

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

**March 7, 2023
7:00 p.m.**

Mayor Douglas Moore called the regular session of the City Council to order at 7:00 p.m.
The following council members and staff were present:

Present: Mayor Douglas Moore
Councilman Jay W. Julian
Councilman Harold Nash Sr.
Councilman Oscar Aguilar
Councilman Tommy Harrison
Councilman Gary Spraggins

Absent: Mayor Pro Tem John A. Sellers

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
Lesa Smith, Finance Director/Assistant City Manager
Jerry Maynard, Parks and Recreation Director - 7
Roger Feagley – EDC

CALL TO ORDER

Mayor Moore called to order the regular meeting of the Sulphur Springs City Council to order at 7:00 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 Julian.

PRESENTATIONS, PROCLAMATIONS, AND ANNOUNCEMENTS

Texas History Month 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, Thursday, March 2, 2023, the State of Texas celebrated its 187th 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, Douglas Moore, Mayor of the City of Sulphur Springs, Texas, on behalf of the city council, do hereby proclaim the month of March 2023 as

“TEXAS HISTORY MONTH”

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

It is so proclaimed this the 7th day of March 2023.

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

CLAIMS – We had one workers compensation claim in February for a police officer who received minor lacerations while making an arrest.

We had 4 liability claims in February. Two claims were for damages to private fences when trees in Coleman Park fell. Both were denied by TML.

Two claims are from Frontier. They claim that we damaged two of their lines.

SENIOR CITIZENS CENTER –The dirt work continues. City staff will likely make drainage improvements to the underground drainage system to accommodate runoff from the site.

PACIFIC PARK – XLNT Construction is about to begin construction of the basketball pavilion. An office trailer has been delivered to the site. XLNT plans to have the foundation completed before the building arrives in late March.

When the pavilion is complete, we will demolish the old basketball courts and grade the interior of the park. Then we will install irrigation and sod.

COLLEGE STREET – College Street is open down to Patton Street. We have completed sewer main installation from Patton to Ramsey, and we are now installing water main in the same segment. We have already completed all the drainage improvements at College & Ramsey and Putman & Ramsey. The Capital Construction Division is currently rebuilding the College & Ramsey intersection in concrete.

Once we complete improvements to Ramsey Street we will continue to Como Street. After that we will pause to turn our attention to Holiday Drive.

REVENUES AND EXPENDITURES – Finance Director Lesa Smith will offer the monthly report of revenues.

STREET IMPROVEMENT PROGRAM – Atmos has finished the gas main replacement project on Como Street, and they expect to finish another project on Ardis Street next week. Our paving contractor expects to pave Como and Ardis this month.

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 (Delayed to 2023)	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:

- Checked out 2,826 items from the library plus 717 eBooks.
- Power washed sidewalks on Main Street.
- Removed damaged trees in city parks.
- Aerated baseball fields.
- Made multiple repairs at Kids Kingdom.
- Repaired and reset school zone lights after ice storm.
- Upgraded various facility lights to LED.
- Installed fiber optic cable for security cameras at Pacific Park.
- Treated wastewater effluent to an average total suspended solids reading of 0.47 mg/L – astounding!
- Repaired 10 ruptured water mains.
- Replaced 18 water meters.
- Unstopped 25 sewer mains.
- Washed 80,000 feet of sewer mains.
- Flushed 40 dead end water mains.
- Opened the flood gates at Lake Sulphur Springs.
- Treated 121 million gallons of potable water.
- Sold 2,550 gallons of AvGas and 4,598 gallons of JetA fuel.
- Accommodated 1,106 operations at the airport.
- Conducted 32 building inspections, 33 electrical inspections, 17 plumbing inspections, 3 mechanical inspections.

- Issued 22 building permits and 80 trade permits.
- Repaired 223 potholes.
- Received 2,516 loads of tree limbs at our clean-up site.
- Responded to 300 fire rescue calls including 0 structure fires, 4 vehicle fires and 3 grass fires.
- Conducted 5 fire inspections.
- Responded to 142 animal control calls while achieving an 84% adoption rate.
- Made 40 arrests, wrote 414 traffic citations, responded to 25 accidents, and recorded 39 offences in the Patrol Division.
- Made 4 felony arrests in the Special Crimes Unit.

