

**CITY OF SULPHUR SPRINGS, TEXAS**

**REGULAR MEETING OF THE  
CITY COUNCIL**

**FEBRUARY 5, 2013**

**7:00 p.m.**

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

Absent: Councilman Clay Walker

Staff: Marc Maxwell, City Manager  
Gale Roberts, City Secretary  
Jim McLeroy, City Attorney  
Shane Shepard, Community Development Director  
Jim Bayuk, Police Chief

**PLEDGE AND INVOCATION**

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

**ANNOUNCEMENTS AND PROCLAMATIONS**

Mayor Johnson announced that at the last City Council meeting (1/8/13) there was an item on the agenda related to a downtown zoning ordinance which was postponed subject to a workshop. The workshop will be held at noon on February 25<sup>th</sup> at City Hall and will be a posted meeting. Anyone is welcomed to come that is interested.

Councilman Aguilar told everyone about the upcoming 2013 UPRA Rodeo sponsored by the Hopkins County Rodeo Committee which will be held February 28 – March 2, 2013. Everyone is invited to attend and/or participate in the event held at the Civic Center Arena.

## **MANAGER'S REPORT**

**THE SQUARE** – Work is progressing well on the project. I expect to re-open Oak Street this week. I plan to delay the start date on Jefferson Street until March 11. We will be hosting a 3-day music festival (Thirty-East) March 7-9 and there is a good chance we will need to make a couple of street closures on the south and west sides of the square, especially on the 9<sup>th</sup>. We will need to leave Jefferson and Oak open to detour traffic.

**THIRTY-EAST** – This is planned to be the first of a recurring event. The three day music festival will feature out-of-town and out-of-country bands traveling on their way to South by Southwest (SXSW) in Austin. It will feature local bands as well. It should be a great time. We expect a good turnout in the first year and even better crowds in future years. All bands have been vetted. They have also been warned that if they use any vulgar language the power goes out, and they don't get paid.

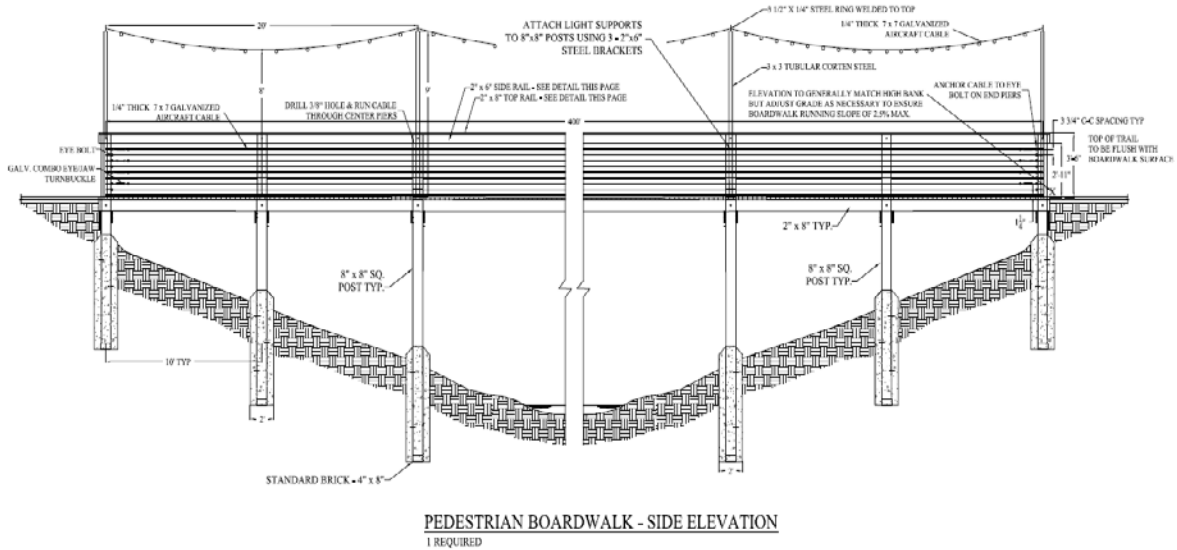
**NEW CITY HALL** – The foundation for the addition is scheduled to be poured this month. Work continues on the interior of the old post office building.

**CLAIMS** – We had one workers' compensation claim for an employee who fell from a ladder. His injuries will require surgery. He will likely return to work in about 6 weeks.

