

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

**October 3, 2023
7:00 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, §551.072, discussions about value or transfer of real property; and §551.087, discussions regarding Economic Development.

The following council members and staff were present:

Mayor John A. Sellers
Mayor Pro Tem Harold Nash Sr.
Councilman Jay W. Julian
Councilman Tommy Harrison
Councilman Gary Spraggins
Councilman Tyler Law

Absent: Councilman Oscar Aguilar

Staff: Marc Maxwell, City Manager
Natalie Burling, City Secretary
Nate Smith, City Attorney
Tory Niewiadomski, Director of Community
Development/ Assistant City Manager (7P)
Lesa Smith, Finance Director/Assistant City Manager
(7P)
Gordon Frazier, HR /Assistant City Manager (7p)
Jason Ricketson, Chief of Police (7p)
Bryan Craig, Director of Capital Construction (7p)
Roger Feagley, Director of EDC (7p)
Chris Brown, incoming Director of EDC (7p)

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 Mayor Pro Tem Nash.

PRESENTATIONS, PROCLAMATIONS, AND ANNOUNCEMENTS

TEACHER'S DAY PROCLAMATION

WHEREAS, The City of Sulphur Springs future strength depends on providing a high-quality education to all students; and

WHEREAS, teacher quality matters more to student achievement than any other school-related factor; and

WHEREAS, teachers spend countless hours preparing lesson plans and supporting students; and

WHEREAS, our Sulphur Springs teachers have demonstrated great resilience, adaptability, and creativity during the COVID-19 crisis; and

WHEREAS, our community recognizes and supports its teachers in educating the children of this community; and

WHEREAS, #TeachersCan is a statewide movement supported by more than 150 partnering businesses and organizations committed to elevating the teaching profession and honoring the critical role teachers play in the success of Texas; and

NOW, THEREFORE, I, John A. Sellers, by the virtue of the authority vested in me as Mayor, and on behalf of the City Council of the City of Sulphur Springs, Texas, do hereby join #TeachersCan and its partnering entities across Texas in celebrating World Teachers' Day and proclaims October 5, 2023, to be Sulphur Springs Teachers' Day; and

BE IT FURTHER RESOLVED that the Sulphur Springs City Council encourages members of our community to personally express appreciation to our teachers and display a light blue ribbon outside your homes or businesses the week of October 5 as a symbol of support for our educators.

It is so proclaimed, this the 3rd day of October 2023

John A. Sellers, Mayor
City of Sulphur Springs, Texas

DISCUSSION/ACTION ON CONSENT AGENDA

City Secretary Burling presented the staff report. Consider for approval the City Council regular meeting minutes of 09/05/2023, the City Council Special meeting minutes of 09/21/2023; the Economic Development Corporation regular meeting minutes of 08/28/2023; and Planning and Zoning meeting minutes 08/21/2023. Councilman Spraggins made a motion to approve the consent agenda as presented. Councilman Law 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 had two minor workers' compensation claims in September. Neither were serious enough to result in lost time. We had one liability claim for damage to a fence.

SENIOR CITIZENS CENTER – Vertical construction continues with more steel going up every day.

COLLEGE STREET – The capital Construction Division installed 640 feet of storm water drainage pipe on College Street this month. In October they will install the remaining 600 feet of water and sewer mains all the way to Como Street. Then the Capital Construction Division will move to Holiday Drive to begin on that project.

The concrete contractor, 5W Contracting has poured concrete all the way past Carter Street. When he gets to Rookson Street he will pause and tie-in all the intersections between Lundy and Rookson. Then he will continue east from Rookson where he will have another 1,950 feet until Como Street. The project ends at Como. A second concrete crew is following behind the street crew. They are constructing sidewalks and driveway approaches. At the present rate the project should be finished by next July.



PACIFIC PARK – This project is nearing completion. The Capital Construction Division has finished the on-street parking and is now constructing a few sections of sidewalk.

The Parks and Recreation Department is 85% done installing irrigation. Once completed they will sow rye grass seed to get us through winter. Then they will lay Tif Bermuda sod around all of the facilities and sow common Bermuda in the open area in the middle of the park.



WATER FILTER REHABILITATION – This \$3.2 million project will rehabilitate all 6 filters at the water treatment plant. Work has begun.

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

<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 presented the usual report of revenues and expenditures.

