

**CITY COMMISSION MINUTES**  
**September 11, 2012**  
**9:00 A.M.**

The City Commission of the City of Sweetwater, Texas met in regular session on September 11, 2012 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

**RICKY CASTRO**, Commissioner  
**EDWARD BROWN**, City Manager  
**CAROLYN LAWRENCE**, City Secretary  
**PETER SHERIDAN**, City Attorney

Staff members present: Utilities Director Eddy Campbell, Emergency Services Director Grant Madden, City Services Director Kirk Harris, Public Works Director Russell Jones, and Chief of Police Brian Frieda.

1. Mayor Wortham called the meeting to order.
2. Mayor Wortham 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 14, 2012, August 21, 2012, and August 28, 2012. The motion carried unanimously.
5. Action Items:
  - A. City Commission considered proposals and awarded bid on Self-Insured Group Health, Dental and Life Insurance Employee Benefit for FY 2012-2013. Motion was made by Commissioner McKenzie, seconded by Mayor Pro-Tem Peek, to award bid to Blue Cross Blue Shield of Texas based upon the recommendation of the City's broker of record, Tommy Morris Agency. Recommendation was based upon lower cost and continuity of services provided. The motion carried unanimously.

**COPY OF BID SHEET IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGE 630 .**

- B. Motion was made by Commissioner May seconded by Commissioner McKenzie to accept low bid of \$.5450 for unleaded and \$.5499 for diesel from Johnson Oil Company, Abilene, Texas for fuel for FY 2012-2013. The motion carried unanimously.

**COPY OF BID SHEET IN FULL IS LOCATED IN THE ORDINANCE  
AND CONTRACT BOOK XII PAGE 631.**

- C. Motion was made by Mayor Pro-Tem Peek seconded by Commissioner McKenzie to accept the following low bids from Western Marketing and Johnson Oil for oil and lubrication products for FY 2012-2013:

Western Marketing:

Motor oil 30 wt. \$11.57 gal.

Motor oil 5W20 wt. synthetic \$7.24 gal.

Motor oil 5W30 wt. synthetic \$7.24 gal.

Motor oil 15W40 wt. \$12.07 gal.

Automatic transmission fluid \$28.20 case

Johnson Oil:

Motor oil 10W30 wt. \$7.17 gal.

Hydraulic oil 15W20 wt. \$6.13 gal.

Gear oil 80W90 wt. \$6.8625 gal.

Torque fluid TDH \$6.8195 gal.

The motion carried unanimously.

**COPY OF BID SHEET IN FULL IS LOCATED IN THE ORDINANCE  
AND CONTRACT BOOK XII PAGE 632.**

- D. Motion was made by Commissioner May seconded by Commissioner McKenzie to award bid for hot mix cold lay asphalt for FY 2012-2013 to the only bidder, Vulcan Materials at \$81.00 net price per ton. The motion carried unanimously.

**COPY OF BID SHEET IN FULL IS LOCATED IN THE ORDINANCE  
AND CONTRACT BOOK XII PAGE 633.**

- E. Motion was made by Mayor Pro-Tem Peek seconded by Commissioner McKenzie to accept low bid of \$99.00 net price for ASTM C94 for ready mix concrete from Coe Construction. The motion carried unanimously.

**COPY OF BID SHEET IN FULL IS LOCATED IN THE ORDINANCE  
AND CONTRACT BOOK XII PAGE 634.**

- F. Motion was made by Commissioner May seconded by Commissioner McKenzie to accept low bid of \$52.50 gal. for roundup and \$65.50 gal. for weed killer from Sweetwater Fire Extinguisher. The motion carried unanimously.

