

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

**FEBRUARY 2, 2021**

**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/UC8CxjG8pt3Cn8DDMgg0xr8g>

Present: Mayor John A. Sellers  
Mayor Pro Tem Freddie Taylor  
Councilman Doug Moore  
Councilman Harold Nash Sr.  
Councilman Oscar Aguilar  
Councilman Gary Spraggins  
Councilman Jay W. Julian

Absent: None

Staff: Marc Maxwell, City Manager  
Gale Roberts, City Secretary  
Jim McLeroy, City Attorney  
Lesa Smith, Finance Director  
Tory Niewiadomski, Community Development Director  
David James, Fire Chief  
Jason Ricketson, Police Chief

**CALL TO ORDER**

Mayor John A. Sellers called the regular meeting of the Sulphur Springs City Council to order at 7:00 p.m.

**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**, 2021 marks the 95<sup>th</sup> annual celebration of Black History since Carter G. Woodson, a noted scholar and historian instituted Negro History Week in 1926. He chose the second week of February to coincide with the birthdays of President Abraham Lincoln and the Black 19<sup>th</sup> century abolitionist Frederick Douglass; and

**WHEREAS**, the first official Black History Month was announced in 1976 by President Gerald R. Ford, who urged Americans to “seize the opportunity to honor the too-often neglected accomplishments of Black Americans in every area of endeavor throughout our history;” and

**WHEREAS**, Black History Month affords the special opportunity to become more knowledgeable about Black heritage, and to honor the many Black leaders who have contributed to the progress of our nation; and

**WHEREAS**, such knowledge can strengthen the insight of all our citizens regarding the issues of human rights, the great strides that have been made in the crusade to eliminate the barriers of equality for minority groups, and the continued struggle against racial discrimination.

**NOW, THEREFORE I, JOHN A. SELLERS**, by virtue of the authority vested in me as Mayor, and on behalf of the City Council of the City of Sulphur Springs, Texas, do hereby proclaim the month of February as

### **“BLACK HISTORY MONTH”**

and urge all residents to join together in making this a period of rededication to the principles of justice and equality for all people.

Community Development Director Niewiadomski made a presentation on infrastructure and the city’s future needs. There is no doubt that there is a need for more money to spend on infrastructure and he listed some available options that could be considered. Water and Sewer are falling behind at the rate of 1.25 miles per year, with the downtown having the oldest utilities. Maintenance obviously prolongs the life of the network but needs to be done at a greater rate than it has been in the last twenty years.

## **MANAGER’S REPORT**

**COVID-19 RESPONSE** – The number of active cases in Hopkins County decreased 13% since our last meeting with a total of 120 active cases as of February 01, 2021. The is the second consecutive month of declining active cases. Last month active cases fell by 11%. The state has tested a total of 8,982 people at the Hopkins County testing site

since this whole thing began. We have had 2,095 cumulative recoveries and 70 cumulative fatalities (40% increase from last month) in Hopkins County. The hospital has 14 patients in the COVID-19 unit which is a 53% decrease from last month.

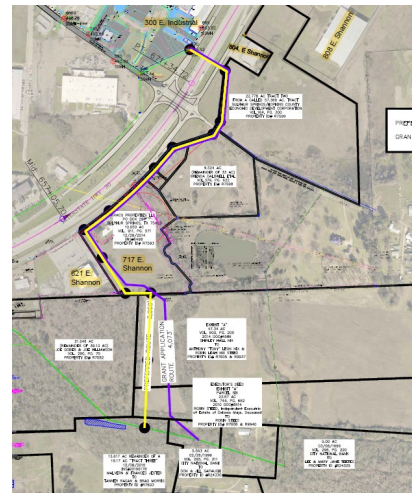
As a part of the City's response to Covid-19 the City suspended the practice of cutting off water service for non-payment. Some of the balances are growing quite high. The total arrearage is \$153,906 with 601 accounts (8.96% of all accounts) in arrears. The vaccines are beginning to roll out to the public, and we have had two consecutive months of declining total active cases. If total active cases decline again next month, I will propose requiring residents to pay their current bill along with 1/12<sup>th</sup> of their arrearage to avoid being cut off. In this way their accounts would be brought current in 12 months.

**GRAYS BUILDING** –The framing is nearly completed, and the plumbing will be finished by the end of the week. Electrical rough-in is next followed by insulation and sheetrock.

**SENIOR CITIZENS BUILDING** – Construction drawings are still being prepared by REES Associates. We have hired Tandem Consulting to oversee the construction just like the Grays Building.

