

STATE OF TEXAS
 COUNTY OF BRAZORIA
 CITY OF WEST COLUMBIA

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

The City Council of the City of West Columbia, Texas, convenes this the 11th day of July, 2011, 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 Thomas and pledge was led by Alderman Tindol.
2. ROLL CALL. City Secretary Kuban called the roll of the Council.
 Present: Mayor Kincannon, Aldermen Thomas, Tindol, Schwebel, and Gilbert.
 City Manager Sutherland, City Secretary Kuban and City Attorney Griggs.
 Absent: Walker.
3. MAYOR AND CITY COUNCIL GREETINGS AND PRESENTATIONS:
 - Kincannon greeted those present and presented City Manager Debbie Sutherland with the Employee of the Month Certificate.
4. CITIZENS' COMMENTS: Joyce Foreman commented on Humble Street being in need of repair.
5. CITY MANAGER'S REPORT: Sutherland's report included the issues created by SB 100 that could require a vote in November for council terms to be changed to 4 year terms. She stated that this would be the topic at the upcoming BCCA meeting. Tindol inquired about the possibility of a windmill being placed at the new well at First Capitol Park and Schwebel inquired about the downtown project not being as proposed by TxDOT. Sutherland stated that she has submitted those concerns to TxDOT.
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 ADVERTISEMENT IN WEST OF THE BRAZOS SPECIAL EDITION OF THE BRAZORIA COUNTY NEWS.
 - I. CONSIDER CORROSION ELIMINATOR, INC. PAY REQUEST NO. 2.
 Motion was made by Schwebel, seconded by Gilbert and was duly adopted to approve consent agenda items consisting of approval of minutes; department reports; a full page ad in the West of the Brazos issue of the Brazoria County News in the amount of \$400; Corrosion Eliminator, Inc. pay request no. 2 in the amount of \$64,974.60. All voted Aye.
 Change Order No. 1 of the Water Storage Tank Rehabilitation reducing the contract amount of \$155,554.00 to \$141,929.00;
7. ITEMS REMOVED FROM CONSENT AGENDA: There were none.
8. OLD BUSINESS:
 - A. CONSIDER ORDINANCE AMENDING SECURITY REQUIREMENTS FOR EVENTS HELD AT FIRST CAPITOL PARK PAVILION: Tindol voiced concerns about not having security required when alcohol is present and Chief Palmer recommended to have at least one officer present at such events. Schwebel made motion to remove the security requirement for events where alcohol is served at First Capitol Park, clarifying that these are events held with

the rental of the pavilion only. Tindol seconded motion adopting Ordinance No. 597 captioned as:

AN ORDINANCE FOR THE CITY OF WEST COLUMBIA, TEXAS, AMENDING SECTION 21-10 (g) OF THE CODE OF ORDINANCES OF THE CITY OF WEST COLUMBIA, TEXAS, TO DELETE THE REQUIREMENT FOR ATTENDANCE AND SUPERVISION BY OFF-DUTY OFFICERS OF THE WEST COLUMBIA POLICE DEPARTMENT OF CERTAIN EVENTS AT THE PAVILION AT FIRST CAPITOL PARK; 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; PROVIDING THAT ANY VIOLATION OF THIS ORDINANCE CONSTITUTES A MISDEMEANOR PUNISHABLE BY A FINE OF NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00); AND PROVIDING AN EFFECTIVE DATE.

All voted Aye.

9. NEW BUSINESS:

- A. 2010/11 BUDGET ADJUSTMENT NO. 1: Sutherland submitted a budget adjustment to reflect actual expenditures in the departments. Motion was made by Thomas, seconded by Tindol and was duly adopted to approve Budget Adjustment No. 1. All voted Aye.
- B. CONSIDER SUBMISSION OF 2011/12 PROPOSED BUDGET FOR REVIEW: Sutherland stated that the proposed budget funds routine operations, maintenance of buildings and infrastructure, etc. After city department heads held budget workshops, their initial proposed budget decreased the deficit of expenditures exceeding revenues from \$821,008 to \$535,523. The next workshop is scheduled for July 25th. Not action necessary.
- C. CONSIDER AUTHORIZING THE COUNTY TAX ASSESSOR-COLLECTOR TO CALCULATE AND PUBLISH THE EFFECTIVE TAX RATE: Motion was made by Tindol, seconded by Gilbert and was duly adopted to authorize the county tax assessor to calculate and publish the effective tax rate. All voted.
- D. CONSIDER ORDINANCE ESTABLISHING A MUNICIPAL COURT JUVENILE CASE MANAGER FEE: It was discussed that a \$5 Juvenile Case Manager Fee could be charged on every class "C" misdemeanor conviction as long as the city adopts an ordinance to hire a juvenile case manager and establish a juvenile case manager fund. The fund may only be used to pay for the case manager's expenses including wages and benefits. The need of additional personnel to handle the current court caseload was also discussed. Gilbert made the suggestion to have a judge present in the court office more regularly, but it was determined that this would only shift the court traffic from the courtroom dockets held twice a month back into the office on a daily basis and would not lessen the workload. It was stated that creating this position would allow the court to collect the additional fees to support the replacement personnel. This position would be the only one authorized to handle juvenile cases. Gilbert questioned the number of juvenile cases being heard. Motion was made by Tindol, seconded by Schwebel and was approved to adopt Ordinance No. 598 captioned as:

