



## CITY COUNCIL MEETING REGULAR SESSION

Tuesday, March 21, 2023 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 **Regular Session** on **Tuesday, March 21, 2023 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.

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#### 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.*

#### 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:*

1. Consultation with attorney, pursuant to Section 551.071(1)(b) of the Texas Government Code - Construction contract and project scope for 2019 Bond Issue Water Line Improvements.

#### 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.*

#### 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.*

2. Fair Housing Month - April 2023

Child Abuse Prevention Month - April 2023

- [3.](#) Minutes of the Regular Session - February 21, 2023
- [4.](#) Discussion and action on review and approval of minutes of the Special Meeting - March 09, 2023

## **REGULAR AGENDA**

- [5.](#) Discuss/ Take Action on proposed Re-plat at 1101 Avenue B
- [6.](#) Discussion and possible action to any follow up information received regarding independent water samples taken and tested the week of March 06, 2023.
- [7.](#) Variance requested to exceed maximum height of a flagpole at the Sweeny Fire Department, located at 222 Pecan.
- [8.](#) Discussion and possible action on approval of a resolution in support of the Sweeny Beautification Committee-sponsored parades to be held along FM 524, more commonly known as Main Street for the next five (5) years.
- [9.](#) Discussion and possible action on approval of a multi-year agreement with Texas Department of Transportation (TxDOT) concerning the closure of FM 524 better know as Main Street, a TxDot right of way, for upcoming parades.
- [10.](#) Discuss/ Take Action on re-scheduling the Regular Session Council Meeting from April 18, 2023 to April 25, 2023.
- [11.](#) Discussion and action on a request to recognize significant contributions of Pastor Larry Lamb at Chick Anderson Park consistent with a proposed ordinance on City parks naming rights.
- [12.](#) Discussion and action on a recommendation to City Council concerning a naming rights policy ordinance.
- [13.](#) Discuss and act (as needed) choosing a contractor for road and utility expansion of Calvie Brown road at the Industrial Park
- [14.](#) Discuss and act (as needed) financing for road and utility extension of Calvie Brown road at the Industrial Park
- [15.](#) Discussion and possible action on city services to the Bennet Outler Park Complex.
- [16.](#) Discuss and act as needed on city owned property adjacent to Bennett-Outlar baseball fields and complex.
- [17.](#) Discussion and possible action on a 2023 Consumer Price Index (CPI) Adjustment to Municipal Telecommunication Right-of-Way Access Line Rates.

18. Discussion and action on proposal to Assess an Annual Membership and/or One Time Usage Fee for Groups Utilizing of the Seniors Building and possible amendment reflective on Master Fee Schedule

19. Discuss and act as necessary in the matter of following up with residents within 3 business days after a work order is created from resident complaint or request.

**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:*

20. Consultation with attorney, pursuant to Section 551.071(1)(b) of the Texas Government Code, City Engineer contract.

21. 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 Evaluation)

**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.*

**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 **March 21st, 2023** was posted on the City Hall bulletin board on \_\_\_\_\_, 2023, at approximately \_\_\_\_\_.

\_\_\_\_\_  
(Kaydi Smith – City Secretary)

I hereby certify that this Public Notice was removed from the City Hall bulletin board on \_\_\_\_\_, 2023 at approximately \_\_\_\_\_.

\_\_\_\_\_  
Kaydi Smith, City Secretary



**CITY OF SWEENEY  
OFFICE OF THE MAYOR**

Children are our nation's, state's and city's next generation of leaders and the brightest rays of hope for the future. Every responsible person will agree that children deserve to grow up in a nurturing environment free from harm and fear. Sadly, child abuse – physical, sexual or emotional – is far too common in our society. In 2018 alone, the Texas Department of Family and Protective Services confirmed more than 66,000 of the 281,000 reported cases where children were victims of abuse or neglect.

Across our city, county, state and nation, children's advocacy groups, nonprofit organizations, social workers and government agencies work daily to stop this crime through education and awareness. Through their compassion and dedication, they create safe, happy and healthy environments for children to grow and thrive.

Every year since 1983, the month of April is dedicated to raising awareness of the pervasiveness of child abuse and promoting the safety and well-being of all children.

At this time, I encourage our great city to renew our commitment to preventing child abuse, to learn the signs and to honor our duty as stewards of our youth to report any suspicions of abuse. We can all work toward a brighter future and help our children grow up and flourish in "A City With Pride."

Therefore, I, Jeff Farley, Mayor of Sweeny Texas, do hereby proclaim April 2023, to be

## **Child Abuse Prevention Month**

in Sweeny, and urge the appropriate recognition whereof.

In official recognition whereof, I hereby affix my signature this the 21<sup>st</sup> day of March 2023.

Mayor Jeff Farley





**CITY OF SWEENY  
OFFICE OF THE MAYOR**

In 1968, President Lyndon B. Johnson, a Texan, signed the Fair Housing Act into law. Texas solidified its commitment to this basic right by passing the Texas Fair Housing Act in 1989, which prohibits discrimination based on race, color, religion, sex, national origin, family status or disability.

These acts were conceived with a noble goal in mind: affording all Americans the opportunity to pursue their American Dream and seek the housing of their choice. The City of Sweeny supports these goals and truly knows the meaning of diversity and understands that our differences make us stronger, not weaker. Each year, the month of April is dedicated to reaffirming our commitment to equality of opportunity in the housing industry.

At this time, I encourage our great city to support fair housing practices so we can build an even brighter future for the town we all call home.

Therefore, I, Jeff Farley, Mayor of Sweeny Texas, do hereby proclaim April 2023, to be

**Fair Housing Month**

in Sweeny, and urge the appropriate recognition whereof.

In official recognition whereof, I hereby affix my signature this the 21<sup>st</sup> day of March 2023.

Mayor Jeff Farley

CITY COUNCIL MEETING REGULAR SESSION

Tuesday, February 21, 2023 at 6:00 PM

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

MINUTES

BE IT KNOWN that the City Council of the City of Sweeny met in **Regular Session** on **Tuesday, February 21, 2023 at 6:00 PM.** at City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas.

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**CALL TO ORDER/ROLL CALL**

Mayor called the meeting to order at 6 PM.

Councilman Mark Morgan Jr., Bill Hayes, Brian Brooks, John Rambo, and Tim Pettigrew were in attendance.

City Officials Present: City Manager, Lindsay Koskiniemi; City Attorney, Charlie Stevenson; Mayor, Jeff Farley; City Secretary, Kaydi Smith; Finance Director, Karla Wilson; Public Works Director, Ross Aguirre

**PLEDGES & INVOCATION**

Brian Brooks led the pledges and the prayer was led by Reese Cook.

**CITIZENS WISHING TO ADDRESS CITY COUNCIL**

No Visitor Comments

**PUBLIC HEARINGS AND ACTION ITEMS**

**CONSENT AGENDA**

1. Minutes of the Regular Session- January 17, 2023
2. Minutes of the Special Session- January 31, 2023  
*Mark Morgan Jr. made the motion to approve the minutes of the Regular Session, January 17, 2023 and Special Session, January 31, 2023. Tim Pettigrew seconded. All in favor. Motion Carried.*
3. Proclamation(s)  
Womens History Month (March 2023)  
Texas Independence Day (March 2nd, 2023)  
National Vietnam Veterans Day (March 29th, 2023)  
*Mayor stated the Proclamations will be signed and posted.*
4. Presentation to City Council on the year-to-date budget-to-actual information for the first quarter of Fiscal Year 2022-2023 for the General Fund and Enterprise Fund and a list of associated vendor payments for Q1.  
*Discussion only. No Action.*

**REGULAR AGENDA**

5. Discuss/ Take Action on proposed Re-plat to combine properties located at 605 N Main Street to consolidate into one property.

City Secretary stated this is to combine two properties and the recently deeded footage into one property.

*John Rambo made the motion to approve the re-plat at 605 N Main Street to consolidate into one property. Bill Hayes seconded. All in favor. Motion carried.*

6. Discuss/ Take Action on proposed replat for 604 E Sixth Street, re-configuring three (3) lots into two (2), with both lots now facing Sixth Street. Both proposed properties are within the R2B zone and adhere to the lot sizing requirements to include frontage and depth lengths. Property

owner has previously received a variance to allow the mobile home to remain on site after the replat; see Council Minutes April 6, 2021.

City Secretary stated this has previously been brought to council regarding the possibility of replatting and to obtain the variance to allow the mobile home to remain onsite after replat. This replat is to reconfigure from three lots to two.

*Mark Morgan Jr. made the motion to approve the replat reconfiguring three lots into two. John Rambo seconded. All in favor. Motion Carried.*

7. Variance Request to Ordinance 151.07 to allow temporary occupancy of a recreational vehicle at the address of 1104 N Main due to construction purposes.

City Manager stated the resident previously approached the city. The home was damaged due to a ruptured pipe. A variance is requested to allow the resident to live in an RV within the driveway while repairs are being made. Insurance would be providing the trailer.

*Brian Brooks made the motion to approve the variance for temporary occupancy of an RV for six (6) months. Tim Pettigrew seconded. All in favor. Motion carried.*

8. Lou Ella's Old Fashion BBQ Grant Incentive Obligation

Nina Christie, EDC President, approached council and stated that Lou Ella's Old Fashion BBQ has closed their business and did have a Grant Incentive Obligation thru EDC. The obligation was for 10 years and to generate \$50,000.00 from sales tax. Lou Ella's has been open for six (6) years and has generated \$76,000.00 in sales tax. EDC feels they have met the obligation due to the amount of sales tax generated.

*John Rambo made the motion to approve the termination of the agreement. Mark Morgan Jr. seconded. Morgan, Brooks, Rambo, and Pettigrew were all in favor. Bill Hayes abstained. Motion carried.*

9. Update from Parks and Recreation Board on playground equipment order and lighting upgrades.

Caniel Massey updated Council on behalf of the Parks and Recreation Board. The board has picked playground equipment for the MLK and Backyard Park. Pole lights and conduit have been installed at Veterans Memorial, the Gazebo Park, and MLK Park. They will need to finish several items including the rebar and concrete for the lighting project. This project was completed by The Parks and Recreation Board, Lions Club, LEO, Public Works, and several community members.  
*Discussion Only. No Action.*

10. Update on creation of comprehensive fixed asset schedule.

City Manager stated the city obtained copies of the existing schedule from auditors. After reconciling with staff to the books, many assets need to be removed. A fixed asset is set at a \$5,000.00 value or more.

*Discussion Only. No Action.*

11. Discuss/Take Action on Joint Contract for Election Services

City Secretary stated the agreement had not yet been received from Brazoria County. Attorney Stevenson stated this is the annual standard contract for Brazoria County to conduct the election.

*John Rambo made the motion to approve the Joint Contract for Election Services with Brazoria County. Tim Pettigrew seconded. All in favor. Motion carried.*

12. Discussion and possible action on renewal of a 20-year lease agreement between the City of Sweeny and Union Pacific Railroad for the use of 41,670 square feet of right-of-way to the south of Chick Anderson Park and spanning a portion of Pecan Street and possibly part of Peach Street.

The City Manager did state this is a proposed renewal. Our current agreement does not end until 2024. She has contacted our insurance company and our current coverage meets the requirements per the proposed lease. There are no monetary costs associated with this lease agreement. *John Rambo made the motion to renew the 20-year lease agreement between the City of Sweeny and Union Pacific Railroad for the use of 41,670 square feet of right of way to the south of Chick Anderson Park and spanning a portion of Pecan Street and possibly part of Peach Street. Tim Pettigrew seconded. All in favor. Motion carried.*

13. Discussion and possible action on a request from Sweeny Beautification to establish a non-profit status under a 501c4, independent of the City of Sweeny.

City Manager stated the president of Beautification has approached the city about becoming independent from the city to allow them to apply for further grants and more diverse funding opportunities. They do request to continue using the name Sweeny Beautification Committee. Discussion ensued. By becoming a 501c4, Beautification would become their own non-profit group independent from The City of Sweeny. They do think it will be a lengthy process therefore until they are approved they will still remain the Sweeny Beautification Committee under the City. *Mark Morgan Jr. made the motion to allow the Sweeny Beautification Committee to seek non-profit status separate from the City of Sweeny. Tim Pettigrew seconded. Morgan, Hayes, Brooks, and Pettigrew were all in favor. John Rambo abstained. Motion Carried.*

14. Discussion and possible action to update scope of audit needed to meet requirements for an Alternative Compliance Examination Engagement for Recipients that Would Otherwise be Required to Undergo a Single Audit or Program-Specific Audit as a Result of Receiving Coronavirus State and Local Fiscal Recovery Funds.

City Manager stated the fiscal year audit for 2021/2022 has been completed. The City did receive \$750,000.00 in federal funding from Coronavirus and Local Fiscal Recovery Funds during this fiscal year, requiring an Alternative Compliance Examination and/or a Single Audit/Program Specific Audit. Monies received were sent in two separate payments and totaling over the threshold amount, requiring the audit. Being that our auditors have just completed the fiscal audit, it would be beneficial for them to complete the single audit. This will be approximately \$4,000.00 additional to the budgeted audit.

