

**CITY OF SULPHUR SPRINGS, TEXAS**

**REGULAR MEETING OF THE  
CITY COUNCIL**

**OCTOBER 2, 2018**

**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 Emily Glass  
Councilman Jimmy D. Lucas  
Councilman Norman Sanders  
Councilman Freddie Taylor

Absent: Councilman Doug Moore  
Councilwoman Erica Armstrong

Staff: Marc Maxwell, City Manager  
Gale Roberts, City Secretary  
Jim McLeroy, City Attorney  
Tory Niewiadomski, Community Development Director  
Lesa Smith, Finance Director  
Gordon Frazier, HR Director  
Jay Sanders, Director of Public Safety

**PLEDGE AND INVOCATION**

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

**PRESENTATIONS, PROCLAMATIONS, AND ANNOUNCEMENTS**

None.

**MANAGER'S REPORT**

**CANTEX FORCE MAIN** – This project is completed. The Capital Construction division connected the final segment of sewer main to the Cantex Lift Station and began pumping through the new force main Monday night. This was the final capital improvement project in the 2013-2017 C.I.P. It replaces 2,400 linear feet of aging sewer

force main and 2,900 feet of gravity main. The sewer main did pass through the middle of the hospital complex. The new route passes around the hospital complex. One-third of the city's sewage passes through this line.

**CROSTOWN TRAIL** – Now that the Cantex project is completed we will return to the Crosstown Trail project. We are still waiting for delivery of the flashing lights for the Main Street crossing, and we expect delivery on Wednesday. When finished, this grant-funded project will connect Buford Park to Coleman Park and the high school/civic center complex. It will also replace the sidewalk on the north side of Connally Street.

**SUNSET STREET** – We will open bids for materials for this project on October 24<sup>th</sup>. Expect to approve the low bids at the November 6<sup>th</sup> council meeting. This project was delayed 30 days to give bidders more time to review and comply with the extensive certifications mandated by the grant. The project will include new water mains, new sewer mains and a new concrete street from Connally to Houston. The \$275,000 CDBG grant is matched with \$132,000 of city funding. We have submitted construction drawings for approval. Work will begin in the fall.

**WASTEWATER TREATMENT PLANT** – Phase 2 is well under way. The contractor has begun the construction of the aeration basins; in fact, the first concrete was poured today.

**CLAIMS** – We had four workers compensation claims in September. All were for police officers. Three were exposed to blood and were treated as a precautionary measure. Another officer was exposed to methamphetamine smoke during arrest. He was treated and released.

We received 3 liability claims in September. Two were sewer overflows and those claims were submitted to TML. The other claim was from a driver who was rear-ended by one of our patrol cars. The driver and passenger in the other vehicle claimed to be injured.

The City submitted 3 claims to the TML Risk Pool in September. One was for the aforementioned accident and the other was for yet another police accident (single car). The third was for damages to a light post and seat wall on Celebration Plaza caused by a vehicle accident/domestic dispute.

We were also served a lawsuit for an accident that occurred in 2016.

**REVENUES AND EXPENDITURES** – Finance Director Lesa Smith will **not** give a year-to-date report of revenues and expenditures since the month just closed on Sunday.

Elsewhere around the city, employees:

- Sold 1,381 gallons of AvGas and 8,546 gallons of JetA fuel.
- Made 18 street repairs following utility repairs.
- Replaced 4 “Stop” signs and 10 “No Parking” signs.
- Removed 3 trees that had fallen in the streets.
- Treated downtown plaza and athletic fields for army worms.
- Rebuild the brick seat wall behind the veterans memorial.
- Conducted 42 building inspections, 29 electrical inspections, 21 plumbing inspections, 8 mechanical inspections and issued 25 building permits.
- Installed airport cameras.
- Repaired the fountain on Celebration Plaza.
- Repaired storm damage to the animal shelter’s electrical service.
- Produced wastewater treated effluent with a daily average total suspended solids reading of 1.17 mg/L.
- Repaired 22 water main ruptures.
- Replaced 10 water meters.
- Unstopped 7 sewer mains.
- Repaired 4 sewer mains.
- Washed 75,000’ of sewer mains.
- Flushed 33 dead-end water mains.
- Performed preventative on several items at the water treatment plant and the wastewater treatment plant.
- Treated 150 million gallons of potable water.
- Responded to 175 fire/rescue calls including 1 structure fire and 1 vehicle fire.
- Performed preventative maintenance on 70 fire hydrants.
- Reviewed 71 pre-fire plans.
- Issued 20 weed violation notices and 4 citations.
- Checked out 3,034 items from the library and an additional 553 eBooks.
- Recorded 53 offences, wrote 539 citations, made 81 arrests and responded to 32 accidents in the Patrol Division.
- Made 7 felony arrests in the Special Crimes Unit.
- Responded to 200 animal control calls while achieving an adoption rate of 27%.

