

The City Council of the City of Columbus, Texas met in regular session on Thursday, October 22, 2015 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	-	Woody Moore
Councilwoman	-	Lori An Gobert
Councilman	-	Eddie Hernandez
Councilman	-	Chuck Rankin
City Manager	-	Donald Warschak
City Secretary	-	Bana Schneider

Other City Staff present included:

Parks/Public Works	-	Michael Poncik
Utilities Superintendent	-	Jody Ripper
Code Enforcement	-	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.

Dungen led the Pledge of Allegiance and Invocation.

3. Consent Agenda:

- a. Approval of Invoices
- b. Approval of Minutes from the October 8, 2015 Regular Council Meeting
- c. Approval of The Quarterly Investment Report for the Quarter ended September 30, 2015.

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

The vote was as follows:

Ayes: Councilmen Schonenberg, Moore, Rankin and Hernandez; Councilwoman Gobert.

The motion passed.

4. Citizens' Presentations and Comments.¹

There were no comments. The citizen who had signed in spoke with the mayor before the meeting and did not need to address the Council.

5. City Manager's Report Including GFOA Certificate of Achievement, Gas Line Project Update, Water Evaluation Study.

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

Warschak explained that the City had received the GFOA certificate of achievement for Financial Reporting for the fiscal year end 2014 Financial Statements. He also stated that a certificate was additionally earned by former City Secretary, Linda Lakich, the officer responsible for financial reporting.

Warschak stated that the contracts for the gas line project had all been signed and that there would be a pre-construction meeting tomorrow with B & D, and construction is to begin the middle of November.

The contracts for the water evaluation study have been signed. Warschak indicated that the company will get a list of items to him that will need to be compiled before the study can begin.

Mayor Dungen asked how long the evaluation study would take to complete. Warschak stated that it should take approximately 45 days. Councilwoman Gobert asked about the construction time for the gas line. Warschak stated the contractor estimated construction should take 60 days. Councilman Schonenberg asked if there was a time requirement for the project to be completed. Warschak indicated that the grant requires the project to be closed out by September of 2016.

6. Public Hearing for Citizen Review and Comment Regarding the Columbus 2013 Texas CDBG Program Community Development Program Contract No. 713090 for Water Improvements.

Mayor Dungen opened the public hearing at 6:34 pm.

There were no public comments

The public hearing was closed at 6:34.30.

7. Reading of Resolution 152-15, a Resolution Approving Programs and Expenditures of the Columbus Community and Industrial Development Corporation (CCIDC) pursuant to Texas Local Government Code § 501.073 for a Real Estate Transaction Between the CCIDC and E'kabel, LLC.

The Resolution was read by Mayor Dungen.

8. Consideration and Action to Approve Resolution 152-15, a Resolution Approving Programs and Expenditures of the Columbus Community and Industrial Development Corporation (CCIDC) pursuant to Texas Local Government Code § 501.073 for a Real Estate Transaction Between the CCIDC and E'kabel, LLC.

Councilman Rankin asked if there were any more deletions from the agreement. He recalled that there had been 2 performance measure periods. Schonenberg stated that Section 3 letter F corresponds to the requirements of 24 employees with average salary of \$36,000 a year for a 1 year period from July 2018 thru June of 2019. Rankin asked if E'kabel would start construction in June of 2017. Schonenberg confirmed that they would. Rankin stated that he thought there was a performance measure for that first year. Gobert replied that there had been 2 performance measure periods in previous drafts, but it had been down to one for awhile. Rankin indicated that it was good that the measurement period was consistent with the reporting period for the Texas Workforce Commission. He asked if the attorney who drafted the original agreement had made the redline changes to the performance agreement. Schonenberg stated it was the CCIDC attorney Cary Bovey who drafted the original agreement as well as the changes. Rankin stated that he liked the idea of dropping supplies purchased from the performance agreement. He also said he did not see any obvious inconsistencies in the dates.

Councilman Hernandez made a motion to approve Resolution 152-15. Councilman Rankin seconded the motion.

The vote was as follows:

Ayes: Councilman Rankin, Schonenberg, Moore and Hernandez and Councilwoman Gobert

The motion passed.

9. Consideration and Action to Terminate the Columbus Municipal Golf Course Lease Between the City of Columbus and Columbus Golf Course, Inc.

