

CITY COUNCIL MINUTES

May 11, 2021

9:00 A.M.

The City Council of the City of Sweetwater, Texas, met in regular session on Tuesday, May 11, 2021, at 9:00 a.m. via GoToMeeting videoconferencing in Sweetwater, TX and had the following members present:

JIM MCKENZIE, Mayor
JEROD PEEK, Mayor Pro Tem
JOHN MCPHERSON, Councilman

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

ABSENT: **KERRY BAKER**, Councilman
 RICKY CASTRO, Councilman

Staff Members present: Chief of Police, Bryan Sheridan, Utilities Director, Eddy Campbell, Fire Chief, Grant Madden, Assistant City Manager for Administration, Lisa Adames, Assistant City Manager for Operations, Dana Schoening, SNAP Director Tonya Challis and IT Director Zach Adames.

1. Mayor McKenzie called the meeting to order.
2. Richard Acuna with Avondale Baptist Church gave the invocation.
3. Councilman May led the Pledge of Allegiance to the American and the Texas Flags.
4. Motion was made by Councilman May, seconded by Mayor Pro Tem Peek to approve the minutes for meeting held on April 13, 2021. The motion carried unanimously.
5. Public Input: None
6. Regular Agenda Items
 - A. Councilman May asked Patty Torres, City Secretary, to read the results of the Special Bond Election. Motion was made by Councilman May, seconded by Mayor Pro Tem Peek to approve Resolution canvassing the May 1, 2021 special bond election returns. The motion carried unanimously.

COPY OF RESOLUTION IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XV PAGES 2405 - 2407.

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A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SWEETWATER, NOLAN COUNTY, TEXAS, OFFICIALLY FINDS, DETERMINES AND DECLARES THE RESULT OF SAID ELECTION TO BE THAT THE AFORESAID PROPOSITION HAS RECEIVED THE VOTES SHOWN ABOVE, AND THAT THE PROPOSITION SHOWN ABOVE HAS THEREFORE NOT PASSED, AND THAT NO BONDS PROPOSED TO BE AUTHORIZED BY SUCH PROPOSITION MAY BE ISSUED AND THE AFORESAID BOND TAX SUPPORTING SAID BONDS MAY NOT BE LEVIED BY THE CITY.

- B. Councilman May asked Patty Torres, City Secretary, to read the results of the General Election. Motion was made Councilman May, seconded by Mayor Pro Tem Peek to approve Resolution and Order canvassing the returns and declaring the results of the May 1, 2021 general elections. The motion carried unanimously.

COPY OF RESOLUTION AND ORDER IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XV PAGES 2408 - 2410.

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SWEETWATER, NOLAN COUNTY, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD ON MAY 1, 2021 FOR THE PURPOSE OF ELECTING A MAYOR AT-LARGE AND CITY MEMBERS FOR DISTRICTS 1 AND 3; AND PROVIDING AN EFFECTIVE DATE.

- C. Oath of Office was administered by Jeff Allen, City Attorney to Mr. Jim, Mayor and Mr. John McPherson, City Council Member District 1. Mr. Ricky Castro, City Council Member District 3, was absent.

COPY OF OATH OF OFFICE AND STATEMENT OF OFFICER IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XV PAGES 2411 - 2419.

- D. Motion was made by Councilman McPherson, seconded by Mayor McKenzie to approve a Resolution appointing Jerod Peek as Mayor Pro-Tem for the City of Sweetwater, and prescribing the term thereof. The motion carried unanimously.

COPY OF RESOLUTION IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XV PAGE 2420.

APPOINTING MAYOR PRO-TEM FOR THE CITY OF SWEETWATER AND PRESCRIBING THE TERM THEREOF.

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- E. Motion was made by Mayor Pro Tem Peek, seconded by Councilman McPherson to approve Mid-Year Agreed Upon Procedures Report for the period ended March 31, 2021 as prepared by Catherine Wilks, Certified Public Accountant LLC. The motion carried unanimously.
- F. Motion was made by Mayor Pro Tem Peek, seconded by Councilman McPherson to approve a Resolution of the City of Sweetwater, Texas finding that Oncor Electric Delivery Company LLC's application for approval to amend its distribution cost recovery factor to increase distribution rates within the city should be denied; authorizing participation with Oncor Cities Steering Committee; authorizing the hiring of legal counsel and consulting services; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the company and legal counsel. The motion carried unanimously.

