

The City Council of the City of Columbus, Texas met in regular session on Thursday, October 27, 2016 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	-	Lori An Gobert
Councilman	-	Keith Cummings
Councilman	-	Gary Swindle
Councilman	-	Eddie Hernandez
Councilman	-	Chuck Rankin
City Manager	-	Donald Warschak
City Secretary	-	Bana Schneider

**1. Call to Order.**

The Mayor called the meeting to order at 6:30 p.m.

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

Mayor Dungen led the Pledge of Allegiance and Invocation.

**3. Consent Agenda:**

- a. Approval of Invoices
- b. Approval of Minutes of October 13, 2016 Regular Meeting
- c. Approval of August 2016 Financials
- d. Approval of the Quarterly Investment Report for the Quarter Ended September 30, 2016

Councilwoman Gobert made a motion to approve the consent agenda as presented. Councilman Rankin seconded the motion.

The vote was as follows:

Ayes: Councilmen Cummings, Swindle, Hernandez, and Rankin; Councilwoman Gobert

The motion passed.

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

Comments were made during agenda item 11.

**5. City Manager's Report Including TxDOT Projects Update, Sales Tax Update, 2016 Certificates of Obligation.**

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

Warschak stated he and Chief Lattimore had attended a preconstruction meeting in Wharton regarding the I-10 and Highway 71 signal project. The contractor is finishing a job in Bay City, and will be pulling barricades from that job to place here for the November 7<sup>th</sup> start date. There is a 75 day contract for job completion, but the contractor thinks it will be completed by the end of the year. Warschak stated Bana Schneider had checked with the State Comptroller concerning the sales tax payment earlier in the month. The Comptroller's office stated there had been an amended tax filing that reduced the tax payment by a little over \$13,000. He also stated the City would request a confidentiality report from the state in order to get more details. Regarding the Certificates of Obligation, Warschak stated the monies from the sale of the CO's had been received. He also stated the water filtration project was still in the design phase. Once that is complete, the project

plans will be sent to TCEQ for approval. When the project is approved, then the letting for bids can take place. A pre-bid meeting for concrete demolition is set for tomorrow morning.

Gobert asked about phone calls regarding flushing of the water lines. Schneider stated she had received only one from a customer on the far west side of town.

Councilman Rankin asked if there had been any news from the Corps of Engineers. Warschak stated the last time he spoke with them; they were hoping they would have some funding within the next few weeks. They were finishing up the letter of determination, and then they will do the study for a permanent fix. Rankin asked about the markings on the ground made at the plant to check on the erosion. Warschak stated the bank has not eroded past the first circle, but there has been some sloughing off of the bank when the river has risen. Warschak also stated they will be stockpiling fill dirt from projects, like the St. Anthony's school, for use in repairing the riverbank. He finished by stating Judge Prause had remitted a letter to the state requesting funding and assistance from the Corps of Engineers.

**6. Consideration and Action to Adopt Ordinance 187-16, an Ordinance Establishing Stated Meetings of the City Council of the City of Columbus, Texas.**

The Mayor stated this ordinance will change the meeting nights from the second and fourth Thursdays of the month to the second and fourth Mondays of the month.

Councilman Rankin made a motion to adopt Ordinance 187-16. Councilman Hernandez seconded the motion.

The vote was as follows:

Ayes: Councilmen Cummings, Swindle, Hernandez, and Rankin; Councilwoman Gobert

The motion passed.

**7. Consideration and Action to Approve Resolution 166-16, a Resolution Approving and Adopting the 2016 Colorado County, Texas Hazardous Mitigation Plan.**

Warschak stated the plan itself is a 396 page document, and includes Columbus and Eagle Lake, because of the river, and the County. With the plan in place, the City will be able to tap into FEMA monies in case of a disaster. Rankin stated of the six or so items for the City to implement; only a couple of them are of a priority nature. He stated these were not budgeted for. Warschak stated the Code Red system referenced had been included in this year's budget. Warschak also stated the City has adopted the 2012 building code, not the 2000 code referenced in item 8. Rankin asked about the flood plain ordinance referenced in the plan, and if the City had such ordinance. The Mayor stated the City had adopted that ordinance a couple of years ago, and probably will need to be updated again with the recent flooding. Warschak stated something the City might consider in the future would be onsite retention of flood water.

Councilman Swindle made a motion to approve and adopt Resolution 166-16. Councilman Rankin seconded the motion.

The vote was as follows:

Ayes: Councilmen Cummings, Swindle, Hernandez, and Rankin; Councilwoman Gobert

The motion passed.

