

## CITY COUNCIL MEETING SPECIAL SESSION

Tuesday, April 23, 2024 at 5:30 PM

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

The Meeting can additionally be viewed via ZOOM at

<https://zoom.us/j/92050059894?pwd=R2dBQ0UzU1kvSU5DUUtOS2ZnaktJdz09> Meeting ID: 920 5005 9894  
Passcode: 869464

### MINUTES

BE IT KNOWN that the City Council of the City of Sweeny will met in **Special Session** on **Tuesday, April 23, 2024 at 5:30 PM.** at City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas ; The Meeting could additionally be viewed via ZOOM at <https://zoom.us/j/92050059894?pwd=R2dBQ0UzU1kvSU5DUUtOS2ZnaktJdz09> Meeting ID: 920 5005 9894 Passcode: 869464 with the following agenda.

---

### CALL TO ORDER/ROLL CALL

Mayor Hopkins called the meeting to order at 5:41 PM.

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

### PLEDGES & INVOCATION

Pledges were led by Mark Morgan Jr. and the invocation was given by Attorney Stevenson.

### CITIZENS WISHING TO ADDRESS CITY COUNCIL

No citizen comments.

### CONSENT AGENDA

1. Proclamations: P66 Sweeny Scholars

Mayor Hopkins stated the proclamation will be signed and posted at City Hall proclaiming May 9<sup>th</sup>, 2024 as Sweeny Scholars Day.

2. Minutes: Special Session Joint Meeting, March 19, 2024 and Regular Session Meeting, March 19, 2024

John Rambo motioned to approve the Special Session Joint Meeting minutes of March 19, 2024 and the Regular Session meeting minutes of March 19, 2024. Tim Pettigrew seconded. All in favor. Motion carried.

2. Discussion and possible action on Second Quarter Updates from the Sweeny Executive Leadership Team, covering January, February, & March 2024.

City Manager stated that leaderships quarterly reports were within the packet and the investment report has been hand distributed as a hard copy. The investment report will be incorporated into the meeting minutes.

Tim Pettigrew made the motion to approve the 2<sup>nd</sup> quarter updates of the executive leadership covering January, February, and March 2024. Mark Morgan seconded. All in favor. Motion carried.

### REGULAR AGENDA

4. Presentation, discussion and possible action to accept the Fiscal Year 2022- 2023 annual financial audit.

Jordan Rollins of KM&L presented Council with the financial documents and letters pertaining to the annual financial audit for fiscal year 2022-2023. The annual financial audit and a clean letter of opinion were given.

Reese moved that we accept the financial report as presented and printed. Tim Pettigrew seconded. All in favor. Motion carried.

5. Discussion and possible action to select an engineering firm for the Drinking Water State Revolving Fund (DWSRF) application submittal for funding through the Texas Water

Development Board (TWDB) for the City of Sweeny Water Improvement Project to provide for planning, permitting, environmental, design, and construction phase and other services necessary. Transferred from cancelled 04/02/2024 agenda.

City Manager stated this is to complete the submittal of the TWDB application. We have submitted the PIF (project information form) and have been invited to submit the full application. Full applications includes \$39.5 million requested with 70% principal forgiveness of a distressed community. We are trying to implement an Aerleator to remove secondary constituents in addition to replacing water lines. She has reviewed submittals from engineering firms to include our City Engineer, Strand & Associates, that are in attendance. Enprotec does have an edge on the Aerelator technology and she is proposing to split the engineering. Using Strand for the engineering of the water line replacement and using Enprotec for the Aerelator to push the application forward. Strand answered questions regarding the application, funding, and forward steps. Because Enprotec was not in attendance, City Manager stated her recommendation would be, as she does feel comfortable with Strand, that Strand do all of the services, contrary to previously stated. The PIF has been submitted and the City will know more in October when TWDB posts more information.

Reese Cook moved we authorize the City Manager to negotiate with Strand & Associates for engineering services for the Drinking Water State Revolving Fund Water Improvement Project. Mark Morgan seconded. All in favor. Motion carried.

6. Discussion and possible action to purchase a web-based enterprise resource planning (ERP) software solution to replace the existing accounting system and other systems that currently comprise the City's financial programs. Transferred from cancelled 04/02/2024 agenda.

City Manager stated the City has outgrown Sage, the city's accounting software. We need a system that talks and functions together. An ERP is a good tool to have and to help with fiscal year end reconciliations. We did have two submittals and have priced additional software. FundView offers a great product and the price is feasible. Joe Wertz with FundView approached Council to present the cloud based ERP. Timeline of integration would start in June or July after agreements are signed. There is normally a 60-90 day period of implementation.

Reese Cook moved that we accept the proposal from Fund View and authorize the City Manager to execute an agreement for services for a web-based enterprise resource planning software to replace the existing programs. Tim Pettigrew seconded. All in favor. Motion carried.

