

A regular meeting of the City Council was held at City Hall on August 21, 2012 at 6:00 p.m.

1. Call to Order

Mayor Kenneth Lott called the meeting to order.

2. Roll Call

Council present: Gary Coker, Dale Lemon, Ray Bailey, James Wise and Pat Moss.
Others present: Cindy King, City Manager; Tim Wells, Police Chief; Charlie Stevenson, City Attorney; Wendell Becker, Utilities Superintendent.

3. Invocation

The invocation was given by Mayor Lott.

4. Pledge of Allegiance

Pledge was led by councilmember Pat Moss.

5. Presentation of Citizens: None

Visitors: Rita McMillan, Marsha Tumlinson, Havey Vogel, Zach Vogel, J Rambo, Robert Thornsberry, Haskell Anderson and Anson Anderson.

6. Consent Items

A. Approval of Minutes: July 17, 2012

Dale Lemon made a motion to approve the minutes of July 17, 2012. James Wise seconded. All were in favor. Motion carried.

B. Approval of Bills - \$21, 877.35

Gary Coker made a motion to approve the bills in the amount of \$21,877.35 Dale Lemon seconded. All were in favor. Motion carried.

7. Public Hearings

8. Fire Department Report

9. Old Business

A. Approve Ordinance Authorizing and Ordering the Issuance of the City of Sweeny.

Mayor Lott read the terms of the ordinance. Approve the Ordinance Authorizing and Ordering the Issuance of City of Sweeny, Texas Certificates of Obligation, Series 2012; Prescribing the Terms and Form Thereof; Providing for the Payment of the Principal Thereof and Interest Thereon; Awarding the Sale Thereof; and Making Other Provisions Regarding Such Certificates, Including Use of the Proceeds Thereof; and Matters Incident Thereto. Ray Bailey made a motion to accept. Gary Coker seconded. All were in favor. Motion carried.

B. Discuss \$3.00 Sidewalk Fee on Utility Bill

Cindy King addressed the council and stated that last month we misunderstood Ray Bailey on his motion to move the \$3.00 out of the garbage fee and make it a volunteer donation. We took the sidewalk fee of \$3.00 off the utility bill. Ray stated that was not his intention.

He wanted his motion to be: To move the \$3.00 sidewalk fee out of the garbage fee and into the infrastructure fee that is on the utility bill, thereby giving the citizens the option to opt out if they so elected to. Pat Moss seconded. All were in favor. Motion carried.

Pat Moss asked if the money in that sidewalk fund was going to stay in that fund, she wants the money that is in there now, about \$145,000.00 to stay in there for sidewalks. Ray Bailey stated they he did not want to do away with the sidewalk project, he wanted that money to be able to be available for infrastructure.

C. Approve Swimming Pool Ordinance

Charlie Stevenson read the ordinance requiring all pools over twenty four inches in depth or with a surface area exceeding two hundred square feet to be in a fenced area. Ray Bailey made a motion to accept the swimming pool ordinance. Pat Moss seconded. Dale Lemon opposed. Motion carried.

10. New Business

(Mayor Lott moved letter L. on the agenda to the front).

L. Fire Hydrant Maintenance / Dennis Mays

Mr. Mays asked council, what type of maintenance schedule does the City of Sweeny have in place for the fire hydrants. Cindy King replied that we have a quarterly flushing with our city employees. This new company will also have yearly schedule maintenance that will be very thorough. Cindy stated this is our policy. **No Action.**

A. Approve Resolution to Approve Certified Tax Roll 2012.

Gary Coker made a motion to approve the resolution to approve the certified tax roll. Ray Bailey seconded. All were in favor. Motion carried.

B. Approve Tax Rate and Schedule Public Hearing if Necessary

Cindy stated that at the budget workshops the council agreed to raise the tax rate to our roll back rate of .844034%. We need to schedule two public hearings, the first on Sept. 4, 2012 and the second on Sept. 11, 2012 at 6 pm.

Ray Bailey made a motion that the property tax rate be increased by the adoption of the tax rate of 0.844034 which is effectively a 6.39% increase in tax rate. Gary Coker seconded.

