

CITY COUNCIL MEETING REGULAR SESSION

Tuesday, October 24, 2023 at 5:30 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 **Tuesday, October 24, 2023 at 5:30 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 5:30 P.M.

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

PLEDGES & INVOCATION

Pledges were led by Councilman Brooks. The invocation was given by Attorney Stevenson.

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

Mayor Hopkins stated 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 at 5:31 p.m.:

1. ***Discussion / Possible Action on Deliberations Regarding Real Property, pursuant to Section 551.072 of the Texas Government Code***
2. ***Discussion/ Possible Action Pursuant to Section 551.071 (1) (a), Consultation with Attorney with Sweeny Economic Development Corporation***

OPEN SESSION

The Mayor closed Executive Session and announced the City Council will now adjourn Executive Session, reconvene into Open Session pursuant to the Provisions of Chapter 551 Texas Government Code and take action, if any, on item(s) discussed during Closed Executive Session at 6:47 p.m.

3. ***Discussion/Possible Action pursuant to Executive Session item on Deliberations to Real Property, Pursuant to Section 551.072***
No Action Taken.
4. ***Discussion/Possible Action pursuant to Executive Session item on Consultation with Attorney, Pursuant to Section 551.071 (1) (a), and the Sweeny Economic Development Corporation***
No Action Taken.

CITIZENS WISHING TO ADDRESS CITY COUNCIL

No citizen comments.

CONSENT AGENDA

5. ***Proclamation: Veterans Day, November 11, 2023***
Mayor Hopkins stated the proclamation would be signed and posted at City Hall.
6. ***Minutes: Special Session September 12, 2023, Regular Session September 19, 2023, & Special Session October 04, 2023***
John Rambo made the motion to approve the Special Session September 12, 2023, Regular Session September 19, 2023, and Special Session October 04, 2023 minutes. Tim Pettigrew seconded. All in favor. Motion carried.

7. **Discussion and possible action to the Third Quarter Financial Reports for Fiscal Year 2022-2023, spanning April – June**

Reese Cook moved to approve as presented agenda items 7 & 8. Tim Pettigrew seconded. All in favor. Motion carried.

8. **Discussion and possible action on the Fourth Quarter investment report of Fiscal Year 2022 – 2023, spanning July – September 2023**

See prior item- Reese Cook moved to approve as presented agenda items 7 & 8. Tim Pettigrew seconded. All in favor. Motion carried.

REGULAR AGENDA

9. **Discussion/ Possible action to agenda request received on cats and trash; Darlene Tipps**

Darlene Tipps approached the Council as Yvonne Darrell handed out information to be included within minutes as Exhibit 1 provided by Tipps. Ms. Tipps lives at 401 E 3rd Street and is approaching Council to address the stray feline problem within Sweeny. She has brought Council suggestions to help with the issue consisting of a cat community and neighborhood adoption program that would trap, neuter, and release. Additionally, Tipps has suggested a City partnership with a veterinarian or the SPCA to help with the program suggested. She would like to see the City adopt an ordinance to allow donations on the city utility bill that would help with a volunteer program for cats, TNR, or a better animal shelter. She would like to see a social media page to help with fostering dogs and cats. She stated her neighborhood is overrun with strays and she is looking to Council for a way to move forward in helping to combat the ever increasing population. According to the last action taken by Council in 2019, the City is to pickup trapped felines and hold for said amount of time, then euthanize.

Mayor Hopkins asked if our ACO is catching strays? Animal Control is not housing cats at this time due to space constraints. City Manager, Lindsay Koskiniemi, stated she is seeking information from Texas Rebuild to reskin the back shop (located at the Public Works Building on Peach Street) to use as a climate controlled animal shelter. Brian Brooks stated that four (4) years ago, Council received an anonymous letter leading to the motion from 2019 to pickup trapped feral cats. We are not currently picking up trapped feral cats. Tipps asked if kennels were provided, could the City hold or would the vet be able to hold? City Manager stated we do not have a facility to keep them, but does recognize something needs to be done. She thinks we need to check our current agreement with Marsh Vet on retentions (spaces/housing) as she believes the agreement is only for euthanization purposes. Reese Cook suggested looking into purchasing wall cages/kennels for housing and possible adoptions. Koskiniemi stated the City does not have the budget for the supplies and expense. Koskiniemi asked Council if she could work with Police Chief Caudle and bring back a plan to the next Council meeting, as the ACO is under his department, and he is not in attendance this evening.

