

**CITY OF SULPHUR SPRINGS, TEXAS**

**REGULAR MEETING OF THE  
CITY COUNCIL**

**JUNE 3, 2014**

**7:00 p.m.**

Mayor John Sellers called the regular meeting of the Sulphur Springs City Council to order at 6:30 p.m. Councilwoman Kayla Price moved to adjourn to executive session in accordance with Texas Government Code 551.074, personnel matters, specifically relating to the position of the Sulphur Springs Police Chief and in accordance with Texas Government Code 551.071, consultation with attorney - pending litigation. Councilwoman Emily Glass seconded the motion. There was no one present to speak to the issue. The vote was unanimous. The following council members and staff were present:

Mayor John Sellers  
Councilman Craig Johnson  
Councilman Clay Walker  
Councilman Oscar Aguilar  
Councilwoman Kayla Price  
Councilwoman Emily Glass

Absent: Mayor Pro Tem Freddie Taylor

Staff: Marc Maxwell, City Manager  
Gale Roberts, City Secretary  
Jim McLeroy, City Attorney  
Shane Shepard, Community Development Director – 7P  
Joey Baker, Airport/Tourism Director – 7P  
Gordon Frazier, Director Human Resources – 7P  
Phyllis Rogers, Municipal Court Judge – 7P  
Jay Sanders, Capt. SSPD – 7P  
Jason Ricketson, Lt. SSPD – 7P  
Justin Darrow, Traffic Division, SSPD – 7P

**RECONVENE INTO OPEN SESSION**

Mayor Sellers reconvened the meeting into open session at 7:03 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. Councilman Aguilar led in the invocation.

### **OATHS OF OFFICE WILL BE GIVEN TO MAYOR JOHN SELLERS AND COUNCILWOMAN KAYLA PRICE**

City Secretary Gale Roberts administered the Oath of Office to Mayor John Sellers and Councilwoman Kayla Price.

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

Mayor Sellers told Councilwoman Price they had three more years. He welcomed everyone to the historic June meeting where we have just had our first oaths of office ceremony. He stated folks may be getting a little tired of the references to all of the “first” in the new building, but it will continue for a while because the entire City Council is so proud of this building. Mayor Sellers has given several tours and it fills him with pride. His most recent tour was the Lions Club earlier in the day and they were in awe of the building.

Mayor Sellers also expressed condolences on the City Council and staff’s behalf to Councilwoman Emily Glass and her husband, Garrett Glass, in the sudden loss of her father-in-law.

Councilwoman Kayla Price reminded everyone of the 2014 Independence Day Celebration which will be held Saturday, June 28<sup>th</sup>, with the concert by the Northeast Texas Symphony Orchestra which will be conducted by Dr. Douglas Bakenhus. She added that she had posters for anyone that would like to have one after the meeting.

Mayor Sellers, as one of his last actions as Mayor, wanted to give Joey Baker public recognition for his outstanding public service. He stated that Joey Baker is an extraordinary employee. Joey is the “go to” guy for technology, organizing and implementing events, and sound set up for events downtown, he helps with City Council recordings, and Joey goes above and beyond the call of duty when anyone needs his help. He also does a fantastic job as Airport Director as well as Tourism Director which is truly important part of the growth of this city. As part of this recognition Mayor Sellers presented Joey Baker with a silver commemorative coin engraved with the image of the beautiful new City Hall on it.

### **DISCUSSION/ACTION ON SELECTION OF MAYOR**

Councilman Walker moved to nominate Freddie Taylor as Mayor. Councilman Aguilar seconded and the vote was unanimous.

**The motion carried.**

## **DISCUSSION/ACTION ON SELECTION OF MAYOR PRO TEM**

Councilman Sellers moved to nominate Councilwoman Price as Mayor Pro Tem. Councilman Walker seconded and the vote was unanimous.

### **The motion carried.**

*Councilman Sellers stated that since newly appointed Mayor Freddie Taylor was on a business trip and unable to attend the meeting. In his absence newly appointed Mayor Pro Tem Kayla Price would preside over the rest of the meeting.*

However, Councilman Sellers had some things to say about his term as mayor. He noted, recognizing previous city councilman Gary Spraggins in the audience, that he would try not to be too verbose which brought a laugh to those in attendance. He thanked the City of Sulphur Springs, his friends on the City Council, Marc Maxwell, and most especially Gale Roberts. He said this had been an extraordinary year for him and he was honored to be appointed Mayor by the City Council. It had been an amazing year with all that occurred downtown and pursuing the branding effort. Councilman Sellers said he was humbled when he was elected three years ago and it was even more humbling to be re-elected to serve another term this year by the citizenry. He stated it was an honor to be Mayor during the completion of the new City Hall and to preside over the first meeting in the new building which is so beautiful and historic. He also stated he was fortunate to serve as Mayor this past year though his term was personally difficult at times, especially during the loss of his parents but he was thankful for the supportive City Council, staff, family and friends. He recognized his beautiful wife, Kim, with a yellow rose and a big kiss as well as recognizing his son, Eli, both of which for their amazing support. He also added that it is not so important who leads the City Council as it is that the City Council exist together and serves for the greater good of the community. Councilman Sellers said it had been an honor to serve as Mayor.

