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

February 7, 2023
7:00 p.m.

An Executive Session will be held at 6:15 p.m. in accordance with Texas Government Code, Title 5, Chapter 551 - §551.071, Consultation with Attorney; and §551.087 Deliberations Regarding Economic Development Ashoka Steel; with Texas Government Code, Title 5, Chapter 551, Section 551.074.

Mayor Douglas Moore called the regular session of the City Council to order at 7:03 p.m. The following council members and staff were present:

Present:	Mayor Douglas Moore Mayor Pro Tem John A. Sellers Councilman Jay W. Julian Councilman Harold Nash Sr. Councilman Oscar Aguilar Councilman Tommy Harrison Councilman Gary Spraggins
Absent:	None
Staff:	Marc Maxwell, City Manager Natalie Darrow, City Secretary Nate Smith, City Attorney Jason Ricketson, Chief of Police Tory Niewiadomski, Community Development Director/ Assistant City Manager -7 Lesa Smith, Finance Director/Assistant City Manager -7 Gordon Frazier, HR Director/Assistant City Manager -7 Bryan Craig, Public Works Director – 7 Jerry Maynard, Parks and Recreation Director - 7 James Jordan, Director of Utilities

RECONVENE

Mayor Moore called to order the open session of the regular meeting of the Sulphur Springs City Council to order at 7:03 p.m.

PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG, TEXAS FLAG, AND INVOCATION

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

Texas Flag, and the invocation was led by Councilman Nash.

PRESENTATIONS, PROCLAMATIONS, AND ANNOUNCEMENTS

Black History Month Proclamation:

WHEREAS, 2023 marks the 97th annual celebration of Black History since Carter G. Woodson, a noted scholar and historian instituted Negro History Week in 1926. He chose the second week of February to coincide with the birthdays of President Abraham Lincoln and the Black 19th century abolitionist Frederick Douglass; and

WHEREAS, in 1976 it evolved into a month-long celebration and became a national holiday when President Gerald Ford recognized "the too-often neglected accomplishments of black Americans in every area of endeavor throughout our history" in a speech to mark the United States Bicentennial; and

WHEREAS, The Black History Month 2023 theme, "Black Resistance," explores how "African Americans have resisted historic and ongoing oppression, in all forms" since the nation's earliest days; and

WHEREAS, Black History Month affords the special opportunity to become more knowledgeable about black heritage, and to honor the many black leaders who have contributed to the progress of our nation; and

WHEREAS, such knowledge can strengthen the insight of all our citizens regarding the issues of human rights, the great strides that have been made in the crusade to eliminate the barriers of equality for minority groups, and the continued struggle against racial discrimination.

NOW, THEREFORE I, Douglas Moore, by virtue of the authority vested in me as Mayor, and on behalf of the City Council of the City of Sulphur Springs, Texas, do hereby proclaim the month of February as

"BLACK HISTORY MONTH"

and urge all residents to join together in making this a period of rededication to the principles of justice and equality for all people.

Signed and sealed this 7th day of February 2023.

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Douglas Moore, Mayor

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

Due to unforeseen circumstances, the manager's report will follow next week. Finance Director/Assistant City Manager Smith presented a budget update. Councilman Aguilar requested staff to consider leaving the site open and extra week for citizens to drop off brush from the ice storm. There was a brief discussion.

