

**CITY OF SULPHUR SPRINGS, TEXAS**

**REGULAR MEETING OF THE**

**CITY COUNCIL**

**APRIL 7, 2009**

**7:00 p.m.**

Mayor Pro Tem Gary Spraggins called the regular meeting of the Sulphur Springs City Council to order at 7:10 p.m. The following council members and staff were present:

Mayor Pro Tem Gary Spraggins  
Councilman Garry Jordan  
Councilman Clay Walker  
Councilman Freddie Taylor  
Councilman Chris Brown  
Councilman Charles Oxford

Absent: Mayor Oscar Aguilar

Staff: Marc Maxwell, City Manager  
Gale Roberts, City Secretary  
Jim McLeroy, City Attorney  
Peter Karstens, Director of Finance  
Johnny Vance, Director of Community Development  
Craig Vaughn, Director of Utilities  
Robert Lee, Assistant Director of Utilities

**PLEDGE AND INVOCATION**

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

**MANAGER'S REPORT**

**HOUSTON STREET** - As promised, the Houston Street construction drawings are on tonight's agenda for your approval. If approved, we can begin work on Phase I on April 20<sup>th</sup>. Phase I is between Davis and Church. It is the most complicated section.

**SPRING CLEANUP** - The annual Spring Cleanup event will be held from April 13<sup>th</sup> through April 18<sup>th</sup>. The same rules will apply, no household hazardous waste, no tires. Bring a water bill

and a photo ID for proof of residency. The location is the same as always, about a quarter-mile east of Flowserve. Hours of operation are 7am to 7pm.

**CONNALLY STREET** – Staff is presently reviewing the construction drawings for Connally Street. The drawings are now 90% complete.

**MAIN STREET FARMERS' MARKET** - The new market seems to be off to a good start. We've had 3 markets now. The vendors are trying to get a feel for how much product to bring. Each time they bring more, and each time many of them sell out. Last week 688 shoppers came to the market. Most left with bags of produce, bread, cheese, meat, plants and such. It was never a big rush, just a steady stream all day long. The market hours are 8 am to 2 pm every Saturday rain or shine. The market is held in the 200 block of Main Street. Watch the video at <http://www.youtube.com/watch?v=btbeDmjvhfI>

**CLAIMS** – We had 3 workers' compensation claims in the Police Department last month. None were too serious. One was for a strained lumbar; another was for a sprained ankle, and the third officer got a bit of debris in his eye. All were treated and released to work within a day or two.

We had 3 liability claims in March. One claimant's child cut his leg on a t-post sticking out of the sidewalk on Gilmer Street. We have removed the t-post.

A water utility crew allegedly cut a Verizon line on FM 2285.

One of our dump truck drivers backed into a passenger car causing minor damage to the car.

All 3 claims have been submitted to TML.

**REVENUES AND EXPENDITURES** – Finance Director, Peter Karstens will present the year-to-date summary of revenues and expenditures.

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

- Responded to 94 fire/rescue calls including 3 structure fires.
- Conducted 41 fire inspections.
- Performed preventative maintenance on 92 fire hydrants.
- Replaced 10 street signs.
- Performed preventative maintenance on AvGas and JetA refueling trucks.
- Worked on bid specifications for taxiway revitalization project.
- Sold 6,918 gallons of JetA fuel and 1,127 gallons of AvGas.
- Prepared athletic fields for spring ball season.
- Treated 114 million gallons of drinking water.
- Repaired over 100 potholes.
- Made 11 utility cut street repairs.
- Swept 22 streets.
- Conducted 11 health inspections and 58 public nuisance inspections.
- Conducted 35 building inspections, 40 electrical inspections, 39 plumbing inspections, 28

