

A regular meeting and public hearing of the City Council was held at City Hall on Tuesday, February 17, 2009

1. Call To Order

Mayor Weems called the meeting to order. Reminded Council and audience meetings are conducted in strict compliance with Roberts Rule of Order.

2. Roll Call

Council present: Mayor Pro-Tem Gary Coker, Dale Lemon and Linda Diaz.
Absent: Neal Bess Jr. and Ray Bailey

Also present: Tim Moss, City Manager; Charlie Stevenson, City Attorney; Homer Toscano, Director of Public Works, and Gary Stroud, Chief of Police.

3. Invocation

Invocation was given by Charlie Stevenson

4. Pledge of Allegiance

Pledge of Allegiance was recited.

5. Presentations by Citizens -

Visitors: Frank Lawrence, Gloria Harrison, Clay Drake, Doug Isaacs, Tammy Isaacs, Earl Hassell, Buzzie Dugan, Saprine Dugan, Dax Preston, Daniel Mikel, Bryan Dugan, Lee Lanier, Toby Reifel, Laura Lanier, AJ Mikel, Katherine Bonner, Vicki Milian, P. T. Brunner, Rita McMillan, Frances Jammer, Tim Webb, Debbie Ward

6.. * Consent Items

A. Approval of Minutes - January 20, 2009

B. Approval of Bills- \$ 30, 304.23

Gary Coker made a motion to accept the consent items as read. Linda Diaz seconded. All in favor; motion carried.

7. * Public Hearings

A.

8. Fire Department Report

Tim Webb gave the Fire Department report. Total of 22 calls, and 24 members on roster. Agility Test on 1-7-09 and in house training on the 2nd and 4th Tuesdays. Upcoming events: Easter Egg Hunt 4-5-09 @ 2:00pm and the Aux. will host the Pride Day Pageant again this year.

G. Consider Changing Yield Sign to Stop Sign at Harlem and Travis / Katherine Bonner

Ms. Bonner spoke regards to changing the yield sign on Harlem to a stop sign. Discussion was made. Tim Moss suggested placing stop signs on Harlem on the East and West sides of Travis. Gary Coker made a motion to place stop signs on Harlem on the East and West side of Travis. Dale Lemon seconded. All in favor; motion carried. (Minute Order to follow at next Council meeting)

H. Review of Curfew Ordinance / Tammy Odom

This ordinance is reviewed every three years to make sure it is working and if any changes need to be made. Dale Lemon made a motion to keep the ordinance as is. Gary Coker seconded. All in favor; motion carried.

I. Purchase Property between Milts and Pecan St. approximately 5-6 feet / P.T. Brunner

P.T. Brunner spoke on behalf of himself. In Dec. '06 the Council granted a license to use a portion of a 6ft strip adjacent to the City right of way for the construction / remodel of his building. However, his bank has stated he needs to own the property in question for financing reasons. Discussion made. Gary Coker made a motion to abandon our easement and deed it to P.T. Brunner. Linda Diaz seconded. All in favor; motion carried. This is contingent that this property is in access of our 60 ft. easement.

J. Belton Co. Appreciation Shrimp and Fish Fry / Linda Diaz

Linda Diaz spoke. When the City evacuated for Hurricane Ike all of our 211's were sent to Belton County. In appreciation for their hospitality Brazoria County would like to supply them with a shrimp and fish fry. Linda Diaz suggested we donate \$750.00 for this event. Dale Lemon made a motion to donate \$750.00 towards the appreciation shrimp and fish fry. Gary Coker seconded. All in favor; motion carried.

K. Request the City Council authorize the Building Official to require permits for Roofing Contractors and Tree Contractors prior to working inside the City Limits of Sweeny/ Tim Moss

Tim Moss spoke. Currently we only request those contractors to register with the City that are doing repairs that require a permit. Mr. Moss would like to see roofing contractors and tree contractors to also register with the City. Dale Lemon made a motion to have Tim Moss and Charlie Stevenson to make changes to the Contractor's Registration Ordinance; and submit changes to Council. Linda Diaz seconded. All in favor; motion carried.

L. Proclamation / Rotary Club

Mayor Rodney Weems read the Proclamation - proclaiming February 23, 2009 as Rotary Day. No action taken.

