

CITY COMMISSION MINUTES
September 13, 2011
9:00 A.M.

The City Commission of the City of Sweetwater, Texas met in regular session on September 13, 2011 at 9:00 a.m. in the City Commission Room at City Hall, 200 E. Fourth Street with the following members present:

GREGORY L. WORTHAM, Mayor
LARRY MAY, Commissioner
JEROD PEEK, Mayor Pro-Tem
JIM McKENZIE, Commissioner

EDWARD BROWN, City Manager
CAROLYN LAWRENCE, City Secretary
PETER SHERIDAN, City Attorney

Absent: **RICKY CASTRO**, Commissioner

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

1. Mayor Wortham called the meeting to order.
2. Brian Brownlow, minister of First United Methodist Church gave the invocation.
3. Mayor Wortham led the pledge of allegiance.
4. Motion was made by Commissioner May, seconded by Commissioner McKenzie to approve minutes for the meetings held on August 9, 2011, August 16, 2011, and August 23, 2011. The motion carried unanimously.
5. Action Items:
 - A.-E. City Commission opened bids for FY 2011-2012 for fuel, oil and lubrication products, hot mix cold lay asphalt, ready mix concrete, and weed killer. Motion was made by Commissioner McKenzie seconded by Commissioner May to accept staff recommendations for low bids meeting bid specifications. The motion carried unanimously.

Johnson Oil Company, Abilene, Texas was awarded bid for unleaded fuel @ \$.5454 freight and mark up and for diesel @ \$.55078 freight and mark up.

COPY OF BID SHEET IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGE 332.

Johnson Oil Company was awarded bid for 4 items, Western Marketing, Abilene, Texas 6 items for oil and lubrication products.

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**COPY OF BID SHEET IN FULL IS LOCATED IN THE ORDINANCE
AND CONTRACT BOOK XII PAGE 333 .**

Vulcan Materials, Abilene, Texas was awarded bid for hot mix cold lay asphalt @ \$75.50 per ton.

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AND CONTRACT BOOK XII PAGE 334.**

Coe Construction, Sweetwater, Texas was awarded bid for ready mix concrete @ \$95 per yard.

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AND CONTRACT BOOK XII PAGE 335.**

Sweetwater Fire Extinguisher, Trent, Texas was awarded bid for Roundup @ \$52.50/gallon and Pendulum weed killer @ \$65.50/gallon.

**COPY OF BID SHEET IN FULL IS LOCATED IN THE ORDINANCE
AND CONTRACT BOOK XII PAGE 336.**

- F. City Commission considered appointment of a committee to review City/County interlocal agreements. This committee is to be comprised of County representatives along with City staff, citizens, and City Commissioners. City Manager, Eddie Brown stated that he had spoken with Jay Lawrence, former Mayor of Sweetwater, and Mr. Lawrence had agreed to serve if appointed. Motion was made by Commissioner May, seconded by Mayor Pro-Tem Peek that Jim McKenzie and Jerod Peek serve as Commission representatives and Jay Lawrence serve as citizen representative. The motion carried unanimously.
- G. City Commission considered appointment of two SEED Directors for a three year term beginning October 1, 2011 through September 30, 2014. Mayor Pro-Tem Peek nominated David Welch, Commissioner McKenzie nominated Bill Johnson and Commissioner May had no nomination; therefore, David Welch and Bill Johnson are the two SEED Directors appointed for a three year term beginning October 1, 2011 through September 30, 2014.
- H. Motion was made by Mayor Pro-Tem Peek seconded by Commissioner May to reappoint Terry Bennett, Gil Cherry and Keith Brock to the Board of Adjustments. The new terms will expire September 30, 2013. The motion carried unanimously.

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- I. Motion was made by Commissioner May seconded by Commissioner McKenzie to reappoint Charles Hamlin, Rhea Hendrix, and Laila Sheridan to the Planning and Zoning Commission with terms expiring September 30, 2013. The motion carried unanimously.
- J. Motion was made by Mayor Pro-Tem Peek seconded by Commissioner McKenzie to approve second and final reading of an Ordinance Amending the Budget for Fiscal Year beginning October 1, 2010 and ending September 30, 2011. The motion carried unanimously.

COPY OF ORDINANCE 2011-06 IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGES 337-339.

- K. Motion was made by Commissioner McKenzie seconded by Mayor Pro-Tem Peek to approve the second and final reading of the Appropriations Ordinance for the 2011-2012 Budget. The motion carried unanimously.

COPY OF ORDINANCE 2011-07 IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGES 341-342.

- L. Motion was made by Commissioner May seconded by Commissioner McKenzie to approve the second and final reading of an Ordinance to adopt the 2011-2012 Budget. The Budget will raise more total taxes than last year's budget by \$46,496 which is 2.74%, and of that amount \$53,833 is tax revenue to be raised from new property added to the roll this year. The motion carried unanimously.

COPY OF ORDINANCE 2011-08 IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGE 343.

