

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

November 2, 2021

7:00 p.m.

Mayor John A. Sellers called the regular session of the City Council to order at 6:07 p.m. Councilman Taylor moved to adjourn into executive session. Councilman Julian seconded and the vote was unanimous. An executive session was held at 6:07 p.m. in accordance with Texas Government Code, Section 551.071, consultation with attorney specifically relating to pending or contemplated litigation; with Texas Government Code, Title 5, Chapter 551, Section 551.074, Personnel Matters, specifically relating to discussions regarding the City Attorney; and with Texas Government Code, Title 5, Chapter 551, Section 551.087, Economic Development, Project X.

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 Freddie Taylor

Absent: Councilman Gary Spraggins
Councilman Oscar Aguilar

Staff: Marc Maxwell, City Manager
Gale Roberts, City Secretary
Jim McLeroy, City 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
Natalie Darrow, Administrative Assistant
Roger Feagley, Executive Director of EDC-6 p.m.
Nate Smith, Smith & Smith Law Firm

RECONVENE INTO OPEN SESSION

Mayor Sellers reconvened 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

Mayor Sellers announced that The Wall that Heals truck escorted by the Patriot Guard Riders and Motorcycle Club Riders passed through the square today. The Wall that Heals is a three-quarter sized replica of the Washington, D.C., Vietnam Veterans Memorial. It will be available to the public from Thursday through Sunday. Mayor Sellers also welcomed the Adult Leadership Class. He said that it is a wonderful program and part of their education was learning about city government by attending the City Council meeting. He added that he is also an Alumni of the program.

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 continues to decline. The number of active cases in Hopkins County fell from 240 to 122 in October a decrease of 49%. There are 9 patients in the COVID-19 Unit at the hospital, down from 18 last month.

CLAIMS – We did not have any liability claims in October. We did have two workers compensation claims, both for police officers. One was struck by an EMS vehicle causing injuries to his arm. The other officer was pricked by a needle while searching a vehicle.

SENIOR CITIZENS BUILDING – We are in the process of applying for a grant to enlarge the building. The Texas Department of Housing and Community Affairs recently announced a grant program called the Texas Community Resiliency Program that will award grants between \$500 thousand and \$5 million for qualifying projects. Senior citizen centers are specifically called out as a qualifying project.

SAPUTO SEWER MAIN – This project is nearing completion. The contractor has nearly finished boring under Interstate 30. I expect him to finish this week.

COLLEGE STREET – Work has begun on the project. The Capital Construction Division has installed a new sewer main between Oak and Jackson Streets, and now they are installing a water main in the same street segment. After that there is a small drainage component to be completed in this segment and then the project will progress to the east. We will advertise for bids for construction of the concrete street this winter.

REVENUES AND EXPENDITURES – Finance Director Lesa Smith will not present a report of year-to-date revenues and expenditures since the fiscal year has only just begun.

RUNWAY/TAXIWAY REHAB – This \$1.9 million project is in progress. 90% of the project cost is covered by a TxDOT grant. This project is experiencing some supply chain issues. I expect completion in 4 to 6 weeks.

STREET IMPROVEMENT PROGRAM – Two street segments remain: League from Bellview to Pampa, and Lee from Davis to Broadway. The contractor had planned to be finished by Thanksgiving Day, but supply chain constraints are hampering the project. I expect Lee to be completed by Thanksgiving, but League will take another month or two.