11. *Reports of Advisory Boards & Commissions

12. Mayor, Council and Staff Reports

Mayor Weems – Met with senior representatives with Sweeny House they are in agreement that we need to have a meeting regarding evacuations. This meeting would be in conjunction

Randy L. Stroud, P.E.
Civil Engineer and Land Surveyor
201 South Velasco
Angleton, Texas 77515
(979) 849-3141 Fax # (979) 849-9444

Randy L. Stroud, PE
RPLS #2112

Brian G. Fambrough
RPLS # 6017

FIELD NOTES OF A 0.025 ACRE TRACT BEING A PART OF PEACH STREET (CITY OF SWEENEY, TEXAS), BEING ADJACENT TO THE SOUTHWEST LINE OF A 0.2695 ACRE TRACT KNOWN AS TRACT 24A-2 AND DESCRIBED IN A DEED RECORDED IN VOLUME (86) 354, PAGE 809 OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS, AND SAID 0.025 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a ½" iron rod found in the South right-of-way line of Main Street (City of Sweeney, Texas), said rod marking the Northeast corner of said 0.2695 acre tract;

THENCE; South 89° 47' 48" West 171.50 feet, along the South right-of-way line of Main Street, to a ½" iron rod found at the Northwest corner of said 0.2695 acre tract, for the place of beginning of the herein described tract;

THENCE; South 89° 47' 48" West 10.82 feet, along the South right-of-way line of Main Street, to a ½" iron rod set for corner;

THENCE; South 50° 25' 51" East 175.43 feet to an "x" made in concrete for corner;

THENCE; North 43° 15' 57" East 5.77 feet to a ½" iron rod found for corner at the South corner of said 0.2695 acre tract;

THENCE; North 50° 02' West (Reference Bearing) 167.50 feet, along the Southwest line of said 0.2695 acre tract, to the place of beginning.

Said tract therein containing 0.025 acres of land.

Certified Correct:


Randy L. Stroud, P. E. Registered Professional Land Surveyor #2112

* See attached plat.

** All ½" iron rods set for this survey have a plastic cap stamped "RPLS 2112 - RPLS 6017"

4T23143
February 20, 2009
fn86.8

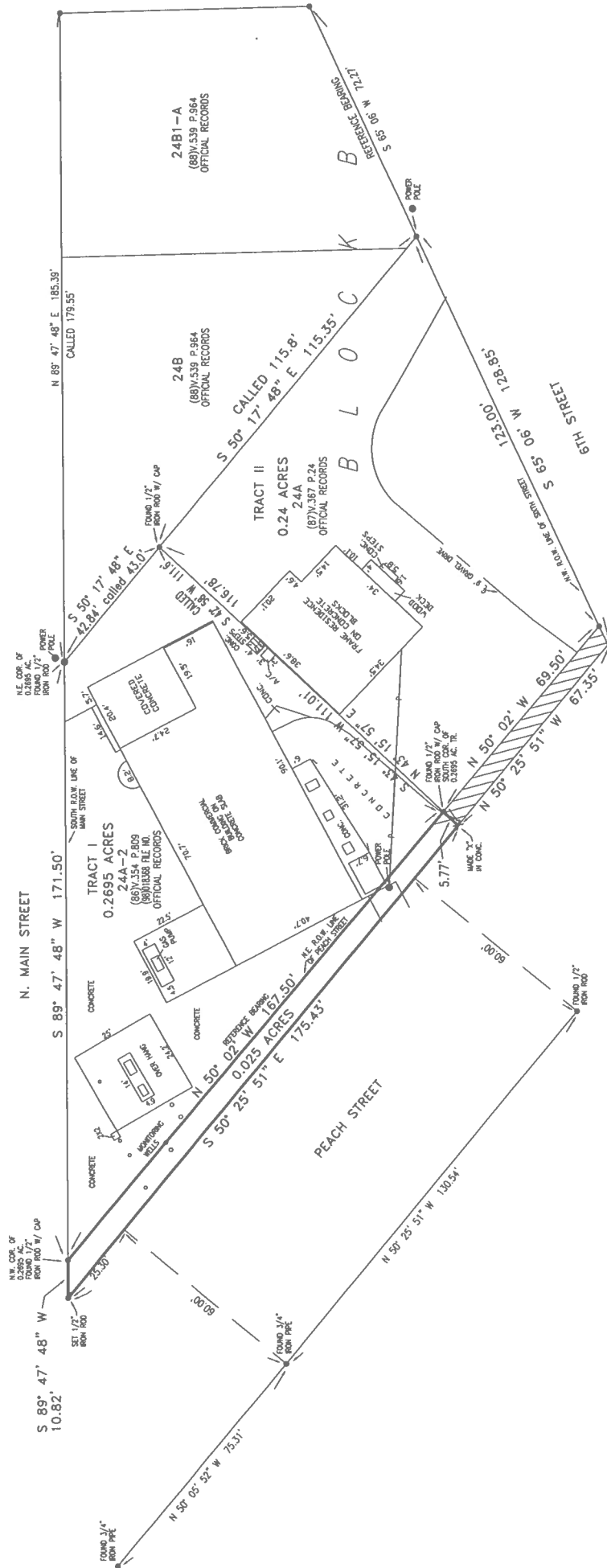
EXHIBIT "A"





