

The City Council of the City of Columbus, Texas met in regular session on Monday, August 24, 2020, 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 (Arrived at 6:50 p.m.)
Councilman	-	Gary Swindle
Councilwoman	-	Sandra Frnka
City Manager	-	Donald Warschak
City Secretary	-	Bana Schneider

Other City Staff present included:

Police Chief	-	Skip Edman
Code Enforcement	-	Richard LaCourse
Fire Marshal	-	Brent Gorman

1. Call to Order.

Mayor Lori An Gobert called the meeting to order at 5:32 p.m.

2. Pledge of Allegiance and Invocation.

Gobert led the Pledge of Allegiance and Invocation.

3. Consent Agenda:

- a. Approval of Invoices
- b. Approval of Minutes from the July 27, 2020 Regular Meeting.

Councilwoman Frnka made a motion to approve the Consent Agenda. Councilman Rankin seconded the motion.

The vote was as follows:

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

The motion passed.

4. Citizens' Presentations and Comments. ¹

Citizens spoke during specific agenda items.

Gobert moved to items 6-16.

5. City Manager's Report Including Sales Tax, the Water Filtration Project, Water Well Rehab Project, North River Drive Storm Sewer Outfall Project, 2020 Sewer Line Improvement Project, and the Nesbitt Library Roof Project Updates.

City Manager, Donald Warschak, gave his report, a copy of which is attached to these minutes. Warschak stated the City received \$185,920 which reflects July collections. He commented this amount is an increase of approximately \$18,000 over the same time period last year. He also said the County, Eagle Lake, and Weimar all saw increases as well.

Regarding the Water Filtration Project, Warschak stated the Hill Plant filter is up and running; however, the Spring Plant is now experiencing the same issues as the Tait Plant.

Warschak stated the contractor was ready to begin the rehab work at the at the Tait water well, but we were waiting for some rain before taking that well out of service.

On the North River Drive Outfall project, the contractor is putting in the final fill and dressing up that site.

The Sewer Line Improvement project is underway. The contractor is about half-way through the replacement of the line on Hwy 71 and Washington Street. We have been using patrol officers in the area for protection of the workers.

Regarding the Library Roof Project, Warschak said a preconstruction meeting was held with the contractor, and they have started moving in equipment.

Warschak also mentioned the school was going to be requesting the partial closure of Legion Drive during home football games.

Councilman Ridlen asked about the filter project. He wanted to know if there was a design flaw with the tanks. Councilman Swindle stated this will likely happen at the Hill Plant. He also commented that is why he is seeing orange tinged water again. Warschak stated they have gone back to using phosphates in the system. There was a discussion regarding WesTech's responsibility for the failing vessels as well as documentation of the issues.

Gobert moved to agenda item 23.

6. Consideration and Action to Award the Construction Contract for the GLO CDBG-DR Storm Sewer Drainage Grant Project.

David Sheblak of Mercer Engineering stated 4 bids had been received for this project. JTM Construction had the lowest bid, which came in under the construction budget for the grant. He stated he knows the owners of the company, and recommends awarding the contract to them.

Councilwoman Frnka asked if Mr. Sheblak had worked with the company before. Sheblak stated he had. Councilman Rankin stated there is a big swing between the high and low bidders. There was a discussion regarding previous jobs the company had performed.

Councilman Rankin made a motion to award the construction contract to JTM Construction. Councilman Swindle seconded the motion.

The vote was as follows:

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

The motion passed.

7. Consideration and Action to Award the Contract for the 2020 Street Seal Coat Project.

Warschak stated only one bid was received for this project. The area for this year's seal coat will be the Krupka Addition, Oak Cluster Drive, and King Drive. He stated H&C Construction's bid was approximately \$64,000 with the price for square yard at \$1.92. Last year the price was \$2.16.

Frnka asked if this was the same company who performed the work last year. Warschak stated they were. She stated they need to be monitored because there were some issues with their work.

Councilman Cummings made a motion to award the contract to H&C. Councilman Rankin seconded the motion.

The vote was as follows:

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

The motion passed.

8. Consideration and Action Regarding Use of City Swimming Pool by the High School Swim Team.

Karen Magera of the high school introduced the new swim team coach, Abby Kleiman, to Council. They asked if the team could use the City pool for practices until the weather forces them to move to the indoor pool in El Campo. They stated the team practices Monday thru Friday either in the morning or afternoon. Magera stated this had been a life saver for the team in the past.

