

**CITY OF SULPHUR SPRINGS, TEXAS**

**SPECIAL MEETING OF THE**

**CITY COUNCIL**

**JANUARY 8, 2008**

**7:00 p.m.**

**THE REGULAR CITY COUNCIL MEETING OF JANUARY 1<sup>ST</sup> WAS  
CANCELLED DUE TO THE HOLIDAY.**

Mayor Yolanda Williams called the special meeting of the Sulphur Springs City Council to order at 7:00 p.m. The following council members and staff were present:

Mayor Yolanda Williams  
Mayor Pro Tem Oscar Aguilar  
Councilman Garry Jordan  
Councilman Clay Walker  
Councilman Gary Spraggins  
Councilman Freddie Taylor  
Councilman Chris Brown

Absent: None

Staff: Marc Maxwell, City Manager  
Gale Roberts, City Secretary  
Jim McLeroy, City Attorney  
Peter Karstens, Director of Finance  
Johnny Vance, Dir. Community Development  
Jim Bayuk, Police Chief  
Craig Vaughn, Director of Utilities  
Gordon Frazier, Human Resources Director  
Sgt. Mitch Griggs, Police Department, SSPD  
Reserve Officer Derrick Williams, SSPD  
Tim Vaughn, Assistant Fire Chief SSFD  
Duane Sprague, Driver/Engineer SSFD  
Rodney Caudle, Firefighter, SSFD  
Joseph Evans, Firefight, SSFD

## **PLEDGE AND INVOCATION**

Mayor Williams led in the pledge of allegiance and invocation.

## **MANAGER'S REPORT**

**EDC SEWER PROJECT** - The Capital Construction Division has been busily installing 4,200 feet of sewer line for the EDC. The EDC is paying \$249,000 for the project. The project is nearly completed.

**SKATE PARK** - The skate park is completed. The contractor has installed the new basketball goals and a volleyball court. It was the addition of these items to the project that allowed us to get a \$50,000 grant from Texas Parks and Wildlife.

**CLAIMS** - We had one liability claim and one Worker's Compensation claim in December.

A resident on Moore Street seeks monetary damages from a sewer overflow. The claim has been submitted to TML.

An employee was bit by a black widow spider on the neck. He'll be ok!

**REVENUES AND EXPENDITURES** - Finance Director, Peter Karstens will offer a report on revenues and expenditures.

**MAIN STREET** - The engineers are still working on the construction plans for Main Street. They're not done yet. We have acquired the parking lot on Main Street, and the Capital Construction Division has begun constructing an access ramp to Tomlinson Street. As a result, parking will still be available on Main Street during construction. We should start replacing the water main next week.

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

- Demolished 3 substandard structures bringing the total number of abated substandard structures to 383.
- Swept 37 streets.
- Cleaned up Holiday Drive and Rockdale Road.
- Repaired parking lots at Coleman Park.
- Repaired streets at the sites of 6 utility repairs.
- Conducted 25 health inspections and 32 public nuisance inspections.
- Conducted 36 building inspections, 37 electrical inspections, 43 plumbing inspections, 28 mechanical inspections, 18 miscellaneous inspections and issued 16 building permits.

- Served 3,046 meals to senior citizens.
- Sold 10,075 gallons of jet fuel and 2,077 gallons of AvGas.
- Removed dead trees at Buford Park.
- Winterized bathrooms and irrigation systems at the parks.
- Checked out 3,304 books, tapes, etc.
- Installed Christmas lights and repaired electrical outlets on the square.
- Repaired lights and lift station at the airport.
- Repaired 16 water breaks.
- Installed 6 new water taps and 4 new sewer taps.
- Replaced 20 water meters.
- Tested industrial water meters.
- Cleaned 69,000 feet of water mains.
- Unstopped 60 sewer mains.
- Repaired 7 sewer mains and 3 manholes.
- Repaired #5 wastewater filter.
- Repaired Raintree lift station.
- Repaired #4 clarifier.
- Treated effluent to a daily average total suspended reading of 7.81 mg/L, not our best, but well within the limits.
- Maintained flocculator units at Water Treatment Plant.
- Flushed 42 dead-end water mains.
- Received police training on sex offender registration, Spanish and child abuse prevention.
- Worked 39 accidents, made 73 arrests, recorded 48 offenses and wrote 549 citations.
- Made 6 felony arrests and 10 misdemeanor arrests in the special crimes unit.
- Responded to 208 animal control calls.
- Took in 43 animals at the shelter, released 3 to their owners and found homes for 23.
- Processed 585 tickets through Municipal Court.
- Responded to 96 fire/rescue calls including 3 structure fires.
- Conducted 44 fire inspections.
- Maintained 63 fire hydrants.
- Sent fire truck back to factory for repairs.
- Treated 118 million gallons of drinking water.

