

CITY OF SULPHUR SPRINGS, TEXAS

REGULAR MEETING OF THE

CITY COUNCIL

JULY 7, 2009

7:00 p.m.

Mayor Aguilar called the regular meeting of the Sulphur Springs City Council to order at 6:32 p.m. The following council members and staff were present:

Mayor Gary Spraggins
Mayor Pro Tem Chris Brown
Councilman Craig Johnson
Councilman Clay Walker
Councilman Oscar Aguilar
Councilman Freddie Taylor
Councilman Charles Oxford

Absent: None

Staff: Marc Maxwell, City Manager
Gale Roberts, City Secretary
James Litzler, Acting City Attorney
Peter Karstens, Director of Finance
Johnny Vance, Director of Community Development
Gordon Frazier, Director of Human Resources
Phyllis Rogers, Municipal Court Judge
Jim Bayuk, Chief of Police
Craig Vaughn, Director of Utilities

EXECUTIVE SESSION

Mayor Aguilar called the meeting to order at 6:32 p.m. Councilman Brown moved to enter into executive session in accordance with Texas Government Code 551.074, Personnel Matters, specifically relating to the Municipal Court Judge. Mayor Pro Tem Spraggins seconded the motion and the vote was unanimous.

OPEN SESSION

Mayor Aguilar reconvened the meeting in open session at 7:02 p.m.

PLEDGE AND INVOCATION

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

OATH OF OFFICE WILL BE GIVEN TO COUNCILMAN CLAY WALKER

The Oath of Office was given to Councilman Clay Walker by City Secretary Gale Roberts.

DISCUSSION/ACTION ON SELECTION OF MAYOR

Councilman Brown moved to select Mayor Pro Tem Spraggins as Mayor. Councilman Walker seconded and the vote was unanimous.

The motion carried.

Outgoing Mayor Aguilar thanked everyone for their support during his term as Mayor and stated he was looking forward to the next three years of serving on the City Council.

Newly appointed Mayor Spraggins stated he was looking forward to his term as Mayor and feels honored. He also stated there are great things to be accomplished in this year and he thanked Oscar for his service as Mayor.

DISCUSSION/ACTION ON SELECTION OF MAYOR PRO TEM

Councilman Walker moved to select Councilman Brown as Mayor Pro Tem. Councilman Johnson seconded and the vote was unanimous.

The motion carried.

MANAGER’S REPORT WILL INCLUDE STATUS REPORT OF CAPITAL IMPROVEMENTS, ACCIDENTS AND CLAIMS FOR THE MONTH, AND A REVIEW OF EXPENDITURES AND REVENUES

HOUSTON STREET - The Houston Street project is progressing well. The capital construction crew completed water and sewer line construction for Phase I, and it is currently pouring concrete between Mulberry and Davis. Expect the intersection of Davis and Houston to be poured later this week.

Don’t get too excited yet though. The concrete still needs to cure, and bricks will be installed in the intersection before it is re-opened. If all goes well, the intersection will re-open in about a month. It seems likely, however, that Oncor will delay the project.

We need Oncor to move their utility poles, and they have been very slow to respond so far. I have directed City Attorney Jim McLeroy to draft pleadings for a lawsuit against Oncor. We should be ready to file the suit tomorrow morning.

CLAIMS – We had two minor workers compensation claims in June. One employee was treated for poison ivy, and another was treated for a laceration. Neither injury resulted in lost time.

We also submitted a claim to the TML risk pool for a wrecked vehicle. While driving in a rainstorm, a Water Division employee applied brakes to avoid a collision with another vehicle and hydroplaned, striking a guardrail. The employee had been delivering water samples to a lab in Waco. The employee was not injured, but the 2003 Ford was totaled.

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

MISCELLANEOUS – Elsewhere around the City, employees:

- Demolished 3 substandard structures, one each at 435 Connally, 105 Ardis and 214 Gilmer.
- Conducted 14 health inspections and 50 public nuisance inspections.
- Conducted 40 building inspections, 42 electrical inspections, 46 plumbing inspections, 34 mechanical inspections, 25 miscellaneous inspections and issued 17 building permits.
- Made 42 street repairs (including utility cuts).
- Repaired lights at Pacific Park.
- Assisted with the planning, set-up and break-down for the Independence festival.
- Responded to 110 fire/rescue calls including 1 structure fire.
- Performed preventative maintenance on 100 fire hydrants.
- Tested warning sirens.
- Replaced various street signs.
- Performed 46 fire inspections.
- Prepared Coleman ball fields for tournaments.
- Added sod to bare spots at Coleman Park fields.
- Removed trash from Coleman Lake.
- Fertilized all athletic fields.
- Repaired only 13 water breaks.
- Repaired 8 water services.
- Replaced 14 water meters.
- Repaired 2 fire hydrants.
- Unstopped 14 sewer mains.
- Cleaned 86,000 feet of sewer mains.
- Repaired 9 sewer services and 2 mains.

