

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

**February 4, 2020**

**7:00 p.m.**

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

Mayor John A. Sellers  
Mayor Pro Tem Freddie Taylor  
Councilman Doug Moore  
Councilman Harold Nash Sr.

Absent: None

Staff: Marc Maxwell, City Manager  
Gale Roberts, City Secretary  
Jim McLeroy, City Attorney  
Lesa Smith, Finance Director  
Tory Niewiadomski, Community Development Director  
Gordon Frazier, HR Director  
Rusty Stillwagoner, P.D., C.I.D., Lieutenant  
David James, Fire Marshal

**PLEDGE 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 Taylor.

Mayor Sellers reminded everyone to keep our neighbors in Commerce, Texas, in our thoughts and prayers after this week's tragedy.

**PRESENTATIONS, PROCLAMATIONS, AND ANNOUNCEMENTS**

Mayor Sellers had a proclamation for Black History Month.

**WHEREAS**, 2020 marks the 94<sup>th</sup> 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 19<sup>th</sup> century abolitionist Frederick Douglass; and

**WHEREAS**, the first official Black History Month was announced in 1976 by President Gerald R. Ford, who urged Americans to “seize the opportunity to honor the too-often neglected accomplishments of Black Americans in every area of endeavor throughout our history;” and

**WHEREAS**, Black History Month affords the special opportunity to become more knowledgeable about Black heritage, and to honor the many Black leaders who have contributed to the progress of our nation; and

**WHEREAS**, such knowledge can strengthen the insight of all our citizens regarding the issues of human rights, the great strides that have been made in the crusade to eliminate the barriers of equality for minority groups, and the continued struggle against racial discrimination.

**NOW, THEREFORE I, JOHN A. SELLERS**, by 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 proclaim the month of February as

**“BLACK HISTORY MONTH”**

and urge all residents to join together in making this a period of rededication to the principles of justice and equality for all people.

*City Manager Maxwell presented a video regarding the urban sprawl antidote. He also spoke of the CNU Conference this coming June.*

**MANAGER’S REPORT**

**WASTEWATER TREATMENT PLANT** - This project is completed. We will be paying the final bills this month. Budget for the project was \$18,800,000. We expect total expenditures on the project to come in at \$18,400,000. This project has finished on-time and under-budget.

**GRAYS’ BUILDING** – We have a set of plans for the Grays’ building. We have an estimator working on the probable cost of the building. I expect to do some value engineering on the project once we have a detailed estimate.

**WOODBIDGE** – The Capital Construction Division has repaired the drainage/street issue in the Woodbridge addition. The road will re-open Thursday, February 06. The Woodbridge Homeowners association paid \$46,125 to replace the drainage structure between the two ponds. Reconstruction of the concrete street between the two ponds is paid as a capital street item.



**BELLVIEW STREET** – The Bellview project has begun. Installation of sewer mains is complete. Installation of water mains begins next week.

**CONNALLY STREET** – The Capital Construction Division continues with the construction of sidewalks, driveway approaches and cross-street connections.

**S.H. 11 WIDENING (LIFT STATION)** - This project is nearly completed. We replaced a lift station and sewer main along S.H. 11. TxDOT paid for almost all of it. The next phase of the S.H. 11 project will require the relocation of a sewer force-main and a water main. The city will bear much of the cost on the next phase.

**CLAIMS** – We had two workers compensation claims in January. A Water and Sewer employee twisted his knee while stepping into a trench resulting in lost time. A Parks & Recreation employee suffered bruises and scrapes from a slip & fall incident at the Coleman Lake waterfall; this did not result in lost time.

We had 3 liability claims for flooding as a result of a wastewater main blockage. They have all been submitted to TML, and they will be considered under our supplemental sewage back up coverage. These types of calls are more common during the winter months. Cold temperatures cause grease in the mains to coagulate at low points and around obstructions. We had 51 sewer stoppages in January, compared to 6 in September.

We also had a liability claim from Frontier Communications for two cables that the Water and Sewer Division cut performing a water tap installation. The claim has been submitted to TML.

**REVENUES AND EXPENDITURES** – Finance Director Lesa Smith will give a year-to-date report of revenues and expenditures.

Elsewhere around the city, employees:

- Replaced Cedar planks on 28 park benches at Coleman Park.

