

CITY COMMISSION MINUTES
September 10, 2013
9:00 A.M.

The City Commission of the City of Sweetwater, Texas met in regular session on September 10, 2013 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
PATTY TORRES, 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. Eric von Atzigen of Emmanuel Fellowship Church gave the invocation.
3. Mayor Wortham led the pledge of allegiance.
4. A. Motion was made by Mayor Pro-Tem Peek, seconded by Commissioner May to approve minutes for the meeting held on August 13, 2013. The motion carried unanimously.

B. Mayor Gregory Wortham read a proclamation declaring September 10, 2013 as "Wes Bishop Day."
5. Action Items:
 - A. City Commission opened and considered bids for construction of new police station. Wiginton, Hooker and Jeffry architects were present and opened and announced the bids.
Big Sky Construction - \$5,562,946
Stovall Construction - \$6,799,000
JC Commercial - \$5,337,777
Imperial Construction - \$5,535,000
Mid-Tex - \$5,885,000
Sedalco Co. - \$5,787,000
Motion was made by Commissioner May, seconded by Commissioner McKenzie to table the item in order to allow architects to review the bids and hear their recommendation at a future meeting. The motion carried unanimously.

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B.-F. Motion was made by Commissioner McKenzie, seconded by Commissioner Castro to accept low bids meeting specifications for fuel, oil and lubrication products, hot mix cold lay asphalt, ready mix concrete and weed killer for 2013-2014. The motion carried unanimously.

Johnson Oil Company, Abilene was awarded bid for regular fuel cost plus .0448 freight mark up and diesel fuel cost plus .0497 freight mark up.

COPY OF BID SHEET IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGE 912.

Johnson Oil Company was awarded bid for 2 items, and Western Marketing, Abilene, 7 items for oil and lubrication products.

COPY OF BID SHEET IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGE 913.

Vulcan Materials, Abilene was awarded bid for hot mix cold lay asphalt @ \$77.50 per ton.

COPY OF BID SHEET IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGE 914.

Coe Construction was awarded bid for ready mix concrete @ \$106.00 per yard.

COPY OF BID SHEET IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGE 915.

Sweetwater Fire Extinguisher, Trent, was awarded bid for round-up @ \$52.50 per gallon and \$69.00 per gallon for weed killer.

COPY OF BID SHEET IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGE 916.

G. City Commission considered appointment of two SEED Board Directors for a three year term beginning October 1, 2013 through September 30, 2016. Mayor Pro-Tem Peek nominated Art Maberry and Commissioner May nominated Billy Whisenant to continue their service on the board. There being no other nominations, motion was made by Mayor Pro-Tem Peek, seconded by Commissioner Castro to appoint Maberry and Whisenant. The motion carried unanimously.

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- H. Motion was made by Mayor Pro-Tem Peek, seconded by Commissioner McKenzie to reappoint Terry Bennett, Gil Cherry, and Keith Brock as alternate, as members of the Board of Adjustments with all having new terms to expire September 30, 2015. The motion carried unanimously.
- I. Motion was made by Commissioner May, seconded by Commissioner McKenzie to reappoint Charles Hamlin, Rhea Hendrix, and Laila Sheridan as members of the Planning and Zoning Commission with terms to expire September 30, 2015. The motion carried unanimously.
- J. Motion was made by Commissioner McKenzie, seconded by Commissioner May to approve second and final reading of an Ordinance Amending the Budget for Fiscal Year beginning October 1, 2012 and ending September 30, 2013. The motion carried unanimously.

COPY OF ORDINANCE IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGES 917-921.

- K. Motion was made by Mayor Pro-Tem Peek, seconded by Commissioner May to approve second and final reading of the Appropriations Ordinance for the 2013-2014 Budget. The motion carried unanimously.

COPY OF ORDINANCE IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGES 922-923.

- L. Motion was made by Commissioner McKenzie, seconded by Commissioner Castro to approve second and final reading of an Ordinance to adopt the 2013-2014 Budget. This budget will raise less revenue from property taxes than last year's budget by an amount of \$-38,801, which is a -1.99 percent decrease from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$17,957.

The members of the governing body voted on the budget as follows:

FOR: Commissioner – Larry May Commissioner – Jim McKenzie
Commissioner – Ricky Castro Commissioner – Jerod Peek

AGAINST: None

PRESENT and not voting: None

ABSENT: None

COPY OF ORDINANCE IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGE 924.

- M. Motion was made by Mayor Pro-Tem Peek, seconded by Commissioner May to approve second and final reading of the Ordinance fixing and

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levying the tax rate of \$.48 (48 cents) per \$100 valuation. This year's proposed tax rate does not exceed the effective tax rate. A motion to adopt an ordinance setting the tax rate does not require the language about "tax increase" as stated in 26.05 (b) of Property Tax Code. The motion carried unanimously.

COPY OF ORDINANCE IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGE 925.

- N. Motion was made by Commissioner Castro, seconded by Mayor Pro-Tem Peek to adopt a Resolution approving the Investment Policy for Fiscal Year 2014. The motion carried unanimously.

COPY OF RESOLUTION IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGES 926-939.

- O. Motion was made by Commissioner May, seconded by Commissioner McKenzie to approve the Financial Policy for Fiscal year 2014. The motion carried unanimously.

COPY OF ORDINANCE IN FULL IS LOCATED IN THE ORDINANCE AND CONTRACT BOOK XII PAGES 940-961.

