

The City Council of the City of Columbus, Texas met in regular session on Monday, May 13, 2019 at 5:30 p.m., in the Council Chambers of City Hall located at 605 Spring St., Columbus, Texas, with the following present:

Mayor	-	Lori An Gobert
Mayor Pro Tem	-	Chuck Rankin
Councilman	-	Keith Cummings
Councilman	-	Michael Ridlen
Councilman	-	Gary Swindle
Councilwoman	-	Sandra Frnka
City Manager	-	Donald Warschak
City Secretary	-	Bana Schneider

Other City Staff Present:

Police Chief	-	Skip Edman
Code Enforcement	-	Richard LaCourse

**1. Call to Order.**

Mayor, Lori An Gobert, called the meeting to order at 5:30 p.m.

**2. Pledge of Allegiance and Invocation.**

Gobert led the Pledge of Allegiance and Invocation.

**3. Administer the Oath of Office to Newly Elected Officials.**

City Secretary, Bana Schneider, administered the oath of office to Mayor Gobert. Gobert administered the oath to Councilmember Place #1, Keith Cummings, and Councilmember Place #2, Michael Ridlen.

**4. Consent Agenda:**

- a. Approval of Invoices
- b. Approval of Minutes of the April 8, 2019 Regular Meeting
- c. Approval of Minutes of the April 22, 2019 Regular Meeting
- d. Approval of January 2019 Financial Statements

Councilman Swindle made a motion to approve the Consent Agenda as presented. Councilwoman Frnka seconded the motion.

The vote was as follows:

Ayes: Councilmen Cummings, Ridlen, Swindle, and Rankin; Councilwoman Frnka

The motion passed.

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

Debbie Damon spoke to Council regarding monarch butterflies and Saturdays on the Square. A copy of her presentation is attached to these minutes.

Bill Reeves and Rollyn Yost, owners of the Brandon House, spoke to Council regarding their plans for turning the building into an upscale restaurant. Reeves stated the hard surface parking lot and the size of the lot required by code would be cost prohibitive at the start of this new business venture. He spoke about offsite parking they have about a block from the Brandon House. Reeves requested the City's help with TXDOT in order to have street parking in front of the building. Yost spoke about an event they recently had at the venue, and she showed pictures of vehicles parked for the event. Yost also commented the proposed restaurant venue would only be open on Friday and Saturday

evenings and on Sundays for brunch. She also stated the restaurant would be only on the first floor of the building; they are planning on boutiques for the upper floor.

Reeves also presented a letter from another downtown business owner with the same complaint about the parking lot requirement. The letter and photographs are attached to these minutes.

Councilman Swindle asked where the parking lot would be located. Reeves explained the layout of the lot, stating it would be at the rear of the building. There will only be room for approximately 13 spots, but the size of the building would require 20 to 21 slots.

Code Enforcement officer, Richard LaCourse, stated this type of variance request would not be under the purview of the Board of Adjustments, but would need to be granted by Council. LaCourse stated Council could grant a variance from the Corridor Overlay requirements for the parking lot.

Councilman Rankin stated a written request would need to be presented to Council before any discussion could take place.

**6. City Manager's Report Including Sales Tax, Water Filtration Project Update, Front Street River Access Point, Downtown Water Leak, Fannin Street Sewer Line, and the Household Hazardous Waste Collection.**

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

Warschak stated the sales tax payment of \$156,000 the City received, was up approximately \$3,600 dollars from the same time period last year. He also said the County saw an increase while Eagle Lake and Weimar both saw decreases.

Regarding the Water Filtration Project, Warschak stated B&D Services was busy on a job out of town, and it will be the end of the month before they will be able to begin on the pipe assembly.

Warschak stated he was waiting for Frank Surveying to survey the eastern limits at the Front Street lift station and river access point.

The City Manager said there was a water main leak at the intersection of Walnut and Milam Streets downtown. Supak Construction came and helped with excavating the street. There was an old valve in which the valve body had been removed, and it had been capped with gasket material and a metal plate. The gasket material had disintegrated allowing water to seep out. A new valve will be installed. A limestone base was put down with a steel plate on top of that. Warschak stated after the limestone has settled, they would go back and eventually put some hot mix on the area. He stated downtown businesses and a couple of residences were without water.