- Installed one manhole and repaired another.
- Performed preventative maintenance on all wastewater treatment equipment.
- Cleaned wastewater effluent flume.
- Treated wastewater to a daily average TSS reading of 2.0 mg/L (parts per million)
- Issued a wastewater pretreatment permit to Owens Country Sausage.
- Performed preventative maintenance on water treatment equipment.
- Flushed 41 dead-end water mains.
- Treated 162 million gallons of drinking water.
- Received a certificate of appreciation from the Texas Department of Health Services, the Association of State and Territorial Dental Directors and the Centers for Disease Control and Prevention for the City's contributions to the field of water fluoridation.
- Started off the summer reading program with 217 children.
- Checked out 6,243 books.
- Planned and produce a Music on Main Street event with guitarists Edgar Cruz and Marc Anthony Cruz.
- Sold 6,449 gallons of jet fuel, and 2230 gallons of AvGas.
- Processed 558 tickets through municipal court.
- Recertified the police canines.
- Made 5 felony arrests in the Special Crimes Unit.
- Seized 5 pounds of marijuana.
- Responded to 263 animal control calls.
- Achieved a phenomenal adoption pet adoption rate of 94% at the animal shelter.
- Made 92 arrests, responded to 47 accidents, recorded 88 offense reports and wrote 507 tickets.

CONSENT AGENDA

The following items on the Consent Agenda were reviewed: Consider for approval regular City Council meeting minutes of June 2, 2009; special City Council meeting minutes of June 16, 2009; special City Council retreat meeting minutes of June 16, 2009; the special City Council meeting minutes of June 23, 2009; the Planning and Zoning meeting minutes of May 18, 2009; the Zoning Board of Adjustments meeting minutes of May 19, 2009; the Downtown Revitalization Board meeting minutes of June 16, 2009; the Tourism and Promotion Board meeting minutes of December 10, 2008 and March 11, 2009; and the Economic Development Corporation meeting minutes of May 18, 2009. Councilman Oxford asked that the special City Council meeting minutes of June 16, 2009 be amended to expound upon his vote explanation. There was no one to speak to the issue. Mayor Pro Tem Brown moved to approve the consent agenda as presented with the exception of the City Council special meeting minutes of June 16, 2009. Councilman Taylor seconded the motion and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON PUBLIC HEARING FOR THE SECOND AND FINAL READING OF ORDINANCE NO. 2560, AMENDING THE SEXUALLY ORIENTED BUSINESS ORDINANCE TO ESTABLISH SIGNAGE LIMITATIONS ON ADVERTISING OR PROMOTING SUCH BUSINESS

City Attorney Jim McLeroy had given the City Secretary Roberts a letter to distribute to the City Council recommending approval and adoption of this ordinance. He also submitted, as a matter of record, the Survey of Texas Appraisers – Secondary Effects of Sexually Oriented Business on Market Values and the Crime Related Secondary Effects – Secondary Effects of “Off-Site” Sexually Oriented Businesses. There was a brief general discussion. Councilman Oxford submitted photos as a matter record. There was no one else to speak to the issue. Councilman Oxford made a motion to adopt the ordinance on the second and final reading. Councilman Taylor seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2561 ADOPTING ONCOR ELECTRIC DELIVERY COMPANY LLC TARIFF SECTION 6.3.16 – AGREEMENT FOR UNDERGROUND FACILITIES AND COST RECOVERY; REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY; AUTHORIZING THE CITY MANAGER TO SIGN RELATED DOCUMENTS; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF

City Manager Maxwell presented the staff report. This ordinance would require Oncor to front the money to place electric utilities underground on the block of Connally Street which is about to be reconstructed. The estimated cost of relocating the electric utilities underground is \$48,846. Oncor would recover the cost by charging electric customers in Sulphur Springs a monthly fee:

| Rate Class | Allocated Amount | Number of Customers | \$/Customer |
|--|-------------------------|----------------------------|--------------------|
| Residential | \$16,895 | 6,204 | \$0.21 |
| Secondary Service Less than or Equal to 10KW | 1,027 | 729 | 0.11 |
| Secondary Service greater Than 10KW | 30,530 | 703 | 3.49 |
| Primary Service Greater than 10 KW | 2,060 | 1 | 153.83 |
| Lighting Service | 351 | 464 | 0.07 |
| Total | \$50,863 | 8,100 | |

The fee expires at the end of 12 months. City Manager Marc Maxwell and Oncor Electric Delivery Area Manager Stan McKee were available to answer questions. There was a general discussion. There was no one else to speak to the issue. Mayor Pro Tem Brown moved to approve the ordinance on first reading. Councilman Aguilar seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON INTERLOCAL MUTUAL AID AGREEMENT WITH HOPKINS COUNTY

City Manager Maxwell presented the staff report. There was no one to speak to the issue. Councilman Oxford moved to approve the agreement as presented. Councilman Taylor seconded and the vote was unanimous.

