

**CITY OF SULPHUR SPRINGS, TEXAS
REGULAR MEETING OF THE
CITY COUNCIL**

January 4, 2022

7:00 p.m.

Mayor John A. Sellers called the regular session of the City Council to order at 6:30 p.m. Mayor Pro Tem Moore moved to adjourn into executive session. Councilman Nash seconded and the vote was unanimous. An Executive Session was held at 6:31 p.m. in accordance with Texas Government Code §551.071, Consultation with Attorney, with Texas Government Code, Title 5, Chapter 551 - §551.072, Real Property, and §551.087, Economic Development: D6, Inc. Project, Project Superman and acquisition of property for storm drainage purposes.

The following council members and staff were present:

Present: Mayor John A. Sellers
Mayor Pro Tem Doug Moore
Councilman Jay W. Julian
Councilman Harold Nash Sr.
Councilman Freddie Taylor
Councilman Gary Spraggins

Absent: Councilman Oscar Aguilar

Staff: Marc Maxwell, City Manager
Natalie Darrow, City Secretary
Lesa Smith, Assistant City Manager/Finance Director
Tory Niewiadomski, Assistant City Manager/CD Director
Gordon Frazier, Assistant City Manager/HR Director-7p
David James, Fire Chief-7p
Roger Feagley, Executive Director of EDC-6:30 p.m./zoom.
Nate Smith, City Attorney 6:30 p.m./zoom

RECONVENE INTO OPEN SESSION

Mayor Sellers reconvened the regular meeting of the Sulphur Springs City Council to order at 7:00 p.m.

PLEDGE AND INVOCATION

Mayor Sellers led in the pledge of allegiance to the United States Flag and the Pledge to the

Texas Flag, and the invocation was led Councilman Nash.

PRESENTATIONS, PROCLAMATIONS, AND ANNOUNCEMENTS

None.

MANAGER'S REPORT INCLUDES A STATUS REPORT OF CAPITAL IMPROVEMENTS, MUNICIPAL OPERATIONS, ACCIDENTS AND CLAIMS FOR THE MONTH, AND A REVIEW OF EXPENDITURES AND REVENUES

COVID-19 RESPONSE – The Omicron variant of the Covid virus seems to be spreading like wildfire across the nation. Unfortunately, I cannot give you any accurate numbers regarding the number of local cases. The State of Texas is having difficulty updating the numbers. This has been a recurring theme with the Department of State Health Services for almost 2 years. The number of people hospitalized at Christus Trinity Mother Frances remains low at 6.

CLAIMS – We did not have any workers compensation claims in December. We did receive 2 liability claims in December, one for a slip & fall incident, and the other for a sewer backup inside a residence. Both incidents were submitted to the TML risk pool. The slip & fall incident was denied. The wastewater incident is pending.

SENIOR CITIZENS BUILDING – We are in the process of applying for a grant to enlarge the building. The Texas Department of Housing and Community Affairs recently announced a grant program called the Texas Community Resiliency Program that will award grants between \$500 thousand and \$5 million for qualifying projects. Senior citizen centers are specifically called out as a qualifying project.

PACIFIC PARK – Progress continues at the park. The fitness court is under construction now. Next up will be the playground and the new bathrooms. Elsewhere on the agenda tonight is the award of a bid for concrete for all of the paths throughout the park.

MLK DRAINAGE - Kudos to the Capital Construction Division for solving the long-standing problem on Martin Luther King Junior Drive between Davis Street and Oak Avenue. This was a complicated problem that required close cooperation with the Kansas City Southern Railroad (KCS) and a delicate touch installing new drainage pipe around existing utilities and KCS control conduits.

COLLEGE STREET – Work has begun on the project. The Capital Construction Division has installed a new sewer main and new water main between Oak and Jackson. Next, they will construct a small drainage component and then the project will progress to the east. We had hoped to make progress on the drainage last month, but we are waiting on Atmos to relocate a gas main. We will advertise for bids for construction of the concrete street in the next 60 days.

RUNWAY/TAXIWAY REHAB – This \$1.9 million project is 95% complete. All we lack is a little striping, test results on the concrete and a bit of cleanup.

STREET IMPROVEMENT PROGRAM – Two Street segments remain: More delays from Texana land and Asphalt. We still lack League and Lee Streets. Woodbridge crossing is in progress.

