

**CITY OF SULPHUR SPRINGS, TEXAS**

**REGULAR MEETING OF THE**

**CITY COUNCIL**

**AUGUST 7, 2007**

**7:00 p.m.**

Mayor Yolanda Williams 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 Yolanda Williams  
Councilman Garry Jordan  
Councilman Clay Walker  
Councilman Freddie Taylor  
Councilman Gary Spraggins  
Councilman Chris Brown

Absent: Mayor Pro Tem Oscar Aguilar

Staff: Marc Maxwell, City Manager  
Gale Roberts, City Secretary  
Jim McLeroy, City Attorney  
Johnny Vance, Dir. Community Development  
Peter Karstens, Finance Director  
Jim Bayuk, Police Chief  
Gerry Cleaver, Fire Chief  
Craig Vaughn, Director of Utilities  
Gordon Frazier, Human Resources Director

**PLEDGE AND INVOCATION**

Mayor Yolanda Williams led in the pledge of allegiance and Councilman Jordan led the invocation.

**PRESENTATION OF PROCLAMATION**

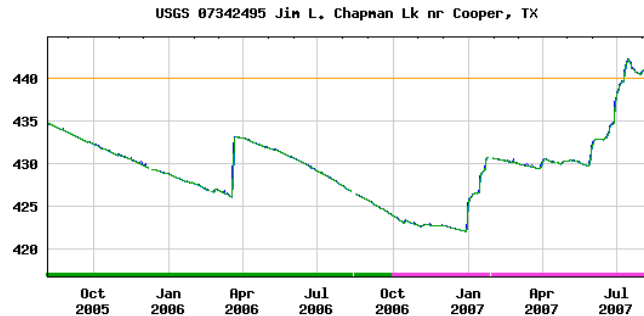
Mayor Williams read and presented a proclamation recognizing the heroic efforts of members of the Police Department, Fire Department, and EMS for saving the life of Jo Ann Kelly. Fire Chief Cleaver addressed the audience and reminded everyone of the duties and responsibilities of being a First Responder. Those recognized were Police Officers Lt. Gina Lyles, Sgt. William Mayeux, Officer Matt Glenn, Paramedics Chris

Shoemate and Richie Dudley, and the Fire Department Officers Assistant Fire Marshal Eric Hill, Driver Jay McKee, Firefighter Allen Johnson, Capt. Scot Isham, Firefighters Mackey Maxwell and J. Hettich. Each was given an original of the proclamation and recognized by their respective department heads as well as the community.

Mayor Williams introduced Ms. Kelly to the audience.

### **MANAGER'S REPORT**

**COOPER LAKE** - Well, that does it. The lake is finally full! Everyone's water account has been reset to full as per the drawdown agreement between the Sulphur River Municipal Water District (us), Irving, the North Texas Municipal Water District and the Upper Trinity Regional Water District.



**NORTH TOWN BRANCH RELOCATION** - The Capital Construction Division continues to make progress on this project as the weather allows. We are realigning the branch so that it will no longer flow under City Hall and the Pawn Shop, but rather around them. The new alignment has been excavated and storm water has been flowing through the new alignment during the past several rains. As you may recall, this series of events was precipitated by the collapse of North Town Branch under the City Hall Parking lot.

**SKATE PARK** - Progress has resumed on this project since the Texas Parks and Wildlife Commission approved the construction plans for the skate park. The Council authorized \$100,000 for the construction of a skate park. The City then successfully applied for a \$50,000 grant from Texas Parks and Wildlife. The grant provides for the reconstruction of the basketball courts at Buford Park as well as some playground equipment.

**CO-OP SEWER PROJECT** - This project is on hold while we try to finalize an alignment that will work for the City as well as the Northeast Texas Farmers' Co-op. Once completed, the project will replace 3,250 linear feet of sewer main beginning at Jackson Street near the Northeast Texas Farmers Co-op extending westward. The project has a budget of \$186,800.

**CLAIMS AND ACCIDENTS** – We had one very minor worker's compensation claim and 2 liability claims. One citizen received a large splinter at Kids Kingdom, and one

local driver was rear-ended by police officer Lonnie Taylor. The driver was treated and released from Hopkins County Memorial Hospital.

