

**CITY OF SULPHUR SPRINGS, TEXAS**

**REGULAR MEETING OF THE  
CITY COUNCIL**

**MARCH 7, 2017**

**7:00 p.m.**

Mayor Emily Glass called the regular meeting of the Sulphur Springs City Council to order at 6:00 p.m. Councilman Sellers moved to adjourn to executive session in accordance with Texas Government Code, Title 5, Chapter 551.074, Personnel matters pertaining to the hiring for a Community Development Director; in accordance with Texas Government Code, Title 5, Chapter 551.072, deliberations concerning the acquisition of real property, Texas Government Code, Title 5, Chapter 551.071, Consultation with Attorney regarding Pending Litigation. Mayor Pro Tem Walker seconded. There was no one present to speak to the issue. The vote was unanimous. The following council members and staff were present:

Mayor Emily Glass  
Mayor Pro Tem Clay Walker  
Councilman Craig Johnson  
Councilman Oscar Aguilar  
Councilman Freddie Taylor  
Councilwoman Kayla Price-Mitchell  
Councilman John Sellers

Absent: None

Staff: Marc Maxwell, City Manager  
Gale Roberts, City Secretary  
Jim McLeroy, City Attorney  
Peter Karstens, Finance Director – 7P  
Gordon Frazier, Director Human Resources – 7P  
Russ Nuss, Director of Public Works – 7P  
Joey Baker, Airport/Tourism Director – 7P  
Hope Cain, Director of Library Services – 7P  
Dave Reed, City Engineer – 7P  
Lesia Smith, Budget Analyst – 7P

## **RECONVENE**

Mayor Glass reconvened the meeting into open session at 7:00 p.m.

## **PLEDGE AND INVOCATION**

Mayor Glass led in the pledge of allegiance to the United States Flag, the Pledge to the Texas Flag, and Councilman Taylor led the invocation.

## **PRESENTATIONS, ANNOUNCEMENTS AND PROCLAMATIONS**

**WHEREAS**, it is imperative that the citizens of the great State of Texas make every effort to preserve, protect, and promote the diversified and cultural history of our state; and

**WHEREAS**, Thursday, March 2, 2017, the State of Texas will celebrate its 181<sup>st</sup> year since the signing of the Texas Declaration of Independence creating the Republic of Texas; and

**WHEREAS**, in February 1845 the Republic of Texas approved a resolution to enter the Union and part of that resolution, which came to be known as the Constitution of 1845, stated that Texas would retain its right to divide into four states in addition to the original Texas. The Republic of Texas existed for nine years before joining the Union as the 28<sup>th</sup> state on December 29, 1845; and

**WHEREAS**, the Texas Legislature purchased the land and buildings of the Alamo complex in the early part of the 20<sup>th</sup> century and designated the Alamo chapel as an official Texas State Shrine. Alamo Day is celebrated on March 6<sup>th</sup> of each year; and

**WHEREAS**, Texas is known as the Lone Star State and the flag displays a single five-point white star on a field of blue with an upper white horizontal stripe and a lower red horizontal stripe; and

**WHEREAS**, in 1826 the Texas Rangers, a unique group of lawmen used to track down outlaws, settle feuds, and reconcile land disputes, were established by Stephen F. Austin. In 1935, the Texas Rangers became a branch of the Texas Department of Public Safety and today the organization still works for law and order in the state; and

**WHEREAS**, Texas is the only state that was a Republic before joining the Union, the second largest state in land mass, and the second largest in population. It occupies about seven percent of the total land and water areas of the United States.

**NOW, THEREFORE, I**, Emily Glass, Mayor of the City of Sulphur Springs, Texas, do hereby proclaim the month of March 2017 as

## “TEXAS HISTORY MONTH”

and urge all citizens to observe this month with appropriate ceremonies and activities.

### **MANAGER’S REPORT**

**BILL BRADFORD ROAD** - Construction is complete! We are now just waiting for the concrete to cure a bit more on the east end of the street. We expect to open Bill Bradford Road on March 15<sup>th</sup>.

**LOCUST STREET** – The utility work (water, sewer, and gas) is complete. Later on in the agenda the council will consider whether to approve the low bid for concrete work and cement stabilization on Locust Street. Moore Street is next.

### **WASTEWATER TREATMENT PLANT -**

Work has begun at the wastewater treatment plant. The contractor has excavated on very large hole to accommodate 3 new clarifiers.



**CLAIMS** – We did not have any workers’ compensation claims or liability claims in February.

### **WASTEWATER TREATMENT PLANT -**

Total suspended solids (TSS) came in at 2.05 mg/L, well within the limit of 15 mg/L.



### **REVENUES AND EXPENDITURES –**

Finance Director Peter Karstens will present a year-to-date summary of revenues and expenditures.

### **Elsewhere around the city, employees:**

- Sold 1,714 Gallons of AvGas and 6,135 gallons of JetA fuel.
- Treated athletic fields with pre-emergent.
- Began preparing irrigation systems on athletic fields for the Spring/Summer season.
- Hosted a softball tournament.

