

CITY COUNCIL MINUTES
SEPTEMBER 12, 2023
9:00 A.M.

The City Council of the City of Sweetwater, Texas, met in regular session on Tuesday, September 12, 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
JOHN MCPHERSON, Mayor Pro Tem
KERRY BAKER, Councilman
RICKY CASTRO, Councilman

DAVID A. VELA, City Manager
BECKY JIMENEZ, City Secretary
JEFF ALLEN, City Attorney

ABSENT: JEROD PEEK, Councilman

Staff Members present: Lisa Adames Assistant City Manager for Administration, Kirsta Koennecke Finance Director, Lynn Barrett Director of Planning and Operations, Eddy Campbell Utilities Director, Dewey Coy Fire Chief, and Zach Adames IT Director.

1. Mayor McKenzie called the meeting to order.
2. Ryan Strebeck with First Methodist Church gave the invocation.
3. Councilman Castro led the Pledge of Allegiance to the American and the Texas Flags.
4. Motion was made by Mayor Pro Tem McPherson, seconded by Councilman Baker to approve the minutes for the meeting held on August 8, 2023. The motion carried unanimously.
5. Public Input:

Mr. Nolan Harvey spoke in regards to expanding and making improvements to Santa Fe Park.

Mr. Joe Mangrem spoke about County Road that cuts between Hwy 70 and Hwy 153. If exit for Hwy 153 is missed, Google Map reroutes them on this County Road that has low restricted bridges, narrow and not well marked. He wants City to bring awareness of the dangers going through there.

6. Regular Agenda Items
 - A. Motion was made by Councilman Castro, seconded by Mayor Pro Tem McPherson to enter into a public hearing to consider and discuss the Fiscal

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Year 2023 – 2024 Proposed Budget for the City of Sweetwater. The motion carried unanimously.

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. The motion carried unanimously.

- B. Motion was made by Councilman Baker, seconded by Councilman Castro to enter into a public hearing to consider and discuss the Proposed Tax Rate of \$0.507150 (cents) per \$100 valuation for Tax Year 2023. The motion carried unanimously.

There were no public comments.

Motion was made by Mayor Pro Tem McPherson, seconded by Councilman Baker to close the public hearing and enter into regular session. The motion carried unanimously.

- C. Motion was made by Councilman Castro, seconded by Councilman Baker to award Depository Agreement to First Financial Bank. The motion carried unanimously.
- D. Motion was made by Councilman Castro, seconded by Councilman Baker to approve a Resolution on the Central Rate Schedule for the 2023-2024 Budget. The motion carried unanimously.

COPY OF RESOLUTION IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XVI PAGES 3220 – 3246.

A RESOLUTION 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 2024 AND ADOPTING SUCH CENTRAL RATE SCHEDULE.

- E. Motion was made by Councilman Baker, seconded by Mayor Pro Tem McPherson to approve an Ordinance to adopt the Fiscal Year End 2023 – 2024 Budget for the City of Sweetwater. A record vote was taken as follows:

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

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The motion carried unanimously.

COPY OF ORDINANCE IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XVI PAGE 3247.

AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE CITY OF SWEETWATER FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024.

- F. Motion was made by Councilman Castro, seconded by Councilman Baker to approve Appropriations Ordinance for the Fiscal Year End 2023-2024 for the City of Sweetwater. The motion carried unanimously.

COPY OF ORDINANCE IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XVI PAGE 3248.

AN ORDINANCE MAKING APPROPRIATION FOR THE SUPPORT TO THE CITY GOVERNMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024.

- G. Motion was made by Mayor Pro Tem McPherson, seconded by Councilman Castro to award staff recommended bids for fuel, oil and lubrication products and hot mix cold lay asphalt for Fiscal Year 2023 – 2024. The motion carried unanimously.

United Oil and Grease was awarded bid for regular and diesel fuel.

Vulcan Materials was awarded bid for hot mix cold lay asphalt.

C4 Fuels was awarded: 10W 30 Wt.

Western Marketing was awarded: 5W 20 WT. Synthetic

5W 30 Wt. Synthetic

15W 40 Wt. Rotella

COPY OF BID SHEET IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XVI PAGE 3249 – 3251

- H. Motion was made by Councilman Castro, seconded by Councilman Baker to approve a Resolution for Fiscal Year 2023 Patrol Car Replacement project. The motion carried unanimously.

COPY OF RESOLUTION IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XVI PAGE 3252 – 3253.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SWEETWATER, TEXAS, AUTHORIZING THE CITY MANAGER TO APPLY FOR A PUBLIC SAFETY GRANT FOR THE PURPOSE OF PROMOTING PUBLIC SAFETY, REDUCING CRIME, AND IMPROVING THE CRIMINAL JUSTICE SYSTEM.

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- I. Motion was made by Mayor Pro Tem McPherson, seconded by Councilman Baker to approve a Resolution which amends the Personnel Policy Manual to include a policy regarding the Pregnant Workers Fairness Act (PWFA), a federal law which became effective June 27, 2023. The motion carried unanimously.