Elsewhere around the city, employees:

- Hauled 252 tons of sludge to the landfill.
- Began clearing powerline right of way at Thermo (contractor).
- Purchased cold mix asphalt for pothole repair.
- Installed gates on Pipeline Road.
- Had Oncor install additional streetlights around Pacific Park.
- Sold 3,070 gallons of AvGas and 8,850 gallons of JetA fuel.
- Replaced 3 runway lights.
- Performed maintenance on several items at the wastewater treatment plant.
- Treated wastewater to a daily average total suspended solids reading of .52 mg/L.
- Repaired 28 water main breaks.
- Replaced 14 water meters.
- Unstopped 12 sewer mains.
- Washed 70,000 feet of sewer mains.
- Flushed 38 dead end water mains.
- Checked out 3,655 items from the library plus 924 eBooks.
- Responded to 231 fire/rescue calls including 1 structure fire, 2 vehicle fires and 7 grass fires.
- Responded to 187 animal control calls while achieving a 69% adoption rate.
- Responded to 1,954 calls for police service.
- Made 7 felony arrests in the Special Crimes Unit.
- Responded to 36 accidents, issued 524 traffic citations, recorded 43 offences, and made 60 arrests in the Patrol Division.
- Conducted 46 building inspections, 35 electrical inspections, 11 plumbing inspections and 1 mechanical inspection.
- Issued 19 building permits and 34 trade permits.
- Fertilized trees and shrubs downtown.
- Overseeded lawn on Celebration Plaza with rye.
- Trimmed trees around Coleman baseball/softball complex.
- Planted 15 fruit trees at Pacific Park.

**DISCUSSION/ACTION ON PUBLIC HEARING AND SECOND AND FINAL
READING OF ORDINANCE NO. 2842 (ZC NO. 230801) ON A REZONE
REQUEST BY TRINA YOHO FOR 511 WILDCAT WAY CONSISTING OF**

APPROXIMATELY 1.04 ACRES LOCATED ON THE SOUTH SIDE OF WILDCAT WAY AND EAST OF THE ARBALA ROAD INTERSECTION IDENTIFIED AS PROPERTY ID R27940 FROM SF-6 TO LIGHT COMMERCIAL

Community Development Director/Assistant City Manager Niewiadomski presented the staff report. The applicant is requesting to rezone the property to Light Commercial to be consistent with the existing business on the property for dog grooming. Looking at the Land Use Plan, it identifies the area along Wildcat Way as commercial. This request is consistent with the future intended growth in this area.



Staff sent four certified letters to surrounding property owners within 200 feet. Below is a response summary: • In Favor Of: 0 • Opposed To: 0 • Undecided On: 0 P&Z 8-21-2023 MEETING: Staff went over the report. The property was in existence prior to be annexed in the mid 2000's. At that time the house was on the same lot as the dog grooming business and has since been subdivided. This request makes the existing business conform to the zoning request. Currently, the property is a legal nonconforming business and would need to be rezoned to be used commercially in the future. P&Z unanimously recommended to approve from SF-6 to Light Commercial as this area is anticipated to have commercial development per the Land Use Plan. There was no one else to speak to the issue. Councilman Julian made a motion to approve the ordinance as presented. Mayor Pro Tem Nash seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2844 ESTABLISHING A REINVESTMENT ZONE FOR SIGNATURE SOLAR AND EG4

Director of EDC Feagley presented the staff report. Signature Solar and EG4 are in the process of expanding its operation in Sulphur Springs. The current expansion is 5 million dollars. One of the incentives that we offered to them was a tax abatement. What you have before you is an ordinance to establish a Reinvestment Zone. This is nothing more than establishing the geographical boundaries of an area where a taxing entity can offer a tax incentive. You are not issuing a tax abatement by the creation of the reinvestment zone. At the next council meeting you will hold a public hearing and the second reading of this ordinance and a contract for the tax abatement. There was a brief discussion. There was no

one else to speak to the issue. Councilman Julian made a motion to approve the ordinance on the first reading as presented. Councilman Law seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2845 AND ACT UPON A REQUEST TO AMEND THE FUTURE LAND USE PLAN FROM COMMERCIAL/RESIDENTIAL TO INDUSTRIAL FOR PROPERTY LOCATED AT 2113/2119 MAIN ST BEING FURTHER DESCRIBED AS LOT PT 1, ALL 2, BLOCK 122, PROPERTY ID NUMBER R5699, CONTAINING APPROXIMATELY 10 ACRES

Director of Community Development/Assistant City Manager Niewiadomski presented the staff report. The applicant C&C Guardian is proposing to rezone the property from Light Commercial to Light Industrial. The property is located two properties west of Lovers Lane along Texas Highway 313 (Main Street) and two properties east of Assurance Business Park.

