



## CITY COUNCIL MEETING REGULAR SESSION

Tuesday, May 16, 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, May 16, 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.*

#### PUBLIC HEARINGS AND ACTION ITEMS

#### 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.*

- [1.](#) Proclamation: Juneteenth Day; June 19, 2023
- [2.](#) Minutes: Regular Session, April 25, 2023

#### REGULAR AGENDA

- [3.](#) Resolution Canvassing the Results of the General Election May 06, 2023
- [4.](#) Resolution Canvassing the Results of the Special Election May 06, 2023
5. Presentation of Appreciation Plaques:

Bill Hayes; Council Position No. 2

Jeff Farley; Mayor

6. Appointment of Elected Officials: Certificate of Election, Statement of Officer, and Oath of Office
7. Variance Requested to Chapter 156: Signs to Exceed Allowable Commercial Signage Requirements for Free-Standing Sign and Attached Building Signage; 904 N Main Street
  8. Discussion and possible action on an ORDINANCE AUTHORIZING AND ORDERING THE ISSUANCE OF CITY OF SWEENY, TEXAS LIMITED TAX NOTE, SERIES 2023; SPECIFYING THE TERMS AND FEATURES OF SUCH NOTE; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID NOTE; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT, AND DELIVERY OF A PAYING AGENT/REGISTRAR AGREEMENT; AND PROVIDING AN EFFECTIVE DATE
9. Discussion and possible action on water intrusion at ground level at Sweeny Community Library and proposed budget amendment.
10. Discuss/ Take Action on Approving Contractor for Road and Utility Expansion and Improvements at the Sweeny EDC Industrial Park
11. Discuss/ Take Action on Financing for Road and Utility Expansion and Improvements at Sweeny EDC Industrial Park
12. Discussion and possible action to remove Chad Makara from all Sweeny Police Department bank accounts and to add Brad Caudle, Erica Harris, and Karla Wilson as signors to all Sweeny Police Department bank accounts.
13. Discussion and possible action on donated city services to the Bennet Outlar Park Complex; Brian Brooks
14. Discussion and possible action on a resolution to require that police hired for security during events on City property be employed by the City of Sweeny.
15. Discussion and possible action on City-owned property at 111 W. 3rd Street, and corresponding lease agreements with Sweeny Economic Development Corporation, Sweeny Chamber of Commerce, and Brazoria County Appraisal District Tax office.

**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:*

**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 **May, 16th, 2023** was posted on the City Hall bulletin board on May 12th, 2023, at approximately \_\_\_\_\_PM.

\_\_\_\_\_  
(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 SWEENY  
OFFICE OF THE MAYOR**

Freedom is the foundation that holds up a strong state and nation. Without freedom, we lose access to choice and knowledge, which are fundamental to the forward thinking that builds goals and dreams into a successful life.

On January 1, 1863 President Abraham Lincoln’s Emancipation Proclamation became official and the slaves that were held in bondage and oppressed were now proclaimed free men, women, and children. However, this news did not reach the great State of Texas until June 19, 1865, over two years later when General Gordon Granger read the order in Galveston that day.

Locally in September, between the shade of two bois d’arc trees that grew before the home of plantation owner, John B. Sweeny, Jr, masters and slaves of fourteen plantations in Brazoria County assembled in 1865 to be given the news of that new freedom. In 2011 one of the trees that died, was commissioned for a sculpture, known as “The Freedmen Tree,” and is on display at the Brazoria Historical Museum.

Juneteenth marks not only the end of slavery within Texas, but our first steps toward providing freedom for all, which we still strive to do each and every day.

I encourage all residents of our great City of Sweeny to come together in celebration of Juneteenth, the freedom this holiday represents and the history and culture of the African-American community it presents.

Therefore, I, Jeff Farley, Mayor of Sweeny Texas, do hereby proclaim June 19, 2023, to be

## **Juneteenth Day**

in Sweeny and urge the appropriate recognition whereof.

In official recognition whereof, I hereby affix my signature this the 16th day of May 2023.

Mayor



# CITY COUNCIL MEETING REGULAR SESSION

Item 2.

Tuesday, April 25, 2023 at 6:00 PM

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

## MINUTES

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**CALL TO ORDER** by Mayor Farley at 6 PM

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

City officials present were the City Manager Lindsay Koskiniemi, Attorney Charlie Stevenson, Police Chief Brad Caudle, Finance Director Karla Wilson, City Secretary Kaydi Smith, Public Works Director Ross Aguirre, Fire Chief Roger Barton, Water Operator Kevin Eskridge

**PLEDGES** were led by Tim Pettigrew & the **INVOCATION** was given by Charlie Stevenson.

**CITIZENS WISHING TO ADDRESS CITY COUNCIL**- all citizens were given 3 minutes to address City Council

#1. Brandi Martin/ 9975 FM 524/ She is an SGA board member and coach and is representing the girls. Believes all girls should play on the fields and believes the City of Sweeny is handing themselves down to Little League.

#2. Ron Schmidt/702 Maple/ Mr. Schmidt thanked Jeff (Mayor) for the job he has done including all the ups and downs overcome. He brought Mr. Cook in and they worked thru COVID as well as bringing in the new City Manager, Lindsay Koskiniemi. During this time, the City has worked hard to reduce debt, replace water lines and complete many things that get unnoticed.

#3. Steve Gutierrez/ JL Commissioner of District 27 Softball; lives in Angleton/ He is here to represent the softball girls of Southern Brazoria County. Sweeny has been a part of the association for twenty plus years and playing on local fields. He is concerned with the switch to Little League Softball versus USA Softball which would affect boundaries and travel distances. He would like for Sweeny to stay in District 27 with USA Softball.

#4. Joseph Smith/ Softball Association/ He stated the Mayor is on the Little League Board of the Bennett Organization. He was removed from practicing at the Little League by Baca and Lopez due to contractual issues between the two associations. He is upset about the removal, the contract from Little League given to Softball, and Tim's (Pettigrew) social medial comments.

#5. Neal Bess Jr. / Forest Park Court/ He has coached 30 years, been a part of Little League, has umpired and mowed these fields. He stated Mrs. Outlar would not be happy by all of this. He feels both associations need to come together or get out of the way to allow the kids to play ball.

#6. Stacy Winscott/ 901 E 2<sup>nd</sup>/ Stated she has had to replace her water heater every four years and other piping/fixtures. She has had orange water every day for the last 10 years. Also, her granddaughters want to play softball here. She wants them to reach an agreement or allow them to buy the fields so they can play in Sweeny.

#7. Ann Strother/ 22805 CR 332/ Stated she is concerned for the girls. She played Little League when she was a kid. However, finding towns to play in are few and far between. She wants the girls to stay interested in Softball. She feels there needs to be a mediator between the Little League and the Softball Girls Association to work things out and allow the girls to play ball.

#8. Darlene Jones/ Wants everyone to read the contract given to Softball from the Little League. Mayor stated all documents are on the Sweeny Little League website including the contract. City Manager stated during public

comment council is not allowed to respond. Jones wants everyone to look at the contract that was presented to Softball and does not believe it is fair.

Mayor made the announcement that we do have a public meeting to conduct. If one person could please represent the group. Tim Pettigrew stated we do follow the Roberts Rules of Order. There was unrest in the council chambers regarding the statement.

#10. Tiffany Van Dyke/ Coach/Teacher/ She has a daughter that plays softball and the issue between both groups is causing them to drive elsewhere to play. The comment about the Olympics/College and percentages previously shared is incorrect. Softball allows girls to set goals and builds work ethic. They want to be able to wear Sweeny (on their jerseys).

#11. Ally Stone/ Stated she is divorced and they are required to play in either Sweeny or Pearland. Her step-daughter has cancer and her dream is to play softball. She is upset that Sweeny no longer has softball on these fields due to disagreements and lack of a contract with the Little League. She is upset and just wants her daughter to be able to play.

### **PUBLIC HEARINGS AND ACTION ITEMS**

No Public Hearings

### **CONSENT AGENDA**

1. Proclamations (3): National Day of Prayer; May 4, 2023  
Peace Officers Memorial Day and Week; May 15, 2023 & May 15th-19<sup>th</sup>  
Sweeny Scholars; May 15, 2023  
Mayor Farley stated he will sign the proclamations and they will be posted on the door.
2. Minutes:  
Regular Session, March 21, 2023  
Special Session, April 10, 2023  
*Brian Brooks made the motion to approve the minutes from the Regular Session on March 21, 2023 and the Special Session on April 10, 2023. Tim Pettigrew seconded. All in favor. Motion Carried.*
3. Discussion and possible action to approve a budget amendment for the Fiscal Year 2023 budget to fund emergency repairs to Water Softeners 1 and 2 in the amount of \$93,700.  
*Tim Pettigrew made the motion to accept the budget amendment for the Fiscal Year 2023 to fund emergency repairs to Water Softeners 1 & 2 in the amount of \$93,700.00. Brian Brooks seconded. All in favor. Motion carried.*
4. Discussion and possible action on second quarter investment report spanning January - March 2023.  
City Manager stated the City received \$41,000.00 in interest on investment accounts during the 2<sup>nd</sup> Quarter, making a total of approximately \$75,000.00 for the year. She stated she is required to show council the quarterly investment report, no action is needed.  
*No action taken.*

### **REGULAR AGENDA**

5. Update from Commissioner Linder on current events affecting Brazoria County residents  
David Linder, Precinct 4 County Commissioner, addressed the Council on updates to our area. Brazoria County has received \$43 million in grant funding. Of that, \$6 million is earmarked for the Sweeny area.

Sweeny is receiving \$1.5 million for a fire hydrant project from a General Land Office (GLO) grant. They have also put \$5 million towards drainage improvements in this area. They also have an interlocal agreement to complete work on Ashley Wilson. Mr. Linder also addressed the high appraisals that we have recently received. The Angleton Appraisal District is not part of Brazoria County rather a part of the State Comptroller. He stated the Appraisal District was audited recently and under scored in 7 to 8 areas, therefore being required to boost appraisals. He is recommending everyone reach out to their local officials to help in the reduction of rates.

*No action taken. Update Only.*

6. Presentation, discussion, and possible action on the Fiscal Year 2021-2022 annual financial audit  
Jordan Rollins of Kennemer, Masters, and Lunsford (KM&L), the city's auditors, presented the Fiscal Year 2021-2022 annual financial audit. Jordan stated that the city has made great strides this year to clean up the financials to include hiring an independent contractor. She presented the financial letters and reports and helped to explain. Upon completion of this audit, it shows that the city has approximately 2 to 3 months of savings or contingency funds (unassigned equity), roughly 18 percent.  
*Tim Pettigrew made the motion to accept the Fiscal Year 2021-2022 annual financial audit. John Rambo seconded. All in favor. Motion carried.*
7. Fireworks Variance Requested for Sweeny Pride Day, May 05, 2023 and July 4th, 2023  
Wayman Hutchings of Freedom Fireworks Unlimited stated he is requesting the variance to allow fireworks for Sweeny Pride Day, May 5th and July 4<sup>th</sup>, 2023 of this year. He has received Sweeny ISD's approval to use the Sweeny Elementary property for the site. He plans to follow all of the Fire Marshals rules and regulations.  
*Tim Pettigrew made the motion to allow the variance on Sweeny Pride Day, May 5<sup>th</sup>, 2023 and July 4<sup>th</sup>, 2023. John Rambo seconded. All in favor. Motion carried.*
8. Discuss/ Take Action on alcohol variance for Sweeny Pride Day 2023 festivities; Sweeny Beautification  
Abby Kluttz of Sweeny Beautification stated they are requesting the annual alcohol variance to allow alcohol in the BBQ cookoff area within the orange barricades. This years Pride Day festivities will be held on the side of City Hall and into the Backyard Park.  
*John Rambo made the motion to approve the alcohol variance for Sweeny Pride Day 2023 festivities within the orange barricaded area. Tim Pettigrew seconded. All in favor. Motion carried.*
9. Discussion and possible action on an update on the water softer rehab project.  
City Manager stated the old media has been removed and the new has been placed on order. The engineer with WETS, Keyur Gorji, addressed the council. He stated that the order will be received in about 2 to 3 weeks, as it is coming from New York, then the internal work will be completed. They are working on the operating manual and will work with staff on training. Council did ask questions about inspections and the third softener. Gorji stated they have not inspected since originally installed in 1996 and should be inspected every two years. It was found that the third softener offline has been previously used contrary to prior beliefs. The softener has lost media and would need to be replaced as well. The third softener was never commissioned due to the lead and copper report not being completed and submitted to TCEQ. City Manager also stated that TCEQ advised us to hit the water hard with chlorine and in turn has made the chlorine levels elevated, now causing an acceleration of oxidation, causing brown coloration. We will be backing off the chlorine, but it will be three to four days before seeing results. Brian Brooks apologized for the water issues to the public.  
*No action taken. Update only.*
10. Discuss/Take Action on the Railroad Train Ordinance; train speed through town and quiet zone time; Agenda Request by Neal Bess Jr.

Neal Bess Jr. stated in 1989 there was a fatality on the Railroad tracks. There have been several train derailments in the news media around the nation recently. In 2001, there was a derailment in Sweeny. He is concerned with the speed the trains travel thru Sweeny and would like to see a quiet zone. Roger Barton stated that the trains coming thru our area are carrying the same types of chemicals that Ohio had and are still reeking impacts from. Attorney Stevenson stated the Federal Government pre-empts the rights of the City in regulating the speed. Chief Caudle stated if you slow the trains down, then your blocking the crossings for a longer period of time. Discussion of the quiet zone ensued and accompanying fees on establishing a quiet zone.

*No action taken.*

Neal Bess Jr. stated that he hopes it is not one of your family members, the arms don't always work.

11. Agenda Request from Council Member John Rambo: Discussion and possible action on utility fee rate adjustment and / or credit.

Mr. Rambo stated the city has raised rates twice in the last four years. Once to offset the water project/ Certificate of Obligation and again recently in August of 2021. He is proposing to reduce the rates back to the previous rates. The base rate currently is \$15.67. He is proposing to reduce the base rate to \$14.44 for water and sewer, which is an eight and a half percent decrease, and to take effect starting next month. Tim Pettigrew stated we need to look at the budget. The City Manager stated that the sales are down for the year for water and sewer. Changing the rate will affect the debt service, the enterprise earnings, and future revenue loss. Feels that we need to look at this in better detail. Mr. Rambo stated the quality of the water is an issue and were charging high prices.

*John Rambo made the motion to roll the utility rate back to the previous base rate for both water and sewer with an effective date of the next council meeting (05/16/23). Motion died for lack of second.*

12. Agenda Request; Drainage Plan Update for City of Sweeny and EDC Industrial Park Improvements Project; John Richers

John Richers of the West Brazoria County Drainage District #11 stated they have several projects in the Sweeny area to improve drainage. He gave an update on the drainage plans reviewed for the Sweeny Hospital, Dollar General, and the EDC Industrial Park road and utility expansion.

*No action taken. Update only.*

13. Discussion and action on a resolution supporting City of Sweeny's application to the Texas Department of Transportation's 2023 Transportation Alternatives Call for Projects; Sidewalk Project

The City Manager stated this project is only available every three years and the preliminary application has been approved. Sweeny ISD has given their letter of support for the easement to include the four-foot sidewalks and storm sewer placement. Resolution is required to complete the application showing the City's support. There is a twenty percent match required for this project.

*Tim Pettigrew made the motion to approve the resolution supporting City of Sweeny's application to the Texas Department of Transportation's 2023 Transportation Alternatives Call for Projects; Sidewalk project. Brian Brooks seconded. Discussion: Neal Bess Jr. stated that in 2020 the sidewalk was supposed to be running from the High School to Windmill Run and paid for with donated sidewalk fund fees in the amount of \$270,000.00. John Rambo asked about the box culverts, drainage accommodations, and placement locations. All in favor. Motion carried.*

14. Discussion on financing strategy to meet the funding requirements of Texas Department of Transportation call for transportation alternatives project.

City Manager stated in order to meet the financial obligations of the project, we must have the money upfront and then will be reimbursed afterward. Wade Thompson with Government Capital addressed council with the rates and options available. The City would need to approximately 2.5 million to secure.

He will be back at the May Council meeting to discuss further.