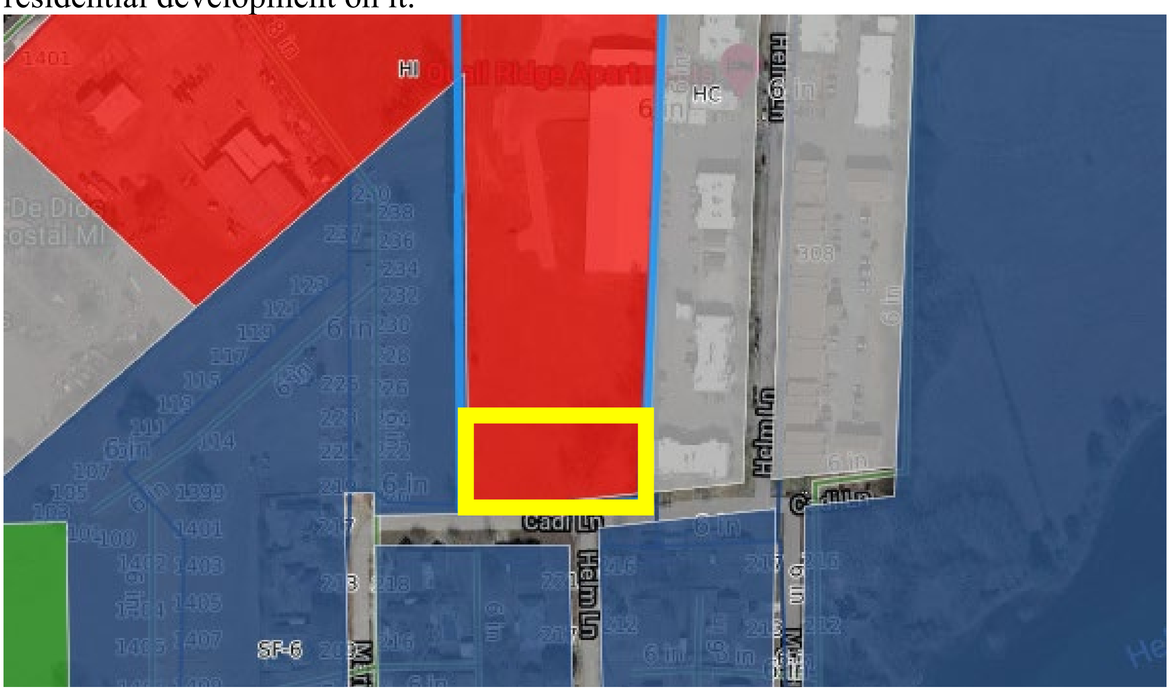
DISCUSSION/ACTION ON CONSENT AGENDA

City Secretary Darrow presented the staff report. Consider for approval the City Council regular meeting minutes of January 3, 2023; Zoning Board of Adjustment and Appeals meeting minutes of November 22, 2022; Downtown Revitalization Board meeting minutes of November 15, 2022; Planning and Zoning meeting minutes of November 21, 2022; Planning and Zoning meeting minutes of December 19, 2022; Revolving Loan Fund Committee meeting minutes of June 21, 2022; Tax Increment Financing Reinvestment Zone No. 1 meeting minutes of October 11, 2022; and 380 agreements for 607 Lamar Street, 928-934 College Street, 618 Putman and 700 Carter Street. Councilman Julian moved to approve the consent agenda as presented. Councilman Nash seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION OF PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 2820 ON A REQUEST BY KENNEDY COMMERCIAL-SHANNON RD LLC TO REZONE A PORTION OF PROPERTY LOCATED AT 1439 E. SHANNON ROAD IDENTIFIED AS LOT 8, BLK: 221, TOWN: SULPHUR SPRINGS CONSISTING OF APPROXIMATELY 0.78 ACRES FROM HEAVY INDUSTRIAL TO MULTIFAMILY AS THE PROPOSED CADI LANE NORTH SUBDIVISION

Community Development Director/Assistant City Manager Niewiadomski presented the staff report. The applicant is proposing to rezone a portion of the property to Multifamily to construct duplexes on the lot. The property is currently zoned as Heavy Industrial which does not permit residential development on it.



Within the HI District, uses that are allowed by right are automobile wrecking yards, lumber mills, junkyards, factories, along with other commercial and retail uses permitted in LI, HC, and LC zoning districts.

Direction	Use	Zoning
North	Warehousing/ Office	Heavy Industrial
East	Apartments	Heavy Commercial
South	Single Family	SF-6
West	Single Family	SF-6

Given the context of the area, downzoning is an appropriate designation to allow duplexes on the property as an appropriate transition from single family, apartments, and Heavy Industrial uses. Staff believes it would be more appropriate than Heavy Industrial uses at this location abutting residential and apartments.
Staff sent 13 certified letters to surrounding property owners within 200 feet.

