

STATE OF TEXAS
 COUNTY OF BRAZORIA
 CITY OF WEST COLUMBIA

CITY COUNCIL MINUTES
 OF A REGULAR MEETING
 MONDAY, MARCH 14TH, 2011

The City Council of the City of West Columbia, Texas, convenes this the 14th day of March, 2011, at 7:00 p.m. in a regular meeting in the Council Chambers, 512 E. Brazos, West Columbia, Texas.

1. INVOCATION & PLEDGE. Was given by Alderman Schwebel.
2. ROLL CALL. City Secretary Kuban called the roll of the Council.
 - Present: Mayor Kincannon, Aldermen Thomas, Tindol, Schwebel, and Gilbert. City Manager Sutherland and City Attorney Griggs.
 - Absent: Alderman Walker.
3. MAYOR AND CITY COUNCIL GREETINGS AND PRESENTATIONS:
 - Kincannon greeted those present.
 - Employee of the Month presentation – Michael Palmer, Police Chief.
4. CITIZENS' COMMENTS: There were none.
5. CONSENT AGENDA:
 - A. APPROVAL OF MINUTES FROM PREVIOUS MEETING(S).
 - B. CITY MANAGER'S REPORT. Report was submitted in Council's packet. This item was requested to be removed from this and future consent agendas to continue to be read aloud.
 - C. CITY TREASURER'S REPORT. Report was submitted in Council's packet.
 - D. POLICE DEPARTMENT REPORT. Report was submitted in Council's packet.
 - E. MUNICIPAL COURT REPORT. Report was submitted in Council's packet.
 - D. FIRE DEPARTMENT REPORT. Report was submitted in Council's packet.
 - E. CEMS. Report was not included in Council's packet.
 - F. PUBLIC WORKS REPORT. Report was submitted in Council's packet.

Motion was made by Tindol, seconded by Schwebel and was duly adopted to approve consent agenda items as submitted. All voted Aye.
6. ITEMS REMOVED FROM CONSENT AGENDA: City Manager's report was removed from the consent agenda and was read aloud. Sutherland reported the following: A public hearing will be held at Columbia High School on March 29 regarding the Highway 36 project; TxDOT request for sidewalk maintenance ordinance is on this agenda; Lift station modifications have begun; Brazoria County has begun cleaning ditches at the City's request; and KidFish will be held at First Capitol Park on March 26th.
7. OLD BUSINESS:
 - A. CONSIDER PERSONNEL POLICY AMENDMENT FOR SICK AND VACATION LEAVE:

Department heads proposed to amend the sick and vacation leave policy by terminating the current carry-over of 120 vacation hours and 240 sick leave hours and also terminating the 3:1 conversion of sick leave over 100 hours to vacation. They propose to allow every employee a total of 12 days sick leave effective each January 1st and create a Short-Term Disability Policy allowing 240 hours of additional sick leave for catastrophic illness that would take the place of the current Sick Leave Pool. The proposal for vacation is the following: 0-1 years of service = 0 days; 1-5 years of service = 10 days; 5-15 years of service = 15 days; 15 and up years of service = 20 days. Vacation days earned are in addition to the 15 paid holidays benefited by every employee. They further proposed that the new policy become effective January 1st, 2012 and allowing for the final carry-over of vacation hours (not sick) and requiring all vacation hours to be used by December 31st, 2012. Motion was made by Tindol, seconded by Thomas

and was duly adopted by all voting Aye.

- B. CONSIDER AMENDMENT TO ORDINANCE REGULATING GAME ROOMS: Council requested that the current distance between game rooms and school, church or hospital be increased from 300' to 1000' and that fees be increased to \$10,000 application fee and \$1,000 per machine fee. City Attorney Griggs advised that fees cannot be excessive to the related cost of administration of services and could be considered an unconstitutional tax. An allowable increase of \$15 per machine was discussed and would be addressed under a separate amendment to the ordinance as it was not included in the draft. He further advised that the method of measurement should be consistent with the current regulations of TABC which is 300' from front door to front door by street fronts and 1000' if opposed by any school, church or hospital. Motion was made by Tindol, seconded by Thomas and Ordinance No. 587 was adopted captioned as:

AN ORDINANCE AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF WEST COLUMBIA, TEXAS, BY AMENDING ARTICLE IX ENTITLED "AMUSEMENT REDEPTION MACHINE GAME ROOM" BY AMENDING THE PROVISIONS IMPOSING RESTRICTIONS ON THE LOCATION OF SUCH MACHINES; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ANY AND ALL KINDS OF ORDINANCES, REGULATION, RULES OR POLICIES WHICH ARE IN ANY MANNER INCONSISTENT OR IN CONFLICT WITH THIS ORDINANCE; PROVIDING THAT THE VIOLATION OF THIS ORDINANCE SHALL CONSTITUTE AN OFFENSE PUNISHABLE BY A FINE OF NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00); AND PROVIDING AN EFFECTIVE DATE.

