

**CITY OF SULPHUR SPRINGS, TEXAS**

**REGULAR MEETING OF THE**

**CITY COUNCIL**

**SEPTEMBER 2, 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 Freddie Taylor  
Councilman Chris Brown  
Councilman Charles Oxford

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  
Craig Vaughn, Director of Utilities  
Gordon Frazier, Human Resources Director  
Jim Bayuk, Chief of Police  
Robert Lee, Assistant Director of Utilities

**PLEDGE AND INVOCATION**

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

**PRESENTATION TO LT. NORMAN SANDERS, OFFICER MIKE MORGAN AND OFFICER EDDIE MOON BY THE HOPKINS COUNTY MEMORIAL HOSPITAL E.M.S. FOR THEIR HEROIC EFFORTS**

Several members of the Hopkins County Memorial Hospital E.M.S. were present to recognize Lt. Norman Sanders, Officer Mike Morgan and Officer Eddie Moon for their

heroic efforts. Shift Commander Danny Wilburn made the presentation of the First Responder Award to Lt. Sanders, Officer Morgan and Officer Moon stating that they each performed intervention that went above and beyond the call of duty. The officers received a standing ovation and Mayor Aguilar thanked the officers for all that they do.

### **MANAGER'S REPORT**

**MAIN STREET** - We're on the final stretch. All we lack is a little concrete, a lot of brick and some benches and trash cans. We're still shooting for October 01. It will be close.

**S.H. 11 UTILITY RELOCATES** – The Capital Construction Division is working with a boring contractor on Highway 19 to relocate all of the water and sewer utilities on their approach to S.H. 11. This is the last portion of the S.H. 11 Bypass utility relocation project. The project has a budget of \$389,050.

**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** – Two employees filed workers compensation claims for injuries incurred on the job. One was for a scrape which resulted in no lost time on the job and the other was for a chipped bone and will be reevaluated on or before September 10, 2008.

We also received four liability claims in the month of August. One claimant stated the she fell while walking in the parking area at Davis and Main Streets causing the dislocation of the little finger on the right hand and deep lacerations. A claim has been submitted to TML. There were two separate claims of patrons falling at the Senior Citizen Center. These claims have been submitted to TML. A claimant stated the gutter at Elm and Bill Bradford Road is too deep resulting in damages to the front of her PT Cruiser. This claim has been denied by TML.

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

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

- Made numerous street repairs around the City.
- Trimmed various trees for truck clearance.
- Repaired a few stop signs.
- Repainted the crosswalk in front of Water Oak School.
- Conducted 67 public nuisance inspections.
- Conducted 38 building inspections, 35 electrical inspections, 42 plumbing inspections, 23 mechanical inspections, 22 miscellaneous inspections, and issued 14 building permits.
- Abated 5 substandard structures bring the total number of abated structures to 408.

- Worked with the Downtown Business Alliance (DBA) and the Downtown Revitalization Board on the revision of the City's vendor ordinance.
- Sold 10,435 gallons of jet fuel and 2,981 gallons of aviation gas.
- Repaired runway lighting.
- Unstopped 27 sewer mains.
- Repaired 6 sewer mains.
- Installed 6 new sewer taps.
- Cleaned 34,000 feet of sewer mains.
- Installed new valves on Cantex lift station.
- Repaired 21 water breaks.
- Installed 5 new water taps.
- Installed 15 new water meters.
- Installed 300 feet of water main on Lundy Street.
- Repaired clarifier #2 at Wastewater Treatment Plant (WWTP)
- Repaired sludge pumps at WWTP.
- Repaired chlorinator at WWTP.
- Treated wastewater to a daily average total suspended solids (TSS) reading of **0.82** mg/L.
- Attended wastewater pre-treatment training.
- Attended chemical safety training at Water Treatment Plant.
- Sampled water system and sent samples to lab in Tyler.
- Flushed 40 dead-end water mains.
- Repaired flocculators.
- Performed preventative maintenance on clarifier #1.
- Drained #3 clarifier for cleaning and repainting center ring, influent tube, and sludge rakes.
- Responded to 118 fire/rescue calls.
- Conducted 42 fire inspections.
- Maintained 110 fire hydrants.
- The Sulphur Springs Fire Department won second place in the Hot Summer Nights BBQ cook-off.
- Checked out 5,408 books, tapes, etc.
- Distributed 2,291 meals.
- Prepared fields for Deep East Baseball.
- Closed swimming pool down for the season.
- Took in 55 animals at the animal shelter, released 2 to their owners and found homes for 53 for an amazing **100%** adoption rate! Kudos to Animal Control!
- Processed 522 tickets through municipal court.
- Made 5 felony arrests in the special crimes unit.
- Received training on Crimes Against Children, Domestic Violence Intervention for Communicators, Cultural Diversity, Special Investigative Topics, Use of Force, Arrest, Search and Seizure, Introduction to Identity Theft and Assisting Victims of Identity Theft, Epic Seminar on Drug Traffic, and Glock Armorer

School.

