

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

**October 5, 2021**

**7:00 p.m.**

Mayor Pro Tem Doug Moore called the regular session of the City Council to order at 6:30 p.m. Councilman Spraggins moved to adjourn into executive session. Councilman Julian seconded and the vote was unanimous. An executive session was held at 6:32 p.m. in accordance with Texas Government Code, Title 5, Chapter 551, Section 551.074, Personnel Matters, specifically relating to discussions regarding the City Secretary.

The following council members and staff were present:

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

Absent: Mayor John A. Sellers

Staff: Marc Maxwell, City Manager  
Gale Roberts, City Secretary  
Jim McLeroy, City Attorney  
Nate Smith, Attorney  
Lesa Smith, Assistant City Manager/Finance Director  
Tory Niewiadomski, Assistant City Manager/CD Director  
Gordon Frazier, Assistant City Manager/HR Director  
Jason Ricketson, Chief of Police  
David James, Fire Chief  
Natalie Darrow, SSPD Records Clerk  
Roger Feagley, Executive Director of EDC

**RECONVENE INTO OPEN SESSION**

Mayor Pro Tem Moore reconvened the regular meeting of the Sulphur Springs City Council to order at 7:00 p.m.

**PLEDGE AND INVOCATION**

Mayor Pro Tem Moore 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 Delta variant wave of Covid-19 seems to have peaked. The number of active cases in Hopkins County decreased 36% since our last meeting with 240 active cases as of October 3<sup>rd</sup>. There are 18 patients in the covid unit at the hospital, down 7 from last month.

**CLAIMS** – We did not have any workers compensation claims in September. We did have one liability claim for a broken window. The claimant states that a city mower threw a rock into their automotive window. A claim has been submitted to TML.

**SENIOR CITIZENS BUILDING** – We are waiting for the steel market to normalize.

**SAPUTO SEWER MAIN** – This project is nearing completion. The contractor hired to bore under Interstate 30 has equipment and materials on site, but he has not begun boring yet. This is the last segment of the project. I should be able to report completion at our next meeting.

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** – Work has begun on the project. The Capital Construction Division is installing new sewer main in the 200 block of College Street.

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

**RUNWAY/TAXIWAY REHAB** – This \$1.9 mil project is in progress. 90% of the project cost is covered by a TxDOT grant. The project is approximately 75% complete, and we expect the contractor to finish by mid-November.

All the concrete and asphalt surfaces on the operations side are being completely rehabilitated and the ramp is being significantly enlarged.

**STREET IMPROVEMENT PROGRAM** – One additional street segment was paved in September, Texas from Lee to Industrial. Two segments remain: League from Bellview to Pampa, and Lee from Davis to Broadway. The contractor, Texana Land and Asphalt, plans to be completed by Thanksgiving Day. The following highlighted streets have been completed:

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
<b>Total Linear Feet</b>		<b>19,391</b>
<b>Total Miles</b>		<b>3.67</b>

<b>Total Cost</b>	<b>\$1,152,098</b>
<b>Street Maintenance Fee Revenue</b>	<b>\$502,000</b>

Elsewhere around the city, employees:

- Repaired 244 potholes.
- Replaced various street signs and warning signs.
- Hauled street sweeping spoils to the landfill.
- Made 3 extensive street repairs following utility repairs.
- Conducted 12 building inspections, 8 electrical inspections, 15 plumbing inspections, 3 mechanical inspections, and issued 18 building permits.
- Responded to 272 fire/rescue calls including 2 structure fires and a vehicle fire.
- Performed preventative maintenance on 68 fire hydrants.
- Performed 14 fire inspections.
- Responded to 196 animal control calls while achieving a 76% adoption rate.
- Made 8 felony arrests in the Special Crimes Division.
- Responded to 27 accidents, wrote 476 citations, recorded 35 offences and made 41 arrests in the Patrol Division.
- Treated Wastewater to a monthly average total suspended solids reading of .86 mg/L.
- Performed preventative maintenance on several items at the water treatment plant and wastewater treatment plant.
- Repaired 11 water main ruptures.
- Unstopped 17 sewer mains.
- Replaced 13 water meters.
- Washed 75,000 feet of sewer mains.
- Treated 174 million gallons of potable water.
- Flushed 36 dead end water mains.
- Pressure washed sidewalks on Connally and Main Streets.
- Checked out 3,139 items from the library plus 817 e-Books.

