

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

SEPTEMBER 27, 2016

7:00 p.m.

Mayor Emily Glass called the regular meeting of the Sulphur Springs City Council to order at 6:00 p.m. Councilman John Sellers moved to adjourn to executive session in accordance with Texas Government Code, Title 5, Chapter 551.071, consultation with attorney pending litigation. Councilwoman Price-Mitchell seconded. There was no one present to speak to the issue. The vote was unanimous. The following council members and staff were present:

Mayor Emily Glass
Mayor Pro Tem Clay Walker
Councilman Craig Johnson
Councilman Oscar Aguilar
Councilman Freddie Taylor
Councilwoman Kayla Price-Mitchell
Councilman John Sellers

Absent: None

Staff: Marc Maxwell, City Manager
Gale Roberts, City Secretary
Jim McLeroy, City Attorney
Peter Karstens, Finance Director
Gordon Frazier, Director Human Resources
Jason Ricketson, Police Captain

**MAYOR GLASS RECONVENED THE CITY COUNCIL MEETING INTO OPEN
SESSION AT 7:05 PM.**

PLEDGE AND INVOCATION

Mayor Glass led in the pledge of allegiance to the United States Flag and the Pledge to the Texas Flag. Councilman Taylor led in the invocation

PRESENTATIONS, ANNOUNCEMENTS AND PROCLAMATIONS

Mayor Glass reminded everyone of the John Chester event and the Lights of Life half mile marathon.

Councilwoman Price-Mitchell reminded everyone of the photo walk.

DISCUSSION/ACTION ON THE CONSENT AGENDA

Consider for approval the regular City Council meeting minutes of September 6, 2016 and the Downtown Revitalization Board meeting minutes of August 30, 2016. There was no one to speak to the issue. Councilman Johnson made a motion to approve the minutes as presented. Councilman Sellers seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON PUBLIC HEARING AND SECOND AND FINAL READING OF ORDINANCE NO. 2687, THE APPROPRIATIONS ORDINANCE FOR THE CITY OF SULPHUR SPRINGS FISCAL YEAR 2016-2017

Finance Director Peter Karstens presented the staff report. There was a brief discussion. There was no one else to speak to the issue. Councilman Johnson moved to adopt the ordinance on the second and final reading. Councilman Sellers seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON PUBLIC HEARING FOR SECOND AND FINAL READING OF ORDINANCE NO. 2688, SETTING THE TAX RATE FOR THE CITY OF SULPHUR SPRINGS

Finance Director Peter Karstens presented the staff report. The property tax rate is set at 44¢ per \$100 of valuation as discussed at the budget workshops. There was no one to speak to the issue. Mayor Pro Tem Walker moved that the property tax rate be increased by the adoption of a tax rate of \$0.44 per \$100 which is effectively a 0.99% increase in the tax rate. Councilman Johnson seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON PUBLIC HEARING FOR SECOND AND FINAL READING OF ORDINANCE NO. 2689, SETTING THE WATER RATE FOR THE CITY OF SULPHUR SPRINGS

Finance Director Peter Karstens presented the staff report. As noted in the workshops the water rates will increase 2.25% this year. There was no one to speak to the issue. Mayor Pro Tem Walker moved to adopt the ordinance on the second and final reading. Councilman Taylor seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON PUBLIC HEARING ON SECOND AND FINAL READING OF ORDINANCE NO. 2690, SETTING THE SEWER RATE FOR THE CITY OF SULPHUR SPRINGS

Finance Director Peter Karstens presented the staff report. As noted in the workshops the sewer rates are proposed to increase 2.25% this year. There was no one to speak to the issue. Councilman Sellers moved to adopt the ordinance on the second and final reading. Councilwoman Price-Mitchell seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON PUBLIC HEARING FOR SECOND AND FINAL READING OF ORDINANCE NO. 2691, SETTING THE SANITATION RATE FOR THE CITY OF SULPHUR SPRINGS

Finance Director Peter Karstens presented the staff report. As noted in the workshops the sanitation rates will increase 2% this year. There was no one to speak to the issue. Councilman Johnson moved to adopt the ordinance on the second and final reading. Councilman Aguilar seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON PUBLIC HEARING FOR SECOND AND FINAL READING OF ORDINANCE NO. 2692, AUTHORIZATION OF UPDATED SERVICE CREDITS

Human Resource Director Gordon Frazier presented the staff report. There was no one else to speak to the issue. Councilman Sellers moved to adopt the ordinance on the second and final reading. Councilwoman Price-Mitchell seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON PUBLIC HEARING FOR SECOND AND FINAL READING OF ORDINANCE NO. 2693, AN ORDINANCE AMENDING THE SULPHUR SPRINGS ZONING ORDINANCE BY REPLACING IN ITS ENTIRETY CHAPTER 13, ARTICLE 1, ENTITLED FOOD AND FOOD ESTABLISHMENTS, REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith

City Manager Marc Maxwell and City Attorney Jim McLeroy presented the staff report. The current ordinance requires restaurant owners to obtain health permits and subjects them to inspections. It does not authorize the city to revoke the health permits. This ordinance allows the city to confront problems and protect the safety of the general

public. There was a brief discussion. There was no one else to speak to the issue. Councilman Johnson moved to adopt the ordinance on the second and final reading. Councilwoman Price-Mitchell seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1117, APPROVING AN APPLICATION FOR FUNDING THROUGH THE TEXAS DEPARTMENT OF AGRICULTURE, TEXAS CAPITAL FUND, DOWNTOWN REVITALIZATION PROGRAM

Community Development Director Shane Shephard presented the staff report. The grant application is for \$250,000.00. The local match would be \$75,000.00. Funds requested are for rebuilding sidewalks leading into the downtown district. There was a brief discussion. There was no one else to speak to the issue. Councilman Taylor moved to approve the resolution as presented. Councilwoman Price-Mitchell seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1118, ACCEPTING BIDS AND AWARD OF CONTRACT AND APPROVING GRANT WORKS AS THE ADMINISTRATOR FOR THE CDBG GRANT SHOULD WE GET IS FOR THE FEE OF \$30,250 OR 11%, WHICHEVER IS LOWER

Finance Director Peter Karstens presented the staff report. It is time to once again apply for the CDBG grant. We need to choose a firm to administer the grant should we receive the grant funding. This firm will help us prepare the application at no cost. If the city receives grant funding, the firm chosen will provide all administration services. There was a brief discussion. Kathy Boles with Grant Works was available to answer any questions. There was no one else to speak to the issue. Councilwoman Price-Mitchell moved to approve the resolution as presented. Councilman Taylor seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON METAL PART OF LIBRARY ROOF

Captain Ricketson presented the Police Department Asset Forfeiture Budget to the City Council. Asset Forfeiture money is acquired from cash and liquidation of forfeited property from narcotic related activities. There was no one to speak to the issue. Councilman Johnson moved to approve the budget as presented. Councilwoman Price-Mitchell seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON ECONOMIC DEVELOPMENT CORPORATION BUDGET

Finance Director Peter Karstens presented the staff report. During the September 6th City Council meeting the council awarded the library roof contract to Hefner Roofing of Pittsburg, Texas. The metal roof damage concerns are hail dents and other cosmetic issues. These issues are located 15 to 25 feet up on top and the metal roof itself is still intact. Therefore, the staff recommendation is that the metal roof not be replaced. There was a brief discussion. There was no one else to speak to the issue. Councilman Taylor moved to not replace the metal roof. Councilwoman Price-Mitchell seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON SELECTION OF PLANNING CONSULTANT FOR COMPREHENSIVE MASTER PLAN FOR THE CITY OF SULPHUR SPRINGS, TEXAS

Finance Director Peter Karstens presented the staff report. The 2016 budget called for stating work on a Comprehensive Master Plan. In August staff published a formal Request For Qualifications (RFQ) and we received three responses. They were from KSA Engineering, Mesa + Planning, and Toole Design Group. The RFQ stipulated that the following criteria and weight would be used to grade the responses:

Capability to do the required work	25 points
Capacity to accomplish the work	25 points
Familiarity with Sulphur Springs	20 points
Experience	20 points

The evaluation of the responses was performed by Marc Maxwell and Peter Karstens. Toole Design Group scored the highest. The project director for Toole during this planning project will be Ian Lockwood, as you may remember headed up all of the downtown planning efforts. Staff believes their approach and scope of work will best fit the needs of the community. There was a general discussion. There was no one else to speak to the issue. Councilman Johnson moved to select Toole Design Group as the planning consultant for the Comprehensive Master Plan of the City of Sulphur Springs, Texas. Councilman Taylor seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1119 AUTHORIZING THE SETTLEMENT OF PART OR ALL OF CAUSE NO. CV 42507; SULPHUR SPRINGS, TEXAS, IN THE DISTRICT COURT PLAINTIFF, AND THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS COMMISSION ON

**ENVIRONMENTAL QUALITY A NECESSARY AND INDISPENSABLE PARTY
V. SS SENIORS, LLC, ACCENT DEVELOPERS, LLC, NOORALLAH JOOMA,
RUMSEY SITE CONSTRUCTION, LLC, AND F&H CONSTRUCTION
COMPANY, LLC, HAMILTON VALLEY MANAGEMENT, INC., AND WEST
SIDE CONSTRUCTION CO., INC. DEFENDANTS, AND AUTHORIZING THE
CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS IN
CONNECTION THEREWITH**

Councilman Johnson moved to approve the resolution with the added clause. City Attorney Jim McLeroy read the clause into the record:

Be it further resolved, that any release in favor of F & H Construction Company, Inc. be specific so as to only release said Defendant, and further that no global or general release of any other defendant or party to said litigation is authorized or approved hereby.

There was no one else to speak to the issue. Mayor Pro Tem Walker seconded and the vote was unanimous.

The motion carried.

VISITORS/PUBLIC FORUM

None.

ADJOURN

With all business complete the meeting was adjourned at 7:31 p.m.