CITY OF SULPHUR SPRINGS, TEXAS
REGULAR MEETING OF THE
CITY COUNCIL
February 6, 2024
7:00 p.m.

An Executive Session was held at 6:00 p.m. in accordance with Texas Government Code, Title 5, Chapter 551 - §551.071, Consultation with Attorney; and §551.087 Deliberations Regarding Economic Development, Ashoka Steel.

The following council members and staff were present:

Mayor Pro Tem Harold Nash Sr.
Councilman Jay W. Julian
Councilman Oscar Aguilar (exec meeting only)
Councilman Tommy Harrison
Councilman Gary Spraggins
Councilman Tyler Law

Absent: Mayor John A. Sellers

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, Director of Human Resources/Assistant City Manager
Jason Ricketson, Chief of Police 7p
Joey Baker, Director of Aviation and Tourism

RECONVENE

Mayor Pro Tem Nash 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 Pro Tem Nash 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
Mayor Pro Tem Nash read the Black History Month Proclamation.

CITY OF SULPHUR SPRINGS
BLACK HISTORY MONTH PROCLAMATION

WHEREAS, Black History Month is an annual celebration of the achievements, contributions, and rich history of African Americans; and

WHEREAS, 2024 marks the 98th annual celebration of Black History since Carter G. Woodson, a noted scholar and historian instituted Negro History Week in 1926. He chose the second week of February to coincide with the birthdays of President Abraham Lincoln and the Black 19th century abolitionist Frederick Douglass; and

WHEREAS, this month serves as an opportunity to recognize the struggles and triumphs of the African American community, highlighting the significant impact they have made on the cultural, social, and economic fabric of our nation; and

WHEREAS, the theme for Black History Month 2024 is "African Americans and the Arts," emphasizing the artists who used their talent to elevate the race, speak truth to power and inspire a nation; and

WHEREAS, the City of Sulphur Springs recognizes the need for continued efforts to promote diversity, equality, and inclusion within our community, fostering an environment of understanding and appreciation for all residents; and

NOW, THEREFORE, I, Harold Nash, Sr, Mayor Pro Tem of the City of Sulphur Springs, Texas, and on behalf of the City Council, do hereby proclaim the month of February 2024 as

BLACK HISTORY MONTH

and call upon all residents to join in celebrating the diverse heritage and contributions of African Americans throughout our history.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Sulphur Springs to be affixed this 6th day of February, 2024.

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

Manager Maxwell presented the staff report.

CLAIMS – We did not have any workers' compensation claims in December. We had 2 liability claims in December. One claim was for wastewater flooding in a home and the other claim was submitted by Oncor for damage to a service line on Kelli Circle. Both have been submitted to the TML Risk Pool. The utility location service failed to mark the electric service, so I doubt we will be liable.

Tragically, one of our long-serving and valued employees Chad Bradley passed on January 31. We are all shocked and saddened by this loss. The world has become a bit more dim without him.

COMPREHENSIVE PLAN – We have applied for a $250,000 grant from the General Land Office to perform the plan. I had previously reported that the amount of the grant was $300,000, but we are limited to $250,000 based upon our population. We should know before the next council meeting whether we got the grant.

SENIOR CITIZENS CENTER – I expect all exterior doors and windows to be installed this month and for HVAC to be on.

COLLEGE STREET – The Como Street intersection will be the next section to be poured so that we can restore circulation to Como Street. The concrete contractor, 5W Construction is forming up for the pour now. He will then work westward to Rookson Street. At the present rate, the project should be finished by June.

HOLIDAY DRIVE – Capital Construction Division crews have begun installing water and sewer lines on Holiday Drive. This is a complete reconstruction project, like College Street.

PACIFIC PARK – It's done!

WATER FILTER REHABILITATION – This $3.2 million project will rehabilitate all 6 filters at the water treatment plant. Work on Filter #4 is completed. Filters #2 and #3 are nearing completion. Filters #1, #5 and #6 remain to be rehabilitated.

LEAGUE STREET DRAINAGE IMPROVEMENTS – This project is completed. The Main/League intersection no longer floods, and the drainage under the KCS tracks is stabilized and secure.

STREET IMPROVEMENT PLAN (SIP) – Following is a list of streets to be repaved in the 2023 Street Improvement Program. Streets highlighted in yellow are complete.

