

**CITY COUNCIL MINUTES
SEPTEMBER 13, 2022
9:00 A.M.**

The City Council of the City of Sweetwater, Texas, met in regular session on Tuesday, September 13, 2022, at 9:00 a.m. in the City Council Room at City Hall, 200 E. Fourth Street with the following members present:

JIM MCKENZIE, Mayor
JOHN MCPHERSON, Councilman
KERRY BAKER, Councilman
RICKY CASTRO, Councilman

DAVID A. VELA, City Manager
PATTY TORRES, City Secretary
JEFF ALLEN, City Attorney

ABSENT: JEROD PEEK, Mayor Pro Tem

Staff Members present: Lisa Adames Assistant City Manager for Administration, Bryan Sheridan Police Chief, Eddy Campbell Utilities Director, Dewey Coy Fire Chief, Zach Adames IT Director and Kathleen Cox Communications & Media Relations Manager.

1. Mayor McKenzie called the meeting to order.
2. Loren Rule with Emmanuel Fellowship Church gave the invocation.
3. Police Chief Bryan Sheridan led the Pledge of Allegiance to the American and the Texas Flags.
4. Motion was made by Councilman Castro, seconded by Councilman McPherson to approve the minutes for meeting held on August 9, 2022. The motion carried unanimously.
5. Public Input: None
6. Regular Agenda Items
 - A. Motion was made by Councilman Castro, seconded by Councilman Baker to approve a Resolution reviewing and approving the Financial Policy for Fiscal Year 2023. The motion carried unanimously.

COPY OF RESOLUTION IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XV PAGES 2908 – 2999.

A RESOLUTION APPROVING THE CITY OF SWEETWATER FINANCIAL POLICY FOR FISCAL YEAR 2023.

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- B. Motion was made by Councilman Baker, seconded by Councilman McPherson to approve a Resolution reviewing and approving the Investment Policy for Fiscal Year 2023. The motion carried unanimously.

COPY OF RESOLUTION IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XV PAGES 2934 – 2950.

A RESOLUTION REVIEWING AND APPROVING THE CITY OF SWEETWATER INVESTMENT POLICY FOR FISCAL YEAR 2023.

- C. Motion was made by Councilman Castro, seconded by Councilman McPherson to enter into a public hearing on the FY 2022 – 2023 Proposed Budget for the City of Sweetwater. The motion carried unanimously.

This budget will raise more revenue from property taxes than last year's budget by an amount of \$51,725 which is a 1.89 percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$7,663.

There were no public comments.

Motion was made by Councilman Castro, seconded by Councilman Baker to close the public hearing and enter into regular session. The motion carried unanimously. No action was necessary.

- D. Motion was made by Councilman Castro, seconded by Councilman McPherson to enter into a public hearing on the Proposed Tax Rate of \$0.5075 (cents) per \$100 valuation for Tax Year 2022. The motion carried unanimously.

This tax rate will raise more taxes for maintenance and operations than last year's tax rate.

The tax rate will effectively be raised by 1.61 percent and will raise taxes from maintenance and operations on a \$100,000 home by approximately negative \$40.50

There were no public comments

Motion was made by Councilman Castro, seconded by Councilman Baker to close the public hearing and enter into regular session. The motion carried unanimously. No action was necessary.

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- E. Motion was made by Councilman McPherson, seconded by Councilman Baker to approve Resolution on the Central Rate Schedule for the 2022 – 2023. The motion carried unanimously.

COPY OF RESOLUTION IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XV PAGES 2951 – 2977.

CONFIRMING AND RATIFYING THE CENTRAL RATE SCHEDULE FOR THE VARIOUS FEES, LICENSES, PERMITS AND RATES CHARGED BY THE CITY OF SWEETWATER, TEXAS, FOR THE FISCAL YEAR 2023 AND ADOPTING SUCH CENTRAL RATE SCHEDULE.

- F. Motion was made by Councilman Castro, seconded by Councilman Baker to approve an Ordinance to adopt the Fiscal Year End 2022 – 2023 Budget for the City of Sweetwater. A record vote was taken as follows:

Councilman McPherson: Aye
Councilman Baker: Aye
Councilman Castro: Aye
Mayor Pro Tem Peek: Absent
Mayor McKenzie: Aye

The motion carried unanimously.

COPY OF ORDINANCE IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XV PAGE 2978.

AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE CITY OF SWEETWATER FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023.

- G. Motion was made by Councilman Castro, seconded by Councilman McPherson to approve an Appropriations Ordinance for the Fiscal Year End 2022-2023 for the City of Sweetwater. The motion carried unanimously.

COPY OF ORDINANCE IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XV PAGE 2979.

AN ORDINANCE MAKING APPROPRIATION FOR THE SUPPORT TO THE CITY GOVERNMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023.