7. Discussion and possible action to accept the resignation of Sweeny Beautification Committees Vice President and to appoint the nominee selected to fulfill the position.

City Manager stated she wasn't sure if this needed to be on the agenda. City Attorney confirmed it does not. No further discussion or action.

8. Discussion and possible action on variance to Chapter 93, Fireworks, for allowance at Sweeny Pride Day, Friday May 3rd, 2024 and July 4th, 2024; Freedom Fireworks Unlimited, Wayman Hutchings

Wayman Hutchings approached Council requesting a variance for Freedom Fireworks Unlimited to complete the fireworks for Pride Day and 4<sup>th</sup> of July. They have received a letter of approval from the property owner, SISD, for the location. Mayor thanked Mr. Hutchings for the fireworks over the past years.

Tim Pettigrew motioned to do a variance to allow The Sweeny Pride Day February, May 3<sup>rd</sup> and 4<sup>th</sup> of July, 2024, to allow Freedom Fireworks Unlimited for community. Mark Morgan Jr. seconded.

Councilman Cook asked for dates to be clarified: 05/03/2024 and 07/04/2024.

All in favor. Motion carried.

9. Discussion and possible action to amending the vehicle age requirement within the Mobile Food Establishments Ordinance, Chapter 115; Councilman Rambo

Councilman Rambo stated when originally adopted, he feels we shot gunned the vehicle age stipulation and it is hindering mobile food units for any and all events. He would like to remove the vehicle age stipulation from the ordinance. City Manager asked to require a valid health inspection from the county and a valid state vehicle registration. She believes the language is to be modified by the state in 2025. Attorney Stevenson stated he did not believe our County will change.

Mark Morgan Jr. made the motion to amend the Mobile Food Establishment Ordinance, Section 115, removing the vehicle age requirement for mobile units, Section §115.01(A). John Rambo seconded.

Discussion: Reese Cook asked about the ordinance requirements for health inspections, registrations, and if they are already stated within the ordinance. Attorney Stevenson stated that he believes the health inspection is already addressed within the ordinance, but not sure of the registration. The registration is not on the agenda and we cannot discuss tonight. All in favor. Motion carried.

10. Discussion and possible action to approve a variance to the Mobile Food Establishments Ordinance, Chapter 115, on suspending the year model requirement for obtaining temporary mobile food unit permits for the Sweeny Pride Day festivities, May 03-04, 2024; Candice Byers

Candice Byers of Sweeny Beautification approached Council stating she is asking for the same as the prior agenda item, but on quicker deadline for Pride Day. An ordinance amendment will have to be brought back to Council for final approval. Pride Day is quickly approaching and she is requesting a variance to the ordinance for obtaining permits.

Mayor Hopkins asked for a motion to approve a variance for the Mobile Food Establishments, Chapter 115.

John Rambo stated so moved. Mark Morgan Jr. seconded. All in favor. Motion carried.

11. Discussion and possible action on an agenda item request from Council Member Tim Pettigrew – Position 5, to discuss the creation of a roadway maintenance and repair fund, funded by sales and use tax, pursuant to Chapter 327 of Texas Tax Code

Tim Pettigrew has been doing some research and everyone is ready for the roads and ditches to be dug out. We can enter into an interlocal agreement with the County, but it is very costly. Chapter 327 of the Texas Tax Code provides for a portion of city sales tax to be set aside for road maintenance. This would need a ballot proposition and election. Allocations would need to be redistributed between EDC and CCPD to have this completed, making a transportation fund. He has spoken with 127 people and they agree we need this. He wants to move forward and see if Council would like to adjust the sales tax revenue to establish a transportation fund or leave as is.

Reese Cook moved to leave EDC in tact and current allocations in tact. John Rambo Seconded.

Reese Cook and John Rambo approved. Mark Morgan Jr. and Tim Pettigrew opposed. Mayor Hopkins made the deciding vote to leave in tact, approving of the motion.

Councilman Cook stated that EDC has a loan and funds outstanding that would need to be paid. The City would have to take on that debt, creating a burden to the City. Attorney Stevenson stated the law would required that, even if we voted to take away all of the EDC's money, we would still have to keep collecting the sales tax for the EDC until the note was paid off in full, before we could actually terminate it. It would not be an obligation of the City, it would be an obligation of the sales tax. Mayor Hopkins stated he had worrying aspects of incurred debt from the EDC, and does have concerns on the unallocated land at Industrial Park. He thinks we need to bridge the gap and bring the groups together.

12. Discussion and possible action to agenda request received for Stone Ridge Construction at EDC Industrial Park; Councilman Pettigrew

Tim Pettigrew has questions for EDC regarding contact with Stone Ridge Construction. Devin Lemon, EDC President, stated EDC would be able to give all information. They (Stone Ridge) will need to come before the EDC. Mayor Hopkins confirmed that an email has been sent to Stoneridge by EDC and Medina stated she will reach back out to them.

