

## **CITY COMMISSION MINUTES**

**May 14, 2013**

**9:00 A.M.**

The City Commission of the City of Sweetwater, Texas met in regular session on May 14, 2013 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  
**LARRY MAY**, Commissioner

**EDWARD BROWN**, City Manager  
**PETE SHERIDAN**, City Attorney  
**PATTY TORRES**, Interim City Secretary

Absent: **RICKY CASTRO**, Mayor Pro-Tem and **JEROD PEEK**, Commissioner

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

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.
  - A. Motion was made by Commissioner May, seconded by Commissioner McKenzie to approve minutes for the meeting held on April 9, 2013. The motion carried unanimously.
  - B. Mayor Wortham read a proclamation signed by Governor Rick Perry recognizing May 15, 2013 as Peace Officers Memorial Day and May 12-18, 2013 as Law Enforcement Week.
5. Action Items:
  - A. Motion was made by Commissioner McKenzie, seconded by Commissioner May to canvass election results from the May 11, 2013 City election. The motion carried unanimously.
  - B. Motion was made by Commissioner May, seconded by Commissioner McKenzie to adopt a Resolution declaring official results of the May 11, 2013 City election. The motion carried unanimously.

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- C. City Attorney, Pete Sheridan administered the oath of office to Mayor Greg Wortham and Commissioner Larry May.

**COPY OF OATHS IN FULL ARE LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGES 799-800.**

- D. Motion was made by Commissioner McKenzie, seconded by Commissioner May to adopt a Resolution Appointing Mayors Pro-Tem for the City of Sweetwater and prescribing the terms thereof. The motion carried unanimously.

**COPY OF RESOLUTION IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGE 801.**

- E. City Commission opened and considered bids on one  $\frac{3}{4}$  ton pickup 4WD extended cab for Source of Supply, one  $\frac{1}{2}$  ton pickup extended cab for Waste Water Treatment, and one  $\frac{3}{4}$  ton pickup with utility bed for Central Garage and Stores. Bids were received from Caldwell Country Chevrolet and Wilson Motors. Motion was made by Commissioner May, seconded by Commissioner McKenzie to accept staff recommendation to accept low bid from Caldwell Country Chevrolet on all three vehicles. The motion carried unanimously.

**COPY OF BID SHEET IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGE 802.**

- F. City Commission opened and considered (unsolicited) bids from C.D. Trimble Properties, LLC delivered through the Nolan County Appraisal District for Lots 6, 9, 10, 11 of Block 20 of Southside Addition and for Lot 23 of Block 16 of Southside Addition. Bid for Block 20 was \$216.15 and bid for Block 23 was \$55.62. Motion was made by Commissioner May, seconded by Commissioner McKenzie to reject the bids. The motion carried unanimously.
- G. City Commission considered approval of a lease agreement with G.M. Morgan, Inc. dba Sweetwater Lake Marina for City owned property known

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as the Lake Sweetwater Bait Shop. City Manager, Eddie Brown asked the Commission for some direction on the proposed agreement. Commissioners May and McKenzie both felt the proposed change relating to limiting permitting on other "operations" was not acceptable and Mayor Wortham asked the City Manager to continue to negotiate the agreement. Motion was made by Commissioner May, seconded by Commissioner McKenzie to table the item at this time. The motion carried unanimously.

- H. Motion was made by Commissioner McKenzie, seconded by Commissioner May to authorize City Manager to file authorization for trespass warning with Nolan County Sheriff's Office against Vivian Williams and Barbara Gray for all public property surrounding Lake Sweetwater and on the water of Lake Sweetwater, including but not limited to conducting fishing tournaments on City property or Lakes. The motion carried unanimously.
- I. Motion was made by Commissioner McKenzie, seconded by Commissioner May to adopt an Ordinance of the City Commission of the City of Sweetwater, Texas, ("City") approving and adopting rate schedule "RRM – rate review mechanism" for Atmos Energy Corporation, mid-tex division to be in force in the City for a period of time as specified in the rate schedule; 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 ACSC legal counsel. The motion carried unanimously.

### **COPY OF ORDINANCE IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGES 803-812.**

- J. Motion was made by Commissioner May, seconded by Commissioner McKenzie to authorize staff to go out for bids on construction of a new Police Station upon completion of plans by architects. The motion carried unanimously.
- K. Motion was made by Commissioner McKenzie, seconded by Commissioner May to set a Public Hearing date of August 13, 2013 to consider the repair or demolition of substandard structures. The motion carried unanimously.

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- L. Motion was made by Commissioner May, seconded by Commissioner McKenzie to adopt an ordinance amending Chapter Seventeen of the Code of Ordinances entitled "Licenses and Business Regulations" to provide uniform development of Recreational Vehicle Parks. The motion carried unanimously.

**COPY OF ORDINANCE IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGES 813-820.**

- M. Motion was made by Commissioner McKenzie, seconded by Commissioner May to adopt an ordinance amending Chapter Seven of the Code of Ordinances entitled "Buildings and Construction" to adopt more current editions of certain model codes. The motion carried unanimously.

**COPY OF ORDINANCE IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGES 821-824.**

- N. Motion was made by Commissioner McKenzie, seconded by Commissioner May to adopt an ordinance amending Chapter Ten of the Code of Ordinances entitled "Fire Prevention and Protection" to adopt a more current edition of the model code. The motion carried unanimously.

