

**CITY OF SULPHUR SPRINGS, TEXAS**

**REGULAR MEETING OF THE**

**CITY COUNCIL**

**OCTOBER 3, 2006**

**7:00 p.m.**

Mayor Freddie Taylor called the regular meeting of the Sulphur Springs City Council to order at 7:04 p.m. The following council members and staff were present:

Mayor Freddie Taylor  
Mayor Pro Tem Yolanda Williams  
Councilman Clay Walker  
Councilman Larry Powers  
Councilman Chris Brown

Absent: Councilman Garry Jordan  
Councilman Oscar Aguilar

Staff: Marc Maxwell, City Manager  
Gale Roberts, City Secretary  
Jim McLeroy, City Attorney  
Peter Karstens, Finance Director  
Johnny Vance, Dir. Community Development  
Craig Vaughn, Director of Utilities  
Gordon Frazier, Director Human Resources  
Roger Feagley, EDC Director

**PLEDGE AND INVOCATION**

Mayor Taylor led in the pledge to the flag and Mayor Pro Tem Williams led the invocation.

## **MANAGER'S REPORT:**

**CHURCH STREET SEWER** – The Church Street Sewer project is about 60% completed. The project will replace 3,500' of deteriorating sewer main behind homes on North Church Street at an estimated cost of \$91,000.

**BRINKER STREET WATER** – Next up on the capital improvements front is this water project. The project will replace 800' of 2" water line between Kyle and Beasley with 6" line. It has a budget of \$63,000.

**HOLIDAY DRIVE** - The Capital construction crew is making progress on Holiday Drive. This street reconstruction project will replace Holiday Drive from Lowe's to S.H. 154 in reinforced concrete. The project is funded by a Texas Capital Fund Grant.

**SKATE PARK** - The old tennis courts in Buford Park have been demolished in preparation for a new skate park. We will be holding a meeting with interested skaters to review the proposed design.

**FINANCIAL REPORT** - Finance Director, Peter Karstens did not present a year-to-date summary of revenues and expenditures due to the fiscal year end as of September 30, 2006.

**CLAIMS AND ACCIDENTS** – We have one liability claim for damages to a Cadillac. Apparently one of our police investigators struck the Cadillac while trying to avoid a railroad crossing arm which lowered "for no apparent reason". Damages to the Cadillac were \$2,407.85. Damages to the police Chevy Tahoe were negligible. There were no injuries. Lieutenant Stillwagoner will be attending railroad crossing safety training.

A Parks and Recreation employee was treated for poison ivy exposure and released to work with no lost time.

**MISCELLANEOUS** – Elsewhere around the City, employees:

- Began removing American Lotus plants (water lilies) from Coleman Lake.
- Watered trees at Buford Park.
- Sprayed for ants at Gray's Building.
- Trimmed trees at Pacific Park.
- Fertilized athletic fields.
- Treated drainage basins for mosquitoes.
- Made 4 street repairs.
- Repaired various stop signs, set "Children Playing" signs, and one speed limit sign.

- Installed “City Cemetery” signs at various locations.
- Fixed 24 potholes.
- Conducted 5 health inspections and 11 public nuisance inspections.
- Conducted 44 building inspections, 30 electrical inspections, 54 plumbing inspections, 21 mechanical inspections, and issued 16 building permits.
- Made concrete repairs on a failing drainage inlet box in the Woodbridge Crossing addition.
- Treated 165 million gallons of drinking water.
- Attended law enforcement training regarding drug-endangered children.
- Seized 7 pounds of cocaine and 5 pounds of marijuana resulting in 2 felony arrests.
- Made 19 drug related arrests within the newly formed Special Crimes Unit, seizing methamphetamine, ecstasy, GHB (date rape drug), prescription drugs and \$4,000 cash.
- Responded to 268 animal control calls.
- Picked up 13 dogs and cats and received 7 at the shelter.
- Found homes for 6 dogs and cats for a 30% adoption rate and released 5 to their owners.
- Answered 674 emergency 911 calls and dispatched officers to 995 calls.
- Made 105 arrests, worked 33 accidents, wrote 410 citations, and recorded 77 offenses.
- Responded to 100 fire/rescue calls, including 3 structure fires.
- Attended 197 hours of continuing fire/rescue education.
- Conducted 48 fire inspections.
- Processed 447 tickets through Municipal Court.
- Distributed 2,402 meals to senior citizens.
- Had attendance of 1,826 seniors either at club meetings or City programs.
- Installed new floodlights at Wastewater Treatment Plant (WWTP).
- Repaired #1 filter at WWTP.
- Installed light at service center.
- Replaced electrical service at service center.
- Replaced security camera at Police Department.
- Installed lights at Library.
- Repaired 3 sewer taps and installed one new sewer tap.
- Repaired 3 sewer mains.
- Installed 4 new mini-manholes.
- Unstopped 34 sewer mains.
- Repaired 57 water breaks.
- Replaced 1 fire hydrant.
- Installed 2 new fire hydrant taps.