Gary Coker voted yes
Dale Lemon voted yes
Ray Bailey voted yes
James Wise voted yes
Pat Moss voted yes
All were in favor. Motion carried.

C. Approve Ordinance to Increase Utility Rates

Charlie Stevenson read the caption of the ordinance. Mayor Lott reminded council that we had discussed this in our budget workshops that the city utilities would need to be increased to help fund the water improvements. Water will go from \$10.50 to \$11.00. Sewer will go from \$10.50 to \$11.00 for the first 1,500 gallons.

Gary Coker made a motion to approve the ordinance to increase utility rates. Ray Bailey seconded. All were in favor. Motion carried.

D. Discuss Zoning / Dale Lemon

Councilman Lemon addressed the council about the issue Habitat had with our zoning R2 B Zone requirement on a new single family home requiring a two car garage or carport. Mr. Lemon went to the zoning board meeting to discuss looking into changing this requirement. He does not think everyone should have to meet this requirement. **Table**

E. Accept Resignation of Claudia Garza from Planning and Zoning Board

Ray Bailey made a motion to accept the resignation of Claudia Garza from the Planning and Zoning Board. Dale Lemon seconded. All were in favor. Motion carried.

F. Approve Change in Zoning Ordinance – Number of Planning and Zoning Board of Commissioners

The Planning and Zoning board would like to change the board member number from seven to five. Dale Lemon made a motion to change the number of board members from seven to five. Pat Moss seconded. All were in favor. Motion carried.

G. Approve Resolution Authorizing Signatures for the DRS round 2.2 project.

Cindy addressed the council that this was in regards to Hurricane Dolly and Hurricane Ike Grant Funding for generators for our lift stations. We need to authorize, Mayor Lott, Cindy King and Reatta Minshew as the signatures. Dale Lemon made a motion to approve the resolution authorizing Mayor Lott, Cindy King and Reatta Minshew as the signatures. James Wise seconded. All were in favor. Motion carried.

H. Approve Resolution to Adopt Section 3 Local Opp Plan

This is for the funding for the generators for the lift stations.

Dale Lemon made a motion to adopt Section 3 Local Opportunity Plan. James Wise seconded. All were in favor. Motion carried.

I. Discuss Possible RV Park on FM 1459 /James Wise

James Wise shared with the council about a RV Park coming into the city limits. The Mayor, Cindy and James met with the land owners and James met with Mr. Goodman, the developer and they agreed on a price for the property.

The RV Park is a high end R.V. Resort, with a rock wall across the front of it on FM 1459. It will be between 1.5 and 2 million dollar project. It will have 120 RV sites and about 20 cottages, jogging trails, club house, shower house, washateria and two retention ponds. No Action.

J. Approve Renewal of OMNI Contract / Tammy Odom

Cindy addressed the council and explained that this is a contract between City of Sweeny and OMNI for the Texas Department of Public Safety Failure to Appear Program. It has a few changes from last year. Dale Lemon made a motion to approve the renewal of OMNI contract. James Wise seconded. All were in favor. Motion carried.

K. Discuss Personal Use of City Vehicle for Police Chief / Pat Moss

Council member Pat Moss addresses the council for permission for the Chief of Police to be allowed to drive his city vehicle for personal use in a 30/45 mile radius. Charlie Stevenson asked what our city policy states. Cindy King replied that it does not allow personal use for city vehicles. Mayor Lott suggested Cindy and Chief Wells get together on this. Ray Bailey agreed. Dale Lemon asked what about the Fire Marshall and the Fire Chief?

After much discussion, Ray Bailey made a motion to let Cindy King and Chief Wells and the Fire Chief and whoever to decide our protocol.

11. MAYOR, COUNCIL AND STAFF REPORTS

12. CLOSED EXECUTIVE SESSION IN ACCORDANCE WITH THE OPEN MEETINGS ACT TEX. GOV'T CODE §511.071 §551.072 AND §551.074. TO DISCUSS.

OPEN MEETING

13. DISCUSSION AND ACTION ON ANY ITEMS DISUCSSED IN EXECUTIVE SESSION

14. ADJOURNMENT

There being no further business the meeting adjourned at 7:18 p.m.

PASSED AND APPROVED THIS _____ DAY OF _____ 2012

Reatta Minshew, City Secretary