Rockdale is on hold for utility reasons. (Oncor). Staff are preparing the list of 2024 projects. You should have it by the next council meeting.

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 will present the usual report of revenues and expenditures.

Elsewhere around the city, employees:

- Removed downtown Christmas decorations.
- Rented the Grays building 17 times.
- Painted bathrooms at Coleman and Buford Parks.
- Began installing a gate on new road into Coleman Park.
- Conducted 47 building inspections, 21 electrical inspections, 9 plumbing inspections, and 5 mechanical inspections,
- Issued 16 building permits and 34 trade permits.
- Checked out 3,471 items from the Municipal Library plus 924 eBooks.
- Repaired lights on Hopkins County Veterans Memorial.
- Repaired truck route flashing lights on Hwy 19.
- Repaired Hwy 11 lift station.
- Repaired the ladder truck (Fire dept.)
- Repaired various items at the wastewater treatment plant.
- Hauled 426 tons of sludge to the landfill.

- Treated wastewater to a total suspended solids count of 0.95 mg/L.
- Repaired 14 water mains.
- Repaired 20 water meters.
- Unstopped 40 sewer mains.
- Flushed 37 dead end water mains.
- Opened flood gates at Lake Sulphur Springs due to rain.
- Operated Cooper Lake raw water pumps on generator power to allow for repairs to switching gear.
- Responded to 227 fire/rescue calls including 4 structure fires and 1 vehicle fire.
- Performed preventative maintenance on 74 fire hydrants.
- Performed 25 fire inspections.
- Sold 1,855 gallons of AvGas and 6,010 gallons of JetA fuel.
- Responded to 189 animal control calls while achieving a 65% adoption rate.
- Made 4 felony arrests in the Special Crimes Unit.
- Responded to 30 accidents, wrote 351 traffic citations, made 42 arrests and recorded 41 offenses in the Patrol Division.
- Repaired 224 potholes.
- Made 15 street repairs following utility cuts.
- Sanded the roads during snow/ice events.

Manager Maxwell added that we were awarded the grant for the new Bright Star Baseball field.

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

DISCUSSION/ACTION ON CONSENT AGENDA

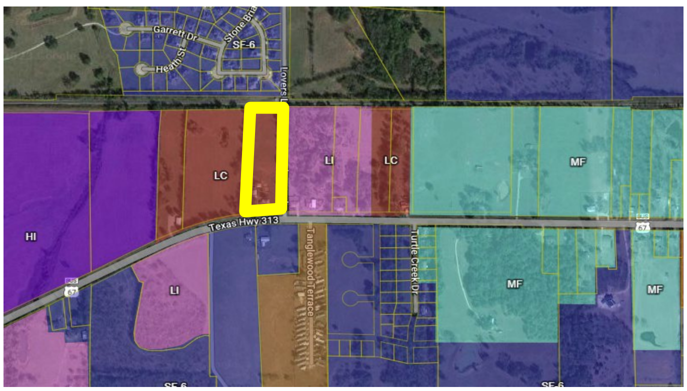
City Secretary Burling presented the staff report. Consider for approval the City Council regular meeting minutes of 01/02/2024; City County Special Meeting Minutes of 01/16/2024; Planning and Zoning meeting minutes 12/18/2023; Economic Development Corporation meeting minutes of 11/27/2023; and a 380 agreement for 1516 Houston Street. Councilman Julian made a motion to approve the consent agenda as presented. Councilman Law seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON PUBLIC HEARING AND SECOND AND FINAL 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)

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

<u>P&Z PUBLIC HEARING 11-20-2023</u>: 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.

Tenny Avery Tanton addressed the council to recap her reasoning for the rezone from December, 2023 council meeting. Councilman Julian made a motion to approve the rezone as presented. There was no second.

The motion failed.

