

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

March 1, 2022

7:00 p.m.

Mayor John A. Sellers called the regular session of the City Council to order at 6:32 p.m. Councilman Spraggins moved to adjourn into executive session. Councilman Julian seconded and the vote was unanimous. An Executive Session was held at 6:30 p.m. in accordance with Texas Government Code, Title 5, Chapter 551 - §551.071, Consultation with Attorney and §551.087, Deliberations Regarding Economic Development Negotiations: Project Superman.

The following council members and staff were present:

Present: Mayor John A. Sellers
Councilman Jay W. Julian
Councilman Harold Nash Sr.
Councilman Oscar Aguilar
Councilman Freddie Taylor
Councilman Gary Spraggins

Absent: Mayor Pro Tem Doug Moore

Staff: Marc Maxwell, City Manager
Natalie Darrow, City Secretary
Nate Smith, City Attorney
Lesa Smith, Assistant City Manager/Finance Director
Tory Niewiadomski, Assistant City Manager/Community Development Director
Gordon Frazier, Assistant City Manager/HR Director-7 p
Jason Ricketson, Chief of Police – 7 p
Roger Feagley, Executive Director of EDC

RECONVENE INTO OPEN SESSION

Mayor Sellers reconvened the regular meeting of the Sulphur Springs City Council to order at 7:04 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 Julian.

PRESENTATIONS, PROCLAMATIONS, AND ANNOUNCEMENTS

a. Texas History Month Proclamation

CITY OF SULPHUR SPRINGS, TEXAS

PROCLAMATION

WHEREAS, it is imperative that the citizens of the great State of Texas make every effort to preserve, protect, and promote the diversified and cultural history of our state; and

WHEREAS, Wednesday, March 2, 2022, the State of Texas will celebrate its 186th year since the signing of the Texas Declaration of Independence creating the Republic of Texas; and

WHEREAS, in February 1845 the Republic of Texas approved a resolution to enter the Union and part of that resolution, which came to be known as the Constitution of 1845, stated that Texas would retain its right to divide into four states in addition to the original Texas. The Republic of Texas existed for nine years before joining the Union as the 28th state on December 29, 1845; and

WHEREAS, the Texas Legislature purchased the land and buildings of the Alamo complex in the early part of the 20th century and designated the Alamo chapel as an official Texas State Shrine. Alamo Day is celebrated on March 6th of each year; and

WHEREAS, Texas is known as the Lone Star State and the flag displays a single five-point white star on a field of blue with an upper white horizontal stripe and a lower red horizontal stripe; and

WHEREAS, in 1826 the Texas Rangers, a unique group of lawmen used to track down outlaws, settle feuds, and reconcile land disputes, were established by Stephen F. Austin. In 1935, the Texas Rangers became a branch of the Texas Department of Public Safety and today the organization still works for law and order in the state; and

WHEREAS, Texas is the only state that was a Republic before joining the Union, the second largest state in land mass, and the second largest in population. It occupies about seven percent of the total land and water areas of the United States.

NOW, THEREFORE, I, John A. Sellers, Mayor of the City of Sulphur Springs, Texas, do hereby proclaim the month of March 2022 as

“TEXAS HISTORY MONTH”

and urge all citizens to observe this month with appropriate ceremonies and activities.

It is so proclaimed this the 1st day of March 2022.

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 – We have 3 patients in the COVID unit at the hospital.

CLAIMS – We did not have any liability claims or workers compensation claims from February.

SENIOR CITIZENS BUILDING – It looks like we are going to get the \$2.4 million in grant funding that we applied for. It won't be official until April, but we scored well above the cut-off line.

PACIFIC PARK – The fitness court is completed. We will hold a ribbon cutting/opening on March 11, 10:30 to noon. Thank you to Saputo and Christus Trinity Mother Frances for making the project possible with your generosity.

The Capital Construction Division has finished installing a drainage system and sidewalks for the playground.



COLLEGE STREET – The project continues eastward. The Capital Construction Division is replacing utilities in the intersection of Jefferson and Jackson.

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

STREET IMPROVEMENT PROGRAM – Texana land and Asphalt has begun the Lee Street project, but we had to stop the project Short at Brinker until school is out. We will also wait on League Street until school is out. So, these two projects were budgeted for 2021 but will be performed in 2022. Here are the new streets to be paved in 2022.

