

The City Council of the City of Columbus, Texas met in regular session on Thursday, September 25, 2008 at 6:30 p.m., in the Council Chambers of City Hall located at 605 Spring Street, Columbus, Texas, with the following present:

Mayor	-	Richard Heffley
Mayor Pro Tem	-	Curtiss Schonenberg
Councilman	-	Charles Richardson
Councilwoman	-	Sandra Frnka
Councilman	-	Bruce Tesch
Councilman	-	John Wagner
City Manager	-	David Meisell
City Secretary	-	Patti Glaeser

1. **Call to Order.**

Mayor Heffley called the meeting to order at 6:30 pm.

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

Mayor Heffley led the Pledge of Allegiance and Invocation.

3. **Consent Agenda:**

a. **Approval of Invoices.**

b. **Approval of Minutes of September 11, 2008, Regular Meeting.**

c. **Approval of Minutes of September 18, 2008, Special Meeting.**

d. **Approval of August Financial Statements.**

Councilman Schonenberg moved to accept the Consent Agenda. Councilwoman Frnka seconded the motion. The vote was as follows:

Ayes: Councilman Richardson, Schonenberg, Tesch, and Wagner

Councilwoman Frnka.

The motion passed.

4. **Citizen's Presentations and Comments¹**

Allan Hill spoke of a problem he recently had with the Garmin GPS Service having his home telephone number listed as an RV Park in Columbus. He said he received many calls during the Hurricane Ike evacuation. He said he called Garmin and they said they received the information from the City of Columbus. Both David Meisell and Patti Glaeser said the City does not provide any information directly to Garmin. Mr. Meisell said he would look into the situation.

5. **Discussion of City Manager's Report including Water Project, Water Line Repairs, River Status, Water Pumpage History, Sales Tax Results, Accounts Receivable Clean-up, Tree Trimming and Removal, Veterans' Drive, Muni Gas, Lutheran Hill Drainage.**

City Manager David Meisell presented his City Manager's Report, which is attached to these minutes. In addition to number one, Mr. Meisell said that Uticon would be work on the water project on Monday.

6. **Public Hearing: Consideration and Approval of the City's Budget for all Operating Funds for the fiscal year beginning October 1, 2008.**

7. Consideration and Action to Approve Ordinance #85-08, Adopting the City's Budget for all Operating Funds for the fiscal year beginning October 1, 2008.

Councilman Richardson moved to approve Ordinance #85-08, adopting the City's Budget for all Operating Funds for the fiscal year beginning October 1, 2008. Councilman Schonenberg seconded the motion. The vote was as follows:

Ayes: Councilman Richardson, Schonenberg, Tesch, and Wagner
Councilwoman Frnka

The motion passed.

8. Consideration and Action to Ratify Budgeted Property Tax Increase reflected in the Proposed 2008-2009 Budget.

Councilman Schonenberg moved to ratify the budget, which will raise more total property taxes than last year's budget by \$133,331 or 28.45%, and of that amount, \$1,080 is tax revenue to be raised from new property added to the roll this year. Councilman Richardson seconded the motion. The vote was as follows:

Ayes: Councilman Richardson, Schonenberg, Tesch, and Wagner
Councilwoman Frnka

The motion passed.

9. Consideration and Action to Approve Ordinance #86-08 to Establish the Property Tax Rate.

Councilman Schonenberg moved to approve Ordinance #86-08 to establish the Property tax rate of \$.27312 per \$100 in property valuation; \$.19202 for Maintenance and Operations and \$.08110 for debt service. Councilman Richardson seconded the motion. The vote was as follows:

Ayes: Councilman Richardson, Schonenberg, Tesch, and Wagner
Councilwoman Frnka

The motion passed.

10. Consideration and Action to Approve Ordinance #87-08 to Increase the Hotel Occupancy Tax from 6% to 7%.

Councilman Richardson moved to approve Ordinance #87-08 to increase the Hotel Occupancy Tax from 6% to 7%. Councilman Tesch seconded the motion. The vote was as follows:

Ayes: Councilman Richardson, Schonenberg, Tesch, and Wagner
Councilwoman Frnka

The motion passed.

