

CITY COUNCIL MINUTES

August 18, 2020

9:00 A.M.

The City Council of the City of Sweetwater, Texas, met in regular session on Tuesday, August 18, 2020, at 9:00 a.m. via GoToMeeting videoconferencing in Sweetwater, TX.

On Videoconference:

DAVID A. VELA, City Manager

Present at Meeting:

JEROD PEEK, Mayor Pro Tem

KERRY BAKER, Councilman

LARRY MAY, Councilman

JIM MCKENZIE, Mayor

RICKY CASTRO, Councilman

PETE SHERIDAN, City Attorney

PATTY TORRES, City Secretary

Staff Members present: Public Works Director Russell Jones, Interim Chief of Police Matt Counts, Utilities Director Eddy Campbell, Fire Chief Grant Madden, Director of Administrative Services Lisa Adames, Director of Planning & Development Services Dana Schoening, and IT Director Zach Adames.

Staff Members on Videoconference: SNAP Director Tonya Challis

1. Mayor McKenzie called the meeting to order.
2. Fire Chief Grant Madden 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 Peek, seconded by Councilman May to approve the minutes for meetings held on July 14, 2020 and July 29, 2020.
5. Public Input:

This meeting was closed to in person attendance by the public. A temporary suspension of certain provisions of the Open Meetings Act to allow telephone or videoconference public meetings was granted by Governor Greg Abbott. These actions were taken to mitigate the spread of COVID-19 by avoiding meetings

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that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code.

Director of Planning & Development Services, Dana Schoening read an email that was received on Monday, August 17, 2020 from Carolyn Hubbard regarding solid waste collection for both residential and commercial refuse.

The email will be attached to the Minutes for the record.

6. Mayor McKenzie recognized City employees Chad Baxter and Detective Ray Cornutt who were selected to Sweetwater Reporter Readers' Choice Awards.

Closed Session was moved to the beginning of the meeting.

9. Motion was made by Councilman May, seconded by Mayor Pro Tem Peek to enter into closed session at 9:12 a.m. in accordance with Section 551.071 of 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 solid waste collection services. The motion carried unanimously.
10. Motion was made by Mayor Pro Tem Peek, seconded by Councilman Baker to reconvene into regular session at 9:44 a.m. The motion carried unanimously.
11. Motion was made by Mayor Pro Tem Peek, seconded by Councilman Castro to approve an ordinance awarding a solid waste management franchise and agreement to Republic Services, Inc. to provide for solid waste management services for the City of Sweetwater to specifically include residential refuse collection, commercial refuse collection and industrial roll-off container services, approving the proposed rate structure and timeline for transition of services, terminating certain agreements related to continued collection by the City, and authorizing the City Manager to execute all necessary documents in connection therewith. The motion carried unanimously.

COPY OF ORDINANCE AND AGREEMENT IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XIV PAGES 1912 - 1938.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SWEETWATER TEXAS AWARDING A SOLID WASTE MANAGEMENT FRANCHISE AGREEMENT; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A

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PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS; PROVIDING A SEVERABILITY CLAUSE.

7. Regular Agenda Items

A. City Council received one bid from BlueCross BlueShield and a denial from Texas Municipal League for health benefits and gave them to Broker of Record, Nancy Johnson with Tommy Morris Agency to review. Nancy Johnson will present recommendation to the Council at the September 8, 2020 meeting.

B. Motion was made by Councilman May, seconded by Councilman Baker to schedule a public hearing for September 8, 2020 on the proposed budget for Fiscal Year Ending 2020-2021. The motion carried unanimously.

C. Motion was made by Mayor Pro Tem Peek, seconded by Councilman Castro to schedule a public hearing for September 8, 2020 and approve a proposal of \$0.544 per \$100 of valuation. A record vote was taken as follows:

Councilman May: Aye
Councilman Baker: Aye
Councilman Castro: Aye
Mayor Pro Tem Peek: Aye
Mayor McKenzie: Aye

The motion carried unanimously.

D. Motion was made by Mayor Pro Tem Peek, seconded by Councilman May authorizing staff to receive competitive sealed bids for fuel, oil and lubrication products and hot mix cold lay asphalt for use from October 2020 through September, 2021, and to advertise in the newspaper August 19, 2020, and August 26, 2020, with bids to open at a public meeting on September 8, 2020. The motion carried unanimously.

E. Motion was made by Councilman Castro, seconded by Councilman Baker to approve CARES Act funds to purchase Records Management software, computer hardware, and radio equipment for Police and Fire. The motion carried unanimously.

F. Motion was made by Councilman May, seconded by Mayor Pro Tem Peek to approve contract with the Financial Advisor SAMCO Capital Markets, Inc. in support of the City of Sweetwater's Texas Water

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Development Board Clean Water and Drinking Water State Revolving Fund projects. The motion carried unanimously.

