

A regular meeting and public hearing of the City Council was held at City Hall on Tuesday, August 18, 2009.

**1. Call To Order**

Mayor Lott called the meeting to order. Reminded Council and audience meetings are conducted in strict compliance with Roberts Rule of Order.

**2. Roll Call**

Council present: Gary Coker, Dale Lemon, Mayor Pro - Tem Neal Bess Jr, Ray Bailey and Linda Diaz.

Also present: Tim Moss, City Manager; Charlie Stevenson, City Attorney; Homer Toscano, Director of Public Works, and Gary Stroud, Chief of Police.

**3. Invocation**

Invocation was given by Charlie Stevenson

**4. Pledge of Allegiance**

Pledge of Allegiance was recited.

**5. Presentations by Citizens -**

Visitors: Rodney Weems, Phyllis Kittinger, James Wise, Al Lindley, Renee Pierce, Frank Lawrence, David Cisneros, Gloria Harrison, Frances Jammer, William Balestrine, P. T. Brunner, Thomas Campell, Stuart Lynn, Wayne Vinson, Nick Bess, and Mel Diaz

**6. Consent Items**

**A. Approval of Minutes -July 21, 2009**

Neal Bess made a motion to accept the minutes from July 21, 2009 as reported. Gary Coker seconded. All in favor; motion carried.

**B. Approval of Bills- \$ 27,766.35**

Ray Bailey questioned bill from City of Lake Jackson (garbage bags).

Neal Bess made a motion to accept the bills in the amount of \$27,766.35. Ray Bailey seconded. All in favor; motion carried.

**7. Public Hearings**

None

**8. Fire Department Report**

Devin Lemon gave the report for the Fire Department. Total of 17 calls. Current roster 27 members.

**9. Old Business**

**A. Approve SEDC Grant to P.T. Brunner for \$24,000.00**

James Wise spoke on behalf of SEDC. Mr. Wise stated grant should be for \$22,000.00 instead of \$24,000.00. Ray Bailey brought up variance from Zoning Ordinance; and order of approval for each. Discussion was made. Ray Bailey made a motion to defer action on this agenda item until new business agenda item D. Neal Bess seconded. All in favor; motion carried.

After approving item D in new business this agenda item was discussed once again. James Wise spoke on behalf of SEDC. Mr. Wise described what the \$22,000.00 would be used for according to the contract with Mr. Brunner. Discussion made. Ray Bailey made a motion to approve the SEDC grant to P. T. Brunner in the amount of \$22,000.00. Linda Diaz seconded. 3 members in favor; Gary Coker against; Neal Bess abstained. Motion carried.

**B. Discuss Property at Orange and FM 524**

Tim Moss spoke regarding the property located at Orange and FM 524. Letters have been sent and Mr. Moss has spoke with property owner and business owner. This property has been turned over to the Municipal Court for further action. Discussion was made and business owner spoke on what efforts have been made to clean up property. Charlie Stevenson stated that since this has been sent to the court; it is in their hands now. When the case comes up Mr. Stevenson has made note of the comments tonight and will proceed depending on what action has been done. No action taken.

**10. New Business**

**A. Resolution to Approve Certified Tax Roll**

Charlie Stevenson read the resolution. Gary Coker made a motion to accept the resolution to approve the certified tax roll as read. Dale Lemon seconded. All in favor; motion carried.

**B. Approve Tax Rate and Schedule Public Hearings**

Reatta Minshew read the options for our tax rate. Neal Bess made a motion to adopt the effective tax rate of .741595. Dale Lemon seconded. Gary Coker - in favor; Dale Lemon - in favor; Neal Bess - in favor; Ray Bailey - in favor; Linda Diaz - in favor. No public hearings necessary.

**C. Set Dates for Public Hearings to Approve the Budget 2009-2010**

Tim Moss suggested to have one additional budget workshop prior to the public hearing. Budget would need to be in City Secretary's hand before Sept. 1, 2009. Discussion made. Budget Workshop scheduled for Thursday August 27, 2009, 6pm.

**D. Request Variance from Zoning Ordinance for parking spaces / P.T.Brunner**

P.T. Brunner spoke on his behalf. Mr. Brunner explained where the requested parking spaces were and why his variance was needed. Rodney Weems spoke on behalf of the Planning and Zoning Board of Adjustments. Mr. Weems explained that the Planning and Zoning Board of Adjustments referred the variance back to the Council and legal interpretation regarding

Sec. 110-162 subsection 28. The Board of Adjustments felt if Mr. Brunner qualified for this subsection a variance would not be necessary. Therefore they did not take any action on this item. Discussion was made. Charlie Stevenson stated Sec. 110- 162 subsection 28 would not apply in this situation; however subsection 26 would apply. Ray Bailey made a motion to apply Sec. 110 -162 subsection 26 of the Zoning Ordinance which states any or all off - street parking requirements may be waived at the discretion of Council where there is reasonable justification for doing so. Motion died lack of second. Discussion made. Ray Bailey made his motion once again ( to apply Sec. 110 -162 subsection 26 of the Zoning Ordinance which states any or all off - street parking requirements may be waived at the discretion of Council where there is reasonable justification for doing so.) Gary Coker seconded. All in favor; motion carried.