11. Consideration and Action to Approve Ordinance # 88-08 to Establish Water Rates.

Councilman Schonenberg moved to approve Ordinance #88-08 to establish water rates of \$13.00 for the first 3,000 gallons, \$2.00 for the next 17,000 gallons, \$2.25 for the next 15,000 gallons, and \$2.50 for all usage over 35,000. Councilman Tesch seconded the motion. The vote was as follows:

Ayes: Councilman Richardson, Schonenberg, Tesch, and Wagner

12. Consideration and Action to Approve Ordinance # 89-08 to Establish Sewer Rates.

Councilwoman Frnka moved to approve Ordinance #89-08 to establish sewer rates of \$13.00 for the first 3,000 gallons, \$2.00 for the next 17,000 gallons, \$2.25 for the next 15,000 gallons, and \$2.50 for all usage over 35,000. Councilman Schonenberg seconded the motion. The vote was as follows:

Ayes: Councilman Richardson, Schonenberg, Tesch, and Wagner

Councilwoman Frnka

The motion passed.

13. Consideration and Action to Approve Ordinance # 90-08 to Establish Gas Rates.

Councilman Wagner moved to approve Ordinance #90-08 to establish gas rates of \$10.00 for the first mcf of gas, \$6.00 for each additional mcf plus a fuel cost adjustment rate for each mcf. Councilman Tesch seconded the motion. The vote was as follows:

Ayes: Councilman Richardson, Schonenberg, Tesch, and Wagner

Councilwoman Frnka

The motion passed.

14. Consideration, Deliberation and Action to Contract for Public Services between the City and the Family Crisis Center.

Councilwoman Frnka moved to approve a contract for public services between the City and the Family Crisis Center. Councilman Schonenberg seconded the motion. The vote was as follows:

Ayes: Councilman Richardson, Schonenberg, Tesch, and Wagner

Councilwoman Frnka

The motion passed.

15. Consideration, Deliberation, and Action to Contract for Public Services between the City and the Combined Community Action, Inc.

Councilwoman Frnka moved to approve a contract for public services between the City and the Combined Community Action, Inc. Councilman Richardson seconded the motion. The vote was as follows:

Ayes: Councilman Richardson, Schonenberg, Tesch, and Wagner

Councilwoman Frnka

The motion passed.

16. Discussion and Approval of Industrial Park Appraisals.

Councilman Wagner discussed several different land comparables with respect to the Industrial Park. Mr. Dooley of Bastrop used land sales on Montezuma –Nursing Home, I10/102 in Alleyton, and Hwy 71S/I 10 South of Ratliff Creek. Adjustments were made based on Sale Condition, Time, Location, Size, Zoning, Utilities, and Loss of Area. Average prices of Industrial Park Tracts in comparison to the three properties ranged from \$23,683 to 28,436.

Councilman Wagner also presented another set of values from a Third Appraiser. Bob Stanlev. The same

Councilman Richardson moved to use \$28,970 as the value of the land in the Industrial Park. Councilwoman Frnka seconded the motion. The vote was as follows:

Ayes: Councilman Richardson, Schonenberg, Tesch, and Wagner

Councilwoman Frnka

The motion passed.

Councilman Wagner mentioned that a Medical Manufacturing Japanese company was interested in land in the Industrial Park.

17. Consideration and Action to Appoint the City's Representative and Alternate to the Houston-Galveston Area Council's 2009 General Assembly.

Councilwoman Frnka moved to appoint Richard Heffley as the City Representative and Curtiss Schonenberg as Alternate to the Houston-Galveston Area Council's 2009 General Assembly. Councilman Wagner seconded the motion. The vote was as follows:

Ayes: Councilman Richardson, Schonenberg, Tesch, and Wagner

Councilwoman Frnka

The motion passed.

18. Consideration and Action to Approve Library Budget Amendment.

Councilman Schonenberg moved to approve a Library Budget Amendment for \$2,497.68 for donations received and for outside services to microfilm the *Weimar Mercury* Newspaper. Councilman Tesch seconded the motion. The vote was as follows:

Ayes: Councilman Richardson, Schonenberg, Tesch, and Wagner

Councilwoman Frnka

The motion passed.

19. Discussion of August Police Report.

Police Chief Danny Jackson presented his August Police Report, which is attached to these minutes. Chief Jackson said there were 500 new cases for the last 3 years. Councilman Tesch asked Chief Jackson to present the number of new cases for the month.

20. City Manager Review.

Mayor Heffley said that normally reviews are done in executive session. Mr. Meisell declined the executive session and asked that the review be held in Open Session.

Mayor Heffley said the review would not be personal but that they will give strong points and address areas of weakness. There will be no dialog between Mr. Meisell and the Council.

