

# CITY COUNCIL MEETING SPECIAL SESSION

Tuesday, May 23, 2023 at 6:00 PM

City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas

## MINUTES

BE IT KNOWN that the City Council of the City of Sweeny will meet in **Regular Session** on **Tuesday, May 23, 2023 at 6:00 PM.** at City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas with the following agenda.

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### CALL TO ORDER/ROLL CALL

Mayor Hopkins called the meeting to order at 6 P.M.

Mark Morgan Jr., Reese Cook, Brian Brooks, John Rambo, and Tim Pettigrew were all in attendance.

City Officials present included the City Manager Lindsay Koskiniemi, Police Chief Brad Caudle, City Attorney Charlie Stevenson, City Secretary Kaydi Smith

### PLEDGES & INVOCATION

The pledges were led by Reese Cook and the invocation was given by Attorney Stevenson.

### CITIZENS WISHING TO ADDRESS CITY COUNCIL

Tracy Butcher with Inframark gave Council an update on the Water Plant and Wastewater Plant. Inframark is currently operating both the Water Plant and Wastewater Plant.

### CONSENT AGENDA

1. Minutes: Regular Session, May 16, 2023  
Mark Morgan Jr. made the motion to approve the minutes of the regular session from May 16, 2023. Tim Pettigrew seconded. All in favor. Motion carried.

### REGULAR AGENDA

2. Discuss/Take action on Variance Requested to Chapter 156: Signs to Exceed Allowable Commercial Signage Requirements for Free-Standing Sign and Attached Building Signage; 904 N Main Street  
Mark Pullen with Compadres Design Inc. addressed Council and stated the sign specs are the standard sizes that Dollar General normally places at their store sites. He is asking for a variance to exceed the allowable sizes to match plans provided for the free standing and attached building signage. Council members expressed concern of the illumination produced by the free-standing sign to be installed near the roadway and times of illumination. Compadres stated they use the colors on the sign in order to reduce illumination versus using white and corporate would be responsible for the timing of the signs.  
John Rambo made the motion to approve the variance due to affirmative findings required by the ordinance. Mark Morgan Jr. seconded. Mark Morgan Jr., Brian Brooks, John Rambo, and Tim Pettigrew were in favor. Reese Cook opposed. Motion Carried.
3. Discuss/Take Action on Approving an ORDINANCE AUTHORIZING AND ORDERING THE ISSUANCE OF CITY OF SWEENY, TEXAS LIMITED TAX NOTE, SERIES 2023; SPECIFYING THE TERMS AND FEATURES OF SUCH NOTE; LEVYING A CONTINUING DIRECT ANNUAL

AD VALOREM TAX FOR THE PAYMENT OF SAID NOTE; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT, AND DELIVERY OF A PAYING AGENT/REGISTRAR AGREEMENT; AND PROVIDING AN EFFECTIVE DATE

Mayor Hopkins read a portion of the proposed ordinance aloud when announcing the agenda item. City Manager stated that we have applied for the TxDot Sidewalk Alternatives Grant and this has a reimbursement of 80%. The City is responsible for the 20%, in which the City plans to use one hundred percent of the Sidewalk Fund to contribute. The City is required to be able to show we can fund the project if granted. Awards are expected to be completed by July or August of 2023. Scope of the project was reviewed with Council.

Mark Morgan Jr. made the motion to approve the ordinance as read by Dusty Hopkins. Tim Pettigrew seconded. All in favor. Motion carried.

4. Discuss/Take Action on City Donated Services

Discussion was held on the services that the City donates and subsidizes for, which include Bennett Outlar Park, Sweeny Cemetery, Boy Scout House, Girl Scout House, and Marsh Vet Clinic. This item was previously discussed sixty days prior. Concerns of the City owned property adjoining the Little League fields were addressed by the public attending. Information was given stating we can only discuss the agenda item topic and the separate item would need to be addressed at a later date. A member in the public asked why the Softball District 27 girls were not recognized, as they are in attendance, for their hard work in becoming the District 27 Champs. Councilman Rambo stated he was contacted today for recognition of the girls. He is planning to put the recognition on next months agenda to include The Facts newspaper. Brian Brooks made the motion that the City sever ties with donating services, including water, sewer, trash, and electricity to the organizations of Bennett Outlar Park, Sweeny Cemetery, Girl Scout House and Boy Scout House effective with a thirty (30) day notice. Tim Pettigrew seconded. Mark Morgan Jr., Brian Brooks, John Rambo, and Tim Pettigrew approved. Reese Cook abstained. Motion carried.

