

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

JULY 6, 2021

7:00 p.m.

Mayor John A. Sellers called the regular meeting of the Sulphur Springs City Council to order at 6:32 p.m. An executive session was held at 6:33 p.m. in accordance with Texas Government Code, Title 5, Chapter 551, Section 551.074, Personnel Matters as it pertains to the positions of Human Resources Director Gordon Frazier, Finance Director Lesa Smith and Community Development Director Tory Niewiadomski.

The following council members and staff were present:

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

Absent: None

Staff: Marc Maxwell, City Manager
Gale Roberts, City Secretary
Nate Smith, Attorney
Lesla Smith, Finance Director – 7P
Tory Niewiadomski, Community Development Director – 7P
Gordon Frazier, Director of Human Resources – 7P
Jason Ames, SSPD Code Enforcement Officer – 7P
Natalie Darrow, SSPD Records Clerk

RECONVENE INTO OPEN SESSION

Mayor John A. Sellers reconvened the regular meeting of the Sulphur Springs City Council 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

None.

MANAGER'S REPORT INCLUDES A STATUS REPORT OF CAPITAL IMPROVEMENTS, WASTEWATER TREATMENT PLANT OPERATIONS, ACCIDENTS AND CLAIMS FOR THE MONTH, AND A REVIEW OF EXPENDITURES AND REVENUES.

COVID-19 RESPONSE – The number of active cases in Hopkins County decreased 58% since our last meeting with 16 active cases as of May 28th. There are 0 patients in the covid unit at the hospital.

GRAYS BUILDING – The building is sufficiently completed to rent out for events. Landscaping is in-process, and the 3 large roll-up doors are temporarily fitted with aluminum panels rather than the glass panels that will eventually be installed.

CLAIMS – We received 1 minor workers compensation claim in June. A Police officer backed into a passenger car causing \$3,653 of damages to the passenger car. A claim has been submitted to TML.

A local motorist submitted a claim for damages to their vehicle after they drove over an incomplete utility repair. TML denied the claim.

SENIOR CITIZENS BUILDING – We received a single bid for the engineered metal frame for the building. We will discuss that in another agenda item.

SAPUTO SEWER MAIN – Construction is about 80% complete. 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 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 reconstruction project after the Saputo Sewer Line Project.

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

STREET IMPROVEMENT PROGRAM – Texana Land and Asphalt began repaving the streets in this year’s Street Improvement Program (SIP) today. I expect them to finish by summer’s end. They began with Duckworth Street.



2021 SIP		
Street	Segment	Length
Austin	Davis to Brinker	565
Beckham	Oak to Elm	3,379
Duckworth	Mockingbird to Broadway	1,250
Gena	Cul de Sac to end	1,130
League	Bellview to Pampa	3,131
Lee	Davis to Broadway	1,901
N. Davis	Houston to Bonner	675
Patton	College to Weaver	950
Phyllis Ct.	College to Cul de Sac	950
Texas	Tate to Lee	2,772
Texas	Lee to Industrial	1,188
Woodbridge Crossing	Various	500
Total Linear Feet		19,391
Total Miles		3.67
Total Cost		\$1,152,098

Street Maintenance Fee Revenue	\$502,000
---------------------------------------	------------------

Funding from street maintenance budget.

Elsewhere around the city, employees:

- Repaired 238 potholes.
- Removed fallen trees from city streets after storms.
- Installed 932 feet of 15-inch sewer main.
- Finished installing parking, sidewalks, and other concrete flat work at the Grays building.
- Installed plumbing fixtures in the Grays Building.
- Completed public safety training in the areas of driving, crime scene investigation, defensive tactics, and CPR.
- Responded to 210 animal control calls while achieving a 79% adoption rate.
- Made 4 felony arrests in the Special Crimes unit.
- Seized 1.5 pounds of marijuana and \$14,444 in the Special Crimes Unit.
- Responded to 49 accidents, wrote 512 citations, made 49 arrests, and recorded 48 arrests in the Patrol Division.
- Responded to 2,408 calls for police service.
- Responded to 197 fire/rescue calls including 3 structure fires, 3 vehicle fires, and 2 grass fires.
- Performed preventative maintenance on 84 fire hydrants.
- Conducted 48 fire inspections and reviewed 48 pre-fire plans.
- Hosted a softball tournament and a baseball tournament.
- Served 3,649 meals to seniors.
- Checked out 3,735 items from the library plus 722 eBooks.
- Installed a generator on the Grays Building.
- Installed controls for irrigation system at Pacific Park.
- Filed a claim with Federal Signal for non-working tornado sirens.
- Performed preventative maintenance on many items at the wastewater treatment plant.
- Sent 275 tons of sludge to composting contractor and 400 tons to the landfill.
- Repaired 3 water main ruptures.
- Replaced 14 water meters.
- Unstopped 23 sewer mains.