<u>DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2851 AMENDING THE CODE OF ORDINANCES CHAPTER 5 ANIMAL CONTROL AND PROTECTION; AMENDING SECTION 5-7 VACCINATION AGAINST RABIES</u>

Chief of Police Ricketson presented the staff report. Over the years further studies have been conducted to determine how long rabies vaccination shots are effective and the frequency that booster shots should be given. These studies concluded that a rabies vaccination should be given to an animal by the time the animal is three (3) months of age. A booster vaccine be given after twelve (12) months followed by additional booster vaccine every thirty-six (36) months thereafter. Currently our rabies vaccination ordinance require a rabies vaccination be given to an animal by the time the animal is three (3) months of age and at regular intervals of twelve (12) months thereafter. After speaking with our local veterinarian offices, they all currently use the three-year (36 month) vaccine and are in favor of updating our ordinance to reflect the above-mentioned recommended times for rabies vaccinations. The only concern expressed is the ability for people to remember to have their animals vaccinated every three years. Councilman Law made a motion to approve the ordinance as presented. Councilman Spraggins seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2852 REPEALING ORDINANCE NO. 2762 AND AMENDING CHAPTER 15 OF THE CITY OF SULPHUR SPRINGS CODE OF ORDINANCES BY REMOVING ARTICLE VII, CURFEW HOURS

Chief of Police Ricketson presented the staff report. On June 9, 2023, Governor Greg Abbott signed House Bill 1819 which prohibits a political subdivision from adopting or enforcing an order, ordinance or other measure to regulate the movement or actions of persons younger than 18 years of age. This new law took effect on September 1, 2023. The passage of this ordinance will repeal the City of Sulphur Springs Curfew Ordinance and remove it from the City of Sulphur Springs Code of Ordinances. 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 RESOLUTION NO. 1397 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SULPHUR SPRINGS, TEXAS, SUPPORTING THE APPLICATION OF FISHER POINTE APARTMENTS, LP AND ITS AFFILIATES, TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE 2024 COMPETITIVE 9% HOUSING TAX CREDIT PROGRAM, AND APPROVING A LIMITED WAIVER OF DEVELOPMENT AND PERMIT FEES

This item was removed from the agenda by applicant.

DISCUSSION/ACTION ON RESOLUTION NO. 1399 APPROVING THE SUBMISSION OF A GRANT APPLICATION TO OFFICE OF THE GOVERNOR - HOMELAND SECURITY DIVISION TO PURCHASE SIX (6) MOBILE RADIOS TO BE USED BY THE PATROL AND CRIMINAL INVESTIGATION DIVISION

Chief of Police Ricketson presented the staff report. A resolution of the City of Sulphur Springs, Texas, approving the submission of a grant application to the Office of the Governor - Homeland Security Division for mobile radios. We are requesting $22,472.10 in Homeland Security Funds. No local match required. Councilman Harrison moved to approve the resolution as presented. Councilman Law seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1400 APPROVING THE SUBMISSION OF A GRANT APPLICATION TO OFFICE OF THE GOVERNOR TO PURCHASE BODY CAMERAS TO BE USED BY THE PATROL DIVISION

Chief of Police Ricketson presented the staff report. A resolution of the City of Sulphur Springs, Texas, approving the submission of a grant application to the Office of the Governor to purchase body cameras. We are requesting $45,120.00 in grant funds. This grant does require a twenty-five (25) percent match of $15,040.00 in local funds. Councilman Harrison made a motion to approve the resolution as presented. Councilman Julian seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1401 CALLING FOR A GENERAL ELECTION FOR CITY COUNCIL PLACES 1, 2, AND 3, NAMING ELECTION JUDGES, AND SETTING DATES FOR EARLY VOTING. (LA DISCUSIÓN/ACCIÓN EN LA RESOLUCĪON EL NUMERO 1401(S) PIDIENDO LA ELECCIÓN COLOCA 1,2, Y 3, LLAMANDO A JUECES DE ELECCIÓN, Y PONIENDO FECHAS PARA LA VOTACIÓN TEMPRANA.)

City Secretary Burling presented the staff report. Resolution No. 1401 calls for a City Council election for Places 1, 2 and 3 to be held Saturday, May 4, 2024. The resolution also sets the dates for making application for place on ballot, for early voting and for mail ballot deadlines, as well as naming the Early Voting Election clerk and voting judge. An election is hereby ordered to be held on Saturday, May 4, 2024 for the purpose of electing City Council members to Places 1, 2, and 3. The first day to make application for place on the ballot is January 17, 2024 and the last day is February 16, 2024. Early voting by personal appearance will be conducted each weekday, Monday through Friday, in the Municipal Building at 201 North Davis Street between the hours of 8:00 a.m. and 5:00 p.m. beginning on April 22, 2024 and ending on April 30, 2024. Two weekdays will be open for 12 hours during the regular early voting period. Therefore, early voting by personal appearance will be conducted between the hours of 7:00 a.m. and 7:00 p.m. on Tuesday, April 23, 2024 and Thursday, April 25, 2024. Application for ballot by mail shall be mailed to: Natalie Burling, 125 South Davis Street, Sulphur Springs, Texas 75482, or email to natalie@sulphurspringstx.org The first day to receive mail applications is January 1, 2024; applications must be received no later than April 23, 2024. Election Judge will be Janie McMackin and alternate will be Patsy Neal. Early voting clerk is Natalie Burling and the alternates are Tammy Calhoun and Jody Price.