Reese Cook moved to approve as requested. Seconded by John Rambo. All in favor. Motion carried.

10. **Discussion and possible action on Fourth Quarter Updates from the Sweeny Executive Leadership Team, covering July, August, and September 2023.**

The Leadership Team gave an update to their quarterly reports given to Council to include Ed Srebalus, Rusty Lofton, Terrance “Tex” Bell, Kaydi Smith, Karla Wilson, and Michelle Medina. Michelle Medina, SEDC Executive Director, gave an update on the roadway at Industrial Park. It is approximately 66 % completed and on budget. It is expected to be completed by the 2nd week of November. City Manager gave a detailed report consisting of the following to include an update to the Top 10 Projects List. She stated that the water wells are found to be non-restrictive and must adhere to the County’s requirements. Water quality issues are still being addressed and water line replacements are being completed. She is currently pursuing a grant for water line replacements. We have been conditionally awarded for a one mile water line and hydrant expansion project. For

the Waste Water Treatment Plant, clarifier one is in need of a 6" gorman pump that has been obtained. We will need to construct a roadway leading to the plant in order for the installation. The roadway is being completed in house. Staff is looking at executing a mowing/drainage agreement in the near future. The city street lights have been evaluated and those that remain out are being reviewed by an electrician.

Brian Brooks asked about the clock on Main Street. It was originally donated by Rotary and she is currently looking into this with Beautification. Reese Cook asked about the water quality on pg. 68 of Koskiniemi's update within the packet. It states that we are uncertain if dead end flushers are needed. Council previously approved \$50,000.00 to purchase the auto flushers. Koskiniemi stated staff believes the flushers will not fix the problem. She is wanting to talk in greater depth, prior to continuing forward with the purchase. Reese Cook asked about drainage on West Ashley Wilson Road and McKinney Street. Koskiniemi stated the Drainage District is handling both. On McKinney, they are to replace a culvert and cut out a portion of the tree stump within the ditch area. She has requested an interlocal for labor and materials with the County. Reese Cook asked about the Sidewalk Project. Koskiniemi stated TxDot has a board meeting Thursday at 10 a.m. to announce those selected. She intends to pay the full amount back after the first payment if Sweeny is not selected. John Rambo followed up on the water wells information. He asked about making the committee more relaxed, as we are required to have a wellhead committee per the Ordinance. Rambo is proposing to amend to allow wells if the resident adheres to all county requirements and for Council to act as the wellhead protection committee. Council would need to establish a process for permitting and determine if any fees will be associated. This would need to be put on another agenda to discuss in depth. John Rambo asked for the current headcount of public works employees. We have 2 open positions: a wastewater operator and general laborer. We currently have 7/8 employees. In years prior, we had 12 to 13 employees, then decreased to 9 to 10.
Discussion only; no action.

11. Discussion and possible action on staff generated request for the purchase of a new sewer jetter for use on culverts to improve and manage drainage and respond to sewer blockages.

City Manager stated that last month Council gave permission to rent a sewer jetter for a month. She is requesting to purchase. Public Works has been using the jetter to clean culverts in the areas of MLK, Hackberry, and 5th Street. Public Works Director Bell stated his department is in need of the equipment to clear sewer blockages. We have been borrowing from the City of Brazoria. If Brazoria is using and cannot spare to loan, our residents have to wait. Representatives from Kinloch and Pipe Hunter were in attendance. Both representatives were able to answer questions on their quotes previously given, warranty information, and training opportunities associated to the purchase. Both companies are affiliated with either the Buyboard or HGAC cooperatives. At this time, the City of Sweeny is renting a machine from Kinloch.

