonenberg made a motion to approve the Consent Agenda as presented. Councilman Rankin seconded the motion.

The vote was as follows:

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

The motion passed.

4. Citizens' Presentations and Comments.¹

Those who signed up for Citizens' comments wished to participate during agenda items.

5. City Manager's Report including Sales Tax, Cardinal Hill Water Plant Well, Downtown Sidewalk Grant, CDBG Grant Application.

City Manager, Donald Warschak, presented his City Manager's Report, a copy of which is attached to these minutes. In addition he announced that TxDOT would be making repairs to the North River Bridge soon. It will be closed during repairs and traffic will be detoured.

6. Public Hearing on the Property Located at 925 Live Oak, Block 1 LT PT 7, 8 that has been determined to be in violation of Article 3.07 Unsafe or Substandard Building, Structures and Premises.

The Mayor opened the public hearing at 6:40 p.m.

Code Enforcement Officer Ford Stein presented pictures of the building at 925 Live Oak showing its state of disrepair and unsafe conditions. He reported that the building was unsafe and in violation of the City's Code. He also told Council that he has had no luck in communicating with the owner. Mayor Dungen asked if anyone was in attendance who would like to speak for the owner. No one wished to speak. There were no further comments.

The Mayor closed the public hearing at 6:50 p.m.

7. **Consideration and Action on the Property Located at 925 Live Oak, Block 1 LT PT 7, 8 that has been determined to be in violation of Article 3.07 Unsafe or Substandard Building, Structures and Premises.**

Ford Stein asked that Council declare the property a public nuisance and declare that it is in violation of City Code. Councilman Rankin asked if the owner should be given more time and what the next step should be. City Attorney, Pat Gillespie, said that the owner had been given enough time and that the City could declare the building unsafe and unsanitary and order that it be demolished. She said that since they have not been able to talk with the owner, that she would recommend taking action in District Court so that the owner is personally served. Councilman Rankin said that he thought it would be best to do so.

Councilman Rankin made a motion to declare the property located at 925 Live Oak in violation of Article 3.07 Unsafe or Substandard Building, Structures and Premises and to authorize the initiation of action in District Court to have the owner bring the property up to the City Code. Councilman Tesch seconded the motion.

The vote was as follows:

Ayes: Councilman Woodall, Axel, Schonenberg, Tesch, and Rankin.

The motion passed.

8. **Consideration and Action to Approve the Partial Closure of Business Highway 90/Fannin Street from Conner Crossing to the East River Bridge on August 4, 2012 for the Texas Super Ryde Trailride.**

Sherman Wilson, the owner of Lucky Seven Promotions, told Council that this trailride moved from Weimar where it had been located for sixteen years to the Colorado County Fairgrounds last year. He said that this year they would like to ride through Columbus with 300-600 riders on their way to Alleyton. They had spoken with the Interim Police Chief and asked for Police traffic control. They would like to have a lane blocked on Highway 90 from 3:30 to 4:30 p.m. and again from 7:30 to 8:00 p.m. Donald Warschak explained that they will need traffic control as they cross the highways and that TXDOT will be notified. Councilman Tesch asked who would pick up after the horses and was told that the trailriders have a crew that does that. Mr. Sherman said that they are expecting 6,000 attendees at the Fair Grounds and that the hotels in the area are fully booked.

Councilman Woodall made a motion to approve the closure as discussed. Councilman Axel seconded the motions.

The vote was as follows:

Ayes: Councilman Woodall, Axel, Schonenberg, Tesch, and Rankin.

The motion passed.

9. **Second Reading of Resolution 105-12 a Resolution Approving Expenditures of 4B Revenues over \$10,000 of City Created Economic Development Corporations, with Less than 20,000 Residents for the Real Estate Transaction between Columbus Community & Industrial Development Corp. and Ekabel Projekts.**

Mayor Dungen read Resolution 105-12.

10. Consideration and Action to Approve Resolution 105-12 a Resolution Approving Expenditures of 4B Revenues over \$10,000 of City Created Economic Development Corporations, with Less than 20,000 Residents for the Real Estate Transaction between Columbus Community & Industrial Development Corp. and Ekabel Projekts.

Councilman Rankin said that he had read the CCIDC/Ekabel contract and wanted to know why there was a unilateral right to terminate after 45 days. He was told that it was there to give Ekabel time to make sure that the ground is stable. He also asked if CCIDC has the right to agree to the abatement of ad valorem taxes for both the City and the Groundwater District as stated in the contract. The City Attorney agreed that maybe the language in the contract should be worked on.

