

CITY COMMISSION MINUTES
February 16, 2016
9:00 A.M.

The City Commission of the City of Sweetwater, Texas met in regular session on February 16, 2016 at 9:00 a.m. in the City Commission Room at City Hall, 200 E. Fourth Street with the following members present:

JIM MCKENZIE, Mayor
LARRY MAY, Commissioner
JIM LEE, Commissioner
JEROD PEEK, Mayor Pro-Tem

PETE SHERIDAN, City Attorney
EDWARD BROWN, City Manager
PATTY TORRES, City Secretary

Absent: **RICKY CASTRO**, Commissioner

Staff members present: Chief of Police Brian Frieda, City Services Director Kirk Harris, Utilities Director Eddy Campbell, Emergency Services Director Grant Madden, Public Works Director Russell Jones, and Human Resource Director Lisa Adames.

1. Mayor McKenzie called the meeting to order.
2. Commissioner May gave the invocation.
3. Mayor Pro-Tem Peek led the pledge of allegiance.
4. Motion was made by Mayor Pro Tem Peek, seconded by Commissioner Lee to approve minutes for the meeting held on January 12, 2016. The motion carried unanimously.
5. Action Items:
 - A. Motion was made by Commissioner May, seconded by Mayor Pro Tem Peek to approve an Ordinance ordering an election of the qualified voters of the City of Sweetwater to be held on May 7, 2016 for the purpose of electing two City Commissioners (Precincts 2 and 4) of said City. The motion carried unanimously.

COPY OF ORDINANCE 2016-01 IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XIII PAGES 354-358.

- B. Motion was made by Commissioner Lee, seconded by Mayor Pro Tem Peek to reappoint Jimmie Bender and to appoint Linda Hunter as City appointees and Art Maberry as joint City-County appointee to the Auditorium Board with terms expiring February 28, 2018. The motion carried unanimously.

CITY COMMISSION MINUTES

February 16, 2016

PAGE 3

- K. Motion was made by Mayor Pro Tem Peek, seconded by Commissioner May to consider first reading of an Ordinance granting a ten year taxi cab franchise to Wingails Services and providing the terms, conditions, rules and regulations controlling such grant. The motion carried unanimously.

- L. Motion was made by Mayor Pro Tem Peek, seconded by Commissioner Lee to enter into a public hearing regarding Planning and Zoning Commission's recommendation regarding rezoning lots 9-12, block 32, Bradford Addition, the same being 507 Washington Street, Sweetwater, Texas from a "B" Dwelling District to a "G" Local Business District. The motion carried unanimously.

Commissioner May asked the intended use of the lots and the reasoning for the change.

- M. Motion was made by Commissioner Lee, seconded by Commissioner May to enter into regular session. The motion carried unanimously.

COPY ORDINANCE 2016-02 IN FULL IS LOCATED IN ORDINANCE AND CONTRACT BOOK XIII PAGES 359-360.

- N. Motion was made by Mayor McKenzie, seconded by Commissioner Lee to approve Planning and Zoning Commission's recommendation to approve the rezoning request. The motion carried with Mayor McKenzie, Commissioners May and Lee voting in favor and Mayor Pro Tem Peek opposed.

- O. Motion was made by Commissioner Lee, seconded by Mayor Pro Tem Peek to consider adoption of a Resolution of the City Commission of the City of Sweetwater, Texas, authorizing the Texas Coalition for Affordable Power, Inc. (TCAP) to negotiate an electric supply agreement for five years for deliveries of electricity effective January 1, 2018; authorizing TCAP to act as an agent on behalf of the City to enter into a contract for electricity; authorizing Mayor or City Manager or Jay Doegey, Executive Director TCAP to execute an electric supply agreement for deliveries of electricity effective January 1, 2018 and committing to budget for energy purchases in 2018 through 2022 and to honor the City's commitments to purchase power for its electrical needs in 2018 through 2022 through TCAP. The motion carried unanimously.

COPY OF RESOLUTION IN FULL IS LOCATED IN ORDINANCE AND CONTRACT BOOK XIII PAGES 361-365.

CITY COMMISSION MINUTES

February 16, 2016

PAGE 2

- C. Motion was made by Mayor Pro Tem Peek, seconded by Commissioner May to appoint Melba Harris to the County-City Library Board, term to expire December 31, 2018. The motion carried unanimously.
- D. Motion was made by Commissioner Lee, seconded by Commissioner May to reappoint Bill Haley as City appointee and Ms. Jay Neal as City-County appointee as members of the City/County Airport Zoning Board. The motion carried unanimously.
- E. Motion was made by Mayor Pro Tem Peek, seconded by Commissioner Lee to authorize the purchase of a new front load garbage truck through Buy Board, HGAC or other approved state purchasing contract to replace garbage truck totally destroyed by fire. Funding of purchase will come from \$42,748.43 TML insurance recovery and ½ each from Refuse and Collections Enterprise Fund and Internal Services Fund. The motion carried unanimously.
- F. Motion was made by Commissioner May, seconded by Commissioner Lee to authorize staff to go out for bids on AC10 asphalt and Grade 4 crushed rock to be used in 2016 streets seal coating project. The motion carried unanimously.
- G. Motion was made by Mayor Pro Tem Peek, seconded by Commissioner Lee to authorize staff to purchase a 100KW generator for the Alabama Pump Station. City Manager, Eddie Brown advised the Commission this could be purchased through Buy Board, as opposed to going out for bids. The motion carried unanimously.
- H. City Commission heard the annual report from Police Chief Brian Frieda regarding Racial Profiling Statistics.
- I. Motion was made by Mayor Pro Tem Peek, seconded by Commissioner Lee to enter into a public hearing regarding the application of Wingails Services to provide taxi cab service under a Franchise Ordinance issued by the City. The motion carried unanimously.