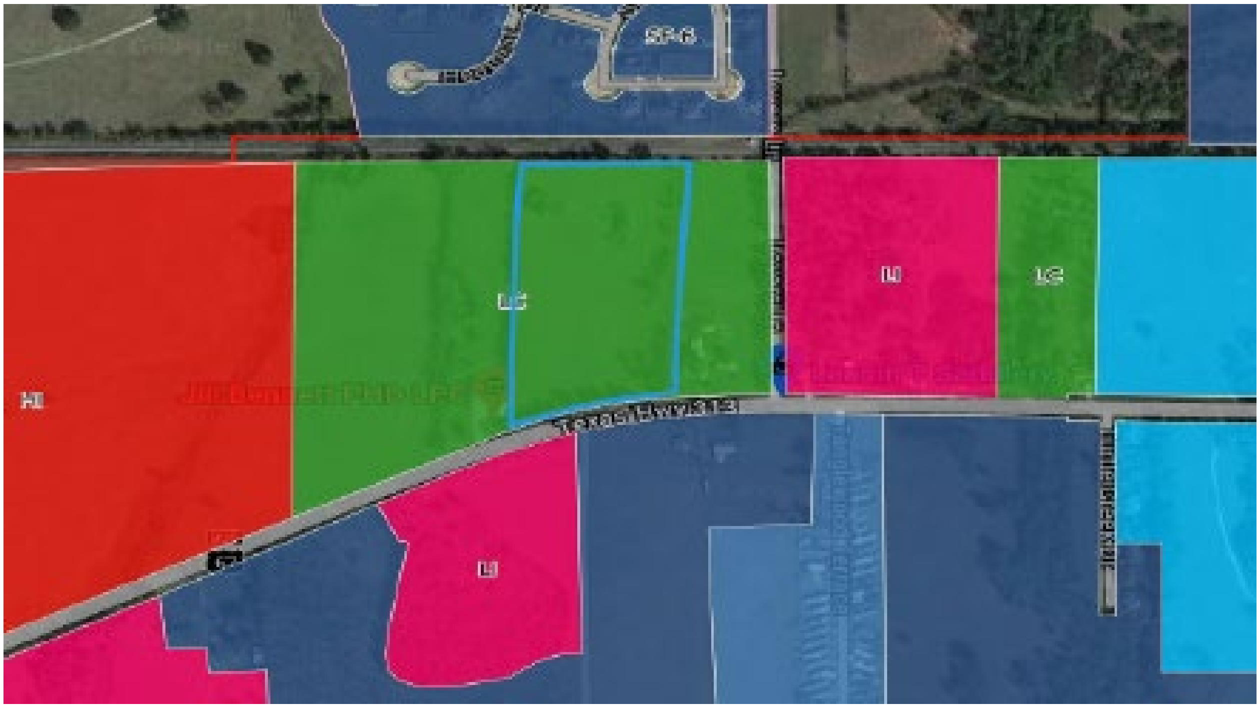
Below is a response summary:
- In Favor Of: 0
- Opposed To: 4
- Undecided On: 1

The concerns are that there should be more of a buffer from the single-family homes from rental units. The developer of the Woodcreek Subdivision is opposed to having townhomes/duplexes next door as that will affect existing homes from being sold. Councilman Spraggins moved to approve the ordinance on the second and final reading. Mayor Pro Tem Sellers seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2821 IDENTIFIED AS ZC# 230101 ON A REQUEST BY C&C GUARDIAN INC TO REZONE A PROPERTY LOCATED AT 2119 (2113) MAIN STREET IDENTIFIED AS LOT PT 1, 2, BLK: 122, CONSISTING OF APPROXIMATELY 10 ACRES FROM LIGHT COMMERCIAL TO LIGHT INDUSTRIAL

Community Development Director/Assistant City Manager Niewiadomski presented the staff report. The applicant is proposing to rezone the property from LC to LI to have more flexibility in options for marketing the property for development. The property is located two properties west of Lovers Lane along Texas Highway 313 (Main Street).



