

# CITY COUNCIL MEETING REGULAR SESSION

Tuesday, June 20, 2023 at 5:00 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, June 20, 2023 at 5:00 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 5:00 P.M.

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

### PLEDGES & INVOCATION

John Rambo led the pledges and the Invocation was given by Pastor B.J. McCurdy of New Shores Church.

Mayor Hopkins closed Open Session at 5:01 P.M. to convene into EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE SECTION 551.071, 551.072 AND 551.074 for the following items.

1. Deliberations Regarding Real Property; Sec. 551.072; A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have detrimental effect on the position of the governmental body in negotiations with a third person - (Phillips 66 Property located at 1008 E Ashley Wilson Road).
2. 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. (Director of Public Works)
3. Consultation with Attorney, Pursuant to Section 551.071(1)(a) of the Texas Government Code; Construction Contract and Project Scope of 2019 Bond Issue Water Line Improvements
4. Consultation with Attorney, Pursuant to Section 551.071(1)(a) of the Texas Government Code; Water System and Softener

Mayor Hopkins moved back into Open Session at 6:10 p.m. (re-convening) pursuant to the Provisions of Chapter 551 Texas Government Code. (Closing Executive Session)

Mayor Hopkins asked if there was any action to Executive Session Item #1 to be made and no response was given. *No action stated.*

Mayor then asked if there was any action to Executive Session Item #2.

*Reese Cook made the motion that items 2,3, & 4 from Executive Session be moved to the end of the Regular Session after item 21. Mark Morgan Jr. seconded. All in favor. Motion Carried.*

## CITIZENS WISHING TO ADDRESS CITY COUNCIL

Shaun Massey of the Sweeny Lions Club stated he has contacted a contractor to bring a carnival and circus to Sweeny on July 22, 2023 and will be coming to Council on a Special Session requesting usage of City Owned property. The Lions Club is wanting to use the area behind and to the side of City Hall. He will be getting all the necessary insurance and information together.

## CONSENT AGENDA

5. Minutes: Special Session, May 23, 2023

*John Rambo made the motion to approve the minutes of the Special Session, May 23, 2023. Tim Pettigrew seconded. All in favor. Motion carried.*

6. Proclamation: The 2023 Sweeny Girls 10U Softball Allstars

Mayor Hopkins read the Proclamation aloud. Mayor Hopkins and Mayor Pro-Tem John Rambo gave each player a City of Sweeny pin and a copy of the signed Proclamation, recognizing the hard work and dedication of the team. Notion was made that the 2023 Sweeny Girls 10U Softball Allstars additionally won state following the District win.

## REGULAR AGENDA

7. Updates to Water and Wastewater System; Inframark

Tracy Butcher with Inframark gave Council an update to the Water and Wastewater Plants. Butcher provided Council with a list of repairs needed at both plants. Costs incurred for services was questioned by Council, as the City is on an emergency contract with Inframark.

*Reese Cook made the motion to approve up to \$9,000.00 from the Texpool Account for the purchase of a single clarifier cleaning. Tim Pettigrew seconded. All in favor. Motion carried.*

8. Discussion/ Possible Action on Rehabbing Sewer on Mac Drive

City Manager stated that during bouts of heavy rain the city receives sewer complaints on Mac Drive. William Huebner, City Engineer, gave an outline and possible remedies for the sewer lines and manholes on Mac Drive. He believes infiltration and inflow is causing the issue during heavy rains. Huebner recommends smoke testing to show infiltration locations which would help to identify any leaks in city lines, service lines, and/or cleanouts. The surrounding area is composed of approximately 40,000 feet of sewer line and 90 manholes. He recommends the smoke testing and manhole inspections versus a full replacement, as upsizing the lines could cost several million dollars. For the smoke testing and manhole inspections, it would cost approximately \$50,000.00.  
*No action taken – Discussion Only.*

9. Discussion/ Possible Action on Agenda Request Received for City Owned Property Located Behind Sweeny Community Center; Jacob Strother

City Manager stated the city has paid for the property to be surveyed behind the Community Center. If the Council wishes to sell the property, she recommends placing on the market. The property would have to be reconfigured, as the pavilion behind the library is within the surveyed property. Attorney Stevenson feels a majority of the property would be easements if re-platted. Jacob Strother is wanting the deeds reconciled. He doesn't feel the deed he has located matches what is being depicted in the survey completed by Doyle and Wachtstetter. Strother is part of the Girls Softball Association and the organization is trying to acquire land in hopes of obtaining fields.  
*Reese Cook made the motion to have the City Manager speak with Doyle and Wachtstetter to reconcile the plat/survey received against the deed information. Tim Pettigrew seconded. Reese Cook stated the pavilion was donated by Rotary and for future conversations, there are more entities*

*involved, rental agreements, and the Community Center to consider. Mr. Strother stated he was interested in the land on the side of the Community Center adjoining Texas Avenue and asked if the city would entertain selling as well. It was stated that what he is asking is not on the agenda to discuss. All in favor. Motion carried.*

Mayor Hopkins called a recess at 7:16 PM and reconvened at 7:23 PM, continuing Open Session.