AN ORDINANCE FOR THE CITY OF WEST COLUMBIA, TEXAS, AMENDING ARTICLE VI OF THE CODE OF ORDINANCES OF THE CITY

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OF WEST COLUMBIA, TEXAS, ENTITLED MUNICIPAL COURT OF CHAPTER 2 ENTITLED ADMINISTRATION PROVISIONS FOR THE EMPLOYMENT OF A JUVENILE CASE MANAGER, THE CREATION OF A JUVENILE CASE MANAGER FUND, AND THE ASSESSMENT OF A JUVENILE CASE MANAGER FEE IN ALL FINE-ONLY MISDEMEANOR OFFENSES IN THE MUNICIPAL COURT; 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.

Thomas, Tindol, and Schwebel voted Aye. Gilbert abstained. Motion carried.

- E. CONSIDER ORDINANCE TO DENY RATE INCREASE REQUEST OF CENTERPOINT ENERGY ENTEX: Motion was made by Gilbert, seconded by Tindol and was duly approved to adopt Ordinance No. 599 captioned as:

AN ORDINANCE FOR THE CITY OF WEST COLUMBIA, TEXAS, REVIEWING THE RATE INCREASE REQUEST OF CENTERPOINT ENERGY ENTEX; DENYING THE REQUESTED INCREASE IN RATES; ORDERING THAT NO CHANGE IN RATES OCCUR; REQUIRING THE REIMBURSEMENT OF RATE CASE EXPENSES; ESTABLISHING AN EFFECTIVE DATE FOR THIS ORDINANCE; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED HERETO; CONTAINING A SAVINGS CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

All voted Aye.

- F. CONSIDER ORDINANCE UPDATING DROUGHT CONTINGENCY PLAN: Sutherland stated that the city's drought contingency plan had not been updated in the past ten years. The proposed update included language authorizing city employees to file a "citation" against citizens in violation of the ordinance. Gilbert questioned how anyone other than a police officer could file a citation. After much discussion of the difference between citations and complaints and who had authority to file or write each of these and whether the utility employee or the police officer should be the ones authorized to have this responsibility, Schwebel made a motion to adopt the ordinance as proposed. Motion failed for lack of a second. After further discussion of burdening the officers with the full responsibility of this violation Schwebel made a motion to change the language to include Police Officer, Utility Supervisor and his Assistant and delete any other city employee, may file a complaint. When no second was made, City Attorney made the suggestion to change the language to any Police officer may file a citation and the other may file a complaint. Tindol made this motion, Gilbert seconded. Schwebel stated that there were other sections that would need to be corrected with this motion. Ordinance No. 600 was adopted captioned as:

AN ORDINANCE FOR THE CITY OF WEST COLUMBIA, TEXAS, REVIEWING THE RATE INCREASE REQUEST OF CENTERPOINT ENERGY ADOPTING A DROUGHT CONTINGENCY PLAN; ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS

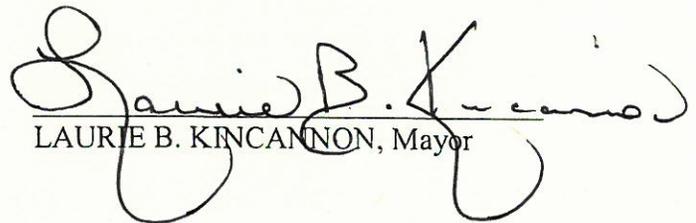
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ON CERTAIN WATER USES; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

All voted Aye.

10. ADJOURN: Mayor Kincannon adjourned the meeting at 8:15 p.m.


LAURIE B. KINCANNON, Mayor

ATTEST:


KELLI R. KUBAN, City Secretary