CITY OF SULPHUR SPRINGS, TEXAS
REGULAR MEETING OF THE
CITY COUNCIL
December 03, 2024
7:00 p.m.

The following council members and staff were present:

Mayor Harold Nash Sr.
Mayor Pro Tem Oscar Aguilar
Councilman Jay W. Julian
Councilman Tommy Harrison
Councilman Gary Spraggins
Councilman Tyler Law

Absent: Councilman John A. Sellers

Staff: Marc Maxwell, City Manager
Natalie Burling, City Secretary
Nate Smith, City Attorney
Tory Niewiadomski, Director of Community Development/Asst City Manager
Lesa Smith, Finance Director/Assistant City Manager
Jason Ricketson, Chief of Police
Joey Baker, Director of Aviation and Tourism
Chris Brown, Economic Development Director (executive session only)

RECONVENE

Mayor Nash called to order the regular meeting of the Sulphur Springs City Council at 7:07 p.m.

PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG, TEXAS FLAG, AND INVOCATION

Mayor Nash led in the pledge of allegiance to the United States Flag and the Pledge and the Texas Flag, and the invocation was led by Councilman Julian.

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 November.

We did have one liability claim from someone who fell into North Town Branch and sustained injuries.

COMPREHENSIVE PLAN – Staff recommends Kimley Horn to write the comprehensive plan later on this agenda.

MIRACLE LEAGUE FIELD – The engineering firm, Kimley Horn is 60% done with the design process.

THERMO ROAD – This $4.4 million project is partially funded by a $2.4 million grant from the Economic Development Administration (EDA). The project is 60% complete.

COLEMAN BALLFIELD LIGHT UPGRADE –
We received a $250,000 grant from the State Energy Conservation Office (SECO) to upgrade the lights to LED. We are still waiting for the executed contract from SECO. SECO indicated that they will sign the contract in December.

MIDFIELD APRON – This concrete pavement/drainage improvement is progressing well. This project includes drainage improvements as well as repaving the midfield apron in concrete. Total project cost is $5.28 million, of which 90% is funded by a grant through TXDOT.

WASTEWATER CHLORINE CONTACT CHAMBER – At the previous city council meeting the city council selected Hayter engineering and directed staff to negotiate and execute a contract. I recently signed the contract for $170,339, or 7.7% of the project cost.

This $2.2 million project will repurpose a former (abandoned) sand filter turning it into a chlorine contact chamber. Chlorine contact time is a bottleneck at the wastewater treatment plant (WWTP). The WWTP has a rated capacity of 5.4 MGD. Staff believes we can increase the capacity to 10 MGD when the project is completed. The increase will require TCEQ approval, but staff thinks it is feasible. The project is being funded from the Enterprise Fund balance.

STREET IMPROVEMENT PLAN (SIP) – The 2024 Street Improvement Plan (SIP) is complete. Staff is compiling a list of projects for the 2025 Street Improvement Plan. It should be ready for the January city council meeting.

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

Elsewhere around the city, employees:

- Checked out 3,380 items from the library plus 869 eBooks.
- Sold 3,505 gallons of AvGas and 8,715 gallons of JetA fuel.
- Accommodated 1,605 takeoffs/landings.
- Installed Christmas decorations downtown.
- Held 90 activities at the senior citizen center.
- Rented the Grays Building 19 times.
- Made several repairs to Kids Kingdom.
- Repaired 14 water mains.
- Replaced 14 water meters.
- Unstopped 14 sewer mains.
- Washed 77,000 feet of sewer mains.
- Responded to 205 animal control calls.
- Achieved an 83% adoption rate at the animal shelter.
- Made 4 felony arrests in the Special Crimes Unit.
- Responded to 2,078 calls for police.
- Worked 32 accidents, wrote 541 citations, recorded 27 offences, and made 30 arrests.
- Demolished a structure at 211 Lee.
- Responded to 222 fire/rescue calls including 2 structure fires and 13 grass fires.
- Performed preventative maintenance on 78 fire hydrants.
- Conducted 50 fire inspections.
- Repaired 298 potholes.
- Made 15 extensive street repairs following utility repairs.
- Conducted 76 building inspections, 16 electrical inspections, 12 plumbing inspections, and 5 mechanical inspections.
- Issued 20 building permits and 46 trade permits.