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

- Made 27 street repairs.
- Unstopped a storm drain in the area of Mulberry, Church and Bonner.
- Removed dead trees at Buford Park.
- Trimmed trees for visibility to “stop” signs and for street sweeper clearance at various places around town.
- Installed a new sewer main from Lily to Whitworth.
- Installed 2 new manholes.
- Installed a new water main between Texas and Brinker.
- Installed a new water main at the airport.
- Demolished a substandard structure at 722 Davis.
- Scheduled asphalt overlay for Whitworth.
- Aerated and fertilized baseball athletic fields at Coleman Park.
- Removed trash from Coleman Lake.
- Hosted a state softball tournament for Angels and Darlings.
- De-thatched soccer fields at Coleman Park.
- Wrote 546 citations, worked 48 accidents.
- Made 89 arrests, and recorded 100 offenses.
- Attended training on DARE, crimes software, legal liability, Texas criminal law, effective courtroom testimony, and arrest, search & seizure.
- Seized 15 pounds of marijuana, 45 grams of methamphetamine, and 20 grams of cocaine.
- Seized \$2,650 cash.
- In the special crimes unit, seized various amounts of Hydrocodone, marijuana, Vicodin, methamphetamine, Xanax, marijuana plants and cocaine.
- Responded to 252 animal control calls.
- Picked up or received 40 dogs and cats, found homes for 21.
- Responded to 111 fire/rescue calls including 5 structure fires.
- Conducted 49 fire inspections.
- Maintained 114 fire hydrants.
- Received 110 hours of continuing fire education.
- Wrote 2 citations for unsightly vegetation.
- Continued working with TxDOT to construct new hangars at the intergalactic spaceport.
- Began construction on storm water drainage system at the intergalactic spaceport.
- Sold 9,439 gallons of Jet-A fuel and 2,494 gallons of AvGas.
- Scheduled a concert on the square for Sept 06.

- Repaired #5 filter at wastewater Treatment Plant (WWTP).
- Repaired #1 sludge holding basin at WWTP.
- Repaired 6 water main breaks.
- Installed 5 water taps.
- Replaced 2 fire hydrants.
- Repaired 2 fire hydrants.
- Repaired 4 low-flow water services.
- Replaced 2 water main valves and installed 2 new valves.
- Unstopped 33 sewer mains.
- Cleaned 61,000 feet of sewer main.
- Repaired 7 sewer services and 3 sewer mains.
- Installed 1 new sewer tap.
- Attended water distribution system training.
- Cleaned effluent flume at WWTP.
- Repaired damage from lightning strike at WWTP.
- Had 2 permit violations at the WWTP for high flow (greater than 5.4 million gallons per day) and still produced some of the cleanest effluent on record, .96 mg/L. We are allowed 12 mg/L.
- Cleaned weirs and troughs at the water treatment plant.
- Connected the emergency generator at the Cooper Lake pump station while Oncor performed preventative maintenance on the transformers at the sub-station.
- Flushed 41 dead-end mains.
- Inspected and adjusted cathodic protection in all 3 water towers.
- Treated 130 million gallons of drinking water.
- Processed 593 tickets through Municipal Court.
- Got Wi-Fi going in the Library.
- Checked out 5,408 books, tapes, etc.
- Conducted 20 health inspections, and 79 public nuisance inspections.
- Conducted 24 building inspections, 40 electrical inspections, 33 plumbing inspections, 20 mechanical inspections, 24 miscellaneous inspections and issued 21 building permits.

### **CONSENT AGENDA**

The following items on the Consent Agenda were reviewed: Consider for approval regular City Council meeting minutes of July 3, 2007; special City Council meeting minutes of July 17, 2007; Planning and Zoning meeting minutes of July 16, 2007; Downtown Revitalization Board meeting minutes of July 17, 2007; and the Economic Development Corporation meeting minutes of June 25, 2007. Councilman Brown moved to approve the consent agenda as presented. Councilman Taylor seconded the motion and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON CAPITAL IMPROVEMENTS PLAN PROJECTS**

City Manager Marc Maxwell had presented the proposed Capital Improvements Plan projects at the previous workshop session. There was a brief discussion. Councilman Walker said it is a good plan but he would like more detail on how staff arrived at the numbers presented. There was no one else to speak to the issue. Councilman Taylor moved to approve the CIP projects as presented. Councilman Brown seconded and the vote was unanimous.

**The motion carried.**

**FINANCIAL DIRECTOR PETER KARSTENS WILL DISTRIBUTE THE DRAFT BUDGET TO THE CITY COUNCIL**

Financial Director Peter Karstens had distributed the draft budgets at the previous work session for their review. He stated that a special work session would be held August 16, 2007 with all department heads present to answer any questions the City Council may have regarding the budget.

