

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

**June 6, 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
Mayor Pro Tem John A. Sellers
Councilman Jay W. Julian
Councilman Harold Nash Sr.
Councilman Oscar Aguilar
Councilman Tommy Harrison
Councilman Gary Spraggins
Councilman Tyler Law

Absent: None

Staff: Marc Maxwell, City Manager
Natalie Burling, City Secretary
Nate Smith, City Attorney
Tory Niewiadomski, Director of Community
Development/ Assistant City Manager
Lesa Smith, Finance Director/Assistant City Manager
Gordon Frazier, HR /Assistant City Manager 7:00 p.m.
Brad Horton, Lt. SSPD

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 Nash.

PRESENTATIONS, PROCLAMATIONS, AND ANNOUNCEMENTS

City Councilman Jay Julian wanted to inform the citizens of the revolving loan fund. The revolving loan fund is for loans for small businesses. Established in 2014 with \$20,000 in city

money and a \$99,000 USDA rural business enterprise grant fund grant. It is not reserved for any specific location or type of business in Sulphur Springs. A borrower may only have one loan at a time and loans must be at least \$5,000 but not to exceed \$25,000. Any small business owner that may be interested in a loan can call our assistant city manager, Tory Niewiadomski. Councilman Harrison invited the community to Pacific Park on Saturday, June 17, for a Juneteenth Celebration. Lunch begins around 11 a.m. Councilman Aguilar reminded those present that the Dairy Festival Parade will begin at 10 a.m. Saturday, June 10. And activities for the festival will continue through the following Saturday.

City Secretary Natalie Burling administered the Oath of Office of City Council Place 6 to Tyler Law then administered the Oath of Office of City Council Place 7 to John A. Sellers.

DISCUSSION/ACTION ON SELECTION OF MAYOR

Councilman Julian made a motion to appoint Mayor Pro Tem Sellers as Mayor. Councilman Nash seconded and the vote was unanimous.

The motion carried.

Mayor Sellers presented outgoing Mayor Moore with a token of appreciation from the council and staff for his service as Mayor. Moore thanked all the councilmen and staff for the great honor of serving as mayor for the past year and as councilman for the past four years. He explained that no one realizes how hard it is and all the rules that come along with the service as councilman. He thanked the city staff for their service.

Mayor Sellers thanked the council for letting him serve another year as Mayor. He explained what an honor it has been to be on the council for the past 11 years. He explained what a privilege and honor it is to serve on the city council, and they have done many great things with many more to come.

DISCUSSION/ACTION ON SELECTION OF MAYOR PRO TEM

Councilman Spraggins made a motion to appoint Councilman Nash as Mayor Pro Tem. Councilman Harrison seconded and the vote was unanimous.

The motion carried.

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 or liability claims in May.

SENIOR CITIZENS CENTER – The foundation is completed. The project should go vertical soon.

PACIFIC PARK – The sports pavilion construction is rapidly progressing. The basic structure is complete. The contractor installing lights now. Soon the pergola on east side of the pavilion will be installed. Then the goals will be installed and the floors will be painted.

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

COLLEGE STREET – College Street is open down to Patton Street. Water and sewer construction is now complete to Rookson Street. We are now installing water and sewer from Rookson to Como. Rookson Street was completed today.

STREET IMPROVEMENT PLAN (SIP) – Following is a preliminary list of streets to be repaved in 2023. Later on the agenda is approval of the asphalt paving bid for the SIP.



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Expect this list to be updated and finalized.

<u>Street</u>	<u>Between</u>	<u>Length</u>
League	soft spot repairs	500
Woodcrest	Azalea to Cul de Sac	898
Mulberry	Woodlawn to RR	530
Lemon	Bill Bradford to Spence	1199
Milligan	Church to Davis	549
Rockdale	Shannon to Hillcrest	3749
Robertson	Davis to Texas	1199
Houston	Hillcrest to League	4800
Putman	Jackson to Carter	1400
Texas	Shannon to Arbala	1901
Spence	Fisher to Davis	476
Spence	Gilmer to Ardis-end	850
Spring	Gilmer to Magnolia	808
Peach	Texas to Brinker	570
Craig	Booker to Main	2170
		21599

REVENUES AND EXPENDITURES – Finance Director Lesa Smith will present the report of revenues and expenditures.