10. Discussion/ Possible Action on Replat to Combine Two Adjoining Properties into One; 1604 Milian Circle

*John Rambo made the motion to accept the replat to combine two adjoining properties into one at 1604 Milian Circle. Tim Pettigrew seconded. All in favor. Motion carried.*

11. Discussion/ Possible Action on Replat of 10.879 acres located at Industrial Park

The replat shown within the Council packet does show a difference of .85 acreage compared to the mylars received for signatures. Trilogy Resources LLC's original performance agreement states approximately 11.53 acres. Due to pipelines, road accommodations, and the movement of the detention reserve, the acreage has decreased to 10.794 acres.

*Mark Morgan Jr. made the motion to approve the survey for Trilogy Resources LLC. Tim Pettigrew seconded. All in favor. Motion carried.*

12. Discussion/ Possible Action on Approving a Grant by Sweeny Economic Development Corporation to Sweeny Tire & Auto

Michelle with Sweeny EDC stated this is a grant for up to \$22,000.00 to Sweeny Tire and Auto for a mechanical lift. Currently they are operating with one lift and are hoping to add an additional. They have been in business in Sweeny for approximately 30 years. If Council approves, EDC then requires additional information from the business owner to pursue the performance agreement.

*John Rambo made the motion to approve the grant for Sweeny Tire & Auto in the amount of the asking, up to \$22,000.00. Mark Morgan Jr. seconded. Reese Cook stated he thinks it would be good for EDC to require multiple bids and questioned how the employee retention is confirmed.*

*Tim Pettigrew questioned the labor portion of the quoted bid. Mayor Hopkins questioned if the lift would increase sales tax. Mark Morgan Jr., John Rambo, and Tim Pettigrew approved. Reese Cook opposed. Motion carried.*

13. Discussion/ Possible Action on Amendment to the Sweeny Economic Development Corporations FY 2022/2023 Budget

Nina Christie, President of Sweeny EDC, explained the proposed budget amendments for FY 22/23, which include the current loan for the Industrial Park Improvements and the previous agenda item for the Sweeny Tire and Auto grant.

*Reese Cook made the motion to approve the amended budget for EDC as presented. Mark Morgan seconded. All in favor. Motion carried.*

14. Discussion/ Possible Action on Sweeny Economic Development Corporations FY 2023/2024 Budget

Nina Christie, SEDC President, presented the Fiscal Year 2023/2024 SEDC budget to Council. Discussion ensued.

*Reese Cook made the motion to table this item to a future date for EDC the time to make clarifications in the budget to include: expand on items for transparency and clarity, review with the City Manager prior to coming to council again, and to add previous years approved budget and any/most recent approved amendments to what is going to be presented. Mark Morgan seconded.*

*Mark Morgan Jr., Reese Cook, and John Rambo approved. Tim Pettigrew abstained. Motion carried.*

15. Discussion/ Possible Action on Variance Requested to City Ordinance, Chapter 115; Mobile Food Establishments

Variance has been requested for a sco-cone trailer to operate during the summer/fall months on the property of 602 N Main, known as Beal's Bubbles. The mobile food unit does not fit into the temporary or permanent food establishment requirements nor falling into the scope of a peddlers/solicitors permit. The City does not have a semi-permanent option under the food establishment ordinance, but is being addressed to bring to the Council as a modification. Sarah Cox, approached Council asking for the variance to allow her to bring Sisters Sweets LLC to Sweeny. She is requesting to bring her trailer to town to sell sno cones but also intends to employ several Sweeny students. Council discussed the items required for both types of food establishments as per the City ordinance, other city requirements, and County requirements. *Reese Cook made the motion to approve the recommended action of a variance requested to allow Sister Sweets LLC to occupy at 602 N Main as a temporary mobile food establishment for the duration of six (6) months, with a fee of fifty (\$50.00) dollars and granting all variances needed within the type of permitting specified. John Rambo seconded. All in favor. Motion carried.*

16. Discussion/ Possible Action to Amend Chapter 113 City Ordinance; Alcohol Sales

City Manager stated that in the 2008 General Election Sweeny voters approved for the sale of mixed beverages for on premises consumption in a restaurant where fifty percent (50%) of gross sales is derived from food. However, the city's code of ordinances does not reflect the previously approved. The City Attorney has provided Council with an amendment to Chapter 113 of the City's Ordinances. The amendment also includes distances allowable for establishments selling alcohol that are in the vicinity of churches, daycares, and schools. Council discussed the distance stated and how the proposed distances would affect commercially zoned properties. Council discussed reducing the linear footage from 300 feet to 15 feet in order to diminish hindering current permitted establishments selling on and off premises beer and wine beverages, as well as future establishments.