**No action required.**

**DISCUSSION/ACTION ON PUBLIC HEARING FOR SECOND AND FINAL READING OF ORDINANCE NO. 2519, A CITY INITIATED REZONING REQUEST FOR PROPERTY LOCATED ON STATE HIGHWAY 19, BEING FURTHER DESCRIBED AS TRACT 241, FROM LIGHT COMMERCIAL (LC) TO LIGHT INDUSTRIAL (LI)**

This property is owned by Plas Ray Williams Jr. and was annexed into the City on November 7, 2006. All property annexed must be done so as Agriculture (AG) initially and later zoned to accommodate the future proposed use within one year. This property was brought before the City Council at the June 5, 2007 meeting for a second reading and approved as Light Commercial (LC). The owner of the property has since requested that the property be zoned to Light Industrial (LI) due to purpose of which the land was to be used for before it was annexed. Community Development Director Johnny Vance was available to answer any questions and presented the staff report. There was no one else to speak to the issue. Councilman Walker moved to approve the ordinance on the second and final reading. Councilman Spraggins seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON PUBLIC HEARING FOR SECOND AND FINAL READING OF ORDINANCE NO. 2520, A CITY INITIATED REZONING**

**REQUEST FOR PROPERTY LOCATED ON STATE HIGHWAY 19, BEING FURTHER DESCRIBED AS TRACT 241-03, FROM LIGHT COMMERCIAL (LC) TO LIGHT INDUSTRIAL (LI)**

This property is owned by Ronny & Joyce Burchfield and was annexed into the City on November 7, 2006. All property annexed must be done so as Agriculture (AG) initially and later zoned to accommodate the future proposed use within one year. This property was brought before the City Council at the June 5, 2007 meeting for a second reading and approved as Light Commercial (LC). The owner of the property has since requested that the property be zoned to Light Industrial (LI) due to purpose of which the land was to be used for before it was annexed. Community Development Director Johnny Vance was available to answer any questions and presented the staff report. There was no one else to speak to the issue. Councilman Walker moved to approve the ordinance on the second and final reading. Councilman Spraggins seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON PUBLIC HEARING ON SECOND AND FINAL READING OF ORDINANCE NO. 2521, A CITY INITIATED REZONING REQUEST FOR PROPERTY LOCATED ON STATE HIGHWAY 19, BEING FURTHER DESCRIBED AS TRACT 241-02, FROM LIGHT COMMERCIAL (LC) TO LIGHT INDUSTRIAL (LI)**

This property is owned by E. L. and Wanda Alexander and was annexed into the City on November 7, 2006. All property annexed must be done so as Agriculture (AG) initially and later zoned to accommodate the future proposed use within one year. This property was brought before the City Council at the June 5, 2007 meeting for a second reading and approved as Light Commercial (LC). The owner of the property has since requested that the property be zoned to Light Industrial (LI) due to purpose of which the land was to be used for before it was annexed. Community Development Director Johnny Vance was available to answer any questions and presented the staff report. There was no one else to speak to the issue. Councilman Walker moved to approve the ordinance on the second and final reading. Councilman Spraggins seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON FINAL PLAT OF BULKLEY ADDITION, A REQUEST BY OWNERS CLINTON AND LINDA BULKLEY TO REPLAT PROPERTY LOCATED ON THE SOUTH SIDE OF HIGHWAY 67 (MAIN STREET) AND THE NORTH SIDE OF INTERSTATE 30, BEING FURTHER DESCRIBED AS LOT 3 OF BLOCK 608, LOT 4 OF BLOCK 123, AND TRACT 158 OF ABSTRACT 1102 INTO ONE LOT**

The owners, Clinton and Linda Bulkley, would like to replat their property into one lot. If approval is granted they will be seeking a zone change as well. This plat encompasses

