

STATE OF TEXAS  
 COUNTY OF BRAZORIA  
 CITY OF WEST COLUMBIA

CITY COUNCIL MINUTES  
 OF A REGULAR MEETING  
 MONDAY, NOVEMBER 9TH, 2020

The City Council of the City of West Columbia, Texas, convenes this the 9<sup>th</sup> day of November, 2020, 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. City Secretary Kuban called the roll of the Council.
  - Present: Mayor Pro tem Biedenfeld, Aldermen Thomas, Tindol, Maynor and Walker. Also present were City Manager Sutherland, City Secretary Kuban and City Attorney Villarreal.
  - Absent: Mayor Kincannon.
3. MAYOR AND CITY COUNCIL GREETINGS AND PRESENTATIONS: Mayor Pro tem Biedenfeld greeted everyone and asked them to keep Mayor Kincannon in their prayers for a speedy recovery. Tindol thanked the voters and asked for all to pray for the COVID patients and for the government. Walker commended first responders and others assisting with a recent house fire. He then asked everyone to join in a public prayer for the Mayor. Biedenfeld then greeted Wendy Irwin of Chevron Phillips Chemical who presented EDC & Tourism Director Chris McCann a \$10,000 donation for the purchase of outdoor furniture made of recycled plastics for the Downtown Pocket Park.
4. CITIZENS' COMMENTS: Mrs. Alma Spears of 334 Bennett St. commended the Police Department for doing a good job. Mr. Kevin Carl of 114 E. Brazos commented that the soccer fields at First Capitol Park needed lighting.
5. CITY MANAGER'S REPORT: Sutherland reported on the following – \* Public Works completed the demolition of the Weems building at 313 S. 17<sup>th</sup> as well as the outbuilding next to Elmo's. The house on E. Brazos was demolished by the owner. \* Ditch cleaning project has begun along Lamar and Long. \* Baker & Lawson has completed designs for Hwy. 36N utility line project and CDBG sewer line project along S. Mattson and S. Ringgold. \* Freese & Nichols Engineering is under contract to make recommendations for Ground Storage Tank No. 2. GLO CDBG-MIT program application has been submitted. \* SH36 widening project contractor will commence work after the first of the year. \* New Utility Rates including the annual CPI increase will be in effect with the November billing. \* Brazoria County Appraisal District's Reappraisal Plan was distributed for review. \* Citizens Comments Recap: TNMP Community Grant application has been submitted for Dixon Park improvements. Drainage along Jefferson and Rainbow area continues to be studied and are awaiting input from County and Drainage District. Vet Fest hosted by Warrior's Refuge is November 13<sup>th</sup> and 14<sup>th</sup> and council has been invited to be judges at the cookoff. \* There will be a special Council meeting on November 16<sup>th</sup> for second readings of resolutions following EDC public hearings on development agreements for Columbia Kitchen and Line Cutterz. \* November meeting of BCCA has been cancelled. \* All city personnel are participating in Walking the Ridge, a customer service diversity training program with approximately 40% completed to date. \* City offices will be closed November 11<sup>th</sup> for Veteran's Day, November 26<sup>th</sup> and 27<sup>th</sup> for Thanksgiving and December 24<sup>th</sup> and 25<sup>th</sup> for Christmas and January 1<sup>st</sup> for New Year's.
6. CONSENT AGENDA:
  - A. APPROVAL OF MINUTES FROM PREVIOUS MEETING(S). Minutes were submitted in Council packet.

STATE OF TEXAS  
 COUNTY OF BRAZORIA  
 CITY OF WEST COLUMBIA

CITY COUNCIL MINUTES  
 OF A REGULAR MEETING  
 MONDAY, NOVEMBER 9TH, 2020

- B. CITY TREASURER'S REPORT. Reports were submitted in Council packet.
- C. POLICE DEPARTMENT REPORT. Report was submitted in Council packet.
- D. MUNICIPAL COURT REPORT. Report was submitted in Council packet.
- E. CODE ENFORCEMENT REPORT. Report was not submitted in Council packet.
- F. FIRE DEPARTMENT REPORT. Report was submitted in Council packet.
- G. PUBLIC WORKS REPORT. Report was submitted in Council packet.
- H. CONSIDER HOT ADVISORY BOARD FUNDING RECOMMENDATIONS.

Motion was made by Tindol and seconded by Thomas to approve consent agenda items including the approval of HOT funding for Columbia Historical Museum, Chamber of Commerce and the City. All voted Aye.

