

CITY OF SULPHUR SPRINGS, TEXAS

REGULAR MEETING OF THE

CITY COUNCIL

OCTOBER 2, 2007

7:00 p.m.

Mayor Yolanda Williams called the regular meeting of the Sulphur Springs City Council to order at 6:30 p.m. Councilman Spraggins moved to adjourn to executive session in accordance with Texas Government Code 551.071, Consultation with attorney regarding pending litigation. Councilman Taylor 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 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
James Litzler, Acting City Attorney
Johnny Vance, Dir. Community Development 7:00 p.m.
Jim Bayuk, Police Chief, 7:00 p.m.
Craig Vaughn, Director of Utilities, 7:00 p.m.
Gordon Frazier, Human Resources Director, 7:00 p.m.
Roger Feagley, EDC Director, 7:00 p.m.
Rusty Stillwagoner, Lt. C. I. D., 7:00 p.m.
Bo Fox, Sgt. C. I. D., 7:00 p.m.

RECONVENE INTO OPEN SESSION

Mayor Williams reconvened the meeting into open session at 7:00 p.m.

PLEDGE AND INVOCATION

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

MANAGER'S REPORT

AIRPORT - TxDOT Aviation opened bids on the construction of 10 new hangars and associated taxiways. The apparent successful bid came in at \$619,000. The project is funded by an 80/20 grant from TxDOT Aviation. Bids for reconstruction of the main taxiway should be opened after the new year.

SKATE PARK - This project is really starting to take shape. About half of the concrete has been poured, and crews are making steady progress on the remainder. Toward the end of the project, the skaters will be invited to carve their names in the last pour. 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.

T-BONE ALLEY UTILITY PROJECT - We got started on this project a little sooner than we expected. The water line in the alley became completely obstructed, and we had to act. This is a budgeted project at \$50,625.

CLAIMS AND ACCIDENTS – The City had 2 minor worker's compensation claims for employees who were exposed to poison ivy.

We also had 2 minor liability claims, one for damages resulting from a sewer blockage, and another for a driver whose car was scratched by low hanging limbs on a tree on the square. I expect both claims to be denied by TML.

TAX INCREMENT REINVESTMENT ZONE - I have made informal presentations to the HCMH board and to the County Commissioners. I will be making the formal presentations to the taxing entities as follows: HCMH-October 22, Hopkins County-October 08, SSISD-October 08.

MISCELLANEOUS – Elsewhere around the City, employees:

- Responded to 44 accidents, made 98 arrests, recorded 73 offenses and wrote 484 tickets.
- Received police training in the following areas: Animal control, triage, emerging infectious diseases, school safety, SWAT, AGRO-terrorism, border issues, intoxilyzer recertification, highway criminal indicators, false compartments on tractor-trailers and courtroom testimony.
- Seized 8 pounds of marijuana.
- Made 20 felony arrests in the special crimes unit.
- Responded to 175 animal control calls.
- Received 40 dogs and cats at the animal shelter. 18 were picked up by their owners and we found homes for 8 more.
- Answered 722 911 calls.

- Dispatched officers to 1,012 calls.
- Cleared property recently acquired by the airport.
- Held a “fly-in” at the airport.
- Sold 8,266 gallons of jet fuel and 3,386 gallons of AvGas.
- Held a concert on the square...a smashing success.
- Processed 469 tickets through Municipal Court.
- Responded to 78 calls for fire/rescue.
- Made 34 fire inspections.
- Maintained 108 fire hydrants.
- Received 92 hours of continuing fire education.
- Welcomed a quilt show and a needlepoint workshop to the library.
- Checked out 4,209 books, tapes, etc.
- Performed maintenance at the wastewater treatment plant.
- Installed 6 new water taps.
- Repaired 4 fire hydrants.
- Repaired 14 water breaks.
- Replaced 7 water meters.
- Repaired 7 sewer mains and 7 sewer services.
- Cleaned 54,000 of sewer mains.
- Developed a parts inventory system for the water and sewer distribution system.
- Treated sewage to a daily total suspended solids (TSS) average of .78mg/L.
- Repaired pump at Cooper Lake pump station.
- Flushed 41 dead end water mains.
- Made 17 street repairs.
- Cleared brush from traffic control signs at various locations.
- Conducted 15 health inspections and 107 public nuisance inspections. Conducted 27 building inspections, 41 electrical inspections, 37 plumbing inspections, 22 mechanical inspections, and 16 miscellaneous inspections, and issued 20 building permits.
- Distributed 2,535 meals to senior citizens and logged 1,384 volunteer hours at the Senior Citizen Center.
- Treated 137 million gallons of drinking water.