- Saw another employee receive a Class D water License.
- Repaired 7 sewer mains.
- Flushed 36 dead-end water mains.
- Operated flood gates at lake Sulphur Springs.
- Sold 147 million gallons of potable water.
- Sold 3,189 gallons of AvGas and 13,026 gallons of JetA fuel.
- Accommodated 1,621 operations at the airport.

Finance Director Smith reminded the council of the need for a future meeting in reference to the Senior Citizens Building bids. She told the council that the sales tax was up 11%. American Rescue Plan Funding, awarded to the city, will be paid in half once the paperwork is completed and the other half next summer. She also said that the council budget meeting will be August 3rd with an August 10th special workshop with the department heads. Councilman Aguilar questioned if the apartment construction will affect the paving on League Street. There was a brief discussion, after which it was determined unlikely.

DISCUSSION/ACTION ON THE CONSENT AGENDA

Consider for approval the regular City Council meeting minutes of June 1, 2021; the Downtown Revitalization Board meeting minutes of May 18, 2021; the Zoning Board of Adjustments meeting minutes of March 16, 2021; and the Economic Development Corporation meeting minutes of May 10, 2021. There was no one to speak to the issue. Councilman Aguilar 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 A MOTION TO AUTHORIZE THE CITY MANAGER TO OPEN AN EDWARD JONES ACCOUNT FOR THE PURPOSE OF RECEIVING SECURITIES DONATIONS

City Manager Maxwell presented the staff report. A generous local citizen would like to donate stock to the city to be used for the Senior Citizen Center. The city has no way to receive stock donations without opening a brokerage account. Staff proposes to open an account with Edward Jones (Craig Johnson) because of a pre-existing relationship with the giver. There was no one to speak to the issue. Mayor Pro Tem Moore made a motion authorize the city manager to open an Edward Jones account. Councilman Julian seconded the motion and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1243 AUTHORIZING A 380 AGREEMENT FOR PROPERTY LOCATED AT 216 CRAIG STREET.

Community Development Director Niewiadomski presented the staff report. It has been problematic to promote infill development on older lots within the City limits over the past several years and most of the residential development has occurred in newer subdivisions further away from the center of the City. The City has evaluated the costs of newer subdivisions on larger lots and has concluded that most new developments are not financially sustainable in the long run. The amount of funds collected from taxes and user fees falls short when the obligation to replace the roads, sewer, water, and drainage in these neighborhoods comes due. A new approach that City staff is proposing is to reimburse building, tap fees, and mowing or demolition liens on certain properties that are developed with new single-family homes through a 380 Agreement infill housing program. This will help promote infill development and to encourage development on existing lots in older neighborhoods that have existing utilities available. These lots have sat vacant for many years and sometimes decades and are not utilizing the infrastructure that is already available. In addition, it has been stated many times by the real estate community that there is a shortage of housing in the city, and we are running out of lots. Staff has performed a quick analysis of lots that are considered vacant from an appraisal standpoint and have found over 900 properties within city limits that meet that criteria. Not all 900 of those properties are developable as some have no access to streets or utilities. This approach is a way to help promote incremental growth within the city and to incentivize economic activity in neighborhoods that have not had much investment in recent years. Leaving some of these properties vacant provides little to no benefit to the tax base for the city and this approach will bring positive growth in taxes and utility revenues. There was a brief discussion. There was no one else to speak to the issue. Councilman Taylor moved to approve the resolution as presented. Mayor Pro Tem Moore seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1244 AUTHORIZING A 380 AGREEMENT FOR PROPERTY LOCATED AT 340 PUTMAN.

Community Development Director Niewiadomski presented the staff report. David Crockett acquired a vacant lot at 340 Putman Street. The applicant is seeking economic incentives to build a single-family home to make the project feasible. It has been problematic to promote infill development on older lots within the City limits over the past several years and most of the residential development has occurred in newer subdivisions further away from the center of the City. The City has evaluated the costs of newer subdivisions on larger lots and has concluded that most new developments are not financially sustainable in the long run. The amount of funds collected from taxes and user fees falls short when the obligation to replace the roads, sewer, water, and drainage

in these neighborhoods comes due. A new approach that City staff is proposing is to reimburse building, tap fees, and mowing or demolition liens on certain properties that are developed with new single-family homes through a 380 Agreement infill housing program. This will help promote infill development and to encourage development on existing lots in older neighborhoods that have existing utilities available. These lots have sat vacant for many years and sometimes decades and are not utilizing the infrastructure that is already available. In addition, it has been stated many times by the real estate community that there is a shortage of housing in the city, and we are running out of lots. Staff has performed a quick analysis of lots that are considered vacant from an appraisal standpoint and have found over 900 properties within city limits that meet that criteria. Not all 900 of those properties are developable as some have no access to streets or utilities. This approach is a way to help promote incremental growth within the city and to incentivize economic activity in neighborhoods that have not had much investment in recent years. Leaving some of these properties vacant provides little to no benefit to the tax base for the city and this approach will bring positive growth in taxes and utility revenues. There was a brief discussion. There was no one else to speak to the issue. Councilman Taylor moved to approve the resolution as presented. Councilman Nash seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1245, ADOPTING AND ALLOCATING FUNDS FOR AN OUTDOOR FITNESS COURT AS PART OF THE 2021 NATIONAL FITNESS CAMPAIGN

