

CITY COUNCIL MINUTES
APRIL 11, 2023
9:00 A.M.

The City Council of the City of Sweetwater, Texas, met in regular session on Tuesday, April 11, 2023, 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
JEROD PEEK, Mayor Pro Tem
JOHN MCPHERSON, Councilman
KERRY BAKER, Councilman
RICKY CASTRO, Councilman

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

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

1. Mayor McKenzie called the meeting to order.
2. Mayor Pro Tem Peek gave the invocation.
3. Councilman Castro 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 the meeting held on March 14, 2023. The motion carried unanimously.
5. Public Input:
 1. Cathie Rhodes spoke against zone change.
 2. Boyd Fortin spoke for zone change.
 3. Gavin McDougel voiced concerns against zone change.
 4. Henry and Deanna Ortega voiced concerns against zone change.
 5. Scott Fortin spoke for zone change.
 6. Heather Rhodes voiced concerns against zone change.
 7. Lance Hall spoke regarding City Code and requirements before zone change.
6. Motion was made by Mayor Pro Tem Peek, seconded by Councilman Baker to enter into closed session at 9:25 a.m. in accordance with Section 551.071 of the

CITY COUNCIL MINUTES

April 11, 2023

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 Rezoning Issues. The motion carried unanimously.

7. Motion was made by Councilman Castro, seconded by Councilman McPherson to reconvene into regular session at 9:43 a.m. The motion carried unanimously.
8. Motion was made by Mayor Pro Tem, seconded by Councilman Baker to table this item so that City staff could make disputed land area calculations to determine affirmative majority vote necessary regarding the Ordinance, to rezone from B – Dwelling District and R – Residential w/ Livestock to “H” Business District for the South Side BLK 5 Lot 1-12, known as 2301 Lanham St, South Side BLK 5 Lot 23, known as 2203 Sayers St, South Side BLK 5 Lot 13-19, known as 2311 Sayers St, South Side BLK 12 Lot 1-12, Known as 1206 Bradford St, South Side BLK 12 Lot 23-24, known as 2200 Ross Ave. and South Side BLK 12 Lot 13-21, known as 2300 Ross Ave. The motion carried unanimously.
9. Regular Agenda Items
 - A. Motion was made by Councilman Baker, seconded by Councilman Castro to approve the Quarterly Investment Report for the quarter ending March 31, 2023. The motion carried unanimously.

A COPY OF REPORT IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XVI PAGE 3076.

- B. Motion was made by Mayor Pro Tem Peek, seconded by Councilman McPherson to approve a replat for property located at Lots 12 – 14 Blk. 2 Meadow Lark Addition, Sweetwater, Nolan County, Texas – 1608 Hailey Street. The motion carried unanimously.
- C. Motion was made by Councilman McPherson, seconded by Mayor Pro Tem Peek to approve an Ordinance of the City of Sweetwater, Texas, amending the Code of Ordinances, Chapter 21 Nuisances to add a New Article III, motor Vehicle and Special Vehicle Parking, to revise certain Regulations for the Parking of Motor Vehicles and Special Vehicles; Providing for a Penalty, Savings, Cumulative, Repealer, and Severability Clause and an Effective Date. The motion carried unanimously.

A COPY OF ORDINANCE IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XVI PAGES 3077 – 3082.

CITY COUNCIL MINUTES

April 11, 2023

AN ORDINANCE OF THE CITY OF SWEETWATER, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 21 NUISANCES TO ADD A NEW "ARTICLE III, "MOTOR VEHICLE AND SPECIAL VEHICLE PARKING", TO REVISE CERTAIN REGULATIONS FOR THE PARKING OF MOTOR VEHICLES AND SPECIAL VEHICLES; PROVIDING FOR A PENALTY, SAVINGS, CUMULATIVE, REPEALER, AND SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

- D. Motion was made by Mayor Pro Tem Peek, seconded by Councilman Castro to approve a City of Sweetwater Boards and Commission Policy with modifications to address Council's issue and concerns. The motion carried unanimously.

- E. Motion was made by Councilman McPherson, seconded by Mayor Pro Tem Peek to approve replat property described as:

Lots 1-14 and pt 15-18, Blk 26 Original Addition (Otherwise known as 100 Sam Houston St), Sweetwater, Nolan County, Texas.

Lots E/PT 1-4, ROW Murrah and Ave B, Blk 79 Original Addition (Otherwise known as 601 W Ave A Sam Houston St), Sweetwater, Nolan County, Texas.

Lots E/PT 1-4, Blk 70 Original Addition (Otherwise known as 100 Sam Houston St), Sweetwater, Nolan County, Texas.

Also, to include the following street and alley right of ways:

All of West Avenue A, a.k.a. South First Street, from the west right of way of Sam Houston Street, a.k.a. Galveston Street, Original Town of Sweetwater, recorded in Plat Cabinet Slide 201-B, PlatRecords, Nolan County, Texas, to the east right of way of the BNSF Railway right of way, formerly the BNSF Railway, a.k.a. the KCM & O Railway, and a.k.a. the Panhandle & Gulf Railway, and;

Part of West Avenue B, a.k.a. South Second Street, Original Town of Sweetwater, recorded in Plat Cabinet Slide 201-B, Plat Records, Nolan County, Texas and;

All of Murrah Street, a.k.a. Colorado Street, from the south right of way of West Avenue A, a.k.a South First Street, to the north right of way of West Avenue B, a.k.a. South Second Street, Original Town of Sweetwater, recorded in Plat Cabinet Slide 201-B, Plat Records, Nolan County, Texas and;

CITY COUNCIL MINUTES

April 11, 2023

All of the alleys in Block 26, Original Town of Sweetwater, recorded in Plat Cabinet Slide 201-B, Plat Records, Nolan County, Texas

The motion carried unanimously.

