

CITY COUNCIL MEETING REGULAR SESSION

Tuesday, April 25, 2023 at 6:00 PM

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

MINUTES

CALL TO ORDER by Mayor Farley at 6 PM

Brian Brooks, John Rambo, and Tim Pettigrew were in attendance. Mark Morgan Jr. and Bill Hayes were absent.

City officials present were the City Manager Lindsay Koskiniemi, Attorney Charlie Stevenson, Police Chief Brad Caudle, Finance Director Karla Wilson, City Secretary Kaydi Smith, Public Works Director Ross Aguirre, Fire Chief Roger Barton, Water Operator Kevin Eskridge

PLEDGES were led by Tim Pettigrew & the **INVOCATION** was given by Charlie Stevenson.

CITIZENS WISHING TO ADDRESS CITY COUNCIL- all citizens were given 3 minutes to address City Council

#1. Brandi Martin/ 9975 FM 524/ She is an SGA board member and coach and is representing the girls. Believes all girls should play on the fields and believes the City of Sweeny is handing themselves down to Little League.

#2. Ron Schmidt/702 Maple/ Mr. Schmidt thanked Jeff (Mayor) for the job he has done including all the ups and downs overcome. He brought Mr. Cook in and they worked thru COVID as well as bringing in the new City Manager, Lindsay Koskiniemi. During this time, the City has worked hard to reduce debt, replace water lines and complete many things that get unnoticed.

#3. Steve Gutierrez/ JL Commissioner of District 27 Softball; lives in Angleton/ He is here to represent the softball girls of Southern Brazoria County. Sweeny has been a part of the association for twenty plus years and playing on local fields. He is concerned with the switch to Little League Softball versus USA Softball which would affect boundaries and travel distances. He would like for Sweeny to stay in District 27 with USA Softball.

#4. Joseph Smith/ Softball Association/ He stated the Mayor is on the Little League Board of the Bennett Organization. He was removed from practicing at the Little League by Baca and Lopez due to contractual issues between the two associations. He is upset about the removal, the contract from Little League given to Softball, and Tim's (Pettigrew) social medial comments.

#5. Neal Bess Jr. / Forest Park Court/ He has coached 30 years, been a part of Little League, has umpired and mowed these fields. He stated Mrs. Outlar would not be happy by all of this. He feels both associations need to come together or get out of the way to allow the kids to play ball.

#6. Stacy Winscott/ 901 E 2nd/ Stated she has had to replace her water heater every four years and other piping/fixtures. She has had orange water every day for the last 10 years. Also, her granddaughters want to play softball here. She wants them to reach an agreement or allow them to buy the fields so they can play in Sweeny.

#7. Ann Strother/ 22805 CR 332/ Stated she is concerned for the girls. She played Little League when she was a kid. However, finding towns to play in are few and far between. She wants the girls to stay interested in Softball. She feels there needs to be a mediator between the Little League and the Softball Girls Association to work things out and allow the girls to play ball.

#8. Darlene Jones/ Wants everyone to read the contract given to Softball from the Little League. Mayor stated all documents are on the Sweeny Little League website including the contract. City Manager stated during public

comment council is not allowed to respond. Jones wants everyone to look at the contract that was presented to Softball and does not believe it is fair.

Mayor made the announcement that we do have a public meeting to conduct. If one person could please represent the group. Tim Pettigrew stated we do follow the Roberts Rules of Order. There was unrest in the council chambers regarding the statement.

#10. Tiffany Van Dyke/ Coach/Teacher/ She has a daughter that plays softball and the issue between both groups is causing them to drive elsewhere to play. The comment about the Olympics/College and percentages previously shared is incorrect. Softball allows girls to set goals and builds work ethic. They want to be able to wear Sweeny (on their jerseys).

#11. Ally Stone/ Stated she is divorced and they are required to play in either Sweeny or Pearland. Her step-daughter has cancer and her dream is to play softball. She is upset that Sweeny no longer has softball on these fields due to disagreements and lack of a contract with the Little League. She is upset and just wants her daughter to be able to play.

