

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

MAY 5, 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:

Public link: <https://www.youtube.com/channel/UC8CxiG8pt3Cn8DDMgg0xr8g>

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

Absent: None

Staff: Marc Maxwell, City Manager
Gale Roberts, City Secretary
Jim McLeroy, City Attorney
Lesa Smith, Finance Director
Tory Niewiadomski, Community Development Director
James Jordan, Director of Utilities

CALL TO ORDER

Mayor John A. Sellers called the regular meeting of the Sulphur Springs City Council to order at 7:00 p.m. after a few minutes of streaming issues.

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 Councilman Nash.

PRESENTATIONS, PROCLAMATIONS, AND ANNOUNCEMENTS

WHEREAS, today's society is finding more citizens involved in motorcycling on the roads of our country; and

WHEREAS, motorcyclists are roughly unprotected and therefore more prone to injury or death in a crash than other vehicle drivers; and

WHEREAS, campaigns have helped inform riders and motorists alike on motorcycle safety issues to reduce motorcycle related risks, injuries, and, most of all, fatalities, through a comprehensive approach to motorcycle safety; and

WHEREAS, it is the responsibility of all who put themselves behind the wheel to become aware of motorcyclists, regarding them with the same respect as any other vehicle traveling the highways of this country; and it is the responsibility of riders and motorists alike to obey all traffic laws and safety rules; and

WHEREAS, urging all citizens of our community to become aware of the inherent danger involved in operating a motorcycle, and for riders and motorists alike to give each other the mutual respect they deserve.

NOW, THEREFORE, I, John A. Sellers, Mayor of the City of Sulphur Springs, Texas, do hereby proclaim the month of May as

“MOTORCYCLE SAFETY and AWARENESS MONTH”

in this city. Further, I urge all residents to do their part to increase safety and awareness in our community.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the City to be affixed this 5th day of May in the year of our Lord 2020. (Requested by Circuit Rider Motorcycle Ministry)

MANAGER’S REPORT
COVID-19 RESPONSE –

- Most City Offices have reopened. Police Department, Fire Department, Water Treatment Plant and Wastewater Treatment Plant remain closed.
- Police and Fire have instituted new procedures for dealing with persons suspected of COVID-19.
- Police and Fire have their temperature taken when arriving at work.
- Meetings are conducted virtually when possible.
- Department Heads, the City Manager and the Mayor meet each week (virtually) to coordinate our efforts.
- Mayor, City Manager, Police Chief and Fire Chief attend EOC briefings twice per week.

WASTEWATER TREATMENT PLANT – We just can’t quite finish this project. We have one item remaining on the contractor’s punch list, to replace a faulty flow meter. Once that is done, we will send the final check to the contractor for \$397,000. All other issues have been resolved, and the plant is operating beautifully.

GRAYS BUILDING – Specifications are being written for the new Grays building. I expect to advertise for bids in 30 days. In the meantime, we will build up the pad for the building.

BELLVIEW STREET – The water main was completed this month. Next up will be cement stabilization of the subgrade and asphalt pavement. Unfortunately, street work cannot begin until Atmos replaces their line. I expect Atmos will not be finished for 90 days.

MCCANN STREET – HOLIDAY DRIVE - These streets are up next on our list of capital improvement projects. We have begun doing some investigative work onsite, but we are discussing the possibility of delaying the project until we have a better understanding of the financial impact of the pandemic. We may be scheduling this topic at a future City Council meeting.

CONNALLY STREET – Construction has begun on the sidewalk on the south side of Connally Street.

STREET IMPROVEMENT PROGRAM – The Capital Construction Division replaced various curb segments for the streets that will be repaved in this year’s Street Improvement Program, (S.I.P.). The S.I.P. is funded by a combination of General Fund revenues and the Street Maintenance Fee on the water bill. I expect the contractor, Texana Land and Asphalt to begin this week. The following streets will be repaved this year:

<u>Street</u>	<u>Between</u>	<u>Length</u>
Asphalt Repair	Various soft spot repairs	1000
Barbara	Tate to Camp	649
Cedar Springs	Hollie and Cedar Spring	3364
CMH Rd.	Hwy 67 to I-30	2535
Debord	Park to Cemetery	570
Graham	Gilmer to Oak	338
Harred	Alabama to College	470
Lake Shore	Jill to Lewis	1362

Linda	Fisher to Gilmer	1410
Longino	Middle to Park	1452
Lou and Jonas		2650
Middle	Jackson to Church	1140
Mockingbird	Shannon to Posey	3560
Myndi	Helm to dead-end	898
Nicholson	Locust to Moore	1072
Oak Grove	Jefferson to End	702
Park Cir.	Bill Bradford to all	1563
Plano/Pampa	Texas to Brinker	1362
Rosemont	Jefferson to Houston	1072
Seventh	RR to Park	1584

CLAIMS – We had 1 minor worker’s compensation claim in April and zero liability claims. The injury did not require treatment.