For this survey, a title commitment was not furnished to the surveyor. A title commitment might reveal additional easements in addition to those shown. A title commitment should be prepared and reviewed before any new construction begins on this tract.

PREPARED FOR: PAUL B. BRUNNER, III



NOTE: ALL FOUND 1/2\"/>

A PLAT OF A 0.025 ACRE TRACT BEING A PART OF PEACH STREET (CITY OF SWEENEY, TEXAS), BEING ADJACENT TO THE SOUTHWEST LINE OF A 0.2895 ACRE TRACT KNOWN AS TRACT 24A-2, AND DESCRIBED IN A DEED RECORDED IN VOLUME (86)354, PAGE 809 OF THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS, AND SAID 0.025 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS ATTACHED.

SCALE: 1" = 20'
41 23.143A
2-20-09

I, RANDY L. STROUD, REGISTERED PROFESSIONAL LAND SURVEYOR, ANGLETON, TEXAS, DO HEREBY CERTIFY THAT THE PLAT SHOWN HEREON IS A REPRESENTATION OF A FIELD SURVEY MADE UNDER MY SUPERVISION ON THE GROUND IN FEBRUARY, 2009, AND THAT ALL CORNERS SHOWN WERE EITHER FOUND OR ESTABLISHED BY ME.

CERTIFIED CORRECT: RANDY L. STROUD, REGISTERED PROFESSIONAL LAND SURVEYOR
LICENSE #2112

FROM THE OFFICE OF:
RANDY L. STROUD
201 SOUTH VELASCO
ANGLETON, TEXAS 77515
(979) 849-3141

**MINUTES OF A REGULAR MEETING
OF THE SWEENEY CITY COUNCIL
TUESDAY, JANUARY 18, 2022
6:00 PM**

A regular meeting of the City Council was held at Sweeny City Hall on Tuesday, January 18, 2022, at 6:00 p.m.

CALL TO ORDER

Mayor Pro-tem Brian Brooks called the meeting to order at 6:00 p.m. Mayor Farley was absent.

1. ROLL CALL

Council Position 1. Sandra Blaine
Council Position 2. Bill Hayes
Council Position 3. Brian Brooks
Council Position 4. John Rambo
Council Position 5. Tim Pettigrew – absent

STAFF

Reese Cook, City Manager
Reatta Minshew, City Secretary - absent
Charlie Stevenson, City Attorney.

2. PLEDGE OF ALLEGIANCE

American Flag
Texas Flag

INVOCATION

The invocation was given by Sandra Blaine.

3. VISITORS COMMENTS

4. PUBLIC HEARING

A.

5. PRESENTATIONS:

- A. Commendations
- B. Proclamation – African American History Month (February)
- C. Fire Department Report –
- D. Police Report – Chief Brad Caudle gave the report.
- D. City Manager Report – Reese Cook gave the report.
- E. SEDC Report – Michele Medina was present in the audience.

