

CITY COUNCIL MEETING REGULAR SESSION

Tuesday, July 18, 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 will meet in **Regular Session** on **Tuesday, July 18, 2023 at 6:00 PM.** at City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas with the following agenda.

CALL TO ORDER/ ROLL CALL

Mayor Hopkins called the meeting to order at 6 PM.

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

PLEDGES & INVOCATION - Reese Cook led the pledges and Attorney Charlie Stevenson gave the invocation.

CITIZENS WISHING TO ADDRESS CITY COUNCIL

No Visitor Comments.

CONSENT AGENDA

1. Minutes: Regular Session, June 20, 2023; Special Session, June 26, 2023; Special Session July 11, 2023

Motion: Move to approve. Motion made by Morgan Jr., Seconded by Rambo. Voting Yea: Morgan Jr., Cook, Brooks, Rambo, Pettigrew. Motion carried.

2. Discussion and possible action on presentation of the City's investments, Third Quarter Investment Report spanning the months of April, May, and June of 2023.

Motion: Move to approve. Motion made by Cook, Seconded by Morgan Jr. Voting Yea: Morgan Jr., Cook, Brooks, Rambo, Pettigrew. Motion Carried.

REGULAR AGENDA

3. Discussion/ Possible Action to Agenda Request for Water Softener Repairs; Councilman Rambo

Councilman Rambo stated the City intended to repair the softeners, but plans fell thru with the contractor. He wants to look at a path forward and determine utility rates based on those decisions made. He feels we should repair the softeners or lower utility rates on those having to purchase in home softeners. William Huebner, City Engineer, was available by phone. The indication from WETS was that the softening filtration was helping with iron and manganese. Huebner feels it is only helping with the hardness. Results from samples recently taken show Well #1 is nearly double the normal hardness level. He believes fixing the softeners will not relieve the sequestering, we would need to install an iron and manganese filter as well. Iron samples recently take are not high, but the manganese is still elevated. Huebner stated he is not certified nor an expert in water chemistry, but does have other office personnel that could give more in depth information if wanted. Councilman Cook asked about TCEQ requirements. If we were to keep the softeners, a Corrosion Control study would be required. Another issue to consider is the brine system, as it is not functioning at this time. Can we compare levels from when it was online, to now, asked Cook, in order to see higher amounts of corrosion? Mayor pulled readings from previous samples taken on March 8th, 2023. Results show iron, manganese, and iron bacteria while the softeners/filters were online. Readings from previous meetings after bypassing, showed filters were not pulling out very much iron and manganese. Questions regarding the calcium were discussed including the impacts on residents and aging infrastructure. Rambo wants to provide the best possible water to our citizens; which was

the whole point of completing water projects. City Manager stated she believes this is a capital project to discuss in order to fix long term. Rambo asked Huebner to discuss with a chemistry expert; If we rehab and add resin, what kind of mineral removal can we expect if operated properly? Additionally, to compile cost opinions from other companies. Rambo wants by next meeting. Cook asked about preliminary cost estimate on iron and manganese filters to be presented as well.

Motion: For Strand to produce estimated costs to repair softeners, cost for iron and manganese filters, and complete costs of rehabbing the brine system. Discussion: City Manager stated she is not exactly sure why Wets withdrew. Wets felt the brine system needed to be repaired first. However, he was told to rehab softeners only. Wets did not want to rehab the softeners until the brine system was completed and withdrew. Motion made by Morgan Jr., Seconded by Rambo. Voting Yea: Morgan Jr., Cook, Brooks, Rambo, Pettigrew. Motion Carried.

4. Discussion/ Possible Action to Agenda Request Received on Stray Cat Problem; Darlene Tipps
Requestor not in attendance.

