

The City Council of the City of Columbus, Texas met in regular session on Monday, August 23, 2021, 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	-	Ronny Daley
Councilman	-	Gary Swindle
Councilwoman	-	Sandra Frnka
City Manager	-	Donald Warschak
City Secretary	-	Bana Schneider
Asst City Secretary	-	Dinah Jacobs

Other City Staff present included:

Code Enforcement	-	Richard LaCourse
Police Chief	-	Skip Edman
Fire Chief	-	Dusty Dittmar
Fire Marshal	-	Brent Gorman Jr.
Fire/Code Asst.	-	Duane Naiser
Police Lieutenant	-	Kevin Daniel
CCIDC President	-	Bruce Tesch

**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. Consent Agenda:**

- a. Approval of Invoices
- b. Approval of Minutes of the August 17, 2021 Special Meeting

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

The vote was as follows:

Ayes: Councilmen Swindle, Rankin, Cummings, Daley, and Councilwoman Frnka

The motion passed.

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

Debbie Damon gave an update on the Endeavors illegal immigrant housing project questioning communication to residents and interrogatories presented to Endeavors.

Brenda Buehlida spoke in reference to the article that was published in the Citizen and voiced her reactions and feelings to that article regarding a Council member's statement. She questioned the integrity of the entire Council and the decisions they make, despite the fact she does not live within the City limits.

Gobert stated this is a public comment section and the Council cannot respond. She stated the attorney did want us to say that the opinions expressed by an individual Council member does not necessarily reflect the opinions of Council.

Councilwoman Frnka addressed those in attendance and wanted to clarify her comment and how it was taken out of context at the previous meeting. No one could tell them the history of the golf course. At no time did she insinuate that Mr. Barten had taken any money. She was trying to figure out how they got to the point they are now, and no one had any answers. She stated she voted against the proposal because the TPW application has criteria, and Mr. Stein was not giving the answers needed because he was not at the meeting. She suggested someone from the golf course be present at the meetings so that if there are questions, they can be addressed and answered. The reference to the parachute was for the golf course to be self sufficient and not rely on City.

Cynthia Penney provided members with a Citizen's Rule Book containing the Constitution of the United States and the Bill of Rights. She stated treason is defined in Article III section 3, and a traitor is defined by Merriam Webster as one who commits treason. She went on to say the Bill of Rights gives the freedom of speech and tonight her comments are being directed at Mr. Cummings. She stated it was a verbal assault on Ms. Gustus, and he alone is responsible for his actions. She was personally offended and disgusted by Mr. Cummings remarks and he should be held accountable for his false accusations.

Andrea Utz stated she had heard through the grapevine that the Silver Barn has been sold, and the people or person that bought it are going to close off the entryways off of Spring Street. She has serious problems with that. She stated she has 2.9 feet on her side and can't get a trash can down that space. She is concerned that if the driveway is closed off, it will be a hardship for all of those businesses to be able to reach the back side of their businesses. Gobert stated that would be addressed later on another agenda item.

Bobbi Gustus addressed her grievance against City Council, specifically Mr. Cummings. A copy of her address is attached to these minutes. She is requesting the immediate resignation or removal of Mr. Cummings.

Brent Gorman addressed Council stating he felt it was wrong of Mr. Cummings to speak that way about Ms. Gustus and he felt attacked as well. He then addressed another issue he had regarding the Police Department having an officer that is working patrol that is five and a half months pregnant. He was there to demand that she be immediately reassigned to a non-hazardous position and be allowed to wear a class A uniform that does not include a duty belt. After finding out that Columbus PD does not have a policy dealing specifically with a pregnant officer, he spoke to Chief Edman who stated he had nothing else for her to do, other than patrolling. Patrol is the most dangerous position for her to be in, and why would any supervisor put her or an unborn child in that much danger. Last week I contacted Chief, the City Manager, and the Mayor for a meeting. They all say the issue has been turned over to the City Attorney, and he advised them to not discuss the issue any further. He went on to say the uniform is very uncomfortable and pushing the baby up into her ribs. Her doctor advised her to be on light duty after her first trimester. He stated she immediately met with Chief Edman to report her condition, and he advised her to remove items off of her duty belt to make it more comfortable, and to remain on patrol as long as possible. Gorman's argument is that this is a pregnant police officer and the City should have a separate policy in place for pregnancy and maternity before hiring a young female who may want to start a family. He stated she was recruited by Columbus PD four years ago, and there was plenty of time to get something in place if they want to hire and retain female officers. He urged the City to use common sense and good morals, and compassion to help all officers, either pregnant or disabled or ill. He offered his help in any way and eagerly awaits a response.

