

## CITY COUNCIL MEETING REGULAR SESSION

Wednesday, December 13, 2023 at 6:00 PM

City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas

### MINUTES

BE IT KNOWN that the City Council of the City of Sweeny met in **Regular Session** on **Wednesday, December 13, 2023 at 6:00 PM.** at City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas with the following agenda.

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#### **CALL TO ORDER/ROLL CALL**

Mayor Hopkins called the meeting to order at 6 PM.

Reese Cook, Brian Brooks, John Rambo and Tim Pettigrew were in attendance. Mark Morgan Jr. was absent.

#### **PLEDGES & INVOCATION**

The pledges were led by Brian Brooks and the invocation was given by Attorney Stevenson.

The Mayor convened Council into Executive Session at 6:01 PM pursuant to the below.

#### **EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE SECTION 551.071, 551.072 AND 551.074**

*The City Council will now convene into executive session pursuant to the provision of Chapter 551 Texas Government Code, in accordance with the authority contained therein:*

1. Discussion and possible action pursuant to Section 551.071 (1) (a), Consultation with Attorney; WWTP
2. Discussion and possible action pursuant to Section 551.071 (1) (a), Consultation with Attorney with Sweeny Economic Development Corporation
3. Discussion and possible action on deliberations regarding real property, pursuant to Section 551.072 of the Texas Government Code; 111 W 3rd Street

#### **OPEN SESSION**

Mayor Hopkins reconvened the Council meeting back into Open Session; closing Executive Session at 6:56 PM.

#### **Action to items of Executive Session.**

*Item #1-* No action

*Item #2-* No action

*Item #3-* Reese Cook moved to approve the sale of 111 W. Third Street to Brazosport Cares in an amount not to exceed \$7,500.00 and for the deed to include a reverted clause, expressing that if Brazosport Cares ceases doing business on the property, the property would revert back to the City of Sweeny. Tim Pettigrew seconded. All in favor. Motion Carried.

#### **CITIZENS WISHING TO ADDRESS CITY COUNCIL**

Ron Schmidt, 702 Maple Street, voiced his concern of drainage problems within the City. He does not feel improvements have been made within the City by the Drainage District. He feels the money being collected by the Drainage District is being used for other properties outside of city limits. He is encouraging entities to use those funds proactively and is happy to share his drainage ideas with the City.

## CONSENT AGENDA

### 4. Minutes: Regular Session, November 15, 2023

John Rambo moved to approve the minutes of the Regular Session, November 15, 2023. Tim Pettigrew seconded. All were in favor. Motion Carried.

### 5. 4<sup>th</sup> Qtr. (July 2023 – Sept 2023) Financial Reports

City Manager stated that the financial reports for General and Enterprise have been dispersed to each member for viewing. (Included in the minutes as Exhibit A). Questions were deferred to Karla Wilson, Finance Director.

Reese Cook moved to approve the 4<sup>th</sup> quarter financial report as presented. Tim Pettigrew seconded. All were in favor. Motion Carried.

## REGULAR AGENDA

John Rambo made the motion to move Regular Agenda Item #15 to be presented next and then follow the rest of the agenda items in order. Reese Cook seconded. All were in favor. Motion Carried.

15. Discussion and possible action on purchasing a return pump for Clarifier 2 at the sewer plant City Manager stated the Council gave previous permission to replace the pumps at the WWTP in order to bring the clarifiers back online. One has been replaced and the City has sought additional bids for the remainder. Alvin Contracting, has rescinded their bid. Of the two remaining bids, City Manager recommends Coastal Pump Services as the provider for the second pump. Mr. Walter Spivey of Coastal was in attendance to answer Council's questions. He quoted two different types: a Gorman Rupp Super T6 in which takes 8-10 weeks and cost approximately \$24,000.00 or a Barmisa that is available now and approximately \$4,000.00 less. Both pumps do come with a one year warranty. His company is based out of Manvel in which is local and they have been in business for 25 years. Call outs, training, and service issues were discussed. Attorney Stevenson stated that Council has already approved specifically the Gorman Rupp, therefore Council would need to accept a bid and choose to use a specific type. Piping modifications would be needed prior to install. City Manager plans to use the proceeds from interest gained off of the Certificate of Obligation 2019 for labor and materials.

Reese Cook moved to approve the estimate SO14856A from Coastal Pump Services for \$24,240.00 but with the change to the Barmisa pump that was discussed; with the \$4,000.00 reduction as stated for the Barmisa pump. Brian Brooks seconded. All were in favor. Motion Carried.

