CITY OF SULPHUR SPRINGS, TEXAS
REGULAR MEETING OF THE
CITY COUNCIL
December 5, 2023
7:00 p.m.

An Executive Session will be held at 6:01 p.m. in accordance with Texas Government Code, Title 5, Chapter 551 - §551.071, Consultation with Attorney; §551.087, discussions regarding Economic Development negotiations, and Chapter 551, Section 551.074, Personnel Matters, specifically relating to discussions regarding the position of EDC Director.

The following council members and staff were 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: City Manager Marc Maxwell
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
Bryan Craig, Director of Capital Construction 7p
Jason Ames, Sulphur Springs Police Department 7p
Chris Brown, Director of EDC
Clay Walker, EDC Vice Chair

RECONVENE
Mayor Sellers called to order 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 Spraggins.

PRESENTATIONS, PROCLAMATIONS, AND ANNOUNCEMENTS
Mayor Sellers announced that we will not meet again until after the new year and wished everyone a Merry Christmas, Seasons Greetings, and a Happy New Year.

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 November.
We had two liability claims in November, one for flooding that resulted from a ruptured water line. The other was for a car window that was broken by flying debris from a lawn mower.
We also had a minor fleet accident. A police cruiser struck a pole in the 900 block of Main Street damaging the driver's door.

SENIOR CITIZENS CENTER – Vertical construction continues. Exterior sheeting is in place.

COLLEGE STREET – All of the utility work is completed. Our Capital Construction crews have moved over to League Street.
The concrete contractor, 5W Contracting has poured concrete all the way past Carter Rookson. They are now excavating curb & gutter and sidewalks on the remaining 1,950 feet to Como Street. At the present rate the project should be finished by June.

PACIFIC PARK – This project is almost done.
The Parks and Recreation Department is done installing irrigation. He have sowed rye grass seed in the center of the park to get us through winter. We are now laying Tif Bermuda sod around all of the facilities. I expect the work to be completed by the end of the month.
The small pavilion will have to be a project for later next year.

WATER FILTER REHABILITATION – This $3.2 million project will rehabilitate all 6 filters at the water treatment plant. Work continues on Filter #4, the most problematic filter. We continue to be impressed with the quality of work.

LEAGUE STREET DRAINAGE IMPROVEMENTS – This drainage project at the KCS railroad was authorized for $265,000 at the August 15th City Council meeting. This project began this week. Expect it to last 4-6 weeks. When completed, it should resolve the flooding problems at Main & League.

STREET IMPROVEMENT PLAN (SIP) – Following is a list of streets to be repaved in 2023. Woodcrest and Rockdale are on hold for utility reasons. (Atmos and Oncor). Lemon, Putman, and Spence are scheduled for next week.

Street	Between	Length
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:

- Repaired Christmas light system downtown.
- Repaired Hwy 11 lift station.
- Reset school zone lights on Mockingbird and Calvert.
- Repaired Cantex lift Station.
- Repaired lights on I-30 billboard.
- Repaired emergency Siren at P.D.
- Replaced lights on Hopkins County Veterans Memorial wall.
- Repaired various items at the wastewater treatment plant.
- Treated wastewater to a daily average total suspended solids reading of 1.02 mg/L
- Hauled 738 tons of sludge to the landfill.
- Repaired 23 water main ruptures.
- Replaced 26 water meters.

- Installed 6 water taps.
- Unstopped 23 sewer mains.
- Repaired 2 sewer mains.
- Washed 80,000 feet of sewer.
- Flushed 38 dead-end water mains.
- Hauled street sweeper spoils to the landfill.
- Repaired 143 potholes.
- Sold 4,411 gallons of AvGas and 10,031 gallons of JetA fuel.
- Checked out 3,268 items from the library plus 932 eBooks.
- Responded to 178 animal control calls while achieving a 65% adoption rate.
- Made 4 felony arrests in the special crimes unit.
- Responded to 23 accidents, wrote 513 citations, recorded 38 offences, and made 50 arrests in the Patrol Division.
- Responded to 191 Fire Rescue calls including 5 grass fires.
- Performed 42 fire inspections.
- Performed preventative maintenance on 78 fire hydrants.
- Performed 43 building inspections, 23 electrical inspections, 19 plumbing inspections, and 4 mechanical inspections.
- Issued 23 building permits and 46 trade permits.
- Power washed sidewalks on Main and Connally streets.
- Winterized concession stands and restrooms in City Parks.
- Planted trees at Pacific Park.