All voted Aye.

8. NEW BUSINESS:

- A. CONSIDER AUTHORIZING THE ADVERTISEMENT OF BIDS FOR THE SOUTH BUSINESS HIGHWAY 35 ANNEXATION UTILITY EXTENSION PROJECT: Motion was made by Tindol, seconded by Schwebel and was approved to authorize the advertisement of bids for the S. Business Hwy. 35 Annexation Utility Extension Project. All voted Aye.
- B. DELINQUENT TAX COLLECTION REPORT BY PERDUE, BRANDON, FIELDER, COLLINS & MOTT, L.L.P.: Report was given by Attorney Mike Darlow.
- C. CONSIDER DELINQUENT TAX COLLECTION CONTRACT RENEWAL WITH PERDUE, BRANDON, FIELDER, COLLINS & MOTT, L.L.P.: Motion was made by Schwebel, seconded by Gilbert and was approved to renew delinquent tax contract with Perdue, Brandon, Fielder, Collins & Mott, L.L.P. All voted Aye.
- D. CONSIDER ORDINANCE FOR EARLY TURNOVER OF PERSONAL PROPERTY: Attorney Mike Darlow reported that adopting the ordinance would allow the collection of personal property taxes to begin as early as April instead of the current July start date due to the time restraints on the processing time for delinquent taxes. This would greatly improve the chances of actual collection of personal property before a business and its assets leave. Motion was made by Tindol, seconded by Gilbert, and Ordinance No. 588 was adopted captioned as:

AN ORDINANCE OF THE CITY OF WEST COLUMBIA, TEXAS,
 AUTHORIZING AND IMPOSING AN ADDITIONAL COLLECTION

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PENALTY ON DELINQUENT TAXES PURSUANT TO TEXAS TAX CODE SECTION 33.11: APPROVAL OF THE CONTRACT FOR THE COLLECITON OF DELINQUENT TAXES AND AUTHORIZING THE MAYOR TO EXECUTE SAID CONTRACT; PROVIDING FOR A SEVERABILTY CLAUSE: PROVIDING A REPEALER CLAUSE: PROVIDING AN OPEN MEETINGS CLAUSE AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

All voted Aye.

- E. CONSIDER REQUEST TO CHANGE HOTEL UTILITY CALCULATIONS: Mr. Harish Thakore, owner of Executive Inn and Suites, requested council amend the current policy of billing hotels a per unit rate. He stated that a rate on actual consumption would be much less than he is currently being charged and his business has been affected by the economy. He reported that the other cities where he has hotel businesses do not charge per unit. Council discussed options such as lowering the per unit rate and charging per meter size. Mr. Thakore stated that hotel owners would have a financial incentive to make leak repairs if they were being charged for actual consumption. Council recommended that the City Manager research the billing policy of other cities and come up with a compromise for all parties and report at April meeting.
- F. CONSIDER APPROVAL OF AERIAL SPRAYING BY BRAZORIA COUNTY MOSQUITO CONTROL DISTRICT: Motion was made by Gilbert, seconded by Tindol and the annual aerial spraying by Brazoria County Mosquito Control District was approved by all voting Aye.
- G. CONSIDER SETTING 2011/12 BUDGET CALENDAR: Motion was made by Tindol, seconded by Gilbert and the 2011/12 Budget Calendar was adopted by all voting Aye.
- H. CONSIDER ORDINANCE REGULATING SIDEWALKS AND SETBACK LIMITS FOR HIGHWAY 35 DOWNTOWN BUSINESS DISTRICT: Sutherland stated that she felt that all requirements have been met with TxDOT's approval of the draft ordinance and project should be on schedule for a June start date. Motion was made by Tindol, seconded by Thomas and Ordinance No. 589 was adopted captioned as:

AN ORDINANCE AMENDING CHAPTER SIXTEEN OF THE CODE OF ORDINANCES OF THE CITY OF WEST COLUMBIA, TEXAS, BY DEFINING THE CENTRAL BUSINESS DISTRICT, AND BY THE ADDITION OF ARTICLE IV ENTITLED BUSINESS DISTRICT REQUIREMENTS WHICH PROVIDES FORT HE CONSTRUCTION AND MAINTENANCE OF SIDEWALKS WITHIN THE BUSINESS DISTRICT ON BOTH SIDES OF THE RIGHT OF WAY OF STATE HIGHWAY 35 BETWEEN ITS INTERSECTIONS WITH 14TH AND 17TH STREETS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES, RESOLUTIONS, OR INFORMAL POLICIES OF THE CITY WHICH ARE IN ANY MANNER INCONSISTENT OR IN CONFLICT WITH THIS ORDINANCE; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON ITS PASSAGE AND APPROVAL.

All voted Aye.

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10. ADJOURN: Mayor Kincannon adjourned the meeting at 7:56 p.m.



LAURIE B. KINCANNON, Mayor

ATTEST:



KELLI R. KUBAN, City Secretary