The land use plan identifies this area along Main Street as commercial frontage. It is intended that in the future, this area will be commercially developed towards the east and more industrial towards the west where it is already zoned industrial. CURRENT LC DISTRICT EXAMPLES PROPOSED LI DISTRICT EXAMPLES Retail & Restaurants Everything in LC & HC Banks & Business Offices Factories Gas Stations and tire shops Amusement Parks Welding & machine shops Travel center & truck stops Mattress and upholstery repair Heavy truck, dirt moving equipment storage/repair Lumber yards and mortuaries Building material, machinery supply and storage. Staff sent 14 certified letters to surrounding property owners within 200 feet. Below is a response summary: • In Favor Of: 0 • Opposed To: 3 • Undecided On: 1 The opposition letters indicated that the area is 95% residential and believes heavy industrial activity would put a strain on residents in the area. Also concerns about tax increases. P&Z PUBLIC HEARING 01-16-23 At the public hearing, staff presented the staff report. Four citizens spoke in opposition of this matter. Some of their concerns were traffic, noise, and residential being next to industrial. Wayne Cooper, owner of the property, spoke commenting that the intent is not to harm anyone with growth and that there is some industrial zoning in this area already. Rezoning the property not knowing what it will be used for makes it difficult for the neighbors and the Board to make a decision on what would be the best use of this property. Tenny Avery-Tanton of Main Street addressed the council speaking against the rezoning. Councilman Spraggins moved to approve the zone change. There was a lengthy discussion. Councilman Spraggins withdrew his motion. Councilman Spraggins then made a motion to approve the Ordinance as presented, to disallow the zoning change. Councilman Julian seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION FIRST READING OF ORDINANCE NO. 2822 ZC# 230102 ON A REQUEST BY SCOTT HEMBY TO REZONE A PROPERTY LOCATED AT 1336 & 1340 AZALEA LANE AND 491 HILLCREST IDENTIFIED AS LOTS 1, 2, PT 10 BLK: 215-5, ADDN: HIGHLAND HILLS CONSISTING OF APPROXIMATELY 1.51 ACRES FROM PROFESSIONAL OFFICE TO LIGHT COMMERCIAL

Community Development Director/Assistant City Manager Niewiadomski presented the staff report. The applicant is proposing to rezone the property from PO to LC to have more flexibility in options for marketing the property for development. The property is located at the SE corner of Hillcrest and Azalea Lane. The land use plan identifies this area along Hillcrest as commercial frontage. In 2010, the property was proposed to be rezoned from SF-6 to LC. Due to opposition presented, the applicant agreed to downzone to Professional Office. To date, conditions along Highway 19 have not changed significantly from 2010 when this request was previously reviewed. Azalea lane is the entrance to the Highland Hills subdivision which is exclusively a residential single-family development and also included lots along Hillcrest north of this site. Professional office allows for bank, medical, and business offices as a low intensity range of uses allowable. PO is the lowest level of commercial zoning in the Zoning Ordinance. Stepping up to Light Commercial does expand the opportunities up to a lot of potential uses that would be allowed by right. Staff sent 9 certified letters to surrounding property. Owners within 200 feet. Below is a response summary: • In Favor Of: 2 • Opposed To: 3 • Undecided On: 0. Scott Hemby spoke regarding this request. Several inquiries, one being Dollar General Market, have been interested in the property but they are concerned about the difficulty of getting it changed to commercial.

Neighbors are concerned about additional noise, lights, pollution, and traffic in area. They are accepting of the Professional Office zoning because it is less invasive to the neighborhood. The Planning & Zoning Commission unanimously denied to rezone the property from Professional Office to Light Commercial. There was a brief discussion. Councilman Aguilar made a motion to approve the ordinance as presented, to deny rezoning. Mayor Pro Tem Sellers seconded and the vote was as follows:

Aye: Julian, Nash, Aguilar, Harrison, Moore, Sellers
No: Spraggins

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1325 APPROVING THE SUBMISSION OF A GRANT APPLICATION TO OFFICE OF THE GOVERNOR – HOMELAND SECURITY DIVISION TO PURCHASE ELEVEN (11) PORTABLE RADIOS TO BE USED BY THE PATROL DIVISION AND CRIMINAL INVESTIGATION

Chief of Police Ricketson presented the staff report. This is a resolution of the City of Sulphur Springs, Texas, approving the submission of a grant application to the Office of the Governor – Homeland Security Division for portable radios. Councilman Harrison moved to approve the resolution as presented. Councilman Nash seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1326 APPROVING THE SUBMISSION OF A GRANT APPLICATION TO OFFICE OF THE GOVERNOR – HOMELAND SECURITY DIVISION TO PURCHASE SIX (6) MOBILE RADIOS TO BE USED BY THE PATROL DIVISION AND CRIMINAL INVESTIGATION