**COPY OF BID SHEET IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGE 635.**

- G. City Commission considered appointment of one SEED Director for a three year term beginning October 1, 2012 through September 30, 2015. Commissioner May nominated Jerod Peek to serve as SEED Director. Motion was made by Commissioner McKenzie seconded by Commissioner Castro to appoint Jerod Peek. The motion carried unanimously.
- H. Motion was made by Mayor Pro-Tem Peek seconded by Commissioner May to reappoint L.B. Taylor, Terry Blankenship, Joe Marlett, and John McPherson as members of the Board of Adjustments with all having new terms to expire September 30, 2014. The motion carried unanimously.
- I. Motion was made by Commissioner McKenzie seconded by Mayor Pro-Tem Peek to reappoint Lloyd Harris, Paul McCarthy and JoAnn French, as alternate, whose terms expire September 30, 2012, as members of the Planning and Zoning Commission and establish the Planning and Zoning Commission as a 5 member board with alternate(s), each having a two year term. The motion carried unanimously.
- J. Motion was made by Mayor Pro-Tem Peek seconded by Commissioner May to approve second and final reading of an Ordinance Amending the Budget for Fiscal Year beginning October 1, 2011 and ending September 30, 2012. The motion carried unanimously.

**COPY OF ORDINANCE 2012-11 IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGES 636-640.**

- K. Motion was made by Commissioner May seconded by Commissioner McKenzie to approve the second and final reading of the Appropriations Ordinance for the 2012-2013 Budget. The motion carried unanimously.

**COPY OF ORDINANCE 2012-09 IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGES 641-642.**

- L. Motion was made by Mayor Pro-Tem Peek seconded by Commissioner Castro to approve the second and final reading of an Ordinance to adopt the 2012-2013 Budget. The Budget will raise more total taxes than last year's budget by \$320,726 or 19.74%, and of that amount \$73,002.55 is tax revenue to be raised from new property added to the roll this year. The motion carried unanimously.

**CITY COMMISSION MINUTES  
SEPTEMBER 11, 2012  
PAGE 4**

**COPY OF ORDINANCE 2012-10 IN FULL IS LOCATED IN THE  
ORDINANCE AND CONTRACT BOOK XII PAGE 643.**

- M. Motion was made by Commissioner May seconded by Commissioner McKenzie to approve the second and final reading of the Ordinance fixing and levying the tax rate of \$.463 per \$100 valuation. The motion carried unanimously.

**COPY OF ORDINANCE 2012-12 IN FULL IS LOCATED IN  
THE ORDINANCE AND CONTRACT BOOK XII PAGE 644.**

- N. Motion was made by Commissioner McKenzie seconded by Mayor Pro-Tem Peek to approve ratifying the property tax increase reflected in the approved and adopted Budget for 2012-2013. The motion carried unanimously.
- O. City Commission considered approval of SEED Board authorization to give 3.3% cost of living raise to SEED employees. Motion was made by Commissioner May seconded by Commissioner McKenzie to table item O until item T could be addressed. The motion carried unanimously.

Motion was made by Mayor Pro-Tem Peek seconded by Commissioner McKenzie to approve SEED Board authorization to give 3.3% cost of living raise to SEED employees as well as budget changes to the previously proposed 2012-2013 budget. The motion carried unanimously.

**COPY OF BUDGET IN FULL IS LOCATED IN THE ORDINANCE  
AND CONTRACT BOOK XII PAGES 645-650.**

- P. Motion was made by Commissioner May seconded by Commissioner McKenzie to approve adoption of a Resolution approving the Investment Policy for Fiscal year 2013. The motion carried unanimously.

**COPY OF RESOLUTION IN FULL IS LOCATED IN THE ORDINANCE  
AND CONTRACT BOOK XII PAGES 651-664.**

- Q. Motion was made by Mayor Pro-Tem Peek seconded by Commissioner McKenzie to approve the Financial Policy for Fiscal Year 2013. The motion carried unanimously.

