

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

**February 1, 2022**

**7:00 p.m.**

Mayor John A. Sellers called the regular session of the City Council to order at 6:30 p.m. Councilman Julian moved to adjourn into executive session. Councilman Aguilar seconded and the vote was unanimous. An Executive Session was held at 6:30 p.m. in accordance with Texas Government Code, §551.071, Consultation with Attorney, with Texas Government Code, Title 5, Chapter 551 - §551.072, Real Property, and §551.087, Economic Development: Project Superman and acquisition of real property for drainage purposes.

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

Absent: Councilman Gary Spraggins

Staff: Marc Maxwell, City Manager  
Natalie Darrow, City Secretary  
Nate Smith, City Attorney  
Lesa Smith, Assistant City Manager/Finance Director  
Tory Niewiadomski, Assistant City Manager/Community Development Director  
Gordon Frazier, Assistant City Manager/HR Director-7 p.m.  
Jason Ricketson, Chief of Police – 7 p.m.  
Roger Feagley, Executive Director of EDC

**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 Councilman Nash.

## **PRESENTATIONS, PROCLAMATIONS, AND ANNOUNCEMENTS**

### a. Black History Month Proclamation

**WHEREAS**, 2022 marks the 96<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**, in 1976 it evolved into a month-long celebration and became a national holiday when President Gerald Ford recognized “the too-often neglected accomplishments of black Americans in every area of endeavor throughout our history” in a speech to mark the United States Bicentennial; and

**WHEREAS**, the Black History Month 2022 theme, “Black Health and Wellness,” explores “the legacy of not only Black scholars and medical practitioners in Western medicine, but also other ways of knowing (e.g., birth workers, doulas, midwives, naturopaths, herbalists, etc.) throughout the African Diaspora. The 2022 theme considers activities, rituals and initiatives the Black communities have done to be well.”; 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.

Signed and sealed this 1st day of February 2022.

b. Urban Biologist Adam Henry – USDA

Mr. Henry joined us via Zoom since he was unable to attend the meeting in person on this date. He spoke to the council in reference to the buzzard issue within the city limits. He explained that this is an issue that is not uncommon in the winter months. Mr. Henry explained that there are permits to remove them with lethal force but there are non-lethal options. He said that he has the ability to educate city staff with pyrotechnics and harassment techniques to move them outside the city limits. There are common tools that can be used to harass the buzzards in 5-day harassment cycles in the afternoon, so as not to disturb city residents at night. The sounds are similar to a shotgun blast or a whistle. The USDA does not charge to train our staff but if they are responsible for moving the buzzards, there is a charge. It was agreed that the staff needs to be trained and this training will be scheduled in the near future.

**MANAGER’S REPORT INCLUDES A STATUS REPORT OF CAPITAL IMPROVEMENTS, MUNICIPAL OPERATIONS, ACCIDENTS AND CLAIMS FOR THE MONTH, AND A REVIEW OF EXPENDITURES AND REVENUES**

**COVID-19 RESPONSE** – We really don’t know the number of active COVID cases in Hopkins County. The state has once again changed its system for tracking COVID, and staff has lost confidence in the state’s numbers. Our most reliable indicator is the number of covid patients in the hospital. Today we have 24 patients in the covid unit, down from 35 two weeks ago. We saw quite a few employees out with COVID a couple of weeks ago, but things seem to be returning to normal (relatively) now.

**CLAIMS** – We did not have any liability claims in January. We did have 3 workers compensation claims from police officers involved in an arrest that turned violent. The officers all sustained minor injuries and have been released to work.

**SENIOR CITIZENS BUILDING** – We have applied for 2.4 million in grant funding for the project in addition to the \$1.5 million already allotted from bond proceeds.

**PACIFIC PARK** – The fitness court is completed. We will likely hold a ribbon cutting/opening event in early March. Thank you to Saputo and Christus Trinity Mother Frances for making the project possible with your generosity.

The Capital Construction Division recently installed 680 feet of sub-surface drainage system for the playground, and water and sewer taps for the new bathrooms.

**COLLEGE STREET** – Atmos has relocated the gas main that was holding up the project, and now the project will continue eastward. Expect to see some drainage work just west of the rail spur.

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

**RUNWAY/TAXIWAY REHAB** – This \$1.9 mil project is completed.

**LIBRARY REMODEL** – Contractors recently replaced carpet and repainted the library interior. Library staff also took delivery of new furniture in January. The update is funded by the Friends of the Library Foundation. Stay tuned for more exciting developments.

