

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

AUGUST 4, 2020

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/UC8CxiG8pt3Cn8DDMgg0xr8g>

Mayor John A. Sellers
Mayor Pro Tem Freddie Taylor
Councilman Doug Moore
Councilman Harold Nash Sr.
Councilman Oscar Aguilar

Absent: None

Staff: Marc Maxwell, City Manager
Gale Roberts, City Secretary
Jim McLeroy, City Attorney
Lesa Smith, Finance Director
Tory Niewiadomski, Community Development Director
Gordon Frazier, Director of Human Resources
James Jordan, Director of Utilities

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 Mayor Pro Tem Taylor.

PRESENTATIONS, PROCLAMATIONS, AND ANNOUNCEMENTS

Mayor Sellers read the following proclamation as a matter of record.

WHEREAS, Jean Spencer Strickland was honored by friends and relatives on the occasion of her 100th birthday on July 29, 2020; and

WHEREAS, Jean Spencer was born July 29, 1920 in Cooper, Texas, to Jesse J. Spencer and Bertha Anderson Spencer though her parents did live in Sulphur Springs, Texas; and

WHEREAS, she was a graduate of the Sulphur Springs High School class of 1937 and attended East Texas State Teachers College in Commerce, Texas, where she met her future husband Charles Strickland; and

WHEREAS, Jean married Charles Strickland in 1940. They had four daughters, Marilyn Strickland Bromby, Linda Strickland Payne, Carol Strickland Gee, and Sharon Strickland Burney, all of which reside in Sulphur Springs, Texas; and

WHEREAS, Charles and Jean were continually active in the First Christian Church for many years. They also ran two auto parts stores as well as running and working a cattle operation; and

WHEREAS, in 1955 the couple bought their first home on Church Street in Sulphur Springs, Texas, which was built in 1917. Jean is still living there today, and it has been the site of many family celebrations; and

WHEREAS, Charles and Jean have nine grandchildren, eighteen great-grandchildren, and six, soon to be seven great-great grandchildren; and

WHEREAS, in 2000 Charles passed away after 60 years of marriage. He served on the Sulphur Springs City Council from 1960 – 1964, serving as Mayor Pro Tem from 1962 – 1963, and as Mayor from 1963 – 1964. He was Mayor when the City Hall, constructed at 125 South Davis Street was completed; and

WHEREAS, Jean, during her long and productive lifetime, has earned the respect and admiration of her family, friends, and people from all walks of life.

NOW, THEREFORE, I, John A. Sellers, Mayor of the City of Sulphur Springs do hereby deem it an honor and pleasure to proclaim July 29, 2020, as

“JEAN SPENCER STRICKLAND DAY”

and extend a sincere congratulations and best wishes for many more happy, productive years in the future.

It is so proclaimed this the 4th day of August 2020.

MANAGER'S REPORT

COVID-19 RESPONSE – Not much has changed since the last meeting in terms of our response; however, we are seeing an increase in the numbers of new COVID cases.

GRAYS BUILDING – The Capital Construction Division is preparing the pad site for the Grays building. We have hired a construction manager. You will have bids for various contracts for foundation, structural, HVAC, roof, etc., on the September agenda. City staff will perform all dirt work, construct all sidewalks and on-street parking. Staff will also perform all plumbing and electrical work.

SENIOR CITIZENS BUILDING – I expect to sign a contract for architectural services later this week.

BELLVIEW STREET – Atmos is still replacing their gas line on this project. I expected them to be done by now, but it has not worked out that way. At this point I do not feel comfortable estimating a completion date for Atmos.

MCCANN STREET – HOLIDAY DRIVE - We have decided to proceed with this project, and staff is currently preparing to begin construction.

CONNALLY STREET – The construction is complete with the exception of a little sod being placed along the south sidewalk.

CLAIMS – We had 1 liability claim in July for a broken skateboard. Apparently, a Parks and Recreation employee mowed over it.

We had 3 workers compensation claims in July. All 3 claims were from police officers. One was for a broken tooth. The other two were exposed to blood.

The city also submitted a \$10,000 claim to our insurer for damages resulting from a lightning strike at the airport.