Elsewhere around the city, employees:

- Repaired 321 potholes.
- Cleaned out storm drain catch basins.
- Assisted with 57 activities for seniors.
- Replaced downtown banners.
- Made numerous irrigation repairs and adjustments in the parks and downtown.
- Hosted 2 softball and 1 baseball tournaments.
- Responded to 200 animal control calls while achieving an 87% adoption rate.
- Made 2 felony arrests in the special crimes unit.
- Responded to 2,158 calls for police.
- Responded to 31 accidents, issued 521 traffic citations, recorded 44 offences, and made 54 arrests in the patrol division.
- Responded to 231 fire/rescue calls including 3 structure fires and 9 grass fires.
- Performed preventative maintenance on 74 fire hydrants.
- Performed 20 fire inspections.
- Hosted a Classic Jet Aircraft Association (CJAA) training event with 12 jets and 35 people attending.
- Sold 22,112 gallons of JetA fuel and 4,635 gallons of AvGas.
- Checked out 3,455 items from the library plus 673 eBooks.
- Conducted 46 building inspections, 34 electrical inspections, 21 plumbing inspections and 4 mechanical inspections.
- Issued 28 building permits and 61 trade permits.
- Turned on the splash pads.
- Repaired runway lights.
- Upgraded downtown streetlights to LED.
- Performed preventative maintenance on numerous items at the water treatment plant and the wastewater treatment plant.
- Hauled 895 tons of sludge to the landfill.
- 6 water main ruptures.
- Replaced 22 water meters.
- Unstopped 18 sewer mains.
- Flushed 38 dead-end water mains.
- Operated Cooper Lake pumps on a generator overnight due to a power failure.

DISCUSSION/ACTION ON CONSENT AGENDA

City Secretary Natalie Burling presented the staff report. Consider for approval the City Council regular meeting minutes of May 02, 2023; the City Council Special meeting minutes of May 16, 2023; City Council Retreat Meeting Minutes of June 1, 2023; the Economic Development Corporation meeting minutes of April 24, 2023, and May 22, 2023; Downtown Revitalization Board Meeting Minutes of May 02, 2023. Councilman Spraggins made a motion to approve the consent agenda as presented. Councilman Julian seconded and the vote was unanimous.

The motion carried.

DISCUSSION AND ACTION ON FIRST READING OF ORDINANCE NO. 2832 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SULPHUR SPRINGS, TEXAS, AMENDING ORDINANCE NO. 2811, THE 2022-2023 ANNUAL BUDGET ORDINANCE

Finance Director/Assistant City Manager Smith presented the staff report. This budget amendment addresses changes that have occurred during the fiscal year resulting from action by the City Council, operational and other cost increases and other changes that have come about since the adoption of the budget in September. This budget amendment increases the overall expenditure limit by \$1,416,072. The budget amendment also recognizes the additional revenue that the City is collecting which amounts to a projected increase of \$966,072. The remaining funds of \$450,000 comes from the ARPA (American Rescue Plan Act) fund for the transfer in as established by Resolution #1330 Grant Project Budget. There was a brief discussion. Councilman Julian made a motion to approve the ordinance as presented. Councilman Harrison seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON BIDS AND AWARD OF CONTRACT FOR EXCAVATION, STABILIZATION, CONCRETE PAVEMENT AND SIDEWALKS FOR PHASE 2-1 & 2-3 OF COLLEGE STREET

Community Development Director/Assistant City Manager Niewiadomski presented the staff report. Staff placed bid notices in the News Telegram, on the website and on Civcast. Emails were also sent to inform prospective bidders. Bids were opened on May 18th. The work consists of furnishing all labor, materials, and equipment necessary for excavating existing pavement, sidewalks, curb and gutter and driveway approaches and stabilizing the road base, and constructing a concrete street complete with curb and gutter, sidewalks and driveway approaches and tie-ins with landscaping. This bid is for Phase 2-1 & 2-3 of College Street which extends from Patton Street to Como Street and will include approximately 3,300 feet of pavement. Phase 2-2 was performed by City crews which includes the intersection of Rookson (Ramsey) & College Street.

BIDDER	TOTAL BID PRICE	BEST VALUE SCORE AVG
Highway 19 Construction	\$1,432,124.95	82.25
5W Contracting LLC	\$1,853,968.11	83.1
Brad Drake Construction	\$2,855,629.50	62.84

The City opted to use the Best Value Method for the project rather than just the lowest bid price. This process involves cost as a factor but is not the only criteria. In this case, it was performed using other criteria such as experience with similar projects and their capacity to perform. 60% of the weight uses cost as a consideration and the remaining 40% consists of other factors. Based on the overall scoring from the committee, the committee determined that 5W Contracting is the best value to the city. This bid is \$421,843.16 higher than the lowest bid. The scores from the committee members are included for your consideration. There was a brief discussion. Councilman Spraggins made a motion to approve awarding the bid to 5W Contracting as presented. Councilman Law seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION FOR BID AWARD FOR STREET IMPROVEMENT PLAN 2023

Community Development Director/Assistant City Manager Niewiadomski presented the staff report. Staff placed bid notices in the News Telegram. Bids were opened on May 18th. Prospective bidders were notified of the bids as well. The work consists of furnishing all labor, materials, and equipment necessary for full depth milling and inlay, hot mix asphaltic concrete (HMAC), and cement treatment of the sub grade (CTS) including mixing, adding cement, watering, compaction, final grading, and coating.