- Began preparing athletic fields for the upcoming season.
- Cleaned up brush around Coleman Lake.
- Made 5 street repairs following utility repairs.
- Repaired 267 potholes.
- Replaced various stop signs.
- Hauled street sweeper spoils to the landfill.
- Installed new crosswalk signs (strobe) on Church Street at the U.S. Post Office and at Alliance Bank.
- Conducted 30 building inspections, 26 electrical inspections, 26 plumbing inspections, 3 mechanical inspections, and issued 25 building permits.
- Treated wastewater to a daily average total suspended solids reading of .41 mg/L, a new plant record.
- Repaired 6 water main ruptures.
- Replaced 15 water meters.
- Unstopped 51 sewer mains.
- Repaired 10 sewer mains.
- Flushed 36 dead-end water mains.
- Treated 128 million gallons of potable water.
- Responded to 191 animal control calls while achieving a 78% adoption rate.
- Made 6 felony arrests in the Special Crimes Unit.
- Responded to 36 accidents, issued 654 citations, recorded 56 offenses and made 58 arrests in the patrol division.
- Checked out 2,969 items from the library plus 764 eBooks.
- Sold 1,220 gallons of AvGas and 6,185 gallons of JetA fuel.
- Responded to 165 calls for fire/rescue including 0 structure fires and 7 grass fires.
- Performed 38 fire inspections and 38 pre-fire plans.
- Performed preventative maintenance on 73 fire hydrants.

### **DISCUSSION/ACTION ON THE CONSENT AGENDA**

Consider for approval the regular City Council meeting minutes of January 7, 2020; the special City Council meeting minutes of January 7 and 9, 2020; the Downtown Revitalization Board meeting minutes of November 19, 2019; the Zoning Board of Adjustments and Appeals meeting minutes of December 17, 2019; and the Economic Development Corporation meeting minutes of November 25, 2019. There was no one to speak to the issue. Mayor Pro Tem Taylor made a motion to approve the minutes as presented. Councilman Moore seconded the motion and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2762, AN ORDINANCE AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES BY ADDING ARTICLE VII, ENTITLED CURFEW HOURS FOR MINORS**

City Attorney McLeroy Presented the staff report. This ordinance was **postponed** at the January meeting. This ordinance was previously requested by some of the downtown merchants. There was a lengthy general discussion with many speaking from several points of view including Jay Julian, Aimee Huppert, Justin Brown, Tommy Harrison, and Kerry Roy. There was no one else to speak to the issue. Mayor Pro Tem Taylor moved to **table** the ordinance in order to gather more information and visit with Chief Ricketson. Councilman Nash seconded and the vote was unanimous.

**The motion to table carried.**

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2763, ANNEXING CITY OWNED PROPERTY FORMERLY REFERRED TO AS THE LUMINANT OR THERMO MINE PROPERTY**

Community Development Director Niewiadomski presented the staff report. Aimee Huppert wanted to know the plans for the property. Mayor Sellers stated plans are not completed. There was a brief discussion. There was no one else to speak to the issue. Mayor Pro Tem Taylor moved to approve the ordinance on the first reading. Councilman Moore seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2764, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF SULPHUR SPRINGS, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2020; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID CERTIFICATES; APPROVING AN OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT**

Finance Director Smith presented the staff report. Last month the City Council authorized the publication of the notice of intention to issue certificates of obligation. This ordinance allows the authorization of the sale of certificates of obligation. There was no one to speak to the issue. Mayor Pro Tem Taylor moved to approve the ordinance on the first reading. Councilman Nash seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2765, APPROVING AND AUTHORIZING THE FRANCHISE AGREEMENT WITH ATMOS ENERGY CORPORATION WHICH PROVIDES NATURAL GAS TO THE CITY OF SULPHUR SPRINGS, TEXAS**

City Attorney McLeroy presented the staff report. Atmos representative Beth Dattomo was also available to answer any questions. There are no changes to the franchise agreement. There was no one to speak to the issue. Mayor Pro Tem Taylor moved to approve the ordinance on the first reading. Councilman Moore seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON ANNUAL REPORT REGARDING TRAFFIC STOPS AND ARRESTS**

Lieutenant Russell Stillwagoner presented the annual submission of statistical data prepared for the Texas Commission on Law Enforcement. This is the annual submission to the Texas Commission on Law Enforcement. We are a Tier 2 Non-Exempt entity. In accordance with Article 2.132(b) of the Texas Code of Criminal Procedures Law Enforcement Policy agencies must submit information collected to the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE). There was no one to speak to the issue. Mayor Pro Tem Taylor moved to approve the report as presented. Councilman Nash seconded and the vote was unanimous.

