



CITY COUNCIL MEETING SPECIAL SESSION; RESCHEDULED REGULAR SESSION FROM 08/20/24

Tuesday, August 27, 2024 at 6:00 PM

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

AGENDA

BE IT KNOWN that the City Council of the City of Sweeny will meet in **Special Session** on **Tuesday, August 27, 2024 at 6:00 PM.** at City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas with the following agenda. Council is conducted under modified Roberts Rules of Order as approved by Resolution 102-16; July 19, 2016. In accordance with Chapter §551 of the Texas Government Code, if required, the Council may conduct an executive session on any of the agenda items provided the City Attorney is present.

CALL TO ORDER/ROLL CALL

PLEDGES & INVOCATION

CITIZENS WISHING TO ADDRESS CITY COUNCIL

This item is available for those citizens wishing to address City Council on an issue not on the agenda. Any item discussed cannot be voted on but could be considered for placement on the agenda of the next regularly scheduled meeting. Limited to three (3) minutes.

CEREMONIAL PRESENTATIONS

- [1.](#) Proclamation: Patriot's Day, September 11
2. MLK Park Pavillion Appreciation Commendation: Phillips 66, Wayman Hutchings & Adeptability, Southeast Roofing, Shaun Massey, Neal Bess Jr., Parks & Recreation Board, & Sweeny Public Works Department
3. Employee Recognition for 10 Years of Service; Karla Wilson
4. Recognition and Presentation of Appreciation Plaque for Tim Pettigrew; Councilman from 2016 to 2024

CONSENT AGENDA

All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless requested by the Mayor or a Council Member; in which event, the items will be removed from the consent agenda and considered separately.

- [5.](#) Minutes: Special Session Budget Workshop, July 23, 2024; Special Session, July 23, 2024, and Special Sessions & Budget Workshops, July 30, 2024, August 06, 2024, and August 13, 2024.

- [6.](#) July 2024 Financial Reports (Unaudited)
- [7.](#) Public Works Department Update; Gas Compliance & Streets
- [8.](#) Update to City Council and general public on condition of Back Yard Park and plans to re-open park.
- [9.](#) Update and presentation on status of grant applications and capital and special projects.

REGULAR AGENDA

- [10.](#) Discussion and possible action to agenda request for usage of the Gazebo Park for Halloween in the Park; Kasey Kennedy
- [11.](#) Discussion and possible action on a request from donor for a variance to all building codes for the construction of a new, city-owned animal services building.
- [12.](#) Discussion and possible action on granting a variance Section 92.01 of the Sweeny Code of Ordinances to allow burning of debris along Stevenson Slough, the natural drainage ditch, at the Prayer Garden.
- [13.](#) Discussion and possible action on presentation of FY25 Sweeny Beautification budget for Council's consideration and approval.
- [14.](#) Discussion and possible action to appoint a City Official to the Fire Department Pension Board.
- [15.](#) Discussion and possible action on request for a budget amendment to make final payment to contractor for Hurricane Beryl debris removal.
- [16.](#) Discussion and possible action to terminate the disaster declaration issued July 7th, 2024 in response to Hurricane Beryl
- [17.](#) Sweeny Economic Development Corporation's Proposed FY 2024 / 2025 Budget
- [18.](#) Discussion and possible action on natural gas distribution system regulatory compliance.
- [19.](#) Discussion and possible action to annual interlocal agreement with Brazoria County for construction, improvement, maintenance, and/or repair of streets.
- [20.](#) Discussion and possible action to Resolution 24-112, designating authorized signatories for contractual documents and documents requesting funds pertaining to the CDBG-MIT General Land Office State Contract No. 22-082-007-D205.
- [21.](#) Discussion and possible action on agenda request received on communication expectations between Council Members and City Manager; Councilman Brooks.
- [22.](#) Discussion and possible action to agenda request received to include consent agenda items, including but not limited to, Minutes, Financial Statements, Personnel Status/Vacancies, Critical Equipment Report, & Project Status Report, to City Council Agendas; Councilman Cook
- [23.](#) Discussion and possible action on tax rate proposals.

- 24. Discussion and possible action to set a proposed tax rate, take a record vote of the proposed tax rate, and schedule a public hearing for proposed tax rate.
- 25. Discussion and possible action to schedule a public hearing for the Fiscal Year 2024 - 2025 Annual Budget.
- 26. Discussion and possible action to establish the next Special Session Budget Workshop.
- 27. Discussion and possible action to procedures, establishment, and requirements of a Charter Review and Charter Review Committee.

EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE SECTION 551.071, 551.072 AND 551.074

The City Council will now convene into executive session pursuant to the provision of Chapter 551 Texas Government Code, in accordance with the authority contained therein:

- 28. Deliberation Regarding Personnel Matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, pursuant to Section 551.074 of the Texas Government Code; City Manager performance and evaluation process.

OPEN SESSION

The City Council will now adjourn Executive Session, reconvene into Open Session pursuant to the Provisions of Chapter 551 Texas Government Code and take action, if any, on item(s) discussed during Closed Executive Session.

- 29. Action, if any, on item discussed during Closed Executive Session pursuant to Section 551.074 of the Texas Government Code; Deliberations Regarding Personnel Matters.

ITEMS OF COMMUNITY INTEREST

ADJOURN REGULAR SESSION

I certify that the notice and agenda of items to be considered by the Sweeny City Council on **August 27, 2024** was posted on the City Hall bulletin board on _____, 2024, at approximately _____.

 Kaydi Smith – City Secretary

I hereby certify that this Public Notice was removed from the City Hall bulletin board on _____, 2024 at approximately _____.

Kaydi Smith - City Secretary



**CITY OF SWEENEY
OFFICE OF THE MAYOR**

This year marks twenty three years since that Tuesday morning when the United States was forever changed. On September 11, 2001, as ordinary people started their days in New York City, Washington D.C., and Pennsylvania, cowardly and senseless acts of terrorism and hate stole 2,977 innocent lives, devastating families and communities. People across the world were shocked by the cruelty and horror of the terrorist act, even as they were inspired by the bravery of the first responders.

Over the course of that morning, our Nation lost family members, friends, loved ones, coworkers – each one with hopes and dreams. Over twenty years later, we still feel the loss, the trauma, the pain, and the quest for justice. The images still within our collective memories. Planes piercing buildings. Smoke filling skies. Towers turning to dust. The injured fleeing to safety. The heroes rushing toward danger.

In the grief that followed, what Americans found was solace in one another. In one of our Nation’s darkest days, we united in the face of evil and uncertainty. And in the midst of the destruction, we witnessed incredible acts of bravery from law enforcement officers and first responders who charged into buildings to rescue their fellow Americans, to regular citizens who stepped up to help in a time of need.

The aftermath of the attacks of September 11, 2001, proved that we are stronger together. Even as we continue to recover from this tragedy, we know for certain that there is nothing that America cannot overcome. Through sorrow, with God’s help, we find strength. Through remembrance, in God’s mercy, we find healing. We move forward with resolve, forever cherishing the memories of the souls who perished that day.

Today, I encourage my citizens in Sweeny to pause in remembrance of the innocent lives lost on September 11, 2001. As our city, state and nation united in the face of destruction and tragedy those years ago, let us once again remember the enduring patriotism that binds us together not only as a nation, but as A City With Pride. Together, we will be a guiding light for our future generations.

Therefore, I, Dusty Hopkins, Mayor of Sweeny Texas, do hereby proclaim September 11, 2024, to be

Patriot Day

in Sweeny and urge the appropriate recognition whereof.

Mayor Dusty Hopkins

CITY COUNCIL MEETING SPECIAL SESSION BUDGET WORKSHOP

Item 5.

Tuesday, July 23, 2024 at 4:00 PM

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

MINUTES

BE IT KNOWN that the City Council of the City of Sweeny met in **Special Session Budget Workshop** on **Tuesday, July 23, 2024 at 4:00 P.M.**, at City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas with the following agenda.

CALL TO ORDER/ROLL CALL

Mayor Hopkins called the Special Session Budget Workshop to order at 4:02 p.m.
City Manager called roll. Neal Bess Jr., Reese Cook, Brian Brooks, and John Rambo were in attendance. Tim Pettigrew was absent.
Pledges were led by Brian Brooks. Invocation was given by Reese Cook.

BUDGET WORKSHOP

- 1. CCPD & SEDC

City Manager stated she is still working with SEDC and Beautification in order to have their budgets align with previous years budgets, and those budgets are to be proposed at the next meeting.
Brad Caudle gave the proposed budget for the Crime Control and Prevention District.

- 2. City of Sweeny FY 24/25 Budget

Council discussed the City of Sweeny’s Enterprise Fund for the FY 2024/2025 proposed budget.

ADJOURN REGULAR SESSION

Mayor adjourned the Special Session Budget Workshop at 5:45 p.m.

Meeting minutes completed from audio recording and hand-written notes taken by the City Manager. City Secretary not in attendance for this meeting.

Staff Present:

- City Manager, Lindsay Koskiniemi
- Police Chief, Brad Caudle
- Director of Public Works, Terrence Bell
- Finance Director/Personnel Services, Karla Wilson
- Technical Advisor, David Jordan

Passed and approved this _____ day of _____, 2024.

Kaydi Smith, City Secretary

CITY COUNCIL MEETING SPECIAL SESSION

Item 5.

Tuesday, July 23, 2024 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 met in **Special Session** on **Tuesday, July 23, 2024 at 6:00 PM.** at City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas with the following agenda.

CALL TO ORDER/ROLL CALL

Mayor Hopkins called the meeting to order at 6:01 PM.

City Manager called roll. Neal Bess Jr., Reese Cook, Brian Brooks, and John Rambo were in attendance. Tim Pettigrew was absent.

PLEDGES & INVOCATION

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

CITIZENS WISHING TO ADDRESS CITY COUNCIL

No citizen comments. Mayor Hopkins made a statement regarding the hurricane. He commended the volunteers and department heads. He thanked Marvin Graham and Cecil Stark, as the Mayor, and personally, as a resident. They helped us to have the power back on as fast as possible.

CEREMONIAL PRESENTATIONS

1. Beautification's Yard of the Month: May 2024- Mike Maretka on Azalea Street; June 2024- Genevia Wright on Alice Street

Mayor Hopkins announced Beautification's Yard of the Month winners for May and June of 2024; Mike Maretka and Genevia Wright.

CONSENT AGENDA

2. Minutes: Regular Session, June 18, 2024, Special Session & Budget Workshop July 2, 2024, and Special Emergency Session, July 13, 2024

Mayor asked for a motion to approve the minutes of the the Regular Session June 18 2024, Special Session & Budget Workshop July 2, 2024, and Special Emergency Session, July 13, 2024.

Neal Bess Jr. stated so moved. Reese Cook seconded. All in favor. Motion carried.

3. 3rd Quarter YTD Financial Reports (Unaudited)

Finance Director gave the third quarter year to date financial report to Council. City Manager stated that there have been a number of emergency expenses to remain in compliance with regulatory agencies. Those budget amendments will be presented in the fourth quarter. Reese Cook requested for the year to date actuals to be included on the consent agenda at each regular meeting.

Reese Cook moved that we do add that as a further practice to include year to date actuals in every regularly scheduled meeting, and in addition, to accept the financials as presented. Brian Brooks seconded. All in favor. Motion carried.

4. Fiscal Year 2023 – 2024 Quarterly Investment Report, Third Quarter

City Manager gave the third quarter investment report. Council discussed accounts and earnings.

Reese Cook moved to accept the financial report, third quarter investment report as presented. Neal Bess Jr. seconded. All in favor. Motion carried.

5. Third Quarter Updates from the Sweeny Executive Leadership Team, covering April, May, & June 2024.

Chief Caudle gave the Police Department third quarter update. City Manager gave the City Secretary's third quarter update. City Manager gave her third quarter administration update to include grants applied

for and is encouraging comments be sent to the TWDB by August 2nd in pursuit of a full application from the City. We did rank in the top 12% and she is appreciate of the public helping to make the push. Fire Chief, Roger Barton, gave the Fire Department's quarterly report. They currently have 23 members and 9 of the members have been enrolled into a fire certification program, meaning 90-95% of the department will be certified. Reese Cook addressed the EDC update within the packet. Kay Roe gave supporting information from EDC.

REGULAR AGENDA

6. Discussion and possible action for a joint mural project on a city owned building; City of Sweeny & Sweeny Beautification Committee

Ashley Rambo, President of Sweeny Beautification, approached Council, requesting partnership with the City for a joint mural to be painted onto the side of the Library building at 205 W Ashley Wilson Road. This is a city owned building. Brazoria County does require that their name be included. City Manager recommends this public art project. Beautification shared ideas from a local artist that was in attendance. The City is a part of the Texas Commission of the Arts, in which there are grants and options available. The biggest expense will be the paint. Beautification is looking for the blessing to complete and move forward.

Neal Bess Jr. moved to approve the mural. Brian Brooks seconded. All in favor. Motion carried.

7. Discussion and possible action on agenda request to allow the Sweeny Beautification Committee to remain as a City affiliated group and stop the pursuit as non-profit status.

Beautification President stated the original 501C3 pursuit request was requested by the prior president. At this time, they no longer wish to pursue. Beautification is requesting to stay under the City as currently operating. Council discussed and concluded no action is needed to remain as is. Discussion only, no action.

8. Discussion and possible action on agenda request received for usage of city owned property for proposed farmers market; Sweeny Beautification

Sanci Kennady, Beautification Vice President, approached Council requesting to use the city owned property next door to City Hall for a farmers market on August 31, 2024.

John Rambo moved that we allow Sweeny Beautification to operate a proposed farmers market on August 31st at specified location next door. Brian Brooks asked about using the Backyard Park. Brian Brooks seconded. Reese Cook asked about times. It will be used from 9a-3p, with the market from 10a-2p. All in favor. Motion carried.

9. Discussion and possible action to the Friends of the Sweeny Impound Update

Leigh Ann Thornton gave Council an update to the Friends of the Sweeny Impound. They are pursuing 501C3 status. She is requesting a location; Peach Street or Industrial Park. She is concerned that the labor donations will expire. Mayor Hopkins stated that we cannot give permission to give the EDC land away. Neal Bess Jr. suggested using the back shop of Peach Street. Reese Cook asked if regulatory compliances with TCEQ regarding run-off and proximity to the water plant have been addressed.

Thornton is asking for a location designation in order to start working with the City Manager to move forward. Attorney Stevenson stated that we do need to confirm TCEQ requirements as there are easement requirements. Subject to TCEQ's permission, we could grant the choice.

Neal Bess Jr. motioned to pursue the Peach Street location, city building, for the impound, BENJI's Animal Adoption Barn, BAAB. Brian Brooks seconded. All in favor. Motion carried.

10. Discussion and possible action on debris monitoring, debris removal, and private contractor updates related to Hurricane Beryl.

City Manager stated the pricing for procurement and federal reimbursement of the debris removing and monitoring is approximately 1.7 million, in which we cannot afford. We have sought to leverage resources locally and have three bids; J&M Excavation, Stark Inc., and MG Services. The bids received

are the following: MG Services at \$297,500.00, Stark at \$366,000.00, and J & M at \$175,000.00. Mayor stated this is something that we had people come to us and ask and was not RFQ'd, what can we do? City Manager also added its an emergency. Attorney Stevenson stated the bid statutes are the same meaning lowest responsible bidder. If we received multiple bids, we have to award to lowest responsible bidder. DRC Emergency Services is the City's debris removal company previously procured and Rostan is the City's previously procured monitoring company. Both companies had representatives in attendance. Cliff Kennady with DRC addressed Council. They drove the area the day after the hurricane and the estimate is high and is probably more at thirty five to forty thousand yards. They also noted to grind the debris. In other areas, they are completing open burns in which would be a significant savings. They would have to partner and lease the land or permit the City's land with TCEQ. Reese Cook asked about Waste Connections contracted obligations/amounts. City Manager stated that J&M sent a follow-up email updating their bid to \$419,600.00. Mr. Graham of MG Services plans to use excavators, skid steers, dump trucks, and dump trailers and will be taking to an off-site location. Mr. Stark of Stark Inc. will be picking up and grinding debris at his location at Industrial Park and proposed 30 days or less, weather permitting. MG Services agreed on 30 days or less, weather permitting. J&M Excavation was not in attendance. MG Services stated their bid shown is not the correct estimate. It should be \$9.75 yard to equal \$341,250.00. Cecil Stark stated his is based off of yardage and is shown at 30,000 yards, but done by yard. No guarantee of what is out there and he would want a set date to start with a two week allowance for residents to put debris out. Reese Cook asked about who is going to monitor the yardage? Stark suggested a City official monitor. Director of Public Works stated he has the perfect lady for the job and does have someone who could be with them all the time. Mayor confirmed are we able to allocate someone to monitor yardage? City Manager stated yes, we will have someone monitor in house and will force account it. DRC's new rates are at \$5.62 yard to grind and \$8.62 for load and haul rate.

Neal Bess Jr. moved to hire MG Services to take care of our debris for a rate of \$9.75 /yard up to 35,000 yards. Brian Brooks seconded.

Reese Cook stated we need to pursue every option to get this debris out as quickly as possible. Our guys, Waste Connections, and a combined and conservative effort. Brian Brooks asked about taking City stuff being removed to a location. Brooks asked Graham about the machinery tearing up the street. All in favor. Motion carried.

*** All estimates will be included in the exhibits to these minutes.*

11. Discussion and possible action to grant a variance to §92.01 for allowance to burn debris incurred from Hurricane Beryl.

Discussion only; no action.

12. Discussion and possible action on utilizing city wide notification system for emergencies, missing persons, police & fire department needs, etc.; Councilman Cook

Reese Cook stated he would like the notification system to be utilized by all departments. City Manager gave parameters staff follows dependent on accurate information for release of calls.

Discussion only; no action.

13. Discussion and possible action on janitorial rates and/or fees

Reese Cook moved to table. John Rambo seconded. All in favor. Motion carried.

14. Discussion and possible action on an Interlocal Agreement with Brazoria County Health Department for response and services pertaining to public health preparedness and emergencies.

City Manager stated this is an interlocal that renews every five years.

Reese Cook moved to approve the Interlocal Agreement with the Brazoria County Health Department for response and services pertaining to public health preparedness and emergencies as presented. John Rambo seconded. All in favor. Motion carried.

15. Discussion and possible action on engaging KM&L, LLC for professional financial audit services for the 2023-2024 fiscal year ending September 30, 2024.

Neal Bess Jr. motioned we accept KM&L LLC for professional financial and audit services. Reese Cook seconded. All in favor. Motion carried.

16. Discussion and possible action to approve ordinance 24-104, reducing the number of board members on the Parks and Recreation Board.

Reese Cook moved to approve ordinance 24-104, reducing the number of board members on the Parks and Recreation Board, from seven to five members. Brian Brooks seconded. All in favor. Motion carried.

17. Discussion and possible action to approve Ordinance 24-105, amending Section 110-173, 2(a) of the Zoning Ordinance.

Mayor Hopkins asked for a motion to approve Ordinance 24-105, amending Section 110-173, 2(a) of the Zoning Ordinance. Brian Brooks stated so moved. Neal Bess Jr. seconded. All in favor. Motion carried.

18. Discussion and possible action to accept the resignation of Councilman Tim Pettigrew, Council Position No. 5

Neal Bess Jr. moved to accept Councilman Tim Pettigrew's resignation, Council Position No. 5. John Rambo seconded. Neal Bess Jr., Reese Cook, and John Rambo approved. Brian Brooks abstained. Motion carried.

19. Discussion and possible action on the process to fill the vacancy of Council Position No. 5 for the remaining term; Article II, Section 2.05 Vacancies of the City Charter.

Attorney Stevenson read Article II of the City Charter for vacancies. Council can appoint to fill the unexpired term or we can have a special election in May to fill the position. Council discussed.

Neal Bess Jr. stated he is open for making a suggestion to place Shaun Massey in Position No. 5 for the remainder of the term. Confirmation was made that it would be filled for the remainder of the term; almost 2 years. Neal Bess Jr. stated, that is his motion, to fill the unexpired term with Shaun Massey for Position No. 5. John Rambo seconded. Brian Brooks asked Mr. Massey if he was sure he wanted it. Mr. Massey replied he was up for it. All in favor. Motion carried.

20. Discussion and possible action to establish the next Special Session and Budget Workshop

City Manager stated she would like to have weekly meetings for the budget, limited to two hours, every Tuesday. City Manager asked about swearing in Massey at the next meeting, Attorney Stevenson confirmed it can be added to the next agenda.

Reese Cook stated to schedule next budget meeting for next Tuesday, July 30th at 4PM.

Reese Cook stated so moved 4-6pm. Brian Brooks seconded. All in favor. Motion carried.

ITEMS OF COMMUNITY INTEREST

Neal Bess Jr. thanked Councilman Brian Brooks for allowing him to stay at his RV Park free of charge after his home was damaged from the hurricane.

Brian Brooks thanked the organizations that put on the fish fry last Friday. Excellent Job.

Terrence Bell thanked everyone for helping clean up.

Shaun Massey stated next Saturday the Lions Club will be giving out backpacks and school supplies.

They will have water slides, an outdoor family movie night, and snacks. Bring your lawn chairs. All is at no cost. This will be August 3rd.

ADJOURN REGULAR SESSION

Mayor adjourned the meeting at 7:45 p.m.

-----Exhibit Attachments Include the Estimates pertaining to Agenda Item No. 10; *Discussion and possible action on debris monitoring, debris removal, and private contractor updates related to Hurricane Beryl.*

Exhibit Attachments are attached by alphabetical order of the company name.

- J & M Demolition & Excavations, LLC
- J & M Demolition & Excavations, LLC additional email correspondence; estimate change
- MG Services
- STARK INC

Staff Present:

- City Manager, Lindsay Koskiniemi
- Police Chief, Brad Caudle
- Director of Public Works, Terrence Bell
- Finance Director/Personnel Services, Karla Wilson

Minutes were completed by audio recording and hand written notes by the City Manager. City Secretary was not present for this meeting.

Passed and approved this ____ day of _____, 2024.

