

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

JUNE 4, 2019

7:00 p.m.

Mayor John A. Sellers called the regular meeting of the Sulphur Springs City Council to order at 6:30 p.m. Councilwoman Armstrong moved to adjourn to executive session in accordance with Texas Government Code, Title 5, Chapter 551.074, Personnel Matters, specifically relating to the Director of Public Safety and the Director of Utilities. Councilwoman Armstrong moved to adjourn into Executive Session. Councilman Lucas seconded and the vote was unanimous. There was no one present to speak to the issue. The following council members and staff were present:

Mayor John A. Sellers
Councilwoman Erica Armstrong
Councilman Jimmy D. Lucas
Councilman Norman Sanders
Councilman Freddie Taylor
Councilman Doug Moore
Councilman Jeff Sanderson

Absent: None

Staff: Marc Maxwell, City Manager
Gale Roberts, City Secretary
Jim McLeroy, City Attorney
Tory Niewiadomski, Community Development Director
Gordon Frazier, HR Director
Jason Ricketson, Captain SSPD

RECONVENE INTO OPEN SESSION

Mayor Sellers reconvened the meeting at 7PM.

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 Councilwoman Armstrong.

OATHS OF OFFICE WILL BE GIVEN TO COUNCILMAN FREDDIE TAYLOR, COUNCILMAN ELECT JEFF SANDERSON, AND COUNCILMAN DOUG MOORE

City Secretary Roberts ceremoniously gave the Oaths of Office to Freddie Taylor, Jeff Sanderson, and Doug Moore.

Mayor Sellers was prepared to present outgoing Councilwoman Glass an engraved gavel with a striking block. Mrs. Glass did not attend the meeting.

DISCUSSION/ACTION ON SELECTION OF MAYOR PRO TEM

Councilman Sanders moved to nominate Councilwoman Armstrong as Mayor Pro Tem. Councilman Lucas seconded. There were no other nominations. The vote was unanimous. City Secretary Roberts presented the new Mayor Pro Tem with a red rose.

The motion carried.

DISCUSSION/ACTION ON SELECTION OF MAYOR

Councilman Moore moved to nominate Councilman Sanders as Mayor. Mayor Pro Tem Armstrong seconded. There were no other nominations. The vote was unanimous.

The motion carried.

Newly appointed Mayor Norman R. Sanders presented outgoing Mayor John A. Sellers with an engraved gavel and striking block in its own walnut presentation box for his hard work and efforts as Mayor of the City of Sulphur Springs, Texas, for the last two years.

Councilman Sellers congratulated the new Mayor and Mayor Pro Tem on their appointment. He thanked everyone that helped to make his role of Mayor for the last two years a lot easier. He thanked the city staff, everyone on the city council, especially City Secretary Roberts for taking care of him, and City Manager Maxwell for all his help. He stated that he is very proud of all the accomplishments of the city council over the last eight (8) years (with three of those years serving as Mayor), especially the coal mine and the prospect of what will happen in the future. Most importantly he said we need to work together as a city council, a city staff, and as citizens of this community. He added that the City Council may not always agree but remain respectful of one another and are willing to listen to different opinions to make informed decisions. This is a volunteer job and some days it is not that easy, but more days he is proud to serve this city in this capacity. Many on the City Council have a lot of heritage from this community and he prides himself that he can say that he is from Sulphur Springs. He is also proud that he is a member of this community and would like to continue to serve this community. He

has that we remember constituents in and out of the city that may one day live here. Also, remember our visitors to our city and make their experience worthy of the trip. He is looking forward to the next year and the accomplishments with the current city council.

At this time Councilman Sellers' wife, Kim, came forward as he presented her with a yellow rose for putting up with all this for so long.

Newly appointed Mayor Sanders stated that most of us know him as he has served as a Police Officer for twenty-seven (27) years in this community. His father always told him to give back to the community he lives in and he believes this important to do. This is our city, this affects the direction it will go, it is important. When you are serving in this capacity you bring along your family. And with that, Mayor Sanders invited his wife, Kathy, to come to the front as he presented her with a red rose and a kiss. They have just celebrated their forty-first (41) anniversary recently and he stated he had given her a lot of grief in those 41 years.

