

The City Council of the City of Columbus, Texas, met in regular session on Thursday, May 9, 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 (Arrived at 6:40 p.m.)
Councilman	-	Chuck Rankin
City Manager	-	Donald Warschak
City Secretary	-	Linda Lakich

Other City Staff present included:

Police Chief	-	Bill Lattimore
Code Enforce. Officer	-	Ford Stein

**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 April 25, 2013 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, and Rankin

The motion passed.

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

Cheryl Cook spoke regarding dogs and cats. She warned against residents shooting dangerous dogs.

Brenda Howard told Council about cats being attacked by dogs running loose at night. She said that Chief Lattimore had taken care of the dogs causing the problem.

Councilman Tesch arrived at 6:40 p.m.

Pandera and Willie Ford told Council that they are interested in the HOME grant program.

**5. City Manager's Report including Sales Tax, Swimming Pool Update, 2012 Water System Improvements, and Cardinal Hill Elevated Storage Tank.**

City Manager, Donald Warschak, presented his City Manager's Report, a copy of which is attached to these minutes. Donald also told Council that there would be a meeting on May 21, 2013 at 9:30 a.m. at City Hall for anyone who is interested in participating in the HOME grant program.

**6. Public Hearing Regarding Noise Regulation Ordinance.**

The Mayor opened the public hearing at 6:45 p.m.

Chief Bill Lattimore said that he had used this ordinance with success in the past with booming vehicles. He told Council that the City Attorney had reviewed and approved it and that the Police Department would be issuing written warnings first. When Councilman Woodall expressed his concern about people having a party in their back yard getting a ticket, Chief Lattimore said that the officers would have discretion in writing tickets. He said that the ordinance was designed to change behavior not to punish.

Willie Ford said that the ordinance needs to be passed because no one wants to hear booming music at two in the morning. Woody Moore said that he supports the ordinance. He also asked if the City can do anything to help with nuisance neighbors.

With no other comments, the Mayor closed the public hearing at 6:54 p.m.

**7. Consideration and Action to Approve Ordinance 155-13 Noise Regulation.**

Councilman Tesch made a motion to approve Ordinance 155-13 Noise Regulation as presented. Councilman Woodall seconded the motion.

The vote was as follows:

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

The motion passed.

**8. Public Hearing Regarding Sexually Oriented Businesses Ordinance.**

The Mayor opened the public hearing at 6:55 p.m.

Chief Lattimore explained that the City does not currently have an ordinance addressing sexually oriented businesses. He said that the ordinance presented is a TML drafted ordinance and that it has been reviewed and approved by the City Attorney. He told Council that it is better to keep such businesses out of the City instead of trying to get them out when they are already in town. In response to questions, Chief Lattimore explained that the 1,500 foot distance requirement is the maximum that is allowable and that the City has no authority in its Extraterritorial Jurisdiction in this matter. There were no other questions or comments.

The Mayor closed the public hearing at 6:58 p.m.

**9. Consideration and Action to Approve Ordinance 154-13 Sexually Oriented Businesses.**

Councilman Schonenberg made a motion to approve Ordinance 154-13 Sexually Oriented Businesses as presented. Councilman Woodall seconded the motion.

The vote was as follows:

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

The motion passed.

**10. Consideration and Action to Submit a Proposed Replat of a 0.551 Acre Tract, a Part of Original Lots 3 and 4, Located in Block No. 93 of the City of Columbus, 720 Martin Luther King St.; such Application Requesting Said Tract be Subdivided into Five (5) Lots as Requested by Colorado County Habitat for Humanity.**

Mayor Dungen gave a history of the action taken by the Board of Adjustments and the Planning and Zoning Commission on the requests by Habitat for Humanity for the property at 720 Martin Luther King. He explained that after the Planning & Zoning Commission declined to approve the replat of the property for division into five lots, Habitat for Humanity was requesting that Council send it back to P&Z for

reconsideration of the request. Lin Baron explained that the cemetery at the corner of MLK and Prairie would not have anything built on it. He gave a history of Habitat for Humanity and presented a drawing to Council containing a footprint of the proposed houses. Councilman Rankin said that while they have a good cause the question is whether they will build 4 or 5 houses on the lot. He also expressed his concern that once the property is divided that the owners could decide to add on or to build larger homes. Councilman Axel said that they would have to get a variance at that time and that he thought they should worry about that when it happens. Councilman Rankin said that he was in favor of subdividing into four lots. The Mayor explained that the action before council was whether or not they wished to send the request to the Planning and Zoning Commission for them to reconsider.