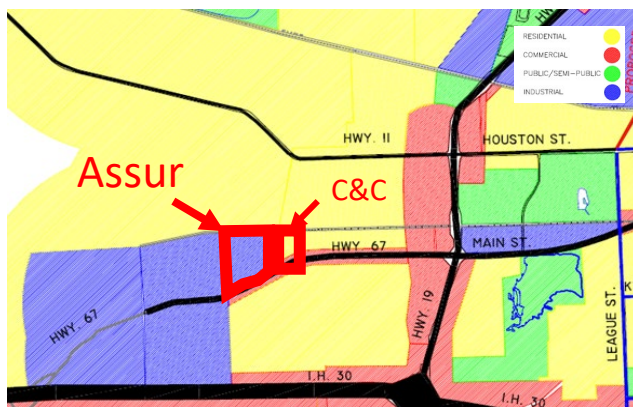


Figure 1: Future Land Use Map

The Comprehensive Plan is a policy document that sets forth the vision of the community. Within the Comprehensive Plan, includes the Future Land Use Plan which is visual representation of what the community desires for an intended outcome of *future* decision making such as zoning changes. Zoning is law and is used as a tool to implement the Comprehensive Plan to make sure decisions are consistent with the intended future vision of the community. Not all properties are in conformance with the Comprehensive Plan since only a small portion of properties citywide have been rezoned since the adoption of the plan. The Comprehensive Plan was adopted by City Council in 2002. The only discernable change to the land use plan occurred when Wildcat Way right-of-way was being acquired around the 2006 timeframe. It was updated to follow the actual right-of-way that was acquired as opposed to a hypothetical straight road from Hwy 154 to Highway 19 along Wildcat Way that was originally referenced. The land use plan currently identifies this property along Main Street as commercial/residential heading towards Highway 19.

The Assurance Business Park is an industrial park to the west and is in an Industrial zoned area that is supported by the Comprehensive Plan and Future Land Use Map. In January 2023, C&C Guardian applied to rezone their approximate 10-acre property from LC to LI (ZC230101) to sell the property to the EDC. At that time, staff referred to the land use plan to guide the decision. The land use plan identified that property as commercial frontage property which is consistent with the current zoning designation. Staff was not able to support the change as it is contrary to the land use plan. The Planning & Zoning Commission agreed that the request was inconsistent with land use plan and recommended denial. It required a supermajority of the City Council to reverse a recommendation by the Planning & Zoning Commission on a zone change. In March 2023, the request was considered by City Council and it failed a supermajority vote to overturn the recommendation of the P&Z and the request was denied. In March 2023, the EDC applied to rezone 12 acres of the Assurance Business Park from Light Commercial to Heavy Industrial (ZC230301). This is two properties west of the C&C Guardian property and is highlighted on the map. The Assurance Business Park consists of 68.83 acres and all but 12 of those acres were zoned Heavy Industrial. The EDC acquired all the property in 2005. At the time, most 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 was 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. 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, the property is part of the Assurance Business Park, an EDC Industrial Park. The P&Z recommended approval and was approved by City Council in June 2023. In September 2023, C&C Guardian applied again to rezone their property for the same request as January. This time, they have requested to amend the Land Use Plan from Commercial/Residential to Industrial. The 2024 budget has a \$200,000 budget allocated for updating the City's Comprehensive Plan. If there were no plans to update the Comprehensive Plan, staff would consider updating the future land use plan. However, with the expectation of the Comprehensive Plan being overhauled with the future land use plan, staff would recommend to not make any changes until that process is complete. To keep the current future land use map as is until the Comprehensive Plan process is undertaken and completed in 2024.

The Planning & Zoning Commission held a public hearing on the Future Land Use Map Amendment in September. Staff recommended not to change the Land Use Plan at this time since the City Council has authorized a full Comprehensive Plan update for FY 2024. The P&Z agreed that the full Comprehensive Plan should be updated as it is budgeted this year before recommending changes to the current plan. The P&Z recommended to keep

the land use plan the same at this time (commercial/residential). Since the land use plan was not recommended to be changed to Industrial, the P&Z recommended to deny the rezoning request as it is inconsistent with the land use plan.

Below is a summary of public comments from the public hearing regarding the proposed land use change:

Niewiadomski stated that when staff gives a recommendation we look at whether or not the zone change request is consistent or compatible with the Future Land Use Plan. If a proposal is not consistent with the future land use plan, a way to consider supporting it would be through a Future Land Use Plan amendment change first. This property is identified as commercial frontage with residential behind it. When this was brought before the P&Z before, staff could not support a change to Industrial because it would be inconsistent with the Land Use Plan and it was not asked to be changed. There will be a Master Plan Update in 2024. The budget will allow initiation to update the Comprehensive Plan, which will probably be a yearlong process to go through. Staff recommends to not make any changes until we go through that Master Plan process that would involve the P&Z and then once that is complete we will get an idea of what Main St., Business 67, is intended to be in the future.