5. Discussion/ Possible Action to Agenda Request Received on Metal Recycling Business; Al Lindley
Al Lindley approached Council regarding 209 W 4th. Lindley believes the tenant is running a metal recycling business out of the home. The property has become a nuisance and eyesore. Code enforcement has worked cases on this address and he wants the ordinance changed in order to enforce more strictly. Police Chief Brad Caudle stated numerous cases have been completed on this address/individual. They have issued citations and he believes the citations have been dismissed by the court. Tenant is currently in jail due to burglary charges. However, he is a resident, not the owner of the property. Cook stated the ordinance is pretty lenient. Does state law regulate? Procedures have to be followed according to state law and the ordinance already in place is concurrent with those laws. Koskiniemi stated she has seen this issue herself and has involved the Fire Marshal, as the next approach is to show a violation to the International Fire Code. There are propane tanks being stacked on location near Lindley's fence. Attorney Stevenson stated he doesn't think he has ever seen one of these citations thru the court. Additionally, you cannot collect off of someone that does not have the money and/or is possibly indigent. Attorney Stevenson suggested to issue the homeowner the citation versus the tenant. Another option would be to file thru District Court for an objective. If the City went onto the property to clean, we could file a lien on the property. Cheif stated he cleaned across the street, as they were using both sides of the roadway, hoping to help the situation and take away from his business profit. He is not coded for a business, nor in a commercial zone. Tenant is not buying/selling at the location which constitutes running a business. He is pulling apart items to separate for scrap metal, creating junk to be placed all over the property. Cook stated SECTION 2 of the zoning ordinance on home occupations needs to be updated.
Discussion Only- No Action Taken.

6. Discussion/ Possible Action on Amendment to Parks Rental Policy; Shaun Massey
Massey was not in attendance. Per Koskiniemi, Massey decided not to discuss tonight. Mark Morgan Jr., Chairman of the Parks and Recreation Board, stated he is looking at rental fees for certain events, more specifically to reserve the pavilion at Backyard Park in order to send revenue to the Parks.
Motion: To table agenda item #6 to a future date. Motion made by Pettigrew; Seconded by Rambo. Voting Yea: Morgan Jr., Cook, Brooks, Rambo, Pettigrew. Motion Carried.

7. Discussion/ Possible Action on Agenda Request on Updates to Drainage on Stevenson Slough and McKinney/Avenue A; John Richers WBCDD #1

John Richers, WBCDD #1, approached Council to give an update on Stevenson Slough and McKinney/Avenue A areas. The City used to clean out the Slough near the Hood/old Shelley Property and doesn't know when that was done last, but it is overdue. He feels they will need to ask for more time for the \$5M grant to clean up Stevenson Slough and Ashley Wilson Road due to engineering and environmental concerns creating a longer time length for completion. The Drainage District has awarded a contract to LJA Engineering; no fees will be assessed to the City. They will be getting with Hilcorp on drainage issues at the end of West Ashley Wilson Road near the Railroad tracks as the previous replacement of culverts were only a temporary fix. Richers skipped over the update to Avenue A and McKinney and circled back after agenda item #8. Both items #7 & #8 were discussed together.

Motion: To accept updated engineered drawings for McKinney/Avenue A. Motion made by Morgan Jr., Seconded by Pettigrew. Voting Yea: Morgan Jr., Cook, Brooks, Rambo, Pettigrew. Motion Carried.

8. Discussion and possible action on a request from John Richers of West Brazoria County Drainage District #11 for City Council to rescind a decision by Sweeny City Council and Brazoria County Commissioners' Court to enter an interlocal agreement between City of Sweeny and Brazoria County for the provision of the replacement of a drainage culvert beneath Ashley Wilson Road west of Stewarts Grocery Store.

Richers stated this project was originally brought up to address the water standing in the cemetery. He stated the City does not actually need this project, as the existing culvert will handle the water coming out of Stevenson Slough. The concrete box is almost 4 feet high, and nothing is wrong with the existing culvert. He recommended Council rescind the agreement, so the County doesn't come in and cut the roadway. City Manager showed a picture of the culvert and the top portion looks to be crushed. If you are travelling from City Hall to Stewarts, the concrete box is near the sidewalk. From there, it drains to the culvert. Rambo asked if we have any documentation showing it is used as an orifice. Randy Stroud, Drainage District Engineer, originally gave a letter/approval for the replace using the same size culvert. The culvert is not crushed, it is an oval culvert. Rambo asked if Stroud can give documentation showing Stevenson Slough can hold the watershed. City Manager stated stakeholders at the December meeting agreed to an agreement with Brazoria County to replace the culvert per Drainage District's recommendation. Brooks stated he was led to believe the culvert was crushed, not that the culvert was oval. He has seen otherwise now. Koskiniemi requested a hydrology study to support the rescinding request. She stated it was previously approved by Council and Commissioners Court, and she doesn't feel she can give the authority to rescind. Commissioner Linder needs a decision made. Per the Mayor, County already has the new culvert onsite and is ready for install. Per the Mayor, Linder stated the pipe, already paid for, would remain in inventory for future use. Richers stated Stroud originally agreed for this to be completed for Neal Bess, as he was requesting.