Mayor Sellers moved Item 12 Freedom Rail Memorandum of Understanding up on the agenda.

DISCUSSION/ACTION ON MEMORANDUM OF UNDERSTANDING WITH FREEDOM RAIL GROUP AND AUTHORIZE CITY MANAGER TO SIGN SAID MEMORANDUM OF UNDERSTANDING

Councilman Julian made a motion to approve and authorize the City Manager to sign a Memorandum of Understanding with Freedom Rail Group. Mayor Pro Tem Nash seconded and the vote was unanimous.

The motion carried.

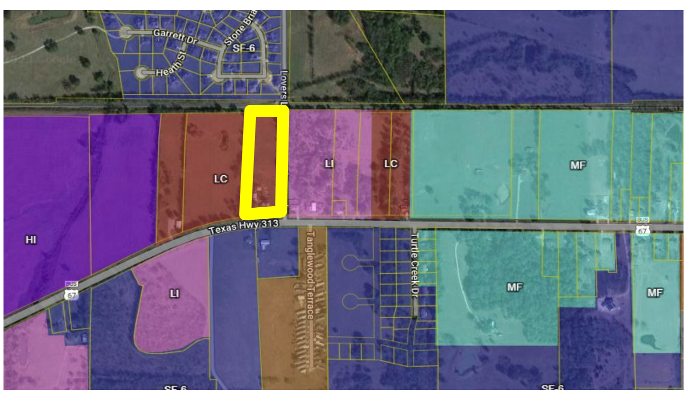
DISCUSSION/ACTION ON CONSENT AGENDA

City Secretary Burling presented the staff report. Consider for approval the City Council regular meeting minutes of 11/07/2023; the Economic Development Corporation meeting minutes of 10/23/2023; Planning and Zoning meeting minutes 10/16/2023; and the Revolving Loan Fund Meeting Minutes of 01/26/2023. Councilman Aguilar made a motion to approve the consent agenda as presented. Councilman Spraggins seconded and the vote was unanimous.

The motion carried.

<u>DISCUSSION/ACTION FIRST READING OF ORDINANCE NO. 2847 (ZC# 231101) FOR A REZONE REQUEST BY G.L. TURNER FOR PROPERTY LOCATED AT 2117 MAIN ST BEING FURTHER DESCRIBED AS LOT PT 1, BLOCK 122, PROPERTY ID NUMBER R5698, CONTAINING APPROXIMATELY 5.192 ACRES FROM LIGHT COMMERCIAL (LC) TO SINGLE FAMILY (SF-6)</u>

Director of Community Development/Assistant City Manager Niewiadomski presented the staff report. The applicant is proposing to downzone the property from LC to SF-6. The property is utilized as a single-family home with several accessory structures. The Light Commercial Zoning District does not list single family uses as a permitted use and would classify the home as a non-conforming use. Typically, non-conforming uses are allowed to exist but are not allowed to be altered which can affect the sale of property without proper assurances that the use may continue. The use of the property is consistent with a single-family zoned property.



	Zoning	Use
North	SF-6	Single family
East	LI	Single family
South	SF-6	Single family
West	LC	Vacant

The land use plan currently identifies this area along Main Street as residential/commercial.

CURRENT LC DISTRICT EXAMPLES	PROPOSED SF-6 DISTRICT EXAMPLES
Retail & Restaurants	Single Family residences

Banks & Business Offices	Accessory Buildings
Gas Stations and tire shops	Parks and playgrounds
Welding & machine shops	Public buildings
Mattress and upholstery repair	Recreational community centers
Lumber yards and mortuaries	Accessory Dwelling Units

SPECIAL CONSIDERATIONS: Staff sent 11 certified letters to surrounding property owners within 200 feet.