Chief of Police Ricketson presented the staff report. This is a resolution of the City of Sulphur Springs, Texas, approving the submission of a grant application to the Office of the Governor – Homeland Security Division for mobile radios. Councilman Harrison moved to approve the resolution as presented. Councilman Aguilar seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1327 CALLING FOR A GENERAL ELECTION FOR CITY COUNCIL PLACES 6, AND 7, NAMING ELECTION JUDGES, AND SETTING DATES FOR EARLY VOTING. (LA DISCUSIÓN/ACCIÓN EN LA RESOLUCĪON EL NUMERO 1293(S) PIDIENDO LA ELECCIÓN COLOCA 6 Y 7, LLAMANDO A JUECES DE ELECCIÓN, Y PONIENDO FECHAS PARA LA VOTACIÓN TEMPRANA.)

Resolution No. 1327 calls for a City Council election for Places 6 and 7 to be held Saturday, May 6, 2023. The resolution also sets the dates for making application for place on ballot, for early voting and for mail ballot deadlines, as well as naming the Early Voting Election clerk and voting judge. Councilman Julian moved to approve the resolution as presented. Councilman Spraggins seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1328 NAMING THE FORMER COAL MINE EAST HAUL ROAD TO THERMO ROAD

Assistant City Manager/Community Development Director Niewiadomski presented the staff report. The City has been negotiating with industry out at the former coal mine site. Last year, the City was awarded a grant to improve the "east haul road". As part of the progress, the City will need to provide road names as businesses and industry start to locate on the site. In order to provide addressing, the city needs to provide official road names. There was a brief discussion. Councilman Julian moved to approve the resolution as presented. Councilman Harrison seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1329 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SULPHUR SPRINGS, TEXAS ADOPTING A GRANT PROJECT BUDGET FOR THE CITY OF SULPHUR SPRINGS AMERICAN RESCUE PLAN ACT OF 2021: CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS

Finance Director/Assistant City Manager Smith presented the staff report. This resolution puts the City's plan for the use of the American Rescue Plan Act (ARPA) funds in writing. Council has previously budgeted and planned for the use of the funds for the Water Treatment Plant and this resolution clarifies that $3,580,506.93 will be spent on the Water Treatment Plant and that $450,000 will be transferred in to the General Fund to be used on General Services, specifically to cover law enforcement salaries. The Treasury issued the Final Rule of the Coronavirus State and Local Fiscal Recovery Funds that became effective April 1, 2022 allowing for a recipient to elect a standard allowance of up to $10,000,000 in revenue loss that can be used for government services. The recipient does not actually have to have a loss in revenue in order for this standard allowance to be taken. The issuance of this final rule allows recipients more flexibility in the ways that the funds can be used. Staff finds that the transfer in to the General Fund of $450,000 from the ARPA fund will be beneficial to the City by replenishing funds used to cover operating costs associated with law enforcement. The award of the bid for the Filter Rehabilitation project is also on tonight's agenda. The City currently has a contract with Garver for engineering services in the amount of $237,488. If the $3,046,250 construction contract is awarded, there will be total contracts of $3,283,738 for the water plant. This will leave $296,768.93 of ARPA funds to complete more work at the plant. The Enterprise Fund is also set to receive more revenue than budgeted due to the contract with Upper Trinity. Those additional funds could be used on the water plant if needed. $450,000 will be moved from the ARPA fund to the General Fund to cover law enforcement salaries. The remaining ARPA funds will be used for the Water Treatment Plant project. There was no one else to speak to the issue. Councilman Julian moved to approve the resolution as presented. Councilman Nash seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1330 RENAMING RAMSEY STREET TO ROOKSON STREET

