

CITY OF SULPHUR SPRINGS, TEXAS

**REGULAR MEETING OF THE
CITY COUNCIL**

DECEMBER 4, 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
Jason Ames, 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 the invocation.

PRESENTATIONS, PROCLAMATIONS, AND ANNOUNCEMENTS

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 November 6, 2018; Planning and Zoning Commission meeting minutes of October 15, 2018; the Zoning Board of Adjustments and Appeals meeting minutes of October 16, 2018; and the Economic Development Corporation meeting minutes of October 22, 2018. There was no one to speak to the issue. Mayor Pro Tem Glass made a motion to approve the minutes as presented. Councilman 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. 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 Taylor moved to adopt the ordinance on the second and final reading. Councilman Sanders 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. 2737 AMENDING THE CITY OF SULPHUR SPRINGSCODE OF ORDINANCES, SECTION 21, BY ESTABLISHING ARTICLE Y, STREET MAINTENANCE FEE, SECTIONS 21.64 – 21.73

At the last regular council meeting on November 6, 2018, Council approved the First Reading of Ordinance #2737- Street Maintenance Fee Ordinance. During the meeting, Council asked for information on two additional items. The first item was to explore a tiered system to differentiate commercial classifications. The second item was to look at additional revenue options. Staff updated the ordinance to include an industrial classification into the ordinance with its own fee structure as well as additional options to increase the fees.

Included with this memo are two versions of the ordinance. The first is the ordinance that was passed on first reading and the second is an updated ordinance based on Council discussion. The following changes have been made to the updated Ordinance #2737 for the 2nd reading:

- In Section 21-64, added another tier in the fee structure, defined as Industrial Units.
- Changed effective billing date from March 1, 2019 to January 1, 2019.
- In Section 21-65.b, monthly charges were left for fill in the blanks for each classification depending on if council elects to adopt different fees based on the options presented and as listed are listed on the following page:

Fee Options A-J						
Option A	Original Presentation					
	Type	Residential	MF	Commercial	Industrial	Total
	Units	4841	1704	648	18	
	Monthly Charge	\$5.00	\$3.75	\$12.50	\$12.50	
	Annual Revenue	\$290,460.00	\$76,680.00	\$97,200.00	\$2,700.00	\$467,040.00
Option B	Original Presentation with Industrial Classification 6 times Residential					
	Type	Residential	MF	Commercial	Industrial	Total
	Units	4841	1704	648	18	
	Monthly Charge	\$5.00	\$3.75	\$12.50	\$30.00	
	Annual Revenue	\$290,460.00	\$76,680.00	\$97,200.00	\$6,480.00	\$470,820.00
Option C	Type	Residential	MF	Commercial	Industrial	Total
	Units	4841	1704	648	18	
	Monthly Charge	\$5.00	\$3.75	\$15.00	\$30.00	
	Annual Revenue	\$290,460.00	\$76,680.00	\$116,640.00	\$6,480.00	\$490,260.00
Option D	Type	Residential	MF	Commercial	Industrial	Total
	Units	4841	1704	648	18	
	Monthly Charge	\$6.00	\$4.50	\$18.00	\$36.00	
	Annual Revenue	\$348,552.00	\$92,016.00	\$139,968.00	\$7,776.00	\$588,312.00
Option E	Type	Residential	MF	Commercial	Industrial	Total
	Units	4841	1704	648	18	
	Monthly Charge	\$7.00	\$5.25	\$21.00	\$42.00	
	Annual Revenue	\$406,644.00	\$107,352.00	\$163,296.00	\$9,072.00	\$686,364.00
Option F	Type	Residential	MF	Commercial	Industrial	Total
	Units	4841	1704	648	18	
	Monthly Charge	\$8.00	\$6.00	\$24.00	\$48.00	
	Annual Revenue	\$464,736.00	\$122,688.00	\$186,624.00	\$10,368.00	\$784,416.00
Option G	Type	Residential	MF	Commercial	Industrial	Total
	Units	4841	1704	648	18	
	Monthly Charge	\$9.00	\$6.75	\$27.00	\$54.00	
	Annual Revenue	\$522,828.00	\$138,024.00	\$209,952.00	\$11,664.00	\$882,468.00
Option H	Type	Residential	MF	Commercial	Industrial	Total
	Units	4841	1704	648	18	
	Monthly Charge	\$10.00	\$7.50	\$30.00	\$60.00	
	Annual Revenue	\$580,920.00	\$153,360.00	\$233,280.00	\$12,960.00	\$980,520.00
Option I	Type	Residential	MF	Commercial	Industrial	Total
	Units	4841	1704	648	18	
	Monthly Charge	\$10.00	\$7.50	\$32.50	\$62.50	
	Annual Revenue	\$580,920.00	\$153,360.00	\$252,720.00	\$13,500.00	\$1,000,500.00
Option J	Type	Residential	MF	Commercial	Industrial	Total
	Units	4841	1704	648	18	
	Monthly Charge	\$11.00	\$8.25	\$33.00	\$66.00	
	Annual Revenue	\$639,012.00	\$168,696.00	\$256,608.00	\$14,256.00	\$1,078,572.00

Based on the options for fees on the previous page, it dramatically impacts the ability for the City to maintain the street network as demonstrated on the following table.