**STREET IMPROVEMENT PROGRAM** – Texana land and Asphalt has begun the Lee Street project. They have already ground off the asphalt surface. Next, they will cement-stabilize the road base, followed by a new asphalt driving surface. In next month’s manager’s report, I will publish the list of 2022 Street Improvement Program Projects.

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>
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Elsewhere around the city, employees:

- Made 20 extensive street repairs following utility repairs.
- Repaired a storm drain/sink hole in the Stonebriar addition.
- Repaired 201 potholes.
- Hauled street sweeper spoils to the landfill.
- Sold 2,574 gallons of AvGas and 12,120 gallons of JetA fuel.
- Accommodated 1,160 operations at the Airport.
- Responded to 361 fire/rescue calls including 7 structure fires and 1 vehicle fire.
- Responded to 156 animal control calls while achieving a 92% adoption rate.
- Made 4 felony arrests in the Special Crimes Unit.
- Responded to 29 accidents, wrote 479 traffic citations, recorded 42 offences, and made 31 arrests in the Patrol Division.
- Repaired glass bathroom windows.
- Removed Christmas decorations downtown.
- Trimmed trees and undergrowth at Buford Park.
- Cleaned shoreline at Coleman Lake.
- Conducted 30 building inspections, 10 electrical inspections, 12 plumbing inspections, 4 mechanical inspections and issued 23 building permits.
- Checked out 2,938 materials and 795 eBooks from the library.
- Replaced carpet in and repainted the library.
- Repaired the tornado siren at Fire Station #2.
- Installed new lighting at the library, Imagination Mountain parking lot, Department #60 on Middle Street and Fire Station #1.
- Made preparations for upcoming cold weather.
- Performed preventative maintenance on numerous items at the Wastewater Treatment Plant and the Water Treatment Plant.
- Treated wastewater to a daily average total suspended solids value of .56 mg/L
- **Learned the wastewater treatment plant is a candidate for Municipal Wastewater Treatment Plant of the Year from the Water Environmental Association of Texas.**
- Sent 187 tons of wastewater sludge out for composting and sent another 46 tons to the landfill.
- Repaired 14 ruptured water mains and replaced 5 water meters.
- Unstopped 44 sewer mains.

- Washed 75,000 feet of water mains.
- Flushed 36 dead-end water mains.
- Sold 145 million gallons of potable water.

Assistant City Manager/Finance Director Smith presented the staff report of revenues and expenditures.

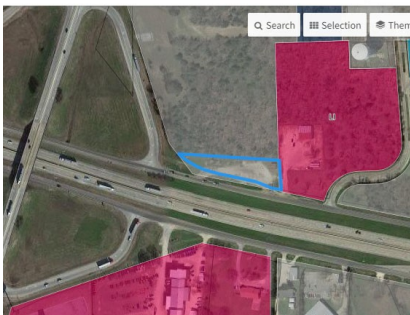
**DISCUSSION/ACTION ON THE CONSENT AGENDA**

Consider for approval the City Council regular meeting minutes of January 4, 2022; Zoning Board of Adjustments and Appeals (ZBA) meeting minutes of June 15, 2021; Economic Development Corporation (EDC) regular meeting minutes of November 29, 2021; a 380 agreement for 801 Putman Street, a 380 agreement for 409 Sheffield Street, a 380 Agreement for 115/119 Nicholson Street, a 380 agreement for 408 Houston Street, a 380 agreement for 412 Houston Street, a 380 agreement for 204 West Beckham and a 380 agreement for 950 Church Street. Councilman Julian moved to approve the consent agenda as presented. Councilman Nash seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON SECOND AND FINAL READING OF ORDINANCE 2795 (ZC# 211201) ON A REQUEST BY JOHN HEILMAN TO REZONE PROPERTY LOCATED AT 1381 W. INDUSTRIAL IDENTIFIED AS LOT 5, BLOCK 215, TOWN: SULPHUR SPRINGS CONSISTING OF APPROXIMATELY 0.97 ACRES FROM HEAVY COMMERCIAL TO LIGHT INDUSTRIAL**

Assistant City Manager, Community Development Director Niewiadomski presented the staff report. The applicant is proposing to rezone the property to Light Industrial with intentions to plat this property with an adjoining 7.4 acres already zoned Light Industrial. It is not desirable to plat property with mixed zoning designations and staff would recommend one zoning designation for a property. The property is surrounded by a Heavy Commercial to the north, Light Industrial to the east, and TXDOT ROW to the south and west. Light Industrial Zoning is consistent with existing zoning designations at this interchange. The land use plan identifies commercial activity along I-30 frontage in this area. In reviewing the land use plan, it references commercial development and industrial within the same section. Rezoning this property to Light Industrial can be consistent with the land use plan as the Light Industrial Zoning District has several commercial uses allowed within it. In addition, the size of this lot would not lend itself to intensive industrial activity.