Community Development Director Niewiadomski presented the staff report. In 2019, the City of Sulphur Springs adopted a Parks, Recreation, and Open Space Master Plan. One of the suggestions from the adopted plan was to partner with the National Fitness Campaign to provide outdoor fitness opportunities. City staff reached out to the National Fitness Campaign to look at the feasibility of a fitness court in Sulphur Springs. After the National Fitness Campaign performed an evaluation, they determined that Pacific Park would be a suitable location for one of the courts since we are making a significant investment in the park this year. The city has been awarded a \$25,000 grant towards constructing a fitness court in the City of Sulphur Springs at Pacific Park. The fitness court is a patented and trademarked outdoor gym that offers free fitness opportunities to community residents and visitors. The Fitness Court is designed for adults of all ages and abilities and is fully accessible. The court is designed to provide a full body workout in 7 minutes through 7 different zones. A video was presented to show how the fitness court operates. There was no one to speak to the issue. Councilman Taylor moved to approve the resolution as presented. Councilman Nash seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO 1246 AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ACT ON BEHALF OF THE CITY IN PREPARATION, AND SUBMISSION OF TWO APPLICATIONS FOR REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY (RAISE) GRANT THROUGH THE US DEPARTMENT OF TRANSPORTATION

Finance Director Smith presented the staff report. In coordination with the Sulphur Springs/Hopkins County EDC, the city wishes to submit two applications for the U.S. Department of Transportation RAISE grant. The City may submit up to 3 projects for this grant. These grants support capital and planning projects tied to transportation improvements that connect communities and people to jobs, services, and education; and anchor economic revitalization and job growth in communities. The City would be the primary applicant with the EDC as a partner. After consulting with KSBR, LLC and the EDC, staff recommends applying for a planning grant and a construction grant, both of which would be used for projects at the Thermo property. If awarded the grant for the \$3,428,076 construction project, these funds would be used to engineer and construct roadway into the Thermo property to provide heavy truck access as an intended industrial development property. The improvements at the property could bring businesses to an industrial area of Sulphur Springs designed to meet a need in Sulphur Springs and Northeast Texas. The grant would provide 100% of the \$3,428,076 needed for the project and the City would have no matching requirements. If awarded the grant for the \$257,300 planning project, these funds would be used to conduct master site planning for various sections of the property as well as environmental reviews necessary for any future development on the reclaimed mine. The grant would provide 100% of the \$257,300 needed for the project and the City would have no matching requirements. There was a brief discussion. There was no one else to speak to the issue. Councilman Taylor moved to approve the resolution as presented. Mayor Pro Tem Moore seconded and the vote was unanimous.

The motion was carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1247 AUTHORIZING THE CITY OF SULPHUR SPRINGS TO INTERVENE IN WATER USE PERMIT APPLICATION NO. 13642.

City Manager Maxwell presented the staff report. The City of Texarkana is seeking a water use permit to authorize the diversion and use of 175,000 acre-feet of water per year from Wright Patman Reservoir on the Sulphur River, Sulphur River Basin for municipal, industrial, mining, and agricultural purposes. This is in addition to the 180,000 acre-feet they already have rights for. The application is worded in such a way that if successful, these water rights may be superior to our own water rights. This would mean that we

would likely have to release water from Lake Jim Chapman (Cooper Lake) to Texarkana during times of drought. There was a brief discussion. Mayor Pro Tem Moore moved to approve the resolution as presented and authorize the city manager to intervene in the water use permit application No. 13642. Councilman Spraggins seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION, IF ANY, REGARDING EXECUTIVE SESSION

City Manager Maxwell spoke briefly as to the importance of succession planning for city positions. He stated that Gale Roberts, City Secretary and Jim McLeroy, City Attorney, have announced their plans for retirement. Natalie Darrow and Nate Smith are being groomed to fill those positions, respectively.

The City Manager also stated he would be eligible for retirement in 7 years and there needs to be a replacement that is ready to step into the city manager position. Mayor Pro Tem Moore moved to authorize the reclassification of the current positions of Gordon Frazier, Human Resources Director, Lesa Smith, Finance Director, and Tory Niewiadomski, Community Development Director, to Assistant City Manager. Councilman Aguilar seconded and the vote was unanimous.

The motion carried.

VISITORS AND PUBLIC FORUM

David Allen Swindler, a resident of Sulphur Springs, approached the City Council to express his belief that the Hopkins County Sheriff's office is harassing him.

ADJOURN

With all business complete the meeting was adjourned at 7:35 p.m.