**8. Consideration and Action to Approve an Administrative Service Provider for the 2017-2018 Texas CDBG Community Development Fund Application and Project Implementation.**

Dungen stated the committee had met to review the proposals and grade them with the scoring sheet provided by the grant program fund. There were only two proposals for the administrative

service provider. GrantWorks scored higher than the other company, Raymond Vann & Associates. He stated the score was very close.

Councilwoman Gobert made a motion to approve GrantWorks as the administrative service provider for the 2017-2018 Texas CDBG Community Development Fund Application and Project Implementation. Councilman Cummings seconded the motion.

The vote was as follows:

Ayes: Councilmen Cummings, Swindle, Hernandez, and Rankin; Councilwoman Gobert

The motion passed.

**9. Consideration and Action to Approve an Engineering Service Provider for the 2017-2018 Texas CDBG Community Development Fund Application and Project Related Engineering Services.**

Dungen stated there were five proposals received, and based on the scoring parameters, three of companies were very close. John D. Mercer & Associates was the highest scoring firm.

Councilman Rankin made a motion to approve John D, Mercer & Associates as the engineering service provider for the 2017-2018 Texas CDBG Community Development Fund application and project related engineering services. Councilman Hernandez seconded the motion.

The vote was as follows:

Ayes: Councilmen Cummings, Swindle, Hernandez, and Rankin; Councilwoman Gobert

The motion passed.

**10. Consideration and Action to Approve Resolution 167-16, a Resolution Authorizing the Award of Professional Service Provider Contracts for the 2017-2018 Texas Community Development Block Grant Community Development Fund Project.**

Warschak stated this grant would be to help with the replacement of cast iron water pipes. Shirleen Bonacci with GrantWorks discussed the timeline for the application and award process.

Councilwoman Gobert made a motion to approve resolution 167-16. Councilman Swindle seconded the motion.

The vote was as follows:

Ayes: Councilmen Cummings, Swindle, Hernandez, and Rankin; Councilwoman Gobert

The motion passed.

**11. Consideration and Action Regarding an Appeal Hearing Pertaining to Electric Utility Demand Charges.**

Dungen stated that Debbie Damon has brought to Council her concerns regarding the AEP delivery charges, and how they are calculated. He asked AEP representative, Elgin Janssen, if these delivery charges were calculated the same everywhere. Mr. Janssen stated the rates are calculated the same throughout the AEP service area. Dungen asked if Mrs. Damon's shop was located in say, Eagle Lake, would her bill be the same. Janssen stated the AEP charges would be the same. Dungen asked how these rates are determined, and if they are approved by the PUC. Janssen stated rates are approved by the PUC, and the current rates were put in place in either 2006 or 2008. He elaborated on the demand portion of the rates, saying this has been a part of the rates as long as he has been with AEP. He also spoke about the maximum load requirements the utility

company has to meet and the relationship between that capacity and the demand rates for commercial, industrial and residential customers. Janssen stated he works with customers to help them understand business specific ways to conserve energy and not trigger maximum demand. Janssen did say the current demand levels have been in effect for a very long time. He gave a brief history of residential and commercial rates before and after deregulation, as well as explaining the two components that make up utility rates. Rankin asked when the ratchet levels were determined, and Dungen asked if they were the same throughout the electric industry. Janssen stated there are two ratchet levels, below 10 KW and above 10 KW. He also stated all of the Texas "wires" companies in ERCOT have the same ratchet levels. Gobert asked if there are any businesses below the 10 KW level. Janssen stated there are approximately 60,000 in the AEP system in Texas. Debbie Damon stated the ratchet of 10 KW was set many, many years ago. She feels the ratchet levels need to be increased. Rankin stated the trigger point of 10 KW was set a long time ago, and is wondering why it has not been raised. Janssen stated it will be addressed, and, in his opinion, should be higher. The Mayor asked what the City of Columbus could do to help make that happen. Feedback from citizens and governmental agencies are always welcome. Janssen stated he would forward to the appropriate individual any appeals the City makes. Councilman Swindle asked who sets the ratchet rate, the wire companies or the PUC. Janssen stated the PUC sets all of the tariffs.

Councilwoman Gobert made a motion to send letters to AEP and the PUC regarding the need for a change in the KW ratchet rates for utility customers. Councilman Cummings seconded the motion.

The vote was as follows:

Ayes: Councilmen Cummings, Swindle, Hernandez, and Rankin; Councilwoman Gobert

The motion passed.

