

STATE OF TEXAS  
 COUNTY OF BRAZORIA  
 CITY OF WEST COLUMBIA

CITY COUNCIL MINUTES  
 OF A REGULAR MEETING  
 MONDAY, NOVEMBER 13th, 2012

The City Council of the City of West Columbia, Texas, convenes this the 13<sup>th</sup> day of November, 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 Biedenfeld.
2. ROLL CALL. Kuban called the roll of the Council.
  - Present: Mayor Kincannon, Aldermen Thomas, Tindol, Schwebel, and Biedenfeld. City Manager Sutherland, City Secretary Kuban and City Attorney Griggs.
  - Absent: Alderman Walker.
3. MAYOR AND CITY COUNCIL GREETINGS AND PRESENTATIONS: Kincannon welcomed everyone and voiced appreciation of veterans. Tindol commended the Roughnecks on advancing to the playoffs and invited everyone to a community pep rally.
4. CITIZENS' COMMENTS: There were none.
5. CITY MANAGER'S REPORT: Sutherland reported on the following topics: TxDOT signs posted are for general construction outside city limits; Siren is installed and is operational; Trick or Treat in the Park was another successful event and the playground equipment committee is meeting to determine specific modules to be purchased with grant funds for Dixon and First Capitol Parks. Fuel tank at Dixon Park must be downsized for funding to be completed; City offices will be closed for holidays on November 22<sup>nd</sup> and 23<sup>rd</sup>, December 24<sup>th</sup> and 25<sup>th</sup> and January 1<sup>st</sup>.
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 not submitted in Council's packet.
  - G. PUBLIC WORKS REPORT. Report was submitted in Council's packet.

Kincannon stated that CEMS report would be removed from the consent agenda as it was not submitted. Motion was made by Schwebel, seconded by Thomas to approve all items on the consent agenda. All voted Aye.
7. ITEMS REMOVED FROM CONSENT AGENDA: CEMS report will be submitted with next months consent agenda. No action taken.
8. PUBLIC HEARING:
  - A. APPLICATION FOR WINE AND BEER RETAILER'S OFF-PREMISE PERMIT FOR MINNI MART #1, 902 E. BRAZOS AVENUE, WEST COLUMBIA TX BY MELOJ SUNESARA, INC. OWNER: There were no public comments.
9. NEW BUSINESS:
  - A. CONSIDER APPLICATION FOR WINE AND BEER RETAILER'S OFF-PREMISE PERMIT FOR MINNI MART #1, 902 E. BRAZOS AVENUE, WEST COLUMBIA TX BY MELOJ SUNESARA, INC. OWNER: Motion was made by Schwebel, seconded by Tindol and was duly approved to authorize City Secretary's signature on wine and beer retailer's off-premise permit for Minni Mart #1. All voted Aye.
  - B. CONSIDER UTILITY ACCOUNT ADJUSTMENT REQUESTS – CHRISTIAN CENTER, JAMES KYLE AND LEIGH ANN MORRA: James Kyle request was

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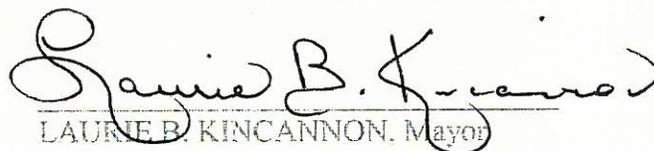
- represented by Ms. Kesee who stated a leak had since been repaired. Ms. Morra stated the same for her request. Christian Center request was discussed at length although there was not a representative present. Schwebel made motion to approve Kyle and Morra requests and table Christian Center request until a representative could be present. Motion was seconded by Thomas. All voted Aye.
- C. CONSIDER WASTE CONNECTION RATE INCREASE TO SOLID WASTE CONTRACT: Sutherland reported Waste Connections would increase residential rates from \$16.00 to \$16.45 per home per month and commercial rates for carts or dumpsters would increase by the same percentage of 2.8%. It was discussed that the city absorbed the last increase without passing the cost on to the citizens. She suggested partnering with Brazoria and Sweeny for a combined bid in the future to drive the costs down. It was recommended to pass the .45 rate increase on to the customer. Motion was made by Schwebel to accept the rate increase. Motion was seconded by Tindol. All voted Aye.
- D. CONSIDER MATULA & MATULA CHANGE ORDER NO. 1 FOR CDBG SANITARY SEWER IMPROVEMENT PROJECT: City Engineer David Sheblak stated the change order would decrease the original bid amount by \$3,957.38. Motion was made by Tindol, seconded by Thomas to approve Matula & Matula Change Order No. 1. All voted Aye.
- E. CONSIDER MATULA & MATULA PAY REQUEST NO. 2 FOR CDBG SANITARY SEWER IMPROVEMENT PROJECT: Concerns were voiced about the clean up of road and ditches and the error in bid specifications regarding linear feet as opposed to square feet. Sheblak explained the costs would have been charged to the City in the original bid had the error not occurred instead of as an extra cost. After discussion of whether to approve the pay request, Sheblak suggested it would be more appropriate to withhold the 10% retainage fee in full for these issues. He also stated that he felt sure Matula & Matula would address these final concerns upon their return. Motion was made by Thomas, seconded by Tindol to approve Matula & Matula pay request no. 2 in the amount of \$57,628.08. All voted Aye.
- F. CONSIDER MATULA & MATULA PAY REQUEST NO. 3-FINAL FOR CDBG SANITARY SEWER IMPROVEMENT PROJECT: Motion was made by Tindol, seconded by Thomas to deny Matula & Matula pay request no. 3. All voted Aye.
- G. CONSIDER MATULA & MATULA PAY REQUEST FOR EXTRA SEWER LINE WORK: It was discussed that the additional work outside the CDBG approved area is paid from the Capital Improvement Fund. Motion was made by Schwebel, seconded by Tindol to approve Matula & Matula pay request for extra sewer line work in the amount of \$50,769.30. All voted Aye.
- H. CONSIDER HOT ADVISORY BOARD FUNDING RECOMMENDATIONS: Motion was made by Thomas, seconded by Tindol to approve HOT funding of \$150 to Chamber of Commerce, \$1,445.29 to Columbia Historical Museum, \$1,675.00 to First Capitol Historical Foundation, and \$5,519.00 to the City. All voted Aye.
- I. CONSIDER RATIFICATION OF PARKS & RECREATION BOARD BYLAW REVISIONS: Parks and Recreation Board submitted bylaw revisions changing the number of members from 10 to 11 and adding policy that members must respond to either email or text notice of attendance and participate in events to ensure the success of the event. Motion was made by Tindol, seconded by Thomas to approve the Parks and Recreation Board bylaw revisions. All voted Aye.

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J. CONSIDER MIKE LYNCH REQUEST: Schwebel and Lynch read aloud his request to appoint a separate committee to examine actions of illegally exempting Action Assets from all city laws without council authorization and falsifying Capital Improvement Committee report and he followed with questions to council regarding the Capital Improvement Committee's findings regarding issues of the extension of services to Action Assets trailer park. Thomas reported that as a member of the committee, all issues had been addressed and concluded. After much discussion, Biedenfeld stated that he appreciated Lynch's enthusiasm but disagreed with his allegations. He reported that he had researched each claim against the city and after reading aloud his conclusion statement he recommended that another committee not be appointed. No action taken.

10. ADJOURN: Mayor Kincannon adjourned the meeting at 7:59pm.

  
LAURIE B. KINCANNON, Mayor

ATTEST:

  
KELLI R. KUBAN, City Secretary