The Mayor stated this was a mutual agreement and that the current lessee could no longer operate the course, and that this is the first step that must be taken to put the course back in order.

Councilman Rankin asked about any liability issues. The mayor stated that the City would assume the liability once the agreement is completed.

Councilman Schonenberg made a motion to terminate the lease between the City and Columbus Golf Course, Inc. Councilman Hernandez seconded the motion.

The vote was as follows:

Ayes: Councilmen Schonenberg, Rankin, Moore and Hernandez; Councilwoman Gobert.

The motion passed.

10. Consideration and Action to Approve Ordinance 177-15, an Ordinance Establishing and Creating The Columbus Municipal Golf Course; Providing for a Board of Directors; The Establishment and Creation of the Columbus Municipal Golf Association and Bylaws for the Operation Thereof.

The Mayor stated that this was a template of the Ordinance passed in 1991 that City Attorney, Mike Trefny, has updated. The original ordinance provided for a Golf Association made up of members. Councilman Rankin stated that he had forwarded some concerns to the Mayor. Article 3 Section 1 might need to provide for term limits. He felt after 3 consecutive terms that a board member should sit out 1 term. Concerning Article 3 Section 2, Rankin suggested striking the clause stating that the board member must live within CUSD. The Mayor agreed with Rankin. In order to not make huge changes to the document, the Mayor suggested not addressing the term limits at this time since the ordinance can be amended and the Council has the right to change board members as needed. Additionally, Councilman Rankin, felt the budgeting process should be on a fiscal basis like the City not a calendar year basis as stated in the ordinance. City Manager, Warschak, agrees, and additionally stated that the budget should be presented to Council in July rather than August. Councilman Moore, referring to Article 3 Section 5, asked if the Association could sub-contract the management and operations of the golf course. The Mayor confirmed that they could. Councilwoman Gobert asked who would be forming the non-profit organization. The mayor stated that it is part of the City per code, and not a 501(3)(c) organization. If the Association wanted to form a 501(3)(c), like was done in 1995, then the ordinance would be rescinded. Gobert also asked why elections for Board Members would be in February. The mayor indicated that traditionally this was the time elections were always held based on the timing of the golf season starting. The Mayor confirmed this with a former board member who was present. Gobert asked about the timing of the Board taking over. Mayor Dungen stated that the board would be appointed during the next agenda item, and they would take over starting tomorrow. Rankin asked if there was currently employees and equipment at the course. Dungen stated that those employees would now be employees of the Association, and the equipment would be leased on a temporary basis in order for an appraisal to be done to determine the value. Gobert wanted confirmation that the Association has zero funds and that the City will be covering the expenses until membership dues are paid. Dungen expressed that that was the case. Rankin asked what the temporary budget expenditure was going to be. Dungen stated that he had spoken with members of what will be the new board and asked them to get some figures together on how much money will be needed to keep the course going until the January cart shed fees are paid. Hopefully those fees will be able to carry the operations thru March, when membership dues are paid. The Mayor did say this first year was going to be "rocky" as far as operations and finances go. Rankin did ask that the Association's required monthly reporting statement includes membership information and that it details the plans to increase the numbers. To answer Councilman Moore's question regarding number of employees, Dungen indicated there are 2 part-time employees outside and 1 full-time in the club house. There was discussion regarding the liquor license and options for the Association to take, but it was stated that the City can have nothing

to do with the license. The City Attorney may have to look at the legality of different scenarios concerning this item.

Councilman Rankin made a motion to approve Ordinance 177-15 after striking Article 3, Section 3, Item 2 and making the Golf Association's fiscal year congruent with the City's fiscal year, and additionally change the budget presentation from August 15th to July 15th. Councilman Schonenberg seconded the motion.

The vote was as follows:

Ayes: Councilmen Schonenberg, Rankin, Moore and Hernandez; Councilwoman Gobert.

The motion passed.

11. Consideration and Action to Appoint a Board of Directors for The Columbus Municipal Golf Course.

The list of people willing to serve on the initial Board of Directors is attached to these minutes. The Mayor did indicate the members whose term would expire in 2016 were Hartley, Skutca, Hohensee and those with terms expiring in 2017 were Stewart, Craddock, Olson and Neuendorff.

Councilman Rankin made a motion to approve the Board of Directors as nominated by the Mayor. Councilwoman Gobert seconded the motion.

