

## **CITY COMMISSION MINUTES**

**May 9, 2017**

**9:00 A.M.**

The City Commission of the City of Sweetwater, Texas met in regular session on May 9, 2017 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

**JEROD PEEK**, Mayor Pro-Tem

**JIM LEE**, Commissioner

**LARRY MAY**, Commissioner

**RICKY CASTRO**, Commissioner

**DAVID A, VELA**, City Manager

**PETE SHERIDAN**, City Attorney

**PATTY TORRES**, City Secretary

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

1. Mayor McKenzie called the meeting to order.
2. Ryan Strebeck, pastor of First United Methodist Church gave the invocation.
3. Mayor Pro-Tem Peek led the pledge of allegiance.
4. Presentation Items.
  - A. Presentation was made to Sweetwater Police Department by Abilene Chief of Police, Stan Standridge.
  - B. Introduction of new hires was presented by David Vela, City Manager.
  - C. Proclamation was presented by Mayor McKenzie for "National Public Works Week."
  - D. Proclamation was presented by Mayor McKenzie for "Drinking Water Week."
  - E. Proclamation was presented by Mayor McKenzie for "Older Americans Month."
  - F. Presentation was made to TxDPS Trooper Conner Hardin by Grant Madden, Fire Chief/Emergency Services Director.

## **CITY COMMISSION MINUTES**

**May 9, 2017**

5. Motion was made by Commissioner May, seconded by Mayor Pro-Tem Peek to approve minutes for the meeting held on April 11, 2017. The motion carried unanimously.
6. Action Items:
  - A. Pete Sheridan administered Oath of Office to Jim McKenzie, Mayor, Larry May, Commissioner Precinct 1, Ricky Castro, Commissioner Precinct 3.

**COPY OF OATH AND STATEMENT OF OFFICER IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XIII PAGE 848 - 853.**

- B. Motion was made by Commissioner May, seconded by Mayor Pro-Tem Peek to adopt a Resolution appointing Jerod Peek as Mayor Pro-Tem for the City of Sweetwater and prescribing the term thereof.

**ON THE 9TH DAY OF MAY, 2017, THE CITY COMMISSION OF THE CITY OF SWEETWATER, TEXAS, PURSUANT TO THE PROVISIONS OF ARTICLE 4, PARAGRAPH 11 OF THE CHARTER OF THE CITY OF SWEETWATER, TEXAS, CONSIDERED THE APPOINTMENT OF MAYOR PRO-TEM FOR THE PERIOD OF MAY 9, 2017 TO MAY 8, 2018.**

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF SWEETWATER, TEXAS, THAT JEROD PEEK, AS A DULY ELECTED MEMBER OF THE CITY COMMISSION SHALL SERVE AS MAYOR PRO-TEM DURING THE PERIOD MAY 9, 2017 TO THE REGULARLY SCHEDULED MAY 2018 CITY COMMISSION MEETING:**

**READ, PASSED AND ADOPTED THIS 9TH DAY OF MAY, 2017.**

**COPY OF RESOLUTION IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XIII PAGE 854.**

- C. Motion was made by Mayor Pro-Tem Peek, seconded by Commissioner Castro to authorize staff to advertise to receive sealed bids for water line replacement near the new elevated storage tank to be funded by the TWDB, with bids to be opened at the regular City Commission meeting on June 13, 2017. The motion carried unanimously.
    - D. Motion was made by Commissioner May, seconded by Commissioner Lee to appoint Matt Counts to the Pioneer City County Museum Board for a (2) two-year terms. The motion carried unanimously.

## **CITY COMMISSION MINUTES**

**May 9, 2017**

- E. Motion was made by Mayor Pro-Tem Peek, seconded by Commissioner May to enter into a public hearing to close one block of Mississippi Avenue, a platted but undeveloped street, from Lanham Street to Robert Lee Street. The motion carried unanimously.

Motion was made by Commissioner May, seconded by Commissioner Lee to close public hearing and enter into regular session. The motion carried unanimously.

Gil Cherry spoke on plans for plat.

Motion was made by Commissioner May, seconded by Mayor Pro-Tem Peek to approve the closing of one block of Mississippi Avenue, a platted but undeveloped street, from Lanham Street to Robert Lee Street. The motion carried unanimously.

- F. Motion was made by Commissioner Lee, seconded by Commissioner Castro to enter into a public hearing to approve plat designated as the Fairfield Subdivision to the City of Sweetwater. The motion carried unanimously.

Motion was made by Mayor Pro-Tem Peek, seconded by Commissioner May to close public hearing and enter into regular session. The motion carried unanimously.

Kirk Harris, City Services Director spoke on proposed use.

Motion was made by Mayor Pro-Tem Peek, seconded by Commissioner May to approve plat designated as the Fairfield Subdivision to the City of Sweetwater. The motion carried unanimously.

- G. Motion was made by Mayor Pro-Tem Peek, seconded by Commissioner Lee to approve entering into a non-exclusive solid waste disposal agreement with Republic Waste Services of Texas, Ltd. For disposal of municipal solid waste and dried sludge from the City wastewater plant at the Abilene Landfill. Kirk Harris, City Services Director spoke about the cost savings. The motion carried unanimously.