REVENUES AND EXPENDITURES – Finance Director Lesa Smith will not give a year-to-date report of revenues and expenditures since she has previously presented the proposed budget including a year-end estimate of the current year's budget.

Elsewhere around the city, employees:

- Conducted 21 building inspections, 25 electrical inspections, 19 plumbing inspections, 3 mechanical inspections and issued 23 building permits.
- Hosted a 23-team softball tournament.
- Shredded around Coleman and Peavine Lakes.
- Made 4 extensive street repairs following utility repairs.
- Repaired 220 potholes.
- String-trimmed various ditches around town.

- Cleared a drainage flume at Austin Acres.
- Responded to 197 fire/rescue calls including 3 structure fires, 4 vehicle fires and a grass fire.
- Performed preventative maintenance on 78 fire hydrants.
- Checked out 2,595 items from the library plus 793 eBooks.
- Repaired scoreboards at Buford Park.
- Replaced security cameras on the plaza.
- Responded to 178 animal control calls.
- Achieved an animal adoption rate of 75%.
- Made 6 felony arrests in the special crimes unit.
- Responded to 38 accidents, wrote 425 traffic citations, made 45 arrests, and recorded 66 offences in the Patrol Division.
- Treated wastewater to a total suspended solids daily average of .57 mg/L.
- Repaired 6 water main breaks.
- Replaced 9 water meters.
- Unstopped 15 sewer mains.
- Repaired 5 sewer mains.
- Washed 75,000 feet of sewer mains.
- Flushed 36 dead end water mains.
- Treated 183 million gallons of potable water.
- Sold 2,942 gallons of AvGas and 4,495 gallons of JetA fuel.

DISCUSSION/ACTION ON THE CONSENT AGENDA

Consider for approval the regular City Council meeting minutes of July 7, 2020; the Planning and Zoning Commission meeting minutes of June 15, 2020; and the Economic Development Corporation meeting minutes of June 22, 2020. There was no one to speak to the issue. Councilman Aguilar made a motion to approve the minutes as presented. Councilman Moore seconded the motion and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2767 AMENDING ORDINANCE NO. 2752, THE FISCAL YEAR 2019 – 2020 ANNUAL BUDGET ORDINANCE

Finance Director Smith presented the staff report. This budget amendment addresses changes that have occurred during the fiscal year due to action by the public, City Council, and circumstances outside of our control. The amendment assumes that the City will receive the entire \$890,945 allocation of CARES funds for Coronavirus relief during FY 20. Related to those funds, the expenditures in this amendment amount to \$420,000. The remainder of funds could possibly be needed in the next fiscal year as well as for

salaries of positions presumed to be related to the disaster in accordance with U.S. Treasury guidance. This amendment also includes increases in revenue and expense for various items related to Pacific Park and the Senior Center. The amendment covers the receipt of \$300,000 bond proceeds, and the receipt of \$200,000 from the EDC for their annual contribution as decided upon by the citizens of Sulphur Springs. It also covers a \$128,500 increase in expenditures for park improvements as work begins on the H. W. Grays Building, a \$182,028 transfer to the Debt Service fund to make the debt payment in September, and an expense in the Debt Service Fund for the payment. An increase in the revenue and expenditure limit of the Internal Services fund is included in the amendment as well. This accounts for a significant increase in health claims that our employee health insurance plan had this year. Because we had a couple of insured members exceed our stop loss claim amount of \$80,000, the City has received reimbursement for some of those claims. This amendment increase revenue by \$390,000 and claims expense by \$335,000. There was no one else to speak to the issue. Mayor Pro Tem Taylor moved to approve the ordinance on the first reading. Councilman Nash seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2768 AMENDING ORDINANCE NO. 2050: THE ZONING ORDINANCE BY ALTERING ARTICLE 2.200 TO CREATE A DEFINITION OF ACCESSORY DWELLING UNITS AND AMENDING ARTICLE 7:SF-6 ZONING DISTRICT 6,000 AMENDING SECTION 7.200 TO ADD (J) ACCESSORY DWELLING UNITS (ADU) TO ESTABLISH ELIGIBILITY AND DESIGN STANDARDS

Community Development Director Niewiadomski presented the staff report. The Planning & Zoning Commission has been discussing the concept of Accessory Dwelling Units dating back to November of 2019. An accessory dwelling unit can be classified as many things such “granny flats”, “in-law suites”, “backyard cottages”, or “garage apartments” but are essentially a secondary housing unit on a piece of property. They can be attached structures or even detached structures on the property that contain independent living quarters.

