

STATE OF TEXAS
 COUNTY OF BRAZORIA
 CITY OF WEST COLUMBIA

CITY COUNCIL MINUTES
 OF A REGULAR MEETING
 MONDAY, SEPTEMBER 9TH, 2019

The City Council of the City of West Columbia, Texas, convenes this the 9th day of September, 2019 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, Tindol, Maynor, Walker, and Biedenfeld. Also present were City Manager Sutherland, City Secretary Kuban and City Attorney David Olson.
 Absent: None.
3. **MAYOR AND CITY COUNCIL GREETINGS AND PRESENTATIONS:** Kincannon greeted everyone and presented the Fire Prevention Week Proclamation to Mike Azbell and Employee of the Month to Deputy Municipal Court Clerk, Kaili Avirett who received her Certified Level 1 Certification through Texas Municipal Court Education Center.
4. **CITIZENS' COMMENTS:** Sheryl Davis commented on building materials placed by a citizen that had no regard for the environment, safety or health of the community were still located on E. Jefferson and stated she would report the matter to TCEQ. She also stated she would follow up with the City Manager regarding drainage issues in that area.
5. **CITY MANAGER'S REPORT:** Sutherland reported on the following – * Final TCEQ approval to put Well No. 4 in operation is anticipated by September 30th. Public Works is working with CBISD and TxDOT regarding drainage issues discovered during ditch cleaning between the school and Absolute Fitness. * Funding options were discussed for relocation of city infrastructure due to the Hwy 36 Widening Project. * The next CDBG allocation will be next year in the amount of \$190,000. Identification of a potential project may start this year with engineering beginning prior to funding to expedite its completion. * City will be flushing lines next week and smoke testing is being scheduled in the area of Bacicia and Sinclair lift stations. * Way-finding signage has been removed and will be replaced with signage displaying the new city logo. * Final TCEQ approval for the WWTP permit is anticipated by September 30th. Manuel Espinoza is scheduled to test for his B License. Safe Routes to School grant application was submitted and should be awarded by the end of the year. General Land Office application has been submitted for manhole replacements. Library's Hancher Grant for new furniture has been submitted and should be awarded by the end of October. * National Night Out is scheduled at First Capitol Park for Tuesday, October 1st. * The City will host BCCA on October 16th at the Civic Center. * City offices will be closed Monday, October 14th for Columbus Day and Council meeting will be Tuesday, October 15th.
6. **CONSENT AGENDA:**
 - A. **APPROVAL OF MINUTES FROM PREVIOUS MEETING(S).** Minutes were submitted in Council packet.
 - B. **CITY TREASURER'S REPORT.** Report was submitted in Council packet.
 - C. **POLICE DEPARTMENT REPORT.** Report was submitted in Council packet.
 - D. **MUNICIPAL COURT REPORT.** Report was submitted in Council packet.
 - E. **FIRE DEPARTMENT REPORT.** Reports were submitted in Council packet

F. FIRE MARSHAL REPORT. Report was not submitted in Council packet.

G. PUBLIC WORKS REPORT. Report was submitted in Council packet.

Motion was made by Tindol and seconded by Thomas to approve all consent agenda reports. All voted Aye.