Ave A update: Culverts on Old Ocean and Ross are mainly composed of 12" culverts. They need to be at least 18". Near the Nursing Home, there is tree stump in the ditch impeding drainage. He has reached out to Andy's to see if trenching within the stump would be possible. The Nursing Home culverts are undersized and asphalted over as well. Resident Ronny Wilson asked about the covered ditch from McKinney to Ave A, as it is all covered up more specifically from Old Ocean on McKinney down to Avenue A. Richers stated they are not going to change out the underground portion. The opposite side of the road would carry the water. Mayor asked about the path forward for Avenue A and McKinney area. Richers stated that is between County and City; Drainage District completed engineering portion only. The resident at 603 E 1st stated their home floods every time it rains and when the City flushes hydrants. The resident at Second and Meador asked if this project will help her. This is not going to address the Meador Street area. Agenda Item #7 was voted on, then item #8.

Motion: To rescind the interlocal agreement for the replacement of the drainage culvert beneath Ashley Wilson Road and west of Stewarts Grocery Store. Motion made by Morgan Jr., Seconded by Cook. Voting Yea: Morgan Jr., Cook, Brooks, Rambo, Pettigrew. Motion Carried.

9. Discussion/ Possible Action to allow Sweeny EDC to open applications for Board of Directors

Nina Christie stated the EDC has four positions expiring in September. EDC seeks approval to open applications and advertise on the City marquee, social media, and newspaper. Positions with terms expiring are: Bill Hayes, Jenny Massey, Kay Roe, and Nina Christie.

Motion: To approve EDC to advertise for applications on the City marquee, social media, and the newspaper of record. Motion by Rambo, Seconded by Pettigrew. Discussion: Cook addressed advertising in the newspaper, as costs would be approximately \$250.00. He prefers advertisement only on the marquee and social media. John Rambo stated to amend the motion to use the newspaper if inclined. Discussion on legalities ensued. Attorney Stevenson stated it is not required to advertise in the newspaper.

Motion: To amend the motion previously made to exclude the newspaper portion of the motion originally made. Motion by Rambo. Seconded by Cook. Voting Yea: Morgan Jr., Cook, Brooks, Rambo, Pettigrew. Motion Carried

Motion: To approve original motion amended. Motion by Morgan Jr., Seconded by Pettigrew. Voting Yea: Morgan Jr., Cook, Brooks, Rambo, Pettigrew. All in favor. Motion Carried.

10. Discussion/ Possible Action on Sweeny EDC's Performance Agreement Amendment with Trilogy Resources, LLC

Nina Christie stated EDC has recently amended the performance agreement for Trilogy Resources LLC. to reflect the recent replat of 10.794 acres with a value of \$194,292.00. The original agreement was for 11.53 acres at \$207,540.00.

Motion: Move to approve. Motion made by Cook, Seconded by Morgan Jr. Voting Yea: Morgan Jr., Cook, Brooks, Rambo, Pettigrew. Motion Carried.

11. Discussion/ Possible Action on Approving the Sweeny Economic Development Corporations Fiscal Year 2023/2024 Budget

Nina Christie presented the SEDC's FY 23/24 budget. Cook asked about the SEDC publication. It is bi-annually and it allows distributed information, promotes businesses and pride, and has created additional learning experiences for high school students. For the fireworks increase, normally Hutchings donates, but the normal pricing is approximately one thousand dollars (\$1K) per minute. EDC sponsors the fireworks for Pride Day and 4th of July. Essentially, we have been getting a free show donated stated Christie. Could EDC look at sponsors to help with this? EDC can't go out for sponsorships, but the City could. City Manager stated it never hurts to ask and could help with that. The rent expense was discussed as it was increased. EDC can help with projects if the funds were used for quality of life, such as lighting or community benefit. Mayor suggested a shade cover over the new park equipment.