**The motion carried.**

*\*\*This is statistical data which is provided to the City Council.*

**DISCUSSION/ACTION ON RESOLUTION NO. 1189, APPROVING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR – HOMELAND SECURITY DIVISION TO PURCHASE A THERMAL IMAGING CAMERA**

Fire Marshal James presented the staff report. This camera will be used by the Sulphur Springs Fire Department for haz-mat and operations. It will also assist fire personnel in locating the source of hazardous material spills so they can be mitigated quickly. There is no local match required. There was no one else to speak to the issue. Mayor Pro Tem Taylor moved to approve the resolution as presented. Councilman Moore seconded the motion and the vote unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 1190 (AND 1190S) CALLING FOR A GENERAL/SPECIAL ELECTION**

City Secretary Roberts presented the staff report. This resolution calls for a City Council Election for Places 1, 2, 3, 5, 6, and 7 to be conducted May 2, 2020. The resolution also sets the dates and times for Early Voting and for mail ballot deadlines, as well as naming judges and alternates. There was no one to speak to the issue. Mayor Pro Tem Taylor moved to approve the resolution as presented. Councilman Moore seconded the motion and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON BIDS AND AWARD OF CONTRACT FOR ASBESTOS ABATEMENT SERVICES FOR 301 OAK AVENUE**

Community Development Director Niewiadomski presented the staff report. The work includes all labor, materials, equipment, and all necessary appurtenances and incidental work to provide a complete asbestos abatement from approximately 14,280 square feet of the vacant single-story structure. The bids were as follows:

<b>BIDDER</b>	<b>TOTAL BID PRICE</b>
<b>EnviroCare Associates, Inc.</b>	\$49,500
<b>Fast Solutions Environmental, LLC</b>	\$62,260
<b>Horsley Specialties, Inc.</b>	\$102,418
<b>1 Priority Environmental</b>	\$116,700
<b>PFP Abatement Group, LLC</b>	\$75,732
<b>American Abatement, LLC</b>	\$136,429

Staff recommends the award of contract to EnviroCare Associates, Inc. There was no one to speak to the issue. Mayor Pro Tem Taylor moved to accept the bids and award the contract to EnviroCare. Councilman Moore seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON BIDS AND AWARD OF CONTRACT FOR STREET IMPROVEMENTS PROGRAM (SIP) 2020**

Community Development Director Niewiadomski presented the staff report. The work consists of furnishing all labor, materials, and equipment necessary for milling, hot mix asphaltic concrete (HMAC), and cement treatment of the sub grade (CTS) including mixing, adding cement, watering, compaction, final grading, and coating. The bids were as follows:

<b>BIDDER</b>	<b>TOTAL BID PRICE</b>
<b>Texana Land &amp; Asphalt</b>	\$1,174,346
<b>5W Contracting</b>	\$1,258,819
<b>RK Hall</b>	\$1,712,447
<b>Richard Drake</b>	\$1,615,141
<b>J&amp;L Paving</b>	\$1,355,730

There was a brief discussion. There was no one else to speak to the issue. Mayor Pro Tem Taylor move to accept the bids and award the contract to Texana Land & Asphalt. Councilman Nash seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON A MOTION TO APPROVE ONE (1) AGRICULTURAL LEASE AT THE OLD THERMO MINE/LUMINANT PROPERTY AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID DOCUMENTS**

City Manager Maxwell presented the staff report. At the last meeting we approved land leases for 4 parties that had previously held leases with Luminant. There is one other individual that had an informal agreement with Luminant, Mark Johnson. He has been performing reclamation for Luminant for years and Luminant allowed him to cut hay on 51.8 acres of the property without charge. Mr. Johnson would like to continue to cut hay on the same portion of the property and staff offered an annual lease at the rate of \$700 per year subject to the approval of City Council. This is the same rate per acre that we charged the other parties. There was a brief discussion. There was no one to speak to the issue. Councilman Nash move to approve the lease and authorized the city manager to execute the agreement. Councilman Moore seconded and the vote was unanimous.

**The motion carried.**

**VISITORS AND PUBLIC FORUM**

Mayor Sellers recognized City Secretary Roberts for receiving her Texas Registered Municipal Clerk certification. He said they were privileged and honored that she had taken the time to accomplish the four-year program. Mayor Sellers and his wife, Kim, attended the graduation ceremonies on Thursday, January 30, 2020.

Justin Brown suggested the city release the information on the testing at the old Luminant property, which we plan to do. He also recommended that we not forget about county residents that abut the old Luminant property when it's developed.

Taylor Nye asked if there was acid in the hill at Thermo. City Manager Maxwell told her there was not. Mayor Sellers added that it has the acidity of milk. She stated things were growing without any issue.

**ADJOURN**

With all business complete the meeting was adjourned at 8:22 p.m.