

## **CITY COMMISSION MINUTES**

**JULY 9, 2013**

**9:00 A.M.**

The City Commission of the City of Sweetwater, Texas met in regular session on July 9, 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

**JEROD PEEK**, Commissioner

**RICKY CASTRO**, Mayor Pro-Tem

**LARRY MAY**, Commissioner

**EDWARD BROWN**, City Manger

**PETE SHERIDAN**, City Attorney

**PATTY TORRES**, Interim City Secretary

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

1. Mayor Wortham called the meeting to order.
2. Mike Crowley, minister of Fourth and Elm Church of Christ 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 meeting held on June 11, 2013. The motion carried unanimously.
5. Action Items:
  - A. Commission received the proposed 2013-2014 Budget Draft for review and discussion.
  - B. Motion was made by Commissioner May, seconded by Commissioner Peek to approve the Investment Report for the quarter ended June 30, 2013. The motion carried unanimously.

**COPY OF REPORT IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGE 839.**

- C. Commission opened and considered bids on generator for Police Department. Bids were received from Warren Cat in the amount of \$109,380 and from Stewart & Stevenson in the amount of \$87,797. Motion was made by Commissioner Peek, seconded by Commissioner

## **CITY COMMISSION MINUTES**

**JULY 9, 2013**

McKenzie to accept staff recommendation of accepting the low bid from Stewart & Stevenson. The motion carried unanimously.

### **COPY OF BID SHEET IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGE 840.**

- D. Motion was made by Commissioner Peek, seconded by Commissioner McKenzie to enter into an agreement with Tommy Morris Agency to represent City as Broker of Record and to evaluate competitive sealed proposals. The motion carried unanimously.
- E. Motion was made by Commissioner McKenzie, seconded by Commissioner May to authorize staff to receive competitive sealed proposals on Self Insured Group Health, Dental, Life Insurance Employee Benefit to be considered at August 13, 2013 meeting. The motion carried unanimously.
- F. Motion was made by Commissioner McKenzie, seconded by Commissioner Peek to adopt 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. The motion carried unanimously.

### **COPY OF ORDINANCE IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGES 841-842.**

- G. Motion was made by Commissioner Peek, seconded by Commissioner May to ratify change orders #3 for \$57,998.00 and #4 for \$21,199.60 as approved by the City Manager for the Lamar Street and Bradford Lane waterline and sewer line relocates and upgrades on the contract with Roberts Construction Co. The motion carried unanimously.
- H. Motion was made by Commissioner May, seconded by Commissioner Peek to approve a Resolution Authorizing Application for Financial Assistance from the Texas Water Development Board. The motion carried unanimously.

### **COPY OF RESOLUTION IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGES 843.**

## CITY COMMISSION MINUTES

JULY 9, 2013

I. Motion was made by Commissioner McKenzie, seconded by Commissioner Peek to consider first reading of an Ordinance Amending Chapter 17 of the Code of Ordinances of the City of Sweetwater entitled "Licenses and Business Regulations" by adding section 17-34 regarding "pawn shops" and by adding article VII entitled "Metal Recycling Entities and Precious Metal Buyers" and providing for the procedures for permitting metal recycling entities and precious metal buyers and the regulation thereof and providing a penalty for the violation of this ordinance. The motion carried unanimously.

J. Motion was made by Commissioner Peek, seconded by Mayor Pro-Tem Castro to direct City staff to offer a development agreement in accordance with section 43.035 of the Texas Local Government code for the following properties located in the extraterritorial jurisdiction of the City which have been appraised for ad valorem tax purposes as land for agriculture or wildlife management use under Subchapter C or D, Chapter 23, Tax Code, or as timber land under Subchapter E of that chapter:

1) That portion of the following tract of land not within the corporate limits of the City of Sweetwater, Texas, as of July 1, 2013, consisting of 64.61 acres more or less, to wit:

That certain tract of land being 74.526 acres more or less as conveyed March 13, 2013 in a Warranty Deed from Stanley A. Morris and Phyllis J. Morris to Larson Ventures, LLC and recorded in the Nolan County Texas Official Public Records as follows:

Volume: 1195

Page 141

Deed Date: 3/13/2013

2) That portion of the following tract of land not within the corporate limits of the City of Sweetwater, Texas, as of July 1, 2013, consisting of 53.696 acres more or less being in the East Half (E/2) of Section 52, Block 22, T. & P. Ry. Co. Survey, Nolan County, Texas, to wit:

**CITY COMMISSION MINUTES**  
**JULY 9, 2013**

That certain tract of land being 53.696 acres more or less out of a 376.37 acre tract more or less conveyed February 25, 1972 in a Warranty Deed from Bill Meister and Charlene Meister to Robert T. Hodge and James L. Wilks and recorded in the Nolan County Texas Deed Records as follows:

Book: 216

Page: 749

Deed Date: 2/25/1972

The motion carried unanimously.