PRESENTATIONS, PROCLAMATIONS, AND ANNOUNCEMENTS
PROCLAMATION

A1007

Fair Housing Month Proclamation
Proclamation of June as Fair Housing Month

WHEREAS Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination in housing and declares it a national policy to provide, within constitutional limits, for fair housing in the United States; and

WHEREAS The principle of Fair Housing is not only national law and national policy, but a fundamental human concept and entitlement for all Americans; and

WHEREAS The National Fair Housing Law, during the month of June, provides an opportunity for all Americans to recognize that complete success in the goal of equal housing opportunity can only be accomplished with the help and cooperation of all Americans.

NOW, THEREFORE, I, Norman Sanders, by virtue of authority vested in me as Mayor, and behalf of the entire City Council, do hereby proclaim June as

Fair Housing Month

in the City of Sulphur Springs, Texas, and do hereby urge all the citizens of this locality to become aware of and support the Fair Housing law.

IN WITNESS WHEREOF we have affixed our signatures and seal on this the 4th day of June 2019.

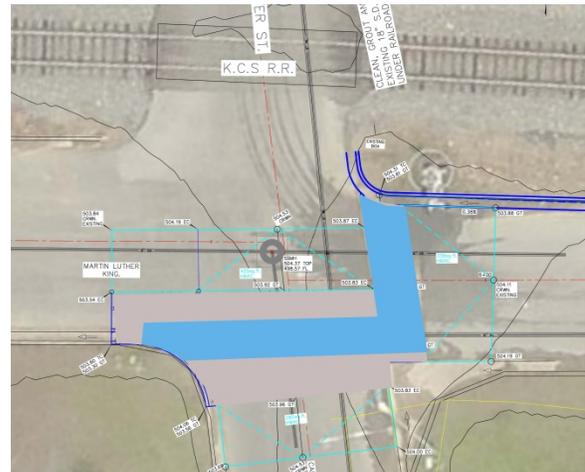
Everyone was also reminded that the Independence Day Celebration would be held June 29th at the downtown plaza.

MANAGER'S REPORT

PACIFIC PARK DRAINAGE PROJECT – On September 04, 2018 the City Council approved an expenditure of \$85,000 to solve a drainage issue at Carter Street and Martin Luther King Jr. Drive. Since that time engineering has been designing an alternative that is simpler and less expensive. It will be easier to maintain also. We think this can be built for under \$50,000 by a contractor. We will probably hire a contractor to construct the improvements to speed up the process. It is likely to be quite a while before the Capital Construction Division finishes water improvements and drainage improvements on Connally, so we will just hire a local contractor to do it.