- Installed 3 new water meters and replaced 1.
- Cleaned 39,600 feet of sewer mains.
- Performed preventative maintenance on clarifiers, aerators at WWTP.
- Collected wastewater samples for regulatory testing.
- Treated wastewater effluent to a daily average total suspended solids count of 1.19 mg/L (parts per million). City Manager Marc Maxwell recognized Utilities Director Craig Vaughn and his department for this accomplishment.
- Repaired filter at water treatment plant.
- Fix-up, clean-up, paint-up pumps at Lake Sulphur Springs.
- Performed work on telemetry system which operates pumps at Lake Sulphur Springs.
- Flushed 44 dead-end water mains.
- Began preparing bid specs for the repainting of Coleman water tower.

### **CONSENT AGENDA**

The following items on the Consent Agenda were reviewed: Consider for approval: regular City Council minutes of September 5, 2006, the special City Council minutes of September 26, 2006, the Planning and Zoning Commission minutes of September 18, 2006, Zoning Board of Adjustment meeting minutes of September 19, 2006, the Downtown Revitalization Board meeting minutes of September 19, 2006, and the Economic Development Corporation meeting minutes of September 25, 2006. Councilman Brown moved to approve the consent agenda as presented. Mayor Pro Tem Williams seconded the motion and the vote was unanimous.

### **DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2454 UPDATING SERVICE CREDITS FOR CITY EMPLOYEES AND RETIREES**

The updated service credits keep current employee retirement plans up with inflation, while the annuity increase keeps already retired employees retirement annuities up with inflation. The updated service credits rate increases by 0.04% making the total cost increase \$2,081 per year. TMRS gives three options on annuity increases for current retirees: 30%, 50%, or 70% of the specific year's CPI increase. This year staff is recommending the 50% increase to keep the City's total match below 13%. Total cost increase is for this option is \$1,040 making the total financial impact \$3,121. Councilman Powers initiated a general discussion. Financial Director Peter Karstens was available to answer questions. There was no one else to speak to the issue. Councilman Brown moved to approve the ordinance on the first reading. Mayor Pro Tem Williams seconded and the vote was unanimous.

**DISCUSSION/ACTION ON PUBLIC HEARING FOR FIRST READING OF ORDINANCE NO. 2457 ESTABLISHING CRITERIA FOR DOWNTOWN DEVELOPMENT AND ESTABLISHING A DOWNTOWN HISTORIC DISTRICT**

This ordinance establishes a Historic District and the criteria for which a site must meet to be considered. It also establishes authority for the Downtown Revitalization Board to create guidelines for maintenance, preservation, rehabilitation, restoration, renovation, adaptive use, remodeling and infill construction. There was no one to speak to the issue. Councilman Brown moved to approve the ordinance on the first reading. Councilman Powers seconded and the vote was unanimous.

**DISCUSSION/ACTION ON SPECIFIC USE REQUEST FROM LAS PALMAS RESTAURANT**

The owners of the Las Palmas Restaurant made application for a Specific Use Permit for the purpose of selling alcoholic beverages by the drink. The facility is located at 326 West Industrial Drive and is zoned Heavy Commercial which meets the requirements to apply for a Specific Use Permit. The owners, Jose Juan Ponce and Jaime Gonzalez, were present, as well as restaurant manager Chris Tyler, to answer questions. There was no one else to speak to the issue. Councilman Powers moved to approve the Specific Use Permit. Councilman Brown seconded and the vote was unanimous.

