

CITY COUNCIL MINUTES
AUGUST 10, 2021
9:00 A.M.

The City Council of the City of Sweetwater, Texas, met in regular session on Tuesday, August 10, 2021, 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, Dana Schoening Assistant City Manager for Operations, Bryan Sheridan Chief of Police, Eddy Campbell Utilities Director, Grant Madden Fire Chief and Zach Adames IT Director.

1. Mayor McKenzie called the meeting to order.
2. Ollie Wilbourn gave the invocation.
3. Councilman Baker led the Pledge of Allegiance to the American and the Texas Flags.
4. Motion was made by Councilman Baker, seconded by Councilman McPherson to approve the minutes for meeting held on July 13, 2021. The motion carried unanimously.
5. Public Input: None
6. Chief of Police Bryan Sheridan was recognized and presented the Sweetwater Reporter "Readers' Choice Awards" for Best City Employee.
7. Regular Agenda Items
 - A. City Council received insurance bids from Blue Cross Blue Shield Health with Stop/Loss, HM Life – Stop/Loss Proposal, TML – Group Health, Dental and Vision, Metlife – Group Benefit, Dental and Vision, Ameritas – Dental and Vision and Omaha – Dental and Vision 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 14, 2021 meeting.

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- B. Motion was made by Mayor Pro Tem Peek, seconded by Councilman Baker to schedule a public hearing for September 14, 2021 on the proposed budget for Fiscal Year Ending 2021-2022. The motion carried unanimously.
- C. Motion was made by Councilman Castro, seconded by Mayor Pro Tem Peek to schedule a public hearing for September 14, 2021 and approve a proposal of \$0.548 per \$100 of valuation. A record vote was taken as follows:

Councilman McPherson: 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 Baker to award bid for the American Rescue Plan Act (ARP Act) grant project administration services provider to the evaluation committee's recommendation of Gary R. Traylor and Associates, Inc. The motion carried unanimously.
- E. Motion was made by Councilman Castro, seconded by Councilman Baker to approve a Resolution allowing Texas Department of Transportation to install official traffic control devices (posted signs and crosswalk) on Elm Street. The motion carried unanimously.

COPY OF RESOLUTION IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XV PAGES 2428 - 2429.

AN RESOLUTION APPROVING AND DESIGNATING A REGULATORY SPEED ZONE IN THE CITY OF SWEETWATER, TEXAS ALONG ELM ST. (F.M. 419) FROM 154 FEET NORTH OF 5TH STREET SOUTH SIDE CURB (MILE POINT 4.555) AND CONTINUING TO 204 FEET SOUTH OF 4TH STREET NORTH SIDE CURB (MILE POINT 4.686) AND APPROVING THE INSTALLATION OF THE NECESSARY AND APPROPRIATE TRAFFIC CONTROL DEVICES THEREON

- F. Motion was made by Mayor Pro Tem Peek seconded by Councilman Castro to approve a Resolution approving the annual Rate Review Mechanism (RRM) rate increase from Atmos Mid-Tex. The motion carried unanimously.

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COPY OF RESOLUTION IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XV PAGES 2430 - 2447.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SWEETWATER, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2021 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.

- G. Motion was made by Councilman Baker, seconded by Mayor Pro Tem Peek to authorize staff to receive competitive sealed bids for fuel, oil and lubrication products and hot mix cold lay asphalt for use from October 2021 through September, 2022, and to advertise in the newspaper August 15, 2021, and August 22, 2021, and award bids at a public meeting on September 14, 2021. The motion carried unanimously.
- H. Dana Schoening, Assistant City Manager for Operations and Danny Heine, Code Enforcement Officer were sworn in by City Secretary Patty Torres for their testimony regarding the dilapidated structures.

Prop. 1: Motion was made by Mayor Pro Tem Peek, seconded by Councilman Baker to enter into public hearing for 1006 Elm Street. The motion carried unanimously.

Dana Schoening, Assistant City Manager for Operations and Danny Heine, 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

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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: 1006 Elm Street

None

Motion was made by Mayor Pro Tem Peek, 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 1006 Elm Street within 35 days from date of Order. The motion carried unanimously.

Prop. 2:

Motion was made by Councilman Baker, seconded by Mayor Pro Tem Peek to enter into public hearing for 107 Robert Lee Street. The motion carried unanimously.

Dana Schoening, Assistant City Manager for Operations and Danny Heine, 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: 107 Robert Lee Street

None

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

Motion was made by Mayor Pro Tem Peek seconded by Councilman Castro for declaration of dilapidation and/or deterioration and unfit for human habitation and order repair, rehabilitation or demolition of 107 Robert Lee Street within 35 days from date of Order. The motion carried unanimously.

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Prop. 3: Motion was made by Councilman Baker, seconded by Councilman Castro to enter into public hearing for 313 Grape Street. The motion carried unanimously.