**COPY OF ORDINANCE IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGE 825.**

- O. City Commission considered the first reading and adoption of an ordinance amending Chapter Eighteen of the Code of Ordinances entitled "Miscellaneous Provisions and Offenses" to allow freight and portable storage containers in certain zoning districts. Motion was made by Commissioner McKenzie, seconded by Commissioner May to table the item and discuss at the May 31 retreat. The motion carried unanimously.

- P. Motion was made by Commissioner May, seconded by Commissioner McKenzie to approve Sweetwater Enterprise for Economic Development (SEED) separate incentive offers to Crest Pumping Technologies and Resource Transport. The motion carried unanimously.

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- Q. Motion was made by Commissioner May, seconded by Commissioner McKenzie to reject the oil and gas mineral lease agreements on Sections 62, 63, 70, 71, 75 and 82 Lake Sweetwater City-owned properties as proposed by Eagle Oil and Gas Co. The motion carried unanimously.
- R. Motion was made by Commissioner McKenzie, seconded by Commissioner May to consider first reading of an ordinance amending Chapter Nineteen of the Code of Ordinances of the City of Sweetwater entitled "Motor Vehicles and Traffic", by amending article VI entitled "Stopping, Standing and Parking", by amending division I entitled "Generally"; by amending division I "Parking of Trailers; Mobile Recreation Equipment on Public Property or Streets" and defining mobile recreation equipment. The motion carried unanimously.
- S. Motion was made by Commissioner McKenzie, seconded by Commissioner May to adopt 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 unanimously.

**COPY OF RESOLUTION IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGES 826-827.**

- T. Motion was made by Commissioner McKenzie, seconded by Commissioner May to authorize staff to go out for bids to sell surplus real properties owned by the City and to set a minimum bid to be the Nolan County Appraisal District latest certified valuation identified as follows by Nolan county Appraisal District account numbers:  
S3500-0089-04 (1407 W. Colorado)  
S3500-0089-05 (1409 W. Colorado)  
S3500-0089-06 (1411 W. Colorado)  
S2400-0002-07 (114 Tom Green)  
S7600-0002-04 (1510 S.W. Georgia)  
The motion carried unanimously.
- U. Motion was made by Commissioner McKenzie, seconded by Commissioner May to enter into Executive Session pursuant to the provisions of 551.071

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of the Texas Government Code to consult with City Attorney regarding pending or threatened litigation and 551.072 to deliberate regarding purchase and/or lease of real property. The motion carried unanimously.

- V. Motion was made by Commissioner May, seconded by Commissioner McKenzie to enter into regular session. The motion carried unanimously.
- W. Motion was made by Commissioner May, seconded by Commissioner McKenzie to cease contract negotiations with Bitter Creek Water Supply Corporation, and to notify them that the water contract terminates October 1, 2013. The motion carried unanimously.
- X. Motion was made by Commissioner McKenzie, seconded by Commissioner May to conduct a public hearing to consider recommendations from the Planning and Zoning Commission regarding the following rezoning requests:
  - 1. A request to re-zone a 29.544 acre tract in Section 49, Block 22, T & P Railroad Surveys in Nolan County, Texas from an "E-1" Dwelling District to an "H" Business District. Said address is more commonly known as 501 E. Bradford Lane.
  - 2. A request to re-zone all of Block 1, Southside Addition to the City of Sweetwater in Nolan County, Texas from a "B" Dwelling District to a "H" Business District.

The motion carried unanimously.

Gil Cherry, property owner spoke in support of both requests. Juan Jaramillo also spoke concerning the second request, as he is interested in opening an RV park on this property.

- Y. Motion was made by Commissioner May, seconded by Commissioner McKenzie to enter into regular session. The motion carried unanimously.
- Z. Motion was made by Commissioner May, seconded by Commissioner McKenzie to approve the Planning and Zoning recommendation to re-zone

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a 29.544 acre tract in Section 49, Block 22, T & P Railroad Surveys in Nolan County, Texas from an "E-1" Dwelling District to an "H" Business District. Said address is more commonly known as 501. E. Bradford Lane. The motion carried unanimously.

Motion was made by Commissioner McKenzie, seconded by Commissioner May to approve the Planning and Zoning recommendation to re-zone all of Block 1, Southside Addition to the City of Sweetwater in Nolan County, Texas from a "B" Dwelling District to an "H" Business District. The motion carried unanimously.

### 6. City Manager's Report.

- A. Scheduled Commission Budget Workshop to be held on May 16, 2013 has been cancelled.
- B. Commission Budget Workshop and Strategic Planning retreat to discuss annexation, zoning, development and infrastructure issues to be held on May 31, 2013 at the Water Treatment Plant on Hillsdale Rd. beginning at 8:00 a.m.
- C. Discussed PEG, Public Education Government cable television station partnership with TSTC President, Gayle Lawrence. Will follow-up.
- D. The City of Sweetwater auction held on May 4, 2013 brought in \$14,014.80 for the City.
- E. Enprotec/Hibbs & Todd, Inc. has performed a water availability assessment and has determined that we should remain in Stage I of our Drought Contingency Plan for now. Stage II drought conditions will be considered as we progress into the summer months.

### 7. Public Input.

None.

- 8. Commissioner McKenzie made a motion, seconded by Commissioner May to adjourn. There being no further business the meeting adjourned at 10:45 a.m. The motion carried unanimously.

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Gregory Wortham, Mayor

**ATTEST:**

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Patty Torres, Interim City Secretary

Persons signing register: Ken Becker, Gil Cherry, Jacque McCoy, and Brian Brownlow.