PUBLIC HEARINGS AND ACTION ITEMS

No Public Hearings

CONSENT AGENDA

1. Proclamations (3): National Day of Prayer; May 4, 2023
Peace Officers Memorial Day and Week; May 15, 2023 & May 15th-19th
Sweeny Scholars; May 15, 2023
Mayor Farley stated he will sign the proclamations and they will be posted on the door.
2. Minutes:
Regular Session, March 21, 2023
Special Session, April 10, 2023
Brian Brooks made the motion to approve the minutes from the Regular Session on March 21, 2023 and the Special Session on April 10, 2023. Tim Pettigrew seconded. All in favor. Motion Carried.
3. Discussion and possible action to approve a budget amendment for the Fiscal Year 2023 budget to fund emergency repairs to Water Softeners 1 and 2 in the amount of \$93,700.
Tim Pettigrew made the motion to accept the budget amendment for the Fiscal Year 2023 to fund emergency repairs to Water Softeners 1 & 2 in the amount of \$93,700.00. Brian Brooks seconded. All in favor. Motion carried.
4. Discussion and possible action on second quarter investment report spanning January - March 2023.
City Manager stated the City received \$41,000.00 in interest on investment accounts during the 2nd Quarter, making a total of approximately \$75,000.00 for the year. She stated she is required to show council the quarterly investment report, no action is needed.
No action taken.

REGULAR AGENDA

5. Update from Commissioner Linder on current events affecting Brazoria County residents
David Linder, Precinct 4 County Commissioner, addressed the Council on updates to our area. Brazoria County has received \$43 million in grant funding. Of that, \$6 million is earmarked for the Sweeny area.

Sweeny is receiving \$1.5 million for a fire hydrant project from a General Land Office (GLO) grant. They have also put \$5 million towards drainage improvements in this area. They also have an interlocal agreement to complete work on Ashley Wilson. Mr. Linder also addressed the high appraisals that we have recently received. The Angleton Appraisal District is not part of Brazoria County rather a part of the State Comptroller. He stated the Appraisal District was audited recently and under scored in 7 to 8 areas, therefore being required to boost appraisals. He is recommending everyone reach out to their local officials to help in the reduction of rates.

No action taken. Update Only.

6. Presentation, discussion, and possible action on the Fiscal Year 2021-2022 annual financial audit
Jordan Rollins of Kennemer, Masters, and Lunsford (KM&L), the city's auditors, presented the Fiscal Year 2021-2022 annual financial audit. Jordan stated that the city has made great strides this year to clean up the financials to include hiring an independent contractor. She presented the financial letters and reports and helped to explain. Upon completion of this audit, it shows that the city has approximately 2 to 3 months of savings or contingency funds (unassigned equity), roughly 18 percent.
Tim Pettigrew made the motion to accept the Fiscal Year 2021-2022 annual financial audit. John Rambo seconded. All in favor. Motion carried.
7. Fireworks Variance Requested for Sweeny Pride Day, May 05, 2023 and July 4th, 2023
Wayman Hutchings of Freedom Fireworks Unlimited stated he is requesting the variance to allow fireworks for Sweeny Pride Day, May 5th and July 4th, 2023 of this year. He has received Sweeny ISD's approval to use the Sweeny Elementary property for the site. He plans to follow all of the Fire Marshals rules and regulations.
Tim Pettigrew made the motion to allow the variance on Sweeny Pride Day, May 5th, 2023 and July 4th, 2023. John Rambo seconded. All in favor. Motion carried.
8. Discuss/ Take Action on alcohol variance for Sweeny Pride Day 2023 festivities; Sweeny Beautification
Abby Kluttz of Sweeny Beautification stated they are requesting the annual alcohol variance to allow alcohol in the BBQ cookoff area within the orange barricades. This years Pride Day festivities will be held on the side of City Hall and into the Backyard Park.
John Rambo made the motion to approve the alcohol variance for Sweeny Pride Day 2023 festivities within the orange barricaded area. Tim Pettigrew seconded. All in favor. Motion carried.
9. Discussion and possible action on an update on the water softer rehab project.
City Manager stated the old media has been removed and the new has been placed on order. The engineer with WETS, Keyur Gorji, addressed the council. He stated that the order will be received in about 2 to 3 weeks, as it is coming from New York, then the internal work will be completed. They are working on the operating manual and will work with staff on training. Council did ask questions about inspections and the third softener. Gorji stated they have not inspected since originally installed in 1996 and should be inspected every two years. It was found that the third softener offline has been previously used contrary to prior beliefs. The softener has lost media and would need to be replaced as well. The third softener was never commissioned due to the lead and copper report not being completed and submitted to TCEQ. City Manager also stated that TCEQ advised us to hit the water hard with chlorine and in turn has made the chlorine levels elevated, now causing an acceleration of oxidation, causing brown coloration. We will be backing off the chlorine, but it will be three to four days before seeing results. Brian Brooks apologized for the water issues to the public.
No action taken. Update only.
10. Discuss/Take Action on the Railroad Train Ordinance; train speed through town and quiet zone time; Agenda Request by Neal Bess Jr.