DISCUSSION/ACTION ON CONSENT AGENDA

City Secretary Darrow presented the staff report. Consider for approval the City Council regular meeting minutes of February 7, 2023; City Council Special Meeting Minutes of February 21, 2023; City Council Special Meeting Minutes of February 24, 2023; Planning and Zoning Meeting Minutes of January 16, 2023; Zoning Board of Adjustment and Appeals meeting minutes of December 20, 2022; and 380 agreements for 107 Ross Street, 109 Ross Street and 116 Ross 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 OF ORDINANCE NO. 2824 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SULPHUR SPRINGS, TEXAS, AMENDING ORDINANCE NO. 2816, THE MASTER FEE SCHEDULE FOR COSTS, FEES AND RATES ASSOCIATED WITH PERMITTING, UTILITY SERVICES AND OTHER SERVICES PROVIDED BY THE CITY

Finance Director/Assistant City Manager Smith presented the staff report. The purpose of user fees are for the City to recoup the cost (or most of the cost) of providing a service to an individual benefactor rather than putting the burden on all citizens. Staff has reviewed fees and is recommending that the fees below be increased. For many years, the City has sold heavy duty trash bags to the public. The cost of buying those trash bags has gone up significantly. The last time we purchased the 45 gallon trash bags for resale was December of 2021, and the cost was \$15.73 per roll. They are now \$22.00 per roll. The last purchase of the 32 gallon bags was in November 2020 and they have increased from \$5.63 per roll to \$9.20 per roll. To continue to sell the bags, we must increase the fee. Staff proposes to set the fee to be cost plus 5% plus sales tax. Councilman Julian made a motion to approve the ordinance as presented. Councilman Spraggins seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON PUBLIC HEARING (AX-23-001) FOR A PROPOSED ANNEXATION REQUEST BY OAK NATIONAL DEVELOPMENT, LLC CONSISTING OF 281.644 ACRES OF LAND, MORE OR LESS DIRECTLY ADJACENT AND WEST OF THE STONEBRIAR NEIGHBORHOOD, ABUTS THE NEW SECTION OF HIGHWAY 11 WEST TO THE NORTH, AND ABUTS THE KCS RAILROAD TO THE SOUTH, AND IS LOCATED WITHIN THE ETJ OF SULPHUR SPRINGS, TEXAS

Community Development Director/Assistant City Manager Niewiadomski presented the staff report. Last month, City Council adopted a resolution to set the date, time, and place for a public hearing on the proposed annexation request of March 7, 2023 for a C-3 exempt annexation process petition by landowner. Staff sent out notices in the paper, posted on the website, as well as mailed notices to public entities and the school within the required 11-20 day timeframe prior to this public hearing. The purpose of the public hearing is to give all interested persons the right to appear and be heard on the proposed annexation request. Mayor Moore opened the public hearing at 7:16 p.m. Todd Winters from the engineering firm explained the process and was present for any questions. There were no questions. Mayor Moore closed the public hearing at 7:17 pm.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE 2825 (AX-23-001) FOR ANNEXATION OF PROPERTY OWNED BY OAK NATIONAL DEVELOPMENT, LLC CONSISTING OF 281.644 ACRES OF LAND, MORE OR LESS DIRECTLY ADJACENT AND WEST OF THE STONEBRIAR NEIGHBORHOOD, ABUTS THE NEW SECTION OF HIGHWAY 11 WEST TO THE NORTH, AND ABUTS THE KCS RAILROAD TO THE SOUTH, AND IS LOCATED WITHIN THE ETJ OF SULPHUR SPRINGS, TEXAS

Community Development Director/Assistant City Manager Niewiadomski presented the staff report. Oak National Development, LLC has petitioned to be annexed into the city limits. The city council adopted a resolution in February to establish the process and timeline for annexation. The public hearing was held on March 7, 2023 regarding this request. The applicant intends to build a single family residential development on the property if annexed into the city limits. The applicant has reviewed the proposed municipal services agreement and has no objections to the terms of said agreement. Councilman Julian made a motion to accept the ordinance as presented. Councilman Aguilar seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2826 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. City Manager Maxwell explain the reason for a new first reading being the application was denied due process because the wording of the ordinance was in the negative. Several citizens spoke in opposition because of increased traffic and noise. These citizens included Tenny Tanton, Chris Gibbins, Barbara Williams and Ginger Brooks. Those who spoke in favor were Stacy Cody and Wayne Cooper. Councilman Julian explained that it needed to be consistent with the land use plan and is not. Councilman Spraggins explained that the benefit to all the citizens outweighs the few opposing. Barbara Williams believed they did not have enough information to make an informed decision. Feagley explained that the EDC can not give interested business names. Manager Maxwell explained that zoning changed decisions can not be based on intended use. There was a lengthy discussion. This ordinance requires a super majority (6 in favor) to pass since it was denied by Planning and Zoning. Councilman Spraggins moved to approve the ordinance as presented.

Councilman Harrison seconded and the vote was as follows:

Aye: Aguilar, Harrison, Spraggins, Moore

No: Julian

Abstain: Nash

The motion was denied.

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2827 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. Cynthia Loftis spoke in opposition and Scott Hemby made his case to the council. Councilman Spraggins explained that it is a highway corridor and you can expect heavy commercial zoning. This ordinance requires a super majority since it was denied by Planning and Zoning (6 in favor votes). Councilman Spraggins made a motion to approve the ordinance as presented. Councilman Harrison seconded and the vote was as follows:

Aye: Nash, Aguilar, Harrison, Spraggins, Moore

No: Julian

The motion was denied.