*Bill Hayes made the motion to approve the engagement letter to undergo the single audit programs specific audit for receiving the Coronavirus State and Local Fiscal Recovery Funds. Mark Morgan seconded. All in favor. Motion carried.*

### **CLOSED REGULAR SESSION AT 6:49 P.M. AND OPENED EXECUTIVE SESSION**

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:*

15. Sweeny EDC applications for board vacancy

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.

**CLOSED EXECUTIVE SESSION AND RE-OPENED REGULAR SESSION AT 7:06 P.M.**

- 15. Sweeny EDC applications for board vacancy

John Rambo made the motion to extend the SEDC application period for another 30 days. Mark Morgan seconded. Brian Brooks stated we need to have more exposure for applications and advertising. Morgan, Brooks, Rambo, and Pettigrew were all in favor. Bill Hayes abstained. Motion carried.

**ITEMS OF COMMUNITY INTEREST**

Bill Hayes thanked Sweeny Beautification for the Mardi Gras Cookoff and Parade. Stated there was also a nice writeup in The Facts.

Brian Brooks agreed that the Mardi Gras event was well attended.

City Secretary reminded Council to sign plats approved earlier in the meeting before leaving.

City Manager stated the weather sealant on the roof at the Community Center has been completed.

Tim Pettigrew stated that at the recent Cemetery Association Meeting, his mother, the secretary, announced her retirement. He stated he appreciates her, as she has had that title since 1972. He thanks her for her years of dedication. Charlie Stevenson seconded that statement. Tim also stated he is glad to back in attendance.

**ADJOURN REGULAR SESSION at 7:06 p.m.**

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Kaydi Smith, City Secretary



## CITY COUNCIL MEETING SPECIAL SESSION

Thursday, March 09, 2023 at 5:30 PM

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

### MINUTES

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#### CALL TO ORDER/ROLL CALL

Mayor Pro-Tem, Tim Pettigrew called the meeting to order at 5:30 p.m.

Councilmen Bill Hayes, Brian Brooks, John Rambo, and Tim Pettigrew were in attendance. Mark Morgan Jr. was absent.

City Officials present were City Manager Lindsay Koskiniemi, City Attorney Charlie Stevenson, City Secretary Kaydi Smith, Public Works Director Ross Aguirre, Water Plant Operator Kevin Eskridge, City Engineer William Strand.

#### PLEDGES & INVOCATION

Pledges led by Brian Brooks. Attorney Stevenson led the invocation.

#### CITIZENS WISHING TO ADDRESS CITY COUNCIL

Neal Bess Jr. approached council and stated he has concerns over the railroad track construction and speed as well as any impacts that could cause a possible and/or train derailment.

#### REGULAR AGENDA

1. Discussion on the City of Sweeny public water system concerning water coloration, water quality, and information from Public Works and City Engineer.

City Manager stated there has been an uptick in the amount of calls received and wanted to address the issue. City of Sweeny's Water Plant Operator spoke to the water discoloration, routine testing completed, and samples recently obtained for further testing. Publics concerns were voiced from residents/business owners. Discussion held. No action taken.

#### ITEMS OF COMMUNITY INTEREST

City Manager thanked everyone for coming to include the city council.

**ADJOURN REGULAR SESSION** at 7:29 p.m.

Minutes approved this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Kaydi Smith, City Secretary

BRAZORIA COUNTY, TEXAS  
JMLA KEEP SURVEY, A-79

CALLED 0.30 ACRE  
C.C.F.N. 200902333  
O.P.R.B.C.T.

REPLAT CRESTMONT ADDITION  
C.C.F.N. 2015034683  
O.P.R.B.C.T.

IND. 5/8" I.R.

IND. 3/8" I.P.  
IND. 5/8" I.R.  
IND. 1/2" I.R.

N 35°58'26" E 43.18'

N 42°26'20" E 86.00'

IND. 1/2" I.R.

IND. 1/2" I.R.

CALLED 0.145 AC  
C.C.F.N. 198004567  
O.P.R.B.C.T.

LOT 8  
BLOCK 1  
CRESTMONT ADDITION  
VOL. 8, PG. 3  
O.P.R.B.C.T.

LOT 6A  
0.431 ACRE

CALLED 0.148 ACRE  
C.C.F.N. 198004568  
O.P.R.B.C.T.

N 42°28'01" W 145.81'

S 47°33'40" E 145.60'

DEED NOTES FOR 0.431 ACRE

DESCRIPTION OF A 0.431 AC  
79' BRAZORIA COUNTY, TEXAS  
VOLUME 8, PAGE 3 OF THE  
0.145 ACRE TRACT AS RE-  
PLAT RECORDED IN BRAZORIA  
PUBLIC RECORDS OF BRAZORIA  
REFERENCED TRACT OF LAND  
AND BOUNDS AS FOLLOWS  
SOUTH CENTRAL ZONE, PER  
BEGINNING AT A 3/8-INCH  
REFERENCED TRACT OF LAND  
(10 B) SAME BEING THE  
THENCE SOUTH 42°28'20"  
SAME BEING THE NORTHWEST  
CORNER BEING THE SOUTH  
QUARTER SECTION 13 T12N  
R10E W3E A DISTANCE OF  
25'45.00" WEST, A DISTANCE  
ABOVE REFERENCED TRACT  
DISTANCE OF 18 FEET,  
THENCE NORTH 42°28'01"  
SAME BEING THE NORTHEAST  
CORNER OF THE O.P.R.B.C.T. A  
DISTANCE OF 145.81' TO THE  
NORTH CORNER OF SAID  
TRACT, THENCE NORTH 35°58'26"  
SAME BEING THE SOUTH  
3/8 INCH IRON PIPE FOR  
4228' EAST, A DISTANCE  
TRACT, SAME BEING THE  
NORTH CORNER OF SAID  
TRACT OF LAND, SAME  
ADDITION, A DISTANCE OF  
CORNER, BEING THE  
CORNER OF LOT 7 BY  
THENCE SOUTH 47°33'40"  
SAME BEING THE SOUTHWEST  
CORNER OF THE SAID

CITY COUNCIL APPROVED

CITY OF BRAZORIA, TEXAS  
THIS 11th DAY OF MARCH, 2020

BY: MAYOR, DAVID

BY: CLERK, JENNIFER

BY: JORDAN B. COX

P.O.B.

IND. 1/2" I.R.  
IND. 5/8" I.R.

IND. 1/2" I.P.  
IND. 5/8" I.R.

S 42°26'20" W 86.00'

L=43.47'  
R=281.16'  
D=8°51'24"  
CHB=S 35°45'03" W  
43.42'

AVENUE B  
60' R.O.W.  
VOL. 8, PG. 3  
O.P.R.B.C.T.

OWNER'S ACKNOWLEDGEMENT

STATE OF TEXAS  
COUNTY OF BRAZORIA

THE OWNER OF LAND SHOWN ON THIS PLAT IN PERSON OR THROUGH A DULY AUTHORIZED  
AGENT, DEDICATES TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS,  
WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE  
AND CONSIDERATION THEREIN EXPRESSED

VICTORIA J. COX

STATE OF TEXAS  
COUNTY OF BRAZORIA

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED VICTORIA J.  
COX, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING  
INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THE SAME WAS THE ACTING OWNER FOR THE  
PURPOSES AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 11th DAY OF March, 2020

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES

OWNER'S ACKNOWLEDGEMENT

STATE OF TEXAS  
COUNTY OF BRAZORIA

THE OWNER OF LAND SHOWN ON THIS PLAT IN PERSON OR THROUGH A DULY AUTHORIZED  
AGENT, DEDICATES TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS,  
WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE  
AND CONSIDERATION THEREIN EXPRESSED

JORDAN B. COX

STATE OF TEXAS  
COUNTY OF BRAZORIA

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED JORDAN B. COX,  
KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING  
INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THE SAME WAS THE ACTING OWNER FOR THE  
PURPOSES AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 11th DAY OF March, 2020

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

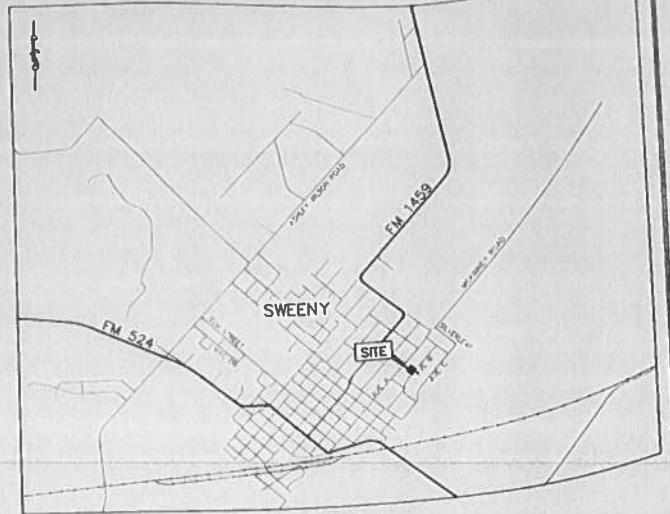
MY COMMISSION EXPIRES





LOT 2

FND 1/2" C.I.R  
"PINPOINT"



VICINITY MAP  
SCALE 1"=2500'

**FIELD NOTES FOR 0.431 ACRE**

DESCRIPTION OF A 0.431 ACRE TRACT OF LAND, LOCATED WITHIN THE IMLA KEEP SURVEY, ABSTRACT NO. 79, BRAZORIA COUNTY, TEXAS, BEING ALL OF LOT 6 OF THE CRESTMONT ADDITION, AS RECORDED IN VOLUME 8, PAGE 3 OF THE PLAT RECORDS, BRAZORIA COUNTY, TEXAS (P.R.B.C.T.) AND ALL OF A CALLED 0.145 ACRE TRACT, AS RECORDED IN COUNTY CLERK'S FILE NO. (C.C.F.N.) 1996045047 OF THE OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS (O.P.R.B.C.T.), REFERRED TO HEREINAFTER AT THE ABOVE REFERENCED TRACT OF LAND, SAID 0.431 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83) SOUTH CENTRAL ZONE, PER GPS OBSERVATIONS).

BEGINNING AT A 3/8-INCH IRON ROD FOUND FOR CORNER, BEING THE EAST CORNER OF THE ABOVE REFERENCED TRACT OF LAND, SAME BEING LOCATED IN THE NORTHWEST R.O.W. LINE OF AVENUE B (60 R.O.W.) SAME BEING THE SOUTH CORNER OF LOT 7 OF SAID CRESTMONT ADDITION.

THENCE SOUTH 42°26'20" EAST, ALONG THE SOUTHEAST LINE OF THE ABOVE REFERENCED TRACT OF LAND, SAME BEING THE NORTHWEST R.O.W. LINE OF SAID AVENUE B, A DISTANCE OF 86.00 FEET TO A POINT FOR CORNER, BEING THE SOUTH CORNER OF SAID LOT 6, SAID POINT BEING IN THE ARC OF A CURVE TO THE LEFT, FROM WHICH A 1-1/2 INCH IRON PIPE BEARS NORTH 47°34' WEST, A DISTANCE OF 0.5 FOOT.

THENCE SOUTHWESTERLY, ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 43.47 FEET, SAID CURVE HAVING A RADIUS OF 281.18 FEET, A CENTRAL ANGLE OF 08°51'24", A CHORD WHICH BEARS SOUTH 35°45'03" WEST, A DISTANCE OF 43.42 FEET TO A POINT FOR CORNER, BEING THE SOUTH CORNER OF THE ABOVE REFERENCED TRACT OF LAND, FROM WHICH A 1/2-INCH IRON ROD BEARS SOUTH 39°54' EAST, A DISTANCE OF 1.6 FEET.

THENCE NORTH 47°28'01" WEST, ALONG THE SOUTHWEST LINE OF THE ABOVE REFERENCED TRACT OF LAND, SAME BEING THE NORTHEAST LINE OF A CALLED 0.145 ACRE TRACT, AS RECORDED IN C.C.F.N. 1996045048 OF THE O.P.R.B.C.T., A DISTANCE OF 145.81 FEET TO A 5/8-INCH IRON ROD FOUND FOR CORNER, BEING THE WEST CORNER OF THE ABOVE REFERENCED TRACT OF LAND, SAME BEING ON THE SOUTHEAST LINE OF A CALLED 0.30 ACRE TRACT, AS RECORDED IN C.C.F.N. 2009032353 OF THE O.P.R.B.C.T. SAME BEING THE NORTH CORNER OF SAID CALLED 0.145 ACRE TRACT.