*No action taken. Discussion only.*

15. Discussion and possible action concerning follow up on bids obtained by Altamira, consultant for Sweeny Economic Development Corporation, for the Industrial Park roadway construction project. City Manager stated this item is on the agenda to simply have the EDC's consultant explain the bids, bid process, and answer questions and concerns Council may have from the last meeting. Colby Lowrie, EDC's consultant, explained that he requested for three contractors to bid the civil and concrete. They did request a bid from Roll Con, as requested by council for possible cost reduction. He received one no bid and two full bids; Southern Gulf Solutions and Tindol Construction. The concrete bid from Roll Con was separate. After discussion, council believes the amounts approved at the last council meeting were not construed correctly and were made under misunderstanding. EDC is to the point that they are waiting for a contract to be signed. Previously council believed bids to be a minimal difference of \$40,000.00 versus the approximate \$500,000.00 actual difference, which is drawing the need for concern and discussion tonight. Lowrie stated the confusion stemmed from comparing civil cost versus turnkey costs. Attorney Stevenson stated the consultant for EDC should have been at the meeting to clarify and that bad information was given at the last meeting. Discussion continued between council and others in attendance.  
*Brian Brooks made the motion to reject the bids and reopen the bid project at the SEDC Industrial Park for the next thirty days or next council meeting, 05/16/23. Seconded by John Rambo. Discussion ensued. John Richers stated the city is opening itself up for a lawsuit. Mayor Farley stated the previous motion was made under false information. Question was asked if they could go back to awarded and negotiate out of it. Brian Brooks, John Rambo, and Tim Pettigrew opposed. Motion fails.*  
*Brian Brooks made the motion to authorize the engineer to negotiate their bid down with Tindol, close to the price of \$940,000.00 that was approved, or withdraw bid. Rambo seconded. Rambo and Brooks approved. Tim Pettigrew abstained. Motion carried.*
16. Discuss/Take Action on Sweeny EDC Board Member Applications Received and Appointment  
The Sweeny EDC has one vacancy and they received two applications. The Sweeny EDC Board recommends appointment of Neal Bess Jr. from the applications received.  
*John Rambo made the motion to go with the EDC's recommendation and appoint Neal Bess Jr. to the EDC board. Motion failed for lack of second.*  
*Brian Brooks made the motion to accept Mary Karstedt to the Sweeny EDC board. Tim Pettigrew seconded. Brooks stated he would like to see new people in there with new ideas. John Rambo opposed. Brooks and Pettigrew approved. Motion carried.*
17. Discussion/ Take Action on approving Sweeny EDC to Finance with Government Capital for Road and Utility Expansion Improvements at Industrial Park  
*EDC does not have information to present at this time. No action taken.*
18. Discuss / Take Action on approving the Resolution of Financing with Government Capital for Road and Utility Expansion Improvements at Industrial Park  
*EDC does not have information to present at this time. No action taken.*
19. Presentation, discussion, and possible action from City Departments to City Council for the second quarter of Fiscal Year 2022-2023 (Jan-March) City Manager, City Secretary, Public Works, Police Department, Volunteer Fire Dept., SEDC  
Chief Caudle approached Council stated his reports were within the Council's packets. Mayor Farley stated he is doing a great job. Fire Chief Barton stated they received 58 calls and 19 life flights. Public Works Director Ross Aguirre stated they have contacted TCEQ for the temporary usage of the

polyphosphate and lowering the chlorine dosage. No questions for the City Secretary on reports submitted. City Manager stated the city was awarded a grant worth 1.57 million for additional fire hydrant expansion. We have been awarded a grant for a generator at the community center. Our portion will be \$16,000.00. Multiple leaks have been found on Second Street and work is continuing in that area. We do have employment positions open within the Public Works Department.

*No action taken- update only.*

20. Discussion and possible action to adopt guidelines consistent with the Film Friendly certification criteria through the Office of the Governor of Texas.

City Manager stated she recently attended the required course to allow the City to become Film Friendly. If movie production crews, commercials, etc. were to come to our city, we would be able to receive permit fees and additional sales tax. She is asking for the adoption of the guidelines additionally adding the permit fees to the master fee schedule.

*Tim Pettigrew made the motion to adopt guidelines consistent with the Film Friendly certification through the Office of the Governor of Texas. John Rambo seconded. All in favor. Motion carried.*

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

Tim Pettigrew stated the land near the Softball fields owned by the Little League is owned by the City of Sweeny and he wants to give away for safety reasons. Attorney Stevenson stated we would need to see a copy of the original deed, verify it, and get the property surveyed before we could deed or give away. Brandi Martin of SGA provided Attorney Stevenson with a copy of the deed for the property to review. Attorney Stevenson stated the deed shows ownership given from Bennett to the City of Sweeny, however, O'Malley/Strand should have a copy of the survey plat. He suggested that the City Manager contact O'Malley/Strand for the survey plat.

*No action taken. Discussion Only*

22. Discussion and act as needed on an update concerning repair of water leaks along 2<sup>nd</sup> Street in the vicinity of the 2<sup>nd</sup> and Hackberry Street intersection.

Public Works was able to locate one leak near 402 Fig Street where a line had ruptured underneath a culvert. They did have to cut into a residents driveway to repair. They do still have additional work to be completed in the area and will be looking for the additional leak. They believe the main/large leak could also be coming from an area on Hackberry and Third Street where there was a collapsed culvert repaired by Matula Matula. Brooks asked if we could take care of the weeds in the ditches where residents are unable to mow due to the leak.

*No action taken. Update only.*

23. Discussion and possible action on an agenda request from Council Member, Brian Brooks, Position 3 to change City Hall business hours.

Brian Brooks stated he received calls on the Friday when the city had a recent gas outage and property owners were unable to reach City Hall, as it closes at noon. He has looked around and only the City of Brazoria closes at noon on Fridays in this area. He is wanting to have staff in the office all day on Fridays, making a 40-hour work week to include Monday thru Friday. Discussion ensued on prior work schedules, payroll calculations, time keeping, and coverages.

*Brian Brooks made the motion to change city hall hours to an eight-hour work day, for five days a week, for employees. Tim Pettigrew seconded. All in favor. Motion carried.*

#### **CLOSED REGULAR SESSION AT 8:40 PM WITH A 5 MINUTE RECESS**

Mayor Farley dismissed himself and passed the gavel over to Mayor Pro-Tem, Tim Pettigrew at 8:45PM.

**EXECUTIVE SESSION WAS OPENED AT 8:45 PM IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE SECTION 551.071, 551.072 AND 551.074 BY MAYOR PRO-TEM, TIM PETTIGREW**

*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:*

- 24. 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. (Previous Employee)
- 25. 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)

**CLOSED EXECUTIVE SESSION / RECONVEINED INTO REGULAR SESSION AT 10:01 PM**

*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.*

*No Action Taken from Executive Session.*

**ITEMS OF COMMUNITY INTEREST**

John Rambo stated the Main Street Cleanup was a success and the first of many.  
 City Manager stated Beautification Cleanup held a great event and has heard many compliments.  
 Tim Pettigrew stated the cemetery is raising the rates for plots from \$900.00 to \$1500.00 per plot starting June 1<sup>st</sup>.

**ADJOURN REGULAR SESSION AT 10:03 PM**

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

\_\_\_\_\_

Kaydi Smith, City Secretary

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SWEENY, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF A GENERAL ELECTION HELD IN AND THROUGHOUT THE CITY OF SWEENY, TEXAS, ON THE 6TH DAY OF MAY, A. D. 2023, FOR THE PURPOSE OF ELECTING CERTAIN CITY OFFICIALS TO OFFICE FOR SPECIFIED TERMS; FINDING FACT AND PROVING OTHER MATTERS INCIDENT THERETO.

WHEREAS, heretofore, the City Council of the City of Sweeny, Texas, by appropriate ordinance, did order and direct that a General Election be held in and throughout the City of Sweeny, Texas, on the 6th day of May, A. D. 2023, for the purpose of electing certain City officials to office for the terms provided below.

- 1. Mayor for a term of two years;
- 2. One City Council person for a term of two (2) years for Position Two.
- 3. One City Council person for a term of two (2) years for Position Four.

WHEREAS, notice of said election was given within the time and manner required by law and under the circumstance required by law, in particular the Election Code of the State of Texas; and

WHEREAS, the following named persons were candidates for the office of Mayor of the City of Sweeny, Texas:

- 1. Neal Bess, Jr.
- 2. Dusty Hopkins

WHEREAS, the following named persons were candidates for the office of city council person for the City of Sweeny, Texas:

POSITION TWO, FOR A TERM OF TWO YEARS:

- 1. Reese C. Cook

POSITION FOUR, FOR A TERM OF TWO YEARS:

- 1. John A. Rambo
- 2. Kelly Fuller

WHEREAS, said election was duly called and held in the manner and time



required by law, and only qualified voters were permitted to vote in said election; and

WHEREAS, the election returns are now before the City Council; and

WHEREAS, it appears from said election returns, which were delivered to the City Council by the appropriate election official, that the following number of votes were cast for each of the respective candidates for the offices of City Judge and City Council person, to-wit:

OFFICE OF MAYOR

CANDIDATE	NUMBER OF VOTES
Neal Bess, Jr.	152
Dusty Hopkins	241

CITY COUNCIL PERSON POSITION TWO

CANDIDATE	NUMBER OF VOTES
Reese C. Cook	313

CITY COUNCIL PERSON POSITION FOUR

CANDIDATE	NUMBER OF VOTES
John A. Rambo	250
Kelly Fuller	133

WHEREAS, it appears that the candidates for the respective offices receiving the greatest number of votes cast for such office are all and singularly qualified to hold such offices, under the terms and conditions provided by law; and

WHEREAS, it appears that said successful candidate for each of the respective offices is entitled to take office upon the taking of the constitutional oath of office required by law, and upon giving bond, if any, as required by law;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF

THE CITY OF SWEENY, TEXAS:

SECTION ONE (1):

The above described general election was duly called, ordered and held and due notice thereof was given in the manner and time required by law, and all ballots were in due form and order. Only qualified voters were permitted to vote at said election.

SECTION THREE (3)

That DUSTY HOPKINS, candidate for the office of Mayor of the City of Sweeny, Texas, REESE C. COOK, candidate for the office of City Council Person, Position Two (2), and JOHN A. RAMBO, candidate for the office of City Council Person Position Four (4), received the greater number of votes cast for such respective offices, are qualified for such offices, and are entitled to such offices upon taking the constitutional oath of office required by law and giving bond, if any, required by law.

PASSED AND ADOPTED this the 16th day of May, A. D. 2023.

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

ATTEST:

\_\_\_\_\_  
KAYDI SMITH, CITY SECRETARY

**City of Sweeny Cumulative Report**

2023-05-06 Joint Local Election

Run Time 3:13 PM

Run Date 05/12/2023

**Brazoria County**

Joint Local Election

5/6/2023

Page 1

Unofficial

Item 3.

Registered

397 of 2185 = 18.17%

Precincts Reporting

1 of 1 = 100.00%

**Mayor**

Choice	Party	Absentee		Early Voting		Election Day		Total	
Neal Bess Jr.		2	100.00%	109	39.93%	41	34.75%	152	38.68%
Dusty Hopkins		0	0.00%	164	60.07%	77	65.25%	241	61.32%
Cast Votes:		2	100.00%	273	100.00%	118	100.00%	393	100.00%
Undervotes:		0		3		1		4	
Overvotes:		0		0		0		0	

**Council, Position 2**

Choice	Party	Absentee		Early Voting		Election Day		Total	
Reese C. Cook		2	100.00%	218	100.00%	93	100.00%	313	100.00%
Cast Votes:		2	100.00%	218	100.00%	93	100.00%	313	100.00%
Undervotes:		0		58		26		84	
Overvotes:		0		0		0		0	

**Council, Position 4**

Choice	Party	Absentee		Early Voting		Election Day		Total	
John A. Rambo		0	0.00%	175	65.79%	75	65.22%	250	65.27%
Kelly Fuller		2	100.00%	91	34.21%	40	34.78%	133	34.73%
Cast Votes:		2	100.00%	266	100.00%	115	100.00%	383	100.00%
Undervotes:		0		10		4		14	
Overvotes:		0		0		0		0	

**City of Sweeny Proposition A**

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		2	100.00%	196	72.59%	85	75.89%	283	73.70%
Against		0	0.00%	74	27.41%	27	24.11%	101	26.30%
Cast Votes:		2	100.00%	270	100.00%	112	100.00%	384	100.00%
Undervotes:		0		6		7		13	
Overvotes:		0		0		0		0	

\*\*\* End of report \*\*\*

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SWEENY, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF A SPECIAL ELECTION HELD IN AND THROUGHOUT THE CITY OF SWEENY, TEXAS, ON THE 6TH DAY OF MAY, A. D. 2023, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SWEENY A BALLOT PROPOSITION TO REDUCE THE TYPE B ECONOMIC DEVELOPMENT CORPORATION FROM A SALE AND USE TAX RATE OF ONE HALF OF ONE PERCENT TO A RATE OF THREE EIGHTHS OF ONE PERCENT CONTINGENT UPON THE ELIGIBLE VOTERS OF THE CITY OF SWEENY CRIME CONTROL AND PREVENTION DISTRICT APPROVING A BALLOT PROPOSITION TO AUGHORIZE THE CREATION OF THE CITY OF SWEENY CRIME CONTROL AND PREVENTION DISTRICT AND THE ADOPTION OF A SALE AND USE TAX AT A RATE OF ONE EIGHTH OF ONE PERCENT; FINDING FACT AND PROVING OTHER MATTERS INCIDENT THERETO.

WHEREAS, heretofore, the City Council of the City of Sweeny, Texas, by appropriate ordinance, did order and direct that a Special Election be held in and throughout the City of Sweeny, Texas, on the 6th day of May, A. D. 2023, for the purpose of submitting to the qualified voters of the City a ballot proposition to reduce the Type B Economic Development Corporation from a sales and use tax rate of one-half of one percent to a tax rate of three eighths of one percent contingent upon the eligible voters of the City of Sweeny Crime Control and Prevention District approving a ballot proposition authorizing the creation of the district and adopting a sales and use tax rate of one eighth of one percent.

WHEREAS, notice of said election was given within the time and manner required by law and under the circumstance required by law, in particular the Election Code of the State of Texas; and

WHEREAS, said election was duly called and held in the manner and time required by law, and only qualified voters were permitted to vote in said election; and

WHEREAS, the election returns are now before the City Council; and

WHEREAS, it appears from said election returns, which were delivered to the City

Council by the appropriate election official, that the following number of votes were cast for the ballot proposition:

“ A reduction of the local sales and use tax currently received by the Sweeny Economic Development Corporation, a Type B economic development corporation, from one half of one percent to three eighths of one percent, contingent upon the eligible voters of the Sweeny Crime Control and Prevention District, approving the ballot proposition authorizing the creation of the City of Sweeny Crime Control and Prevention District dedicated to crime reduction purposes and the adoption of a sales and use tax for the district of one eighth of one percent.”

FOR 283

AGAINST 101

WHEREAS, it appears that the ballot proposition was approved by the voters at said election; and

WHEREAS, it appears that City of Sweeny Crime Control and Prevention District is hereby created and shall be entitled to receive a sales and use tax at a rate of one eighth of one percent to be used for the legal purposes of said district; and

WHEREAS, the Sweeny Economic Development Corporation shall have its sales and use tax rate reduced from one half of one percent to a tax rate of three eighths of one percent.

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

SECTION ONE (1):

The above described general election was duly called, ordered and held and due notice thereof was given in the manner and time required by law, and all ballots were in due form and order. Only qualified voters were permitted to vote at said election.

SECTION TWO (2):

The sales and use tax rate received by the Sweeny Economic Development Corporation is hereby reduced from a sales and use tax rate of one half of one percent to a rate of three eighths of one percent.

SECTION THREE (3):

The creation of the City of Sweeny Crime Control and Prevention District is hereby authorized and approved and said district shall receive a portion of the sales and use tax at a rate of one eighth of one percent.

PASSED AND ADOPTED this the 16th day of May, A. D. 2023.

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

ATTEST:

\_\_\_\_\_  
KAYDI SMITH, CITY SECRETARY

**City of Sweeny Cumulative Report**

2023-05-06 Joint Local Election

Run Time 3:13 PM

Run Date 05/12/2023

**Brazoria County**

Joint Local Election

5/6/2023

Page 1

Unofficial

Item 4.

Registered

397 of 2185 = 18.17%

Precincts Reporting

1 of 1 = 100.00%

**Mayor**

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Dusty Hopkins		0	0.00%	164	60.07%	77	65.25%	241	61.32%
Cast Votes:		2	100.00%	273	100.00%	118	100.00%	393	100.00%
Undervotes:		0		3		1		4	
Overvotes:		0		0		0		0	

**Council, Position 2**

Choice	Party	Absentee		Early Voting		Election Day		Total	
Reese C. Cook		2	100.00%	218	100.00%	93	100.00%	313	100.00%
Cast Votes:		2	100.00%	218	100.00%	93	100.00%	313	100.00%
Undervotes:		0		58		26		84	
Overvotes:		0		0		0		0	

**Council, Position 4**

Choice	Party	Absentee		Early Voting		Election Day		Total	
John A. Rambo		0	0.00%	175	65.79%	75	65.22%	250	65.27%
Kelly Fuller		2	100.00%	91	34.21%	40	34.78%	133	34.73%
Cast Votes:		2	100.00%	266	100.00%	115	100.00%	383	100.00%
Undervotes:		0		10		4		14	
Overvotes:		0		0		0		0	

**City of Sweeny Proposition A**

Choice	Party	Absentee		Early Voting		Election Day		Total	
For		2	100.00%	196	72.59%	85	75.89%	283	73.70%
Against		0	0.00%	74	27.41%	27	24.11%	101	26.30%
Cast Votes:		2	100.00%	270	100.00%	112	100.00%	384	100.00%
Undervotes:		0		6		7		13	
Overvotes:		0		0		0		0	

\*\*\* End of report \*\*\*

# Certificate of Election



In the Name and By the Authority of  
The State of Texas  
This is to Certify, that

---

Was Duly Elected as Sweeny City Elected Official, Place No. \_\_\_\_\_,  
at the general election held on May 06, 2023.

In testimony whereof, I have hereunto signed my name and caused  
the Seal of The City of Sweeny to be affixed, this the 16 day of May  
A.D., 2023.

