

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

**April 4, 2023
7:08 p.m.**

An Executive Session was held at 6:03 p.m. in accordance with Texas Government Code, Title 5, Chapter 551 - §551.071, Consultation with Attorney; and with Texas Government Code, Title 5, Chapter 551, Section 551.074, Personnel Matters, relating to the position of City Manager.

Mayor Douglas Moore called the regular session of the City Council to order at 7:08 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
Lesa Smith, Finance Director/Assistant City Manager
Gordon Frazier, HR /Assistant City Manager
James Jordan, Director of Utilities

CALL TO ORDER

Mayor Moore called to order the regular meeting of the Sulphur Springs City Council to order at 7:08 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

FAIR HOUSING MONTH PROCLAMATION

WHEREAS, Title III of the Civil Rights Act of 1968, as amended, prohibits discrimination in housing and declares it a national policy to provide, within constitutional limits, for fair housing in the United States; and

WHEREAS, The principle of Fair Housing is not only national law and national policy, but a fundamental human concept and entitlement for all Americans; and

WHEREAS, The National Fair Housing Law, during the month of April, provides an opportunity for all Americans to recognize that complete success in the goal of equal housing opportunity can only be accomplished with the help and cooperation of all Americans.

NOW, THEREFORE, I, Douglas Moore, Mayor of the City of Sulphur Springs and on behalf of the Sulphur Springs City Council do hereby proclaim the month of April as

Fair Housing Month

in the City of Sulphur Springs and urge all citizens of this locality to become aware of and support the Fair Housing Law.

It is so proclaimed this the 4th day of April 2023.

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

CLAIMS – We did not have any workers' compensation claims in March.

We had 2 liability claims in March. One was for a sewer overflow. The other will likely become a lawsuit that we will discuss in a future executive session.

SPRING CLEANUP – The annual spring cleanup will be April 24 – 29 from 7 am to 7 pm. It will be held at the usual location ¼ mile east of Flowserve. It is open to city residents only. Bring your water bill and driver's license. No chemicals, no wet paint, no batteries, no tires, no appliances with refrigerant. This is your last chance to haul off fallen tree limbs until next year, so put it on your calendar.

SENIOR CITIZENS CENTER –City staff has completed drainage improvements to the underground drainage system to accommodate runoff from the site. The piers have been drilled and work on the foundation is in progress.

PACIFIC PARK – Construction of the basketball pavilion is underway. The piers have been drilled and poured. Work on the foundation is underway.

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. I expect the water main installation to be completed (to Ramsey) in 10 days.

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 present the report of revenues and expenditures.

STREET IMPROVEMENT PROGRAM – Atmos has finished the gas main replacement project on Como Street, and on Ardis Street. Ardis Street has been paved. Como Street is being cement stabilized now. It will be paved next week. Expect a new SIP list in next month's manager's report.

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:

- Conducted 51 building inspections, 22 electrical inspections, 17 plumbing inspections and 3 mechanical inspections.
- Issued 17 building permits and 93 trade permits.
- Responded to 232 fire/rescue calls including 3 structure fires and 1 vehicle fire.
- Performed 10 fire inspections.
- Performed preventative maintenance on 65 fire hydrants.
- Pressure washed sidewalks downtown.
- Prepared downtown flower beds for spring flowers.
- Removed damaged trees from city parks.
- Prepared the Grays building for 15 rentals.
- Prepared sports fields for youth sports.
- Patched 425 potholes.
- Made 18 extensive street repairs following utility repairs (City and Atmos)
- Responded to 213 animal control calls while achieving a 75% adoption rate.
- Made 4 felony arrests in the Special Crimes Unit.
- Responded to 31 accidents, recorded 63 offences, wrote 502 traffic citations and made 61 arrests in the patrol division.
- Sold 3,831 gallons of AvGas and 12,005 gallons of JetA fuel.
- Accommodated 1,605 operations (takeoffs or landings) at the airport.
- Continued upgrading lights around the city to LED.
- Replaced 1000-watt bulbs at Buford Park ball fields.
- Performed preventative maintenance on several items at the water treatment plant and the wastewater treatment plant.

- Treated wastewater effluent to a daily average suspended solids reading of 0.65 mg/L, about 1/20th of our limit.
- Repaired 1 water break.
- Replaced 51 water meters.
- Unstopped 35 sewer mains.
- Flushed 40 dead-end water mains.
- Checked out 3,166 items from the library plus 755 eBooks.

DISCUSSION/ACTION ON CONSENT AGENDA

City Secretary Natalie Darrow presented the staff report. Consider for approval the City Council regular meeting minutes of March 7, 2023; City Council Special Meeting Minutes of March 20, 2023; Economic Development meeting minutes of February 27, 2023; Zoning Board of Adjustment Meeting Minutes of February 20, 2023; and 380 agreements for 110 Glover Street, 505 Sheffield Street and 618 Freeman Street and 1229 Texas Street.

Mayor Pro Tem Sellers made a motion to approve the consent agenda as presented. Councilman Spraggins seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON PUBLIC HEARING AND SECOND AND FINAL 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 Aguilar seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON PUBLIC HEARING AND SECOND AND FINAL 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

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. Mayor Pro Tem Sellers made a motion to accept the ordinance as presented. Councilman Julian seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION PUBLIC HEARING AND SECOND AND FINAL 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

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 Nash seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION FIRST READING OF ORDINANCE NO. 2829 REZONING ASSURANCE BUSINESS PARK FROM LIGHT COMMERCIAL TO HEAVY INDUSTRIAL.