CONSENT AGENDA

The following items on the Consent Agenda were reviewed: Consider for approval special City Council meeting minutes of August 27 and 31, 2007; regular City Council meeting minutes of September 4, 2007; Planning and Zoning meeting minutes of September 17, 2007; Downtown Revitalization Board meeting minutes of September 18, 2007; and the Economic Development Corporation meeting minutes of August 27, 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 ORDINANCE NO. 2529 RELATING TO DEFINITIONS, RESTRICTIONS ON REGISTERED SEX OFFENDERS' RESIDENCY, PROHIBITING REGISTERED SEX OFFENDERS FROM RESIDING WITHIN 1,000 FEET OF REAL PROPERTY COMPRISING A SCHOOL, DAYCARE FACILITY OR PUBLIC PARK OR PLAYGROUND WITHIN THE CITY LIMITS; PROVIDING EXCEPTIONS; PROVIDING PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

Chief of Police Jim Bayuk presented the staff report. Once a registered sex offender has completed probation or parole, state law does not address where they may live or frequent. Currently, registered sex offenders may reside wherever they wish. To address this issue, this ordinance will not allow a registered sex offender to live near schools, day care facilities or visit parks. The penalty for violation of this ordinance is a fine not to exceed \$500.00 each day of such violations constituting a separate offence. Lieutenant Rusty Stillwagoner and Sergeant Bo Fox were also available to answer any questions. There was no one else to speak to this issue. Councilman Jordan moved to approve the ordinance on the first reading. Councilman Brown seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RECOMMENDATION OF THE DOWNTOWN REVITALIZATION BOARD FOR MAIN STREET DESIGN

Director of Community Development Johnny Vance presented the staff report. The design for Main Street is to continue as a two-way street with parallel parking in place. It is also recommended that the streets be made of brick and the sidewalks remain concrete. The street lanes on Main Street would become 10' with landscape/hardscape on each side. The intersection at Davis and Main would become a four way stop without the traffic signal. There is also a design to make it possible for there to be a way to get to the square by being able to turn left. There was a general discussion regarding the increase in cost due to brick paving. There was no one else to speak to the issue. Councilman Brown made a motion to approve the design submitted by the Downtown Revitalization Board. Councilman Taylor seconded the motion and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 945 SUSPENDING THE OCTOBER 25, 2007 EFFECTIVE DATE OF ATMOS ENERGY CORP., MID-TEX DIVISION, REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH ATMOS CITIES STEERING COMMITTEE AND OTHER CITIES IN THE ATMOS ENERGY CORP., MID-

TEX DIVISION, SERVICE AREA TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING REIMBURSEMENT OF CITIES' RATE CASE EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL

City Manager Marc Maxwell presented the staff report. The resolution suspends the effective date of the Company's rate increase for the maximum period permitted by law to allow the City time to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue. The law provides that a rate request made by a natural gas utility cannot become effective until 35 days following the filing of the application to change rates. The law permits the City to suspend the effective date for 90 days. **If the City does not take action to suspend the filing, Atmos Mid-Tex may begin charging increased rates after October 25, 2007.** According to Atmos, annual rates would increase by approximately \$20 for residential customers. The City has participated in prior Atmos Gas rate matters with a coalition of cities now known as Atmos Cities Steering Committee (ACSC). ACSC is a permanent standing committee with 99 members who have passed resolutions authorizing ACSC to intervene on behalf of the city in natural gas matters pending before the Railroad Commission, the Courts or the Legislature. There are currently 141 cities participating with ACSC, including cities that are participating with ACSC on an *ad hoc* basis. There was no one else to speak to the issue. Councilman Browns moved to approve the resolution as presented. Councilman Spraggins seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2530, A REQUEST BY OWNERS CLINTON AND LINDA BULKLEY TO REZONE PROPERTY LOCATED ON THE SOUTH SIDE OF HIGHWAY 67 (MAIN STREET) AND THE NORTH SIDE OF INTERSTATE 30, BEING FURTHER DESCRIBED AS LOT 1 OF BLOCK 1 OF THE BULKLEY ADDITION, FROM LIGHT INDUSTRIAL (LI), HEAVY COMMERCIAL (HC), AND SINGLE FAMILY (SF-6) TO HEAVY INDUSTRIAL (HI)

This item was pulled from the agenda.

