The City Council of the City of Columbus, Texas met in regular session on Tuesday, November 9, 2010 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	-	Curtiss Schonenberg
Councilman	-	Charles Richardson
Councilman	-	John Axel
Councilman	-	Bruce Tesch
Councilman	-	Chuck Rankin
City Manager	-	Donald Warschak
City Secretary	-	Cathy Ezell

Other City Staff present included:

Assistant Fire Chief	-	Dwight Mazac

1. Call to Order.

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

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 28, 2010 Regular Meeting.

After Council received clarification on some of the invoices and City Secretary, Cathy Ezell stating that under item 6 the name John Weaver needed be changed to John Wagner, Councilman Rankin made a motion to approve the Consent Agenda as amended. Councilman Tesch seconded the motion.

The vote was as follows:

Ayes: Councilman Richardson, Axel, Schonenberg, Tesch, and Rankin

The motion passed.

4. Consideration and action to approve invoices from Curtiss Automotive.

Councilman Richardson made a motion to approve invoices from Curtiss Automotive. Councilman Rankin seconded the motion.

The vote was as follows:

Ayes: Councilman Richardson, Axel, Tesch, and Rankin
Abstain: Councilman Schonenberg

The motion passed.

5. Citizen's presentation and comments.[1]

There were no Citizen's presentations or comments.

6. City Manager report.

City Manager, Donald Warschak, presented his City Manager's Report which is attached to these minutes.

Mayor Dungen stated that he appreciated the property owners of the substandard buildings taking care of their properties.

7. <u>Discussion, review and action as necessary to amend Chapter 4 of the City ordinances to include possible prohibitions related to seismic activity within the City limits of Columbus in order to prevent damage to the City's water, sewer, natural gas and infrastructure.</u>

Mayor Dungen stated that there has been a lot of activity in Columbus in regards to seismic activity and that Mr. Gary Hayman and Mr. Benton Dean from Total Exploration, Inc. were present to explain the process.

Mr. Gary Hayman stated that they were seeking a contact service surface permit for Devon Energy requesting to conduct seismic operations in the City. He stated that the process does not entail much. It injects energy into the earth and projects an image back. The energy source is controlled and if the partial motion is over .25 then the exploration would be stopped.

Mayor Dungen asked how the system would work on the street. Mr. Hayman stated that the geo-phone could go in a space in the sidewalk.

Mayor Dungen asked how long the geo-phone would be in place. Mr. Hayman stated that it should take a couple of weeks at each location; however that is if weather permitted. He also stated that the geo-phone could be moved in cases were there were obstuctions like a fence.

Councilman Schonenberg asked what energy source would be used. Mr. Hayman stated it was the vibro size method.

City Manager, Donald Warschak asked how may feet were between the source points. Mr. Hayman stated there were 220 feet between source points.

Donald stated that there are some shallow water lines throughout the City and asked how that would be worked around. Mr. Hayman stated that they would move to the side of the road were the lines were not located and if lines were on both sides of the street they would move to the street.

Councilman Tesch asked about the build up in the lines. Donald explained that there is mineral build up present in the lines that could flake and cause issues with the water. Mr. Hayman stated that they would beheld liable for any damage and that they would work with the Utility Department to know where things were located.

Councilman Rankin asked where the locations of the seismic sights were. Mr. Hayman produced a map of all geo-phone and receiver locations within the City.

Councilman Rankin asked how many times they have had to go back and make repairs. Mr. Hayman stated that they have never had to make any repairs.

Councilman Tesch asked what they would do if a property owner would not allow the use of their property. Mr. Hayman stated that they would go to the next property or use the street.

Councilman Tesch asked is there any way to run all of the cables in the street. Mr. Hayman stated it is possible as long as it does not hurt the integrity of the data.

Councilman Tesch asked what would they do if the City did not allow the seismic testing. Mr. Hayman stated that Devon would go around the City.

Councilman Tesch stated that his only concern was the infrastructure and if the infrastructure was not hurt then he was okay with the testing.

Councilman Rankin stated that staff needed to follow-up on the references and asked if they post a bond. Mr. Hayman stated that they do post a bond and make the City the co-insured.

Councilman Schonenberg asked if there was an engineer that could consult with the City in this matter. Mr. Hayman stated yes and he would get us contact information.

Mayor Dungen stated that the City might want to look at possibly amending the ordinance in regards to oil and gas. He stated that City Attorney, Ty Prause had drafted an ordinance that blended our current

ordinance with an ordinance from Beaumont and creating Chapter 15. Mayor Dungen stated that he recommended that Council have time to review this ordinance.

Donald stated that he had calls in to two other cities that have done seismic testing to see if there were any issues. Councilman Rankin agreed.

Mayor Dungen stated that he thinks that it should not be totally prohibited but that he wanted to protect the City.

Councilman Rankin stated that City Council needed to protect the property owners.

Mayor Dungen recommended that no action be taken on this item and it be brought back at a future meeting.

No action was taken.

8. **Second reading of Resolution 83-10 a resolution approving expenditures of 4B revenue over $10,000 of city created economic development corporations, with less than 20,000 residents for funding the grant submitted by the Live Oak Art Center.**

Mayor Dungen conducted the second reading of Resolution 83-10.