2022 SIP		
Street	Between	Length
Jackson	Middle to College	2480
Kasie	Tate to Camp	681
Lee	Davis to League	3099
Fore	Main to Connally	1070
Forrest Ln	Bell to Barbara	1119
Garrison	Main to Connally	940
Glover	Davis to Church	348

Houston	Hillcrest to League	4800
Commercial Serv.	various repair	442
Como	College to RR	3317
Dabbs	Gilmer to Davis	401
Drexel	Broadway to Mockingbird	1441
Fisher	Spence to Lee	1500
Ardis	Spence to Beckham	1880
Azalea	Hillcrest to Main	3648
Bonner	Church to Davis	539
Brinker	Beasley to dead-end	2629
California	Church to Seventh	1520
Charles	College to Lakeshore	998
Lee (2021)	Davis to Broadway	1901
League (2021)	Bellview to Pampa	3131
Total Linear Feet		37,884
Total Miles		7.18
Total Cost		\$ 2,012,318.00
Street Maintenance Fee Cost Estimate		\$ 1,072,668.00
Estimated Street Maintenance Fee Funds Available (Fund Balance Plus Budgeted Revenue)		\$ 1,049,101.81
Red Text indicates streets paid for by the Street Maintenance Fee. All other streets are paid for by a transfer from General Fund to Capital Fund.		

Elsewhere around the city, employees:

- Learned the wastewater treatment plant won Municipal Wastewater Treatment Plant of the Year from the Water Environmental Association of Texas.
- Checked 2,881 items and 653 eBooks from the Library.
- Repaired 56 potholes.
- Hauled street sweeper spoils to the landfill.
- Spread sand and salt at critical intersections during 2 ice events.
- Replaces 3 street signs.
- Responded to 252 fire/rescue calls including 7 structure fires.
- Conducted 40 fire inspections and performed preventative maintenance on 79 fire hydrants.
- Conducted 27 building inspections, 12 electric inspections, 10 plumbing inspections, 1 mechanical inspection and issued 22 building permits.
- Pressure washed sidewalks downtown.
- Trimmed trees and underbrush at Buford Park.

- Stained pump house at Coleman Park.
- Removed several dead trees throughout parks.
- Sold 2,169 gallons of AvGas and 7,775 gallons of JetA fuel
- Accommodated 721 operations at the airport.
- Responded to 125 animal control calls while achieving a 73% adoption rate.
- Made 1 felony arrest in the special crimes unit.
- Responded to 35 accidents, wrote 460 traffic citations, recorded 37 offences and made 38 arrests in the Patrol Division.
- Installed L.E.D. lighting fixtures at Fire Station #1.
- Installed L.E.D. lighting fixtures at Department 60 Service building.
- Performed preventative maintenance on several items at the wastewater treatment plant and water treatment plant.
- Treated wastewater to a daily average total suspended solids (TSS) reading of .22 mg/L.
- Sent 242 tons of sludge to contractor for composting, and none to the landfill.
- Repaired 10 water main ruptures.
- Replaced 3 water meters.
- Unstopped 34 sewer mains.
- Treated 125 million gallons of potable water.
- Flushed 36 dead-end water mains.

Assistant City Manager/Finance Director Smith presented the staff report of revenues and expenditures.

DISCUSSION/ACTION ON THE CONSENT AGENDA

Consider for approval the City Council regular meeting minutes of February 1, 2022; Zoning Board of Adjustments and Appeals (ZBA) meeting minutes of July 20, 2021 ; the Economic Development Corporation meeting minutes of January 24, 2022; and a 380 Agreement for 305 Easy Street. Councilman Julian moved to approve the consent agenda as presented. Councilman Nash seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FIRST READING TO READOPT, RATIFY, REPUBLISH AND EXTEND ORDINANCE NO. 2762

Chief of Police Ricketson presented the staff report. Ordinance No. 2762 is the city's curfew ordinance and was passed by the city council in 2020. At the passage, the ordinance contained a sunset clause to make the ordinance effective from May 1, 2020 through April 30, 2022. The ordinance has been updated with a new sunset clause that would continue the ordinance effective May 1, 2022 through April 30, 2025. Per state law, the ordinance can only be extended three years, with council approval. The law also requires that a public hearing be held on the

ordinance. This can be done on the second and final reading. Chief Ricketson explained that there had been zero citations written and 40 warnings. Councilman Julian briefly spoke against the ordinance. There was a brief discussion. Councilman Spraggins moved to approve the first reading of the ordinance. Councilman Aguilar seconded and the vote was as follows:

Ayes: Nash, Aguilar, Taylor, Spraggins, Sellers

Nays: Julian

Motion Carried.

DISCUSSION/ACTION ON A MOTION ACCEPTING THE CERTIFICATE OF UNOPPOSED CANDIDATES AND ORDER OF CANCELLATION OF GENERAL ELECTION FOR PLACES 4 AND 5

Acceptance of the Certificate of Unopposed Candidate and the Order of Cancellation of the Election for Places 4 and 5. In accordance with Sections 2.52(a) and 2.053(a) of the Texas Election Code the City Council election for Places 4 and 5 will not need to be conducted. The candidates, Tommy Harrison and Gary Spraggins are unopposed. Councilman Julian made a motion to accept the certificate of unopposed candidate and Order of Cancellation. Councilman Nash seconded and the vote was unanimous.