THENCE NORTH 35°59'26" EAST, ALONG THE NORTHWEST LINE OF THE ABOVE REFERENCED TRACT OF LAND, SAME BEING THE SOUTHEAST LINE OF SAID CALLED 0.30 ACRE TRACT, A DISTANCE OF 43.16 FEET TO A 3/8-INCH IRON PIPE FOUND FOR CORNER, FROM WHICH A 5/8-INCH IRON ROD WITH CAP BEARS NORTH 42°26' EAST, A DISTANCE OF 0.1 FOOT, SAME BEING THE EAST CORNER OF SAID CALLED 0.30 ACRE TRACT, SAME BEING THE SOUTH CORNER OF LOT 1 OF THE REPLAT OF CRESTMONT ADDITION, AS RECORDED IN C.C.F.N. 2015034683 OF THE O.P.R.B.C.T.;

THENCE NORTH 42°26'20" EAST, CONTINUING ALONG THE NORTHWEST LINE OF THE ABOVE REFERENCED TRACT OF LAND, SAME BEING THE SOUTHEAST LINE OF LOT 1 & LOT 2 OF SAID REPLAT OF CRESTMONT ADDITION, A DISTANCE OF 86.00 FEET TO A 1/2-INCH CAPPED IRON ROD STAMPED "PINPOINT" FOUND FOR CORNER, BEING THE NORTH CORNER OF THE ABOVE REFERENCED TRACT OF LAND, SAME BEING THE WEST CORNER OF LOT 7 OF SAID CRESTMONT ADDITION;

THENCE SOUTH 47°33'40" EAST, ALONG THE NORTHEAST LINE OF THE ABOVE REFERENCED TRACT OF LAND, SAME BEING THE SOUTHWEST LINE OF SAID LOT 7, A DISTANCE OF 145.80 FEET TO THE POINT OF BEGINNING OF THE ABOVE REFERENCED TRACT OF LAND, CONTAINING 0.431 ACRE OF LAND, MORE OR LESS.

**CITY COUNCIL APPROVALS**

I CERTIFY THAT THE ABOVE AND FOREGOING PLAT OF COX ESTATES, WAS APPROVED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_ BY THE CITY COUNCIL OF THE CITY OF SWEENEY, TEXAS

JEFF FARLEY, MAYOR

MARK MORGAN JR., COUNCIL POSITION 1

BILL HAYES, COUNCIL POSITION 2

BRIAN BROOKS, COUNCIL POSITION 3

JOHN RAMBO, COUNCIL POSITION 4

TIM PETTIGREW, COUNCIL POSITION 5

**NOTES:**

1. THE PURPOSE OF THIS PLAT IS TO PLAT LOT 6 OF THE CRESTMONT ADDITION AND A CALLED 0.145 ACRE TRACT INTO 1 LOT.
2. ALL BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83) SOUTH CENTRAL ZONE, PER GPS OBSERVATIONS.
3. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP No. 48039C0565K, REVISED DATE OF DECEMBER 30, 2020, THE SURVEYED PROPERTY LIES WITHIN ZONE "X", UNSHADED.
4. THIS PROPERTY LIES WITHIN THE CITY LIMITS OF SWEENEY, TEXAS.
5. THE POSSIBLE EXISTENCE OF UNDERGROUND FACILITIES OR SUBSURFACE CONDITIONS OTHER THAN THOSE SHOWN MAY AFFECT THE USE AND DEVELOPMENT OF THE SUBJECT PROPERTY SHOWN HEREON.
6. ALL COORDINATES AND DISTANCES SHOWN ARE U.S. SURVEY FEET GRID AND CAN BE CONVERTED TO SURFACE BY MULTIPLYING THE COMBINED SCALE FACTOR OF 1.0001206.

I HEREBY CERTIFY THAT THIS PLAT REPRESENTS THE RESULTS OF A SURVEY MADE ON THE GROUND, UNDER MY SUPERVISION ON THE 7TH DAY OF FEBRUARY, 2023.

*DJ* 2/7/2023  
DARREL HEIDRICH  
REGISTERED PROFESSIONAL LAND SURVEYOR  
LAND SURVEYOR NO. 5772



**PLAT  
COX ESTATES**

A 0.431 ACRE  
1 LOT 1 BLOCK SUBDIVISION  
ALL OF LOT 6  
CRESMONT ADDITION  
VOL. 8, PG. 3 P.R.B.C.T.  
AND  
A CALLED 0.145 ACRE TRACT  
C.C.F.N. 1996045047  
O.P.R.B.C.T.

**OWNER'S ACKNOWLEDGEMENT:**

STATE OF TEXAS §  
COUNTY OF BRAZORIA §

THE OWNER OF LAND SHOWN ON THIS PLAT, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, DEDICATES TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

*[Signature]*  
COX ESTATES





# AGENDA MEMO

Business of the City Council  
City of Sweeny, Texas

<b>Meeting Date</b>	03/21/2023	<b>Agenda Item</b>	
<b>Approved by City Manager</b>		<b>Presenter(s)</b>	Kaydi Smith
<b>Reviewed by City Attorney</b>		<b>Department</b>	Zoning
<b>Subject</b>	Discuss/ Take Action on proposed Re-plat at 1101 Avenue B		
<b>Attachments</b>	Survey, Application		
<b>Financial Information</b>	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

**Executive Summary**

Property owners are requesting the combination of their two properties consisting of the primary residence at 1101 Avenue B, known as lot 6, and the vacant lot of 0.431 acres, known as lot 17c.

**Recommended Action**

Take Action on proposed re-plat at 1101 Avenue B.



# AGENDA MEMO

## Business of the City Council City of Sweeny, Texas

Item 6.

<b>Meeting Date</b>	03.21.2023	<b>Agenda Item</b>	
<b>Approved by City Manager</b>	Yes	<b>Presenter(s)</b>	Lindsay Koskiniemi, City Manager Ross Aguirre, Public Works Director
<b>Reviewed by City Attorney</b>	No	<b>Department</b>	Water
<b>Subject</b>	Discussion and possible action to any follow up information received regarding independent water samples taken and tested the week of March 06, 2023.		
<b>Attachments</b>	N/A		
<b>Financial Information</b>	Expenditure Required:		N/A
	Amount Budgeted:		N/A
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

### Executive Summary

The City had three independent water testers sample and comprehensively test the water throughout the City in areas with higher frequencies of water discoloration calls. When the results of the tests conducted are available, they will be shared on the City’s website or at the Regular City Council meeting on March 21, 2023 if received before the meeting.

This item is intended to be a follow-up to the Special City Council meeting on March 09, 2023, if further information is available.

### Recommended Action

No recommended action.

**§ 156.018 SIGNS REQUIRING A PERMIT.**

The following signs shall require a permit, issued prior to construction:

(A) Signs on property in other than residential areas.

(1) *Single commercial building.* Signs shall be permitted as follows:

- (a) Attached or painted onto each side of a building. No single sign may be larger than 32 square feet.
- (b) One tree standing sign not larger than 24 square feet or taller than ten feet.
- (c) One projecting sign not to exceed 12 square feet.
- (d) The aggregate of all signs may not exceed 80 square feet.

(2) *Commercial complex.* Signs shall be permitted as follows:

- (a) One free standing sign not larger than 64 square feet or taller than 12 feet.

1. A commercial complex with a land area of two acres or more may have one freestanding sign along each street which borders the complex for a distance of 200 feet.

2. If the structure of a free standing sign contains or supports more than one sign, then each sign shall be of the same construction, coloring, design, and style.

- (b) Signs housed in the complex not to exceed 50% of the front wall space.

(3) *Flags.* No flagpole may be higher than 20 feet or extend beyond the maximum allowable building height limit as established in the city building regulations, whichever is shorter. At any establishment, the entire area of all flags shall be counted toward the aggregate for signs on the premises. Flags may only be illuminated in compliance with this chapter.

(4) *Illuminated signs.*

(a) Neon signs are prohibited except for signs no greater than 4.5 square feet located on or inside of a window of an establishment. No more than two such signs are permitted per business.

(b) No sign shall be lighted to such intensity or in such a manner as to cause glare or brightness to a degree that it constitutes a traffic hazard. Any such sign shall constitute a nuisance.

- (c) Signs may not be illuminated by mercury arc or mercury vapor light sources.

- (d) Illuminated signs may not be installed facing adjacent or adjoining residential areas.

(5) *Inflatable signs.* Business related inflatable signs with a volume greater than 27 cubic feet are prohibited.

(B) *Business or office signs located on property in residential areas (applicant should consider this section in conjunction with deed restrictions and property owners associations' covenants and bylaws).*

(1) Signs shall be permitted as follows:

- (a) One sign, no larger than 12 square feet, may be attached to or painted onto a building.
- (b) One free standing sign not larger than 3 square feet or taller than four feet.
- (c) The aggregate of both signs may not exceed 12 square feet.

(2) *Flags.* No flagpole may be higher than 20 feet or extend beyond the maximum allowable building height limit as established in the city building regulations, whichever is shorter.

(3) *Internally illuminated signs are prohibited.*

(C) *Banners.*

(1) *Street banners.*

(a) Street banners when they are clearly incidental to and are customarily and commonly associated with any national, local or religious holiday or celebration, and of a non-advertising nature; provided, that such decorations are maintained in an attractive condition, do not constitute a fire or traffic or pedestrian hazard, and are removed within a reasonable time after the event or celebration has occurred.

- (b) Street banners must conform to Texas Department of Transportation rules and regulations.

(c) Street banners may be displayed only at approved city locations within the city limits and the city's extraterritorial jurisdiction.

(d) No more than six street banners may be in place at any one time within the city limits and the city's extraterritorial jurisdiction.

(2) All other banners are permitted as follows:

- (a) Banners must be kept in good repair throughout the time of their display.
- (b) No establishment may display more than two banners at any one time.
- (c) Banners may not exceed eight square feet in a residential area or 24 square feet in all other areas.
- (d) Banners may not be displayed for more than 31 days in succession, and they must be removed no more than three days following any event to which they relate.
- (e) On-premise banners that announce the location or relocation of newly located or relocated businesses are permitted without payment of a permit fee. The banner may be exhibited during a period of no more than 45 days commencing at the time that the temporary banner permit is issued. Such banners may not exceed eight square feet in a residential area or 18 square feet in all other areas.
- (f) Banners for commercial purposes may not face a residential area.

(Ord. 102-16, passed - -16; Am. Ord. 103-18, passed 5-15-18)

**Sec. 110-76. C-1, commercial.**

The following regulations shall be applicable to the C-1, commercial, zoning district:

(1) *Description and purpose:* This is a zone designed to contain mostly warehousing, distribution types of activity.

(2) *Permitted uses:* Office and office buildings, studios, retail shops, service shops, drive-in eating places, groceries, day care center, auto repair shops, membership clubs, nursing homes, homes for orphans, homes for aged, newspaper, auto dealers, hotels, theatres, motels, banks, and financial institutions, lumberyards, and brickyards, warehouses, wholesale business, veterinary clinic, commercial laundries, beverage manufacturing.

(3) *Maximum percentage of lot to be used by building:* One hundred (100) percent.

(4) *Minimum floor area:* None required.

(5) *Maximum height of building:* Four (4) stories, fifty (50) feet or as approved.

(6) *Minimum lot area:* Three thousand (3,000) square feet.

(7) *Minimum frontage of lot:* Thirty (30) feet.

(8) *Minimum depth of lot:* One hundred (100) feet.

(9) *Minimum yard setbacks:* None required unless abutting residential zone of E-1, R-1, R- 2a, R-3, or T-1, then there shall be a minimum setback of twenty (20) feet on the rear and on the side, for all buildings up to fifty (50) feet in height, where the property abuts such zones. If the building is greater than fifty (50) feet in height, the setback on the rear and side shall be twenty (20) feet, plus twice the height of that portion of the building that is in excess of the first fifty (50) feet. Portions of drainage ditches on the property or between properties shall be credited to the landowner for the purposes of establishing the setback.

(10) *Permitted accessory uses:* None allowed.

(11) *Accessory building:* Any customary, incidental to business.

(12) *Conditional uses:* Supervised living facility and churches.

(13) *Off-street parking:* See section 110-162.

(14) *Off-street loading:* See section 110-163.

(15) *Other provisions:* See section 110-178 for additional rules on design limitations and performance standards when a C-1 zone lot line is within sixty (60) feet of single-family residential area lot lines.



# AGENDA MEMO

## Business of the City Council

### City of Sweeny, Texas

<b>Meeting Date</b>	03/21/2023	<b>Agenda Item</b>	
<b>Approved by City Manager</b>		<b>Presenter(s)</b>	Kaydi Smith
<b>Reviewed by City Attorney</b>		<b>Department</b>	Developmental Services
<b>Subject</b>	Variance requested to exceed maximum height of a flagpole at the Sweeny Fire Department, located at 222 Pecan.		
<b>Attachments</b>	Sign Ordinance 156.018, Zoning Ordinance 110.76		
<b>Financial Information</b>	Expenditure Required:	-	
	Amount Budgeted:	-	
	Account Number:	-	
	Additional Appropriation Required:	-	
	Additional Account Number:	-	

#### Executive Summary

Variance requested by Sweeny Fire Chief for the Sweeny Fire Department to exceed the maximum flagpole height by ten (10) feet. Per the Sign Ordinance (156.018), the maximum height is 20 feet. Variance is requested to allow the flagpole at 222 Pecan to reach 30 feet in height. Requested variance is to allow the flags to be seen from Main Street.

**156.018 Signs Requiring Permit;** (3) Flags. No flagpole may be higher than 20 feet or extend beyond the maximum allowable building height limit as established in the city building regulations, whichever is shorter. At any establishment, the entire area of all flags shall be counted toward the aggregate for signs on the premises. Flags may only be illuminated in compliance with this chapter.

**110.76 Zoning Ordinance;** Commercial C1- Maximum height of building: Four (4) stories, fifty (50) feet or as approved.