DISCUSSION/ACTION ON CONSENT AGENDA

City Secretary Burling presented the staff report. Consider for approval the City Council Regular Meeting Minutes of 11/05/2024**;** Planning and Zoning meeting minutes of 10/21/2024**;** Downtown Revitalization Board meeting of 10/29/2024; Economic Development Meeting Minutes of 10/28/2024 and a 380 agreement for 441 South Davis Street**.**

Councilman Aguilar made a motion to approve the consent agenda as presented. Councilman Law seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ZC# 241101 FIRST READING OF ORDINANCE NO. 2871 ON A REQUEST BY JOHN HEILMAN & RICK SCHERER TO REZONE TWO TRACTS OF LAND TOTALING 41.909 ACRES OF LAND AND MORE PARTICULARLY DESCRIBED AS LOT 1, BLOCK 76 1 AND LOT 1, BLOCK 110, FROM SINGLE FAMILY-6 TO HEAVY INDUSTRIAL

Item removed from consideration.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2872 AMENDING THE SANITATION RATE ORDINANCE SETTING NEW SANITATION RATES

Finance Director/Assistant City Manager Smith presented the staff report. Sanitation rates were not changed in September so that more accurate rates could be set based on the actual CPI-W that rates will increase at. The landfill and collection contracts are based on the CPI-W for September and October and vary in their method of calculation. The CPI-W for October came in at a 2.4% increase over October 2023. The rolling 12-month CPI-W average increase for October 2023-September 2024 came in at 2.7%. Staff is proposing a 2.58% increase in rates using the weighted average increase for the contracts. The landfill charges comprise around 40% of sanitation expenses with a proposed increase in rates of 2.4% and the collection contract comprises around 60% of the cost with a proposed increase of 2.7%. Using the weighted average of the two contracts, it results in a total 2.58% increase. Councilman Spraggins expressed his disappointment in our trash services. He said that he has had numerous complaints of missing pickups and scattering trash and receptacles. He said that he had spoken to someone with the company about it in October and there has been no improvement. He noted that if improvements were not made then it might be time to find another vendor. Councilman Spraggins made a motion to improve the ordinance as presented. Councilman Law seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1454, A RESOLUTION OF THE CITY OF SULPHUR SPRINGS, TEXAS, TO AUTHORIZE THE MAYOR TO APPLY/ACCEPT A GRANT AWARD "CATALYTIC CONVERTER GRANT" THROUGH THE MOTOR VEHICLE CRIME PREVENTION AUTHORITY (MVCPA)

Chief of Police Ricketson presented the staff report. A resolution of the City of Sulphur Springs, Texas, to authorize the Mayor to apply/accept a grant award "Catalytic Converter Grant" through the Motor Vehicle Crime Prevention Authority (MVCPA). This grant will fund the 2025 lease of "Flock" license plate reader (LPR) cameras throughout the city. The cameras will be used to collect license plate data to assist in criminal investigations. The cameras have shown to be beneficial in identifying vehicles that are used in criminal acts such as burglary of homes and vehicles, catalytic converter thefts and stolen vehicles. Participation in this grant will allow for the one-year lease of nine (9) or more "Flock" camera systems.