The motion to table carried.

DISCUSSION/ACTION ON RESOLUTION NO. 981 GRANTING PERMISSION TO THE HOPKINS COUNTY CHAMBER OF COMMERCE TO HOLD ITS ANNUAL WORLD CHAMPION HOPKINS COUNTY STEW CONTESTS AT BUFORD PARK

This resolution formalizes the agreement between the City of Sulphur Springs and the Hopkins County Chamber of Commerce to grant permission to the Hopkins County Chamber of Commerce to hold its annual World Champion Hopkins County Stew Contests at Buford Park indefinitely. Hopkins County Chamber of Commerce President and CEO, Meredith Caddell, spoke on the issue and addressed a couple planning questions. There was no one else to speak to the issue. Mayor Pro Tem Brown moved to approve the resolution as presented. Councilman Taylor seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON BOARD APPOINTMENTS TO THE (1) ECONOMIC DEVELOPMENT CORPORATION, (2) ZONING BOARD OF ADJUSTMENT, (3) AIRPORT ADVISORY BOARD, (4) SULPHUR RIVER MUNICIPAL WATER DISTRICT BOARD, (5) LIBRARY BOARD, (6) BOARD OF TOURISM AND PROMOTION, (7) PARKS AND RECREATION COMMISSION, (8) CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS, (9) PLANNING AND ZONING COMMISSION, (10) SENIOR CITIZENS ACTIVITY BOARD, (11) ARK-TEX COUNCIL OF GOVERNMENTS, AND (12) THE DOWNTOWN REVITALIZATION BOARD

There was no one else to speak to the issue. Councilman Oxford moved to approve the amended list of board appointments presented (see below). Councilman Taylor seconded and the vote was unanimous.

ECONOMIC DEVELOPMENT

CLAY WALKER
TOM SELLERS

ZONING BOARD OF ADJUSTMENT

JONATHAN COOPER
GLEN HALL
SCOTT O'NEAL

AIRPORT ADVISORY BOARD

MARK MCCLENDON
DAVID POSKEY

SULPHUR RIVER MUNICIPAL WATER DISTRICT

SAM JOHNSON

LIBRARY BOARD

JULI LONG
CONNIE JOHNSON

BOARD OF TOURISM AND PROMOTION

BILL GLOVER
JACKIE THORNTON

PARKS AND RECREATION COMMISSION

ISRAEL LEWIS
KELLY WISER

CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

RICKEY PAYNE
JOHN COOPER
JEFF REDDING
ZACK KING - ALTERNATE

PLANNING AND ZONING COMMISSION

KAYLA PRICE
STEVE CARMODY
JOHN SELLERS

SENIOR CITIZEN ACTIVITY BOARD

L. B. JORDAN
BILLIE RUTH STANDBRIDGE
FRED DIAL

ARK-TEX COUNCIL OF GOVERNMENTS

CHRIS BROWN
OSCAR AGUILAR
CRAIG JOHNSON

DOWNTOWN REVITALIZATION BOARD

JOY WILSON
BECKY FLIPPIN

(CENSUS 2010 AD HOC COMMITTEE WILL BE DETERMINED AT A LATER DATE)

The motion carried.

Councilman Oxford commented that we are fortunate to have so many that are willing to volunteer and donate their time and that we owe them a big “thank you”. All the City Council concurred.

DISCUSSION/ACTION ON EXECUTIVE ITEM REGARDING APPOINTMENT AND SALARY OF THE MUNICIPAL COURT JUDGE

There was no one to speak to the issue. Councilman Aguilar moved to reappoint Phyllis Rogers as the Municipal Court Judge and to increase her salary by \$300 a month. Councilman Taylor seconded and the vote was unanimous.

The motion carried.

VISITORS/PUBLIC FORUM

Rita Edwards, president of the Downtown Business Alliance, praised the City Council and City Manager for the accomplishments that had been made downtown but also commented the recent lack of communication needed to be rectified in order to make everyone feel they are an integral part of the downtown revitalization.

Jordan Krause presented documents to the City Council regarding the binding affinity of the “*element fluorine*” to certain other elements, particularly the element aluminum. Patients with Alzheimer’s disease are known to have high concentrations of aluminum in their brain. He also provided copies of correspondence with the Texas Department of State Health Services regarding the Texas Fluoridation Project.

ADJOURN

With all business complete the meeting was adjourned at 7:50 p.m.