COPY OF CONTRACT IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XIV PAGES 1939 - 1941.

- G. Motion was made by Mayor Pro Tem Peek, seconded by Councilman Baker to approve contracts with the Bond Counsel McCall Parkhurst & Horton in support of the City of Sweetwater's Texas Water Development Board Clean Water and Drinking Water State Revolving Fund projects. The motion carried unanimously.

COPY OF CONTRACT IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XIV PAGES 1942 - 1947.

- H. Motion was made by Councilman May, seconded by Councilman Castro to approve contracts with the Engineer Enprotec/Hibbs & Todd Inc. in support of the City of Sweetwater's Texas Water Development Board Clean Water and Drinking Water State Revolving Fund Projects. The motion carried unanimously.

COPY OF CONTRACT IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XIV PAGES 1947 - 1957.

- I. Motion was made by Mayor Pro Tem Peek, seconded by Councilman May to award bid for East Landfill Driveway Approach Project to Coe Construction Company in the amount of \$38,560.00 and authorize City Manager to execute contract. The motion carried unanimously.

COPY OF CONTRACT IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XIV PAGES 1958 - 1962.

- J. Motion was made by Mayor Pro Tem Peek, seconded by Councilman Castro to approve home developer incentive agreement with Villafranca Construction. The motion carried unanimously.

- K. Motion was made by Councilman Baker, seconded by Mayor Pro Tem Peek to fund Asbestos Services for four commercial property locations:

1. 1500/1502 East Broadway Street
2. 1912 East Broadway Street
3. 3211 West Broadway Street
4. 3307 West Broadway Street

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The motion carried unanimously.

- L. Motion was made by Mayor Pro Tem Peek, seconded by Councilman Baker to award bids for asbestos abatement services for commercial structures located on Broadway Street previously declared as dangerous/dilapidated and substandard structures, and award bid to lowest responsible best bidder as recommended by the Municipal Development District (MDD) and authorize City Manager to execute contract. The motion carried unanimously.
- M. Motion was made by Mayor Pro Tem Peek, seconded by Councilman Castro to approve Municipal Development District (MDD) funding of Asbestos Abatement Consulting Services in the amount not to exceed \$21,809.50. The motion carried unanimously.
- N. Motion was made by Mayor Pro Tem Peek, seconded by Councilman Castro to adopt amendments to Code of Ordinances for Chapter 17 – Licenses and Business Regulations, Article IV, public amusements, special events license including shows, exhibits, parades and other performances of the City of Sweetwater Code of Ordinances; providing severability and an effective date for the purpose of special events and facility use agreements, adopting or approving an Application Agreement and Facility Use Agreement relating to the Code of Ordinance Chapter 17 – Special Events and amending the Central Rate Fee to incorporate the fees for the permits. The motion carried unanimously.

COPY OF ORDINANCE IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XIV PAGES 1963 - 1968.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SWEETWATER AMENDING CHAPTER 17, LICENSES AND BUSINESS REGULATIONS, ARTICLE IV, PUBLIC AMUSEMENTS, SPECIAL EVENTS LICENSE INCLUDING SHOWS, EXHIBITS, PARADES AND OTHER PERFORMANCES OF THE CITY OF SWEETWATER CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

- O. Motion was made by Councilman May, seconded by Councilman Baker to adopt amendments to Code of Ordinances for Chapter 25 – Streets and Sidewalks of the City of Sweetwater Code of Ordinances by adding Article VII – Street Use License; providing severability and an effective date for the purpose of street closure events, adopting or approving a Special

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Event Application Agreement for Street Closure Events relating to the Code of Ordinance Chapter 25 – Streets and Sidewalks Article VII and amending the Central Rate Fee to incorporate the fees for the permits. The motion carried unanimously.

COPY OF ORDINANCE IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XIV PAGES 1969 - 1972.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SWEETWATER AMENDING CHAPTER 25-STREETS AND SIDEWALKS, OF THE SWEETWATER CODE OF ORDINANCES BY ADDING ARTICLE VII-STREET USE LICENSE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

8. City Manager's Report
 - A. Update on Landfill Development
 - B. Fiscal Year 2021 Budget

12. Councilman Castro made a motion, seconded by Mayor Pro Tem Peek to adjourn. There being no further business, the meeting adjourned at 10:31 a.m. The motion carried unanimously.

Jim McKenzie, Mayor

ATTEST:

Patty Torres, City Secretary

Persons signing register: Sage Diller, Nancy Johnson, Joe Spano, Ken Becker, Chad Baxter and Ray Cornutt.