- mechanical inspections and 26 miscellaneous inspections.
- Abated one substandard structure bringing the total to 419.
  - Replaced a sewer line between Juan Pablo's and Pizza Hut.
  - Repaired pumps at water plant and at Cooper Lake.
  - Repaired 9 water breaks.
  - Installed 6 new water taps.
  - Repaired 2 water services and replaced 28 water meters.
  - Replaced 1 fire hydrant.
  - Performed preventative maintenance on 12 water main valves.
  - Unstopped 28 sewer mains and repaired 9.
  - Cleaned 72,000 feet of sewer main.
  - Repaired 20 manholes.
  - Calibrated meters and devices at wastewater treatment plant.
  - Performed maintenance on sludge press.
  - Pressed 375 cubic yards of sludge and disposed at landfill.
  - Treated wastewater to a daily average total suspended solids (TSS) count of 5.03 mg/L.
  - Inspected all 3 water towers and both clear wells.
  - Performed preventative maintenance on the Carter Street water tower.
  - Flushed 40 dead-end water mains.
  - Processed 528 tickets through the municipal court.
  - Conducted a warrant roundup on old tickets resulting in \$57,208 of revenue to the municipal court.
  - Seized 7.7 pounds of cocaine, 2 pounds of marijuana and 2 pounds of methamphetamine.
  - Responded to 62 accidents, made 100 arrests, wrote 456 citations, and recorded 80 offenses.
  - Made 5 felony arrests in the special crimes unit.
  - Reported a 78% adoption rate at the animal shelter.
  - Checked out 4,325 books at the library.
  - Distributed 2,505 meals to seniors.

### **CONSENT AGENDA**

The following items on the Consent Agenda were reviewed: Consider for approval regular City Council meeting minutes of February 3, 2009; the regular City Council meeting minutes of March 3, 2009; the Planning and Zoning meeting minutes of March 16, 2009; the Zoning Board of Adjustments meeting minutes of March 17, 2009; the Downtown Revitalization Board meeting minutes of March 17, 2009; and the Economic Development Corporation meeting minutes of February 23, 2009. There was no one to speak to the issue. Councilman Brown moved to approve the consent agenda as presented. Councilman Oxford seconded the motion and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 973 SUPPORTING THE 2010 CENSUS AND A PRESENTATION BY THE U.S. CENSUS BUREAU**

The City Manager, Marc Maxwell, introduced Pat McCoy of the U.S. Census Bureau and expressed the significance of supporting this endeavor. It is important to ensure that everyone in our community is counted so we receive our fair share of vital resources and services. Most grants the City of Sulphur Springs applies for are contingent on information provided by the U.S. Census and it needs to be accurate. Pat McCoy further explained the great magnitude of the 2010 Census stating the information provided helps determine locations for schools, roads, hospitals, child-care and senior citizen centers. Businesses use census data to locate supermarkets, shopping centers, new housing and other facilities. Local communities use census data to gauge the financial health of the community and the future of vital social service programs. Census data determine how many seats each state will have in the House of Representatives as well as the redistricting of state legislatures, county and city councils, and voting districts. There was no one else to speak to the issue. Councilman Jordan moved to approve the resolution as presented. Councilman Taylor second and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON SECOND AND FINAL READING OF ORDINANCE NO. 2553, A CITY INITIATED REZONING REQUEST TO REZONE PROPERTY LOCATED AT 1411, 1415, 1419, AND 1423 CHURCH STREET, BEING FURTHER DESCRIBED AS LOTS 1, 2, 3, AND 4 OF BLOCK 411 FROM SINGLE FAMILY (SF) TO PROFESSIONAL OFFICE (PO)**

The Director of Community Development, Johnny Vance, presented the staff report. The properties located within 200' of Lots 1, 2, 3, and 4 of Block 411 are zoned Single Family. Lot 2 and part of Lot 3 of Block 411 are abutted by Heavy Commercial. All of the properties located across the street and south are zoned Multi-Family. Professional Office zoning will limit the types of business that could occupy the properties and remove the possibility of Multi-Family housing or large commercial businesses which is what the current residents were against. There was no one to speak to the issue. Councilman Oxford moved to adopt the ordinance on the second and final reading. Councilman Taylor seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON SECOND AND FINAL READING OF ORDINANCE NO. 2554 ESTABLISHING A LOW AND MODERATE INCOME HOUSING PROGRAM, DEFINING ELIGIBILITY AND IMPOSING CONDITIONS UPON THE GRANT OF CITY OWNED VACANT LOTS FOR LOW AND MODERATE INCOME HOUSING DEVELOPMENT**

The City has an inventory of vacant lots that may be suitable for residential development. With the proposed ordinance the City could pursue a partnership with a qualifying community development corporation that works like this:

- (1) the city donates property to the foundation;
- (2) the foundation in conjunction with a qualifying applicant builds a home on the donated property for a low/moderate applicant;
- (3) if the home is not built in 5 years the property reverts to the city.