The vote was as follows:

Ayes: Councilmen Schonenberg, Rankin, Moore and Hernandez; Councilwoman Gobert.

The motion passed.

12. Consideration and Action to Approve Resolution 154-15 Adopting the City of Columbus Investment Policy.

The City Secretary stated that there were no changes from the previous policy. After investment training, the policy was reviewed and it more than satisfied the requirements of the PFIA, so no changes were needed.

Councilman Rankin made a motion to adopt the resolution. Councilman Schonenberg seconded the motion.

The vote was as follows:

Ayes: Councilmen Schonenberg, Rankin, Moore and Hernandez; Councilwoman Gobert.

The motion passed.

13. Consideration and Action to Approve Schedule for City Council Meetings for November and December 2015.

The Mayor stated that typically the second November meeting falls on Thanksgiving so the meeting should be changed to Monday November 23rd. Additionally the 2nd December meeting is usually scheduled for Monday noon of that week. The second December meeting would be on December 21st.

Councilman Schonenberg made a motion to reschedule the November and December meetings as discussed. Councilman Rankin seconded the motion.

The vote was as follows:

Ayes: Councilmen Schonenberg, Rankin, Moore and Hernandez; Councilwoman Gobert.

The motion passed.

14. Consideration and Action to Designate the City's Official Newspaper.

The Mayor stated that he did not see any reason why the Colorado County Citizen should not remain the official newspaper of the city.

Councilwoman Gobert made a motion to keep the "Citizen" as the official City newspaper. Councilman Schonenberg seconded the motion.

The vote was as follows:

Ayes: Councilmen Schonenberg, Rankin, Moore and Hernandez; Councilwoman Gobert.

The motion passed.

15. Consideration and Action if Necessary, Regarding the Quarterly Fire Department Report.

Ford Stein gave the 2nd and 3rd quarterly Fire Department reports. Both copies are attached to these minutes.

Stein stated that they are averaging 1 call every other day, and they could finish the year with 190 calls. They seem to be having more extrication calls than in the past. Councilwoman Gobert asked how many fire fighters respond to a call and how many fire fighters there are. Stein indicated that they have 36 active members and that it depends on the day and time of the call for how many volunteers show up. During the week days they have fewer fire fighters who can respond. Gobert asked if they were planning on having drives for new members. Stein stated they had just sworn in 3 new members for a probationary period. Councilman Moore asked the boundaries for our fire department's responsibility. Stein explained that for extrications, Columbus covers 1/3 of the county and fire calls cover slightly less than that. Councilman Rankin asked how the new air packs were working. Stein responded that they were awesome and that they are conducting training on their use. Rankin also asked about the purchase of the new fire truck. Stein explained that they were waiting to hear if they will receive a grant. Typically, grant funds are awarded in February.

No action was required.

16. Consideration and Action, if Necessary Regarding the September 2015 Code Enforcement Report.

Code Enforcement Officer, Ford Stein, gave the code enforcement report, a copy of which is attached to these minutes.

Councilman Rankin stated that he had concerns with section 14.02.321 of the City Ordinances concerning non-conformance properties. He would like the Council to discuss at some point how to have an accounting of the properties and what the intentions are for dealing with them. He would like to see some type of action, possibly through P & Z, for looking at each district and finding those properties not complying with the ordinance. Stein commented that he and Donald had spoken with Mr. Trefny and he suggested deleting that section of the ordinance because there is no feasible way to make an accounting based on the way the ordinance is presently written. Rankin stated that he wanted to know how the city was to ensure that non-conformance properties did not survive as per the ordinance. Councilwoman Gobert stated that it sounded like the ordinance should be modified.

No action was required.

17. **Items from Councilmembers.**²

Councilman Moore – None

Councilwoman Gobert – Thanked the Fire Department for the tremendous job they are doing. She also asked about the commercial district overlay and the sign ordinance, and that the committee to name the park never met.

Councilman Schonenberg – Thanked the Mayor for all of the work he has done concerning the golf course.

Councilman Hernandez – None

Councilman Rankin – None

Mayor Dungen – None

6. **Announcements.**

No Announcements

7. **Adjournment.**

The Mayor adjourned the meeting at 7:23 p.m.



Mayor, Dwain Dungen

ATTEST:



Bana Schneider, 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.

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.