Councilman Axel made a motion to approve Resolution 105-12 approving expenditures of 4B revenues over \$10,000 of city created Economic Development Corporations, with less than 20,000 residents for the real estate transaction between Columbus Community & Industrial Development Corp. and Ekabel Projekts. Councilman Rankin seconded the motion.

The vote was as follows:

Ayes: Councilman Woodall, Axel, Schonenberg, Tesch, and Rankin.

The motion passed.

11. Public Hearing Regarding Historic District.

Mayor Dungen opened the public hearing at 7:16 p.m.

City Attorney, Pat Gillespie, said that she had reviewed the Committee's revised proposed ordinance and had some problems with it. She said that the boundaries of the historic district could not be created in the ordinance itself. The ordinance creates the procedures to create the district. She also said that she would like to see a survey conducted of residents to see if they want to have such an ordinance in Columbus. She also said that the proposed ordinance says that the Board will issue citations, but that citations must be issued by peace officers.

Chris Stein spoke against the proposed ordinance saying that it would be costly to the City and that instead of protecting property values that it would decrease them because people could not afford to live in the Historic District. He also expressed his opinion that every member of the Board should own or have an interest in property in the District.

Roger Wade said that property rights and property values of those in the Historic District would be protected by the proposed ordinance.

Elizabeth Flint said that she thought that the Historic District should be very small and that any owner, who felt that following the Historic District ordinance would be a hardship, should be able to opt out and fall under the substandard building ordinance. She also said that all of the structures in the Historic District should be rated as significant or insignificant so that owners would know what they have.

Councilman Axel told everyone that if they try to appease everyone that they will not have anything. He said that he has a different perspective and that he sees each group wanting to control others.

Bennie Holesovsky said that Mr. Stein expressed the feeling of the property owners that he had talked with and that they are against the ordinance.

Laura Ann Rau said that they were losing sight of the future of downtown and that history is what brings people to Columbus.

Nancy Stiles said that she would like to see people offering assistance instead of policing.

Mayor Dungen closed the public hearing at 8:45 p.m.

12. Consideration and Action Regarding Historic District.

No action was taken.

13. Consideration and Action to Approve Authorization to Advertise for Bids for 2012 Street Seal Coating.

Donald Warschak showed Council a map of the proposed area to be seal coated consisting of Milam and Travis Streets north of Fannin and the cross streets in that area. He explained that the City is on a 10-year plan to seal coat the entire city and that next year he plans to continue to the west of the area proposed this year.

Councilman Tesch made a motion to approve the authorization to advertise for bids for 2012 street seal coating. Councilman Schonenberg seconded the motion.

The vote was as follows:

Ayes: Councilman Woodall, Axel, Schonenberg, Tesch, and Rankin.

The motion passed.

14. Consideration and Action, if Necessary, on the June 2012 Code Enforcement/Inspection Report.

Code Enforcement Officer, Ford Stein, presented his June 2012 Report, a copy of which is attached to these minutes. Councilman Rankin asked him to look into the Certificate of Occupancy issue saying that the ordinance needs to be enforced.

No action was necessary.

15. Consideration and Action to Approve City Council Meeting Change for Regularly Scheduled Council Meeting-July 26, 2012.

Because of a conflict with the Boys and Girls Club fund raising function, Councilman Tesch made a motion to move the regularly scheduled Council meeting to Tuesday, July 24, 2012 at 6:30 p.m. Councilman Rankin seconded the motion.

The vote was as follows:

Ayes: Councilman Woodall, Axel, Schonenberg, Tesch, and Rankin.

The motion passed.

16. Items from Councilmembers.²

Councilman Woodall – no comment.

Councilman Axel – no comment.

Councilman Schonenberg – gave a brief update on CCIDC activity.

Councilman Tesch – thanked those in attendance for their ideas.

Councilman Rankin – expressed his support for former City Manager, David Meisell, whose father and brother recently died. He reminded everyone that David's father was himself a former Columbus City Manager.

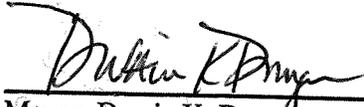
Mayor Dungen – thanked everyone for their comments. He also assured everyone that, while there is news of financial troubles in other cities, the City of Columbus and its employee pension plan are in sound financial condition.

17. Announcements.²

There were no announcements.

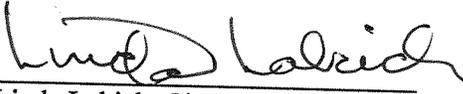
18. Adjournment.

The Mayor adjourned the meeting at 9:00 p.m.



Mayor, Dwain K. Dungen

ATTEST:



Linda Lakich, 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.

²Limited 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.