6. CONSENT AGENDA

A. Bills in the amount of \$37,739.50

B. Minutes from Regular Session: December 21, 2021

Sandy Blaine made a motion to approve the bills in the amount of \$37,739.50 and the minutes from December 21, 2021. Bill Hayes seconded. All were in favor. Motion carried.

7. UNFINISHED BUSINESS:

8. NEW BUSINESS

A. Discuss and act (as needed): Mark Morgan: Revitalization of Park and Recreation Board.

Mark Morgan addressed the council and stated he felt there was a need for a committee or board to address our parks. Mr. Cook stated that he was in favor of the board, and we have an Ordinance where a Parks and Recreation Board was established. That board dissipated many years ago though.

Bill Hayes made a motion pending agenda item C. that we reinstate the Park and Recreation Board and have a minimum of 5 members. John Rambo seconded. All were in favor. Motion carried.

B. Discuss and act (as needed): Council Position 3, Brian Brooks: City Wide Plan and Schedule for Ditch and Culvert Cleaning.

Brian Brooks stated he would like to see the crew clean out ditches and culverts during this season of not mowing so much. City Manager Reese Cook stated that we could utilize several avenues, city crews with our boring machine for smaller jobs and with larger bores we would bring in AIMS and Texas Drainage.

NO ACTION

C. Discuss and act (as needed): Reese Cook, City Manager: Updates and amendments to Park and Recreation Board Subchapters 35.01 through 35.06.

City Manager Reese Cook stated that 35.01 reads "park and recreation board members shall be residents of the city and shall not be employees". Mr. Cook proposes to take that out and add "resides within 10 miles of the city's center". Mr. Cook added this would be a 5-member board. John Rambo made a motion to approve the amendments. Bill Hayes seconded. All were in favor. Motion carried.

D. Discuss and act (as needed): Reese Cook, City Manager: Conveyance of Easement Portion of land on Peach Street of property formally know as Milt's Mini Mart.

City Manager Mr. Cook stated that the owner of this property would like to take these two plats and combine them into one. (Milt's Mini Mart and the house directly behind it). There is a 6-foot portion of the land that is an easement, it belongs to the city.

Bill Hayes made a motion to approve for the city to deed over the 6-foot easement property to the owners as presented. John Rambo seconded. All were in favor. Motion carried.

E. Discuss and act (as needed): Reese Cook, City Manager: Transfer of funds from General Enterprise Fund Balance to Disaster/Emergency Contingency Texpool Fund.

Mr. Cook stated that when Hurricane Nicholas hit in September 2021, \$300,000.00 was the number proposed for debris removal. We spent about \$40,000.00 on debris removal from the Disaster Contingency Fund. We didn't have C and D (construction and demo) from this storm so that kept the price down. Mr. Cook would like to increase this fund to be ready for the next emergency. Mr. Cook proposes \$200,000.00. \$100,000.00 from General Fund and \$100,000.00 from the Enterprise Fund to be transferred to the Disaster Contingency Texpool Fund.

Bill Hayes made a motion to allow Mr. Cook to transfer the \$200,000.00 to the Disaster Contingency Texpool Fund. John Rambo seconded. All were in favor. Motion carried.

F. Discuss and act (as needed): Reese Cook, City Manager: Ordinance to Call the 2022 May General Election for Council Positions 1, 3, & 5 and Municipal Judge.

Mr. Cook stated this is our standard practice that we call the city election to be held in May 2022. Charlie Stevenson stated our ordinance reads "Order" the election.

Bill Hayes made a motion to approve the ordinance to Order the City Election for council positions 1,3, &5 and Municipal Judge to be held in May 2022. John Rambo seconded. All were in favor. Motion carried.

G. Discuss and act (as needed): Reese Cook, City Manager: Interlocal Agreement with Brazoria County for flood study.

Mr. Cook addressed council that the Texas Water Development Board has allocated around five hundred million for flood studies and flood mitigation studies. Matagorda County and Wharton County got a study for Caney Creek. Brazoria County asked if they could get in on the study too, as Caney Creek flooded in Hurricane Harvey in 2018. This study cost is around \$400,000.00. Our portion of the study is \$108,000.00 to be split between Brazoria County, P66, CPC, The Drainage District and The City of Sweeny. Mr. Cook is asking council for approval to move forward with funds from the city in the amount of \$5,000.00. Brazoria County has stated they would pay \$50k and the Drainage District committed to \$25k.