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- H. Councilman Castro nominated City Manager, David Vela. Councilman McPherson asked if Carolyn Lawrence and Gill Cherry were willing to remain on the board. Miesha Adames, Executive Director of SEED/MMD confirmed that they were willing to serve again.

Motion was made by Councilman Castro, seconded by Councilman Baker to appoint David Vela and reappoint Carolyn Lawrence and Gill Cherry as board members to the Sweetwater Enterprise for Economic Development – Municipal Development District (SEED – MDD), with terms expiring September 30, 2024. The motion carried unanimously.

- I. Motion was made by Councilman Castro, seconded by Councilman Baker to authorize staff to receive competitive sealed bids for fuel, oil and lubrication products and hot mix cold lay asphalt for use from October 2022 through September 2023, and to advertise in the newspaper September 18, 2022, and September 25, 2022, and award bids at a public meeting on October 11, 2022. The motion carried unanimously.

- J. Motion was made by Councilman McPherson, seconded by Councilman Castro to approve the appointments of board members to the Planning and Zoning Commission, Mr. Mike Aguilar as a Regular Member, Mr. Ken Becker as a Regular Member, Mr. Larry Ludlum as a Regular Member and Jeff Stein as an Alternate Member with terms to expire September, 2024. The motion carried unanimously.

- K. Sean Bailey, Code Enforcement Officer was sworn in by City Attorney Jeff Allen for his testimony regarding the dilapidated structures.

- Prop. 1: Motion was made by Councilman McPherson, seconded by Councilman Castro to enter into public hearing for 1210 Jennie Street. The motion carried unanimously.

Sean Bailey, Code Enforcement Officer explained the building code issues for the property along with visuals of the property and structure. Based on the property inspections staff determined that the structure(s) contain nuisance conditions that constitute a hazard to the health, safety and welfare of the citizen and likely to endanger persons and property, and structure is dilapidated, substandard and/or unfit for human habitation, constitutes a hazard to the health, safety and welfare of the citizen and likely to endanger persons and property.

Public Comment on described property: 1210 Jennie Street

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None

Motion was made by Councilman McPherson, seconded by Councilman Castro to close the public hearing. The motion carried unanimously.

Motion was made by Councilman Castro, seconded by Councilman Baker for declaration of dilapidation and/or deterioration and unfit for human habitation and order repair, rehabilitation or demolition of 1210 Jennie Street within 35 days from date of Order. The motion carried unanimously.

Prop. 2: Motion was made by Councilman McPherson, seconded by Councilman Castro to enter into public hearing for 1106 Presidio Street. The motion carried unanimously.

Sean Bailey, Code Enforcement Officer explained the building code issues for the property along with visuals of the property and structure. Based on the property inspections staff determined that the structure(s) contain nuisance conditions that constitute a hazard to the health, safety and welfare of the citizen and likely to endanger persons and property, and structure is dilapidated, substandard and/or unfit for human habitation, constitutes a hazard to the health, safety and welfare of the citizen and likely to endanger persons and property.

Public Comment on described property: 1106 Presidio Street

None

Motion was made by Councilman McPherson, seconded by Councilman Baker to close the public hearing. The motion carried unanimously.

Motion was made by Councilman Castro, seconded by Councilman McPherson for declaration of dilapidation and/or deterioration and unfit for human habitation and order repair, rehabilitation or demolition of 1106 Presidio Street within 35 days from date of Order. The motion carried unanimously.

Prop. 3: Motion was made by Councilman Castro, seconded by Councilman Baker to enter into public hearing for 403 Haskell Street. The motion carried unanimously.

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Sean Bailey, Code Enforcement Officer explained the building code issues for the property along with visuals of the property and structure. Based on the property inspections staff determined that the structure(s) contain nuisance conditions that constitute a hazard to the health, safety and welfare of the citizen and likely to endanger persons and property, and structure is dilapidated, substandard and/or unfit for human habitation, constitutes a hazard to the health, safety and welfare of the citizen and likely to endanger persons and property.

Public Comment on described property: 403 Haskell Street

None

Motion was made by Councilman Castro, seconded by Councilman McPherson to close the public hearing. The motion carried unanimously.

Motion was made by Councilman McPherson, seconded by Councilman Castro for declaration of dilapidation and/or deterioration and unfit for human habitation and order repair, rehabilitation or demolition of 403 Haskell Street within 35 days from date of Order. The motion carried unanimously.

Prop. 4: Motion was made by Councilman Castro, seconded by Councilman Baker to enter into public hearing for 904 W New Mexico Avenue. The motion carried unanimously.

Sean Bailey, Code Enforcement Officer explained the building code issues for the property along with visuals of the property and structure. Based on the property inspections staff determined that the structure(s) contain nuisance conditions that constitute a hazard to the health, safety and welfare of the citizen and likely to endanger persons and property, and structure is dilapidated, substandard and/or unfit for human habitation, constitutes a hazard to the health, safety and welfare of the citizen and likely to endanger persons and property.