Mayor Pro Tem Moore moved to adopt the ordinance on the second and final reading. Councilman Taylor seconded and the vote was unanimous.

**Motion carried.**

**DISCUSSION/ACTION ON SECOND AND FINAL READING OF ORDINANCE NO. 2796 (SS22-02) ESTABLISHING A REINVESTMENT ZONE FOR D6 INC**

Assistant City Manager, Community Development Director Niewiadomski presented the staff report. D6 is a local company moving its headquarters and major manufacturing hub to Sulphur Springs. They are adding a total of 300,000 square feet to their new location. They are adding 17 million dollars of investment in equipment. The current value of the property is remaining on the tax rolls. All the incentives are for the increase in value not existing. One of the incentives that we offered was a tax abatement for their Hospital Taxes. The Hospital District does not have the legal authority to create a reinvestment zone. What you have before you is an ordinance to establishment a Reinvestment Zone. This is nothing more than establishing the geographical boundaries of an area where a taxing entity can offer a tax incentive. You are not issuing a tax abatement by the creation of the reinvestment zone. You are not approving a tax abatement for this company. This reinvestment zone will only be used by the hospital for a tax abatement.

Councilman Julian moved to adopt the ordinance on the second and final reading as presented. Councilman Nash seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 1288 APPROVING THE SUBMISSION OF A GRANT APPLICATION TO OFFICE OF THE GOVERNOR - HOMELAND SECURITY DIVISION TO PURCHASE TEN (10) PORTABLE RADIOS TO BE USED BY THE PATROL DIVISION**

Chief of Police Ricketson presented the staff report. A resolution of the City of Sulphur Springs, Texas, approving the submission of a grant application to the Office of the Governor - Homeland Security Division for portable radios. Councilman Julian moved to approve the resolution as presented. Councilman Nash seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 1289 APPROVING THE SUBMISSION OF A GRANT APPLICATION TO OFFICE OF THE GOVERNOR - CRIMINAL JUSTICE DIVISION TO PURCHASE EIGHT (8) PORTABLE RADIOS TO BE USED BY THE PATROL DIVISION**

Chief of Police Ricketson presented the staff report. A resolution of the City of Sulphur Springs, Texas, approving the submission of a grant application to the Office of the Governor - Criminal Justice Division for portable radios. Councilman Aguilar moved to approve the

resolution as presented. Councilman Taylor seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 1290 ADOPTING THE HOPKINS COUNTY MITIGATION ACTION PLAN FIVE YEAR UPDATE**

Chief of Police Ricketson presented the staff report. This item gives the jurisdictions of Como, Cumby, Sulphur Springs, and Tira a new five-year plan for Hazard Mitigation in Hopkins County. The approval of this mitigation plan makes us eligible to receive grants. Councilman Julian moved to approve the resolution as presented. Mayor Pro Tem Moore seconded and the vote was unanimous.

**Motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 1293 CALLING FOR A GENERAL ELECTION FOR CITY COUNCIL PLACES 4, AND 5, NAMING ELECTION JUDGES, AND SETTING DATES FOR EARLY VOTING. (LA DISCUSIÓN/ACCIÓN EN LA RESOLUCIÓN EL NUMERO 1293(S) PIDIENDO LA ELECCIÓN COLOCA 4 Y 5, LLAMANDO A JUECES DE ELECCIÓN, Y PONIENDO FECHAS PARA LA VOTACIÓN TEMPRANA.)**

Resolution No. 1293 calls for a City Council election for Places 4 and 5 to be held Saturday, May 7, 2022. The resolution also sets the dates for making application for place on ballot, for early voting and for mail ballot deadlines, as well as naming the Early Voting Election clerk and voting judge. Councilman Taylor moved to approve the resolution as presented. Councilman Nash seconded and the vote was unanimous.