**DISCUSSION/ACTION ON FINAL PLAT OF GILMER HILL ADDITION**

Director of Community Development Johnny Vance presented the staff report. This replat incorporates Lots 4A, 18, 19, 20C, and part of 20A-R of Block 47-2 into two large lots. One lot will face Gilmer Street and the other lot will be facing Whitworth Street. The plat contains 3.4 acres of commercial property along Gilmer and Whitworth Streets which wraps behind the present Popeye's Chicken and extends south to O'Reilly's. There was no one else to speak to the issue. Councilman Powers moved to approve the replat as presented. Councilman Brown seconded and the vote was unanimous.

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2456 REZONING PROPERTY LOCATED ON GILMER STREET, THE PORTION OF LOT 20A-R BEING COMBINED WITH LOT 4A OF BLOCK 47-2 OF THE GILMER HILL ADDITION FROM HEAVY COMMERCIAL TO LIGHT COMMERCIAL**

A plat of Gilmer Hill Addition changes the lot lines on this property giving it two zoning classifications. The owner would like to rezone the property to make the lot entirely Light Commercial. There was no one else to speak to the issue. Councilman Powers moved to approve the ordinance on first reading. Councilman Brown seconded and the vote was unanimous.

### **DISCUSSION/ACTION ON FINAL PLAT OF HERITAGE BUSINESS PARK**

The Economic Development Corporation would like to replat property located on the east side of Compactor Road (CR 3502) and north of St. Louis and Southwestern Railroad, being further described as Tract 57-55 and part of Tract 57-04 of Abstract 585 into one tract. The site is located behind or just north of the Raven building located in this industrial park. The EDC wishes to improve the road with a 34' street with bar ditches on each side. The City Standards for Commercial/Industrial developments require a 44' curb and gutter street. The EDC does not wish to encourage parking on the street and a left turn lane is not applicable in this development. There was a general discussion and Roger Feagley, EDC Director, was available to answer questions and make required commitments. There was no one else to speak to the issue. Councilman Walker moved to approve the 34' width of the street with the provision that EDC commits to fund the additional cost to widen the street when it is warranted by increased traffic to the City's standards and specifications at such time as road widening is required. Councilman Powers seconded and the vote was unanimous.

### **DISCUSSION/ACTION ON FINAL PLAT OF COLEMAN PARK ESTATES PHASE I**

Owner/developer David Watson is requesting to subdivide property located south of Lincoln Heights Addition, being further described as part of Lot 7-01 of Block 215 into 20 lots. This plat is Phase One of a multi-phase subdivision with a total of 81 lots. Director of Community Development Johnny Vance presented the staff report stating that staff recommends approval of the final plat for phase one pending approval of the engineering and the execution of a community facilities contract. David Watson was available to answer questions. There was no one else to speak to the issue. Councilman Powers moved to approve this plat pending approval of the engineering and the execution of a community facilities contract. Councilman Brown seconded and the vote was unanimous.

### **DISCUSSION/ACTION ON TOMLINSON STREET CLOSURE**

Director of Community Development Johnny Vance presented the staff report. The large hole in Tomlinson Street near Main Street was the result of a deteriorated section of Town Branch which was paved over many years ago. This channel actually passes under City Hall and other buildings. This channel will be repositioned as a part of a grander plan to eventually reroute drainage through a detention basin to address drainage maintenance and flooding problems along Town Branch. The new channel will remain open and therefore Tomlinson Street would need to be permanently closed in this area. The demolition of the structure at 316 Main Street would accommodate the grander plan as well. This would make way for the new proposed traffic circulation and public parking lot. The intersection at Tomlinson and Mains Streets has always been awkward because of the alignment of the intersection. Councilman Walker stated he would like to see a similar structure built in place of the existing structure to serve as a visitors' center.