BIDDER	TOTAL BID PRICE
Area Wide Paving	\$1,394,140.00
Texana Land & Asphalt	\$1,517,670.00
Richard Drake Construction	\$1,724,075.00
J&L Paving, LLC	\$1,763,331.50

Upon mutual agreement between the City and Bidder, the contract may be extended for up to one year. Quantities may vary between year 1 and 2 of contract. Staffs recommends award of the contract to Area Wide Paving as the lowest qualified bidder. There was a brief discussion. Councilman Julian made a motion to award the bid to Area Wide Paving. Councilman Aguilar seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON CHANGES TO PERSONNEL POLICY REGARDING: HOLIDAY POLICY AND TRAVEL POLICY.

Human Resources Director/Assistant City Manager Frazier presented the staff report. Because of COVID and the unprecedented demands on public safety personnel (and equally unprecedented difficulties in staffing), fire fighters have not been allowed to take off on

holidays and were allowed to accrue Holiday Leave. Because the “COVID disaster declaration” has been recently removed, now would be an appropriate time to address the remaining “hold over” issues from COVID. After reviewing the policies, and particularly Section VII Policies/Amendment of Policies, staff believes the recommended changes are substantive which requires City Council approval to amend the holiday leave policy. The current holiday policy (page 29-30), as currently written, does not set a limit on holiday leave accruals; in fact, the policy doesn’t appear to contemplate allowing accruals. Rather, it’s written as if the employee has the option of taking the holiday off or getting paid (and only if the employee is required to work on a holiday). Also, the paid holiday leave appears to be “use it or lose it.” With current staffing levels, it is not feasible to allow fire fighters to schedule Holiday Leave and operate at required minimum staffing levels. Also, establishing a limit on accruals for all city employees would be helpful in ensuring uniformity amongst departments. The attached Travel Policy updates:

- Employees who receive car allowance are reimbursed for mileage if traveling beyond 30 miles on City-related business
- Per diem rate equal to State of Texas current rates for reimbursement and will allow for any ongoing changes without personnel policy changes.

Councilman Spraggins made a motion to approve the policy changes as presented, Councilman Law seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON APPOINTMENTS TO THE CITY’S BOARDS AND COMMISSIONS: ECONOMIC DEVELOPMENT CORPORATION, ZONING BOARD OF ADJUSTMENTS, AIRPORT ADVISORY BOARD, SULPHUR RIVER MUNICIPAL WATER DISTRICT, LIBRARY BOARD, BOARD OF TOURISM AND PROMOTION, CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS, PLANNING AND ZONING COMMISSION, ARK-TEX COUNCIL OF GOVERNMENTS, DOWNTOWN REVITALIZATION BOARD, AND THE REVOLVING LOAN FUND COMMITTEE

Mayor Sellers started by grouping the boards. The first group had expiring board seats with each member still willing to serve and replacing Councilman Law with Billie Ruth Standbridge on the Downtown Revitalization Board. Councilman Law made a motion to approve the Economic Development Corporation, Zoning Board of Adjustments, Airport Advisory Board, Library Board, Board of Tourism and Promotion, Construction Board of Adjustments and Appeals, Ark-Tex Council of Governments, Downtown Revitalization Board, and the Revolving Loan Fund Committee boards as presented. Councilman Spraggins seconded and the vote was unanimous. The motion carried.

The next board presented for consideration by Mayor Sellers was Sulphur River Municipal Water District. Councilman Spraggins made a motion to appoint Mark Beggs to the open Sulphur Springs seat. Councilman Julian seconded and the vote was unanimous. The motion carried.

The final board presented for consideration by Mayor Sellers was the Planning and Zoning Commission. Councilman Aguilar made a motion to nominate Garrett Glass to replace Pat

Chase that resigned. Councilman Julian seconded. Councilman Spraggins made a motion to appoint Erv Larry. Councilman Harrison seconded. Mayor Sellers spoke to the motion that was presented first to nominate Garrett Glass to replace Pat Chase. The vote was as follows:

Ayes:, Julian, Aguilar, Law, Sellers

Noes: Nash, Harrison, Spraggins

The motion carried.

VISITORS AND PUBLIC FORUM

Mayor Sellers welcomed Councilman Law to the council and thanked him for his willingness to serve. Councilman Julian thanked Mayor Sellers for serving as Mayor. Mayor Sellers thanked Mayor Pro Tem Nash for serving as well.

ADJOURN

With all business complete the meeting was adjourned at 7:40 p.m.