As the applause subsided Mayor Pro Tem Kayla Price announced that the City Council and city staff would like to thank John Sellers for his service by presenting him with an engraved gavel to commemorate his term as Mayor. Mayor Pro Tem Price stated he had set the standard for being a City Councilmember, Mayor and Mayor Pro Tem. She also stated that John Sellers had been very handy with the gavel during his term as Mayor and now he will be armed with his own gavel.

## **MANAGER'S REPORT**

**WATER** - We have switched back to Cooper Lake for our water source. Dredging continues at Cooper; however, the quality of the water is still good enough to make Cooper Lake the preferential water supply. Dredging at Cooper Lake is approximately 10% complete. Cooper Lake is 11 feet low, not a good way to start the summer. Pray for rain.

**STREETS** – Davis Street is underway. The Davis/Connally intersection will be poured tomorrow, May 07. Brick layers will be here on May 12. The intersection should be open May 16, just in time for Relay for Life on May 16-17. The remaining portion of Davis Street reconstruction from Connally to Atkins will continue after the intersection is completed.

Mulberry and Rogers are under construction thanks to a grant from the USDA. Both streets will be reconstructed in concrete. The Capital Construction Division and the Water/Sewer Distribution Division installed water lines and sewer lines on both streets. Capital Construction has poured concrete on Mulberry from Connally to Atkins.

We will be going out to bid soon on a summer paving program. The list of projects was recently published in the local media.

**CLAIMS** – We had one workers' compensation claim in April for a fractured wrist resulting from a trip & fall. We received 3 liability claims in April: one for a road hazard; one for a sewer back-up, and one for a motor vehicle accident. The claim for the motor vehicle accident was over \$20,000. Thankfully, no one was hurt.

**WASTEWATER TREATMENT PLANT** - The plant treated effluent to a daily average total suspended solids (TSS) reading of 12.08 mg/L in April. This number exceeds our permit parameter of 12.00 mg/L. The combination of heavier industrial discharge from local industry combined with heavier silt load from the Water Treatment Plant was just more than the plant could handle. After our tertiary filter project is completed, this number should improve substantially. The filter project is going well. It should be completed by the end of May. This project is being performed in-house with labor from the Capital Construction Division and the Wastewater Treatment Division.

**REVENUES AND EXPENDITURES** – Finance Director, Peter Karstens will not be here to present the year-to-date summary of revenues and expenditures.

Elsewhere around the city, employees:

- Checked out 2,474 items from the library and used 1,408 computer hours.
- Installed crosswalk lights on Church Street at Atkins Street.
- Repaired crosswalk lights at the post office.
- Started the fountain at the plaza.
- Made repairs at the Highway 11 lift station.
- Installed electrical services for 3 new tornado warning sirens which should be operational within 30 days. The three locations will be at Raintree Circle, Cody Lane and the 1500 block of College.
- Serviced the back-up generator at the Police Department.
- Performed preventative maintenance on wastewater final clarifiers.

- Flushed 35 dead end water mains.
- Hosted a Texas Water Utilities Association meeting.
- Placed the Carter Street Water Tower back into service after repainting.
- Repaired #3 high-service pump at the water treatment plant.
- Calibrated all flow meters at the water treatment plant.
- Sent two water plant employees to surface water treatment training.
- Repaired 7 water main ruptures.
- Replaced 27 water meters.
- Unstopped 27 sewer mains.
- Repaired 3 sewer mains.
- Washed 85,000 feet of sewer mains.
- Inspected 2,135 feet of sewer mains with a sewer camera and found no needed repairs.
- Conducted 25 health inspections, and investigated 18 code enforcement issues.
- Conducted 21 building inspections, 10 electrical inspections, 4 plumbing inspections, 4 plumbing inspections, 5 mechanical inspections and issued 31 building permits.
- Patched 179 potholes.
- Made 54 significant street repairs following utility repairs.
- Responded to 146 fire/rescue calls including 3 structure fires.
- Conducted 88 fire inspections and performed preventative maintenance on 82 fire hydrants.
- Gave fire safety lectures to a combined 630 people.
- Responded to 34 traffic accidents, made 92 arrests, wrote 959 citations and recorded 55 offences.
- Responded to 276 animal control calls and had a 48% adoption rate.
- Made 5 felony arrests in the special crimes unit.
- Processed 987 cases through municipal court.
- Treated 122 million gallons of drinking water.
- Sold 1,425 gallons of AvGas and 6,505 gallons of JetA fuel.
- Repaired entry gate at Coleman Park.
- Recruited even more celebrations for Sulphur Springs bringing the total to 135 event days.