Reese Cook motioned to move items 11 and 12 down with items 18 & 19 to talk about all four (agenda) items together. John Rambo seconded. All in favor. Motion carried.

Reese Cook moved for a short recess, 5 minutes. Mayor Hopkins stated we would recess starting at 7:48 p.m. Mayor Hopkins reconvened Council at 7:55 p.m.

13. Discussion/ Possible action on Sweeny EDC's Performance Agreement amendment with Cecil Joe Stark Sawmill & Logging, Inc.

Michelle Medina, Executive Director of Sweeny EDC, stated Council requested more information at the last Council meeting. EDC previously asked to amend the performance agreement with Stark. Councilman Cook stated the request previously made from Council was for sales tax numbers from prior years. He also referred to page 5 of the business proposal submitted by Stark that shows land

clearing, site prep, and limestone. Is that taxable? Stark stated the clearing is not, but limestone is, only if sold direct. He wants to move to Sweeny in order to have a storefront. He already has a successful business elsewhere. Currently his sells are mainly commercial. He went to the business department at the college to help him with the business proposal submitted to Council, as this will be a new business. These are projections as his business model is changing. His yearly taxable income is approximately \$200,000-\$300,000 taxed at 6.75, the County rate. That would equvalate to approximately \$20,000 a year in sales tax. Stark stated he has provided his sales tax information previously to the EDC. He did pass a copy of the information around for Council to view. Stark gave Council an overview of the types of rental equipment he will have available and the types of materials available for purchase.

John Rambo made the motion to approve the EDC's approval for the performance agreement to move forward with the survey and deed for Stark. Brian Brooks seconded. Brian Brooks, John Rambo, and Tim Pettigrew approved. Reese Cook opposed. Motion carried.

14. Discussion/ Possible action on amendment to Ordinance 130.07 and determining zone allowance; Eight-liner machines

City Manager stated that staff was asked to look into allowing coin machines within the City limits. Is this something that Council wants to allow? City Secretary stated that as of now eight liners are prohibited by city ordinance. If Council wants to allow, the ordinance would need to be amended to include zoning allowances, restrictions, and establishing a permitting process. Councilman Cook asked if eight liners are a taxable income? Yes, we could check with City of Brazoria to see if they could give us approximate amounts annually received. Discussion ensued regarding the length of time these types of establishments remain open and if Council wants to consider allowance.

Reese Cook made the motion to keep the current ordinance in effect. Brian Brooks seconded. All in favor. Motion carried.

15. Discussion/ Possible Action to amend Ordinance Chapter 110; Peddlers and Solicitors

City Secretary stated that the Peddlers and Solicitors Ordinance and the Mobile Food Ordinance was previously brought to Council on possible amendments as the current is in conflict with the Texas Administrative Code and the Health and Safety Code, due to temperature related foods. Roadside and push cart food vendors have been removed from the peddlers ordinance and placed into the mobile food ordinance to comply.

John Rambo made the motion to approve the ordinance as presented. Tim Pettigrew seconded. All in favor. Motion carried.

16. Discussion/ Possible Action to amend Ordinance Chapter 115; Mobile Food Establishments

See item number 15.

John Rambo made the motion to approve amendment to the ordinance as presented. Tim Pettigrew seconded. All in favor. Motion carried.

17. Discussion and possible action for the fourth quarter salvage items from 2023

Reese Cook moved to approve as presented. Tim Pettigrew seconded. All in favor. Motion carried.

18. Discussion/ Possible action on a budget amendment to the FY 2022/2023 Budget; Enterprise Fund amendment for \$50,000.00 to be used for Water Line Replacement Purposes

City Manager stated this is a formality allowing the \$50,000 to be utilized for water line replacements. A budget amendment is required for auditing purposes in order to move funds.

Tim Pettigrew made the motion to approve the budget amendment to the budget year, Fiscal Year 2022/2023, from the Enterprise Fund for \$50,000.00, to be used for water line replacements. John Rambo seconded.