	# Miles	% Miles Increase	Funding Amount	% Funding Increase	# of projects
No Street Maintenance Fee	1.8		\$560,000		7
Option A	4.1	128%	\$1,027,040	83%	16
Option E	4.95	175%	\$1,246,364	123%	21
Option I	6.6	267%	\$1,638,572	193%	28

Listed below is what those funding options could mean for one year of summer paving projects. Option A gets us to about 2/3 of our goal (6-9 miles per year). Option E gets us to about 80% and Option I allows us to meet our goal in today's dollars in regard to a 15-year maintenance cycle. With Option I, we could implement the 43 summer paving projects that were listed in the CIP with 1.7 years' worth of funding rather than five years given our current funding situation with no street maintenance fee.

2019 Street Improvement Program (SIP) with Street Maintenance Fee

Current Funding Level = 1.8 miles (No SMF)								
Street Maintenance Fee (Option A) = 4.1 miles								
Street Maintenance Fee (Option E) = 4.95 miles								
Street Maintenance Fee (Option I) = 6.6 miles								
#	Street	From/To	Foot age	Pri ority	Age	Prep	Treat ment	Cost
1	Asphalt Repair	Various soft spot repairs	1000	1	contr acted	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/Georgia	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
17	Locust	Main to Connally	760	2	PMS 2004	mill	D	\$32,142
18	Mulberry	Van Sickle to Houston	500	2	PMS 2004	CTS	D	\$43,209

19	Nicholson	Locust to Moore	1072	2	PMS 2005	mill	F	\$31,289
20	Oak Grove	Jefferson to End	702	2	PMS 2004	mill	D	\$30,595
21	Plano/Pampa	Texas to Brinker	1362	2	PMS 2002	mill	D	\$50,628
22	S. Davis	Hinnant to Kyle	2149	2		mill	D	\$112,267
23	Seventh	RR to Park	1584	2	PMS 2005	CTS	D	\$68,959
24	Barbara	Tate to Camp	649	3	PMS 2004	mill	D	\$24,124
25	Gena	Cul de Sac to end	1130	3	PMS 2004	mill	D	\$46,004
26	Harred	Alabama to College	470	3	Slurry 1998	mill	D	\$23,471
27	Lake Shore	Jill to Lewis	1362	3	PMS 2003	mill-gutter	F	\$44,695
28	Linda	Fisher to Gilmer	1410	3	PMS 2004	CTS	D	\$104,352

Staff recommends approval of this ordinance. Mr. Gene White spoke in favor of the issue, provided the funds went into an account for street maintenance exclusively. Councilman Taylor moved to adopt Option A. Mayor Pro Tem Glass seconded. There was a lengthy general discussion. Mayor Pro Tem Glass amended the motion to adopt Option I. Councilman Sanders seconded the amended motion. There was another lengthy discussion. Some thought the fees were too much for the general population and others thought it wasn't enough. Councilwoman Armstrong moved to amend the motion to adopt Option B and changing the multiple family column to \$5. Councilman Lucas seconded the amended motion.

The vote to adopt Option A failed with the vote as follows:

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

The motion failed.

The vote for the amended motion to adopt Option I failed with the vote as follows:

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

The motion failed.

The vote for the amended motion to adopt Option B with the multiple family changed \$5 was as follows:

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

The motion carried.

These rates will go into effect January 1, 2019 and they are \$5 per month for residential and multiple family and commercial rates will be \$12.50, and Industrial will be \$30.

DISCUSSION/ACTION ON THE FIRST READING OF ORDINANCE NO. 2738, AMENDING THE CODE OF ORDINANCES OF THE CITY OF SULPHUR SPRINGS, TEXAS, CHAPTER 6, SECTION 6; CHAPTER 11, SETION 11-39; CHAPTER 12, SECTION 12-7(b); CHAPTER 15A, SECTION 15A-1; CHAPTER 15B, SECTION 15B-1; CHAPTER 15C-1; AND CHAPTER 19, SECTION 19-1 AND SECTION 19-1.2, UPDATING THE BUILDING CODES, ELECTRICAL CODE, AND THE PROPERTY MAINTENANCE CODE

Community Development Director Niewiadomski and Building Official Green presented the staff report. This item adopts the current International Building Codes and the National Electrical Code along with the North Central Texas Council of Governments recommended amendments. There was a general discussion. There was no one else to speak to the issue. Councilman Taylor moved to approve the ordinance on the first reading. Mayor Pro Tem Glass seconded the motion and the vote was unanimous.

The motion carried.