City Manager Marc Maxwell stated that the intent will be to keep that thought alive when we come back to this issue. There was no one else to speak to the issue. Councilman Powers moved to approve the closure of Tomlinson Street from Main Street to South Davis Street and the demolition of 316 Main Street. Councilman Brown seconded and the vote was unanimous.

**DISCUSSION/REPORT ON STATUS OF JIM CHAPMAN LAKE (COOPER LAKE)**

City Manager Marc Maxwell presented a slide show explaining the status of Jim Chapman Lake (Cooper Lake). The presentation reviewed water ownership, problems with over drafting, a proposed operating plan, and dredging. Mr. Maxwell discussed storage versus diversion, reviewed the current lake level, and explained the dredging options. Currently, there is no agreement between the entities limiting the amount of water that can be pumped. The City of Sulphur Springs does not plan to implement the first phase of its conservation measures until early in 2007 if Cooper Lake does not catch any water from fall and early winter.

**DISCUSSION/ACTION PROPOSED AMENDED AGREEMENT FOR JIM CHAPMAN LAKE OPERATING PLAN**

City Manager Marc Maxwell presented the staff report. The total permitted water diversion rights is greater than the amount of water the lake will yield in severe drought conditions. The State issues water rights to a party or parties based upon estimates of what a lake will actually yield in most conditions including drought. If more than one party has rights to water in the lake, then the issue becomes more complicated. The proposed amended agreement establishes the water accounts for the parties and an accounting system to ensure the parties get all of their own water, and nothing more. The proposed amended agreement provides for the dredging of the channel which leads to the pump station. It has silted in, so much so that all of the parties, including the City of Sulphur Springs, no longer have access to all of the available water. The City's cost could be \$120,000 or more, but it needs to be done. There are two options for dredging with Option One costing an estimated total of \$1,027,599 and consist of dredging the Cooper intake channel approximately 3,750 feet long x 24' wide bottom with 3:1 side slopes, excavating to 415.5 for conservation pool or Option Two costing an estimated \$2,456,240 and consist of dredging approximately 5,000 feet long x 24' wide bottom with 3:1 side slopes, excavating to 400.49. There was no one to speak to the issue. Councilman Powers moved to approve Option One which will cost the City of Sulphur Springs approximately \$120,000. Councilman Brown seconded and the vote was unanimous.

**DISCUSSION/ACTION ON CAPITAL IMPROVEMENTS PLAN (CIP) 2007**  
**PROJECT LIST**

In August, the City Council took advantage of growth trends in certain revenue streams (property tax, sales tax, court fines, and interest revenue) and voted to increase the City's financial commitment to the street component of the capital improvements plan (CIP) by 74% over the next 5 years. In previous years, the City spent approximately \$800,000 per year in direct costs (material & contracts) for street improvements. Beginning in FY 2008, the City will increase that commitment to \$1.5 million per year. Fiscal year 2007 will be a transition year. The proposed project list increases the expenditure for street improvements to just over \$1 million per year.

During FY 2007, staff will prepare a list of larger projects which the City could perform with the increased funding throughout the remaining 4 years of the CIP. Staff will present the list to the City Council along with preliminary cost estimates and recommendations for its consideration later in the year.

The remaining components of the CIP, namely water, sewer, and storm drainage, will remain at their average historical expenditure levels, \$250,000, \$500,000, and \$75,000 respectively.

In addition to the direct costs set forth above, the City budgets approximately \$200,000 each year for labor in the Capital Construction Division.

There are only 2 projects remaining in the FY 2006 CIP program of work, the Brinker Street water project, and the North Church Street sewer project, which are budgeted at \$63,000 and \$91,000 respectively. At the completion of those projects, the City will have constructed improvements over the past 10 years as set forth below:

By end of FY 06'

Street Reconstruction	5.2 mi
Street Overlay	10.2 mi
Street Plant-Mix Overlay	45.6 mi
Water Mains	9.8 mi
Sewer Mains	11.5 mi

The proposed program of work would increase these totals as follows:

Estimated end of FY 07'	
Street Reconstruction	6.0 mi
Street Overlay	10.8 mi
Street Plant-Mix Overlay	48.6 mi
Water Mains	10.2 mi
Sewer Mains	12.7 mi

**FY 2007 PROJECT RECOMMENDATIONS**

**CHURCH STREET CROSSWALK                      ESTIMATED COST = \$ 30,000**

This proposal would provide for the construction of a lighted crosswalk on Church Street in front of the post office. The use of light emitting diodes (LEDs) embedded in the roadway will enhance the visibility of this cross walk. Please see attached photograph.