The shorter of the two is 20 feet, therefore requiring a variance.

#### Recommended Action

Take Action (Approval/Denial) for Variance Requested



# AGENDA MEMO

## Business of the City Council

### City of Sweeny, Texas

<b>Meeting Date</b>	03/21/2023	<b>Agenda Item</b>	
<b>Approved by City Manager</b>		<b>Presenter(s)</b>	
<b>Reviewed by City Attorney</b>		<b>Department</b>	On behalf of Sweeny Beautification
<b>Subject</b>	Discussion and possible action on approval of a resolution in support of the Sweeny Beautification Committee-sponsored parades to be held along FM 524, more commonly known as Main Street for the next five (5) years.		
<b>Attachments</b>	Resolution		
<b>Financial Information</b>	Expenditure Required:	-	
	Amount Budgeted:	-	
	Account Number:	-	
	Additional Appropriation Required:	-	
	Additional Account Number:	-	

**Executive Summary**

Parade Dates are as follows-

- May 6, 2023- 10am
- December 2, 2023- 6pm
- February 10, 2024- 7pm
- May 4, 2024- 10am
- December 7, 2024- 6pm
- March 1, 2025- 7pm
- May 3, 2025- 10am
- December 6, 2025- 6pm
- February 14, 2026- 7pm
- May 2, 2026- 10am
- December 5, 2026- 6pm
- February 6, 2027- 7pm
- May 1, 2027- 10am
- December 4, 2027- 6pm
- February 26, 2028- 7pm
- May 6, 2028- 10am
- December 2, 2028- 6pm

Closure would be Main Street from Pecan st. (The gravel along Gazebo park) to Texas Avenue. Duration of closure would be 10 minutes prior to the start of the parade and about 40 minutes for the duration of the parade. So my request would be for us to round up to an hour of closure.

**Recommended Action**

Take Action (Approval/Denial) on Resolution

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SWEENY, BRAZORIA COUNTY, TEXAS, SUPPORTING THE SWEENY BEAUTIFICATION PRIDE DAY, CHRISTMAS AND MARDI GRAS PARADES TO BE HELD ANNUALLY IN SWEENY AND FINDING FACT.

WHEREAS, the City of Sweeny Beautification Committee annually holds three parades within the City, to wit: Mardi Gras Parade, Pride Day Parade and Christmas Parade; and

WHEREAS, the FM 524, known as Main Street, is the site of the parades held within the City; and

WHEREAS, the City of Sweeny requests the cooperation of the Texas Department of Transportation in closing the road right of way for the parades; and

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

SECTION ONE (1):

The recitals of fact and findings above are found to be true and correct.

SECTION TWO (2):

The City of Sweeny hereby states its support for the parades hosted by the Sweeny Beautification Committee, namely, Mardi Gras Parade, the Pride Day parade and the Christmas Parade. The parades for each of the events stated above will require the closure of FM 524 or Main Street within the City on the below listed dates and times for each event. By this resolution the City is authorized to enter an agreement with the State of Texas providing for the temporary closure of FM 524 as stated. The parade dates for which closure of the right of way is requested is as follows:



MARDI GRAS PARADE

February 10, 2024 at 7:00 p.m.-9:00 p.m.  
March 01, 2025 at 7:00 p.m.-9:00 p.m.  
February 14, 2026 at 7:00 p.m.-9:00 p.m.  
February 06, 2027 at 7:00 p.m.-9:00 p.m.  
February 26, 2028 at 7:00 p.m.-9:00 p.m.

PRIDE DAY PARADE

May 06, 2023 at 10:00 a.m.-12:00 p.m.  
May 04, 2024 at 10:00 a.m.-12:00 p.m.  
May 03, 2025 at 10:00 a.m.-12:00 p.m.  
May 02, 2026 at 10:00 a.m.-12:00 p.m.  
May 01, 2027 at 10:00 a.m.-12:00 p.m.  
May 06, 2028 at 10:00 a.m.-12:00 p.m.

CHRISTMAS PARADE

December 02, 2023 at 6:00 p.m.- 8:00 p.m.  
December 07, 2024 at 6:00 p.m.- 8:00 p.m.  
December 06, 2025 at :6:00 p.m.-8:00 p.m.  
December 05, 2026 at 6:00 p.m.- 8:00 p.m.  
December 04, 2027 at 6:00 p.m.- 8:00 p.m.  
December 02, 2028 at 6:00 p.m.- 8:00 p.m.

PASSED AND ADOPTED, this the \_\_\_\_\_ day of March, 2023.

\_\_\_\_\_  
JEFF FARLEY, MAYOR OF THE CITY  
OF SWEENEY, TEXAS

ATTEST:

\_\_\_\_\_  
KAYDI SMITH, CITY SECRETARY,  
CITY OF SWEENEY, TEXAS



# AGENDA MEMO

## Business of the City Council

### City of Sweeny, Texas

<b>Meeting Date</b>		<b>Agenda Item</b>	
<b>Approved by City Manager</b>		<b>Presenter(s)</b>	
<b>Reviewed by City Attorney</b>		<b>Department</b>	On Behalf of Sweeny Beautification
<b>Subject</b>	Discussion and possible action on approval of a multi-year agreement with Texas Department of Transportation (TxDOT) concerning the closure of FM 524 better know as Main Street, a TxDot right of way, for upcoming parades.		
<b>Attachments</b>	TxDot Multi Year Agreement		
<b>Financial Information</b>	Expenditure Required:	-	
	Amount Budgeted:	-	
	Account Number:	-	
	Additional Appropriation Required:	-	
	Additional Account Number:	-	

#### Executive Summary

Discussion and possible action on approval of a five (5) year agreement with Texas Department of Transportation (TxDOT) concerning the closure of FM 524 better know as Main Street, a TxDot right of way, for upcoming parades.

Parade Dates are as follows-

- May 6, 2023- 10am
- December 2, 2023- 6pm
- February 10, 2024- 7pm
- May 4, 2024- 10am
- December 7, 2024- 6pm
- March 1, 2025- 7pm
- May 3, 2025- 10am
- December 6, 2025- 6pm
- February 14, 2026- 7pm
- May 2, 2026- 10am
- December 5, 2026- 6pm
- February 6, 2027- 7pm
- May 1, 2027- 10am
- December 4, 2027- 6pm
- February 26, 2028- 7pm
- May 6, 2028- 10am
- December 2, 2028- 6pm

Closure would be Main Street from Pecan st. (The gravel along Gazebo park) to Texas Avenue. Duration of closure would be 10 minutes prior to the start of the parade and about 40 minutes for the duration of the parade. So my request would be for us to round up to an hour of closure.

#### Recommended Action

Take Action (Approval/Denial) of the five year agreement with TxDot.

Agreement No. \_\_\_\_\_  
District # \_\_\_\_\_  
Code Chart 64 # \_\_\_\_\_  
Project: \_\_\_\_\_

Item 9.

STATE OF TEXAS §  
COUNTY OF TRAVIS §

**AGREEMENT FOR THE TEMPORARY CLOSURE  
OF STATE RIGHT OF WAY – MULTI-YEAR AGREEMENT**

**THIS AGREEMENT** is made by and between the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the “State,” and the City of \_\_\_\_\_, a municipal corporation, acting by and through its duly authorized officers, hereinafter called the “local government.”

**WITNESSETH**

**WHEREAS**, the State owns and operates a system of highways for public use and benefit, including \_\_\_\_\_, in \_\_\_\_\_, County; and

**WHEREAS**, the local government has requested the temporary closure of \_\_\_\_\_ for the purpose of \_\_\_\_\_, from \_\_\_\_\_ to \_\_\_\_\_ as described in the attached “**Exhibit A**,” hereinafter identified as the “**Event**,” and

**WHEREAS**, the Event will be located within the local government’s incorporated area; and

**WHEREAS**, the State, in recognition of the public purpose of the Event, wishes to cooperate with the City so long as the safety and convenience of the traveling public is ensured and that the closure of the State’s right of way will be performed within the State’s requirements; and

**WHEREAS**, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the \_\_\_\_\_ City Council passed Resolution / Ordinance No. \_\_\_\_\_, attached hereto and identified as “**Exhibit B**,” establishing that the Event serves a public purpose and authorizing the local government to enter into this agreement with the State; and

**WHEREAS**, 43 TAC, Section 22.12 establishes the rules and procedures for the temporary closure of a segment of the State highway system; and

**WHEREAS**, this agreement has been developed in accordance with the rules and procedures of 43 TAC, Section 22.12;

**NOW, THEREFORE**, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, to be by them respectively kept and performed as hereinafter set forth, it is agreed as follows:

**A G R E E M E N T**

**Article 1. CONTRACT PERIOD**

This agreement becomes effective upon final execution by the State and the maximum

Agreement No. \_\_\_\_\_  
 District # \_\_\_\_\_  
 Code Chart 64 # \_\_\_\_\_  
 Project: \_\_\_\_\_

duration of this agreement shall not exceed five years unless terminated or modified as hereinafter provided.

## Article 2. EVENT DESCRIPTION

*{Give a physical description of the annual event and when it will be held, the limits of the Event, including county names and highway numbers, the number of lanes the highway has and the number of lanes to be used, the proposed schedule of start and stop times and dates at each location, a brief description of the proposed activities involved, approximate number of people attending the Event, number and type of animals and equipment, planned physical modifications of any man-made or natural features in or adjacent to the right of way involved shall be attached hereto along with a **location map** and identified as "Exhibit C."}*

## Article 3. OPERATIONS OF THE EVENT

- A.** The local government shall assume all costs for the operations associated with the Event, to include but not limited to, plan development, materials, labor, public notification, providing protective barriers and barricades, protection of highway traffic and highway facilities, and all traffic control and temporary signing.
- B.** The local government shall submit to the State for review and approval the construction plans, if construction or modifications to the State's right of way is required, the traffic control and signing plans, traffic enforcement plans, and all other plans deemed necessary by the State. The State may require that any traffic control plans of sufficient complexity be signed, sealed and dated by a registered professional engineer. The traffic control plan shall be in accordance with the latest edition of the Texas Manual on Uniform Traffic Control Devices. All temporary traffic control devices used on state highway right of way must be included in the State's Compliant Work Zone Traffic Control Devices List. The State reserves the right to inspect the implementation of the traffic control plan and if it is found to be inadequate, the local government will bring the traffic control into compliance with the originally submitted plan, upon written notice from the State noting the required changes, prior to the event. The State may request changes to the traffic control plan in order to ensure public safety due to changing or unforeseen circumstances regarding the closure.
- C.** The local government will ensure that the appropriate law enforcement agency has reviewed the traffic control for the closures and that the agency has deemed them to be adequate. If the law enforcement agency is unsure as to the adequacy of the traffic control, it will contact the State for consultation no less than 10 workdays prior to the closure.
- D.** The local government will complete all revisions to the traffic control plan as requested by the State within the required timeframe or that the agreement will be terminated upon written notice from the State to the local government. The local government hereby agrees that any failure to cooperate with the State may constitute reckless endangerment of the public and that the Texas Department of Public Safety may be notified of the situation as soon as possible for the appropriate action, and failing to follow the traffic control plan or State instructions may result in a denial of future use of the right of way for three years.
- E.** The local government will not initiate closure prior to 24 hours before the scheduled Event and all barriers and barricades will be removed and the highway reopened to traffic within 24 hours after the completion of the Event.
- F.** The local government will provide adequate enforcement personnel to prevent vehicles from stopping and parking along the main lanes of highway right of way and otherwise prevent interference with the main lane traffic by both vehicles and pedestrians. The local Traffic Closure Incorporated (TEA30B)

government will prepare a traffic enforcement plan, to be approved by the State in writing at least 48 hours prior to the scheduled Event. Additionally, the local government shall provide to the State a letter of certification from the law enforcement agency that will be providing traffic control for the Event, certifying that they agree with the enforcement plan and will be able to meet its requirements.

**G.** The local government hereby assures the State that there will be appropriate passage allowance for emergency vehicle travel and adequate access for abutting property owners during construction and closure of the highway facility. These allowances and accesses will be included in the local government’s traffic control plan.

**H.** The local government will avoid or minimize damage, and will, at its own expense, restore or repair damage occurring outside the State’s right of way and restore or repair the State’s right of way, including, but not limited to, roadway and drainage structures, signs, overhead signs, pavement markings, traffic signals, power poles and pavement, etc. to a condition equal to that existing before the closure, and, to the extent practicable, restore the natural and cultural environment in accordance with federal and state law, including landscape and historical features.

**Article 4. OWNERSHIP OF DOCUMENTS**

Upon completion or termination of this agreement, all documents prepared by the local government will remain the property of the local government. All data prepared under this agreement shall be made available to the State without restriction or limitation on their further use. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

**Article 5. TERMINATION**

**A.** This agreement may be terminated by any of the following conditions:

- (1) By mutual written agreement and consent of both parties.
- (2) By the State upon determination that use of the State’s right of way is not feasible or is not in the best interest of the State and the traveling public.
- (3) By either party, upon the failure of the other party to fulfill the obligations as set forth herein.
- (4) By satisfactory completion of all services and obligations as set forth herein.

