

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

September 3, 2019

7:00 p.m.

Mayor Norman R. Sanders 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 Norman R. Sanders
Mayor Pro Tem Erica Armstrong
Councilman Jimmy D. Lucas
Councilman Jeff Sanderson
Councilman Doug Moore
Councilman John A. Sellers

Absent: Councilman Freddie Taylor

Staff: Marc Maxwell, City Manager
Gale Roberts, City Secretary
Jim McLeroy, City Attorney
Lesa Smith, Finance Director
Gordon Frazier, HR Director
Jason Ricketson, Chief of Police
James Jordan, Director of Utilities
Roger Feagley, EDC Executive Director

CALL TO ORDER

Mayor Sanders called the meeting to order at 7PM.

PLEDGE AND INVOCATION

Mayor Sanders 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 Moore.

PRESENTATIONS, PROCLAMATIONS, AND ANNOUNCEMENTS

There were none.

MANAGER'S REPORT

SUNSET STREET – The Capital Construction Division is back at work on Sunset Street. We have changed the profile of the lay-down curbs to a gentler transition. This is a grant funded project through the Community Development Block Grant program.

CONNALLY STREET – The contractor, 5W Contracting, has begun construction on Connally Street. The Capital Construction Division will construct the intersections, while 5W will construct the street segments in between.

WASTEWATER TREATMENT PLANT – The new aerators are working very well at the wastewater treatment plant. We are seeing fantastic numbers. The contractor, Gracon, has begun refitting the old aerator basins with the new diffused-aeration systems.



CLAIMS – We had two minor workers compensation claims in August, one for minor burns and one for a strained shoulder. We had one liability claim in August; one of our employees backed a dump truck into a parked car.

REVENUES AND EXPENDITURES – Finance Director Lesa Smith will not give a year-to-date report of revenues and expenditures but will have a report for the Street Maintenance Fee.

Elsewhere around the city, employees:

- Made 10 street repairs following utility repairs.
- Repaired 27 potholes.
- Repaired 1 pothole caused by a lightning strike.
- Installed speed limit signs and dead-end signs.
- Removed 3 trees from the road.
- Responded to 176 fire/rescue calls including 3 structure fires.
- Conducted 91 fire inspections and reviewed 91 pre-fire plans.
- Performed preventative maintenance on 76 fire hydrants.
- Issued 25 weed tickets.
- Conducted 31 building inspections, 32 electrical inspections, 22 plumbing inspections, 4 mechanical inspections and issued 22 building permits.
- Installed a new fence at the wastewater treatment plant.
- Achieved a daily average total suspended solids (tss) reading of .53 mg/L at the wastewater treatment plant. The limit is 12 mg/L.
- Responded to 187 animal control calls.
- Achieved a 41% adoption rate at the animal shelter.
- Made 8 felony arrests in the special crimes' unit.

- Responded to 2,474 calls for police, worked 42 accidents, made 94 arrests, wrote 597 traffic citations, and recorded 73 offenses in the Patrol Division.
- Hosted a softball World Series (36 teams).
- Replaced the water cannon at the splash pad at Pacific Park.
- Repaired 19 water mains and replaced 14 water meters.
- Unstopped 13 sewer mains.
- Washed 75,000 feet of sewer mains.
- Repaired a brick manhole leading to Cantex lift station.
- Flushed 36 dead-end water mains.
- Installed a new motor at Cooper Lake pump station.
- Treated 184 million gallons of potable water.
- Sold 1,760 gallons of AvGas and 11,833 gallons of JetA fuel.
- Checked out 3,401 items from the library plus 520 eBooks.

City Manager Maxwell informed the City Council that the Cantex Lift Station needs to be rebuilt and we can do it within this budget year so as not to impact the new budget year. No budget amendment will be required.