**DISCUSSION/ACTION ON THE CONSENT AGENDA**

Consider for approval the regular City Council meeting minutes of September 4, 2018; the special City Council meeting minutes of September 5, 11, and 25, 2018; Planning and Zoning Commission meeting minutes of August 20, 2018; and Economic Development Corporation meeting minutes of August 27, 2018. There was no one to speak to the issue. Mayor Pro Tem Glass made a motion to approve the minutes as presented. Councilman Sanders seconded the motion and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON APPROVAL OF PLAT CASE PL# 180901 REQUESTED BY JEFF ORWOSKY TO PLAT A 10.125-ACRE PARCEL ON WILDCAT WAY TO BE KNOWN AS JEFF-SUE ORWOSKY ADDITION**

Community Development Director Niewiadomski presented the staff report. The development will be subject to the pro-rata agreement when development connects to infrastructure. The plat contains a note “substandard street – no access allowed” for Vaughn Drive. The applicant is also requesting a variance to construct sidewalks along the frontage based on the lack of connectivity in the area. Staff recommends approval of the plat and the development adhere to pro-rata agreements 395 and 397 that were approved January 2011 and remain in effect until February 1, 2019. Staff also recommends that a sidewalk variance be granted based on the fact that there are no sidewalks in the area. The Planning and Zoning Commission conducted a public hearing and recommends approval. Mr. Orwosky was available to answer any questions. There was a brief discussion. There was no one else to speak to the issue. Mayor Pro Tem Glass moved to approve the plat with the staff recommendations. Councilman Lucas seconded the motion and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2735, A REZONING REQUEST BY JEFF ORWOSKY TO REZONE APPROXIMATELY 10.125 ACRES OF VACANT PROPERTY LOCATED ON THE NORTH SIDE OF WILDCAT WAY AND WEST OF VAUGHN DRIVE, IDENTIFIED AS 848 WILDCAT WAY, BEING FURTHER DESCRIBED AS LOT 1 OF BLOCK 232 OF THE JEFF-SUE ORWOSKY ADDITION, FROM HEAVY COMMERCIAL TO LIGHT COMMERCIAL**

Community Development Director Niewiadomski presented the staff report. This request conforms with the Land Use Plan. Mr. Orwosky was available to answer any questions. 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. Council Sanders seconded the motion and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON A MOTION TO SOLICIT SEALED BIDS ON 50 ACRES OF REAL PROPERTY ON COUNTY ROAD 4738 (ABS: 501, TR: 7, SUR: IRWIN WM A) (GEOID 65.0501.000.007.00), AND TO SET THE MINIMUM BID AT \$150,000**

City Manager Maxwell presented the staff report. In the 1980's the City of Sulphur Springs purchased 50 acres of real property near Gafford's Chapel for the purpose of developing a landfill. The landfill was never developed and the city has no need of the property. An adjacent owner has expressed interest in purchasing the property. Staff propose to sell the property through a sealed bid process with a minimum bid of \$150,000. Staff further proposes to use the proceeds to fund a Parks and Open Space Plan and a new Gray's Building at Pacific Park. Bridgette Cooper and Ayana Pryor spoke in favor of this item. After a brief discussion, there was no one else to speak to the issue. Councilman Taylor moved to approve the item as presented. Mayor Pro Tem Glass seconded the motion and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON A CONTRACT BETWEEN THE CITY OF SULPHUR SPRINGS AND MHS PLANNING & DESIGN, LLC, FOR A COMPREHENSIVE PARKS, RECREATION AND OPEN SPACE MASTER PLAN**

City Manager Maxwell presented the staff report. The City needs to have a Parks and Open Space Plan to be able to effectively compete for grants from the Texas Parks & Wildlife Department (TPD). TPW has two primary parks grant programs, one for smaller projects with grants up to \$75,000, and one for larger projects with grant amounts up to \$500,000. While we don't technically need a Parks and Open Space Plan to apply for either grant, we won't be very competitive if we don't have one. This issue has been brought to the forefront at Pacific Park, where the community has requested repairs and capital improvements at the park. Repairs have begun already, but capital improvements will require grants, donations and commitment from the city. There was a brief discussion. There was no one else to speak to the issue. Mayor Pro Tem Glass moved to approve the contract as presented. Councilman Taylor seconded the motion and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON BIDS AND AWARD OF CONTRACT FOR THE ANNUAL SUPPLY OF FLEX-BASE, AGGREGATE, BEDDING AND ROCK**

Community Development Director Niewiadomski presented the staff report. There were five bidders that participated in the bid. There was a change from last year’s specification to this year and three bidders were given an outdated bid packet that did not include 57 rock bedding and changes to the rip rap specification. Washed sand and crushed screenings are no longer needed and were taken out of the new bid packet. Trinity Materials did not factor transportation costs in their bids, so it is recommended to reject their bid.

