

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

**July 11, 2023
7:00 p.m.**

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.

Mayor John A. Sellers reconvened the regular session of the City Council to order at 7:00 p.m. The following council members and staff were present:

Present: Mayor John A. Sellers
Mayor Pro Tem Harold Nash Sr.
Councilman Jay W. Julian
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.
James Jordan, Director of Utilities
Kelly Wiser, Officer SSPD

RECONVENE

Mayor Sellers reconvened the regular meeting of the Sulphur Springs City Council at 7:00 p.m.

PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG, TEXAS FLAG, 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 by Councilman Julian.

PRESENTATIONS, PROCLAMATIONS, AND ANNOUNCEMENTS

Councilman Julian announced that the Economic Development Corporation (E.D.C.) has a program like the Revolving Loan Fund available for small businesses. If someone is interested in a small business loan at a low interest rate they need to contact Roger Feagley at the EDC. There was no one else to speak.

CONDUCT A PUBLIC HEARING REGARDING PLANS TO SUBMIT AN APPLICATION FOR A GRANT FROM THE TEXAS PARKS AND WILDLIFE DEPARTMENT TO IMPROVE BUFORD PARK

Finance Director/Assistant City Manager Smith explained the requirement of the public hearing for the application of the Texas Parks and Wildlife grant. Mayor Sellers opened the public hearing at 7:06 pm. There was no one else to speak to the issue. Mayor Sellers closed the public hearing at 7:07 pm.

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 had one minor workers' compensation claim in June. We did not have any liability claims.

SENIOR CITIZENS CENTER – The foundation is completed. We are still waiting for the contractor to begin vertical construction. It could be a month or more before the steel arrives on site.

PACIFIC PARK – This project is nearing completion. We still need to construct some sidewalks and on-street parking.

We will remove the old basketball courts on Thursday. After that we will grade the interior of Pacific Park and install irrigation and sod.

COLLEGE STREET – College Street is open down to Patton Street. Water and sewer construction continues toward Como Street. 5-W Construction will begin the concrete construction starting at Patton Street soon.

STREET IMPROVEMENT PLAN (SIP) – Following is a list of streets to be repaved in 2023.

<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 160 potholes.
- Cleaned out storm water catch basins twice.
- Cleaned out the drainage ditch from Sunset to Van Sickle.
- Removed downed trees from city streets after a storm.
- Began installing new curb and gutter at the new Senior Citizens' Center.
- Rented out the Grays Building 17 times.
- Built stages for 7 different events.
- Removed fallen trees/limbs from city parks.
- Power-washed dugouts and bleachers at Coleman Park.
- Hosted 1 softball tournament and 1 baseball tournament.
- Sold 4,653 gallons of AvGas and 8,660 Gallons of JetA fuel.
- Hosted a 1-night stopover for the 46th Annual Air Race Classic at the airport.
- Hosted a Civil Air Patrol Glider training event.
- Responded to 210 calls for animal control while achieving a 67% adoption rate.
- Made 3 felony arrests in the Special Crimes Unit.
- Responded to 30 accidents, issued 455 citations, recorded 46 offences and made 51 arrests in the Patrol Division.
- Responded to 2,166 calls for police.
- Repaired Coleman Park waterfall pumps.
- Replaced batteries in Hwy 19 No-Thru Truck signs.
- Repaired lift station at the airport.
- Performed preventative maintenance on P.D. generator,
- Cleaned a/c units throughout the city.
- Changed filter media at the wastewater treatment plant.
- Repaired 10 water main ruptures.
- Replaced 19 water meters.
- Unstopped 17 sewer mains.

- Repaired 6 sewer mains.
- Flushed 38 dead-end water mains.
- Operated water treatment plant on emergency power.
- Responded to 287 fire/rescue calls including 1 vehicle fire and 6 grass fires.
- Performed preventative maintenance on 77 fire hydrants.
- Performed 10 fire inspections.
- Performed 64 building inspections, 15 electrical inspections, 16 plumbing inspections, 1 mechanical inspection.
- Issued 43 building permits and 64 trade permits.
- Checked out 5,561 items from the library plus 678 eBooks.