*Mark Morgan Jr. made a motion to approve the amendment to fifteen (15) feet in a commercial zone for sale of beer, wine, and mixed drinks. Tim Pettigrew seconded. Reese Cook clarified the zone specified. Attorney Stevenson stated the motion is for commercial zones only, not residential. All in favor. Motion carries.*

17. Discussion/ Possible Action to Remove Jeff Farley from all City Bank Accounts and to add Mayor Dusty Hopkins to all City Bank Accounts.

*Reese Cook made the motion to remove Jeff Farley from all City Bank Accounts and to add Mayor Dusty Hopkins to all City Bank Accounts. Tim Pettigrew seconded. All in favor. Motion carried.*

18. Discussion/ Possible Action on Scheduling a City Council Budget Workshop; FY Budget 2023/2024

*Reese Cook made the motion to approve Tuesday, July 11<sup>th</sup>, 2023 for the Budget Workshop at 4 P.M. Tim Pettigrew seconded. All in favor. Motion carried.*

19. Discussion/ Possible Action on Bid Received for Library/Community Center Repairs

Projects Manager, Rusty Lofton, updated Council on the bid received by Brazos Commercial Roofing for the repairs at the Library and Community Center. The total bid has come to \$35,671.00, of that total, the flashing and top of the wall repair at the Library is \$8,100.00. He stated there is a high moisture level in all exterior walls of the Library from the recent water intrusion. The moisture level percentage is estimated to be between sixteen and twenty one percent (16%-21%). Filing as an insurance claim was suggested by the City Manager.

*Reese Cook made a motion to file as an insurance claim. Mark Morgan Jr. seconded. All in favor. Motion carried.*

20. Discussion/ Possible Action of the Annual Adoption of the City of Sweeny's Investment Policy  
City Manger stated this in an annual adoption as the City is required to have an up to date Investment Policy on file for our investment holders, to include TexPool Prime. The policy is also required to open any new investment accounts.

*Reese Cook made the motion to adopt the annual Investment Policy. John Rambo seconded. All in favor. Motion carried.*

21. Discussion/ Possible Action on Adopting a Local Homestead Exemption of 5% in the City of Sweeny.

City Manager stated the City does not have a local homestead exemption. She is proposing an exemption to help residents as the appraisals have shown a significant increase. Discussion regarding the no new revenue rate and property taxes ensued. The City has not received the certified rolls as of yet. If the City decides to adopt an exemption, it has to be completed and to Brazoria County as of June 30<sup>th</sup>.

*Reese Cook made the motion to approve a ten percent (10%) local homestead exemption. Mark Morgan seconded. All in favor. Motion carried.*

Mayor Hopkins closed Open Session at 8:32 P.M. to re-convene into Executive Session.

Mayor Hopkins closed Executive Session at 10:03 P.M. and reconvened into Open Session pursuant to the Provisions of Chapter 551 Texas Government Code.

Executive Session Item #2:

*John Rambo made the motion to uphold the decision of the City Manager to terminate the previous Public Works Director. Tim Pettigrew seconded. Mark Morgan Jr., John Rambo, and Tim Pettigrew were in favor. Reese Cook abstained. Motion carried.*

Executive Session Item #3:

*Reese Cook made the motion to approve Strand Engineering to pursue a change order for all remaining items left in the 2019 bond issue water line improvement project. Mark Morgan seconded. All in favor. Motion carried.*

Executive Session Item #4:

*Reese Cook made the motion for the City of Sweeny to cancel the water system and softener project with WETS and pursue a refund of the money that has been issued to WETS. Tim Pettigrew seconded. All in favor. Motion carried.*

## **ITEMS OF COMMUNITY INTEREST**

Mayor Hopkins stated on August 18<sup>th</sup>, 2023 the Sweeny Athletic Booster Club will hold their annual barbeque cookoff dinner and auction at the West Columbia Heritage Hall.

City Manager stated the monthly BCCA dinner is tomorrow evening (06/21/23) in West Columbia with the guest speaker being Cody Vasut.

Tim Pettigrew stated he will be giving his testimonial at the First United Methodist Church on July 16<sup>th</sup>, 2023.

**ADJOURN REGULAR SESSION**

Mayor Hopkins adjourned the regular session at 10:06 PM.

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

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Kaydi Smith, City Secretary