**COPY OF AGREEMENT IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XIII PAGES 855 - 865.**

- H. Motion was made by Mayor Pro-Tem Peek, seconded by Commissioner May to consider approval of a Resolution authorizing Mayor Jim McKenzie

## **CITY COMMISSION MINUTES**

**May 9, 2017**

to execute contracts with the Texas Health and Human Services. The motion carried unanimously.

**BE IT RESOLVED THAT THE GOVERNING AUTHORITY OF THE ABOVE LOCAL GOVERNMENTAL ENTITY DOES HEREBY AUTHORIZE JIM MCKENZIE, MAYOR AND HIS SUCCESSORS TO NEGOTIATE, ON TERMS AND CONDITIONS THAT HE MAY DEEM ADVISABLE, A CONTRACT OR CONTRACTS WITH THE TEXAS DEPARTMENT OF AGING AND DISABILITY SERVICES (DADS), AND TO EXECUTE THE CONTRACT OR CONTRACTS ON BEHALF OF THE LOCAL GOVERNMENT ENTITY, AND FURTHER WE DO HEREBY GIVE HIM THE POWER AND AUTHORITY TO DO ALL THINGS NECESSARY TO IMPLEMENT, MAINTAIN, AMEND, RENEW OR REQUEST CLOSURE OF THE CONTRACT. ALTHOUGH THE AUTHORITY OF THE SUCCESSORS IS BINDING ON THIS ENTITY, IT IS ACKNOWLEDGED THAT THIS ENTITY MUST SPECIFICALLY AUTHORIZE ANOTHER PARTY BY NAME IN A RESOLUTION WITHIN 30 DAYS OF THE CHANGE IN AUTHORIZATION, OR WHEN SPECIFICALLY REQUIRED BY DADS, WHICHEVER IS SOONER.**

**COPY OF RESOLUTION IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XIII PAGE 866.**

- I. Motion was made by Commissioner May, seconded by Mayor Pro-Tem Peek to approve the Mid-Year Agreed Upon Procedures Report for the period ended March 31, 2017 as prepared by Catherine Wilks, Certified Public Accountant. Catherine Wilks, Certified Public Accountant spoke on procedures and findings. The motion carried unanimously.

**COPY OF REPORT IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XIII PAGES 867 - 869.**

- J. Motion was made by Mayor Pro-Tem Peek, seconded by Commissioner Lee to adopt a Resolution approving a negotiated settlement between the Atmos Cities Steering Committee (ACSC) and Atmos Energy Corp., Mid-Tex Division regarding the Company's 2017 rate review mechanism filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the settlement tariffs to be just and reasonable and in the public interest; requiring reconciliation and rate adjustments if federal income tax rates change; terminating the RRM process for 2018 pending renegotiation of RRM terms and conditions; requiring the Company to

## **CITY COMMISSION MINUTES**

**May 9, 2017**

reimburse ACSC's reasonable ratemaking expenses; determining that this Resolution was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; and requiring delivery of this Resolution to the Company and the ACSC's legal counsel. The motion carried unanimously.

### **COPY OF RESOLUTION IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XIII PAGES 870 - 884.**

10. City Manager's Report.
  - A. EMS Update
  - B. IBB training update (April 20)
  - C. Joint City Commission/SEED Board Workshop (May 18)
  - D. Budget Workshop (June 13)
  - E. Quarterly Report – Water Restrictions
  - F. Tire amnesty project
  - G. Fishing Update at Area Lakes
  
11. Public Input. Ken Becker thanked David Vela, City Manager and Grant Madden, Emergency Services Director for helping with high school senior interviews.
  
7. Mayor McKenzie read Section 551.072 of the Texas Government Code, the City Commission of the City of Sweetwater will meet in closed session to deliberate the purchase, exchange, lease, or value of real property related to (a) the purchase of real property within the City; and (b) certain mineral interests held by the City.

Motion was made by Commissioner May, seconded by Mayor Pro-Tem Peek to convene into closed session at 9:53 a.m.
  
8. Motion was made by Commissioner May, seconded by Mayor Pro-Tem Peek to reconvene into open session at 10:10 a.m.
  
- 9K. Motion was made by Commissioner Lee, seconded by Mayor Pro-Tem Peek to approve authorizing staff to advertise for bids on an oil and Gas Lease on City property. The motion carried unanimously.

**CITY COMMISSION MINUTES**

**May 9, 2017**

12. Commissioner Castro made a motion, seconded by Commissioner May to adjourn. There being no further business, the meeting adjourned at 10:12 a.m. The motion carried unanimously.

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Jim McKenzie, Mayor

**ATTEST:**

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Patty Torres, City Secretary

Persons signing register: Carissa Welch, Gary Hale, Ray Grothaus, Joe Spano, Robert Sears, Shaun Martin, Matt Counts, Cathy Wilks, Ken Becker, Lind McKenzie, Paul King, Eric Reed, Ryan Strebeck and I.L. Holdridge