COPY OF RESOLUTION IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XV PAGES 2421- 2423.

A RESOLUTION OF THE CITY OF SWEETWATER, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH OCSC; AUTHORIZING THE HIRING OF LEGAL COUNSEL AND CONSULTING SERVICES; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

- G. Motion was made by Mayor Pro Tem Peek and seconded by Councilman McPherson to approve Incentive Agreement between Sweetwater Enterprise for Economic Development/Municipal Development District and L2HI, LLC. The Motion carried unanimously.
- H&I. Dana Schoening, Director of Planning & Development Services and Danny Heine, Code Enforcement Officer were sworn in by City Secretary, Patty Torres, for their testimony regarding the dilapidated structures.

Presentation was made by Dana Schoening, Director of Planning and Development Services on declaring structures on each described property within City of Sweetwater, Texas, to be dilapidated and/or deteriorated

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and unfit for human habitation so as to require repair, rehabilitation or demolition, providing a time with which to rehabilitate, repair or demolish such structures and providing for the repair, rehabilitation or demolition and removal.

Prop. 1: Motion was made by Mayor Pro Tem Peek, seconded by Councilman McPherson to enter into public hearing. The motion carried unanimously.

Dana Schoening, Director of Planning and Development Services and Danny Heine, Code Enforcement Officer explained the building code issues for each property along with visuals to reflect blight on each property. 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. Based on property owner input to staff, a 60 day timeline for compliance was recommended.

Public Comment on described property: 305 Beryle Street

None

Motion was made by Mayor Pro Tem Peek, seconded by Councilman McPherson to close the public hearing. The motion carried unanimously.

Motion was made by Mayor Pro Tem Peek, seconded by Councilman McPherson for declaration of dilapidation and/or deterioration and unfit for human habitation and order repair, rehabilitation or demolition of 305 Beryle Street within 60 days from date of Order. The motion carried unanimously.

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

Dana Schoening, Director of Planning and Development Services and Danny Heine, Code Enforcement Officer explained the building code issues for each property along with visuals to reflect blight on each property. 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: 114 Haskell Street

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None:

Motion was made by Mayor Pro Tem Peek, seconded by Councilman McPherson to close the public hearing. The motion carried unanimously.

Motion was made by Councilman McPherson, seconded by Mayor Pro Tem Peek for declaration of dilapidation and/or deterioration and unfit for human habitation and order repair, rehabilitation or demolition of 114 Haskell Street within 35 days from date of Order. The motion carried unanimously.

Prop. 3: Motion was made by Mayor Pro Tem Peek, seconded by Councilman McPherson to enter into public hearing. The motion carried unanimously.

Dana Schoening, Director of Planning and Development Services and Danny Heine, Code Enforcement Officer explained the building code issues for each property along with visuals to reflect blight on each property. 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: 101 Fisher Street

None:

Motion was made by Mayor Pro Tem Peek, seconded by Councilman McPherson to close the public hearing. The motion carried unanimously.

Motion was made by Councilman McPherson, seconded by Mayor Pro Tem Peek for declaration of dilapidation and/or deterioration and unfit for human habitation and order repair, rehabilitation or demolition of 101 Fisher Street within 35 days from date of Order. The motion carried unanimously.

Prop. 4: Motion was made by Mayor Pro Tem Peek, seconded by Councilman McPherson to enter into public hearing. The motion carried unanimously.

Dana Schoening, Director of Planning and Development Services and Danny Heine, Code Enforcement Officer explained the building code issues for each property along with visuals to reflect blight on each property. 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,

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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. Based on property owner input, a 60 day timeline for compliance was recommended.

Public Comment on described property: 307 Canfil Street

None:

Motion was made by Mayor Pro Tem Peek, seconded by Councilman McPherson to close the public hearing. The motion carried unanimously.

Motion was made by Mayor Pro Tem Peek, seconded by Councilman McPherson for declaration of dilapidation and/or deterioration and unfit for human habitation and order repair, rehabilitation or demolition of 307 Canfil Street within 60 days from date of Order. The motion carried unanimously.

Prop. 5:

Motion was made by Mayor Pro Tem Peek, seconded by Councilman McPherson to enter into public hearing. The motion carried unanimously.