55 acres with highway access at the north and south ends. Water is available at both frontages and sewer is available along the north of the property. Gene Mattison, attorney representing the Bulkley's, addressed the City Council stating the Bulkley's would like to relocate their trucking business to this location. The City Council has already rezoned most of the property to Light Industrial and they would like for all their property to be replatted into one lot and zoned Light Industrial. Johnny Dobson addressed the City Council asking why all of his property and the three dwellings on his property can not retain Single Family 6,000 (SF-6) zoning. Chris Gibbons addressed the City Council stating that he and his family live on the east side of the property being discussed for replatting. His daughter has health issues and he believes a trucking business will affect her health, reduce the value of his property, and diminish his quality of life. There was a general discussion. There was no one else to speak to the issue. Councilman Brown moved to deny approval of the replat. Councilman Taylor seconded. Councilman Spraggins moved to table the motion to deny approval of the replat until the next regularly scheduled City Council meeting. Councilman Walker seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2522, A REQUEST BY OWNERS CLINTON AND LINDA BULKLEY TO REZONE PROPERTY LOCATED ON THE SOUTH SIDE OF HIGHWAY 67 (MAIN ST.) AND THE NORTH SIDE INTERSTATE 30, BEING FURTHER DESCRIBED AS LOT 3 OF BLOCK 608, LOT 4 OF BLOCK 123, AND TRACT 158 OF ABSTRACT 1102 AND BEING PLATTED AS THE BULKLEY ADDITION, FROM LIGHT INDUSTRIAL (LI), HEAVY COMMERCIAL (HC), AND SINGLE FAMILY 6,000 (SF-6) TO HEAVY INDUSTRIAL (HI)**

This request was contingent on the approval of the replat. There was no one else to speak to the issue. Councilman Spraggins moved to deny the request. Councilman Walker seconded. Councilman Spraggins moved to table the motion to deny the ordinance until the next regularly scheduled City Council meeting. Councilman Taylor seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON BIDS AND AWARD OF CONTRACT FOR CONCRETE FOR MAIN STREET**

Director of Community Development Johnny Vance presented the staff report and recommended that the City Council rejects the bids and re-bid at a later date once it has been determined when construction will begin. There was no one else to speak to the issue. Councilman Jordan moved to reject all bids and re-bid at a later date. Councilman Taylor seconded the motion and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON AUTHORIZING THE MUNICIPAL COURT OF THE CITY OF SULPHUR SPRINGS TO ENTER INTO AN AGREEMENT WITH McCREARY, VESELKA, BRAGG AND ALLEN, P.C. AND APPROVING RESOLUTION NO. 942 IMPOSING ADDITIONAL FEE FOR COLLECTION COSTS ON FINES AND FEES**

Since utilizing the Incode Court Software in 2002 which allows tracking of unpaid fines and fees the City of Sulphur Springs Municipal Court has unpaid fines and fees in excess of \$960,000. Utilizing McCreary, Veselka, Bragg and Allen, P.C. will allow for collection of those delinquent fines in a greater number and faster rate. The term of the contract is two years. The State of Texas allows the City to implement an additional fee for this kind of service. Specifically, Resolution No. 942 allows McCreary, Veslka, Bragg and Allen, P.C. to impose this additional fee for collection costs on fines and fees that are more than sixty days past due and referred to them for collection. Municipal Court Judge Phyllis Rogers and Laird Markland, Legal Assistant for McCreary, Vesleka, Bragg and Allen, P.C., were available to answer any questions. There was no one else to speak to the issue. Councilman Jordan moved to approve entering into the contract and Resolution No. 942. Councilman Spraggins seconded the motion and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON BIDS FOR HEALTH INSURANCE FOR CITY EMPLOYEES**

Director of Finance Peter Karstens presented the staff report. The staff recommendation is to stay with Trustmark at the \$45,000 specific level, with a fixed cost of \$233,983 which is the lowest of all responsive bids with a maximum plan cost of \$903,288. There was no one else to speak to the issue. Councilman Spraggins moved to approve staff recommendation to stay with Trustmark. Councilman Taylor seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON BIDS FOR GAP (SUPPLEMENTAL) INSURANCE FOR CITY EMPLOYEES**

Financial Director Peter Karstens presented the staff report stating that the Gap Plan is a critical part of our Health Insurance Program. It has allowed the city to stabilize the city's reinsurance program by spread some the cost over a larger group. We received one bid from American Public Life for their MedLink II Coverage. They are the same firm we have been using the last five years. Their rates have increased by approximately 5%. Staff recommends that we renew the gap plan with the 5% increase. Councilman Spraggins made a motion to approve the Gap Plan as presented. Councilman Jordan seconded the motion and the vote was unanimous.

**The motion carried.**

### **VISITORS AND PUBLIC FORUM**

Ms. Jana Randall, power of attorney for John Folowell, addressed the City Council regarding the structure located at 301 Oak Avenue. It was explained to Ms. Randall that the Director of Community Development had condemned the property. It was also explained that the property had not been presented to the City Council for abatement proceedings. Mr. Folowell stated the structure is his investment for retirement. Maryanne Hammil asked if there was any higher authority than the City Council and was informed she could contact District Court.

### **ADJOURN**

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