

CITY OF SULPHUR SPRINGS, TEXAS

REGULAR MEETING OF THE

CITY COUNCIL

OCTOBER 7, 2008

7:00 p.m.

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

Mayor Oscar Aguilar
Mayor Pro Tem Gary Spraggins
Council Garry Jordan
Councilman Clay Walker
Councilman Chris Brown
Councilman Charles Oxford

Absent: Councilman Freddie Taylor

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

PLEDGE AND INVOCATION

Mayor Aguilar led in the pledge of allegiance and Mayor Pro Tem Spraggins led in the invocation.

The Mayor wanted to speak prior to the Manager's Report thanking Marc Maxwell and all the City Staff that made the Main Street project possible. He stated the Grand Opening of Main Street was well attended and everyone was thrilled with the project.

Councilman Walker also thanked the City Staff for their efforts and believes this is a great first step towards revitalizing the core of our city. He also stated that he is proud to be a part of this major project and looks forward to future incremental steps taken to improve the City of Sulphur Springs.

MANAGER'S REPORT

MAIN STREET - It's done...now the real work begins. It's time to program events on the street, time to recruit businesses, time for owners to rehabilitate buildings.

Speaking of programming, the possibility of a farmer's market is an idea I seem to be hearing a lot more about lately, from citizens and City Council members alike. To that end, I have some drawings I would like to share with you.

The drawings you have in front of you represent one architect's idea for a farmer's market. The concept would: 1) Preserve parking during the day. 2) Be home to a farmer's market once or more each week. 3) Be a venue for movie nights, music festivals, Super Bowl parties, etc. 4) Provide public restrooms. 5) Be designed for possible conversion into a retail building sometime in the future. 6) Provide protection from the elements, and yet allow enough light and cross-ventilation to make it feel a bit outdoors. 7) Fill in the gap on the south side of Main Street with a beautiful facade.

I do not have any cost estimates yet, and I am not asking you to making any decision. I just want to float an idea.

The City Council conducted a general discussion regarding the City Manager's presentation regarding a Farmer's Market.

S.H. 11 UTILITY RELOCATES – The Capital Construction Division has completed the utility relocations for the S.H. 11 bypass project. The project had a budget of \$389,050. We think we came in a bit under budget, but the bills are still coming in. We'll know more next month.

ROCKDALE ROAD II - We're about to get started. You might recall that we already installed water and some sewer utilities last year. Now we will reconstruct 880 feet of street in reinforced concrete. The project has a budget of \$223,700.

CLAIMS – We had one minor worker's compensation claim for poison ivy exposure and one minor liability claim for damages from a pothole. Both claims are at the TML risk pool awaiting a determination.

REVENUES AND EXPENDITURES – Finance Director Peter Karstens will present the monthly report on revenues and expenditures.

MISCELLANEOUS – Elsewhere around the City, employees:

- Distributed 2,535 meals to senior citizens.
- Utilized 1,630 volunteers at the senior citizen center.
- Responded to 97 fire/rescue calls

- Conducted 41 fire inspections.
- Received 60 hours of fire/rescue training.
- Sold 9,516 gallons of jet fuel and 2,880 gallons of AvGas.
- Repaired runway lighting.
- Developed and placed ads in various tourism related magazines.
- Repaired 17 potholes and made 17 street repairs for utility cuts.
- Conducted 11 health inspections and 54 public nuisance inspections.
- Conducted 45 building inspections, 50 electrical inspections, 54 plumbing inspections, 28 mechanical inspections and issued 27 building permits.
- Unstopped 31 sewer mains.
- Repaired 7 sewer mains and/or services.
- Cleaned 40,000 feet of sewer mains.
- Replaced 44 water meters and 2 fire hydrants.
- Performed preventative treatment on wastewater treatment filters and pumps and clarifiers.
- Produced total suspended solids count of .95 mg/L at the Wastewater Treatment Plant.
- Flushed 38 dead-end water mains.
- Collected water samples and wastewater samples for regulatory testing, being careful not to confuse the two.
- Performed preventative maintenance on water clarifiers and pumps.
- Checked out 4,183 books, tapes etc.
- Wrote 465 tickets, made 101 arrests, recorded 72 offenses and worked 42 accidents.
- Shredded around Coleman Lake.
- Received 67 dogs and cats at the animal shelter, returned 8 to their owners, and found homes for 48 for a 75% adoption rate.

