

**CITY OF SULPHUR SPRINGS, TEXAS**

**REGULAR MEETING OF THE**

**CITY COUNCIL**

**MARCH 11, 2008**

**7:00 p.m.**

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

Absent: Councilman Freddie Taylor  
Councilman Chris Brown

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

**PLEDGE AND INVOCATION**

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

**MANAGER'S REPORT**

**ROCKDALE ROAD II** - The second phase of the Rockdale Road project is progressing well. Capital Construction crews have finished installing the 12-inch water main. In the process, we dug up several boulders, enough to nearly double our existing stockpile. Work will now begin on 880 feet of reinforced concrete road. The project has a budget of \$223,707.

**MAIN STREET** - We just received the construction drawings from our engineers. We are presently reviewing them, and hopefully we will send the plans back for revisions very soon.

**LIONS CLUB CHRISTMAS PARADE** – The Downtown Business Alliance and I have been in discussions with the Lions Club and the Chamber of Commerce leadership about the possibility of holding the annual Christmas parade at night rather than during the day. The Lions Club has agreed to hold the event at night, complete with lighted floats and marching bands. The City, the Chamber, and the Downtown Business Alliance will all assist with the organization and the performance of the parade.

**CLAIMS** – We had one worker’s compensation claim for a twisted knee that resulted in 7 days of lost time. We did not have any liability claims against the City.

We did, however, submit a claim to the TML risk pool for the extensive wind damage we incurred during a recent storm. The claim is still being processed.

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

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

- Treated 104 million gallons of drinking water.
- Repaired 7 water leaks.
- Installed 3 new water taps.
- Replaced 16 water meters.
- Flushed 41 dead end water mains.
- Ran water treatment plant on emergency power for 2 hours during storm.
- Passed a TCEQ water plant inspection with flying colors.
- Performed annual inspection on College Street and Coleman water towers.
- Repaired 1 fire hydrant and removed 2 from abandoned lines.
- Located and raised a missing 12” water valve at Morris and Jefferson.
- Operated flood gates on Lake Sulphur Springs.
- Cleared trees out of Lake Sulphur Springs dam.
- Unstopped 48 sewer mains.
- Cleaned 64,252 feet of sewer mains.
- Repaired 4 sewer services.
- Repaired one sewer main.
- Replaced 126 feet of sewer main on 7<sup>th</sup> street.
- Repaired 1 manhole.
- Repaired Hwy 11 lift station.
- Installed new gate at the airport.

- Treated wastewater effluent to a daily average total suspended solids count of 6.57 mg/L.
- Repaired wastewater chlorinator and tertiary filter.
- Received police training in the following fields: drug investigations, field officer training, child abuse, use of force and ethics.
- Made 15 felony arrests in the Special Crimes Unit.
- Responded to 34 accidents, made 109 arrests, recorded 69 offenses and wrote 690 tickets.
- Received 64 dogs and cats at the shelter, returned 11 to their owners and found homes for 37 for a **69% adoption rate!!!!** I think that is a record.
- Repaired 22 potholes.
- Performed 16 street repairs as a result of utility repairs.
- Conducted 11 health inspections and 90 public nuisance inspections.
- Conducted 33 building inspections, 33 electrical inspections, 42 plumbing inspections, 15 mechanical inspections, 10 miscellaneous inspections and issued 21 building permits.
- Processed 754 tickets through Municipal Court.
- Administered construction contract for new hangar construction at the airport.
- Sold 6,823 gallons of jet fuel, and 2,509 gallons of aviation gas.
- Repaired AvGas pump.
- Continued cooperative planning efforts with the Hopkins County Historical Society to hold the second annual Bluegrass Music Show and Folk Festival.
- Started maintenance at municipal pool.
- Prepared softball fields at Coleman Park for high school tournament.
- Began mowing athletic fields.
- Responded to 96 fire/rescue calls including 2 structure fires.
- Conducted 46 fire inspections.
- Maintained 114 fire hydrants.
- Assisted with MDA lock-up.
- Prepared for the **Library Gala going on all this week.** Luncheon on Friday!!!