Dana Schoening, Director of Planning and Development Services and Danny Heine, Code Enforcement Officer explained the building code issues for each property along with visuals to reflect blight on each property. 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: 1507 Pecan Street

None:

Motion was made by Councilman McPherson, seconded by Mayor Pro Tem Peek to close the public hearing. The motion carried unanimously.

Motion was made by Councilman McPherson, seconded by Mayor Pro Tem Peek for declaration of dilapidation and/or deterioration and unfit for human habitation and order repair, rehabilitation or demolition of 1507 Pecan Street within 35 days from date of Order. The motion carried unanimously.

Prop. 6:

Motion was made by Mayor Pro Tem Peek, seconded by Councilman McPherson to enter into public hearing. The motion carried unanimously.

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Dana Schoening, Director of Planning and Development Services and Danny Heine, Code Enforcement Officer explained the building code issues for each property along with visuals to reflect blight on each property. 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. Based on property owner input, a 60 day timeline for compliance was recommended.

Public Comment on described property: 511 E. Twelfth Street

None:

Motion was made by Mayor Pro Tem Peek, seconded by Councilman McPherson to close the public hearing. The motion carried unanimously.

Motion was made by Councilman McPherson, seconded by Mayor Pro Tem Peek for declaration of dilapidation and/or deterioration and unfit for human habitation and order repair, rehabilitation or demolition of 511 E. Twelfth Street within 60 days from date of Order. The motion carried unanimously.

Prop. 7:

Motion was made by Mayor Pro Tem Peek, seconded by Councilman McPherson to enter into public hearing. The motion carried unanimously.

Dana Schoening, Director of Planning and Development Services and Danny Heine, Code Enforcement Officer explained the building code issues for each property along with visuals to reflect blight on each property. 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: 704 E. Twelfth Street

None:

Motion was made by Councilman McPherson, seconded by Mayor Pro Tem Peek to close the public hearing. The motion carried unanimously.

Motion was made by Mayor Pro Tem Peek, seconded by Councilman McPherson for declaration of dilapidation and/or deterioration and unfit

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for human habitation and order repair, rehabilitation or demolition of 704 E. Twelfth Street within 35 days from date of Order. The motion carried unanimously.

Prop. 8: Motion was made by Councilman McPherson, seconded by Mayor Pro Tem Peek to enter into public hearing. The motion carried unanimously.

Dana Schoening, Director of Planning and Development Services and Danny Heine, Code Enforcement Officer explained the building code issues for each property along with visuals to reflect blight on each property. 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: 1110 Sam Houston Street

None:

Motion was made by Mayor Pro Tem Peek, seconded by Councilman McPherson to close the public hearing. The motion carried unanimously.

Motion was made by Councilman McPherson seconded by Mayor Pro Tem Peek for declaration of dilapidation and/or deterioration and unfit for human habitation and order repair, rehabilitation or demolition of 1110 Sam Houston Street within 35 days from date of Order. The motion carried unanimously.

Prop. 9: Motion was made by Mayor Pro Tem Peek, seconded by Councilman McPherson to enter into public hearing. The motion carried unanimously.

Dana Schoening, Director of Planning and Development Services and Danny Heine, Code Enforcement Officer explained the building code issues for each property along with visuals to reflect blight on each property. 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: 706 Robert Lee Street

None:

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Motion was made by Councilman McPherson, seconded by Mayor Pro Tem Peek to close the public hearing. The motion carried unanimously.

Motion was made by Mayor Pro Tem Peek, seconded by Councilman McPherson for declaration of dilapidation and/or deterioration and unfit for human habitation and order repair, rehabilitation or demolition of 706 Robert Lee Street within 35 days from date of Order. The motion carried unanimously.

7. City Manager's Report

- A. Fire Department Skeeter Brush Truck
- B. Employee Family Picnic – Saturday May 15
- C. Bond Election Results

8. Councilman McPherson made a motion, seconded by Mayor Pro Tem Peek, to adjourn. There being no further business, the meeting adjourned at 10:04 a.m. The motion carried unanimously.

Jim McKenzie, Mayor

ATTEST:

Patty Torres, City Secretary

Persons signing register: Catherine Wilks, Miesha Adames and Ken Becker