Stacy Cody – For clarification his current property is zoned light commercial. Property to the west and east is zoned light commercial not residential. There is a road between them and the property across the road from it is zoned heavy industrial. Staff confirms it may be heavy or light industrial. Mr. Cody believes it is heavy industrial, either way it is industrial. Therefore, his property and that to the east and west of his property is not residential. There is residential property abutting him but it is in a commercial zone. North of the railroad track is residential all the way to the new property that was a pasture. Back in January, Mr. Cody's son came to make a proposal for the property to be used as a neighborhood for manufactured homes, not a trailer park, but a neighborhood where you would sell lots. That request was denied because it required a special permit even though there is a trailer park across the street. Mr. Cody and Wayne Cooper had a second buyer for their property. They had a signed contract with the EDC, but they needed it to be light industrial so they went through the process of rezoning the property up two levels because they couldn't go down to a residential for a neighborhood. Since they are unable to rezone up or down then their property will have to stay light commercial for life. They did try even though there was not a full Board in place the night theirs was denied. That is why he is bringing his request before the Board again to go to the City Council to describe what has happened after. At the City Council Meeting after they were denied is the point they were told they needed a super majority vote of the City Council to overturn the P&Z decision. Based on describing the facts of our land and a City Council Member not being there that night, meant they needed all six votes to overturn the P&Z decision and it was recommended by the City Manager based on what is happening out there which is why we were going to know that the future plan of all these properties might need to be changed. The very next meeting the EDC's land was light commercial which was two properties over from us was changed from light commercial to heavy industrial. It jumped three levels

and its now 150 feet from their property that we are asking to go to light industrial. One month after our request was denied, EDC gets their land changed from light commercial just like ours to heavy industrial we think it is fair, not that there is not people that have concerns and I get that, but if one City Council Member mentioned, well there should be a buffer. If there is heavy industrial to the west of us and we have what I believe heavy industrial at worst, light industrial to the east of us and we are in the middle, I personally do not see why ours going to industrial zoning is inappropriate for what just happened and there has been no Master Plan change when EDC's land got changed from commercial to industrial so that's our request seven months later to ask again for favor in this request. The EDC is wanting to buy our land and there is no guarantee who's going buy it, but it can't be Pilgrims Pride, it's not heavy industrial. We just have property we want to sell, but we just cannot go up or down without the Board's approval and we have had two buyers that we have to do one way or the other. We are not asking for anything out of what this committee has already approved, we are asking for the same thing. I did ask about the Master Plan and it's going to be over 12 months I was told before it will ever come up. We don't feel like that we should have to wait 12 months for something that this body and the City Council just approved for residential on the other side of the railroad track across from industrial just like our property on the other side of the track from industrial, but there is no residential touching us. Our request is for you to do the same thing in this vote or the next vote, however it works, to do the same thing that was done for the EDC's land to be changed to an industrial zone. We are just asking for the light version. The traffic was a concern at the City Council meeting if goes industrial. Residents of Stonebriar use oil top or Lover's Lane Rd as it is sometimes referred to go to Main St., Hwy 67, when going towards Dallas, Rockwall, or Greenville. The new housing development with 1100 homes going in will more than likely be using this road also. Our land changing that would have an employee volume of less than 50 people will not change the traffic on this highway. This is our request so we can sell our property.

Niewiadomski clarified that staff looks at these request and makes recommendations to P&Z and City Council based on the Master Plan. The area the EDC rezoned to the west was already identified for industrial, which was consistent with the Land Use Plan. Here we are jumping a couple of properties over. Right now it is inconsistent, so to be consistent with their request, it will have to be identified as an industrial area. There is existing zoning that is in place that is inconsistent with the land use plan. If you go to the east or south you will see properties that are zoned industrial which is inconsistent with the land use plan as they would need to be down zoned to residential or commercial as the preferred or desired outcome in the plan. When these properties were annexed years ago it was likely zoned based on what was on the property at the time. Therefore, if a business was there, it was likely given the zone that was consistent with its use. When zoning cases come before the committee, the Land Use Plan map is applied based on what the future plan is for that area. Right now, this particular property facing Main St. shows that the property will be commercial and that the property behind will be residential or a combination of the two.

Stacy Cody stated it shows there have been changes inconsistent with the plan because that is not how Sulphur Springs is growing to the west of Main St. The places on both sides of the property requesting to be rezoned are industrial. We are just asking to be industrial in the middle of two industrials. Mr. Cody asked what uses are allowed.