Neal Bess Jr. stated in 1989 there was a fatality on the Railroad tracks. There have been several train derailments in the news media around the nation recently. In 2001, there was a derailment in Sweeny. He is concerned with the speed the trains travel thru Sweeny and would like to see a quiet zone. Roger Barton stated that the trains coming thru our area are carrying the same types of chemicals that Ohio had and are still reeking impacts from. Attorney Stevenson stated the Federal Government pre-empts the rights of the City in regulating the speed. Chief Caudle stated if you slow the trains down, then your blocking the crossings for a longer period of time. Discussion of the quiet zone ensued and accompanying fees on establishing a quiet zone.

No action taken.

Neal Bess Jr. stated that he hopes it is not one of your family members, the arms don't always work.

11. Agenda Request from Council Member John Rambo: Discussion and possible action on utility fee rate adjustment and / or credit.

Mr. Rambo stated the city has raised rates twice in the last four years. Once to offset the water project/ Certificate of Obligation and again recently in August of 2021. He is proposing to reduce the rates back to the previous rates. The base rate currently is \$15.67. He is proposing to reduce the base rate to \$14.44 for water and sewer, which is an eight and a half percent decrease, and to take effect starting next month. Tim Pettigrew stated we need to look at the budget. The City Manager stated that the sales are down for the year for water and sewer. Changing the rate will affect the debt service, the enterprise earnings, and future revenue loss. Feels that we need to look at this in better detail. Mr. Rambo stated the quality of the water is an issue and were charging high prices.

John Rambo made the motion to roll the utility rate back to the previous base rate for both water and sewer with an effective date of the next council meeting (05/16/23). Motion died for lack of second.

12. Agenda Request; Drainage Plan Update for City of Sweeny and EDC Industrial Park Improvements Project; John Richers

John Richers of the West Brazoria County Drainage District #11 stated they have several projects in the Sweeny area to improve drainage. He gave an update on the drainage plans reviewed for the Sweeny Hospital, Dollar General, and the EDC Industrial Park road and utility expansion.

No action taken. Update only.

13. Discussion and action on a resolution supporting City of Sweeny's application to the Texas Department of Transportation's 2023 Transportation Alternatives Call for Projects; Sidewalk Project

The City Manager stated this project is only available every three years and the preliminary application has been approved. Sweeny ISD has given their letter of support for the easement to include the four-foot sidewalks and storm sewer placement. Resolution is required to complete the application showing the City's support. There is a twenty percent match required for this project.

Tim Pettigrew made the motion to approve the resolution supporting City of Sweeny's application to the Texas Department of Transportation's 2023 Transportation Alternatives Call for Projects; Sidewalk project. Brian Brooks seconded. Discussion: Neal Bess Jr. stated that in 2020 the sidewalk was supposed to be running from the High School to Windmill Run and paid for with donated sidewalk fund fees in the amount of \$270,000.00. John Rambo asked about the box culverts, drainage accommodations, and placement locations. All in favor. Motion carried.