Two liability claims were submitted for sewer back-ups. An additional claim was submitted for a traffic accident. One of our dump truck drivers was involved in an accident on Oak Avenue. Our driver was not injured, but the other driver was. He was treated and released from Hopkins County Memorial Hospital.

**PEAVINE PINION POND** - You might recall that we were successful in getting a grant from Texas Parks and Wildlife to build a walking trail around Peavine Pinion Pond. The \$60,000 grant requires a \$20,000 match from the City. Recent changes made by Mark Spencer (the man who designed Coleman Park) would include a boardwalk along the east side of the pond and even crossing the pond from the east bank to the peninsula. The changes would push the cost to over \$100,000, but we may have identified a funding source for the additional cost. We will drain the pond after the trout fishing tournament for kids this weekend.





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

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

- Received Police training on human trafficking, hostage incidents, off-duty conduct, powers of arrest, effective testimony in a courtroom, racial profiling, use of force, supervisory skills, defensive driving.
- Conducted S.W.A.T. training.
- Responded to 48 accidents, made 83 arrests, recorded 75 offenses and wrote 707 tickets.
- Made 6 felony arrests in the Special Crimes Unit.
- Responded to 269 animal control calls, and achieved a 70% adoption rate.
- Responded to 122 fire/rescue calls including 1 structure fire.
- Performed preventative maintenance on 79 fire hydrants.
- Replaced 28 street signs.
- Conducted 35 fire inspections.
- Processed 708 tickets through the Municipal Court.
- Treated 108 million gallons of drinking water.
- Sold 1,322 gallons of AvGas and 3,896 gallons of Jet-A.
- Repaired 24 water main ruptures.
- Replaced 23 water meters.
- Made 15 water taps.
- Unstopped 57 sewer mains.
- Washed 83,000 feet of sewer mains.
- Repaired 5 sewer mains.

- Performed extensive preventative maintenance and repairs at wastewater treatment plant.
- Achieved a daily average total suspended solids count of 5.86 mg/L.
- Patched 242 potholes.
- Made 18 street repairs following utility repairs.
- Replaced 15 stop signs.
- Replaced 37 street signs.
- Swept 42 streets.
- Conducted 5 health inspections and 29 public nuisance inspections.
- Conducted 45 building inspections, 51 electrical inspections, 49 plumbing inspections, 28 mechanical inspections, 5 miscellaneous inspections and issued 12 building permits.

### **CONSENT AGENDA**

The following items on the Consent Agenda were reviewed: Consider for approval the Downtown Revitalization Board meeting minutes of January 15, 2013; and the Planning and Zoning Commission meeting minutes of January 22, 2013; the Zoning Board of Adjustments and Appeals meeting minutes of January 22, 2013; and the Economic Development Corporation meeting minutes of November 26, 2012. There was no one to speak to the issue. Councilwoman Price moved to approve the consent agenda as presented. Councilman Taylor seconded and the vote was unanimous.

### **The motion carried.**

*\*\*It was noted that the minutes of the regular City Council meeting of January 8, 2013 were prepared and given to the members of the City Council but could not be approved until the next meeting due to not being listed on the consent agenda.*

### **DISCUSSION/ACTION ON INDEPENDENT AUDIT FOR THE CITY OF SULPHUR SPRINGS 2012**

Tom Pingleton of Evans, Pingleton & Howard, PLLC, presented the 2012 audit to the City Council. The City of Sulphur Springs continues to be in excellent financial condition. Mr. Pingleton recognized Finance Director Karstens, City Manager Maxwell, and city staff for an exemplary job. There was no one else to speak to the issue. Councilman Spraggins moved to accept the audit 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. 2630, A REQUEST BY OWNER JOE BOB BURGIN TO REZONE PROPERTY LOCATED AT 597 SOUTH LEAGUE**

**STREET, BEING FURTHER DESCRIBED AS LOT14-10 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 Taylor moved to adopt the ordinance on the second and final reading. Councilman Spraggins seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON PUBLIC HEARING FOR SECOND AND FINAL 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 adopt the ordinance on the second and final reading. Councilwoman Price seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2633 ESTABLISHING MAXIMUM, REASONABLE AND PRUDENT RATES OF SPEED ON CERTAIN PORTIONS OF CERTAIN STREETS AND HIGHWAYS AND PUBLIC PLACES IN THE CITY OF SULPHUR SPRINGS, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; SETTING PENALTIES FOR VIOLATION HEREOF**