<b>MAIN STREET</b>	<b>390' WATER</b>	<b>\$ 33,389</b>
	<b>50' SEWER</b>	<b>8,211</b>
	<b>390' STREET</b>	<b><u>196,760</u></b>
	<b>TOTAL ESTIMATED COST</b>	<b>\$ 238,360</b>

This project would reconstruct Main Street between South Davis and Gilmer Street. We will be looking at some colored concrete and landscaping in keeping with our downtown redevelopment efforts. This section of Main Street is not State maintained. Old utilities under the street will be replaced as a part of the project. This budget estimate does not include any sidewalk improvements.

**COLEMAN CREEK SEWER 1950LF                      ESTIMATED COST = \$ 124,100**

This sewer replacement project would begin at Houston Street in front of the Hopkins County Civic Center and extend northward along Coleman Creek to the Northeast Texas Rural Rail Transportation District tracks (Blacklands). We identified and studied this sewer main in an inflow and infiltration study in 1999. The condition of the brick manholes and clay tile line, and its proximity to the creek make this line a major source of inflow and infiltration. Closed circuit television inspection confirms that this line is badly deteriorated and is falling in on itself.



**TOMLINSON DRAINAGE CHANNEL****ESTIMATED COST = \$ 71,359**

This is the only drainage project scheduled this year but it involves the groundwork for several planned projects. The large hole on Tomlinson near Main Street is the result of a deteriorated section of Town branch which was paved over many years ago. Downstream, the channel passes under City Hall and other buildings. With this project, the channel would be repositioned to accommodate future plans to reroute the drainage through a detention basin. The new channel would remain open, and therefore Tomlinson Street would remain permanently closed.

**COMO STREET - IND. PARK****ESTIMATED COST = \$ 91,100**

Some sections of Como Street in the industrial park off Radio Road are failing as a result of a failed stormwater drainage system under the street. With this project, staff would remove sections of the concrete pavement, fix the storm drain culverts and replace the concrete street. We anticipate replacing several sections of concrete street immediately above the storm drain. We have three major failed sections, each between 100 and 250 feet long. If the heavy truck traffic has damaged the culverts beyond repair, we could spend considerably more on pipe replacement.

**WOODBIDGE CROSSING 800LF****ESTIMATED COST = \$ 80,000**

Staff proposes to replace Greenridge Crt. and some areas of Woodbridge Drive this year. This will be the sixth year of street replacement in Woodbridge Crossing. This will complete the worst sections of concrete. Some areas on Woodside and Woodbridge Drive were patched in 1998 and 1999. The areas skipped in those first two years will likely be the next area for replacement.

**VARIOUS WATER****ESTIMATED COST = \$ 100,000**

The Highway 11 Bypass and the associated work on Highway 19 south of I-30 will require a considerable amount of utility relocation along Highway 19 and Arbala Road. Staff proposes to charge these water relocation projects to this line item. This line item is also used to fund smaller water line projects such as our dead end main program and to cover emergency water line repairs of shorter sections of old lines such as dry weather breaks or small galvanized lines which have a tendency to hold together until the last bit of strength is left and then let go all together. If the Highway 11 bypass project does not happen this year we have a waiting list of small water projects.

**VARIOUS SEWER****ESTIMATE COST = \$100,000**

The Highway 11 Bypass and work on Highway 19 south will also impact our existing sewer mains along state ROW. We have sewer on both sides of Highway 19 which will need to be relocated should this project go next year. Several small projects are earmarked for this line item such as T-Bone alley, Jarbo Street, Ponder Street and Fuller Street where short sections of generally less than 500 feet of sewer main need to be replaced.