13. 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 that this company approached the City to help complete the lead and copper service line inventory required by the EPA & TCEQ. This company has service agreements in surrounding cities and this is a specialized service they are completing. Donald with LSPS Solutions attended via speaker phone to answer questions. Donald stated GIS is how they track what is completed and is a part of the cost. Within two weeks of a signed contract, they would have the first meeting to collect data and spend time in records research. They would then be on the ground working, with an estimated completion date of late July or early August. City Engineer, William Huebner, was asked if they have worked with this company before? He responded no. City Manager stated the reporting must be submitted by October 2024. Strand & Associates stated there is an option on the spreadsheet to check that you do not know if the line is lead or copper. You are allowed to come back later to determine. Unknowns are treated as lead and more guidance is to come out in September.

Reese Cook moved that we table the item until the next scheduled Council meeting. In addition request City Manager to work with Strand Associates for proposal to also complete TCEQ/EPA lead and copper rule requirement. John Rambo seconded. All in favor. Motion carried.

14. Discussion and possible action to proposed changes to Ordinance Chapter 52; Drought Contingency Plan. Transferred from cancelled 04/02/2024 agenda.

City Manager stated that Strand is working to update the Drought Contingency Plan. When EPA requested our Emergency Preparation Plan, we found that the DCP needed to be updated and sent to TCEQ. The DCP is somewhat outdated and Strand is working to complete. TCEQ follows a certain template and Strand has updated the pertinent information to match to their current template. The bulk of the plan has not changed stated City Engineer, William Huebner. Discussion continued. Reese Cook moved to accept the updated changes to the Drought Contingency Plan as presented. Tim Pettigrew seconded. All in favor. Motion carried.

15. Presentation and discussion of future implementation of impact fees; City Engineers

City Manager stated impact fees allow the City the eligibility to recoup or collect fees for utilities, infrastructure, and park land dedication. Kelly Hajek and Ryan Tinsley of Strand & Associates presented information and the implementation process of establishing impact fees. City Engineer, William Huebner, stated that developments reduce capacities. While Sweeny hasn't seen large subdivisions, it may happen someday. This would help to prepare the City and is something to bring attention too. Presentation and discussion only.

16. Discussion and possible action to approve Task Order No. 24-03, with Strand Associates, Inc. for engineering services for the 2024 Pecan Street Water Main Replacement

William Huebner, City Engineer, stated the City has been awarded a grant project thru HUD and Brazoria County for waterline improvements on Pecan Street. City Manager stated funding would come from fund balance and the investment pool. Total cost is \$263,000.00; grant funded portion is \$200,000.00 and our portion \$63,000.00. Discrepancies arose on amounts of the total grant funding and the City's portion. City Manager stated our total out of pocket cost is \$263,000.00 making the project total \$463,000.00. This task order is for the engineering costs of \$80,000.00 for Strand to design, bid, and complete construction services. Engineering costs do not come out of the award, it is coming out of the match by the City.

Mark Morgan Jr. motioned we allow Strand to start their engineering.

Councilman Rambo stated the concern is the initial funding. City Manager stated she is not sure when the County will send over funding. This would be part of our match for the engineering and she recommends this coming out of 2019 CO's. John Rambo seconded.

Discussion: Reese Cook asked about the CO 2019 funds and the funds already being obligated for other projects. Yes, City Manager stated a portion is allocated to Main Street. We have a fund balance of \$1.2



million for Main Street and we have \$1.4 million left. Cook stated this is why the ERP, approved earlier, is so important for incumbering funds. Cook wants to see this come back with more financial information. Mark Morgan Jr., John Rambo, and Tim Pettigrew approved. Reese Cook opposed. Motion carried.

17. Discussion and possible action on a request from City Council for additional information on the required wastewater treatment plant permit that must be completed six months ahead of the quinquennial permit expiration. Transferred from cancelled 04/02/2024 agenda.

City Manager stated this permit must be renewed every five years and was on a previous agenda. It was requested to be brought back to have the City Engineer give further information. Huebner stated this is the discharge renewal permit with TCEQ for the wastewater treatment plant. Renewal application is due this fiscal year. Process normally takes six to nine months and requires publications and hearings. Application changes yearly and testing must be done to include within the permit. The application costs, lab testing, and publications are not included, and are the responsibility of the City. Reese Cook moved that the City proceed with Strand for the permit application. Mark Morgan Jr. seconded. All in favor. Motion carried.

18. Discussion and possible action on a request from Strand Associates to amend Task Order 22-01 to increase compensation. Transferred from cancelled 04/02/2024 agenda.

