

CITY OF SULPHUR SPRINGS, TEXAS

REGULAR MEETING OF THE

CITY COUNCIL

MAY 6, 2008

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

Absent: None

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

PLEDGE AND INVOCATION

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

MANAGER'S REPORT

COLLEGE STREET - The cavalry is coming, but not until June/July. In the meantime, we'll patch a few potholes and keep it passable. Then, when it's warm enough our contractor will pave it. Please be patient.

S.H. 11 UTILITY RELOCATES – This project is progressing very slowly. The combination of sandy soils and wet conditions have proved to be very difficult. At this point, we have relocated the utilities along Arbala Road on the approach to the new S.H. 11 bypass. We must still relocate the utilities along S.H. 19 and Holiday Drive. The project has a budget of \$389,050.

HOUSTON STREET - Garver Engineering is presently designing the project. Water, sewer and storm water improvements will proceed later this year; street improvements will proceed next year.

MAIN STREET - The bids for Main Street came in extremely high. The low bid was \$757,000. Later on the agenda the City Council will consider whether to reject all bids and do the project in-house.

ROCKDALE ROAD II - The second phase of the Rockdale Road project is still on hold while the Capital Construction Division performs the S.H. 11 utility relocates.

CLAIMS – We had one minor worker’s compensation claim that did not result in any lost time. We had 3 liability claims in April, one for sewer damages to a home, and 2 from motorists who claim that they damaged their vehicles while driving the obstacle course on College Street. We’re giving out awards for those who successfully negotiate the course. The 2 aforementioned claimants did not place.

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

MISCELLANEOUS – Elsewhere around the City, employees:

- Checked out 4,708 books, tapes, etc.
- Started gearing up for the annual summer reading program.
- Prepared for “Splash Day” at the City Pool, May 24, 2008.
- Sold 12,005 gallons of jet fuel, and 2,449 gallons of AvGas.
- Worked with the Hopkins County Historical Society planning the 2008 Bluegrass Music Show and Folk Festival, May 09 and May 10 respectively.
- Developed and placed tourism advertising in 3 magazines, Festivals of Texas, County Line, and Dallas Guide.
- Responded to 112 fire/rescue calls.
- Performed 33 fire inspections.
- Maintained 114 fire hydrants.
- Made repairs to Fire Engine #3. (valves)
- Renovated restrooms at Buford Park.
- Cleaned the waterfall.

- Fertilized sports fields.
- Removed dead trees at Coleman Park.
- Inspected Kids Kingdom and made repairs.
- Repaired 46 potholes.
- Made 13 street repairs as a result of utility repairs.
- Conducted spring clean-up. (48 40-yard roll-offs)
- Swept 51 streets.
- Conducted 69 public nuisance inspections.
- Installed the grease-trap in T-bone alley and put out a little sod and grass seed.
- Treated 110 million gallons of water.
- Received training on homicide investigations, ethics for law enforcement, child abuse prevention, arrest search and seizure, crime scene search, and K-9 training U.S.P.C.A. trials.
- Seized 12 pounds of marijuana.
- Activated the Emergency Operations Center 5 times for weather.
- Made 12 drug related felony arrests in the Special Crimes Unit.
- Wrote 604 citations, worked 52 accidents, made 110 arrests, and recorded 70 offenses.
- Responded to 228 animal control calls.
- Took in 70 dogs and cats at the animal shelter, released 6 to their owners and found homes for 57 for an amazing 89% adoption rate! Kudos to Animal Control!
- Processed 629 tickets through municipal court.
- Switched over electrical services in T-bone alley.
- Repaired runway lights.
- Repaired ball field lights at Buford Park.
- Repaired #6 filter, chlorinators, chlorine tank and primary pump at wastewater treatment plant.
- Treated wastewater to a total suspended solids count of 3.10 mg/L.
- Unstopped 39 sewer mains.
- Installed 5 new sewer taps and abandoned 4 old ones.
- Inspected all sewer mains in segment IV.
- Repaired 9 minor water leaks.
- Installed 6 new water main valves.
- Replaced 29 water meters.
- Repaired 1 fire hydrant.

CONSENT AGENDA

The following items on the Consent Agenda were reviewed: Consider for approval regular City Council meeting minutes of April 1, 2008; Planning and Zoning meeting minutes of April 21, 2008; the Downtown Revitalization Board meeting minutes April

15, 2008; and the Economic Development Corporation meeting minutes of March 24, 2008. There was no one to speak to the issue. 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. 2541 SETTING REDUCED SPEED LIMITS FOR INTERSTATE HIGHWAY 30 DURING CONSTRUCTION

This is the second reading for an ordinance requested by the Texas Department of Transportation to reduce the speed limit on IH 30 from 70 mph to 60 mph through the construction zone. The construction zone is approximately six (6) miles long beginning at Loop 301 and ending at the west city limit boundary. Recently two Texas Department of Transportation workers were killed while working in a construction zone. There was no one to speak to the issue. Councilman Spraggins moved to approve the ordinance on the second and final reading. Mayor Pro Tem Aguilar seconded the motion and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2542 ESTABLISHING A REINVESTMENT ZONE FOR OCEAN SPRAY