**B.** The termination of this agreement shall extinguish all rights, duties, obligations, and liabilities of the State and local government under this agreement. If the potential termination of this agreement is due to the failure of the local government to fulfill its contractual obligations as set forth herein, the State will notify the local government that possible breach of contract has occurred. The local government must remedy the breach as outlined by the State within ten (10) days from receipt of the State’s notification. In the event the local government does not remedy the breach to the satisfaction of the State, the local government shall be liable to the State for the costs of remedying the breach and any additional costs occasioned by the State.

**Article 6. DISPUTES**

Should disputes arise as to the parties’ responsibilities or additional work under this agreement, the State’s decision shall be final and binding.

**Article 7. RESPONSIBILITIES OF THE PARTIES**

Agreement No. \_\_\_\_\_  
District # \_\_\_\_\_  
Code Chart 64 # \_\_\_\_\_  
Project: \_\_\_\_\_

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

**Article 8. INSURANCE**

**A.** Prior to beginning any work upon the State’s right of way, the local government and/or its contractors shall furnish to the State a completed “Certificate of Insurance” (TxDOT Form 1560, latest edition) and shall maintain the insurance in full force and effect during the period that the local government and/or its contractors are encroaching upon the State right of way.

**B.** In the event the local government is a self-insured entity, the local government shall provide the State proof of its self-insurance. The local government agrees to pay any and all claims and damages that may occur during the period of this closing of the highway in accordance with the terms of this agreement.

**Article 9. AMENDMENTS**

Any changes in the time frame, character, agreement provisions or obligations of the parties hereto shall be enacted by written amendment executed by both the local government and the State.

**Article 10. COMPLIANCE WITH LAWS**

The local government shall comply with all applicable federal, state and local environmental laws, regulations, ordinances and any conditions or restrictions required by the State to protect the natural environment and cultural resources of the State’s right of way.

**Article 11. LEGAL CONSTRUCTION**

In case one or more of the provisions contained in this agreement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions hereof and this agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

**Article 12. NOTICES**

All notices to either party by the other required under this agreement shall be delivered personally or sent by certified U.S. mail, postage prepaid, addressed to such party at the following respective addresses:

Local Government:	State:
_____	Texas Department of Transportation
_____	Eliza C. Paul, P. E.
_____	District Engineer
_____	Houston District

Agreement No. \_\_\_\_\_  
District # \_\_\_\_\_  
Code Chart 64 # \_\_\_\_\_  
Project: \_\_\_\_\_

All notices shall be deemed given on the date so delivered or so deposited in the mail, unless otherwise provided herein. Either party hereto may change the above address by sending written notice of such change to the other in the manner provided herein.

**Article 13. SOLE AGREEMENT**

This agreement constitutes the sole and only agreement between the parties hereto and supersedes any prior understandings or written or oral agreements respecting the within subject matter.

Each party is signing this agreement on the date stated beside that party's signature.

**THE CITY OF \_\_\_\_\_**

Executed on behalf of the local government by:

By \_\_\_\_\_ Date \_\_\_\_\_  
City Official

Typed or Printed Name and Title \_\_\_\_\_  
\_\_\_\_\_

**THE STATE OF TEXAS**

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By \_\_\_\_\_ Date \_\_\_\_\_  
District Engineer

Agreement No. \_\_\_\_\_  
District # \_\_\_\_\_  
Code Chart 64 # \_\_\_\_\_  
Project: \_\_\_\_\_

Item 9.

## Exhibit A “Event”



Agreement No. \_\_\_\_\_  
District # \_\_\_\_\_  
Code Chart 64 # \_\_\_\_\_  
Project: \_\_\_\_\_

Item 9.

**Exhibit B**  
**Resolution / Ordinance**

Agreement No. \_\_\_\_\_  
District # \_\_\_\_\_  
Code Chart 64 # \_\_\_\_\_  
Project: \_\_\_\_\_

Item 9.

## Exhibit C LOCATION MAP



# AGENDA MEMO

## Business of the City Council

### City of Sweeny, Texas

<b>Meeting Date</b>	03/21/2023	<b>Agenda Item</b>	
<b>Approved by City Manager</b>		<b>Presenter(s)</b>	
<b>Reviewed by City Attorney</b>		<b>Department</b>	Administration/Council
<b>Subject</b>	Discuss/ Take Action on re-scheduling the Regular Session Council Meeting from April 18, 2023 to April 25, 2023.		
<b>Attachments</b>			
<b>Financial Information</b>	Expenditure Required:		
	Amount Budgeted:		
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

#### Executive Summary

Discuss/ Take Action on re-scheduling the Regular Session Council Meeting from April 18, 2023 to April 25, 2023.

City Manager will be at training the week of the regularly scheduled meeting set for 04/18/23.

#### Recommended Action

Take action (approval/denial) on re-scheduling the regularly scheduled April council meeting to newly proposed date.



# AGENDA MEMO

## Business of the Parks and Recreation Board City of Sweeny, Texas

<b>Meeting Date</b>	03.21.2023	<b>Agenda Item</b>	
<b>Approved by City Manager</b>	Yes	<b>Presenter(s)</b>	Shaun Massey
<b>Reviewed by City Attorney</b>	No	<b>Department</b>	
<b>Subject</b>	Discussion and action on a request to recognize significant contributions of Pastor Larry Lamb at Chick Anderson Park consistent with a proposed ordinance on City parks naming rights.		
<b>Attachments</b>			
<b>Financial Information</b>	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

### Executive Summary

We request to include and add a plaque with Pastor Larry Lamb’s name to the Chick Anderson “Gazebo” park. The rationale for this request is because Pastor Lamb constructed and assembled the Gazebo at Chick Anderson park.

Pastor Larry Lamb is a pillar in our community and have supported our community for years. He is the Pastor of the Full Gospel Lighthouse Church in Sweeny. With that being said, I would like to recognize Pastor Lamb with a plaque at the park for his service to his community. With the Parks and Recs Board approval along with City Council, this would be a great way to recognize someone for his works. Documentation is provided.

### Recommended Action

Parks Board member, Shaun Massey, recommends the Board consider recommending this item for approval to City Council



# AGENDA MEMO

## Business of the City Council City of Sweeny, Texas

<b>Meeting Date</b>	03.21.2023	<b>Agenda Item</b>	
<b>Approved by City Manager</b>	Yes	<b>Presenter(s)</b>	City Manager
<b>Reviewed by City Attorney</b>	Yes	<b>Department</b>	Parks
<b>Subject</b>	Discussion and action on a recommendation to City Council concerning a naming rights policy ordinance.		
<b>Attachments</b>	Proposed ordinance		
<b>Financial Information</b>	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

### Executive Summary

The City of Sweeny does not have an adopted parks and facilities naming rights policy. Policies such as this detailed in the proposed naming rights ordinance are commonplace in most municipalities.

Adoption on an ordinance on naming rights policy will provide a standard, consistent naming application of parks, memorials, and other public space facilities in a fair and democratic manner.

If adopted, the proposed ordinance would create Title XII – Parks and Recreation and be identified as Chapter 120 of the City’s Code of Ordinances.

At the time this item was prepared, the proposed ordinance was under the review of the City Attorney at the request of the City Manager.

### Recommended Action

Staff recommends approval.

**ORDINANCE NO. TO BE DETERMINED-\_\_\_\_\_**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SWEENY, TEXAS, ADOPTING A NAMING RIGHTS POLICY FOR CITY PARKS AND FACILITIES AND ADOPTING A PARKS MEMORIAL POLICY; AMENDING TITLE XII PARKS AND RECREATION, CHAPTER 120; OF THE CODE OF ORDINANCES OF THE CITY OF SWEENY, TEXAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Section 51.001 of the Local Government Code, a home-rule municipality may adopt, publish, amend or repeal ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants; and

**WHEREAS**, the City Council of the City of Sweeny Texas, (“City Council”) desires to adopt such Code of Ordinances, recommended and approved by the City of Sweeny Park and Recreation Board, to provide for a Park & Facility Naming Policy for naming or renaming city owned facilities, parks of major features within a park or facility by any person, group, business, or organization; and

**WHEREAS**, the City Council desires to adopt such Code of Ordinances, as recommended and approved by the City of Sweeny Park and Recreation Board, to provide for a Parks Memorial Policy establishing a method for the community to place personal memorials within the community on municipal property; and

**WHEREAS**, the City Council finds and determines that the adoption of a Parks and Facility Naming Policy and Parks Memorial Policy and additions to the Code of Ordinances of the City of Sweeny, Texas, are necessary to preserve the good government, order, and security of the City of Sweeny and its inhabitants.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF Sweeny, TEXAS:**

**SECTION 1.** All of the facts recited in the preamble to this Ordinance are hereby found by the City Council of the City of Sweeny, Texas, to be true and correct and are incorporated by reference herein and expressly made a part thereof, as if copied herein verbatim.

**SECTION 2.** The Code of Ordinances, City of Sweeny, Texas, Title XII, Parks and Recreation, Chapter 120

Article I. – In General, is hereby amended and shall read as follow:

*Division I. – Parks and Facility Naming Policy*

Sec. 120-01. Definitions.

Major Facility: Major City-owned buildings, parks and trails built for permanent use.

Sub-Facility: Minor City-owned structures within a Major Facility, including but not limited to swimming pools, pavilions, tennis courts, large water features, bridges, trail sections, athletic fields, or meeting rooms.

Sec. 120-02. General Naming Criteria and Guidelines.

- A. To be considered a qualifying name, the proposed name must meet one of the following criteria:
1. Be descriptive of geographic location, a significant natural feature in or near the facility, or an adjoining subdivision, street, or school.
  2. Commemorate historical events, groups or exceptional individuals that are of continued importance to the city, region, state, or nation.
  3. Individuals who are deceased and have a history of performing exceptional community service or contributions to the facility's best interest may be recognized with a named facility under the following conditions:
    - i. Involvement in a leadership role in civic organizations which are devoted to community improvement.
    - ii. Assistance to the underprivileged as well as people with physical or intellectual disabilities.
    - iii. Actively promoted and directed effective programs for youth or senior citizens within the community.
    - iv. Actively promoted and directed community events and activities which have enriched the quality of life within the community.
    - v. Actively promoted and directed efforts to improve the aesthetic appearance and environmental quality of the community.
    - vi. Led efforts to collect, promote and retain the historical heritage of the community.
  4. Individuals who made significant contributions or major gifts to facilitate the acquisition or development of the facility.
    - i. If a facility is named to commemorate or honor an individual or group, the scale of the facility to be named should match the stature, characteristics, and contributions of the individual. The threshold for considering the naming of a facility after a donor, benefactor or group will include one or more of the following:
      1. Land for most of the facility was deeded to the City.
      2. Contribution of a minimum of 50% of the capital construction costs associated with developing the facility.
      3. Provision of an endowment for at least 50% of a facility's estimated useful life for the continued maintenance and/or programming of the facility.
      4. The City Council may alter these guidelines if deemed necessary.
    - ii. The City reserves the right to utilize criminal background checks as part of the vetting process to establish an honoree's good character.
    - iii. Names that will not be considered would include:
      1. Any elected or appointed official currently serving in that capacity;
      2. Any individual(s) currently employed by the City or municipal entity.
  5. Recognize organizations involved in a public-private partnership with the City of Sweeny that have made significant financial or capital contributions to the acquisition

or development of the facility. This includes any Naming Rights Agreements approved by the City Council.

6. Have historical, cultural, or social significance for future generations.
7. Research indicates that the area around the facility, or the facility itself, has been commonly named in an unofficial capacity by residents.

#### Sec 120-03. Corporate Naming Rights.

- A. The City Council may also select the naming rights of a major facility, sub facility or major feature. The City Council may issue a Request for Proposals (RFP) process or by other means solicit proposals for corporate naming of a major facility, sub facility or other feature. Corporate logos, brands, and insignias shall be allowed as part of the naming rights so long as it does not result in the over commercialization of the public asset. The City Council will evaluate the proposals based on:
  1. The reputation of the corporation;
  2. The alignment of the corporation's products or services with the city park, facility, building, other feature; and
  3. The duration and revenues specified for the naming rights.

#### Sec. 120-04. Restrictions on the Naming of Major Facilities and Sub-Facilities:

- A. Duplication of other facility names in the City will not be considered.
- B. To minimize confusion, facilities will not be subdivided beyond the level of sub-facilities for the purpose of naming unless there are readily identifiable physical divisions such as roads or waterways.
- C. Facility names that might be considered discriminatory or derogatory names relating to age, race, religion, creed, national origin, sex, color, marital status, disability, sexual orientation, political affiliation, or other similar categories will not be considered.
- D. Facility names will not advocate a current political figure, political affiliation, ideology, or religion.
- E. Cumbersome, corrupted, or modified names, or any profane name or language will not be considered.