	Trinity Materials	Bell Concrete	Richard Drake	Martin Marietta	RK Hall	Current Bid Price	Price Increase
Flexible Base (Red Rock Type A, Grade 1)	\$12.50	\$25.00	\$22.85	\$21.20	\$21.85	\$20.87	\$0.33
Flexible Base (Limestone Type A, Grade 2)	No Bid	\$25.50	\$20.49	\$21.15	No Bid	none	0
Type D Bedding (3/4 minus, Type D, Grade 1)	No Bid	\$31.00	\$28.10	\$27.20	\$25.60	\$23.87	\$1.73
Washed Sand	No Bid	No Bid	\$18.30	\$31.19	No Bid	none	0
Crushed Rock	No Bid	\$33.00	\$28.10	\$27.20	\$25.60	\$23.87	\$1.73
Crushed Screenings	\$3.50	No Bid	\$21.60	\$20.70	No Bid	\$19.12	\$1.58
Rock (Rip Rap, 12-24" Coarse)	No Bid	\$58.00	\$45.70	\$43.80	\$39.58	\$35.65	\$3.93
Rock (3"x6", Filter Dam)	\$17.00	\$32.00	\$31.45	\$29.70	\$29.76	\$28.26	\$1.44
57 Rock Bedding	No Bid	\$27.50	No Bid	No Bid	\$25.60	none	0

**STAFF RECOMMENDATIONS:** Staff recommends awarding as follows:

- **MARTIN MARIETTA-** Flexible Base (Red Rock) and Filter Dam Rock.
- **RK HALL-** Type D Bedding and Crushed Rock
- **RICHARD DRAKE-** Flexible Base (Limestone).
- **REJECT BIDS ON 57 ROCK BEDDING AND RIP RAP** as not all interested parties had the same opportunity to bid on these items and restart the bid notice procedure for this item.
- **REJECT BIDS ON WASHED SAND AND CRUSHED SCREENINGS** as this is not an item anticipated to be used this next year and not all parties had the option to bid this item.

There was a brief discussion. There was no one else to speak to the issue. Councilman Taylor moved to accept the staff recommendation rejecting the bids on washed sand and crushed screenings; rejecting bids submitted by Trinity Materials based on no transportation costs being included in their bid packet; rejecting the bids on 57 Rock Bedding and Rip Rap as not all interested parties had the same opportunity to bid; and award contract to Martin Marietta for Flexible Base (Red Rock) and Filter Dam Rock; award contract to RK Hall for Type D Bedding and Crushed Rock; and award contract to

Richard Drake for Flexible Base (Limestone). Mayor Pro Tem Glass seconded the motion and the vote was as follows:

Ayes: Taylor, Glass, Lucas, Sellers  
Nays: none  
Abstain: Sanders

**The motion carried.**

### **DISCUSSION ONLY REGARDING FOOD TRUCKS**

Community Development Director Niewiadomski presented the staff report. Mobile food establishments offer a number of benefits to communities and can provide drawbacks. They provide opportunities to increase jobs and new business activity. They can help rejuvenate struggling business districts by generating traffic spurring new activity. They offer opportunities to provide more food choice and options in a city. When allowed, it can signal to other potential businesses that the community is adapting to the evolving economy and supporting entrepreneurship. Mobile food trucks do allow restaurateurs to test a local market that can grow into brick and mortar facilities. There are numerous examples of this happening nationwide and in Texas such as Torchy's Taco's, who had their start in Austin as a food truck and have now expanded to 16 brick and mortar restaurants in Texas, Oklahoma, and Colorado. Arturo's is a local example of this by growing into a brick and mortar facility. On the other end, mobile food trucks can create some issues within communities if not properly addressed. Noise, parking and circulation, as well as property maintenance issues such as trash can become problematic if not addressed with adequate controls in place. There are also issues of competition with brick and mortar restaurants. From an economic perspective, food trucks and brick and mortar restaurants have the same goal of earning revenue. For the community and the city, creating opportunities for economic development is a key priority because it raises tax revenue, vibrancy and enhances business activity. The intent of this item is to create a discussion so the City Council can provide staff direction on some areas to focus on or areas to potentially address or determine if amendments to the ordinance are necessary. There was a general discussion on this topic and no changes to the ordinance are required at this time.

### **VISITORS AND PUBLIC FORUM**

None.

### **ADJOURN**

With all business complete the meeting was adjourned at 7:41 p.m.