COPY OF RESOLUTION IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XVI PAGE 3254 – 3257.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SWEETWATER, TEXAS, AUTHORIZING AND APPROVING AN AMENDMENT TO THE EMPLOYEE POLICY MANUAL TO INCLUDE A POLICY REGARDING THE PREGNANT WORKERS FAIRNESS ACT (PWFA); AND ESTABLISHING AN EFFECTIVE DATE.

- J. Motion was made by Councilman Castro, seconded by Mayor Pro Tem McPherson to approve an Ordinance with local amendments for the International Property Management Code (IPMC). The motion carried unanimously.

COPY OF ORDINANCE IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XVI PAGE 3258 – 3267.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SWEETWATER, TEXAS, ADOPTING THE 2021 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, SAVE AND EXCEPT THE AMENDMENTS SET FORTH HEREIN REGULATING ALL EXISTING PREMISES BY ESTABLISHING MINIMUM REQUIREMENTS AND STANDARDS FOR PREMISES, STRUCTURES, EQUIPMENT, AND FACILITIES FOR LIGHT, VENTILATION, SPACE, HEATING, SANITATION, PROTECTION FROM THE ELEMENTS, LIFE SAFETY, SAFETY FROM FIRE AND OTHER HAZARDS, AND FOR SAFE AND SANITARY MAINTENANCE WITHIN THE CITY OF SWEETWATER, TEXAS; PROVIDING A PENALTY CLAUSE, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

- K. Lynn Barrett, Director of Planning and Operations was sworn in by City Attorney Jeff Allen for her testimony regarding the dilapidated structures.

- Prop. 1: Motion was made by Mayor Pro Tem McPherson, seconded by Councilman Castro to enter into public hearing for 300 W. Alabama. The motion carried unanimously.

Lynn Barrett, Director of Planning and Operations explained the building code issues for the property along with visuals of the property and

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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: 300 W. Alabama

None

Motion was made by Councilman Castro, seconded by Mayor Pro Tem McPherson 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 300 W. Alabama within 35 days from date of Order. The motion carried unanimously.

Prop. 2: Motion was made by Mayor Pro Tem McPherson, seconded by Councilman Castro to enter into public hearing for 302 W. Alabama. The motion carried unanimously.

Lynn Barrett, Director Planning and Operations 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: 302 W. Alabama

None

Motion was made by Councilman Castro, 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 302 W. Alabama within 35 days from date of Order. The motion carried unanimously.

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- L. Motion was made by Councilman Castro, seconded by Councilman Baker to approve location of the John "Thumper" Gibson Memorial Garden at the Municipal Auditorium. The motion carried unanimously.
 - M. Motion was made by Mayor Pro Tem McPherson, seconded by Councilman Baker to approve Final Acceptance and Release of Retainage Funds for the Water Meter Replacement and AMI Project. The motion carried unanimously.
 - N. Motion was made by Councilman Baker, seconded by Mayor Pro Tem McPherson to approve Sweetwater Enterprise for Economic Development/Municipal Development District Budget for Fiscal Year 2023-2024.
7. City Manager's Report
- A. Water Customer Portal
 - B. National Night Out – October 3, 2023
 - C. Jones Park – Softball Lights
 - D. Code Enforcement Update
8. Motion was made by Mayor Pro Tem McPherson, seconded by Councilman Castro to enter into closed session at 9:34 a.m. in accordance with Section 551.071 and 551.087 of the Texas Government Code. The City Council met in closed session to consult with its attorney on economic incentives 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:
- Discussion related to legal issues, and commercial and/or financial information received related to a potential tax abatement;
- The motion carried unanimously.
9. Motion was made by Councilman Castro, seconded by Councilman Baker to reconvene into regular session at 9:55 a.m. The motion carried unanimously.
10. Motion was made by Mayor Pro Tem McPherson, seconded by Councilman Castro to enter into a Tax Abatement Agreement under Chapter 312 of the Texas Tax Code, abating 100% of the Maintenance & Operations Taxes on real and personal property for a period of ten (10) years on new Improvements within the Reinvestment Zone with a payment in lieu of taxes of \$0.00, subject to the terms of the Abatement Agreement as presented subject only to modification to conform to this motion. The motion carried unanimously.

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11. Motion was made to adjourn by Mayor Pro Tem McPherson, seconded by Councilman Castro. There being no further business, the meeting adjourned at 9:58 a.m. The motion carried unanimously.

Jim McKenzie, Mayor

ATTEST:

Becky Jimenez, City Secretary

Persons signing register: Sherie Alldredge, Joe Mangrem, Ethan Whittenburg, Miesha Adames, Alisia Brown, Mila Gibson, Noland Harvey, Savanna Bankhead, Suzanne Hagino, Donna Boatright, Ryan Strebeck, Samantha Morrow, Linda Hunter, Debbie Anthony, Joseph Crouch and Gabriel Acosta