Councilman Julian said that he opposed this item the last time and he also opposes it today. He wanted his statement recorded in the minutes. He stated, "I am opposed to Flock License Plate Reader cameras and I am opposed to spending taxpayer dollars on them. My primary concern is the accumulation of tracking data on the movements of our citizens. Such data collection poses a significant threat to our privacy and can lead to unintended consequences. FLOCK license Plate Readers represent a gateway technology to a surveillance state, which I strongly oppose. Flock LPR data is transmitted to places in real-time; first to city's Flock data base and Flock forwards the data to the National Crime Information Center (NCIC) database, so regardless to the city's own data retention threshold, the NCIS will retain the data. I want to make it clear that my opposition to these cameras should not be interpreted as a lack of support for our local police department. I have great respect and gratitude for the work our police officers do to keep our community safe. My concern lies solely with the implications of increased surveillance and the potential erosion of our civil liberties. However, looking beyond the possible civil liberty concerns, Flock LPR cameras are not without issues. Last July in Espanola, New Mexico, a Flock LPR mistakenly identified the car of 21-year-old Jaclynn Gonzales as stolen due toa misread license plate. While driving with her 12-year-old sister, their vehicle was flagged because the camera confused the number 2 on her place for a 7. An officer who pulled them over failed to verify the error and handcuffed both sisters, placing them in the back of his patrol car after initially holding them at gunpoint. In 2022, a lieutenant from the Kechi Police was arrested for illegally using the Wichita Police Department's FLOCK LPR system to track his estranged wife. This misuse was discovered after another officer raised concerns, prompting an audit which confirmed the lieutenant had accessed the system inappropriately. In 2020, Brittney Gilliam and her four children were held at gunpoint and wrongfully detained by Aurora police officers who mistakenly believed their SUV was a stolen vehicle. The incident was captured on video showing the children, aged 6, 12, 14, and 17, terrified and lying face-down in a parking lot. Officers handcuffed two of the children and attempted to handcuff the youngest, whose wrists were too small for the cuffs. The officers had acted on incorrect information from a Flock License place reader that was actually reporting a stolen motorcycle from Montana, not the Colorado plated SUV driven by Gilliam. The family, who had planned a leisurely day out, sued the city of Aurora, Chief Vanessa Wilson, and the involved officers for the traumatic and legally baseless stop. While the number of crimes thwarted most likely surpasses the incidents of mistaken identity and misuse, the consequences of even a single error can be severe and long lasting. These incidents underscore the critical need for comprehensive policies, stringent checks, balances, and accountability in the deployment of Flock LPR's to prevent errors, misuse and protect the rights of individuals.

Chief Ricketson informed the council that some of those errors were human errors. Our department has policy that requires the officer to check information through dispatch to confirm the information from the FLOCK LPR's before an arrest is made.

There was a lengthy discussion. Councilman Spraggins made a motion to approve the resolution as presented. Councilman Harrison seconded and the vote was as follows:

AYES: NASH, AGUILAR, HARRISON, SPRAGGINS, LAW

NOES: JULIAN

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1456 JACKSON STREET BRIDGE REPLACEMENT EQUIVALENT MATCH PROGRAM

Community Development Director/Assistant City Manager Niewiadomski presented the staff report. TxDOT has inspected the Jackson Street bridge and has identified it for replacement and has recommended utilizing the federal Highway Bridge Program for off-system replacement. This is an 80% federal, 10% TxDOT, 10% local match program. Our 10% local match can be through an equivalent-match project (EMP) and TxDOT has identified our 10% match to be $58,560 for this project. Staff has identified two projects to satisfy as match with replacing culverts at Hinnant near Magnolia Street and Robertson Street near Magnolia. Both of those projects are estimated to cost $91,442 with our labor included. By investing in other areas of our drainage system, we can get the Jackson Street bridge replaced without a cash contribution toward the project while improving two problem drainage areas in the system. The Public Works Director has indicated that the bottoms of the culverts at Robertson and Hinnant have deteriorated and need to be replaced. There was a brief discussion. 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 A MOTION TO APPROVE 5 AGRICULTURAL LICENSE AGREEMENTS AT THE THERMO PROPERTY AND AUTHORIZE CITY MANAGER TO SIGN SAID AGREEMENTS