Dana Schoening, Assistant City Manager for Operations and Danny Heine, 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.

Code Enforcement Officer, Danny Heine stated that the owner made contact with him. The owner intends to rehabilitate the structure. She has started renovations and has asked for an extension to complete.

Public Comment on described property: 313 Grape Street

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 Castro, seconded by Councilman Baker for declaration of dilapidation and/or deterioration and unfit for human habitation and order repair, rehabilitation or demolition of 313 Grape Street within 90 days from date of Order. The motion carried unanimously.

Prop. 4: Motion was made by Mayor Pro Tem Peek, seconded by Councilman Castro to enter into public hearing for 1010 W. 5th Street. The motion carried unanimously.

Dana Schoening, Assistant City Manager for Operations and Danny Heine, 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.

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Public Comment on described property: 1010 W. 5th Street

Owner, Marvin Reaves requested a 90 day extension to rehabilitate property. He stated that he will maintain property and make sure it is presentable and secure.

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 1010 W. 5th Street within 90 days from date of Order. The motion carried unanimously.

Prop. 5:

Motion was made by Councilman Castro, seconded by Councilman Baker to enter into public hearing for 605 W. 3rd Street. The motion carried unanimously.

Dana Schoening, Assistant City Manager for Operations and Danny Heine, 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: 605 W. 3rd Street

Tomas Serrano agreed that the property was beyond repair and needed to be demolished. He requested a 90 day extension to demolish the front and secure the back.

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

Motion was made by Councilman Castro, 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 605 W. 3rd Street within 90 days from date of Order. The motion carried unanimously.

Prop. 6:

Motion was made by Mayor Pro Tem Peek, seconded by Councilman Castro to enter into public hearing for 813 W. 5th Street. The motion carried unanimously.

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Dana Schoening, Assistant City Manager for Operations and Danny Heine, 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: 813 W. 5th Street

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 813 W. 5th Street within 35 days from date of Order. The motion carried unanimously.

Prop. 7: Motion was made by Councilman Castro, seconded by Councilman Baker to enter into public hearing for 2012 Douglas Street. The motion carried unanimously.

Dana Schoening, Assistant City Manager for Operations and Danny Heine, 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: 2012 Douglas Street

None

Motion was made by Mayor Pro Tem Peek, seconded by Councilman Castro 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

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human habitation and order repair, rehabilitation or demolition of 2012 Douglas Street within 35 days from date of Order. The motion carried unanimously.

Prop. 8: Motion was made by Councilman Castro, seconded by Mayor Pro Tem Peek to enter into public hearing for 822 Roscoe Street. The motion carried unanimously.

Dana Schoening, Assistant City Manager for Operations and Danny Heine, 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: 822 Roscoe Street

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 822 Roscoe Street within 35 days from date of Order. The motion carried unanimously.

Prop. 9: Motion was made by Councilman Baker, seconded by Councilman Castro to enter into public hearing for 319 Canfil Street. The motion carried unanimously.

Dana Schoening, Assistant City Manager for Operations and Danny Heine, 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: 319 Canfil Street

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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 Castro, 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 319 Canfil Street within 35 days from date of Order. The motion carried unanimously.

- I. Motion was made by Mayor Pro Tem Peek, seconded by Councilman Castro to approve Sweetwater Enterprise for Economic Development/Municipal Development District Budget for Fiscal Year 2021-2022. The motion carried unanimously.

8. City Manager's Report

- A. Council Meetings – September 14 and 21, 2021
- B. Mrs. Miesha Adames named Executive Director of SEED/MDD

- 9 and 10. Motion was made by Mayor Pro Tem Peek, seconded by Councilman Castro to enter into closed session at 10:10 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 remediation of solid waste accumulating within the City and its extraterritorial jurisdiction.

In accordance with Section 551.087 of the Texas Government Code, deliberation regarding economic development negotiations; closed meeting. The City Council will meet in closed session to discuss and/or deliberate regarding commercial or financial information that the City has received from a business prospect that City seeks to have locate, stay, or expand in or near the City and with which the governmental body is conducting economic development negotiation.

The motion carried unanimously.

- 11. Motion was made by Councilman Castro, seconded by Councilman Baker to reconvene into regular session at 10:43 a.m.

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12. Motion was made by Mayor Pro Tem Peek, seconded by Councilman Castro to approve an agreement presented by Sweetwater Enterprise for Economic Development/Municipal Development District for proposed residential development in Sweetwater. The motion carried unanimously.
13. Motion was made by Councilman Castro, seconded by Councilman Baker to adjourn. There being no further business, the meeting adjourned at 10:43 am. The motion carried unanimously.

Jim McKenzie, Mayor

ATTEST:

Patty Torres, City Secretary

Persons signing register: Ken Becker, Ollie Wilburn, Shaun Martin, Martin Reaves, Nancy Johnson, Karen Hunt, Tomas Serrano, Kristy Tyra and Miesha Adames