It's a win/win situation where the foundation meets their objective, the city gets a property back on the tax rolls, and a fortunate citizen buys a home for below market cost. This ordinance does not approve the conveyance of any real property. Rather, it establishes a framework for the city to convey properties in the future. All future conveyances will require the approval of the City Council. Valanderous Bell spoke in favor the ordinance and clarified his understanding that each property will have to be brought before the City Council. Octavie Rhone stated it should be available to "profit" organizations. There was a general discussion. There was no one else to speak to the issue. Councilman Taylor moved to adopt the ordinance on the second and final reading. Councilman Jordan seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2555 ESTABLISHING MAXIMUM, REASONABLE AND PRUDENT RATES OF SPEED ON CERTAIN PORTIONS OF STATE HIGHWAY 154**

The Texas Department of Transportation performed an engineering and traffic study and survey to determine the maximum, reasonable and prudent speeds for vehicles traveling upon the above named highways and parts thereof, to facilitate the most effective use of said streets and highways and the safe and effective movement of vehicular traffic.

This ordinance would regulate speed upon entering the City of State Highway 154 (Church St.) southerly from the intersection of State Highway 19 and State Loop 301 to sixty (60) mph decreasing to fifty-five (55) mph, decrease again to fifty (50) mph, then to forty (40) mph and then southerly to the intersection with Jefferson Street thirty (30) mph except for a school zone speed limit of twenty (20) mph on school days. There is no change to Church Street.

Upon leaving the City at the south intersection of State Highway 11 traveling south on Broadway, a speed limit of forty (40) mph (a decrease from 45), increasing to fifty (50) mph (a decrease from 60), increasing to sixty (60) mph (a decrease from 65) is proposed with this ordinance. Basically this lowers the speed limit in front of Lowe's and WalMart from 50 to 40 mph and lowers the speed limit from Rock Creek past the sale barn from 60 to 50 mph. There was no one else to speak to the issue. Councilman Taylor moved to approve the ordinance on the first reading. Councilman Jordan seconded and the vote

was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2556 ESTABLISHING MAXIMUM, REASONABLE AND PRUDENT RATES OF SPEED ON CERTAIN PORTIONS OF STATE HIGHWAY 11**

The Texas Department of Transportation performed an engineering and traffic study and survey to determine the maximum, reasonable and prudent speeds for vehicles traveling upon the above named highways and parts thereof, to facilitate the most effective use of said streets and highways and the safe and effective movement of vehicular traffic.

This ordinance would regulate speed on State Highway 11 easterly from the intersection with State Highway 154 and Business 67 V to a speed limit of thirty (30) mph increasing to forty (40) mph and increasing again to forty-five (45) mph before leaving the City Limits. This will lower the speed limit on Broadway from Joyce to Posey Lane from 45 to 40 mph. There was no one else to speak to the issue. Councilman Oxford moved to approve the ordinance on the first reading. Councilman Taylor seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON FINAL PLAT OF MITCHEL ADDITION, A REQUEST BY OWNER ANDREW MITCHEL TO REPLAT PROPERTY LOCATED AT 628 BELLVIEW STREET, (BETWEEN BELLVIEW, MOORE, AND TATE STREETS) BEING FURTHER DESCRIBED AS LOT 7 AND PART OF LOT 7E OF BLOCK 31, INTO TWO LOTS**

The Director of Community Development, Johnny Vance, presented the staff report. Lot 1 is an existing dwelling facing Bellview Street. Lot 2 is undeveloped and will face the corner of Moore and Tate Streets. Utilities and Streets exist along the frontages. Additional ROW has been dedicated to meet our standard ROW requirements. There was no one to speak to the issue. Councilman Taylor moved to approve the plat as presented. Councilman Oxford seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON ABATEMENT PROCEEDINGS FOR 135 SOUTH MOORE STREET**