Susan Havelka addressed Council, stating she read the newspaper and was appalled by Mr. Cummings comments. She stated when she shopped at HEB, she thought he was a kind and gentle person, so she was taken aback when she read his comments. Her opinion of him has completely changed. She stated he showed he was prejudiced, and cannot represent Columbus fairly. You as a Council need to decide what you are going to do.

Chris Christensen stated he had a copy of the letter he received from the school superintendent, regarding the flooding issue due to the new softball complex construction. He stated he had tried to work with them on it. He wants it on the record that there is a flooding issue over there. Hopefully the City Manager, myself, and school personnel can work on this issue together. Gobert asked what building is flooding, to which Christensen replied, my house. He went on to say that he has been coming to the

council meetings for a lot of years, and seen a lot of people on council over those years. He stated he was pretty disappointed last meeting and astounded by what he heard. He saw personal political bias expressed in an attempt to affect the financial operations of the City. He stated, really blatant incompetence. He wasn't sure how to solve it, but you have a problem on your hands. He went on to say there is no other recreational asset within the City that offers something for all ages. The golf course provides great entertainment and education for all. The school even uses it. The golf course is an ambassador for the City. For someone to dredge up history for something they do not understand, is silly. He urged council to look forward to see how we can improve the City, and maintain the economy of the City. Do not look back and talk about the mistakes that were made by individuals, or were supposedly made. So the question is, how do you as a Council wrangle this herd of cats that you've got here. I think the best way is for the Council to distance itself from these members, short of the members themselves resigning. If the members really have the interest of the City at heart, this is what they would do. I like both of the members that spoke ill of the golf course personally, but I think they have abused their duties.

Gobert stated once again, no individual council member's opinions are a reflection of the City as a whole. The motion did pass. The City does support the golf course association.

**5. City Manager's Report Including the Transportation Alternatives Sidewalk Project Application, CodeRED System, Water System Flushing, and CDBG Water Line Grant Update.**

City Manager, Donald Warschak, gave his report. A copy is attached to these minutes. Warschak stated the final application for the sidewalk project is under review by TxDOT. We are awaiting a response that is projected to be in October 2021.

Regarding CodeRED, Warschak stated this is a notification system that citizens can sign up for on our website. They can get text, email, or phone notifications. He urged citizens to sign up for this service. Regarding the water system flushing, Warschak stated this will begin on August 30<sup>th</sup> and will take place during normal business hours. There may be some pressure drop and/or discoloration of the water. Regarding the CDBG Water Line Grant, Warschak stated we had applied for this grant back in May. It appears we scored high enough to get funding for this project in the 2022 funding cycle. Rankin questioned the timing, stating it will then be part of the 2022-2023 budget cycle. Warschak replied yes.

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

Ms. Weishuhn addressed Council regarding the swim team's request to again use the pool.

Councilwoman Frnka made a motion to approve the High School Swim Team to use the City Pool. Councilman Rankin seconded the motion.

The vote was as follows:

Ayes: Councilmen Swindle, Rankin, Cummings, Daley, and Councilwoman Frnka

The motion passed.

**7. Consideration and Action to Approve a Grant Application to the CCIDC for Golf Course Equipment and Improvements.**

Gobert stated the golf course had applied for a grant through CCIDC. Because they are not a 501(c)(3) at the time, and we are also the golf course owners, the City needed to apply for the grant. Gobert stated it did meet the criteria for the 4B sales tax. She stated she asked the attorney to review the application again, due to criteria for one non-taxing entity to another. Rankin asked for clarification, stating we, as Council, would be asking CCIDC for the grant, and everything is good? Gobert replied

yes. An unidentified gentleman asked, that if funds are granted, when would they be available. Warschak stated the applications to CCIDC for the next fiscal year are due September 30<sup>th</sup>. If selected for any amount, there is a 60 day posting period after approval. City Secretary, Bana Schneider, stated this is a reimbursement grant. The funds have to be spent before you receive the grant funds. The unidentified gentleman stated that was why he was asking, as some of the things they want to do are time sensitive, and before they move, they want to know when those funds would be available. Warschak reiterated CCIDC has to approve our application, and then at that point the advertisement and notification period begins.

Councilman Rankin made a motion to approve the City to make an application of behalf of the golf course to CCIDC. Councilman Daley seconded the motion.

The vote was as follows:

Ayes: Councilmen Swindle, Rankin, Cummings, Daley, and Councilwoman Frnka

The motion passed.