Kaydi Smith- City Secretary



J&M DEMOLITION & EXCAVATIONS , LLC

3208 County Road 244 Brazoria, TX
77422
9794189702
jmdemolition2014@gmail.com

ESTIMATE
EST0021

DATE
07/22/2024

TOTAL
USD \$175,000.00

TO

Lindsay koskiniemi (Sweeny City Hall)

102 W. Ashley Wilson Rd, Sweeny, TX 77480
9795483321
citymanager@sweenytx.gov

DESCRIPTION	RATE	QTY	AMOUNT
<p>WE WILL PERFORM STORM DEBRIS CLEANUP ALL OVER CITY LIMIT OF SWEENY AS SHOWN ON MAP , & HAULING WITH 28 YDS TANDEM DUMP TRAILERS.</p> <p>We will be accessing the town of sweeny , with 3 machines with grapples , & loading into 28 yd dump trailers. Caution signs and cones will be provided to oncoming traffic , and spotters will be used to guide traffic. The estimated time is going to be a slow process but will be finished within 4-5 weeks' time frame & will work full time hours until done. This will be HURRICANE DEBRIS PICKUP ONLY SUCH AS TREES ONLY! Full cleanup such as raking will be provided as well . Call if you have any questions 979-418-9702, thank you!</p>	\$175,000.00	1	\$175,000.00
TOTAL			USD \$175,000.00

From: [Lindsay Koskiniemi](#)
Sent: Wednesday, July 24, 2024 12:57 PM
To: [Kaydi Smith](#)
Subject: FW: Debris clean up
Attachments: image001.png

To go in the meeting minutes with the bids for debris.

Lindsay Koskiniemi, CGFO, CPM, MPA, MSA
City Manager
Office 979-548-3321
Sweeny City Hall | 102 W. Ashley Wilson Rd. | Sweeny, TX 77480



From: Magali Moreno <[REDACTED]>
Sent: Tuesday, July 23, 2024 6:45 PM
To: Lindsay Koskiniemi <citymanager@sweenytx.gov>
Subject: Re: Debris clean up

Hey Mrs Lindsay , I am jose owner of j&m demoliton & excavation I got in and was reviewing the bid sheet at \$175,000 there is a huge mistake on bid , my estimator didn't factor in landfill fees , fuel cost , & manpower & was accidentally left out . I toured from street to street & I have all my numbers collected and we feel comfortable at this bid \$419,600 . My apologies but if the city of sweeny accepts this bid we will work seven days a week to have your city restored back to normal asap . Thank you if you have any questions please feel free to reach out to me [REDACTED] or email me @ [REDACTED]

On Tue, Jul 23, 2024, 10:12 AM Lindsay Koskiniemi <citymanager@sweenytx.gov> wrote:

Thanks for sending. We have received and are reviewing your bid.

How many cubic yards did you calculate and will you or a representative from J&M be present to discuss your bid with City Council this evening? Council meeting starts at 6pm at Sweeny City Hall.

Thanks,

Lindsay Koskiniemi, CGFO, CPM, MPA, MSA
City Manager

Office 979-548-3321

Sweeny City Hall | [102 W. Ashley Wilson Rd.](#) | [Sweeny, TX 77480](#)



From: Magali Moreno [REDACTED]
Sent: Monday, July 22, 2024 8:53 AM
To: Lindsay Koskiniemi <citymanager@sweenytx.gov>
Subject: Debris clean up

This is J&M DEMOLITION & EXCAVATION LLC please send me the outline or print of all the roads that needs to be picked up, thank you.

MG Services

10235 FM 524 Rd
Sweeny, TX 77480

Item 5.

Estimate

Date	Estimate #
7/15/2024	1515

Name / Address
City of Sweeny PO Box 248 Sweeny, TX 77480

			Project
Description	Qty	Rate	Total
Pick up and Haul off Hurricane Beryl Debris - Approximately 35,000 yds of hurricane debris, pick up and haul to Industrial Park Burn site. 9.75 / yrd. (LK) - Discussed about at meeting - Marvin Graham confirmed cost of \$9.75 / yd @ 35,000 yds - (LK) \$341,250	35,000	8.50	297,500.00
Thank you for your business.		Total	\$297,500.00

ESTIMATE

STARK INC
PO Box 1207
West Columbia, TX 77486

accounting@starkservicesinc.com
+1 (888) 212-3478
www.starkservicesinc.com



Bill to
CITY OF SWEENY
Attn: Mayor Hopkins
102 ASHLEY WILSON RD
SWEENY
TX
77480

Ship to
CITY OF SWEENY

Estimate details

Estimate no.: 24-046
Estimate date: 07/19/2024

#	Date	Product or service	Description	SKU	Qty	Rate	Amount
1.		BRUSH / TREES DISPOSAL	<p>Bid for Sweeny hurricane cleanup This bid includes the loading, hauling and grinding of natural organic material</p> <p>All materials must be piled by the edge of the streets with no trash or man made materials. Any material that is not piled by the roads after two weeks from the start date is not our responsibility.</p> <p>Scope of work</p> <ul style="list-style-type: none">• Load all organic material into dump trailers using a skidsteer or excavator• Material will then be transported to the Stark Inc site located at Industrial Park• Material will be mulched for resale or donations to the residents of Sweeny. <p>All prices are based on the estimated 30,000 yards that was presented to Stark Inc. Total price may change depending on the final yardage after completion. Price per yard to load, haul and grind is \$12.20</p>		30000	\$12.20	\$366,000.00

Total **\$366,000.00**

Note to customer

Tuesday, July 30, 2024 at 4:00 PM

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

MINUTES

BE IT KNOWN that the City Council of the City of Sweeny met in **Special Session** on **Tuesday, July 30, 2024 at 4:00 PM.** at City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas with the following agenda.

CALL TO ORDER/ROLL CALL

Mayor Hopkins called the meeting to order at 4PM.
Neal Bess Jr., Reese Cook, Brian Brooks, and John Rambo were in attendance.

PLEDGES & INVOCATION

The pledges were led by Neal Bess Jr. The invocation was given by Reese Cook.

CITIZENS WISHING TO ADDRESS CITY COUNCIL

Hector Garcia of 702 Pine Street stated he reported a gas leak at the same time power was being restored. City employees used equipment to complete repairs and made ruts in his yard. He is upset over the ruts and damage to his yard. The job still needs to be finished and smoothed out. He is requesting sand and grass to be placed in his backyard to look nice.

REGULAR AGENDA

1. Discuss and consider appointing a replacement for vacancy created by the resignation of Council Member Pettigrew; Position No. 5

Mayor Hopkins stated there are questions surrounding how quickly we moved at the last meeting. He is confirming we didn't move out of law. Attorney Stevenson stated that the agenda item on the last meeting was broad enough, in his opinion, to cover this, but if Council would like to be more specific, they can retake that action under this specific agenda item to appoint that person.
Discussion only; no action.

2. Administering of the Oath of Office and Statement of Appointed Officer; Appointment of Official, Council Position No. 5

Oath of Office and Statement of Appointed Official was administered to Caniel "Shaun" Massey by the City Secretary.

3. Presentation of Certificate of Appointment

Mayor Hopkins presented Caniel "Shaun" Massey with his Certificate of Appointment to Position No. 5 of the Sweeny City Council.
Mr. Massey took his seat as Councilman Position No. 5.

4. FY 2024 / 2025 Budget Workshop

Discussion Only; No Action

ITEMS OF COMMUNITY INTEREST

Caniel Massey stated the Lions Club is this weekend. (The Back to School Backpack and Supplies Drive).

ADJOURN REGULAR SESSION

Mayor Hopkins adjourned the meeting at 6:02PM.

Staff Present:
City Manager, Lindsay Koskiniemi
Terrence Bell, Public Works Director
Brad Caudle, Police Chief
David Jordan, Technical Advisor
Karla Wilson, Finance Director/ Personnel Services
Kaydi Smith, City Secretary

Passed and approved this _____ day of _____, 2024.

Kaydi Smith, City Secretary

Tuesday, August 06, 2024 at 4:00 PM

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

MINUTES

BE IT KNOWN that the City Council of the City of Sweeny met in **Special Session** on **Tuesday, August 06, 2024 at 4:00 PM.** at City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas with the following agenda.

CALL TO ORDER/ROLL CALL

Mayor Hopkins called the meeting to order at 4 p.m.

Neal Bess Jr., Reese Cook, Brian Brooks, John Rambo, and Caniel "Shaun" Massey were in attendance.

PLEDGES & INVOCATION

Pledges were led by John Rambo.

Invocation was given by Reese Cook.

CITIZENS WISHING TO ADDRESS CITY COUNCIL

No citizens comments.

CONSENT AGENDA

1. Third Quarter Update from the Public Works Department, covering April, May, & June 2024. Director of Public Works gave his third quarter update for the Public Works Department. Council requested a detailed report at the next Regular Session, 08/20/2024, to include a list of culverts dredged.

REGULAR AGENDA

2. Discussion and possible action on presentation by Texas Rebuild; Larry Jones
Larry Jones of Texas Rebuild / E3 gave a presentation on the possible lost revenue that could be recouped by replacing the city's current water meters with ultrasonic meters. Presentation included the City's current billing amounts in comparison to other cities. Their focus is to investigate the current water meters. Texas Rebuild / E3 would perform data analysis and create a report at no charge. This report would determine if change outs of current meters are needed. Council requested Mr. Jones get with the City Manager to move forward and give an update at the next meeting.
Discussion only; no action.

3. Discussion and possible action on re-plat of 2.30 acres within the Extra Territorial Jurisdiction (ETJ)

City Secretary stated this is a request of a replat of 2.30 acres outside of the city limits, within the ETJ. Reese Cook moved to approve. John Rambo seconded. All in favor. Motion carried.

4. Discussion and possible action to allow the City to contract the install of a water utility connection at Industrial Park, and to determine financial responsibility, with potential reimbursement from SEDC to the City of Sweeny; 111A Calvie Brown Road.

City Manager stated that the EDC had agreed to reimburse the City to make the wet connection at Trilogy, located in the Industrial Park, in the amount of \$8,050.00. Bids received by the City are in excess of the amount EDC is to reimburse. City recommends the lowest of the bids received. Mayor Hopkins stated that the \$8,050.00 that EDC approved, was only for the water tie-in to the main line. The bids received includes the taps and water tie-ins for three taps, in which makes up the additional charges. The City intends to complete the sewer taps. City cannot complete the water, as it will require a bore. The contractor would complete the water tests and bac-t's.

Neal Bess Jr. stated, I move we make the taps and stubouts for the 3 users for \$14,349.00 to be paid by EDC. Reese Cook seconded.

Discussion: EDC has not approved the full \$14,349.00 as of yet. EDC will need to go back to their board for approval of the remaining balance from the bid received.
All in favor. Motion carried.

5. Discussion and possible action on hiring a contractor to make the utility connection at 111A Calvie Brown Road in the Sweeny Industrial Park.

Staff recommends the lowest bid, submitted by Branch Construction Group in the amount of \$14,349.00. Mayor Hopkins asked if we have a motion to accept Branch Construction as the low bid. Brian Brooks stated so moved. Shaun Massey seconded. All in favor. Motion carried.

6. Discussion and possible action to the Sweeny Economic Development Corporation's FY 2024 / 2025 Proposed Budget

City Manager stated the EDC's proposed budget is not consistent with our comprehensive financial policy and budget requirements. She requests clarification on the proposed. Devin Lemon, EDC President, stated they meet as a board and complete a budget workshop. That is how it (budget) is decided and presented. City Manager suggested a meeting between herself, the City's Finance Director, and EDC to work on the budget together in order to manage correctly. EDC must adhere to the comprehensive financial policy to meet the City's requirements.

Council discussed the EDC's proposed budget with the EDC's members in attendance.

Reese Cook stated, I move to reject the Proposed EDC Budget for 2024/2025 and ask that the budget be re-presented at the August 20th meeting with the following changes: show cash on hand as a transfer from the associated accounts, break out payroll liabilities to show the individual items that make up those line items, and work with the City Manager to align the EDC budget with any other items required by the approved Financial Policy for the City of Sweeny. Brian Brooks seconded. All in favor. Motion carried.

7. City of Sweeny FY 2024 / 2025 Budget Workshop

Council discussed the City's proposed FY 2024 / 2025 General Budget.

ITEMS OF COMMUNITY INTEREST

Brian Brooks stated he appreciates the speed at which Mr. Graham is clearing our streets.

ADJOURN REGULAR SESSION

Mayor Hopkins adjourned the meeting at 6:08 p.m.

Staff present:

City Manager, Lindsay Koskiniemi

Police Chief, Brad Caudle

Director of Public Works, Terrance Bell

Technical Advisor, David Jordan

Finance Director / Personnel Services, Karla Wilson

City Secretary/ Developmental Services, Kaydi Smith

City affiliates present:

SEDC President, Devin Lemon

SEDC Vice President, Jenny Massey

SEDC Board Member, Kay Roe

Fire Chief, Roger Barton

Passed and approved this _____ day of _____, 2024.

Kaydi Smith, City Secretary

Tuesday, August 13, 2024 at 4:00 PM

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

MINUTES

BE IT KNOWN that the City Council of the City of Sweeny met in **Special Session** on **Tuesday, August 13, 2024 at 4:00 PM.** at City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas with the following agenda.

CALL TO ORDER/ROLL CALL

Mayor Pro-Tem, Neal Bess Jr., called the meeting to order at 4:00 PM. Neal Bess Jr., Reese Cook, Brian Brooks, John Rambo, and Shaun Massey were in attendance. Mayor Hopkins was absent.

PLEDGES & INVOCATION

Pledges were led by Councilman Brooks. Invocation was given by Councilman Cook.

CITIZENS WISHING TO ADDRESS CITY COUNCIL

N/A

REGULAR AGENDA

1. Discussion and possible action on required drainage to offset new impervious surface at 605 N. Main Street.

Sohil Maredia, owner of 605 N Main, approached Council stating he has owned the convenience store for twelve years here in Sweeny. They are trying to finalize construction and will need to finish the drainage. The drainage was not completed as per their original plans. He is the owner as well as the general contractor on the job. He is asking for Council’s consideration to move the drainage to the rear of the building. His construction loan for the bank has termed and he is needing a Temporary CO in order to keep his funds to continue the construction loan and work. City Manager stated the drainage was to be installed underground within the parking area, including a tunnel system that would tie in the runoff drainage from the rear of the property. These plans were originally approved by the Drainage District, TxDot, and City Engineers. After meeting with Mr. Maredia last week, the City agreed to give a sixty day temporary occupancy in order to help with his financial situation, if he were to complete the drainage as per the plans. Now Maredia is wanting to change the specifications to add retention ponds in the rear of the facility to accommodate the drainage. Drainage District provided a letter to Maredia that all plans would still have to adhere to drainage requirements in order for them to approve. Changes would additionally need to be reviewed and approved by TxDot and the City Engineer. City Manager expressed that she wants the drainage completed per the plans already approved, and does not recommend changes to the current plans. Council continued to discuss.

Reese Cook moved that the City issue a temporary certificate of occupancy for sixty days for the owner of 605 N Main Street to bring the drainage into an approved and permitted spec. During this time the business will not be in operation, unless a permanent certificate of occupancy is issued and not rectified prior or if not rectified by sixty days, the temporary certificate of occupancy will be pulled by the City. John Rambo seconded. Shaun Massey asked if Tex will be stopping by checking on things. All in favor. Motion carried.

2. Discussion and possible action to reschedule the August 20, 2024 Regular Session City Council meeting.

City Manager requested rescheduling the regular meeting, as the Mayor will not be able to attend on August 20th. She gave information regarding tax rate procedures that will be held at the next meeting. City Manager stated she is looking for a motion moving the regular meeting to the 27th. (08/27/2024) Mr. Brooks stated so moved. Shaun Massey seconded. All in favor. Motion carried.

- 3. Discussion and possible action on setting a date and time for a Public Hearing of the Fiscal Year 2024-2025 Annual Budget.

No action

- 4. Workshop on Fiscal Year 2024-2025 Budget

Council reviewed and discussed the proposed FY 25/25 Budget.

ITEMS OF COMMUNITY INTEREST

Reese Cook stated that school starts tomorrow and there will be a lot of traffic on the streets. He saw the signage on the streets; be mindful.

Shaun Massey stated that next Friday the school district is supposed to have a football game at midnight. The Lions Club will be fixing hot dogs.

Neal Bess stated he recently cooked three hundred hamburgers and two hundred and twenty hotdogs over the weekend for Greater Mountain Zion. Bess asked Tex, Director of Public Works, about giving Council an update. Tex gave addresses of culvert cleanings and information requested previously to the individual Council members. He additionally gave information on completing sampling in house. This would cost approximately \$4,400.00.

David Jordan, Technical Advisor, stated that the TWDB preliminary report is showing at 90% wastewater.

ADJOURN REGULAR SESSION

Mayor Pro-Tem asked for motion to adjourn. Reese Cook stated so moved; adjourn. Rambo seconded. All in favor. Motion carried.

Mayor Pro-Tem adjourned the meeting at 5:58 p.m. by hitting the gavel after the carried motion to adjourn.

Staff or Members 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

Fire Chief, Roger Barton

Technical Advisor, David Jordan

Passed and approved this _____ day of _____, 2024.

Kaydi Smith -- City Secretary



AGENDA MEMO

Business of the City Council City of Sweeny, Texas

Item 6.

Meeting Date	8/27/2024	Agenda Items	
Approved by City Manager		Presenter(s)	Lindsay Koskiniemi, Karla Wilson
Reviewed by City Attorney		Department	City Manager , Finance Department
Subject	July 2024 Financial Reports (Unaudited)		
Council Strategic Goals	This meets the strategic goal of Government Sustainability by protecting the City's financial integrity and ensuring government transparency.		
Attachments / Supporting documents	7/31/24 YTD Unaudited Income Statements – General Fund and Enterprise Fund (To be presented on paper at meeting)		
Financial Information	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

Executive Summary

Attached are 7/31/24 YTD Income Statements (unaudited) showing YTD revenue and expenditures for both the General Fund and the Enterprise Fund as compared with FY24 budget.

Recommended Action

Staff recommends acceptance.

City of Sweeny
Natural Gas Distribution Project

The City of Sweeny Texas is proposing to replace part of the existing Natural Gas Distribution system located in the South Western part of the City limits. The project will consist of installing a combination of 4" and 2" PE 2708 Poly Gas mains with 1" service risers. Testing of pipe prior to placing in service at a minimum of 90#PSI with air or inert gas will be required. This project can be accomplished by either Open cut trenching or Directional boring. Any and all road and driveway open cuts must be repaired to current condition or better.

The project will consist of approximate footages by road:

Pecan St.	1700' 4" pipe	2-4" valves	22-Services
Sycamore St	1300' 2" pipe		24- Services
M L King north	1050' 2" pipe		14 - Services
Cedar St.	750' 2" pipe		6 - Services
Magnolia St.	400' 2" pipe		3 - Services
Peach St.	1500' 2" pipe		25 - Services
Second St.	600' 2" pipe	1-2" valve	6- Services
Fourth St.	1500' 2" pipe	6-2" valves	16- Services
Sixth St.	1800' 4" pipe	6-2" valves	10 Services
Willow St.	650' 2" pipe	2-2" valves	7 Services
M L King South	920' 2" pipe	2-2" valves	8 Services
Travis St.	900' 2" pipe	1-2" valve	8 Services
	450' 4" Pipe	1-4" valve	
Harlem St.	1500' 4" pipe	2=4" valves	11 Services

NOTE: WE ARE CURRENTLY WORKING WITH CONTRACTORS FOR PRICING



Street Project Signs

Yield Signs			
Location	Needs	Replace	Fix
5th & Oak			X
Oak & 6th			X
Filmore & N. Elm			X
Mac St.			X
Kent & Woodwin			X
Woodwin & Hackberry			X
Kent & Foy St			X
Pine & Foy			X
Maple & E. 7th St.			X
Estelle & Stevenson			X
Fig & Fifth			X
E 3rd & N. Hackberry			X
Fig & Ave B			X
Ave C & S. McKinney			X
Ave A & Yaupon			X
E 1st & Hackberry			X
Orange & 1st			X
W. 1st & Pecan			X
N. MLK & W 6th			X
Cedar & W. 5th St	X (2)		
Peach & W. 5th St			X

Stop Signs			
Location	Needs	Replace	Fix
Friskie St @ School Entrance		X	
Mac St			X
Ross St			X
Orange & Fourth			X
Fig & 2nd			X
E 3rd & N. Orange			X
N. Oak St (Police Dpt)			X
S. Main & S. Elm		X	
Ave A & S. McKinney	X		
Fourth & Pecan			X
W. 5th & MLK			X

Street Name Signs			
Location	Needs	Replace	Fix
Kent & Oak Wilde St.		X	
N. Hackberry & Shady Dr		X	
Kent St & Foy St		X	
Meador St & Brockman St	X (2)		
E. 3rd & N. Hackberry	X		
Ave A & S. Elm	X		
E 1st Street	X		
Magnolia St		X	
W. 6th St		X	

No Thru Truck Sign			
Location	Needs	Replace	Fix
E. Ashley Wilson		X	

School Walk Sign			
Location	Needs	Replace	Fix
W. 6th & N. Peach St	X		

Speed Zone Sign			
Location	Needs	Replace	Fix
W. 6th St (by school)			X

Slow Children At Play Sign			
Location	Needs	Replace	Fix
N. MLK			X

Railroad Crossing Sign			
Location	Needs	Replace	Fix
MLK			X

Fix Curve Sign @ MLK

Remove BLANK Street Sign by School on W 6th St.

Remove Mac 1100 sign out of yard & black pole from Mac Dr (yard)

Remove Pole on W. 6th St & Sycamore



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

Meeting Date	08.27.2024	Agenda Items	
Approved by City Manager	Yes	Presenter(s)	Lindsay Koskiniemi, City Manager Tex Bell, Public Works Director
Reviewed by City Attorney	No	Department	Parks and Recreation
Subject	Update to City Council and general public on condition of Back Yard Park and plans to re-open park.		
Council Strategic Goals	3) Sense of Community – Provide exceptional recreation, cultural, and educational opportunities with focus on inclusivity by leveraging help of Boards and Commissions 5) Safe and Beautiful City – Improve conditions of public spaces.		
Attachments / Supporting documents			
Financial Information	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

Executive Summary

On July 8, 2024, Hurricane Beryl made landfall over Sweeny, Texas and caused widespread damages including a record number of downed trees, followed by extended durations of power outages throughout the City.

Backyard Park was badly affected by the storm and sustained a lot of damages not covered by the City’s property insurance plan. The corrugated sheet metal roofs over both pavilions were peeled back from wind damage, and several trees were blown over at the roots. Some trees were snapped.

The current condition of Backyard Park is unsafe for the public. Staff has been strained with post-hurricane clean up, and now, with the ground drying out, they have responded to water leaks daily. Post-storm work that has been completed at Backyard Park so far includes:

- All downed trees have been cleared
- Severed power line temporarily secured
- Removal of stabilized sand that was inappropriately used for the volleyball court
- Removal of destroyed park signs
- Removal of storm debris

Lots of additional work is needed to be able to safely re-open the park. Downed trees and heavy machinery have caused ruts that need to be filled. Remaining work needed to recover the park includes:



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

- Filling in ruts using the removed stabilized sand
- Removing / grinding down tree stumps
- Sweeping all walking paths
- Clearing all remaining debris
- Trimming all dead limbs hanging overhead that can fall and hurt someone
- Permanently fix the severed power line
- Fix roof tops on both pavilions
- Repair structure / mounting of Pavilion 1 – structure is leaning and unstable
- Replace trees and grass.

