

CITY OF SULPHUR SPRINGS, TEXAS

**REGULAR MEETING OF THE
CITY COUNCIL**

NOVEMBER 6, 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
Councilwoman Erica Armstrong
Councilman Jimmy D. Lucas
Councilman Norman Sanders
Councilman Freddie Taylor
Councilman Doug Moore

Absent:

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
Joey Baker, Airport/Tourism Director
Roger Feagley, Executive Director the SSHC EDC

PLEDGE AND INVOCATION

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

PRESENTATIONS, PROCLAMATIONS, AND ANNOUNCEMENTS

WHEREAS, epilepsy is a neurological condition characterized by recurrent, unprovoked seizures; it can affect anyone, at any age, at any time; often seizures first develop during the pre-school and elementary school years; and

WHEREAS, epilepsy is caused by sudden brief changes in the brain’s electrical balance; when there are excess electrical discharges in the brain, seizures occur; seizures can alter awareness, physical movements, consciousness or actions and generally last from a few seconds to a few minutes; and

WHEREAS, epilepsy and seizures affect over three million people across the United States and is the third most common neurological disorder among adults behind Alzheimer’s disease and stroke; and

WHEREAS, people with epilepsy continue to face social stigmatization and discrimination though it can be controlled through the use of modern medicine and surgical techniques; and

WHEREAS, National Epilepsy Awareness Month is designed to increase the awareness of the disorder in an effort to encourage more Americans to understand the effects of epilepsy.

NOW, THEREFORE I, John Sellers, by virtue of the authority vested in me as Mayor of the City of Sulphur Springs, Texas, do hereby proclaim the month of November as Epilepsy Awareness Month and encourage all citizens to join me in recognizing the importance of this month.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Sulphur Springs, Texas, to be affixed this 6th day of November of the year of our Lord, two thousand eighteen.

John A. Sellers, Mayor

City Secretary Roberts reminded everyone of the Cinch Rodeo being held at the Civic Center November 15 – 17, 2018.

City Attorney McLeroy reminded everyone of the Charter Review Committee meeting to be held November 20, 2018 at 6P in the upstairs conference room. He also reminded everyone to place January 10th on their calendars as that will be the date of the 30th Annual Law Enforcement Appreciation Dinner at the Civic Center at 5PM. This will be his last year to host the event.

Mayor Sellers reminded everyone about the History by Foot Tour to be conducted after the parade on November 10th and the Genealogical presentation at the City Cemetery on November 11, 2018.

MANAGER'S REPORT

CROSSTOWN TRAIL – The flashing lights for the Main Street crossing have been installed and are now operational. The capital construction division installed 596 linear feet of sidewalk divided among Coleman Dam, Peavine Pinion Pond and the high school.

SUNSET STREET – We opened bids for materials for this project on October 24th. Of the 5 bid packets, we only had successful bids on 2 of them. We will have to rebid the remaining 3.

WASTEWATER TREATMENT PLANT

Phase 2 is well under way. Construction of the first aeration basin continues to progress on schedule. The second aeration basin will be constructed next. Once these basins are operational, the existing basins will be taken offline and they will be refitted with diffused aeration just like basins 1 & 2. Once all of this is completed our aeration capacity will be greatly enhanced. This is the heart of our wastewater treatment process.



CONNALLY STREET – Work on Connally Street will begin soon. The first phase will be new sewer mains.

CLAIMS – We had two minor workers compensation claims in November. We did not receive any liability claims.

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

Elsewhere around the city, employees:

- Patched 82 potholes.
- Made 19 street repairs following utility repairs.
- Replaced various stop signs.
- Installed school zone lights on Houston Street at the high school.
- Changed out the flower beds downtown.
- Finished cleaning up after the Cantex project.
- Hosted 45 softball teams for a Texas A&M Commerce showcase tournament.
- Prepared Buford Park for the Hopkins County Stew Cook-off.
- Mowed acres and acres of parks, athletic fields, airports, dams, etc.
- Checked out 3,268 items from the library.
- Sold 1,710 gallons of AvGas and 8,438 gallons of JetA fuel.
- Installed video cameras at the airport.