After item #15 was discussed Council continued with the order of items as shown on the agenda.

### 6. Discussion and possible action to requested variance to §156.018(4)(d) for illuminated signage at the Sweeny Hospital; 305 N McKinney Street

Hardmann Signs was in attendance to discuss the requested variance for illuminated signage to be installed on the southwest elevation of the Sweeny Hospital located at 305 N McKinney Street. The requested is to install a halo lit sign for safety reasons. Discussion of using a dimmer switch was discussed. Councilman Cook mentioned modifying the existing ordinance as this is the second variance request received for illuminated signage in recent months. Staff recommends approval, stated the City Manager, as per the ordinance, granting a variance must not present a hardship, in which it does not. If the Council should approve, per ordinance 156.0184 (4)(d), you must make affirmative findings shown stated Attorney Stevenson.

Brian Brooks motioned, stating so moved, to granting the variance and finding that it meets the requirements and affirmative findings per ordinance 156.184, and that a dimmer switch be required upon install for adjustments. John Rambo seconded.

Councilman Rambo asked if he contacted any residents on Ross Street that the signage would be facing? No residential contact was made.

Brian Brooks, John Rambo, and Tim Pettigrew approved. Reese Cook opposed. Motion Carried.

7. Discussion and possible action on repayment of the Limited Tax Note, Series 2023.

City Manager stated that previously, Council acted to repay the Limited Tax Note Series 2023 with interest earnings. There is a \$45,000.00 issuance fee in which interest earnings would not cover. She feels the amount merits re-discussion. Highest priority is water clarity, City Manager encourages Council to put this note towards the voters for a general obligation bond this May to allow for a water line replacement project. Wade Thompson with Government Capital was in attendance to give guidance and direction if council were to proceed with a general obligation bond.

Reese Cook moved to approve the holding of the Limited Tax Note Series 2023 in the current or better investment pool and getting a payoff schedule for May 2024 to be presented at the January Council meeting if possible and defer the repayment currently. John Rambo seconded. All were in favor. Motion Carried.

8. Discussion and possible action to possible water project with Water of Texas; Michael Claybourn

Michael Claybourn of Water of Texas was in attendance to give Council his proposal with a cost estimate for the water system. He feels the proposal is the most cost effective way to document with evidence in achieving the desired goals. The proposal is for \$10,000.00 and is to test the water with one micro filter, but does not include TCEQ permitting. Using this as a pilot would be extensive for TCEQ and cost a significant amount. Council was confused, as this is a different proposal than previously brought to the prior meetings. Previously Claybourne recommended a small scale pilot plant that would be in compliance with TCEQ. Why the change asked Brooks? The TCEQ pilot plant would be costly and extensive per Claybourn. Council gave Claybourn direction that they are ready to spend money but the proposals keep changing. Council is requesting a proposal with a turn key quote containing concrete numbers in order to develop a plan of action to include cost of the pots, total install costs, TCEQ costs, and the annual maintenance costs, to be presented at the January meeting.

No action taken.

9. Discussion and possible action on nominations for the Brazoria County Appraisal Districts Board of Directors and adoption of Resolution naming nominated.

City Manager was asked at the last meeting to get further information on the nominees. She has reached out and BCAD provided the information located within the Council packet. Council discussed the votes. Councilman Rambo feels that even though the City's seven votes won't make much of a difference, we need our voice to be heard. He has seen that Karla Clarke was outspoken on Brazoria County Resistance and wants his vote to be for her. Sweeny is entitled to seven votes and all votes can go to one candidate or be distributed.

John Rambo made the motion to approve the resolution voting Karla Clarke. Tim Pettigrew seconded. All in favor. Motion Carried.

10. Discussion and possible action to approve a resolution in opposition to a proposed disease bioengineering primate laboratory within Brazoria County

City Manager stated Sweeny learned of the bioengineering primate lab last month. The company has not been forthright with information and waste containment and flood plain/watershed mitigation are a major concern for safety. Other cities and the County Commissioners has voiced their opposition.

Brian Brooks move to approve the proposed resolution in opposition of the proposed Charles River Houston Two Laboratory Project, a primate biological testing facility. Tim Pettigrew seconded.

Discussion: This is a federally funded project, we won't be able to stop it. Councilman Pettigrew stated that he told Congressman Weber, Representative Vasut, and others that he is in opposition. Councilman Cook stated that it is private land. He is not keen on it, but less keen on the government stepping in.