Motion: Move to approve the 2023/2024 fiscal year budget for Sweeny EDC as presented. Motion made by Cook, Seconded by Morgan Jr. Voting Yea: Morgan Jr., Cook, Rambo. Voting Nay: Brooks, Pettigrew. Motion Carried.

12. Discussion/ Possible Action to Agenda Request Received on Code Enforcement Follow Up; Councilman Pettigrew

Councilman Pettigrew stated the property of 801 Ave A is a concern and is of deplorable condition. Per Cheif Caudle, Code Enforcement is working on this address. The previous owner has passed away and the property was handed down. Recently there is a new buyer and CE is working to complete the process with the new owners.

Update Only – No Action Taken

13. Discussion/ Possible Action on Agenda Request on Inframark; current invoice, current and future contract, exit strategy and timeline; Councilman Cook

Cook stated Inframark has been in for 6-8 weeks. Recent discussion of plans and invoicing has been received. Path forward, future contract, payment options, and exit strategy is requested. City Manager stated there is not very much new information to give. We have received several employment applications for licensed operators. We will need Inframark until we have the licensed operators on staff. Cook asked if we are still working under the emergency contract? The \$50,000.00 RFP requirement for state procurement is nearing and that is next course of action. Mayor feels Inframark needs to be on a contract. Rambo agreed. Brooks asked of Inframark daily operations. Flushing, taking labs, meter readings taken, flow charts completed, TCEQ requirements per ACM, Clarence Wittwer. They are here 7 days a week. City has asked them not to attend meetings since we would have to pay them. There are two guys; one for water and one for wastewater. Resident asked how much chlorine is being put into the water system. Water is dark and smells of chlorine. Attorney Stevenson stated that that issue is not stated on the agenda. Rambo stated that Council is eager to review more on contracted fees with Inframark and wanted to see a sense of urgency to head off the task.

Motion: For Lindsay to put out for an RFP for a water and wastewater operator with a deadline of September 1st.

Mayor asked about the RFP results and approval process coming to completion. This would be close to October, adding an additional \$40,000 with Inframark. Pettigrew questioned the Inframark invoice. Assistant City Manager Wittwer stated the dates are not correct and has addressed this with Inframark. Brooks questioned the labor costs and hourly rates. The City Manager stated she has told Inframark we need these items for documentation/reconciliation. Mayor wants them to invoice us weekly and wants them held to the same standards as our employees. Cook asked for this information on the next special meeting to discuss.

Motion made by Morgan Jr., Seconded by Pettigrew. Voting Yea: Morgan Jr., Cook, Brooks, Rambo, Pettigrew. Motion Carried.

14. Discussion/ Possible Action on Agenda Request on Council Meetings being regularly scheduled to two times per month; Councilman Cook

No comment per Cook, we can skip it, unless others have comments. Brooks stated we previously had two meetings a month; thirty days in between is a long time. The City has lots of things going on right now and we need to get things fixed. This includes culverts, streets, drainage, water, etc. Cook stated the intent for the request was for budget season. Meet 1st and 3rd Tuesday of the month to keep the meetings time length down. City Manager stated it is time consuming for staff to create agendas, minutes, packets, and completing research. Our meetings are long and if we start twice a month, we need to establish boundaries. We need to set cutoff dates on agenda requests and the city manager suggests two weeks. Brooks stated that this is a reasonable request, but Cook felt it is a little long.

Motion: Start having twice monthly meetings temporarily for 3 months starting in August, assessment after the 3 months, and to schedule meetings for the 1st and 3rd Tuesday of the month. Motion made by Brooks, Seconded by Pettigrew. Voting Yea: Morgan Jr., Cook, Brooks, Rambo, Pettigrew. Motion Carried.

Timeline for cut-off on agendas was discussed and agreed upon as 10 days prior to the meeting date. No motion made for the agenda cutoff date portion, discussion only.