Below is a response summary:

- In Favor Of: 4
- Opposed To: 0
- Undecided On: 0

P&Z PUBLIC HEARING 11-20-2023: At the meeting, there was discussion about the future land use plan and how this decision impacts it. Staff indicated that the current plan supports the request. If the land use plan changes the future outlook of this area when it is updated, that will be an indicator of what types of zoning requests could be considered in the future.

In the event that the current owner of this property sells their property 5-10 years down the road and the prospective buyer wants to know if the property can be rezoned, staff would look to the land use plan to guide that decision. The updated land use plan will determine what the area should become whether it be (industrial/commercial/residential) in the future. A rezoning request that gets submitted would need to be consistent with the adopted land use plan. <u>It was made clear that this request doesn't prevent other zoning requests in the area to be impacted by this particular decision as it will be dependent upon the adopted land use plan.</u>

There were several members from the public that spoke in favor of the request as they stated that most of the uses along Main Street starting from Highway 19 and heading west out towards this area are primarily residential in nature. The owner's understand that this request doesn't prevent neighboring properties from changing as it will be based on the land use plan but want to preserve their right to use the property as residential with residential protections. The request is consistent with the current land use plan and use of the property and recommends approval to rezone the property from LC to SF-6.

Several citizens wished to speak on this item. Chris Gibbons expressed that he is in favor of the rezone and lives and owns property in the area. Wayne Cooper believed this rezone needs to be denied because his zone change for neighboring property was previously denied. Tenny Avery Tanton represented her parents and addressed the council to let them know the land was residential in the past and would like it changed back to help protect against zone changes that might bring industry next door to her parents' home. Mayor Sellers asked if it becomes single family, will neighboring commercial property be required to build a wall. Community Development Director/Assistant City Manager Niewiadomski replied that it would be a requirement. There was a lengthy discussion. Councilman

Spraggins suggested that we postpone until the land use plan is complete. Councilman Julian stated that it is consistent with the current land use plan and this was confirmed by Community Development Director/Assistant City Manager Niewiadomski. Barbara Wilson, speaking in favor of the rezone explained that there are several residential homes in the area no matter what the zoning on the map reports. Mayor Sellers called a recess at 7:43p to review the map of the current Land Use Plan. At 7:56p Mayor Sellers reconvened into open session. Manager Maxwell explained that legal questions arose in regard to the possibility of super majority vote requirement if the motion is against P&Z recommendations and wording needed to be lawful. Case law needs to be reviewed before we go any further. Gary Spraggins made a motion to postpone this item and the vote was as follows:

Ayes: Nash, Aguilar, Harrison, Spraggins, Law, Sellers

Noes: Julian

Motion Carried. Item is Postponed.

DISCUSSION/ACTION FIRST READING OF ORDINANCE NO. 2848 (ZC# 231104) FOR A REZONE REQUEST BY KIM LINDSEY FOR THE PROPOSED LINDSEY ADDITION LOCATED AT 215 BILL BRADFORD ROAD CURRENTLY DESCRIBED AS LOT 16, BLOCK 204 1 AND LOT 704, BLOCK 48 6 & BLOCK 204-1 FROM SINGLE FAMILY (SF) TO MULTI FAMILY (MF)

Director of Community Development/Assistant City Manager Niewiadomski presented the staff report. The applicant is proposing to rezone the highlighted portion below from SF-6 to MF as part of a proposed plat. The applicant only wants to rezone part of the land facing Bill Bradford and is proposing to keep the remainder of the lot as SF-6. Part of the property is currently zoned Multifamily. For platting purposes, the applicant is proposing to have a 0.79 acre parcel as one zoning designation.

	Zoning	Use

North	SF-6	Vacant
East	MF	Single family
South	MF	Single family
West	MF	Single family

The land use plan currently identifies this area along Bill Bradford as residential which includes Multifamily. The surrounding properties are primarily zoned Multifamily.