### **CONSENT AGENDA**

The following items on the Consent Agenda were reviewed: Consider for approval regular City Council meeting minutes of February 5, 2008; Planning and Zoning meeting minutes of February 18, 2008; Zoning Board of Adjustments meeting minutes of February 19, 2008; the Downtown Revitalization Board meeting minutes February 19, 2008; and the Economic Development Corporation meeting minutes of January 28, 2008. There was no one to speak to the issue. Councilman Spraggins moved to approve the consent agenda as presented. Mayor Pro Tem Aguilar seconded the motion and the vote was unanimous.

**The motion carried.**

### **DISCUSSION/ACTION ON PUBLIC HEARING FOR SECOND AND FINAL 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 ordinance adopts the settlement agreement in the rate case with Atmos Mid-Tex. In September 2007 Atmos requested a rate increase of \$52 million per year. This ordinance, along with its associated tariffs and settlement agreement, would settle this rate case. As a result of the settlement Atmos' revenues will increase \$10 million per year, about 80% less than they had requested. The ordinance also requires Atmos to reimburse the cities' legal expenses and eliminates GRIP rate increases in favor of a more thorough rate review process on a 3 year trial basis. City Manager Marc Maxwell was available to answer any questions. There was no one else to speak to the issue. Councilman Spraggins moved to adopt the ordinance on the second and final reading. Councilman Walker seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON PUBLIC HEARING OF SECOND AND FINAL READING OF ORDINANCE NO. 2537 APPROVING THE PETITION OF ONCOR ELECTRIC DELIVERY COMPANY LLC TO MODIFY ITS LIGHTING SERVICE TARIFF PURSUANT TO THE ENERGY POLICY ACT OF 2005**

Oncor Electric Delivery Company filed a Petition with the Public Utility Commission to modify its Retail Delivery Service Tariff Section 6.1.1.6 (Lighting Service). The purpose of the modification is to reflect the requirements of the Energy Policy Act of 2005, which prohibits the manufacture of mercury ballasts after January 1, 2008. Oncor will continue to provide service to existing mercury vapor fixtures installed until the fixtures require replacement. There was no one else to speak to the issue. Councilman Spraggins made a motion to adopt the ordinance on the second and final reading. Councilman Walker seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON PUBLIC HEARING OF SECOND AND FINAL READING OF ORDINANCE NO. 2538 SETTING FORTH UNIFORM REQUIREMENTS FOR USERS OF THE WASTEWATER COLLECTION AND**

**PUBLICLY OWNED TREATMENT WORKS (POTW) FOR THE CITY OF SULPHUR SPRINGS AND ENABLES THE CITY TO COMPLY WITH ALL APPLICABLE STATE AND FEDERAL LAWS INCLUDING THE CLEAN WATER ACT (33 U.S.C. 121 ET SEQ.) AND THE GENERAL PRETREATMENT REGULATIONS (40 CFR PART 403)**

This sewer use ordinance gives legal authority and outlines the procedures to implement our Revised Industrial Pretreatment Program. It sets forth the sewer discharge parameters and requirements each industry must meet in order to discharge into the City sewer system. This ordinance is required by the Texas Commission on Environmental Quality (TCEQ) for approval of the Pretreatment Program. There was no one else to speak to the issue. Councilman Spraggins moved to adopt the ordinance on the second and final reading. Councilman Walker seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON PUBLIC HEARING OF SECOND AND FINAL READING OF ORDINANCE NO. 2539 AMENDING THE ANIMAL CONTROL ORDINANCE REVISING ARTICLE I, CHAPTER 5, SECTION 5-15 “DO AND CAT STERILIZATION” AND ARTICLE III, CHAPTER 5, SECTION 5-29 “REDEMPTION BY OWNER; AND ADOPTION PROCEDURE”**