Manager Maxwell presented the staff report. For the past five 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 2024. The term of the license shall be for one (1) year commencing on January 1, 2025, and ending on December 31, 2025. 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. Manager Maxwell added that he would like to change the lease with Hopkins County to a 6-month lease. There was a brief discussion. Councilman Law made a motion to approve the lease agreements changing the Hopkins County lease to 6 months. Councilman Spraggins seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON APPROVAL OF THE ASSIGNMENT OF THE AIRPORT GROUND LEASE AGREEMENT FOR LOT 1220-06

Director of Aviation and Tourism Baker presented the staff report. The original Lease Agreement between the City and Matthew Hanna for this hangar was executed on 5 November 2005. The original lease required that when selling the hangar constructed on the leased lot "the prospective new owner must apply for and obtain a new leased for the land." The existing Ground Lease Agreement between the City and Jeff Martin. dba Cirrus Holdings, LLC, was approved by council on 3 November 2020 and was executed on 4 December. Section 7, Sub-section B, allows the owner to "sell, lease, or otherwise assign to another party his rights, title and interest in this lease, including any improvements on property, for the remaining term hereof." Mr. Martin, via his contracted Realtor, has entered into an agreement to sell his hangar to Paul Reid, dba Reid Realty, LLC. This Assignment of Lease would assign the lease to Paul Reid, dba Reid Realty, LLC for the remaining term of the original lease, 30 years. Approve the Assignment of Lease, to be executed upon closing of the sale of the hangar to Mr. Paul Reid / Reid Realty, LLC. Expected closing is early January 2025. Current Land lease rate is $0.0931/ft^2, $ 774.22

annually. The rate will remain the same. Terms for rate adjustment at 5-year intervals will also remain, the next adjustment is scheduled for 2028.
Councilman Julian made a motion to approve the lease as presented. Councilman Law seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON ASSIGNMENT OF AIRPORT LEASE AGREEMENT FOR LOT 1220-60A

Director of Aviation and Tourism Baker presented the staff report. The original Lease Agreement for Lot 1220-60A between the City and Carl Bryan was executed on 5 May 2004. Section 7 of the Lease Agreement allows: "Lessee may sell, lease, or otherwise assign to another party his rights, title and interest in this Lease, including any improvements on property, for the remaining term hereof." On 4 May 2022, An Assignment of Lease and Conveyance of Leasehold Improvements was approved by the council assigning the lease from Carl Bryan to Scott Swanson.
Mr. Swanson has entered into an agreement to sell his hangar to Richard Irby. This Assignment of Lease and Conveyance of Leasehold Improvements would assign the lease for Lot 1220-60A Mr. Irby for the remaining term of the original lease, 15 years. Approve the Assignment of Lease and Conveyance of Leasehold Improvements. Current Land lease for the lease is for $ 323.64 ($0.0926 ft^2) annually with terms for adjustment at 5-year intervals.
Councilman Law made a motion to approve the lease as presented. Mayor Pro Tem Aguilar seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON ASSIGNMENT OF THE AIRPORT LEASE AGREEMENT FOR LOT 1220-15A

Manager Maxwell presented the staff report because this item is a conflict of interest for Director of Aviation and Tourism Baker. The Lease Agreement between the City and Mr. Gene Herzog was executed on 8 June 2005. Section 7, Sub-section A, states that Lessee may "sell, lease, or otherwise assign to another party his rights, title, interest in this lease, including any improvements on property, for the remaining term hereof." Mr. Herzog has entered into an agreement to sell his hangar to Mr. Gerald Brewer and Mr. Joey Baker. This Assignment of Lease would assign the existing lease for the remaining term of the original lease, 16 years. Approve the Assignment of Lease. Current land lease is for $ 430.56 ($0.0897 ft^2) annually with terms for adjustment at 5-year intervals. Councilman Spraggins made a motion to approve the lease as presented. Councilman Law seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION TO APPROVE A REQUEST BY CHRISTUS HEALTH EXECUTE A COMMUNITIES FACILITIES CONTRACT TO EXTEND A WATER MAIN ON AIRPORT RD. TO THE PROPOSED SITE FOR A NEW CLINIC

