

CITY OF SULPHUR SPRINGS, TEXAS

REGULAR MEETING OF THE

CITY COUNCIL

JULY 1, 2008

7:00 p.m.

Mayor Aguilar 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 Oscar Aguilar
Mayor Pro Tem Gary Spraggins
Councilman Garry Jordan
Councilman Chris Brown
Councilman Charles Oxford

Absent: Councilman Clay Walker
Councilman Freddie Taylor

Staff: Marc Maxwell, City Manager
Gale Roberts, City Secretary
Larry Friday, City Attorney
Peter Karstens, Director of Finance
Johnny Vance, Dir. Community Development
Craig Vaughn, Director of Utilities
Gordon Frazier, Human Resources Director
Robert Lee, Assistant Director of Utilities
Roger Feagley, EDC Director

PLEDGE AND INVOCATION

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

CONDUCT A PUBLIC HEARING IN REGARD TO SUBMISSION OF AN APPLICATION(S) TO THE TEXAS DEPARTMENT OF AGRICULTURE/OFFICE OF RURAL COMMUNITY AFFAIRS FOR TEXAS COMMUNITY DEVELOPMENT PROGRAM (TCDP) GRANTS

Mayor Aguilar opened the public hearing. There was no one to speak to the issue. Mayor Aguilar closed the public hearing.

MANAGER'S REPORT

ROBERT PERRY - This was a very sad month for City employees and for the family of Robert Perry. We lost a friend and a great employee this month. We all remember Robert as a loving father and grandfather, a devoted husband, a real friend and a top-notch master electrician. We miss him terribly.

MAIN STREET - Work on Main Street is progressing well. The first section of concrete street should be poured tomorrow. The piers for all of the street lights have been installed. The conduits for the lights and electrical outlets have been installed. The conduits for communications have been installed. Potable water lines have been installed. A special soil for the trees has been installed. The project is on schedule.

S.H. 11 UTILITY RELOCATES – The Capital Construction Division is currently relocating a 15-inch sewer line which crosses the proposed S.H. 11 bypass. After they are done with that, the crews will move to S.H. 19 to relocate all of the water and sewer utilities on their approach to S.H. 11. We are about 70% complete with the project. The project has a budget of \$389,050.

ROCKDALE ROAD II - The second phase of the Rockdale Road project is still on hold while the Capital Construction Division performs the S.H. 11 utility relocates.

CLAIMS – We had 2 minor worker's compensation claims, one for a twisted ankle and one for poison ivy.

One driver submitted a claim for damages related to a pothole in Houston. TML denied the claim.

REVENUES AND EXPENDITURES – Finance Director will attempt to have the report of revenues and expenditures ready, but this being the first day of the month, it may be a bit difficult.

MISCELLANEOUS – Elsewhere around the City, employees:

- Shredded dam at Lake Sulphur Springs, and airport property.
- Boom shredded ditches at various locations.
- Replaced "Stop" signs at various locations.
- Made 13 Street repairs.
- Made 87 public nuisance inspections.
- Conducted 43 building inspections, 43 electrical inspections, 40 plumbing inspections, 28 mechanical inspections, 13 miscellaneous inspections, and issued 16 building permits.
- Responded to 118 fire/rescue calls including 3 vehicle fires.

- Maintained 88 fire hydrants.
- Over seeded soccer fields.
- Removed dead trees from Coleman Park.
- Inspected Kids Kingdom for damage.
- Responded to 241 animal control calls.
- Received 57 dogs and cats at the animal shelter, returned 3 to their owners and found homes for 32. That is a 59% adoption rate.
- Received police training on cell phone tracking, warrant officer and bailiff officer procedures, vehicle operations, supervising, scrap metal theft and recovery, use of force, clandestine labs, and disaster preparedness.
- Seized 55 pounds of marijuana.
- Sold 11,250 gallons of Jet A fuel and 2,150 gallons of AvGas.
- Produced a musical event on the square in conjunction with the independence festival.
- Unstopped 17 sewer mains.
- Repaired 3 sewer mains and 5 sewer services.
- Repaired 12 water breaks.
- Installed 10 new water taps.
- Repaired digesters and lift stations at wastewater treatment plant.
- Repaired wastewater sludge press and #3 clarifier.
- Installed a new generator at City Hall.
- Flushed 41 dead end water mains.
- Performed preventative maintenance on water treatment flocculators and pumps.
- Operated water treatment plant on emergency generation for 4 hours during power outage.
- Made 5 felony arrests in the special crimes unit.
- Responded to 39 accidents, made 90 arrests, recorded 81 offenses and wrote 549 citations.
- Processed 608 tickets through municipal court.