7. ITEMS REMOVED FROM CONSENT AGENDA: There were none.
8. PUBLIC HEARING – ABATEMENT OF SUBSTANDARD STRUCTURE LOCATED AT STARK (A0040 JH BELL DIV 8) BLK 1 LOT I1 – Lot I1A (PT W 1AC)(WEST COLUMBIA) ACRES 0.88 THAT HAS BEEN UNOCCUPIED AND UNSECURED AGAINST UNAUTHORIZED ENTRY: INTERIOR AND EXTERIOR CONDITIONS CONSTITUTING HAZARD TO HEALTH, SAFETY AND WELFARE OF CITIZENS, ENDANGERMENT TO PERSONS AND PROPERTY; THEREFORE DEEMED DILAPIDATED, SUBSTANDARD AD/OR UNFIT FOR HUMAN HABITATION: Kincannon closed the open meeting and entered into a Public Hearing at 7:21 PM to discuss a burned out house on Austin St. With no public questions or comments being made, Kincannon closed the public hearing and convened back into open session at 7:22 PM.
9. NEW BUSINESS:
 - A. CONSIDER ISSUING ORDER OF ABATEMENT OF SUBSTANDARD STRUCTURE: It was stated that the owners of the home that burned on Austin St. have passed and no responses to notifications have been received. Walker made a motion to approve issuing Order of Abatement and Tindol seconded the motion. All voted Aye.
 - B. CONSIDER REQUEST TO TIE INTO CITY SEWER SERVICES – 1901 S. COLUMBIA DR.: Mrs. Hanselman was present and reported that her septic system was functioning, but not well and that she could not afford to replace it. A neighbor had reported issues to Environmental Health. Although she is requesting to tie into city services, it was discussed that the sewer line in front of her property is a forced main and would potentially back up into her home. A new line would have to be installed and there are three properties between the city limits and hers. Incentives for annexation such as waiving tap fees were discussed. Because of the fact that current services were not available, Walker made a motion to deny the request to tie into city services but work toward a solution. Motion was seconded by Maynor. It was agreed to work toward the same goal. All voted Aye.
 - C. CONSIDER REQUEST BY BLACK'S FAIRY MEADERY: Calvin and Jerica Green, owners of Black's Fairy Meadery, were present and thanked Council and the City for their support. They reported that they are currently in negotiations with HEB. They are remodeling the back of their business and are interested in expanding operation to include a hookah bar, sale of other local wines and an outside daiquiri shack with to-go sales. City Attorney Olson stated that their current permit allows for to-go sales and new legislation also allows for delivery. They are also requesting to be allowed late hours of 1AM on Fridays and 2AM on Saturdays. After further discussion of any potential negative issues, such as parking, security requirements, etc. Biedenfeld made a motion to examine an ordinance to allow for late hours. Motion was seconded by Thomas and all voted Aye.
 - D. CONSIDER AWARDED BID FOR BANK DEPOSITORY CONTRACT: It was reported that Prosperity Bank was the only depository that submitted a bid. Motion

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was made by Biedenfeld and seconded by Tindol to award the bid for bank depository contract to Prosperity Bank. All voted Aye.

- E. **CONSIDER BID FOR MOWING SERVICES:** Bids were received by Cornerstone Lawn Services and Kenny Pate. Walker made a motion to award bid to Pate. Maynor seconded motion. It was discussed that due to the expense for year-round, city-wide services, Public Works Supervisor Fisher recommended taking back the task of mowing all city properties except First Capitol Park. All other locations would only be contracted when scheduled projects wouldn't allow city crew to maintain. It was suggested to revise the scope of work for bids to be re-advertised. Walker withdrew his motion and made a motion to table. Maynor seconded and all voted Aye.
- F. **CONSIDER ORDINANCE INCREASING WATER AND SEWER RATES:** It was discussed that Council had previously recommended annual incremental increases of water and sewer rates equal to the current Consumer Price Index so that it wouldn't need to be voted on every year. This increase would be 1.8% for the 2019/20 Fiscal Year. Tindol stated he was against this increase. Walker reported that the General Fund had unfairly been subsidizing the Utility Fund forever. The CPI rate will simply help cover the cost of providing the service. Motion was made by Walker, seconded by Biedenfeld to adopt Ordinance No. 670 captioned as
- AN ORDINANCE OF THE CITY OF WEST COLUMBIA, TEXAS,
 AMENDING THE CHARGES FOR WATER AND SEWER
 PURSUANT TO SECTIONS 19 - 152 AND 19 - 154 OF THE CODE
 OF ORDINANCES OF THE CITY OF WEST COLUMBIA,
 TEXAS; PROVIDING FOR SEVERABILITY; AND PROVIDING
 AN EFFECTIVE DATE.
- Thomas, Maynor, Walker and Biedenfeld voted Aye. Tindol voted Nay. Motion carried. Water and Sewer rates within the city limits will each be increased from \$16.00 for the first 1000 gallons and \$4.63 for every 1000 gallons over to \$16.29 for the first 1000 gallons and \$4.71 for every 1000 gallons over. Outside city limit rates will each be increased from \$32.00 for the first 1000 gallons and \$9.26 for every 1000 gallons over to \$32.58 for the first 1000 gallons and \$9.42 for every 1000 gallons over.
- G. **CONSIDER RESOLUTION SUBMITTING NOMINATIONS FOR BRAZORIA COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS:** Biedenfeld made a motion to nominate and cast all votes for Glenn Salyer for Brazoria County Appraisal District Board of Directors. Motion was seconded by Tindol and all voted Aye. Resolution No. 520 was adopted.
- H. **CONSIDER 2019 ROAD AND BRIDGE INTERLOCAL AGREEMENT WITH BRAZORIA COUNTY:** Motion was made by Tindol and seconded by Biedenfeld to approve the 2019 Road and Bridge Interlocal Agreement with Brazoria County. All voted Aye.
- I. **CONSIDER ENGAGEMENT AGREEMENT WITH BICKERSTAFF HEATH DELGADO ACOSTA LLP FOR LEGAL SERVICES CHALLENGING SBS 1004 AND 1152:** Sutherland reported that S.B. 1152 allows cable and telephone companies to file an exemption from franchise fee payments and S.B. 1004 relates to the deployment of network nodes, which has already been regulated by council adopting an ordinance. She reported on the continued decrease of franchise fee revenue over the years and recommended participating in the class action suit. The cost is .15 per