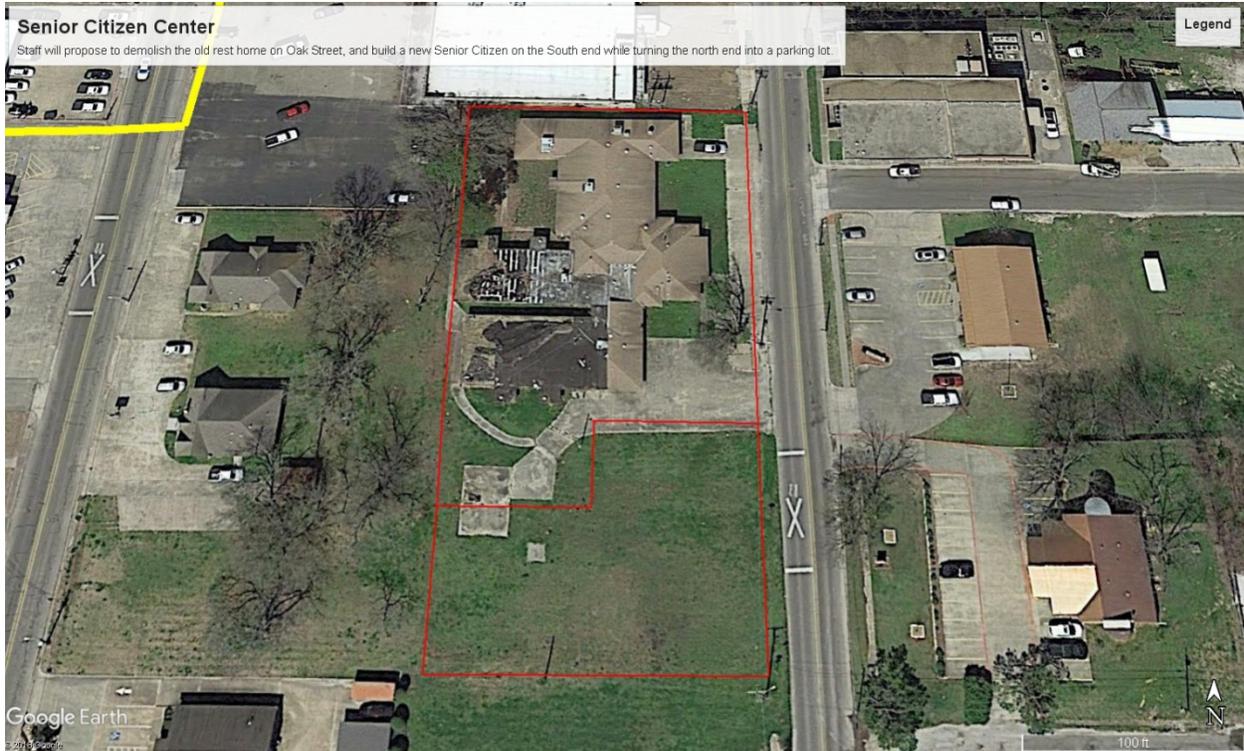
SUNSET STREET – Cement stabilization did not occur in May as planned. This time the culprit was Atmos. They needed to deepen portions of their gas line. That work is completed, and I am told that the contractor will begin cement stabilization on Thursday June 06.

WASTEWATER TREATMENT PLANT – Construction Continues on the new aeration basins.



CONNALLY STREET – The water main installation is approximately 55% complete. After the water main is installed, the Capital Construction Division will construct the drainage improvements.

PACIFIC PARK AND SENIOR CITIZENS CENTER – Staff is working out the details of a recommendation regarding how to pay for a new senior citizens center and improvements at Pacific Park. We will make the proposal at the July council meeting, but I will lay out the basics now so that the council has some time to consider the merits of the idea.



DISCUSSION/ACTION ON THE CONSENT AGENDA

Consider for approval the regular City Council meeting minutes of May 7, 2019; the Special City Council meeting minutes of Canvass and Retreat of May 9, 2019; the Planning and Zoning Commission meeting minutes of April 15, 2019; the Zoning Board of Adjustments and Appeals meeting minutes of April 16, 2019; the Downtown Revitalization Board meeting minutes of April 23 and 30, 2019; and the Economic Development Corporation meeting minutes of April 22, 2019. There was no one to speak to the issue. Councilman Moore made a motion to approve the minutes as presented. Councilman Sellers seconded the motion and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON EXISTING TAX ABATEMENT WITH OCEAN SPRAY CRANBERRIES

City Manager Maxwell presented the staff report. This item was previously tabled by the City Council. Councilman Sellers made a motion to remove the item from the table. Councilwoman Armstrong seconded and the vote was unanimous.

The motion carried to remove the item from the table.