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

Elsewhere around the city, employees:

- Conducted 23 building inspections, 25 electrical inspections, 18 plumbing inspections, 8 mechanical inspections and issued 15 building permits.
- Made 6 major street repairs following utility repairs.
- Patched 97 potholes.
- Replaced siding on front on the animal shelter and painted it.
- Demolished 1317 West Ave.
- Poured concrete footing under fence at the animal shelter.
- Replaced valley gutters and intersection at both ends of Linda Drive.
- Replaced various sections of curb and gutter on Bellview.
- Removed 4 large trees from the site of the new Senior Citizens Center.
- **Made preparations to burn a large brush pile at Coleman Park.**
- Planted seasonal flowers at City facilities and on Celebration Plaza.
- Trimmed trees downtown.
- Prepared fountain for summer activities.
- Responded to 153 fire/rescue calls.
- Responded to 1 structure fire, 3 car fires and 13 grass fires.
- Did not perform any fire inspections due to pandemic.
- Did not maintain any fire hydrants.

- Checked out 1,414 items from the library (curbside service) plus 904 eBooks.
- Responded to 168 animal control calls.
- Achieved a 77% adoption rate at the animal shelter.
- Made 8 arrests by the Special Crimes Unit.
- Responded to 1702 calls for law enforcement.
- Responded to 25 accidents, wrote 142 citations, recorded 69 offences, and made 36 arrests.
- Repaired Hopkins County Veterans Memorial fountain.
- Installed sneeze guards at city facilities.
- Prepared Celebration Plaza for the summer season.
- Treated wastewater to a daily Average total suspended solids reading of .61 mg/L.
- **Repaired 3 water breaks.**
- Replaced 9 water meters.
- Unstopped 10 sewer mains.
- Repaired 3 sewer mains.
- Flushed 36 dead end water mains.
- Treated 127 million gallons of potable water.
- Sold 1,202 gallons of AvGas and 2,115 gallons of JetA fuel.

DISCUSSION/ACTION ON THE CONSENT AGENDA

Consider for approval the regular City Council meeting minutes of April 7, 2020; the Planning and Zoning Commission meeting minutes of March 16, 2020; the Zoning Board of Adjustments and Appeals meeting minutes of March 17, 2020; and the Economic Development Corporation meeting minutes of March 23, 2020. There was no one to speak to the issue. Councilman Moore made a motion to approve the minutes as presented. Mayor Pro Tem Taylor seconded the motion and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON PUBLIC HEARING FOR THE SECOND AND FINAL READING OF ORDINANCE NO. 2766, AMENDING AND UPDATING PRETREATMENT ORDINANCE NO. 2538

Utility Director Jordan presented the staff report. The proposed ordinance gives legal authority and outlines the procedures to implement a Revised Industrial Pretreatment Program. It sets sewer discharge parameters and requirements that each industry must meet in order to discharge into the City's sewer system. There were a couple of clerical errors made to the document since the first reading. 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 Nash seconded the motion and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON MOTION TO APPROVE THE APPOINTMENT OF OSCAR AGUILAR TO CITY COUNCIL PLACE 3

City Attorney McLeroy presented the staff report. Oscar Aguilar is the unopposed candidate to fill the unexpired term of Place 3 on the City Council. Currently, the regular term would expire after the May 2021 election. Due to the Coronavirus pandemic, the May 2020 election has been postponed until the uniform election date in November of 2020. In the meantime, the City Council has only 4 of 7 serving members, which means that all 4 serving members are required to attend every meeting in order to establish a quorum in order to conduct City business. By this appointment, the Council adds an additional council member to make establishing quorums in the interim that much easier while bestowing no electoral advantage, real or imagined, to an “incumbent” since Mr. Aguilar is unopposed. There was no one else to speak to the issue. Mayor Pro Tem Taylor moved to approve the appointment of Oscar Aguilar. Councilman Nash seconded the motion and the vote was unanimous.

The motion carried.

At this time City Secretary Roberts administered the Oath of Office to City Councilman Oscar Aguilar for Place 3.