---

Signature of Presiding Officer

|





The State of Texas

# STATEMENT OF ELECTED OFFICER

(Pursuant to Tex. Const. art. XVI, §1(b), amended 2001)

I, \_\_\_\_\_, do solemnly swear, that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING STATEMENT AND THAT THE EXECUTION  
UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING STATEMENT AND THAT THE FACTS  
STATED THEREIN ARE TRUE.

\_\_\_\_\_  
Affiant's Signature

\_\_\_\_\_  
Elected Office to Hold

\_\_\_\_\_  
City/ County

SWORN TO and subscribed before me by affiant on this 16<sup>th</sup>, day of May, 2023.

\_\_\_\_\_  
Signature of Person Administering Oath

\_\_\_\_\_  
Printed Name and Title

In the name and by the authority of

# *The State of Texas*

## **OATH OF OFFICE**

I, \_\_\_\_\_, do solemnly swear that I will faithfully execute the duties of  
Position, for the City of Sweeny, and will, to the best of my ability preserve, protect, and  
defend The Constitution and Laws of the United States and of the State of Texas, the Charter and  
Ordinances of this City, so help me God.

\_\_\_\_\_  
Affiant

SWORN To and subscribed before me by officer on this, the \_\_\_\_ **day of** \_\_\_\_\_, **2023.**

\_\_\_\_\_  
Signature of Person Administering Oath

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title



# AGENDA MEMO

## Business of the City Council

### City of Sweeny, Texas

<b>Meeting Date</b>	05/16/23	<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 the Sign Ordinance, Chapter 156; 904 N Main- Dollar General; for two (2) signs on the property		
<b>Attachments</b>	Agenda Memo, Sign Ordinance, Chapter 156, Original Drawings Submitted		
<b>Financial Information</b>	Expenditure Required:		
	Amount Budgeted:		
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

#### Executive Summary

Variance is requested for a single commercial sign adhering to the building to be 123 sq. ft. This is 91 sq. ft. larger than allowed by city ordinance. Second variance requested for a free-standing sign to be 52 sq. ft. This is 28 sq. ft. large than allowed by city ordinance.

Requestor is Compadres Design Inc/ Mark Pullin/ Sign Contractor on behalf of Dollar General for the address of 904 N Main Street.

#### **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.

#### Recommended Action

Council Discretion



# CITY OF SWEENY

Rev. o (4/2/2020)

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

## Ordinance Variance Request Application & Re-plats

Please complete each field. Incomplete applications will not be accepted.

### TYPE OF APPLICATION:

- Variance
- Re-Plat Type: \_\_\_\_\_

### PROJECT INFORMATION:

- Residential
- Commercial

Project Name/Owners Name: Dollar General  
 Brazoria County Appraisal District Property ID # \_\_\_\_\_  
 Project Address/Location: 904 N Main St Sweeny, TX 77480  
 Subdivision: \_\_\_\_\_ No. of Lots: \_\_\_\_\_  
 Total Acreage &/or Square Footage: \_\_\_\_\_

Brief Description of Property & Reason for Proposed Request:

New Dollar General being built. Plans for the Street Sign and wall sign square footage are exceeding the city code. would like to use over sized plans

When a completed application packet/package has been accepted and reviewed, additional information may be required by staff as a result of the review, therefore it may be necessary to postpone the proposed project and remove it from the scheduled agenda and place it on a future agenda. All requests must be received by the 8<sup>th</sup> business day of the month in order to be placed on the same month's agenda, pending the review process stated above.

### PROPERTY OWNER'S INFORMATION:

Name: DCOG Sweeny tx 07070002 LLC  
 Address: 1906 E Battleground  
 City: Springfield State: Mo Zip: 65804  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 Email: jacobstrutten@dcogtx.com

### APPLICANT OR AGENT'S INFORMATION:

Name: Mark Pullin  
 Address: 4002 N Main St  
 City: Victoria State: Tx Zip: 77901  
 Phone: 361-560-5170 Fax: \_\_\_\_\_  
 Email: Mark@compadre.sdesign.com

**\*\*Property owner must be the current owner of the property at the time of submittal of the application, and not the party that has the property under contract.**

As owner and applicant, I hereby request approval of the above described request as provided for by The City of Sweeny.

\*\*Owner's Signature: \_\_\_\_\_

Date: 5/2/23

Agent's/Applicant's Signature: \_\_\_\_\_

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

### OFFICE USE ONLY:

Date Received: \_\_\_\_\_ City Representative: \_\_\_\_\_



# CITY OF SWEENY

Rev. o (4/28/2020)

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 for RE-PLAT & VARIANCE REQUEST ITEMS ONLY.

**Personal Information:**

Name: DGOGSweenytx07272022 LLC

Mailing Address: 1906 E Battlefield, Springfield, MO 65804

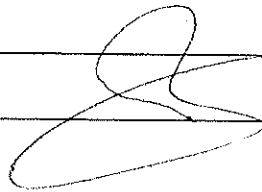
Physical Address:  
Property Address  
of Replat: 904 N Main St. Sweeny, TX 77480

Email(s): jacobsstauffer@theoverlandgroup.com

Phone(s): 417-256-4790

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

- 1- Single commercial Building sign NO larger than (32) square feet  
Our wall sign plan is (123) square feet.
- 2- Free Standing sign NO larger than 24 square feet  
Our plan for a single pole sign is 52 square feet

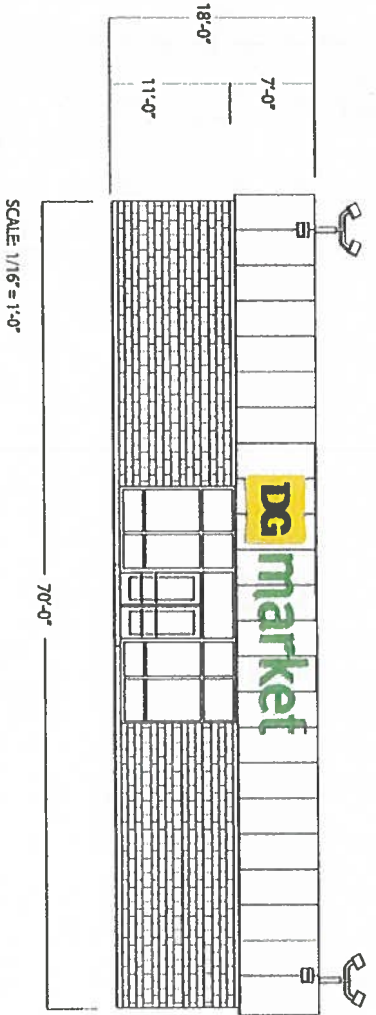
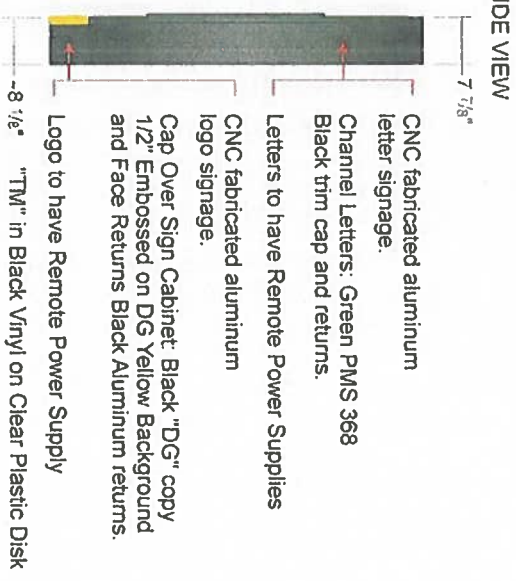
Signature:  Date: 5/2/23

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.

DG market 2021 Logo - Exterior Building Logo Sign

#0000 Anytown, U



**Dualite**  
 Dualite Sales & Service, Inc.  
 One Dualite Lane  
 Williamsburg, Ohio 45176

Sketch No. **22-2-318-M-DGM-A2**  
 Scale: 3/8" = 1'-0"  
 Date: **2-22-2022**

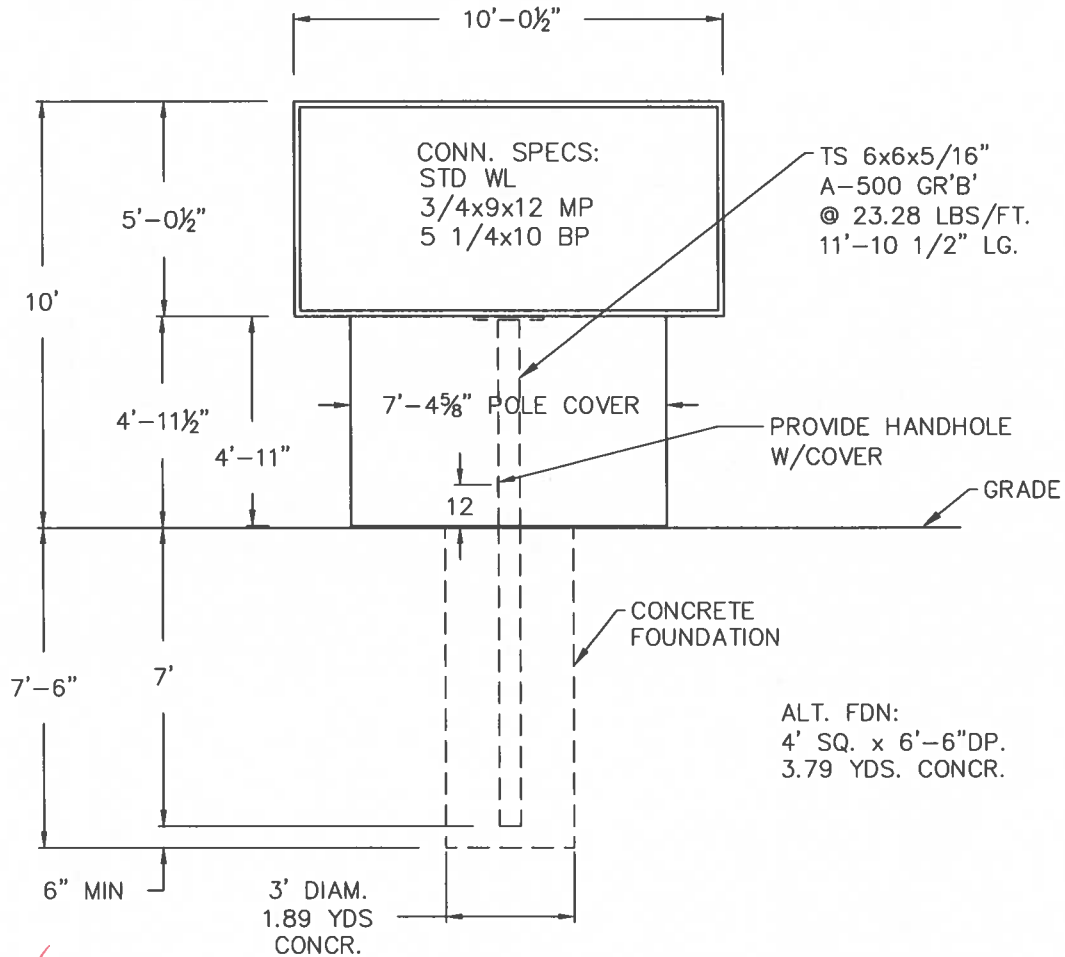
Approval:

THIS DESIGN IS EXCLUSIVE PROPERTY OF DUALITE SALES & SERVICE, INC. - 1 DUALITE LANE - WILLIAMSBURG, OH 45176 Copyright 2022 Dualite Sales & Service, Inc. All Rights Reserved. Reproduction of this proprietary work without the permission of Dualite Sales & Service, Inc. will subject the user to liability under the copyright statutes of the United States.

*exceeds ord. site plan*



AUGUST 02, 2022  
DOLLAR GENERAL  
STANDARD WIND LOAD LOCATIONS  
VARIOUS, USA



*height ✓  
size - too large, exceeds ord.*

*Must be 140 mph*

NOTE!  
SIGN & POLE DESIGNED FOR A 115 MPH WIND SPEED, EXP. C, RISK CAT. II, IMP. FACTOR 1.0 PER IBC 2018. FOUNDATION DESIGN IS BASED ON 3000 LB. CONCRETE AT 28 DAYS AND A SOIL LATERAL BEARING PRESSURE OF 100 LB/SQ FT/FT

NOTE!  
ALL INSTALLATION DETAILS ARE SUGGESTED ONLY. ALL SIGNS MUST BE INSTALLED IN ACCORDANCE WITH NATIONAL, STATE AND LOCAL ELECTRICAL AND BUILDING CODES. UNLESS SPECIFICALLY CONTRACTED FOR, DUALITE SHALL HAVE NO RESPONSIBILITY FOR INSTALLATION. USES FOR OTHER THAN THEIR INTENDED PURPOSES ARE AT THE SOLE RISK OF THE BUYER/USER.

SCALE: 1/4" = 1'-0

DGN8A

Adam Jeffers <[a.jeffers@compadresdesign.com](mailto:a.jeffers@compadresdesign.com)>  
<[CSRP\\_ImpactedSigns@txdot.gov](mailto:CSRP_ImpactedSigns@txdot.gov)>

Good morning Adam,

It appears that the sign is related to a non-commercial (aka on-premise) sign. TxDOT isn't familiar with the letter and doesn't regulate on-premise signs.

Please ensure that the sign is installed on the Dollar General property and isn't encroaching in our ROW.

Thanks,

**Greg Polasek**

ROW Project Delivery Manager

403 Huck Street

Yoakum, Texas 77995

(512) 705-6179 Mobile

[Greg.Polasek@txdot.gov](mailto:Greg.Polasek@txdot.gov)



**Customer service is our passion.**  
**How are we doing? (click here)**

**ROW Division Mission Statement**  
*"Delivering right of way solutions for Texas."*

**From:** Greg Polasek

**Sent:** Tuesday, April 18, 2023 12:27 PM

**To:** CSRP\_ImpactedSigns <[CSRP\\_ImpactedSigns@txdot.gov](mailto:CSRP_ImpactedSigns@txdot.gov)>

**Cc:** Adam Jeffers <[a.jeffers@compadresdesign.com](mailto:a.jeffers@compadresdesign.com)>

**Subject:** FW: Sign permit application



**LEGEND**

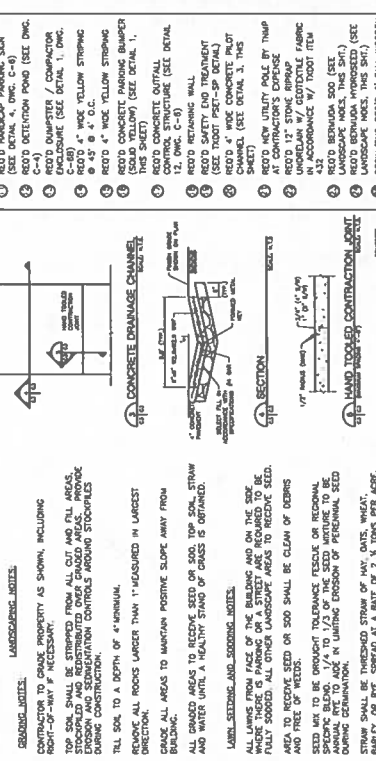
EXISTING FEATURES	CONSTRUCTION LEGEND
Ø OR 1/4"	1. RETAIN WALL
---	2. REINFORCED CONCRETE
---	3. CONCRETE
---	4. BRICK
---	5. MASONRY
---	6. BLOCK
---	7. STONE
---	8. METAL SHEET
---	9. TRUSS
---	10. WOOD
---	11. INSULATION
---	12. GROUND
---	13. PLANTING
---	14. DRIVEWAY
---	15. UTILITY
---	16. SITE
---	17. FENCE
---	18. SIGN
---	19. LIGHT
---	20. POST
---	21. RAMP
---	22. CURB
---	23. DRIVE
---	24. TANK
---	25. WALL
---	26. CONC.
---	27. BRICK
---	28. BLOCK
---	29. METAL SHEET
---	30. TRUSS
---	31. WOOD
---	32. INSULATION
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---	35. DRIVEWAY
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---	92. INSULATION
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---	94. PLANTING
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---	107. BRICK
---	108. BLOCK
---	109. METAL SHEET
---	110. TRUSS
---	111. WOOD
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---	194. PLANTING
---	195. DRIVEWAY
---	196. UTILITY
---	197. SITE
---	198. FENCE
---	199. SIGN
---	200. POST