Community Development Director Niewiadomski presented the second staff report. At the May City Council meeting, the item was tabled to seek a recommendation from the EDC. The Finance Director spoke with the EDC Director following the meeting. The EDC is not a party to the contract and therefore did not believe it to be appropriate to offer a recommendation but did acknowledge three options that are available. The most recent tax abatement agreement was due to a technological investment of \$5 million in improvements to their facility. The owner was required to maintain the existing 143 jobs they had in 2017 with a minimum payroll of \$8.1 million dollars. In exchange, they would receive a 5-year, 100% abatement on the improvements. In reading Mr. Feagley's letter in April, the loss of jobs was due to increased efficiencies from the new equipment that was abated. Ocean Spray sent a formal request acknowledging that they do not satisfy the terms of the abatement agreement to the EDC in February and proposed to modify the agreement to reduce the abatement agreement by 9%.

Three options were presented by Mr. Feagley:

- Cancel the abatement due to non-compliance.
- Modify the number of required employees in the agreement.
- Lower the abatement percentage to correspond with the reduction of employees. (143-130 = 91%)

The abatement that was granted did not stipulate job creation or growth when it was considered but to maintain jobs they had at the time. If the agreement is modified to reduce the number of jobs, it indicates that the abatement of taxpayer's dollars would be for the elimination of 13 jobs to increase efficiency of their operations. Due to a breach in the agreement, the City has the right to terminate the agreement.

There was a lengthy discussion. Executive EDC Director Feagley spoke to the issue as well as Jay Julian. There was no one else to speak to the issue. Councilman Lucas moved to revoke the tax abatement with Ocean Spray. Councilman Sanderson seconded and the vote was unanimous.

The motion to revoke carried.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2746 AMENDING CHAPTER 15 OF THE SULPHUR SPRINGS MUNICIPAL CODE BY ADDING ARTICLE VII, SECTIONS 15-301 – 15.308, TO PROVIDE REGULATION OF TIRE BUSINESSES

City Attorney McLeroy presented the staff report. This ordinance is necessary to address the increased number of tire stores in the area which accumulate scrap tires in large numbers and are subject to infestations of insects and vermin. This ordinance will limit the number of tires that can be stored at any one location and will require that such

storage be screened from public view and maintained in a safe, wholesome and orderly fashion. There was a general discussion. There was no one else to speak to the issue. Councilman Sellers made a motion to approve the ordinance on first reading. Councilman Moore seconded the motion and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1168 RENAMING JACKSON STREET J.D. FRANKLIN DRIVE

City Manager Maxwell and Councilman Taylor presented the staff report. J.D. Franklin has contributed a great deal to the City Sulphur Springs. He served on the City Council from 1975 – 1979 and was the first African American City Councilman and Mayor. He has been a deacon at his church for over 55 years and is active member of the Masonic Columbia Lodge #81. The portion of Jackson Street to be renamed J.D. Franklin Drive would be from College Street to Martin Luther King Jr. Drive. 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 Lucas seconded the motion and the vote unanimous.

The motion carried.

DISCUSSION/ACTION ON BOARD AND COMMISSION APPOINTMENTS FOR THE (1) ECONOMIC DEVELOPMENT CORPORATION, (2) ZONING BOARD OF ADJUSTMENTS AND APPEALS, (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-REX COUNCIL OF GOVERNMENTS, (10) DOWNTOWN REVITALIZATION BOARD, AND (11) REVOLVING LOAN FUND COMMITTEE

Mayor Sanders requested City Secretary Roberts read the proposed list of names for the board appointments as a matter of record. The names are as follows:

2019-2020 BOARD AND COMMISSION RECOMMENDATIONS

ECONOMIC DEVELOPMENT

BUCK BOOKER
CRAIG ROBERTS

ZONING BOARD OF ADJUSTMENT

JAY JULIAN
KEVIN MOHL
KYLE ROBINSON

ALTERNATES: JANET MARTIN
JAMES LITZLER

AIRPORT ADVISORY BOARD

DR. CHARLES JONES
DAVID BAUCOM

SULPHUR RIVER MUNICIPAL WATER DISTRICT

BOB RUSSELL

LIBRARY BOARD

CAROL GEE
MICHELLE McGill IVERY

BOARD OF TOURISM AND PROMOTION

DON FAUSETT
MEREDITH CADDELL

CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

BOBBY HARRIS
JOHN COOPER
JEFF REDDING

PLANNING AND ZONING COMMISSION

CHUCK SICKLES
TOMMY HARRISON

ARK-TEX COUNCIL OF GOVERNMENTS

JOHN SELLERS
ERICA ARMSTRONG
JEFF SANDERSON

DOWNTOWN REVITALIZATION BOARD

MIKE ELLIOTT
TYLER LAW

REVOLVING LOAN FUND COMMITTEE

JEFF FISHER
ERICA ARMSTRONG
JIMMY D. LUCAS
JOHN SELLERS
MARC MAXWELL

There was no one to speak to the issue. Councilman Moore moved to approve the list as presented. Councilman Taylor seconded the motion and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION RESOLUTION NO. 1169 DESIGNATING THE FINANCE DIRECTOR AND THE CITY MANAGER AS SIGNATORIES ON BEHALF OF THE CITY AND REQUEST FUNDS AUTHORIZED UNDER GRANT CONTRACT TxCDBG 7218042

Community Development Director presented the staff report. There was no one to speak to the issue. Councilman Sellers moved to approve the resolution as presented. Councilman Lucas seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1170 REAFFIRMS POLICIES PREVIOUSLY ADOPTED BY THE CITY TO ENSURE COMPLIANCE WITH FEDERAL RULES AND REGULATIONS REGARDING CITIZEN PARTICIPATION AND CIVIL RIGHTS PROTECTIONS

Community Development Director presented the staff report. There was no one to speak to the issue. Councilman Moore moved to approve the resolution as presented. Councilman Lucas seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON EXECUTIVE SESSION ITEM PERTAINING TO THE DIRECTOR OF PUBLIC SAFETY

Mayor Pro Tem Armstrong moved to split the department and appoint a fire chief and a chief of police. Jay Julian spoke against the split. Councilman Lucas seconded and the vote was as follows:

Ayes: Armstrong, Lucas, Sanders, Sanderson, Moore, Sellers
Nays: Taylor
Abstain: None

The motion to split the departments carried.

City Manager Maxwell recommended David James as Fire Chief/Fire Marshal. Councilman Sellers moved to approve the appointment of David James. Councilman Lucas seconded the motion and the vote was unanimous.

The motion to appoint David James as Fire Chief/Fire Marshal carried.

City Manager Maxwell recommended Jason Ricketson as Chief of Police. Mayor Pro Tem Armstrong moved to approve the appointment of Jason Ricketson. Councilman Sellers seconded the motion and the vote was unanimous.

The motion to appoint Jason Ricketson as Chief of Police carried.

DISCUSSION/ACTION ON EXECUTIVE SESSION ITEM PERTAINING TO THE DIRECTOR OF UTILITIES

City Manager Maxwell recommended James Jordan as the Director of Utilities. Councilman Lucas moved to approve the appointment of James Jordan as Director of Utilities. Mayor Pro Tem Armstrong seconded and the vote was unanimous.

The motion to appoint James Jordan as Director of Utilities carried.

VISITORS AND PUBLIC FORUM

Billie Ruth Standbridge addressed the City Council. She thanked the city for the enormous investment in the downtown. She stated we are a destination city with thriving businesses, a tax base that has increased including sales tax and property tax, and she would like a voice in the upcoming budget.

Teresa Nelson spoke on behalf of the Putman Street residents who have signed a petition and are tired of dealing with an unsightly piece of property that needs to be cleaned up. She stated the said property, located at 310 South Jackson and 313 Putman Street is a safety and health hazard. The petition was left with City Secretary Roberts.

Jed Walker also addressed the City Council regarding the lack of affordable housing and how it is affecting the business market. He stated there is an incredible need for median housing as most rental housing has increased to \$1200 - \$1400 monthly.

ADJOURN

With all business complete the meeting was adjourned at 8:17 p.m.