#### Sec. 120-05. Guidelines for Naming Process.

- A. Naming of Major Facilities.
  1. The naming process for a major facility will automatically be initiated with the City Council's approval for the design, construction, or acquisition of the facility.
  2. The City will utilize City Council to facilitate the naming of major facilities.
  3. A permanent name for the major facility should occur no later than the 50% completion mark in the construction or acquisition process.
    - i. Prior to the permanent naming of a major facility, the location will be referred to by its address or location designation until such a time as the major facility is given an official name.
  4. The City Council is to conduct the naming of a major facility according to the following process:



- i. The major facility naming process is initiated with the approval of the design, construction, or acquisition of the major facility.
  - ii. A person or group may submit a suggestion for naming by submitting a letter to the City Manager or the Mayor. The letter should include:
    1. the proposed name;
    2. a short explanation of why the facility should be named or renamed; and
    3. a description of the proposed namesake's contributions to the community or other justification for naming a street, facility, park or feature that name.
  - iii. The City Manager shall direct staff to review the naming request. Staff shall evaluate:
    1. the requestor's proposal in consideration of this policy;
    2. the impact on existing facilities;
    3. the financial impact for changing signs, plaques, and markers or initiation new signs, plaques, and markers; and
    4. the appropriateness of the name based on this policy.
  - iv. Requests to name individual features with a value of less than \$5,000 such as park benches, fountains, furniture, or other small items shall be referred to City staff and shall not require the approval of the Park Board or City Council.
  - v. All names for major facilities will be approved by a majority City Council vote regardless of the source of the name's recommendation.
- B. Naming of Sub-Facilities
1. All requests for the naming or renaming of a sub-facility must be made in writing to the Director of the responsible department of the sub-facility, or to the City Manager. Written requests for the changing of a sub-facility's name should contain the following minimum information:
    - i. The proposed name.
    - ii. Reasons for the proposed name.
    - iii. Written documentation indicating community support for the proposed name (if applicable).
    - iv. If proposing to name a sub-facility within a park, include a description/map showing the location of the sub-facility.
    - v. If proposing to name a sub-facility after an individual, group, donor, or benefactor, include documentation of that person or group's significance and good reputation in the City's, State's, or Nation's history. Please refer to the commemorative naming conditions for an individual found in this policy.
  2. Upon receipt of a naming request, the Director of the responsible department or City Manager will:
    - i. Review the proposed request for its adherence to the policies of the City of Sweeny.
    - ii. Ensure that supporting information has been authenticated, particularly when an individual's name is proposed.
  3. When deemed appropriate, the City Manager will recommend City Council review sub-facility renaming suggestions.
  4. City Council will have the prerogative of accepting or rejecting the final proposal.

Sec. 120-06. Guidelines for Re-Naming Process.

- A. The renaming of major or sub-facilities is strongly discouraged. It is recommended that efforts to change a name be subject to the most critical of examinations so as not to diminish the original justification for the name or discount the value of the prior contributors.
  - 1. Parks or other facilities named by deed restriction will not be considered for renaming.
  - 2. Parks and facilities named after individuals will not be changed unless it is found that the individual's personal character is or was such that the continued use of the name for a facility would not be in the best interest of the community.
    - i. Exceptions may be granted for changes in use of facilities or for facility demolitions.
- B. If it is decided that it is in the best interest of the City to rename a major or sub-facility, it must be renamed in accordance with the criteria and guidelines outlined in the procedures of this policy.

Sec. 120-07. Plaques, Markers and Memorials.

- A. Plaques, pavers, and memorials may be incorporated into a facility or sub-facility during the design phase of the project. Plaques, pavers, and memorials that are incorporated into the design of a facility will be subject to the same oversight and controls inherent to the project.
- B. Plaques, pavers, and memorials added to a facility or sub-facility after its completion and opening will be designed and installed according both this policy and to the City's Park Memorial Policy.
- C. All plaques and memorials must follow the policy as set forth in Sec 120-09.

Sec. 120-08. Accountability

- A. The City Council shall have the authority to name City-owned major facilities, as well as all City-owned sub-facilities, according to the procedure and criteria established by this policy.

*Division II. – Parks Memorial Policy*

Sec. 120-09. Parks Memorial Policy

- A. The City's Parks and Recreation Department shall consider and confirm reservations in the following priority:
  - 1. Memorial Request
  - 2. Types of Memorials
  - 3. Plaques or Markers
  - 4. Installation
- B. Memorial Requests:
  - 1. Memorial requests can only be submitted for a loved one who has passed away and must be in writing to the Sweeny City Manager. All requests must

have the written consent of the family involved. The request should provide all information requested on the Memorial Application and must include the type of memorial (see below), and preferred location.

C. Types of Memorials:

1. Bench - The style and type of the bench is not specific to any certain brand but must be composed of a weather resistant material and conform to the appearance of surrounding appurtenances and be approved by the Parks and Recreation Board. At the applicant's request, the bench can have a cast bronze plaque TPQ-02 mounted on the bench with memorial wording. (Plaque specifications and wording choices detailed below). Benches will be installed adjacent to common area/park sidewalks or trails.
2. Tree - A 30-gallon tree from the approved tree list found on the memorial application maybe selected by the applicant. The tree's exact location will be determined by city staff to conform to surrounding area landscaping. These trees are selected for their durability. Trees will only be installed where adequate irrigation and spacing is present. Donors will be notified once a tree has been planted and will be made aware of its location. The city cannot guarantee a specific planting date.

D. Plaques:

1. Plaque requests can only be made in conjunction with a bench or service project. Standalone plaques are not permitted. A standard plaque style will be chosen by Sweeny Parks and Recreation Board for bench memorials and service projects. Suggested plaque specifications include:
  - i. Bench plaques are approximately 8" w x 2" h in size, bronze, has up to three lines of text and 18 characters/spaces maximum per line and will be mounted on the front of the bench.
  - ii. Specific wording for a plaque is required. Additional inscriptions and extraneous content are not permitted. Inscriptions will appear in the following format:
 

IN MEMORY OF / IN LOVING MEMORY / IN HONOR OF  
BOB SMITH  
7/5/1942–1/7/2010
  - iii. Service project plaques are approximately 8" w x 2" h in size, bronze, has up to three lines of text and 18 characters/spaces maximum per line and will be mounted on the project. Parks and Recreation staff will designate the location of the plaque on the service project.

GROUP NAME  
INDIVIDUAL NAME  
MM/DD/YYYY

E. Installation:

1. Parks and Recreation staff, or designated vendor, will be responsible for the final site selection and installation of the memorial or service project. The date of the tree planting and installation or bench installation cannot be guaranteed. Requests are processed in the order they are received. Trees are planted between November 1 and March 1 due to climate conditions. Benches may be installed at any time during the year.

F. Applicant's Responsibility

1. The applicant will be responsible for the cost and installation of the memorial. Parks and Recreation staff will provide the requesting applicant the cost of the memorial, with installation, and the applicant will be responsible for paying the City of Sweeny. Full payment is required prior to ordering any memorial.

G. Ownership

1. Sweeny Parks and Recreation Department holds ultimate ownership over all memorials and service projects, and it is prohibited for applicants to decorate, personalize, or add adornment to any memorials or service projects.

H. Maintenance and Installation

1. The city will not replace or be responsible for trees, or service projects, that become damaged or die.
2. Special maintenance requests for specific benches, or service projects, will not be granted except in cases of safety concerns, or damage. If a memorial bench, or service project, is vandalized or damaged by an act of God, the Parks and Recreation Department will make every effort to repair the bench, or service project, within the limits of its available funding. If the bench, or service project, cannot be repaired or replaced, and if the bench, or service project, is a hazard or is unsightly, the Parks and Recreation Department may remove the bench, or service project.
3. In the event that a memorial plaque is stolen from a bench, or service project, the donor will be given the option to purchase a replacement. Written efforts will be made and documented to contact the donor. If the donor cannot be reached, the Sweeny Parks and Recreation Department reserves the right to forego replacement, move or abandon the plaque, bench or other marker. Sweeny Parks and Recreation Department is not responsible for any theft of memorials or service projects.
4. Any memorial, or service project, which is installed without the approval of the Sweeny Parks and Recreation Department may be removed at the expense of the party who installed the memorial, or service project.
5. All benches, or service projects, will be installed and maintained by the Parks and Recreation Department Staff or contractors. Memorial benches, or service projects, will remain in place for the duration of the structure's lifespan. At the end of this period, the Parks and Recreation Department may at its own discretion replace or remove the bench, or service project.
6. Sweeny Parks and Recreation Department reserves the right to relocate the bench, or service project, for safety, environmental, or land management reasons. In the event

that this occurs, the donor will be notified of the new location of the bench, or service project.

- I. The Parks and Recreation Board of directors requires a minimum of thirty (30) business day to review and follow-up on all memorial and service project requests. Location determination and payment process will begin after that. The City of Sweeny reserves the right to reject or decline any donation.

**SECTION 3. *Severability.*** In the event any clause, phrase provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Sweeny, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be on or more parts.

**SECTION 4. *Repeal.*** All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

**SECTION 5. *Notice.*** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**SECTION 6. *Penalty.*** Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than Two Thousand and No/100 Dollars (\$2,000.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of the Ordinance occurs shall constitute a separate offense.

**SECTION 7. *Effective Date.*** This Ordinance shall be effective immediately and enforced when published as required by law and in full force when published as required by law.

[Signature Page to Follow]

**PASSED AND APPROVED THIS THE 21ST DAY OF MARCH 2023.**

CITY OF SWEENY, TEXAS

\_\_\_\_\_  
Jeff Farley  
Mayor

**ATTEST:**

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



# AGENDA MEMO

## Business of the City Council

### City of Sweeny, Texas

<b>Meeting Date</b>	03/21/2023	<b>Agenda Item</b>	
<b>Approved by City Manager</b>		<b>Presenter(s)</b>	Nina Christie
<b>Reviewed by City Attorney</b>		<b>Department</b>	Sweeny EDC
<b>Subject</b>	Discuss and act (as needed) choosing a contractor for road and utility expansion of Calvie Brown road at the Industrial Park		
<b>Attachments</b>			
<b>Financial Information</b>	Expenditure Required:		
	Amount Budgeted:		
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

#### Executive Summary

Three contractors have provided bids for the expansion of the road and utilities of Calvie Brown road at the Industrial Park. Two bids include a concrete road and Council previously requested a bid from Rollcon who is a roller compacted concrete. Sweeny EDC provided an excel spreadsheet to explain each bid and costs plus a 15% contingency and show \$400,000.00 cash on hand.

#### Recommended Action

Seek approval of a contractor to provided the needed expansion of the road and utilities. Council has approved two businesses to move into the Industrial park and this is needed to move forward.



Attn: Mr. Colby Lowrie

March 7, 2023

Ref: Sweeny EDC Industrial Park Improvements Project

SGS Job Estimate Number: 23.032

Southern Gulf Solutions, LLC is pleased to submit our proposal for the above referenced project. Southern Gulf Solutions, LLC proposes to furnish all Supervision, Labor, Material, Equipment, and Insurance for the "Lump Sum" pricing below:

**Lump Sum Pricing ..... \$900,294.58**

Underground Piping	\$	255,929.31
Clear & Grub	\$	12,288.47
Cut at Pond 750 CYDS	\$	9,858.52
200' Limestone Well Road	\$	8,530.27
Ditches	\$	48,521.72
Remove Berm	\$	9,454.03
8" Sub Grade	\$	132,754.63
8" Concrete Road:	\$	422,957.64

**CLARIFICATIONS / QUALIFICATIONS**

1. SGS Proposal includes 2,125. tons of crushed concrete.
2. SGS Proposal has included 4 Fire Monitors.
3. The breakdown of our pricing is strictly limited to allocation of costs for the Customer’s accounting purposes.
4. It is assumed that the Customer is furnishing all necessary permits and SWPPP requirements for construction of the facilities.
5. Quoted prices are subject to escalation after **30 days**.
6. Bid excludes Soil and Concrete Testing.
7. Should additional obstructions be encountered, the removal of these additional obstructions is extra to this Proposal.





8. Proposal is based on excavated materials being disposed of on site. If Client requires offsite disposal, then disposal will be made on time & material basis and Southern Gulf Solutions must be provided with written confirmation that all materials are free of hazardous substance prior to disposal off site.
9. The proposed workweek is 50 hours per week, 5 days per week, Monday through Friday, 10 hours per day. Saturday and Sunday may be used as make-up days for bad weather. Any extended work times, at the request of the Customer, would be considered extra to this Proposal. Southern Gulf Solutions may, however, elect to work extended times to take advantage of good weather with prior approval of the Customer.
10. Bid excludes sales tax.
11. Southern Gulf Solutions payment terms are net 30 days.

Southern Gulf Solutions, LLC will complete the work per the above referenced bid clarifications, qualifications.

Please do not hesitate to contact me at (979)798-0520 if you have any questions.

Regards,

Tim Whitt  
Operations Manager  
Southern Gulf Solutions, LLC  
1001 N. Market St.  
Brazoria, TX 77422  
Phone: (979)798-0520  
Cell: (713)449-1618  
Email: [Tim@sogulf.com](mailto:Tim@sogulf.com)  
Web: [www.sogulf.com](http://www.sogulf.com)





# Tindol Construction

2045 E Highway 380 STE 100  
 Decatur, TX 76234  
 Office: 361-621-1530

Monday, March 13th, 2023

Proposal # ALT-2301-65L

Altamira

Attn: Colby Lowrie

[colby.lowrie@altamira-us.com](mailto:colby.lowrie@altamira-us.com)

**Reference: Sweeny EDC Industrial Park Expansion Project – REV#1**

Mr. Lowrie,

Tindol Construction greatly appreciates the opportunity to submit our **Lump Sum Proposal**, excluding taxes, for the above referenced project.