**E. Brazoria County Interlocal Agreement 2009 / 2010**

Tim Moss stated this interlocal agreement is renewed annually between Brazoria County and the City of Sweeny. Neal Bess made a motion to renew the interlocal agreement for 2009-2010. Dale Lemon seconded. All in favor; motion carried.

**F. Kennemer, Masters & Lunsford Engagement Letter**

Kennemer, Masters, and Lunsford are the auditors for the City of Sweeny. This letter is signed annually prior to the audit. Neal Bess made a motion to sign the engagement for Kennemer, Masters and Lunsford. Ray Bailey seconded. All in favor; motion carried.

**G. Approve SEDC Budget 2009 - 2010**

Ray Bailey spoke on behalf of the SEDC and stated he had additional papers that were handed to Council regarding budget. Discussion was made. Neal Bess requested while discussing this agenda item if Council could also discuss item H. Discussion was made on the administration and office duties as well as budget for SEDC. Tim Moss discussed the SEDC budgets from years past to present. Mr. Moss also suggested SEDC administrative duties be handled through City Hall at no charge; this would save money in the SEDC budget. Neal Bess requested the SEDC to be present at our next budget workshop on 8-27-09. Neal Bess also requested a copy of the contract between Chamber of Commerce and SEDC. Ray Bailey made a motion to table this agenda item and discuss at the budget workshop on 8-27-09. Neal Bess seconded. All in favor; motion carried.

**H. Discuss SEDC Administration and Office Duties / Tim Moss**

This agenda item was discussed with item G.

**I. Discuss and Appoint Nick Bess to Park and Rec Board**

Nick Bess spoke about himself. Dale Lemon made a motion to appoint Nick Bess to the Park and Recreation Board. Linda Diaz seconded. All in favor; motion carried.

**J. Discuss and Appoint Devin Lemon to Park and Rec Board**

Gary Coker made a motion to appoint Devin Lemon to the Park and Recreation Board. Dale Lemon seconded. All in favor; motion carried.

**K. TML Interlocal Agreement**

Tim Moss spoke this is a renewal of an agreement in place. Dale Lemon made a motion to approve the TML interlocal agreement. Gary Coker seconded. All in favor; motion carried.

**L. Property Tax Resale at 510 MLK**

Tim Moss spoke. Property at 510 MLK was sent to a Sheriff’s sale and no bids were made. It was sent back to the City. An offer has been made to purchase property at 510 MLK in the amount of \$2,000.00. The County has approved this amount and Mr. Moss suggested we do the same. Neal Bess made a motion to approve the \$2,000.00 offer for property at 510 MLK. Gary Coker seconded. All in favor; motion carried.

**M. Request Permission to place Lions Club “Car Show” Signs on City right-of-way / during week of Car Show / Lions Club**

Linda Diaz spoke on behalf of the Lions Club. The Lion’s Club is requesting permission to allow placement of Car Show signs on city right-of-way during the week of the car show which is Sept. 5, 2009. Gary Coker made a motion to allow Lions Club Car Show signs on City right-of-way during the week of the car show. Dale Lemon seconded. All in favor; motion carried.

**N. Resolution Supporting Frank Levi Swinford as honorary “Grand Marshall” of the Veterans’ Day Parade and that all Vietnam Veterans be recognized and asked to participate in the Parade in November / Linda Diaz**

Linda Diaz read the history of Vietnam Veteran Frank Levi Swinford. Ms. Diaz in turn asked Council to pass a resolution to support Frank Levi Swinford as honorary Grand Marshall of the Veteran’s Day Parade and that all Vietnam Veterans be recognized and asked to participate in the parade. The family of Mr. Swinford in attendance was recognized.

Rodney Weems spoke on behalf of the Veterans’ Day Committee he requested this agenda item be tabled until September to allow for the parade steering committee to meet. Reatta Minshew, City Secretary, read the resolution. Neal Bess made a motion to accept the resolution as read. Gary Coker seconded. All in favor; motion carried.

**11. Reports of Advisory Boards & Commissions**

Rodney Weems gave an update on the Veterans’ Day Parade (November 11, 2009).

**12. Mayor, Council and Staff Reports**

**Mayor Lott** – Went to Houston today with Conoco / Chevron Phillips in regards to a Senate Bill on Energy. Next month agenda request a memorial in memory of veteran’s from Sweeny. Battle of the Bernard, Saturday August 22, 2009, 4:00pm.

**Gary Coker** – None

**Dale Lemon** – None

**Neal Bess** – None

**Ray Bailey** – None

**Linda Diaz** – None

**Tim Moss** – None

**Chief Stroud** – None

**Homer Toscano – None**

**13. Announcements**

**None**

**14. Closed Executive Session in Accordance with the Open Meetings Act, Tex. Gov't Code § 551.071, § 551.072 and § 551.074.**

**OPEN MEETING:**

**15. Discussion and action on any items discussed in Executive Session**

**16. Adjournment**

Being no further business meeting adjourned at 9:05 pm

**PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2009**

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**Reatta Minshew, City Secretary**