**NOTES:**

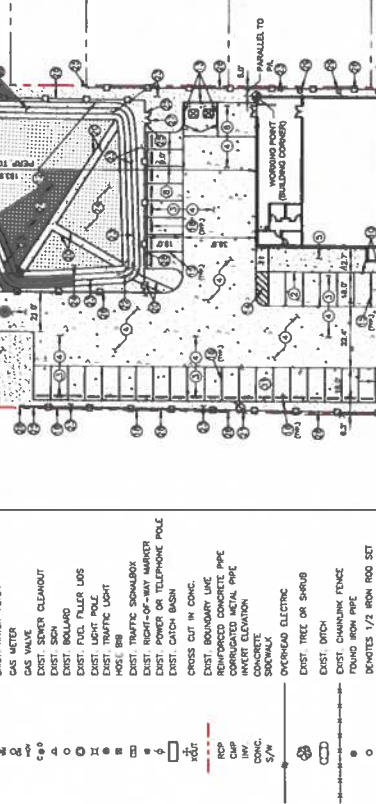
1. CONTRACTOR SHALL BE RESPONSIBLE FOR LAYOUT OF THE WORK, VERIFYING ALL MEASUREMENTS AND GRADES AND REPORTING ANY DISCREPANCIES TO THE ENGINEER BEFORE STARTING CONSTRUCTION.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN OF ALL STRUCTURAL ELEMENTS. THE DESIGN SHALL BE IN ACCORDANCE WITH ALL APPLICABLE STATE, CITY, AND COUNTY CONSTRUCTION STANDARDS AS ENFORCED IN THESE PLANS. THE CONTRACTOR SHALL MAINTAIN A CURRENT RELEASE OF THE STATE, CITY, AND COUNTY ENGINEER'S APPROVAL OF ALL STRUCTURAL ELEMENTS.
3. ALL TRAFFIC SIGNS, MARKERS, AND MAINTENANCE SHALL BE MAINTAINED THROUGHOUT THE PROJECT.
4. ALL TRAFFIC SIGNS SHALL BE MAINTAINED THROUGHOUT THE PROJECT.
5. ALL TRAFFIC SIGNS SHALL BE MAINTAINED THROUGHOUT THE PROJECT.
6. ALL TRAFFIC SIGNS SHALL BE MAINTAINED THROUGHOUT THE PROJECT.
7. ALL TRAFFIC SIGNS SHALL BE MAINTAINED THROUGHOUT THE PROJECT.
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**CONSTRUCTION LEGEND**

1. RETAIN WALL
2. REINFORCED CONCRETE
3. CONCRETE
4. BRICK
5. MASONRY
6. BLOCK
7. STONE
8. METAL SHEET
9. TRUSS
10. WOOD
11. INSULATION
12. GROUND
13. PLANTING
14. DRIVEWAY
15. UTILITY
16. SITE
17. FENCE
18. SIGN
19. LIGHT
20. POST
21. RAMP
22. CURB
23. DRIVE
24. TANK
25. WALL
26. CONC.
27. BRICK
28. BLOCK
29. METAL SHEET
30. TRUSS
31. WOOD
32. INSULATION
33. GROUND
34. PLANTING
35. DRIVEWAY
36. UTILITY
37. SITE
38. FENCE
39. SIGN
40. POST
41. RAMP
42. CURB
43. DRIVE
44. TANK
45. WALL
46. CONC.
47. BRICK
48. BLOCK
49. METAL SHEET
50. TRUSS
51. WOOD
52. INSULATION
53. GROUND
54. PLANTING
55. DRIVEWAY
56. UTILITY
57. SITE
58. FENCE
59. SIGN
60. POST
61. RAMP
62. CURB
63. DRIVE
64. TANK
65. WALL
66. CONC.
67. BRICK
68. BLOCK
69. METAL SHEET
70. TRUSS
71. WOOD
72. INSULATION
73. GROUND
74. PLANTING
75. DRIVEWAY
76. UTILITY
77. SITE
78. FENCE
79. SIGN
80. POST
81. RAMP
82. CURB
83. DRIVE
84. TANK
85. WALL
86. CONC.
87. BRICK
88. BLOCK
89. METAL SHEET
90. TRUSS
91. WOOD
92. INSULATION
93. GROUND
94. PLANTING
95. DRIVEWAY
96. UTILITY
97. SITE
98. FENCE
99. SIGN
100. POST



- LANDSCAPING NOTES:**
1. RETAIN WALLS SHALL BE CLEAN, TYPICAL AND SHALL HAVE A MINIMUM 3' DEPTH OF MULCH.
  2. ALL PLANTING SHALL BE PERFORMED BY A LICENSED LANDSCAPE ARCHITECT OR LANDSCAPE CONTRACTOR AT THE TIME OF THE PLANTING.
  3. ALL TREES LOCATED IN 500' AREAS SHALL HAVE A MULCH RING AROUND THEM WITH ENDING.
  4. ALL PLANTINGS SHALL BE THOROUGHLY WATERED BY THE LANDSCAPE CONTRACTOR AT THE TIME OF THE PLANTING.
  5. MAXIMUM SLOPE CUTS SHALL NOT EXCEED 3:1. ALL DISTURBED AREAS SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION.



**CIVIL SITE PLAN**

DOLLAR GENERAL - N. MAIN ST. (FM 524) SWEENEY (BRAZORIA COUNTY), TX

REV. NO. DATE

1	07/04/23
2	08/14/23

DATE: 08/14/23

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**DEVELOPER**  
DOLLAR GENERAL  
1903 EAST BATTLEFIELD  
SPRINGFIELD, MO 65804  
TEL: (417) 293-3332

**STORAGE NUMBER:** 2,675 SQ. FT. 6836

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**CIVIL SITE PLAN**  
24" x 30" SCALE: 1" = 30'

**CONCRETE PARKING**  
STIPPLED ISLAND

**LANDSCAPE LEGEND**  
500 SEED

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**STRIPPING LEGEND**

YELLOW CHECKER	ASPHALT OR DETAIL SURFACES FREE
GREEN CHECKER	GRAVEL SURFACES
RED CHECKER	CONCRETE
BLUE CHECKER	PAVING
PINK CHECKER	LANDSCAPE

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**LANDSCAPING LEGEND**

500	SEED
100	SEED
500	SEED

Section

**General Provisions**

- 156.001 Purpose
- 156.002 General
- 156.003 Definitions

**General Regulations**

- 156.015 Exemptions for certain types of signs
- 156.016 General regulations
- 156.017 Signs allowed without permit
- 156.018 Signs requiring a permit
- 156.019 Prohibited sign types

**Permits and Maintenance**

- 156.030 Sign permits
- 156.031 Sign maintenance and nuisances

**Preexisting Exceptions, Variances, and Construction**

- 156.045 Preexisting non-conforming signs
- 156.046 Variances
- 156.047 Construction

- 156.999 Penalty

**GENERAL PROVISIONS**

**§ 156.001 PURPOSE.**

The purpose of this chapter is to provide uniform sign standards and regulations in order to insure public safety and to promote a positive city image reflecting order, harmony and pride, and thereby strengthening the economic stability of Sweeny business, cultural, historical and residential areas.

(Ord. 102-16, passed - -16)

**§ 156.002 GENERAL.**

No person may construct, reconstruct, place, install, repair, maintain, relocate, alter or use a sign after the effective date of this article unless such installation, construction, reconstruction, placement, repairs, maintenance, relocation, alteration or use meets all the provisions of this and all other applicable code provisions adopted by the City of Sweeny, Texas.

(Ord. 102-16, passed - -16)

**§ 156.003 DEFINITIONS.**

Words and phrases used in this article shall have the meanings set forth in this section. Words and phrases which are not defined in this article but are defined elsewhere in the Code of Ordinances of the City of Sweeny shall be given the meanings set forth in those code provisions. Other words and phrases shall be given their common, ordinary meaning unless the context clearly required otherwise. Headings and captions are for reference purposes only, and shall not be used in the interpretation of this chapter.

**ABANDONED SIGN.** A sign for which any of the following conditions apply:

- (1) Does not contain a message on the first anniversary of the date the business, person, or activity that the sign or sign structure identifies or advertises ceases to operate on the premises on which the sign or sign structure is located.
- (2) If the premises containing the sign or sign structure is leased, then if the sign does not contain a message on the second anniversary after the date the most recent tenant ceases to operate on the premises.
- (3) The city may agree with the owner of the sign or sign structure to remove only a portion of the sign or sign structure.

**AREA.**

(1) The entire sign surface within a single contiguous perimeter, excluding support structures. A sign structure with two faces back-to-back, oriented in opposite directions and separated by not more than three feet, with the same copy on both sides, shall be counted as a single sign.

(2) In cases where a sign is composed only of letters, figures, or other characters the dimensions used to compute the area are the smallest simple imaginary figure (circle, triangle, rectangle, or other) which fully contains the sign content.

**BANNER.** Fabric or other suitable material which is attached or suspended at two ends or continuously across the long edge. Attachment or suspension may be from structures and/or poles. A street banner is a banner suspended above a right of way.

**CHANGEABLE COPY SIGN.** A sign or part of a sign on which content can be changed or rearranged without altering the face of surface of the sign, including but not limited to a theater marquee or a gasoline price sign.

**COMMERCIAL COMPLEX.** Any property such as a shopping center, office park or industrial park, which consists of two or more establishments on a single platted lot, or which is designed, developed and managed as a unit.

**COMMERCIAL SERVICE SIGN.** A sign which solicits support for or participation in a non-profit, non-political, community, public or social event or activity.

**DILAPIDATED SIGN.** Any sign where:

- (1) The structural support or frame members are visibly bent, broken, dented, torn or excessively rusted; or
- (2) The sign face is visibly torn, cracked or, in the case of wood or similar products, splinted in such a way as to constitute a potential harmful condition; or
- (3) The sign or its elements are twisted or leaning or at angles other than those at which it was originally erected (such as may result from being blown or the failure of a structural support).

**FLAG.** A fabric sheet, which is attached at one end to a pole, cable or rope.

**FREESTANDING SIGN.** Any sign not attached to or part of any building. Included are monument signs and self supported signs.

**HEIGHT.** The distance from ground level to the top of the sign structure. The ground level is the lower of:

- (1) The existing grade prior to construction of the sign; or
- (2) The newly established grade after construction, unless the curb elevation at the street in front of the sign is higher than the established ground level, in which case the height shall be measured from curb level.

**ILLUMINATED SIGN.** Any sign illuminated in any manner by an artificial light source of any kind, either detached from the sign or a part thereof. Signs that are only incidentally and indirectly illuminated as a result of a lighting plan primarily designed as security lighting or landscape lighting are not illuminated signs.

**MONUMENT SIGN.** A sign which is mounted on a base at least as wide as the sign and is of limited height. The opening between the base and the sign must be no greater than two inches.

**OFF-PREMISES SIGN.** A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

**ON-PREMISES SIGN.** A sign identifying or advertising a business, person, or activity, and installed and maintained on the same premises as the business, person or activity.

**PREMISES.** Means a lot or tract within the city, and contiguous lands in the same ownership, which is not divided by any public highway, street or alley, or right-of-way.

**PROJECTING SIGN.** Any sign the outside edge of which extends from the face of a wall to which it is attached.

**RESIDENTIAL AREA.** Any property within the city limits which is zoned for residential use. Any unzoned property within the city limits or any property within the city's extra-territorial jurisdiction which is vacant, in any form of agricultural use, on which a residence is the principal use, and any portion within 200 feet of any such residence.

**RESPONSIBLE PARTY.** The owner of the property upon which the sign is located, the lessor of the property, and/or the owner of the sign.

**SELF-SUPPORTED SIGN.** See **FREE STANDING SIGN.**

**SIGN.** Any medium for visual communication or its structure used or intended to attract the attention of the public.

**SIGN STRUCTURE.** Any structure which is designed specifically for the purpose of supporting a sign, has supported or is capable of supporting a sign. This definition shall include any decorative covers, braces, wires, supports, or components attached to or placed around the sign structure. Where any goods or services for sale or other advertisement is displayed on the structure, then said structure shall be counted as part of the sign area.

**SINGLE COMMERCIAL BUILDING.** A structure containing a single commercial establishment, office business, school, church, non-profit organization, charity or government agency.

Item 7.

**SWEENEY or CITY.** The City of Sweeny, Brazoria County, Texas, an incorporated municipality.

(Ord. 102-16, passed - -16)

## GENERAL REGULATIONS

### § 156.015 EXEMPTIONS FOR CERTAIN TYPES OF SIGNS.

The following are exempt from regulation under this chapter:

- (A) Any sign inside a building, not attached to a window or door and not oriented so as to be read from outside the building.
- (B) Commemorative plaques and historical markers mounted on the face of a building or erected on a site as a free-standing monument sign, when placed or approved by a governmental entity, historical society, religious organization or other nonprofit entity to commemorate a person, event or other matter of historical interest.
- (C) Any sign installed or required to be installed by any governmental entity or public utility to give information, directions or warnings to the general public, regardless of the sign's location on public or private property.
- (D) Temporary signs with the intended use of identifying seasonal, occasional or special community, educational, charitable and civic events, facilities, activities or social events, and of identifying newly opened businesses.

(Ord. 102-16, passed - -16)

### § 156.016 GENERAL REGULATIONS.

Excluding only those signs exempted by the preceding section, no sign or part of a sign shall:

- (A) Be placed on or attached to any utility pole or pedestal, except by a utility company owning the pole or pedestal or operating facilities mounted on the pole or pedestal.
- (B) Be placed upon real property without the consent of the property owner.
- (C) Be located in, on, or over any right-of-way, except for directional or informational signs erected by government agencies. Any such sign shall constitute a nuisance.
- (D) Be located so that it blocks vehicle or pedestrian views and/or safe sight distances at any intersection, curve or corner. This includes signs located on private property. Any such sign shall constitute a nuisance.
- (E) Be hung with less than 7 1/2 feet of vertical clearance above the sidewalk or less than 15 feet of vertical clearance above the street, drive or parking area (this applies to any part of a sign, including mounting fixtures and supporting structures, which is mounted above or projects over any sidewalk, street, drive or parking area whether on public or private land).
- (F) Imitate or resemble an official traffic-control device or railroad sign or signal; attempt to direct the movement of traffic; or hide from view or hinder the effectiveness of an official traffic-control device or railroad sign or signal. Any such sign shall constitute a nuisance.
- (G) Be placed closer than six feet to the edge of a road surface.
- (H) Be allowed which moves or has moving components, or has bright flashing lights or other distracting features. This does not include signs with slowly changing messages such as time or temperature.
- (I) Be located so that it is on or in any way obstructs any sidewalk, walkway or pathway used by the public for normal pedestrian access.
- (J) Be painted or installed on any roof surface.
- (K) Extend above or beyond the building roof line, facade or eaves when installed on a wall. A facade is a low wall built along one or more sides around the perimeter of a roof.
- (L) Be located closer than ten feet any power line. Any such sign shall constitute a nuisance.
- (M) Be installed so that it faces contiguous residential property.

(Ord. 102-16, passed - -16)

### § 156.017 SIGNS ALLOWED WITHOUT PERMIT.

Following are exempt from the requirement to obtain a permit, subject to compliance otherwise with the provisions of this code in general and this article in particular:

- (A) Signs in locations other than residential areas measuring no more than eight square feet on property in other than residential areas and three square feet in residential areas denoting that the property on which the sign is located is for s

lease or rent.

(B) Signs in residential areas measuring no more than three square feet denoting the name of the residents and the address of the premises.

(C) Signs denoting the architect, engineer or contractor, placed on the premises where construction, repair or renovation is in progress. Such signs may not exceed eight square feet in area or four feet in height. All such signs must be removed within three days after the completion of the project.

(D) Auxiliary signs which are not part of another sign and which provide information such as hours of operations, credit cards accepted, restrictions of sale to minors, "no soliciting" or "beware of the dog." The area of such individual signs shall not exceed one square foot, and the aggregate area of all such signs cannot exceed four square feet for any commercial establishment or residence.

(E) Political signs, which by their content support or oppose any candidate for public office or any proposition to be voted upon at an election, or which make a political or ideological statement in the nature of constitutionally protected non-commercial free speech. Such signs:

- (1) Cannot have an effective area greater than 36 square feet;
- (2) Cannot be more than eight feet high;
- (3) Cannot be illuminated; and
- (4) Cannot have any moving elements.

(5) May be placed up to 60 days prior to a primary, runoff or general election and up to seven days after the primary, runoff or general election for which posted.

(F) Daily display signs - nonpermanent signs relating to the business conducted on the premises, placed out of door during business hours for display and returned indoors during off hours. Such signs:

- (1) Cannot be larger than six square feet;
- (2) No more than one such sign per business;
- (3) Must be located on the leased or rented premises of the business advertised; and
- (4) Placement cannot impede pedestrian or vehicular traffic or interfere with parking.

(G) No permit is required to repaint or otherwise repair an existing sign, provided that the area of the sign is not enlarged, the height of the sign is not increased, the location of the sign is not changed, and the content of the sign does not materially change. This provision does not apply to preexisting nonconforming signs.

(H) No permit is required to change the copy on a changeable copy sign.

(I) No permit is required for national, state, church, school flags or any other flag that constitutes protected non-commercial free speech.

(J) *Event signs - off site.* Signs giving directions to an occasional event at another location, other than a business event at an establishment, such as directions to a civic or other noncommercial ceremony, to an event for the members of an organization, or to an event at a residence such as a garage sale or private party may be placed only on private property and only with the consent of the owner of the property. No more than three such signs may be used to give directions to the same event. Such signs may not exceed three square feet each, and may not be placed more than 14 days prior to the event, and must be removed within one day after the conclusion of the event.

(K) *Event signs - on site.* A sign which is placed to advertise or mark the location of an occasional event on the same site other than a business event at an establishment, such as civic or other noncommercial ceremony, an event for the members of an organization, or an event at a residence such as a garage sale or private party. Such signs may not exceed an area of three square feet at a residence or 12 square feet at any other location. Such signs may not be placed more than 14 days prior to the event, and it must be removed within one day after the conclusion of the event. There shall be not more than three on-site event signs for any event.

