

CITY OF SULPHUR SPRINGS, TEXAS

REGULAR MEETING OF THE

CITY COUNCIL

DECEMBER 4, 2007

7:00 p.m.

Mayor Yolanda Williams called the regular meeting of the Sulphur Springs City Council to order at 6:34 p.m. Councilman Spraggins moved to adjourn to executive session in accordance with Texas Government Code 551.072, Deliberations Regarding Real Property. Councilman Jordan seconded the motion. There was no one present to speak to the issue. The vote was unanimous. The following council members and staff were present:

Mayor Yolanda Williams
Mayor Pro Tem Oscar Aguilar
Councilman Garry Jordan
Councilman Clay Walker – 7:15 p.m.
Councilman Gary Spraggins
Councilman Freddie Taylor
Councilman Chris Brown

Absent: None

Staff: Marc Maxwell, City Manager
Gale Roberts, City Secretary
Jim McLeroy, City Attorney
Peter Karstens, Director of Finance
Johnny Vance, Dir. Community Development
Jim Bayuk, Police Chief
Craig Vaughn, Director of Utilities
Gordon Frazier, Human Resources Director

RECONVENE INTO OPEN SESSION

Mayor Williams reconvened the meeting into open session at 7:00 p.m.

PLEDGE AND INVOCATION

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

MANAGER'S REPORT

T-BONE ALLEY UTILITY PROJECT - This water and sewer project is now completed. My compliments to the Capital Construction Division for a job well done. This was a very tedious job. All of the bedding material for the utilities had to be brought in by wheel barrow, and much of the digging was done by hand. This project had a budget of \$50,625. It looks like we'll come in at \$43,750 (a little more than 10% under budget).

EDC SEWER PROJECT - The Capital Construction Division has also been busily installing 4,200 feet of sewer line for the EDC. The EDC is paying \$249,000 for the project. To date 2,800 feet of line has been installed as well as 7 manholes.

SKATE PARK - The skate park may look finished, but it's not. We're waiting on a contractor to install new basketball goals and a volleyball court. It was the addition of these items to the project that allowed us to get a \$50,000 grant from Texas Parks and Wildlife. As for the skating portion of the project, it is completed and is being heavily used by local skaters and visiting skaters alike.

CLAIMS - We had no liability claims and no Worker's Compensation claims in November.

REVENUES AND EXPENDITURES - Finance Director, Peter Karstens will offer a report on revenues and expenditures.

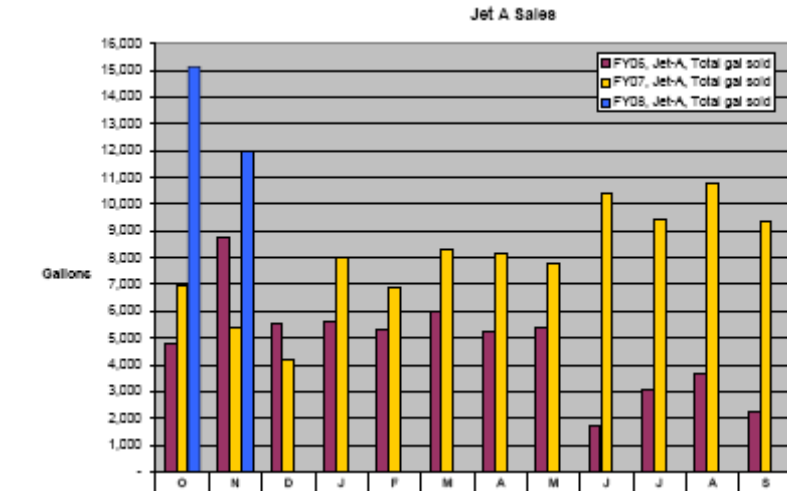
MAIN STREET - The engineers are busily working on the construction plans for Main Street. The plans should be ready for City Council action at the January meeting.