- Hosted “Kids Fishing” day.
- Cleared storm drain catch basins.
- Made 8 major street repairs following utility repairs.
- Used asphalt millings to build up Pipeline Road.
- Installed an automatic gate at the police department.
- Changed the banners downtown.
- Cleaned the Veteran’s Memorial fountains.
- Conducted 27 building inspections, 20 electrical inspections, 18 plumbing inspections, 4 mechanical inspections and issued 20 building permits.
- Responded to 128 fire/rescue calls including 1 structure fire.
- Performed preventative maintenance on 68 fire hydrants.
- Performed 73 fire inspections.
- Checked out 2,667 items from the library, and checked out 308 e-books.
- Responded to 156 animal control calls, and achieved a 32% adoption rate.
- Made 8 felony arrests in the Special Crimes Unit.
- Responded to 29 accidents, made 56 offense reports, wrote 610 traffic citations, and made 71 arrests in the Patrol Division.
- Switched all lamps at City Hall to L.E.D.
- Made repairs to Cooper Lake pumps.
- Made repairs on the Lake Sulphur Springs pump station.
- Repaired 3 water mains.
- Replaced 10 water meters.
- Unstopped 19 sewer Mains.
- Washed 70,000 feet of sewer mains.
- Repaired 9 sewer mains.
- Flushed 36 dead-end water mains.
- Performed preventative maintenance on several apparatuses at the water treatment plant, and the wastewater treatment plant.
- Treated 107 million gallons of potable water.

**DISCUSSION/ACTION ON THE CONSENT AGENDA**

Consider for approval the regular City Council meeting minutes of January 3, and February 7, 2017; the Special City Council meeting minutes of January 11, 2017; the Planning and Zoning Commission meeting minutes of February 20, 2017; the Downtown Revitalization Board meeting minutes of February 21, 2017; and the Economic Development Corporation meeting minutes of January 9, 2017. There was no one to

speak to the issue. Councilwoman Price-Mitchell made a motion to approve the minutes as presented. Councilman Sellers seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON INDEPENDENT AUDIT FOR THE CITY OF SULPHUR SPRINGS 2016**

Kirk Evans of Evans, Pingleton & Howard, PLLC, presented the 2016 audit to the City Council. The City of Sulphur Springs continues to be in excellent financial condition. There was no one else to speak to the issue. Councilman Johnson moved to accept the audit as presented. Councilman Taylor seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON ORDINANCE NO. 2699 REZONING PROPERTY LOCATED AT 516 OAK AVENUE, BEING FURTHER DESCRIBED AS LOT 8 OF BLOCK 40 2, FROM MULTIPLE FAMILY (MF) TO LIGHT COMMERCIAL (LC)**

City Engineer Dave Reed presents the staff report. The property currently contains a two-story house. The house is being remodeled and is located at the corner of Oak Avenue and Beckham Street. Lots located to the west and south are zoned Professional Office. Lots located to the north and east are zoned Multiple Family. The Land Use Plan shows the area along Oak Avenue as Commercial zoning. Staff sent 18 certified letters to the surrounding property owners and received one response in favor of the zone change. There was a brief discussion. There was no one else to speak to the issue. Councilman Taylor moved to approve the ordinance on the first reading. Councilman Sellers seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON A REQUEST BY OWNER RICARDO CHAVARRIA TO REPLAT PROPERTY LOCATED AT 105 WEAVER, BEING FURTHER DESCRIBED AS LOT 3 OF BLOCK 55, INTO THREE (3) LOTS**

City Engineer Dave Reed presented the staff report. The owner of this 3.2 acre tract would like to subdivide his property into three (3) lots. Streets and utilities exist along the frontages and no improvements are necessary. There is an existing structure on the first lot requiring a platted 14' setback off of Weaver for this lot. There was a brief discussion. There was no one else to speak to the issue. Councilman Taylor moved to approve the plat as presented. Councilwoman Price-Mitchell seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON THE ADOPTION OF THE CITY OF SULPHUR SPRINGS PERSONNEL POLICY**

City Attorney Jim McLeroy, Human Resources Director Gordon Frazier, and attorney Julia Gannaway, Esq., an attorney specializing in employment law in Texas, were all present to answer any questions. There will be very little change in the day to day operations of the city arising from the proposed Personnel Policy. The impact to the budget for certification pay will be approximately \$9,100.00. Most importantly the proposed Personnel Policy will be more compatible with changes in law and with the changing face of public employment in Texas. There was a general discussion. There was no one else to speak to the issue. Councilwoman Price-Mitchell moved to adopt the Personnel Policy as presented. Councilman Sellers seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON DEVOCIÓN INC. SITE LEASE AGREEMENT TO ERECT AN ANTENNA TOWER AT 180 MIDDLE STREET**

City Manager Maxwell presented the staff report. St. James Catholic Church applied for a special use permit for a 100' radio tower at their location on Texas Street. The tower would be used to rebroadcast the Catholic FM station out of Dallas and to broadcast some local content directed at the local youth. The Zoning Board of Adjustments and Appeals denied the request due to the location being in the middle of a residential neighborhood.