Community Development Director /Assistant City Manager Niewiadomski presented the staff report. This is a request by Nancy Rooks to change the name of Ramsey Street to Rookson Street. There are no other residents on Ramsey Street. Councilman Sellers spoke of the history of Ramsey Street. He said that Mr. Ramsey was the District Clerk in Sulphur Springs and later a County Judge for Marion County that lived on the same property as Mrs. Rooks. Mrs Rooks spoke to the meaning of the name Rookson. She explained that it is a combination of her name and her daughter's family name of Penson. Mayor Pro Tem Sellers moved to approve resolution as presented. Councilman Spraggins seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1331 APPROVING THE SELECTION AND AUTHORIZATION FOR GRANT ADMINISTRATIVE SERVICES FOR A 2023-2024 CDBG COMMUNITY DEVELOPMENT FUND PROJECT AND TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT

Finance Director/Assistant City Manager Smith presented the staff report. The City is preparing to submit a grant application for the 2023-2024 Texas Community Development Block Grant (TxCDBG) Community Development Fund. Applications are due April 3, 2023 and the City will need to hire a grant consultant to assist with the application preparation and the administration of the grant if it is awarded. Staff's preferred project is to upgrade sewer, water, and streets/drainage on Easy/Atkins from Van Sickle to Rogers. Staff will discuss the scope and budget for the project with the selected consultant and bring a recommendation to the March City Council meeting for permission to apply for the grant. To ensure compliance with the grant criteria, staff sent requests for proposals out to TDA's prequalified firms for professional services. Cities using a third party grant administrator are required to select an administrative service provider through formal action of the City Council prior to the Grant Administrator preparing the application. The TxCDBG Community Development Fund program objective is to develop viable communities by providing decent housing and suitable living environments, and expanding economic opportunities principally for persons of low- to moderate-income. Most funds are used for public facilities such as water/wastewater infrastructure, street and drainage improvements and housing activities. We received proposals from three grant administration providers: Traylor & Associates, KSBR, LLC and the Ark-Tex Council of Governments. The evaluation committee consisted of the Mayor, City Manager, Asst. City Manager Lesa Smith and Asst. City Manager Tory Niewiadomski. The committee ranked the proposals on four criteria (*experience, prior work performance, capacity to perform, and proposed cost*) on January 25, 2023. Based on the evaluation committee's rankings, Traylor & Associates was determined to be the recommended firm to move forward with on the project. All 3 firms are highly qualified, and would provide great service to the City. Traylor and Associates was ranked highest due to having the lowest proposed cost at $36,000 and their capacity to provide the services needed at this time. Staffs recommends award of the administrative services contract to Traylor & Associates for the 2023-2024 Texas Community Development Block Grant (TxCDBG) Community Development Fund Project and to authorize the City Manager to execute the contract. If awarded the grant, the maximum award amount is $500,000 from TxCDBG and will require local match of at least 20% toward the project. If awarded the grant, the City will pay $36,000 for administrative services for the project. If we are not awarded the grant, we will not pay anything to Traylor & Associates. There was no one else to speak to the issue. Councilman Spraggins moved to approve the resolution as presented. Councilman Aguilar seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1332 AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND SIGN A CONTRACT FOR ENGINEERING SERVICES FOR A CONCRETE ROAD TO BE LOCATED AT THE FORMER COAL MINE PROPERTY AND FUNDED BY A U.S. DEPARTMENT OF COMMERCE ECONOMIC DEVELOPMENT ADMINISTRATION GRANT AWARD NO. 08-79-05698

Community Development Director/Assistant City Manager Niewiadomski presented the staff report. On September 20, 2022, the U.S. Department of Commerce's Economic Development Administration (EDA) provided notice that the City of Sulphur Springs grant application was approved for $2,380,000 of federal funds for nearly 2 miles of roadway improvements to the East Haul Road at the Thermo Industrial Park. The City hired Ark-Tex Council of Government