Councilman Swindle made a motion to allow the high school swim team the use of the City pool. Councilwoman Frnka seconded the motion.

The vote was as follows:

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

The motion passed.

9. Discussion Regarding the Current Disaster Declaration in Place in the City of Columbus.

Members of the Barn Builders came into Chambers in small groups to show their support for those who would be speaking on their behalf, and then they exited the building.

A speaker named Brandon stated he was grateful Council would hear the group. He said he believed in not only staying alive, but living the fullest life you can. He understands and appreciates Council's desire to protect everyone. However, he believes that we as a society can make the right decisions for ourselves; quarantining, using hand sanitizers, and masks. He says it is heartbreaking to see his children so sad because they cannot go anywhere. He urged Council to make policies that protect freedoms and rights.

Mark Potter asked Council to rescind the Disaster Declaration and open up the City 100%. If Council does not do that, he wants to know why. Decisions are being made based on fear. Having fear will not add one second to your life. This shut down will have ripple effects on our community; economically and in the family. We need answers. The community is getting very tired of this. Allow us to make decisions about our health. We are presenting a resolution that we believe is very specific. On the Agenda it states this is only up for discussion, but we want some action.

Chris Christensen stated he sure is glad that he lives in a country where you have the right to redress our government. Decisions have been made on data; data that is questionable. He spoke about his experiences as a child during nuclear bomb drills. He discussed different cases of unreliable testing. He also spoke about statistics from different pandemics. He stated the death count is inflated, and if you are under the age of 24, you are very unlikely to die from this. He further stated this is having a tremendous effect on that age group economically. He believes it is selfish to shut down economically and socially, and this is driving a wedge in our society. He asked if the disaster declaration response was really proportionate to the threat.

Potter asked Council to trust their citizens. Let's set Columbus as a model city to open economically. Frnka asked Christensen if he believed that those over 85 lives do not matter. He stated if you are over 85, you have outlived your expected life span then you should decide for yourself if you want to go out in public, but not ask everyone else to wear a mask.

Potter stated a member of Council called a participant from the meeting two weeks ago, and told them they should not be participating in groups like ours. He asked if that was appropriate behavior. Frnka stated she had called a participant because she does business with her. She stated she was not rude or intimidating. Christensen said he also knows of another non elected City official that told a local dry cleaning business that they had to close.

Benny Zajicek stated he supports the resolution the group presented to Council, and he hopes Council takes action.

Jeni Cornett stated the CDC makes one statement and then back tracks. She spoke about the problems with online school. As citizens we have rights, and you are taking away our freedoms. She also spoke about the suicide rate. The face coverings are making us submissive, just like the Arabs centuries ago. We need to see people and be seen. It is destroying this country, and kids can't be themselves. The mask is the beginning of the loss of individuality. We need to get back to school and open our businesses. Everyone is in charge of taking care of their own health.

Gobert stated no one has seen this before. She also said we are getting our information from many sources. She stated most of the information she gets is from medical sources. Schools are totally separate from this governing body, and we can do nothing about them. She said she knows of no business within the city limit that is closed, with the exception of the Courtyard Winebar. We are not issuing citations. Restaurants have a limit by the governor, but we are not going in and counting the number of customers. The declaration was put into effect on June 19th because case counts had started to climb and the number of hospitalizations were up. City Council on the following Monday extended the order. Once the Governor's order came out, our declaration was made null and void. We did not rescind our order, but it will not make any difference if we do because of his order. Rankin asked to have a copy of the Governor's order. He would like to read that before Council takes any action on our declaration. There was a discussion about the policies individual business had to put in place. Rankin stated Council tried to make it as least restrictive as possible. He would like to understand the null and void aspect of our order. Swindle asked the City Secretary to send the Council a copy of the Governor's order. Rankin read the last part of the resolution provided by the Barn Builders. A copy of this resolution is attached to these minutes.

Councilman Ridlen arrived at 6:50 p.m.