2021 SIP		
Street	Segment	Length
Austin	Davis to Brinker	565
Beckham	Oak to Elm	3,379
Duckworth	Mockingbird to Broadway	1,250
Gena	Cul de Sac to end	1,130
League	Bellview to Pampa	3,131
Lee	Davis to Broadway	1,901
N. Davis	Houston to Bonner	675
Patton	College to Weaver	950
Phyllis Ct.	College to Cul de Sac	950
Texas	Tate to Lee	2,772
Texas	Lee to Industrial	1,188
Woodbridge Crossing	Various	500
Total Linear Feet		19,391
Total Miles		3.67
Total Cost		\$1,152,098
Street Maintenance Fee Revenue		\$502,000

REVENUES AND EXPENDITURES – Finance Director Lesa Smith will present a report of year-to-date revenues and expenditures.

Elsewhere around the city, employees:

- Made 8 extensive street repairs following utility repairs.
- Installed a sidewalk to the kayak dock at Coleman Lake that was provided by the Texas Parks and Wildlife Department.
- Sold 2,095 gallons of AvGas and 8.863 gallons of JetA fuel.
- Accommodate 675 take-offs/landings at the airport.
- Responded to 230 fire/rescue calls including 2 structure fires and 2 vehicle fires.
- Performed preventative maintenance on 78 fire hydrants.
- Performed 15 fire inspections and reviewed 15 pre-fire plans.
- Top-dressed baseball fields and winterized irrigation systems in the parks.
- Power washed sidewalks in the baseball/soccer complex.
- Removed 17 dead trees at Coleman Park.
- Responded to 150 animal control calls while achieving a 98% adoption rate.
- Made 3 felony arrests in the Special Crimes Unit.

- Responded to 26 accidents including 1 fatality, wrote 421 citations, recorded 34 offenses, and made 53 arrests in the Patrol Division.
- Made necessary repairs for downtown Christmas Lights.
- Installed security lighting at Coleman Park.
- Began designing lighting for Pacific Park.
- Began investigating potential for automatic locks on restroom doors at Imagination Mountain.
- Installed a new pump for Coleman Lake waterfalls.
- Performed preventative maintenance at the wastewater treatment plant and the water treatment plant.
- Treated wastewater to a daily average of total suspended solids count of .22 mg/L. our limit is 15 mg/L.
- Sent 77 tons of wastewater sludge to composting and 65 tons to the landfill.
- Washed 72,000 feet of sewer mains.
- Unstopped 29 sewer mains and repaired 8 water main ruptures.
- Replaced 8 water meters.
- Treated 147 million gallons of potable water.
- Conducted 45 building inspections, 17 electrical inspections, 19 plumbing inspections, 9 mechanical inspections, and issued 21 building permits.
- Checked out 1,756 items from the library and 588 eBooks.

Assistant City Manager Smith addressed Councilman Julian's question from the previous council meeting in reference to inflation. She let the council know that maintenance and fuel costs were 14 to 15 thousand dollars above this time last year and that she would continue to keep an eye on all areas of the budget.

DISCUSSION/ACTION ON THE CONSENT AGENDA

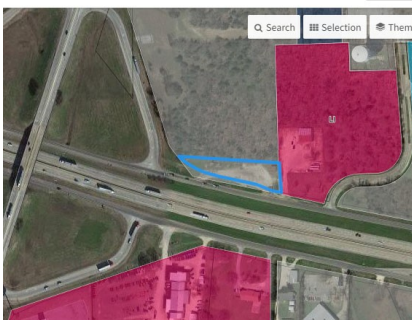
Consider for approval the City Council regular meeting minutes of December 7, 2021; Downtown Revitalization Board meeting minutes of October 12, 2021; Economic Development Corporation regular meeting minutes of October 25, 2021; Planning and Zoning meeting minutes of November 15, 2021; and a 380 Agreement for 509 Putman Street.