(ATCOG) to provide grant administration services on this project. The next phase is to design and construct the project. Due to federal guidelines and requirements, the City will be using an Engineering firm to provide engineering services including the design, bid preparation, contract and construction management for the construction of the concrete road. To ensure compliance with grant related criteria, staff sent requests for qualifications to select the most qualified engineering firm on this project. The City received proposals from the following 7 firms: Criado, Dynamic Engineering, EST, Hayter Engineering, Kimley Horn, MTG Engineers and Surveyors, and Schaumburg & Polk, Inc. The City's grant consultant Ark-Tex COG reviewed the qualifications and indicated issues with 3 firms meeting EDA award requirements. The committee met on January 25, 2023 and ranked the qualifications based on the following criteria: (*qualifications and experience of staff on the project, past work performance, EDA and other federally funded grant experience, and their capacity to perform)*. Cost cannot be a factor in determining the most qualified engineering firm. However, once the top firm is selected, fee negotiations will be begin to negotiate a fair and reasonable price. If the city is unable to negotiate a contract with the most highly qualified provider, the city must then formally end negotiations with that provider and select the next most highly qualified provider. If necessary, the city must continue the process until a contract is obtained. There was no one else to speak to the issue. Mayor Pro Tem Sellers moved to approve the resolution as presented. Councilman Julian seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1333 TO DETERMINE THAT THE CITY WILL FOLLOW CHAPTER 43, SUBCHAPTER C-3 OF THE LOCAL GOVERNMENT CODE FOR A PROPOSED ANNEXATION REQUEST

Community Development Director/Assistant City Manager Niewiadomski presented the staff report. One of the first steps to consider while performing an annexation is to determine what procedures are required to be followed. The city has received a request from a property owner to be annexed into the City limits. Numerous changes to the annexation laws have occurred over the past 6 years. For petitions by a landowner, the state law indicates that Subchapter C-3 process will be followed. Since there is only 1 property owner in this request, C-3 alone will be required. Another primary consideration is whether or not the City is required to offer a development agreement which is covered in Section 43.016 of the Local Government Code. A city is required to offer a development agreement to any property appraised for ad valorem tax purposes as land for agricultural or wildlife management use under Subchapter C or D, Chapter 23, Tax Code, or as timber land under Subchapter E of that chapter. The intent of these development agreements are for the City to agree not to annex a property and allow the continuation of that land use for a specified period of time and the landowner agrees to not develop the property or change the land use. The property does currently hold an agricultural exemption, however, the applicant does intend to build a subdivision which will negate the need for agricultural use in the future. However, this will be required to ensure compliance with state law. The city will be required to offer a development agreement. Therefore, staff concludes that for property listed in Exhibit A shall be subject to the C-3 Consent annexation procedures and will be required to offer a development agreement. There was a brief discussion.

Mayor Pro Tem John Sellers moved to approve the resolution as presented. Councilman Nash seconded and vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1337 TO SET DATES, TIMES, AND A PLACE FOR A PUBLIC HEARING ON A PROPOSED ANNEXATION OF CERTAIN PROPERTY

Assistant City Manager/Community Development Director Niewiadomski presented the staff report. Staff received an annexation request from a property owner located adjacent to the Stonebriar neighborhood along Highway 11 West. The property under consideration is owned by Oak National Development LLC and contains 281.644 acres of land more or less. The area under consideration is directly east of the Stonebriar neighborhood and abuts the city limits along the new Highway 11 West roadway section. The City has water and sewer services stubbed to the property in question. In order to annex these properties, the City may follow an consent annexation process (see memo for annexation resolution). When considering annexation, there are three questions the City should consider.

1. Why does the city want to annex?

a. Most cities annex either to control development and/or to allow citizens to benefit economically from surrounding growth. In this case, it is property adjacent to city limits.

2. Does the city have the authority to annex?

a. Section 37 of the City Charter authorizes the City to annex property in accordance with state laws. The proposed properties are located within the City's ETJ and is a city owned property.

3. What annexation procedures must a city follow?

a. The City follows the procedures of Subchapter C-3 (Annexation of Area on Request of Owners). Below are the steps necessary to proceed with state timelines and noticing requirements.

Chapter C-3 requires a public hearing prior to consideration of an annexation which is completed by adoption of an ordinance. There are strict timelines of noticing procedures prior to the public hearings, time frame between the public hearings and 1st reading of the ordinance, and time frame of adoption of the ordinance once 1st reading occurs. There was a brief discussion. Councilman Julian moved to approve the resolution as presented. Councilman Aguilar seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RACIAL PROFILING REPORT SUBMISSION TO THE TEXAS COMMISSION ON LAW ENFORCEMENT

Chief of Police Ricketson presented the annual submission of statistical information to TCOLE for Racial Profiling Report for approval. There was a brief discussion. Mayor Pro Tem Sellers made a motion to approve the submission of the Racial Profiling Report. Councilman Spraggins seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON BIDS AND AWARD OF CONTRACT FOR FILTER REHABILITATION AT THE WATER TREATMENT PLANT TO BE FUNDED BY THE AMERICAN RESCUE PLAN ACT

Director of Utilities Jordon presented the staff report. The City advertised for bids on WTP filter rehabilitation. Bids were opened on December 14, 2022. Two (2) bids were received.