9. **Consideration and action to approve Resolution 83-10 a resolution approving expenditures of 4B revenues over $10,000 of city created economic development corporations, with less than 20,000 residents for funding the grant submitted by the Live Oak Art Center.**

Councilman Richardson made a motion to approve Resolution 83-10 a resolution approving expenditures of 4B revenues over $10,000 of city created economic development corporations, with less than 20,000 residents for funding the grant submitted by the Live Oak Art Center. Councilman Rankin seconded the motion.

The vote was as follows:

Ayes: Councilman Richardson, Axel, Schonenberg, Tesch, and Rankin

The motion passed.

10. **Consideration and action on the Austin Street railroad crossing.**

Mayor Dungen stated that everyone should be familiar with the ongoing issues with the Austin Street railroad crossing. He stated that City Council had approved the current signage and lights.

City Manager, Donald Warschak stated that Council had the following options:
1. Leave it as is and keep the violation as a traffic violation
2. Close the railroad crossing
3. Reconstruct the approaches
4. Reconstruct the crossing but close access to Crocket Street and put up guard rails.

Councilman Tesch stated that with reconstructing the approaches that there would be two dead end streets.

Councilman Axel stated that would only leave one way out of the area. He also stated that he is totally against closing Austin Street. Councilman Rankin stated that he was also against closing the street.

Mayor Dungen stated that if the fee for the violation was increased it would help. Councilman Tesch stated that it would not help if a train derailed. Councilman Axel stated that if people were fined it would slow the violations and that he wanted to see the fine raised to $1,500.

Councilman Rankin asked what the maximum fine was. Councilman Axel stated that it was $500. Donald stated that it was a traffic violation.

Councilman Rankin asked what it would take to regrade the street. Donald stated that it would require obtaining additional right-of-way.

Councilman Axel stated that this would close access to the area and he asked how the closure of Crockett Street would affect the Fire Department. Councilman Tesch stated that the Fire Department could not currently make the turn onto Crockett.

Councilman Richardson stated that signs stating no through truck traffic with the $500 fine shown on the sign should be put up. Councilman Rankin agreed.

Councilman Tesch stated that he and Donald could come back with some cost factors and do a study on all of options.

Mayor Dungen stated that Council does have concerns but the residents needed to be considered in whatever decision was made.

Councilman Rankin stated that at the next meeting he would like to take action on an option but for the short-time to add more signage and raise the find to the maximum amount.

Councilman Tesch made a motion to table the Austin Street railroad crossing and to bring it back at the next meeting. Councilman Rankin seconded the motion.

The vote was as follows:

> Ayes: Councilman Richardson, Axel, Schonenberg, Tesch, and Rankin

The motion passed.

11. Consideration and action to approve the Quarterly Investment Report for the quarter ended September 30, 2010.

City Secretary, Cathy Ezell, stated a quarterly investment report is required as part of the City's investment Policy. She also stated that Council had been given a revised copy because the City's name on the second and third pages was incorrect and some of the dates had to be changed. She then went over the report.

Councilman Rankin made a motion to approve the Quarterly Investment Report for the quarter ended September 30, 2010 as amended. Councilman Schonenberg seconded the motion.

The vote was as follows:

> Ayes: Councilman Richardson, Axel, Schonenberg, Tesch, and Rankin

The motion passed.

12. Consideration and action to authorize the Mayor to enter the City of Columbus into a contract with Corporate Cost Solutions, Inc. to audit the Workers' Compensation premiums.

City Secretary, Cathy Ezell stated that this company would come in and audit the experience modifier, reserves, and claims which are used to calculate the premiums and then they would audit the actual payroll to make sure that all employees are in the correct category. She then stated that there would not be any fee charged if they did not find anything and if anything was found they would receive fifty (50) percent of what was found. She stated that the County had just agreed to use this company to audit their Workers' Compensation premiums. She stated that the company would be auditing five years, the past three years the current year, and the following year.

Councilman Richardson stated that this was preventative maintenance.

Councilman Rankin asked if staff should look into other companies first.

City Manager Donald Warschak recommended that we go with this company since they are already doing the audit for the County.

Councilman Schonenberg made a motion to authorize the Mayor to enter the City of Columbus into a contract with Corporate Cost Solutions, Inc. to audit the Workers' Compensation premiums. Councilman Axel seconded the motion.

The vote was as follows:

Ayes: Councilman Richardson, Axel, Schonenberg, Tesch, and Rankin

The motion passed.

13. Items from Councilmembers.[2]

Councilman Richardson – no comment.

Councilman Axel – would like to add the reopening of Back Street to the next agenda.

Councilman Schonenberg – no comment.

Councilman Tesch – no comment.

Councilman Rankin – thanked Donald for his concise City Manager's reports.

Mayor Dungen – stated that he wanted to congratulate the Cardinal volleyball players and the football players.

18. Announcements.

City Secretary, Cathy Ezell stated that the next Council meeting would be November 23, 2010 and that she was going to be in Galveston most of next week for a seminar.

19. Adjournment.

The mayor adjourned the meeting at 7:40 pm.
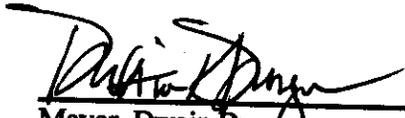
_____
Mayor, Dwain Dungen

ATTEST:

_____
Cathy Ezell, City Secretary

[1]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.

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.

[2]Limited 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.