7. ITEMS REMOVED FROM CONSENT AGENDA: There were none.

8. OLD BUSINESS:

- A. CONSIDER CORONAVIRUS RELIEF FUND BUSINESS ASSISTANCE GRANT RECOMMENDATIONS: It was reported that after further review of the grant applications, the committee appointed by Kincannon recommended funding all applicants equally in the amount of \$1,150 made up of \$590.95 from the EDC and \$559.05 from the City's CRF allotment. Motion was made by Walker that was seconded by Thomas to approve the CRF Business Assistance Grant funding recommendations. All voted Aye.
- B. CONSIDER ORDINANCE REGULATING MOBILE FOOD VENDORS: Discussion by Council resulted in the following revisions: The grandfather clause was revised to allowing existing food trucks to remain until either a change of use or the unit becomes more than 50% deteriorated; Permanent structures will be allowed by land owner only and must comply with all codes, ordinances and permitted; and Fee schedule deleted Class IV and higher fees will apply to those vendors who do not contribute sales tax to the City. Motion was made by Walker to adopt Ordinance No. 682 with the noted revisions captioned as

AN ORDINANCE OF THE CITY OF WEST COLUMBIA, TEXAS AMENDING CHAPTER 10 "LICENSES AND BUSINESS REGULATIONS" ALLOWING FOR AND REGULATING "MOBILE FOOD VENDORS" AND FEE SCHEDULE TO ESTABLISH A PERMITTING PROCESS FOR MOBILE FOOD ESTABLISHMENTS; REQUIRING A PERMIT; STATING CONDITIONS FOR ISSUANCE OR DENIAL OF THE PERMIT; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR A VIOLATION; WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION; AND PROVIDING FOR SEVERABILITY.

Motion was seconded by Maynor and all voted Aye.

9. NEW BUSINESS:

- A. 2<sup>ND</sup> READING OF RESOLUTION #544 APPROVING EDC DEVELOPMENT AGREEMENT WITH TEXAS RIVERS DISTILLING COMPANY, LLC: Motion was made by Walker to approve the adoption and second reading of Resolution #544 approving the development agreement between the EDC and Texas Rivers Distilling Company, LLC. The motion was seconded by Thomas and all voted Aye.
- B. 1<sup>ST</sup> READING OF RESOLUTION #545 APPROVING EDC DEVELOPMENT AGREEMENT WITH CARLTON INVESTMENTS, LLC: Motion was made by Tindol to approve the adoption and first reading of Resolution #545 approving the development

STATE OF TEXAS  
 COUNTY OF BRAZORIA  
 CITY OF WEST COLUMBIA

CITY COUNCIL MINUTES  
 OF A REGULAR MEETING  
 MONDAY, NOVEMBER 9TH, 2020

- agreement between the EDC and Carlton Investments, LLC dba Columbia Kitchen and setting a public hearing. The motion was seconded by Maynor and all voted Aye.
- C. 1<sup>ST</sup> READING OF RESOLUTION #546 APPROVING EDC DEVELOPMENT AGREEMENT WITH LINE CUTTERZ, LLC: Motion was made by Tindol to approve the adoption and first reading of Resolution #546 approving the development agreement between the EDC and Line Cutterz, LLC and setting a public hearing. The motion was seconded by Maynor and all voted Aye.
- D. CONSIDER TAX ABATEMENT AGREEMENT – ROUGHNECK STORAGE: Tom Dubault of Key Capture Energy, dba Roughneck Storage, was present to address Council regarding their request for a tax abatement. He reported that they will be making a 35-year minimum investment in the community. There will be twenty-five containers that will capture and store energy in a non-intrusive, low-noise atmosphere. It was reported to have a built-in suppression system in case of a thermal event. The property improvement tax over a 5-year period beginning in 2022 will be 75%, 50%, 35%, 25% and 10%. Personal property tax abatement for the batteries will be 50% for 2022 through 2025 and 10% in 2026. Motion was made Walker to approve the tax abatement agreement with Key Capture Energy dba Roughneck Storage. Tindol seconded the motion and all voted Aye.
- E. CONSIDER ORDINANCE AMENDING CHAPTER 13 HEALTH REGULATION AND NUISANCES TO INCLUDE NON-MOTOR DRIVEN VEHICLES: A citizen request to adopt an ordinance regulating dilapidated campers, RVs, etc. After review of the existing codes it was determined that they did not address non-motor vehicles such as these. An ordinance was drafted amending the City's codes to include definitions of various non-motorized vehicles, notification procedures, public hearing provisions, procedures for removal and disposal and address violation and punishment. Motion was made by Walker to adopt Ordinance No. 683 as presented and amended captioned as
- AN ORDINANCE AMENDING SECTION 13 OF ARTICLE IV "JUNKED WRECKED, ABANDONED PROPERTY" OF CHAPTER 13 "HEALTH REGULATION AND NUISANCES" OF THE CODE OF ORDINANCES OF THE CITY OF WEST COLUMBIA, TEXAS, TO INCLUDE NON-MOTOR DRIVEN VEHICLES; 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 NOT TO EXCEED \$200.00; AND PROVIDING AN EFFECTIVE DATE.
- Motion was seconded by Tindol and all voted Aye.
- F. CONSIDER ORDINANCE AMENDING CREDIT CARD CONVENIENCE FEES: It was discussed that at the onset of the COVID19 pandemic Council had agreed to waive all future convenience fees associated with credit/debit card payments. Motion was made by Walker to adopt Ordinance No. 684 amending the credit card convenience fees captioned as
- AN ORDINANCE FOR THE CITY OF WEST COLUMBIA, TEXAS AMENDING CHAPTER 2, ARTICLE XI ENTITLED CREDIT CARD PAYMENTS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES, RESOLUTIONS, OR POLICIES OF THE CITY OF WEST COLUMBIA