person and based on current population would be \$584.70. Motion was made by Walker to join the class action suit. Biedenfeld seconded the motion. City Attorney Olson advised participating at the rate stated. All voted Aye.

- J. CONSIDER RENEWAL OF TXDPS FAILURE TO APPEAR PROGRAM: Motion was made by Walker to approve the renewal of the TxDPS Failure to Appear Program. Maynor seconded the motion and all voted Aye.
- K. CONSIDER URBAN CAMPING ORDINANCE: It was discussed that the trend in urban camping by the homeless population in other cities is being regulated by ordinance. Council was interested in pursuing this. No action necessary.
- L. CONSIDER TRANSFERRING CITY PROPERTY TO WEST COLUMBIA ECONOMIC DEVELOPMENT CORPORATION: Danita and David Carlton were present and they presented a proposal to Council for a full-service comfort food restaurant offering all-day breakfast menu, home-cooking and bakery items seating approximately 70. Motion was made by Tindol and seconded by Biedenfeld to transfer the property to the EDC. Further discussion included parking for the Police Department and protection of the antenna tower. City Attorney Olson advised that the city could make the same kind of agreement that the EDC could and save the title transfer costs. Tindol withdrew the motion and staff was instructed to work with the EDC to offer incentives to move the project forward. No action necessary.
- M. CONSIDER ADOPTING 2019/20 ANNUAL BUDGET: Motion was made by Tindol and seconded by Thomas to adopt Ordinance No. 671 adopting the 2019/20 Annual Budget captioned as

AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF WEST COLUMBIA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020; AND ADOPTING THE ANNUAL BUDGET OF THE CITY OF WEST COLUMBIA FOR THE 2019/20 FISCAL YEAR.

Walker requested lowering the tax rate from .82 to .81. Kincannon stated staff needed to be directed earlier in the budget process to implement changes. Walker reported earlier discussions with staff and awareness that late appraisals hinder numbers. He stated he would like to see a systematic rolling back of the rate and that the deficit could come from fund balance. Biedenfeld volunteered to chair a task committee to achieve a goal of lowering tax rate and work with department heads to report on strategic goals for next year. Walker again recommended to pull the shortfall from fund balance for a tax rate of .81. Kincannon stated that she would like to honor the recommendations of the department heads. City Attorney Olson advised to not muddy the motion with conditions. With no further discussion, all voted Aye.

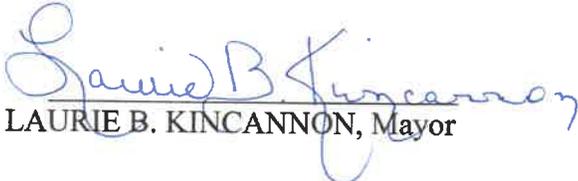
- N. CONSIDER ORDINANCE LEVYING TAXES FOR 2019 AND APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSE: Motion was made by Walker that the property tax revenue be increased by the adoption of a tax rate of .82000/100 which is effectively a 3.93% increase in tax revenue. Biedenfeld seconded the motion and all voted Aye adopting Ordinance No. 672 captioned as

AN ORDINANCE LEVYING TAXES FOR THE USES AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF WEST COLUMBIA; AND APPORTIONING LEVY FOR A SPECIFIC PURPOSE.

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- Following vote, Kincannon appointed Biedenfeld to chair task committee working with city manager to decrease tax rate over five years. Tindol recommended Kincannon serve on committee, also.
- O. CONSIDER FY 2018/19 BUDGET ADJUSTMENT NO. 1: Sutherland reported that the adjustments to the General Fund reflected decreased revenues and the Utility Fund adjustments were mainly due to expenditures to complete Well No. 4 and repairs to Well No. 1. Motion was made by Walker to approve FY 2018/19 Budget Adjustment No 1. Motion was seconded by Maynor and all voted Aye.
10. ADJOURN: Mayor Kincannon adjourned the meeting at 9:48 P.M.


LAURIE B. KINCANNON, Mayor

ATTEST:


KELLI R. KUBAN, City Secretary