

CITY COMMISSION MINUTES

March 13, 2012

9:00 A.M.

The City Commission of the City of Sweetwater, Texas met in regular session on March 13, 2012 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, Mayor Pro-Tem

JEROD PEEK, Commissioner

LARRY MAY, Commissioner

EDWARD BROWN, City Manager

PETE SHERIDAN, City Attorney

CAROLYN LAWRENCE, City Secretary

Absent: **RICKY CASTRO**, Commissioner

Staff members present: City Services Director Kirk Harris, Public Works Director Russell Jones, Utilities Director Eddy Campbell.

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 Mayor Pro-Tem McKenzie, seconded by Commissioner May to approve minutes for the meeting held on February 21, 2012. The motion carried unanimously.
5. Action Items:
 - A. Motion was made by Commissioner Peek, seconded by Commissioner May to approve the contract with Cathrine Wilks, Certified Public Accountant, for the performance of an agreed upon procedures engagement for the mid-year report as of March 31, 2012. The motion carried unanimously.

COPY OF AGREEMENT IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGES 479-481.

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- B. Motion was made by Mayor Pro-Tem McKenzie, seconded by Commissioner May to approve the audit engagement letter with Cathrine Wilks, Certified Public Accountant, to perform the audit for fiscal year ended September 30, 2012. The motion carried unanimously.

COPY OF AGREEMENT IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGES 482-486.

- C. Motion was made by Commissioner Peek, seconded by Mayor Pro-Tem McKenzie to accept low bids from ALON for AC10 asphalt and from Vulcan Materials for grade 4 crushed rock to be used in 2012 streets seal coating project. The motion carried unanimously.

COPY OF BID SHEET IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGE 487.

- D. Motion was made by Commissioner Peek, seconded by Mayor Pro-Tem McKenzie to approve first reading of an Ordinance Amending Chapter 6 of the Code of Ordinances of the City of Sweetwater Relating to Keeping a Wild or Exotic Wild Animal by Repealing and Superseding Section 6-3 of Chapter 6 of the Code of Ordinances of the City of Sweetwater. The motion carried unanimously.

- E. Mayor Wortham read a proclamation proclaiming April 2012 as "Child Abuse Prevention Month" and presented it to Amanda Fullwood, representative of the West Texas Children's Advocacy Center.

COPY OF PROCLAMATION IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGE 488.

- F. Motion was made by Commissioner Peek, seconded by Mayor Pro-Tem McKenzie to adopt a resolution establishing a Section 3 policy for Texas Community Block Grant Program from the Office of Rural Affairs and agreement with the Texas Department of Agriculture. The motion carried unanimously.

COPY OF RESOLUTION IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGES 489-490.

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- G. Motion was made by Mayor Pro-Tem McKenzie, seconded by Commissioner Peek to enter into Executive Session pursuant to the provision of 551.072 of the Texas Government Code to deliberate regarding purchase and/or lease of real property. The motion carried unanimously.
- H. Motion was made by Mayor Pro-Tem McKenzie, seconded by Commissioner Peek to enter into Regular Session. The motion carried unanimously.
- I. No action was necessary from Executive Session.
- J. Motion was made by Commissioner Peek, seconded by Commissioner May to approve the following contracts to be executed simultaneously and authorize the City Manager to sign such agreements:
 - 1. 2012 Lease and Water Supply Agreement with Eugene, Letha, Scott and Lisa Fullwood to replace existing agreement. The effective date of the 2012 agreement is February 1, 2012 with the primary period being 25 years from that date and the extension period commencing upon end of primary period for another 25 years. This contract extends the life of the primary term by 12 years.
 - 2. 2012 Sewer Farm Lease of 1,070 acres to F Bar Farms, an entity owned by the Fullwoods for a primary term of 10 years and an extension option of 5 years. The annual cash rental is \$9,724 adjusted annually by the consumer price index. The first year's rent is waived in consideration for the execution of the 2012 Lease and Water Supply Agreement with the Fullwoods.
 - 3. Grazing Lease Agreement of 603.48 acres known as the Wilson Place, 320 acres known as the Nations Place and 264.82 acres known as the Hunter Place to F Bar Farms, an entity owned by the Fullwoods. The combined annual rent is \$9,513.18 adjusted annually by the consumer price index. The first year's rent is waived in consideration for the execution of the 2012 Lease and Water Supply Agreement with the Fullwoods.

The motion carried unanimously.

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**COPY OF AGREEMENTS IN FULL ARE LOCATED IN THE
ORDINANCE AND CONTRACT BOOK XII PAGES 491-539.**

6. City Manager's Report.
 - A. City Staff working on budget packets for the 2012-2013 budget.
 - B. February sales tax remittance from the State of Texas continues to be up – 21% from the prior year which represents December sales. Year-to-date sales taxes are up 48% or \$505,444.38
 - C. Hotel/Motel occupancy tax collections are up 12% for the quarter ended December 31, 2011 over last year. Holiday Inn Express has filed bankruptcy and is delinquent for August, September and October City and County hotel motel taxes totaling \$35,862.83.
 - D. Taste of Sweetwater will be held Monday, April 9, 2012 at the Nolan County Coliseum.
 - E. The dam inspections for Oak Creek Lake, Lake Sweetwater and Lake Trammell were completed by Enprotec, Hibbs & Todd Engineers.
7. Public Input.

None.
8. Commissioner May made a motion, seconded by Commissioner Peek to adjourn. There being no further business the meeting adjourned at 9:25 a.m. The motion carried unanimously.

Gregory Wortham, Mayor

ATTEST:

Carolyn Lawrence, City Secretary

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Persons signing register: Tommy Parker, Jim Clements, Brian Brownlow, Amanda Fullwood, John Rice.