Mayor Heffley first addressed Mr. Meisell's strengths. He said that Mr. Meisell exhibits thoroughness with analytical charts and graphs, which are helpful in recognizing our strengths and weaknesses. He provides useful charts on TMRS, utility rates and employee staffing and wages. Mayor Heffley said Mr. Meisell is articulate. It is one thing to be able to produce charts, etc, but he is able to deliberate and communicate well with others. He said Mr. Meisell has a strong work ethic where he puts in a lot of time. He mentioned the infrastructure and internal problems that Mr. Meisell turned around. Mr. Meisell fixed the water problems and personally checked the water wells at all times. He is also the leading responder with the Fire Department. He shows loyalty to the City employees. Mayor Heffley also said Mr. Meisell has insight

Mayor Heffley then moved to Mr. Meisell's weaknesses. These included Mr. Meisell saying and making statements in the heat of an event that are not necessary. He cited incidences at the Austin Street railroad accident. Mr. Meisell took charge and assured the Railroad, that the crossing would be closed. He should not have assured them that it would be closed. That decision can only be made at this table (City Council). Another example was the Memorial Oaks incident where Mr. Meisell assumed N&J and Psencik threw debris into the ditch. Later he found out it was a neighbor who put the debris in the ditch. Another incident was the TXDOT Relief Bridge south of Holiday Inn. Mr. Meisell questioned a dirt berm that he believed was impairing drainage. Instead of talking to TXDOT, Mr. Meisell took water availability away. Another incident involved the rock fence by HEB, which appeared to be troublesome and intrusive. It was removed without State approval. Mayor Heffley felt a call to TXDOT would have been a better way to handle that incident.

Mayor Heffley added miscellaneous conversations regarding Mr. Clark and Mr. Fritsch. Although he agrees with most of Mr. Meisell's thoughts, he disagrees with the loud belligerent talking which has never solved anything. These folks, whether they are right or wrong, are our friends and neighbors and they are allowed to disagree with us as we are with them. He expects them to be treated with respect and with courtesy. Mayor Heffley also asks that the removal of four letter words would be appreciated because they show a lack of respect. He advises Mr. Meisell to count to 10 before he speaks. Your reputation and the approach to our citizens are important to this council. Disrespect of those we serve will not be tolerated.

Councilman Richardson advised Mr. Meisell to cool off a little and to not yell and cuss. He said he has hacked off a lot of people in Columbus.

Councilwoman Frnka referred to the minutes of September 26, 2005 of an e-mail from OD Card who wrote to Mr. Meisell with angry concerns of traffic in Columbus during the Hurricane Rita Evacuation. She said Mr. Meisell answered Mr. Card nicely and then in another reply was a remark that probably brought about the October 10, 2005 executive session. She said there was nothing written up in his personnel file which leads her to believe that the reprimands were oral. She said she began coming to Council meetings three years ago as a citizen. She said she and her husband had received a verbally threatening phone call from Mr. Meisell. She said she had heard her husband talk to Patti and they had previously received adjustments from previous administrations on their sewer rates. They were concerned about their rate and wanted to talk about it, but had always been put off. The confrontation, the threatening verbal responses from him were out of control. She said that when she worked at the Post Office, she was required to go through anger management classes every year. She then described problems with crimes at the post office.

She said Mr. Meisell has made verbal threats to N&J Services, Clark, Fritsch, the Morrrows, Texas Irrigation and outbursts here at Council. She said after a while you get tired of it. She said Mr. Meisell had been a Director of Human Resources. If anybody should know better, it should be him. When she gets a call and she is the low man on the totem pole at Council. No man would call her and tell her something that happened. She talked to Lonnie Gregorcyk. She feels we crossed a boundary when the City manager destroyed state property. The city could incur TCEQ penalties and EPA fines. She said Mr. Meisell letter was not a pleasant letter, but was a demanding letter to TXDOT.

Councilwoman Frnka has also had reports that he is responding to Police Calls. She said she has had reports and did not know whether he was in the front or standing in the background. She knew he was a fire fighter, but did not know he was a certified peace officer. He said that is what Chief is for and if there is trouble, he calls in the County officers. She said the peace officers employed here have a job and she does not want them to have to worry about a civilian.

The last incident with TXDOT should not have happened and she sees the City slipping behind. She has lost confidence in Mr. Meisell.