#### **8. Consideration and Action to Approve the CCIDC's Expenditure for Purchase of Real Property.**

CCIDC President Bruce Tesch spoke about the proposed property purchase. He asked that Daley abstain from any comments or voting as he has part interest in helping CCIDC with this project. Warschak projected the proposed property that was up for discussion on the screen. With nothing happening out at the industrial park, CCIDC is proposing to purchase the old Untermeyer building and property and turn that area into a green space and make parking for downtown. Rankin asked if there was any document. Gobert stated no, because they need approval from us before they can move forward. Rankin inquired about the amount. Tesch stated CCIDC approved spending \$625,000 for the purchase to improve downtown. There was discussion over the projected map and property, along with the areas to be cleaned out, along with projected parking. Gobert stated this would make it green space parking. The Lynch's see the greater good in this project and are partnering with us, as well as Ronny Daley. The building will then be put up for sale. It will be public space and be free public parking for all. CCIDC Board member Michael Ridlen was present and stated the use of the property was at the mercy of whomever would purchase it, and the new owner would control what happens to that space. Should the City own it and control it, there would be a much better outcome of the use of that space. Rankin questioned the total cost. Tesch replied, once all in and done, about \$1 million. But then there will be the sale of the building to recoup some of those costs.

Councilman Rankin made a motion to approve the CCIDC expenditure for real property. Councilman Cummings seconded the motion.

The vote was as follows:

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

Abstain: Councilman Daley

The motion passed.

#### **9. Consideration and Action Regarding the Tax Rate Notification and Public Hearing.**

Schneider stated the language was clarified in the latest legislation session. We get to figure our voter approval rate as if we were a special taxing unit. By doing that, it puts our voter approval rate at .291. Since we get to figure it as a special taxing unit, our rate is below, and we are therefore not subject to an election, petition, or automatic. If we republish this notice with the new language, then the tax rate we are proposing cannot be challenged. Rankin stated the public notice has to occur with the correct wording, which Schneider confirmed yes. Schneider stated you can now have your public hearing and adoption of the tax rate on the same night, which will be done on September 13, 2021.

Councilman Cummings made a motion to approve the public hearing for September 13th. Councilman Daley seconded the motion. The vote was as follows:

Ayes: Councilmen Swindle, Rankin, Cummings, Daley and Councilwoman Frnka

The motion passed.

**10. Consideration and Action, if Necessary, Regarding the July 2021 Fire Marshal Report.**

Asst. Fire/Code, Duane Naiser, gave the report in the Fire Marshal's absence. A copy of the report is attached to these minutes. Naiser highlighted the seven inspections completed, as well as a consult with All Thai'd Up.

No action was needed.

**11. Consideration and Action, if Necessary, Regarding the July 2021 Code Enforcement Report.**

Asst. Fire/Code, Duane Naiser, gave the report in Code Enforcement's absence. A copy of the report is attached to these minutes. Naiser highlighted that the 101 Smith St. location is about 75% cleaned up. They have extended the time to complete because progress continues. He reported Lil' Einstein is complete. The State was there last Friday and gave them a thumbs up, and issued their operational license.

No action was needed.

**12. Consideration and Action, if Necessary, Regarding the July 2021 Police Report.**

Police Chief, Skip Edman, gave his report. A copy is attached to these minutes. Edman highlighted training, specifically the training he and Capt. Alley attended on sexual assaults. The Torch Run for Special Olympics will have a short run in Columbus again on September 18. The group is fully equipped with escorts and support personnel. Time to be determined due to their other short runs in Brenham and Bellville, prior to Columbus. There was one mental health transport this month.

No action was needed.

**13. Items from Council members.<sup>2</sup>**

Councilman Cummings – none

Councilman Swindle – none

Councilwoman Frnka – none

Councilman Rankin – none

Councilman Daley - none

Mayor Gobert – Gobert stated, citizens, we have heard you. I've offered an apology. It was an unfortunate situation and things were misconstrued. They are elected officials and a felony did not occur. I wish there was more attendance at all of the council meetings. I am happy you all are here. While arguably mistakes are made along the way, we are here for the right reasons. Laws do not allow us to do what you are asking.

**14. Announcements.**

Warschak stated ARP funding has come in. Schneider stated the amount was \$451,000.

15. **Adjournment.**

The Mayor adjourned the meeting at 6:37 p.m.

  
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Mayor Lori An Gobert

ATTEST:

  
\_\_\_\_\_  
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.