- P. Motion was made by Commissioner May, seconded by Commissioner McKenzie to approve paying the full rate to Texas Municipal Retirement System beginning January 1, 2014. The motion carried unanimously.
- Q. Motion was made by Commissioner McKenzie, seconded by Mayor Pro-Tem Peek to continue the application for a funding opportunity with Texas Water Development Board after Board determined that no disadvantaged funds (grant funds) are available to the City. The mainstream loan offered through the application for funding to develop the Hunter well field and pipeline is more favorable than market certificates of obligation. The motion carried unanimously.
- R. Motion was made by Commissioner May, seconded by Commissioner McKenzie to direct City staff to initiate annexation proceedings including the development of a service plan for the following properties located in the extraterritorial jurisdiction of the City which were offered development agreement in accordance with section 43.035 of the Texas Local Government Code because they 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:

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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:

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.

- S. Motion was made by Mayor Pro-Tem Peek, seconded by Commissioner Castro to direct City staff to initiate annexation proceedings including the development of a service plan for the following properties located in the extraterritorial jurisdiction of the City which abut the Larson Ventures, LLC property:

1. That portion of a tract of land not within the corporate limits of the City of Sweetwater, Texas, as of September 1, 2013 being 15.42 acres more or less as conveyed May 19, 2010 in a Deed from Oren Doggett to Billy L. Doggett and recorded in the Nolan County Texas Official Public Records as follows:

Volume: 1026

Page: 244

Deed Date: 5/19/2010

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2. That portion of five tracts of land not within the corporate limits of the City of Sweetwater, Texas, as of September 1, 2013 containing a cumulative total of 17.916 acres more or less conveyed September 05, 2007 in a Deed from Garden of Memories Sweetwater LLC to Garden of Memories of Sweetwater Corp and recorded in the Nolan County Texas Official Public Records as follows:

Volume: 943

Page: 66

Deed Date: 9/05/2007

The motion carried unanimously.

- T. John Voller, of eHT, was present to inform the Commission of needed repairs to the Loop 549 ground storage tank. Motion was made by Commissioner May, seconded by Commissioner McKenzie to authorize eHT (Hibbs & Todd) to advertise for bids and setting the bid opening date for October 8, 2013 at 9:00 a.m. The motion carried unanimously.
- U. Motion was made by Mayor Pro-Tem Peek, seconded by Commissioner Castro to approve request from Bill Johnson to dissolve the Airport Task Force in light of the Airport FBO contract transfer and the existence of the Airport Zoning Board. The Task Force was initiated at the January 8, 2013 City Commission meeting. The motion carried unanimously.
- V. Commission opened and considered an unsolicited sealed bid from Gil Cherry as presented through the Nolan County Central Appraisal District for Lot 3, Block 8 of Southside Addition, Account Number S7600-0008-02 of Appraisal District records. Motion was made by Mayor Pro-Tem Peek, seconded by Commissioner McKenzie to accept the bid of \$1601. The motion carried unanimously.
- W. Motion was made by Mayor Pro-Tem Peek, seconded by Commissioner McKenzie to consider first reading of an Ordinance Amending the Ordinance Approving and Adopting a Budget for the City of Sweetwater for the Fiscal Year Beginning October 1, 2013 and Ending September 30, 2014. The motion carried unanimously.
- X. Motion was made by Commissioner May, seconded by Commissioner McKenzie to authorize staff to purchase three (3) SUV's and one (1) ¾ ton 4 door crewcab pickup for the Police Department and one (1) ¾ ton pickup extended cab and custom utility box for Animal Control through the state accepted "low bid" with Buy Board. The motion carried unanimously.

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- Y. Motion was made by Commissioner McKenzie, seconded by Mayor Pro-Tem Peek to authorize eHT, Hibbs & Todd Engineering to advertise for bids on the relocation of water lines presently in the Union Pacific Railroad right of way along Broadway beginning at the east entrance of the City and ending approximately at Jerry Huffman Drive. The motion carried unanimously.
 - Z. Motion was made by Commissioner May, seconded by Commissioner McKenzie to enter into Executive Session pursuant to the provision of 551.071 of the Texas Government Code to consult with attorney regarding advice about pending or contemplated litigation and 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 consider returning to Regular Session. The motion carried unanimously.
 - BB. No action was necessary from the Executive Session.
6. City Manager's Report.
- A. City will host Leadership Sweetwater October 8, 2013.
 - B. There is information in packet regarding TxDot plans for Lamar Street reconstruction.
 - C. Commission took a tour of new SNAP building.
7. Public Input.
- Glenn Wortham addressed the Commission regarding Atmos placing meters in front of residences on McCauley Street. He felt this was dangerous as well as unsightly. Mr. Brown will speak to Mike Schweikhard regarding the meter placement.
- Joe Paty, on behalf of Fourth and Elm Church of Christ thanked the Commission for presenting the proclamation regarding "Wes Bishop Day".
8. Motion was made by Commissioner McKenzie seconded by Mayor Pro-Tem Peek to adjourn. There being no further business, the meeting adjourned at 11:05 a.m.

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Gregory L. Wortham, Mayor

ATTEST:

Patty Torres, City Secretary

Persons signing register: Jim Clements, Dick Hawkins, Jeff Howard, Glenn Wortham, Ken Becker, Gil Cherry, and Jim Petrie.