DISCUSSION/ACTION (FIRST READING OF ORDINANCE #2828) ZC# 230201 ON A REQUEST BY OAK NATIONAL DEVELOPMENT LOCATED ON STATE HIGHWAY 11 W. TO BE ZONED SINGLE FAMILY (SF-6) IN RESPONSE TO A PROPOSED ANNEXATION REQUEST FOR PARCELS R23108 AND R29261 CONSISTING OF APPROXIMATELY 281.644 ACRES OF LAND

Community Development Director/Assistant City Manager Niewiadomski presented the staff report. The applicant is proposing to zone the property to SF-6 as part of annexation request to construct a single-family neighborhood. The property is located directly west of the Stonebriar neighborhood, abuts Hwy 11 W to the north and abuts the KCS railroad to the south. Zoning Use North N/A Single family East SF-6 Single family South N/A+ RR tracks, HI Railroad and pasture West N/A Undeveloped pasture and timber The land use plan identifies Highway 11 West as residential. The Stonebriar neighborhood is residential and primarily abuts residential and agricultural uses. Councilman Julian made a motion to accept the ordinance as presented. Councilman Aguilar seconded and the vote was as follows:

Aye: Julian, Nash, Aguilar, Harrison, Moore

No: None

Abstain: Spraggins

The motion carried.

DISCUSSION/ACTION ON A MOTION ACCEPTING THE CERTIFICATE OF UNOPPOSED CANDIDATES AND ORDER OF CANCELLATION OF GENERAL ELECTION FOR PLACES 6 AND 7

Natalie Darrow presented the staff report. This is an order of acceptance of the Certificate of Unopposed Candidate and the Order of Cancellation of the Election for Places 6 and 7. In accordance with Sections 2.52(a) and 2.053(a) of the Texas Election Code the City Council election for Places 6 and 7 will not need to be conducted. The candidates, Tyler Law and John A. Sellers are unopposed. Councilman Julian made a motion to approve the order as presented. Councilman Spraggins seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION FOR PURCHASE OF REPLACEMENT CHRISTMAS TREE FOR THE PLAZA DOWNTOWN

Parks Director Maynard presented the staff report. The Parks Department needs to replace the Christmas Tree that is installed on the plaza. This tree is over 20 years old and has started looking very worn, and the garland has been falling off the last couple of years. We are no longer able to purchase new limbs or garland for this tree. The manufacture closed their business 5 years ago. I have received multiple quotes on Christmas trees and Holiday Outdoor Decor has given us the best price. It is a 30' tall tree with warm white lights, a 6' Nativity Star Tree Topper and 18 cases of ornament balls. By purchasing now, we are receiving a 33% discount. Councilman Spraggins made a motion to approve the purchase of a Christmas tree. Councilman Nash seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION PLAT CASE PL#230201 BEING A REQUEST BY J&K WAGONER GROUP TO PLAT 107 ARDIS STREET

Community Development Director/Assistant City Manager Niewiadomski presented the staff report. The property is located at the corner of Ardis and Ross Street and contains 0.15 acres of land. The property is 51'x125' deep. The applicant desires to construct a single-family home on the lot. By default, corner lots have a 25' front yard setback with frontages facing a public street. The Planning & Zoning Commission can designate one street as a side yard of 10 feet by plat. In this case, Ardis would be designated as a side yard per this plat and the home would face Ross Street. Without a reduced secondary front yard setback, 30.1' of width of the lot would be taken from the 51 feet of lot width. That would allow for a maximum 20.9' wide home on the property. Councilman Spraggins made a motion to grant the plat request as presented. Councilman Nash seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION PLAT CASE PL#230202 BEING A REQUEST BY FIRST NATIONAL BANK OF EAST TEXAS TO PLAT TWO LOTS CONSISTING OF APPROXIMATELY 6.3 ACRES OF LAND AT THE NE CORNER OF WILDCAT WAY (S.H. 11) AND S.H. 19 AND ABUTS ROCKDALE ROAD TO THE NORTH BEING CALLED THE FIRST NATIONAL BANK OF EAST TEXAS ADDITION

Community Development Director/Assistant City Manager Niewiadomski presented the staff report. This design includes a proposed new 8" public sewer line along Wildcat Way and connecting off-site to the east to the existing sewer main at Orwosky Funeral Home. Public water is already available along the frontages of the proposed lots. There is a note on the plat that no building permit will be issued until all engineering plans on water, sanitary sewer, paving and drainage improvements have been approved by the City Engineer in accordance with Section 11.3 of the subdivision ordinance. The City Engineer has reviewed the civil plans. He has indicated that along Rockdale Road should be dedicated as public right-of-way rather than as a road and utility easement. The public sewer installation along Wildcat Way should extend to the Junction of Highway 19 in a 20' easement. This will require separate easements for the sewer across undeveloped property to the east. Councilman Spraggins made a motion to approve the plat request as presented. Councilman Nash seconded and the vote was unanimous.

The motion carried.

VISITORS AND PUBLIC FORUM

None.

ADJOURN

With all business complete the meeting was adjourned at 8:30 p.m.