

STATE OF TEXAS
 COUNTY OF BRAZORIA
 CITY OF WEST COLUMBIA

CITY COUNCIL MINUTES
 OF A REGULAR MEETING
 MONDAY, APRIL 11TH, 2011

The City Council of the City of West Columbia, Texas, convenes this the 11th day of April, 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 Walker.
2. ROLL CALL. City Secretary Kuban called the roll of the Council.
 - Present: Mayor Kincannon, Aldermen Thomas, Tindol, Schwebel, Walker and Gilbert. City Manager Sutherland and City Attorney Griggs.
 - Absent: None.
3. MAYOR AND CITY COUNCIL GREETINGS AND PRESENTATIONS:
 - Kincannon greeted those present and reported on the Battle of the Bernard.
 - Alderman Tindol extended a public invitation to the San Jacinto Festival and Rotary Shrimp Boil.
 - Alderman Walker reported on Memorial Fund for Coach Davis, May 5th National Day of Prayer, 2011 Columbia United program and the support it receives from the Rotary Club.
 - Employee of the Month presentation – Terry Elliott, Wastewater Plant Supervisor.
4. CITIZENS' COMMENTS: There were none.
5. CITY MANAGER'S REPORT: Sutherland reported on the Highway 35 and 36 projects; Lift station modifications have begun; Brazoria County continue to work on drainage; KidFish was a success; Telephone franchise fee will increase by \$.01 per customer per month; Commendable letter received from Texas Department of Parks and Wildlife on the City Park; and 6 month budget review workshop is scheduled for April 25th.
6. 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 not submitted in Council's packet. Mayor requested its submittal to be forwarded via email for review prior to next meeting.
 - E. CEMS. Report was submitted in Council's packet.
 - F. PUBLIC WORKS REPORT. Report was submitted in Council's packet.

Motion was made by Tindol, seconded by Gilbert and was duly adopted to approve consent agenda items as submitted. All voted Aye.
7. ITEMS REMOVED FROM CONSENT AGENDA: There were none.
8. OLD BUSINESS:
 - A. CONSIDER REQUEST TO CHANGE MULTI-UNIT UTILITY CALCULATIONS:

Sutherland reported that the Executive Inn and Suites is now under new ownership, making the previous owner's request a moot point. No action necessary.
 - B. CONSIDER STATUS REPORT OF SERVICES TO ACTION ASSETS LLC, 2005 S. COLUMBIA DRIVE: Sutherland reported that Action Assets owner, Trey Wenzel, would not be able to attend for personal reasons. The issue of county regulations requiring a certificate of compliance being submitted when Action Assets tied into city services and the attorney letter

notifying Mr. Wenzel of the necessary actions for violations were discussed. Walker made motion to direct the City Manager to continue compliance negotiations with Mr. Wenzel. Tindol seconded motion and all voted Aye.

- C. CONSIDER AMENDMENT TO ORDINANCE REGULATING SIDEWALKS: Sutherland reported that TxDOT had requested an amendment to the sidewalk ordinance and motion was made by Gilbert, seconded by Tindol and Ordinance No. 590 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 FOR THE 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 STREET AND 17TH STREET; 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.

- D. CONSIDER AMENDMENT TO ORDINANCE REGULATING GAME ROOMS: Sutherland stated that expressed a desire to increase fees for game rooms and gaming machines. The current fees for game rooms are a minimum \$2000 and a dollar for every additional square foot over two thousand square feet and current fees for gaming machines in convenience stores are \$150 per machine. Walker suggested a per machine fee of \$150 in addition to the minimum fees for game rooms and discussed their economic impact on the city. Also discussed was the cost to the city to police the game rooms. Walker made motion to apply a \$150 per machine fee in addition to the current square footage fees. Motion was seconded by Gilbert and Ordinance No. 591 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 REDEMPTION MACHINE GAME ROOM" BY AMENDING THE LICENSE FEES PROVIDED FOR UNDER SECTION 10-321; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ANY AND ALL ORDINANCES 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.

- E. CONSIDER AWARDED BID FOR THE S. BUSINESS HIGHWAY 35 ANNEXATION

STATE OF TEXAS
 COUNTY OF BRAZORIA
 CITY OF WEST COLUMBIA

CITY COUNCIL MINUTES
 OF A REGULAR MEETING
 MONDAY, APRIL 11TH, 2011

UTILITY EXTENSION PROJECT: City Engineer David Sheblak reported on the bids received for the utility extension project. He stated that of the seven bids received, the low bidder was Matula & Matula with a bid of \$239,003.13. Motion was made by Tindol to award the bid to Matula & Matula. Walker addressed the need for financing with Sheblak. Walker amended motion to make awarding of bid to be contingent on finding acceptable funding. Motion was seconded by Tindol. All voted Aye.