The Planning & Zoning Commission identified the intent and purpose for addressing this topic. Ultimately it became solidified under the purpose section of the ordinance with 4 main key focal points.

1. Increase the number of housing units while respecting the style and scale of single dwelling development.
2. Bolster the efficient use of existing housing stock and infrastructure.
3. Provide housing that is affordable and respond to the needs of smaller, changing households.

4. Serve as accessible housing for older adults and people with disabilities.

From there, the Planning & Zoning Commission identified criteria and design standards to put in place to serve the intended purpose.

The baby boomer population is coming to an age where additional care options are needed. This type of flexibility can offer homeowners an option to care for their loved ones at the same property without having to move or pay for some form of care in a residential care facility. It has been discussed at length about the cost of infrastructure and housing affordability in the City and this can help bridge that gap by promoting infill development opportunities and obtaining more rate payers into the utility system. This can also be beneficial to help spur reinvestment into aging properties and neighborhoods.

Some key points in the discussion were to have at least one of the units be homeowner occupied so the property does not become a pure rental property. The thought is that having the homeowner reside on the premises, it will offer greater upkeep and care for the property. In addition, the scale of the ADU's are expected to be less than 800 square feet or 75% of the size of the home. The units will have to meet setbacks and parking requirements while architecturally matching the appearance of the home. There was a brief discussion. There was no one else to speak to the issue. Mayor Pro Taylor moved to approve the ordinance on the first reading. Councilman Moore seconded the motion and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2769 AMENDING ORDINANCE NO. 2050: THE ZONING ORDINANCE, ARTICLE 2.2, TO DEFINE PERMANENT MAKEUP AND COSMETIC TATTOOS, TO AMEND ARTICLE 10: MF MULTI FAMILY DWELLING DISTRICT 10.200 € TO AMEND ARTICLE 13: CC CENTRAL COMMERCIAL DISTRICT TO ADD (D) AND AMEND ARTICLE 14: LC LIGHT COMMERCIAL DISTRICT 14.200 (B)

Community Development Director Niewiadomski presented the staff report. This ordinance proposes to properly define permanent makeup and cosmetic tattoos and to allow them as a use by right in commercial zoning districts or in multi-family zoning if performed as an ancillary use within a beauty shop or salon. There was no one else to speak to the issue. Councilman Moore moved to approve the ordinance on the first reading. Mayor Pro Tem Taylor seconded the motion and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1200 (AS REQUIRED) TO ESTABLISH A GEOGRAPHIC AREA FOR BLIGHTED AND SLUM CONDITIONS WITH THE SIDEWALKS TO APPLY FOR A GRANT SUBMISSION FOR A TDA DOWNTOWN REVITALIZATION PROGRAM

Community Development Director Niewiadomski presented the staff report. At the July City Council meeting the City Council selected Grantworks to provide administrative services for a grant submission for a TDA Downtown Revitalization Program. Staff has worked with the consultant and has identified sidewalk and related improvements along portions of Main Street, Davis Street, Tomlinson Street and Oak Avenue. These areas would extend the sidewalk network from the Downtown Square. The proposed sidewalk project includes approximately 4,000 feet of ADA compliant sidewalks, ramps, and crosswalks. Resolution No. 1200 establishes a geographic area for blighted and slum conditions with the sidewalks. There was a great deal of discussion. There was no one else to speak to the issue. Councilman Moore moved to approve the resolution as presented. Councilman Aguilar seconded and the vote unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1201 (AS REQUIRED) TO ESTABLISH THE CITY'S COMMITMENT TO ADOPTING A CITIZEN PARTICIPATION PLAN

Community Development Director Niewiadomski presented the staff report. Resolution No. 1201 establishes the City's commitment to adopting a Citizen Participation Plan and holding public hearings. There was a brief discussion. There was no one else to speak to the issue. Mayor Pro Tem Taylor moved to approve the resolution as presented. Councilman Nash seconded and the vote unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1202 (AS REQUIRED) AUTHORIZING THE CITY TO SUBMIT THE GRANT APPLICATION WITH A BUDGETED AMOUNT