	Total Bid
Heritage Constructors, Inc 3737 Lamar Ave, Suite 700 Paris, TX 75460	$3,147,000
Stolz Mechanical Contractors, LLC 15101 FM Washington, TX 77880	$3,046,250

Staff recommends accepting $3,046,250 bid from Stolz Mechanical Contractors, LLC.

The City received a total of $4,030,506.93 in ARPA funds, with $3,580,506.93 being dedicated to the water plant. The City currently has a contract with Garver for engineering services in the amount of $237,488. If this $3,046,250 construction contract is awarded, there will be total contracts of $3,283,738 for the water plant. This will leave $296,768.93 of ARPA funds to complete more work at the plant. There was a brief discussion. There was no one else to speak to the issue. Councilman Julian made a motion to approve the bid as recommended. Councilman Nash seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON PURCHASE OF MOWERS FROM JOHN DEERE UTILIZING SOURCEWELL CONTRACT NO. 031121-DAC

Parks and Recreation Director Maynard presented the staff report. Bids were not requested as this is recommended to be purchased using Sourcewell Contract TURF 031121-DAC. 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 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 and no one else to speak to the issue. Mayor Pro Tem Sellers made a motion to approve the purchase as presented. Councilman Spraggins seconded and the vote was unanimous.

The motion carried.

<u>DISCUSSION/ACTION ON AMENDING THE ARCHITECTURAL CONTRACT WITH REES FOR EXPANSION OF SERVICES FOR THE SULPHUR SPRINGS SENIOR CITIZEN ACTIVITY CENTER PROJECT TO INCLUDE FULL CONSTRUCTION ADMINISTRATION SERVICES</u>

Assistant City Manager/Finance Director Smith presented the staff report. On July 13, 2020 the City entered into a contract with REES Associates for the design of a new Senior Citizen Activity Center. At the time that the City negotiated the contract with REES, there was limited construction administration included in the contract and only two site visits allotted for during the construction phase. Staff and REES agree that more construction oversight is required for this contract and have negotiated what both parties consider a fair price for the services. The additional cost is $24,550. The addition to the contract will provide full customary Construction Administration services, including monthly site visits throughout the anticipated twelve (12) month duration of construction. The scope of work also includes additional site visits, as required, for the Civil, MEP and Structural Engineering consultants. If services are needed beyond twelve months, the City will pay REES on an hourly basis. The City will also reimburse REES for items that are typically included as reimbursable expense, such as travel, meals, printing, and postage. The original contract with REES was for $105,000. In January of 2021, the contract increased by $5,000 to change the design plan to include a pre-engineered building. In November 2021, Council approved an additional $45,700 amendment to the contract to expand the building design by around 3,000 sq. ft. in preparation for the grant application. If this additional $24,550 is approved, that will bring the total REES contract to $180,250. The Architect is not only an important part of designing the project but is also a vital part of the construction process and will be the contractor's first point of contact on the project to handle design issues, and other questions that arise. Staff recommends authorizing the City Manager to sign a contract amendment for the additional services for the Senior Citizen Activity Center.

<u>Financial Impact:</u> Full Construction Administration Service	$36,000.00
Dynamic Engineering Construction Administration	$7,050.00
Credit for CA Services Currently in the REES Contract	($18,500.00)
Total Additional Services	**$24,550.00**

There was no one else to speak to the issue. Councilman Spraggins made a motion to approve amending the Rees contract as presented. Councilman Aguilar seconded and the vote was unanimous.

The motion carried.

<u>DISCUSSION/ACTION ON EXECUTIVE SESSION ITEM, IF ANY</u>

None.

<u>VISITORS AND PUBLIC FORUM</u>

None.

<u>ADJOURN</u>

With all business complete the meeting was adjourned at 8:06 p.m.