City Manager Maxwell presented the staff report. This ordinance would set the speed limits on FM 2297 southerly from the intersection with IH30 for a distance of approximately 0.933 miles, a speed limit of forty-five (45) miles per hour at all times, to the south city limits of Sulphur Springs. The current speed limit is fifty-five (55) miles per hour. The Texas Department of Transportation made this recommendation and this ordinance would replace the present city ordinance 2161 dated May 7, 1996. There was no one else to speak to the issue. Councilman Spraggins moved to approve the ordinance on first reading. Councilman Taylor seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON REPORT REGARDING TRAFFIC STOPS AND ARRESTS**

Police Chief Bayuk presented the staff report. In accordance with Article 2.134(b) of the Texas Code of Criminal Procedures all law enforcement agencies must submit

information collected under Article 2.133, Code of Criminal Procedure, to the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE). Mayor Johnson complimented Chief Bayuk on a job well done. There was no one else to speak to the issue. Councilman Spraggins moved to approve the report as presented. Councilwoman Price seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 1050 CALLING FOR ELECTION FOR CITY COUNCIL PLACES 4 AND 5, NAMING ELECTION JUDGES, AND SETTING DATES FOR EARLY VOTING**

**(La discusión/acción en la Resolución el numero 1050(S) pidiendo la elección coloca 4 y 5, llamando a jueces de elección, y poniendo fechas para la votación temprana.)**

City Secretary Roberts presented the staff report. This resolution calls for a City Council election for Places 4 and 5 to be held Saturday, May 11, 2013. The resolution also sets the dates for making application for place on ballot, for early voting and for mail ballot deadlines as well as naming the Early Voting Election Clerk and the Election Judges. This resolution was presented in English and Spanish. There was no one else to speak to the issue. Mayor Pro Tem Sellers moved to approve the resolution(s) as presented. Councilwoman Price seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 1051 AUTHORIZING THE APPLICATION FOR GRANT ASSISTANCE UNDER THE RULES AND REGULATIONS OF THE RURAL HOUSING SERVICE**

Community Development Director Shepard presented the staff report. The City of Sulphur Springs is applying for the USDA's Rural Business Enterprise Grant (RBEG). The grant is for a revolving loan fund establishment in the amount of \$99,000 with a \$20,000 match. Applicants receive more points for grants requesting less than \$100,000; first time applicants; and matches exceeding 10%. The application has the endorsement of Congressman Ralph Hall and County Judge Chris Brown. All paperwork has been finalized except for a resolution indicating a person of contact for the grant. An extension has been granted by the USDA per Congressman Hall's request. The revolving loan fund program proposed calls for the creation of one job per \$5,000 loaned. Funds are loaned to businesses within the city limits at rates and terms determined by the city. The grant has been retrieved and utilized by the Economic Development Corporation. There was a general discussion regarding this issue. There was no one else to speak to the issue. Councilman Spraggins moved to approve the resolution as presented. Councilwoman Price seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 1052 ENDORSING CERTAIN LEGISLATIVE ACTION IN THE REGULAR SESSION OF THE 83<sup>RD</sup> TEXAS LEGISLATURE TO ENHANCE THE COMPETITIVE ELECTRIC MARKET AND SYSTEM RELIABILITY AND TO PROTECT THE TRADITIONAL ROLE OF CITIES IN THE REGULATORY PROCESS**

It is anticipated that bills will be filed that seek to eliminate or limit city participation in the ratemaking regulatory process and otherwise make it easier for utility companies to increase and expedite rate changes. This resolution will enhance the competitive electric market and system reliability and protect the traditional role of cities in the regulatory process. There was no one to speak to this issue. Councilman Spraggins moved to approve the resolution as presented. Councilwoman Price seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON EXECUTIVE SESSION ITEM REGARDING ACQUISITION OR LEASE OF REAL PROPERTY**

This item could not be addressed as no executive session was conducted.

**VISITORS/PUBLIC FORUM**

Charles Oxford addressed the City Council stating they had no right to force medicate the citizens and to cease fluoridation of the drinking water.

**ADJOURN**

With all business complete the meeting was adjourned at 7:48 p.m.