

## CITY COUNCIL MEETING SPECIAL SESSION

Tuesday, March 05, 2024 at 5:00 PM

City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas / Join in ZOOM at <https://zoom.us/j/97803022318> Meeting ID: 978 0302 2318 The City does not currently have the technology to conduct virtual meetings remotely with optimal audio. It may be difficult to hear the meeting if participating remotely. It is recommended that those interested in participating in public meetings attend in person until the technology upgrades are completed.

### MINUTES

BE IT KNOWN that the City Council of the City of Sweeny will meet in **Special Session** on **Tuesday, March 05, 2024 at 5:00 PM.** at City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas. Council is conducted under modified Roberts Rules of Order as approved by Resolution 102-16; July 19, 2016. In accordance with Chapter §551 of the Texas Government Code, if required, the Council may conduct an executive session on any of the agenda items provided the City Attorney is present.

### CALL TO ORDER/ROLL CALL

Mayor Hopkins called the meeting to order at 5PM.

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

### PLEDGES & INVOCATION

Pledges were led by Brian Brooks and the Invocation was given by Reese Cook.

### CITIZENS WISHING TO ADDRESS CITY COUNCIL

Vicki Milian, resident at 1621 Milian Circle, gave an update to her water usage situation and meter reading previously brought to Council. She thanked whomever is responsible for the fixing her water meter. Her new bill is back to her normal range. She is still requesting to be put on the next regular session of the Council meeting that there be adjustments to her bills for the months of Jan-July 2023. Average usage was 56,000 gallons of water, averaging six months. From August to January 2024, her average usage was 169,000 gallons a month. That is a 113,000 gallon difference and triple her average usage on a normal basis. Nothing at home has changed. She doubts she ever had a leak in the first place, as to why she changed out the her water piping. She is requesting the city look into refunding her for overcharges and include the month stating her meter indicated a leak. From January 18<sup>th</sup> to February 20<sup>th</sup>, her reading was 38 (3800 gallons used). Nothing has changed at her home and the completely new meter was installed 01/19/24. No information was given to her for an update or as to if the meter was working properly. The last meeting she was here, she was told Tex would go out and read the meter on 02/21/24 and see if it was reasonable since the meter was replaced. She received no response until receiving the bill yesterday showing lower usage. Milian is requesting Council review and adjust from what the City owes her in overcharges. She received a copy of the paper to be placed on the agenda for the next meeting and intends to submit.

### CONSENT AGENDA

#### 1. Budget Amendment: Sidewalk

City Manager stated the sidewalk was replaced near the crosswalk of Main Street and Ashley Wilson Road. She is requesting a budget amendment to take the amount requested out of the Sidewalks Fund as this was a sidewalk repair. We are almost spent in year to date within the water. Originally applied to water as it was a result of a water leak. All emergency repairs will need a lump sum budget amendment soon, closer to fourth quarter.

Reese Cook moved to approve the budget amendment of \$6,800.00 as requested. Seconded by Tim Pettigrew. All in favor. Motion carried.

#### 2. Discussion and possible action on a request from City Council to provide additional information on Type B-eligible economic development activities.

City Manager stated that previously Councilman Brooks asked for additional information on Type B eligible economic development funds can be spent on capital projects. Our EDC is Type B and the Type B statute can be found in 505 of the code. She has summarized what is allowed, as it must create or retain jobs or

also eligible activities not required to retain or create jobs are notated. City Manager elaborated per the code of allowable activities, voter required allowances, and expanding commercial development eligibilities. Councilman Cook asked about highlighting items that did fit into the EDC allowable criteria as previously requested. City Manager state she has not highlighted due to non specific project scopes. Brooks asked about performance agreements execution and fulfillment with the EDC pertaining to the retainment of jobs. No motion made.

## REGULAR AGENDA

3. Discussion and possible action to variance requested allowing alcohol at the Pride Day festivities; Ordinance 113.04; Sweeny Beautification Committee

City Manager stated Beautification has requested a variance for alcohol during the Pride Day Festivities. Additionally this year, they are asking to prohibit the use of utility vehicles within the boundaries to ensure safety during the Pride Day Festivities. Map depicting boundaries referred too are included in the packet. Tim Pettigrew motioned to approve the variance to ordinance 113.04 allowing alcohol for Pride Day Festivities on May 3<sup>rd</sup> and 4<sup>th</sup>, 2024 within the areas in the map presented by the Beautification Committee. Seconded by John Rambo.