Community Development Director Niewiadomski presented the staff report. Resolution No. 1202 establishes the authorization to submit the grant application with a budgeted amount. There was no one else to speak to the issue. Mayor Pro Tem Taylor moved to approve the resolution as presented. Councilman Aguilar seconded and the vote unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1203 AMENDING THE 380 POLICY

Community Development Director Niewiadomski presented the staff report. City staff is proposing to reimburse building and tap fees plus mowing and/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 create an incentive development on existing lots in older neighborhoods that have existing utilities available. These lots have set vacant for many years and sometimes decades and are not utilizing the infrastructure that is already available. 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 great deal of discussion. There was no one else to speak to the issue. Councilman Nash moved to approve the resolution with noted changes. Councilman Aguilar seconded and the vote unanimous.

The motion carried.

At this time City Attorney McLeroy called in to be sure the phone lines were working.

DISCUSSION/ACTION ON RESOLUTION NO. 1204 AUTHORIZING A 380 AGREEMENT FOR PROPERTY LOCATED AT 943 PUTMAN STREET

Community Development Director Niewiadomski presented the staff report. Larry D. Shaw is looking to acquire a vacant lot that has delinquent taxes on the property at 943 Putman Street. He is seeking economic incentives to build a single-family home to make the project feasible. 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. Staff recommends approval. The City Council was excited at the prospect of doing this. There was a brief discussion. 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.

DISCUSSION/ACTION ON RESOLUTION NO. 1205 AUTHORIZING A 380 AGREEMENT FOR PROPERTY LOCATED AT 206 WEST BECKHAM STREET

Community Development Director Niewiadomski presented the staff report. Larry D. Shaw is looking to acquire a vacant lot that has delinquent taxes on the property at 206

West Beckham Street. He is seeking economic incentives to build a single-family home to make the project feasible. 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. Staff recommends approval. The City Council was excited at the prospect of doing this. There was a brief discussion. There was no one else to speak to the issue. Mayor Pro Tem Taylor moved to approve the resolution as presented. Councilman Nash seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1206 AUTHORIZING ADEQUATE FUNDING FOR AND ENDORSEMENT OF THE INDUSTRIAL WASTE PRETREATMENT PROGRAM

Utilities Director Jordan presented the staff report. This resolution states the City of Sulphur Springs is committed to providing adequate funding and resources to carry out the authorities and procedures of the ordinance previously passed by the City Council and the Pretreatment Program as required in 40 CFR 403.8(f)(3) and 403.9(b). Funding is already provided in the Wastewater Plant budget. There was a brief discussion. 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 BIDS AND AWARD OF CONTRACT FOR CHEMICALS FOR THE WATER TREATMENT PLANT

Utilities Director Jordan presented the staff report. The City advertised for bids for the following chemicals to used at the Water Treatment Plant:

- Alum
- Alum Copper Sulfate Blend
- Chlorine / Sulfur Dioxide
- Liquid Ammonium Sulfate
- Ortho/Poly Phosphate Blend
- Sodium Hydroxide (Caustic Soda)

The bids received on June 24, 2020 are as follows:

Alum

Affinity Chemical	\$ 239.40 per dry ton
Chameleon Industries	\$ 247.00 per dry ton

Chemtrade	\$ 294.00 per dry ton
Brenntag	\$ 367.52 per dry ton
Anomtech	\$ 435.60 per dry ton
Geo Specialties	\$ 445.06 per dry ton

Alum Copper Sulfate Blend 1%

Chameleon Industries	\$ 333.00 per dry ton
Brenntag Southwest	\$ 434.24 per dry ton
Chemtrade	\$ 693.43 per dry ton

Alum Copper Sulfate Blend 2%

Chameleon Industries	\$ 365.00 per dry ton
Brenntag Southwest	\$ 452.85 per dry ton
Chemtrade	\$ 784.09 per dry ton