This ordinance is designed to improve the adoption rate, expedite the process, and be in compliance with the Texas Health and Safety Code, Section 828, and proposes that a new pet owner sign and agree to follow the adoption agreement from the Animal Control Shelter. The owner will pay the veterinarian and abide by the agreement. The Animal Control Shelter will no longer take the animals to a veterinarian for sterilization. To insure compliance with the Sterilization Agreement the Animal Control Shelter will follow up with the new owner. The shelter has seen a significant increase in adoptions from out of town people. Police Chief Jim Bayuk was available to answer any questions. There was no one else to speak to the issue. Councilman Spraggins moved to adopt the ordinance on the second and final reading. Mayor Pro Tem Aguilar seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2540 AMENDING ORDINANCE NO. 2050, ARTICLE 15, HEAVY COMMERCIAL DISTRICT, SECTION 15.200 TO INCLUDE SMALL ANIMAL CLINICS WITH NO OUTDOOR KENNELS**

Currently small animal clinics are required to be located in Light Industrial zoning. This ordinance would allow small animal clinics with no outdoor kennels to be located in Heavy Commercial zoning. Community Development Director Johnny Vance presented the staff report. There was no one else to speak to the issue. Councilman Spraggins

moved to approve the ordinance on the first reading. Councilman Walker seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION RESOLUTION NO. 957 AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH HOPKINS COUNTY FOR THE PURPOSE OF LEASING STATE MANDATED ELECTRONIC VOTING EQUIPMENT FOR EARLY VOTING AND ELECTION DAY**

The City of Sulphur Springs must use DRE equipment in our election to comply with state mandates. This resolution allows the City Manager to enter into a lease agreement with Hopkins County to lease equipment. The maximum amount of the lease agreement will be \$1,680 for one entity, \$840 if two entities participate and \$560 if all three entities participate. The City of Sulphur Springs will be the only entity conducting an election and will pay the lease cost of \$1,680.00. This amount is for the lease agreement only and does include all the other costs involved with conducting an election. There was no one else to speak to the issue. Councilman Spraggins moved to approve the resolution. Councilman Jordan seconded the motion and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON BIDS AND AWARD OF CONTRACT FOR CONCRETE FOR THE ROCKDALE ROAD PROJECT**

On February 19, 2008, staff conducted a public bid opening for concrete for the Rockdale Road project. The bid opening is for 3000psi 5 sack mix w/FBR, 3000psi 5 sack mix high early w/FBR and Curb and Gutter Grout Mix. Staff sent bids packets to TXI, Transmit Mix, and Bell Concrete as well as advertising in the News Telegram. The following are bids that were received:

**Transit Mix**

3000psi 5 sack mix w/FBR	\$88.00
3000psi 5 sack mix high early w/FBR	\$94.00
Curb and Gutter Grout Mix	\$87.00

**TXI**

3000psi 5 sack mix w/FBR	\$93.00
3000psi 5 sack mix high early w/FBR	\$98.00
Curb and Gutter Grout Mix	\$100.00

Community Development Director Johnny Vance was available to answer any questions. There was no one else to speak to the issue. Councilman Jordan made a motion to accept

the bids and award the contract to Transit Mix. Councilman Walker seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON BIDS AND AWARD OF CONTRACT FOR WATER PIPE FOR HOUSTON STREET**

The City opened bids for water pipe for Houston St. on February 25, 2008 at 10:00 am. Bid request packets were sent to Underground Utility Supply, Coburn’s and H.D. Supply.

The City received the following bids:

	12” PVC DR18, AWWA C900 water pipe	12” PVC DR18, AWWA C909 water pipe <b>(alternate)</b>
<b>*Underground Utility Supply</b>	<b><u>\$58,600.00</u></b>	\$56,900.00
Coburn’s	\$62,600.00	NB
H.D. Supply	\$64,200.00	\$57,600.00

Community Development Director Johnny Vance was available to answer any questions. There was no one else to speak to the issue. Councilman Jordan made a motion to accept the bids and award the contract to Underground Utility Supply for the C900 water pipe at \$58,600. 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 7:15 p.m.