

STATE OF TEXAS
 COUNTY OF BRAZORIA
 CITY OF WEST COLUMBIA

CITY COUNCIL MINUTES
 OF A REGULAR MEETING
 MONDAY, NOVEMBER 14TH, 2016

The City Council of the City of West Columbia, Texas, convenes this the 14th day of November 2016, at 7:00 p.m. in a regular meeting in the Council Chambers, 512 E. Brazos, West Columbia, Texas

1. INVOCATION & PLEDGE. Invocation was given by Alderman Walker.
2. ROLL CALL. City Secretary Kuban called the roll of the Council.
 Present: Mayor Kincannon, Aldermen Thomas, Walker and Biedenfeld.
 City Secretary Kuban and City Attorney Olson.
 Absent: Aldermen Tindol and Maynor and City Manager Sutherland.
3. MAYOR AND CITY COUNCIL GREETINGS AND PRESENTATIONS. Kincannon greeted everyone and reported on Veteran's Day activities, Meet Your Ancestors and Ghosts Along the Brazos events and the Lions Club Community Feast and stated there would be no council meeting held in the month of December. Alderman Walker reported on Trick or Treat in the Park event hosted by the Parks Board. Municipal Court Deputy Clerk Laurie Motley and Accounting Clerk Yvonne Darrell were announced as Employees of the Month for the month of October.
4. CITIZENS' COMMENTS: Mr. Abdul Panjwani has purchased the Weems Shopping Center on S. 17th and reported there is a 3'x 3' sinkhole in the area nearest Elmo's and needed to know what to do and if it was a drainage issue. Kincannon welcomed him to the city, thanked him for his efforts to improve the property and stated that the issue would be looked at.
5. CITY MANAGER'S REPORT: Sutherland's report was given by Mayor Kincannon on the following – Well No. 4 update was given by city engineer, David Sheblak. He reported that TCEQ should be completed reviewing transmission line by first of December. The owner of Get 'n Go has agreed to the transmission line easement and only needs his signature. He suggested that city staff see this step completed for convenience and expedition. He stated that the city cannot advertise for bids without USDRA authorization. Walker stated his frustration with the delays and to move the project forward; TxDOT sidewalk project has finally commenced again; FEMA reports for the recent flood event have been submitted totaling \$194,557.22 in all categories; Public Works was awarded the pothole patching equipment from Wharton County and repair work has begun on it. Next phase of electronic meters have been installed completing approximately one-third of the total. The 2003 F150 is out of service and engine replacement is estimated at \$4,000. The lowest estimate received for a 2017 RAM 1500 pickup is \$20,560. This is under the spending limit of the city manager. Funds were budgeted for two new public works trucks to be replaced that were in worse condition of which one has been purchased. A loan will be secured with the city's depository with annual payments equaling approximately \$4,000. A budget amendment will be presented at the next council meeting as there were no objections by council; The Parks Board hosted another successful Trick or Treat in the Park; Auditors will finish their fieldwork for Fiscal Year 2015/16 December 12th through 16th; City offices will be closed November 24 and 25th for the Thanksgiving holiday, December 23rd and 26th for Christmas holiday and January 2nd for New Year's and Council was reminded that there would be no regular meeting in December, but special meetings would be scheduled if necessary.
6. CONSENT AGENDA:

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- A. APPROVAL OF MINUTES FROM PREVIOUS MEETING(S).
 - B. CITY TREASURER'S REPORT. Report was submitted in Council packet.
 - C. POLICE DEPARTMENT AND ANIMAL CONTROL REPORT. Reports were submitted in Council packet.
 - D. MUNICIPAL COURT REPORT. Report was submitted in Council packet.
 - E. CODE ENFORCEMENT AND FIRE MARSHAL REPORT. Reports were submitted in Council packet.
 - F. CEMS AND FIRE DEPARTMENT REPORTS. Report was submitted in Council packet.
 - G. PUBLIC WORKS REPORT. Report was submitted in Council packet.
 - H. CONSIDER HOT ADVISORY BOARD FUNDING RECOMMENDATIONS.
Alderman Walker made motion to approve all consent agenda items which included approving HOT funds for the Chamber for \$439.20, Varner Hogg Volunteers for \$1543.49, Columbia Museum for \$ 1508.78, and the City for \$9875.19. Biedenfeld seconded motion with all voted Aye.
7. ITEMS REMOVED FROM CONSENT AGENDA: There were none.
8. OLD BUSINESS:
- A. CONSIDER ENGAGEMENT AGREEMENT WITH NORTON ROSE FULBRIGHT US LLP FOR UTILITY REVENUE BONDS: Biedenfeld made motion to sign the agreement for USRDA loan counsel on utility revenue bond for Water Well No. 4 project with Norton Rose Fulbright US, LLP. Thomas seconded motion and all voted Aye.
9. NEW BUSINESS:
- A. CONSIDER APPROVING WATER WELL NO. 4 PROJECT CHANGE ORDER NO. 1
 - B. BY WEISINGER, INC.: City engineer David Sheblak reported that Change Order No. 1 was due to a quantity and time adjustment and that a USRDA change order form was required. The 274 day contract time frame ended August 26th. Walker asked what the penalty for contractor not meeting the contract date and if it was considered a breach of contract. Sheblak stated that the contractor was not responsible for electrical delays and that he took responsibility for not timing correctly. Walker stated that if the USRDA process is delayed, council and engineer have failed. Sheblak stated that contractor has fulfilled their contractual obligation. It was noted that the final payment had not been made to the contractor and City Attorney Olson stated that they may not be obligated further. He requested to review the contract and would bring back legal advice in an executive session at the end of the meeting.
 - C. DISCUSS AND CONSIDER COLUMBIA BLOOMS PROPOSAL FOR CAPITOL OF TEXAS PARK: Sandy Hurst of Columbia Blooms presented a power point presentation to council of their request for a 3-phase project. Phase 1 is to install a butterfly garden around the current location of the cistern. Phase 2 is to construct a rain garden that includes a rainwater harvesting system, excavation and removal of the granite rocks and re-planting the West side of park. Phase 3 includes re-planting the remainder of the park and installing covered structures. Walker stated that he would not support excavation and added that the pocket park is a mess and Loggins Park is bare. He stated the park is low-maintenance already and clean and neat. Hurst stated that studies show an increase in business and less crime when flowers are planted. Biedenfeld noted that although the Parks Board is in favor of the project he understands the concerns on behalf of the city.