**WOODLAWN STREET** –The Capital Construction Division has completed the sewer main and the water main. They will be finished with curb and gutter improvements this week. Texana Land and Asphalt will then cement-stabilize the road base and pave the street with asphalt.

**SAPUTO SEWER MAIN** – Materials for the project have been ordered, and the project will get underway this month. This \$750,000 sewer project is funded entirely by a grant from the Texas Department of Agriculture. The new main will supplement an older undersized main. The path of the new main begins at Saputo and continues under the interstate. It then continues South for 3,500 feet before connecting to an existing trunk line. The new main has a 15-inch inch diameter. This grant is made possible because of a \$50 million plant upgrade at Saputo and their cooperation with the Texas Department of Agriculture. Without their cooperation this project would not have been possible.



**COLLEGE STREET** – This will be the next project after the Saputo Sewer Line Project.

Elsewhere on the agenda is an item to approve a concrete crushing bid that will provide much of the road base for this project.

**CLAIMS** – We did not have any workers compensation claims or liability claims in January. The City submitted a property claim for a police cruiser that was struck while parked and unoccupied.

**REVENUES AND EXPENDITURES** – Finance Director Lesa Smith will present a report of revenues and expenditures.

**Elsewhere around the city, employees:**

- Made extensive street repairs following utility repairs.
- Repaired 586 potholes in various locations.
- Replaced various STOP signs, school zone signs and speed limit signs.
- Installed 2 new sidewalks at the airport.
- Removed Christmas decorations and replaced downtown banners.
- Cleaned water wells on Veterans' Memorial.
- Responded to 177 animal control cans and achieved a 97% adoption rate.
- Made 5 felony arrests in the Special Crimes Unit.
- Responded to 38 accidents, issued 532 citations, made 33 arrests, and recorded 48 offences in the Patrol Division.
- Conducted 28 building inspections, 19 electrical inspections, 18 plumbing inspections, 6 mechanical inspections and issued 26 building permits.
- Sold 2,574 gallons of AvGas and 12,120 gallons of Jet A fuel.
- Checked out 2,809 items at the library, plus 741 eBooks.
- Responded to 249 fire/rescue calls including 3 structure fires and 5 vehicle fires.
- Performed preventative maintenance and testing on 80 fire hydrants.
- Installed large main door at Hanger #3 at the airport.
- Achieved monthly average total suspended solids reading of .76 mg/L at the Wastewater Treatment Plant, well with our limit of 15 mg/L.
- Repaired 12 ruptured water mains.
- Unstopped 51 sewer mains.
- Repaired 13 sewer mains.
- Washed 75,000 feet of sewer mains.
- Treated 127 million gallons of potable water

**DISCUSSION/ACTION ON THE CONSENT AGENDA**

Consider for approval the regular City Council meeting minutes of January 5, 2021; the City Council Special meeting minutes of January 21, 2021; the Downtown Revitalization Board meeting minutes of December 1, 2020; the Planning and Zoning Commission of

December 21, 2020; and the Economic Development Corporation meeting minutes of November 23, 2020. There was no one to speak to the issue. Mayor Pro Tem Taylor made a motion to approve the minutes as presented. Councilman Moore seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 1221 APPROVING A 380 AGREEMENT FOR PROPERTY LOCATED AT 110 WEST ROSS**

Community Development Director Niewiadomski presented the staff report. The City of Sulphur Springs considers the use of economic development incentives to promote new development and redevelopment where it can be demonstrated that an increase in tax revenue can be reasonably expected and the overall quality of life of the people who live or work in the City can be improved. The City's policy is to promote projects that can do any one of the following: improve the City's infrastructure, increase ad valorem or sales tax revenue, ensure high quality, well planned developments, and job creation. It appears that the merits of this request meet a number of goals listed in the 380 policy as it is expected to increase ad valorem tax revenue and will provide momentum in revitalization efforts by improving the quality of life in the area. There was a brief discussion. No calls were received. Councilman Nash moved to approve the resolution as presented. Mayor Pro Tem Taylor seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 1222 APPROVING A 380 AGREEMENT FOR PROPERTY LOCATED AT 212-214 EAST CALIFORNIA STREET**

Community Development Director Niewiadomski presented the staff report. The City of Sulphur Springs considers the use of economic development incentives to promote new development and redevelopment where it can be demonstrated that an increase in tax revenue can be reasonably expected and the overall quality of life of the people who live or work in the City can be improved. The City's policy is to promote projects that can do any one of the following: improve the City's infrastructure, increase ad valorem or sales tax revenue, ensure high quality, well planned developments, and job creation. It appears that the merits of this request meet a number of goals listed in the 380 policy as it is expected to increase ad valorem tax revenue and will provide momentum in revitalization efforts by improving the quality of life in the area. There was a brief discussion. No calls were received. Councilman Nash moved to approve the resolution as presented. Mayor Pro Tem Taylor seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 1223 APPROVING A 380 AGREEMENT FOR PROPERTY LOCATED AT 220 CRAIG STREET**