(L) *Community service signs.* Community service signs may be erected only by a unit of government, school, chamber of commerce, religious organization or other non-profit agency. The area of a community service sign may not exceed six square feet in a residential area or 16 square feet in all other areas.

(M) A community service sign that promotes any particular event may not be erected more than 14 days prior to the event and all such signs must be removed by the responsible party not more than three days after the event.

(N) Community service signs that are street banners must conform to requirements established by the Texas Department of Transportation (TxDOT).

(O) Temporary decorations or displays, 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.

(P) Garage sale signs may be placed for no more than two days on the premises of the garage sale.

(Ord. 102-16, passed - -16)

### § 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)

**§ 156.019 PROHIBITED SIGN TYPES.**

(A) Abandoned signs (See definition in § 156.003).

(B) *Beacons*. This includes any light with a beam directed into the atmosphere or directed at a point which is not on the same property as the light source, or a light with one or more beams that move.

(C) *Billboards*. This includes any sign which advertises or calls attention to any business, product, service, or other activity which is not located on the same premises as the sign.

(D) *Portable changeable copy signs*. This includes any sign or part of a sign on which content can be changed without altering the face or surface of the sign, and which sign is not permanently attached to the ground or to a permanent structure, or a sign designed to be transported, whether on attached wheels or otherwise.

(E) *Flashing signs*. Any sign with flashing, blinking, moving or traveling lights or with lights that change in color or intensity or a sign which uses lights to form traveling messages or messages which change more than once per day.

(F) *Moving signs*. Any sign or part of a sign which is animated or moves. This includes ribbons, streamers, spinners and other similar devices, whether such devices are intended to be temporary or permanent in nature.

(G) *Promotional signs*. Any generic sign promoting a product or service by brand name and which is not specific to the establishment displaying the sign.

(Ord. 102-16, passed - -16)

**PERMITS AND MAINTENANCE**

**§ 156.030 SIGN PERMITS.**

(A) *Permit and fee required*. Except as otherwise provided in this ordinance, no person may construct, reconstruct, place, install, repair, maintain, relocate any sign without first obtaining a sign permit from the city through its Permit Department. Each application for a sign permit must be accompanied by the appropriate fee established by the city. The fees established herein are as follows:

(1) All illuminated signs on premises (electric) - \$50.

(2) Non-illuminated signs on premises - \$20.

(3) Spinners, pennants and banners - no charge.

(B) *Expiration of permits*. Permits shall expire if substantial progress on the approved action has not been achieved within six months. Substantial progress shall include good faith initiation of construction of the sign or significant expenditures of funds toward sign construction.

(C) *Modifications*. After a sign permit has been issued by the city, it shall be unlawful to deviate from the terms and conditions of the permit without prior approval by the Building Inspector.

(Ord. 102-16, passed - -16)

**§ 156.031 SIGN MAINTENANCE AND NUISANCES.**

(A) All signs and sign structures must be maintained in a structurally safe condition, and in good repair, and shall not be allowed to become a dilapidated sign, as defined by this chapter. A sign or sign structure shall constitute a nuisance if it injures or threatens to injure the public health, peace or comfort and is a nuisance per se or at common law or is otherwise declared to be a nuisance or dilapidated sign pursuant to this chapter. The city shall notify, by certified mail, the responsible party for any sign that or sign structure constitutes a nuisance determination within ten days of receipt of the notice. If the

responsible party chooses not to take the instructed action or institute an appeal, the city may repair or remove the sign or sign structure, to the extent necessary to abate the nuisance. The city may charge to the responsible party all costs associated with the sign's repair or removal. An appeal of a nuisance determination shall be to the City Council. Item 7.

(B) *Imminent hazard.* Any sign or sign structure which in the judgment of the Building Inspector has become an imminent hazard to public safety shall be repaired or removed by the responsible party without delay. Notice of the existence of the hazard shall specify the maximum time which may be allowed for repairs or removal, and the notice may be served upon the responsible party by any means available. A sign or sign structure which constitutes an imminent hazard and is not repaired or removed within the time specified in the notice shall be removed by the city and the cost of such removal shall be charged to the responsible party. If a sign or sign structure has been removed by the city as a hazardous sign and the sign remains unclaimed for a period of more than 30 days, the city may destroy, sell, or otherwise dispose of the sign. A sign or sign structure presents an imminent hazard when it constitutes a nuisance and necessitates immediate action to avoid harm to the public health or safety.

(C) *Removal of sign structure.* If there is no sign on a sign structure for a period of 180 consecutive days, the sign structure must be removed by the owner of the premises on which the sign is located.

(Ord. 102-16, passed - -16)

## **PREEXISTING EXCEPTIONS, VARIANCES, AND CONSTRUCTION**

### **§ 156.045 PREEXISTING NON-CONFORMING SIGNS.**

(A) All signs which have been installed, and were lawful at the time of installation, and are in existence as of the effective date of this chapter, which do not conform to this chapter shall be known as "preexisting non-conforming signs." Such preexisting non-conforming signs need not comply with the provisions of this chapter except as follows:

(1) Any changes to a preexisting non-conforming sign, other than routine repair or maintenance, require that said sign be brought into compliance with all applicable city ordinances.

(2) When a preexisting non-conforming sign becomes an abandoned sign, its status as a preexisting non-conforming sign shall terminate.

(B) The lighting of a preexisting non-conforming illuminated sign shall be brought into conformity with this chapter.

(C) *Removal of destroyed signs.* A preexisting non-conforming sign shall be considered destroyed if the cost of repairing the sign, after a part of it has been destroyed or dismantled, is more than 60% of the cost of erecting a new sign of the same type at the same location. A destroyed sign must be removed by the responsible party without compensation by the city and within 30 days of the damage, destruction or dismantling. A preexisting non-conforming sign that has been destroyed may not be replaced or rebuilt except by a sign which is in full conformity with this subchapter.

(Ord. 102-16, passed - -16)

### **§ 156.046 VARIANCES.**

(A) *Application and fee required.* A variance is written approval to depart from the strict application of the provisions of this chapter. Any person, business or other organization desiring to continue to construct, reconstruct, place, install, repair, maintain, relocate, alter or use any sign which does not conform to the provisions of this article may make application to the City Council for a variance to the provisions of this subchapter. The application shall be filed with the City Manager, accompanied by the appropriate fees established by the city, which are set out in the city's fee schedule for each application for variance.

(B) *Standards for variances.* The City Council may approve a variance only if it makes affirmative findings, reflected in the minutes of the City Council's proceedings, as to all of the followings:

- (1) The variance will not authorize a type of sign which is specifically prohibited by this subchapter;
- (2) The variance is not contrary to the goals and objectives outlined by the City of Sweeny's comprehensive plan;
- (3) The variance is not contrary to the public interest; and

(4) Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship. Ordinarily, hardship that is self-induced or that is common to other similarly classified properties will not satisfy this requirement. Financial or economic hardship alone will not ordinarily satisfy this requirement.

- (5) The spirit and purpose of the ordinance will be observed, and substantial justice will be done.

(C) *Conditions of variances.* The City Council may impose such conditions or requirements in a variance as are necessary in the City Council's judgment to achieve the fundamental purposes of this article. A violation of such conditions or requirements shall constitute a violation of this subchapter. A variance, if granted, shall be for a specific event, use or other application of a business and shall not continue with the property. If a variance is granted and the activity authorized is not substantially underway within six months of the date of approval of the variance, the variance shall lapse and become of no force or effect.

(Ord. 102-16, passed - -16; Am. Ord. 101-21, passed 3-16-21)



**Cross-reference:**

*Fee schedule, see § 38.01*

Item 7.

**§ 156.047 CONSTRUCTION.**

This subchapter shall not be construed to require or allow any act which is prohibited under the code. This subchapter is specifically subordinate to any other code provisions of the city pertaining to safety or building standards.

(Ord. 102-16, passed - -16)

**§ 156.999 PENALTY.**

Failure to observe and obey the chapter adopted above shall constitute a misdemeanor, and shall be punishable by a fine not to exceed \$500, constituting a separate offense.

(Ord. 102-16, passed - -16)



# AGENDA MEMO

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

Item 8.

<b>Meeting Date</b>	05.16.2023	<b>Agenda Item</b>	
<b>Approved by City Manager</b>	Yes	<b>Presenter(s)</b>	Wade Thompson, Municipal Financial Advisor – Government Capital
<b>Reviewed by City Attorney</b>	No	<b>Department</b>	Administration / CIP
<b>Subject</b>	<p style="text-align: center;">ORDINANCE AUTHORIZING AND ORDERING THE ISSUANCE OF CITY OF SWEENEY, TEXAS LIMITED TAX NOTE, SERIES 2023; SPECIFYING THE TERMS AND FEATURES OF SUCH NOTE; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID NOTE; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT, AND DELIVERY OF A PAYING AGENT/REGISTRAR AGREEMENT; AND PROVIDING AN EFFECTIVE DATE</p>		
<b>Attachments</b>	None		
<b>Financial Information</b>	Expenditure Required:	TBD based on engineering estimate	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

### Executive Summary

The Transportation Alternatives call for projects through the Texas Department of Transportation requires a 20% funding match from the City with a reimbursement for engineering and construction costs of 80%. Project costs are required to be in place before construction lets. The idea is to take out a short-term loan for the cost of the project and pay it back with the fund balance of the Sidewalk Fund – approximate fund balance of \$270,000 and with the 80% TxDOT reimbursement.

Wade Thompson with Government Capital will provide the documents for Council’s review and consideration at the meeting. Documents were not fully prepared before the agenda packet was published.

### Recommended Action

Staff recommends approval.



# AGENDA MEMO

## Business of the City Council

### City of Sweeny, Texas

<b>Meeting Date</b>	05.16.2023	<b>Agenda Item</b>	
<b>Approved by City Manager</b>	Yes	<b>Presenter(s)</b>	Lindsay Koskiniemi, City Manager Representative from Brazos Commercial Roofing
<b>Reviewed by City Attorney</b>	No	<b>Department</b>	Library
<b>Subject</b>	Discussion and possible action on water intrusion at ground level at Sweeny Community Library and proposed budget amendment.		
<b>Attachments</b>	Proposal from Brazos Commercial Roofing		
<b>Financial Information</b>	Expenditure Required:	\$28,500.00	
	Amount Budgeted:	\$0	
	Account Number:		
	Additional Appropriation Required:	Budget amendment required to approve work.	
	Additional Account Number:		

### Executive Summary

The City of Sweeny has received continuous complaints from the library staff at the Sweeny Community Library concerning a wet carpeted area in the children's book section that was believed to water intrusion from the roof.

The roof weather proofing portion of the exterior upgrades to the Library and Community Center Building is complete, and contractor has determined the water intrusion is from the exterior weep holes at the ground level. The water intrusion happens during heavy rain events.

Brazos Commercial Roofing has prepared a proposal utilizing the Choice Partners purchasing cooperative interlocal agreement for best negotiated pricing for removing the brick, drying, weatherproofing, and sealing the full length of the base of the building so that no water can intrude in future rain events up to 1' above ground level.

If the City Council chooses to approve the work, the proposed method of payment is to transfer from the General Fund balance. If the City Council does not approve the work, the Council has the option to include this project as a CIP project in the FY24 budget.

### Recommended Action

No recommended action.



COMMERCIAL - INDUSTRIAL - ROOFING - SHEETMETAL - INSULATION - WATERPROOFING - COATINGS

# ROOFING PROPOSAL

Date: 05/11/23  
 To: Lindsay Koskiniemi  
 City of Sweeny  
 102 W. Ashley Wilson Rd.  
 Sweeny, TX 77480

From: Nichole Tackwell  
 Brazos Commercial Roofing  
 113 E. Main St.  
 Clute, TX 77531

Re: Sweeny Library & Community Center Waterproofing Under Choice Partners contract # 21/021MJ-08

We propose to furnish all materials, labor supervision, insurance and everything necessary to do the following work according to any provided plans or specifications.

1. Perform all work in accordance with OSHA guidelines
  2. Mobilize materials, tools and equipment to jobsite
  3. In 5 ft sections leaving 1 foot sections and 3 bricks high, remove brick , 180 lf
  4. Fabricate and install metal flashing, 180 lf
  5. Furnish and install waterproofing membrane up the wall with termination bar
  6. Furnish and install replacement brick to match existing profile, 3 bricks high, 180 lf
  7. Furnish and install Sikagard 550 W Elastocolor at 100 sqft per gallon to match, 3 bricks high, 180 lf
  8. Furnish and install sealant to match existing profile as needed
  9. Remove and dispose of all debris created by project daily
  10. Provide Owner with Brazos' TWO – YEAR Workmanship Warranty on work completed, per scope
- NOTE: Does NOT include any work not expressly stated. Pricing NOT inclusive of taxes, permits, and fees. Does NOT include any plumbing, or structural. Does NOT include disconnect or reconnect of any mechanical or electrical.*

**FOR THE SUM OF: \$28,500.00 add applicable taxes**

Owner recognizes that if moisture has entered the dwelling prior to the contractor beginning work, contractor is not liable for property damage or bodily injury claims allegedly resulting from insect damage or fungus and mold infestation. I have seen and understand the terms and conditions of the standard warranty issued by Brazos Commercial Roofing.

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

Note: This proposal may be withdrawn by us if not accepted within 15 days

**ACCEPTANCE OF PROPOSAL – The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.**

All materials are guaranteed to be as specified. All work to be completed in a workman like manner according to standard roofing practices. Any alteration or deviation from specifications outlined above involving extra cost will be executed only upon written approval, and will become an extra charge over and above the estimate. Agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by workman's compensation insurance.



# AGENDA MEMO

## Business of the City Council

### City of Sweeny, Texas

<b>Meeting Date</b>	05/16/2023	<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>	Approve financing for road and utility expansion and improvement at the Industrial Park		
<b>Attachments</b>	Proposal from Government Capital and excel spreadsheet		
<b>Financial Information</b>	Expenditure Required:		
	Amount Budgeted:		
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

#### Executive Summary

Sweeny EDC is seeking approval for financing for the Industrial Park road and utility expansion and improvements.

#### Recommended Action

Approve financing to move forward with road and utility expansion and improvement at Sweeny EDC Industrial Park.



**Attn:** Mr. Colby Lowrie

**May 9, 2023**

**Ref:** Sweeny EDC Industrial Park Improvements Project

**SGS Job Estimate Number:** 23.032 **REV 2**

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:

Sweeny Industrial Park Improvements	
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
Sub Grade	\$132,754.63
8" Concrete Road	\$431,307.64
<b>TOTAL</b>	<b>\$908,644.59</b>

### SCOPE

1. Grub work area to remove all vegetation.
2. Install underground piping and hydrants.
3. Cut 750 cy pond.
4. Install 200' limestone well road.
5. Cut ditches and build up roadbed, install and compact crushed concrete road base.
6. Install 8" thick concrete with #4 Rebar on 2' O.C.

### 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. 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.
8. 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.
9. Bid excludes sales tax.
10. 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)







# AGENDA MEMO

## Business of the City Council

### City of Sweeny, Texas

<b>Meeting Date</b>	05/16/2023	<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>	Approve financing for road and utility expansion and improvement at the Industrial Park		
<b>Attachments</b>	Proposal from Government Capital and excel spreadsheet		
<b>Financial Information</b>	Expenditure Required:		
	Amount Budgeted:		
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

#### Executive Summary

Sweeny EDC is seeking approval for financing for the Industrial Park road and utility expansion and improvements.

#### Recommended Action

Approve financing to move forward with road and utility expansion and improvement at Sweeny EDC Industrial Park.

**Southern Gulf  
Solutions**

<b>Bid</b>	<b>\$908,644.59</b>
Material Testing	\$30,000.00
SWPPP	\$8,000.00
Construction Management	\$60,000.00
Profile drawings depth of Energy Transfers' pipeline	\$20,000.00
As Built Drawings/Plats	\$10,000.00
<b>TOTAL</b>	<b>\$128,000.00</b>
<b>SUB TOTAL</b>	<b>\$1,036,644.59</b>
15% Contingency	\$155,496.69
	<b>\$1,192,141.28</b>
<b>GRAND TOTAL</b>	<b>\$1,192,141.28</b>
Cash on Hand	\$400,000.00
<b>FINANCING</b>	<b>\$792,141.28</b>



# AGENDA MEMO

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

<b>Meeting Date</b>	05.16.2023	<b>Agenda Item</b>	
<b>Approved by City Manager</b>	Yes	<b>Presenter(s)</b>	Brad Caudle, Chief of Police Karla Wilson, Finance Director
<b>Reviewed by City Attorney</b>	No	<b>Department</b>	Finance, Police
<b>Subject</b>	Discussion and possible action to remove Chad Makara from all Sweeny Police Department bank accounts and to add Brad Caudle, Erica Harris, and Karla Wilson as signor o all Sweeny Police Department bank accounts.		
<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

Requesting that Chad Makara be removed as a signer on all Police Department bank accounts as listed below,

- Narcotics Grant Fund- (checking) account #0017582
- Drug Interdiction Fund (saving) account #200075397
- Seizure Fund (saving) account #96196134
- Forfeiture Fund (saving) account #96196126
- Training Fund (saving) account #96196142
- Blue Santa Account (checking) account #96083077
- K9 Fund Account (checking) account #2403311

Please authorize the adding of the following signers,

- Chief Brad Caudle (already a signer)
- Erica Harris (Police Department)
- Karla Wilson (City Hall)

### Recommended Action

Staff recommends approval.