CONSENT AGENDA

The following items on the Consent Agenda were reviewed: Consider for approval regular City Council meeting minutes of September 2, 2008; Special City Council meeting minutes of September 23, 2008; the Zoning Board of Adjustment meeting minutes of September 16, 2008; the Downtown Revitalization board meeting minutes of September 16, 2008; and the Tourism and Promotion meeting minutes of July 9, 2008. There was no one to speak to the issue. Councilman Walker moved to approve the consent agenda as presented. Councilman Jordan seconded the motion and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 965 FINDING THAT ONCOR ELECTRIC COMPANY'S REQUESTED INCREASES TO ITS ELECTRIC TRANSMISSION AND DISTRIBUTION RATES AND CHARGES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; 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. Oncor Electric Delivery Company ("Oncor" or "the Company") filed an application on or about June 27, 2008 with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by \$275 million. (Until last year, Oncor was known as TXU Electric Delivery Company.) The Company asked the City to approve a 17.6% increase in residential rates, a 9.1% increase in commercial rates, and a 5.8% increase in street lighting rates. According to Oncor, annual rates would increase by approximately \$60 for an average residential customer.

The City Council previously extended the August 8, 2008 effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with the Steering Committee of Cities Served by Oncor, to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue. We must now take Action by November 06, 2008.

This resolution denies the Company's requested rate increase and requires that the Company's current rates be maintained for all customers within the City. Oncor's request has been assigned Public Utility Commission Docket No. 35717.

There was no one else to speak to the issue. Mayor Pro Tem Spraggins moved to approve the resolution as presented. Councilman Walker seconded motion and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON REQUEST FOR SPECIFIC USE PERMIT AT 326 EAST INDUSTRIAL

Leo Bravo, owner of the El Padriillo Restaurant, has made application to the City of Sulphur Springs 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 326 East Industrial and is zoned Heavy Commercial which meets the requirements to apply for a Specific Use Permit. Mr. Bravo was available to answer any questions. Councilman

Oxford moved to deny the request. Councilman Jordan seconded the motion and the vote was as follows:

Ayes: Jordan, Oxford
Nays: Walker, Aguilar, Spraggins, Brown
Abstain: None

The motion to deny the request failed.

Councilman Walker moved to approve the request. Councilman Brown seconded and the vote was as follows:

Ayes: Walker, Aguilar, Spraggins, Brown
Nays: Jordan, Oxford
Abstain: None

The motion to approve the request carried.

VISITORS AND PUBLIC FORUM

Mr. Jordan Krause handed out a book to the each of the City Councilman and left one for Councilman Taylor. He said there were three chapters in the book that were relatively important. One of those chapters has to do with water, one discusses children and cancer, and the other chapter discusses children and nutrition including what causes decay in children's teeth. Mr. Krause then thanked the City Council for their time.

Mr. W. A. Cook addressed the City Council to discuss the unsightly conditions located at 126 South Moore Street and distributed a copy of pictures he has taken of the property. He stated there are high weeds and grass, an automobile that has been in the back for years with wasp and bees living in it, and an old building that is falling in with rats and snakes and buzzards. He says the woman that lives there puts plastic on the ground and when it rains the water just sits and causes mosquitoes. Mr. Cook would like the City to do something about these conditions because he does not believe he is getting any support from code enforcement. Mr. Cook thanked the City Council for their time.

ADJOURN

With all business complete the meeting was adjourned at 7:46 p.m.