DISCUSSION/ACTION ON SPECIFIC USE PERMIT REQUEST FOR 1495 EAST INDUSTRIAL DRIVE

Kenneth T. Wilson made application for a Specific Use Permit for the purpose of selling alcoholic beverages by the drink. Director of Community Development Johnny Vance was available to answer questions and present the staff report. The facility is located at

1495 East Industrial and is zoned Heavy Commercial which meets the requirements to apply for a Specific Use Permit. Kenneth Wilson was available to answer any questions. There was no one else to speak to the issue. Councilman Brown made a motion to approve the Specific Use Permit request. Councilman Spraggins seconded and the vote was as follows:

Ayes: Walker, Taylor, Spraggins, Brown
Nays: Jordan
Abstain: None

The motion carried.

DISCUSSION/ACTION ON CONSIDERATION OF BOARD APPOINTMENT TO THE REGIONAL MOBILITY AUTHORITY FOR THE CITY OF SULPHUR SPRINGS

City Manager Marc Maxwell presented the staff report. Hopkins, Hunt, Delta, and Lamar counties recently joined forces to create SURMA, a regional mobility authority. TxDOT approved the creation of SURMA and Governor Perry has appointed Don Wall of Paris, Texas to chair SURMA. Each county is allowed 2 seats on the board and one seat is supposed to represent the interests of the major city within that county. City Manager Maxwell recommended Roger Feagley, EDC Director, as the representative for the board. There was no one else to speak to the issue. Councilman Jordan moved to appoint Roger Feagley to the SURMA board. Councilman Taylor seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 946 REQUESTING TEXAS DEPARTMENT OF TRANSPORTATION TO REMOVE TRAFFIC SIGNALS LOCATED AT NORTH DAVIS AND MAIN STREETS AND NORTH DAVIS AND CONNALLY STREETS AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY FOR IMPLEMENTATION OF THE REMOVAL OF THESE TRAFFIC SIGNALS

City Manager Marc Maxwell presented the staff report. The City is working on a project to reconstruct Main Street from Davis to Gilmer. That will require us to reconstruct the intersection at Davis and Main. One of the things we may want to do is implement the recommendation of Ian Lockwood and Raj Mohabeer, our traffic engineers, to replace the traffic signals at Main & Davis and Main & Connally with 4-way stop signs. This resolution would begin a 90+ day process with TxDOT wherein they will review the “warrants” and receive public comment. After that, they will make a decision as to whether or not they will remove the stop signs. There was a general discussion. There

was no one else to speak to the issue. Councilman Spraggins moved to approve the resolution as presented. Councilman Jordan seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON ABATEMENT PROCEEDINGS FOR CONDEMNED STRUCTURE LOCATED AT 612 LAMAR STREET

Director of Community Development Johnny Vance presented the staff report. There was no one else to speak to this issue. Councilman Taylor moved to declare this property a public nuisance and order abatement by demolition to be completed within thirty (30) days. Councilman Brown seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON ABATEMENT PROCEEDINGS FOR CONDEMNED STRUCTURE LOCATED AT 219 BEASLEY STREET

Director of Community Development Johnny Vance presented the staff report. There was no one else to speak to this issue. Councilman Spraggins moved to declare this property a public nuisance and order abatement by demolition to be completed within thirty (30) days. Councilman Taylor seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON ABATEMENT PROCEEDINGS FOR CONDEMNED STRUCTURE LOCATED AT 219 CRAIG STREET

Director of Community Development Johnny Vance presented the staff report. There was no one else to speak to this issue. Councilman Taylor moved to declare this property a public nuisance and order abatement by demolition to be completed within thirty (30) days. Councilman Spraggins seconded and the vote was unanimous.

The motion carried.

VISITORS AND PUBLIC FORUM

None.

ADJOURN

With all business complete the meeting was adjourned at 7:30 p.m.