

## **CITY COMMISSION MINUTES**

**August 8, 2017**

**9:00 A.M.**

The City Commission of the City of Sweetwater, Texas met in regular session on August 8, 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. Matt McGowen from Trinity Baptist Church gave the invocation.
3. Commissioner Castro led the pledge of allegiance.

Chief Frieda reflected on the passing of four police officers, two from West Texas. They were personally known and will be missed. He asked for a moment of silence.

5. D. Tommy Morris asked to postpone opening bid proposals due to TML failing to turn in bid. Motion was made because it benefits the City to get as many Health insurance bids as possible, by Mayor Pro Tem Peek, seconded by Commissioner Lee to table the decision on the insurance and open the bids in a special meeting on August 11, 2017 and award on August 15, 2017. The motion carried unanimously.
5. E. Motion was made by Commissioner May, seconded by Commissioner Castro to authorize staff to advertise for bids on fuel, oil and lubrication products and hot mix cold lay asphalt for use from October 2017 through September 2018 with bids to be accepted and opened at the regular City Commission meeting on September 12, 2017. The motion carried unanimously.

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5. F. Motion was made by Mayor Pro Tem Peek, seconded by Commissioner Lee to approve appointment of Jared Houze as joint appointee to the Pioneer City County Museum board for a two (2) year term. The motion carried unanimously
  
5. G. Motion was made by Mayor Pro Tem Peek, seconded by Commissioner Lee to approve an Ordinance creating the boundaries of the Sweetwater Municipal Development District; ordering a special municipal election on Tuesday November 7, 2017 for the City of Sweetwater, Texas, and its extraterritorial jurisdiction for the purpose of proposing to the voters the authorizing of the City of Sweetwater Municipal Development District and authorizing the imposition of a sales and use tax at the rate of one-half of one percent for the purpose of financing development projects beneficial to the district; designating the location and time for early voting; and establishing an effective date. Commissioner May asked to read his statement not supporting the Municipal Development District and requested that it be placed in the minutes. Commissioner May's statement is detailed in Exhibit A. Mayor Pro Tem Peek responded to Commissioner May's statement. Commissioner Lee made the motion to call the question to end the debate. Motion and second stood and vote was carried with Commissioner May opposed and Mayor McKenzie, Mayor Pro Tem Peek, Commissioner Castro and Commissioner Lee in favor.

**COPY OF ORDINANCE IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XIII PAGES 894-896.**

**AN ORDINANCE CREATING THE BOUNDARIES OF THE SWEETWATER MUNICIPAL DEVELOPMENT DISTRICT; ORDERING A SPECIAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 07, 2017 FOR THE CITY OF SWEETWATER, TEXAS, AND ITS EXTRATERRITORIAL JURISDICTION, FOR THE PURPOSE OF PROPOSING TO THE VOTERS THE AUTHORIZING OF THE CITY OF SWEETWATER MUNICIPAL DEVELOPMENT DISTRICT AND AUTHORIZING THE IMPOSITION OF A SALES AND USE TAX AT THE RATE OF ONE-HALF OF ONE PERCENT FOR THE PURPOSE OF FINANCING DEVELOPMENT PROJECTS BENEFICIAL TO THE DISTRICT; DESIGNATING THE LOCATION AND TIME FOR EARLY VOTING; AND ESTABLISHING AN EFFECTIVE DATE.**

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4. Motion was made by Mayor Pro Tem Peek, seconded by Commissioner May to approve minutes for the meeting held on July 11, 2017, and joint meeting with SEED held on July 31, 2017. The motion carried unanimously.
5. A. Presentation was made by David A. Vela, City Manager on Fiscal Year 2018 Budget.
5. B. Motion was made by Mayor Pro Tem Peek, seconded by Commissioner Lee to schedule a public hearing for September 12, 2017 on the Proposed Budget for FYE 2017-2018. The motion carried unanimously.
5. C. Motion was made by Commissioner Lee, seconded by Mayor Pro Tem Peek to set public hearings for September 12, 2017 and September 19, 2017 to discuss the Proposed Tax Rate of \$.0497423 per \$100 valuation for Tax Year 2017. The motion carried unanimously.
6. City Manager's Report.
  - A. Distinguished Budget Presentation Award
  - B. Update on Parks Planning
  - C. Quarterly Water Availability Report
7. Public Input. None
8. Mayor Pro Tem Peek made a motion, seconded by Commissioner Castro to adjourn. There being no further business, the meeting adjourned at 10:04 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: Scott Morgan, Richard Fergeson, David Hall, Kristy Tyra, Ken Becker, Leah Andrews, Kirby Andrews, Tommy Morris, and Matt McGowen

## Exhibit A

I am aware of and in favor of helping the quality of life issues our City faces. I want economic development. I want housing. I want nice parks. However, I respectfully disagree with the push to turn Sweetwater into a Municipal Development District.

Sweetwater is now a Type A development city. A Type A city can do any Type B project as defined under Local Government Code 505.151 through 505.158 with voter approval. Sweetwater citizens should always have the right and privilege to decide an expenditure using City funds for Type B development projects. The difference between a Type A city and a Type B city is that Type B cities can do any of the allowed projects under Section 505 without voter approval with only limited ability to have an election called.

The only project allowed under an MDD that cannot be done under a Type A or Type B City is a convention or civic center and related improvements as defined in Section 377. The big difference among a Type A, Type B and an MDD is that under an MDD, any project allowed under Section 505 can be done without any citizen input or approval. Taking away the voting rights and privileges of Sweetwater citizens is wrong. In addition, a MDD cannot be used to help any economic development project outside of the district, and there are potential and planned development projects outside of the proposed MDD boundaries that will be precluded from receiving economic assistance and incentives which can now be provided by the existing SEED.

Under an MDD, the voters of the City will have little or no say about any MDD project. Because of the almost unlimited broad definition of projects in Section 505.155(2), the City can essentially use the MDD for anything and everything related to almost any City function without voter approval. I foresee that in the future, maybe not now, maybe not in five years, maybe not in ten years, but sometime in the future, the expansion of City government will stealthy increase as more and more general budget City functions are moved into the MDD. As general budget City functions are pushed into MDD funding, an almost unlimited amount of new spending programs will gradually creep into the City's general budget and become permanent. To quote Ronald Reagan, "A government program is the closest thing to eternal life we'll ever see on this earth." Section 505.155 (2) essentially covers every expenditure desired by the City because an MDD expenditure can mean whatever the City wants it to mean.

I cannot support the creation of a Municipal Development District. If regulators, lawyers and judges can determine that a drainage ditch or a farm terrace are navigable waters, then regulators, lawyers and judges can make Section 505 mean whatever the regulators, lawyers and judges want it to mean. In Lewis Carroll's book, *Through the Looking Glass*, Carroll writes "When I use a word," Humpty Dumpty said, in rather a scornful tone, "it means just what I choose it to mean — neither more nor less". An MDD will eventually be used for anything and everything.