Warschak stated there was an issue with a sewer blockage at Washington and Fannin Streets. A camera truck was brought in, and a lot of grease and debris could be seen, but they could not see very far because of a line collapse. They plan on saw cutting another section and making the repair, but Warschak stated the entire line will have to be replaced sooner rather than later.

Warschak completed his report stating the County would be hosting a household hazardous waste collection on June 1, 2019, at the Colorado County Fairgrounds from 8:30 a.m. to 12:30 p.m.

Councilman Swindle asked about the waterline replacement project. Warschak stated he still had a couple of block sections to design, and Mercer Engineering was working on the design of the grant project. The plan is to take bids on the grant project sometime this summer, so he is hoping to have his design finished to go out for bids at the same time.

**7. Consideration and Action to Approve the City of Columbus Comprehensive Annual Financial Report for 2018.**

Kenton Willis of Patillo, Brown & Hill presented the report to Council. He stated the firm was very appreciative for Council having chosen PB&H to perform the audit and prepare the CAFR. He also thanked Bana for all of the preparation work she does.

Willis gave an overview of the audit process, and stated an unmodified opinion had been expressed on the financial statements. He also spoke about the government auditing standards report which looks at internal controls and compliance. Willis stated there were no findings or exceptions found, and that is very good considering some engagements with an unmodified opinion do have findings or exceptions to the auditing standards. Willis also went over the unassigned fund balance ratio to expenditures, and determined the City could operate for approximately two and a half months if no revenues came in. He stated many entities like to have at least three months of reserves, but two and a half was not bad.

Rankin stated the fund balance ratio is something we might want to consider during the budget process. Willis stated we may want to look at the ratio for the last 5 years and see how it has trended.

Councilman Rankin made a motion to approve the 2018 CAFR. Councilwoman Frnka seconded the motion.

The vote was as follows:

Ayes: Councilmen Cummings, Ridlen, Swindle, and Rankin; Councilwoman Frnka

The motion passed.

**8. Consideration and Action to Approve Resolution 192-19, a Resolution Suspending the June 5, 2019 Effective Date of AEP Texas INC.'s Requested Rate Change.**

Warschak stated this resolution was furnished by the law firm working with the coalition of cities. It will suspend the effective date and give us 90 days to review the rate request. There is a model staff report included in your packet. It explains what is involved in the rate change process and the reason for suspending the effective date. Our recommendation would be to use the coalition resolution.

Gobert stated there are two resolutions, one from the coalition attorneys and one from AEP. Management is recommending we pass the resolution from the coalition attorney. Councilwoman Frnka stated she had spent some time with a brother-in-law who had been in the electric business for over 25 years. She said he commented it never hurts to go in with a coalition.

Mary Gutierrez from AEP spoke about the rate process and the reasons AEP is applying for this increase. She recommended denying the rate change, but cautioned about the resolution with the 90 day suspension date. She stated if no action is taken in those 90 days, then the rates will automatically go into effect for the cities who have not acted. Frnka asked why they have not asked for a rate increase since 2006. Gutierrez stated she wished she knew, but she did say the company's time had been spent on weather related damages. Those damages cost the company many millions of dollars. Frnka stated they must have been making money somewhere or they would have asked for an increase sooner. Gutierrez stated they have had opportunities to have growth in other areas because of the diverse economy in Texas. She also stated the PUC requires very stringent reports accounting for AEP's cost. There was a discussion of post deregulation procedures and the rights of the retail providers.

Rankin stated our decision tonight is whether or not we are going to object to the rate increase, and which resolution we are going to use, AEP's or the coalition's. Warschak stated the resolution would be to suspend the June 5<sup>th</sup> effective date. Rankin said why would we not do that. Councilman Cummings stated it appeared there would be no liability on our part. Councilman Ridlen stated as long as we address it within the 90 day time frame. Rankin stated if we don't issue a denial then whatever rate approved by the PUC will go into effect. There was discussion about the different AEP divisions, their merger, and the rates charged.

Councilwoman Frnka made a motion to approve Resolution 192-19. Councilman Cummings seconded the motion.

The vote was as follows:

Ayes: Councilmen Cummings, Ridlen, Swindle, and Rankin; Councilwoman Frnka

The motion passed.

**9. Consideration and Action, if Necessary, Regarding the April Golf Association Report.**

No one from the Golf Association attended the meeting. The report is attached to these minutes. There was discussion regarding membership dues.