Discussion: Reese Cook asked if this area includes the carnival area as well. Yes stated the City Manager. John Rambo and Tim Pettigrew approved. Reese Cook and Brian Brooks opposed. Mayor Hopkins broke the tie approving the motion. Motion carried.

4. Discussion and possible action on a request from Sweeny Beautification to close a portion of County Road 332, more commonly known as Ashley Wilson Road, from the west side of the intersection of CR332 and Main Street to the second entrance at the Sweeny Community Center.

City Manager stated that the Beautification is thinking there will be another event behind the library at the same time and in the interest of safety, are asking to close the road and have closure signage from Main Street at Ashley Wilson Road to the second entrance o the Community Center. Elections will be held at the Community Center until 7 PM on Saturday, May 4<sup>th</sup>. John Rambo suggested to keep Friday's proposed date and time of closure, but to postpone the closure on Saturday to ensure it does not deter those from voting on Saturday. Sweeny Police Department will help with traffic control if needed. Last year the roadway was open.

John Rambo moved to approve the road closure Friday night from 5pm to midnight on May 3<sup>rd</sup>, and then May 4<sup>th</sup>, starting the road closure after voting has concluded at 7pm to midnight; (Saturday 05/04 7PM to 12A, midnight Sunday 05/05). Seconded by Tim Pettigrew. All in favor. Motion carried.

5. Discuss and take action to award a construction contract to Matula & Matula Construction, Inc. for the amount of \$3,994,185.06 for the base bid and \$280,052.40 for bid alternative number one for a total of \$4,274,237.46 related to the City's grant contract with the Texas General Land Office, Contract No. 22-082-007-D205.

City Manager stated that our City Engineer is about twenty minuntes out, but she will give Council the updates. We received three competitive bids. The base bid was less with Branch's submittal. However, with the bid alternate, Matula Matula was least. This grant was started in 2018 after Hurricane Harvey and spanned three different administrations. This does need to be awarded tonight, as this is federal money. Tim Pettigrew motioned to award construction to Matula & Matula Construction Inc. in the amount of \$3,994,185.06 for the base bid and for \$280,052.40 for bid alternative for a total of \$4,274,237.46 related to City's grant contract with the Texas General Land Office, Contract Number 22-082-007-D205.

By adding alternative #1 it makes Matula low bid on the contract stated Attorney Stevenson. It is still under budget per City Manager. Seconded by John Rambo.

Discussion: Brian Brooks asked where the trunk line location is? It is from the sewer plant, down to Ave A, for approximately 2 miles of replaced line. Brooks doesn't want a Texas Pride situation. Timeline is 480 days. Brooks asked if the engineer will oversee the project to meet deadlines? Texas Pride went over time frame allotted. City Manager stated our engineer needs to answer those questions, but she has

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worked with Matula. They must report on milestones. Brooks wants to ensure we are on top of it. Mayor asked if we need to table? Attorney Stevenson stated we will need to vote this and withdraw to table. Tim Pettigrew made the motion to rescind the motion on line item number five. John Rambo seconded. All in favor. Motion carried.

Tim Pettigrew made the motion to move line item number five to below item eight. John Rambo seconded. All in favor. Motion carried.

6. Discussion and possible action to approve the Profession Services Agreement with Texas Rebuild / E3 to confirm preliminary findings of AMI meter accuracy.

City Manager stated she would like to request this item be tabled until 04/01/2024 for additional data to review and doesn't feel prepared to present tonight.

Tim Pettigrew motioned to suspend line item six to a further date. Seconded by John Rambo. All in favor. Motion carried.

7. Presentation of Resilient Communities Program Grant

City Manager stated she would like this item tabled too. There is no reason to rush this item as the grant goes thru FY 2028 and allows for up to \$300,000 for city community planning. This item would pertain to the City's Capital Improvement Program, comprehensive master plan, and zoning ordinance overhaul. She is requesting to table to a future date.

Tim Pettigrew made the motion to suspend line item number seven to a future date. Seconded by John Rambo. All in favor. Motion carried.