Public Comment on described property: 904 W New Mexico Avenue

None

Motion was made by Councilman McPherson, seconded by Councilman Baker to close the public hearing. The motion carried unanimously.

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Motion was made by Councilman Baker, seconded by Councilman Castro for declaration of dilapidation and/or deterioration and unfit for human habitation and order repair, rehabilitation or demolition of 904 W New Mexico Avenue within 35 days from date of Order. The motion carried unanimously.

Prop. 5: Motion was made by Councilman Castro, seconded by Baker to enter into public hearing for 908 W New Mexico Avenue. The motion carried unanimously.

Sean Bailey, Code Enforcement Officer explained the building code issues for the property along with visuals of the property and structure. Based on the property inspections staff determined that the structure(s) contain nuisance conditions that constitute a hazard to the health, safety and welfare of the citizen and likely to endanger persons and property, and structure is dilapidated, substandard and/or unfit for human habitation, constitutes a hazard to the health, safety and welfare of the citizen and likely to endanger persons and property.

Public Comment on described property: 908 W New Mexico Avenue

None

Motion was made by Councilman McPherson, seconded by Councilman Baker to close the public hearing. The motion carried unanimously.

Motion was made by Councilman Baker, seconded by Councilman Castro for declaration of dilapidation and/or deterioration and unfit for human habitation and order repair, rehabilitation or demolition of 908 W New Mexico Avenue within 35 days from date of Order. The motion carried unanimously.

Prop. 6: Motion was made by Councilman McPherson, seconded by Castro to enter into public hearing for 1211 Coke Street. The motion carried unanimously.

Sean Bailey, Code Enforcement Officer explained the building code issues for the property along with visuals of the property and structure. Based on the property inspections staff determined that the structure(s) contain nuisance conditions that constitute a hazard to the health, safety and welfare of the citizen and likely to endanger persons and property, and structure is dilapidated, substandard and/or unfit for human habitation,

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constitutes a hazard to the health, safety and welfare of the citizen and likely to endanger persons and property.

Public Comment on described property: 1211 Coke Street

None

Motion was made by Councilman McPherson, seconded by Councilman Castro to close the public hearing. The motion carried unanimously.

Motion was made by Councilman McPherson, seconded by Councilman Castro for declaration of dilapidation and/or deterioration and unfit for human habitation and order repair, rehabilitation or demolition of 1211 Coke Street within 35 days from date of Order. The motion carried unanimously.

Prop. 7: Motion was made by Councilman Castro, seconded by McPherson to enter into public hearing for 308 W Louisiana Avenue. The motion carried unanimously.

Sean Bailey, Code Enforcement Officer explained the building code issues for the property along with visuals of the property and structure. Based on the property inspections staff determined that the structure(s) contain nuisance conditions that constitute a hazard to the health, safety and welfare of the citizen and likely to endanger persons and property, and structure is dilapidated, substandard and/or unfit for human habitation, constitutes a hazard to the health, safety and welfare of the citizen and likely to endanger persons and property.

Public Comment on described property: 308 W Louisiana Avenue

None

Motion was made by Councilman Baker, seconded by Councilman Castro to close the public hearing. The motion carried unanimously.

Motion was made by Councilman McPherson, seconded by Councilman Baker for declaration of dilapidation and/or deterioration and unfit for human habitation and order repair, rehabilitation or demolition of 308 W Louisiana Avenue within 35 days from date of Order. The motion carried unanimously.

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Prop. 8: Motion was made by Councilman Castro, seconded by Baker to enter into public hearing for 506 E Avenue B. The motion carried unanimously.

Sean Bailey, Code Enforcement Officer explained the building code issues for the property along with visuals of the property and structure. Based on the property inspections staff determined that the structure(s) contain nuisance conditions that constitute a hazard to the health, safety and welfare of the citizen and likely to endanger persons and property, and structure is dilapidated, substandard and/or unfit for human habitation, constitutes a hazard to the health, safety and welfare of the citizen and likely to endanger persons and property.

Public Comment on described property: 506 E Avenue B

None

Motion was made by Councilman McPherson, seconded by Councilman Baker to close the public hearing. The motion carried unanimously.

Motion was made by Councilman Castro, seconded by Councilman Baker for declaration of dilapidation and/or deterioration and unfit for human habitation and order repair, rehabilitation or demolition of 506 E Avenue B within 35 days from date of Order. The motion carried unanimously.

Prop. 9: Motion was made by Councilman Castro, seconded by Baker to enter into public hearing for 411 Alamo Avenue. The motion carried unanimously.