- M. Motion was made by Mayor Pro-Tem Peek seconded by Commissioner McKenzie to approve the second and final reading of the Ordinance fixing and levying the tax rate of \$.48 per \$100 valuation. The motion carried unanimously.

COPY OF ORDINANCE 2011-09 IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGE 344.

- N. Motion was made by Mayor Pro-Tem Peek seconded by Commissioner McKenzie to approve ratifying the property tax increase reflected in the approved and adopted Budget for 2011-2012. The motion carried unanimously.

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- O. Motion was made by Commissioner McKenzie seconded by Mayor Pro-Tem Peek to approve SEED Board authorization to give 3.3% cost of living raise to SEED employees. The motion carried unanimously.
- P. Motion was made by Commissioner McKenzie seconded by Mayor Pro-Tem Peek to approve adoption of a Resolution approving the Investment Policy for Fiscal year 2012. The motion carried unanimously.

COPY OF RESOLUTION IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGES 345-358.

- Q. Motion was made by Commissioner May seconded by Mayor Pro-Tem Peek to approve the Financial Policy for Fiscal Year 2012. The motion carried unanimously.

COPY OF FINANCIAL POLICY IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGES 359-380.

- R. Motion was made by Commissioner McKenzie seconded by Mayor Pro-Tem Peek to pay the full rate to Texas Municipal Retirement System beginning October 1, 2011. The motion carried unanimously.
- S. Motion was made by Commissioner May seconded by Commissioner McKenzie to enter into a public hearing to discuss redistricting plans. The motion carried unanimously. Jeff Ulmann and Jacob Limon with Knight & Partners presented the redistricting process and explained the City of Sweetwater's 2010 Census statistics to the Commission. Mr. Ulmann and Mr. Limon met with the citizen appointed redistricting committee in August. They reviewed with the Commission the discussions of the redistricting committee and said that Knight & Partners had drawn up two proposed plans for the committee to consider. The committee then modified one of the plans to develop a third plan incorporating comments and thoughts from the members to balance out the districts in the best way possible to obtain preclearance from the Department of Justice. There were no comments from the public.
- T. Motion was made by Mayor Pro-Tem Peek seconded by Commissioner McKenzie to close the public hearing and enter into regular session. The motion carried unanimously.
- U. Motion was made by Mayor Pro-Tem Peek seconded by Commissioner May to adopt Draft Plan 3 and to approve first reading of an Ordinance Adopting a Revised Plan for the City's Commission Member Districts;

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Providing for Related Matters and an Effective Date. The motion carried unanimously.

- V. Motion was made by Mayor Pro-Tem Peek seconded by Commissioner McKenzie to enter into Executive Session pursuant to the provision 551.072 of the Texas Government Code to deliberate on the purchase/sale or lease of real property. The motion carried unanimously.
- W. Motion was made by Commissioner McKenzie seconded by Mayor Pro-Tem Peek to return to regular session. The motion carried unanimously.
- X. Motion was made by Commissioner McKenzie seconded by Mayor Pro-Tem Peek to approve the sale of 198.2 acres of land to the City of Bronte. The motion carried unanimously.

**COPY OF CONTRACT IN FULL IS LOCATED IN THE
ORDINANCE AND CONTRACT BOOK XII PAGES 381-390.**

- 6. City Manager's Report.
 - A. City will host Leadership Sweetwater October 11, 2011.
 - B. August's sales tax allocation payment of \$558,699.20 for the City of Sweetwater includes a single payment of \$211,029.87 from a taxpayer. This payment represents taxes collected by a business that is either located in the city or did business in the city. Additionally, \$60,856.68 of the collections was the result of audit recovery payments. Year to date, regular sales tax revenues are up 13%. Including the one-time payment and audit recoveries, we are up 20%.
 - C. City Manager received a letter from the Texas Commission on Law Enforcement Officers Standards and Education relating to neglect of legal responsibility in racial profiling reporting. Police Chief Jim Kelley has corrected the reporting problem.
 - D. The City successfully accomplished the refunding of the series 1997, 1998, and 1999A bonds for a cost savings of \$519,515 over the next nine years.
 - E. City of Sweetwater has been awarded a Community Development Fund grant in the amount of \$252,083 for sewer system improvements.
- 7. Public Input.

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At the request of City Manager, Eddie Brown, Jim Clements, Oncor representative addressed the Commission regarding the recent power outages in the City. Mr. Clements stated Oncor did not know the exact cause of the outage over the past weekend. Possibilities include wildlife disturbance on the Blue Goose Ranch. Grass fires were started as a result. Mr. Clements thinks everything has been corrected.

Tom Parker asked about potential sale of land to Bronte and if that sale had anything to do with Oak Creek Lake.

8. Commissioner McKenzie made a motion seconded by Commissioner May to adjourn. There being no further business, the meeting adjourned at 10:50 a.m.

Gregory L. Wortham, Mayor

ATTEST:

Carolyn Lawrence, City Secretary

Persons signing register: Jim Clements, Tom Parker, Sonny Sweet, Brian Brownlow and Jacque McCoy.