CONSENT AGENDA

The following items on the Consent Agenda were reviewed: Consider for approval regular City Council meeting minutes of June 3, 2008; Tourism and Promotion meeting minutes of May 14, 2008; Planning & Zoning meeting minutes of June 16, 2008; the Downtown Revitalization board meeting minutes of June 17, 2008; and the Economic Development Corporation meeting minutes of May 19, 2008. There was no one to speak to the issue. Councilman Brown moved to approve the consent agenda as presented. Mayor Pro Tem Spraggins seconded the motion and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2544 AMENDING THE CODE OF ORDINANCES OF THE CITY OF SULPHUR SPRINGS, ARTICLE 1, SECTION 17.23 TO AUTHORIZE THE CITY MANAGER TO APPROVE AND PERMIT THE USE OF AMPLIFIED EQUIPMENT IN OPEN AIR FUNCTIONS IN THE CITY OF SULPHUR SPRINGS FOR EVENTS PRODUCED WHOLLY OR IN PART BY THE CITY OF SULPHUR SPRINGS DEPARTMENT OF TOURISM

On August 4, 1992 the City Council passed and approved Ordinance No. 2080 establishing rules and regulations governing the use of amplified equipment in open air functions in the City of Sulphur Springs after 10:00 p.m. The Department of Tourism was established by the City Council to develop, produce, and sponsor events and activities that would encourage and promote tourism. The Department of Tourism has established strategic alliances with the specific goal of expanding these efforts. The current remodel of Main Street and the downtown area will provide many new opportunities for event development. Approval of this ordinance will allow the City Manager to approve and permit events produced wholly or in part by the Department of Tourism of the City of Sulphur Springs. There was no one to speak to the issue. Mayor Pro Tem Spraggins moved to approve the ordinance with the change that the City Manager or his designee approve and permit any use of amplified equipment after 10:00 p.m. request and not just city sponsored events. Councilman Brown seconded and vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON PUBLIC HEARING, AS REQUIRED BY CHAPTER 312 OF THE TEXAS TAX CODE, AND FIRST READING OF ORDINANCE NO. 2545 ESTABLISHING A REINVESTMENT ZONE FOR OWENS FOODS INC.

Mayor Aguilar called the public hearing to order. There was no one to speak to the issue. Mayor Aguilar closed the public hearing.

Owens Foods Inc. is in the process of expanding its operation in Sulphur Springs. The current expansion is 50,000 square feet and 10 million dollars. One incentive that is offered to all industries that expand is a tax abatement. This ordinance establishes a Reinvestment Zone, the geographical boundaries of an area where a taxing entity can offer a tax incentive. This ordinance creates the Reinvestment Zone but does not issue a tax abatement. EDC Director Roger Feagley was available to answer any questions. There was no one to speak to this issue. Councilman Jordan moved to approve the ordinance on the first reading. Mayor Pro Tem Spraggins seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 960 APPROVING AN APPLICATION FOR GRANT FUNDING THROUGH THE TEXAS DEPARTMENT OF AGRICULTURE DOWNTOWN REVITALIZATION PROGRAM

This resolution approves the application for grant funding only. Approval of this grant will allow the City of Sulphur Springs to provide additional parking to the downtown area that is ADA compliant. This improvement would enhance the area as well as provide much needed parking. The City is requesting \$135,000 for Downtown Revitalization Improvements and \$15,000 for Award Administration, totaling \$150,000. The City of Sulphur Springs will commit to \$45,000 from its General Fund as a cash contribution toward the engineering activities of this project. The City can use “in-kind” services as part of the match. There was no one to speak to this issue. Mayor Pro Tem Spraggins moved to approve the resolution as presented. Councilman Brown seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON AGREEMENT WITH HOPKINS COUNTY FOR THEIR PARTICIPATION IN THE TAX INCREMENT FINANCING REINVESTMENT ZONE