Community Development Director/Assistant City Manager Niewiadomski presented the staff report. The property is located on previously platted Hospital property. The new water main extension will bring fire protection and water service to the site located west of N. Davis and Airport Rd. and will involve approximately 1915 LF of water main to the and around the proposed building. The City Engineer has reviewed the plans and has found the design, utilities, and drainage for this phase of the development to be acceptable. The new water main will be installed in an easement and extend across the frontage of this site. All improvements will be paid for by the developer. There was a brief discussion. Councilman Spraggins made a motion to approve the agreement as presented. Councilman Law seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON A CONTRACT BETWEEN THE CITY OF SULPHUR SPRINGS AND KIMLEY HORN FOR CONSULTING SERVICES TO PERFORM THE COMPREHENSIVE PLAN REGARDING GRANT #23-160-048-E780 WITH THE TEXAS GENERAL LAND OFFICE COMMUNITY RESILIENCY PROGRAM

Community Development Director/Assistant City Manager Niewiadomski presented the staff report. The City of Sulphur Springs solicited RFP responses for the Comprehensive Plan project. It was posted in the News Telegram on 9/28/24 and 10/15/24. Notice was also provided to our regional DFW small business administration and minority business development agency to help distribute our RFP to MWDBE. In addition, the RFP was posted on the American Planning Association website. The selection committee consisted of the Mayor, P&Z Chairman, City Manager, Community Development Director, Finance Director, and Chief Building Official. The first step was to review qualifications, conduct interviews and identify a top firm to consider negotiating with a proposal. Responses were due October 28th and 8 firms submitted complete proposals. The selection committee scored Kimley Horn as the highest rated firm to perform the service for the city and their fee is $249,926. This project will be funded by the Texas General Land Office in the amount of $250,000 which will cover the costs of the project. There was a brief discussion. Councilman Spraggins made a motion to approve the contract as presented. Councilman Law seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON A CONTRACT BETWEEN THE CITY OF SULPHUR SPRINGS AND BRW ARCHITECTS FOR DESIGN SERVICES FOR CITY HALL EXPANSION

Community Development Director/Assistant City Manager Niewiadomski presented the staff report. The City of Sulphur Springs solicited RFQ/RFP responses for the City Hall Expansion project. The first step was to review qualifications, conduct interviews and identify a top firm to consider negotiating with a proposal. Responses were due August 14th and notice was published in the newspaper and posted on Civcast. 11 firms submitted qualifications. On September 9th, the review committee consisting of the city manager, community development director, finance director, building official, and mayor interviewed 3 firms and concluded that BRW was the most qualified firm to provide design services. Since that time, staff has sought a proposal from BRW and has negotiated to establish a fee and scope of services for the project. During our negotiation process with BRW, it was acknowledged that the original plan to build three buildings on the City Hall premises was not going to align properly without moving Mulberry Street. In light of this information, it was deemed appropriate to design a mirrored image of what exists today and it will align with our expansion plans and this would be a final phase buildout for this site. In addition, staff consulted with Toole Design Group to look at site plan related issues for future parking and layout and they concur that 6,000 square foot expansion was not a good fit for the site. Originally, staff budgeted for approximately $200,000 for a 6,000 square foot building for design services. To do an ultimate buildout for the site at a 10,000 square foot building expansion, the design services are as follows:

1. Basic Services = $385,000
2. Basic + Additional Services = $432,000 for Geotech, Technology, Cost Estimating, and Landscaping & Irrigation.
3. Bidding & Negotiation and Construction Administration = $190,500

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

The motion carried.

DISCUSSION/ACTION ON A PARKING AGREEMENT WITH JOURNEY BAPTIST CHURCH

Item removed from consideration.

DISCUSSION/ACTION ON EXECUTIVE SESSION ITEM, IF ANY

None.

VISITORS AND PUBLIC FORUM

None.

ADJOURN
With all business complete the meeting was adjourned at 7:42 p.m.