Niewiadomski stated, in its current zone, there could be multi-family or residential or other permitted uses. Without knowing the EDC's plan you could do some shops or low intensity uses. With heavy commercial, you can get closer to manufacturing uses and not have as many issues. What is currently on the books for the plan is that it calls for industrial to transition to commercial and residential property. That is why going through the Comp Plan process and this will be something to look at, like what the trends are because there could be a very different outlook of what Main St. could be in the future. The property east of Lover's Lane was more than likely zoned light industrial at the time of annexation (verified 1967) due to the business that was on it at the time. That happened prior to 2002 when the Land Use Plan was adopted. The EDC bought the industrial parks, which prompted the annexation and zoning because they were not in the city limits at the time.

Chair Craig English asked Mr. Cody if the EDC was still interested in the land.

Stacy Cody stated yes, but it had to be zoned appropriately to be sold to someone. After the property was turned down for the special use, a contract with the EDC was signed pending the zoning change. With there being industrial on each side the property, they didn't see a problem with getting their property rezoned. There was a majority vote along with the recommendation of the City Manager for approval, but a super majority was required to overturn the Planning and Zoning Commission's recommendation so the request was denied. Our request is to have our zoning changed to the same zoning as that on both sides of us and across the street.

Niewiadomski offered Mr. Cody the option of the request to be tabled since not all five members of the Planning and Zoning Board were present at this meeting. Staff is recommending to wait until the Master Plan is updated to see what the future vision for Main St. would be at that time. It could probably be a yearlong process. The Planning and Zoning Commission will be heavily involved in the process, with public input meetings, stakeholder meetings, and developmental reports.

Tenny Tanton spoke representing her parents who live east of the property requesting to be rezoned. This property once was owned by her extended family and purchased by Mr. Cody. It was presented to our extended family that it would be used for residential. Mr. Cody's son did present to the Board to put in manufactured home on wheels with underpinning. It would have 38 houses on 10 acres, but was not presented as a neighborhood. There is a pond on the place and it was not presented what would be done with the pond. There was concern in the neighborhood about what was actually being planned. When her parents moved here, they purposely bought in the city because they like the protection of knowing there were rules and that the city would take care of them regarding utilities and fire protection. They have kind of lost that with the EDC moving out that way. A lot of the property next to them at one time was in the county and that has now changed. There is a lot of residential land coming into town on Main St. and she

believes that Mr. Cody and Mr. Cooper's land could be sold as residential in small lots. It would just not make as much money as being sold as industrial. It could be sold for manufactured homes also, just on bigger lots and not crammed in such a small area and possibly fill in the lake and have a private pond.

Chris Gibbons – Owns property at 2116 and 2118 Main. His family bought property on the corner of Lover's Lane in 1957. There is scrap on the property. The scrap business changed into an auto glass business from 1962 forward. The property was outside the city limits at the time. When it was annexed in, it was zoned according to the business on the property.

Justin Friddle – Owns 2018 Cody Circle – Representing 100 MPH Properties. He purchased and invested in property in Stonebriar Phase II. He feels like going industrial will lower the property value for his customers as well as his personal home and his parent's home.

Barbara Williams – She is speaking for Elise Douglas, who is the property owner of 2113 and 2119 Main St. Ms. Williams read a letter on Ms. Douglas's behalf. In summary, the letter asked that the property remain light commercial. Ms. Douglas stated the counseling business has been there 20 years in a quiet neighborhood. They work with persons that have experienced traumatic events and need a quiet space. Changing to industrial will result in increased traffic, noise, and pollution. Main Street is narrow without a shoulder to accommodate heavy truck traffic turning movements and it being unsafe.

Barbara Williams – 2006 Koby Circle – One of the first homes in Stonebriar Phase II and next to the railroad tracks. She does not feel the occasional noise from the train would be as intrusive as the noise from the traffic would create on 67 if you put in light industry there. There has to be trucks bringing and taking away manufactured goods if you have light industrial. All businesses allowed in light industrial would also include factory noise, which will create additional noise. Additional trucks also mean additional traffic. This could be a problem since there is no shoulder on 67. When the wind blows this could blow trash into the neighborhood which could affect the quality of life.

Board Member Gill made a motion to accept staff's recommendation as presented. Board Member Glass seconded the motion. Motion carried, all voting aye.

Several citizens requested to speak to the council in reference to this item. Justin Friddle addressed the council letting them know he has invested in 21 lots to build single family homes close to the proposed industrial areas and is opposed to the change. Tenny Tanton spoke on behalf of the Turners and Ginger Brooks in opposition because of possible increased traffic and noise. Chris Gibbons addressed the council in opposition to changing the zoning wanting it to be residential and Barbara Williams suggested putting the land use plan vote off until a completed and updated plan is established. Wayne Cooper spoke in favor of the change. He explained that the railroad being there already implies the land use should be industrial. Mayor Sellers explained that we realize that we need to revise the land use plan and have budgeted to do so. Manager Maxwell explained that spot zoning is a bad idea and we need to take the time to revise and update the land use plan correctly.