8. Discussion and possible action on continuing Capital Improvements Project (CIP) planning.

City Manager stated that since the last time discussed, she wants to explain her strategy with a focus on water. We have seventeen miles of steel 2" mains that need to be replaced and a high content of manganese. She wants to reach out and get as many in-kind contributions as possible to make the project a smaller financial commitment. Her next steps are to apply for the TWBD and lastly go out for a General Obligation Bond on the 2025 ballot. The RFQ has been posted for engineering services related to the TWBD application and for the new technology to remove manganese and other secondary constituents from the ground water; an aerator. The City of Pearland has been dealing with the same issues and are on our same aquifer; they are installing an aerator. It removes secondary constituents thru a system of aeration and oxidation, but is not as costly as reverse osmosis nor the water loss ration. The PIF (Project Information Form) was submitted 03/01/2024 to TWBD as a preliminary application. If that doesn't work out, we will go out for bond in 2025. Areas not touched in CIP previously were facilities and drainage. We have outgrown City Hall and the Police Department. The Police Department is wanting to add a jail in the near future. She has included a site map within the packet as well as all information discussed in the previous CIP meeting 01/31/24. RFQ submittals are due 03/08/24 and will bring those back to Council 04/01/2024.

No motion made.

Revisited Agenda Item No.5:

Discuss and take action to award a construction contract to Matula & Matula Construction, Inc. for the amount of \$3,994,185.06 for the base bid and \$280,052.40 for bid alternative number one for a total of \$4,274,237.46 related to the City's grant contract with the Texas General Land Office, Contract No. 22-082-007-D205.

William Huebner, City Engineer, approached Council. We received bids to replace the GLO trunkline on Avenue A and emergency generators for the lift stations. All funded by GLO-MIT grants from 2019. Received 3 bids on 02/22/24. Unique situation, under the base bid, Branch was the low bidder, but with base and alternate, Matula turned out to be the lowest and under total funds received. We received about \$4.3M in construction funds. These were some very tight bids and within the budget. Mayor Hopkins asked

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about moving forward and the timeline. It is 480 days for contract for construction stated Huebner due to the amount of sewer replacement. Additionally, due to long lead times of generators, that is the reason of the timeframe span of the 480 days. Mechanical completion for underground dirt/sewer replacement is not broken out separately. Once contract is executed in construction meeting, they will be required to show a schedule. Will anyone be shadowing this job asked Mayor Hopkins to complete the project and is it built into this cost. Huebner stated that they do have RPR services by the engineers to watch over. Typically engineers don't provide someone everyday, all day, to watch over. City Manager stated she will be inspecting and will have reports from her. Councilman Brooks asked if we could have the engineers reporting at Council meetings each month for progress. Mayor Hopkins asked if we going to be able to complete the Main Street Water Line replacement at same time without issues. Huebner stated only portion near South Main will be the only place they would cross. Projected start date, assuming awarding tonight, would be about two months to breaking ground. Mayor asked Matula if there would be any staffing issues for the project. Councilman Cook questioned the City's percentage match required. He believed it was originally a 1 % match, now it is showing a 3% match on the line item. Per William would have to get with GrantWorks. City Manager stated she was under the assumption it was 3% and our match is \$150,000. Cook is curious if something changed or was it always 3%. Huebner stated he is not aware of any changes of the financial side.

Tim Pettigrew made the motion we award construction contract to Matula & Matula Construction, Inc. for the amount of \$3,994,185.06 for the base bid and \$280,052.40 for bid alternative number one for a total of \$4,274,237.46 related to the City's grant contract with the Texas General Land Office, Contract No. 22-082-007-D205. John Rambo seconded. All in favor. Motion carried.

#### **ITEMS OF COMMUNITY INTEREST**

Tim Pettigrew stated the Sweeny Education Foundation Fundraiser was this past Saturday and it was very nice. He hopes they continue it.

#### **ADJOURN REGULAR SESSION**

Mayor Hopkins adjourned the meeting at 5:57 PM.

#### *Staff present:*

City Manager, Lindsay Koskiniemi  
Police Chief, Brad Caudle  
Director of Public Works, Terrance Bell  
Finance Director / Personnel Services, Karla Wilson  
City Secretary/ Developmental Services, Kaydi Smith

#### *City affiliates present:*

City Engineer, William Huebner  
City Attorney, Charlie Stevenson

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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Kaydi Smith - City Secretary