Ocean Spray is in the process of expanding its operation in Sulphur Springs. The current expansion is 5 million dollars. One of the incentives that is offered to all industries that expand is a tax abatement. This ordinance establishes a Reinvestment Zone, the geographical boundaries of an area where a taxing entity can offer a tax incentive. This ordinance creates the Reinvestment Zone but does not issue a tax abatement. EDC Director Roger Feagley and Craig Miller of Ocean Spray were available to answer any questions. There was no one 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 FIRST READING OF ORDINANCE NO. 2543 AMENDING THE CITY OF SULPHUR SPRINGS FRANCHISE AGREEMENT WITH ATMOS ENERGY, MID-TEX DIVISION

This ordinance amends the existing gas franchise between the City of Sulphur Springs and Atmos Energy Corporation to provide for a different consideration; providing for an effective date; providing for acceptance by Atmos Energy Corporation; and finding and determining that the meeting at which this ordinance is passed is open to the public as

required by law. There was no one to speak to the issue. Councilman Spraggins made a motion to approve the ordinance on first reading. Councilman Taylor seconded the motion and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 958 AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF 10 CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY

The City of Sulphur Springs, Texas is a member of a 109-member city coalition known as the Steering Committee of Cities Served by Oncor. This resolution approves the assessment of a ten cent (\$0.10) per capita fee to fund the activities of the Steering Committee. There was no one else to speak to the issue. Councilman Spraggins made a motion to approve the resolution as presented. Councilman Taylor seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FINAL REPLAT OF LOT 1 WILLIAMS ADDITION, A REQUEST BY OWNERS GARY & WINNIE PRIEST TO REPLAT PROPERTY LOCATED AT 600 LEAGUE STREET, BEING FURTHER DESCRIBED AS LOT 1 OF BLOCK 24-5, INTO FOUR LOTS

Gary and Winnie Priest are requesting to replat this property into four lots. Existing utilities and fire protection serve this property along Camp and League Streets. Additional taps will be required which may involve crossing League Street and rerouting existing water and sewer service across Lot 1-A. These costs are the responsibility of the developer. There was no one else to speak to the issue. Councilman Spraggins moved to approve the replat contingent upon the execution of a Community Facilities Contract. Councilman Taylor seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FINAL PLAT OF POGUE ADDITION, A REQUEST BY OWNER DICK POGUE TO REPLAT PROPERTY LOCATED ON THE NORTH SIDE OF I-30 AND EAST OF STATE HIGHWAY 19, BEING FURTHER DESCRIBED AS LOT 5 OF BLOCK 215, TO CREATE A BUILDING SITE

Dick Pogue is requesting to replat this property to create a building site. The property is currently served by water and fire protection. The developer proposed to extend the sewer to this lot from an existing sewer main along Gossett Lane. There was no one else

to speak to the issue. Councilman Jordan moved to approve the replat contingent upon filing the easement and the execution of a Community Facilities Contract. Councilman Spraggins seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON BIDS AND AWARD OF CONTRACT FOR CHEMICALS FOR THE WATER TREATMENT PLANT

The City advertised for bids on Alum, Alum/Copper Sulfate Blend, Liquid Ammonium Sulfate, Chlorine Dioxide (Chlorite), Chlorine, Fluoride and Caustic Soda to be used at the Water Plant and Sulfur Dioxide to be used at the Wastewater Plant. Low bids were submitted by the following companies:

		New Price	Old Price
Alum	Chameleon Ind.	\$264.00/ton	\$172.85/ton
Alum/Copper Sulfate Blend	General Chemical	1%-\$300.00/ton	\$174.12/ton
		2%-\$330.00/ton	\$183.40/ton
		3%-\$350.00/ton	\$203.55/ton
Liquid Ammonium Sulfate	Altivia	\$0.115/lb	\$0.06/lb
Chlorine Dioxide (Chlorite)	Siemens Water Tech	\$0.715/lb	\$0.695/lb
Chlorine	DPC	\$541.00/ton	\$512.00/ton
Sulfur Dioxide	DPC	\$574.00/ton	\$585.00/ton
Fluoride	Pencco, Inc.	\$0.330/lb	\$0.1865/lb
Caustic Soda	General Chemical	\$415.55/ton	\$433.00/ton

Mr. Charles Oxford addressed the City Council giving information on fluoridation of the drinking water and requested a delay until next month on this item. Councilman Walker asked Utilities Director Craig Vaughn and Assistant Utilities Director Robert Lee if bids were approved would the city be obligated to buy the fluoride. Mr. Vaughna and Mr. Lee agreed that the city does not have to buy the fluoride if these bids are accepted. There was no one else to speak to the issue. Councilman Jordan moved to approve the low bids and award the contracts accordingly. Councilman Taylor seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON BIDS AND AWARD OF CONTRACT FOR ASPHALT FOR THE CAPITAL IMPROVEMENT PROJECTS PROGRAM

Publications were placed in the News Telegram on April 12 and again on April 19, 2008. On April 28, 2008 at 10:00 a.m., Staff conducted a public bid opening for the 2008 - 2009 Asphalt Resurfacing. Bid request were sent to Apac-Texas of Brashear and Richard Drake Construction of Powderly. Two Bids were received from R. K. Hall (aka Apac-Texas) and Richard Drake Construction.