**DISCUSSION/ACTION ON THE CONSENT AGENDA**

Consider for approval the City Council regular meeting minutes of September 7, 2021; the Downtown Revitalization Board meeting minutes of August 10, 2021; the Economic Development Corporation regular meeting minutes of August 16, 2021; the Economic Development Corporation special meeting minutes of August 30, 2021; and Resolution

No. 1265 for a 380 Agreement for property located at 1243 Main Street. There was no one to speak to the issue. Councilman Julian moved to approve the consent agenda as presented. Councilman Nash seconded the motion, and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON PUBLIC HEARING FOR SECOND AND FINAL READING OF ORDINANCE NO. 2789, A REQUEST BY OWNERS KRIS AND KASON CHILDRESS TO REZONE PROPERTY LOCATED AT 618 OAK AVENUE, IDENTIFIED AS LOT 10 A, BLOCK 40 2, TOWN ADDITION, CONSISTING OF APPROXIMATELY 0.21 ACRES, FROM MULTI FAMILY (MF) TO LIGHT COMMERCIAL (LC)**

The applicant is proposing to rezone the property to Light Commercial to accommodate commercial and/or office development on the lot. The property has an existing home that will be converted into office use if approved. The property is surrounded by a mix of zoning designations. Given the context of the area, commercial is an appropriate use along the Oak Avenue corridor. There was no one to speak to the issue. Councilman Taylor moved to adopt the ordinance on the second and final reading. Councilman Spraggins seconded and the vote was unanimous.

**Motion carried.**

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2791, ESTABLISHING A REINVESTMENT ZONE FOR J B WELD L.L.C.**

Roger Feagley, Executive Director of the EDC, presented the staff report. JB Weld is a local company wanting to add 40,000 square feet to their existing building at 200 CMH Drive. They will be adding 4 million dollars of investment but the current value of the property is remaining on the tax rolls. All incentives are for the 4 million dollar increase in value of the property. One of the incentives offered was a tax abatement for their hospital taxes. The Hospital District does not have the legal authority to create a reinvestment zone. This ordinance that creates a Reinvestment Zone, is nothing more than establishing the geographical boundaries of an area where a taxing entity can offer a tax incentive. The city is not issuing a tax abatement by the creation of this reinvestment zone and the city is not approving a tax abatement for this company. This reinvestment zone will only be used by the Hospital District for a tax abatement. There was a brief discussion. There was no one else to speak to the issue. Councilman Julian moved to approve the ordinance on the first reading as presented. Councilman Taylor seconded and the vote was unanimous.

**Motion carried.**

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2792, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF SULPHUR SPRINGS, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2021; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID BONDS; APPROVING AN OFFICIAL STATEMENT; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT**

The staff report was presented by Assistant City Manager/Finance Director Smith. Two of the City's bonds are eligible for refunding. The two bonds that are eligible for refunding are the 2011 Certificates of Obligation and the 2012 General Obligation Refunding Bond and they are Utility Fund debt issuances. The preliminary analysis showed a potential savings of \$214,352 over 10 years. Total debt to be refunded is \$2,885,000. If the bid results are not acceptable, we can decline the bids and choose not to do the refunding. Approving this ordinance on the first reading will start the process to obtain bids before the November 2nd council meeting. Over the next month, City staff will continue to work with our Financial Advisor and Bond Counsel on this refunding. Jeff Gulbas with McCall, Parkhurst & Horton was available to speak to the issue. There was no one else to speak to the issue. Councilman Spraggins moved to approve the ordinance on the first reading as presented. Councilman Taylor seconded and the vote was unanimous.

**Motion Carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 1263, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SULPHUR SPRINGS, HOPKINS COUNTY, HOPKINS COUNTY EMS DISTRICT, DELTA COUNTY, CITY OF COOPER, LAMAR COUNTY, AND FRANKLIN COUNTY, TEXAS, FOR PURCHASING COMMUNICATION EQUIPMENT THROUGH THE REGIONAL FEMA FIREFIGHTER ASSISTANT GRANT AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID DOCUMENT**

David James, Fire Chief presented the staff report. The Regional FEMA Assistance to Firefighter Grant will provide new and/or upgraded mobile and portable communication equipment. Applying as a group rather than individually empowers chances of being approved for the grant. The City of Sulphur Springs Fire Department would not spend more than approximately \$10,000.00 because this is a 90/10 match grant. There was no one else to speak to the issue. Councilman Aguilar moved to approve the resolution as presented. Councilman Nash seconded and the vote was unanimous.

**Motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 1264 SUPPORTING THE ARK-TEX COUNCIL OF GOVERNMENTS (ATCOG) SUBMISSION OF A U. S. DEPARTMENT OF ECONOMIC DEVELOPMENT ADMINISTRATION (EDA) AMERICAN RESCUE PLAN ACT (ARPA) BUILD BACK BETTER REGIONAL CHALLENGE (BBBRC) GRANT IN THE AMOUNT OF \$500,000.00**

Assistant City Manager/CD Director Niewiadomski presented the staff report. The U.S. Department of Commerce Economic Development Administration (EDA) recently released a Notice of Funding Opportunity (NOFO) for the American Rescue Plan Act (ARPA) Build Back Better Regional Challenge (BBBRC). Through this opportunity, EDA aims to assist communities and regions impacted by the coronavirus pandemic. This ARPA BBBRC NOFO is designed as a two-phase competition to (1) help regions develop transformational economic development strategies and (2) fund the implementation of those strategies that will create and grow regional growth clusters. Such efforts will help regional economies recover from the pandemic and build economic diversity and resiliency to mitigate impacts of future economic disasters. The grant application will target specific projects: TexAmericas Center and Sulphur Springs Coal mine property in the ATCOG region; and Coal Mine project closures in Harrison and Camp Counties in the ETCOG region. Workforce and education entities throughout the regions will also be included in the plan design. There was a brief discussion. There was no one else to speak to the issue. Councilman Spraggins moved to approve the resolution as presented. Councilman Aguilar seconded and the vote was unanimous.

**Motion carried.**

**DISCUSSION/ACTION ON BIDS AND AWARD OF CONTRACT FOR CONCRETE FOR THE STREET IMPROVEMENT PLAN (SIP)**

Assistant City Manager/Finance Director Smith presented the staff report. Staff placed bid notices in the News Telegram. Certified emails were also sent to inform prospective bidders. Bids were opened on September 14th. The work consists of furnishing all labor, materials, and equipment necessary for excavating existing pavement and replacing 2000 SF of pavement, and curb and gutter on Westwood St. in the Woodbridge Crossing Addition.

<b>BIDDER</b>	<b>TOTAL BID PRICE</b>
<b>Highway 19 Construction</b>	\$202,850
<b>5W Contracting</b>	\$296,136

There was no one else to speak to the issue. Councilman Taylor moved to approve the bids and award the contract to the lowest bidder, Highway 19 Construction. Councilman Aguilar seconded and the vote was unanimous.

**Motion carried.**

**DISCUSSION/ACTION ON PURCHASE OF A BACKHOE FROM HOLT CAT UTILIZING BUYBOARD CONTRACT NO. 515-16**

Assistant City Manager/Finance Director Smith presented the staff report. Included in the FY 2022 Budget is the purchase of a Backhoe for the Street Department. Budgeted amount for the purchase is \$98,000 which is the same amount quoted for this purchase. Public Works Director, Russ Nuss recommends approval of the purchase of this CAT 420 backhoe from local business, Holt CAT. This backhoe will replace the 2012 Case 580 Backhoe that is currently used on street repairs. The Case backhoe will become the secondary backhoe and the City will auction the current secondary backhoe which is a 2007 John Deere 310SG. There was no one else to speak to the issue. Councilman Nash moved to approve the purchase as presented. Councilman Julian seconded and the vote was unanimous.

**Motion carried.**

**DISCUSSION/ACTION, IF ANY, ON EXECUTIVE SESSION ITEM**

Councilman Julian moved to appoint Natalie Darrow as City Secretary effective December 7, 2021. Councilman Nash seconded and the vote was unanimous.

**Motion carried.**

**VISITORS AND PUBLIC FORUM**

None.

**ADJOURN**

With all business complete the meeting was adjourned at 7:25 p.m.