- Treated wastewater to a daily average total suspended solids count of 1.32 mg/L.
- Repaired 18 water mains.
- Replaced 12 water meters.
- Unstopped 14 sewer mains.
- Repaired 8 sewer mains.
- Treated 141 million gallons of potable water.
- Responded to 169 fire/rescue calls including 2 structure fires and a vehicle fire.
- Performed preventative maintenance on 70 fire hydrants.
- Performed 52 fire inspections and reviewed 52 pre-fire plans.
- Responded to 222 animal control calls while achieving a 37% adoption rate.
- Made 4 felony arrests in the special crimes unit.
- Made 94 arrests on the Patrol Division, wrote 546 citations, recorded 71 offenses and responded to 41 accidents.
- Conducted 66 building inspections, 42 electrical inspections, 27 plumbing inspections, 13 mechanical inspections and issued 22 building permits.

DISCUSSION/ACTION ON THE CONSENT AGENDA

Consider for approval the regular City Council meeting minutes of October 2, 2018; the special City Council meeting minutes of October 16, 2018; Planning and Zoning Commission meeting minutes of September 17, 2018; and Economic Development Corporation meeting minutes of September 17, 2018. There was no one to speak to the issue. Councilman Moore made a motion to approve the minutes as presented. Mayor Pro Tem Glass 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. 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, but future development would be required to meet City Standards for development. 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 FIRST READING OF ORDINANCE NO. 2736, AN ORDINANCE EXPANDING THE EXTRATERRITORIAL JURISDICTION (ETJ)

City Attorney McLeroy presented the staff report. The recently signed agreement with Luminant Mining Company states the City will extend the ETJ to take in the remainder of the Thermo Mine property that was not already in the ETJ. This ordinance satisfies that obligation. There was a brief discussion. There was no one else to speak to the issue. Councilman Sanders move to approve the ordinance on the first reading. Mayor Pro Tem Glass seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON BIDS AND AWARD OF CONTRACT FOR POLICE CARS

Public Safety Director Sanders presented the staff report. A sealed bid opening was conducted October 25th after advertising for bids for three (3) Police Package SUV's. We received four bids and they are as follows:

Texas Country Ford	
2020 Ford Utility Police Interceptor AWD	\$32,974.34
Total for 3 vehicles	\$98,923.02
Brian Toliver Ford-Lincoln-Mercury	
2020 Utility Police Interceptor AWD	\$38,085.09
Total for 3 vehicles	\$114,255.27
Jay Hodge Chevrolet	
2019 Chevrolet Tahoe Police Package (Did not meet bid specifications)	\$34,320.00
Total for 3 Vehicles	\$102,960.00
Sulphur Springs Dodge	
2019 Dodge Durango AWD Police Package (Did not meet bid specifications)	\$33,460.35
Total for 3 vehicles	\$100,381.05

The lowest responsive bid was submitted by Texas Country Ford in the amount of \$98,923.02. There was a brief discussion. There was no one else to speak to the issue. Councilman Taylor moved to accept the bids and award the contract to Texas Country Ford. Councilman Sanders seconded and the vote was unanimous.

The motion carried.

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

Community Development Director Niewiadomski presented the staff report. At the October meeting, bids were rejected on 57 rock bedding and rip rap as not all interested parties had the same opportunity to bid on these items and staff was directed to restart the bid process for these items. There were three bidders that participated in the two items that were rebid.

FY 2019 AGGREGATE BID

	RK Hall	Bell Concrete	Cactus Express
57 Rock bedding	\$26.12	\$25.50	\$27.85
Rock (Rip Rap, 12-24” Coarse)	\$39.58	\$40.80	\$40.50

The staff recommendation is awarding the 57 Rock Bedding to Bell Concrete and the Rock to RK Hall. There was no one else to speak to the issue. Councilman Taylor moved to accept the bids and award the contract for 57 Rock to Bell Concrete and the Rock to RK Hall. Councilman Moore seconded and the vote was as follows:

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

The motion carried.