**COPY OF FINANCIAL POLICY IN FULL IS LOCATED IN THE  
ORDINANCE AND CONTRACT BOOK XII PAGES 665-686.**

**CITY COMMISSION MINUTES**

**SEPTEMBER 11, 2012**

**PAGE 5**

- R. Motion was made by Commissioner McKenzie seconded by Commissioner Castro to pay the full rate to Texas Municipal Retirement System beginning January 1, 2013. The motion carried unanimously.
- S. Motion was made by Commissioner May seconded by Commissioner McKenzie to authorize City Manager to cast ballot in Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election. The motion carried unanimously.
- T. Motion was made by Mayor Pro-Tem Peek seconded by Commissioner McKenzie to approve two incentive projects approved by SEED Board of Directors, being Cornett Computer & Repair and Select Energy Services. The motion carried unanimously.

Incentives for Cornett Computer & Repair include:

- \$30,000 cash grant (FTE incentive for the current "2" FTE's)
- \$3,000.00 per year for additional FTE's over 5 years (paid at the end of each year w/work hour documentation)
- All FTE's are required to live in Nolan County
- \$210,000.00 cap over the 5 years

Incentives for Select Energy Services include:

- \$3,000.00 per year for FTE's over 5 years (paid at the end of each year w/ work hour documentation)
- All FTE's are required to live in Nolan County
- \$500,000.00 cap over the 5 years

Motion was made by Commissioner May seconded by Commissioner McKenzie to reconsider item O. after approval of item T. and remove item O. from the table. The motion carried unanimously.

- U. Motion was made by Mayor Pro-Tem Peek seconded by Commissioner May to conduct a public hearing to consider Planning and Zoning Commission recommendation to assign a zoning designation of a "K" Industrial District for the newly annexed area of 53.14 acres at Hopkins Road and IH 20. The motion carried unanimously. Love's Truck Stop representative Jennifer Becker addressed the Commission.
- V. Motion was made by Mayor Pro-Tem Peek seconded by Commissioner McKenzie to close public hearing. The motion carried unanimously.
- W. Motion was made by Commissioner May seconded by Commissioner McKenzie to accept recommendation of the Planning and Zoning Commission to assign a zoning designation of a "K" Industrial District. The motion carried unanimously.

**CITY COMMISSION MINUTES**

**SEPTEMBER 11, 2012**

**PAGE 6**

- X. Motion was made by Mayor Pro-Tem Peek seconded by Commissioner McKenzie to approve a Resolution for the acceptance of 2011 CDBG Sewer Project. John Voller of eHT, Inc. addressed the Commission. The project has been completed. The street will be seal-coated after expiration of warranty. The motion carried unanimously.

**COPY OF RESOLUTION IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGE 687.**

- Y. Motion was made by Mayor Pro-Tem Peek seconded by Commissioner McKenzie to approve close-out documents for the 2011 CDBG Sewer Project including final quantities change order or adjustment to contract to "as-built" quantities. The motion carried unanimously.
- Z. Motion was made by Mayor Pro-Tem Peek seconded by Commissioner Castro 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.
- AA. Motion was made by Commissioner McKenzie seconded by Commissioner May to return to regular session. The motion carried unanimously.
- BB. Motion was made by Mayor Pro-Tem Peek seconded by Commissioner McKenzie to ratify purchase of property on Musgrove & Ave A. The motion carried unanimously.

**COPY OF DEED IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGES 688-690.**

- 6. City Manager's Report.
  - A. City Commission heard water availability assessment for surface water and groundwater prepared by Enprotec/Hibbs & Todd recommending continuation of Stage 1 drought condition.
  - B. City will host Leadership Sweetwater October 9, 2012.
- 7. Public Input.
  - None.

**CITY COMMISSION MINUTES**  
**SEPTEMBER 11, 2012**  
**PAGE 7**

8. Motion was made by Commissioner McKenzie seconded by Commissioner Castro to adjourn. There being no further business, the meeting adjourned at 10:30 a.m.

---

Gregory L. Wortham, Mayor

**ATTEST:**

---

Carolyn Lawrence, City Secretary

Persons signing register: Ken Becker and Jennifer Becker