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

This item was postponed from the previous meeting. City Manager Maxwell presented the staff report. He recommended no schedule at all. There was a general discussion

regarding this issue. There was no one else to speak to the issue. Councilman Moore moved to approve no schedule at all. Councilman Sanders seconded the motion and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON PUBLIC HEARING TO DETERMINE WHETHER PROPERTY LOCATED AT 917 CHURCH STREET IS A DANGEROUS BUILDING OR STRUCTURE TO BE VACATED, SECURED, REPAIRED, REMOVED, OR DEMOLISHED

Community Development Director Niewiadomski presented the staff report. The City has received numerous complaints from neighboring property owners over the past year. As of the date of this hearing, the owner has not submitted any plan of action to abate the substandard conditions. Pictures of the building and Order No. 181201 were presented to the City Council. The order gives the owner(s) 30 days to abate the property or it will be demolished. There was a brief discussion. There was no one else to speak to the issue. Mayor Pro Tem Glass moved to approve Order No. 181201 as presented. Councilman Taylor seconded the motion and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1156 TO DETERMINE WHETHER THE CITY DOES NOT PROPOSE TO ANNEX ANY PROPERTY OR TERRITORY THAT IS REQUIRED TO BE IN AN ANNEXATION PLAN OR REQUIRED TO OFFER A DEVELOPMENT AGREEMENT

Community Development Director Niewiadomski presented the staff report. The City of Sulphur Springs is considered a Tier 1 community from an annexation standpoint. The first step is to determine whether or not the type of annexation would be exempt from the annexation plan requirements which has a completely different process. Another primary consideration is whether or not the City is required to offer a development agreement which is covered in Section 43.016 of the Local Government Code. A city is required to offer a development agreement to any property appraised for ad valorem tax purposes as land for agricultural or wildlife management use under Subchapter C or D, Chapter 23, Tax Code, or as timber land under Subchapter E of that chapter. The intent of these development agreements is for the City to agree not to annex a property and allow the continuation of that land use for a specified period of time and the landowner agrees to not develop the property or change the land use. Staff concludes that the properties shall be subject to the exempt annexation procedures for Tier 1 communities and will not be required to offer development agreements for any of the properties. There was a general discussion regarding the issue. There was no one else to speak to the issue. Councilman Taylor moved to pass and approve the resolution as presented. Councilman Sanders seconded the motion and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1157 SETTING DATES, TIMES, AND LOCATION FOR PUBLIC HEARINGS FOR THE ANNEXATION OF PIONEER BUSINESS PARK AND CERTAIN ADJACENT PARCELS AND HERITAGE BUSINESS PARK AND ADJACENT PARCELS

Staff was directed to bring forth a proposal for council to consider annexation of the EDC Industrial Parks into the City limits. The City currently has two geographic areas outside city limits. Area 1 is the area generally referred to as Pioneer Business Park and adjacent properties located on the west side of CMH Road between Business 67 (Main) and I-30 Frontage Road consisting of 103.051 acres. Area 2 is the area generally referred to as Heritage Business Park and adjacent properties located east of Loop 301 on Heritage Parkway, north of the railroad tracks, west of CR 3501 and south of CR 3502 consisting of 117.33 acres. Annexations require two public hearings prior to consideration of an annexation which is completed by adoption of an ordinance. There are strict timelines of noticing procedures prior to the public hearings, time frame between the public hearings and 1st reading of the ordinance, and time frame of adoption of the ordinance once 1st reading occurs which is why there is a schedule of activities on the following page. There was a brief discussion. There was no one else to speak to the issue. Councilman Taylor moved to pass and approve the resolution changing the January 8th & 10th hearings to January 8th & 9th. Councilman Sanders seconded the motion and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1158 AUTHORIZING THE CITY MANAGER AS THE SIGNATORY FOR DOCUMENTS PERTAINING TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) WATER RIGHT PERMIT APPLICATION

City Manager Maxwell presented the staff report. At the City of Sulphur Springs special city council meeting conducted October 16, 2018, the development agreement with Luminant Mining was approved. In that agreement we committed to amend the water rights by submitting joint application to the TCEQ for amendment of Water Rights No. 5906 on or before December 31, 2018. This resolution authorizes the city manager to sign any and all documents necessary to fulfill this agreement. There was a brief discussion. There was no one to speak to the issue. Councilman Moore moved to pass and approve the resolution as presented. Councilman Sanders seconded the motion and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON CANCELLING THE JANUARY 1, 2019, REGULARLY SCHEDULED CITY COUNCIL MEETING AND CONDUCTING SPECIL MEETING JANUARY 8, 2019

City Secretary Gale Roberts presented the staff report. The City of Sulphur Springs has their regularly scheduled City Council meetings the first Tuesday of every month. However, January 1, 2019 is the New Year's Day holiday at the City of Sulphur Springs. The City Council can cancel the regular and call a special meeting to be conducted the following Tuesday, January 8, 2019, if they so desire. There was no one to speak to the issue. Councilman Taylor moved to cancel the January 1st regular city council meeting and to call a special meeting on January 8, 2019. Mayor Pro Tem Glass seconded the motion and the vote was unanimous.

The motion carried.

VISITORS AND PUBLIC FORUM

None.

ADJOURN

With all business complete the meeting was adjourned at 8:12 p.m.