The applicant is proposing to rezone the property from LC to HI to make the entire Assurance Business Park Heavy Industrial. The Assurance Business Park currently consists of 68.83 acres and all but 12 of those acres are zoned Heavy Industrial. The EDC acquired the property in 2005. At the time, part of the property was in the county and the 12 acres in this request was already in the City. When the property was annexed into the City in 2006, the city initiated a zone change to the property to Heavy Industrial based on the Future Land Use Plan showing the area to be used for Industrial Development. Staff is of the opinion that the remaining 12 acres that was in the city limits was inadvertently omitted from the rezone request at that time as it was intended to become a part of the Industrial Park that is now the Assurance Business



Park.

Zoning Use Future Land Use North SF-6 RR/Vacant Single Family East LC Professional Office Commercial/Residential South SF-6/LI Vacant Commercial/Residential West HI Vacant Industrial CURRENT LC DISTRICT EXAMPLES PROPOSED HI DISTRICT EXAMPLES Retail & Restaurants Everything in LC, HC, LI Banks & Business Offices Factories Gas Stations and tire shops Junk yards Welding & machine shops Petroleum tank farms Mattress and upholstery repair Feed mills Lumber yards and mortuaries Railway depot, freight depot yards The Land Use Plan emphasizes the need to plan areas for industrial development to attract businesses and to use the EDC to develop additional industrial parks and sites where new industries can be adequately located. Where possible, the industrial park type development should be extended and expanded. In this instance, this property is part of the Assurance Business Park, an EDC Industrial Park. Staff sent 11 certified letters to surrounding property owners within 200 feet. Below is a response summary: • In Favor Of: 0 • Opposed To: 0 • Undecided On: 0. Councilman Spraggins made a motion to approve the ordinance as presented. Councilman Harrison seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1347 FOR THE CITY OF SULPHUR SPRINGS, TEXAS, TO PARTICIPATE IN THE TEXAS SMART BUY MEMBERSHIP THROUGH THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS.

Finance Director/Assistant City Manager Smith presented the staff report. A resolution of the City of Sulphur Springs, Texas, to participate in the Texas Smart Buy Membership through the Texas Comptroller of Public Accounts. The Texas Smart Buy Membership Program allows local entities such as cities, counties and school districts the ability to purchase from competitively bid statewide contracts. Participation in this program will allow for the purchase of law enforcement supplies needed at this time but can be utilized city wide for other products and services. The is the same type of program as Buy Board and Sourcewell. There was a brief discussion. Councilman Aguilar made a motion to approve the resolution as presented. Councilman Spraggins seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON SEALED PROPOSALS FOR PURCHASE OF 15 YARD DUMP TRUCK.

Director of Utilities Jordan presented the staff report. In the 2023 Budget, the city has budgeted \$225,000 for a dump truck for the Collections and Distributions division. City staff published notices in the newspaper and sent Requests for Proposals to area dump truck dealers. The City received sealed proposals on March 22, 2023. We received 4 proposals as described below and in further detail in the attached file. The RFP states that the proposal can be awarded based on the best value method and that the following items will be considered when an award is based on best value: lowest bid price, warranty, delivery date, local presence (if any), and any other important information pertaining to the dump truck as quoted.

The four proposals were as follows:

Southwest International - \$136,557.60

Calmont Volvo - \$148,188.65

Volvo & Mack of Waco - \$164,495.00

West-Mark - \$173,161.00

Southwest International had the lowest proposal with Calmont Volvo having the next lowest price. However, all proposals except for Calmont Volvo have a delivery date of 10 to 12 months from order date. Calmont Volvo's unit is in stock and available immediately. The unit we currently have in service is in very poor condition and requiring a lot of repair and maintenance. Staff recommends that the City Council award the proposal to Calmont Volvo to avoid reoccurring maintenance and repairs on our current unit.

The current unit has reached the end of its useful life. The City has replaced the rear end along with countless other repairs. It has come to the point that it is no longer justifiable to use this unit in this department any longer. This unit was budgeted at \$225,000.00. After delivery and associated fees this unit will save the City money. There was a brief discussion. Councilman Spraggins made a motion to approve the purchase as presented. Councilman Harrison seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON EXECUTIVE ITEM, IF ANY

Mayor Pro Tem Sellers made a motion to amend and approve the extension of the City Manager contract through July 28, 2028 effective at the City Managers next pay period. Councilman Julian seconded and the vote was unanimous. **The motion carried.**

Councilman Spraggins made a motion to allow the City Manager to serve as manager of the federal EB-5 regional center in addition to his duties as City Manager. Councilman Nash seconded and the vote was unanimous. **The motion carried.**

VISITORS AND PUBLIC FORUM

Stacy Cody and Wayne Cooper both spoke in reference to the rezoning request of their property that failed from last month's agenda. They were inquiring about the time frame on amending the land use plan because they have a buyer for their property. City Manager Maxwell explained

it would take a few months.

ADJOURN

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