DISCUSSION/ACTION ON BIDS AND AWARD OF CONTRACT FOR WATER AND SEWER MATERIALS FOR THE SUNSET STREET PROJECT

Community Development Director Niewiadomski presented the staff report. The City of Sulphur Springs has a contract agreement with the Texas Department of Agriculture (TDA) for a TxCDBG to install water, sewer, and street improvements along Sunset Street from Connally to Houston Street. The City’s contract with the TDA started December 1, 2017 and ends on November 30, 2019. The next step or milestone in the project is to award construct contracts. The City published notices in the paper on September 25th and October 2nd and sent out notices to 30 potential bidders. The City held bid openings for five bid packet items on October 25th. Due to federal funds being spent on this project, there are additional forms and certifications that will be needed before execution of contracts.

Sunset Project Bids			
	Ferguson	RK Hall	Hayes Pipe Supply
Packet A Water	\$28,138.73	No Bid	\$30,044.50
Packet B Sewer	\$10,713.60	No Bid	\$12,018.25
Packet C Rebar	No Bid	No Bid	No Bid
Packet D Concrete	No Bid	No Bid	No Bid
Packet E Bedding	No Bid	\$25.60	No Bid

Staff recommends the following:

- **Award Packets A and B to Ferguson.**
- **Reject Packet E from RK Hall**
 - The bidder did not submit a Statement of Bidder’s Qualifications Form, Conflict of Interest Questionnaire, Non-collusion Affidavit of Prime Bidder, or Certification of Bidder Regarding Civil Rights Laws and Regulations as required by the grant and in the bidder’s instructions.
- **Staff will restart the notice procedure for Packets C, D, and E.**

There was a lengthy discussion. There was no one else to speak to the issue. Mayor Pro Tem Glass moved to accept the bids and award the contract as per staff recommendation to Ferguson and restarting notice for bid for C, D, and E. Councilman Taylor seconded and the vote was as follows:

The motion carried.

DISCUSSION/ACTION ON BIDS AND AWARD OF SALE FOR PROPERTY LOCATED ON COUNTY ROAD 4738, HOPKIINS COUNTY, TEXAS

City Manager Maxwell presented the staff report. At our last meeting it was determined that we could sell the property by sealed bid. Notice was placed in the local newspaper, the city website, the city’s Facebook page, and letters were sent to adjacent property owners. Bids were received and opened November 1, 2018 at 1015AM. There was one bid received in the amount of \$170,777.00. A cashier’s check in the amount of 5% of the bid amount (or greater) was included in order to secure the bid. The minimum bid amount was \$150,000.00. The one bid was received by Roger and Trish Roulette. After a brief discussion, there was no one else to speak to the issue. Councilman Moore moved to accept the bid and approve the sale of the property for \$170,777.00. Councilman Sanders seconded the motion and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON ASSIGNMENT OF AN AIRPORT GROUND LEASE AGREEMENT FOR LOT 1220-19

City Attorney McLeroy presented the staff report. The original lease agreement between the city and Ric Murray, was executed on August 22, 2005, and then assigned to Robert Strate and Joseph Baker on April 5, 2007. Mr. Strate and Mr. Baker have entered into an agreement to sell the improvements (hangar) to Goran Susic. An *Assignment of Lease* would assign the existing lease to Mr. Susic for the remaining term of the original lease. There was a brief discussion. There was no one else to speak to the issue. Councilman Moore moved to approve the lease agreement. Councilman Taylor seconded

The motion carried.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2737 AMENDING THE CITY OF SULPHUR SPRINGS CODE OF ORDINANCES, SECTION 21, BY ESTABLISHING ARTICLE Y, STREET MAINTENANCE FEE, SECTIONS 21.64 – 21.73