Motion carried.

DISCUSSION/ACTION ON AWARD OF BID FOR CURB AND GUTTER REMOVAL AND REPLACEMENT SIP 2022

Staff report was presented by Assistant City Manager /Community Development Director Niewiadomski. Staff placed bid notices in the News Telegram, on the website and on BidNet Direct. Emails were also sent to inform prospective bidders. Bids were opened on February 22nd. This bid contains two items that must be awarded to the lowest responsive and responsible Bidder per item. Bid may be awarded in any combination: None, one, or both. Item No. 1 is for the removal and replacement of 500 LF of curb and gutter along W. California St. from Church to Davis St. Item No. 2 is for the construction of 1300 LF of new curb and gutter on Brinker St. from Tate St. to Peach St. There is no existing curb and gutter on this part of Brinker St. as shown in the picture attached. The work consists of furnishing all labor, materials, and equipment necessary to complete the job. In the past this type of work was done by City employees prior to overlay projects being completed. Unfortunately, we do not have the capacity to complete the work in house this year and therefore received bids on this work.

	Highway 19 Construction	Richard Drake Construction	JM Yanez Construction	Anchor Contracting	5W Contracting
Item No. 1- Curb and Gutter (removal replacement)	\$22,000.00	\$21,000.00	\$32,500.00	\$36,000.00	\$39,000.00
Item No. 2- Curb and Gutter (new construction)	\$45,825.00	\$48,750.00	\$71,500.00	\$79,300.00	\$88,400.00
Total For Both Items	\$67,825.00	\$69,750.00	\$104,000.00	\$115,300.00	\$127,400.00

There was a brief discussion. Councilman Julian moved to accept the Bid and award the curb and gutter removal to Richard Drake Construction and the curb and gutter new construction to Highway 19 Construction. Councilman Taylor seconded and the vote was unanimous.

Motion Carried.

DISCUSSION/ACTION ON PURCHASE OF BACKHOE FROM SOUTH STAR JCB UTILIZING SOURCEWELL CONTRACT NO. 040319-JCB

Assistant City Manager/Finance Director Smith presented the staff report, For fiscal year 2022, the purchase of a backhoe for the Water Distribution & Wastewater Collection department was budgeted at \$98,000 based on a quote received during budget preparations. The cost of that particular backhoe has increased to well over \$120,000 with delivery not available for several months. Staff reached out to all other backhoe manufacturers that have contracts available through Sourcewell and requested quotes for backhoes. Comparisons of the quotes are attached to this agenda item. Staff recommends purchasing the JCB backhoe at a cost of \$106,953.50. This backhoe is available for immediate delivery and has a greater dig depth than the other backhoes. This extended dig depth will be beneficial as this will be utilized for the repair of water and sewer infrastructure. Sealed bids were not requested as this is recommended to be purchased using a Sourcewell Contract. 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 Sourcewell price is \$39,551 less than the list price. 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. Approve purchase of backhoe from South Star JCB utilizing Sourcewell contract. The financial impact will be a \$106,953.50 cost to the utility fund. This is \$8,953 more than originally budgeted. A budget amendment will need to be done later in the fiscal year to account for rising costs.

Manufacture Name	JCB	New Holland	Case	CAT
Dealer	South Star JCB- Dallas	Nor-Tex Tractor- Sul Spgs.	ASCO- Tyler	Holt CAT- Sul Spgs.
Sourcewell Contract #	040319-JCB	032119-CNH-1	032119-CNH-1	032119-CAT
Equipment Description	3CX-15 Super	B95D	580 SN	420 F2
Condition	New	New	New	Used (2019)
MSRP	\$146,505.00	\$158,547.00	\$171,122.00	n/a
Sourcewell Discount	\$39,551.50	\$54,663.50	\$63,315.14	n/a
Total Cost	\$106,953.50	\$103,883.50	\$107,806.86	\$105,000.00
Delivery Time	Available Now	4-6 months	Available Now	Available now
Bucket Size	1.4 Cubic Yards	1.3 Cubic Yards	1.29 Cubic Yards	1.3 Cubic Yards
Dig Depth	20' 1"	14' 6"	14' 4"	14'
Net Engine Power	101 HP	97 HP	97 HP	94 HP
Standard Warranty	2 year- 2000 hour Bucket to Bucket	12 months- no hours limit	2 year-2000 hours- bucket to bucket in year 1. Powertrain only Year 2	36 Months- 1500 Hours- Power Train and Hydraulics

There was a brief discussion. Councilman Aguilar moved to postpone the purchase of the backhoe. Councilman Julian seconded and the vote was unanimous.

Motion Carried.

DISCUSSION/ACTION, IF ANY, ON EXECUTIVE SESSION ITEMS

None.

VISITORS AND PUBLIC FORUM

None.

ADJOURN

With all business complete the meeting was adjourned at 7:35 p.m.