Chlorine / Sulfur Dioxide

Brenntag	\$ 780-ton Chlorine
	\$ 800-ton Sulfur Dioxide

Liquid Ammonium Sulfate

Chameleon Industries	\$.0920 lb wet weight
Chemtrade	\$.1020 lb wet weight
Brenntag	\$.1110 lb wet weight
Sterling	\$.1571 lb wet weight

Ortho/Polyphosphate

Shannon Chemical	\$.4630 lb wet weight
Brenntag	\$.4776 lb wet weight
Chemright	\$.5100 lb wet weight
Carus LLC	\$.5145 lb wet weight
Sterling	\$.5645 lb wet weight

Sodium Hydroxide 25%

Brenntag	\$ 755.00 per dry ton
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Sodium Hydroxide 32%

No Bid

Sodium Hydroxide 50%

Brenntag	\$ 680.00 per dry ton
Anomtech	\$ 796.00 per dry ton

The staff recommendation is to accept the bids and award the contract to the lowest bidder in each category. Sodium Hydroxide 50% will be used to make up the difference for the 32% since there was no bid for this item. There was no one to speak to the issue. Mayor Pro Tem Taylor moved to accept the bids and award the contract to the lowest bidder in each category. Councilman Moore seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON A NEW AIRPORT GROUND LEASE AGREEMENT FOR LOT 1220-23

Airport Director Baker presented the staff report. The original Ground Lease Agreement between the City and Mr. Ricky Morgan was executed on April 1, 1986, with a 25-year term. Around 1989, the lease was reissued with a 50-year term. This new ground lease agreement will retain the original \$0.05/ft² rate and the full 50-year term of the reissued lease, ending April 1, 2036. This new agreement will also serve to assign the lease to a new lessee. There was a brief discussion. There was no one else to speak to the issue. Councilman Moore moved to approve the new ground lease agreement. Councilman Aguilar seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON BIDS AND AWARD OF CONTRACT FOR REINSURANCE FOR CITY OF SULPHUR SPRINGS EMPLOYEE HEALTH INSURANCE PROGRAM

Finance Director Smith presented the staff report. The City received four proposals from four reinsurance carriers: Blue Cross, American Fidelity, Gerber Life, and Highmark. The Blue Cross proposal at the \$80,000 specific stop loss will provide the City with the lowest fixed cost, and no risk on previous health claims that the City could be reimbursed for. It will also be beneficial to have one company as the reinsurance carrier and health plan administrator. There was a brief discussion. There was no one else to speak to the issue. Mayor Pro Tem Taylor moved to accept the bids and award the contract to Blue Cross. Councilman Moore seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON NOTICE OF POSTPONED SPECIAL ELECTION FOR NOVEMBER 3, 2020

City Secretary Roberts presented the staff report. The City holds its General Election in May of each year for electing its governing body. March 18, 2020, Governor Abbott issued a proclamation authorizing political subdivisions that would otherwise hold elections on May 2, 2020, to move their general elections for 2020 to November 3, 2020, due to public health and safety concerns related to the novel coronavirus (COVID-19). Pursuant to the Governor's direction and the Secretary of State Elections Divisions, the City Council, by Resolution No. 1191 at their April 7th meeting, postponed its special election to November 3, 2020 in order to protect the health and safety of the citizens of Sulphur Springs, Texas. This item call for the November 3rd Special Election. There was no one to speak to the issue. Mayor Pro Tem Taylor moved to approve the election order as presented. Councilman Aguilar seconded and the vote was unanimous.

The motion carried.

VISITORS AND PUBLIC FORUM

No calls were received.

AN EXECUTIVE SESSION WILL BE CONDUCTED IN ACCORDANCE WITH TEXAS GOVERNMENT CODE, SECTION 551.087, ECONOMIC DEVELOPMENT

At 8:25 p.m. Councilman Moore moved to adjourn into Executive Session. Mayor Pro Tem Taylor seconded and the vote was unanimous.

The motion carried.

RECONVENE INTO OPEN SESSION

Mayor Sellers reconvened the City Council meeting at 8:54 p.m.

DISCUSSION/ACTON OF EXECUTIVE SESSION ITEM

This item did not pass due to lack of a motion by City Council.

ADJOURN

With all business complete the meeting was adjourned at 8:55 p.m.