

STATE OF TEXAS  
COUNTY OF BRAZORIA  
CITY OF WEST COLUMBIA

069  
CITY COUNCIL MINUTES  
OF A REGULAR MEETING  
MONDAY, JUNE 11th, 2012

The City Council of the City of West Columbia, Texas, convenes this the 11<sup>th</sup> day of June, 2012, 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. Kuban called the roll of the Council.  
Present: Mayor Kincannon, Aldermen Thomas, Schwebel, Walker and Biedenfeld. City Manager Sutherland, City Secretary Kuban and City Attorney Griggs.  
Absent: Alderman Tindol.
3. MAYOR AND CITY COUNCIL GREETINGS AND PRESENTATIONS: Kincannon welcomed everyone and Biedenfeld thanked citizens for their support in his election. Walker thanked local businesses for their support of Columbia United.
4. CITIZENS' COMMENTS: Shirley Grice requested that the Dixon monument be protected by a fence or other means to prevent possible damage from vehicles driving on the park grounds. Destiny Wilson of Columbia United thanked Council for their support of the program and presented each with t-shirts.
5. CITY MANAGER'S REPORT: Sutherland reported on the following topics: TxDOT updates; Highway 36 overpass; Sales Tax overpayment of approximately \$154,000 requested to be reimbursed over seven year period; Emergency siren repairs not completed; Museum contracted being drafted for review; Generators being tested; Streets and Drainage report; Capitol of Texas Park to be cleaned starting next week; Department heads budget meeting next week; Out of office for Columbia United but available if needed.
6. CONSENT AGENDA:
  - A. APPROVAL OF MINUTES FROM PREVIOUS MEETING(S).
  - B. CITY TREASURER'S REPORT. Report was submitted in Council's packet.
  - C. POLICE DEPARTMENT REPORT. Report was submitted in Council's packet.
  - D. MUNICIPAL COURT REPORT. Report was submitted in Council's packet.
  - E. FIRE DEPARTMENT REPORT. Report was submitted in Council's packet.
  - F. CEMS. Report was submitted in Council's packet.
  - G. PUBLIC WORKS REPORT. Report was submitted in Council's packet.
  - H. CONSIDER ENGAGEMENT OF KENNEMER, MASTERS & LUNSFORD, LLC FOR 2011/12 ANNUAL AUDIT.  
Motion was made by Thomas, seconded by Schwebel and was duly adopted to approve all Consent Agenda items including department reports and the engagement of Kennemer, Masters & Lunsford, LLC to conduct the 2011/12 annual audit. All voted Aye.
7. ITEMS REMOVED FROM CONSENT AGENDA: There were none.
8. OLD BUSINESS:
  - A. CONSIDER ORDINANCE REGARDING MINIMUM UTILITY CHARGES AND DISCHARGE OF WELL WATER INTO CITY WASTE WATER SYSTEM: Sutherland recommended to table for further review and requested guidance for charging for sewer which is non-metered. Griggs stated he would correct the water well ordinance fines assessed language from \$200 to \$2000. Walker stated it would be unfair to charge a minimum amount for grandfathered wells and that the maximum amount would be easier. Sutherland was asked to study the current number of homes and average usage. Walker made motion to table for further review. Thomas seconded the motion. All voted Aye.

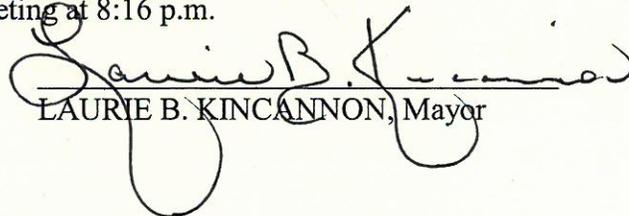
## 9. NEW BUSINESS:

- A. CONSIDER AWARDING BID FOR CDBG 2012 SEWER LINE IMPROVEMENT PROJECT: City Engineer David Sheblak reported that Matula & Matula submitted the low bid for the 2012 CDBG sewer line improvement project. Bas bid tabulation results were as follows: Matula & Matula \$87,061.56; Supak Construction Co. \$110,740.50; Horseshoe Construction \$128,093.40; Jimerson Underground \$137,424.20; AR Turnkey Construction \$138,545.75; and Crostex Construction Co. \$147,959.00. Sheblak stated that if bid project goes over grant funding it could be re-bid. He reported that the contractor offered \$7000 deduction for use of alternate material. Differences of PVC pipe and polypropylene pipe was discussed. Motion was made by Schwebel, seconded by Thomas to award bid to Matula & Matula. All voted Aye.
- B. CONSIDER RECOMMENDATION OF EDC BUSINESS INCENTIVE GRANT APPLICATIONS: Motion was made by Thomas, seconded by Biedenfeld to grant funding of \$1000 for Blue Monday Sports Center sign improvement contingent on business opening. All voted Aye. Schwebel suggested a written time frame be submitted for the opening of business.
- C. CONSIDER EDC FUNDING OF IMPACT STUDY OF PROVIDING SERVICES TO COLUMBIA LAKES: Kincannon reported that Gary Patterson and Craig Atkins approached the EDC to fund a study of the economic impact of annexing Columbia Lakes. The study would be done at a bargain price by a person recommended by Robert Worley of the Alliance of Brazoria County. Walker stated that he felt Columbia Lakes had as much to gain as the city and should contribute to the cost of the study. He also stated that the city could potentially control whether a back entrance was added and that would have a huge impact on the city's economic growth. He recommended they pay from 20 percent to half the cost. Schwebel stated that it would be the city making the decision to annex Columbia Lakes and not theirs and the study would just show the data of feasibility of the good and bad for both parties. Schwebel made the motion to fund the \$5000 for the study and Thomas seconded. Biedenfeld suggested amending the motion to include indemnification language in the contract. Schwebel made motion to amend and Biedenfeld seconded. Thomas, Schwebel and Biedenfeld voted Aye. Walker voted Nay and stated his opposition of the terms of the funding and not the study itself. Motion carried.
- D. CONSIDER RESOLUTION WAIVING PUBLIC, EDUCATIONAL, AND GOVERNMENTAL CHANNEL FEE: Sutherland stated that the city channel is not considered a PEG channel requiring 8 hours of public, educational and governmental programming and that the city does not have the time or resources to host this type of programming. Motion was made by Schwebel, seconded by Walker to adopt Resolution No. 428 waiving PEG fees. All voted Aye.
- E. CONSIDER REQUEST FOR MORATORIUM ON ALL COUNCIL VOTES CONCERNING "REQUESTS FOR" AND/OR "POLICY CHANGES TO" ALL EXTENSIONS OF CITY SERVICES AND/OR ANNEXATIONS OUTSIDE OF CITY LIMITES – MIKE LYNCH: Mr. Lynch addressed council with further concerns and questions regarding the Action Assets extension of services. He questioned the completion of the memorandum of understanding which Griggs reported the city's proposal was with their attorney. Lynch commented that issues of drug trade, loud music and trash had improved after services were shut off. He inquired about the possibility of annexation of the Action Assets property. In response to his statement of "we broke every rule in the book", Griggs stated that was not accurate. Kincannon told Mr Lynch that the time frame they had discussed had transpired. He continued to question the extension policy procedures. Biedenfeld requested time to review the paperwork distributed by

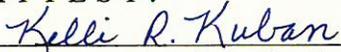
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- Mr. Lynch. Lynch continued by requesting that extensions in the future require a 90 day period for public discussion and mail outs to citizens within a 3000 foot area. After Lynch made personal comments and accusations toward Walker, Kincannon told Lynch that his request had been submitted in writing and that it would be taken under advisement. No action taken.
- F. CONSIDER FY 2011/12 BUDGET ADJUSTMENT NO. 1: Sutherland submitted a budget adjustment to reflect unexpected expenditures, council actions and increases in costs. Motion was made by Walker, seconded by Thomas to adopt budget adjustment no. 1. All voted Aye.
- G. CONSIDER APPOINTMENT OF MAYOR PRO-TEM: Motion was made by Thomas, seconded by Biedenfeld to re-appoint Alderman Walker as Mayor Pro-Tem. All voted Aye.
- H. CONSIDER APPOINTMENTS OF MUNICIPAL COURT JUDGES: Kincannon recommended Judge Cudd and Alternate Judge Cole be re-appointed. City Attorney Griggs stated that only judges of a court of record are required to be attorneys and have specific term limits and these qualifications do not apply to the municipal court of this city. Motion was made by Walker, seconded by Thomas and Judge Cudd and Alternate Judge Cole were duly appointed by all voting Aye.
- I. CONSIDER APPOINTMENTS OF HOTEL OCCUPANCY TAX ADVISORY BOARD: Board members Washington, Ray, Stanford and Bertram terms have expired. Only Washington and Ray stated their interest in serving another term. Kincannon nominated Naomi Smith. Motion was made by Walker to appoint Smith and re-appoint Washington and Ray, leaving one vacant seat for further nominations. Biedenfeld seconded the motion. All voted Aye.
- J. CONSIDER APPOINTMENTS OF ECONOMIC DEVELOPMENT CORPORATION DIRECTORS: Board Directors Kincannon, Stubbs, Cole and Pell terms have expired. Only Kincannon and Stubbs stated their interest in serving another term. Kincannon nominated Gary Patterson. Motion was made by Thomas to appoint Patterson and re-appoint Kincannon and Stubbs, leaving one vacant seat for further nominations. Walker seconded the motion. All voted Aye.
- K. CONSIDER REQUEST REGARDING UTILITY BILL – COLUMBIA HISTORICAL MUSEUM: Sutherland reported that the Museum's water bill was determined to be high because of various plumbing issues and they have requested an adjustment. It was discussed that the city owns the building and will make the necessary repairs. Motion was made by Walker, seconded by Thomas to adjust the bill to the regular amount. All voted Aye.
10. ADJOURN: Mayor Kincannon adjourned the meeting at 8:16 p.m.

  
 LAURIE B. KINCANNON, Mayor

ATTEST:

  
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 KELLI R. KUBAN, City Secretary