Community Development Director Niewiadomski and Finance Director Smith presented the staff report. As a follow up to the 2019-2023 Capital Improvement Program, staff presented information about our current funding levels on our Infrastructure including streets. Staff is of the opinion that the best solution to help fund our street maintenance crisis is to implement a Street Maintenance Fee to help slow the decay of the streets. A Street Maintenance Fee would be deposited into a special revenue fund separate from the General Fund and could only be spent on street related activities. Looking at the 93 miles of City maintained streets, based on estimates for projects from the CIP including drainage and the addition of Carter Street, the City is currently left with an approximate annual street maintenance budget of \$560,378 over the next five years. In order to get the best longevity out of our streets, we should be maintaining about 6-9 miles of streets a year with overlays and other surface treatments. The streets are funded at about 24-37% of what is needed to help preserve our streets from a maintenance perspective. An additional \$467,040 would give us an approximate budget of \$1,027,418 a year to maintain our streets or \$5.1 million over the next five years. In the table below, it shows what the difference could mean for a single year. Projects 1-7 are what we anticipate spending for next year's SIP or summer paving program with our current \$560,000 budget and completing about 1.8 miles. If we had a street maintenance fee with \$467,040 additional funding, we could implement another 2.3 miles of maintenance for a total of 4.1 miles and include an additional 9 street projects that would have been included on the following year's list. In the SIP list that was included in the CIP as an exhibit, we anticipated completing approximately 43 projects or 10.5 miles of paving work with \$2.8 million budget over five years. With an increased budget that includes a Street Maintenance Fee, we could implement those 43 projects within 3 years and still have another \$2,250,196 dollars to spend on more projects and mileage within a five-year time frame.

2019 Street Improvement Program (SIP) with Street Maintenance Fee

Current Funding Level = 1.8 miles								
Potential with Street Maintenance Fee = 4.1 miles								
#	Street	From/To	Footage	Priority	Age	Prep	Treatment	Cost
1	Asphalt Repair	Various soft spot repairs	1000	1	contracte d	mill for inlay	D	\$111,325
2	Beasley	Texas to Davis	1162	1	PMS 2004	mill	D	\$43,193
3	Cranford	Kyle to Beasley	803	1	PMS 2004	CTS	D	\$55,941
4	Elm	Transition to Bill Brad.	898	1	PMS 2005	CTS	D	\$54,732
5	Ingram	League to Locust	1643	1	PMS 2005	mill-CTS	D	\$100,138
6	Park Springs	Hwy 11 to end of C&G	1436	1	PMS 2007	CTS	D	\$87,522
7	Pipeline	Church to Dirt(skip conc)	2391	1	PMS 2007	CTS	D	\$113,091
8	Peach/Gorgia	Davis to Brinker	1331	1	PMS 2004	cts	D	\$81,122
9	Putman	Oak to Jackson	1150	1	PMS 2004	mill	F	\$34,772
10	Ashcroft/Town	Magnolia to Texas	800	2	PMS 2005	CTS	D	\$27,862
11	Brewer	Ingram to Locust	950	2	PMS 2000	mill	F	\$29,780
12	Carter	Bill Bradford South	1141	2	PMS 2006	mill-CTS	D	\$94,318
13	Cedar Springs	Hollie and Cedar Springs	3364	2	PMS 2004		F	\$98,187
14	CMH Rd.	Hwy 67 to I-30	2535	2	seal coat 93		S	\$33,547
15	Graham	Gilmer to Oak	338	2	1995	CTS	D	\$16,186
16	Hodge	Fisher to Gilmer	829	2	PMS 2004	CTS	D	\$57,744

Staff recommends approval of this ordinance. There was a slide show presentation. There was a lengthy general discussion suggesting the fees should be greater or tiered. There was no one else to speak to the issue. Councilman Taylor moved to approve the ordinance on first reading with staff being directed to bring to the council other tiered options. Councilman Sanders seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON THE ADOPTION OF A TAX ABATEMENT/REBATE POLICY

Executive Director of the Sulphur Springs Hopkins County Economic Development Feagley presented the staff report. This is a proposal to adopt a Tax Rebate Program to be used to rebate property taxes for new and existing companies in Sulphur Springs. This will not be used in conjunction with the current Tax Abatement policy but in place of the abatement program. The rebate process is simpler and will be easier to monitor. With this program the company will pay their taxes and once they provide the required certification information, they will get their money rebated. If they don't provide the information in a timely basis, they will not receive a rebate. There was a lengthy discussion regarding this issue. It was determined that Mr. Feagley would submit additional information to City Secretary Roberts. There was no one else to speak to the issue. Mayor Pro Tem Glass moved to postpone the item. Councilman Taylor seconded and the vote was unanimous.

The motion TO POSTPONE carried.

VISITORS AND PUBLIC FORUM

None.

ADJOURN

With all business complete the meeting was adjourned at 8:20 p.m.