The amount of work needed to fully recover the park is considerable. Staff understands residents are eager to be able to use Backyard Park again, however, in its current condition, the park remains unsafe. For this reason, the park has been closed since the storm.

Staff will work over the weekend of August 23rd to fill in ruts. Staff needs help to get the park back to a usable, safe condition, and has initiated conversations with other City sponsored groups such as the Parks and Recreation Advisory Board and Sweeny Beautification. Currently, we are working on planning park restoration days for people to volunteer their time to help restore Backyard Park.

Sweeny Beautification has developed a tree donation program in collaboration with Wells Florist. Once we have dates planned for volunteer days, we will notify the public.

While the Park is closed, this may be a good time to consider re-doing all walking paths using the Sidewalk Fund, which has a balance of \$345,469.46 as of July 31, 2024.



AGENDA MEMO

Business of the City Council
City of Sweeny, Texas





AGENDA MEMO

Business of the City Council
City of Sweeny, Texas





AGENDA MEMO

Business of the City Council
City of Sweeny, Texas



AGENDA MEMO

Business of the City Council
City of Sweeny, Texas



Recommended Action

This item was intended to provide an update on the condition of Backyard Park. No action requested, however a future item to request funds to use for park restoration activities may be needed. Additionally, a request for a capital project to restore the walking paths at the park funded by the Sidewalk Fund may be on a future Council agenda.

TexPool Participant Services
 1001 Texas Avenue, Suite 1150
 Houston, TX 77002



CITY OF SWEENEY
 SIDEWALK FUND
 ATTN LINDSAY KOSKINIEMI
 PO BOX 248
 SWEENEY TX 77480-0248

Participant Statement

Statement Period 07/01/2024 - 07/31/2024

Customer Service 1-866-TEX-POOL
 Location ID [REDACTED]
 Investor ID [REDACTED]

TexPool Update

Cut the Clutter with TexPool] Establish and update your preferences for receipt of monthly account and daily confirmation statements. Please visit TexPool.com to learn more.

TexPool Summary						
Pool Name	Beginning Balance	Total Deposits	Total Withdrawals	Total Interest	Current Balance	Average Balance
Texas Local Government Investment Pool	\$343,916.33	\$0.00	\$0.00	\$1,553.13	\$345,469.46	\$343,966.43
Total Dollar Value	\$343,916.33	\$0.00	\$0.00	\$1,553.13	\$345,469.46	

Portfolio Value

Pool Name	Pool/Account	Market Value (07/01/2024)	Share Price (07/31/2024)	Shares Owned (07/31/2024)	Market Value (07/31/2024)
Texas Local Government Investment Pool	[REDACTED]	\$343,916.33	\$1.00	345,469.460	\$345,469.46
Total Dollar Value		\$343,916.33			\$345,469.46

Interest Summary

Pool Name	Pool/Account	Month-to-Date Interest	Year-to-Date Interest
Texas Local Government Investment Pool	[REDACTED]	\$1,553.13	\$37,119.71
Total		\$1,553.13	\$37,119.71

Transaction Detail

Texas Local Government Investment Pool

Participant: CITY OF SWEENEY

Pool/Account: [REDACTED]

Transaction Date	Settlement Date	Transaction Description	Transaction Dollar Amount	Share Price	Shares This Transaction	Shares Owned
07/01/2024	07/01/2024	BEGINNING BALANCE	\$343,916.33	\$1.00		343,916.330
07/31/2024	07/31/2024	MONTHLY POSTING	\$1,553.13	\$1.00	1,553.130	345,469.460
Account Value as of 07/31/2024			\$345,469.46	\$1.00		345,469.460



AGENDA MEMO

Business of the City Council City of Sweeny, Texas

Meeting Date	08.27.2024	Agenda Items	
Approved by City Manager	Yes	Presenter(s)	Lindsay Koskiniemi, City Manager
Reviewed by City Attorney	No	Department	Capital and Special Projects, Administration
Subject	Update and presentation on status of grant applications and capital and special projects.		
Council Strategic Goals	<ol style="list-style-type: none"> 1) Vibrant Economy – Improve service quality to utility customers 2) Infrastructure Investment – Provide adequate water supply both now and in future. 3) Sense of Community – Adopt formalized planning documents to incorporate into City policy 4) Government Sustainability – Endure government transparency 5) Safe and Beautiful City - Improve conditions of public spaces 		
Attachments / Supporting documents	<ol style="list-style-type: none"> 1. Grant Status Summary Report 2. Capital and Special Project Summary Report 3. Strategic Plan Summary Page - 2024 		
Financial Information	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

Executive Summary

As part of staff’s ongoing effort to keep the governing body and general public informed on construction projects and funding sources of major projects, reports on capital and special projects in progress as well as grant applications have been prepared for Council’s review. These reports should be updated and provided to Council at least twice a year or as often as needed to provide timely updates.

Commitment to the completion of projects in progress and grant applications support aspects of all five pillars of the Council’s adopted Organizational Strategy. Additionally, several pending funding requests align with Council’s directive to the City Manager to seek resolution on water quality (9/5/2023).

Project Status Report:

Currently, the City has 4 capital projects in progress and 2 special projects in progress. Capital projects include the GLO Sewer Trunk Line Replacement Project that spans approximately 2 miles of sewer main and broke ground this month; Pecan Street Water Line Replacement Project spanning from 1st St. to 5th St. which has not begun construction; Main Street Waterline Replacement that breaks ground this month, and Gas System Steel Service Line Replacement. The 2 special projects include Hurricane Beryl Debris Clean Up and Citywide Street Sign Change Out. The project status report provides project description, cost, fundings source(s), milestones,



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

contractor information, etc. Currently, the value of all projects in progress is \$6,373,970, of which \$4,431,495 is grant-funded.

Grant Application Report:

This report is segregated on grant application status: Application submitted / awaiting determination, intend to apply, awarded – project not started, project in progress or completed, application denied.

Currently, the City has \$51,722,148 in funding requests pending. Staff has concluded that the only viable way for the City to fully update all utility systems is to seek outside funding. \$6.8 million worth of projects have been awarded or conditionally awarded.

The City’s application to the Texas Water Development Board (TWDB) included a request for \$39.268 million for the replacement of over 17 miles of steel, 2” water lines with 6” poly line replacement and a system to remove naturally occurring elements in ground water such as iron and manganese. While the City’s application did well and was within the 88th percentile, we do not expect to receive a determination if our application will progress in the process until this fall. If selected for funding, the City has the option to select all or none of the amount offered, as it is a low interest loan. Sweeny qualified as a “distressed community,” meaning that the City’s application, if selected, qualifies for 70% principal forgiveness and 0% interest for the out-of-pocket portion.

Another big ticket grant application pending is the City’s PHMSA Natural Gas Distribution and Modernization Grant application for approximately \$12 million that, if selected for funding would include several miles of steel gas lines replacement with looped, upsized poly lines, all new isolation valves, and digital “smart” style meters to replace the analog meters currently in use. This proposed scope would fully bring the City’s natural gas distribution system completely into compliance with regulatory requirements. The other 2 grant submittals awaiting a determination include the Livable Centers grant through H-GAC for economic development, walkability, and sustainability in City planning and the GLO Resilient Communities grant to support zoning and land use planning – both applications are consistent with the Council’s strategic goal of Sense of Community – Adopting formalized planning documents to incorporate into City policy.

Recommended Action

Presentation only, no action required. Staff available to answer any questions the Council may have.



**CITY OF SWEENY
GRANT REPORT**
ALL GRANT FUNDED PROJECTS IN PROGRESS AS OF AUGUST 2024

YEAR	FUNDING SOURCE	ACTIVITY	APPLICATION OR AWARD AMOUNT	MATCHING REQUIREMENT	STATUS	CONTRACT NO.
2024	TEXAS WATER DEVELOPMENT BOARD (TWDB) - DRINKING WATER STATE REVOLVING FUND (DWSRF)	WATER SYSTEM	\$39.268M (APPLICATION)	LOAN, NOT A GRANT. CITY QUALIFIED FOR 70% PRINCIPLE LOAN FORGIVENESS WITH 0% INTEREST AS A DISTRESSED COMMUNITY. FUNDING UNDETERMINED.	PIF SUBMITTED 3/1/2024. CITY NOTIFIED OF RANKING OF 36/300 PROJECTS IN JUL 2024. WAITING NOTICE OF INVITATION TO SUBMIT FULL APPLICATION.	N/A
2024	PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION (PHMSA)	NATURAL GAS DISTRIBUTION SYSTEM	\$11,954,148 (APPLICATION)	\$0	SUBMITTED FULL APPLICATION IN JUNE 2024. AWAITING DETERMINATION. CM RESPONDED TO 2 RFI'S IN JULY 2024.	N/A
2024	H-GAC LIVEABLE CENTERS	LAND USE PLANNING	\$200,000.00 (APPLICATION)	\$10K FOR QUALIFYING APPLICANTS; \$40K FOR MOST. FUNDING UNDETERMINED.	APPLICATION SUBMITTED JULY 2024.	N/A
2024	RESILIENT COMMUNITIES	ZONING, GIS, MASTER LAND USE PLAN	\$300,000.00 (APPLICATION)	\$0	GRANTWORKS AWARDED. APPLICATION SUBMITTED TO GLO IN AUG 2024.	N/A
2024	TEXAS PARKS & WILDLIFE - COMMUNITY OUTDOOR OUTREACH PROGRAM	PARKS	\$100,000 (APPLICATION NOT YET SUBMITTED)	50%	INTEND TO APPLY BEFORE NOV 01, 2024 DEADLINE.	N/A
2023	CDBG-HUD	WATER SYSTEM	\$200,000 AWARDED	\$263,200 TO BE PAID FROM 2019 CO	DESIGN PHASE COMPLETE. NEXT STEPS: BIDDING PROCESS AND CONTRACTOR SELECTION.	B-23-UC-48-005
2023	CDBG-MIT	WATER SYSTEM	\$1,570,124 (CONDITIONALLY AWARDED)	\$0.00	CONDITIONALLY AWARDED. WAITING ON GLO APPROVAL OF COUNTY COMP APPLICATION.	N/A
2023	TXDOT	SIDEWALK	\$2.5M	20%	DENIED. WILL REAPPLY IN 2025.	N/A
2023	PHILLIPS 66	PARKS	\$16,750 (AWARDED)	\$0	COMPLETED, NEW PAVILION INSTALLED.	N/A
2022	CPCHEM	PARKS	\$5,000.00 (AWARDED)	\$0	PARK LIGHTING PROJECT TO BE COMPLETED BY PARKS ADVISORY BOARD.	N/A
2020	CDBG	SEWER PLANT	\$358,000.00 (AWARDED)	N/A	COMPLETED, BARSCREEN INSTALLED	CONTRACT NO 2-2021
2019	GENERAL LAND OFFICE	SEWER SYSTEM	\$5M (AWARDED)	1%, OR \$54,528.00	PLANS COMPLETE, CONTRACTOR SELECTED. BREAKING GROUND IN JUNE 2024.	22-082-007-D205
2018	HMGP	EMERGENCY MANAGEMENT	\$78,000	25% OR \$19,500.00 TO BE PAID FROM DISASTER CONTINGENCY FUND.	BID PROCESS COMPLETE. EST'D INSTALLATION SEP 2024 BEHIND COM. CNTR.	FEMA PROJECT NO 4332-0021

TOTAL FUNDING REQUESTS PENDING **51,722,148.00**
 AWARDED / CONDITIONALLY AWARDED 6,800,374.00
 OBLIGATED MATCHING REQUIREMENTS 337,500.00
 MATCHING REQUIREMENT TOTAL (POTENTIAL) TBD

APPLICATION SUBMITTED / AWAITING DETERMINATION
APPLICATION NOT YET SUBMITTED / INTEND TO APPLY
AWARDED BUT PROJECT NOT IN CONSTRUCTION PHASE
PROJECT IN PROGRESS OR COMPLETED
APPLICATION DENIED

CITY OF SWEENEY
PROJECTS IN PROGRESS AS OF AUGUST 2024

PROJECT NAME	PROJECT DESCRIPTION	COST	FUNDING SOURCE	START	MILESTONES COMPLETED	NEXT STEPS	ESTIMATED COMPLETION DATE	CONTRACTOR	NOTES
PECAN ST WATERLINE REPLACEMENT	REPLACEMENT OF 2" STEEL WATERLINE WITH 6" POLY ON PECAN STREET FROM 5TH ST TO 1ST ST	\$468K	\$200K CDBG, \$268K 2019 CO	TBD	GRANT APPLICATION, AWARD, ENVIRONMENTAL REVIEW, DESIGN PHASE	BID PHASE, CONTRACTOR SELECTION	TBD	TBD	
GLO SEWER TRUNK LINE REPLACEMENT	REPLACEMENT OF APPROX 10K LF OF SEWER TRUCK LINE FROM WWTP DOWN AVE A TO SYCAMORE ST. IN 24" AND 12" DIAMETERS	\$4,274,237	GLO 99%, CITY 1% MATCH OF \$42.7K from 2019 CO's	1-Aug-24	ENGINEERING/DESIGN, BID PHASE, BROKE GROUND	CONTINUE CONSTRUCTION	Aug-25	MATULA & MATULA	CITY OPTED FOR BID ALT TO INCLUDE 2 NEW GENERATORS
MAIN ST WATERLINE	REPLACEMENT OF APPROX 5,264 LF OF 8" AC PIPE WITH 12" C-900 ALONG MAIN STREET FROM ASHLEY WILSON RD TO AVE A & APPROX 990 LF OF WATERLINE REPLACEMENT ALONG 2ND ST FROM PEACH ST. TO ELM ST.	\$1,260,733	100% FROM 2019 CO'S	26-Aug-24	ENGINEERING/DESIGN, PERMITTING, BID PHASE, CONTRACTOR SELECTION	BREAK GROUND, CONSTRUCTION	180 DAYS OR 4/2025	JTM CONSTRUCTION	
GAS SYSTEM STEEL SERVICE LINE REPLACEMENT - PHASE 1	MUST REPLACE 8% OF TOTAL GAS DISTRIBUTION LINES ANNUALLY, OR EQUIVALENT TO APPROX 2.25 MI OF PIPE. PHASE 1 PROPOSES REPLACING GAS SERVICE LINES ON THE SOUTHWEST SIDE: MAGNOLIA, CEDAR, N. MLK, PEACH PECAN, 1ST, 2ND, 3RD, 4TH, 5TH, & 6TH STREETS	TBD	ENTERPRISE FUND - NOT BUDGETED	Aug-24	PROJECT SCOPE DETERMINED	PURCHASE SUPPLIES, HIRE ADDITIONAL HELP, AND BEGIN CONSTRUCTION	REQUIRED BY 12/31/2024	IN-HOUSE	REQUIRED TO BE COMPLETED AND REPORTED TO RAILROAD COMMISSION OF TX. CITY STAFF RESEARCHING POSSIBILITY OF USING STATE LABOR TO SUPPLEMENT ADDITIONAL STAFFING NEED TO SUPPORT PROJECT.
HURRICANE BERYL DEBRIS PICKUP	CITY-WIDE REMOVAL OF STORM-RELATED VEGETATION DEBRIS - NO APPLIANCES, FENCES, TRASH.	\$366K	CONTINGENCY FUND, ADDITIONAL APPROPRIATION REQUIRED.	8-Aug-24	SECTIONS 1-5 PICKED UP BY 8/14/24 AND BY PARK	FINAL DAY TO HAVE DEBRIS AT CURB IS FRIDAY 8/16/2024	8/19/2024	MG SERVICES	COMPLETED ON FRIDAY, 8/16/2024. MG SERVICES MADE 1 ADDITIONAL SWEEP ON 8/20/24, SEVERAL PILES PLACED AFTER CUT OFF DATE. BUDGET AMENDMENT REQUIRED TO INITIATE FINAL PAYMENT
CITYWIDE STREET SIGN CHANGE OUT	REPLACEMENT OF RESIDENTIAL STREET SIGNS THAT ARE MISSING, DAMAGED, OR ILLEGIBLE.	\$5K	STREETS DEPT. APPROVED FY24 BUDGET	2024	SEVERAL RESIDENTIAL STREET SIGNS REPLACED; SHEET ATTACHED	SPEND REMAINING FUNDS IN FY24 FOR ANY OTHER SIGNS NEEDING TO BE REPLACED.	12/31/2024	IN-HOUSE	

CAPITAL PROJECT
SPECIAL PROJECT



Street Project Signs

Yield Signs			
Location	Needs	Replace	Fix
5th & Oak			X
Oak & 6th			X
Filmore & N. Elm			X
Mac St.			X
Kent & Woodwin			X
Woodwin & Hackberry			X
Kent & Foy St			X
Pine & Foy			X
Maple & E. 7th St.			X
Estelle & Stevenson			X
Fig & Fifth			X
E 3rd & N. Hackberry			X
Fig & Ave B			X
Ave C & S. McKinney			X
Ave A & Yaupon			X
E 1st & Hackberry			X
Orange & 1st			X
W. 1st & Pecan			X
N. MLK & W 6th			X
Cedar & W. 5th St	X (2)		
Peach & W. 5th St			X

Stop Signs			
Location	Needs	Replace	Fix
Friskie St @ School Entrance		X	
Mac St			X
Ross St			X
Orange & Fourth			X
Fig & 2nd			X
E 3rd & N. Orange			X
N. Oak St (Police Dpt)			X
S. Main & S. Elm		X	
Ave A & S. McKinney	X		
Fourth & Pecan			X
W. 5th & MLK			X

Street Name Signs			
Location	Needs	Replace	Fix
Kent & Oak Wilde St.		X	
N. Hackberry & Shady Dr		X	
Kent St & Foy St		X	
Meador St & Brockman St	X (2)		
E. 3rd & N. Hackberry	X		
Ave A & S. Elm	X		
E 1st Street	X		
Magnolia St		X	
W. 6th St		X	

No Thru Truck Sign			
Location	Needs	Replace	Fix
E. Ashley Wilson		X	

School Walk Sign			
Location	Needs	Replace	Fix
W. 6th & N. Peach St	X		

Speed Zone Sign			
Location	Needs	Replace	Fix
W. 6th St (by school)			X

Slow Children At Play Sign			
Location	Needs	Replace	Fix
N. MLK			X

Railroad Crossing Sign			
Location	Needs	Replace	Fix
MLK			X

Fix Curve Sign @ MLK

Remove BLANK Street Sign by School on W 6th St.

Remove Mac 1100 sign out of yard & black pole from Mac Dr (yard)

Remove Pole on W. 6th St & Sycamore



AGENDA MEMO

Business of the City Council City of Sweeny, Texas

Meeting Date	08/27/2024	Agenda Items	
Approved by City Manager		Presenter(s)	
Reviewed by City Attorney		Department	Parks
Subject	Discussion and possible action to agenda request for usage of the Gazebo Park for Halloween in the Park; Kasey Kennedy		
Council Strategic Goals	Sense of Community-Community Event		
Attachments / Supporting documents	Agenda Request		
Financial Information	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:	-	
	Additional Appropriation Required:	-	
	Additional Account Number:	-	

Executive Summary

Agenda request received for usage of city owned property for the annual Halloween in the Park festivities. Date of requested usage is October 26, 2024 from 6-9PM.

Considerations: police enforcement/patrol and traffic safety, porta cans, trash considerations, barricades, additional lighting. The lease agreement for the railroad right of way property was not renewed with Union Pacific. This encompasses the area along the south side of Gazebo Park.

Recommended Action

To approve the requested usage of the Gazebo Park on October 26, 2024 from 6-9 PM for the annual Halloween in the Park.



CITY OF SWEENEY

102 W. Ashley Wilson Rd. • PO Box 248 • Sweeny, Texas 77480 • P: (979) 548-3321

The following will be used to request an item to be placed on the agenda with the Sweeny City Council.

Personal Information:

Name: Kasey Kennedy - Old Ocean Volunteer Fire Department

Mailing Address: [REDACTED]

Physical Address:

Email(s) [REDACTED]

Phone(s) [REDACTED]

Please include specific details of the item you wish to be placed on the agenda.

OOVFD is taking over Halloween in the park with SFR. We are looking to do this event on October 26th..this day was put out before we took over but we would like to keep it. This has been a FREE community event and will continue that way with the sponsors and donations from town organizations and businesses. Same location as the previous year at Chick Anderson Park from 6pm-9pm. The department will be getting insurance for this event. All traditions will stay the same such as the fire truck and hay rides along with the costume contest done by chamber. This is NOT a vendor event.

Signature:  Date:

8-12-24

Requests must be received by the City Manager by close of business 10 days prior to the scheduled meeting date for placement. Administration and/or their designee reserves the right to delay the item to the following regularly scheduled meeting if it is determined that more time is needed in order to compile information specific to the request.

Once Council has acted on an agenda item; that item cannot be placed on the agenda for a period of six (6) full months. Exception is provided if three members of Council ask that the item be returned early to the agenda, or the Mayor or City Manager determines it is in the interest of the City to do so.



CITY OF SWEENY

102 W. Ashley Wilson Rd. • PO Box 248 • Sweeny, Texas 77480 • P: (979) 548-3321 • F: (979) 548-7745

Gazebo Park Reservation Application

Name: Kasey Kennedy
 Address: 9743 CR 321 Sweeny Tx 77480
 Home Phone: 979-215-8020 Drivers License Number 08135451
 Date of Use: October 26 2024 Time Requested: 6:00 AM Till: 9:00 pm
 Type of Activity: Halloween in the Park
 Approximate number of guests: _____

Fees: \$25.00 per day Rental

\$25.00 Deposit

Both to be paid at time of rental. **The rental fee must be separate from the deposit fee.**

1. Request of the use of the gazebo are to be made at least one week in advance.
2. Applicants for the gazebo also agree to indemnify and hold harmless the city of Sweeny from any liabilities of expense resulting from personal injury no matter the cause of such injury during use of the gazebo.
3. All groups using the gazebo agree to assume all responsibility for any damages or injuries done to the premises as a result of their usage.
4. Alcohol is prohibited on city property.
5. All parks close at dark.
6. Lessee is responsible for the removal of any trash debris and clean- up of park facility.
7. Port A Cans are allowed at the gazebo if rented at the renters expense. Maximum number of 2 cans allowed. Must be delivered the day of function and removed first business day after by noon. The city is not responsible for any port a cans, damages, or scheduling conflicts. Keep in mind that they would be on public property making them available to the public.
8. Copy of Drivers License is required to be submitted along with this application.
9. All renters must be 21 years of age or older.
10. I have read the rules and regulations stated above, I understand them, and I will abide from them.

