

The City Council of the City of Columbus, Texas met in regular session on Thursday, February 28, 2013 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 (Absent)
Councilman	-	Chuck Rankin
City Manager	-	Donald Warschak
City Secretary	-	Linda Lakich

Other City Staff present included:

Police Chief	-	Bill Lattimore
Fire Chief.	-	Walter Glaeser
Public Works Super.	-	Michael Poncik
City Attorney	-	Pat Gillespie
Animal Control Officer	-	Rudy Schmidt

**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, following a moment of silence in remembrance of Kathy Burris, the Invocation.

**3. Consent Agenda.**

- a. Approval of Invoices.
- b. Approval of Minutes of February 7, 2013 Regular Meeting.
- c. Approval of January 2013 Financial Statements.

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, and Rankin

The motion passed.

**4. Citizens' Presentations and Comments.<sup>1</sup>**

Barbara Machinsky told Council that she has two dogs and that she is afraid to walk them because of dogs running loose.

**5. City Manager's Report including Sewer Averaging, 2012 Water System Improvements, Downtown Sidewalk Grant, Annual Financial Audit, and HOME Grant Program.**

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

**6. Consideration and Action to Adopt Ordinance 149-13, an Ordinance Authorizing the Issuance of City of Columbus, Texas, General Obligation Refunding Bonds in an Aggregate Principal Amount not to Exceed \$3,500,000; Providing for the Award of the Sale Thereof in Accordance with Specified Parameters; Authorizing the Execution and Delivery of a Purchase Contract Relating to Said Bonds; Authorizing the Execution and Delivery of a Paying Agent/Registrar Agreement and**

**an Escrow Agreement; Authorizing the Approval of an Official Statement; and Enacting Other Provisions Relating Thereto.**

Jennifer Douglas with Specialized Public Finance, Inc. explained that the City has an opportunity to lower the interest rates on its 2005 Certificates of Obligation. The current certificates of obligation have twelve more years of payments at an interest rate ranging from 3.6% to 4.85%. She said that they could be refinanced at a rate of around 2% with a savings for the City over the next twelve years of approximately \$344,000. She explained that there is some volatility in the market currently so the amount of the savings may change in the next few months. She said that the ordinance before Council will give the authorized persons the ability to act to place the bonds for sale when certain parameters are met. The persons authorized in the ordinance are the City Manager or in his absence the Finance Director/City Secretary. She explained that with the ordinance as presented that they would not have to wait on a Council meeting to price the bonds. She also told Council that the cost of issuance would be a little under \$100,000 but that the saving of \$344,000 are after the costs of issuance are paid. Ms. Douglas explained that this would be an advance refunding so that the funds would be placed in escrow until the current certificates of obligation are callable in August of 2014. She said that because interest earnings are currently less than the rates being paid on the certificates of obligation that there would be an opportunity cost of about \$48,000. She also told Council that they are targeting April to price if Council approved the ordinance at this meeting, and that the ordinance would give them six months to act. Glen Opal with Bracewell & Giuliani, LLP explained that the proposed ordinance contained, in section 7.01, the parameters that would have to be met in order for the authorized person to issue the refunding bonds. He said that he and Ms. Douglas would like to make one change in the ordinance to change the wording from "a net present value savings of not less than" a dollar amount to "a gross debt service savings of not less than" a dollar amount. He said that Council would need to decide what they wanted that minimum savings to be. After a discussion regarding possible interest rates, refunding, and minimum savings requirements, Jennifer Douglas said that she would recommend a minimum savings of \$300,000 in the ordinance. She said that she would like to aim for about \$375,000.

Councilman Rankin made a motion to approve Ordinance 149-13 with an amendment to Section 7.01(a)(ii)A Sale of Bonds reflecting a requirement of a gross debt service savings of not less than \$300,000. Councilman Schonenberg seconded the motion.

The vote was as follows:

Ayes: Councilman Woodall, Axel, Schonenberg, and Rankin

The motion passed.