### **DISCUSSION/ACTION ON THE CONSENT AGENDA**

Consider for approval the regular City Council meeting minutes of May 6, 2014; the Special City Council meeting minutes of May 13, 2014; the City Council Retreat meeting minutes for May 13, 2014; the Planning and Zoning meeting minutes of May 19, 2014; the Zoning Board of Adjustments meeting minutes May 20, 2014; the Downtown Revitalization Board meeting minutes for May 20, 2014; and the Economic Development Corporation meeting minutes of April 29, 2014. There was no one to speak to the issue.

Councilman Johnson moved to approve the consent agenda as presented. Councilman Aguilar seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2648 AMENDING THE CODE OF ORDINANCES OF THE CITY OF SULPHUR SPRINGS, TEXAS, CHAPTER 15, BY ADDING ARTICLE VI, ADOPTING THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE**

City Attorney Jim McLeroy presented the staff report. The International Property Maintenance Code (IPMC) is a model code that regulates the minimum maintenance requirements for existing buildings. The IPMC is maintenance document that intends to establish minimum maintenance standards for basic equipment, light, ventilation, heating, sanitation and fire safety. The IPMC provides for the regulation and safe use of existing structures in the interest of the social and economic welfare of the community. There was a general discussion. There was no one else to speak to the issue. Councilman Johnson moved to postpone the item until the City Council could conduct a workshop to discuss the merits of this ordinance. Councilwoman Glass seconded and the vote was unanimous.

**The motion to postpone carried.**

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2649 FOR A ZONE CHANGE REQUEST BY OWNERS JONATHAN AND JOE DAN KENNEDY TO REZONE PROPERTY LOCATED AT 1317 WEST AVENUE, BEING FURTHER DESCRIBED AS LOT 34 OF BLOCK 212-1, FROM MULTI-FAMILY TO PROFESSIONAL OFFICE**

Community Development Director Shane Shepard presented the staff report and was available to answer any questions. This property is located across from and next to Heavy Commercial zoning. There was no one else to speak to the issue. Councilman Johnson moved to approve the ordinance on the first reading. Councilman Sellers seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON THE FIRST READING OF ORDINANCE NO. 2650 AMENDING THE CITY OF SULPHUR SPRINGS ZONING ORDINANCE BY REPLACING IN ITS ENTIRETY SECTION 4.101 ENTITLED SIGNS AND IDENTIFICATION REGULATIONS, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH**

City Attorney Jim McLeroy presented the staff report. There was a general discussion. Councilman Johnson recused himself. Councilman Sellers moved to postpone this item

until the City Council could conduct a workshop to discuss the merits of this ordinance. Councilman Aguilar seconded and the vote was unanimous.

**The motion to postpone carried.**

Councilman Johnson returned to the City Council meeting.

**DISCUSSION/ACTION ON RESOLUTION NO. 1066 SUPPORTING THE EFFORTS OF THE ARK-TEX COUNCIL OF GOVERNMENTS TO OBTAIN AN I-30 CORRIDOR STUDY**

City Manager Marc Maxwell presented the staff report. IH-30 is heavily used by freight trucks and motorists alike. Both are likely to increase over the years. With the completion of the Panama Canal expansion it is likely that freight traffic will increase substantially. ATCOG is asking TxDOT to study the corridor for planning purposes. All cities along the corridor are being asked to support the request for this important study. Councilman Johnson, as a member of the ATCOG executive committee, stated that the I-30 corridor is often neglected. There was no one else to speak to the issue. Councilman Sellers moved to approve the resolution as presented. Councilwoman Glass seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 1067 RENAMING COCA COLA DRIVE TO COMMERCIAL SERVICES DRIVE**

The only business located on Coca Cola Drive is Sulphur Springs Commercial Services which is owned by John Heilman and John Berry. They have requested the renaming of the street as Coca Cola is no longer located in Sulphur Springs, Texas. John Heilman addressed the City Council. There was no one else to speak to the issue. Councilman Aguilar moved to approve the resolution as presented. Councilman Johnson seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON BIDS AND AWARD OF CONTRACT FOR 2014 ROAD MILLING**

City Manager Maxwell presented the staff report. City staff opened two bids for roadway milling on May 28, 2014. The bids were received from Texana Land & Asphalt, Inc. and Richard Drake Construction Company, L.P. The staff recommendation is to accept the bids and award the contract to the low bidder which is Richard Drake Construction Company, L.P. There was no one else to speak to the issue. Councilman Sellers moved to accept the bids and award the contract to Richard Drake Construction Company, L.P. Councilman Aguilar seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON BIDS AND AWARD OF CONTRACT FOR 2014**

**ASPHALT**

City Manager Maxwell presented the staff report. City staff opened two bids for roadway milling on May 28, 2014. The bids were received from R. K. Hall and Richard Drake Construction Company, L.P. The staff recommendation is to accept the bids and award the contract to the low bidder which is Richard Drake Construction Company, L.P.