### **CONSENT AGENDA**

The following items on the Consent Agenda were reviewed: Consider for approval regular City Council meeting minutes of December 4, 2007; Planning and Zoning meeting minutes of December 17, 2007; and the Economic Development Corporation

meeting minutes of November 26, 2007. Councilman Brown moved to approve the consent agenda as presented. Councilman Spraggins seconded the motion and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON PUBLIC HEARING FOR SECOND AND FINAL READING OF ORDINANCE NO. 2533, AMENDING ZONING ORDINANCE NO. 2050, ARTICLE 20, SECTION 20.300 TO INCLUDE THE CENTRAL COMMERCIAL DISTRICT AS A ZONING FOR WHICH A PRIVATE BEVERAGE CLUB CAN BE LOCATED**

This amendment would include the Central Commercial District as a zoning classification in which a Specific Use Permit can be issued. Director of Community Development Johnny Vance was available to answer any questions. Ray Evers, Larry Jordan, Robbie Newsom, Phil Smith, Charles Oxford, Kenneth Rhoades, Rob Stanley, Deborah Faulks, Donald Brown, Janeen Francis, Wilton McMorris, Chad Ferrell, Ivan Hinkeldey, Paul Pogue, G. W. Gibbins, Diane Busby, Rex Talmage, Dena Speed, Jon Nesbitt, Tommy Shearer, April Howard, Thomas Howard, and Tanner Gilbreath spoke in opposition of amending the ordinance. Mr. Oxford presented the City Council with a petition with 774 signatures and a statement of his presentation. Gus Trevino, Rita Edwards, Red Cross, Susann Briggs, Billie Ruth Standbridge, Judy Gilreath, Joy Wilson, Darren Humphrey, Jan Chapman, Ric Murray, Roy Pelton, Kathy Hipkins, and Baylee Murray spoke in favor of amending the ordinance. Billie Ruth Standbridge presented the City Secretary with a copy of her presentation. There was no one else to speak to the issue. After considerable discussion Councilman Brown moved to approve the ordinance on the second and final reading. Councilman Spraggins seconded the motion and the vote was as follows:

Ayes: Walker, Aguilar, Spraggins, Brown  
Nays: Jordan, Taylor  
Abstain: Williams

**The motion carried.**

**The Mayor called for a brief recess at 9:08 p.m.**

**The Mayor reconvened the meeting at 9:16 p.m.**

**DISCUSSION/ACTION ON FINAL PLAT OF BULKLEY ADDITION, A REQUEST BY OWNERS CLINT AND LINDA BULKLEY TO REPLAT PROPERTY LOCATED ON THE SOUTH SIDE OF HWY. 67 (MAIN ST.) AND NORTH SIDE OF I-30, BEING FURTHER DESCRIBED AS LOT 1, BLOCK 1,**

**INTO TWO LOTS**

The owners are requesting to plat this property into two lots. If the plat is approved the owners will seek a zoning change for Lot 1 and designate Lot 2 as a reserved tract. Director of Community Development Johnny Vance was available to answer any questions. Kenneth Rhoades, Gene Mattison, Gary Stuart, Jo Marie Neal, Clint Bulkley and Bill Zahn spoke in favor of the replat. Donnie Martin, Chris Gibbins, Johnny Dobson, and John Dobson spoke in opposition to the replat. There was no one else to speak to the issue. After a general discussion Councilman Spraggins moved to approve the replat. Councilman Aguilar seconded and the vote was as follows:

Ayes: Jordan, Walker, Aguilar, Taylor, Spraggins  
Nays: Brown  
Abstain: Williams

**The motion carried.**

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2534, 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 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)**

The owners have requested this property be rezoned to Heavy Industrial (HI). The Planning and Zoning Commission conducted a public hearing and recommends approval to rezone to Light Industrial (LI). There was no one else to speak to the issue. Councilman Spraggins moved to approve the ordinance on first reading changing the recommended zoning from Heavy Industrial to Light Industrial. Councilman Walker seconded and the vote was as follows:

Ayes: Jordan, Walker, Aguilar, Taylor, Spraggins  
Nays: Brown  
Abstain: Williams

**The motion carried.**

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2535 ADOPTING ONCOR ELECTRIC DELIVERY COMPANY LLC TARIFF SECTION 6.1.1.16 – RIDER UNDERGROUND FACILITIES COST RECOVERY FACTOR (UFCRF) AND TARIFF SECTION 6.3.16 – AGREEMENT FOR UNDERGROUND FACILITIES AND COST RECOVERY; REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY; AUTHORIZING THE**

**CITY MANAGER TO SIGN RELATED DOCUMENTS; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER**

This ordinance would require Oncor to front the money to place electric utilities underground on the block of Main Street which is about to be reconstructed. The estimated cost of relocating the electric utilities underground is \$50,863. Oncor would recover the cost by charging electric customers in Sulphur Springs a monthly fee as follows:

<b>Rate Class</b>	<b>Allocated Amount</b>	<b>Number of Customers</b>	<b>\$/Customer</b>
Residential	\$16,895	6,204	\$0.23
Secondary Service Less than or Equal to 10KW	1,027	729	0.12
Secondary Service greater Than 10KW	30,530	703	3.62
Primary Service Greater than 10 KW	2,060	1	171.67
Lighting Service	351	464	0.06
<b>Total</b>	<b>\$50,863</b>	<b>8,100</b>	

The fee expires at the end of 12 months. City Manager Marc Maxwell and Oncor Electric Delivery Area Manager Stan McKee were available to answer questions. There was no one else to speak to the issue. Councilman Walker moved to approve the ordinance on first reading. Councilman Spraggins seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2536 APPROVING A SETTLEMENT AGREEMENT BETWEEN THE CITY OF SULPHUR SPRINGS, TEXAS, AND ATMOS ENERGY CORP., MID-TEX DIVISION, REGARDING THE COMPANY’S STATEMENT OF INTENT TO CHANGE GAS RATES IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE SETTLEMENT AGREEMENT; FINDING THE RATES TO BE SET BY THE TARIFFS TO BE JUST AND REASONABLE; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL**

This item was pulled from the agenda.

**DISCUSSION/ACTION ON SPECIFIC USE PERMIT REQUEST FOR 206 MAIN STREET**

Susann Briggs has made application for a Specific Use Permit for the purpose of selling alcoholic beverages. Director of Community Development Johnny Vance was available to answer questions and present the staff report. The facility is located at 206 Main Street and is zoned Central Commercial which meets the requirements to apply for a Specific Use Permit. Susann Briggs was available to answer any questions. There was no one else to speak to the issue. Councilman Walker made a motion to approve the Specific Use Permit request. Councilman Spraggins seconded and the vote was as follows:

Ayes: Walker, Aguilar, Spraggins, Brown  
Nays: Jordan, Taylor  
Abstain: Williams

**The motion carried.**

**DISCUSSION/ACTION ON AGREEMENT FOR ENGINEERING SERVICES FOR HOUSTON STREET**

Staff sent a “Request for Proposal” to seven engineering firms (**KSA Engineering, RJN Group, CLB Engineers, Garver Engineers, MTG Engineers, TCB, Myers Engineering, and Hayter Engineering**) and advertised in the local paper on October 10<sup>th</sup> and October 17<sup>th</sup>. Six firms supplied bids for consideration while Myers Engineering sent a letter stating they would not be able to respond. Garver Engineering is the firm selected by Staff to enter into a contract with regarding the project. The initial proposal for basic services was \$198,118.00 and an estimated \$32,950.00 for special services for a grand total of \$231,068.00. After several discussions and revisions, the final proposal for basic services is now \$140,000 with an estimated \$32,950.00 for special services, bringing the final grand total to \$172,950.00. City Manager Marc Maxwell and Director of Community Development Johnny Vance were available to answer questions and present the staff report. There was no one else to speak to the issue. Councilman Spraggins moved to approve the agreement. Councilman Jordan seconded and the vote was unanimous.

**The motion carried.**

**VISITORS AND PUBLIC FORUM**

None.

**ADJOURN**

With all business complete the meeting was adjourned at 10:19 p.m.