The City Manager offered to allow them to place the tower at the city's facility on Middle Street (old Cannon Craft building) for a nominal rate of \$10 per year, if the St. James Catholic Church would host the Cinco de Mayo event on the plaza each year. The proposed lease would accomplish exactly that. There was a brief discussion. There was no one else to speak to the issue. Councilman Taylor moved to approve the lease agreement as presented. Councilwoman Price-Mitchell seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON APPROVAL OF A CONTRACT BETWEEN THE CITY OF SULPHUR SPRINGS AND THE SULPHUR SPRINGS COUNTRY CLUB (SSCC) TO ACCESS AND USE TREATED EFFLUENT WATER**

City Manager Maxwell presented the staff report. In May 2007, the City Council approved a proposed draft agreement which would give up to 5% of our treated effluent for a minimum of 5 years and possibly up to 35 years (depending on whether the City is able to develop a market for the effluent) to the Sulphur Springs Country Club (SSCC). We extended the agreement in 2009, but a final agreement was never signed because the SSCC has not yet obtained a permit from TCEQ, and we will need that permit to include

certain mandatory language in the final agreement. There was a general discussion. There was no one else to speak to the issue. Councilman Johnson moved to approve the draft, but to retail the responsibility for approval of the final agreement in the future. Councilman Taylor seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION//ACTION ON BIDS AND AWARD OF CONTRACT FOR CONCRETE PAVING OF LOCUST STREET**

Director of Public Works Russ Nuss presented the staff report. This project includes the removal of the existing Locust Street pavement, stabilization of the subgrade and the placement of 5” concrete street with driveway approaches from Main Street to Bellview Street. We sent bid notices to nine contractors, advertised in the local paper, and posted online at Quest Construction Data Network. Richard Drake Construction and 5W Contracting were the only ones to submit bids. The low bid of \$827,194 from 5W Contracting was within 2% of the revised budget estimate. This is the same local contractor that installed the concrete pavement on Bill Bradford Road. There was no one to speak to the issue. Councilman Johnson moved to accept the bids and award the contract to 5W Contracting. Councilwoman Price-Mitchell seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON ASSIGNMENT OF AIRPORT GROUND LEASE FOR LOT 1220-05**

Municipal Airport Direct Joey Baker presented the staff report. Mr. Quortrup has entered into an agreement to sell his hangar to Doug Moore. The new *Ground Lease Agreement* would effectively assign the existing lease to Mr. Moore for the remaining term of the original lease. There was a brief discussion. There was no one else to speak to the issue. Councilman Taylor moved to approve the Ground Lease Agreement at presented. Councilwoman Price-Mitchell seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON EXECUTIVE SESSION ITEM PERTAINING TO THE HIRING OF A COMMUNITY DEVELOPMENT DIRECTOR**

City Manager Maxwell stated he would like to hire Mr. Tory Niewiadomski as the new Community Development Director and would like to have the City Council’s permission to do so. There was no one else to speak to the issue. Councilman Taylor moved to approve the appointment of Tory Niewiadomski as the new Community Development Director. Councilman Johnson seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON EXECUTIVE SESSION ITEM REGARDING POSSIBLE ACQUISITION OF REAL PROPERTY FOR MUNICIPAL USE**

Councilman Sellers moved to postpone this item until a later date. Councilman Taylor seconded and the vote was unanimous.

**The motion to postpone carried.**

**DISCUSSION ONLY REGARDING DONATION TO THE SULPHUR SPRINGS PUBLIC LIBRARY**

City Manager Marc Maxwell stated that the Sulphur Springs Public Library will be the benefactor of a large sum of money. There was a lengthy discussion and the Director of Library Services, Hope Cain, was also available to answer any questions. There was no one else to speak to the issue. The discussion was concluded.

**DISCUSSION/ACTION ON EXECUTIVE SESSION ITEM REGARDING PENDING LITIGATION**

Councilwoman Price-Mitchell moved that we agree with the settlement reached with the Ross family resolving all claims against the City of Sulphur Springs, its officers, and employees; approving the payment of the sum of \$350,000 including \$1,000 from the city and \$349,000 from the City's insurer; and expressly providing that the settlement reached was done to resolve disputed claims without admitting or acknowledging fault or responsibility. Councilman Taylor seconded and the vote was unanimous.

**The motion carried.**

**VISITORS AND PUBLIC FORUM**

City Manager Maxwell introduced our new Chief Building Official Tim Green who was in the audience.

**ADJOURN**

With all business complete, Councilman Taylor moved to adjourn the meeting at 7:59 p.m. Councilman Sellers seconded and the vote was unanimous.

**The motion carried.**