

CITY OF SULPHUR SPRINGS, TEXAS

**REGULAR MEETING OF THE
CITY COUNCIL**

JANUARY 8, 2013

7:00 p.m.

Mayor Craig Johnson 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 Craig Johnson
Mayor Pro Tem John Sellers
Councilman Clay Walker
Councilman Oscar Aguilar
Councilman Freddie Taylor
Councilman Gary Spraggins
Councilwoman Kayla Price

Absent: None

Staff: Marc Maxwell, City Manager
Gale Roberts, City Secretary
James Litzler, Acting City Attorney
Gordon Frazier, Human Resources Director
Russell Ham, Water Plant Superintendent

PLEDGE AND INVOCATION

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

ANNOUNCEMENTS AND PROCLAMATIONS

Mayor Johnson explained to the large crowd that a handheld microphone placed at the podium should be used by guest speakers because the current *fixed* microphone is not working and all City Council meetings are recorded via sound system.

MANAGER'S REPORT

DOWNTOWN – Work is progressing well on the Oak Street project. I expect to re-open Oak Street at the end of January or first week in February. After that the Capital

Construction Division will begin working on the Jefferson/Oak intersection and Jefferson up to but not including the intersection with Church Street.

SOUTH BROADWAY WATER PROJECT - This project is now completed. The project replaced 2,200 feet of water main from Joyce to Drexel. The old line was a major source of complaints regarding pressure/flow and water quality.

NEW CITY HALL – Work continues on the foundation for the addition. Steel has been installed to support the new office area on the 2nd floor. The new roof is installed. Work continues on the interior.

CLAIMS – We had no liability claims, no Workers' Compensation claims and submitted no property claims in December.

BUFORD PARK BASEBALL FIELD – The baseball field reconstruction project is nearly completed on Bronson Field. All we lack are a couple of signs and the roofs on the dugouts. Thank you Danita Graves for the generous donation that made it possible!!!

H.O.M.E. PROGRAM - We have 3 new H.O.M.E. projects underway: 107 S. Mitchell, 208 Beckham, and 1321 Vaughn Street. We also have 2 promising applications in process; 2009 Main and 212 Ross.

This program provides new homes for citizens with low or moderate income, whose homes are dilapidated, and who have clear title to their homes. Essentially the program demolishes their old home and builds a new one in its place. The projects are funded by the Texas Department of Housing and Community Affairs.

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

MISCELLANEOUS – Elsewhere around the City, employees:

- Made 43 water line repairs.
- Replaced 13 water meters.
- Unstopped 28 sewer mains.
- Repaired 4 sewer mains.
- Washed 65,000 feet of sewer mains.
- Sold 927 gallons of AvGas and 4,893 gallons of JetA fuel.
- Responded to 142 fire/rescue calls including 3 structure fires.
- Performed preventative maintenance on 60 fire hydrants.
- Replaced 28 street signs.
- Set-up and removed holiday decorations.

- Patched 53 potholes.
- Made 20 street repairs following utility repairs.
- Replaced 12 “stop” signs.
- Removed debris from 2 bridge crossings on North Town Branch.
- Replaced 16 sign posts.
- Swept 61 streets.
- Repaired 2 storm drain catch basins.
- Conducted 8 health inspections and 44 public nuisance inspections.
- Conducted 45 building inspections, 50 electrical inspections, 53 plumbing inspections, 22 mechanical inspections and issued 20 building permits.
- Repaired pumps and piping for wastewater sludge press.
- Performed preventative maintenance on wastewater final clarifiers.
- Treated wastewater to a daily average total suspended solids level of 4.96 mg/L.
- Treated 118 million gallons of drinking water.
- Responded to 36 traffic accidents, recorded 43 offenses, made 65 arrests and wrote 443 traffic tickets.
- Received Taser training.
- Made 2 felony arrests in the Special Crimes Unit.
- Responded to 190 animal control calls.
- Achieved an animal adoption rate of 60%.
- Flushed 37 dead-end water mains.
- Replaced filter media in water treatment filters #1 and #6.
- Processed 453 tickets through Municipal Court.

CONSENT AGENDA

The following items on the Consent Agenda were reviewed: Consider for approval the regular City Council meeting minutes of December 4, 2012; the Downtown Revitalization Board meeting minutes of December 11, 2012; and the Planning and Zoning Commission meeting minutes of December 17, 2012. There was no one to speak to the issue. Councilman Spraggins moved to approve the consent agenda as presented. Mayor Pro Tem Sellers seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON PUBLIC HEARING FOR SECOND AND FINAL READING OF ORDINANCE NO. 2629 A REQUEST BY OWNER WAYNE COOPER TO REZONE PROPERTY LOCATED AT THE CORNER OF SOUTH HILLCREST AND MAIN STREET, BEING FURTHER DESCRIBED AS LOTS 3 AND 4 OF BLOCK 101, FROM LIGHT COMMERCIAL (LC) TO HEAVY COMMERCIAL (HC)

Community Development Director Shane Shepard presented the staff report. Joe Bob Burgin was available to answer any questions. There was no one else to speak to the issue. Councilman Spraggins 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. 2630, A REQUEST BY OWNER JOE BOB BURGIN TO REZONE PROPERTY LOCATED AT 597 SOUTH LEAGUE STREET, BEING FURTHER DESCRIBED AS LOT 14-10 OF BLOCK 24-3, FROM LIGHT COMMERCIAL (LC) TO HEAVY COMMERCIAL (HC)