Community Development Director Niewiadomski presented the staff report. The City of Sulphur Springs considers the use of economic development incentives to promote new development and redevelopment where it can be demonstrated that an increase in tax revenue can be reasonably expected and the overall quality of life of the people who live or work in the City can be improved. The City's policy is to promote projects that can do any one of the following: improve the City's infrastructure, increase ad valorem or sales tax revenue, ensure high quality, well planned developments, and job creation. It appears that the merits of this request meet a number of goals listed in the 380 policy as it is expected to increase ad valorem tax revenue and will provide momentum in revitalization efforts by improving the quality of life in the area. There was a brief discussion. No calls were received. Councilman Aguilar moved to approve the resolution as presented. Councilman Moore seconded and the vote was unanimous.

**The motion carried.**

**\*\*This makes a total of eight agreements since the program's inception.**

**DISCUSSION/ACTION ON A REQUEST FOR A FINAL PLAT BY BGE INC., IDENTIFIED AS LOT 7R OF BLOCK 24-4 Z OF JEWELL SUBDIVISION LOCATED NORTHWEST OF THE INTERSECTION OF LEAGUE AND BELL STREETS, ABUTTING ROCKDALE ROAD, AND CONTAINING 5,488 ACRES**

Community Development Director Niewiadomski presented the staff report. The plan is to construct two apartment buildings containing 72 units that are three stories tall. The density of the development is well within the zoning requirements for the number of units, lot coverage, height, and parking. The public improvements for the water line will require a Community Facilities Contract. This will be a restricted community for ages 55 and older. There was a brief discussion. There was no one else to speak to the issue. Councilman Aguilar moved to approve the plat. Mayor Pro Tem Taylor seconded. No calls were received. Councilman Julian amended the motion to include the execution of a Community Facilities Contract. Councilman Nash seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON BIDS AND AWARD OF CONTRACT FOR A BANK DEPOSITORY**

Finance Director Smith presented the staff report. Every five years the City is required to request proposals for bank depository services. The City published notices in the newspaper, on the website, and emailed the RFP to local banking institutions. We received one proposal from Guaranty Bank & Trust. The new contract will be for three

years with an option to extend the contract for two one-year terms upon mutual agreement. There was a brief discussion. No calls were received. There was no one else to speak to the issue. Councilman Moore moved to accept the bid and award the contract to Guaranty Bank & Trust. Councilman Spraggins seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON ANNUAL REPORT REGARDING TRAFFIC STOPS AND ARRESTS**

Police Chief Ricketson presented the annual submission of statistical data prepared for the Texas Commission on Law Enforcement. This is the annual submission to the Texas Commission on Law Enforcement. We are a Tier 2 Non-Exempt entity. In accordance with Article 2.132(b) of the Texas Code of Criminal Procedures Law Enforcement Policy agencies must submit information collected to the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE). There was a brief discussion. One call was received requesting data. There was no one to speak to the issue. Councilman Spraggins moved to approve the report as presented. Councilman Aguilar seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 1224 APPROVING APPLICATION FOR A HOMELAND SECURITY GRANT**

Fire Chief James presented the staff report. This request to the Office of Governor – Homeland Security Division is for two (2) ventilation fans which will be used by the Sulphur Springs Fire Department for haz-mat operations and other daily fire service functions. The grant will be in the amount of \$7,590.00 and there are no local matching funds required. There was a brief discussion. No calls were received. There was no one else to speak to the issue. Councilman Moore moved to approve the resolution as presented. Mayor Pro Tem Taylor seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 1225 CALLING FOR A GENERAL ELECTION FOR CITY COUNCIL PLACES 1, 2, AND 3, NAMING ELECTION JUDGES, AND SETTING DATES FOR EARLY VOTING**

City Secretary Roberts presented the staff report. This resolution calls for a general election to be held Saturday, May 1, 2021, for City Council Places 1, 2, and 3. There was a brief discussion. No calls were received. There was no one else to speak to the issue. Councilman Aguilar moved to approve the resolution as presented. Mayor Pro Tem Taylor seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 1226 CALLING FOR A SPECIAL ELECTION FOR CITY COUNCIL PLACE5, NAMING ELECTION JUDGES, AND SETTING DATES FOR EARLY VOTING**