Signature:  Date: 8-12-24

Rental Fee: _____ Deposit: _____

Signature for City: _____

**** The city reserves the right to cancel any reservations****

Deposit Returned Date _____ Amount Returned _____

Renters Signature for Return of Deposit _____

City Employee Returning Deposit _____

MEMORANDUM OF AGREEMENT

This memorandum of agreement is made this ____ day of ____, 20____, between the City of Sweeny, Texas, a municipal corporation of the State of Texas, hereafter referred to as City, and Old Ocean Fire Dept. (NAME), hereafter referred to as Second Party:

WITNESSETH:

Second Party has requested rental of the SWEENY GAZEBO/A.M. "CHICK" ANDERSON PARK and

Second Party acknowledges that he will be an independent renter and agrees to assume any risk of injury or liability which may arise from the rental of the SWEENY GAZEBO/A.M. "CHICK" ANDERSON PARK.

NOW THEREFORE, BE IT REMEMBERED BY THE PARTIES:

The City hereby grants permission to Second Party for the rental of the SWEENY GAZEBO/A.M. "CHICK" ANDERSON PARK at the times and dates established by the City.

Second Party agrees to follow and abide by all rules established by the City in the rental of the SWEENY GAZEBO/A.M. "CHICK" ANDERSON PARK, all rules are referenced in the application attached that must be submitted for confirmation of completion and contract of rental.

For the consideration for being allowed to rent the SWEENY GAZEBO/A.M. "CHICK" ANDERSON PARK as specified herein, Second Party agrees to be responsible for any and all damages which may occur to the City, Second Party, or to employees, agents or others who are working for Second Party, or to any member of the general

public occupying, as a result of the actions of Second Party in the rental of the SWEENY GAZEBO/A.M. "CHICK" ANDERSON PARK. Therefore, in consideration for this agreement and other good and valuable consideration, hereby acknowledged as received, Second Party (hereinafter known as Indemnitor) hereby agrees to indemnify and hold harmless THE CITY OF SWEENY (hereinafter known as Indemnitee) from and against any and all liability or loss that the City, or the Indemnitor, his agents, servants or employees, or the general public, may sustain as a result of claims, demands, costs or judgments, including attorney's fees, arising from any injury to any person, including Indemnitor, or property, including that owned by Indemnitor, as a result of the rental of the SWEENY GAZEBO/A.M. "CHICK" ANDERSON PARK.

City and Second Party agree to cooperate in executing any further documents or performing any other work necessary to complete this agreement.

CITY OF SWEENY

Kasey Kennedy

Second Party Name Printed

[Signature]

Second Party Signature

979-216-8020

Second Party Contact Number



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

Meeting Date	08.27.2024	Agenda Items	
Approved by City Manager	Yes	Presenter(s)	Lindsay Koskiniemi, City Manager Leigh Ann Thornton Kacey Roman, Building Official, Plumbing Inspector, Devin Lemon, Fire Marshall
Reviewed by City Attorney	No	Department	Animal Services, Development Services
Subject	Discussion and possible action on a request from donor for a variance to all building codes for the construction of a new, city-owned animal services building.		
Council Strategic Goals	This request does not meet the 5 pillars of Council adopted strategic plan.		
Attachments / Supporting documents			
Financial Information	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

Executive Summary

In February 2024, Ms. Leigh Ann Thornton hosted a fund raiser for the construction of a new animal shelter facility and raised an astonishing \$50,000 which was later donated to the City with an executed agreement that the funds would only be used for that purpose.

The designated site for the construction of the proposed facility on city-owned property where a dilapidated shed currently stands at the intersection of Peach Street and 2nd St. is on a concrete foundation, was approved for use by the animal shelter, and meets TCEQ set-back requirements. This site was found to be the most advantageous to begin an animal shelter construction project, because the lot is owned by the City, and there is a concrete slab in place with room to expand.

The problem is there is not enough money to have a shovel-ready project – no engineered plans, no plans to review, and no basis to start the project. Newly constructed city facilities are required to meet all applicable Codes – Americans with Disabilities Act, International Building Code, International Fire Code, National Electrical Code, etc., and plans are required to be windstorm engineered for the City to carry property insurance on the building.

Furthermore, the City participates in the National Flood Insurance Program, therefore any additions of impervious surface require the review and approval of the City Engineer and from the West Brazoria County Drainage District #11. Often when additional impervious surface is laid, which would be the case with this proposed plan to accommodate additional parking and



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

indoor/outdoor dog runs, drainage remediation and/or detention is required. Newly constructed vertical builds are reviewed by the City's architect.

To have a shovel-ready project, engineered plans would need to be done, and while that is costly, it is also the only way to know that everything meets code. Engineered plans for the building would very likely consume the entire donation, leaving no funds for the construction, however, these are the requirements to ensure safe construction.

Granting several variances from all Code imposes a liability on the City, and if the City requires others to follow Codes, then the City needs to follow its own Codes and the other Codes required by other entities for municipal facilities.

Staff does not recommend allowing these variances, as it sets a precedent to the public. Alternatively, staff has suggested to Ms. Thornton and the Animal Shelter Advocacy group to request City Council to amend the adopted CIP plan to include the animal shelter so that a funding strategy can be developed, and it can done be the right way, despite the fact this is not the quickest way to getting a new building.

Staff has invited Ms. Kacey Roman, former Building Official of City of Freeport to discuss the importance of building codes with City Council as well as the City's Fire Marshal, Mr. Devin Lemon.

Recommended Action

Staff does not recommend granting variances to International Building Code, City Code, Americans with Disabilities Act, International Fire Code, National Electrical Code, windstorm, or any other applicable Codes enforceable by the City, or bypassing the engineering, drainage, and architectural review processes required by the City's Code.

Rather, staff's recommendation is to discuss the possibility of amending the CIP plan to include the animal shelter construction project.



CITY OF SWEENY

102 W. Ashley Wilson Rd. • PO Box 248 • Sweeny, Texas 77480 • P: (979) 548-3321

The following will be used to request an item to be placed on the agenda with the Sweeny City Council.

Personal Information:

Name: Leigh Ann Thornton

Mailing Address: 702 Avenue B Sweeny, Texas 77480

Physical Address: Same

Email(s): lathornton@stpegs.com

Phone(s): 979-665-6610

Please include specific details of the item you wish to be placed on the agenda.

I am seeking a variance from building codes for the animal shelter on Peach Street. It would be an obscene amount of money to get the necessary engineering designs in order to be a certified building to obtain windstorm insurance. I would like an exemption from the city to NOT have the building covered by windstorm. We have a contractor that is willing to build a 7 ft cinderblock bottom and remodel the structure with metal on the top. This is a cost saving method and will last longer. Any structure is better than what they are currently be housed in...NOTHING. We need to start this as soon as possible and keep running into road blocks caused by the city ordinances and codes. I respectfully request the animal shelter be exempt from all building codes and be granted a variance from current ordinances.

Signature: Leigh Ann Thornton Digitally signed by Leigh Ann Thornton
Date: 2024.08.08 09:20:50 -0500 Date: 08-08-24

Requests must be received by the City Manager by close of business 10 days prior to the scheduled meeting date for placement. Administration and/or their designee reserves the right to delay the item to the following regularly scheduled meeting if it is determined that more time is needed in order to compile information specific to the request.

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AGENDA MEMO

Business of the City Council City of Sweeny, Texas

Meeting Date	08.07.2024	Agenda Items	
Approved by City Manager	Yes	Presenter(s)	Lindsay Koskiniemi, City Manager
Reviewed by City Attorney	No	Department	Permitting
Subject	Discussion and possible action on granting a variance Section 92.01 of the Sweeny Code of Ordinances to allow burning of debris along Stevenson Slough, the natural drainage ditch, at the Prayer Garden.		
Council Strategic Goals	2) Infrastructure Investment – Drainage infrastructure improvement.		
Attachments / Supporting documents	Email correspondence between Pastor W. Rayburn and City Manager.		
Financial Information	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

Executive Summary

Pursuant to Chapter 92 §92.01 of the City of Sweeny Code of Ordinances, Outdoor Burning of Waste; Combustible Material, “It shall be unlawful for any person, firm, or corporation to knowingly and intentionally burn outdoors within the corporate city limits, any waste or any combustible material in violation of any of the rules and regulations of the State Natural Resource Conservation Commission, as the rules and regulations are adopted by the Commission pursuant to the provisions of the Clear Air Act of the state.”

While Hurricane Beryl debris clean up is substantially complete, there remains large piles of organic debris at the Prayer Garden owned by the First Baptist Church, along Stevenson Slough, the City’s natural drainage system. The concern is that with heavy rainfall, the debris could block the drainage and cause storm water to back up.

This variance request is made to give the option of burning the debris in place, because the locations of the piles are likely inaccessible with heavy equipment.

In discussing the strategy for clearing the debris from the slough at the Prayer Garden with Pastor Rayburn, the church parishioners are amenable to requesting a burn variance from City Council but are not able to maintain fire watch and have requested assistance from the City and / or Sweeny Fire and Rescue.

Recommended Action

Staff recommends approving a variance to Section 92.01 of the City’s Code of Ordinances to allow burning of debris if piles are inaccessible with heavy equipment. If burning is the only way to remove the debris, staff will work with other entities to help with fire watch.

Lindsay Koskiniemi

From: Warren Rayburn <[REDACTED]>
Sent: Thursday, August 15, 2024 12:11 PM
To: Lindsay Koskiniemi
Cc: Kaydi Smith; Brad Caudle
Subject: Re: Tomorrow Farmers Market

Thanks for your help. Let me get with my team who oversees our prayer garden and ill get back to you shortly with an answer. Thanks!

*Warren Rayburn
Lead Pastor - FBC Sweeny*

On Thu, Aug 15, 2024 at 11:12 AM Lindsay Koskiniemi <citymanager@sweenytx.gov> wrote:

Yes sir, Pastor. We will be happy to assist.

I do have one thing to ask you. There are downed trees in the slough of the Prayer Garden that need to be removed and are likely inaccessible by heavy equipment. Someone mentioned to me possibly requesting a variance to burn the downed trees in place to prevent drainage from getting blocked along the slough. That request would need to come from the property owner. What are your thoughts on burning the downed trees to remove them?

Thank you,

Lindsay Koskiniemi, CGFO, CPM, MPA, MSA
City Manager

Office 979-548-3321
Sweeny City Hall | 102 W. Ashley Wilson Rd. | Sweeny, TX 77480



From: Warren Rayburn <[REDACTED]>
Sent: Thursday, August 15, 2024 10:51 AM
To: Lindsay Koskiniemi <citymanager@sweenytx.gov>
Subject: Tomorrow Farmers Market

Hey Lindsay,

Tomorrow are having another one of our monthly Farmers Markets here at FBC. Brazosport Cares reached out to me to see if you guys would be willing to put out another call today for the Market. I've attached below what would need to be put on the robocall. Please let me know if this is possible or if any changes need to be made. Thanks so much!

"Tomorrow from 8:00 AM to 11:00 AM Brazosport Cares and FBC Sweeny will provide free fresh produce and food for the community. If you have previously attended this farmers market please bring your shopper ID number that you were given. For those without an ID, registration will take place in your vehicle at FBC Sweeny 402 N Main St. East 4th St. will be closed for the Farmers Market, please access the FBC Sweeny parking lot from N. Oak St. If you have any questions please call 979-239-1225."

Warren Rayburn

Lead Pastor - FBC Sweeny

Lindsay Koskiniemi

From: Warren Rayburn [REDACTED]
Sent: Wednesday, August 21, 2024 1:50 PM
To: Lindsay Koskiniemi
Subject: Prayer Garden Variance

Hey Lindsay,

I talked with some guys at the church. We are good with getting a variance to burn the trees that have been piled up, but our guys do not feel like burning the pile and keeping watch of it would be doable for them on their own watch. There is a concern regarding the length of time this pile would take to burn completely because of its size. They did say that if the fire department is going to be involved they would appreciate that. Let me know what you think and feel free to give me a call with any questions.

Thanks,

[REDACTED]

*Warren Rayburn
Lead Pastor - FBC Sweeny*



AGENDA MEMO

Business of the City Council City of Sweeny, Texas

Meeting Date	08.27.2024	Agenda Items	
Approved by City Manager	Yes	Presenter(s)	Joanna Rambo
Reviewed by City Attorney	No	Department	Sweeny Beautification Committee
Subject	Discussion and possible action on presentation of FY25 Sweeny Beautification budget for Council's consideration and approval.		
Council Strategic Goals	3) Sense of Community – Provide exceptional recreation, cultural, and educational opportunities with focus on inclusivity by leveraging help of Boards and Commissions.		
Attachments / Supporting documents	Proposed FY25 budget document		
Financial Information	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

Executive Summary

Sweeny Beautification Committee has prepared their annual budget for Council's consideration and approval. They intend to use fund balance throughout the fiscal year, because revenues are generated throughout the year from events.

As presented, the proposed budget show and 'ending balance' of \$20,300, however, that ending amount will be corrected to \$0 with an additional line showing a transfer from fund balance in the amount of \$8,150 prior to the City budget book publication (typically beginning of October).

Recommended Action

Staff recommends approval of the proposed FY25 Sweeny Beautification Committee budget contingent on revisions including a transfer in from fund balance to balance the budget.

SWEENEY BEAUTIFICATION
 FISCAL YEAR 2024-2025 PROPOSED BUDGET
 *NOT YET APPROVED BY CITY COUNCIL

REVENUES	ANTICIPATED REVENUE
HALLOWEEN 5K	100
FALL DANCE	2,000
FALL BAKE SALE	1,000
CHRISTMAS IN THE PARK	870
VALENTINES DANCE	2,240
FARMER'S MARKET	2,000
PRIDE DAY	10,620
ADOPT-A-SPOT	200
MARDI GRAS	1,270
TOTAL ANTICIPATED REVENUE	\$ 20,300
EXPENSES	
EVENTS	
NATIONAL NIGHT OUT	100
SJH FALL DANCE	500
SJH VALENTINE'S DANCE	1,000
CHRISTMAS EVENTS	2,575
MARDI GRAS	2,000
PRIDE DAY	13,950
	<u>\$ 20,125</u>
PROGRAMS	
ADOPT-A-SPOT	200
YARD OF THE MONTH	100
	<u>\$ 300</u>
OPERATIONS	
CONEX STORAGE	2,000
DUES & MEMBERSHIPS	350
OFFICE SUPPLIES	200
OPERATIONAL SUNDRY	975
	<u>\$ 3,525</u>
PROJECTS	
MONUMENTS/PARK	3,000
COMMUNITY UPGRADES	1,500
	<u>\$ 4,500</u>
TOTAL EXPENSE	\$ 28,450
PROJECT YEAR-END BALANCE	\$ (8,150)
PROEJCTED ENDING BALANCE	\$20,300



AGENDA MEMO

Business of the City Council City of Sweeny, Texas

Meeting Date	08/27/2024	Agenda Items	
Approved by City Manager		Presenter(s)	Administration/Fire Department
Reviewed by City Attorney		Department	Administration/Fire Department
Subject	Discussion and possible action to appoint a City Official to the Fire Department Pension Board.		
Council Strategic Goals	Government Sustainability & Sense of Community		
Attachments / Supporting documents			
Financial Information	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

Executive Summary

Previous Councilman Morgan, Position No. 1, was the City liaison for the Fire Department Pension Board. Being that Mr. Morgan is no longer on Council, a new Official will need to be determined.

Fire Chief Barton recommends Councilman Massey, Position No. 5 as the City representative for the Fire Department Pension Board.

Recommended Action

To appoint _____ as the City Official to the Fire Department Pension Board.



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

Meeting Date	8/27/2024	Agenda Items	
Approved by City Manager		Presenter(s)	Lindsay Koskiniemi, Karla Wilson
Reviewed by City Attorney		Department	City Manager , Finance Department
Subject	Budget Amendment for Hurricane Beryl Debris Removal		
Council Strategic Goals	This meets the strategic goal of Government Sustainability by protecting the City's financial integrity and ensuring government transparency.		
Attachments / Supporting documents	Hurricane Beryl Debris Removal requested funding schedule MG Services Invoice 7765 dated 8/14/24 \$227,662.50 MG Services Invoice 7764 dated 8/07/24 \$113,587.50 MG Services Estimate 1515 dated 7/15/24 \$341,250.00 Hurricane Beryl Debris Removal Load Estimate Narrative		
Financial Information	Expenditure Required:	\$341,250.00	
	Amount Budgeted:	NONE	
	Account Number:		
	Additional Appropriation Required:	\$341,250.00	
	Additional Account Number:		

Executive Summary

Council awarded MG Services the agreement for Hurricane Beryl Debris Removal to remove 35,000 cubic yards of debris at \$9.75/cubic yard, total \$341,250.00.

FY 23-24 Budget has no allocation for debris removal; a budget amendment is requested to complete payment to MG Services.

See attached Hurricane Beryl Debris Removal funding schedule for requested funding calculations.

A budget amendment is requested to fund the debris removal \$219,863.32 from the Disaster Contingency Account, \$61,944.87 from the Infrastructure Donations Account, and \$59,441.81 from the General Fund Account.

Recommended Action

Staff recommends a FY23-24 budget amendment to add expenditure line item 50-40-6001, Debris Removal, in the amount of \$341,250.00 with funding from Disaster Contingency Fund Balance of \$219,863.32, Infrastructure Donations Fund Balance of \$61,944.87, and General Account Fund Balance of \$59,441.81.

Hurricane Beryl Debris Removal

	General Fund Account	Disaster Contingency Account		Infrastructure Donations Account
First State Bank	\$ 120,410.63			
LOGIC	\$ 254,524.81			
TexPool		\$ 239,363.32	\$	61,944.87
Account Balance	\$ 374,935.44	\$ 239,363.32	\$	\$ 61,944.87
<u>Additional Revenues/Encumbrances</u>				
Community Center Generators		\$ (19,500.00)		
Estimated payroll (X 3)	\$ (135,000.00)			
Encumbered donations accounts	\$ (33,000.00)			
Estimated Current and projected payables	\$ (175,000.00)			
Estimated Utility Billing transfers from Enterprise to General (Aug 31)	\$ 88,600.00			
Total Additional Revenues & Encumbrances	\$ (254,400.00)	\$ (19,500.00)	\$	\$ -
Account Balances available for debris removal	\$ 120,535.44	\$ 219,863.32	\$	\$ 61,944.87
<u>Requested allocation for Hurricane Beryl Debris Removal</u>				
MG Services Invoice 7764	\$ 113,587.50		\$ (113,587.50)	
MG Services Invoice 7765	\$ 227,662.50	\$ (59,441.81)	\$ (106,275.82)	\$ (61,944.87)
MG Services Total	<u>\$ 341,250.00</u>			
Projected Balance @ FYE	\$ 61,093.63	\$ -	\$	\$ -



10235 FM 524 Rd
Sweeny, TX 77480

Phone # (979) 548-3079

Invoice

Bill To
City of Sweeny PO Box 248 Sweeny, TX 77480

Date	8/14/2024
Invoice No.	7765
P.O. No.	
Terms	Due on receipt

Project	
Service Date	

Location	
-----------------	--

Item	Detail of Work	Qty	Rate/Hr	Amount
Debris	Pick up and Haul off of Hurricane Beryl Debris Remaindered of balance of Estimate 1515 All work is complete		227,662.50	227,662.50
Thank you for your business.			Total	\$227,662.50

RECEIVED
AUG 15 2024
By _____



10235 FM 524 Rd
Sweeny, TX 77480

Phone # (979) 548-3079

Invoice

Bill To
City of Sweeny PO Box 248 Sweeny, TX 77480

Date	8/7/2024
Invoice No.	7764
P.O. No.	
Terms	Due on receipt

Project	
Service Date	

Location	
-----------------	--

Item	Detail of Work	Qty	Rate/Hr	Amount
Debris	Pick up and Haul off Hurricane Debris. 1/3 debris has been picked up and hauled off.	11,650	9.75	113,587.50
Thank you for your business.			Total	\$113,587.50

RECEIVED to Accts payable
jrm 8/8/24

MG Services

10235 FM 524 Rd
Sweeny, TX 77480

7/23/24
Item 15.
Estimate

Date	Estimate #
7/15/2024	1515

Name / Address
City of Sweeny PO Box 248 Sweeny, TX 77480

			Project
Description	Qty	Rate	Total
Pick up and Haul off Hurricane Beryl Debris - Approximately 35,000 yds of hurricane debris, pick up and haul to Industrial Park Burn site.	35,000	8.50 9.75	297,500.00 341,250
Thank you for your business.		Total	\$297,500.00

CITY OF SWEENY
HURRICANE BERYL DEBRIS REMOVAL LOAD ESTIMATE

NARRATIVE

Around the second week of August 2024, I, Lindsay Koskiniemi, visited the site where MG Service was taking debris from Sweeny. I estimate the pile was approximately 12 feet tall in height and at least the length of a football field. The crew was still bringing in loads.

The job was substantially completed on August 16, 2024.

On August 23, 2024, I went to the site and observed a compressed pile measuring 345 linear feet in length and 225 linear feet across standing approximately 12 feet tall. Based on a cubic yardage calculation, that is 34,500 cubic feet of debris.

Length	345
Width	225
Height	12
/ CY	<u>27</u>
TOTAL CY	34,500

When the debris was collected, it was condensed into the trucks. After the debris had been placed at the destination, it was crushed down at the site to begin organic processing. Therefore, it is a reasonable assumption that there were more than 34,500 cubic yards of debris. Accounting for condensed and shrunken loads, we believe that was a total of 1300 loads collected and removed from Sweeny.





AGENDA MEMO

Business of the City Council City of Sweeny, Texas

Meeting Date	08.27.2024	Agenda Items	
Approved by City Manager	Yes	Presenter(s)	Lindsay Koskiniemi, CM Devin Lemon, EMC
Reviewed by City Attorney	No	Department	Emergency Management
Subject	Discussion and possible action to terminate the disaster declaration issued July 7th, 2024 in response to Hurricane Beryl		
Council Strategic Goals	N/A		
Attachments / Supporting documents	1) Proclamation renewing disaster declaration – Office of the Governor of Texas 2) City of Sweeny Resolution 24-111 – Hurricane Beryl disaster declaration		
Financial Information	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

Executive Summary

On July 7, 2024 the City of Sweeny signed a disaster declaration (Resolution No. 21-111) in response to Hurricane Beryl.

City Manager reached out to the following cities and asked which cities intend to renew their disaster declarations: Angleton, Brazoria, Freeport, Iowa Colony, Lake Jackson, and West Columbia. Of the cities that responded, Brazoria, Freeport, Lake Jackson, and West Columbia stated they were not renewing their declarations.

City Manager and Emergency Management Coordinator discussed on August 22, 2024 and did not see a need to recommend renewal.