Councilman Spraggins disagreed by saying that we have citizens wanting to invest and questioning as to why we are making them wait a year if it will eventually be industrial anyway. He believes that they have been waiting a year and a half. Councilman Julian added that the homeowners are already investors in the area. He added that we need to put a plan together and regularly update it, so that it doesn't get so dated. Councilman Spraggins made a motion to approve the land use map as presented. Councilman Harrison seconded and the vote was as follows:

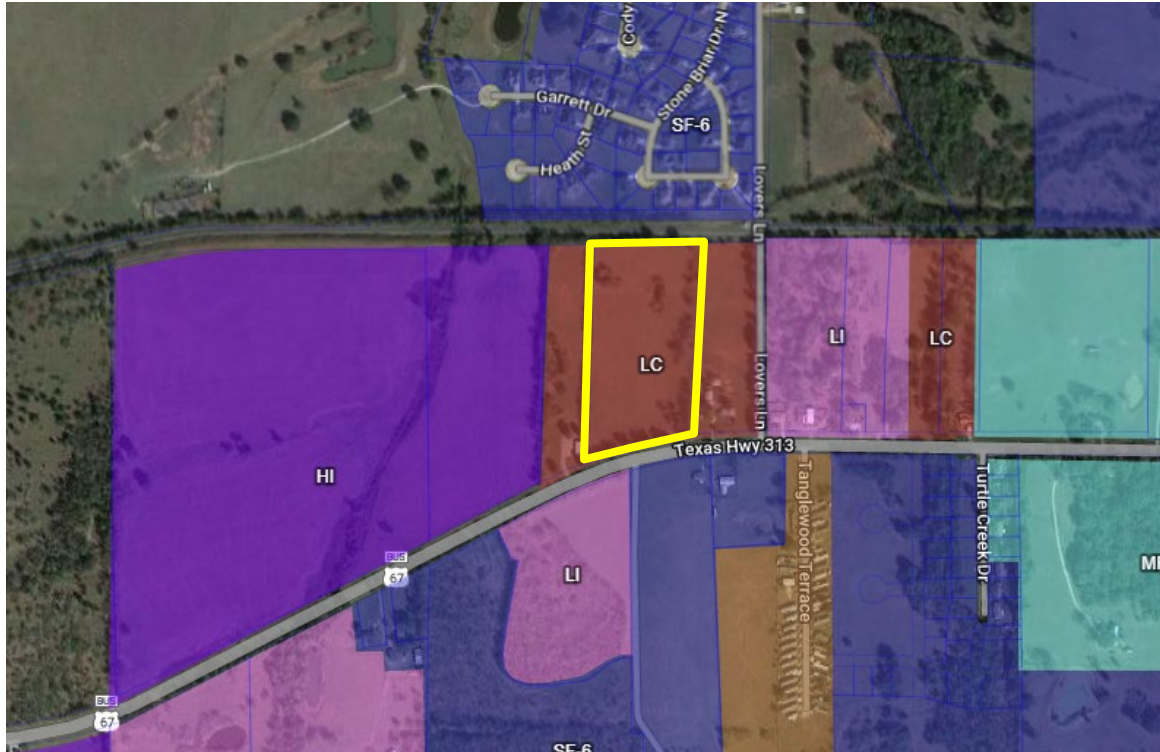
Ayes: Harrison, Spraggins

Noes: Julian, Nash, Law, Sellers

The motion failed.

DISCUSSION/ACTION FIRST READING OF ORDINANCE NO. 2846 (ZC# 230901) ON A REZONE REQUEST BY C&C GUARDIAN INC FOR PROPERTY LOCATED AT 2113/2119 MAIN ST BEING FURTHER DESCRIBED AS LOT PT 1, ALL 2, BLOCK 122, PROPERTY ID NUMBER R5699, CONTAINING APPROXIMATELY 10 ACRES FROM LIGHT COMMERCIAL (LC) TO LIGHT INDUSTRIAL (LI)

Director of Community Development/Assistant City Manager Niewiadomski presented the staff report. The applicant is proposing to rezone the property from Light Commercial to Light Industrial 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).



	Zoning	Use
North	SF-6	Single family
East	LC	Single family
South	SF-6/LI	Single family/ vacant
West	LC	Professional office

The land use plan currently identifies this area along Main Street as commercial frontage with residential behind it. 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 EXAMPLES	LC DISTRICT	PROPOSED EXAMPLES	LI DISTRICT
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	

SPECIAL CONSIDERATIONS: Staff sent 14 certified letters to surrounding property owners within 200 feet.