Applicant Emmy Alozie spoke to the Commissioner regarding the need of services in Sweetwater, automobiles available for service and answered questions concerning advertising and franchising.
- J. Motion was made by Mayor Pro Tem Peek, seconded by Commissioner Lee to enter into regular session. The motion carried unanimously.

CITY COMMISSION MINUTES

February 16, 2016

PAGE 5

V. Motion was made by Commissioner Lee, seconded by Commissioner May to enter into executive session pursuant to the provisions of 551.071 of the Texas Government Code to consult with City Attorney regarding pending and threatened litigation and 551.074; to deliberate on the retirement of City Manager, Eddie Brown. The motion carried unanimously.

W. Motion was made by Mayor Pro Tem Peek, seconded by Commissioner Lee to enter into regular session.

X. Motion was made by Mayor McKenzie, seconded by Commissioner May to accept resignation of City Manager Eddie Brown, effective April 30, 2016. The motion carried unanimously.

Motion was made by Mayor Pro Tem Peek, seconded by Commissioner Lee to approve hiring of outside firm to assist in replacement of City Manager. The motion carried unanimously.

6. City Manager's Report.

A. City Manager to review quarterly assessment of Oak Creek Reservoir and City's well field system and recommendation by Enprotec/Hibbs & Todd, Inc. to remain in Stage I of the Drought Contingency and Water Conservation Program.

B. Election Calendar is in packets.

C. City Manager appointed Lisa Adames, H.R. Director, Patty Torres, City Comptroller, and Grant Madden, Emergency Services Director along with Julia Gannaway, Attorney as the representatives of the City in Meet and Confer with Sweetwater Police Association.

D. TxDOT to close westbound lane Business 20 between Loop 170 & I20 to repair bridge rails. Westbound traffic will be detoured to Loop 170 for approximately 3 weeks to begin spring 2016.

E. McDonald Companies will not be moving forward with application for senior citizen apartments in Sweetwater this year.

F. The Comprehensive Annual Financial Report for fiscal September 30, 2015 has been delayed due to GASB 68 regarding pension reporting relating to firefighter's pension plan.

7. Public Input.

CITY COMMISSION MINUTES

February 16, 2016

PAGE 4

- P. City Commission heard from Police Chief Brian Frieda regarding licensed carry of handguns and carry of long arms as related to City buildings and properties. On recommendation of the Chief, motion was made by Commissioner May, seconded by Mayor Pro Tem Peek to table any decision until the Attorney General has issued an opinion. The motion carried unanimously.
- Q. Motion was made by Commissioner May, seconded by Mayor Pro Tem Peek to approve update of Employee Policy Manual section to replace Weapons Ban with new section Weapons Control and Violence Prevention Policy. The motion carried, with Mayor McKenzie, Commissioner May and Mayor Pro Tem Peek in favor, and Commissioner Lee opposed.
- R. Motion was made by Mayor Pro Tem Peek, seconded by Commissioner Lee to change Employee Policy Manual by designating Labor Day holiday as holiday for firefighters to observe September 11, by changing the Americans with Disabilities Act to include as Amended (ADAAA), by adding to the Family Medical Leave that holidays are included in the twelve weeks period and includes Reserves and National Guard Service, funeral leave will be paid for a maximum of 3 days per fiscal year, and vacation leave will be paid for a maximum of 15 days upon termination, retirement, resignation or death. The motion carried unanimously.
- S. Motion was made by Mayor Pro Tem Peek, seconded by Commissioner Lee to adopt an Ordinance determining the necessity of closing a portion of the public alley in block two (2) of the Chrysler Acres addition to the City of Sweetwater, Texas. The motion carried unanimously.

COPY OF ORDINANCE 2016-03 IS LOCATED IN ORDINANCE AND CONTRACT BOOK XIII PAGES 366-367.

- T. Motion was made by Commissioner Lee, seconded by Mayor Pro Tem Peek to authorize tear down of Lake Keeper's house at Oak Creek Lake. The motion carried unanimously.
- U. Motion was made by Commissioner May, seconded by Commissioner Lee to adopt a Resolution designating City Manager as City's authorized official to apply for a grant for equipment replacement and enhancement project to the Office of the Governor, Criminal Justice Division. The motion carried unanimously.

COPY OF RESOLUTION IS LOCATED IN ORDINANCE AND CONTRACT BOOK XIII PAGES 368.

CITY COMMISSION MINUTES

February 16, 2016

PAGE 6

None.

8. Commissioner Lee made a motion, seconded by Mayor Pro Tem Peek to adjourn. There being no further business, the meeting adjourned at 10:15 The motion carried unanimously.

Jim McKenzie, Mayor

ATTEST:

Patty Torres, City Secretary

Persons signing register: Emmy Alozie