Mayor Dungen moved to Item 13 on the Agenda.

**13. Consideration and Action to Award a Contract for Repainting of the Cardinal Hill Water Tower.**

David Sheblak, with Mercer Engineering, showed Council bid results for the repainting project. The lowest bid was from Tank Pro, Inc. out of Alabama at \$255,979. Mr. Sheblak said that, while he had not worked with Tank Pro before, that he had checked their references and engineering firms that had done business with them. Based on the positive feedback he received and the low bid, he said that he would recommend to Council that they award the contract to Tank Pro.

After a discussion of the number of days that the top bidders would take to complete the project, Councilman Rankin made a motion to award the contract for the repainting of the Cardinal Hill Water Tower to Tank Pro, Inc. Councilman Woodall seconded the motion.

The vote was as follows:

Ayes: Councilman Woodall, Axel, Schonenberg, and Rankin

The motion passed.

Mayor Dungen moved to Item 9 on the Agenda.

City Attorney, Pat Gillespie, asked the Mayor to adjourn into executive session to discuss the agenda item as authorized by Texas Government Code Sections 551.071 – Consultation with Attorney. The Mayor adjourned into executive session at 7:00 p.m.

At 7:10 p.m. the Mayor reopened the regular meeting with all those who were in attendance before still in attendance.

**9. Consideration and Action to Approve Hotel Occupancy Tax (HOT) Fund Grants for 2012-2013 – Cardinal Booster Club.**

Mayor Dungen explained that they had an application from the Cardinal Booster Club requesting Hotel Tax funds for some improvements to the baseball park for a tournament to be held this summer. He said that Council was concerned with the requests because capital improvements did not seem to be included in the allowed uses of HOT funds. Council members expressed concerns about funding items which were capital in nature. Coach Eddie Gonzalez told Council about the upcoming tournaments and the hotel rooms that would be occupied. Councilman Rankin said that while he had no doubt that the items asked for would provide benefit, if they are permanent improvements that they would not qualify for HOT funds. He asked that they find items for the tournament that would qualify. Mayor Dungen suggested that the City Manager talk with the school administration.

Councilman Schonenberg made a motion to table the item until the next Council meeting. Councilman Woodall seconded the motion.

The vote was as follows:

Ayes: Councilman Woodall, Axel, Schonenberg, and Rankin

The motion passed.

Mayor Dungen moved to Item 7 on the Agenda.

**7. Consideration and Action Regarding Dangerous Dogs and Animal Care.**

Councilman Schonenberg explained that at the last meeting that there were several complaints about dogs running loose but that it was not on the agenda so Council could not discuss it. Brenda Howard spoke to Council saying that she had looked at the City's ordinance and that she had several suggestions to improve it. She said that enforcement of the law is the biggest problem. She also stated when the police have been called about dogs that they have not been equipped to handle them. She said that after business hours is also a problem and that two workers are needed. She also said that she would like to see the animal control officer inspect enclosures after a dog is found running loose and that the animal should be kept by the City until the enclosure is fixed so that the dog cannot get out.

Woodrow Moore said that he would like for the City to look at other municipalities and their dangerous dog and reckless owner ordinances. He would like Columbus to adopt some of those measures.

Pat Gillespie explained that the City is sometimes limited on what they can do. She said that the City has a good ordinance that may need some minor changes. She said that in her opinion that the problem is enforcement. She explained that currently the City has a part-time animal control officer. The changes that are being talked about would probably require two full-time employees, improvements to the City's current impound area, and additional equipment. She said that the question becomes how much do the citizens want to spend. She also explained that Police officers are not trained to detain animals, and questioned if that was the best use of a police officer's time. Ms. Gillespie explained that as far as the punishment in the current ordinance goes, that it is the most that a Type A, General Law city can do in Municipal Court.

Woodrow Moore suggested that the City do more to educate citizens about the current leash law and promote the registration of dogs.