# AGENDA MEMO

## Business of the City Council

### City of Sweeny, Texas

<b>Meeting Date</b>	05.16.2023	<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 Bennett Outlar Little League Property/Complex.		
<b>Attachments</b>	Agenda Request Form Submitted originally on 03/14/23 by Brian Brooks		
<b>Financial Information</b>	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

#### Executive Summary

Per the March 21, 2023 Council Meeting, the item was tabled for two months to consider severing ties.

Prior information submitted: The City of Sweeny contributes utilities to the Bennett Outlar Park that include City water, wastewater, refuse, and electrical services. 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.

#### Recommended Action

Council Discretion



# CITY OF SWEENEY

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>	05.16.2023	<b>Agenda Item</b>	
<b>Approved by City Manager</b>	Yes	<b>Presenter(s)</b>	Brad Caudle, Police Chief
<b>Reviewed by City Attorney</b>	Yes	<b>Department</b>	Police
<b>Subject</b>	Discussion and possible action on a resolution to require that police hired for security during events on City property be employed by the City of Sweeny.		
<b>Attachments</b>	<ul style="list-style-type: none"> <li>- Proposed Resolution</li> <li>- Letter from Chief Caudle</li> </ul>		
<b>Financial Information</b>	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:		
	Additional Appropriation Required:		
	Additional Account Number:		

#### Executive Summary

Per the City’s Code, events on City property with alcohol require police security. This ordinance proposes that Sweeny police will be hired as security for these events. Requests for police security will be made in writing to the Chief of Police, and if the Sweeny Police Department is unable to provide the requested security, the requested can then, and only then, seek police security from other agencies.

#### Recommended Action

Staff recommends approval.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SWEENY, TEXAS, APPROVING THE POLICE DEPARTMENT POLICY MEMORANDUM DATED APRIL 20, 2023, RELATING TO POLICE PROVIDING SECURITY FOR EVENTS WITHIN THE CITY

WHEREAS, the City of Sweeny and the Sweeny Police Department recognize the necessity to have a standard policy within the city relating to the provision of security for events held within the City; and

WHEREAS, the provision of security is especially important at events where alcoholic beverages are sold, distributed, possessed or consumed at events on City property; and

WHEREAS, all security for hire for events where alcoholic beverages are sold, distributed, possessed or consumed at events on City property will be provided by Sweeny Police:

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

Section 1:

The findings of fact stated herein are found to be true and correct.

Section 2:

The City Council hereby approves and adopts as City of Sweeny policy the policy memorandum dated April 20, 2023, signed by the Chief of Police, which provides regulations for the provision of police security at events on City of Sweeny property, where alcoholic beverages are sold, distributed, possessed or consumed. A copy of the memorandum is attached hereto.

APPROVED AND ADOPTED \_\_\_\_\_, 2023.

\_\_\_\_\_  
DUSTY HOPKINS, Mayor of the City of Sweeny

ATTEST:

\_\_\_\_\_  
KAYDI SMITH, City Secretary







## Sweeny Police Department

Est. 1909 † Home of the Unknown Soldier  
123 N. Oak Street † Sweeny, Texas 77480  
Dispatch | 979-548-3111 † Office | 979-548-3112  
Brad Caudle, Chief of Police



Item 14.

04/20/2023

**To:** All Sweeny City Departments, appointed Boards and Commissions

**Ref:** Any Entity Directly or Indirectly responsible for Events Requiring Police Security as it Relates to the Sell, Distribution, Possession or Consumption of Alcoholic Beverages on any City of Sweeny Property.

The Sweeny Police Department **MUST** be contacted for security on all events held within the city limits of Sweeny, excluding Sweeny ISD events. The Sweeny Police Department will provide security at these events, and in any case the department is unable to provide security then the Chief's designee will contact outside agencies for assistance.

**Only the Chief of Police can authorize any deviation from this memorandum.** If approved by the Chief of Police, any security used from outside agencies must be Texas Peace Officers (licensed by TCOLE and commissioned) and must be present for the duration of the event.

Events held at the Community Center must have officer credentials given to City Hall no later than 72 hours prior to the event date, regardless of the agency used. Security, whether provided by the Sweeny Police Department or approved outside agencies will have absolute discretion to shut down any event for drunkenness, out of control, dangerous, or unruly behavior.

If any criminal offense was attempted or committed, it would ultimately fall under the responsibility of the City of Sweeny Police Department due to jurisdiction and would require the Sweeny Police Department to arrest offenders without a warrant in every case the officer is authorized by law and has good reason to believe there has been a violation of the penal law committed.

If there are any questions about this policy, please feel free to contact me.

Sincerely,

Brad Caudle  
Chief of Police  
Sweeny Police Department  
bbcaudle@sweenytx.gov



# AGENDA MEMO

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

<b>Meeting Date</b>	05.16.2023	<b>Agenda Item</b>	
<b>Approved by City Manager</b>	Yes	<b>Presenter(s)</b>	Lindsay Koskiniemi, City Manager
<b>Reviewed by City Attorney</b>	No	<b>Department</b>	
<b>Subject</b>	Discussion and possible action on City-owned property at 111 W. 3rd Street, and corresponding lease agreements with Sweeny Economic Development Corporation, Sweeny Chamber of Commerce, and Brazoria County Appraisal District Tax office.		
<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

City staff received complaints from tenants concerning an unpleasant smell from inside the City-owned building at 111 W. 3<sup>rd</sup> Street, leased by Sweeny Economic Development Corporation, Sweeny Chamber of Commerce, and Brazoria County Appraisal District Tax Office.

On April 25, 2023, the City hired an environmental hygienist from IAQ Environmental to conduct mold tests and ambient air tests. The results provided the building interior has elevated levels of humidity and Cladosporium spores. The cost to remediate mold in this building is costly, according to J. Mat, Indoor Air Quality Investigator, who conducted the testing. No cost estimates to remediate the mold have been obtained, however, Mr. Mat said it could be more than \$100k to properly remediate the entire building.

Currently, the City has lease agreements with Brazoria County Appraisal District, SEDC, and Sweeny Chamber of Commerce (SEDC and Chamber agreements attached). The Chamber lease agreement ends on September 5, 2023, and the SEDC agreement end on September 10, 2023. Confirmation on ending date for Tax Office lease pending. Both confirmed lease agreements provide that a 30-day notice is required prior to the lease expiring, otherwise the lease is automatically renewed for one year.

Neither lease contains language that obligates the City to provide alternative locations in the event the building at 111 W. 3<sup>rd</sup> St cannot be used by the tenant(s).

### Recommended Action

Staff requests guidance from City Council on how to proceed.



**IAQ Environmental**

24200 Southwest Fwy

Suite 402, #160

Rosenberg, TX 77471

Phone: (832) 455-0550

Email: [iaqenvironmental@gmail.com](mailto:iaqenvironmental@gmail.com)

Website: [iaqenvironmental.com](http://iaqenvironmental.com)

Inspector: Jack Matut IEP, MAC

Texas License Mold Assessment Consultant: MAC1904

Per your request, IAQ Environmental (Jack Matut) has collected all appropriate information **subject to the property and has successfully prepared and finalized a mold report. The assessment of the property was conducted which included a visual assessment along with air o cell spore trap sampling, and direct fungal examination.**

**Respectfully Submitted,**

**Jack Matut**

**Purpose:**

The purpose of the mold assessment was to determine the presence and extent of microbial growth and/or unusual moisture conditions in the building. The conclusions contained in this report are based on information obtained during the mold assessment, which included:

- ▶ Interviews of property representatives
- ▶ Visual observations
- ▶ A moisture survey
- ▶ Measurement of temperature and relative humidity
- ▶ Collection and laboratory analysis of Spore Trap Sampling: 2 indoor samples, 1 outdoor background sample, and 2 direct swab samples for 1 from the air return, and 1 air register located in the lobby entry.

Client Name: The City of Sweeny

Inspector: Jack Matut, MAC-Texas Mold Assessment Consultant License MAC-1904

Location Address: 111 W Third St Sweeny, TX 77480

Contact: Lindsay Koskiniemi

Submitted Via Email: [citymanager@sweenytx.gov](mailto:citymanager@sweenytx.gov)

Date: 04/25/2023

Time of Inspection: 1:00 PM

Outside Temperature: 79°

**Outside Humidity: 64%**

Outside Conditions: Clear

**Indoor Temperature: 77°**

**Indoor Humidity: 62%**

**# of direct samples taken: 2**

**# of air samples taken: 2 Indoors-1 Outdoor Background**

**Interview**

Personel left the office complaining of headaches. The building has a history of flooding.

Conclusion

The initial investigation, and assessment concludes. The interior relative humidity is elevated. The optimum RH should be between 50-55%.

There appears to be water intrusion located at the front door (see photo)

Evidence of Roof leaks damaged ceiling tiles in several areas of the building.

There is panel wall finishing throughout the building. Paneling acts as an insulator that can cause condensation.

Attached separately is the laboratory results, and chain of custody.

\*More investigation is necessary to check for mold problems behind the walls, drilling a small hole in the wall may be necessary to test areas by way of inserting a tube to sample the wall cavity.

The City of Sweeny 111 W Third St Sweeny, TX 77480









SEEML Reference Number:  
H-230425027

**Southeast Environmental Microbiology Laboratories**

440 Cobia Drive Ste. 1901  
Katy, TX. 77494  
Phone: (832) 437-2667

The information and data for **IAQ Environmental** has been checked for thoroughness and accuracy. The following reports are contained within this document:

- Surface/Bulk Report
- Spore Trap Report
- Andersen Fungal Report
- Quantitative Fungal Report

Lab Manager Review: Magzoub Ismail Date: 04/25/2023

Thank you for using SEEML laboratories. We strive to provide superior quality and service. SEEML laboratories are accredited through AIHA LAP, LLC (EMLAP #232339) for the analysis of Spore Traps and Surface/Bulk Samples and licensed by the Texas Department of Licensing and Regulation (LAB1016).

The data within this report is reliable to three significant figures. The third significant figure is technically unjustified. In this instance, the third figure is reported as an estimate to facilitate the interpretation by the customer.

**Confidentiality Notice:**

The document(s) contained herein are confidential and privileged information, intended for the exclusive use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of the document(s) is strictly prohibited. If you have received this document in error, please immediately notify us by telephone to arrange for its return. Thank you.

**Guidelines for Interpretation:**

No accepted quantitative regulatory standards currently exist by which to assess the health risks related to mold and bacterial exposure. Molds and bacteria have been associated with a variety of health effects and sensitivity varies from person to person.

Several organizations, including: the American Conference of Government Industrial Hygienists (ACGIH); the American Industrial Hygiene Association (AIHA); the Indoor Air Quality Association (IAQA); the United States Environmental Protection Agency (USEPA); the Centers for Disease Control (CDC), as well as the California Department of Health Services (CADHS), have all published guidelines for assessment and interpretation of mold resulting from water intrusion in buildings.

Interpretation of the data and information within this document is left to the company, consultant, and/or persons who conducted the fieldwork.

# Spore Trap Report

<b>IAQ Environmental</b>	Date Sampled: 04/25/2023	Item 15.
<b>21200 Southwest Fwy Suite 402, #160</b>	Date Received: 04/25/2023	
<b>Rosenberg, TX 77471</b>	Date Analyzed: 04/25/2023	
<b>832-455-0550</b>	Date Reported: 04/25/2023	
	Date Revised:	
	Project Name: City of Sweeny	
	Project Address: 111 W. 3rd St	
	Project City, State, ZIP: Sweeny, TX 77480	
	SEEML Reference #: H-230425027	

**TEST METHOD: DIRECT MICROSCOPY EXAMINATION SEEML SOP 7**

Client Sample ID	3			4			5		
Location	Conference			Lobby			Outdoors		
Comment/Notes									
Lab Sample ID	H-230425027-101			H-230425027-102			H-230425027-103		
Detection Limit (spores/m <sup>3</sup> )	13			13			13		
Hyphal Fragments	11	143		5	65				
Pollen							16	208	
Spore Trap Used	AOC			AOC			AOC		
	raw ct.	spores/m <sup>3</sup>	%	raw ct.	spores/m <sup>3</sup>	%	raw ct.	spores/m <sup>3</sup>	%
Alternaria (=Ulocladium)	2	26	<1				6	78	<1
Ascospores				4	52	2	28	364	2
Basidiospores	8	104	1	4	52	2	76	988	7
Bipolaris/Drechslera									
Chaetomium									
Cladosporium	512	6660	82	200	2600	77	768	9980	68
Curvularia									
Epicoccum							2	26	<1
Cercospora							1	13	<1
Fusarium									
Memnoniella									
Nigrospora									
Penicillium/Aspergillus	100	1300	16	52	676	20	228	2960	20
Polythrincium									
Rusts									
Smuts/Periconia/Myxomy							6	78	<1
Spegazzinia									
Stachybotrys									
Stemphylium									
Tetraploa									
Torula							9	117	<1
Trichoderma									
Colorless/Other Brown*									
Oidium									
Zygomycetes									
Pithomyces									
Background debris (1-5)**	3			3			3		
Sample Volume(liters)	75			75			75		
<b>TOTAL SPORES/M<sup>3</sup></b>	622	<b>8090</b>		260	<b>3380</b>		1124	<b>14600</b>	
Revisions:									

**Comments:**  
 Spore types listed without a count or data entry were not detected during the course of the analysis for the respective sample, indicating a raw count of <1 spore.  
 The analytical sensitivity is the spores/m<sup>3</sup> divided by the raw count, expressed in spores/m<sup>3</sup>. The limit of detection is the analytical sensitivity (in spores/m<sup>3</sup>) multiplied by the sample volume (in liters) divided by 1000 liters.  
 \*Colorless, other Brown are spores without a distinctive morphology on spore traps and non-viable surface samples.  
 \*\*Background debris is the amount of particulate matter present on the slide and is graded from 1-5 with 1 = very light, 2 = Light, 3 = Medium, 4 = Heavy, 5 = Very Heavy. The higher the rating the more likelihood spores may be underestimated. A rating of 5 should be interpreted as minimal counts and may actually be higher than reported.  
 \*\*\*Ulocladium has been recognized by the International Mycological Association to be equal to Alternaria and so they are reported as one  
**Disclaimer:** The sample results are determined by the sample volume, which is provided by the customer.  
 This report relates only to the samples tested as they were received.  
 Respectfully submitted, SEEML

440 Cobia Drive Ste. 1901  
 Katy, TX. 77494  
 Phone: (832) 437-2667

*Magzoub Ismail*  
 Magzoub Ismail, Approved Laboratory Signatory



# Surface and Bulk Sample Report

Item 15.

<b>IAQ Environmental</b>	Date Sampled: 04/25/2023
<b>21200 Southwest Fwy Suite 402, #160</b>	Date Received: 04/25/2023
<b>Rosenberg, TX 77471</b>	Date Analyzed: 04/25/2023
<b>832-455-0550</b>	Date Reported: 04/25/2023
	Date Revised:
	Project Name: City of Sweeny
	Project Address: 111 W. 3rd St.
	Project City, State ZIP: Sweeny, TX 77480
	SEEML Reference #: H-230425027

**TEST METHOD: Direct Microscopic Examination (SEEML SOP 18)**

Client Sample ID	1	2		
Location	Air Return	Register Lobby		
SEEML Sample ID	H-230425027-099	H-230425027-100		
Sample Type	Swab	Swab		
	Quantification*	Quantification*		
Hyphal Fragments		<b>M</b>		
Pollen				
<b>General Impressions **</b>	<b>NFG</b>	<b>FG</b>		
<b>Miscellaneous Spores</b>	<b>VL</b>			
<b>Fungal Growth:</b>				
Alternaria (= Ulocladium)				
Acremonium				
Ascospores				
Basidiospores				
Bipolaris/Drechslera				
Cercospora				
Chaetomium				
Cladosporium		<b>H</b>		
Curvularia				
Epicoccum				
Fusarium				
Geotrichum sp.				
Memnoniella				
Myxomycetes				
Nigrospora				
Penicillium/Aspergillus				
Pithomyces				
Rusts/Smuts				
Stachybotrys				
Torula				
Trichoderma				

**Revisions:**

\*\* General Impressions: NFG = No Fungal Growth, FG = Fungal Growth, MFG = Minimal Fungal Growth Or Growth in vicinity  
 Ulocladium has been recognized by the International Mycological Association to be equal to Alternaria and so they are reported as one.  
 Quantification of fungal growth is done by semi-quantitative grading using the following ranges:

Scattered Spores = 1-20 fungal spores  
 VL = 21-100 fungal spores      L = 101-1,000 fungal spores      M = 1,001-10,000 fungal spores      H = >10,000 fungal spores  
 ND = No Fungal Spores Detected

Disclaimer: This report relates only to the samples tested as received.