The Director of Community Development, Johnny Vance, presented the staff report. There was no one else to speak to the issue. Councilman Oxford moved to declare the property a public nuisance and order abatement by demolition to be completed within thirty (30) days. Councilman Brown seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON ABATEMENT PROCEEDINGS FOR 615 FULLER STREET**

The Director of Community Development, Johnny Vance, presented the staff report. There was no one else to speak to the issue. Councilman Oxford moved to declare the property a public nuisance and order abatement by demolition to be completed within thirty (30) days. Councilman Brown seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON ABATEMENT PROCEEDINGS FOR 964 COLLEGE STREET**

The Director of Community Development, Johnny Vance, presented the staff report. There was no one else to speak to the issue. Councilman Taylor moved to declare the property a public nuisance and order abatement by demolition to be completed within thirty (30) days. Councilman Oxford seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2557 AMENDING THE CITY OF SULPHUR SPRINGS 2008-2009 BUDGET**

The Director of Finance, Peter Karstens, presented the staff report. During the budget process last summer, staff noted that we would return to the City Council with a list of equipment and vehicles to purchase. These purchases require a budget amendment. There was a general discussion. There was no one else to speak to this issue. Councilman Brown moved to approve the ordinance on the first reading with the added correction of an additional \$24,000. Councilman Jordan seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON REIMBURSEMENT RESOLUTION NO. 972**

A reimbursement resolution is required by United States Tax Law. The Director of Finance, Peter Karstens, presented the staff report. There was no one else to speak to the issue. Councilman Jordan moved to approve the resolution with the added correction of an additional \$24,000. Councilman Brown seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON APPROVAL OF RESOLUTION NO. 974 ADOPTING THE UPDATED WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN**

In order to comply with the provisions of the Texas Administrative Code, City staff has reviewed and updated the City's existing Water Conservation and Drought Contingency Plan based on an assessment of our previous five and ten year conservation target goals. The Plan remains the same as the one submitted in 2005 except it contains updated water use, population and per capita water use information. It also contains new five and ten year conservation target goals (not enforceable) which probably will be met with the programs already in place. Craig Vaughn, Director of Utilities, and Robert Lee, Assistant Director of Utilities, were available to answer any questions. There was no one else to speak to the issue. Councilman Taylor moved to approve the resolution as presented. Councilman Oxford seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON APPROVAL OF HOUSTON STREET RECONSTRUCTION PLANS AND DRAWINGS**

Director of Community Development, Johnny Vance, presented the staff report. The CIP Budget for Fiscal Year 2008 included a two-year project for the reconstruction of Houston Street from League to Jackson. Garver Engineers' original cost estimate for the Houston Street project was \$2.6 million excluding the water and sewer improvements. In the first half of 2008 the project scope was further defined during meetings between staff and Garver Engineers. Garver Engineers provided 50% of the drawings June 13, 2008. At this time Garver provided new cost estimates of \$2.9 million (excluding contingencies) for Street and Drainage improvements bringing the total cost to \$3.8 million. Garver's project manager changed September 15, 2008. Staff completed in-house design of water and sewer and provided these plans to Garver on October 15, 2008. A public meeting was conducted December 9, 2009 at the Library. Staff began preparing for construction and the new cost estimate for Water and Sewer increased from \$0.9 million to \$1.1 million. The contract with Garver Engineers was terminated. As part of the contract termination staff obtained electronic copies of all work to date, compiled and converted the drawings to prepare to complete the work in-house. Our schedule of construction includes three phases over three years. Phase One from east of Church Street to west of Mulberry Street will be constructed this year. Phase Two from west of Mulberry Street to League Street will be constructed in 2010. Phase Three from Church Street to Jackson Street will be completed in 2011. Since July 2007 the cost estimate for Houston Street has increased from 2.8 million to \$4.0 million. There was no one else to speak to the issue. Councilman Jordan moved to approve the plans and drawings as presented. Councilman Brown seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON APPROVAL OF ENTERING INTO A CONTRACT AGREEMENT WITH AECOM USA GROUP, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE DOWNTOWN TOPOGRAPHIC SURVEY AND TRAFFIC MODELING ANALYSIS**