Recommended Action

Council discretion.



GOVERNOR GREG ABBOTT

August 5, 2024

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00 AM O'CLOCK

The Honorable Jane Nelson
Secretary of State
State Capitol, Room 1E.8
Austin, Texas 78701

AUG 05 2024
Jane Nelson
Secretary of State

Dear Secretary Nelson:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

A proclamation renewing a previous state of disaster caused by widespread and severe property damage, injury, and loss from flooding, life-threatening storm surge, damaging wind, and heavy rainfall caused by Hurricane Beryl in a certain number of counties.

The original proclamation is attached to this letter of transmittal.

Respectfully submitted,

Gregory S. Davidson
Gregory S. Davidson
Executive Clerk to the Governor

GSD:gsd

Attachment

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, a disaster proclamation was issued on Friday, July 5, 2024, as amended later the same day and again on Saturday, July 6, 2024, certifying that Hurricane Beryl posed a threat of imminent disaster, including widespread and severe property damage, injury, and loss of life due to widespread flooding, life-threatening storm surge, damaging wind, and heavy rainfall in Anderson, Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bell, Bexar, Bowie, Brazoria, Brazos, Brooks, Burleson, Caldwell, Calhoun, Cameron, Camp, Cass, Chambers, Cherokee, Collin, Colorado, Comal, Dallas, DeWitt, Delta, Dimmit, Duval, Ellis, Falls, Fannin, Fayette, Fort Bend, Franklin, Freestone, Frio, Galveston, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hardin, Harris, Harrison, Hays, Henderson, Hidalgo, Hill, Hopkins, Houston, Hunt, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kaufman, Kenedy, Kinney, Kleberg, La Salle, Lamar, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, Madison, Marion, Matagorda, Maverick, McLennan, McMullen, Medina, Milam, Montgomery, Morris, Nacogdoches, Navarro, Newton, Nueces, Orange, Panola, Polk, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, Shelby, Smith, Starr, Titus, Travis, Trinity, Tyler, Upshur, Uvalde, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Wood, Zapata, and Zavala Counties;

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, do hereby renew the aforementioned proclamation.

Pursuant to Section 418.017 of the Texas Government Code, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016 of the Texas Government Code, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to protect life or property threatened by this declared disaster, I hereby authorize the suspension of such statutes and rules for the duration of this declared disaster.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.



IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 5th day of August, 2024.

Greg Abbott

GREG ABBOTT
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00 AM O'CLOCK

AUG 05 2024

Governor Greg Abbott
August 5, 2024

Proclamation
Page 2

ATTESTED BY:



JANE NELSON
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00 AM O'CLOCK

AUG 05 2024

RESOLUTION NO. 24-111

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SWEENY, TEXAS, RATIFYING THE DISASTER DECLARATION SIGNED BY THE MAYOR ON JULY 7, 2024, AND CONSENTING TO ITS CONTIUATION; FINDING FACT; AND ADOPTING AN EFFECTIVE DATE.

WHEREAS, on July 7, 2024, the Mayor of the City of Sweeny, Texas, acting in accordance with authority granted to him under Section 418.108(a) of the Texas Government Code and the City’s Home Rule Charter, declared a local state of disaster for the City due to damages caused by Hurricane Beryl including, many downed trees and large limbs, many downed power lines, localized flooding, damage to homes and other structures, extended loss of power, including to the City Hall, and other damages associated with a hurricane.

WHEREAS, Section 418.108(b) of the Texas Government Code provides that such declaration of disaster may not be continued for a period of more than seven (7) days from the date of issuance except with consent of the governing body of the city;

WHEREAS, the conditions necessitating the disaster declaration continue to exist;

WHEREAS, pursuant to Section 418.108(d) of the Texas Government Code, the Declaration of a Local State of Disaster activates the recovery and rehabilitation aspects of all applicable local or interjurisdictional emergency management plans and authorized furnishing of aid and assistance;

WHEREAS, the widespread nature of the hurricane and magnitude of damage from the hurricane created shortages in manpower and supplies necessary for recovery by the City and local residents, continuing the need for assistance and constituting an ongoing threat of disaster; and

WHEREAS, the City Council supports the disaster declaration signed by the Mayor and consents to its continuation.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SWEENY, TEXAS:

Section 1:

The findings and recitations of fact stated herein are found to be true and correct and incorporated herein by reference and expressly made a part of hereof, as if copied herein.

Section 2:

The City Council hereby ratifies the disaster declaration signed by Mayor Hopkins on July 7, 2024 and consents to its continuation until such time as it is further continued by the City Council or terminated by the Mayor, provided that the Mayor give the City Council seventy-two hours' notice of the proposed termination.

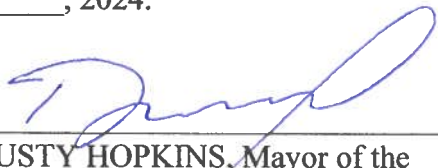
Section 3:

This Resolution Continuing the Local State of Disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary.

Section 4:

This Resolution shall take effect immediately upon execution by the Mayor.

APPROVED AND ADOPTED July 13, 2024.



DUSTY HOPKINS, Mayor of the
City of Sweeny

ATTEST:


KAYDI SMITH, City Secretary

Category	2023 - 2024	2023 - 2024 YTD
INCOME		
Sales Tax Revenue	\$189,428.64	\$166,660.90
Interest Income	\$20,000.00	\$14,218.91
Loan	\$772,170.76	\$772,170.76
TOTAL INCOME	\$981,599.40	\$953,050.57
EXPENSES		
Office		
Phone/Internet	\$2,200.00	\$466.03
Rent	\$12,000.00	\$1,204.00
Postage	\$100.00	\$129.00
Office Supplies	\$2,000.00	\$1,942.38
Total	\$16,300.00	\$3,741.41
Employee		
Employee Salary including medical benefits	\$46,440.00	\$42,444.66
Payroll Liabilities	\$6,500.00	\$3,289.01
J and K Payroll	\$900.00	\$750.00
Quickbooks Payroll and monthly employee charge	\$900.00	\$750.00
Total	\$54,740.00	\$47,233.67
Legal Services	\$8,000.00	\$7,418.47
Advertising		
Public Hearing Notices	\$500.00	\$0.00
Sweeny EDC Ads	\$500.00	\$0.00
City Publication	\$10,000.00	\$8,496.64
Total	\$11,000.00	\$8,496.64
Training/Education/Conferences		
Sales Tax Training	\$600.00	\$200.00
ARCIT Conference	\$2,000.00	\$782.67
Executive Director Training	\$1,681.08	\$322.44
Mileage Reimbursement	\$500.00	\$523.77
Alliance Meetings	\$400.00	\$194.00
Total	\$5,181.08	\$2,022.88
Memberships		
Sweeny Chamber	\$75.00	\$0.00
Association of Rural Communities in Texas	\$395.00	\$300.00
The Economic Development Alliance	\$300.00	\$500.00
Texas Economic Development Council	\$525.00	\$550.00
Total	\$1,295.00	\$1,350.00
Loan		
Interest	\$44,529.60	\$37,167.54
Priiicipal	\$15,382.96	\$17,697.38
Total	\$59,912.56	\$54,864.92
Mowing Industrial Park	\$5,000.00	\$0.00
Projects		
Industrial Park	\$772,170.76	
Block Grant	\$30,000.00	\$0.00

Project - Other

Total	\$802,170.76	
Promotions		
Fireworks - Pride Day and 4th of July	\$18,000.00	\$20,000.00
Total	\$18,000.00	\$20,000.00
GRAND TOTAL	\$981,599.40	\$145,127.99

\$180,879.81

Category

INCOME	
Sales Tax Revenue	
Interest Income	
Block Grant Reimbursement	
TOTAL INCOME	
EXPENSES	
Office	
Phone/Internet	
Rent - Storage	
Postage	
Office Supplies	
Quickbooks for Payroll and quickbooks monthly employee charge	
Total	
Employee	
Employee Salary without insurance - 1714.70 x 24	
Medical Insurance -- \$130.72 x 24	
Federal Income Tax -- \$138.78 x 24	\$3,330.72
Medicare -- \$26.76 x 24	\$642.24
Social Security -- \$114.41 x 24	\$2,745.84
Payroll Liabilities	
Total	
Legal Services	
Advertising	
Public Hearing Notices	
City Publication	
Total	
Training/Education/Conferences	
Sales Tax Training	
Executive Director Training	
Mileage Reimbursement	
Alliance Meetings	
Total	
Memberships	
The Economic Development Alliance	
Texas Economic Development Council	
Total	
Loan	
Principal	
Interest	
Total	
Mowing Industrial Park	
Projects	
Industrial Park	
Electricity	
Infrastructure	

Building
Block Grant
Block Grant Reimbursement
Total
Promotions
Fireworks - 4th of July
Total
GRAND TOTAL

Fund Transfer from TexPool Account

2024 - 2025

\$150,000.00
\$5,000.00
\$9,990.00
\$164,990.00
\$2,200.00
\$1,680.00
\$100.00
\$1,000.00
\$900.00
\$5,880.00
\$41,152.80
\$3,137.28
\$3,388.19
\$47,678.27
\$5,000.00
\$500.00
\$5,000.00
\$5,500.00
\$200.00
\$500.00
\$500.00
\$400.00
\$1,600.00
\$500.00
\$550.00
\$1,050.00
\$16,271.72
\$43,639.84
\$59,911.56
\$5,000.00
\$259,252.05

\$10,000.00
\$9,990.00
\$279,242.05
\$10,000.00
\$10,000.00
\$420,861.88
\$164,990.00
(\$255,871.88)
\$255,871.88

From: [Karla Wilson](#)
Sent: Tuesday, August 20, 2024 12:04 PM
To: [Lindsay Koskiniemi](#); [Kaydi Smith](#)
Cc: [Michelle Medina](#); dlemon [REDACTED]; [Dusty Hopkins](#); [Reese Cook](#)
Subject: Re: EDC budget

Michelle,

On the payroll portion, the withholding is not an expense to SEDC in addition to the salary. It is simply Federal Income Tax withheld from your salary and does not constitute an additional expense to SEDC. The only expense to SEDC in addition to your salary amount is the employer portion of FICA (Medicare 1.45% and Social Security 6.2%) which totals 7.65%. The amounts you show for those are correct - the employee has 7.65% withheld and the employer pays an additional 7.65%.

Your salary portion should show:

Salary		\$44,290.08
Employer portion of Medicare (1.45%)	642.21	
Employer portion of Social Security (6.2%)	<u>2,745.98</u>	<u>3,388.19</u>
Total		\$47,678.16
Payroll preparation		<u>900.00</u>
Total		\$48,578.16

Karla Wilson
 Director of Finance and Personnel Services
 City of Sweeny
 PO Box 248
 Sweeny, TX 77480
 (979) 548-3321

From: Lindsay Koskiniemi <citymanager@sweenytx.gov>
Sent: Tuesday, August 20, 2024 11:45 AM
To: Kaydi Smith <kdsmith@sweenytx.gov>; Karla Wilson <kwwilson@sweenytx.gov>
Cc: Michelle Medina <michelle.medina@edc.sweenytx.gov>; dlemon1@ [REDACTED]; <[dlemon1@\[REDACTED\]](mailto:dlemon1@[REDACTED])>; Dusty Hopkins <mayor@sweenytx.gov>; Reese Cook <rcook@sweenytx.gov>
Subject: RE: EDC budget

Good Afternoon,

This iteration of the SEDC FY25 budget segregates the personnel costs as council requested but still improperly categorizes Fund Balance (TexPool) as "Income," which does not meet Council's

directive. The directive was to show a transfer in from fund balance. I see that it is labeled as a “Transfer from fund balance,” but it is improperly calculated in the total income amount and should be shown below revenues and expenses.

Council also instructed EDC to work with the city manager to get the budget into the requested format prior to resubmitting for approval to the governing body. That has not occurred.

Thanks,

Lindsay Koskiniemi, CGFO, CPM, MPA, MSA
City Manager
Office 979-548-3321
Sweeny City Hall | 102 W. Ashley Wilson Rd. | Sweeny, TX 77480



From: Kaydi Smith <kdsmith@sweenytx.gov>
Sent: Tuesday, August 20, 2024 11:03 AM
To: Lindsay Koskiniemi <citymanager@sweenytx.gov>; Karla Wilson <kwwilson@sweenytx.gov>
Subject: FW: EDC budget

From: Michelle Medina <michelle.medina@edc.sweenytx.gov>
Sent: Tuesday, August 20, 2024 11:00 AM
To: Kaydi Smith <kdsmith@sweenytx.gov>
Subject: RE: EDC budget

Here you go. Jenny or Devin will be there to represent EDC.

Thank you,

Michelle Medina

Executive Director
Sweeny Economic Development Corporation
PO Box 502
Sweeny, Texas 77480
979-548-2894



AGENDA MEMO

Business of the City Council

City of Sweeny, Texas

Meeting Date	08/27/2024	Agenda Item	Natural Gas Department Audit Review
Approved by City Manager		Presenter(s)	City Manager, Technical Advisor
Reviewed by City Attorney		Department	Public Works
Subject	Discussion and possible action on RailRoad of Texas Enforcement Action from previous audits.		
Attachments	RailRoad Commission of Texas Proposed settlement dated August 14, 2024		
Financial Information	Proposed Expenditure:	\$4,500.00	
	Amount Budgeted:	\$0	
	Account Number:	50-11-6712	
	Additional Appropriation Required:		
	Additional Account Number:		

Executive Summary

According to Texas RailRoad Commission rule 8.209 (h), the City of Sweeny should have initiated a plan to start replacing critical components of its Natural Gas Distribution system the year of 2021. Based on the City not submitting that plan and not starting action to follow the rule as it applied, The Texas RailRoad Commission cited the City an alleged violation for its actions. During an Audit earlier this year, The City was again cited for the alleged violation as a repeat issue being that no visible efforts had been made to correct the original issue. Based on the failure of the City to comply with the rule, Action was referred to the General Counsel office for enforcement action. They are proposing a \$4,500 settlement penalty and also for the to comply in the future to avoid additional enforcement actions.

It should be noted that City Staff has submitted a preliminary plan to complete 8% replacement by December 31st of this year and also submit a proposal for 8% in January based off of system evaluations to support the most hazardous conditions in existence.

Technical Advisor, D. Jordan provided an update to Council at an earlier meeting date and advised that he believed an additional fine would be imposed for the 2021 pipe change out mandate not being supported by an actionable plan submitted to the RRC of Texas by the City of Sweeny.

Recommended Action

Pay the settlement agreement and follow corrective actions in the future for compliance.

CHRISTI CRADDICK, *CHAIRMAN*
 WAYNE CHRISTIAN, *COMMISSIONER*
 JIM WRIGHT, *COMMISSIONER*



ALEXANDER C. SCHOCH, *GENERAL COUNSEL*
 MEGAN NEAL, *DEPUTY GENERAL COUNSEL*

RAILROAD COMMISSION OF TEXAS
OFFICE OF GENERAL COUNSEL
LEGAL ENFORCEMENT SECTION

August 14, 2024

CITY OF SWEENY
 PO BOX 248
 SWEENY, TX 77480-0248
Via First Class and Certified Mail RR# 9214 8901 9403 8374 1252 71

Re: PIPELINE SAFETY ENFORCEMENT DOCKET NO. 00017618: ENFORCEMENT ACTION AGAINST CITY OF SWEENY (OPERATOR NO. 154756) FOR VIOLATION OF PIPELINE SAFETY REGULATIONS AT THE SYSTEM OF COMPANY ID NO.0382(SYSTEM OF ID NO. 000093), BRAZORIA COUNTY, TEXAS

To Those Concerned:

This letter is to inform you that the above-referenced case has been referred to the Railroad Commission's Office of General Counsel—Legal Enforcement Section ("Legal Enforcement") to pursue administrative penalties against City of Sweeny for violations of Commission Rule § 8.209(h). Based on a Commission inspection conducted on May 1, 2024, the City of Sweeny did not provide documentation that a minimum 8% of the pipeline segments or facilities posing the greatest risk and identified for replacement for previous INSP - 71713 and current INSP - 100535.

If, by or before September 24, 2024, City of Sweeny pays a \$4,500 (FOUR THOUSAND FIVE HUNDRED DOLLARS) penalty, resolves the violations, and signs and returns the enclosed order, Legal Enforcement will recommend that this matter be resolved without a hearing.

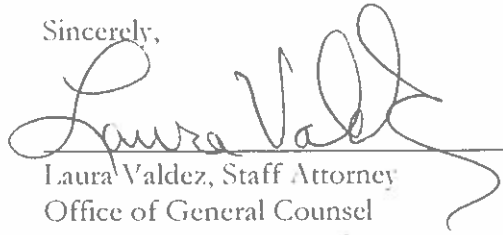
The administrative penalty may be paid either by check or online via the CASES payment portal. If you choose to pay by check, the check must be made payable to the Railroad Commission of Texas, must reference Docket No. 00017618, and must be mailed my attention at the address below. To pay via the CASES payment portal, access CASES at <https://rrctx.force.com/s/> and follow the instructions provided. Please note that you must become an authenticated user to make a payment through CASES.

Please be advised that if I do not receive the penalty and signed order by no later than 5:00 p.m. on September 24, 2024, this offer will be deemed to have been rejected and a Complaint will be filed. In such event there may be no opportunity for further negotiations.

CITY OF SWEENEY
Docket No. 00017618
Page Two

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Laura Valdez". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Laura Valdez, Staff Attorney
Office of General Counsel
Legal Enforcement Section
Phone: (512) 463-3387
laura.valdez@rrc.texas.gov

Enclosure

**RAILROAD COMMISSION OF TEXAS
PIPELINE SAFETY ENFORCEMENT DOCKET NO. 00017618:
ENFORCEMENT ACTION AGAINST CITY OF SWEENEY (OPERATOR NO. 154756) FOR
VIOLATION OF PIPELINE SAFETY REGULATIONS AT THE SYSTEM OF COMPANY ID
NO.0382(SYSTEM OF ID NO. 000093), BRAZORIA COUNTY, TEXAS**

STIPULATION, AGREED SETTLEMENT AND CONSENT ORDER

On this day, the above entitled and numbered docket came on for consideration by the Railroad Commission of Texas (the "Commission"). The Railroad Commission's Office of General Counsel—Legal Enforcement Section and City of Sweeney ("Respondent") have agreed to an informal disposition of the matters under this docket through this Stipulation, Agreed Settlement and Consent Order ("Order"), subject to the approval of the Commission. The Commission has authority to informally dispose of this case through a consent order pursuant to Texas Government Code § 2001.056(3).

IN SETTLEMENT OF THIS DOCKET, the Commission and Respondent do hereby agree and stipulate as follows:

1. Respondent is an "operator" as that term is defined in 16 Texas Administrative Code § 8.5(20) or a "master meter operator" as that term is defined in 16 Texas Administrative Code § 8.5(17).
2. Respondent is a "person" as that term is defined in 16 Texas Administrative Code § 8.5(21).
3. Respondent is a "gas company" as that term is defined in 16 Texas Administrative Code § 8.5(11).
4. Respondent operates the captioned system.
5. The Commission and Respondent agree that the alleged violations of Commission Rules Title 16, 8.209(h) as set forth in Pipeline Safety Docket No. 00017618 are hereby settled and compromised under the terms of this Order. This Order affects no other matters.
6. Respondent makes no admission of any alleged pipeline safety violations but wishes to address the Commission's concerns under the terms of this Order.
7. The Commission wishes to further the goal of safe operations of gas pipeline facilities within the State of Texas.
8. Respondent has elected not to avail itself of the opportunity for public hearing.
9. The Commission has jurisdiction to assess an administrative penalty against Respondent pursuant to Sections 121.206 and 121.207 of the Texas Utilities Code.
10. To the extent possible the violations alleged in Pipeline Safety Docket No. 00017618 have been placed in compliance by Respondent with the requirements of 16 Texas Administrative Code § 8.209(h).

Consent Order
CITY OF SWEENEY
Docket No. 00017618
Page Two

11. An administrative penalty in the amount of \$4,500 (FOUR THOUSAND FIVE HUNDRED DOLLARS) shall be recovered by the Commission for the violations asserted against Respondent.

12. Respondent has placed in the possession of the Commission funds in the amount of \$4,500 (FOUR THOUSAND FIVE HUNDRED DOLLARS) in payment of administrative penalties assessed in Pipeline Safety Docket No. 00017618.

13. The person signing hereunder for Respondent has authority to represent Respondent in this matter.

Jurisdiction of this docket having been established and an agreement of the parties having been reached, it is, therefore, ORDERED by the Railroad Commission of Texas that City of Sweeny is assessed an administrative penalty in the amount of \$4,500 (FOUR THOUSAND FIVE HUNDRED DOLLARS), and that Pipeline Safety Docket No. 00017618 is informally disposed of and closed by this Stipulation, Agreed Settlement and Consent Order.

RAILROAD COMMISSION OF TEXAS

(Order approved and signatures affixed by Master

Agreed Order dated _____.)

APPROVED AS TO FORM AND SUBSTANCE:

Printed Name

Signature
CITY OF SWEENEY



AGENDA MEMO

Business of the City Council City of Sweeny, Texas

Meeting Date	08/27/2024	Agenda Items	
Approved by City Manager		Presenter(s)	Administration/ CS
Reviewed by City Attorney	Yes	Department	Contracts
Subject	Discussion and possible action to annual interlocal agreement with Brazoria County for construction, improvement, maintenance, and/or repair of streets.		
Council Strategic Goals	Infrastructure Investment		
Attachments / Supporting documents	BrazCo Interlocal_EngineeringStreetMaint		
Financial Information	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

Executive Summary

Annually the City enters into an interlocal agreement with Brazoria County for street maintenance and repair of roads, culvert and ditch work, herbicide spraying, and installation of traffic signs.

Within this agreement, Brazoria County provides personnel and equipment at its own expense to assist in the construction, improvement, maintenance and/or repair of a street or alley within the City. The City must provide the materials to include fuel for equipment used.

All requests must be submitted in writing to the County Engineer by the Mayor. Any agreed upon assistance would be allocated as the Road and Bridge Departments schedules permit.

Recommended Action

To approve the annual interlocal agreement with Brazoria County for construction, improvement, maintenance, and/or street repair, ending September 30, 2025.

Matt Hanks, P.E., CFM
COUNTY ENGINEER



Karen McKinnon, P.E.
ASST. COUNTY ENGINEER

Wael Tabara, P.E., CFM
ASST. COUNTY ENGINEER

979.864.1265
ANGLETON

979.388.1265
CLUTE

281.756.1265
HOUSTON

979.864.1270
FAX

BRAZORIA COUNTY ENGINEERING
451 N VELASCO, SUITE 230
ANGLETON, TEXAS 77515

July 31, 2024

City of Sweeny
ATTN: Mayor
PO Box 248
Sweeny, TX 77480-0248

RE: Interlocal Agreement with Brazoria County and the City of Sweeny

Please find two copies of the above referenced Interlocal Agreement between Brazoria County and the City of Sweeny. Please carefully review the conditions of the agreement and have it signed by the Mayor of the City of Sweeny. Please return one signed copy back to the Brazoria County Engineer's Office.