**AYES:** Julian, Nash, Aguilar, Taylor, Moore, Sellers

**NAYS:** None.

**Motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 1294 AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AND AUTHORIZING THE PAYMENT OF FIVE CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION**

City Manager Maxwell presented the staff report. Most municipalities have retained original jurisdiction over gas utility rates and services within municipal limits. The Atmos Cities Steering Committee (“ACSC”) is composed of 178 municipalities in the service area of Atmos Energy Corporation, Mid-Tex Division that have retained original jurisdiction. Atmos is a monopoly provider of natural gas. Because Atmos has no competitors, regulation of the rates that it charges its customers is the only way that cities can ensure that natural gas rates are fair. Working as a coalition to review the rates charged by Atmos allows cities to accomplish more



collectively than each city could do acting alone. Cities have more than 100 years experience in regulating natural gas rates in Texas.

ACSC is the largest coalition of cities served by Atmos Mid-Tex. There are 178 ACSC member cities, which represent more than 60 percent of the total load served by Atmos-Mid Tex. ACSC protects the authority of municipalities over the monopoly natural gas provider and defends the interests of residential and small commercial customers within the cities. Although many of the activities undertaken by ACSC are connected to rate cases (and therefore expenses are reimbursed by the utility), ACSC also undertakes additional activities on behalf of municipalities for which it needs funding support from its members.

**The ACSC Membership Assessment Supports Important Activities:**

ACSC is actively involved in rate cases, appeals, rulemakings, and legislative efforts impacting the rates charged by Atmos within the City. These activities will continue throughout the calendar year. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that ACSC be able to fund its participation on behalf of its member cities. A per capita assessment has historically been used, and is a fair method for the members to bear the burdens associated with the benefits received from that membership.

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 Julian seconded and the vote was unanimous.

**Motion Carried.**

**DISCUSSION/ACTION ON RACIAL PROFILING REPORT SUBMISSION TO THE TEXAS COMMISSION ON LAW ENFORCEMENT**

Chief Ricketson presented the staff report. This is the annual submission of statistical information to TCOLE for Racial Profiling Report. There was a brief discussion. Councilman Taylor moved to submit the report as presented. Councilman Julian seconded and the vote was unanimous.

**Motion carried.**

**DISCUSSION/ACTION ON ADOPTION OF TAX ABATEMENT POLICY**

Roger Feagley, Executive Director of EDC presented the staff report. State law requires that communities that wish to participate in tax abatements must have a policy in place. Tax abatement policies expire every two years. This item is to reinstate the policy that was adopted two years ago. Councilman Julian moved to approve the policy as presented. Councilman Taylor seconded and the vote was unanimous.

**Motion carried**

**DISCUSSION/ACTION ON BIDS AND AWARD OF CONTRACT FOR EXCAVATION, STABILIZATION, CONCRETE PAVEMENT AND SIDEWALKS FOR PHASE 1 OF COLLEGE STREET**

Assistant City Manager/Finance Director presented the staff report. Staff placed bid notices in the News Telegram, on the website and on BidNet Direct. Emails were also sent to inform prospective bidders. Bids were opened on January 25th. The work consists of furnishing all labor, materials, and equipment necessary for excavating existing pavement, sidewalks, curb and gutter and driveway approaches and stabilizing the road base, and constructing a concrete street complete with curb and gutter, sidewalks and driveway approaches. This bid is for Phase 1 of College Street which extends from Oak Ave. to Patton St.

<b>BIDDER</b>	<b>TOTAL BID PRICE</b>
<b>Highway 19 Construction</b>	\$767,519.48
<b>Richard Drake Construction</b>	\$936,819.50

Bids have been reviewed by the City Engineer. The low bid submitted by Highway 19 Construction came in close to the Engineer’s estimate. Overall, staff was pleased by both bids, especially given the uncertainty in today’s construction market. Staffs recommends award of the contract to Highway 19 Construction as the lowest qualified bidder. The City has utilized Highway 19 Construction in the past. Most recently, they completed work in the Woodbridge Crossing addition. Councilman Aguilar moved to award the bid to Highway 19 Construction as the lowest qualified bidder. Councilman Nash seconded and the vote was unanimous.

**Motion Carried.**

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

Mayor Pro Tem Moore made a motion to authorize the city manager to negotiate on behalf of the city for certain real property discussed in executive session. Councilman Aguilar seconded and the vote was unanimous.

**Motion Carried.**

**VISITORS AND PUBLIC FORUM**

Gene White, a resident of Sulphur Springs, had addressed the council on January 4, 2022 in reference to the buzzard issue within the city limits and wished to say a few words again. He said that he had never seen action as quick as the council had taken with the buzzard problem. He said that the residents appreciated it more than he can say and that he appreciated Councilman Julian’s phone call, input and all the things he has done.

**ADJOURN**

With all business complete the meeting was adjourned at 7:40 p.m.