14. Discussion on financing strategy to meet the funding requirements of Texas Department of Transportation call for transportation alternatives project.

City Manager stated in order to meet the financial obligations of the project, we must have the money upfront and then will be reimbursed afterward. Wade Thompson with Government Capital addressed council with the rates and options available. The City would need to approximately 2.5 million to secure.

He will be back at the May Council meeting to discuss further.
No action taken. Discussion only.

15. Discussion and possible action concerning follow up on bids obtained by Altamira, consultant for Sweeny Economic Development Corporation, for the Industrial Park roadway construction project. City Manager stated this item is on the agenda to simply have the EDC's consultant explain the bids, bid process, and answer questions and concerns Council may have from the last meeting. Colby Lowrie, EDC's consultant, explained that he requested for three contractors to bid the civil and concrete. They did request a bid from Roll Con, as requested by council for possible cost reduction. He received one no bid and two full bids; Southern Gulf Solutions and Tindol Construction. The concrete bid from Roll Con was separate. After discussion, council believes the amounts approved at the last council meeting were not construed correctly and were made under misunderstanding. EDC is to the point that they are waiting for a contract to be signed. Previously council believed bids to be a minimal difference of \$40,000.00 versus the approximate \$500,000.00 actual difference, which is drawing the need for concern and discussion tonight. Lowrie stated the confusion stemmed from comparing civil cost versus turnkey costs. Attorney Stevenson stated the consultant for EDC should have been at the meeting to clarify and that bad information was given at the last meeting. Discussion continued between council and others in attendance.
Brian Brooks made the motion to reject the bids and reopen the bid project at the SEDC Industrial Park for the next thirty days or next council meeting, 05/16/23. Seconded by John Rambo. Discussion ensued. John Richers stated the city is opening itself up for a lawsuit. Mayor Farley stated the previous motion was made under false information. Question was asked if they could go back to awarded and negotiate out of it. Brian Brooks, John Rambo, and Tim Pettigrew opposed. Motion fails.
Brian Brooks made the motion to authorize the engineer to negotiate their bid down with Tindol, close to the price of \$940,000.00 that was approved, or withdraw bid. Rambo seconded. Rambo and Brooks approved. Tim Pettigrew abstained. Motion carried.
16. Discuss/Take Action on Sweeny EDC Board Member Applications Received and Appointment
The Sweeny EDC has one vacancy and they received two applications. The Sweeny EDC Board recommends appointment of Neal Bess Jr. from the applications received.
John Rambo made the motion to go with the EDC's recommendation and appoint Neal Bess Jr. to the EDC board. Motion failed for lack of second.
Brian Brooks made the motion to accept Mary Karstedt to the Sweeny EDC board. Tim Pettigrew seconded. Brooks stated he would like to see new people in there with new ideas. John Rambo opposed. Brooks and Pettigrew approved. Motion carried.
17. Discussion/ Take Action on approving Sweeny EDC to Finance with Government Capital for Road and Utility Expansion Improvements at Industrial Park
EDC does not have information to present at this time. No action taken.
18. Discuss / Take Action on approving the Resolution of Financing with Government Capital for Road and Utility Expansion Improvements at Industrial Park
EDC does not have information to present at this time. No action taken.
19. Presentation, discussion, and possible action from City Departments to City Council for the second quarter of Fiscal Year 2022-2023 (Jan-March) City Manager, City Secretary, Public Works, Police Department, Volunteer Fire Dept., SEDC
Chief Caudle approached Council stated his reports were within the Council's packets. Mayor Farley stated he is doing a great job. Fire Chief Barton stated they received 58 calls and 19 life flights. Public Works Director Ross Aguirre stated they have contacted TCEQ for the temporary usage of the

polyphosphate and lowering the chlorine dosage. No questions for the City Secretary on reports submitted. City Manager stated the city was awarded a grant worth 1.57 million for additional fire hydrant expansion. We have been awarded a grant for a generator at the community center. Our portion will be \$16,000.00. Multiple leaks have been found on Second Street and work is continuing in that area. We do have employment positions open within the Public Works Department.

