

CITY OF SULPHUR SPRINGS, TEXAS

**REGULAR MEETING OF THE
CITY COUNCIL**

JANUARY 4, 2011

7:00 p.m.

Mayor Spraggins called the regular meeting of the Sulphur Springs City Council to order at 7:02 p.m. The following council members and staff were present:

Mayor Gary Spraggins
Mayor Pro Tem 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
Jim McLeroy, City Attorney
Johnny Vance, Director of Community Development
Peter Karstens, Director of Finance
Gordon Frazier, Director of Human Resources
Jim Bayuk, Chief of Police

PLEDGE AND INVOCATION

Mayor Spraggins led in the pledge of allegiance and Councilman Oxford led in the invocation.

PRESENTATION TO OUTGOING COUNCILMAN CHRIS BROWN

Mayor Spraggins thanked outgoing Councilman Chris Brown for his years of dedicated service to the City of Sulphur Springs and presented him with a wonderful collage of images of City Council accomplishments during his tenure with his picture in the center. His wife, Lezley, was presented with a dozen yellow roses. His daughters, Talley and Jobey, were also in attendance. He was also given his nameplate and framed picture from the wall. Chris Brown was elected as Hopkins County Judge taking his Oath of Office January 1, 2011, therefore vacating his place on the City Council.

DISCUSSION/ACTION ON APPOINTMENT FOR CITY COUNCIL PLACE #6

Mayor Spraggins moved to appoint Kayla Price to fulfill the vacated term of Chris Brown. Mayor Pro Tem Johnson seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON BOARD APPOINTMENT TO THE PLANNING AND ZONING COMMISSION

Due to the untimely passing of Bryan Baier there is a vacancy on this board. Mayor Spraggins moved to approve the appointment of Wayne Davenport to the Planning and Zoning Commission. Mayor Pro Tem Johnson seconded and the vote was unanimous.

The motion carried.

Mayor Pro Tem Johnson added that Bryan Baier served on this board for the City of Sulphur Springs for almost ten years, nine of which he served as Chairman. Bryan served with four of the council members at various times on the Planning and Zoning Commission. His service to the community and the City of Sulphur Springs is greatly appreciated and he will be greatly missed. Mayor Spraggins added an anecdote of how Bryan worked with a lady, compassionately and graciously, to help her understand a particular issue the Planning and Zoning Commission was addressing.

MANAGER'S REPORT

HOUSTON STREET - Phase 3 has begun. There is no change from last month. Water and sewer mains have been installed between Jackson Street and the rail spur. We are still awaiting a permit from KCS to pass the utilities under the tracks. We have concluded negotiations with the railroad regarding the permit for utility easements, but we have not received an actual permit yet. Later on this agenda you will consider awarding a contract for boring under the spur. If you approve the bid, I will not sign the contract unless and until we have a permit in hand. Work will progress from east to west once we have the permit.

MUNICIPAL AIRPORT - Last month I reported that TXDOT had approved funding for 2 additional taxiways at the airport at a cost of \$350,000. Work on the taxiways has been progressing quickly, and I expect the contractor to pour the concrete over the next few days.

The runway has been open for the past week, but it will now close for a few days. One of the panels failed inspection, and the contractor must now remove the panel and re-pour it. This will also occur over the next few days.

This \$3.85 million project was 90% grant funded.

CLAIMS - We had 2 minor worker's compensation claims in December.

We received one liability claim from the fellow that drove his pickup into the hole created by the water main rupture at Como Street and Bill Bradford Road.

We also submitted on claim to TML for damages to a patrol car that caught fire.

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

MISCELLANEOUS – Elsewhere around the City, employees:

- Repaired potholes at 64 locations.
- Made 10 major street repairs following utility repairs.
- Manually cleaned gutters on 26 streets.
- Swept 58 streets.
- Replaced lights at Pacific Park.
- Assisted with holiday festivities and parade.
- Cleaned flower beds on Main Street.
- Planted flowers and added mulch at airport terminal.
- Installed 60 feet of new water main at Rose Drive and Rasure Circle completing a loop and eliminating 2 dead end water mains.
- Replaced 8-inch sewer main from Davis to Church just south of Middle Street.
- Installed chase pipes under new taxiways for future use.
- Treated 117 million gallons of drinking water.
- Winterized irrigation systems at Coleman Park and applied pre-emergent to athletic fields.
- Repaired playground equipment at Pacific Park.
- Mulched leaves at Kids Kingdom.
- Mowed and trimmed airport.
- Bid a happy farewell to Captain Norman Colyer.
- Promoted the following personnel in the police department: Jay Sanders, Captain; Brad Horton, Lieutenant; and Mark Estes, Sergeant.
- Hired Seth McDaniel as a patrol officer.
- Received police training in the areas of drug interdiction and taser deployment.
- Made 88 arrests, responded to 37 accidents, wrote 612 citations and recorded 66 offenses.
- Made 9 felony arrests in the Special Crimes Unit.
- Responded to 229 animal control calls.