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

Elsewhere around the city, employees:

- Conducted 39 building inspections, 16 electrical inspections, 19 plumbing inspections, 3 mechanical inspections and issued 26 building permits.
- Checked out 3,107 items from the library plus 877 e-Books.
- Serviced all city generators in preparation for the winter season.
- Installed a new generator at the Police Department paid for by the Ark-Tex Council of Governments.
- Performed repairs on A/C units at the library and wastewater treatment plant.
- Repaired the fountain at city hall.
- Demolished the old Grays Building.
- Performed preventative maintenance on several components of the wastewater treatment plant and water treatment plant.
- Treated wastewater to a daily average suspended solids reading of .38 mg/L. which is about 1/40th of the limit set by the TCEQ.
- Repaired 12 ruptured water mains.
- Replaced 10 water meters.
- Unstopped 16 sewer mains.
- Washed 80,000 feet of sewer mains.
- Flushed 36 dead-end water mains.
- Treated 163 million gallons of potable water.
- Responded to 181 animal control calls while achieving an 89% adoption rate.
- Made 4 felony arrests in the Special Crimes Unit.
- Responded to 44 accidents, wrote 580 citations, recorded 48 offences, made 38 arrests and responded to 2,432 911-calls in the Patrol Division.
- Sold 7,968 gallons of Jet-A fuel and 1,751 gallons of AvGas.
- Accommodated 1,198 airport operations (takeoffs and landings).
- Changed out seasonal flowers downtown.
- Hosted 1 baseball tournament.
- Responded to 243 fire/rescue calls including 2 vehicle fires.
- Performed preventative maintenance on 84 fire hydrants.
- Performed 15 fire inspections and reviewed 15 pre-fire plans.

DISCUSSION/ACTION ON THE CONSENT AGENDA

Consider for approval the City Council special meeting minutes of September 21, 2021; the City Council regular meeting minutes of October 5, 2021; Downtown Revitalization Board meeting minutes of September 20, 2021; the Economic Development Corporation regular meeting minutes of September 27, 2021; Resolution No. 1267 for a 380 Agreement for property located at 111 West Ross Street; Resolution No. 1268 for a 380 Agreement for property located at 210 Calvert Street; Resolution No. 1269 for a 380 Agreement for property located at 809 Jefferson Street; Resolution No. 1270 for a 380 Agreement for property located at 813 Jefferson Street; and Resolution No. 1271 for a 380 Agreement for property located at 817 Jefferson Street. There was no one to speak to the issue. Councilman Taylor moved to approve the consent agenda as presented. Mayor Pro Tem Moore seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON A PUBLIC HEARING FOR THE SECOND AND FINAL READING OF ORDINANCE NO. 2791, ESTABLISHING A REINVESTMENT ZONE FOR JB WELD L.L.C.

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 no one to speak to the issue. Councilman Taylor moved to adopt the ordinance on the second and final reading. Mayor Pro Tem Doug Moore seconded and the vote was unanimous.

Motion carried.

DISCUSSION/ACTION ON A PUBLIC HEARING FOR THE SECOND AND FINAL 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

Assistant City Manager/Finance Director Smith presented the staff report. 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. Andrew T. Friedman of SAMCO Capital said that he had received three bids. They were as follows:

Rank 1	Robert W. Baird & Co., Inc.	1.427391%
Rank 2	Raymond James & Associates	1.519262%
Rank 3	BOK Financial Services, Inc.	1.539498%

This will create a savings of \$228,013. He also stated Marc and Lesa do a great fiscal job and he would like to see the city increase their credit rating from A+ to AA- in the future. There was a brief discussion. There was no one else to speak to the issue. Councilman Julian moved to adopt the ordinance on the second and final reading. Councilman Nash seconded and the vote was unanimous.

Motion Carried.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2793, THE CITY OF SULPHUR SPRINGS CODE OF ORDINANCES

City Attorney McLeroy presented the staff report. The proposed ordinance amends and restates the entire Code of Ordinances of the City of Sulphur Springs. This “updated” Code of Ordinances completes a process, when finally adopted, which has been discussed for at least the last decade. The City of Sulphur Springs Code of Ordinances has never been published online. While we have discussed such access, the desire was to revise the Code of Ordinances, updating and streamlining various provisions and removing antiquated references, prior to publication. Councilman Julian asked if this is the same document that they will be voting on in the second and final reading. City Attorney McLeroy said that it would be. There was no one else to speak to the issue. Mayor Pro Tem Doug Moore 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. 2794, ESTABLISHING A NO PARKING ZONE BETWEEN SOUTH BROADWAY AND MOCKINGBIRD LANE ON THE SOUTH SERVICE ROAD