MISCELLANEOUS – Elsewhere around the City, employees:

- Made 36 street repairs.
- Painted crosswalks on the square.
- Helped with Christmas decorations downtown.
- Swept 126 streets.
- Conducted 35 health inspections and 44 public nuisance inspections.
- Conducted 33 building inspections, 36 electrical inspections, 42 plumbing inspections, 12 mechanical inspections, 11 miscellaneous inspections and issued nine building permits.
- Finished pouring bollards along the edge of the Roadway on Spring St.
- Spread topsoil and sowed rye grass seed from Spring St. to the Main St. behind City Hall.
- Finally got our paving contractor to repave the walking path at Pacific Park.
- Began preparing design for next phase of Rockdale Road project.

- Checked out 3,954 books, tapes, etc.
- Installed electrical plugs at various locations around the downtown square.
- Sandblasted and painted aerators, digesters, and catwalks at wastewater plant.
- Repaired (16) water breaks.
- Installed (4) new water taps.
- Repaired (5) low flow water services.
- Replaced (11) water meters.
- Replaced one fire hydrant.
- Unstopped 27 sewer mains.
- Cleaned 62,000 feet of sewer main.
- Repaired (9) sewer mains.
- Repaired (3) manholes.
- Completed sewer segment III inspection.
- Repaired East chlorinator that was damaged during storm event.
- Monthly average TSS = 3.31 mg/l.
- Mowed trimmed and cleaned up pump station at Cooper Lake.
- Attended Surface Water I school in Tyler.
- Flushed 42 dead end water mains.
- Installed new eye wash station in caustic room.
- Shut down plant for six hours and repaired water line coming into plant.
- Repaired air leak in wash water control valve.
- Met with engineers to determine the best strategy to obtain compliance with the TTHM and HAA5 regulations and the TOC rule.
- Responded to 99 fire/rescue calls.
- Conducted 38 fire inspections.
- Maintained 50 fire hydrants.
- Issued 6 weed citations.
- Police personnel received training in the following areas:, Pursuit Decision Making, Club Drugs, Intermediate Spanish, Terminal Agency Coordinator , Homeland Security Issues, Rabies Control Procedures, Child Abuse Investigations, Crime Scene Investigations, Use of Force.
- Instructed “VOP” members on Haz/Mat – Aircraft Crash Emergency Training
- Met with Brookshires Grocery Company on organized retail theft
- Met with students at Como-Pickton I.S.D. for Career Fair in conjunction with the North East Texas Workforce Center
- Attended an ATCOG Regional Community Planning Meeting – mandatory to apply for CJD grants for the upcoming grant year
- Seized 12 lbs. of marijuana.
- Worked 44 accidents, made 63 arrests, recorded 59 offenses and wrote 463 traffic tickets.

- Made 8 arrests in the special crimes unit.
- Met with Slone Construction Company regarding project to construct new hangars at the airport. Issued Notice to Proceed effective 26 November.
- Pumped 11957 gallons Jet A. (Nov 06 = 5358 g)
- Pumped 1796 gallons of AvGas.



CONSENT AGENDA

The following items on the Consent Agenda were reviewed: Consider for approval regular City Council meeting minutes of November 6, 2007; Planning and Zoning meeting minutes of November 19, 2007; the Zoning Board of Adjustment meeting minutes of November 20, 2007; and the Economic Development Corporation meeting minutes of October 22, 2007. Councilman Spraggins moved to approve the consent agenda as presented with the amended page 1 of the regular City Council meeting minutes of November 6, 2007 indicating Council Brown’s absence. Councilman Taylor seconded the motion and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON PUBLIC HEARING FOR SECOND AND FINAL READING OF ORDINANCE NO. 2531 CREATING A TAX INCREMENT REINVESTMENT ZONE