Swindle stated we have no control over the fear our community has, but he agrees the declaration should be rescinded. The discussion should not be about what the City Council can do, but what the community can do. Christensen stated fear is the greatest emotion, and Council should not do anything that increases fear in the community. Swindle stated we have no control over what the Governor does. Ridlen asked if there were any economic repercussions if the disaster declaration is rescinded. Gobert stated just rescinding our order would not cause problems. We could lose funding if we go against the Governor's mandate and allow businesses to open 100%. Schneider stated we could risk losing grant funding and other state aid if we do not follow the Governor's order. There was a discussion regarding the ramifications of disregarding the Governor's order. Gobert stated a discussion and action item would be on the next agenda. Ridlen apologized for being late.

Gobert recessed the meeting at 7:02 p.m. for a break.
The meeting resumed at 7:05 p.m.

10. Consideration and Action to Approve the Closure of Milam Street (Spur 52) Beginning in Front of the Elementary School and Ending at Walnut Street (Highway 90), and the Closure of Walnut Street (Highway 90) to Veteran's Memorial Center from 8:00 a.m. to 12:00 p.m. for the Colorado County Fair Parade on Saturday, September 12, 2020.

Councilman Swindle made a motion to approve the closures as requested. 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 Resolution 211-20, a Resolution to Establish the Boundaries of the Historic Downtown/Commercial District for Purposes of Applying for Funding from the Texas Department of Agriculture's Texas Capital Fund-Downtown Revitalization Program.

Councilman Ridlen made a motion to approve Resolution 211-20. Councilman Swindle seconded the motion.

The vote was as follows:

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

The motion passed.

12. Consideration and Action to Approve Resolution 212-20, a Resolution Finding Conditions Exist in the Historic Downtown/Commercial District of the City which are Detrimental to the Public Health, Safety, and Welfare of the Community.

Councilman Cummings made a motion to approve Resolution 212-20. 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 to Approve Resolution 213-20, a Resolution Authorizing Submission of a Texas Community Development Block Grant Program Application to the Texas Department of Agriculture for the Downtown Revitalization Program Fund.

Councilman Cummings made a motion to approve Resolution 213-20. Councilman Rankin seconded the motion.

The vote was as follows:

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

The motion passed.

14. Consideration and Action to Approve Resolution 214-20, a Resolution to Select an Administrative Service Provider to Complete Application and Project Implementation for the GLO-CDBG-Mitigation Program.

Warschak stated this afternoon the applications were scored by me, the Mayor, and Bana. Applications were received from GrantWorks, Langford, and Goodman. Our recommendation after scoring would be to select Langford.

Councilman Ridlen made a motion to approve Resolution 214-20 selecting Langford as the administrative service provider for the GLO-CDBG- Mitigation Program. Councilwoman Frnka 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 Resolution 215-20, a Resolution to Select an Engineering Service Provider to Complete Application and Project related Engineering for the GLO-CDBG-Mitigation Program.

Warschak stated ten engineering RFQs were received. After scoring all of them, Strand and Mercer were very, very close. We felt that Strand has more experience with this type of project, so they are the committee's recommendation.

Councilman Rankin made a motion to approve Resolution 215-20 selecting Strand Engineering as the engineering service provider for the GLO-CDBG-Mitigation Program. Councilman Ridlen seconded the motion.

The vote was as follows:

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

The motion passed.

16. Consideration and Action to Approve a Budget Amendment for a Texas Book Festival Library Grant and Associated Expenditures.

Gobert stated Library Director, Susan Chandler, applied for and received a \$2,500 grant and the revenue and expenditures must be approved.

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

The vote was as follows:

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

The motion passed.

The Mayor moved back to agenda item 5.

17. Consideration and Action to Approve the CCIDC 2021 Fiscal Budget.

Rankin asked the City Secretary about some of the new line item breakdowns in maintenance. Schneider stated on the advice of the attorney, CCIDC was instructed to break out the maintenance budget into more specific projects. There was a discussion regarding the rules required for Council approval of CCIDC projects. Councilman Ridlen explained the grant for businesses along Milam Street. Schneider stated the only increases in spending were for the community development grant which is based on 10% of the projected sales tax, and the debt service payment because of an increased principal payment. Rankin stated he was not concerned about the spending. His concern lays with the approval process for some of the projects. There was further discussion regarding the that process. Rankin stipulated any project over \$10,000 needs to come to Council for approval. The \$90,000 City Infrastructure Costs was discussed. Gobert asked about the \$2,000 economic development grant. She stated the request from the Little League for lighting could fall into that category. She would like to see more put into that account, possibly from the different maintenance line items. Rankin recommends the total spending needs to be examined and broken down in a different way. Ridlen clarified the items the Mayor and Rankin would like to see changed before approval.