**10. Consideration and Action Regarding a Noise Ordinance Variance for Friday, May 17, 2019 from 5:00 p.m. to 11:00 p.m. and Saturday, May 18, 2019 from 12:00 p.m. to 11:00 p.m. on the Courthouse Square for the Magnolia Days Festival as Requested by the Columbus Chamber of Commerce.**

Billy Kahn of the Chamber asked to modify the request. He asked that the time be extended until 11:30 p.m. each day in case the bands are running late.

Councilman Rankin made a motion to approve the variance as amended. Councilman Ridlen seconded the motion.

The vote was as follows:

Ayes: Councilmen Cummings, Ridlen, Swindle, and Rankin; Councilwoman Frnka

The motion passed.

**11. Consideration and Action to Approve the Closure of Legion Drive from Memorial Stadium to Legion Circle on May 23, 2019 from 9:00 a.m. until 11:00 p.m. for the Columbus High School Class of 2019 Commencement Ceremony as Requested by CISD.**

Councilwoman Frnka made a motion to approve the street closure as requested. Councilman Rankin seconded the motion.

The vote was as follows:

Ayes: Councilmen Cummings, Ridlen, Swindle, and Rankin; Councilwoman Frnka

The motion passed.

**12. Consideration and Action Regarding the Solid Waste Provider Contract and Requests for Proposals.**

Gobert stated this item was on the agenda because our contract with TDS stipulates we have a review one year from expiration. The Mayor, Donald and Bana met with TDS last week regarding our contract. Schneider stated we have to give TDS a 90 day notice if we are not going to renew the contract. We will need to start that RFP process now in order to meet that 90 day deadline.

Councilman Rankin made a motion for requests for proposals for a solid waste provider. Councilwoman Frnka seconded the motion.

The vote was as follows:

Ayes: Councilmen Cummings, Ridlen, Swindle, and Rankin; Councilwoman Frnka

The motion passed.

**13. Consideration and Action for the Approval of a 2018-2019 General Fund/Equipment Fund Budget Amendment.**

Schneider stated the funds are from the sale of all of the surplus vehicles. She said she thought the proceeds should ultimately go into the equipment fund.

Councilman Rankin made a motion to approve the budget amendment. Councilman Ridlen seconded the motion.

The vote was as follows:

Ayes: Councilmen Cummings, Ridlen, Swindle, and Rankin; Councilwoman Frnka

The motion passed.

**14. Consideration and Action for the Approval of a 2018-2019 Utility Fund/Equipment Fund Budget Amendment.**

Councilman Ridlen made a motion to approve the budget amendment. Councilman Swindle seconded the motion.

The vote was as follows:

Ayes: Councilmen Cummings, Ridlen, Swindle, and Rankin; Councilwoman Frnka

The motion passed.

**15. Consideration and Action to Approve a 2018-2019 Budget Amendment for a Library Grant and Associated Expenditures.**

Gobert stated she thought this was for shelving. Schneider affirmed the grant was for new library shelving and some technology equipment. Gobert stated Library Director, Susan Chandler, does a great job securing additional funding for the library.

Councilman Rankin made a motion to approve the budget amendment. Councilman Swindle seconded the motion.

The vote was as follows:

Ayes: Councilmen Cummings, Ridlen, Swindle, and Rankin; Councilwoman Frnka

The motion passed.

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

Councilman Cummings – None

Councilman Ridlen – None

Councilman Swindle – None

Councilwoman Frnka – Councilman Swindle needs a new chair. Schneider stated new chairs for Council Chambers would be in the upcoming budget.

Councilman Rankin – Already mentioned budget time is upon us.

Mayor Gobert – The two requests for parking variances need to be on an upcoming agenda. Also, the Firemen's memorial service will be held at 7 o'clock across the street.

**17. Announcements.**

Schneider stated Council had received an invitation for the Peace Officer's and Law Enforcement Officer's Appreciation and Memorial Day at the Courthouse on Wednesday, May 15<sup>th</sup>, at 5:30 p.m. Schneider also stated the Chamber had given the City 12 meet and greet passes for Kyle Park on Saturday, May 18<sup>th</sup>. She would like to know this evening who would like passes so the remainder could go to City employees.

**18. Adjournment.**

The Mayor adjourned the meeting at 6:45 p.m.

  
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Mayor, Lori An Gobert

ATTEST:

  
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Bana Schneider, 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.

<sup>2</sup>Limited to statements. Issues raised by council members 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.