Mayor Dungen explained that Council understands the citizens' concerns and that the City Attorney is currently looking at the dangerous dog ordinance and additionally working on an ordinance to protect

animals. Councilman Woodall said that there are certain things that the City cannot do, and that the City's Animal Control Officer does a good job.

No action was taken.

**8. Consideration and Action to Adopt Resolution 120-13, a Resolution Authorizing the Submission of an Application to the Texas Department of Agriculture for a 2013 Texas Capital Fund Grant for Construction of Public Natural Gas Improvements to the Proposed KW International Development Site.**

Mayor Dungen said that Council would not be able to take action on this item at that time because the applications for the Texas Capital Fund Grants had not been scored.

No action was taken.

Mayor Dungen moved to Item 10 on the Agenda

**10. Consideration and Action Regarding Proposed Application for Waiver of Potential Conflict of Interest Related to Including Florida Glover in the HOME HRA Housing Program While her Brother, John Axel, Serves on the City Council.**

Mayor Dungen said that Councilman Axel's sister is applying for a HOME grant, and that Council would be taking action to grant the waiver of potential conflict of interest for that. He said that Councilman Axel would abstain from any action in connection with the grant. Donald Warschak explained that Council was being given an opportunity to discuss the potential conflict of interest and to act formally on it.

Councilman Rankin made a motion to grant a waiver of potential conflict of interest as related to Florida Glover's HOME HRA Housing Program Grant application. Councilman Schonenberg seconded the motion.

The vote was as follows:

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

The motion passed.

**11. Consideration and Action to Approve Resolution No. 121-13 Approving the Submission of a Grant Application for the H.A.N.D. Counseling Center to the Office of the Governor, Criminal Justice Division.**

City Secretary, Linda Lakich, explained that Council approved the submission of the grant at the January 10, 2013 meeting, but that the Office of the Governor requires a formal resolution.

Councilman Woodall made a motion to approve Resolution 121-13 approving the submission of a grant application for the H.A.N.D. Counseling Center as presented. Councilman Axel seconded the motion.

The vote was as follows:

Ayes: Councilman Woodall, Axel, Schonenberg, and Rankin

The motion passed.

**12. Consideration and Action Regarding Traffic Speed Limits on Highway 71 South.**

Mayor Dungen said that after the tragic accident south of town last week that he discussed his opinion that the speed limit of 75 mph is too high on that stretch of highway with County Judge Ty Prause. He said that he had drafted a letter to the Texas Department of Transportation and asked for the input of Council. Councilman Rankin said that he thought that inattentiveness was also a problem, and that he would like the state to look at the data and facts concerning accidents. Councilman Woodall said that they should not take one incident and automatically say the speed was the cause. Councilman

Schonenberg said that he thought that the speed should be reduced and that it should also be a no passing zone. Mayor Dungen asked if they would be agreeable to a toned down letter.

Councilman Rankin made a motion to authorize the Mayor to write a letter to TxDOT asking them to look at that stretch of road. Councilman Schonenberg seconded the motion.

The vote was as follows:

Ayes: Councilman Woodall, Axel, Schonenberg, and Rankin

The motion passed.

Mayor Dungen moved to Item 14 on the Agenda.

**14. Consideration and Action, if Necessary, on the January 2013 Police Report.**

Police Chief, Bill Lattimore, presented his January 2013 Police Report. He also told Council about recent Police Department activities in the community.

No action was necessary.

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

Councilman Woodall – no comment.

Councilman Axel – no comment.

Councilman Schonenberg – no comment.

Councilman Rankin – asked that the City Manager work with the animal control officer on the dog issue.

**16. Announcements.<sup>2</sup>**

Council was reminded of the FFA parade on Saturday, March 2<sup>nd</sup>. There were no other announcements.

**17. Adjournment.**

The Mayor adjourned the meeting at 8:18 p.m.

  
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Mayor, Dwain K. Dungen

ATTEST:

  
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Linda Lakich, 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.