Councilman Schonenberg said he has enjoyed being on Council. One of the things that impressed him about Mr. Meisell was the same things the Mayor talked about. He is impressed with his organizational abilities. He is one of the best managers from that standpoint. He particularly thought his analysis of the 1987 water study was admirable. What he had done with the problems over the past four years is admirable. He worked with Mr. Meisell on the Groundwater District. Mr. Meisell took the challenge, went with it, and chaired the initial board. He was very instrumental in the passing of the Groundwater District. Councilman Schonenberg said Mr. Meisell is very respected by the employees. He said he is concerned

As far as his abilities as City Manager go, we are very fortunate to have him. He is a first responder for the City.

Councilman Tesch first met Mr. Meisell in the fire department. He is very dedicated to the City and works Saturday and Sunday and in the middle of the night. He believes he has a bad attitude and should not talk to citizens the way he does.

Rocky Leopold, of TXDOT, said the first time Mr. Meisell came down there, he was cussing and screaming and threw a fit. He said that wasn't so bad as the next time. Someone from the contractor tore up the feeder road leading to the site and Mr. Meisell was upset. Councilman Tesch asked Mr. Leopold "Is there any one time you thought you were going to get in a fight with David?" Rocky replied he yes but did not feel he would be hurt, but would have it out with him.

Councilman Tesch also said Steve Potter had come to him in regards to the Railroad Crossing ant that David had the Railroad Crossing Closed (at Roundhouse crossing). He said the Potters had a hard time getting out during the Hurricane Evacuation. They were upset that Mr. Meisell had the crossing closed.

Councilman Tesch said during the Hurricane Evacuation, Mr. Meisell was directing traffic and was cussing on the radio, asking for help. He said he should have kept his cool.

He said Mr. Meisell is very dedicated, but is concerned with the TXDOT incidents.

Councilman Wagner expressed his support of Mr. Meisell in a letter to the editor. He supports him wholeheartedly. He said he and Mr. Meisell have talked about controlling his emotions, especially when dealing with Chuck Rankin. He said Mr. Meisell has a thankless job. He said he would not want Mr. Meisell's job. If he is losing control, then stop. He said some people blow it out of proportion. No matter what he doing, someone will be unhappy. He said you would not find a better city manager.

Mr. Meisell then asked to clear up some fact issues. Mayor Heffley said to let it go. He did not allow Mr. Meisell to speak. He said most people would come to their own conclusions.

Councilwoman Frnka then asked if she could have a vote of lack of confidence. Mayor Heffley said it was not on the agenda. Mr. Meisell said it could be on the next agenda or we could call an emergency meeting if it were necessary. Mayor Heffley asked if she were requesting a special meeting. She said she was. He asked if anyone else wanted that. Councilman Tesch asked for a clarification. Mayor Heffley said she was asking to have a vote to special meeting for the removal of the city manager. She also requested that the City Attorney be present.

21. Items from Councilmembers.

Councilman Wagner – no comment.

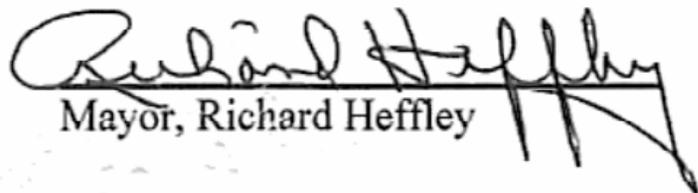
Councilman Schonenberg wanted to thank the balance of the Council for the best budget cycle.

Councilwoman Frnka – no comment.

Councilman Richardson received a call from Edward Pavlicek regarding the Glidden rates. Councilman Richardson asked him about the increased property values in Glidden from Great Southern Wood. Mr. Pavlicek said it did not have anything to do with it. Councilman Richardson also asked him how much he was making from the sewer dump station at the rest area on the highway. Mr. Pavlicek did not answer. He told Mr. Pavlicek that he was in favor of closing it down. Mr. Pavlicek responded that the Texas Water Quality Board would not let the City close it down. He suggested Glidden buy the sewer plant from the City. Councilman Richardson said Mr. Pavlicek wanted something for nothing and Councilman Richardson hung up on him. He said he was fed up with Mr. Pavlicek. He said he does not do well being screamed at.

22. Announcements.

The special meeting was set for Tuesday, September 30, 2008 at 6:30 pm.


Mayor, Richard Heffley

ATTEST:


Patti Glaeser, 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.

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.

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.