Description	Quantity	Richard Drake Construction		R.K. Hall Construction, LTD	
		Unit Price	Total Price	Unit Price	Total Price
Furnish & Install 1 1/2 " Type 'D' HMAC Surface	5000 TN	\$ 77.90	\$ 389,500.00	\$ 74.35	\$ 371,750.00
Wedge Mill for Overlay	15000 SY	\$ 2.60	\$ 39,000.00	\$ 2.38	\$ 35,700.00
Tack Coat	2000 GAL	\$ 2.80	\$ 5,600.00	\$ 2.33	\$ 4,660.00
Prime Coat	2000 GAL	\$ 3.60	\$ 7,200.00	\$ 4.68	\$ 9,360.00
Furnish & Install Plant Mix Seal	5000 TN	\$ 84.87	\$ 424,350.00	\$ 84.94	\$ 424,550.00
Remove and Replace Soft Spots	1000 TN	\$ 100.00	\$ 100,000.00	\$ 102.17	\$ 102,170.00
TOTAL BID			\$ 965,650.00		\$ 948,190.00

There was no one else to speak to the issue. Councilman Jordan moved to accept the bids and award the contract to the low bidder which was R. K. Hall Construction, LTD. Councilman Taylor second and the vote was unanimous.

The motion carried.

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

On April 28, 2008 at 11:00 a.m., staff conducted a public bid opening for the Main Street Streetscape project. The work includes reconstruction of Main Street from Davis to Gilmer (450LF), storm water drainage, sidewalks, brick pavers, irrigation, streetscape,

parking, landscaping, planters, electrical controls, lighting fixtures, various signs and pedestrian facilities. The final product will comply with ADA standards and provide continuous pedestrian access along Main Street. The following are the bids that were placed:

- | | |
|---|-----------------------|
| 1. Harrison, Walker and Harper, LP | \$757,792.72 |
| 2. Richard Drake Construction | \$897,543.12 |
| 3. Ed Bell Construction | \$1,345,675.00 |

Publications were placed in the News Telegram on April 12 and again on April 19, 2008. Packets were faxed to Ed Bell Construction, Mario Sinacola and Sons, Glenn Thurman, Inc., Austin Bridge and Road, Tiseo Paving Company, L.H. Lacy Company, Texas Sterling Construction, Richard Drake Construction, Diamond K Corp., Spann Concrete Construction, L.L.C., Bar H Construction, Potts Concrete Construction, Inc., Harrison, Walker and Harper, LP, R.K. Hall Construction, LTD, John Berry, and Chris's Irrigation. Staff recommends rejecting all bids and for the City Council to consider allowing the Capital Construction Department to perform this project. Director of Community Development Johnny Vance was available to answer any questions and present the staff report including an "in-house" bid proposal. Councilman Jordan moved to approve staff recommendation. Councilman Taylor seconded. City Manager Maxwell asked for clarification. No action was taken on this motion. There was a general discussion among the City Council and staff. Councilman Spraggins moved to reject all outside bids received April 28, 2008 and to approve the "in house" bid with alternates 1 and 3. Councilman Jordan seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON ABATEMENT PROCEEDINGS FOR 123 LAMAR STREET

Director of Community Development Johnny Vance presented the staff report. Gail Niergarth addressed the City Council stating the structure is a total nuisance and presented pictures of the structure. The owner and his interpreter, Rosa, entered the council chambers in time to address the City Council. There was no one else to speak to the issue. Councilman Spraggins moved to declare the property a public nuisance and order abatement by demolition within 30 days. Councilman Jordan seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON CONSIDERATION TO EXTEND THE TIME FOR THE REHABILITATION OF PROPERTY LOCATED AT 1220 TEXAS STREET

The City Council previously declared this property a nuisance and ordered abatement by demolition or for the owner to submit an appropriate plan of action and to obtain a permit on or before February 6, 2007. The building permit was issued March 22, 2007. After further examination of the property Mr. Rosamond found the damage to be more extensive than anticipated. He has made contact with the insurance company and began the process for filing a claim for the damages. He has recently settled with the insurance company and is once again underway with the rehabilitation process. The owner, in light of these events, is requesting an extension. Director of Community Development Johnny Vance presented the staff report and was available to answer any questions. There was no one else to speak to the issue. Councilman Brown moved to grant the extension for one year making the completion date May 7, 2009. 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 7:44 p.m.