City Secretary Roberts presented the staff report. This resolution calls for a special election to be held Saturday, May 1, 2021, for City Council Place 5. There was a brief discussion. No calls were received. There was no one else to speak to the issue. Councilman Julian moved to approve the resolution as presented. Councilman Aguilar seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON AN AMENDMENT TO THE 2019-2023 CAPITAL IMPROVEMENTS PLAN FOR DRAINAGE AT BECKHAM AND LAMAR STREETS**

Community Development Director Niewiadomski presented the staff report. The City Council approved the 5-year Capital Improvements Program in July 2028 and included 10 projects. In September 2018, an amendment to the plan was approved to include drainage at MLK and Carter Streets. Recently, the Public Works Department has responded to drainage issues along Lamar and Beckham Streets and identified that the existing underground metal corrugated drainage pipe is rusting and starting to fail which is impeding drainage flow. The Public Works Department offered a solution to replace approximately 850 feet of storm drainage pipe from Beckham/Lamar north near the intersection of Lamar/MLK Streets to fix the drainage problem. The Public Works Department provided a cost estimate of \$62,097.12 for the CIP amendment. City staff would like to be proactive on this issue to address the aging infrastructure before Pacific Park enhancements are made and completed. There was a brief discussion. No calls were received. There was no one else to speak to the issue. Councilman Nash moved to approve the amendment as presented. Mayor Pro Tem Taylor seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 1227 APPROVING A PROPOSAL BY TBK MATERIALS, LLC, TO CONVERT SOLID WAS CONCRETE INTO RECYCLED MILLINGS BY CRUSHING TO BE USED IN STREET AND INFRASTRUCTURE DEVELOPMENT, MAKING FINDINGS SUPPORT THEREOF, AND AUTHORIZING THE EXECUTION OF SAME BY CITY MANAGER**

City Manager Maxwell presented the staff report. Two years ago we hired TBK Materials to crush the solid concrete waste stored at the property adjacent to the City Wastewater



Treatment Plant. They crushed 39,713 tons of concrete at \$8.50/ton for a total cost of \$329,060.50. We have already used about 45% of that stockpile. The City uses either crushed rock at \$23.87/ton or the crushed concrete as road base when we rebuild a street. The crushed concrete saved us \$15.37 per ton the last time we did this. We now have 20,000 tons to 25,000 tons of concrete to be crushed. This year we have negotiated an even better price of \$8/ton. This will save the City \$310,000 to \$387,000 in material costs. There was a brief discussion. No calls were received. There was no one else to speak to the issue. Councilman Moore moved to approve the resolution as presented. Councilman Spraggins seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 1228 EXTENDING THE TEMPORARY EMERGENCY PAID SICK LEAVE DUE TO COVID-19 STATE OF TEXAS DISASTER DECLARATION**

Human Resource Director Frazier presented the staff report. This resolution extends the original mandated Family First Act: Emergency Paid Sick Leave (EPSL) and Expanded Medical Leave. The resolution will be retroactive to January 1, 2021 after its approval. There was a brief discussion. There were no calls. There was no one else to speak to the issue. Councilman Nash moved to approve the resolution as presented. Councilman Moore seconded and the vote was unanimous.

**The motion carried.**

**AN EXECUTIVE SESSION WILL BE HELD IN ACCORDANCE WITH TEXAS GOVERNMENT CODE, TITLE 5, CHAPTER 551, SECTION 551.074, PERSONNEL MATTERS, SPECIFICALLY RELATING TO DISCUSSIONS REGARDING THE ZONING BOARD OF ADJUSTMENTS AND APPEALS, THE CITY SECRETARY, THE CITY ATTORNEY, AND THE CITY MANAGER; AND SECTION 551.087, ECONOMIC DEVELOPMENT**

At 8:27 p.m. Mayor Pro Tem Taylor moved to adjourn into Executive Session. Councilman Moore seconded and the vote was unanimous.

**The motion carried.**

**RECONVENE INTO OPEN SESSION**

Mayor Sellers reconvened the City Council meeting at 9:06 p.m.

**DISCUSSION/ACTON OF EXECUTIVE SESSION ITEM**

Councilman Aguilar moved to appoint Twyla Gill to the Zoning Board of Adjustments and Appeals. Mayor Pro Tem Taylor seconded. No calls were received. The City Council voted for unanimous approval.

**The motion carried.**

**VISITORS AND PUBLIC FORUM**

None.

**ADJOURN**

With all business complete the meeting was adjourned at 9:10 p.m.