

CITY COUNCIL MEETING REGULAR SESSION

Tuesday, May 21, 2024 at 6:00 PM

City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas; You can also join by zoom at the following link: <https://zoom.us/j/94179197822?pwd=YzNvUVFHV1ZLK0tlc3RzdWJOcmF5UT09> Meeting ID: 941 7919 7822 Passcode: 033654, or by phone using the same meeting number and passcode at 1-346-248-7799

MINUTES

BE IT KNOWN that the City Council of the City of Sweeny met in **Regular Session** on **Tuesday, May 21, 2024 at 6:00 PM.** at City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas; You can also join by zoom at the following link: <https://zoom.us/j/94179197822?pwd=YzNvUVFHV1ZLK0tlc3RzdWJOcmF5UT09> Meeting ID: 941 7919 7822 Passcode: 033654, or by phone using the same meeting number and passcode at 1-346-248-7799 with the following agenda.

CALL TO ORDER/ROLL CALL

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

Neal Bess Jr., Reese Cook, Brian Brooks, John Rambo, and Tim Pettigrew were in attendance.

PLEDGES & INVOCATION

Pledges were led by Neal Bess Jr. The invocation was given by Attorney Stevenson.

CITIZENS WISHING TO ADDRESS CITY COUNCIL

No visitor comments.

CEREMONIAL PRESENTATIONS

1. Sweeny Beautification Committee- Yard of the Month; Smokey and Celia Reynolds on Carey Drive

Mayor Hopkins recognized the Reynolds, as they recently received Sweeny Beautifications' Yard of the Month commendation.

CONSENT AGENDA

2. Minutes: Strategic Planning Workshop, April 23, 2024; Special Sessions, April 23, 2024, May 09, 2024, and May 13, 2024

Tim Pettigrew motioned to approve the minutes of the Strategic Planning Workshop on April 23, 2024, Special Sessions on April 23, 2024, May 09, 2024, and May 13, 2024. John Rambo seconded. Reese Cook, Brian Brooks, John Rambo, and Tim Pettigrew approved. Neal Bess Jr. abstained. Motion carried.

3. Proclamation: Juneteenth, June 19th, 2024

Mayor stated the proclamation will be signed and posted at City Hall proclaiming June 19th, 2024 as Juneteenth. Mayor Hopkins read the proclamation aloud.

4. Gas Compliance Update

City Manager stated that the City received five violations. The Distribution Integrity Management Plan (DIMP) has been updated and the violations will be resolved in the timeframe required. We are looking at a gas grant to help with future compliance. We were able to participate in the audit to reach and/or stay in compliance as needed with the Railroad Commission. Update/discussion only.

REGULAR AGENDA

5. Discussion and possible action to Windstorm Insurance renewal quotes for 2024-2025.

Ms. Patel of Victor Insurance, our insurance representative, was available on Zoom to explain the options available for windstorm coverage. City Manager asked to remove the fire field and contents from our policy. Ms. Patel shared her screen to show all documents of the windstorm policy and discussed

further with Council. Ms. Patel stated there would be two separate policies; one from TWIA and one from the open market. Council asked for a more definite price with the fire building being removed. Tim Pettigrew motioned to accept option 5 from the windstorm insurance renewal quote. Neal Bess Jr. seconded. Attorney Stevenson asked for clarification to exclude the fire training building from the quote, as option 5 includes this. Tim Pettigrew stated to remove the fire building and then come back with exact quote. Ms. Patel expresses concern on the extended carrier and hurricane season coming up. She asked if we are needing to wait to present new coverage quotes at the next meeting? City Manager stated she recommends Council take action tonight. Council continued to discuss. Ms. Patel asked for a few minutes to work with her underwriters to try to give Council an updated estimate this evening. Tim Pettigrew motioned to move item number 5 down to 6.5; between 6&7. Neal Bess Jr. seconded. All in favor. Motion carried. *See below for continuation.*

6. Discussion and possible action to award construction contract for the Main Street Water Main Replacement Project.

City Engineer, William Huebner of Strand Associates, approached Council. He stated that we received bids from the Main Street Water Main Replacement Project. Nerie Brothers Construction, LLC. was the lowest bidder, with JTM Construction, LLC. coming in as second lowest. Hueber stated a pre-construction meeting will be held after the contractor is awarded. Specifics on a construction schedule will be discussed in the pre-construction meeting. The liquidated damages is \$400 per day. Mayor asked about project management. Huebner stated that they will have limited RPR and will not be on location every day. Staff will be completing the day to day oversight. Mayor stated that with the cost savings, he feels we should hire an on staff project manager. Jason Nerie of Nerie Brothers Construction and a representative of JTM Construction were both in attendance and answered Council's questions. Council discussed the lowest responsible bids received, financial information received, and confirmed references were checked. Mayor Hopkins asked about credit checks and recommended to table the item until credit checks were completed.