5. Discuss/Take Action on Approving Contractor for Road and Utility Expansion and Improvements at the Sweeny EDC Industrial Park

Colby Lowrie of Altimira approached Council on behalf of the Sweeny EDC. Per Council's last decision, he did reach out to Tindol to see if they would either, come down from the original award price to \$940,000.00 or withdraw. Tindol agreed to withdraw by email confirmation. Lowrie then reached out to Southern Gulf Solutions for the previous bid submitted. Southern Gulf Solutions have increased their bid due to concrete prices. Lowrie explained the original Tindol bid and compared it to Southern Gulf Solution's original and revised bid. Sweeny EDC is also requesting approval for financing in the next agenda item. Mayor and Council agreed to talk about both agenda items together. Total cost of the project with contingency is \$1,192,141.28. Concerns were expressed on SEDC's budget and the remaining fund balance if financing were to be approved. Nina Christie, EDC President, stated a \$4,992.63 monthly loan payment is obtainable by the EDC. EDC receives all funds from sales tax revenue or investment earnings. Due to local businesses closing, April's sales tax revenue has decreased, in which sales tax totals received were \$46,113.09. This is \$8,000.00 less than average. SEDC President stated that by completing this road and utility project, they will be bringing in additional sales tax once businesses are able to access the property and establish.

Brian Brooks made the motion to accept the bid for \$908,644.59 for Southern Gulf Solutions as the contractor for the road and utility expansion and improvements at the Sweeny EDC Industrial Park. Mark Morgan Jr. seconded. Mark Morgan Jr., Brian Brooks, John Rambo, and Tim Pettigrew approved. Reese Cook opposed. Motion carried.

6. Discuss/Take Action on Approval of Resolution for Financing of the Road and Utility Expansion and Improvements at Sweeny EDC Industrial Park  
Continued discussion ensued regarding the finance amount for the Industrial Park utility expansion and improvements. SEDC is pursuing a loan in the amount of \$802,834.28. Monthly loan payments will be \$4,992.63. The loan term is for twenty-five years at 5.63% interest. EDC plans to use \$400,000.00 towards the road and utility expansion from their current accounts, leaving them with approximately \$175,000.00 on hand.  
Reese Cook made a motion to table the item to have a joint meeting with EDC to discuss their new budget before approving financing. Mark Morgan Jr. seconded. Mark Morgan Jr. and Reese Cook approved. Brian Brooks, John Rambo, and Tim Pettigrew opposed. Motion failed. Brian Brooks made the motion to secure financing in the amount of \$802,834.28. Tim Pettigrew seconded. Brian Brooks, John Rambo, and Tim Pettigrew approved. Mark Morgan Jr. and Reese Cook opposed. Motion carried.
7. Discuss/Take action on water intrusion at ground level at Sweeny Community Library and proposed budget amendment.  
City Manager stated we recently had a large rain event in which the Library took on water. They have determined two issues from where the water is intruding: the parapets on the roof and the weep holes at ground level. Nichole Tackwell and David Galloway with Brazos Commercial Roofing approached Council stating the water intrusion at roof level is due to the rust on the internal gutters. The water intrusion at ground level is due to the weep holes in the brick. In order to fix at ground level, they would need to cut out and replace bricking up to three bricks high and insert a water proof backing prior to replacing. This portion has been estimated at \$28,500.00 and includes both the Library and Community Center. Additionally, for the roof intrusion, Brazos Commercial has placed silicone on the leaking area at no cost to the City. However, this is a temporary solution. They will need to investigate further to see how much of the parapets and internal gutters will need repair. An option was given for Brazos Commercial to go ahead with the inspection to provide an estimate for necessary repairs, which would be \$3,900.00. This would require a budget amendment which the City Manager stated could be taken from Interest Revenue earned. Council discussed options of waiting and discussing further at the Strategic Planning Session on June 10<sup>th</sup>, 2023.  
Reese Cook made the motion to approve \$3,900.00 from Interest Revenue for Brazos Commercial Roofing to perform an inspection and provide an estimate. Mark Morgan Jr. seconded. All in favor. Motion carried.
8. Discuss/Take action on City-owned property at 111 W. 3rd Street, and corresponding lease agreements with Sweeny Economic Development Corporation, Sweeny Chamber of Commerce, and Brazoria County Appraisal District Tax office.  
City Manager stated the City received complaints by tenants of the smells at the SEDC/Chamber/Tax Office building. She did have an environmental company come out and complete a full investigation including samples. Samples came back positive for mold and the building is in deplorable condition. Discussion ensued regarding insurance claims, current tenants, and path forward. Council discussed revisiting the facility issues at the Strategic Planning Session on June 10<sup>th</sup>, 2023. Attorney Stevenson stated that the tenant lease agreements do expire in September of this year and a thirty (30) day notice is required to cancel the lease or they automatically renew.  
No action; discussion only.
9. Discuss/Take Action on Approving a Resolution to Require that Police Hired for Security During Events on City Property be Employed by the City of Sweeny.  
Chief Caudle approached Council on adopting a resolution that requires Sweeny PD to be used for all security events within the city limits. If Sweeny PD cannot assist, the Sweeny Police