Below is a response summary:

- In Favor Of: 0
- Opposed To: 8
- Undecided On: 0

The concerns are with the impact on the quality of life with the neighborhood and home values. The counseling business has enjoyed the quiet area over the past 20 years and indicated traffic congestion and safety concerns along with pollution. Industrial activity could disrupt their business. Another letter mentioned the purpose of zoning is to protect single family properties through a graduated zoning system. The property was purchased as an investment property for profit and indicated that the investors had a clear and undisputable knowledge of single family homes in the area prior to purchasing. This request would be two jumps up to skip over heavy commercial. Several photos were provided showing the rural residential homes in the area.

P&Z MEETING 9-19-2023: The P&Z conducted a public hearing on this issue. There was lengthy discussion regarding the future land use plan amendment that would dictate the recommendation for the proposed zone change request (Ordinance 2845 Packet). The audience members asked that the comments from the future land use map amendment request be stated for the rezoning request as well (see Ordinance 2845 Packet). There were additional notice responses presented at the meeting with photographs (attached).

Director Niewiadomski went over the staff report and indicated that the future land use amendment request was not recommended to change and therefore the request should be denied at this time.

Mr. Cody – In talking about the Future Land Use Plan in the previous agenda item he was not sure which item he needed to speak to because their request was to change the zoning and not deal with what the Future Use Plan is and all that has been discussed. The ultimate request regardless of the previous vote is still the same. He mentioned the prior EDC rezoning that was approved without changing the plan earlier this year. He wanted to clarify he stated that he had industrial on both sides of him and it was clarified he does not, he did mention it was 150 feet from his property. He did not state it touched their property. When they bought the property, the EDC did not exist. Since the original request for the Special Permit was denied, the EDC came to them to buy the property. They would still have to go the opposite way to get a zone change to light industrial. They have had two offers and have not been able to change the zoning to meet either need. Regardless of what the Future Plan says or the current plan says, that opportunity still does exist regardless of the land use plan item. He just doesn't want to wait 12 months to sell his land.

Tanton (Spokesperson for the group) – Still oppose item and to apply their comments from the future land use discussion.

Board Member Gill made a motion to keep the zoning as is because at this time the rezoning is inconsistent with the Future Land Use Plan. Board Member Glass seconded the motion. Motion carried, all voting aye.

P&Z Recommendation is that the Future Land Use (FLU) Amendment request be denied, then the rezone request should be denied as it is inconsistent with the Future Land Use Plan.

Stacy Cody addressed Council in favor of the rezone. He explained that according to our website and the Euclidean zoning for what is there that precedence has been set. He explained that the EDC came to him and it is not required to release what is to be built. He further explained that he realized that it had to be a super majority to overturn the Planning and Zoning decision. He explained his concerns over Councilman Julian's posting on Facebook against his rezone and felt that it was not accurate and wished to address it further. Mr. Cody had exceeded his allotted time for discussion by several minutes and stepped down. Tenny Tanton addressed the council explaining that when she puts Sulphur Springs in her navigation system heading home from a location, it always takes her down Hwy 67. She said that at some point, industry was allowed next to residential. She explained that businesses were taking over ballparks in different areas of the state and that it needs to be understood that these are their homes and they have invested a lifetime in them. There was no one else to speak to the issue. Councilman Harrison made a motion to approve the rezone request as presented. Councilman Spraggins seconded and the vote was as follows:

Ayes: Nash, Harrison, Spraggins, Law, Sellers

Noes: Julian

The motion failed, requiring a super majority of 6 votes.

DISCUSSION/ACTION ON RESOLUTION NO. 1381, AN ANNUAL REVIEW OF THE INVESTMENT POLICY AS REQUIRED BY THE PUBLIC FUNDS INVESTMENT ACT

Staff report was presented by Finance Director/Assistant City Manager Smith. Annual review and approval of investment policy as required in the Public Funds Investment Act (PFIA). The governing body of an investing entity shall review its investment policy not less than annually. The governing body shall adopt a written instrument by resolution stating that it has reviewed the policy. This policy provides guidance in the investment of City funds, and meets the requirements of the Texas Government Code, Public Funds Investment Act. Provides compliance with the PFIA. There was no one else to speak to the issue. Councilman Julian made a motion to approve the policy as presented. Councilman Law seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1382, APPROVAL OF FINANCIAL MANAGEMENT POLICY - CAPITAL ASSETS AND DEPRECIATION