**12. Consideration and Action to Approve a Contract Amendment/Modification to the TX CDBG Gas Line Project.**

Warschak stated this change was for the project closure date, which has been extended for 12 months. The Mayor stated this was for the KWI project. There was discussion concerning the contract amount and the amount of funds drawn to date. Gobert asked if the job number needed to be 87 since only \$870,000 has been drawn. Warschak confirmed.

Councilman Rankin made a motion to approve the amendment to the gas line project. Councilwoman Gobert seconded the motion.

The vote was as follows:

Ayes: Councilmen Cummings, Swindle, Hernandez, and Rankin; Councilwoman Gobert

The motion passed.

**13. Consideration and Action to Approve Resolution 168-16 Adopting the City of Columbus Investment Policy.**

Councilman Rankin made a motion to approve resolution 168-16. Councilman Hernandez seconded the motion.

The vote was as follows:

Ayes: Councilmen Cummings, Swindle, Hernandez, and Rankin; Councilwoman Gobert

The motion passed.

**14. Consideration and Action to Submit to Planning & Zoning a Proposed Replat of a 4.87 Acre Tract Situated in Block 94 of the City of Columbus, into Four (4) Lots (4.364, 0.169, 0.169, and 0.168 Acres) as Requested by Deborah Herring.**

The Mayor stated there was an error in the description of the property supplied by the surveyor so no action can be taken at this time.

**15. Consideration and Action to Submit to Planning & Zoning a Proposed Replat of a 0.3333 Acre Tract Situated in Block 6 of the E. Tumlinson Survey of the City of Columbus, into Two (2) Lots (0.2853 and 0.0480 Acres) for a Proposed Right-of-Way, as Requested by James and Jeanine Lowrey.**

Councilman Rankin asked if this was for the bridge project. Warschak confirmed.

Councilman Rankin made a motion to submit the replat to Planning & Zoning. Councilman Cummings seconded the motion.

The vote was as follows:

Ayes: Councilmen Cummings, Swindle, Hernandez, and Rankin; Councilwoman Gobert

The motion passed.

**16. Consideration and Action Regarding Maintenance of the Mansfield Building.**

Councilwoman Gobert stated she had been approached by a group who would like to paint and update this City property. She added the updates would be at this group's expense. There was discussion about the use of the building, and how more permanent improvements need to be made.

Councilwoman Gobert made a motion to give permission to a local group to paint and update the Mansfield Building. Councilman Cummings seconded the motion.

The vote was as follows:

Ayes: Councilmen Cummings, Swindle, Hernandez, and Rankin; Councilwoman Gobert

The motion passed.

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

Councilwoman Gobert made a motion to designate the *Colorado County Citizen* as the City's official newspaper. Councilman Hernandez seconded the motion.

The vote was as follows:

Ayes: Councilmen Cummings, Swindle, Hernandez, and Rankin; Councilwoman Gobert

The motion passed.

**18. Consideration and Action to Request the City Secretary Conduct the Annual Audit of Chapter 59 Asset Forfeiture Funds as Required by Article 59.06 of the Code of Criminal Procedure.**

Councilwoman Gobert made a motion to request the City Secretary conduct the audit of the Chapter 59 asset forfeiture funds. Councilman Swindle seconded the motion.

The vote was as follows:

Ayes: Councilmen Cummings, Swindle, Hernandez, and Rankin; Councilwoman Gobert

The motion passed.

**19. Consideration and Action, if Necessary, Regarding the September 2016 Police Report.**

Chief Lattimore was at training and unable to attend the meeting. A copy of the report is attached to the minutes.

No action was required.

**20. Executive Session: In Accordance with Texas Government Code, Subchapter D, Section 551.074-Personnel Matters.**

Mayor Dungen adjourned into Executive Session at 7:32 p.m.

**21. Reconvene into Regular Session, and Consideration and Action, if Any, Regarding Executive Session – Personnel Matters.**

At 7:52 p.m., the Mayor reconvened the regular session. All those present before the Executive Session were still present.

No action was required.

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

Councilman Cummings – None

Councilwoman Gobert – None

Councilman Swindle – None.

Councilman Hernandez – None

Councilman Rankin – None

Mayor Dungen – Curtiss Schonenburg from the CCIDC has asked the City Council members to sign a joint letter of appreciation to the Massey Family in regards to the recent land swap.

**23. Announcements.**

Schneider stated the Garden Club's Arbor Day celebration was coming up, and all council members had received an invitation. The next Council meeting is Monday, November 14<sup>th</sup>.

**24. Adjournment.**

The Mayor adjourned the meeting at 7:54 p.m.

  
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Mayor, Dwain Dungen

ATTEST:

  
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Bana Schneider, City Secretary