This ordinance creates a Tax Increment Reinvestment Zone to provide funding for the downtown redevelopment project. Finance Director Peter Karstens presented the staff report explaining the only change from the first reading is the recommendation of the number of directors from seven to five. Two directors are appointed by the City Council and the other three taxing entities each appoint one director. If the right to a seat is waived the City Council will select an individual to fill that seat. There was no one else to speak to the issue. Councilman Taylor moved to approve the ordinance on the second and final reading. Councilman Spraggins seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2533 AMENDING ZONING ORDINANCE NO. 2050, ARTICLE 20, SECTION 20.300 TO INCLUDE THE CENTRAL COMMERCIAL DISTRICT AS A ZONING FOR WHICH A PRIVATE BEVERAGE CLUB CAN BE LOCATED

This amendment would include the Central Commercial District as a zoning classification in which a Specific Use Permit can be issued. It could be a catalyst in paving the way for other businesses that would like to locate in the Downtown area by making it possible for a private beverage club to operate and possibly help to revitalize the area. Director of Community Development Johnny Vance was available to answer any questions. Tammy Olague, Susan Jones, Rita Edwards, Joy Wilson, Billie Ruth Standbridge, and Gus Trevino spoke in favor of the amendment. Dr. Bob McCartney of the First Baptist Church and City Councilman Jordan spoke in opposition of the amendment. Councilmen Walker, Aguilar, and Brown stated they understood the concerns but added that proper planning and the requirement to meet state statutes should reduce negative issues and the passage of the ordinance would help to revitalize the downtown area. There was no one else to speak to the issue. Councilman Brown moved to approve the ordinance on the first reading. Councilman Sraggins seconded and the vote was as follows:

Ayes: Walker, Aguilar, Taylor, Spraggins, Brown, Williams
Nays: Jordan
Abstain: None

The motion carried.

CONDUCT A PUBLIC HEARING FOR PUBLIC COMMENT REGARDING APPROVAL OF TAXATION OF GOODS IN TRANSIT THAT ARE OTHERWISE EXEMPTED FROM TAXATION BY THE PROPERTY TAX CODE AS JUST CHANGED BY HOUSE BILL 621

Mayor Williams opened the public hearing. Oscar Aguilar Jr. approached the podium to make a presentation to the City Council regarding a City Flag. Young Mr. Aguilar had a crayon drawing of his design of the flag for the City of Sulphur Springs. He also suggested that the flag be flown at the parks, library, police station, fire stations, city hall, airport, and the downtown square. When asked how he thought this project should be funded, he responded by stating he has a very large piggy bank. There was no one else to speak to the issue. Mayor Williams closed the public hearing.

DISCUSSION/ACTION ON RESOLUTION NO. 953 RELATING TO THE APPROVAL OF TAXATION OF GOODS IN TRANSIT THAT ARE

OTHERWISE EXEMPTED FROM TAXATION BY THE PROPERTY TAX CODE AS JUST CHANGED BY HOUSE BILL 621

The 80th Legislature passed HB621 which exempts from taxing goods in transit that are stored temporarily (not more than 270 days) en route to another location in Texas or outside the state. Cities had been receiving property tax on these goods until HB621 was recently passed. There was no one else to speak to the issue. Councilman Taylor moved to approve the resolution as presented. Councilman Jordan seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 950 APPROVING THE APPLICATION FOR A GRANT TO CONTINUE THE SPECIAL CRIMES UNIT

The City of Sulphur Springs has submitted an application for a Justice Assistance Grant through the Governor's office to continue the Special Crimes Unit. This is a one year grant from October 1, 2007 through September 30, 2008. This is a highly competitive grant with limited federal funds. The intent of obtaining this grant is to fully fund this unit. Chief of Police Jim Bayuk was available to answer any questions. There was no one to speak to the issue. Councilman Jordan made a motion to approve the resolution as presented. Mayor Pro Tem Aguilar seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 951 REQUESTING THE TEXAS DEPARTMENT OF TRANSPORTATION TO UPGRADE THE TRAFFIC SIGNAL TO A 4-DIRECTIONAL SIGNAL AT THE INTERSECTION OF BROADWAY STREET AND LEE STREET AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY FOR IMPLEMENTATION OF THE INSTALLATION OF THESE TRAFFIC SIGNALS