TO THE EXTENT THEY ARE INCONSISTENT OR IN CONFLICT WITH THIS ORDINANCE; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

The motion was seconded by Tindol and all voted Aye.

- G. CONSIDER AUTHORIZING FUNDING FOR PURCHASE OF WASTEWATER TREATMENT PLANT VEHICLE: Sutherland reported that the new pickup truck that was approved to be purchased in the range of \$27,000 for the Wastewater Treatment Plant will be from a dealership that participates in Buyboard, waiving the bid process. She requested authorization to negotiate funding through Prosperity Bank due to Council not meeting again until January. Motion was made by Walker to authorize the City Manager to negotiate funding for the WWTP vehicle. The motion was seconded by Tindol and all voted Aye.
- H. CONSIDER BID FOR TAX RESALE PROPERTY KNOWN AS A0040 JH BELL TRACT 12S-12T DIV 4, ACRES 0.5621 (WEST COLUMBIA) BY JARRETT W. DONLEY: Motion was made by Walker to accept the bid of \$5,000 by Jarrett Donley with the caveat that he submits a letter of acknowledgement that he is aware of the fuel tanks that are located on the property. The motion was seconded by Thomas and all voted Aye.
- I. CONSIDER RESOLUTION ADOPTING 2020 PARKS MASTER PLAN: Motion was made by Tindol to approve Resolution No. 547 adopting the 2020 Parks Master Plan. The motion was seconded by Walker and all voted Aye.
- J. CONSIDER VACATION LEAVE BUYBACK FOR CITY EMPLOYEES: Sutherland requested that employees be paid for their unused 2020 vacation leave due to staff shortages created throughout the year due to COVID19. Motion was made by Tindol and seconded by Walker to approve the buyback of employees unused 2020 vacation leave. All voted Aye.
- K. CONSIDER BIDS FOR GLO CDBG-DR SEWER LINE REPLACEMENT PROJECT: Council voted to re-bid the General Land Office CDBG-DR project as the 3 previous bids received were more than the funds available. The total amount for construction is \$142,750 with GLO funding \$124,000 and the City funding \$18,750. New bids were received as follows: T. Construction \$120,653.00; T. Gray Utility \$137,354.00; Matula and Matula \$160,475.85; A.R. Turnkey Construction \$167,223.00; and Aranda Industries \$296,795.00. Motion was made by Tindol to approve bid of Teague Construction. Sutherland corrected to T. Construction and reported that it was the low bid received by Baker & Lawson and that the City will furnish manholes at a cost of \$51,000. Tindol amended his motion to award the bid to T. Construction in the amount of \$120,653.00. Walker seconded the motion and all voted Aye.
- L. CONSIDER FUNDING FOR N. COLUMBIA DR. UTILITY EXTENSION: Sutherland reported that Baker & Lawson estimated the cost to extend utilities to the new vet clinic at \$103,000 which is above her authorized spending limit. TxDOT denied rolling this into the Hwy.36 widening project. Public Works will complete the project in-house. Other costs involved will be 2 fire hydrants at \$2,900 each and approximately \$23,000 for a grinder pump lift station to be contracted. It was discussed that the estimated tax revenue from the new battery plant over the next 3 years could pay for the cost of the extension. Motion was made by Walker to approve funding of the N. Columbia Dr. utility extension project. Motion was seconded by Tindol and all voted Aye.
- M. CONSIDER ADVERTISING FOR BIDS FOR CDBG LEE ST. AREA SEWER LINE REPLACEMENT PROJECT: Sutherland explained that this project is the Brazoria County

STATE OF TEXAS  
COUNTY OF BRAZORIA  
CITY OF WEST COLUMBIA

CITY COUNCIL MINUTES  
OF A REGULAR MEETING  
MONDAY, NOVEMBER 9TH, 2020

CDBG project and is an extension of the General Land Office CDBG-DR project in the same location. Motion was made by Walker and seconded by Tindol to approve the advertising of bids. All voted Aye.

11. ADJOURN: Mayor Kincannon adjourned the meeting at 8:03 P.M.

  
LAURIE B. KINCANNON, Mayor

ATTEST:

  
KELLI R. KUBAN, City Secretary