- Wrote 522 citations, worked 35 accidents, made 105 arrests, and recorded 88 offenses.

### **CONSENT AGENDA**

The following items on the Consent Agenda were reviewed: Consider for approval regular City Council meeting minutes of August 5, 2008; Special City Council meeting minutes of August 7, 14, 25, and 28, 2008; Planning & Zoning meeting minutes of August 18, 2008; the Downtown Revitalization board meeting minutes of August 19, 2008; and the Economic Development Corporation meeting minutes of July 28, 2008. There was no one to speak to the issue. Councilman Walker moved to approve the consent agenda as presented. Councilman Brown seconded the motion and the vote was unanimous.

**The motion carried.**

### **DISCUSSION/ACTION ON WHETHER OR NOT TO CONTINUE FLUORIDATING THE CITY OF SULPHUR SPRINGS PUBLIC DRINKING WATER AND PRESENTATION BY THE FLUORIDATION COMMITTEE**

Dr. Matthew Johnson presented the findings of the committee which supported the continuation of fluoridating the city's drinking water. The committee consisted of Dr. Tod Conner, a pediatrician, Lisa Sawyer, a licensed vocational nurse at the Early Childhood Learning Center, Dr. Matthew Johnson, a local dentist, Dr. Robert Parker, a retired dentist, and Trisha Metrolis with CANHelp. Dr. Conner and Dr. Parker also addressed the City Council regarding the importance of fluoridating the public drinking water as well as retired dentist Dr. Maurice Starkey and Fluoridation Engineer Tom Napier, a representative of the Texas Department of State Health Services. There was a general discussion. There was no one else to speak to the issue. Councilman Walker moved to accept the findings of the Fluoridation Committee and continue fluoridating the city's drinking water. Mayor Pro Tem Spraggins seconded. At this time Councilman Oxford moved to table this item until further study. There was a general discussion and Councilman Jordan seconded the motion to table. The vote was as follows:

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

**The motion to table failed.**

Mayor Aguilar then called for a vote on the motion by Councilman Walker to accept the findings of the Fluoridation Committee and continue fluoridating the city's drinking water, seconded by Mayor Pro Tem Spraggins. Councilman Brown spoke in favor of the

committee. There was no one else to speak to the issue. The vote was as follows:

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

**The motion to accept the findings of the Fluoridation Committee and continue fluoridating the city’s drinking water carried.**

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2546 APPROVING A NEGOTIATED RESOLUTION BETWEEN ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH NEGOTIATED SETTLEMENT AND FINDING RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; APPROVING ATMOS’ PROOF OF REVENUES; 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**

The City, along with 150 other cities served by Atmos Energy Mid-Tex Division (“Atmos” or “Company”), is a member of the Atmos Cities Steering Committee (“ACSC”). On April 14, 2008, Atmos filed with the City an application to increase natural gas rates pursuant to the Rate Review Mechanism (“RRM”) tariff approved by the City earlier this year. The Company’s April RRM filing seeks a \$33.5 million rate increase. The City worked with ACSC to analyze the schedules and evidence offered by Atmos to support its request to increase rates. The ordinance and attached tariff approving rates that will increase the Company’s revenues by \$20 million effective October 1, 2008, are the result of negotiations between ACSC and the Company to resolve issues raised by ACSC during the review and evaluation of the RRM filing. The monthly bill impact for the average residential customer is \$0.81. The ACSC Executive Committee recommends that all ACSC cities adopt the ordinance implementing the rate change. There was no one to speak to the issue. Mayor Pro Tem Spraggins moved to approve the ordinance on the first reading. Councilman Walker seconded and vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2547 A**

**REZONING REQUEST BY OWNER MARTHA STEVENS TO REZONE PROPERTY LOCATED AT 627 AND 629 GILMER STREET, BEING FURTHER DESCRIBED AS LOTS 8, 8A, AND 18 OF BLOCK 35 FROM SINGLE FAMILY (SF-6) TO HEAVY COMMERCIAL (HC)**

The owner is requesting to change the zoning of the property from Single Family (SF-6) to Heavy Commercial (HC) so that the property is zoned the same as the surrounding property and can be marketed and sold as commercial. Director of Community Development Johnny Vance was available to answer any questions. There was no one to speak to this issue. Councilman Brown moved to approve the ordinance on the first reading. Councilman Taylor seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2548, THE APPROPRIATIONS ORDINANCE FOR THE CITY OF SULPHUR SPRINGS FISCAL YEAR 2008-2009**