DISCUSSION/ACTION ON THE CONSENT AGENDA

Consider for approval the regular City Council meeting minutes of August 6, 2019; the City Council workshop meeting minutes of August 6, 2019; the City Council special meeting minutes of August 13, 2019; the Planning and Zoning Commission meeting minutes of June 17, 2019; the Zoning Board of Adjustments and Appeals meeting minutes of June 18, 2019; the Downtown Revitalization Board meeting minutes of July 9, 2019; and the Economic Development Corporation meeting minutes of June 24, 2019. There was no one to speak to the issue. Councilman Sellers made a motion to approve the minutes as presented. Mayor Pro Tem Armstrong seconded the motion and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2751, AN ORDINANCE AMENDING THE BUDGET FOR FISCAL YEAR 2018-2019

Finance Director Smith presented the staff report. The airport is experiencing higher than normal sales volume on fuel and the Airport Fund expenditures will end the year higher than originally budgeted because of fuel purchases. In order to stay within our expenditure limitation, Council must amend the budget. Airport Director, Joey Baker, estimates that he will need to place fuel orders totaling \$80,000.00 before September 30th. This budget amendment adds \$60,000.00 to the Jet Fuel Budget and \$30,000.00 to the AvGas budget for a total increase in authorized expenditures of \$90,000.00. The budget amendment also recognizes the additional revenue that the City is collecting from the

increased fuel sales which amounts to a projected increase of \$92,000.00 for the remainder of FY 2018-2019. There was no one to speak to the issue. Councilman Moore moved to approve the ordinance on the first reading. Councilman Sellers seconded the motion and the vote unanimous.

The motion carried.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2752, THE APPROPRIATIONS ORDINANCE FOR THE CITY OF SULPHUR SPRINGS FOR FISCAL YEAR 2019-2020

Finance Director Smith presented the staff report. The budget reflects changes to the proposed budget discussed during the budget workshops and meetings. There was no one to speak to the issue. Councilman Sellers moved to approve the ordinance on the first reading. Councilman Lucas seconded the motion and the vote unanimous.

The motion carried.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2753, SETTING THE TAX RATE FOR THE CITY OF SULPHUR SPRINGS FOR FISCAL YEAR 2019-2020

Finance Director Smith presented the staff report. The property tax rate is set at 44 cents per \$100 of valuation as discussed in the budget workshops. Taxes for properties on the tax roll as of January 1, 2019 will be assessed October 1, 2019. The City of Sulphur Springs will maintain the same tax rate at 44 cents per \$100 valuation as it has for many years. There was no one to speak to issue. Councilman Moore moved that the property tax rate be increased by the adoption of a tax rate of 44 cents per hundred dollars which is effectively a 5.53 percent increase in the tax rate and approving the ordinance on the first reading. Councilman Sellers seconded the motion and the vote unanimous.

The motion carried.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2754, SETTING THE SANITATION RATE FOR THE CITY OF SULPHUR SPRINGS FOR FISCAL YEAR 2019-2020

Finance Director Smith presented the staff report. Sanitation rates, as noted in the budget workshops, are proposes to increase by 1.5%. There was a brief discussion. There was no one to speak to the issue. Councilman Sellers 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. 2755,
SETTING THE WATER RATE FOR THE CITY OF SULPHUR SPRINGS FOR
FISCAL YEAR 2019-2020**

Finance Director Smith presented the staff report. Water rates, as noted in the budget workshops, increase by 3.0% from last year. There was a brief discussion. There was no one to speak to the issue. Councilman Sellers moved to approve the ordinance on the first reading. Councilman Moore seconded the motion and the vote unanimous.

The motion carried.

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2756,
SETTING THE SEWER RATE FOR THE CITY OF SULPHUR SPRINGS FOR
FISCAL YEAR 2019-2020**

Finance Director Smith presented the staff report. Sewer rates, as noted in the budget workshops, increase by 2.0% from last year. There was a brief discussion. There was no one to speak to the issue. Mayor Pro Tem Armstrong moved to approve the ordinance on the first reading. Councilman Sanderson seconded the motion and the vote unanimous.

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2757,
AUTHORIZATION OF UPDATED SERVICE CREDITS**

Human Resources Director Frazier presented the staff report. Staff recommends the city continues with the updated service credits for all current full-time employees. We choose to act on this annually, so we have the option to discontinue at any time, which we have done for periods in the past. Our 2020 TMRS contribution rate is 8.01% without updated service credits and increases to a total rate of 8.42% with the adoption of updated service credits. There was a brief discussion. There was no one to speak to the issue. Councilman Sellers moved to approve the ordinance on the first reading. Mayor Pro Tem Armstrong seconded the motion and the vote unanimous.