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Thomas inquired if there would be funds available to replace the park to its current condition if the project didn't pan out as proposed. She proposed that the park would be maintained by their board members one week, American Legion volunteers one week, a professional landscaper one week, and the final week would be by other solicited groups making either a six month or one year commitment. Walker commented that the city couldn't get volunteers to help maintain the Welcome sign. Public Works supervisor Matthew Fisher added that there is no irrigation system available currently and Hurst reported that Phases 1 and 2 would require watering for the first year and that water would be transported onsite by a truck with a water tank. No electrical would be needed. After further discussion, City Attorney Olson advised that a non-profit entity should not be held accountable for city property. Hurst suggested the park be turned over to a non-profit as an option. Walker discussed the historical aspects of the location and called it sacred, stating that he could never see that happening unless it was an entity such as the State Historical Commission. Hurst reported they had been awarded a \$5000 grant for Phase 2 which is estimated at \$4940 to complete and they have eleven months to expend the funds. She also suggested that sponsor proceeds of the remaining monuments could serve as a maintenance reversal fund if needed. Walker suggested partnering for the sale of the monuments, where Kincannon stated that wasn't partnering because those would be city funds. After more discussion, council generally agreed that the butterfly garden was a good beginning with minimal expense to return to current condition if necessary. Biedenfeld made a motion to approve Phase 1 the butterfly garden and Phase 2 contingent on Columbia Blooms producing assurances of \$15,000 in funds. Thomas seconded the motion. After additional discussion as to who the bearer of the funds should be, Biedenfeld withdrew his motion. He then made a motion to approve the 1st project, the butterfly garden and 2nd project, Phase 2 contingent upon \$15,000 in funds being on deposit with the city and restricted for the sole purpose of maintenance reversal, Thomas seconded the new motion and all voted Aye.

- D. DISCUSS AND CONSIDER REQUEST BY THE COALITION AGAINST BIG TRUCKS: The Coalition Against Big Trucks is concerned by the impact heavy weighted trucks have on our highway infrastructure. They are asking for the city to show opposition to legislation increasing the current weight limits. This item was tabled to receive further direction from county officials.
- E. CONSIDER 2016/17 BUDGET AMENDMENT NO. 1: Fire Department representative Michael Eulenfeld reported that the estimate to bring the city's truck, Unit 203 up to working standard was \$24,196.23 and they have asked for a second quote for full refurbish which they have not received to date. This repair is necessary to put the truck back into service. As there are not funds allocated for repair, a budget adjustment would be necessary. Walker made motion to approve funds to repair and put back into service Unit 203. Thomas seconded motion. Walker then made motion to amend his original motion to approving the budget adjustment. Thomas seconded the amended motion and all voted Aye.
- F. DISCUSS AND CONSIDER FIRE TRUCK UNIT 203 REPAIRS: Walker made motion authorizing repairs for Unit 203. Thomas seconded motion and all voted Aye.
- G. CONSIDER RESOLUTION AUTHORIZING CHAPTER 380 AGREEMENT – DOMINO'S PIZZA: It was discussed that the EDC passed a resolution to enter into a

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380 Agreement with Pizza Mac for the Domino's Pizza project with incentives to build a new eat-in restaurant. Council must hold two readings of a resolution approving the project if so moved. Walker made a motion to approve the project and the expenditure of funds with the adoption and reading of Resolution No. 474. Biedenfeld seconded the motion and all voted Aye. The second reading of the resolution will be held on December 1st immediately after the EDC public hearing.

10. Kincannon closed the open meeting at 8:45 p.m. to adjourn into an executive session for attorney consultation and then reconvened in open session at 8:52 p.m.

Action as a Result of a Closed Meeting: Biedenfeld made motion to approve Change Order No. 1 and recommended the project be completely expeditiously. Thomas seconded the motion and all voted Aye. Walker stated that he never would have agreed to going with USRDA if he had known it would take two years. Sheblak commented that he is not a fan of USRDA and was just doing as instructed. He stated that the other phases should be able to be bid by mid to end of January and complete the project by Summer 2017.

11. ADJOURN: Mayor Kincannon adjourned the meeting at 8:57 P.M.


LAURIE B. KINCANNON, Mayor

ATTEST:


KELLI R. KUBAN, City Secretary