CURRENT SF-6 DISTRICT EXAMPLES	PROPOSED MF DISTRICT EXAMPLES
Single Family residences	Everything in SF-6, 2F, SF-A
Accessory Buildings	Apartments
Parks and playgrounds	Beauty shops
Public buildings	Child Day Care Establishment
Recreational community centers	Hospitals and Clinics

Staff sent 19 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 PUBLIC HEARING 11-20-2023: No one from the public spoke on this issue. Staff covered the report with little discussion on this matter. P&Z recommends approval of the request to rezone from SF-6 to MF.

There was a lengthy discussion. Councilman Spraggins made a motion to approve the rezone as presented. Councilman Law seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1392. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SULPHUR SPRINGS, TEXAS APPROVING THE PROPOSAL BY P&K STONE TO CONVERT SOLID WASTE CONCRETE INTO RECYCLED MILLINGS BY CRUSHING TO BE USED IN STREET AND INFRASTRUCTURE DEVELOPMENT, MAKING FINDINGS SUPPORT THEREOF, AND AUTHORIZING THE EXECUTION OF SAME BY THE CITY MANAGER

Director of Capital Construction Craig presented the staff report. P&K Stone has offered to crush the concrete waste stored at the property adjacent to the City Wastewater Treatment Plant without any mobilization costs for the mobile plant move-in, due to the estimated amount of material to be processed. This will be a substantial savings to the City. At the same time, the City would be able to eliminate the substantial piles of solid concrete waste currently stored and would instead be left with crushed concrete to be used in place of purchased materials at about 1/3 of the price of purchased materials. The City will continue to need materials for street development and the byproduct of this method of solid waste disposal will prove a valuable asset in such work in the future. Because this matter deals with solid waste removal and disposal, competitive bidding is not required. Even so, the quoted rates appear to be competitive for the services offered. The initial capital outlay for the crushing operation is estimated to be $123,750. Materials are weighed as they are crushed, and the actual outlay is calculated at the rate of $8.25 per ton. However, the operation will create an estimated 15,000 tons of material, valued at $391,500, at the current material prices of $26.10 per ton, creating a savings of $267,750. Councilman Aguilar asked where the materials come from. Director Craig explained that it is mostly from city projects. Councilman Law made a motion to approve the resolution as presented. Councilman Julian seconded and the vote was unanimous.

The motion carried.

<u>DISCUSSION/ACTION ON RESOLUTION NO. 1391 FOR BOARD APPOINTMENT TO THE HOPKINS COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS</u>

Consider appointing Koby Long to continue serving on the board to the Hopkins County Appraisal District Board of Directors. The term will be January 1, 2024, through December 31, 2025. There was a brief discussion. Councilman Julian made a motion to approve the appointment of Koby Long to the Appraisal District Board. Councilman Spraggins seconded and the vote was unanimous.

The motion carried.

<u>DISCUSSION/ACTION ON A MOTION TO APPROVE 5 AGRICULTURAL LICENSE AGREEMENTS AT THE THERMO PROPERTY AND AUTHORIZE CITY MANAGER TO SIGN SAID AGREEMENTS</u>

Manager Maxwell presented the staff report. For the past four years the City has renewed agricultural leases that Luminant had prior to our ownership of the property and gone out to bid once on the largest lease. Staff is satisfied with the condition in which current licensees are maintaining the land and therefore, staff recommends renewing all leases to current licensees. The five leases need to be approved for renewal. Staff is recommending renewing all leases at the same rates as 2023. The term of the license shall be for one (1) year commencing on January 1, 2024 and ending on December 31, 2024. License may be extended on an annual basis with the approval of the City Council of the City of Sulphur Springs. The following contains all licenses the City proposes to renew at the Thermo property:

Licensee	Acreage	Price Per Acre	Total Annual License	License Purpose
Hopkins County	87.55	N/A	$2.00	Ag/Use of Sand for County Roads
Jonah Massey	82.00	$62.00	$5,084.00	Ag
Jean Barnes	4.71	$62.00	$292.02	Ag
Jonah Massey	51.80	$62.00	$3,211.60	Ag
Jonah Massey	621.90	$62.00	$38,557.80	Ag
Total Lease Revenue			**$47,147.42**	

Competitive bidding or proposal requirements under Chapter 252 of the Local Government Code do not apply to the lease of real property. Additionally, the requirements under Chapter 272 of the Local Government Code that a city advertise the sale of real property do not apply to a normal term lease of a property. Staff recommends approving the 5 license agreements. The financial impact is $47,147.42 in general fund revenue for these 5 licenses. There was a brief discussion. Councilman Spraggins made a motion to approve the license agreements as presented. Councilman Law seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON BIDS AND AWARD OF CONTRACT FOR SUPPLY OF WATER MATERIALS FOR HOLIDAY DRIVE CIP

Finance Director/Assistant City Manager Smith presented the staff report. Staff placed bid notices in the News Telegram. Emails were also sent to inform prospective bidders. Bids were opened on November 16th. In May 2022, the council approved a bid for water materials for Holiday Drive for $87,486. The materials that we received bids on at that time were for a 1400 ft. 8” water line replacement. The City Engineer is now recommending that the Holiday Drive water line be upgraded to a 12” water line with a 12” water line bored under the interstate. Staff received bids for materials needed to make that upgrade. Some of the materials previously purchased can still be used on the Holiday Drive project while other materials were used on Ramsey and are in stock for use on other 8-inch line projects. Materials in the bid tabulation are for line replacement from Shannon Road to McCann Street only. The bored line will be bid out at a later date. Staff recommends awarding the contract for Water Materials for Holiday Drive to Core & Main LP as the lowest qualified bidder. The financial impact is $129,054.42 in funds as adopted in the Capital Improvements Plan for utility projects. Estimated lead time is 2-4 weeks. Councilman Julian made amotion to approve bid award to Core & Main LP as lowest qualified bidder. Mayor Pro Tem Nash seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON AMENDING THE ARCHITECTURAL CONTRACT

WITH REES FOR THE SULPHUR SPRINGS SENIOR CITIZEN ACTIVITY CENTER PROJECT TO EXTEND CONSTRUCTION ADMINISTRATION SERVICES

Director of Community Development/Assistant City Manager Niewiadomski presented the staff report. In February 2023, City Council approved a contract amendment with REES to perform full construction administration services to account for monthly site visits throughout the anticipated 12 month duration of construction starting January 1, 2023. The contractor will not be substantially complete by the end of December, 2023. This proposal will allow for REES to continue with their construction administration on a month to month basis. The architect does not think that it will need to go past April at this time and this contract will be up to $15,200 if the project goes through April. Otherwise, it will be billed $3,800 monthly as needed. The original contract with REES was for $105,000. In January of 2021, the contract increased by $5,000 to change the design plan to include a pre- engineered building. In November 2021, Council approved an additional $45,700 amendment to the contract to expand the building design by around 3,000 sq. ft. in preparation for the grant application. In February, 2023 $24,550 was approved for full construction administration services. If this contract is approved, that will bring the total REES contract to $180,250 plus $3,800 per month as needed up to $15,200 for a maximum $195,450. The Architect is not only an important part of designing the project but is also a vital part of the construction process and will be the contractor's first point of contact on the project to handle design issues, and other questions that arise. Staff recommends authorizing the City Manager to sign a contract amendment for the additional services for the Senior Citizen Activity Center. Full Construction Administration Service $3,800 per month Maximum Amount (January 2024-April 2024) $15,200.00. Councilman Spraggins asked what caused the delay. Niewiadomski explained that it was not any one thing, many things contributed to the delay. There was a brief discussion. Councilman Spraggins made a motion to approve the contract amendment as presented. Councilman Law seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION IF ANY, ON EXECUTIVE SESSION

Councilman Julian made a motion to approve the appointment of Executive EDC Director of Chris Brown beginning January 2024. 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 8:10 p.m.