Staff report was presented by Finance Director/Assistant City Manager Smith. This is an update to current financial policy on capitalization and depreciation of assets. When the auditors presented the audit to the City Council in March, they recommended increasing the capitalization threshold of assets to \$10,000 or \$20,000 due to inflation that has occurred since the \$5,000 capitalization threshold was established many years ago. This policy increases the threshold to \$20,000 on everything with the exception of infrastructure which is higher at \$30,000. It is important to note that this policy does not mean that the city won't continue to keep record of items that fall under the capitalization threshold, it just means that those small assets will not be recorded and depreciated for purposes of the Annual Comprehensive Financial Report. There was no one else to speak to the issue. Councilman Spraggins made a motion to approve the resolution as presented. Councilman Law seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1383, APPROVAL OF FINANCIAL MANAGEMENT POLICY – WRITE-OFF OF UNCOLLECTIBLE ACCOUNTS RECEIVABLE

Staff report was presented by Finance Director/Assistant City Manager Smith. This is an update to current financial policy on write-off of uncollectible accounts receivable. Consideration: Right now we do not have a written policy on write-off of uncollectible accounts receivable with the exception of property taxes. The write-off of delinquent taxes is done pursuant to Texas Property Tax Code, Section 33.05 and does not change with this policy. (a) Personal property may not be seized and a suit may not be filed: (1) to collect a tax on personal property that has been delinquent more than four years; or (2) to collect a tax on real property that has been delinquent more than 20 years. (b) A tax delinquent for more than the limitation period prescribed by this section and any penalty and interest on the tax is presumed paid unless a suit to collect the tax is pending. (c) If there is no pending litigation concerning the delinquent tax at the time of the cancellation and removal, the collector for a taxing unit shall cancel and remove from the delinquent tax roll: (1) a tax on real property that has been delinquent for more than 20 years; (2) a tax on personal property that has been delinquent for more than 10 years. This policy establishes policies and procedures for other accounts receivable such as utility billing. These write-offs will reduce and more accurately reflect outstanding receivables. This action will improve the City's financial outlook in terms of bond ratings and other financial reports. It will also aid in cleaning up our utility billing data as we prepare to convert to new billing software in the next year. If this policy is approved, a total of \$699,748 in utility billing receivables will be written off that are over 13 years old. There was no one else to speak to the issue. Councilman Law made a motion to approve the resolution as presented. Councilman

Spraggins seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION TO APPROVE THE PURCHASE OF A NEW WESTERN STAR DUMP TRUCK, FROM LONE STAR TRUCK GROUP, UTILIZING BUYBOARD CONTRACT NO. 601-19

Capital Construction Director Craig presented the staff report. The budget was approved by City Council for FY 2024 for the purchase of a new dump truck, to replace a 2007 Freightliner, for Capital Construction Department. Bids were not requested as this is recommended to be purchased using BuyBoard Contract 601-19. BuyBoard 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 City will save approximately \$16,500 by purchasing with the BuyBoard contract instead of directly off of the quote provided by the vendor. 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. The Dealership must have approved orders by the end of October. Orders will be placed After January 1st.

- Quoted price of \$193,493.31 from the \$200,000 budgeted for this truck out of the Enterprise Fund.

There was a brief discussion. Councilman Julian made a motion to approve the purchase as presented. Mayor Pro Tem Nash seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON A FINAL PLAT OF LOT 2, BLK A, (BLOCK 523), OF THE PROSTAR ADDITION LOCATED AT 1531 E. INDUSTRIAL

Director of Community Development/Assistant City Manager Niewiadomski presented the staff report. This property at 1531 E. Industrial contains 1.98 acres in lot 2 of a 3.45 acre tract. The Owner has submitted plans for 60 apartments on the property formerly occupied by Spanish Trial Apartments which burnt and has been vacant for many years. This developer proposed the tie onto existing sewer at the front and back and is proposing to install an eight-inch water line from this site back to a 12 inch water line on Jefferson. The Developer will be responsible for installing the water line to Jefferson. There was no one else to speak to the issue. Councilman Spraggins made a motion to approve the plat as presented. Councilman Law seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON EXECUTIVE SESSION ITEMS, IF ANY

Councilman Spraggins made a motion authorizing the City Manager to complete the

purchase of real property on Pipeline Road on behalf of the City, that was discussed during Executive Session. Councilman Julian seconded and the vote was unanimous.

The motion carried.

Councilman Spraggins made a motion to approve the letter of intent with industry at Thermo, authorizing the signature of the City Manager discussed during Executive Session. Councilman Harrison seconded and the vote was unanimous.

The motion carried.

VISITORS AND PUBLIC FORUM

None.

ADJOURN

With all business complete the meeting was adjourned at 8:03 p.m.