Councilman Schonenberg made a motion to submit the proposed replat at 720 Martin Luther King into five lots to the Planning and Zoning Commission as requested by Colorado County Habitat for Humanity. Councilman Axel seconded the motion.

The vote was as follows:

Ayes: Councilman Woodall, Axel, Schonenberg, and Tesch

No: Councilman Rankin

The motion passed.

**11. Consideration and Action to Approve a Hotel Occupancy Tax Grant Request for the 2013 Columbus Folk Fest.**

Mayor Dungen explained that the Columbus Folk Fest would be run by a new organization in 2013 and introduced Roger Wade. Mr. Wade gave an update on the plans for the 2013 festival and said that they were requesting \$21,000 for advertising. Councilman Rankin had questions about the number of rooms that were booked in the previous year. Mr. Wade said that they did not keep good records but that he understood that they would need to complete a form with information on the number of rooms rented for the 2013 festival.

Councilman Rankin made a motion to approve the request by Columbus Folk Fest for a HOT grant for \$21,000 for advertising for the 2013 festival. Councilman Schonenberg seconded the motion.

The vote was as follows:

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

The motion passed.

**12. Consideration and Action to Approve a Budget Amendment in the Amount of \$75,792 for HOME Grant Revenue and Expenditures.**

The Mayor explained that this was for the funding of the house built on Fannin Street. Councilman Rankin pointed out that the City is having a positive impact on housing through this program.

Councilman Woodall made a motion to approve the budget amendment in the amount of \$75,792 for HOME Grant Revenue and Expenditures. Councilman Axel seconded the motion.

The vote was as follows:

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

The motion passed.

**13. Executive Session: In Accordance with Texas Government Code, Subchapter D, Section 551.072 – Deliberations about Real Property.**

**14. Reconvene into Regular Session and Consideration and Action, if Any, Regarding Executive Session – Deliberations about Real Property.**

Mayor Dungen explained that the executive session would not be necessary. He skipped Items 13 and 14 and moved to Item 15.

**15. Consideration and Action to Adopt Revised City of Columbus Financial Management Goals and Objectives.**

The City Secretary explained that she had made the one revision to Section 2.11 as requested at the last meeting.

Councilman Rankin made a motion to adopt the revised City of Columbus Financial Management Goals and Objectives. Councilman Schonenberg seconded the motion.

The vote was as follows:

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

The motion passed.

**16. Consideration and Action to Declare Eight Filter Tanks from the Water Department and a Police Vehicle – 2004 Crown Victoria, VIN 2FAFP71W84X118280 as Surplus Property.**

Councilman Axel made a motion to declare the eight filter tanks from the Water Department and the 2004 Crown Victoria Police Car as surplus property. Councilman Woodall seconded the motion.

The vote was as follows:

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

The motion passed.

**17. Consideration and Action, if Necessary, on the April 2013 Code Enforcement Report.**

Code Enforcement Officer, Ford Stein, presented the April 2013 Code Enforcement Report, a copy of which is attached to these minutes. He reminded everyone that the Fire Department Memorial Service would be on Monday, May 13<sup>th</sup>.

No action was necessary.

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

Councilman Woodall – no comment.

Councilman Axel – no comment.

Councilman Schonenberg – no comment.

Councilman Tesch – asked that an item be placed on the next council agenda to address placing a memorial to Kathy Burris at the City Pool.

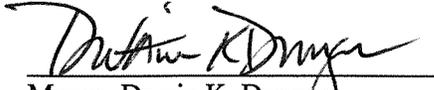
Councilman Rankin – no comment.

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

There were no announcements.

**20. Adjournment.**

The Mayor adjourned the meeting at 7:50 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.