The motion carried.

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2758,
ADOPTING NEW GAS RATES FOR ATMOS MID-TEX DIVISION PURSUANT
TO A SETTLEMENT BETWEEN ATMOS CITIES STEERING COMMITTEE
AND THE COMPANY TO RESOLVE THE PENDING RRM RATE FILING**

City Manager Maxwell presented the staff report. Since 2007, there have been several modifications to the original RRM Tariff. The most recent iteration of an RRM Tariff was reflected in an ordinance adopted by ACSC members in 2018. On or about April 1, 2019, the Company claimed that its cost-of-service in a test year ending December 31, 2018, entitled it to additional system-wide revenues of \$70 million. Application of the standards set forth in ACSC's RRM Tariff required Atmos to reduce its request to \$54 million, \$39.3million of which would be applicable to ACSC members. ACSC's

consultants concluded that the system-wide deficiency under the RRM regime should be \$38.7 million instead of the claimed \$54 million. The amount of the \$38.7 million deficiency applicable to ACSC members would be \$28.2 million. After the Company reviewed ACSC's consultants' report, ACSC's Executive Committee and the Company negotiated a settlement whereby the Company would receive an increase of \$33.4 million from ACSC Cities. The Executive Committee recommends a settlement at this amount. The effective date for new rates is October 1, 2019. There was a brief discussion. There was no one else to speak to the issue. Councilman Moore moved to approve the ordinance on the first reading. Councilman Sanderson seconded and the vote unanimous.

The motion carried.

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2759,
AMENDING CHAPTER 25 OF THE CODE OF ORDINANCES TO INCLUDE
SECTION 25-82.1 WHICH PROHIBITS CURBSIDE PARKING WITHIN 25' OF
ANY INTERSECTION INSIDE THE CITY LIMITS**

City Attorney McLeroy presented the staff report. This ordinance has been requested to limit curbside parking within 25' of intersections within the City which may impede the ability of drivers approaching such intersections to safely determined crossing traffic. The ordinance is calculated to reduce the risk of accidental collision between motorist meeting at such intersection by increasing visibility for drivers, be screened from public view and maintained in a safe, wholesome and orderly fashion. There was a general discussion which included how this would affect the downtown parking. Mr. McLeroy said there would be no impact on downtown parking. There was no one else to speak to the issue. Councilman Sellers moved to approve the ordinance on the first reading. Mayor Pro Armstrong seconded and the vote was unanimous.

The motion carried.

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2760,
AMENDING CHAPTER 25, ARTICLE VI, CHANGING THE TITLE OF SAID
CODE TO "BICYCLES, SCOOTERS, AND OTHER WHEELED
CONVEYANCES WHICH EXPANDS THE COVERAGE TO PROHIBIT
SKATEBOARDS, ROLLERBLADES, AND OTHER SIMILAR DEVICES ON
SIDEWALKS IN COMMERCIAL ZONED AREAS**

City Attorney McLeroy presented the staff report. This ordinance is necessary to address the use of sidewalks in commercial districts in the City, specifically in the downtown area, by bicyclist, skaters, skateboarders and other similar devices. Such use creates hazards to downtown pedestrian traffic due to the limited space available on sidewalks and in the areas occupied by sidewalk cafes, etc. This ordinance will expand the current prohibition on such non-compatible uses. There was no one to speak to the issue.

Councilman Sellers moved to approve the ordinance on the first reading. Mayor Pro Tem Armstrong seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2761, PROHIBITING THE USE AN CONTACT WITH DESIGNATED GROUNDWATER FROM BENEATH CERTAIN PROPERTY WITHIN THE CITY OF SULPHUR SPRINGS TO FACILITATE CERTIFICATION OF A MUNICIPAL SETTING DESIGNATION OF THE PROPERTY BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)

City Attorney McLeroy was prepared to present the staff report but the item was pulled from the agenda and no action was taken at this time.