No action taken- update only.

20. Discussion and possible action to adopt guidelines consistent with the Film Friendly certification criteria through the Office of the Governor of Texas.

City Manager stated she recently attended the required course to allow the City to become Film Friendly. If movie production crews, commercials, etc. were to come to our city, we would be able to receive permit fees and additional sales tax. She is asking for the adoption of the guidelines additionally adding the permit fees to the master fee schedule.

Tim Pettigrew made the motion to adopt guidelines consistent with the Film Friendly certification through the Office of the Governor of Texas. John Rambo seconded. All in favor. Motion carried.

21. Discuss and act as needed on city owned property adjacent to Bennett-Outlar baseball fields and complex.

Tim Pettigrew stated the land near the Softball fields owned by the Little League is owned by the City of Sweeny and he wants to give away for safety reasons. Attorney Stevenson stated we would need to see a copy of the original deed, verify it, and get the property surveyed before we could deed or give away. Brandi Martin of SGA provided Attorney Stevenson with a copy of the deed for the property to review. Attorney Stevenson stated the deed shows ownership given from Bennett to the City of Sweeny, however, O'Malley/Strand should have a copy of the survey plat. He suggested that the City Manager contact O'Malley/Strand for the survey plat.

No action taken. Discussion Only

22. Discussion and act as needed on an update concerning repair of water leaks along 2nd Street in the vicinity of the 2nd and Hackberry Street intersection.

Public Works was able to locate one leak near 402 Fig Street where a line had ruptured underneath a culvert. They did have to cut into a residents driveway to repair. They do still have additional work to be completed in the area and will be looking for the additional leak. They believe the main/large leak could also be coming from an area on Hackberry and Third Street where there was a collapsed culvert repaired by Matula Matula. Brooks asked if we could take care of the weeds in the ditches where residents are unable to mow due to the leak.

No action taken. Update only.

23. Discussion and possible action on an agenda request from Council Member, Brian Brooks, Position 3 to change City Hall business hours.

Brian Brooks stated he received calls on the Friday when the city had a recent gas outage and property owners were unable to reach City Hall, as it closes at noon. He has looked around and only the City of Brazoria closes at noon on Fridays in this area. He is wanting to have staff in the office all day on Fridays, making a 40-hour work week to include Monday thru Friday. Discussion ensued on prior work schedules, payroll calculations, time keeping, and coverages.

Brian Brooks made the motion to change city hall hours to an eight-hour work day, for five days a week, for employees. Tim Pettigrew seconded. All in favor. Motion carried.

CLOSED REGULAR SESSION AT 8:40 PM WITH A 5 MINUTE RECESS

Mayor Farley dismissed himself and passed the gavel over to Mayor Pro-Tem, Tim Pettigrew at 8:45PM.

EXECUTIVE SESSION WAS OPENED AT 8:45 PM IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE SECTION 551.071, 551.072 AND 551.074 BY MAYOR PRO-TEM, TIM PETTIGREW

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:

- 24. Deliberation regarding personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, pursuant to Section 551.074 of the Texas Government Code. (Previous Employee)

- 25. Deliberation regarding personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, pursuant to Section 551.074 of the Texas Government Code. (City Manager Evaluation)

CLOSED EXECUTIVE SESSION / RECONVEINED INTO REGULAR SESSION AT 10:01 PM

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.

No Action Taken from Executive Session.

ITEMS OF COMMUNITY INTEREST

John Rambo stated the Main Street Cleanup was a success and the first of many.

City Manager stated Beautification Cleanup held a great event and has heard many compliments.

Tim Pettigrew stated the cemetery is raising the rates for plots from \$900.00 to \$1500.00 per plot starting June 1st.

ADJOURN REGULAR SESSION AT 10:03 PM

Approved and passed this _____ day of _____, 2023.

Kaydi Smith, City Secretary