Councilman Julian made a motion to approve the resolution as presented. Councilman Spraggins seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1404, SETTING A PUBLIC HEARING UNDER SECTION 311.003 OF THE TEXAS TAX CODE FOR THE CREATION OF TAX INCREMENT REINVESTMENT ZONE #2 CONTAINING APPROXIMATELY 4,333 ACRES OF LAND AND BEING WHOLLY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SULPHUR SPRINGS

Finance Director/Assistant City Manager Smith presented the staff report. Since receiving the former coal mine property, city council, city staff and the EDC have made progress on planning the potential development of the area. There is currently a limited amount of infrastructure on the property and any type of development would require significant investment to be made either publicly or privately. One economic development tool available for the city, is utilizing the tax increment financing act which would allow the city and other participating tax entities to collect property tax on the current value of the land while dedicating any property tax increase over the base value for the purpose of paying for infrastructure and improvements within the dedicated zone. There are several steps that the City must go through to establish the zone. The first step was to create a preliminary financing plan which is attached to this item. This item is step 2 of the process which is to authorize the publication of a notice setting a public hearing for the creation of the zone. The proposed public hearing will be held at the next regular meeting and at the same meeting, the first reading of the ordinance to establish the zone will follow. The following is the draft timeline for establishing the zone:

Date	*Event*	
Due by 1/31	Prepare Preliminary Reinvestment Zone Project and Finance Plan w/ Zone boundaries	
2/6	Council Meeting: approve publication of notice of public hearing of TIRZ	
2/14	Publish notice of hearing (at least 7 days before hearing)	
3/5 & 4/2	Council Meeting:	(1) Hold public hearing on creation of Zone 2 (2) Approve preliminary project and finance plan (3) Adopt Ordinance Creating the Zone (4) Adopt Resolution Appointing TIRZ Board
4/11	Zone Board Meeting:	(1) conduct organizational meeting, if needed (2) adopt final project and finance plan
5/7	Council Meeting: Approve final Zone project and finance plan	

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

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1405, APPROVAL OF FINANCIAL MANAGEMENT POLICY – PROCUREMENT

Finance Director/Assistant City Manager Smith presented the staff report. The City has been using the attached Purchasing Policy since at least 2013. From time to time, it is necessary to update financial policies. The City's Charter refers to state law for purchasing laws. This policy provides procedures, approval levels and other guidance for all authorized purchasers within the City of Sulphur Springs. While most of the changes to this policy are language updates to current procedures and clarifications on current practices, there are a few substantial recommendations that the council should be aware of. Since the last purchasing policy was implemented, inflation has changed the level of what staff would consider to be micro and small purchases. We are suggesting that purchase approval levels be increased as stated below to alleviate some of the administrative burden that seeking quotes places on employees.

Approval Requirements	Current	Proposed
No Purchase Order Required	$0 - $2,499.99	$0 - $4,999.99
Purchase Order with 3 quotes & Dept Head Authorization	$2,500- $9,999.99	$5,000 - $19,999.99
Purchase Order with 3 quotes & City Manager Authorization	$10,000 - $49,999.99	$20,000 - $49,999.99
City Council Authorization	$50,000 +	$50,000 +

Councilman Julian made a motion to approve the resolution as presented. Councilman Law seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON PROPOSED AMENDMENTS TO EXISTING 312 TAX ABATEMENT AGREEMENT AND 380 LAND PURCHASE AGREEMENT BETWEEN THE CITY AND ASHOKA STEEL

Item was removed from the Agenda by Mayor Pro Tem Nash.

