

## **CITY COMMISSION MINUTES**

**June 14, 2011**

**9:00 A.M.**

The City Commission of the City of Sweetwater, Texas met in regular session on June 14, 2011 at 9:00 a.m. in the City Commission Room at City Hall, 200 E. Fourth Street with the following members present:

**GREG WORTHAM**, Mayor  
**JIM MCKENZIE**, Commissioner  
**JEROD PEEK**, Commissioner  
**RICKY CASTRO**, Mayor Pro-Tem

**LARRY MAY**, Commissioner  
**EDWARD BROWN**, City Manger  
**PETE SHERIDAN**, City Attorney

Staff members present: Public Works Director Ray Adames, Chief of Police Jim Kelley, Utilities Director Eddy Campbell, City Services Director, Kirk Harris.

1. Mayor Wortham called the meeting to order.
2. Earl Stewart, minister of First Presbyterian Church gave the invocation.
3. Mayor Wortham led the pledge of allegiance.
4. Motion was made by Commissioner May, seconded by Mayor Pro Tem Castro to approve minutes for the meetings held on May 17 and May 12, 2011. The motion carried unanimously.
5. Action Items:
  - A. Cathrine Wilks, Certified Public Accountant presented the Mid-Year Agreed Upon Procedures Report for the period ended March 31, 2011 noting no exceptions found in her testing. Motion was made by Commissioner May, seconded by Commissioner McKenzie to approve the Mid-Year Agreed Upon Procedures Report. The motion carried unanimously.

### **COPY OF REPORT IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XI PAGES 771-773.**

- B. Motion was made by Commissioner Peek, seconded by Commissioner McKenzie to approve second and final reading of an ordinance of the City Commission of the City of Sweetwater, Texas, ("City") approving a negotiated resolution between the steering committee of cities served by Oncor ("Steering Committee") and Oncor Electric Delivery

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Company LLC ("Oncor" or "Company") regarding the Company's application to increase electric rates in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; requiring the company to reimburse cities' reasonable ratemaking expenses; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; approving Oncor's proof of revenues; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings act; declaring an effective date; and requiring delivery of this ordinance to the Company and the Steering Committee's legal counsel. The motion carried unanimously.

Jim Clements of Oncor gave an update on the Crez line status in Nolan County and stated that smart meters will be in place by the end of the week.

### **COPY OF ORDINANCE IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XI PAGES 774-1000 AND BOOK XII PAGES 1-199.**

- C. Motion was made by Commissioner Peek, seconded by Mayor Pro-Tem Castro to approve a resolution authorizing the City Manager to execute a cable television franchise fee payment compliance service agreement. The motion carried unanimously.

### **COPY OF RESOLUTION IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGES 200-202.**

- D. Commissioner McKenzie made a motion, seconded by Commissioner May to approve a resolution authorizing continued participation with the Steering Committee of cities served by ONCOR; and authorizing the payment of 10 cents per capita to the Steering Committee to fund regulatory and related activities related to ONCOR Electric Delivery Company LLC. The motion carried with 4 voting for and 1 (Gregory Wortham) voting against.

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**COPY OF RESOLUTION IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGES 203-204.**

- E. Motion was made by Commissioner Peek, seconded by Commissioner McKenzie to approve a resolution of the City of Sweetwater, Texas amending the triggering criteria for Stage 1 of the City of Sweetwater Drought Contingency Plan. The motion carried unanimously.

**COPY OF RESOLUTION IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGES 205-206.**

- F. Motion was made by Commissioner McKenzie, seconded by Commissioner May to approve a resolution authorizing Mayor Gregory L. Wortham to execute contracts with Texas Department of Aging and Disability Services. The motion carried unanimously.

**COPY OF RESOLUTION IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGE 207.**

- G. City Commissioners met in joint session with Nolan County Commissioners to discuss joint law enforcement center. City Manager Edward Brown and Judge Tim Fambrough were asked to set up dates for public meetings to discuss the law enforcement center.
- H. Motion was made by Commissioner Peek, seconded by Commissioner May to entering into Executive Session pursuant to the provisions of 551.071 of the Texas Government Code to Consult with City Attorney regarding pending or threatened litigation, 551.072 of the Texas Government Code to deliberate regarding the purchase, sale and/or lease of real property and 551.074 to deliberate regarding an evaluation of City Manager, Edward Brown. The motion carried unanimously.
- I. Motion was made by Mayor Pro-Tem Castro, seconded by Commissioner May to consider entering into Regular Session. The motion carried unanimously.

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- J. No action was necessary from the Executive Session.
- K. Motion was made by Commissioner McKenzie, seconded by Mayor Pro-Tem Castro to approve an interlocal agreement between the City of Sweetwater and the County of Nolan for purchase of a pontoon boat for the joint use of the Sweetwater Fire Department and the Nolan County Sheriff's Department. The motion carried unanimously.

**COPY OF AGREEMENT IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGES 208-211.**

- 6. City Manager's Report.
  - A. Sales tax revenues continue to rebound in this fiscal year. May sales tax remittance from the state was up 3% from the prior year and 9% year to date.
  - B. Report maintenance, weed eating , mowing of City dams.
  - C. Staff is continuing preparation of 2011-2012 budget.
  - D. Preliminary property values \$345,931,741 an increase of \$15,331,776 over prior year. Tax Rate Hearing will commence upon receipts of final valuation and Truth-in-Taxation instructions.
  - E. City officials met with TXDot on May 18 to discuss current issues and projects.
  - F. Tx DL and local address are sufficient to access the drop off center.
  - G. Survey results for ordinance prohibiting trucks, boats and RV's parking on the street.

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H. Staff is working with Chamber of Commerce to relocate Trail of Lights displays and lighting. Presently we are using a metal shop building at Newman Park to capacity.

7. Public Input.

None.

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

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Gregory Wortham, Mayor

**ATTEST:**

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Carolyn Lawrence, City Secretary

Persons signing register: Tommy Parker, Cathy Wilks, Kerry McDonald, Earl Stewart, Jim Clements, Jacque McCoy, Pat McGowan