There was no one else to speak to the issue. Councilman Johnson moved to accept the bids and award the contract to Richard Drake Construction Company, L.P. Councilman Walker seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON BOARD APPOINTMENT TO THE (1) ECONOMIC DEVELOPMENT CORPORATION, (2) ZONING BOARD OF ADJUSTMENTS, (3) AIRPORT ADVISORY BOARD, (4) SULPHUR RIVER MUNICIPAL WATER DISTRICT BOARD, (5) LIBRARY BOARD, (6) BOARD OF TOURISM AND PROMOTION, (7) CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS, (8) PLANNING AND ZONING COMMISSION, (9) ARK-TEX COUNCIL OF GOVERNMENTS, AND (10) THE DOWNTOWN REVITALIZATION BOARD**

Councilman Sellers made a motion to accept the list of board and commission recommendations as was discussed and submitted in the City Council packet. Councilman Aguilar seconded and the vote was as follows:

**The motion carried.**

Mayor Pro Tem Price read the list for the record.

**2014-2015 BOARD AND COMMISSION RECOMMENDATIONS**

**ECONOMIC DEVELOPMENT**

BUCK BOOKER  
CRAIG ROBERTS  
TORY HUMPHRIES

**ZONING BOARD OF ADJUSTMENT**

MATT JOHNSON  
JOEL SHEFFIELD

**ALTERNATE: MATTHEW HANNA**

**AIRPORT ADVISORY BOARD**

MARK MEADOWS  
JERRY BREWER  
KURT SEHNERT

**SULPHUR RIVER MUNICIPAL WATER DISTRICT**

KEITH SHURTLEFF

**LIBRARY BOARD**

SHARON BURNEY  
KIM ROBERTS

**BOARD OF TOURISM AND PROMOTION**

LUCY McCORKLE  
HARRY SINGH  
MEREDITH CADDELL

**CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS**

WAYNE COOPER  
GARY STRIBLING

**ALTERNATES:** ZACK KING  
CHARLES WESTBROOK

**PLANNING AND ZONING COMMISSION**

JAKE CADDELL  
JONATHAN TOLIVER  
KELLY GRIMES

**ARK-TEX COUNCIL OF GOVERNMENTS**

CRAIG JOHNSON  
JOHN SELLERS  
KAYLA PRICE

**DOWNTOWN REVITALIZATION BOARD**

K. K. McKENZIE  
JENNIFER MASSEY  
MIKE HORNE

**DISCUSSION/ACTION ON EXECUTIVE SESSION ITEM RESOLUTION NO. 1065, A RESOLUTION CHOOSING TO EXERCISE THE CITY OF SULPHUR SPRINGS' POWER TO MAINTAIN A CIVIL SUIT AGAINST ANY PERSON OR ENTITY THAT MAY BE IN VIOLATION OF CHAPTER 26 OF THE TEXAS WATER CODE AND/OR CHAPTER 382 OF THE TEXAS HEALTH AND SAFETY CODE, MAKING THE WRITTEN FINDINGS REQUIRED BY TEXAS GOVERNMENT CODE § 103(D) AND GRANTING THE AUTHORITY TO APPROPRIATE CITY OFFICIALS TO ENTER INTO A CONTINGENT FEE CONTRACT FOR LEGAL SERVICES**

This item was discussed in Executive Session and no action was taken. There was no one to speak to the issue. Councilman Aguilar moved to approve the resolution as presented. Councilwoman Glass seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON EXECUTIVE SESSION ITEM AS IT PERTAINS TO THE APPOINTMENT OF A SULPHUR SPRINGS POLICE CHIEF**

This item was discussed in Executive Session and no action was taken. There was no one to speak to this issue. Councilman Sellers made a motion to approve the appointment of Captain James Sanders as Police Chief effective August 1, 2014. Councilman Johnson seconded and the vote was unanimous.

**The motion carried.**

*Mayor Pro Tem Price congratulated "Chief Sanders" and asked if he would like to say anything. James (Jay) Sanders thanked the City Council and City Manager very much for this appointment.*

**VISITORS/PUBLIC FORUM**

Ruth Davis addressed the City Council regarding the use of amplified equipment after 10 p.m. There was a very loud party that a neighbor had for his 75-year old mother's birthday. He was given permission but Mrs. Davis said that the music was so loud you could hear it at her house – inside the house – six houses down and across the street. She believes the city should revisit its policy regarding the use of amplified equipment after 10 p.m.

**ADJOURN**

With all business complete the meeting was adjourned at 8:12 p.m.