15. Presentation, discussion, and possible action from City Departments to City Council for the third quarter of Fiscal Year 2022/2023 (April - June). City Manager, City Secretary, Public Works, Police Department, Fire Department, SEDC

City Manager stated she would give her update verbally as it is not within the packet. She attended the film friendly commission training, many meetings, has had staffing changes, added the Assistant City Manager/Director of Public Works, has been working on obtaining grants, working on the solution of the water and wastewater issues, and compiling the FY23/24 budget. City Secretary asked for questions. Assistant City Manager stated he has several employees ready for testing to earn credentials. Police Chief stated he is making needed adjustments for budget. Stats are still consistent. Two employees have taken the 300 ICS classes. K9 and Corporal Ferrel stats are tremendous. Fire Chief Barton will provide a written update, as he could not be here tonight. Nina Christie of SEDC is getting ready to start the roadway at Industrial Park. Ground breaking will be scheduled soon.

Mayor Hopkins stated he was closing the Open Session and would be convening into Executive Session at 8:30 PM. The City Manager stated that she requests the Executive Session item regarding her remain in Open Session. Therefore, Mayor stated we would remain in Open Session and take a short recess at this time. Mayor Hopkins reconvened the meeting from recess at 8:37 PM, continuing with Item #16 previously set for Executive Session but moved to Open Session by request of City Manager/ Lindsay Koskiniemi.

OPEN SESSION TO DISCUSS 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:

16. *Deliberation/ Possible Action to Personnel Matters Regarding the Appointment, Employment, Evaluation, Re-assignment, Duties, Discipline, or Dismissal of a Public Officer or Employee, Pursuant to Section 551.074 of the Texas Government Code. (City Manager and City Manager Charter Requirements)*

Koskiniemi stated Cook asked for this to be on agenda. Cook stated he believed when Kosiniemi was appointed, there was a request made that the charter requirement of residency be extended for a year due to her daughters upcoming graduation. A year ago, it was stated we would revisit. Charter requires that the City Manager need not be a resident when appointed, but must be during the tenure. There is no time limit per Attorney Stevenson, but the Charter is our constitution. Cook thins the city has accommodated the one-year reprieve. Can council accomodate further time? Housing market, inflation, etc. plays a role. Attorney Stevenson stated we could grant extensions with a goal inline with what the Charter requires. Mayor stated is there anything stating the timeline in the motion? No, there was not a timeline in the motion. Stevenson stated Charter is still governing. Brooks feels the Charter needs to be changed for once they accept the position, they must give a timeframe. Cook stated both LJ and Angleton do not have a requirement for residency and doesn't feel the work is impacted in anyway due to residency. He feels she has done a good job this past year. Attorney Stevenson stated legal action would be for a Charter amendment at next years election by voters approval, which is in May. That must be in place by January, including the resolution. We need to come up with path forward and how were going to handle this stated this Mayor. Rambo stated when he took the oath to swear in, he must abide by the Charter. Brooks stated he doesnt know of Koskiniemis financial situation and thinks Council is abiding by the Charter. John Rambo feels the interpretation of attempt is what we are looking at. Cook stated in Executive Session one year ago that the one-year residency accomodation would be revisited after one year and that was the basis for the agenda item. Cook stated the Charter needs a review. Attorney Stevenson stated a Charter Review Committee should be established for needs. Koskiniemi stated this was not to create a wedge and personal finances are different from one year ago. She feels she has treated Sweeny well and gives her full effort. She has given her word to get the water cleared up as long as she is serving at Council's pleasure. Chief Caudle stated with the City

Managers he has previously worked with, he feels Koskiniemi has done a great job. Cook asked about the process of a Charter Review Commission. Council would have to pass a resolution setting up the committee, giving direction, and appointing members. Mark Morgan Jr. stated he sees the importance of someone running the city living in the city. However, he doesn't feel that her residing outside the city limits hinders her job. He feels we should put it to the voters to decide. Brooks stated she has done an excellent job in making improvements for our city. He hopes we are not a stepping stone and personally wants her here.

ITEMS OF COMMUNITY INTEREST

Mark Morgan Jr. stated there was a good turnout for the Ribbon cutting at MLK park and that the splashpad is now open.

Reese Cook stated the carnival is this weekend and will be a good thing.

Lindsay Koskiniemi thanked the Lions Club and Shaun Massey for getting the carnival together.

ADJOURN REGULAR SESSION- Mayor Hopkins adjourned the meeting at 9:05 PM

Passed and approved this _____ day of August, 2023.

Kaydi Smith, City Secretary