If you have any questions please feel free to contact me at 979.864.1265 or by email at engineer-interlocals@brazoriacountytx.gov.

Sincerely,

Tricia L. Simmons
Interlocal Coordinator

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

INTERLOCAL AGREEMENT

This agreement is made at Angleton, Brazoria County, Texas between BRAZORIA COUNTY, TEXAS acting through its Commissioners' Court (hereinafter "COUNTY"), and the CITY OF SWEENY, acting through its Mayor (hereinafter "CITY").

NOW THEREFORE, THE COUNTY AND THE CITY agrees as follows:

1.0 The term of this agreement shall be from October 1, 2024, to September 30, 2025. The AGREEMENT may be renewed annually by the written approval of COUNTY and CITY.

1.1 Pursuant to the Interlocal Cooperation Act, Texas Government Code, Chapter 791 and the Texas Transportation Code, Section 251.012, the COUNTY agrees to provide personnel and equipment at its own expense to assist in the construction, improvement, maintenance and/or repair of a street or alley located within the corporate limits of the CITY OF SWEENY, subject to the approval of the County Engineer as set forth in Section 1.3, including sub grade preparation, base preparation, asphalt paving, culverts and ditch work, herbicide spraying, painting and striping roads, installation of permanent traffic signs, and other routine road maintenance operations. Any work performed on the City's streets and alleys which are not an integral part of, or a connecting link to, other roads and highways is allowed if such work is determined to be

a benefit to the County by Commissioners' Court. The CITY will provide materials, including fuel used by the equipment for these projects. All such materials shall be paid for by the CITY, and may be purchased through the County's suppliers. The CITY shall reimburse the cost of any work performed or obtained by the COUNTY, which is determined to be beyond the scope of this agreement, to the County.

1.2 The county work authorized by this AGREEMENT may be done:

- (1) By the COUNTY through use of county equipment;
- (2) By an independent contractor with whom the COUNTY has contracted for the provision of certain services and materials, conditioned on the CITY providing a purchase order to such independent contractor for the full amount of such services or materials.

1.3 During the term of this AGREEMENT when COUNTY work is requested, the Mayor of the City shall submit a request in writing to the County Engineer. The County Engineer and the Mayor of the City shall agree in writing as to the location and type of assistance to be provided pursuant to this AGREEMENT. It is expressly understood between the parties that the COUNTY shall have no authority or obligation to provide any service or work on any city street or alley not so agreed to in writing. The County Engineer is authorized to sign an acceptance statement for each project at the appropriate time and authorize the work subject to be completed as the Road and Bridge Department schedules permit.

1.4 The parties intend that the COUNTY in performing such services shall act as an independent contractor and shall have control of the work and the manner in which it is performed. The COUNTY shall not be considered an agent, employee, or borrowed servant of the CITY.

1.5 For and in consideration of the above agreement by the County, the CITY agrees to provide all warning and safety signs and other safety protections as required when such work is being performed by the COUNTY.

1.6 The parties further agree that such work and materials are provided by the COUNTY without warranty of any kind to the CITY or any third party, and that the COUNTY has no obligation to provide any supplemental warranty work after a project's completion. The CITY agrees to provide any engineering or design work required for work done pursuant to this agreement.

II.

2.0 The Parties expressly acknowledge that the City's and the County's authority to indemnify and hold harmless any third party is governed by [Article XI, Section 7 of the Texas Constitution](#), and any provision that purports to require indemnification by the City or the County is invalid. Nothing in this Agreement requires that either the City or County incur debt, assess or collect funds, or create a sinking fund.

2.1 Payment for services or materials under this agreement shall be payable from current revenues available to the paying party.

III.

3.0 Either party may terminate this agreement upon thirty (30) day's written notice to the other party.

3.1 Nothing herein shall be construed to make either party a purchaser or consumer of goods or services from the other.

3.2 Nothing herein shall be construed to create any rights in third parties.

BRAZORIA COUNTY, TEXAS

By: L.M. "Matt" Sebesta Jr.
Brazoria County Judge

By: Mayor

DATE: _____

ATTEST:

CITY SECRETARY



AGENDA MEMO

Business of the City Council City of Sweeny, Texas

Meeting Date	08.27.2024	Agenda Items	
Approved by City Manager		Presenter(s)	Administration/CS
Reviewed by City Attorney	Yes	Department	Resolutions/Grants
Subject	Discussion and possible action to Resolution 24-112, designating authorized signatories for contractual documents and documents requesting funds pertaining to the CDBG-MIT General Land Office State Contract No. 22-082-007-D205.		
Council Strategic Goals	Government Sustainability & Sense of Community		
Attachments / Supporting documents	Resolution 24-112; Resolution 21-107		
Financial Information	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

Executive Summary

Resolution 24-112 is to amend SECTION 2 only of the previous Resolution 24-107 for the signatories for the CDBG-MIT GLO grant. Section 2 states those authorized to execute request for payment forms. Request for amendment would remove Assistant City Secretary and replace with the Finance Director. This would be the only change to the form. Upon approval, a new Depository/Authorized Signatories Designation Form will be completed/submitted to the GLO.

Recommended Action

To approve Resolution 24-112, updating the designated authorized signatories for contractual documents and documents requesting funds pertaining to the CDBG-MIT GLO State Contract No. 22-082-007-D205.

RESOLUTION AUTHORIZING SIGNATORIES

A RESOLUTION BY THE CITY COUNCIL OF CITY OF SWEENY DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE COMMUNITY DEVELOPMENT BLOCK GRANT - MITIGATION PROGRAM (CDBG-MIT) GENERAL LAND OFFICE (GLO) STATE CONTRACT NUMBER 22-082-007-D205.

WHEREAS, City of Sweeny has received a Community Development Block Grant - Mitigation award to provide Sewer Improvements; and

WHEREAS, it is necessary to appoint persons to execute contractual documents and documents requesting funds from the Texas General Land Office and;

WHEREAS, an original signed copy of the CDBG-MIT Depository/Authorized Signatories Designation Form is to be submitted with a copy of this Resolution, and;

WHEREAS, City of Sweeny acknowledges that in the event that an authorized signatory changes (elections, illness, resignations, etc.) the following will be required:

- a resolution stating the new authorized signatory (A new resolution is not required if this original resolution names only the title and not the name of the signatory); and
- a revised CDBG-MIT *Depository/ Authorized Signatories Designation Form*.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CITY OF SWEENY, TEXAS, AS FOLLOWS:

SECTION 1: The **Mayor and City Manager** be authorized to execute contractual documents between the Texas General Land Office and the City for the Community Development Block Grant Mitigation Program.

SECTION 2: The **Mayor, City Manager, City Secretary, and Assistant City Secretary** be authorized to execute the *State of Texas Purchase Voucher* and *Request for Payment Form* documents required for requesting funds approved in the Community Development Block Grant Mitigation Program.

SECTION 3: The **Mayor** be authorized to execute environmental review and related documents as the responsible entity (RE) for the Community Development Block Grant Mitigation Program.

PASSED AND APPROVED BY THE CITY COUNCIL OF CITY OF SWEENY, TEXAS,
on 12 - 21, 2021.

APPROVED:



Mayor

ATTEST:


City Secretary



RESOLUTION AUTHORIZING SIGNATORIES

A RESOLUTION BY THE CITY COUNCIL OF CITY OF SWEENY DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE COMMUNITY DEVELOPMENT BLOCK GRANT - MITIGATION PROGRAM (CDBG-MIT) GENERAL LAND OFFICE (GLO) STATE CONTRACT NUMBER 22-082-007-D205.

WHEREAS, City of Sweeny has received a Community Development Block Grant - Mitigation award to provide Sewer Improvements; and

WHEREAS, it is necessary to appoint persons to execute contractual documents and documents requesting funds from the Texas General Land Office and;

WHEREAS, an original signed copy of the CDBG-MIT Depository/Authorized Signatories Designation Form is to be submitted with a copy of this Resolution, and;

WHEREAS, City of Sweeny acknowledges that in the event that an authorized signatory changes (elections, illness, resignations, etc.) the following will be required:

- a resolution stating the new authorized signatory (A new resolution is not required if this original resolution names only the title and not the name of the signatory); and
- a revised CDBG-MIT *Depository/ Authorized Signatories Designation Form*.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CITY OF SWEENY, TEXAS, AS FOLLOWS:

SECTION 1: The [Mayor and City Manager](#) be authorized to execute contractual documents between the Texas General Land Office and the City for the Community Development Block Grant Mitigation Program.

SECTION 2: The [Mayor, City Manager, City Secretary, and Finance Director](#) be authorized to execute the *State of Texas Purchase Voucher* and *Request for Payment Form* documents required for requesting funds approved in the Community Development Block Grant Mitigation Program.

SECTION 3: The [Mayor](#) be authorized to execute environmental review and related documents as the responsible entity (RE) for the Community Development Block Grant Mitigation Program.

PASSED AND APPROVED BY THE CITY COUNCIL OF CITY OF SWEENY, TEXAS,
on _____, 2024.

APPROVED:

Mayor

ATTEST:

City Secretary



CITY OF SWEENY

102 W. Ashley Wilson Rd. • PO Box 248 • Sweeny, Texas 77480 • P: (979) 548-3321 • F: (979) 548-7745

The following will be used to request an item to be placed on the agenda with the Sweeny City Council.

Personal Information:

Name: Brian Brooks

Mailing Address: _____

Physical Address: _____

Email(s): _____

Phone(s): (979) 665-9863

Please include specific details of the item you wish to be placed on the agenda.

*Discussion Item:
Discuss communication expectations between council members and city manager.*

Signature: Brian Brooks Date: 8/07/24

Requests must be received by the City Manager by close of business 10 days prior to the scheduled meeting date for placement. Administration and/or their designee reserves the right to delay the item to the following regularly scheduled meeting if it is determined that more time is needed in order to compile information specific to the request.

Once Council has acted on an agenda item; that item cannot be placed on the agenda for a period of six (6) full months. Exception is provided if three members of Council ask that the item be returned early to the agenda, or the Mayor or City Manager determines it is in the interest of the City to do so.

From: Reese Cook <rcook@sweenytx.gov>
Sent: Saturday, August 3, 2024 12:56 PM
To: Lindsay Koskiniemi <citymanager@sweenytx.gov>
Cc: Dusty Hopkins <mayor@sweenytx.gov>
Subject: Agenda Item Request

Item 22.

Hey Lindsay,

No need to reach out today or this weekend. Enjoy the rest of the weekend and we can discuss next week when you get some time.

I know I briefly mentioned a request to add some more items to consent agenda the other day when we were talking about the budget but I wanted expand my thoughts and make an agenda item request for Council to discuss.

We already moved to include the financial statement in consent agenda for review and I'd like to see, at a minimum, these items as well...

Consent Agenda:

- Minutes
- Financial Statement: to review YTD budget vs. actuals in "real" time for questions, comments, and direction as needed.
- Personnel Status/Vacancies: employee counts, vacancies, training and/or certification status, etc.
- Critical Equipment Report: nothing in grave detail. Just a sheet that can be updated, in 5 minutes, with RED and GREEN status on critical equipment and infrastructure. Below is an example of a super simple template I threw together
- Project Status Report: current construction status, grant status (if available), major milestones, etc.

I think you have been providing all of the information above in some form or fashion to Council, but I feel like it is usually by individual request or specific to a situation. I think this, and there may be other things, that would help give Council a snapshot and pulse on the major city items on a more regular basis at our monthly regular meetings.

My request for this initially came on the heels of us going through the budget but as I looked through some of the items in your quarterly report and a few other things that have been discussed in budget workshop or conversations you and I have had, I felt it pertinent to have something like this in front of Council so we can act with more information and make sure we're moving in the best interest of the city.

Discuss and act if needed to include consent agenda items, including but not limited to, Minutes, Financial Statements, Personnel Status/Vacancies, Critical Equipment Report, & Project Status Report, to City Council Agendas.

Please let me know if you have any questions and/or concerns about this request.

Thanks,
Reese

Please note that I actually don't know the status of these items and just made all this up. Just using it as a sample example template.

MOBILE EQUIPMENT **Status** **Comments**

Lawnmower 1

Notice About 2024 Tax Rates

Property tax rates in CITY OF SWEENY.

This notice concerns the 2024 property tax rates for CITY OF SWEENY. This notice provides information about two tax rates used in adopting the current tax year's tax rate. The no-new-revenue tax rate would impose the same amount of taxes as last year if you compare properties taxed in both years. In most cases, the voter-approval tax rate is the highest tax rate a taxing unit can adopt without holding an election. In each case, these rates are calculated by dividing the total amount of taxes by the current taxable value with adjustments as required by state law. The rates are given per \$100 of property value.

This year's no-new-revenue tax rate	\$0.590401/\$100
This year's voter-approval tax rate	\$0.566391/\$100

To see the full calculations, please visit <https://www.brazoriacountytx.gov/departments/tax-office/property-taxes/truth-in-taxation-worksheets> for a copy of the Tax Rate Calculation Worksheet.

Unencumbered Fund Balance

The following estimated balances will be left in the taxing unit's accounts at the end of the fiscal year. These balances are not encumbered by corresponding debt obligation.

Type of Fund	Balance
Maintenance & Operations	0
Interest & Sinking	0

Current Year Debt Service

The following amounts are for long-term debts that are secured by property taxes. These amounts will be paid from upcoming property tax revenues (or additional sales tax revenues, if applicable).

Description of Debt	Principal or Contract Payment to be Paid from Property Taxes	Interest to be Paid from Property Taxes	Other Amounts to be Paid	Total Payment
Series 2011	78,000	6,800	0	84,800
Series 2012	75,000	23,460		98,460
Series 2017	55,000	69,700		124,700
Series 2019	170,000	129,300	0	299,300

Total required for 2024 debt service	\$607,260
- Amount (if any) paid from funds listed in unencumbered funds	\$0
- Amount (if any) paid from other resources	\$522,460
- Excess collections last year	\$0
= Total to be paid from taxes in 2024	\$84,800
+ Amount added in anticipation that the unit will collect only 100.52% of its taxes in 2024	\$-439
= Total debt levy	\$84,361

This notice contains a summary of actual no-new-revenue and voter-approval calculations as certified by Kristin R. Bulanek, Brazoria County Tax Assessor-Collector on 08/12/2024 .

Visit Texas.gov/PropertyTaxes to find a link to your local property tax database on which you can easily access information regarding your property taxes, including information about proposed tax rates and scheduled public hearings of each entity that taxes your property.

The 86th Texas Legislature modified the manner in which the voter-approval tax rate is calculated to limit the rate of growth of property taxes in the state.



AGENDA MEMO

Business of the City Council City of Sweeny, Texas

Meeting Date	08/27/2024	Agenda Items	
Approved by City Manager		Presenter(s)	City Manager
Reviewed by City Attorney		Department	Administration
Subject	Discussion and possible action to establish the next Special Session Budget Workshop.		
Council Strategic Goals	Government Sustainability- Protect City's financial integrity.		
Attachments / Supporting documents	N/A		
Financial Information	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:	-	
	Additional Appropriation Required:	-	
	Additional Account Number:	-	

Executive Summary

If Council would like to complete an additional Budget Workshop prior to the scheduled Public Hearing, it is recommended for Tuesday, September 03, 2024 at 4 PM.

Recommended Action

Council Discretion



AGENDA MEMO

Business of the City Council City of Sweeny, Texas

Meeting Date	08/27/2024	Agenda Items	
Approved by City Manager		Presenter(s)	Mayor
Reviewed by City Attorney		Department	Charter
Subject	Discussion and possible action to procedures, establishment, and requirements of a Charter Review and Charter Review Committee.		
Council Strategic Goals	Vibrant Economy- strengthen codes.		
Attachments / Supporting documents	Charter, Ordinance 100-15		
Financial Information	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

Executive Summary

Requested information from Attorney on processes, procedures and possible establishment of a Charter Review and Committee.

Last Charter Amendment was completed in May of 2015; amendment of Judge of the Municipal Court's term be in alternating years and not concurrently with the term of the Mayor. Ordinance 100-15

Consideration:

We would need to order a special election if a committee were established and completed amendments are proposed for the ballot.

-Ordering a Special Election increases costs. Dependent on the amount of amendments proposed (ballot language increased) will also affect the amount charged by the County for our total Elections cost.

Recommended Action

Council Discretion

City Charter

SECTION 1: CITY CHARTER

ARTICLE I. INCORPORATION, FORM OF GOVERNMENT, AND POWERS

- 1.01 Incorporation
- 1.02 General powers
- 1.03 Form of government
- 1.04 Streets and public property
- 1.05 Street development and improvement
- 1.06 Change of boundaries and annexation of territory

ARTICLE II. THE CITY COUNCIL

- 2.01 Number, selection, and term of office
- 2.02 Qualifications and limitations
- 2.03 Compensation
- 2.04 Mayor and Mayor Pro Tem
- 2.05 Vacancies
- 2.06 Powers of the City Council
- 2.07 Investigative body
- 2.08 Interference in personnel matters
- 2.09 City Secretary
- 2.10 Meetings of the City Council
- 2.11 Rules of procedure
- 2.12 Procedure to enact legislation
- 2.13 Publication of ordinances
- 2.14 Code of ordinances

ARTICLE III. ELECTIONS

- 3.01 General elections
- 3.02 Regulation of election
- 3.03 Filing of candidates
- 3.04 Qualified voters
- 3.05 Canvassing election and declaring results
- 3.06 Election by plurality
- 3.07 Notification and qualifications of City officers
- 3.08 Special elections

ARTICLE IV. INITIATIVE, REFERENDUM, AND RECALL

- 4.01 Power of initiative
- 4.02 Power of referendum
- 4.03 Form of petitions
- 4.04 Filing, examination, and certification of petitions
- 4.05 City Council consideration and submission to voters
- 4.06 Results of election
- 4.07 Power of recall
- 4.08 Recall election
- 4.09 Results of recall election
- 4.10 Limitation on recall

City Charter

ARTICLE V. ADMINISTRATIVE ORGANIZATION

- 5.01 The City Manager
- 5.02 Powers and duties of the City Manager
- 5.03 Administrative departments
- 5.04 Directors of departments
- 5.05 Departmental organization
- 5.06 City Attorney

ARTICLE VI. MUNICIPAL COURT

- 6.01 Municipal Court
- 6.02 Judge of the Municipal Court
- 6.03 Clerk of the Municipal Court
- 6.04 Costs, process, and procedure in the Municipal Court

ARTICLE VII. FINANCE

- 7.01 Fiscal year
- 7.02 Budget preparation and adoption
- 7.03 Appropriation
- 7.04 Contingent appropriation
- 7.05 Borrowing in anticipation of property taxes
- 7.06 Depository
- 7.07 General obligation bonds
- 7.08 Revenue bonds
- 7.09 Sale of bonds
- 7.10 Purchase procedure
- 7.11 Independent audit

ARTICLE VIII. TAXATION

- 8.01 Powers of taxation
- 8.02 Arrears of taxes offset to debt against City

ARTICLE IX. FRANCHISES AND PUBLIC UTILITIES

- 9.01 Inalienability of control of public property
- 9.02 Power to grant franchise
- 9.03 Ordinance granting franchise
- 9.04 Transfer of franchise
- 9.05 Regulation of franchise
- 9.06 Regulation of rates

ARTICLE X. GENERAL PROVISIONS

- 10.01 Interim government
- 10.02 Continuation of government
- 10.03 Effect of Charter on existing law
- 10.04 Official oath
- 10.05 Public records

City Charter

- 10.06 Official newspaper
- 10.07 Tort liability
- 10.08 Assignment, execution and garnishment
- 10.09 Security or bond not required
- 10.10 Personal interest in City contracts
- 10.11 Nepotism
- 10.12 Health, life, and accident insurance for City employees
- 10.13 Boards, agencies, and commissions
- 10.14 Rearrangement and renumbering
- 10.15 Judicial notice
- 10.16 Construction of Charter
- 10.17 Severability clause
- 10.18 Submission of Charter to voters

City Charter

ARTICLE I. INCORPORATION, FORM OF GOVERNMENT, AND POWERS**Sec. 1.01. Incorporation.**

The inhabitants of the City of Sweeny, Brazoria County, Texas, residing within its corporate limits as heretofore or hereafter established, are hereby constituted and shall continue to be municipal body politic and corporate in perpetuity under the name of the "City of Sweeny," hereinafter referred to as the "City," with such powers, privileges, rights, duties, and immunities as are herein provided.

Sec. 1.02. General Powers.

The City shall have the powers granted to cities by the Constitution and Laws of the State of Texas, together with all of the implied powers necessary to carry into execution such granted powers. The City may use a corporate seal; may sue and be sued; may contract and be contracted with; may cooperate with the government of the State of Texas or any agency or political subdivision thereof or with the federal government or agency thereof to accomplish any lawful purpose for the advancement of the interest, welfare, health, morals, comfort, safety, and convenience of the City and its inhabitants; may acquire property within or without its corporate limits for any municipal purpose in fee simple or in any lesser interest or estate by purchase, gift, devise, lease, or condemnation and, subject to the provisions of this Charter and the Constitution and Laws of the State of Texas, may sell, lease, mortgage, hold, manage, improve, and control such property as may now or hereafter be owned by it; may pass ordinances and enact such regulations as may be expedient for the maintenance of the good government, order, and peace of the City and the welfare, health, morals, comfort, safety, and convenience of its inhabitants. The powers hereby conferred upon the City shall include, but are not restricted to, the powers conferred upon home rule municipalities by acts of the Legislature of the State of Texas, as heretofore or hereafter enumerated, all of which are hereby adopted. In addition to the powers enumerated herein and subject only to the limitations imposed by the Constitution and Laws of the State of Texas and by this Charter, the City shall have, without the necessity of expressed enumeration in this Charter, each and every power which by virtue of Article XI, Section V, of the Constitution of the State of Texas, the people of the City are empowered by election to grant or to confer upon the City by expressly and specifically granting and enumerating the same herein. All such powers, whether expressed or implied, shall be exercised and enforced in the manner prescribed in this Charter, or when not prescribed herein, in such manner as shall be provided by ordinance of the City Council.

Sec. 1.03. Form of Government.