DISCUSSION/ACTION ON RESOLUTION NO. 1407 AUTHORIZING FOUR WAY STOP SIGNAGE AT THE COMO AND COLLEGE STREET INTERSECTION

Community Development Director/Assistant City Manager Niewiadomski presented the staff report. The city is continuing progress along College Street and is getting ready to redo the intersection at Como and College. All new sidewalks are being constructed along College Street to provide a contiguous network of sidewalks from Downtown heading east out towards I-30. Prior to this street project, there were missing sections of sidewalk along College Street and stop signs were only located on the Como Street side. This is a busy intersection and having four a way stop will allow for a safe pedestrian crossing along this section of College Street. Staff is recommending that a four way stop sign be installed to allow for pedestrian safety and accessibility at this location. Councilman Spraggins questioned if we really need it? Community Development Director/Assistant City Manager Niewiadomski said that the distance between JD Franklin and Como is large enough to need to slow traffic as well as when school is out to allow people coming from Como street to turn. Councilman Harrison said that he lived in the area and there are speeders with pedestrians in the area and a stop sign would slow them down. Mayor Pro Tem Nash agrees that people don't stop for pedestrians in the area. There was a brief discussion. Councilman Harrison made a motion to approve the resolution as presented. Councilman Law seconded and the vote was unanimous.

The motion carried.

DISCUSSION ON RACIAL PROFILING REPORT SUBMISSION TO THE TEXAS COMMISSION ON LAW ENFORCEMENT

Chief of Police Ricketson presented the staff report. This is the annual submission of statistical information to TCOLE for Racial Profiling Report. Councilman Law asked if it is consistent with last year's report. Chief Ricketson answered that we did stop more cars than last year but race was consistent. Councilman Harrison asked if there is a place to find the reports from different agencies and from years past? Chief Ricketson stated that it is posted online and broken down into jurisdictions. There was a brief discussion. Councilman Julian made a motion to approve the submission as presented. Councilman Spraggins seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON MUTUAL DISSOLUTION OF *WHOLESALE WATER SERVICE AGREEMENT* ("AGREEMENT") BETWEEN MARTIN SPRINGS WATER SUPPLY CORPORATION ("MARTIN SPRINGS") AND CITY OF SULPHUR SPRINGS ("CITY")

City Attorney Smith presented the staff report. This is for the acceptance of notice to terminate Agreement from Martin Springs and tender of our acceptance of dissolution and mutual termination of Agreement. There was a brief discussion. Councilman Law made a motion to approve the mutual dissolution agreement as presented. Councilman Harrison seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON BRIEFING THE CITY COUNCIL REGARDING THE CITY'S PREPARATIONS FOR THE APPROACHING TOTAL SOLAR ECLIPSE ON APRIL 8, 2024

Director of Aviation and Tourism Baker and Chief of Police Ricketson presented the staff report. This is a community preparation not just a City preparation. October 2022 the eclipse meetings began. Hopkins County Chamber took the role as conduit for the immediate public to coordinate eclipse activities. Emergency management meets primarily focusing on public safety. ATCOG developed an interactive map that the Chief will explain further. We are partnered with the city, county, chamber and local resources. There are limited assets. There is enough for local city and county but there will not be any enhancements or reinforcements unless there is a catastrophic event because everyone within a 100 mile radius will be dealing with the same issues from the eclipse. Emergency management are trained for different scenarios on a continual basis. Councilman Harrison asked if people will be mainly in one area of the city or all over. Chief Ricketson explained that people will be all over there is no certain contained area for spectators. He explained that there is an interactive map from Ark Tex and a form for people to fill out available at the Chamber that will help people find parking with live updates from a website. He said we will post this website at hotels, our various websites and possibly billboards. Councilman Harrison asked if EMS will be staged throughout the city. Chief Ricketson explained that EMS will do what they think is best and the police department will have 2 man patrol units so no backup calls are needed. Councilman Nash asked about preparation for possible increased criminal activity. Chief Ricketson explained that all towns have the same issue within a 100 mile radius and that we will not have assistance. He also explained Hopkins County approved a variance for RV's in the county. The hospital has notified us of extra staffing as well. He explained the priority phone service offered by Homeland Security. We were approved for it and if the phone circuits become tied up then emergency services as well as some city employees have priority with cellular and ground services. Councilman Harrison asked if we are prepared for scenarios such as active shooter. Chief Ricketson explained that Emergency Management is already trained in different scenarios including active shooter but there will be no backup or mutual aid as everyone around will be busy dealing with the exact same issues. Councilman Julian asked how the airport will be managed. Director of Aviation and Tourism Baker explained that 3 days before arrival there will be slots for pilots to sign up for until there is no more space. Councilman Law asked if there is priority for locally based aircraft. Director of Aviation and Tourism Baker explained that basically the prior permission is still required so that we can have a head count at the airport. Chief Ricketson explained there will be some tanker trucks on standby with fuel in case of need by emergency personnel. There was a brief discussion. Mayor Pro Tem Nash commended staff on the active plan.