Tim Pettigrew motioned to suspend line item # 6 until we have credit checks on both companies/ both bidders of Nerie Brothers Construction and JTM Construction LLC. Timeframe was discussed as to call a special session once received. Pettigrew stated within 7 days. Neal Bess Jr. seconded. All in favor. Motion carried.

ITEM #5 Continuation: Discussion and possible action to Windstorm Insurance renewal quotes for 2024-2025.

Ms. Patel stated that the carrier is not open at the moment, but it would be approximately \$11,200.00 less by removing the fire field portion. The total would be approximately \$154,000.00; in which would be a cost savings of \$30,000.00 from the expiring policy. Council continued to discuss options.

Reese Cook moved that we accept option 4 as presented, with the fire field to also be removed, with the 5% deductible. Neal Bess Jr. seconded. All in favor. Motion carried.

7. Discussion and possible action on a request from Stephen Heckler with Hart's Automotive for a variance to Section 110-173 (2)a of the City of Sweeny's Code of Ordinances.

City Secretary stated the Hecklers, owners of 610 N Main, are in attendance and are wishing to receive a variance to Section 110-173. They currently have four separate lots and want a variance to allow the fence to encompass and span all lots without re-platting. City ordinance states that fences are to be constructed within the lot lines. Ms. Heckler approached Council and showed pictures of the proposed fence. All properties are owned by the Hecklers. Council discussed the current ordinance, proposed fence, and possible ordinance updates.

Tim Pettigrew motioned to grant the variance to Section 110-173 (2) a of the City's code of ordinances for Harts Automotive. John Rambo seconded. Neal Bess Jr., Brian Brooks, John Rambo, and Tim Pettigrew approved. Reese Cook opposed. Motion carried.

8. Discussion and possible action on professional services agreement in the approximate amount of \$58,350 with LSPS Solutions for the lead and copper service line inventory, required by the EPA and TCEQ, to be completed in Oct 2024.

City Manager stated she brought this item back to Council to hear from LSPS regarding the lead and copper mandate. We are required to inventory all service lines active or inactive and report back by October 16, 2024. Donald Reese of LSPS Solutions approached Council. He stated that the lead and copper service line determinations are the biggest struggle for cities. He discussed the requirements of the mandate, proposed agreement, and how LSPS would complete the determinations. The City would be responsible to provide any unknowns with a lead filter device. LSPS Solution's goal is to complete without unknowns. Council discussed options of hiring LSPS, having the City Engineer complete, or hiring additional staff to complete by the deadline and funds available for all options.

Tim Pettigrew motioned that we accept the professional services agreement in the approximate amount of \$58,350 with LSPS Solutions for the lead and copper service line inventory, required by EPA and TCEQ, to be completed by or on October 16th, 2024. Brian Brooks seconded. Approved by Neal Bess Jr., Brian Brooks, John Rambo, and Tim Pettigrew. Reese Cook opposed. Motion carried.

9. Discussion and possible action to review applications for the EDC Board open position.

City Manager stated that EDC is not in attendance, but that she partially attended the last EDC meeting. EDC received three applications and Brittanie Hopkins is recommended to fill the vacancy. Ms. Hopkins was in attendance for the meeting.

Neal Bess Jr. moved to accept Hopkins as EDC replacement. Tim Pettigrew seconded.

Discussion: Brian Brooks stated that he feels the process of accepting applications is completed the wrong way. Nothing against the applicants, just that the process is completed incorrectly. He feels Council should review all applications when received and work hand in hand with EDC. Attorney Stevenson stated that previous City Council changed the EDC bi-laws setting the procedures for EDC to review and recommend who they want to serve. We would need to get with the EDC to change their bi-laws. Reese Cook asked about the position only being filled until September. It will be re-opened in September. Ms. Hopkins position will term in September. Ms. Hopkins stated she would be glad to serve the community thru EDC. All in favor. Motion carried.

10. Discussion and possible action to award a janitorial service provider in response to submittals received from recent advertised request for proposal (RFP).

City Secretary stated that the City re-advertised the janitorial services RFP. We received two submittals; Stacy Escobar and Teresa Zamora/Tessa Lynns Cleaning Service. Basing a decision off of the received proposals and bid tabulation, Stacy Escobar's proposal is the clearest proposal and received the highest total score. Discussion continued on bids received and proposed rates. Council decided to remain as is on our current monthly basis with our current janitorial provider, Stacy Escobar. Council requested to bring back to the next regular meeting to discuss janitorial rates/fees.