Respectfully submitted, SEEML

**Magzoub Ismail, Approved Laboratory Signatory**

440 Cobian Drive, Ste 1901  
 Katy, TX. 77494  
 Phone: (832) 437-2667

AIHA LAP, LLC EMLAP #232339  
 Texas Lic: LAB1016  
 Form 46.0 Rev 5 02/03/22

# Fungal Descriptions

## Alternaria sp.

---

Aw - 0.89. Conidia dimensions: 18-83 x 7-18 microns. A very common allergen with an IgE mediated response. It is often found in carpets, textiles and on horizontal surfaces in building interiors. Often found on window frames. Outdoors it may be isolated from samples of soil, seeds and plants. It is commonly found in outdoor samples. The large spore size, 20 - 200 microns in length and 7 - 18 microns in sizes, suggests that the spores from these fungi will be deposited in the nose, mouth and upper respiratory tract. It may be related to bakers' asthma. It has been associated with hypersensitivity pneumonitis. The species *Alternaria alternata* can produce tenuazonic acid and other toxic metabolites that may be associated with disease in humans or animals. Common cause of extrinsic asthma (immediate-type hypersensitivity: type I). Acute symptoms include edema and bronchospasms; chronic cases may develop pulmonary emphysema.

## Ascospore

---

A spore borne in a special cell called an ascus. Spores of this type are reported to be allergenic. All ascomycetes, members of a group of fungi called Ascomycotina, have this type of spore. The minute black dots on rotting wood and leaves or the little cups on lichens are examples of ascomycetes; another is the "truffle" mushroom.

## Aspergillus/Penicillium

---

These are two of the most commonly found allergenic fungi in problem buildings. *Aspergillus* comes in many varieties (species). Many of the varieties produce toxic substances. It may be associated with symptoms such as sinusitis, allergic bronchopulmonary aspergillosis, and other allergic symptoms. *Penicillium* is a variety of mold that is very common indoors and is found in increased numbers in problem buildings. It also has many varieties, some of which produce toxic substances. The symptoms are allergic reactions, mucous membrane irritation, headaches, vomiting, and diarrhea. Due to the morphological similarity of *Aspergillus* and *Penicillium*, they are not differentiated by microscopic analysis and are reported together.

## Aspergillus sp.

---

Aw 0.75 - 0.82. Reported to be allergenic. Members of this genus are reported to cause ear infections. Many species produce mycotoxins that may be associated with disease in humans and other animals. Toxin production is dependent on the species or a strain within a species and on the food source for the fungus. Some of these toxins have been found to be carcinogenic in animal species. Several toxins are considered potential human carcinogens. Common cause of extrinsic asthma (immediate-type hypersensitivity: type I). Acute symptoms include edema and bronchospasms; chronic cases may develop pulmonary emphysema; may also be associated with sinusitis, allergic bronchopulmonary aspergillosis, and other allergic symptoms.

## Basidiospore

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Spore from basidiomycetes. Many varieties are reported to be allergenic.

## Bipolaris sp.

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A fungus with large spores that could be expected to be deposited in the upper respiratory tract. This fungus can produce the mycotoxin - sterigmatocystin, which has been shown to produce liver and kidney damage when ingested by laboratory animals.

## Botrytis sp.

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Aw 0.93. Conidia dimensions: 7-14 x 5-9 microns. It is parasitic on plants and soft fruits. Found in soil and on house plants and vegetables, it is also known as "gray mold". It causes leaf rot on grapes, strawberries, lettuce, etc. It is a well-known allergen, producing asthma type symptoms in greenhouse workers and "wine grower's lung".

## Cercospora

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Common outdoors in agricultural areas, especially during harvest. Parasite of higher plants, causing leaf spot. Commonly found as parasites on higher plants.

## Chaetomium sp.

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large ascomycetous fungus producing perithecia. It is found on a variety of substrates containing cellulose, including paper and plant compost. It has been found on paper in sheetrock. It can produce an *Acremonium*-like state on fungal media. Varieties are considered allergenic and have been associated with peritonitis, cutaneous lesions, and system mycosis.

## Cladosporium sp.

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Aw 0.88; Aw 0.84. Most commonly identified outdoor fungus. The outdoor numbers are reduced in the winter. The numbers are often high in the summer. Often found indoors in numbers less than outdoor numbers. It is a common allergen. Indoor *Cladosporium* sp. may be different than the species identified outdoors. It is commonly found on the surface of fiberglass duct liners in the interior of supply ducts. A wide variety of plants are food sources for this fungus. It is found on dead plants, woody plants, food, straw, soil, paint, and textiles. Produces greater than 10 antigens. Antigens in commercial extracts are of variable quality and may degrade within weeks of preparation. Common cause of extrinsic asthma (immediate-type hypersensitivity: type I). Acute symptoms include skin lesions, eye ulceration, mycosis (including onychomycosis, an infection of the nails of the feet or hands) edema and bronchospasms; chronic cases may develop pulmonary emphysema.

## Curvularia sp.

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Reported to be allergenic and has been associated with allergic fungal sinusitis. It may cause corneal infections, mycetoma, and infections in immune compromised hosts.

## Dreschlera sp.

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Conidia dimensions: 40-120 x 17-28 microns. Found on grasses, grains and decaying food. It can occasionally cause a corneal infection of the eye.

## Epicoccum sp.

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Conidia dimensions: 15-25 microns. A common allergen. It is found in plants, soil, grains, textiles and paper products.

## Fusarium sp.

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Aw 0.90. A common soil fungus. It is found on a wide range of plants. It is often found in humidifiers. Several species in this genus can produce potent trichothecene toxins. The trichothecene (scirpene) toxin targets the following systems: circulatory, alimentary, skin, and nervous. Produces vomitoxin on grains during unusually damp growing conditions. Symptoms may occur either through ingestion of contaminated grains or possibly inhalation of spores. The genera can produce hemorrhagic syndrome in humans (alimentary toxic aleukia). This is characterized by nausea, vomiting, diarrhea, dermatitis, and extensive internal bleeding. Reported to be allergenic. Frequently involved in eye, skin, and nail infections.

## Myxomycetes

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Members of a group of fungi that is included in the category of "slime molds". They're occasionally found indoors, but mainly reside in forested regions on decaying logs, stumps, and dead leaves. Myxomycetes display characteristics of fungi *and* protozoans. In favorable (wet) conditions they exhibit motile, amoeba-like cells, usually bounded only by a plasma membrane, that are variable in size and form. During dry spells, they form a resting body (sclerotium) with dry, airborne spores. These fungi are not known to produce toxins but can cause hay fever and asthma.

## Memnoniella

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Contaminant found most often with *Stachybotrys* on wet cellulose. Forms in chains, but it are very similar to *Stachybotrys* and sometimes is considered to be in the *Stachybotrys* family. Certain species do produce toxins very similar to the ones produced by *Stachybotrys chartarum* and many consider the IAQ importance of *Memnoniella* to be on par with *Stachybotrys*. Allergenic and infectious properties are not well studied.

## Nigrospora sp.

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Commonly found in warm climates, this mold may be responsible for allergic reactions such as hay fever and asthma. It is found on decaying plant material and in the soil. It is not often found indoors.

## Oidium sp.

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The asexual phase of *Erysiphe* sp. It is a plant pathogen causing powdery mildews. It is very common on the leaf's stems, and flowers of plants. The health effects and allergenicity have not been studied. It does not grow on non-living surfaces such as wood or drywall.

## Penicillium sp.

---

Aw 0.78 - 0.88. A wide number of organisms have been placed in this genus. Identification to species is difficult. Often found in aerosol samples. Commonly found in soil, food, cellulose and grains. It is also found in paint and compost piles. It may cause hypersensitivity pneumonitis, allergic alveolitis in susceptible individuals. It is reported to be allergenic (skin). It is commonly found in carpet, wallpaper, and in interior fiberglass duct insulation. Some species can produce mycotoxins. Common cause of extrinsic asthma (immediate-type hypersensitivity: type I). Acute symptoms include edema and bronchospasms; chronic cases may develop pulmonary emphysema. It may also cause headaches, vomiting, and diarrhea.

## Periconia sp.

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*Periconia* sp. are found in soil, blackened and dead herbaceous stems leaf spots, grasses, rushes, and sedges. Almost always associated with other fungi. Rarely found growing indoors. Reportedly associated with a rare case of mycotic keratitis.

## Pithomyces sp.

---

A common mold found on dead leaves, plants, soil and especially grasses. Causes facial eczema in ruminants. It exhibits distinctive multi-celled brown conidia. It is not known to be a human allergen or pathogen. It is rarely found indoors, although it can grow on paper.

## Rusts/Smuts

---

These fungi are associated with plant diseases. In the classification scheme of the fungi, the smuts have much in common with the rusts, and they are frequently discussed together. Both groups produce wind-borne, resistant teliospores that serve as the basis for their classification and their means of spread. Rusts usually attack vegetative regions (i.e., leaves and stems) of plants; smuts usually are associated with the reproductive structures (seeds). They can cause hay fever and asthma.

## Spegazzinia

---

*Spegazzinia* species comprise a very small proportion of the fungal biota. This genus is somewhat related to other lobed or ornamented genera such as *Candelabrum*. No information is available regarding health effects or toxicity. Allergenicity has not been studied. Usually identified on spore trap samples where it is seen every few weeks. (Spores have very distinctive morphology.) May also be found in air by culturable (Andersen) samples if a long enough incubation period is provided so that sporulation occurs. Our laboratory has never found this organism growing on indoor environmental surfaces. Natural habitat includes soil and many kinds of trees and plants.

## Stachybotrys sp.

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Aw - 0.94, optimum Aw >0.98. Several strains of this fungus (*S. atra*, *S. chartarum* and *S. alternans* are synonymous) may produce a trichothecene mycotoxin- Satratoxin H - which is poisonous by inhalation. The toxins are present on the fungal spores. This is a slow growing fungus on media. It does not compete well with other rapidly growing fungi. The dark colored fungus grows on building material with high cellulose content and low nitrogen content. Areas with a relative humidity above 55%, and are subject to temperature fluctuations, are ideal for toxin production. Individuals with chronic exposure to the toxin produced by this fungus reported cold and flu symptoms, sore throats, diarrhea, headaches, fatigue, dermatitis, intermittent local hair loss and generalized malaise. Other symptoms include coughs, rhinitis, nosebleed, a burning sensation in the nasal passages, throat, and lungs, and fever. The toxins produced by this fungus will suppress the immune system affecting the lymphoid tissue and the bone marrow. Animals injected with the toxin from this fungus exhibited the following symptoms: necrosis and hemorrhage within the brain, thymus, spleen, intestine, lung, heart, lymph node, liver, and kidney. Affects by absorption of the toxin in the human lung are known as pneumomycosis.

This organism is rarely found in outdoor samples. It is usually difficult to find in indoor air samples unless it is physically disturbed (or possibly -this is speculation- a drop in the relative humidity). The spores are in a gelatinous mass. Appropriate media for the growth of this organism will have high cellulose content and low nitrogen content. The spores will die readily after release. The dead spores are still allergenic and toxigenic. Percutaneous absorption has caused mild symptoms.

## Stemphylium sp.

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Reported to be allergenic. Isolated from dead plants and cellulose materials.

## Torula sp.

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Found outdoors in air, soil, on dead vegetation, wood, and grasses. Also found indoors on cellulose materials. Reported to be allergenic and may cause hay fever and asthma.

## Tetraploa

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*Tetraploa* species comprise a very small proportion of the fungal biota. This genus is somewhat related to *Triposporium* and *Diplocladiella*. The only reported human infections are two cases of keratitis (1970, 1980) and one case of subcutaneous infection of the knee (1990). No information is available regarding other health effects or toxicity. Allergenicity has not been studied. Usually identified on spore trap samples where it is seen every few weeks. (Spores have very distinctive morphology.) Our laboratory has never found this organism growing on indoor environmental surfaces. Natural habitat includes leaf bases and stems just above the soil on many kinds of plants and trees.

## Zygomycetes

---

Zygomycetes are one of the four major groups of fungi, the others being the Oomycetes, the Ascomycetes, and the Basidiomycetes. Zygomycetes are common, fast growing, and often overgrow and/or inhibit other fungi nearby. *Rhizopus* and *Mucor* are two of the most common Zygomycetes seen in the indoor environment. However, others are seen as well, including *Syncephalastrum*, *Circinella*, *Mortierella*, *Mycotypha*, *Cunninghamella*, and *Choanephora*. For further information, please see descriptions of these individual genera.

The following table lists mycotoxins that are produced by certain types of fungi:

<b>Fungi</b>	<b>Mycotoxin</b>
<i>Acremonium crotonigenum</i>	Crotocin
<i>Aspergillus favus</i>	Alfatoxin B, cyclopiazonic acid
<i>Aspergillus fumigatus</i>	Fumagilin, gliotoxin
<i>Aspergillus carneus</i>	Citrinin
<i>Aspergillus clavatus</i>	Cytochalasin, patulin
<i>Aspergillus Parasiticus</i>	Alfatoxin B
<i>Aspergillus nomius</i>	Alfatoxin B
<i>Aspergillus niger</i>	Ochratoxin A, malformin, oxalic acid
<i>Acremonium crotonigenum</i>	Crotocin
<i>Aspergillus nidulans</i>	Sterigmatocystin
<i>Aspergillus ochraceus</i>	Ochratoxin A, penicillic acid
<i>Aspergillus versicolor</i>	Sterigmatocystin, 5 ethoxysterigmatocystin
<i>Aspergillus ustus</i>	Ausdiol, austamide, austocystin, brevianamide
<i>Aspergillus terreus</i>	Citreoviridin
<i>Alternaria</i>	Alternariol, altertoxin, altenuene, altenusin, tenuazonic acid
<i>Arthrinium</i>	Nitropropionic acid
<i>Bioploaris</i>	Cytochalasin, sporidesmin, sterigmatocystin
<i>Chaetomium</i>	Chaetoglobosin A,B,C. Sterigmatocystin
<i>Cladosporium</i>	Cladosporic acid
<i>Clavipes purpurea</i>	Ergotism
<i>Cylindrocoryn</i>	Trichothecene
<i>Diplodia</i>	Diplodiatoxin
<i>Fusarium</i>	Trichothecene, zearalenone
<i>Fusarium moniliforme</i>	Fumonisin
<i>Emericella nidulans</i>	Sterigmatocystin
<i>Gliocladium</i>	Gliotoxin
<i>Memnoniella</i>	Griseofulvin, dechlorogriseofulvin, epi-dechlorogriseofulvin, trichodermin, trichodermol
<i>Myrothecium</i>	Trichothecene
<i>Paecilomyces</i>	Patulin, viriditoxin
<i>Penicillium aurantiocandidum</i>	Penicillic acid
<i>Penicillium aurantiogriseum</i>	Penicillic acid
<i>Penicillium brasilianum</i>	Penicillic acid
<i>Penicillium brevicompactum</i>	Mycophenolic acid
<i>Penicillium camemberti</i>	Cyclopiazonic acid
<i>Penicillium carneum</i>	Mycophenolic acid, Roquefortine C
<i>Penicillium crateriforme</i>	Rubratocin



<b>Fungi</b>	<b>Mycotoxin</b>
<i>Penicillium citrinum</i>	Citrinin
<i>Penicillium commune</i>	Cyclopiazonic acid
<i>Penicillium crustosum</i>	Roquefortine C
<i>Penicillium chrysogenum</i>	Roquefortine C
<i>Penicillium discolor</i>	Chaetoglobosin C
<i>Penicillium expansum</i>	Citrinin, Roquefortine C
<i>Penicillium griseofulvum</i>	Roquefortine C, cyclopiazonic acid, griseofulvin
<i>Penicillium hirsutum</i>	Roquefortine C
<i>Penicillium hordei</i>	Roquefortine C
<i>Penicillium nordicum</i>	Ochratoxin A
<i>Penicillium paneum</i>	Roquefortine C
<i>Penicillium palitans</i>	Cyclopiazonic acid
<i>Penicillium polonicum</i>	Penicillic acid
<i>Penicillium roqueforti</i>	Roquefortine C, Mycophenolic acid
<i>Penicillium veridicatum</i>	Penicillic acid
<i>Penicillium verrucosum</i>	Citrinin, ochratoxin A
<i>Penicillium/ Aspergillus</i>	Patulin
<i>Penicillium/ Aspergillus/Alternaria</i>	Glitoxin
<i>Phomopsis</i>	Macrocyclic trichothecenes
<i>Phoma</i>	Brefeldin, cytochalasin, secalonic acid, tenuazonic acid
<i>Pithomyces</i>	Sporidesmin
<i>Rhizoctonia</i>	Slaframine
<i>Rhizopus</i>	Rhizonin
<i>Sclerotinia</i>	Furanocoumarins
<i>Stachybotrys chartarum</i>	Iso-satratoxin F, roridin E, L-2, satratoxin G & H, trichodermin, trichodermol, trichothecene
<i>Torula</i>	Cytotoxins
<i>Trichoderma</i>	Trichodermin, trichodermol, gliotoxin
<i>Trichothecium</i>	Trichothecene
<i>Wallemia</i>	Walleminol
<i>Zygosporium</i>	Cytochalasin

## General terms

### Allergen

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An allergen is a substance that elicits an IgE antibody response and is responsible for producing allergic reactions. Chemicals are released when IgE on certain cells contact an allergen. These chemicals can cause injury to surrounding tissue - the visible signs of an allergy. Only a few fungal allergens have been characterized but all fungi are thought to be potentially allergenic. Fungal allergens are proteins found in either the mycelium or spores

### "Black mold"

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A poorly defined term. Black mold or toxic black mold has usually been associated with the mold *Stachybotrys chartarum*. While there are only a few molds that are truly black, there are many that can appear black. Not all molds that appear to be black are *Stachybotrys*.