Chief of Police Ricketson presented the staff report. As the restaurant area continues to expand on East Shannon Road, so have the parking issues. Vehicles are continually parking on the south side of the roadway on East Shannon Road between South Broadway and Mockingbird Lane. Most of these vehicles park between the entrances and exits of these restaurants. This creates an obstruction of view and safety issue for vehicles leaving these establishments. If passed, this ordinance will be forwarded to the Texas Department of Transportation to have the **No Parking** signs erected at the expense of the city. There was a brief discussion. There was no one else to speak to the issue.

Councilman Nash moved to approve the ordinance on the first reading as presented. Councilman Taylor seconded and the vote was unanimous.

Motion carried.

Mayor Pro Tem Moore then said that he has pulled out in that area and was almost in a collision because of vehicles parking on the side of the roadway. He added that when citizens see a problem, to please bring it to the attention of the council so it can be addressed. Mayor Sellers explained to the Leadership Class that generally ordinances (including this one) take two readings before the City Council and changes can be made in between readings. Rarely, can an ordinance be passed in one reading unless it is an emergency situation or urgent public necessity.

DISCUSSION/ACTION ON RESOLUTION NO. 1266 AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND SIGN A CONTRACT FOR ENGINEERING SERVICES FOR THE WATER TREATMENT PLANT IMPROVEMENTS TO BE FUNDED BY THE AMERICAN RESCUE PLAN ACT

Assistant City Manager Lesa Smith presented the staff report. Staff sent out requests for qualifications to engineering firms in Texas and advertised on BidNet Direct and in the newspaper. Three well qualified firms responded with statements of qualifications. A selection committee comprised of the Mayor, City Manager, Community Development Director, and Utilities Director graded the responses and are recommending Garver as the firm most qualified to provide the service. Staff seeks authorization from the council to negotiate and enter into a contract with Garver. If for any reason an agreement cannot be reached with Garver, staff would like approval to negotiate and enter into a contract with the second highest scoring firm which is KSA Engineers. Anticipated services include design, contract management, profiling filter bed, procurement support, calculations, revisions, construction oversight, meetings, testing, survey, geotechnical services, and coordination with boards of oversight. Initial tasks for the selected engineering firm will be to provide an assessment of the plant, hydraulic evaluation, and technical memorandum documenting the improvements needed to retrofit the multimedia filters. If funds allow, and the need is confirmed during their assessment, the engineer will also provide the same services for a new 1-million-gallon clearwell. We did receive some indication that the ARPA funds may not be enough to do everything that needs to be done at the plant. Staff will have a better idea of what can be accomplished once an assessment is done. There was no one else to speak to the issue. Councilman Julian made a motion to approve the resolution as presented and authorize the city manager to negotiate with KSA if an agreement cannot be reached with Garver Engineering. Councilman Nash seconded and the vote was unanimous.

Motion carried.

DISCUSSION/ACTION, IF ANY, ON EXECUTIVE SESSION ITEMS

Mayor Pro Tem Moore moved to appoint Nate Smith as City Attorney effective December 8, 2021, and City Attorney McLeroy becomes Assistant City Attorney, at that time. Councilman Julian seconded and the vote was unanimous.

Motion carried.

Mayor Sellers explained that in an executive session we discuss real estate, personnel matters, etc. and do not always deem action. These meetings are always posted ahead of time, the same as the regular city council meetings.

VISITORS AND PUBLIC FORUM

Jeannie Perkins wished to discuss the Main Street Theater. She expressed the need for sponsors and directors as well as attendees with vision.

ADJOURN

With all business complete the meeting was adjourned at 7:41 p.m.