- K. Motion was made by Commissioner Peek, seconded by Commissioner McKenzie to conduct a public hearing to consider recommendations from the Planning and Zoning Commission regarding the following rezoning request:

1) A request to rezone from a "H" Business District to a "J" Industrial District, All of Block 20, Lots 1-18 of the Original Addition to the City of Sweetwater, Texas. Said addresses are more commonly known as 100-116 East Broadway, 100-122 Oak Street, 115-119 East First, 101 and 109 Locust.

The motion carried unanimously.

- L. Motion was made by Commissioner Peek, seconded by Commissioner McKenzie to close public hearing and enter into regular session. The motion carried unanimously.
- M. Motion was made by Commissioner McKenzie, seconded by Commissioner May to approve Planning and Zoning Commission recommendation to rezone the item K. above. The motion carried unanimously.
- N. Motion was made by Commissioner Peek, seconded by Mayor Pro-Tem Castro to approve a Resolution supporting Mayor Gregory Wortham as President-Elect of the Texas Municipal League (TML) should the Mayor be nominated for this position by the Nominating Committee of TML. The motion carried unanimously.

**CITY COMMISSION MINUTES  
JULY 9, 2013**

**COPY OF RESOLUTION IN FULL IS LOCATED IN THE  
ORDINANCE AND CONTRACT BOOK XII PAGE 844.**

- O. Motion was made by Commissioner McKenzie, seconded by Commissioner Peek to accept water and sewer utilities, including easements, dedicated to the public contained within a plat designated as the Mustang Heights Subdivision to the City of Sweetwater consisting of 14.655 acres of land out of sections 49, block 22, T & P RY. Co. surveys, Sweetwater, Nolan County, Texas being located at 815 E. Arizona. Plat is subdividing said acreage into two tracts and was approved by the Planning and Zoning Commission on July 2, 2013. The motion carried unanimously.
  - P. City Commission opened and considered (unsolicited) bids from C.D. Trimble Properties, LLC for lots 6, 9, 10, 11 of Block 20 of Southside Addition and for Lot 23 of Block 16 of Southside Addition. Bid for each lot was \$500.00. Motion was made by Commissioner McKenzie to sell the lots to bidder, but motion died for lack of a second.
6. City Manager's Report.
- A. Our next meeting will be July 23, 2013 to review requests for proposals and requests for qualifications and award contracts for financial advisors, bond counsel and engineers for Hunter Well Field Construction Project.
  - B. We will schedule several August meetings to comply with Truth-in-Taxation Laws.
  - C. Mayor and Commissioners should consider nomination of two SEED Board Members at a future meeting for a three year term beginning October 1, 2013. Billy Whisenant and Art Mayberry terms expire.
  - D. Texas Municipal League Region 6 meeting will be held in Menard, Texas on July 18, 2013 at 5:30 p.m.
  - E. Texas Municipal League Annual Conference is October 8-11, 2013 in Austin, Texas. Those planning to attend should notify Kelli Ferguson as soon as possible.

**CITY COMMISSION MINUTES  
JULY 9, 2013**

- F. The assignment of the Airport Lease Agreement to Robert F. Elliott has been completed.
  - G. We are in Stage I of the Water Conservation/Drought Contingency Plan and are monitoring conditions for possible move into Stage II.
  - H. The proposed budget for 2013-2014 for the Nolan County Central Appraisal District is in the Commission packet.
  - I. City staff is identifying substandard structures for consideration at the August 13, 2013 City Commission meeting.
  - J. The (non-annexation) Industrial District Contract with Georgia Pacific expired 6-30-2013. City staff and attorneys have been negotiating a new contract with Georgia Pacific that will expire 6-3-2020. Staff plans to bring a contract for approval at the July 23, 2013 meeting. Absent that contract, City staff will request that the City Commission initiates annexation proceedings for the entire Georgia Pacific property within the Extra Territorial Jurisdiction (ETJ).
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 9:43 a.m. The motion carried unanimously.

---

Gregory Wortham, Mayor

**ATTEST:**

---

Patty Torres, Interim City Secretary

Persons signing register: Tom Henderson, Chris Trimble, Garry and Beverly Madden, Gil Cherry and Carolyn Lawrence.