Councilman Taylor moved to approve the consent agenda as presented. Councilman Spraggins seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE 2795 (ZC# 211201) ON A REQUEST BY JOHN HEILMAN TO REZONE PROPERTY LOCATED AT 1381 W. INDUSTRIAL IDENTIFIED AS LOT 5, BLOCK 215, TOWN: SULPHUR SPRINGS CONSISTING OF APPROXIMATELY 0.97 ACRES FROM HEAVY COMMERCIAL TO LIGHT INDUSTRIAL

Assistant City Manager, Community Development Director Niewiadomski presented the staff report. The applicant is proposing to rezone the property to Light Industrial with intentions to plat this property with an adjoining 7.4 acres already zoned Light Industrial. It is not desirable to plat property with mixed zoning designations and staff would recommend one zoning designation for a property. The property is surrounded by a Heavy Commercial to the north, Light Industrial to the east, and TXDOT ROW to the south and west. Light Industrial Zoning is consistent with existing zoning designations at this interchange. The land use plan identifies commercial activity along I-30 frontage in this area. In reviewing the land use plan, it references commercial development and industrial within the same section. Rezoning this property to Light Industrial can be consistent with the land use plan as the Light Industrial Zoning District has several commercial uses allowed within it. In addition, the size of this lot would not lend itself to intensive industrial activity.



Councilman Spraggins moved to adopt the ordinance on the first reading. Councilman Julian seconded and the vote was unanimous.

Motion carried.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2796 (SS22-02) ESTABLISHING A REINVESTMENT ZONE FOR D6 INC

Assistant City Manager, Community Development Director Niewiadomski presented the staff report. D6 is a local company moving its headquarters and major manufacturing hub to Sulphur Springs. They are adding a total of 300,000 square feet to their new location. They are adding 17 million dollars of investment in equipment. The current value of the property is remaining on the tax rolls. All the incentives are for the increase in value not existing. One of the incentives that we offered was a tax abatement for their Hospital Taxes. The Hospital District does not have the legal authority to create a reinvestment zone. What you have before you is an ordinance to establishment a Reinvestment Zone. This is nothing more than establishing the geographical boundaries of an area where a taxing entity can offer a tax incentive. You are not issuing a tax abatement by the creation of the reinvestment zone. You are not approving a tax abatement for this company. This reinvestment zone will only be

used by the hospital for a tax abatement.

Councilman Julian moved to approve the resolution as presented. Councilman Taylor seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION AND PUBLIC COMMENT ON RESOLUTION NO. 1284 AUTHORIZING THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT CARES ACT GRANT APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) FOR THE COMMUNITY RESILIENCY PROGRAM; AND AUTHORIZING THE CITY MANAGER TO ACT AS THE CITY'S AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE GRANT PROGRAM.

Assistant City Manager/Finance Director Smith presented the staff report. This resolution officially authorizes the submission of an application for the TDHCA grant for the Senior Center. Assistant City Manager/Finance Director Smith added that we are waiting on estimates but we are proposing to apply for 3 million dollars with a total cost of about 4.2 million dollars. Councilman Julian moved to approve the resolution as presented and authorize the city manager to act as the city's authorized representative. Councilman Nash seconded and the vote was unanimous.

Motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1285 APPROVING MIKE PIETSCH, P.E. CONSULTING SERVICES TO LOCATE EXISTING AND FUTURE REQUIRED FIRE STATIONS BASED ON THE PRESENT CITY LIMITS OF THE CITY OF SULPHUR SPRINGS

Fire Chief James presented the staff report. This consulting service will help determine the proper location of all present and future fire stations based on the current city limits for the City of Sulphur Springs. They will evaluate required apparatus, equipment, and staffing at all existing and proposed fire stations. They will present an overview of the effect on the ISO rating for the City of Sulphur Springs by providing, or not providing, fire stations presently required or required in the future. Acquiring Mike Pietsch, P.E. Consulting Services will be highly beneficial to the taxpayers and City of Sulphur Springs, Texas through anticipating the future growth and requirements to maintain a high level of service to the City of Sulphur Springs, Texas. City Manager Maxwell explained that we are looking at a portion of Thermo for industrial expansion and need a consultant to take a look and see if we can relocate a station instead of building an additional one. Chief James explained that this consultant has worked for several cities around us and the people he spoke with that had used Mike Pietsch are very pleased. He had 30 years with ISO and started this business about 15 years ago. Councilman Julian asked if it would affect the city's rating and City Manager Maxwell said he is looking into the possibilities of a split rating. There was a brief discussion. Councilman Taylor moved

to approve the resolution as presented. Councilman Nash seconded and the vote was unanimous.

Motion carried.

DISCUSSION/ACTION ON BIDS AND AWARD OF CONTRACT FOR THE SUPPLY OF CONCRETE FOR THE TPWD PACIFIC PARK GRANT PROJECT

Assistant City Manager/Finance Director Smith presented the staff report. Staff placed bid notices in the News Telegram and emailed the two local concrete suppliers. Bids were opened on December 14th. We received two bids. Bids were submitted based on unit pricing per cubic yard. Total estimated quantity needed for the project is 500 CY.