11. Discussion and possible action on executing an interlocal agreement with the Brazoria County Tax Assessor for the collection of taxes and public improvement district (PID) assessments for the City of Sweeny, Texas.

City Manager stated that the lease agreement has already been executed and this agreement will replace the old agreement previously in place. Agreement is for occupied space and collections in exchange for services of the tax assessor collector.

Tim Pettigrew motioned we execute the interlocal agreement between the City of Sweeny and Brazoria County for the collection of taxes and public improvement district (PID) assessments for the City of Sweeny. Neal Bess Jr. seconded. Neal Bess Jr., Brian Brooks, John Rambo, and Tim Pettigrew approved. Reese Cook opposed. Motion carried.

12. Discussion and possible action to agenda request received, areas of next ditch and culvert cleaning; Councilman Rambo

Rambo asking about utilizing the sewer jetter. City Manager stated they have dug out the ditch between 2nd and Ave B in response to a drainage issue. Rambo requested to have the culverts dug out on Ashley Wilson Road at Camellia. He would like feedback afterward. Council discussed and decided to have the culvert nearest the apartments on Ashley Wilson Road completed first, then move east towards Ashley Wilson Road.

13. Discussion and possible action to agenda request received, city water lines at 1301 Ave A;
Councilman Pettigrew

Tim stated that he found out about this by accident. The manufactured home park at 1301 Ave A has water and sewer city lines on private property. The utilities are hard to manage and cost the City a lot of money. Councilman Pettigrew asked why we (the City) are on someone's property, fixing their water/sewer lines. The utilities are normally at the edge of the property and the property owner would run a service line to each trailer. Service lines would then be the responsibility of the property owner. City Attorney asked if the City has a utility easement on the property? City Manager stated that Chapter 212 of the Local Government Code states stipulations of lots be individual. She stated another issue or violation is the proximity of water lines to sewer lines. City Attorney asked if there were any agreements with prior owners of the park and the City? We do not know of any currently. Council discussed options. Tim Pettigrew motioned to contact the landowner and tell them they need to be in compliance of state law and city ordinances, and to provide data at the next city council meeting in June. Reese Cook seconded.

Discussion: Neal Bess Jr. stated that the new owners inherited what the previous owner did and the City allowed. He doesn't feel they are out of compliance. City Manager stated she will contact the property owner.

All in favor. Motion carried.

14. Discussion and possible action to amend Chapter 115, Mobile Food Establishments, of the
City's Code of Ordinances; §115.01(A).

City Secretary stated this ordinance amendment was pending Council's approval at the previous special meeting to remove the age requirements of mobile food establishments.

Reese Cook moved to approve. Tim Pettigrew seconded. All approved. Motion carried.

15. Discussion and possible action on the selection of Mayor Pro Tem.

Mayor Hopkins stated that Council will need to select a new Mayor Pro-Tem. Each councilmember has been given a card to vote. Write your vote and pass for tabulations. The following votes were received: 1 vote for Brian Brooks, 1 vote for Reese Cook, and 3 votes for Neal Bess Jr.

Tim Pettigrew motioned to accept Neal Bess Jr. as Mayor Pro-Tem. Brian Brooks seconded.

Neal Bess Jr. stated that he will do what he can.

All in favor. Motion carried.

ITEMS OF COMMUNITY INTEREST

Neal Bess Jr. stated that May 27th at the Veterans Memorial, Mr. Lott will be recognized during the Memorial Day ceremony. Ms. Gibson on Sycamore Street is the president of the Veterans Committee now.

Brian Brooks wanted to recognize Al Lindley on how well he takes care of Veterans Memorial. He thinks he does a great job and thanks him for that.

John Rambo stated that Council members are allowed to rent the Community Center for only the cleaning fee. He previously rented to help with a benefit for a co-worker in order to offset medical costs. He feels this is a good thing to do to help our community members.

City Manager stated we have an interlocal drainage project on McKinney Street in progress. Neal Bess Jr. added that he spoke with Mr. Richers about a 38" box culvert collapsing near the fire field towards the river. He is concerned with fire trucks going over that driveway. City Manager asked for Bess to meet with her regarding the issue.

ADJOURN REGULAR SESSION

Mayor Hopkins adjourned the meeting at 8:29 P.M.

Staff & City Affiliates present:

City Manager, Lindsay Koskiniemi

Detective Sergeant, Cayton Barnett

Director of Public Works, Terrance Bell

Finance Director / Personnel Services, Karla Wilson

City Secretary, Kaydi Smith

City Attorney, R.C. Stevenson

City Engineer, William Huebner; Strand & Associates

Passed and approved this 18th day of June, 2024.

Kaydi Smith

Kaydi Smith - City Secretary