William Huebner stated that the current on call task order for the past few years has an amount not to exceed \$10,000.00. This amount is being surpassed. On call task orders are for as needed requests. Strand is asking for an increase to the on call services to an amount not to exceed \$25,000.00. Councilman Rambo asked if we can change the amount shown on the on call task order? City Manager recommends we change to \$20,000.00, if not the proposed. Alternative would be to invoice each item, in which is more costly. Mark Morgan Jr. moved to approve the amendment of compensation from \$10,000.00 to \$20,000.00 for task order 22-01. John Rambo seconded. All in favor. Motion carried.

19. Discussion and possible action on a request from Mark Morgan, Jr. to explore options to change the traffic signal at Ashley Wilson and FM 524

Councilman Morgan stated he has had several people reach out about the traffic light at Main and Ashley Wilson. He is proposing to change to flashing yellow on Main and blinking red on Ashley Wilson during early and late hours. Councilman Rambo notated the amount of time it stays red. This is a TxDot light and roadway, and would be TxDot's jurisdiction. Mark Morgan Jr. stated so moved, to make recommendation to have the City Manager reach out to TxDot to modify the light to blinking during certain times of the day. John Rambo seconded. Mark Morgan Jr., John Rambo, and Tim Pettigrew approved. Reese Cook opposed. Motion carried.

20. Discussion and possible action to approve the Zoning Ordinance amendment, creating a Business Industrial Mixed Use Zone, BLIMXU, within Section 110 of the City's Code of Ordinances.

John Rambo moved to approve Ordinance 24-101, amending Section 110 of the Zoning Ordinance, Exhibit A, creating a Business Industrial Mixed Use Zone, known as Section 110-86. Mark Morgan Jr. seconded. Mark Morgan Jr., Reese Cook, and John Rambo approved. Tim Pettigrew abstained. Motion carried.

21. Discussion and possible action on adopting a resolution to add a voluntary donation to the utility bills for support of the animal shelter fund. Transferred from cancelled 04/02/2024 agenda.

Councilman Rambo asked about how this will be added. This will be added to the application for new utility services. You can come in and add/remove voluntary donations. Mark Morgan Jr. moved to add \$1.00 voluntary donation to the water bill for the animal shelter. John Rambo seconded. All in favor. Motion carried.

22. Discussion and possible action to cancel the May 7th, 2024 Special Meeting.  
John Rambo moved to cancel. Reese Cook seconded. All in favor. Motion carried.

#### **ITEMS OF COMMUNITY INTEREST**

Mark Morgan stated we were able to add the \$1.00 donation to the water bills for the animal shelter.

John Rambo stated that Pride Day is coming up with lots of events and festivities taking place. Bring your family to come be a part of it. Beautification hosted a trash clean up on Main Street and it was successful.

Mayor Hopkins stated that in light of what happened today, close to us, (Van Vleck attempted kidnapping) to just watch your loved ones, be vigilant, be mindful, and keep an eye on each other.

Tex Bell stated that four of his guys have taken their wastewater and water classes.

#### **ADJOURN REGULAR SESSION**

Mayor Hopkins adjourned the meeting at 8:13PM.

##### *Staff present:*

City Manager, Lindsay Koskiniemi

Police Chief, Brad Caudle

Director of Public Works, Terrance Bell

Finance Director / Personnel Services, Karla Wilson

City Secretary/ Developmental Services, Kaydi Smith

##### *City affiliates present:*

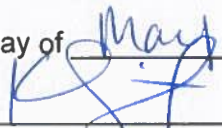
City Attorney, RC Stevenson

City Engineer, William Huebner

EDC Executive Director, Michelle Medina

EDC President, Fire Marshal, & EM Coordinator, Devin Lemon

Passed and approved this 21<sup>st</sup> day of May, 2024.

  
\_\_\_\_\_  
Kaydi Smith - City Secretary

COPY



**The First  
State Bank**

FRIENDLIEST BANK ANYWHERE



FSBLouisiana.com | Member FDIC  
P.O. Box 5 Louise, Texas 77455 • (979) 648-2691  
Member Louisiana Bancshares, Inc.

ACCOUNT:  
DOCUMENTS:

60

PAGE: 1  
03/29/2024

CITY OF SWEENEY  
ENTERPRISE  
P O BOX 248  
SWEENEY TX 77480-0248

30  
24  
36

=====

PUBLIC FUNDS INTEREST BEARING CHECKING ACCOUNT

=====

MINIMUM BALANCE	100,546.56	LAST STATEMENT 02/29/24	168,275.93
AVERAGE BALANCE	146,002.84	31 CREDITS	242,522.72
		46 DEBITS	307,728.21
		THIS STATEMENT 03/29/24	103,070.44
TOTAL DAYS IN STATEMENT PERIOD 03/01/24 THROUGH 03/29/24:			29