John Rambo made a motion that we agree to participate in this Interlocal Agreement with Brazoria County for a flood study and to approve spending funds for the study not to exceed \$15,000.00. Bill Hayes seconded. All were in favor. Motion carried.

H. Discuss and act (as needed): Planned Maintenance Agreement with ASCO for Case Backhoe and Kubota Mini Excavator.

Mr. Cook stated that ASCO has reached out to him and would like the city to go into an agreement with them for maintenance on our Case Backhoe and Kubota Mini Excavator.

Sandra Blain made a motion to sign on with ASCO for a planned maintenance agreement for the Case Backhoe and Kubota Mini Excavator. John Rambo seconded. All were in favor. Motion carried.


EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE SECTION §551.071, §511.072 AND §551.074:

9. RECONVENE TO REGULAR SESSION

10. ITEMS OF COMMUNITY INTEREST

11. ADJOURNMENT: 6:57 pm

PASSED AND APPROVED THIS 15 DAY OF February 2022.


Reatta Minshew, City Secretary



NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

WARRANTY DEED

Date: 15th of February, 2022

Grantor: **THE CITY OF SWEENEY, TEXAS**, a municipal corporation of the State of Texas, acting by and through its duly authorized Mayor

Grantor's Mailing Address (including county): P. O. Box 248, Sweeny, Brazoria County, Texas 77480

Grantee: **PAUL B. BRUNNER III**

Grantee's Mailing Address (including county): 9036 CR 628, Brazoria, Brazoria County, Texas 77422

Consideration: **TEN AND NO/100'S DOLLARS** and other good and valuable consideration.

Property (including any improvements)

The surface only of a 0.025 acre tract being a part of Beach Street (City of Sweeny, Texas), being adjacent to the Southwest line of a 0.2698 acre tract known as Tract 24A-2 and described in a deed recorded in Volume (86) 354, Page 809 of the Official Records of Brazoria County, Texas, and said 0.025 acre tract being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein by reference for all purposes.

Reservations from and Exceptions to Conveyance and Warranty:

This conveyance is made and accepted subject to all restrictions, covenants, conditions, rights-of-way, easements, and oil, gas and other mineral reservations, if any, affecting the above described property that are valid, existing and properly of record.

This conveyance is made by Grantor and accepted by Grantee "AS IS", "WHERE IS" and "WITH ALL FAULTS", and Grantee agrees that Grantor will not be responsible or liable to Grantee for any conditions affecting the property, including any possible contamination of the property.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, gives, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

When the context requires, singular nouns and pronouns include the plural.

CITY OF SWEENEY, TEXAS

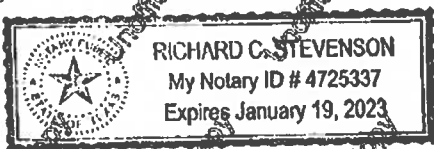
BY: JEFF FARLEY, His Mayor

ATTEST:

Reatta Minshe
REATA MINSHEW, City Secretary

THE STATE OF TEXAS *
COUNTY OF BRAZORIA *

This instrument was acknowledged before me on the 15th day of March, 2022 by JEFF FARLEY, Mayor of the CITY OF SWEENEY, TEXAS, on behalf of said city.



RC Stevenson
NOTARY PUBLIC, State of Texas

Notary's Name (printed): RC Stevenson

Notary's commission expires: 1-19-2023

AFTER RECORDING RETURN TO:

PREPARED IN THE LAW OFFICE OF
R. C. STEVENSON, ATTORNEY
P. O. BOX 892
207 EAST ASHLEY WILSON ROAD
SWEENEY, TEXAS 77480-0892
(936) 548-3252

FILED and RECORDED

Instrument Number: 2022017800

Filing and Recording Date: 03/23/2022 01:29:10 PM Pages: 3 Recording Fee: \$30.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Brazoria County, Texas.



Joyce Hudman

Joyce Hudman, County Clerk
Brazoria County, Texas

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clerk-juanita