DISCUSSION/ACTION ON BIDS AND AWARD OF CONTRACT FOR CHEMICALS FOR THE WATER TREATMENT PLANT

Director of Utilities Jordan presented the staff report. The City advertised for bids for Alum and Sodium Chlorite. The bids received August 14 are as follows:

Alum

Affinity Chemical	\$ 219.40 per dry ton
Chameleon Industries	\$ 240.00 per dry ton
Chemtrade	\$ 265.00 per dry ton
Brenntag	\$ 377.49 per dry ton
Geo Specialties	\$ 415.06 per dry ton

Sodium Chlorite

Evoqua Water Technologies	\$ 0.845 per dry pound
International Dioxide Inc.	\$ 1.150 per dry pound

Staff recommends Affinity Chemical and Evoqua Water Technologies which are the apparent low bidders in each category. There was no one to speak to the issue. Councilman Moore moved to approve the bids and award the contracts to Affinity Chemical and Evoqua Water Technologies. Councilman Sanderson seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON PLAT REQUEST BY GNZ LAND HOLDINGS, LLC, TO PLAT 4.916 ACRES OF LAND INTO TWO LOTS

Community Development Director Niewiadomski presented the staff report. This property is located along Gilmer Street to the west, Beckham Street to the north, and Whitworth to the south. The applicant is proposing to reroute storm drainage through the site and install a detention pond to ensure that post development runoff does not increase above pre-development runoff. In addition, the applicant is going to install a 6" public water line from Gilmer Street through the site out to Whitworth and will require public easement dedication to serve the development with water and fire protection. The applicant will install an 8" sewer line through the site that will be a public sewer line as well. Additional right-of-way along Whitworth Street will be dedicated to the City and easement along Gilmer Street that will allow for public sidewalks and utilities. Lot 1 (1.44 acres) is zoned Heavy Commercial and is being proposed as a multi-tenant commercial building and Lot 2 (3.48 acres) is primarily zoned Multi-family and will be used for residential purposes. Staff has been working with the applicant's engineers over the past several months to ensure the adequacy of utilities can support the development. The plans have been reviewed by the City Engineer and are substantially acceptable with some additional details needed for easements and storm drainage at this time. A note has been placed on the plat indicating that no building permit be issued until all engineering plans on water, sewer, paving and drainage improvements have been approved by the City Engineer. The public improvements for sewer, water, and storm water will require a Community Facilities Contract. Staff has requested a 25' sanitary and storm water easement be provided along the north property line of Lot 2 where it abuts Lot 11-3R which is off-site of this plat. There was a brief discussion. There was no one to speak to the issue. Councilman Moore moved to approve the plat contingent on the execution of a Community Facilities Contract. Councilman Sellers seconded and the vote was unanimous.

The motion carried.

DISCUSSION /ACTION ON ASSET FORFEITURE BUDGET

Police Chief Ricketson presented the staff report. Federal law requires the governing body to approve the department Asset Forfeiture Budget. The current balance is \$85,672.21 and the Police Department plans to use \$5,000.00 to renovate the gun range which is currently in disrepair. There was no one to speak to the issue. Councilman Moore moved to approve the budget as presented. Councilman Sanderson seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON APPROVAL OF THE BUDGET FOR THE SULPHUR SPRING/HOPKINS COUNTY ECONOMIC DEVELOPMENT CORPORATION

Economic Development Corporation Feagley presented the staff report. The City Council approval of the budget is required by state law. All of the spending that is outlined in the budget is from the half-cent sales for economic development. There was no one to speak to the issue. Mayor Pro Tem moved to approve the budget as presented. Councilman Sellers seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO.1178, ANNUAL REVIEW OF THE INVESTMENT POLICY

Finance Director Smith Presented the staff report. State law requires the City Council to review the investment policy annually. This policy provides guidance in the investment of City funds, and meets the requirements of the Texas Government Code , Public Funds Investment Act. The changes were minimal and mostly to make the wording flow better. There was none to speak to the issue. Councilman Sellers moved to approve the resolution and policy as presented. Councilman Moore seconded and the vote unanimous.

The motion carried.

VISITORS AND PUBLIC FORUM

Jay Julian addressed the City Council in support of the Street Maintenance Fee.

Jameson Dial addressed the City Council about the parking ordinance as it was presented.

Bryan Bell addressed the City Council about the drugs at a local hotel and the fact that it trickles down to our people.

ADJOURN

With all business complete the meeting was adjourned at 7:50 p.m.