This is the agreement with the Commissioners for their participation in the TIRZ. There is one notable change in the agreement. The Commissioners wanted to be able to approve/disapprove the project plan and financing plan and future amendments to the plans. There was no one to speak to the issue. Mayor Pro Tem Spraggins made a motion to approve the agreement as presented. Councilman Jordan seconded the motion and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON A FINAL PLAT OF HANEY ADDITION, A REQUEST BY OWNER’S AGENT, ADAMS ENGINEERING, TO REPLAT PROPERTY LOCATED AT FM 1870 (COLLEGE ST.) EAST OF I-30, BEING FURTHER DESCRIBED AS LOTS 1 AND 2 OF BLOCK 311, INTO ONE LOT TO CREATE A BUILDING SITE

This plat fronts a State Highway and the site will be used for a nursing home. There is an 8’ water line across the front. A 6” sewer across the front has been determined to be inadequate for this development. The developer has obtained easements and designed an 8” offsite sewer extension to serve this site. The engineering drawings are complete for the offsite sewer and the onsite storm water detention. Director of Community Development Johnny Vance presented the staff report and was available to answer any questions. There was no one else to speak to the issue. Councilman Brown moved to approve the plat contingent upon the execution of a Community Facilities Contract.

Mayor Pro Tem Spraggins seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FINAL PLAT REQUEST BY OWNER, BILLY PETTY, TO REPLAT PROPERTY LOCATED AT 622 W. A. STREET, BEING FURTHER DESCRIBED AS LOT 1 OF BLOCK 47 1-6, INTO TWO LOTS

There are existing street and utilities present as well as an existing house and duplex which do not meet setback requirements at rear and side yards. These structures are non-conforming per Article 23 – Nonconforming Uses of the Zoning Ordinance. There will be right-of-way dedicated along Whitworth Street. Director of Community Development Johnny Vance presented the staff report and was available to answer any questions. There was no one else to speak to the issue. Mayor Pro Tem Spraggins moved to approve the plat noting the setback exceptions of the existing structures. Councilman Jordan seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON APPROVAL OF LOGO FOR THE SULPHUR SPRINGS COUNTRY CLUB

This is a request by the Sulphur Springs Country Club to incorporate a portion of the City of Sulphur Springs’ logo, designed by Harve Chapman and Bob Bond, into their logo. The country club may not be located inside the corporate city limits but they are a part of this community and approval of this request allows a unified marketing effort. There was no one else to speak to the issue. Councilman Brown moved to approve the request. Councilman Jordan seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON REMOVAL OF FLUORIDE FROM THE CITY OF SULPHUR SPRINGS PUBLIC DRINKING WATER

Councilman Oxford requested this item be placed on the agenda and had sent supporting documentation to the other council members with their packets. Councilman Oxford made opening remarks supporting removal of fluoride from the drinking water and the possible negative affects of fluoridation. There was a general discussion among the City Council and it was determined that they would like to hear the opinions of medical professionals. There was no one else to speak to the issue. Mayor Pro Tem Spraggins made a motion for the Mayor to appoint an ad hoc committee made up of three or more medical professionals to look into fluoridation to find out what the medical profession is saying about this issue. Councilman Brown asked that Mayor Pro Tem Spraggins amend the motion not to put a number on the committee, just whatever the Mayor thinks is necessary to accomplish the task. Mayor Pro Tem Spraggins made an amended motion

for the Mayor to appoint an ad hoc committee made up of mostly medical professionals, as many as the Mayor deems necessary, to look into fluoridation to find out what the medical profession is saying about this issue. Councilman Brown seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON BOARD APPOINTMENT TO THE DOWNTOWN REVITALIZATION BOARD

There needs to be a board appointment to fulfill a vacancy on the Downtown Revitalization Board. There was no one to speak to the issue. Councilman Brown moved to appoint Becky Flippin to the Downtown Revitalization Board. Mayor Pro Tem Spraggins seconded the motion and the vote unanimous.

The motion carried.

VISITORS AND PUBLIC FORUM

Director of Community Development Johnny Vance told the City Council that there will be a meeting scheduled for July 15, 2008 at noon for bids and award of contract for brick for the Main Street reconstruction in an effort to stay on schedule.

Councilman Jordan has had some people asking about when the City will put in a Farmers Market because they would really like to see it happen. City Manager Maxwell says he will be coming to the City Council soon with some ideas.

ADJOURN

With all business complete the meeting was adjourned at 7:32 p.m.