Sean Bailey, Code Enforcement Officer explained the building code issues for the property along with visuals of the property and structure. Based on the property inspections staff determined that the structure(s) contain nuisance conditions that constitute a hazard to the health, safety and welfare of the citizen and likely to endanger persons and property, and structure is dilapidated, substandard and/or unfit for human habitation, constitutes a hazard to the health, safety and welfare of the citizen and likely to endanger persons and property.

Public Comment on described property: 411 Alamo Avenue

None

Motion was made by Councilman McPherson, seconded by Councilman Castro to close the public hearing. The motion carried unanimously.

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Motion was made by Councilman Castro, seconded by Councilman McPherson for declaration of dilapidation and/or deterioration and unfit for human habitation and order repair, rehabilitation or demolition of 411 Alamo Avenue within 35 days from date of Order. The motion carried unanimously.

Prop. 10: Motion was made by Councilman Castro, seconded by Baker to enter into public hearing for 710 W Oklahoma Avenue. The motion carried unanimously.

Sean Bailey, Code Enforcement Officer explained the building code issues for the property along with visuals of the property and structure. Based on the property inspections staff determined that the structure(s) contain nuisance conditions that constitute a hazard to the health, safety and welfare of the citizen and likely to endanger persons and property, and structure is dilapidated, substandard and/or unfit for human habitation, constitutes a hazard to the health, safety and welfare of the citizen and likely to endanger persons and property.

Public Comment on described property: 710 W Oklahoma Avenue

None

Motion was made by Councilman McPherson, seconded by Councilman Castro to close the public hearing. The motion carried unanimously.

Motion was made by Councilman Baker, seconded by Councilman McPherson for declaration of dilapidation and/or deterioration and unfit for human habitation and order repair, rehabilitation or demolition of 710 W Oklahoma Avenue within 35 days from date of Order. The motion carried unanimously.

- L. Miesha Adames, Executive Director of Sweetwater Enterprise for Economic Development/Municipal Development District made a presentation of the Budget for Fiscal Year 2022-2023.

Motion was made by Councilman Castro, seconded by Councilman Baker to approve the Sweetwater Enterprise for Economic Development/Municipal Development District Budget for Fiscal Year 2022-2023. The motion carried unanimously.

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- M. Motion was made by Councilman Baker, seconded by Councilman Castro to approve a Resolution to petition the State Legislature during the 2023 session to address "Texas" transportation infrastructure needs with a FAIR-SHARE-FOR-RAIL kickstart appropriation to the Rail Relocation and Improvement Fund in an amount determined by the Texas Department of Transportation as sufficient to enable the State to compete for matching funds in federal rail grant programs. The motion carried unanimously.

COPY OF RESOLUTION IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XV PAGE 2980.

A RESOLUTION IN SUPPORT OF STATE FUNDING TO MATCH COMPETITIVE FEDERAL RAIL PROGRAMS.

- N. Motion was made by Councilman Castro, seconded by Councilman Baker to table the Sweetwater Enterprise for Economic Development/Municipal Development District Rules of Operation till the September 20, 2022 meeting. The motion carried unanimously.
- O. Motion was made by Councilman Castro, seconded by Councilman Baker to approve a Grant Resolution for Fiscal Year 2023 Bullet-Resistant Shield Project. The motion carried unanimously.

COPY OF RESOLUTION IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XV PAGE 2981.

A RESOLUTION APPROVING SUBMISSION OF GRANT APPLICATION FOR THE FISCAL YEAR 2023 BULLET-RESISTANT SHIELD PROJECT

7. City Manager's Report

- A. Texas Commission on Fire Protection Compliance Inspection
- B. National Night Out – October 4, 2022 – Nolan County Coliseum
- C. K9, Dasha Joins the Police Department
- D. TSTC Media Training
- E. Assistant Fire Chief Russell Reeves Retirement in October – 20 Years of Service
- F. Justin Clowers - South Central Membrane Association's 2022 Operator of the Year

- 8. Motion was made by Councilman McPherson, seconded by Councilman Castro_ to enter into closed session at 9:47 a.m. in accordance with Section 551.071 of

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the Texas Government Code, to consult with its attorney on a matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter, to wit, the legal position of the City with regard to Personnel Matter. The motion carried unanimously.

9. Motion was made by Councilman McPherson, seconded by Councilman Castro to reconvene into regular session at 10:00 a.m. The motion carried unanimously.
10. Motion was made to adjourn by Councilman Castro, seconded by Councilman Baker. There being no further business, the meeting adjourned at 10:05 a.m. The motion carried unanimously.

Jim McKenzie, Mayor

ATTEST:

Patty Torres, City Secretary

Persons signing register: Loran Rule, Ethan Whittenburg, Miesha Adames, Karen Hunt, Sage Diller, Justin Clowers, Dana Stanley, Sean Bailey