The municipal government provided by this Charter shall be, and shall be known as, a "City Council-Manager" form of government. Pursuant to the provisions of, and subject only to the limitations imposed by the Constitution and Laws of the State of Texas and by this Charter, all powers of the City shall be vested in and exercised by an elective City Council, hereinafter referred to as the "City Council," which shall enact ordinances, adopt budgets, determine policies, appoint the City Manager, and execute such other powers and duties as may be prescribed by this Charter or Law.

City Charter

Sec. 1.04. Streets and Public Property.

The City shall have exclusive dominion, control, and jurisdiction in, upon, over, and under the public streets, sidewalks, alleys, public squares and public ways within the corporate limits of the City and in, upon, over, and under all public property of the City. With respect to each and every public street, sidewalk, alley, highway, public square, public park or other public way within the corporate limits of the City, the City shall have the power to establish, maintain, improve, alter, abandon, or vacate the same, to regulate, establish, or change the grade thereof; to control and regulate the use thereof, and to abate and remove in a summary manner any encroachment thereon.

Sec. 1.05. Street Development and Improvement.

The City shall have the power to develop or improve, or cause to be developed or improved, any and all public streets, sidewalks, alleys, highways and other public ways within the corporate limits of the City by laying out, opening, narrowing, widening, straightening, extending, lighting, or establishing building lines along the same; by purchasing, condemning, and taking property therefor; by filling, grading, raising, lowering, paving, repaving or repairing the same in a permanent manner, and by constructing, reconstructing, altering, repairing, or realigning curbs, gutters, drains, sidewalks, culverts, and other appurtenances and incidentals in connection with such development or improvement herein authorized, or any combination or part thereof. The cost of such development or improvement may be paid partly or entirely by assessments levied as a lien against the properties abutting thereon and against the owners thereof, and such assessments may be levied in any amount and under any procedure not prohibited by the Laws of the State of Texas; provided, that no assessment shall be made against such land or owners in excess of the enhancement in value of such property occasioned by such improvement.

If improvements be ordered constructed in any part of any such area used or occupied by the tracks or facilities of any railway or public utility, the City Council shall have the power to assess the whole cost of improvements in such area and the added costs of improvements in areas adjacent thereto made necessary by such use or occupancy against such railways or public utility, and shall have power by ordinance to provide for the enforcement of such assessment.

Sec. 1.06. Change of Boundaries and Annexation of Territory.

The City Council shall have the power by ordinance to fix the boundary limits of the City and to provide for the alteration and extension of said boundary limits, the annexation of additional territory lying adjacent to the City, and the detachment or disannexation of territory, with or without the consent of the owners and inhabitants of the territory annexed, detached, or disannexed, in any manner not inconsistent with applicable procedural rules prescribed by Law. Upon final passage of any ordinance annexing territory, the corporate limits of the City shall thereafter include the territory annexed; and when any additional territory has been annexed, the same shall be a part of the City and the property situated therein shall be subject to taxes levied by the City; and the inhabitants thereof shall be entitled to all of the rights and privileges of all citizens, and shall be bound by this Charter and the

City Charter

ordinances, resolutions, rules and regulations of the City. Upon the final passage of any ordinance detaching or disannexing territory from the City, the corporate limits of the City shall be reduced by the territory detached or disannexed.

City Charter

ARTICLE II. THE CITY COUNCIL**Sec. 2.01. Number, Selection, and Term of Office.**

The City Council shall be composed of a Mayor and five Councilmembers. Councilmembers shall be elected to and occupy positions on the City Council, such positions being numbered one, two, three, four and five. Members of the City Council, unless sooner removed under the provisions of this Charter or the Laws of the State of Texas, shall serve for a term of two (2) years. Terms shall commence the third Tuesday in May following the member's election, and terminate at midnight on the Monday preceding the third Tuesday in May two years thereafter, or until the member's successor has been elected and duly qualified. Councilmember positions one, three, and five shall be filled each even numbered year, and positions two and four shall be filled each odd numbered year. The office of Mayor shall be filled each odd numbered year.

Sec. 2.02. Qualifications and Limitations.

Each member of City Council shall be a citizen and qualified voter of the State of Texas and the City of Sweeny at the time of his or her election to office. No member of the City Council shall hold any other office or employment under the City government while serving on said City Council, or hold any paid employment under the City government within two years thereafter. Any member of the City Council ceasing to reside in the City shall be deemed to have vacated his or her position on the City Council.

Sec. 2.03. Compensation.

Councilmembers shall not receive remuneration or compensation; however, they shall be entitled to all necessary expenses incurred in the performance of their official duties. The Mayor shall receive such remuneration or compensation as may be established from time to time by the City Council.

Sec. 2.04. Mayor and Mayor Pro Tem.

The Mayor shall preside at all meetings of the City Council and shall be recognized as head of the City government for all ceremonial purposes, for the purpose of receiving service of civil process, for emergency purposes, and for military purposes, but shall have no regular administrative duties. The Mayor shall perform such other duties and possess and exercise such other authority as may be prescribed and conferred by the City Council. The Mayor, as a member of the City Council, shall be entitled to vote only in the case of a tie.

At its first regular meeting following the general municipal election each year, the City Council shall by election designate one of its members as Mayor Pro Tem, who shall serve in such capacity at the pleasure of the City Council. The Mayor Pro Tem shall act as Mayor during the absence or disability of the Mayor and shall have power to perform every act the Mayor could perform if present. If the Mayor and the Mayor Pro Tem are absent from a meeting, the City Council shall elect an attending member to preside over such meeting.

City Charter

Sec. 2.05. Vacancies.

Vacancies on the City Council arising from any cause may be filled by a majority vote of the remaining members, or the City Council may call a special election to fill such vacancy. The person appointed or elected to fill such vacancy shall serve the remainder of the unexpired term for such office. The person filling such vacancy shall possess all qualifications required for the office as set forth in Section 2.02 of this Charter.

Sec. 2.06. Powers of the City Council.

All powers and authority which are expressly or impliedly conferred on or possessed by the City shall be vested in and exercised by the City Council; provided, however, the City Council shall have no power to exercise those powers which are expressly conferred upon other City officers by this Charter.

Sec. 2.07. Investigative Body.

The City Council shall have the power to inquire into the official conduct of any department, agency, office, officer or employee of the City, and for that purpose shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers and other evidence material to the inquiry. The City Council may provide by ordinance penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers, or other evidence, and shall have the power to punish such contempt in the manner provided by such ordinance.

Sec. 2.08. Interference in Personnel Matters.

Neither the City Council nor any of its members shall instruct or request the City Manager, or any subordinate of the City Manager, to appoint to or remove from office or employment any person except with respect to those offices which are to be filled by appointment by the City Council under the provisions of this Charter. Except for the purposes of inquiry and investigation, the City Council and its members shall deal with the administrative service of the City solely through the City Manager and shall not give orders to any of the City Manager's subordinates, either publicly or privately.

Sec. 2.09. City Secretary.

The City Council shall appoint a City Secretary. The City Secretary shall keep the records of the City Council and shall perform such other duties and hold such other responsibilities of office as may be assigned by this Charter or the City Council. The City Secretary shall appoint such assistants as may be authorized by the City Council.

Sec. 2.10. Meetings of the City Council.

There shall be at least one regular meeting of the City Council each month. Regular meetings shall be held at the City Hall and shall be held at such times as shall be prescribed by ordinance or resolution. Special meetings may be called at

City Charter

anytime by the City Secretary upon request of the Mayor, the City Manager, or three members of City Council. Special meetings may be held at locations other than at the City Hall when deemed necessary and appropriate by the City Council, provided such special meetings are held at locations accessible to the general public.

Sec. 2.11. Rules of Procedure.

The City Council shall determine its own rules and order of business. A majority of the City Council qualified and serving shall constitute a quorum for all meetings for the transaction of business. The City Council may adopt such rules and prescribe such penalties as it may deem proper to enforce the attendance of its members at all regular and special meetings of the City Council or its committees. Minutes of all meetings of the City Council shall be taken and recorded and such minutes shall constitute a public record.

Sec. 2.12. Procedure to Enact Legislation.

The City Council shall legislate by ordinance. The enacting clause of every ordinance shall be, "Be it Ordained by the City Council of the City of Sweeny, Texas." Every ordinance enacted by the City Council shall be signed by the Mayor, the Mayor Pro Tern, or by two members of City Council and shall be filed with and recorded by the City Secretary. Every ordinance shall take effect immediately upon its final passage, unless otherwise provided by Law or by the terms of such ordinance.

Sec. 2.13. Publication of Ordinances.

Except as otherwise provided by Law or this Charter, the City Secretary shall give notice of the enactment of every ordinance imposing any penalty, fine, or forfeiture for any violation of any of its provisions, and of every other ordinance required by Law or this Charter to be published, by causing said ordinance, or its caption and penalty, to be published at least one time within ten days after final passage thereof in the official newspaper of the City. The affidavit of publication by the publisher of such newspaper taken before any officer authorized to administer oaths and filed with the City Secretary shall be conclusive proof of the legal publication and promulgation of such ordinance in all Courts.

Sec. 2.14. Code of Ordinances.

The City Council shall have the power to cause all general ordinances of the City to be compiled and printed in code form. Every general ordinance enacted subsequent to such codification may be enacted as an amendment to the code. The City Council shall cause all general ordinances to be codified, recodified and reprinted whenever in its discretion such is deemed desirable, or when such codification or recodification is required by Law. When adopted by the City Council, the printed codes of general ordinances contemplated by this Section shall be in full force and effect without the necessity of such code or any part thereof being published in any newspaper. The caption, descriptive clause, and other formal parts of the ordinances of the City may be omitted without affecting the validity of such ordinances when they are published as a code.

City Charter

ARTICLE III. ELECTIONS**Sec. 3.01. General Elections.**

The regular election of members of the City Council to the positions on the City Council occupied by persons whose terms are expiring shall be held on the first Saturday in May of each year and at every such election each qualified voter shall vote for not more than one candidate for each City Council position to be filled. Said election shall be ordered by the Mayor, and in the event of the failure of the Mayor to order the same, the City Council shall make such order. In the event of the inability or failure of the Mayor and the City Council to act, the election may be called by the City Secretary, and in the event of the inability of the City Secretary to act, by the County Judge of Brazoria County, Texas, and in the event of the inability of the County Judge to act, by the Governor of the State of Texas. The City Secretary shall give notice of such election by causing said notice to be published at least thirty days prior to the date of such election in the official newspaper of the City.

Sec. 3.02. Regulation of Election.

All elections shall be held in accordance with the Laws of the State of Texas regulating the holding of municipal elections, and in accordance with the ordinances adopted by the City Council for the conduct of elections. The City Council shall appoint the Election Judges and other election officials and shall provide for the compensation of all election officials in City elections, and for all other expenses of holding such elections.

Sec. 3.03. Filing of Candidates.

Any qualified person who desires to become a candidate for election to the City Council shall file an application with the City Secretary within the time prescribed by Law. Such application shall clearly designate the office and, if such office is for Councilmember, the position on the City Council, by number, to which the candidate seeks election, and shall contain a sworn statement by the candidate that he or she is fully qualified under the Constitution and Laws of the State of Texas and the provisions of this Charter to hold the office he or she seeks.

Sec. 3.04. Qualified Voters.

All citizens of the City qualified by the Constitution and Laws of the State of Texas to vote in City elections and registered as voters as prescribed by Law shall be qualified voters of the City within the meaning of this Charter.

Sec. 3.05. Canvassing Election and Declaring Results.

The City Council shall canvass the returns and declare the official results of each municipal election in accordance with applicable provisions of Law. The returns of every municipal election shall be recorded in the minutes of the City Council by precinct totals.

Sec. 3.06. Election by Plurality.

City Charter

The qualified person receiving the highest number of votes cast for any office of the City subject to election shall thereupon be declared by said City Council elected.

Sec. 3.07. Notification and Qualifications of City Officers.

The City Secretary shall notify all persons elected or appointed to office of their election or appointment. Any officer elected or appointed must qualify by taking and subscribing the oath of office within thirty days after such election or appointment. If a person elected or appointed to an office of the City fails to take and subscribe to such oath of office within thirty (30) days following such election or appointment, such office may be deemed vacant by City Council.

Sec. 3.08. Special Elections.

The City Council may by ordinance or resolution call such special elections as are authorized by the Laws of the State of Texas or by this Charter, fix the time and place of holding same, and provide all means for holding such special elections; provided, however, every special election shall be called and held in accordance with applicable provisions of Law governing general elections.

City Charter

ARTICLE IV. INITIATIVE, REFERENDUM, AND RECALL**Sec. 4.01. Power of Initiative.**

The people of the City reserve the power of direct legislation by initiative, and in the exercise of such power may propose any ordinance, except zoning ordinances and ordinances appropriating money or levying taxes, or ordinances repealing zoning ordinances and ordinances appropriating money or levying taxes, not in conflict with this Charter or the Constitution or Laws of the State of Texas. Any initiated ordinance may be submitted to the City Council by a petition signed by the qualified voters of the City equal in number to at least twenty percent (20%) of the qualified voters of the City.

Sec. 4.02. Power of Referendum.

The people reserve the power to approve or reject at the polls any legislation enacted by the City Council which is subject to the initiative process under this Charter, except that ordinances authorizing the issuance of either tax or revenue bonds, whether original or refunding bonds, shall not be subject to such referendum. Prior to or within thirty (30) days after the effective date of any ordinance which is subject to referendum, a petition signed by qualified voters of the City equal in number to at least twenty percent (20%) of the qualified voters of the City may be filed with the City Secretary requesting that any such ordinance be either repealed or submitted to a vote of the people. When such a petition has been certified as sufficient by the City Secretary, the ordinance specified in the petition shall not go into effect, or further action thereon shall be suspended if it shall have gone into effect, until and unless it is approved by the voters as herein provided.

Sec. 4.03. Form of Petitions.

Initiative petition papers shall contain the full text of the proposed legislation in the form of an ordinance, including a descriptive caption. Referendum petition papers shall contain a sufficient description of the ordinance sought to be referred to identify it, or if the ordinance has been passed by the City Council, the full text of the ordinance sought to be referred shall be included in such papers. The signatures to the initiative or referendum petitions need not be all appended to one paper, but each signatory shall sign his or her name in ink or indelible pencil, together with a notation showing such signatory's residence address and the precinct number and serial number that appear on his or her voter registration certificate or such other document as shall be prescribed by the Laws of the State of Texas to identify qualified voters under any future legislation. No signature shall be counted where there is reason to believe it is not the actual signature of the purported signatory or that it is a duplication either of the name or of handwriting used in any other signature on the petition, and no signature shall be counted unless the residence address of the signatory is shown, or unless it is signed exactly as the name of the voter appears on the official copy of the current poll list or such other document as may be prescribed by the Laws of the State of Texas to identify qualified voters under any future legislation, or unless the precinct number and serial number that appear on the signatory's voter registration certificate or such other document as may be prescribed by state Law to identify qualified voters under any future legislation are noted as above required. Before the signatures on any petition paper

City Charter

may be counted, one of the persons signing such petition paper, a qualified voter, shall make oath before the City Secretary or other officer competent to administer oaths that the statements made therein are true, that each signature to the paper appended is a genuine signature of the person whose name purports to be signed thereto, and that such signatures were placed thereon in his or her presence.

Sec. 4.04. Filing, Examination, and Certification of Petitions.

Within thirty (30) days after an initiative or referendum petition is filed, the City Secretary shall determine whether the same is properly signed by the requisite number of qualified voters. The City Secretary shall declare void any petition paper which does not have an affidavit attached thereto as required in Section 4.03 of this Article. In examining the petition, the City Secretary shall write the letters "D.V." (declared void) in red ink opposite the names of signatories found not qualified. After completing examination of the petition, the City Secretary shall certify the results thereof to the City Council at its next regular meeting. If the certificate of the City Secretary shall show an initiative or referendum petition to be insufficient, the City Secretary shall notify the person filing the petition, and it may be amended within ten days from the date of such notice by filing a supplementary petition upon additional papers signed and filed as provided for in the original petition. Within thirty (30) days after such amendment is filed, the City Secretary shall examine the amended petition and certify as to its sufficiency. If the amended petition is then found to be insufficient, no further proceedings shall be had with regard to it.

Sec. 4.05. City Council Consideration and Submission to Voters.

When the City Council receives an authorized initiative petition certified by the City Secretary to be sufficient, the City Council shall either: (a) pass the initiated ordinance without amendment within thirty (30) days after the date of the certification to the City Council; or (b) submit said initiated ordinance, without amendments, to a vote of the qualified voters of the City at a regular or special election to be held not later than the first uniform election date after the expiration of forty-five (45) days after the date of the certification to the City Council; or (c) at such election submit to a vote of the qualified voters of the City said initiated ordinance without amendment, and an alternative ordinance on the same subject proposed by the City Council. In such event, should both such ordinances be approved by a majority of the votes cast at such election, the ordinance receiving the highest number of votes shall be effective as an ordinance of the City, and the other ordinance shall be deemed rejected and shall not be effective.

When the City Council receives an authorized referendum petition certified by the City Secretary to be sufficient, the City Council shall reconsider the referred ordinance and, if upon such reconsideration such ordinance is not repealed within thirty (30) days, it shall be submitted to the qualified voters of the City at a regular or special election to be held not later than the first uniform election date after the expiration of forty-five (45) days after the date of the certification to the City Council.

Special elections on initiated or referred ordinances shall not be held more frequently than once each six months. No ordinance on the same subject as an initiated ordinance which has been defeated or on the same subject as a referred

City Charter

ordinance which has been approved at any election may be initiated by the voters within two years from the date of such election.

Sec. 4.06. Results of Election.

Any number of ordinances may be voted on at the same election in accordance with the provisions of this Article. If a majority of the legal votes cast is in favor of an initiated ordinance, it shall thereupon be effective as an ordinance of the City. An ordinance thus adopted may be repealed or amended at any time after the expiration of one year by a vote of two-thirds of the City Council members qualified and serving. A referred ordinance which is rejected by a majority of the legal votes cast in a referendum election shall be deemed thereupon repealed. An ordinance thus rejected may be reenacted at any time after the expiration of one year by a vote of two-thirds of the City Council members qualified and serving.

Sec. 4.07. Power of Recall.

The people of the City reserve the power to recall any elected officer of the City and may exercise such power by filing with the City Secretary a petition, signed by qualified voters of the City equal in number to at least thirty percent (30%) of the qualified voters of the City, demanding the removal of such elected officers. The petition shall be signed and verified in the manner required for an initiative petition.

Sec. 4.08. Recall Election.

The provisions regulating examination, certification, and amendment of initiative petitions shall apply to recall petitions. If the petition is certified by the City Secretary to be sufficient, the City Council shall order and hold an election to determine whether such officer shall be recalled in the same manner as provided for the holding of an election on an initiative petition.

Sec. 4.09. Results of Recall Election.

If the majority of the legal votes cast at a recall election be for the recall of the officer named on the ballot, the City Council shall immediately declare such office vacant. An officer thus removed shall not be eligible to hold office again in the City for a period of two years from the date of his or her recall.

Sec. 4.10. Limitation on Recall.

No recall petition shall be filed against an officer within six months after such officer takes office, and no officer shall be subjected to more than one recall election during such term of office.

City Charter

ARTICLE V. ADMINISTRATIVE ORGANIZATION**Sec. 5.01. The City Manager.**

The City Council shall appoint a City Manager, who shall be the chief administrative and executive officer of the City. The City Manager shall be chosen by the City Council solely on the basis of his or her executive and administrative training, experience, and ability, and need not, when appointed, be a resident of the City; however, during the tenure of said City Manager's office, he or she shall reside within the City.

The City Manager shall not be appointed for a definite term, but may be removed at the will and pleasure of the City Council by the vote of a majority of all City Council members qualified and serving. The action of the City Council in removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such removal in the City Council. The City Manager shall receive such compensation as may be fixed by the City Council.

No member of the City Council shall, during the time for which he or she is elected or for two years thereafter, be chosen as City Manager.

Sec. 5.02. Powers and Duties of the City Manager.

The City Manager shall be responsible to the City Council for the proper administration of all the affairs of the City. The powers herein conferred upon the City Manager shall include, but shall not be limited to, the following:

(a) To appoint and remove any officer or employee of the City except those officers and employees whose appointment or election is otherwise provided for by Law or this Charter; and

(b) To perform such other duties as may be prescribed by this Charter or required by the City Council, not inconsistent with the provisions of this Charter.

Sec. 5.03. Administrative Departments.

There shall be such administrative departments as are established by this Charter and as may be established by ordinance, all of which shall be under the control and direction of the City Manager. The City Council may abolish or combine one or more departments created by it, and by ordinance may assign or transfer duties of any departments of the City from one department to another.

Sec. 5.04. Directors of Departments.

At the head of each department there shall be a Director who shall be appointed, and who may be removed, by the City Manager. Such directors shall have supervision and control over their respective departments and may serve as chiefs of divisions within their respective departments. Two or more departments may be headed by the same individual, and the City Manager may head one or more departments.

City Charter

Sec. 5.05. Departmental Organization.

The work of each department shall be distributed among such divisions as may be established by ordinance. Pending passage of ordinances establishing department divisions, the City Manager may establish temporary divisions in any department.

Sec. 5.06. City Attorney.

The City Council shall appoint a City Attorney, who shall be a competent attorney licensed to practice Law in the State of Texas. The City Attorney shall represent the City in all litigation and legal proceedings. He or she shall be the legal adviser of, and attorney and counsel for, the City and for all of the offices and departments thereof. The City Council may retain special counsel at any time it deems the same appropriate and necessary.

City Charter

ARTICLE VI. MUNICIPAL COURT

Sec. 6.01. Municipal Court.

There shall be a court known as the "Municipal Court of the City of Sweeny, Texas," for the trial of misdemeanor offenses with all powers and duties as are granted and prescribed by the Laws of the State of Texas.

Sec. 6.02. Judge of the Municipal Court.

The office of Judge of the Municipal Court shall be an elective office, for a term of two years, such term to run concurrently with that of the Mayor. The Judge of the Municipal Court may be removed from office by majority vote of the City Council for incompetency, misconduct or malfeasance.

In the event the Judge of the Municipal Court is temporarily unable to act for any reason, the City Council may appoint a qualified person to act in his or her place. The Judge, or anyone acting in his or her place, shall receive such compensation as may be set by the City Council.

The City Council shall have the power to create and establish additional Municipal Courts, and to provide for more than one Judge of each Municipal Court, whether one or more, each of whom shall be a magistrate.

Sec. 6.03. Clerk of the Municipal Court.

The City Secretary shall be the Clerk of the Municipal Court. He or she shall have the power to administer oaths and affidavits, make certificates, affix the seal of the Court thereto, and otherwise perform any and all acts necessary in issuing process of such Court and conducting the business thereof.

There shall be such deputy clerks of the Municipal Court as may be authorized by the City Council, which deputy clerks shall have authority to act for and on behalf of the Clerk of the Municipal Court.