DISCUSSION/ACTION ON AUTHORIZATION OF THE CITY MANAGER TO EXECUTE A COMMUNITY FACILITIES CONTRACT FOR EDWARD PROM LOCATED AT 638 GILMER ST KNOWN AS THE LUCKY DONUT ADDITION

Community Development Director/Assistant City Manager Niewiadomski presented the staff report. The City Council approved the Final Plat at the January 2024 meeting for the Lucky Donut Addition. Staff inadvertently omitted the typical statement to authorize the City Manager to execute the Community Facilities Contract on the recommendation for approval. It is typical that the City Manager executes these agreements after Final Plat approval with authorization from the City Council. The applicant will be responsible for the costs of the project including public improvements. Councilman Spraggins recused himself because of possible conflict of interest. Councilman Julian made a motion to approve the authorization as presented. Councilman Law seconded and the vote was as follows:

AYES: JULIAN, NASH, HARRISON, LAW
NOES: NONE
ABSTAIN: SPRAGGINS

The Motion Carried.

DISCUSSION/ACTION ON AUTHORIZING THE CITY MANAGER TO SUBMIT A CONCURRENCE LETTER FOR ADDITIONAL MATCH FOR THE THERMO ROAD BASED ON THE ENGINEERS OPINION OF PROBABLE COST FOR THE PUBLIC WORKS GRANT FUNDING PROJECT NUMBER 08-79-05698

Community Development Director/Assistant City Manager Niewiadomski presented the staff report. The City was awarded a grant for "Thermo Road" at the former coal mine property in the amount of $2,380,000 in Federal Funds for nearly 2 miles of roadway improvements with $596,960 in local match funds for a total of $2,976,960. The City hired Kimley Horn ($230,000) for engineering services for this project and ATCOG ($50,000) to administer the grant for this project. The original submission of the grant was in 2020 but was reconsidered for approval in 2023. At this time, Kimley Horn has submitted 90% plans along with an engineer's opinion of probable cost for this project. At this time, they are projecting the project to cost of construction to be between $4.2 million and $5.1 million which is above the initial awarded amount of $2,696,960.00 for construction (including $80,000 contingency). This information has been discussed with our grant administrator and they have informed staff that we will need to provide a concurrence letter that the city will provide the non-federal match to cover the construction cost up to the projected $5.1 million + $280K for a total of $5.38 million. This is a $2,403,040 increase in the overall budget. The local match will have to increase from $596,960 up to $3,000,000 depending on the actual construction bid accepted. The current general fund balance is nearly $6.3 million. Paying for the construction of the road with current reserves would put the fund under the minimum fund balance per the fund balance policy. We will need to issue a certificate of obligation to pay for the road construction along with utility construction at the property. To pay for the road construction, staff recommends proceeding with the bid for the road, and awarding the bid to a contractor if bids are acceptable. At the time of the bid award, staff would bring a reimbursement resolution to council which would allow the City to pay for the construction out of reserves and then reimburse the fund with the issuance of a certificate of obligation. Councilman Law asked what caused the price increase. Community Development Director/Assistant City Manger Niewiadomski explained that there will be more stabilization than originally called for. There was a brief discussion. Councilman Spraggins made a motion to authorize the City Manager to submit the letter as presented. Councilman Law seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION IF ANY, ON EXECUTIVE SESSION ITEM
None.

VISITORS AND PUBLIC FORUM
Tenny Avery Tanton addressed the council requesting clarification on the vote for Item No. 6 on the agenda. Manager Maxwell explained that this item did not require a super majority, only a simple majority vote. He further explained that if there is no second, then the motion and/or item fails.

ADJOURN
With all business complete the meeting was adjourned at 8:12 p.m.