**FIRE HYDRANT REHAB****ESTIMATED COST = \$30,000**

This line item is used to fund the repair or replacement of fire hydrants as the need arises. We still have many old fire hydrants on our system.

**MANHOLE REHAB****ESTIMATED COST = \$40,000**

The City has hundreds of manholes throughout its sanitary sewer collection system. Many of these manholes are old and deteriorated to such a condition that they have become sources of inflow and infiltration, a major problem. This line item would provide for the rehabilitation and/or replacement of old deteriorated manholes. It would also allow staff to occasionally install new manholes or mini manholes on segments of sewer line where greater accessibility is needed.

**PMS STREET SURFACING****ESTIMATED COST = \$210,000**

Staff proposes to continue reducing our emphasis on plant mix seal coating, while increasing emphasis on street reconstruction. Last year's budget for plant mix was \$300,000, and the year before was \$400,000.

The City began its s program in 1997 with a mixture of slurry seal and overlay street projects. Streets which were in good shape were given a thin slurry seal, while streets which were beginning to show some serious signs of deterioration received a 2-inch asphalt overlay.

Slurry seal is an inexpensive method to extend the life of a street. It seals the surface so that water cannot penetrate through cracks and deteriorate the road base, but it does not improve the street section or riding comfort. It also does not add strength to the street.

The thicker overlay also seals the road surface, adds some strength to the road, and it has the added benefit of leveling the surface to improve ride comfort. It is also much more expensive than slurry seal.

After awhile we began to take an intermediate approach, the so called *plant mix seal*. Plant mix seal is a thinner and cheaper way to resurface and seal the streets than a full overlay. It provides almost the same ride comfort of a full overlay while sealing the street to prevent erosion. To the public, it looks and rides like a new street, but make no mistake about it, it is not a new street. It is only an intermediate measure. Plant mix projects last 3 to 7 years at best, depending on the condition of the underlying street and substrate.

Our emphasis on plant mix sealing has enabled us to quickly resurface and seal the majority of streets in Sulphur Springs while rebuilding only the worst of the worst. We are now at a point at which we can diminish our plant mix effort and expand our rebuilding effort. The City Council's recent decision to increase funding for the streets component of the CIP will help immensely.

Remember, reconstruction is much more expensive, and it will progress at a much slower pace. Therefore there will always be some need for plant mix and overlays.

**SUMMARY  
- FY 2007 PROJECTS BUDGET**

<u>PROJECT</u>	<u>STREET</u>	<u>WATER</u>	<u>SEWER</u>	<u>DRAINAGE</u>	<u>TOTAL</u>
CHURCH ST. CROSSWALK	30,000	0	0	0	30,000
MAIN STREET	196,760	33,389	8,211	0	238,360
COLEMAN CREEK SEWER	0	0	124,100	0	124,100
CO-OP SEWER	0	0	176,800	0	176,800
ROCKDALE ROAD	133,060	49,544	38,884	0	221,488
WHITWORTH STREET	138,766	37,900	4,369	0	181,035
WHITWORTH OVERLAY	125,925	0	0	0	125,925
TOMLINSON DRAINAGE	0	0	0	71,359	71,359
COMO STREET – IND. PARK	91,100	0	0	0	91,100
WOODBIDGE CROSSING	80,000	0	0	0	80,000
VARIOUS WATER & SEWER	0	100,000	100,000	0	200,000
FIRE HYD. & MANHOLES	0	30,000	40,000	0	70,000
PMS STREET SURFACING	210,000	0	0	0	210,000
<b>TOTAL</b>	<b>1,005,611</b>	<b>250,833</b>	<b>492,364</b>	<b>71,359</b>	<b>1,820,167</b>

There was no one else to speak to the issue. Councilman Powers moved to approve the CIP list as presented. Mayor Pro Tem Williams seconded and the vote was unanimous.

**VISITORS/PUBLIC FORUM**

Jose Juan Ponce thanked the City Council for their consideration during the Specific Use Permit.

**ADJOURN**

With all business complete the meeting adjourned at 8:21 p.m.