Director of Community Development, Johnny Vance, presented the staff report. The project provides professional engineering services for the Downtown including a Topographic Survey and a Traffic Modeling Analysis. The study will perform a measure of effectiveness analysis to look for fatal flaws in the proposed operation, analyze a maximum of three alternatives, and perform a traffic signal warrant analysis. There was no one else to speak to the issue. Councilman Walker moved to approved entering into the contract. Councilman Brown seconded and the vote was as follows:

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

**The motion carried.**

**DISCUSSION/ACTION ON APPROVAL OF A RECYCLING PROGRAM**

Approval of this item will authorize the creation of a pilot recycling program and authorize the City Manager to enter into a letter agreement with Duncan Disposal to stockpile and transport recyclables to a recycling facility. The City would purchase a recycling trailer and begin voluntary recycling operations once per week during at the Main Street Farmers' Market. Citizens would be able to drop off their cans, plastics, glass and paper in one of the ten containers on the trailer. The trailer will not be available at other times as unsupervised recycling trailers tend to lead to abuse. In purely economic terms recycling does not pay for itself. It always has a net cost, even when commodity prices are high. At the present time we must pay recyclers to take the commodities and pay for the cost of transporting to the recyclers. The trailer would cost approximately \$17,300. The hauling cost from Duncan Disposal would be approximately \$12,000 per year assuming we have enough demand to haul the trailer each week of the farmers' market season (39 weeks). During the trial period, the cost (approximately \$29,300) would be paid out of the same line item that we pay Duncan Disposal. If the trial is successful, and we wish to continue recycling operations we would need to add a recycling fee to the trash bill to pay for the cost incurred to recycle. There was a general discussion. There was no one else to speak to the issue. Councilman Jordan moved to approve the recycling program as presented. Councilman Taylor seconded. Another general discussion followed the motion. Councilman Brown moved to table the pending motion. Councilman Jordan seconded and the vote was unanimous.

**The motion to table carried.**

**DISCUSSION/ACTION ON ACCEPTING CERTIFICATE OF UNOPPOSED CANDIDATE FOR PLACE 3 AND ADOPTING THE ORDER OF CANCELLATION OF THE ELECTION FOR PLACE 3**

In accordance with Section 2.053(a) of the Texas Election Code the City Council election for Place 3 will not need to be conducted. The candidate, Oscar Aguilar, is unopposed. Councilman Taylor moved to accept the Certificate of the Unopposed Candidate and to adopt the Order of Cancellation of the election for Place 3. Councilman Oxford seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON APPROVAL OF EXTENSION OF CONTRACT WITH GUARANTY BOND BANK TO SERVE AS DEPOSITORY FOR ANOTHER 22 MONTHS UNTIL THE END OF FEBRUARY 2011**

Director of Finance, Peter Karstens, presented the staff report. In April 2006 the City went out for applications for a bank to serve as our Depository. Guaranty Bond Bank was the only bank to respond with a bid. The contract calls for one extension to be approved by both parties. Guaranty Bond Bank desires to continue, they have provided excellent service and the City staff works well with their staff. There was no one else to speak to the issue. Councilman Jordan moved to approve the 22-month extension of the contract with Guaranty Bond Bank. Councilman Oxford seconded and the vote was unanimous.

**The motion carried.**

**VISITORS/PUBLIC FORUM**

Jordan Krause presented a 6-page summary of Chapter 4 of “The Effects of Fluoride on Teeth” of the National Research Council’s report on “Fluoride in Drinking Water – A Scientific Review of EPA’s Standards” to the City Council.

Mr. Krause complimented the City Council on the amount of business that was conducted at the meeting and the manner in which it was accomplished. He also congratulated City Manager Maxwell on having Finance Director Peter Karstens on his staff and commended Mr. Karstens on a job well done.

Council Jordan mentioned that he had received comments about the patches on roadways not being smooth and asked staff if there was a better method. Councilman Walker suggested that staff review methods currently utilized in the future.

**ADJOURN**

With all business complete the meeting was adjourned at 8:35 p.m.