- F. Motion was made by Mayor Pro Tem Peek, seconded by Councilman McPherson to approve a Resolution setting a public hearing for the May 9, 2023 City Council meeting to consider the abandonment of City streets and alley right of way described as:

All of West Avenue A, a.k.a. South First Street, from the west right of way of Sam Houston Street, a.k.a. Galveston Street, Original Town of Sweetwater, recorded in Plat Cabinet Slide 201-B, Plat Records, Nolan County, Texas, to the east right of way of the BNSF Railway right of way, formerly the BNSF Railway, a.k.a. the KCM & O Railway, and a.k.a. the Panhandle & Gulf Railway, and;

Part of West Avenue B, a.k.a. South Second Street, Original Town of Sweetwater, recorded in Plat Cabinet Slide 201-B, Plat Records, Nolan County, Texas, and;

All of Murrah Street, a.k.a. Colorado Street, from the south right of way of West Avenue A, a.k.a. South First Street, to the north right of way of West Avenue B, a.k.a. South Second Street, Original Town of Sweetwater, recorded in Plat Cabinet Slide 201-B, Plat Records, Nolan County, Texas, and;

All of the alleys in Block 26, Original Town of Sweetwater, recorded in Plat Cabinet Slide 201-B, Plat Records, Nolan County, Texas.

The motion carried unanimously.

A COPY OF RESOLUTION IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XVI PAGES 3083 – 3084.

A RESOLUTION TO SCHEDULE A PUBLIC HEARING FOR MAY 9TH, 2023 FOR THE CITY COUNCIL OF THE CITY OF SWEETWATER, NOLAN COUNTY, TEXAS FOR THE PURPOSE OF CONSIDERATION OF ABANDONMENT OF CITY STREETS AND ALLEY RIGHTS-OF-WAY.

- G. Motion was made by Councilman McPherson, seconded by Mayor Pro Tem Peek to approve staff to solicit bids for the cleanup of property located at Lots 16, 17 and 18, Block 21, Original Town of Sweetwater, Nolan County, TX and commonly identified as 110 Pecan St., Sweetwater, Nolan County, TX. The motion carried unanimously.

CITY COUNCIL MINUTES

April 11, 2023

- H. Motion was made by Mayor Pro Tem Peek, seconded by Councilman McPherson to approve Municipal Services Agreement for the proposed annexation of property known as the Southwood Terrace Addition, being a subdivision of Section 49, Block 22, T&P Ry. Co. Survey, Nolan County, Texas, as depicted on Exhibit "A"; Lot 10, Block A, Section 2, Southwood Terrace Addition; Lots 1, 2, 3, 7 and 9 of Section 2, Southwood Terrace Addition, all subdivision of Section 49, Block 22, T&P Ry. Co. Survey, Nolan County, Texas, and authorize the City Manager to execute. The motion carried unanimously.

A COPY OF AGREEMENT IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XVI PAGES 3085 – 3090.

- I. Motion was made by Councilman McPherson, seconded by Councilman Castro to approve Memorandum of Understanding (MOU) between the City of Sweetwater and the WASP Museum for the purpose of using Sweetwater Avenger Airport during the Homecoming/Fly In scheduled to begin April 27th – 30th, 2023. The motion carried unanimously.

A COPY OF MEMORANDUM IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XVI PAGES 3091 – 3094.

- J. Motion was made by Councilman Baker, seconded by Councilman McPherson to approve an Ordinance annexing the Replat of Southwood Terrace Addition, being a subdivision of Section 49, Block 22, T&P Ry. Co. Survey, Nolan County, Texas, as depicted on Exhibit "A"; Lot 10, Block A, Section 2, Southwood Terrace Addition; Lots 1, 2, 3, 7, and 9 of Section 2, Southwood Terrace Addition, all subdivision of Section 49, Block 22, T&P Ry. Co. Survey, Nolan County, Texas, to include described property within said city limits, and granting to all the inhabitants of said property all the rights and privileges of other citizens and binding said inhabitants by all of the acts, ordinances, resolutions and regulations of said City. The motion carried unanimously.

A COPY OF ORDINANCE IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XVI PAGES 3095 – 3099.

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF SWEETWATER, NOLAN COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID

CITY COUNCIL MINUTES

April 11, 2023

**INHABITANTS BY ALL OF THE ACTS, ORDINANCES,
RESOLUTIONS, AND REGULATIONS OF SAID CITY.**

10. City Manager's Report
 - A. Taste of Sweetwater – April 24, 2023
 - B. Employee Picnic – April 15, 2023
 - C. Mustang Harbor Splash Pad Opening Day – April 15, 2023
 - D. Ms. Lynn Barrett, Director of Planning and Operations will begin on Monday, May 1, 2023.

11. Motion was made to adjourn by Councilman Castro, seconded by Councilman Baker. There being no further business, the meeting adjourned at 10:17 a.m. The motion carried unanimously.

Jim McKenzie, Mayor

ATTEST:

Patty Torres, City Secretary

Persons signing register: Cathie Rhodes, Larry Healer, Courtney Orsak, Scott Fortin, Miesha Adames, Karen Hunt, Henry Ortega, Deanna Ortega, Marie Suggs, Paul Neal, Laura Gilbert, Derrick Gilbert, Boyd Fortin, Don Suggs, Bill Seaton, Gavin McDougel, Lance Hall, James Rhodes, Heather Rhodes and Jonathan Baun.