DISCUSSION/ACTION ON A MOTION TO APPROVE RESOLUTION NO. 1192 FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC’S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR (DCRF) TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH ONCOR CITIES STEERING COMMITTEE; AUTHORIZING THE HIRING OF LEGAL COUNSEL AND CONSULTING SERVICES; FINDING THE CITY’S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL

City Manager Maxwell presented the staff report. The City is an electric utility customer of Oncor Electric Delivery Company LLC (“Oncor” or “Company”). The Oncor Cities Steering Committee (“OCSC”) is a coalition of similarly situated cities served by Oncor that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in Oncor’s service area in matters before the Public Utility Commission (“PUC” or “Commission”) and the courts. On April 3, 2020, Oncor filed an Application to Amend its Distribution Cost Recovery Factor (“DCRF”) with each of the

cities retaining original jurisdiction and with the Commission in Docket No. 50734. In the filing, the Company sought to increase distribution rates by \$75.9 million annually (an approximately \$0.88 increase to the average residential customer's bill).

The resolution authorizes the City to join with OCSC to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue. There was a brief discussion. There was no one else to speak to the issue. Mayor Pro Tem Taylor moved to approve the resolution as presented. Councilman Moore seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON A MOTION TO APPROVE RESOLUTION NO. 1193 SUPPORTING THE PROPOSED TRINITY OAKS APARTMENTS AND APPROVING AN APPLICATION SUBMITTED TO THE FEDERAL HOME LOAN BANK, DALLAS FOR AFFORDABLE HOUSING PROGRAM GRANT

City Manager Maxwell presented the staff report. The City Council previously supported and approved Trinity Oaks to make application to the Texas Department of Housing and Community Affairs in January 2014 and February 2017. This resolution, if passed, confirms the City of Sulphur Springs, Texas, supports the application to the Federal Home Loan Bank – Dallas for an Affordable Housing Program grant. There was a brief discussion. There was no one else to speak to the issue. Councilman Moore moved to approve the resolution as presented. Councilman Nash seconded the motion and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON A MOTION TO APPROVE A FINAL PLAT OF CONNALLY CORNER ADDITION TO CREATE A 6-LOT SUBDIVISION AT THE CORNER OF CONNALLY AND EASY STREETS

Community Development Director Niewiadomski presented the staff report. This proposal is located at the corner of Connally, Easy, and Atkins Street. There is currently an existing home on the property at 439 Connally Street that is being renovated. The proposal is to plat 6 lots along with a dedicated alley providing rear yard access to garages that could have an option for accessory dwelling units above the garages. The proposed plat is intended to provide a building envelope for the homes and garages to create a cohesive and uniform development. The final plat is consistent with the preliminary plat approval and engineering has been provided and reviewed by the City Engineer. The City Engineer has prepared a Community Facility Contract for the public improvements for the project. The applicant was granted several variances (ZBA V200302) in March 2020 to various setbacks and an exception to allow the lots an option to have accessory dwelling units. The approval was with the following conditions:

1. At least one of the dwelling units per lot must be owner occupied, either the accessory unit or the principle residence.
2. The accessory dwelling unit matches the character and materials of the principle residence.
3. The layout of the plat be based on the 3-13-2020 set of plans.
4. All engineering for the proposed development be accepted by the City Engineer prior to submitting the Final Plat.

The Planning & Zoning Commission conducted a Public Hearing on April 20, 2020 and unanimously recommended approval. Staff recommends approval contingent upon the execution of a Community Facilities Contract. There was a brief discussion. There was no one else to speak to the issue. Councilman Moore moved to approve the plat contingent upon the execution of the Community Facilities Contract. Councilman Nash seconded and the vote was unanimous.

The motion carried.

VISITORS AND PUBLIC FORUM

No calls were received.

DISCUSSION/ACTION ON A MOTION TO ADJOURN INTO EXECUTIVE SESSION IN ACCORDANCE WITH TEXAS GOVERNMENT CODE, TITLE 5, CHAPTER 551.074, PERSONNEL MATTERS SPECIFICALLY RELATING TO THE PARKS & RECREATION DIRECTOR

Mayor Pro Tem Taylor moved to adjourn into Executive Session at 7:36 p.m. Councilman Moore seconded and the vote was unanimous.

The motion carried.

RECONVENE INTO OPEN SESSION

Mayor Sellers reconvened the meeting into Open Session at 7:39 p.m.

DISCUSSION/ACTION ON EXECUTIVE SESSION

Mayor Pro Tem Taylor moved to ratify City Manager Maxwell's decision to appoint Jerry Maynard to the position of Director of Parks & Recreation. Councilman Nash seconded and the vote was unanimous.

The motion carried.

ADJOURN

With all business complete the meeting was adjourned at 7:43 p.m.