Mayor doesn't feel we will be able to stop it. Pettigrew stated his main concern is runoff. Testing should be done at upper parts of the river now, for baseline/benchmark, and keep testing throughout. There are three tributaries to the San Bernard River, which will turn into drinking water.

Brian Brooks and Tim Pettigrew were in favor. Reese Cook and John Rambo were opposed. Mayor Hopkins voted as the tie breaker in favor. Motion Carried.

11. Discussion and possible action on approving a resolution in support of the pursuit of the CDBG-HUD Grant for Pecan Street water line replacement

City Manager stated she has been conducting the required demographic surveys for application completion of the CDBG HUD grant. Resolution has been created in support of the pursuit of the Housing and Urban Development Community Development Block Grant for replacement of approximately 1500 linear feet of waterline along Pecan Street from First Street to Fifth Street. This grant would be in pursuit of \$200,000.00. One of the requirements of the grant is that the area for replacement must be low to moderate income. Staff is in the process of completing the surveys and preparing for submission December 31<sup>st</sup>.

John Rambo moved to approve the resolution in support of the CDBG-HUD grant application for the possible replacement of the waterline along Pecan Street from First to Fifth Street. Tim Pettigrew seconded.

Discussion: The question was asked if this resolution was just to pursue the grant? Yes, City Manager stated this is just for the application, not dollar side. Resolution showing support by the elected body carries a lot of weight in the application. All were in favor. Motion Carried.

12. Discussion and possible action to a variance in preparation of a proposed replat to City owned property; 111 W 3rd Street

A variance is required to the depth of the lots for separation of lots to be known as Lot 23 and Lot 19. The depth on both sides of the lot are under the required 100 ft. Councilman Rambo stated if we do it for the City, we would have to do for everybody. Not necessarily stated Attorney Stevenson, it is a case by case situation.

John Rambo moved to approve the variance to the zoning ordinance in allowance of the minimized depth requirements for the property located at 111 W 3<sup>rd</sup> Street. Tim Pettigrew seconded. Brian Brooks, John Rambo, and Tim Pettigrew were in attendance. Reese Cook opposed. Motion Carried.

13. Discussion and possible action on proposed replat of City owned property; 111 W 3rd Street

To finalize the separation of the eight lots known as 111 W 3<sup>rd</sup> Street, a replat must be completed. Once separated, the lots would be known as Lot 23 and Lot 19A.

John Rambo made the motion to approve the replat of City owned property from eight individual lots into two properties, known as 111 W 3<sup>rd</sup> Street and 222 Pecan Street. Tim Pettigrew seconded. All were in favor. Motion Carried.

14. Discussion and possible action on janitorial services

City Manager stated that our custodian for the Seniors Building, Library and Community Center is on a month to month basis without contract. She is asking for Council's guidance as to if they would like go out for bids for services, keep as is on a monthly payment basis, or establish a contract with the current provider at the requested rates within the packet? Discussion by Council ensued.

Reese Cook moved to advertise an RFP for janitorial services contract. John Rambo seconded. Reese Cook, Brian Brooks, and John Rambo were in favor. Tim Pettigrew opposed. Motion Carried.

## ITEMS OF COMMUNITY INTEREST

Reese Cook stated Merry Christmas and great job down Main Street.

Brian Brooks stated that everyone did a great job on Christmas in the Park.

John Rambo stated kudos to Beautification on hosting Christmas in Park and the joint effort by the Public Works Department and City of Sweeny. The Fire Department was called out recently due to high winds causing a limb on the power line, knocking out power. They had to leave their Christmas Party for response and did a great job.

Tim Pettigrew wished everyone a Merry Christmas and Happy New Year; be safe if travelling.

Lindsay Koskiniemi, City Manager congratulated the Beautification Committee, their new members and new President as they knocked it (Christmas in the Park) out of the park. They deserve to know they did a great job. Same to Public Works for the time and effort they put in as well. There will be a ribbon cutting tomorrow at 10 am for the new location of the Brazoria County Tax Office, notice of quorum has been posted. Merry Christmas.

**ADJOURN REGULAR SESSION-** Mayor Hopkins adjourned the meeting at 9:09 PM.

Exhibit A- Financial Reports for General and Enterprise Funds; Income Statement for the Twelve Months Ending September 30, 2023

*Staff present:*

City Manager, Lindsay Koskiniemi

Police Chief, Brad Caudle

Director of Public Works, Terrance Bell

Finance Director / Personnel Services, Karla Wilson

City Secretary/ Developmental Services, Kaydi Smith

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

*Kaydi Smith*

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Kaydi Smith - City Secretary