9. NEW BUSINESS:

- A. CONSIDER AMENDMENT TO ORDINANCE REGULATING GAMING MACHINES:
 Action combined with that of Agenda item 8D.
- B. CONSIDER AUTHORIZING CITY MANAGER TO SECURE FINANCING FOR THE S. BUSINESS HIGHWAY 35 ANNEXATION UTILITY EXTENSION PROJECT: Tindol made motion to authorize the City Manager to secure financing for the utility extension project. Gilbert seconded motion. All voted Aye. Walker further requested financing parameters be set by the ad valorem taxes brought in by the annexed properties.
- C. CONSIDER 2009/2010 ANNUAL AUDIT: Tom Masters of Kennemer, Masters & Lunsford LLC reported on the 2009/2010 Annual Audit. Not action necessary.
- D. CONSIDER ANNEXATION REQUEST – MR. AND MRS. HANSELMAN AT 1901 S. COLUMBIA DRIVE: Sutherland stated that the Hanselmans owned two pieces of property between the city limits and the trailer park on S. Columbia Dr. with three properties between them and the city limits. They were most interested in tying into city services because of current septic system problems. Schwebel made motion to allow them to connect to city services and pay outside rates and disconnect to any wells to remedy their immediate problem pending future annexation. Tindol seconded the motion. Discussion of sewer capabilities, the need for additional pumps, pump maintenance responsibility, etc. determined that an immediate solution was not possible. Motion and second were withdrawn. Gilbert made motion to table for City Manager to investigate annexation options. Tindol seconded motion. All voted Aye.
- E. CONSIDER PERMIT FOR REGULATING COMMERCIAL VEHICLE – E. JEFFERSON:
 Council discussed Mr. Vasquez' request for a permit to park a commercial vehicle at a property on E. Jefferson. Walker stated that the ordinance wasn't designed for permanent parking but to address issues of protecting residential streets, traffic control, children safety, etc. Walker made motion to deny the request. Gilbert seconded motion. All voted Aye.
- F. CONSIDER RESOLUTION REGULATING FUNERAL PROTESTERS: Kincannon stated that Sweeny and Brazoria had recently adopted ordinances regulating funeral protesters. Sutherland reported that their ordinances were in support of the state statute. Motion was made by Tindol, seconded by Thomas to adopt Resolution No. 418. Attorney Griggs pointed out that the state statute didn't limit the regulations to military funerals. Further discussion determined that an ordinance limited violations to a Class C misdemeanor whereas the existing state statute made it a Class B. All voted Aye.
- G. CONSIDER ORDINANCE CANCELING 2011 GENERAL ELECTION AND DECLARING UNOPPOSED CANDIDATES ELECTED: Motion was made by Tindol, seconded by Gilbert and was approved to duly adopt Ordinance No. 592 captioned as:
 AN ORDINANCE CANCELING THE MAY 14, 2011 REGULAR ELECTION AND DECLARING EACH UNOPPOSED CANDIDATE ELECTED TO OFFICE;

STATE OF TEXAS
 COUNTY OF BRAZORIA
 CITY OF WEST COLUMBIA

CITY COUNCIL MINUTES
 OF A REGULAR MEETING
 MONDAY, APRIL 11TH, 2011

PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

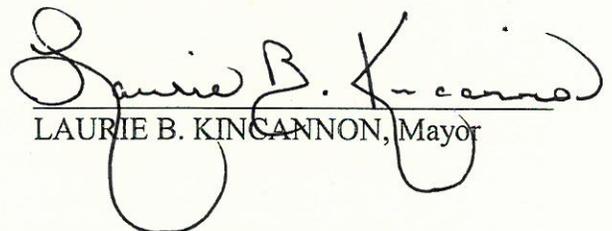
All voted Aye.

- H. CONSIDER RATIFICATION OF EDC BUSINESS INCENTIVE GRANT RECOMMENDATIONS: Motion was made by Walker to approve LanMarc Construction request, seconded by Gilbert. All voted Aye. Motion was made by Walker to deny Pet Pleasers request because he stated it was residential property. Motion died for lack of a second. Motion was made by Gilbert to approve Pet Pleasers request, seconded by Thomas. Thomas, Tindol, Schwebel and Gilbert voted Aye, Walker voted Nay. Motion carried.
- I. CONSIDER AMENDMENT TO SIGN ORDINANCE REGARDING COMMERCIAL OR SHOPPING CENTER SIGNS AND HEIGHT RESTRICTIONS: Sutherland stated that the current sign ordinance held no provision to regulate multi-tenant commercial signs and that council had approved EDC grant funding for this type of sign for a local shopping center. The proposed amendment will allow for a freestanding sign with 125 square feet plus 10 square feet for each individual tenant. Also addressed was a reduction in the current 50 foot height requirement to 40 foot. Motion was made by Walker, seconded by Schwebel and Ordinance No. 593 was adopted captioned as:

AN ORDINANCE AMENDING SECTION 4-284 OF ARTICLE VI, CHAPTER 4 OF THE CODE OF ORDINANCES OF THE CITY OF WEST COLUMBIA, TEXAS, TO PROVIDE FOR A MAXIMUM SIGN HEIGHT OF FORTY FEET AND TO INCREASE THE PERMITTED SIZE OF SIGNS FOR MULTIPLE BUSINESS COMMERCIAL COMPLEXES; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS, ORDINANCES, RESOLUTIONS, AND/OR INFORMAL POLICIES WHICH ARE IN ANY MANNER IN CONFLICT OR INCONSISTENT WITH THIS ORDINANCE; PROVIDING THAT A VIOLATION OF THIS ORDINANCE CONSTITUTES A MISDEMEANOR PUNISHABLE BY A FINE OF NOT TO EXCEED \$500.00; AND PROVIDING AN EFFECTIVE DATE.

All voted Aye.

10. ADJOURN: Mayor Kincannon adjourned the meeting at 8:40 p.m.


 LAURIE B. KINCANNON, Mayor

ATTEST:



 KELLI R. KUBAN, City Secretary