Community Development Director Shane Shepard presented the staff report. Joe Bob Burgin was available to answer any questions. There was no one else to speak to the issue. Councilman Spraggins moved to approve the ordinance on the first reading. Mayor Pro Tem Sellers seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2631, A REQUEST BY OWNER HENRY L. BOOKER III TO REZONE PROPERTY LOCATED AT 1404 COLLEGE STREET, BEING FURTHER DESCRIBED AS LOT 3-02 OF BLOCK 221, FROM LIGHT COMMERCIAL (LC) TO HEAVY COMMERCIAL (HC)

Community Development Director Shane Shepard presented the staff report. Henry Booker III was available to answer any questions. There was no one else to speak to the issue. Mayor Pro Tem Sellers 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. 2632, AN ORDINANCE OF THE CITY OF SULPHUR SPRINGS, TEXAS, AMENDING ARTICLE 13 OF THE ZONING ORDINANCE AND PROVIDING FOR ALLOWABLE LAND USES IN THE CENTRAL COMMERCIAL DISTRICT

Councilman Spraggins moved to approve the ordinance on first reading with additional language on grandfathering. Councilman Taylor seconded. Attorney James Litzler stated that language regarding “grandfathering” is already in the ordinance to some extent. Additional language could be added to prevent the property from being considered a non-conforming use. He also stated that language could be added so property sold would continue to be an acceptable non-conforming use. There was a general discussion between the City Attorney and the City Council. John Heilman thinks

the idea of the ordinance is good but it limits what an owner can do with their buildings. Markeda Fisher stated the future is unpredictable and it is too early for this type of restrictive ordinance. Jason Tully suggested more information is needed and questioned the market research that supports the ordinance. Joel Sheffield expressed his opposition to this ordinance and believed the surrounded owners should have been notified about this ordinance. Councilman Walker stated that Sulphur Springs has a beautiful downtown but the ordinance should be tabled and written with more clarity and detailed information. John Reed stated the ordinance needed to be evolutionary for people thirty (30) years from now. Mayor Johnson explained the process for adopting an ordinance and agreed that it should be postponed. He also pointed out that professional office properties could actually increase in value due to supply and demand. Mayor Pro Tem Sellers agrees that delaying the process and giving staff an opportunity to research the repercussions of this type of ordinance with other cities. He also stated that professional offices are vested and a workshop would benefit everyone by instating proper harmony.

Mayor Pro Tem Sellers then moved to table this item. Councilman Spraggins seconded.

Councilwoman Price made a point of order relating to parliamentary procedure and moved to defeat the item due to the errors and omissions as well as the lack of a grandfather clause. She also stated we should start with a clean slate.

Mayor Johnson, taking into account Councilwoman Price's point of order, asked Mayor Pro Tem Sellers to modify his motion to postpone this agenda item.

Mayor Pro Tem Sellers moved to postpone the agenda item until the next City Council meeting provided the item has been discussed in a workshop setting. Councilman Spraggins seconded the motion with the provision that it did not have to be the very next council meeting which would provide adequate time to do this properly.

Mayor Pro Tem Sellers then amended his motion to postpone the agenda item to a future City Council meeting provided the item has been discussed in a workshop setting. Councilman Spraggins seconded the motion with the comment the item should be dealt with on a timely basis as there is a lot going on downtown. There was no one else to speak to the issue. The vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1048 AUTHORIZING THE SUBMISSION OF A REQUEST TO BECOME A RESERVATION SYSTEM PARTICIPANT TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR HOME FUNDS

Human Resource Director Frazier and City Manager Maxwell presented the staff report.

Essentially we are applying for the same program we have participated in the past. There was a brief discussion. The Mayor recognized Mr. Frazier for his hard work and stated he is one of the reasons it is so successful. Mayor Johnson and Mayor Pro Tem Sellers simultaneously moved to approve this resolution as presented. Councilman Taylor seconded and the vote unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1049 AUTHORIZING THE HUMAN RESOURCE DIRECTOR AS PROGRAM COORDINATOR TO EXECUTE AN ADMINISTRATIVE SERVICES AGREEMENT BETWEEN INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION RETIREMENT CORPORATION (ICMARC) AND THE CITY OF SULPHUR SPRINGS

Human Resource Director Frazier presented the staff report. City staff has researched the current plan structures from 457(b) providers and found ICMARC to provide the best services available at the lowest administration cost. Past providers include Nationwide and Valic, of which ICMARC will assist in consolidation into one provider or plan. Plan conversions usually take between 60 and 90 days to accomplish. Staff will immediately, upon City Council approval, begin working with ICMARC. Mike Mendenhall, the representative from ICMARC, was introduced to the City Council and also available to answer any questions. There was a general discussion. There was no one else to speak to the issue. Councilman Spraggins moved to approve the resolution as presented. Councilman Taylor seconded and the vote was unanimous.

The motion carried.

VISITORS/PUBLIC FORUM

Wilfred Pobursky is working on a project to clean up Sulphur Springs. He is working with several entities to get this done and would like to see citations being given for littering.

ADJOURN

With all business complete the meeting was adjourned at 7:53 p.m.