Department would be responsible to obtain an outside agency. Chief stated that in the past, other outside agencies have been hired by groups/renters before checking with Sweeny PD. He feels Sweeny PD should have first opportunity. Councilman Rambo expressed concern over free enterprise and monopoly, as some groups check around for the lowest rates due to budget constraints. Chief explained that they do try to work with organizations and stay at competitive rates. Per the letter attached with the resolution presented, the Sweeny Police Chief would have the right to allow other accommodations for security if needed, but it would need to go thru Sweeny PD first.

Tim Pettigrew made the motion to approve the resolution that requires any police hired for security during events on city property be employed by the City of Sweeny. Item died for lack of second.

Discussion ensued over the resolution verbiage versus agenda item language. The resolution does not state employed by the City of Sweeny.

Tim Pettigrew made the motion to adopt the resolution as stated. Reese Cook seconded. All in favor. Motion carried.

10. Discuss/Take action to remove Chad Makara from all Sweeny Police Department bank accounts and to add Brad Caudle, Erica Harris, and Karla Wilson as signors to all Sweeny Police Department bank accounts.

John Rambo made the motion to remove Chad Makara from all Sweeny Police Department bank accounts and to add Brad Caudle, Erica Harris, and Karla Wilson as signors to all Sweeny Police Department bank accounts. Tim Pettigrew seconded. All in favor. Motion carried.

11. Discuss/Take Action on Appointment of Mayor Pro-Tem

Brian Brooks made the motion to appoint John Rambo as Mayor Pro-Tem. Tim Pettigrew seconded. Mark Morgan Jr., Brian Brooks, John Rambo, and Tim Pettigrew were in favor. Reese Cook opposed. Motion carried.

12. Discuss/Take Action on the Appointment of a City Official to the Fire Department Pension Board  
City Manager stated previously, Councilman Hayes held the liaison position. Now that Hayes is no longer on City Council, the Fire Department Pension Board is needing an official to participate.

Brian Brooks made the motion to appoint Mark Morgan Jr. as the city official to the Fire Department Pension Board. John Rambo seconded. Reese Cook, Brian Brooks, John Rambo, and Tim Pettigrew were in favor. Mark Morgan Jr. abstained. Motion carried.

### ITEMS OF COMMUNITY INTEREST

John Rambo recognized the Sweeny Girls Softball Association 10U Team as they are District 27 Champs. He praised their outstanding hard work and dedication. He plans to add them to next months agenda and recognize the team.

City Manager stated the playground equipment is stated to be delivered at the end of June.

### ADJOURN REGULAR SESSION

Mayor Hopkins adjourned the meeting at 7:38 p.m.

Passes and approved this 20 day of June.



Kaydi Smith - City Secretary