Walgreen's has a proposed development at Broadway (SH 154) and Lee Street in which the entrance to their future facility will require the upgrade of the signal at the intersection. The developer will bear the expense of this upgrade which is estimated to cost \$120,000. However, TxDOT cannot enter into an Advanced Funding Agreement with a developer; therefore, we are entering into the agreement with TxDOT and a similar agreement with the developer to facilitate the installation. Director of Community Development Johnny Vance was available to answer questions and present the staff report. Tom Jones, an engineer with the Walgreen's project, was also available to answer any questions. There was no one else to speak to the issue. Councilman Spraggins moved to approve the resolution as presented. Councilman Brown seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON NO. 952 REQUESTING THE TEXAS DEPARTMENT OF TRANSPORTATION TO APPROVE A RECONSTRUCTION PROJECT ON MAIN STREET, INCLUDING IT'S INTERSECTION WITH DAVIS STREET AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY FOR IMPLEMENTATION OF THIS PROJECT

Engineers are busy working on the design for the Main Street reconstruction project. However, we will need TxDOT's approval before we may begin any construction because the intersection of Davis and Main Streets is part of the TxDOT highway system. Director of Community Development Johnny Vance was available to answer questions and present the staff report. Billie Ruth Standbridge asked if the signal light would be removed and was informed it would not happen at this time. There was no one else to speak to the issue. Councilman Taylor moved to approve the resolution as presented. Councilman Brown seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FINAL PLAT OF BLOCK 216-6, WOODBRIDGE CROSSING ADDITION, A REQUEST BY GENE WATSON TO REPLAT PROPERTY LOCATED ON THE WEST SIDE OF STATE HIGHWAY 19, EAST SIDE OF WESTWOOD DRIVE, BEING FURTHER DESCRIBED AS WOODBRIDGE CROSSING, BLOCK 6, INTO ONE LOT

This property has existing water and sewer available and Westwood Drive will serve as its only access. This property has road frontage on three sides and because the lot is shallow the proposed setbacks will require an exception to the 25' building setback. Director of Community Development Johnny Vance was available to answer questions and present the staff report. There was no one else to speak to the issue. Councilman Spraggins moved to approve the plat as presented. Councilman Jordan seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FINAL PLAT OF FELLOWSHIP CHRISTIAN CHURCH ADDITION, A REQUEST BY FELLOWSHIP CHRISTIAN CHURCH AND THE CITY OF SULPHUR SPRINGS TO REPLAT PROPERTY LOCATED ON THE NORTH SIDE OF CONNALLY STREET BETWEEN DAVIS STREET AND MULBERRY STREET, BEING FURTHER DESCRIBED AS LOTS 1 AND 2 OF BLOCK 13, INTO ONE LOT

This plat revises the property line between the Church property and the City property to reflect the recent land transaction initiated by the City of Sulphur Springs. Director of

Community Development Johnny Vance was available to answer questions and present the staff report. There was no one else to speak to the issue. Councilman Spraggins moved to approve the plat as presented. Councilman Taylor seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON EXECUTIVE SESSION ITEM REGARDING REAL PROPERTY AUTHORIZING THE CITY MANAGER TO PURCHASE PROPERTY LOCATED AT 216 AND 218 MAIN STREET

Council Spraggins moved to authorize the City Manager to enter into negotiations to purchase this property subject to the limitations set in the executive session. Councilman Taylor seconded and the vote was unanimous.

The motion carried.

VISITORS AND PUBLIC FORUM

None.

ADJOURN

With all business complete the meeting was adjourned at 8:05 p.m.