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

DISCUSSION/ACTION ON CONSENT AGENDA

City Secretary Natalie Burling presented the staff report. Consider for approval the City Council regular meeting minutes of June 6, 2023; the Economic Development Corporation meeting minutes of May 22, 2023; Zoning Board of Adjustment and Appeals meeting minutes of February 21, 2023; Downtown Revitalization Board meeting minutes of March 21, 2023; Planning and Zoning meeting minutes of April 17, 2023; 380 agreements for 626A Putman Street, 626B Putman Street, 627 Putman Street, 630 Putman Street, 307 W. Beckham Street, 309 W. Beckham Street, 322 MLK Dr. Street, 324 MLK Dr. Street, 612 Lamar Street, 1229 Texas Street, 1006 N. Jackson Street, 101 W. Ross Street, 620 Whitworth Street, and 700 Carter Street. Councilman Julian made a motion to approve the consent agenda as presented. Councilman Spraggins seconded and the vote was unanimous.

The motion carried.

DISCUSSION AND ACTION ON PUBLIC HEARING AND SECOND AND FINAL 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 no one else to speak to the issue. Councilman Spraggins made a motion to approve the ordinance as presented. Councilman Law seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2833 (ZC# 230601) ON A REZONE REQUEST BY COLLYN SETH MCDANIEL FOR A PORTION OF PROPERTY LOCATED AT 928 COLLEGE & 934 COLLEGE STREET THAT ABUTS PUTMAN STREET CONTAINING 1.73 ACRES OF WHAT IS PROPOSED AS THE REMAINDER OF THE MCDANIEL ADDITION

Community Development Director/Assistant City Manager Niewiadomski presented the staff report. The applicant is intending to subdivide the property that is currently addressed as 928 & 934 College Street. The property is 2.77 acres in area and 1.04 acres are to be subdivided facing College Street into residential lots that would leave a remainder of 1.73 acres. The applicant is proposing to rezone that remainder of the property to allow for multifamily development to occur facing Putman Street. The land use plan identifies the area as single family residential which does permit multifamily zoning. Looking at the adjacent areas, there is multifamily zoning to the west and south of the property and single family to the north and east. There are apartments directly south of this property. Collyn Seth McDaniel addressed the council and presented them with handouts. He explained his goals and objectives for making a positive impact on the community, the zoning map, as well as the property view. He explained his and his family's history, purpose and positive accomplishments in the City of Sulphur Springs. There was a brief discussion. Councilman Harrison made a motion to approve the rezoning ordinance as presented. Councilman Nash seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON SPECIAL USE PERMIT PROCESS

Community Development Director/Assistant City Manager Niewiadomski presented the staff report. At the May City Council meeting, staff was directed to identify standards for approval and process of approval by the City Council or ZBA. In response, staff is recommending to transfer the responsibility of the process from the P&Z to ZBA, to the P&Z to City Council. This is based upon standard practice in Texas to mitigate risk with these decisions. This will be a zoning ordinance amendment and staff is recommending that the ordinance be drafted at the Planning & Zoning Commission level and be brought forth to City Council with specific recommendations. This will allow the Planning & Zoning Commission to take a deep dive into the issues and study the impacts these types of discretionary decisions have on the community. To initiate the process, staff will start with additional standards for special land uses to standardize the methodology of the approval process which can create more predictable outcomes. The purpose of the regulation will be to ensure that a use is compatible with the area in form and function, will not endanger public health or safety and projects can be designed and considered in such a way to mitigate potential conflicts with adjacent and nearby uses. There may be certain conditions or factors that need to be considered and discussed on each case such as: building sizes, setbacks, building orientation, hours of operation, and site features like parking lots, lighting, outdoor storage, fencing, dumpsters, etc. to consider how the proposal can be used to mitigate impacts on adjacent land uses.

Another consideration is to review and identify which uses should be approved by special use permit and to update the list of uses. Certain special uses could have their own criteria which could define which districts they could be considered in along with an overall intent on how each use should be evaluated further than the standard review criteria.

City Council direct the Planning & Zoning Commission to discuss the current standards for special use permits, identify current and future uses that should be approved by special use permit, and to recommend standards for review and approval to City Council to amend the process that includes City Council as the final decision authority for these types of land uses. Manager Maxwell explained we want standards before it gets to council but wants council to have the final decision. There was a brief discussion. Councilman Aguilar made a motion to approve this process as presented. Councilman Spraggins seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1370 AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY IN THE PREPARATION AND SUBMISSION OF AN APPLICATION FOR THE TEXAS PARKS AND WILDLIFE DEPARTMENT LOCAL GRANT PROGRAM FOR IMPROVEMENTS TO BUFORD PARK

Finance Director/Assistant City Manager Smith presented the staff report. TPWD opened the application period for several parks grants throughout the state. The City wishes to submit an application for the Non-Urban Outdoor Grant. This grant would match eligible expenses 50% on a reimbursement basis. The maximum grant amount is \$750,000 and would require a contribution of the same amount from the City.