Finance Director Peter Karstens presented the staff report. This ordinance adopts the FY 2008-09 budget, appropriating certain funds and directing their expenditure. The budget is the same exact budget presented at the workshops. He further explained that the fees are all the same except for the Airport where fuel margins have been increased for inflation. Mr. Karstens also stated that if the City Council so desired they could add an estimated \$152,000 to the budget for repairs to the roof at the Service Center. There was no one else to speak to the issue. Mayor Pro Tem Spraggins moved to approve the ordinance on the first reading with the \$152,000 included for the roof at the Service Center. Councilman Taylor seconded the motion and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2549, SETTING THE TAX RATE FOR THE CITY OF SULPHUR SPRINGS FOR 2008**

Finance Director Pater Karstens presented the staff report. There was no one else to speak to the issue. Councilman Taylor moved that property taxes be increased by the adoption of a tax rate of \$0.44 per \$100 of valuation. Mayor Pro Tem Spraggins seconded the motion and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2550, SETTING THE WATER RATE FOR THE CITY OF SULPHUR SPRINGS FOR 2008**

Finance Director Pater Karstens presented the staff report. Water rates as noted in the budget workshops increase by 4.5% from last year. There was no one else to speak to the

issue. Mayor Pro Tem Spraggins 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. 2551, SETTING THE SEWER RATE FOR THE CITY OF SULPHUR SPRINGS FOR 2008**

Finance Director Pater Karstens presented the staff report. Sewer rates as noted in the budget workshops increase by 9% from last year. There was no one else to speak to the issue. Mayor Pro Tem Spraggins moved to approve the ordinance on the first reading. Councilman Taylor seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2552, SETTING THE SANITATION RATE FOR THE CITY OF SULPHUR SPRINGS FOR 2008**

Finance Director Pater Karstens presented the staff report. Sanitation rates as noted in the budget workshops increase by 4.5% from last year. There was no one else to speak to the issue. Councilman Brown moved to approve the ordinance on the first reading. Mayor Pro Tem Spraggins seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON FINAL PLAT OF JEWELL & MORRIS ADDITION, A REQUEST BY OWNERS ZIGGY JEWELL AND BRAD MORRIS TO SUBDIVIDE PROPERTY LOCATED BETWEEN LEAGUE STREET AND ROCKDALE ROAD, BEING FURTHER DESCRIBED AS LOT 17 OF BLOCK 24-4 INTO FOUR LOTS**

The owners are creating three new lots which front the concrete section of Rockdale Road. The area is zoned Multi-Family (MF) and utilities are present to serve the frontage. This street was recently widened through the Capital Improvement Projects program and the frontage contains a 12” water line and 8” sewer main. Director of Community Development Johnny Vance presented the staff report. There was no one else to speak to the issue. Councilman Taylor moved to approve the final plat as presented. Councilman Jordan seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON ASSET FORFEITURE BUDGET**

Police Chief Jim Bayuk presented the Police Department Asset Forfeiture Budget to the

City Council. Asset Forfeiture money is acquired from cash and liquidation of forfeited property from narcotic related activities. There was no one else to speak to the issue. Councilman Brown moved to approve the budget as presented. Councilman Jordan seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON EDC BUDGET PRESENTATION**

EDC Director Roger Feagley was available to present and answer any questions regarding the proposed EDC budget. There was no one else to speak to the issue. Councilman Jordan moved to approve the budget as presented. Councilman Taylor seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 963 SUPPORTING THE APPLICATION FOR GRANT FUNDING FOR A SPECIAL CRIMES UNIT FROM THE JUSTICE ASSISTANCE GRANT FOR THE 2008/2009 GRANT YEAR**

The City of Sulphur Springs has submitted an application for a Justice Assistance Grant (federal grant) through the Governor's office in the amount of \$136,031.00 to continue the Special Crimes Unit. This is a one year grant from October 1, 2008 through September 30, 2009. This is a highly competitive grant with limited federal funds. If approved, the City of Sulphur Springs would not be required to provide any matching funds for this project. Police Chief Jim Bayuk was available to answer any questions. There was no one else to speak to the issue. Councilman Jordan moved to approve the resolution as presented. Mayor Pro Tem Spraggins seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 964 SUPPORTING THE HOPKINS COUNTY VETERANS MEMORIAL COMMITTEE**

This resolution supports the efforts of the Hopkins County Veterans Memorial Committee. There was no one else to speak to the issue. Councilman Jordan moved to approve the resolution as presented. Councilman Taylor seconded the motion and the vote unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON BOARD APPOINTMENT TO THE LIBRARY BOARD**

Due to Monica Haisley's relocation there is a vacancy on the Library Board. Angie Blount has expressed a desire fill this vacancy. There was no one else to speak to the issue. Councilman Taylor moved to appoint Angie Blount to the Library Board. 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 8:10 p.m.