**SCOPE OF WORK:**

Tindol Construction to furnish all Supervision, Labor, Services, Consumables and Equipment to complete the Scope of Work provided.

**PROPOSAL BREAKDOWN:**

Labor	\$	425,000.00
Equipment	\$	125,000.00
Materials	\$	640,000.00
Subcontractor	\$	85,000.00
Taxes	\$	-
Total	\$	1,275,000.00
<b>Additional Scope:</b>		
36" RCP Drain Line	\$	150,000.00
<b>GRAND TOTAL</b>		
	\$	<b>1,425,000.00</b>

**Concrete Installation cost to be deducted if Rollcon is utilized:**

Concrete	\$	483,110.00
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**SCOPE OF WORK INCLUDED:**

1. One Mobilization of labor and equipment.
2. (2 Acres) of Clearing and Grubbing for Scope
3. (1,000 CY) of roadside ditch.
4. (56 LF) 48" RCP Installation
5. (750 CY) Clean existing pond out
6. Install (1880 TNS) of limestone base for subbase of roadway.
7. Install (38,038 SF) of concrete road paving. **(8" Thick)**



# Tindol Construction

2045 E Highway 380 STE 100  
Decatur, TX 76234  
Office: 361-621-1530

8. (1,500 LF) excavation, procurement, installation, and backfill of 6" UG water line PVC.
9. (1,500 LF) excavation, procurement, installation, and backfill of 10" UG sewer line SDR 32 pipe and (9 EA) manholes.

## **CLARIFICATIONS: GENERAL**

1. Proposal includes the necessary revisions for the additional labor, equipment and material to install the concrete road 8" thick.
2. Proposal has included a separate lump sum price for the installation of approximately 200' of 36" RCP drainage piping to include all labor, equipment and material.
3. This proposal is based on the provided quantities, any additional quantities required would be additional to this proposal. Please note that there is a quantity discrepancy for the concrete paving, therefore RAMTEX has clarified above the total SF included.
4. This proposal assumes all removed material will be hauled and spread onsite.
5. All excavated materials for piping and ditch will be reused in the proposed scope and nothing will be hauled offsite.
6. Any underground obstructions shall be extra to this proposal.
7. Modified proctor for backfill material has been excluded from this proposal.
8. Stockpiling and/or double handling of fill material, if requested, shall be extra to this proposal.
9. This proposal does not include SWPPP design, installation, or maintenance and is assumed by the owner or general contractor for this work.

We thank you for the opportunity to submit this proposal and we hope that we have provided a clear and concise proposal, however, should you have any questions, please do not hesitate to contact us.

Thanks,

*Benjamin L. Baxter*

Estimating Manager / Project Manager  
C: 832-472-4224



# Tindol Construction

2045 E Highway 380 STE 100

Decatur, TX 76234

Office: 361-621-1530

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O: 361-621-1530

E: [bbaxter@tindolconstruction.com](mailto:bbaxter@tindolconstruction.com)

2045 E Highway 380 STE 100

Decatur, TX 76234





# Tindol Construction

2045 E Highway 380 STE 100  
Decatur, TX 76234  
Office: 361-621-1530

February 28, 2023

Altamira  
4001 Technology Dr., Suite 120  
Angleton, TX 77515

Re: Sweeny Economic Development Industrial Park Development Expansion Project

Proposal No.:ALT-2301-65L

Location: Sweeny Texas

Attn: Mr. Lowrie,

Tindol Construction greatly appreciates the opportunity to submit our **Lump Sum Proposal**, excluding taxes, for the above referenced project.

### **SCOPE OF WORK:**

Tindol Construction to furnish all Supervision, Labor, Services, Consumables and Equipment to complete the Scope of Work provided.

Labor	\$	407,970.50
Equipment	\$	120,879.00
Materials	\$	574,184.00
Subcontractor	\$	85,140.00
Taxes	\$	-
Total	\$	1,188,173.50

Concrete Installation cost to be deducted if Rollcon is utilized:

Concrete	\$	483,110.00
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### **CLARIFICATIONS: GENERAL**

This proposal includes the following scope of work:

- a. One Mobilization of labor and equipment.
- b. (2 Acres) of Clearing and Grubbing for Scope
- c. (1,000 CY) of roadside ditch.
- d. (56 LF) 48" RCP Installation
- e. (750 CY) Clean existing pond out
- f. Install (1880 TNS) of limestone base for subbase of roadway.
- g. Install (38,038 SF) of concrete road paving.
- h. (1,500 LF) excavation, procurement, installation, and backfill of 6" UG water line PVC.
- i. (1,500 LF) excavation, procurement, installation, and backfill of 10" UG sewer line SDR 32 pipe and (9 EA) manholes.

2. This proposal is based on the provided quantities, any additional quantities required would be additional to this proposal. Please note that there is a quantity



## Tindol Construction

2045 E Highway 380 STE 100  
Decatur, TX 76234  
Office: 361-621-1530

discrepancy for the concrete paving, therefore RAMTEX has clarified above the total SF included.

3. This proposal assumes all removed material will be hauled and spread onsite.
4. All excavated materials for piping and ditch will be reused in the proposed scope and nothing will be hauled offsite.
5. Any underground obstructions shall be extra to this proposal.
6. Modified proctor for backfill material has been excluded from this proposal.
7. Stockpiling and/or double handling of fill material, if requested, shall be extra to this proposal.
8. This proposal does not include SWPPP design, installation, or maintenance and is assumed by the owner or general contractor for this work.

We thank you for the opportunity to submit this proposal and we hope that we have provided a clear and concise proposal, however, should you have any questions, please do not hesitate to contact us.

Thanks,

*Jason Williams*

Executive Director of Operations –  
South Region  
2425 Hwy 124 S  
Winnie Tx, 77665  
409-782-4199  
[jwilliams@tindolconstruction.com](mailto:jwilliams@tindolconstruction.com)





# Tindol Construction

2045 E Highway 380 STE 100

Decatur, TX 76234

Office: 361-621-1530

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Item 13.



8611 Derrington  
Houston, TX Item 13.  
Phone (713) 375-2324  
Fax (713) 690-2299

**Date:** 03/07/2023  
**Client:** Altamira  
**Attention:** Colby Lowrie

**Project:** Altamira Sweeny  
**Quoted By:** Omar Paredes  
**Estimate:** 2023-061

**ROLLER COMPACTED CONCRETE PROPOSAL**

<u>Item</u>	<u>Item Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Sub-Total</u>
1	Mobilization	1.000	EA	\$196,027.01	\$196,027.01
2	Roller Compacted Concrete 8"	43,418.000	SF	\$ 7.37	\$319,990.66
3	Lime Cement Subgrade Stabilization 8"	5,593.000	SY	\$ 13.59	\$76,008.87
<b>Grand Total:</b>					<b>\$592,026.54</b>

**CLARIFICATIONS**

- **All proposals are budgetary and valid through April 07, 2023. Due to the unexpected & unpredictable price increases imposed on Rollcon by vendors and subcontractors, Rollcon is no longer able to guarantee quotes for an extended period. We apologize for the inconvenience and will keep you updated as the market stabilizes.**
- Shortages of cement or fly ash shall constitute an event of "Special-Case Force Majeure".
- The qualifications, exclusions, quantities, and scope of this proposal shall be incorporated into the mutually agreeable Contract Agreement.
- Project duration for RCC paving operations is approximately **five (5)** paving days. Paving will begin once soil stabilization or base is complete.
- Proposal is based upon Rollcon LLC providing up to the above listed quantities of paving at **4,000 PSI** at 28 days. As shown on included takeoff.
- Rollcon, LLC will require a minimum three (3) acre location on-site for the pugmill (plant), aggregate storage and bulk cement storage. Plant site to be level, square & stabilized to support aggregate stockpiles & RCC vehicle/truck traffic with an all-weather road for ingress and egress. Proposal includes cost of water hook-up.
- All utilities shall be held below grade (i.e. storm sewer, water, sanitary, fire, etc.). Failure to do so may result in additional cost of conventional concrete vs RCC.
- Proposal includes utilizing subgrade elevation as the benchmark to establish top of RCC paving elevation. Final RCC pavement elevation will be established by setting grade control string line at depth required for paving thickness measured from subgrade.
- Prior to Rollcon, LLC. beginning work the project site must be in a condition acceptable to Rollcon, LLC. A site visit will be performed by Rollcon, LLC. prior to mobilization.
- Proposal is subject to a mutually agreeable Subcontract Agreement and Project Construction Schedule.
- Proposal includes Rollcon, LLC. providing mix designs by a certified independent testing lab.
- Proposal is good for thirty (30) days.
- Payment Terms Net 30 Days
- Proposal based off ACPA Recommendations for RCC Specifications.
- **Projects specifications required for final pricing. Rideability - 10' straight edge testing.**
- Proposal is based upon a minimum of 25,000 SF of pavement available per day upon mobilization. If subgrade is unavailable, additional cost will be added at up to \$30,000 per day.
- Proposal is based upon quantity listed above. If quantity are less, the unit price may increase. Credit amount for reduced quantities will be for material only, not including stockpiled material.





<b>EXCLUSIONS</b>
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- |  |  |
|--|--|
| <ul style="list-style-type: none"><li>• Diamond Grind</li><li>• Survey layout &amp; engineering</li><li>• Survey layout of sawcut</li><li>• Soil Stabilization</li><li>• Fine Grading</li><li>• Traffic Control</li><li>• Erosion Control including SWIPP</li><li>• Geotextile fabric or geogrid</li><li>• All Expansion Joints</li><li>• Curb &amp; Gutter</li><li>• Consequential and/or Liquidated Damages</li><li>• Payment &amp; Performance Bond</li><li>• Dust Control</li><li>• Concrete Hardeners and/or Sealers</li><li>• Wet Curing of Concrete</li><li>• Offsite disposal of excess material</li><li>• Access Road</li><li>• Base material for subgrade</li><li>• Final grade and dress up of surrounding work areas</li><li>• Protection of surrounding areas</li><li>• Fiber Reinforced Concrete</li><li>• Any work associated with Site Utilities</li><li>• Precast Concrete</li><li>• Asphalt &amp; limestone base</li></ul> | <ul style="list-style-type: none"><li>• Mass Excavation and Stabilization</li><li>• Permits and Inspections</li><li>• All Joint Sealants or Caulking</li><li>• All Waterproofing Membrane or Material</li><li>• Underpinning, Shoring &amp; Sheet Piling</li><li>• Asphalt or Concrete cutting, demolition, removal or patching</li><li>• Compaction or re-compaction of sub-grade or backfill for other trades</li><li>• Layout by Registered Surveyor</li><li>• Box culverts, Drainage Structures, Inlets Collars, Rip-Rap, etc.</li><li>• All concrete Encasement, Thrust Blocks, Vaults, Floatable Collection Screens or other utility related concrete.</li><li>• Temporary Facilities and Controls (Dumpster, Temporary Water and Sanitary Facilities).</li><li>• Sweeping and cleaning of slabs, walks or paving.</li><li>• Pavement markings and signage</li><li>• Protection of concrete slabs, walks, paving, etc. after completion of our work.</li><li>• Cost and/or Scheduling of Inspections, Material Testing or Permits.</li></ul> |
|--|--|

Proposal is based on entering into a mutually agreeable contract, exhibits, general provisions, supplemental provisions, waiver forms and schedule. Pricing based on current Labor and Material prices. Thank you for the opportunity to furnish you a quote on this project. If we may be of further assistance, please contact me at (713) 375-2324.