### Fungi

---

Fungi are neither animals nor plants and are classified in a kingdom of their own. The Kingdom of Fungi. Fungi include a very large group of organisms, including molds, yeasts, mushrooms and puffballs. There are >100,000 accepted fungal species but current estimates range to 1.5 million species. Mycologists (people who study fungi) have grouped fungi into four large groups according to their method of reproduction.

### Hidden mold

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This refers to visible mold growth on building structures that is not easily seen, including the areas above drop ceilings, within a wall cavity (the space between the inner and outer structure of a wall), inside air handlers, or within the ducting of a heating/ventilation system.

### Microbial Volatile Organic Compounds (MVOCs)

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Fungi produce chemicals as a result of their metabolism. Some of these chemicals, MVOCs, are responsible for the characteristic moldy, musty, or earthy smell of fungi, whether mushrooms or molds. Some MVOCs are considered offensive or annoying. Specific MVOCs are thought to be characteristic of wood rot and mold growth on building materials. The human nose is very sensitive to mold odors and sometimes more so than current analytical instruments.

## Mold

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Molds are a group of organisms that belong to the Kingdom of Fungi (see Fungi). Even though the terms mold and fungi had been commonly referred to interchangeably, all molds are fungi, but not all fungi are molds.

## Mycotoxin

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Mycotoxins are compounds produced by some fungi that are toxic to humans or animals. By convention, the term? Mycotoxin. Excludes mushroom toxins. Fungi that produce mycotoxins are called "toxigenic fungi."

## Spore

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General term for a reproductive structure in fungi, bacteria and some plants. In fungi, the spore is the structure which may be used for dissemination and may be resistant to adverse environmental conditions.

## Toxic mold

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The term "toxic mold" has no scientific meaning since the mold itself is not toxic. The metabolic byproducts of some molds may be toxic (see mycotoxin).

## Hypha (plural, hyphae)

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An individual fungal thread or filament of connected cells; the thread that represents the individual parts of the fungal body.



**Southeast Environmental Microbiology Laboratories (SEEML)**  
**Chain of Custody**

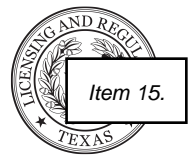
440 Cobia Drive, Ste. 1901, Katy, TX. 77494 Phone: 832-437-2667, www.seeml.com

FOR LAB USE ONLY		Conditions of Samples Acceptable?		Requested Services										
		SEEML Reference Number:		SEEML LAB ID:										
		H-250125027		099-103										
<b>Company Information:</b>		<b>Turn Around Time</b>		Mold/Bacteria Analysis										
Company Name:	IAQ Environmental	Address:	21200 Southwest Fwy Suite 402, #160	Non-Culturable	Culturable									
Project Manager:	Jack Matut	(City, State, Zip)	Rosenberg, TX 77471	Spore Trap	Tape, Swab, Bulk									
Phone:	(832) 455-0550	Special Instructions:		Water, Swab, Bulk										
Email:	iaqenvironmental@gmail.com													
<b>Project Information:</b>			<b>Environmental Conditions</b>											
Date Sampled:	4/25/2023	Sample Type Abbreviations:	Precipitation in last 16 Hours:	YES										
Project Name:	CITY OF SWEENEY	A-Allergenco AOC-Air O Cell S-Swab T-Tape	Relative Humidity I/O:	64% / 60%										
Project Address:	111 W 3rd St SWEENEY, TX 77480	B-Bulk W-Water D-Dust M5-Micro 5	Temperature I/O:	77° / 60°										
City, State, Zip:			Wind Conditions:	CALM										
Lab ID	Client Sample ID	Sample Location/Description	Sample Type	TAT	**Volume (L)	*Area	Notes:	Spore Trap Analysis	Non Fungal Biological Particulate Analysis	Direct Exam Surface Sample Analysis	Total Coliform, E. coli (Presence/Absence)	Sewage Assessment By QuantITray	Pseudomonas aeruginosa By QuantITray	Legionella (CDC-Method)
	1	AIR RETURN	S											
	2	REGISTER LOBBY	S											
	3	CONFERENCE	AOC					✓						
	4	LOBBY	AOC					✓						
	5	OUTDOORS	AOC					✓						
Relinquished By:		Date/Time:		*Area is only required for culturable surface samples. **Volume = Pump setting (L/min) X minutes		Recieved By:		Date/Time:						
Jack Matut		4/25/23				C. Matut		04/25/23 2:27pm						





# CONSUMER MOLD INFORMATION SHEET



*State rules require licensed mold assessors and remediators to give a copy of this Consumer Mold Information Sheet to each client and to the property owner, if not the same person, before starting any mold-related activity [16 TAC 78.70].*

## How does Texas regulate businesses that do testing for mold or that do mold cleanup?

The Department of Licensing and Regulation (TDLR) regulates such businesses in accordance with the [Texas Occupations Code, Chapter 1958](#). Under the **Texas Mold Assessment and Remediation Rules (rules)** ([16 Tex. Admin. Code, Chapter 78](#)), all companies and individuals who perform mold-related activities in Texas must be licensed by TDLR unless exempt. (See Page 2 regarding owner exemptions.) Individuals must meet certain qualifications, have required training, and pass a state exam and criminal history background check in order to be issued a license. Applicants for a mold remediation worker registration must have training and pass a criminal history background in order to be registered by TDLR. Laboratories that analyze mold samples must also be licensed and meet certain qualifications. The rules set minimum work practices and procedures and also require licensees to follow a code of ethics. To prevent conflicts of interest, the rules also prohibit a licensee from conducting both mold assessment and mold remediation on the same project. While the rules regulate the activities of mold licensees when they are doing mold-related activities, the rules do not require any property owner or occupant to clean up mold or to have it cleaned up.

## How can I know if someone is licensed?

A licensed individual is required to carry a current TDLR license certificate with the license number on it. A search tool and listings of currently licensed companies and individuals can be found at: <https://www.tdlr.texas.gov/LicenseSearch/>.

## What is “mold assessment?”

**Mold assessment** is an inspection of a building by a **mold assessment consultant** or **technician** to evaluate whether mold growth is present and to what extent. Samples may be taken to determine the amount and types of mold that are present; however, sampling is not necessary in many cases. When

mold cleanup is necessary a licensed mold assessment consultant can provide you with a **mold remediation protocol**. A protocol must specify the estimated quantities and locations of materials to be remediated, methods to be used and clearance criteria that must be met.

## What is meant by “clearance criteria?”

**Clearance criteria** refer to the level of “cleanliness” that must be achieved by the persons conducting the mold cleanup. It is important to understand and agree with the mold assessment consultant prior to starting the project as to what an acceptable clearance level will be, including what will be acceptable results for any air sampling or surface sampling for mold. There are no national or state standards for a “safe” level of mold. Mold spores are a natural part of the environment and are always present at some level in the air and on surfaces all around us.

## What is “mold remediation?”

**Mold remediation** is the cleanup and removal of mold growth from surfaces and/or contents in a building. It also refers to actions taken to prevent mold from growing back. Licensed **mold remediation contractors** must follow a mold remediation protocol as described above and their own **mold remediation work plan** that provides specific instructions and/or standard operating procedures for how the project will be done.

Before a remediation project can be deemed successful, a mold assessment consultant must conduct a **post-remediation assessment**. This is an inspection to ensure that the work area is free from all visible mold and wood rot, the project was completed in compliance with the remediation protocol and remediation work plan, and that it meets all clearance criteria that were specified in the protocol. The assessment consultant must give you a **passed clearance report** documenting the results of this inspection. If the project fails clearance,

further remediation as prescribed by a consultant will be necessary.

### **What is a Certificate of Mold Damage Remediation?**

No later than the 10<sup>th</sup> day after a mold remediation project stop date, the remediation contractor must sign and give you a **Certificate of Mold Damage Remediation**. The licensed mold assessment consultant who conducted the post-remediation assessment must also sign the certificate. The consultant must truthfully state on the certificate that the mold contamination identified for the project has been remediated and whether the underlying cause of the mold has been corrected. (That work may involve other types of professional services that are not regulated by the mold rules, such as plumbing or carpentry.) Receiving a certificate documenting that the underlying cause of the mold was remediated is an advantage for a homeowner. It prevents an insurer from making an underwriting decision on the residential property based on previous mold damage or previous claims for mold damage. If you sell your property, the law requires that you provide the buyer a copy of all certificates you have received for that property within the preceding five years.

### **How is a property owner protected if a mold assessor or remediator does a poor job or damages the property?**

The rules require licensees to have commercial general liability insurance in the amount of at least \$1 million, or to be self-insured, to cover any damage to your property. Before hiring anyone, you should ask for proof of such insurance coverage. You may wish to inquire if the company carries additional insurance, such as professional liability/errors and omissions (for consultants) or pollution insurance (for contractors), that would provide additional recourse to you should the company fail to perform properly.

### **How is my confidentiality protected if I provide personal information about myself with a company?**

Under the code of ethics in the rules, to the extent required by law, licensees must keep confidential any personal information about a client (including medical conditions) obtained during the course of a mold-related activity. Further, you may be able to negotiate a contract to include language that other personal information be kept confidential unless disclosure "is required by law." However, licensees are required to identify dates and addresses of projects and other details that can become public information.

### **How do I file a complaint about a company?**

Anyone who believes a company or individual has violated the rules can file a complaint with TDLR. For information on this process, call 1-800-803-9202, or complete the online complaint form at <https://www.tdlr.texas.gov/complaints/>.

### **Can property owners do mold assessment or remediation on their own property without being licensed?**

Yes. A homeowner can take samples for mold or clean it up in the home without a license. An owner, or a managing agent or employee of an owner of a residential property is not required to be licensed, **unless** the property has 10 or more residential dwelling units. For non-residential properties, an owner or tenant, or a managing agent or employee of an owner or tenant, is not required to be licensed to do mold assessment or remediation on property owned or leased by the owner or tenant, **unless** the mold contamination affects a total surface area of 25 contiguous square feet or more. Please refer to 16 TAC §78.30 for further details on exceptions and exemptions to licensing requirements.

*For more information about mold and the Texas Mold Assessment and Remediation Rules, contact:*

**Texas Department of Licensing and Regulation**

**Mold Assessors and Remediators**

**P.O. Box 12057, Austin, TX 78711**

**Phone: 512-463-6599 or 800-803-9202**

**[www.tdlr.texas.gov](http://www.tdlr.texas.gov)**

## LEASE AGREEMENT

This LEASE AGREEMENT is made this 5<sup>th</sup> day of September, 2018, between THE CITY OF SWEENY, a Texas municipality (Landlord) and the SWEENY CHAMBER OF COMMERCE (Tenant):

In consideration of the covenants and conditions hereinafter contained, Landlord does hereby lease unto Tenant the following described premises (Leased Premises) located in Sweeny, Brazoria County, Texas:

Office space consisting of approximately 182 square feet known as the Chamber office in Landlord's office building located at 111 W. Third St., Sweeny, Texas, and jointly with the Sweeny Economic Development Corporation of the boardroom space of 850 square feet.

(1) This lease shall be for an initial period of five (5) years beginning the 1<sup>st</sup> day of October, 2018.

(2) Tenant shall pay as rent for the leased premises the sum of SEVENTY-FIVE AND NO/100'S DOLLARS (\$75.00) per month on the 1<sup>st</sup> day of each month beginning the beginning date of the lease specified in paragraph (1) above, delivered to the Sweeny City Hall, 102 W. Ashley Wilson Road, Sweeny, Texas 77480. If Tenant fails to pay said rent by the 5<sup>th</sup> day of the month Tenant will be in default of this lease and Landlord may immediately terminate this lease.

(3) Landlord shall be responsible for the repair, maintenance and upkeep of the leased premises.

(4) Tenant will be responsible for furnishing housekeeping/janitorial services for the leased premises.

(5) Tenant may not make any modifications to the leased premises, except as approved in writing by the Landlord.

(6) Landlord shall be responsible for the payment of all taxes on the leased premises.

(7) Landlord shall be responsible for the payment of all utilities on the leased premises.

(8) Tenant shall, at Tenant's expense, fully insure its property located in the leased premises against fire and other casualty and shall maintain comprehensive general liability insurance insuring Landlord and Tenant against any liability arising out of ownership, use, occupancy or maintenance of the leased premises and all areas appurtenant thereto, with limits of liability of at least \$1,000,000.00 for each occurrence for Bodily Injury and \$1,000,000.00 general aggregate for Bodily Injury and Property Damage combined with the endorsement of comprehensive general liability. Tenant shall cause Landlord to be named as an additional

insured under such policies and shall furnish Landlord with certificates of insurance with loss payable clauses satisfactory to Landlord (a) as soon as practicable after the execution of this lease and (b) prior to the commencement of the renewal of the lease pursuant to the option provided in paragraph (10) of this lease agreement. The limit of such insurance shall not, however, limit the liability of Tenant hereunder. Tenant may carry such insurance under a blanket policy, provided such insurance has a Landlord's protective liability endorsement attached thereto. No policy shall be cancelled or subject to reduction of coverage except after (3) days prior written notice to Landlord.

(9) Tenant shall not assign this lease without the prior consent of Landlord.


(10) The lease term shall be automatically renewed for successive one (1) year terms, upon the same terms and conditions stated herein, unless one party hereto provides written notice of termination to the other party at least thirty (30) days prior to the expiration of the then current lease term.

(11) This lease represents the entire agreement of the parties and may not be amended except by written, mutual agreement signed by both parties.

(12) This lease shall be construed under and in accordance with the laws of the State of Texas.

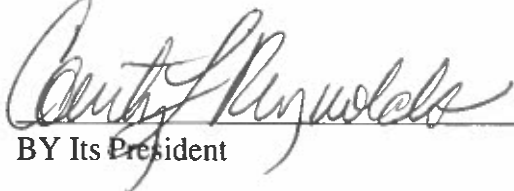
LANDLORD:

CITY OF SWEENEY, TEXAS

  
BY Its City Manager

TENANT:

SWEENEY CHAMBER OF COMMERCE

  
BY Its President



## LEASE AGREEMENT

This LEASE AGREEMENT is made this 10 day of September, 2018, between THE CITY OF SWEENY, a Texas municipality (Landlord) and the SWEENY ECONOMIC DEVELOPMENT CORPORATION (Tenant):

In consideration of the covenants and conditions hereinafter contained, Landlord does hereby lease unto Tenant the following described premises (Leased Premises) located in Sweeny, Brazoria County, Texas:

Office space consisting of approximately 234 square feet known as the SEDC office in Landlord's office building located at 111 W. Third St., Sweeny, Texas, and jointly with the Sweeny Chamber of Commerce of the boardroom space of 850 square feet.

(1) This lease shall be for an initial period of five (5) years beginning the 1<sup>st</sup> day of October, 2018.

(2) Tenant shall pay as rent for the leased premises the sum of SEVENTY-FIVE AND NO/100'S DOLLARS (\$75.00) per month on the 1<sup>st</sup> day of each month beginning the beginning date of the lease specified in paragraph (1) above, delivered to the Sweeny City Hall, 102 W. Ashley Wilson Road, Sweeny, Texas 77480. If Tenant fails to pay said rent by the 5<sup>th</sup> day of the month Tenant will be in default of this lease and Landlord may immediately terminate this lease.

(3) Landlord shall be responsible for the repair, maintenance and upkeep of the leased premises.

(4) Tenant will be responsible for furnishing housekeeping/janitorial services for the leased premises.

(5) Tenant may not make any modifications to the leased premises, except as approved in writing by the Landlord.

(6) Landlord shall be responsible for the payment of all taxes on the leased premises.

(7) Landlord shall be responsible for the payment of all utilities on the leased premises.

(8) Tenant shall, at Tenant's expense, fully insure its property located in the leased premises against fire and other casualty and shall maintain comprehensive general liability insurance insuring Landlord and Tenant against any liability arising out of ownership, use, occupancy or maintenance of the leased premises and all areas appurtenant thereto, with limits of liability of at least \$1,000,000.00 for each occurrence for Bodily Injury and \$1,000,000.00 general aggregate for Bodily Injury and Property Damage combined with the endorsement of comprehensive general liability. Tenant shall cause Landlord to be named as an additional insured under such policies and shall furnish Landlord with certificates of insurance with loss

payable clauses satisfactory to Landlord (a) as soon as practicable after the execution of this lease and (b) prior to the commencement of the renewal of the lease pursuant to the option provided in paragraph (10) of this lease agreement. The limit of such insurance shall not, however, limit the liability of Tenant hereunder. Tenant may carry such insurance under a blanket policy, provided such insurance has a Landlord's protective liability endorsement attached thereto. No policy shall be cancelled or subject to reduction of coverage except after (3) days prior written notice to Landlord.

(9) Tenant shall not assign this lease without the prior consent of Landlord.

(10) The lease term shall be automatically renewed for successive one (1) year terms, upon the same terms and conditions stated herein, unless one party hereto provides written notice of termination to the other party at lease thirty (30) days prior to the expiration of the then current lease term.

(11) This lease represents the entire agreement of the parties and may not be amended except by written, mutual agreement signed by both parties.

(12) This lease shall be construed under and in accordance with the laws of the State of Texas.

LANDLORD:

CITY OF SWEENY, TEXAS

Cordy King  
BY Its City Manager

TENANT:

SWEENY ECONOMIC DEVELOPMENT COPORATION

Neal Bass  
BY Its President