Sec. 6.04. Costs, Process, and Procedure in the Municipal Court.

The City Council shall determine what costs, if any, shall be charged for proceedings in and for processes issued by the Court.

The style of all writs issued out of the Municipal Court shall be in the name of the "City of Sweeny."

All jurors shall be residents of the City and shall otherwise possess the same qualifications as jurors in the State courts, and, they shall be summoned in the same manner as provided for in Justice Courts.

City Charter

ARTICLE VII. FINANCE**Sec. 7.01. Fiscal Year.**

The fiscal year of the City shall be as established by ordinance of the City Council. In the event the City Council does not thus establish the fiscal year, the fiscal year of the City shall begin on the first day of each October and end on the last day of September of the following year. All funds collected by the City during any fiscal year, including both current and delinquent revenues, shall belong to such fiscal year and, except for funds derived to pay interest and create a sinking fund on the bonded indebtedness of the City, may be applied to the payments of expenses incurred during such fiscal year, except as provided in this Charter. Any revenues uncollected at the end of any fiscal year, and any unencumbered funds actually on hand, shall become resources of the next succeeding fiscal year.

Sec. 7.02. Budget Preparation and Adoption.

At least sixty (60) days prior to the end of each fiscal year, the City Manager shall submit to the City Council a proposed budget presenting a complete financial plan for the ensuing fiscal year. If the City Council fails to adopt an annual budget before the start of the fiscal year to which it applies, appropriations of the last budget adopted shall be considered as adopted for the current fiscal year on a month to month, pro rata basis, until the annual budget is adopted. No budget shall be adopted or appropriations made unless the total of estimated revenues, income, and funds available shall be equal to or in excess of such budget or appropriations, except as otherwise provided in this Article.

The annual budget shall specify appropriations for capital expenditures and for expenditures directed by City Council for services and for the operation of the City. It shall comply with fund requirements of bond covenants.

Sec. 7.03. Appropriation.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes named therein. Except as provided in this Article, no funds of the City shall be expended, nor shall any obligation for the expenditure of money be incurred, except pursuant to the annual appropriation ordinance provided by this Article. At the close of the each fiscal year any unencumbered balance of an appropriation shall revert to the fund from which appropriated and become available for reappropriation for the next fiscal year. The City Council may transfer any unencumbered appropriation balance or portion thereof from one office, department, or agency to another, at any time. The City Manager shall have authority, without City Council approval, to transfer appropriation balances from one expenditure account to another within a single office, department, or agency of the City.

Sec. 7.04. Contingent Appropriation.

Provision shall be made in the annual budget for a contingent appropriation in an amount not to exceed ten percent (10%) of the total budget, to be used in case of unforeseen items of expenditure. Such contingent appropriation shall be under

City Charter

the control of, and distributed by, the City Manager, after approval by the City Council. Expenditures from this appropriation shall be made only in the event of established emergencies or public necessities, and a detailed account of such expenditures shall be recorded and reported.

Sec. 7.05. Borrowing in Anticipation of Property Taxes.

In any fiscal year, in anticipation of the collection of the ad valorem property tax for such year, whether levied or to be levied in such year, the City Council may by resolution authorize the borrowing of money, not to exceed in any fiscal year an amount equal to ten percent (10%) of the budget for that fiscal year. Such borrowing shall be by the issuance of negotiable notes of the City, each of which shall be designated "tax anticipation note for the year _____ (stating the tax year)." Such notes shall mature and be payable not later than the end of the fiscal year in which issued, and may be secured by the pledge of the ad valorem property taxes for such year.

Sec. 7.06. Depository.

All moneys received by any person, department, or agency of the City for or in connection with affairs of the City shall be deposited promptly in the City depository or depositories, which shall be designated by the City Council in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance or by the Laws of the State of Texas. All checks, vouchers, or warrants for the withdrawal of money from the City depositories shall be signed by the City Manager and/or such other person or persons as the City Council shall designate by ordinance or resolution. Provided, that the City Council, under such regulations and limitations as it may prescribe, may by ordinance authorize the use of machine imprinted facsimile signatures on such checks, vouchers car warrants.

Sec. 7.07. General Obligation Bonds.

The City shall have the power to borrow money on the credit of the City and to issue general obligation bonds for permanent public improvements or for any other public purpose not prohibited by the Constitution and Laws of the State of Texas, and to issue refunding bonds to refund outstanding bonds of the City previously issued. All such bonds shall be issued in conformity with the Laws of the State of Texas.

Sec. 7.08. Revenue Bonds.

The City shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing public utilities, recreational facilities, or any other self-liquidating municipal function not prohibited by the Constitution and Laws of the State of Texas, and to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon and payable solely from the properties, or interest therein, pledged, or the income therefrom, or both, and shall never be a debt of the City. All such bonds shall be issued in conformity with the Laws of the State of Texas.

City Charter

Sec. 7.09. Sale of Bonds.

No bond (other than refunding bonds issued to refund and in exchange for previously issued outstanding bonds) issued by the City shall be sold for less than par value and accrued interest. All bonds of the City having been issued and sold in accordance with the terms of this Section, and having been delivered to the purchasers thereof, shall thereafter be incontestable, and all bonds issued to refund and in exchange for outstanding bonds previously issued shall, after said exchange, be incontestable.

Sec. 7.10. Purchase Procedure.

All purchases made and contracts executed by the City shall be pursuant to a requisition from the head of the office, department, or agency whose appropriations will be charged, and no contract or order shall be binding upon the City unless and until the City Manager certifies that there is to the credit of such office, department or agency a sufficient unencumbered appropriation and allotment balance to pay for the supplies, materials, equipment, or contractual services for which the contract or order is to be issued. All purchases made and contracts executed by the City shall be in accordance with the requirements of the Constitution and Laws of the State of Texas.

Sec. 7.11. Independent Audit.

At the close of each fiscal year, and at such other times as it may be deemed necessary, the City Council shall cause an independent audit to be made of all accounts of the City by a certified public accountant. The certified public accountant selected shall have no personal interest, directly or indirectly, in the financial affairs of the City or any of its officers. Upon completion of the audit, copies thereof shall be placed on file in the City Secretary's office as a public record.

City Charter

ARTICLE VIII. TAXATION

Sec. 8.01. Powers of Taxation.

The City, for any municipal purpose, shall have the power to levy, assess, and collect taxes of every type and character not prohibited by the Constitution or Laws of the State of Texas.

Sec. 8.02. Arrears of Taxes Offset to Debt Against City.

The City shall be entitled to counterclaim and offset against any debt, claim, demand, or account owed by the City to any person, firm, or corporation who is in arrears to the City for taxes, in the amount of taxes in arrears, and no assignment or transfer of such debt, claim, demand, or account after the said taxes are due shall affect the right of the City to so offset the said taxes against the same.

City Charter

ARTICLE IX. FRANCHISES AND PUBLIC UTILITIES**Sec. 9.01. Inalienability of Control of Public Property.**

The right of control and use of the public streets, highways, sidewalks, alleys, parks, public squares, and public places of the City is hereby declared to be inalienable by the City, except by ordinances not in conflict with the provisions of this Charter. No act or omission by the City Council or any officer or agent of the City shall be construed to grant, renew, extend, or amend, expressly or by estoppel or implication, any right, franchise, or easement affecting said public streets, highways, sidewalks, alleys, parks, public squares, public places, and other real property, except as provided in this Charter.

Sec. 9.02. Power to Grant Franchise.

The City Council shall have the power by ordinance to grant, renew, and extend all franchises of all public utilities of every character operating within the City and, with consent of the franchise holder, to amend the same. Provided, however, no franchise shall be granted for an indeterminate term, and that no franchise shall be granted for a term of more than twenty-five (25) years.

Sec. 9.03. Ordinance Granting Franchise.

Every ordinance granting, renewing, extending, or amending a public utility franchise shall be read at two regular meetings of the City Council, and shall not be finally acted upon until thirty (30) days after the first reading thereof. Within ten (10) days following the first reading of the ordinance, the full text thereof shall be published in the official newspaper of the City, and the expense of such publication shall be borne by the prospective franchise holder.

Sec. 9.04. Transfer of Franchise.

No public utility franchise shall be transferred by the holder thereof except with the approval of the City Council expressed by ordinance.

Sec. 9.05. Regulation of Franchise.

Every grant, renewal, extension, or amendment of a public utility franchise, whether provided in the ordinance or not, shall be subject to the right of the City Council:

(1) To forfeit any such franchise by ordinance at any time for failure of the holder thereof to comply with the terms of the franchise. Such power shall be exercised only after written notice to the franchise holder stating wherein the franchise holder has failed to comply with the terms of the franchise and setting a reasonable time for the correction of such failure, and shall be exercised only after hearing and after such reasonable time has expired.

(2) To impose reasonable regulations to insure safe, efficient, and continuous service to the public.

City Charter

(3) To require such expansion, extension, enlargement, and improvements of plants and facilities as are necessary to provide adequate service to the public.

(4) To require every franchise holder to furnish to the City, without cost to the City, full information regarding the location, character, size, length, and terminals of all facilities of such franchise holder in, over, and under the streets, alleys, and other public property of the City; and to regulate and control the location, relocation, and removal of such facilities.

(5) To collect from every public utility operating in the City such proportion of the expense of excavating, grading, paving, repaving, constructing, reconstructing, draining, repairing, maintaining, lighting, sweeping, and sprinkling the streets, alleys, bridges, culverts, viaducts, and other public places of the City as represents the increased cost of such operation resulting from the occupancy of such public place by such public utility, and such proportion of the costs of such operations as results from the damage to or disturbance of such public places caused by such public utility; or to compel such public utility to perform, at its own expense, such operations as above listed which are made necessary by the occupancy of such public places by such utility or by damage to or disturbance of such public places caused by such public utility.

(6) To require every franchise holder to allow other public utilities to use its poles and other facilities, including bridges and viaducts, whenever in the judgment of the City Council such use shall be in the public interest, provided that in such event reasonable terms of use may be imposed and a reasonable rental shall be paid such owner of facilities for such use. Provided further, that inability of such public utilities to agree upon terms of use and rentals for such facilities shall not be an excuse for failure to comply with such requirement by the City Council.

(7) a. To require the keeping of accounts in such form as will accurately reflect the value of the property of each franchise holder which is used and useful in rendering its service to the public and the expenses, receipts, and profits of all kinds of such franchise holder;

b. To examine and audit at any time during business hours the accounts and other records of any franchise holder; and

c. To require reports on the operations of the utility, which shall be in such form and contain such information, as the City Council shall prescribe.

Sec. 9.06. Regulation of Rates.

The City Council shall have full power after notice and hearing to regulate by ordinance the rates, charges, and fares of every public utility franchise holder operating in the City. Every franchise holder who shall request an increase in rates, charges, or fares, shall have, at the hearing of the City Council called to consider such request, the burden of establishing by clear, competent, and convincing evidence, the value of its investments properly allocable to service in the City, and the amount and character of its expenses and revenues connected with the rendering of such service. No public utility franchise holder shall institute any legal action to contest any rate, charge, or fare fixed by the City Council until such

City Charter

franchise holder has filed a motion for rehearing with the City Council specifically setting out each ground of its complaint against the rate, charge, or fare fixed by the City Council, and until the City Council shall have acted upon such motion. Such motion shall be deemed overruled unless acted upon by the City Council within a reasonable time, not to exceed ninety (90) days from the filing of such motion for rehearing; provided, however, the City Council may by ordinance or resolution extend such time limit for acting on said motion for rehearing from ninety (90) days to one hundred eighty (180) days.

City Charter

ARTICLE X. GENERAL PROVISIONS**Sec. 10.01. Interim Government.**

Upon the adoption of this Charter, the incumbent members of the present governing body of the City shall become the initial City Council provided for in this Charter. Each member of the City Council thus constituted shall continue in the place to which he or she was elected and shall hold such office for the same term for which he or she was elected as a member of the present City Council and until his or her successor is elected and qualified. The City Council as thus constituted shall have all the powers provided in this Charter.

Sec. 10.02. Continuation of Government.

Any ordinance in effect at the time this Charter is adopted, and not otherwise in conflict with this Charter, which refers to some office or employment of the City which ceases to exist under this Charter, shall continue in force and the powers and duties therein prescribed shall be the powers and duties of the office or employment which, under this Charter, succeeds to the same general powers and duties of such office or employment.

Sec. 10.03. Effect of Charter on Existing Law.

All ordinances, resolutions, rules, and, regulations in force in the City as of the effective date of this Charter, and not in conflict with this Charter, shall remain in force until amended or repealed by the City Council. All taxes, assessments, liens, encumbrances, and demands of or against the City, fixed or established before such date, or for the fixing or establishing of which proceedings have begun before such date, shall be valid when properly fixed or established either under the ordinances, resolutions, rules and regulations in force at the time of the beginning of such proceedings or in force after the adoption of this Charter.

Sec. 10.04. Official Oath.

Before entering upon the duties of their respective offices, all officers of the City shall take and subscribe the official oath prescribed in the Constitution of the State of Texas.

Sec. 10.05. Public Records.

All public records of every office, department, or agency of the City shall be open to inspection by any citizen at all reasonable times in accordance with applicable open records laws.

Sec. 10.06. Official Newspaper.

The City Council shall have power to contract annually with, and by ordinance or resolution designate, a public newspaper of general circulation in the City as the official newspaper thereof and to continue as such until another is designated, and shall cause to be published therein all ordinances, notices, and other matters

City Charter

required to be published by this Charter, by the ordinances of the City, or by the Constitution or Laws of the State of Texas.

Sec. 10.07. Tort Liability.

Before the City shall be liable for damages for the death or personal injuries of any person or for damages to or destruction of property of any kind, which does not constitute a taking or damaging of property under Article 1, Section 17, Constitution of the State of Texas, the person injured, if living, or the person's representatives, if deceased, or the parent or guardian of a minor child, or the owner, or the owner's agent or attorney, of the property damaged or destroyed, shall give the City Manager notice in writing of such death, injury, damage, or destruction, duly verified by affidavit, within sixty (60) days after same has been sustained, stating specifically in such written notice when, where, and how the death, injury, damage, or destruction occurred, and the apparent extent of any such injury, the amount of damages sustained, the actual residence of the claimant by street and number on the date the claim is presented, the actual residence of such claimant for six (6) months immediately preceding the occurrence of such death, injury, damage, or destruction, and the names and addresses of all witnesses upon whom it is relied to establish the claim for damages. The failure to so notify the City Manager within the time and manner specified herein shall exonerate, excuse, and exempt the City from any liability whatsoever. No act of any officer or employee of the City shall waive compliance, or preclude the City from requiring compliance, with the provisions of this Section as to notice.

Sec. 10.08. Assignment, Execution and Garnishment.

The property, real and personal, belonging to the City shall not be liable for sale or appropriation under any writ of execution. The funds belonging to the City, in the hands of any person, firm or corporation, shall not be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the City nor any of its officers or agents shall be required to answer any such writ of garnishment on any account whatever. The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents, or contractors.

Sec. 10.09. Security or Bond Not Required.

It shall not be necessary in any action, suit, or proceeding, in which the City shall be a party, for any bond, undertaking or security to be executed in behalf of the City; but all actions, suits and proceedings shall be conducted in the same manner as if such bond, undertaking or security had been given. The City shall have all remedies by appeal, as provided by law, to all courts of this State without bond or security of any kind. For the purposes of such actions, suits, proceedings and appeals, the City shall be liable in the same manner, and to the same extent, as if the bond, undertaking or security in ordinary cases had been given and executed.

Sec. 10.10. Personal Interest in City Contracts.

No member of the City Council, the City Manager, or other officer or employee of the City shall have a pecuniary interest in any contract, the expense,

City Charter

price, or consideration of which is paid from the City Treasury, or have a pecuniary interest in any matter or item requiring the approval or consent of the City, unless in compliance with applicable Laws of the State of Texas governing conflicts of interest.

Sec. 10.11. Nepotism.

No member of the City Council, the City Manager, or other officer of the City shall appoint, or approve, vote for, or confirm the appointment of, any person to any paid office, position, employment, duty, or other service of the City if such person is related within the second degree by affinity or within the third degree by consanguinity to the person making such appointment or to any member of the City Council or the City Manager. No person to whom this prohibition applies shall be permitted to embark upon any duties or commence any employment with the City or receive any salary, fee, or other emolument from the City. Provided, however, nothing contained in this Charter or in any ordinance of the City shall prevent the appointment, approval, voting for, or confirmation, of any person who shall have been continuously employed in any office, position, employment, duty, or other service of the City for a period of at least two (2) years prior to the election or appointment of the member or officer appointing, approving, voting for, or confirming the appointment, or to the election or appointment of the member or officer related to such person in the prohibited degree.

Sec. 10.12. Health, Life, and Accident Insurance for City Employees.

The City Council shall have the power, exercisable in its discretion, and subject to such limitations and regulations as it shall deem proper, to create, operate, amend, and contract for an insurance plan covering health, life, and accident insurance, or any of them, for any or all City employees and their dependents, and to pay the premiums or a portion thereof, therefor.

Sec. 10.13. Boards, Agencies, and Commissions.

The City Council shall have the authority to establish by ordinance such boards, agencies, and commissions as it may deem necessary or desirable for the conduct of the City's business and the management of its affairs. The authority, duties, functions, and responsibilities of such boards, agencies, and commissions shall be such as are specified by ordinance. The authority, duties, functions, and responsibilities thus granted to and conferred on such boards, agencies, and commissions shall not be incompatible with the provisions of this Charter and shall in no manner conflict with, usurp or transfer any privilege, authority, duty, function, or responsibility specifically granted herein or by the Laws of the State of Texas to another officer, board, agency, or commission of the City.

Sec. 10.14. Rearrangement and Renumbering.

The City Council shall have the power, by ordinance, to renumber and rearrange all Articles, Sections, and paragraphs of this Charter or any amendments thereto, as it shall deem appropriate, and upon the passage of any such ordinance a copy thereof, certified by the City Secretary, shall be forwarded to the Secretary of State for filing.

City Charter

Sec. 10.15. Judicial Notice.

This Charter shall be deemed a public act, shall have the force and effect of a general law, may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places without further proof.

Sec. 10.16. Construction of Charter.

This Charter shall not be construed as a mere grant of enumerated powers, but shall be construed as a general grant of power and as a limitation of power on the government of the City in the same manner as the Constitution of Texas is construed as a limitation on the powers of the Legislature. Except where expressly prohibited by this Charter, each and every power under Article XI, Section 5, of the Constitution of Texas which it would be competent for the people of the City of Sweeny to grant expressly to the City, shall be construed to be granted to the City by this Charter.

Sec. 10.17. Severability Clause.

If any section or part of a Section of this Charter is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not invalidate or impair the validity, force, or effect of any other Section or part of a Section of this Charter.

Sec. 10.18. Submission of Charter to Voters.

The Charter Commission in preparing this Charter finds and declares that it is impracticable to segregate each subject so that the voter may vote "Yes" or "No" on the same, for the reason that the Charter is so constructed that in order to enable it to work and function it is necessary that it should be adopted in its entirety. For these reasons the Charter Commission directs that said Charter be voted upon as a whole and that it be submitted to the qualified voters of the City at an election to be held for that purpose on the 6th day of May, 2000. Such election shall be held in accordance with applicable law. After said Charter is approved by a majority of the qualified voters voting at said election, it shall become the Charter of the City of Sweeny upon the entering upon the records of said City of the governing body of the City an official order declaring the adoption of said Charter.

100-15

AN ORDINANCE OF THE CITY OF SWEENY, TEXAS, ORDERING THAT A GENERAL ELECTION BE HELD IN AND THROUGH THE CITY OF SWEENY, TEXAS, FOR THE PURPOSE OF ELECTING CERTAIN CITY OFFICIALS TO OFFICE FOR A TERM OF TWO YEARS: ORDERING THAT A SPECIAL ELECTION BE HELD IN AND THROUGHOUT THE CITY OF SWEENY, TEXAS, FOR THE PURPOSE OF AMENDING THE CITY CHARTER; PROVIDING FOR NOTICE OF SUCH ELECTION: PROVIDING FOR A JOINT ELECTION WITH BRAZORIA COUNTY: PROVIDING FOR THE FILING OF CANDIDATES FOR OFFICE: PROVIDING OTHER PROVISIONS RELATIVE THERETO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SWEENY, TEXAS:

SECTION ONE (1):

The CITY COUNCIL of the City of Sweeny, Texas, hereby orders and ordains that a General Election be held in and throughout the City of Sweeny, Texas, on the 9th day of May, 2015, between the hours of seven (7:00 A.M.) o'clock and seven (7:00 P.M.) o'clock, for the purpose of electing the following named City Officials to office as provided below:

GENERAL ELECTION:

1. One City Council Person for Position Number Two (2) for a term of two years.
2. One City Council Person for Position Number Four (4) for a term of two years, and
3. Mayor for a term of two years.

SPECIAL ELECTION:

A special election will also be held in conjunction with the General Election described above for the purpose of allowing the qualified voters of the city to vote on the following charter amendment:

“Shall Section 6.02 of the City of Sweeny Charter be amended to provide that the Judge of the Municipal Court be elected for a term of two years, with such term to run in alternating years with the term of the Mayor.”

SECTION TWO (2):

Any person desiring to be a candidate for one of the above described offices shall file his or her application to have his or her name placed on the official ballot, designating the position such person seeks, and prove such person's qualifications as required by law in accordance with the Election Code of the State of Texas.

SECTION THREE (3):

The election will be joint election with Brazoria County, pursuant to the joint election agreement previously approved by this Council, and shall be conducted on the terms outlined in said agreement.

SECTION FOUR (4):

Said election shall be conducted in all things in accordance with the Election Code of the State of Texas, the Ordinances of the City of Sweeny, Texas, and Constitution of the State of Texas.

SECTION FIVE (5):

Electronic voting will be employed in balloting, and only qualified voters who reside in the City of Sweeny, Texas, shall be permitted to vote in said election.

SECTION SIX (6):

Early voting and absentee voting by mail will be permitted in accordance with the Election Code of the State of Texas

SECTION SEVEN (7):


A copy of this Ordinance shall be placed at the election polling place, and in two (2) other public places in the City of Sweeny, Texas, and by posting on the bulletin

board of the CITY COUNCIL a copy of this Ordinance at least 21 days prior to the date of the election by the City Secretary. Such posting of notice shall constitute notice of said election.

SECTION EIGHT (8):

The City Secretary of the City of Sweeny, Texas, shall cause the required notice of election to be published in accordance with the Election Code of the State of Texas.

PASSED AND ADOPTED this the 17th day of February 2015.



RODNEY WEEMS, MAYOR OF THE
CITY OF SWEENEY, TEXAS

ATTEST:



REATA MINSHEW, CITY SECRETARY