Discussion: John Rambo asked about moving the funds from fund balance. City Manager stated any movement of funds from fund balance needs to be followed up with an amendment. She stated the appropriation from Fund Balance to this fiscal year budget would need to be shown as a new line item as maintenance of water, or in capital outlay for next year in order to show the day to day. *All in favor. Motion carried.*

19. Discussion and possible action on staff generated request to amend the Fiscal Year 2022 – 2023 budget for unanticipated expenses related to water and wastewater.

City Manager explained the agenda item and invoices attached within the packet are due to unanticipated expenses relating to the water and wastewater. The amendments are \$91,728.40 for water and \$167,188.59 for wastewater. The total dollar amount for requested budget amendment is \$258,916.99. Councilman Cook asked if we could talk about items 11 & 12 with this item all together? City Manager wants to table item number 12, as Claybourne is not in attendance to speak about the presentation. Attorney Stevenson stated that all items could be discussed together but Council would need to take action separately, per agenda item. Karla Wilson, Finance Director, reiterated that we are looking at different budget years, as discussion on combining the agenda items continued. City Manager recommended pulling the funds from interest earnings, Texpool funds, or the CO 19.

Reese Cook moved to approve funds transfer from the following accounts: Logic CO 2019 Investment Account- \$144,000.00 and Logic Enterprise Investment Account- \$115,000.00, to pay for unanticipated expenses related to water and wastewater from the FY 2022/2023 budget. Tim Pettigrew seconded. All in favor. Motion carried.

Council continued discussions on previous agenda items, number 11 and 12.

11. Discussion and possible action on staff generated request for the purchase of a new sewer jetter for use on culverts to improve and manage drainage and respond to sewer blockages.

Brian Brooks made the motion to take the one (sewer jetter) we have that we are currently using. Tim Pettigrew seconded.

Discussion: City Manager stated the funds of \$20,000 would cover the first year on the rent to own agreement, which would be approximately \$1,676 a month. We are receiving credit in the amount of \$2,000 from the old sewer jetter. Total is \$84,000 for the model we are currently using. City Manager stated we have the money for the first year now. John Rambo asked what Kinloch will do with the old jetter we are trading in? Morgan Kinloch Taylor stated they would use as parts possibly. *All in favor. Motion carried.*

12. Discussion/ Possible action on proposal received by Water of Texas, Michael Claybourn Sr.

City Manager stated she would like to table this discussion as Mr. Claybourn was not in attendance. *Reese Cook moved to table item 12. John Rambo seconded. All in favor. Motion carried.*

ITEMS OF COMMUNITY INTEREST

Brian Brooks congratulated "Tex", Terrance Bell, on his promotion as Public Works Director.

John Rambo stated the Beautification Main Street clean up was successful. Dr. Leal's Halloween in the park is coming up on Saturday the 28th.

Tim Pettigrew stated the Veteran's Day parade will be Saturday 11/11/23 in Angleton. Breakfast will be before the parade at 6:30 a.m. at the Angleton High School. Pettigrew thanked city staff for the plant received for his moms funeral.

City Manager stated the regularly scheduled Council meeting dates for November and December are close to the Thanksgiving and Christmas holidays. She is proposing to move them a week prior which would be Wednesday, November 15th and Wednesday, December 13th.

ADJOURN REGULAR SESSION

Mayor Hopkins adjourned the Regular Session of the City Council at 8:36 PM.

Staff present:

City Manager, Lindsay Koskiniemi
Police Sargent, Ed Srebalus
Director of Public Works, Terrance Bell
Finance Director / Personnel Services, Karla Wilson
City Secretary/ Developmental Services, Kaydi Smith
Project Manager, Rusty Lofton

Exhibit 1: Packet presented by Darlene Tipps; Regular Agenda Item No. 9

Exhibit 2: Pipe Hunter Quotes (2); 4733 Single Axle Trailer & 7724 Tandem Axle Trailer; Regular Agenda Item No. 11; submitted by City of Sweeny Project Manager, Rusty Lofton

Exhibit 3: Packet presented by Morgan Kinloch Taylor of Kinloch Equipment Co; Regular Agenda Item No. 11

Passed and approved this _____ day of _____, 2023.

Kaydi Smith - City Secretary