	<b>Southern Gulf Solutions</b>	<b>Tindol Construction</b>	<b>RollCon</b>	
Civil Cost	\$477,336.95	\$941,890.00	\$941,890.00	This is assumed - no civ
Road Cost	\$422,957.64	\$483,110.00	\$592,026.54	
<b>TOTAL</b>	\$900,294.59	\$1,425,000.00	\$1,533,916.54	
Material Testing	\$30,000.00	\$30,000.00	\$30,000.00	
SWPPP	\$8,000.00	\$8,000.00	\$8,000.00	
Construction Management	\$60,000.00	\$60,000.00	\$60,000.00	
Profile drawings depth of				
Energy Transfers' pipeline	\$20,000.00	\$20,000.00	\$20,000.00	
As Built Drawings/Plats	\$10,000.00	\$10,000.00	\$10,000.00	
<b>TOTAL</b>	\$128,000.00	\$128,000.00	\$128,000.00	
<b>SUB TOTAL</b>	\$1,028,294.59	\$1,553,000.00	\$1,661,916.54	
15% Contingency	\$154,244.19	\$232,950.00	\$249,287.48	
<b>GRAND TOTAL</b>	\$1,182,538.78	\$1,785,950.00	\$1,911,204.02	
Cash on Hand	\$400,000.00	\$400,000.00	\$400,000.00	
<b>FINANCING</b>	\$782,538.78	\$1,385,950.00	\$1,511,204.02	

nil cost was provided

	<b>Southern Gulf Solutions</b>	<b>Tindol Construction</b>	<b>RollCon</b>	
Civil Cost	\$477,336.95	\$705,063.50	\$705,063.50	This is assumed - no civ
Road Cost	\$422,957.64	\$483,110.00	\$592,026.54	
<b>TOTAL</b>	\$900,294.59	\$1,188,173.50	\$1,297,090.04	
Material Testing	\$30,000.00	\$30,000.00	\$30,000.00	
SWPPP	\$8,000.00	\$8,000.00	\$8,000.00	
Construction Management	\$60,000.00	\$60,000.00	\$60,000.00	
Profile drawings depth of				
Energy Transfers' pipeline	\$20,000.00	\$20,000.00	\$20,000.00	
As Built Drawings/Plats	\$10,000.00	\$10,000.00	\$10,000.00	
<b>TOTAL</b>	\$128,000.00	\$128,000.00	\$128,000.00	
<b>SUB TOTAL</b>	\$1,028,294.59	\$1,316,173.50	\$1,425,090.04	
15% Contingency	\$154,244.19	\$197,426.03	\$213,763.51	
<b>GRAND TOTAL</b>	\$1,182,538.78	\$1,513,599.53	\$1,638,853.55	
Cash on Hand	\$400,000.00	\$400,000.00	\$400,000.00	
<b>FINANCING</b>	\$782,538.78	\$1,113,599.53	\$1,238,853.55	

nil cost was provided



# AGENDA MEMO

Business of the City Council  
City of Sweeny, Texas

<b>Meeting Date</b>	03/21/2023	<b>Agenda Item</b>	
<b>Approved by City Manager</b>		<b>Presenter(s)</b>	Nina Christie
<b>Reviewed by City Attorney</b>		<b>Department</b>	Sweeny EDC
<b>Subject</b>	Discuss and act (as needed) financing for road and utility extension of Calvie Brown road at the Industrial Park		
<b>Attachments</b>			
<b>Financial Information</b>	Expenditure Required:		
	Amount Budgeted:		
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

**Executive Summary**

Sweeny EDC has provided the bids with the appropriate figures. Upon approval of a contractor, Sweeny EDC is requesting financing to proceed.

**Recommended Action**

Approval to move forward with financing for the approved contractor.



# AGENDA MEMO

## Business of the City Council City of Sweeny, Texas

<b>Meeting Date</b>	03.21.2023	<b>Agenda Item</b>	
<b>Approved by City Manager</b>	Yes	<b>Presenter(s)</b>	Brian Brooks, Council Member
<b>Reviewed by City Attorney</b>	No	<b>Department</b>	Administration
<b>Subject</b>	Discussion and possible action on city services to the Bennet Outler Park Complex.		
<b>Attachments</b>	Agenda Request Form submitted by Brian Brooks on March 14, 2023		
<b>Financial Information</b>	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

### Executive Summary

The City of Sweeny contributes utilities to the Bennet Outler Baseball Park that include City water and wastewater services, electricity provided by Texas New Mexico Power, and refuse services provided by Waste Connections. This item has been requested by Council Member Brooks to discuss and act upon the current in-kind services provided by the City of Sweeny for the Bennet Outlar Park.

### Recommended Action

No recommended action from City staff.



# 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: 1664 Main

Physical Address: Same

Email(s): \_\_\_\_\_

Phone(s): (979) 665-8863

**Please include detail of the item you wish to be placed on the agenda.**

Discuss & act on city services to the ~~the~~ Bennett Cutler Park complex.

Signature: *Brian Brooks* Date: 3-14-23

*Requests must be received by the City Manager and are due back by Close of Business (COB) on the 8<sup>th</sup> Business Day of the month.*

*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.*

*Received  
3/14/23  
M*





# AGENDA MEMO

Business of the City Council  
City of Sweeny, Texas

<b>Meeting Date</b>	03/21/2023	<b>Agenda Item</b>	
<b>Approved by City Manager</b>		<b>Presenter(s)</b>	
<b>Reviewed by City Attorney</b>		<b>Department</b>	Councilmember Requested
<b>Subject</b>	Discuss and act as needed on city owned property adjacent to Bennett-Outlar baseball fields and complex.		
<b>Attachments</b>	BCAD Depiction		
<b>Financial Information</b>	Expenditure Required:		
	Amount Budgeted:		
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

**Executive Summary**

Discuss and act as needed on city owned property adjacent to Bennett-Outlar baseball fields and complex.

(Tim Pettigrew)

**Recommended Action**

Take Action (approval/denial)



Property Information (259313) ✕

**Owner Name:** CITY OF SWEENEY  
**Doing Business As:** Null  
**Property Identification Number:**259313  
**Geo Identification Number:**8089-0112-135  
**Legal Description:** S/D TRS A-B-D-E-H  
(A0079 I KEEP) BLK B LOT 7B1-7B2-7B1A  
**ACRES** 1.756  
**State Code:** FX3  
**Address:** TEXAS AVE SWEENEY,  
**Taxing Jurisdictions:** HSW, RDB, CAD, EM2,  
SSW, GBC, NAV, DR9, CSW  
**Appraised Value:** \$100.00  
**Neighborhood:** EXEMPT  
**Abstract Code:** S8089

[Property Detail](#)  [Zoom In](#)





# AGENDA MEMO

## Business of the City Council City of Sweeny, Texas

<b>Meeting Date</b>	03.21.2023	<b>Agenda Item</b>	
<b>Approved by City Manager</b>	Yes	<b>Presenter(s)</b>	City Manager
<b>Reviewed by City Attorney</b>	No	<b>Department</b>	Administration
<b>Subject</b>	Discussion and possible action on a 2023 Consumer Price Index (CPI) Adjustment to Municipal Telecommunication Right-of-Way Access Line Rates.		
<b>Attachments</b>	Letter with proposed rate options from the Public Utility Commission of Texas dated March 01, 2023.		
<b>Financial Information</b>	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

### Executive Summary

Pursuant to Chapter 283 of Local Government Code (House Bill1777), an adjustment has been made to increase the maximum access line rate by 4.2883% due to inflation. The City has the option to increase telecommunication ROW franchise fees to meet the 2023 consumer price index. The City must provide a written response to the Public Utility Commission of Texas no later than April 30, 2023, otherwise prices will default to 2022 rate. The City declined to increase to the 2022 last year. The proposed residential, non-residential, and point-to-point rates are provided on page of 2 of the attached letter. If no action is taken, the rate will default to the 2022 rate.

### Recommended Action

Staff recommends adjusting to current CPI rate for 2023.



# Public Utility Commission of Texas

1701 N. Congress Ave., PO Box 13326, Austin, TX 78711-3326

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## 2023 CONSUMER PRICE INDEX (CPI) ADJUSTMENT TO MUNICIPAL TELECOMMUNICATIONS RIGHT-OF-WAY ACCESS LINE RATES

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March 1, 2023

### PURPOSE

This letter is to notify you that your city's 2023 maximum access line rates have increased by 4.2883% due to inflation, as measured by the CPI. This adjustment has been made pursuant to Chapter 283 of the Local Government Code (House Bill 1777).

### DEFAULT RATES FOR 2023: NO CHANGE

Based on the choice made by your city in April 2022, your city's 2023 rate will either be adjusted for inflation, or will remain the same as your 2022 rate. According to our records, when similar CPI adjustments were made in April 2022, you opted NOT to adjust your rates for inflation, (i.e. you chose LESS than the maximum allowable CPI-adjusted rates). Therefore, your 2023 rates will REMAIN at your 2022 level and your rates will NOT increase. You have the option to refuse this default rate and request an increase in rates by taking the action explained below.

### ACTION BY CITY: TO REQUEST AN INCREASE

(1) You do not have to respond if you desire to keep your 2023 rates at the 2022 levels. (2) Respond ONLY if you want an INCREASE from the 2022 rates. (3) To request an increase, notify the PUC using page 2 of this letter no later than April 30, 2023. (4) The PUC does not require City council authorization; however, if your city charter requires it, please do so immediately. (5) Verify your contact information and highlight any changes. (6) Make a copy of this document.

### WHAT HAPPENS IF A CITY DOES NOT RESPOND BY APRIL 30, 2023?

If a city does not respond by April 30, 2023, the rates for your city will remain at the 2022 levels. The next opportunity to adjust your rates will be September 1, 2023.

### WHAT HAPPENS NEXT?

The PUC will notify telephone companies of your desired rates and you will be compensated accordingly no later than July 1, 2023.

### FUTURE REVISIONS TO CPI

The access line rates will be revised annually in March depending on whether the CPI changes for the previous year. If the CPI changes for the year 2023, you will receive a similar letter in 2024.

See over...

**City of Sweeny**

**SECTION 1: Your new 2023 CPI adjusted maximum rates are as follows:**

**Residential:**     \$0.61          **Non-Residential:**     \$1.30          **Point-to-Point:**     \$1.90    

**SECTION 2: Your default rates for 2023 are as follows and are the same as your 2022 rates.  
Note: This is lower because you have chosen to do so previously.**

**Residential:**     \$0.54          **Non-Residential:**     \$1.18          **Point-to-Point:**     \$1.74    

**To increase your default rates by any amount up to your 2023 maximum rates shown in SECTION 1, notify the PUC by completing the section below. You can mail or fax this page to the PUC. To accept rates in SECTION 2, no action is required.**

I \_\_\_\_\_, Title \_\_\_\_\_, am an authorized representative for the City/Town/Village of \_\_\_\_\_. The City declines to accept the default rates indicated in SECTION 2 above. Instead, we choose the following rates: Residential \_\_\_\_\_; Non-Residential \_\_\_\_\_; Point-to-Point \_\_\_\_\_.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Other Comments:

**HOW TO RESPOND**

Mail: Stephen Mendoza  
Public Utility Commission  
P.O. Box 13326  
Austin, TX 78711-3326

**INQUIRIES**

Inquiries only. NOT for sending your response.  
HB1777@puc.texas.gov  
Phone No: 512-936-7394

Or FAX to Stephen Mendoza at: 512-936-7428;  
EMAIL to stephen.mendoza@puc.texas.gov

**CITY CONTACT INFORMATION**

Please notify us if the contact information we have on file for your city has changed. Thank you.

Phone No. 1: (979) 548-3321

Phone No. 2: \_\_\_\_\_

Fax No: (979) 548-7745

Email: \_\_\_\_\_

**Address**

REESE COOK CITY MANAGER  
or current city official responsible for right-of-way issues  
CITY OF SWEENY  
PO BOX 248  
SWEENY TX 77480



# AGENDA MEMO

## Business of the City Council

### City of Sweeny, Texas

<b>Meeting Date</b>	03/21/2023	<b>Agenda Item</b>	
<b>Approved by City Manager</b>		<b>Presenter(s)</b>	
<b>Reviewed by City Attorney</b>		<b>Department</b>	
<b>Subject</b>	Proposal to Assess an Annual Membership and/or One Time Usage Fee for Groups Utilizing of the Seniors Building and possible amendment reflective on Master Fee Schedule		
<b>Attachments</b>			
<b>Financial Information</b>	Expenditure Required:	-	
	Amount Budgeted:	-	
	Account Number:	-	
	Additional Appropriation Required:	-	
	Additional Account Number:	-	

#### Executive Summary

Discuss/ Take Action on assessing an annual membership fee of \$250.00 and a one-time usage fee of \$50.00 to all groups utilizing the Seniors Building, with the exception of Actions.

Fees assessed would be to recoup for janitorial services performed and janitorial supplies/bathroom supplies currently provided and paid for by the City for all groups utilizing the facility.

Currently we have ten (10) groups using the facility on top of the Actions (Seniors). For the year of 2022, eleven (11) groups utilized the facility. These groups range from once weekly usage up to three times a week usage.

For FY 2022/2023, we have spent \$2,080.00 on janitorial services to date.

#### Recommended Action

Take action (approval/denial) on proposed annual membership and one-time usage fees for groups utilizing the Seniors Building and amend the Master Fee Schedule to reflect if approved.



# AGENDA MEMO

Business of the City Council  
City of Sweeny, Texas

<b>Meeting Date</b>	03/21/2023	<b>Agenda Item</b>	
<b>Approved by City Manager</b>		<b>Presenter(s)</b>	
<b>Reviewed by City Attorney</b>		<b>Department</b>	
<b>Subject</b>	Discuss and act as necessary in the matter of following up with residents with in 3 business days after a work order is created from resident complaint or request.		
<b>Attachments</b>	Agenda Request; Agenda Memo		
<b>Financial Information</b>	Expenditure Required:		
	Amount Budgeted:		
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

**Executive Summary**

Discuss and act as necessary in the matter of following up with residents within 3 business days after a work order is created from resident complaint or request.

(John Rambo)

**Recommended Action**



# 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: John Rambo

Mailing Address: \_\_\_\_\_

Physical Address: 706 Oak Wilde St

Email(s): \_\_\_\_\_

Phone(s): 713 492 7279

**Please include detail of the item you wish to be placed on the agenda.**

Discuss and act as necessary in the matter of following up with residents with in 3 business days after a work order is created from resident complaint or request.

Signature: [Handwritten Signature] Date: 3/10/23

*Requests must be received by the City Manager and are due back by Close of Business (COB) on the 5<sup>th</sup> Business Day of the month.*

*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.*