Not action was taken on this item.

18. Consideration and Action to Approve an Audit Engagement Letter with Patillo, Brown & Hill.

Councilman Ridlen made a motion to approve the audit engagement letter. Councilman Rankin seconded the motion.

The vote was as follows:

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

The motion passed.

19. Consideration and Action to Approve Fire Department Expenditures for COVID-19 Mitigation.

Fire Marshal, Brent Gorman, gave an overview of the items the department is asking to purchase using COVID-19 funding. A copy of their request is attached to these minutes. They are seeking a

gear dryer, structural PPE, i-Pads and software to interface with dispatch, and SCBA masks and filters. There was a discussion about the funding available, and how those funds can be used. Ridlen asked if the fire department felt this was the best use of these funds. The presenter confirmed he did feel that way.

Councilman Ridlen made a motion to approve the COVID-19 expenditures. Councilman Cummings seconded the motion.

The vote was as follows:

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

The motion passed.

20. Consideration and Action, if Necessary, Regarding the July 2020 Fire Marshal Report.

Gorman gave his report, a copy of which is attached to this report. He highlighted the inspections, and the fire department calls for the month.

No action was required.

21. Consideration and Action, if Necessary, Regarding the July 2020 Code Enforcement Report.

Code Enforcement Officer, Richard LaCourse, gave the report, a copy of which is attached to these minutes. LaCourse updated Council on the horses located within the City. He stated the only issue he sees is one particular horse that is staked with only about a 20 foot lead. Rankin discussed the ordinance regarding farms. Gobert stated the issues brought by Ms. Collins are related to health and safety. Schneider stated Ms. Collins called today, and she does believe her complaint is health and safety related. LaCourse stated he did not find any violation of the code. Chief Edman stated he believes Ms. Collins wants horses to be banned from the City, and Eagle Lake had a big issue when they tried to do it. Ridlen stated I can see how we would want to ban staking of horses. Different scenarios were discussed.

No action was required.

22. Consideration and Action, if Necessary, Regarding July 2020 Police Report.

Police Chief, Skip Edman, gave the report, a copy of which has been attached to these minutes. He highlighted training during the month. He stated the ticket writers had arrived and the department will go live with the system in October. Cummings asked if the Chief had found a solution to the dangerous dog issue. Edman stated that is really in the Council's court, and they should consider getting the attorney to look at what can legally be done. Ridlen asked if the police department had written any citations for someone not wearing a mask. He stated they had not written any citations. Gobert commented about a property near St. Anthony School with numerous vehicles on the street. Warschak stated we could paint crosswalks on the street. Other possible solutions were discussed.

No action was required.

23. Discussion of Budget Workshop – Fire Department, Little League, General and Special Revenue Funds.

Little League representatives Phillip Garcia, Matt Brown, and David Wiggles spoke to Council about the current City facilities. They spoke about the program and the use of the facilities. They requested maintenance and capital items to improve the facilities which would enable the league to bring in additional tournaments and events. They emphasized safety issues at all of the field locations. Brown gave examples of other facilities in the area, and spoke about what needs to be done with the City fields in order to compete. They would like the City to implement a maintenance

schedule for all of the common areas of the facilities, as well as turf management. Garcia spoke about the need for new lights at the softball field. Frnka stated the City should look into some options for possibly improving the current facilities, or building new facilities. There was discussion about the economic impact a new facility might have on the City.

Gobert moved to agenda item 17.

Schneider gave a brief overview of the budget, and highlighted the contribution rate for the retirement plan.

24. Items from Councilmembers.²

Councilman Cummings – None

Councilman Ridlen – None

Councilman Swindle – None

Councilwoman Frnka – None

Councilman Rankin – Stated the Mayor had done a good job this evening.

Mayor Gobert – None

25. Announcements.

There were no announcements.


26. Adjournment.

The Mayor adjourned the meeting at 9:08 p.m.



Mayor, Lori An Gobert

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.