- Received 33 dogs and cats, returned 6 to their owners and found homes for 19 for a 70% adoption rate.
- Processed 687 tickets through municipal court.
- Responded to 104 fire/rescue calls including 4 structure fires.
- Performed preventative maintenance on 101 fire hydrants.
- Conducted 42 fire inspections.
- Repaired filter at wastewater treatment plant.
- Winterized sludge pumps.
- Cleaned primary and final clarifiers at wastewater treatment plant.
- Repaired sludge press.
- Repaired final clarifiers.
- Hauled 135 yards of sludge to landfill.
- Repaired 16 water breaks.
- Installed 3 water taps.
- Replaced 16 water meters.
- Treated sewage to a daily average total suspended solids reading of 6.46 mg/L.
- Unstopped 42 sewer mains.
- Repaired one manhole.
- Smoke tested and made repairs to sewer segments #7 & #16.
- Washed sewer segment # 34.
- Sold 1658 gallons of jet fuel and 677 gallons of AvGas.
- Flushed 38 dead end water mains.
- Painted water effluent line at water treatment plant.
- Performed preventative maintenance on various meters at water treatment plant.
- Made repairs to Cooper Lake water pump #2.

CONSENT AGENDA

The following items on the Consent Agenda were reviewed: Consider for approval the regular City Council meeting minutes of December 7, 2010; the Planning and Zoning Commission meeting minutes of December 20, 2010; and the Zoning Board of Adjustments meeting minutes of December 21, 2010. Councilman Oxford requested to change his vote to “No” on the item regarding the Beautification Program on the December 7th City Council meeting minutes as he thought the item was being tabled. There were no objections to this request. There was no one to speak to the issue. Councilman Taylor moved to approve the consent agenda with the requested change. Councilman Aguilar seconded the motion and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON INDEPENDENT AUDIT FOR THE CITY OF SULPHUR SPRINGS 2010

Randy Howard of Pingleton, Howard & Company made a presentation of the audit to the City Council. The audit makes comparisons of how we ended financially as compared to the 2010 budget as well as the previous year. The City of Sulphur Springs continues to be in excellent financial condition. The audit becomes the foundation upon which the city staff will start to build the next budget. Peter Karstens cautioned that when the national media focuses on the faltering retirement systems of some cities and states that ours would not be included because of the conservative attitude of the city and the strong retirement system. There was no one else to speak to the issue. Councilman Oxford moved to accept the audit as presented. Councilman Walker seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON PUBLIC HEARING FOR SECOND AND FINAL READING OF ORDINANCE NO. 2589 A CITY INITIATED REZONING REQUEST TO REZONE PROPERTY LOCATED AT 503, 519, AND 527 OAK AVENUE AND 602 GILMER STREET, BEING FURTHER DESCRIBED AS LOTS 1A, 1B, 2AA, 2B, 2C, 3, AND 3A OF BLOCK 40-2, FROM MULTIPLE FAMILY (MF) TO PROFESSIONAL OFFICE (PO)

On October 18, 2010, the Planning and Zoning Commission approved a zone change request for property located at 513 Oak Avenue from Multi-Family to Professional Office. This request is to rezone the property abutting 513 Oak Avenue to Professional Office to accommodate business development in the area. This area is shown on the Land Use Plan to be used for commercial development. Changing the zoning of this property will help to begin that process. There was no one else to speak to the issue. Councilman Taylor moved to adopt the ordinance on the second and final reading. Councilman Oxford seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON PUBLIC HEARING FOR SECOND AND FINAL READING OF ORDINANCE NO. 2590 ESTABLISHING MAXIMUM, REASONABLE AND PRUDENT RATES OF SPEED FOR CERTAIN PORTIONS OF STATE HIGHWAY 11 BETWEEN STATE HIGHWAY 19 AND STATE HIGHWAY 154

This ordinance reduces the existing speed limits on the new State Highway 11 Bypass by 10 mph. It sets the speed limit at 35 mph from State Highway 154 to just west of Holiday Drive. There it would change to 50 mph all the way to State Highway 19. These speed limits are proposed by the Texas Department of Transportation as a result of the traffic survey requested by the City Council. There was no one else 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 FIRST READING OF ORDINANCE NO. 2588 ESTABLISHING AN APPLICATION FOR A FLOODPLAIN DEVELOPMENT PERMIT, WHICH SHALL BE PRESENTED TO THE FLOOD PLAIN ADMINISTRATOR FOR APPROVAL PURSUANT TO THE RULES AND REGULATIONS SET FORTH IN PARAGRAPH 60.3 (d) OF THE NATIONAL FLOOD INSURANCE PROGRAM AND BEING GUIDED BY THE REGULATIONS OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE

This ordinance adopts the New Flood Maps which have been prepared by the Federal Emergency Management Agency (FEMA) through a five-year map modernization program. The mapping program added the newly annexed City Limits but did not change the map. This is an update of the Flood Insurance Rate Maps (FIRMs) to produce GIS-Based Digital FIRMs or DFIRMs. The ordinance is required by FEMA and includes some updated terms and definitions. The last ordinance was passed in 1989. The new ordinance proposes changing the finished floor requirement from one foot or more above the Base Flood Elevation (BFE) to two feet. There was a brief discussion regarding this issue. There was no one else to speak to the issue. Councilman Taylor moved to approve the ordinance of the first reading. Councilman Oxford seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FUNDING FOR THE SULPHUR SPRINGS BEAUTIFICATION AWARD PROGRAM

This program has been developed and approved to recognize individuals and businesses that display improvement in outstanding pride of ownership, landscaping and attentive maintenance of buildings as well as other structures. There was a general discussion about funding. Councilman Oxford had several questions and comments regarding the program and its funding. There was no one else to speak to the issue. Councilman Walker moved to approve the city's participation at a level of \$1500 and matching any public or private donations up to a total of \$3000 with staff determining the allocation of said funds. Mayor Pro Tem Johnson seconded and the vote was as follows:

Ayes: Walker, Johnson, Spraggins, Aguilar, Taylor
Nays: Oxford
Abstain: None

The motion carried.

DISCUSSION/ACTION ON COMMITTEE SELECTION FOR THE SULPHUR SPRINGS BEAUTIFICATION AWARD PROGRAM

City Manager Maxwell stated that he had visited with Chamber President Meredith Caddell and the Chamber of Commerce would be happy to provide the committee for the final selection but did not want to do the leg work or paper work. There was no one else to speak to the issue. Councilman Walker made a motion to approve the Chamber of Commerce providing the selection committee to determine winners of the Sulphur Springs Beautification Award Program and directing staff to perform application process and setting rules and regulations for the program. Mayor Pro Tem Johnson seconded and the vote was as follows:

Ayes: Walker, Johnson, Spraggins, Aguilar, Taylor
Nays: Oxford
Abstain: None

The motion carried.

DISCUSSION/ACTION ON PRO RATA CONTRACT FOR SANITARY SEWER MAIN REFUND WITH THE SULPHUR SPRINGS INDEPENDENT SCHOOL DISTRICT

Section 15, Paragraph of the Community Facilities Policies of the Development Management Manual of the City of Sulphur Springs, Texas, provides for a refund to eligible developers who participate in the cost of an “approach main” for either water or sanitary sewer, as defined by the Development Management Manual. It would exist for a period of ten years after completion. A developer is eligible for refunds equal to, but no greater than, 100% of his participation in the cost of the approach main, based on criteria recommended by the City Manager. Sulphur Springs Independent School District (SSISD), herein after called “Developer” on or about January 2011, provided compensation for construction of an approach main from Arbala Road to the West along the South right-of-way of West Posey Lane (Highway 11 bypass) including 4727 feet of property frontage on the North side of West Posey Lane and 5287 feet of property frontage along the south side of West Posey Lane for a total of 10,014 feet, for the purpose of providing sewer services. The developer is deemed eligible for a refund for the ten year period from January 2011 through January 2021, when and if other users connect to the approach sewer main. The City of Sulphur Springs deems developer as being eligible for a refund in an amount not to exceed \$784,984. Any funds collected by the City that remain uncollected by the developer for one year after the ten-year refund, shall become the property of the City. There was a general discussion. Director of Community Development Johnny Vance explained that a new contract had been

distributed due to a correction. There was no one else to speak to the issue. Councilman Taylor moved to approve the corrected contract as presented. Councilman Aguilar seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON BIDS AND AWARD OF CONTRACT FOR UTILITY BORES FOR HOUSTON STREET PHASE III

This is for water, sewer and drainage under the railroad track on Houston Street. On December 28, 2010, staff held a public bid opening for Utility Bores for Houston Street Phase III. The bid request was published on December 11th and 18th, 2010. One bid was received by Sisk Utilities. The staff recommendation is to accept the bid from Sisk Utilities and award them the contract. There was a general discussion. There was no one else to speak to the issue. Councilman Taylor made a motion to accept the bid and award the contract to Sisk Utilities. Councilman Walker seconded and the vote was unanimous.

The motion carried.

VISITORS/PUBLIC FORUM

None.

ADJOURN

With all business complete the meeting was adjourned at 8:11 p.m.