BIDDER	BID PRICE PER CY
Bell Concrete	\$120.00
Martin Marietta	\$121.00

There was a brief discussion. Mayor Pro Tem Moore moved to award the contract to Bell Concrete. Councilman Spraggins seconded and the vote was unanimous.

Motion carried.

DISCUSSION/ACTION ON PURCHASE OF RESTROOM FROM CXT PRECAST CONCRETE PRODUCTS UTILIZING SOURCEWELL CONTRACT NO. 081721-CXT

Assistant City Manager/Finance Director Smith presented the staff report. Pacific Park has been designed by MHS Planning to include a new precast concrete restroom in the northwest section of the park. The restroom selected by MHS and City Staff consists of one building with two unisex restroom units. Each unit comes fully equipped and ready for use. Bids were not requested as this is recommended to be purchased using Sourcewell Contract 081721-CXT. Sourcewell is a national purchasing cooperative that streamlines the procurement process by developing RFPs and IFBs for national, competitive solicitations that meet or exceed local requirements. The City will save \$6,491 by purchasing with the Sourcewell contract instead of directly off of the quote provided by the vendor. The City occasionally utilizes purchasing cooperatives in lieu of requesting sealed bids. Chapter 271 of the Local Government Code authorizes cities to enter into cooperatives for the purpose of procuring goods and services. In December 2011, the City Council authorized the City Manager to join this national cooperative. There was a brief discussion. Councilman Nash moved to approve the purchase as presented. Councilman Taylor seconded and the vote was unanimous.

Motion carried.

DISCUSSION/ACTION ON APPROVAL OF FOUR (4) AGRICULTURAL LICENSE AGREEMENTS AT THE OLD THERMO MINE/LUMINANT PROPERTY AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID DOCUMENTS

Assistant City Manager/Finance Director Smith presented the staff report. For the past two years the City has renewed agricultural leases that Luminant had prior to our ownership of the property. Council approved the new license agreement with Jonah Massey at the December 7, 2021 meeting. That lease is the largest area at 1,007 acres. That area was opened up for bidding and Massey had the highest bid at \$62.00 per acre. The four remaining leases need to be approved for renewal. Staff is recommending renewing 3 of the 4 leases at \$62.00 per acre. The agreement with Hopkins County would remain at \$2.00 for the whole year. Staff proposes to continue the other 4 license agreements with the same parties. The following contains all licenses the City has and/or proposes to renew at the Thermo property:

Lincensee	Acreage	Price Per Acre	Total Annual License	Approved for Renewal	License Purpose
Hopkins County	87.55	N/A	\$2.00	Pending	Ag/Use of Sand for County Roads
Jonah Massey	82	\$62.00	\$5,084.00	Pending	Ag
Jean Barnes	4.71	\$62.00	\$292.02	Pending	Ag
Mark Johnson	51.8	\$62.00	\$3,211.60	Pending	Ag
Jonah Massey	1007	\$62.00	\$62,434.00	12/7/2021	Ag
TOTAL LEASE REVENUE			\$71,023.62		

City Manager Maxwell added that Barnes is ready to sign but Mark Johnson declined and that staff is requesting to authorize the city manager to offer the lease to the next bidder. Councilman Julian questioned the county lease rate. City Manager Maxwell explained that in the interest of good will and future investment partnerships with the county that he recommends the rate as presented. Councilman Julian agreed. There was a brief discussion. Councilman Spraggins moved to approve the licenses as presented and authorize the city manager to execute said documents. Councilman Taylor seconded and the vote was unanimous.

Motion carried.

DISCUSSION/ACTION, IF ANY, ON EXECUTIVE SESSION ITEMS

Mayor Pro Tem Moore made a motion to authorize the city manager to enter into negotiations of certain real property discussed in executive session. Councilman Julian seconded and the vote was unanimous.

Motion Carried.

Mayor Pro Tem Moore made a motion to approve Resolution No. 1286, a 380 agreement with D6. Councilman Taylor seconded and the vote was unanimous.

Motion Carried.

VISITORS AND PUBLIC FORUM

Gene White, a resident of Sulphur Springs, addressed the council in reference to the buzzard issue within the city limits and was requesting help with the issue. There was a brief discussion.

ADJOURN

With all business complete the meeting was adjourned at 7:36 p.m.