As part of the 2019 Parks, Recreation & Open Space Master Plan, improvements to Buford Park were highlighted. In the plan for Buford Park, it includes the construction of Celebration Field which is a field that would be used by Bright Star Baseball. This field would be constructed with a specialized synthetic rubberized surface that would allow players with wheelchairs and walkers to play baseball. The Bright Star Baseball organization has raised nearly \$200,000 for the parks and rec grant. City staff and MHS Planning will be in communication with the Bright Star Baseball organization as the grant application is prepared. At the June 1st Council Retreat, Parks Director Jerry Maynard discussed improvements that need to be made to the softball fields at Buford Park including drainage issues, fencing, concessions, bathrooms, and parking. The baseball fields at Buford Park were updated around 2011-2012 with outside donations and assistance from the Hopkins County Boys Baseball Association in combination with City funds. City staff will explore a similar approach for the softball fields to determine the extent of improvements.

City staff will work with MHS Planning and Design to submit the application before the August 1, 2023 deadline.

As part of the application process, a public hearing must be held and a resolution must be passed prior to the grant deadline of August 1, 2023. There was a brief discussion. Mayor Pro Tem Nash made a motion to approve the ordinance as presented. Councilman Julian seconded

and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON THE APPROVAL OF AN ENGAGEMENT LETTER WITH VAIL & PARK, P.C. FOR FISCAL YEAR 2023 AUDIT SERVICES, AUTHORIZING THE CITY MANAGER TO SIGN ENGAGEMENT LETTER

Finance Director/Assistant City Manager Smith presented the staff report. Section 103.001 of the Local Government Code requires that a municipality have its records and accounts audited annually and shall have annual financial statements prepared based on the audit. A municipality shall employ, either as a regular employee or by contract, a certified public accountant who is licensed in this state or a public accountant who holds a permit to practice from the Texas State Board of Public Accountancy to conduct the audit and to prepare the annual financial statements. Vail & Park performed the FY 2022 financial audit and it would be beneficial for the City to continue to use them due to the amount of staff time it takes to get an auditing firm acquainted with all of the city's financial information, processes and procedures. Staff worked with them from September to March last year and spent many hours on getting them everything they requested. The attached engagement letter provides details on their services, along with the timeline, and costs including the single audit that will be needed for grant expenditures. If approved, the firm will begin working with the City in September to assess and review the City's internal controls, procedures and other planning as needed. Consideration: The principal factor in the selection of an independent auditor is the auditor's ability to perform a quality audit. Under Chapter 2254 of the Government Code, "A governmental entity may not select a provider of professional services or a group or association of providers or award a contract for the services on the basis of competitive bids submitted for the contract or for the services, but shall make the selection and award: (1) on the basis of demonstrated competence and qualifications to perform the services; and (2) for a fair and reasonable price." Staff considers it of high importance that the independent auditor has a demonstrated commitment to the state and local government audit practice. This commitment is shown by the firm's membership in the AICPA's Government Audit Quality Center. This membership requires ongoing continuing education in government audit related studies which is not typically required for a CPA. Of over 6,006 peer reviewed firms in Texas, only 180 have membership with the AICPA Government Audit Quality Center. If for any reason staff and/or council are not satisfied with the audit services, City staff can request qualifications next year. There was a brief discussion. Councilman Julian made a motion to approve the engagement letter as presented. Councilman Law seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON PURCHASE OF 15 YARD DUMP TRUCK

Director of Utilities James Jordan presented the staff report. As part of the Fiscal Year 2023 budget, the City's Collections and Distribution division of the Utilities Department requested funds to purchase a replacement Dump Truck.

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.

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. Director Jordan asked the council to authorize the purchase of dump truck from Southwest International for \$136,557.60. Councilman Julian made a motion to approve the purchase from Southwest International for \$135, 557.60. Mayor Pro Tem 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 7:46 p.m.