

CITY OF SULPHUR SPRINGS, TEXAS

REGULAR MEETING OF THE

CITY COUNCIL

MARCH 3, 2009

7:00 p.m.

Mayor Pro Tem Gary 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 Pro Tem Gary Spraggins
Councilman Garry Jordan
Councilman Clay Walker
Councilman Freddie Taylor
Councilman Chris Brown
Councilman Charles Oxford

Absent: Mayor Oscar Aguilar

Staff: Marc Maxwell, City Manager
Gale Roberts, City Secretary
James Litzler, Acting City Attorney
Peter Karstens, Director of Finance
Johnny Vance, Director of Community Development
Joey Baker, Director of Tourism/Airport
Craig Vaughn, Director of Utilities
Gordon Frazier, Human Resources Director
Robert Stidham, Assistant Chief of Police
Ben Dickson, Warrant Officer
Denise Stinson, Animal Control Officer

PLEDGE AND INVOCATION

Mayor Pro Tem Spraggins led in the pledge of allegiance and Councilman Taylor led in the invocation.

MANAGER'S REPORT

HOUSTON STREET - I terminated our agreement with Garver Engineering last week. They have turned over all construction drawings to the City, and we are finishing the

drawings ourselves. We should be able to get started on Phase 1 soon. We'll bring the final drawings to the City Council for approval first though.

CONNALLY STREET – AECOM is working on the construction drawings for Connally Street.

CLAIMS – We had one minor worker's compensation claim in February resulting in 2 days lost time, and one small liability claim from a motorist who backed into an open trench. The motorists claim is pending with TML.

We also had one small incident with one of our fire engines. Our newer engine was struck on the rear bumper by an ambulance causing \$1,300 damage. HCMH promptly paid the claim, and the truck has been repaired.

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

MISCELLANEOUS – Elsewhere around the City, employees:

- Removed stumps at Coleman Park.
- Sprayed athletic fields with pre-emergent.
- Hosted a 3-day high school varsity softball tournament.
- Began preparing softball and baseball fields for spring ball.
- Painted girls' concession stand at Buford Park.
- Prepared Pevine Pinnion Lake for Kids Fishing Day.
- Treated 108 million gallons of drinking water.
- Sold 8,712 gallons of jet fuel and 984 gallons of AvGas.
- Began moving tenants into newly constructed t-hangars.
- Responded to 213 animal control calls.
- Received 57 dogs and cats at the animal shelter, returned 4 to their owners and found homes for 50 for a 94% adoption rate!
- Prepared for the Sulphur Springs Public Library's Gala (going on this week!).
- Processed 648 tickets through municipal court.
- Responded to 35 accidents, made 68 arrests, recorded 50 offenses and wrote 575 citations.
- Conducted a Special Crimes Unit roundup involving 18 defendants.
- Responded to 76 fire rescue calls including 5 structure fires.
- Conducted 49 fire inspections.
- Performed preventative maintenance on 108 fire hydrants.
- Replaced 8 street signs.
- Repaired 21 potholes.
- Made 9 utility cut repairs.
- Removed trash on Rockdale, Como and Veterans' Drive.

- Swept 33 streets.
- Conducted 15 health inspections and 33 public nuisance inspections.
- Conducted 44 building inspections, 48 electrical inspections, 46 plumbing inspections, 36 mechanical inspections, 21 miscellaneous inspections and issued 13 building permits.
- Repaired 20 water main breaks and installed 8 water taps.
- Replaced 30 water meters.
- Replaced 1 fire hydrant.
- Unstopped 21 sewer mains.
- Cleaned 70,000 feet of sewer mains.
- Repaired 5 manholes.
- Re-wired water pump at Cooper Lake.
- Serviced emergency generator at City Hall.
- Repaired water pump at water treatment plant.
- Repaired wastewater filter.
- Treated wastewater to a daily average total suspended solids reading of 1.76 mg/L.
- Made improvements to backwash pumps at water treatment plant.
- Performed preventative maintenance on #4 clarifier at water treatment plant.

CONSENT AGENDA

The following items on the Consent Agenda were reviewed: Consider for approval regular City Council meeting minutes of February 3, 2009; the Planning and Zoning meeting minutes of February 16, 2009; the Downtown Revitalization Board meeting minutes of February 17, 2009; and the Economic Development Corporation meeting minutes of January 26, 2009. There was no one to speak to the issue. Councilman Brown moved to approve the consent agenda as presented. Councilman Oxford seconded the motion and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2553, A CITY INITIATED REZONING REQUEST TO REZONE PROPERTY LOCATED AT 1411, 1415, 1419, AND 1423 CHURCH STREET, BEING FURTHER DESCRIBED AS LOTS 1, 2, 3, AND 4 OF BLOCK 411 FROM SINGLE FAMILY (SF) TO PROFESSIONAL OFFICE (PO)

The Director of Community Development, Johnny Vance, presented the staff report. The properties located within 200' of Lots 1, 2, 3, and 4 of Block 411 are zoned Single Family. Lot 2 and part of Lot 3 of Block 411 are abutted by Heavy Commercial. All of the properties located across the street and south are zoned Multi-Family. Professional Office zoning will limit the types of business that could occupy the properties and remove the possibility of Multi-Family housing or large commercial businesses which is what the current residents were against. There was no one to speak to the issue.

Councilman Brown 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. 2554 ESTABLISHING A LOW AND MODERATE INCOME HOUSING PROGRAM, DEFINING ELIGIBILITY AND IMPOSING CONDITIONS UPON THE GRANT OF CITY OWNED VACANT LOTS FOR LOW AND MODERATE INCOME HOUSING DEVELOPMENT

Valanderous Bell made a presentation to the City Council introducing the Nehemiah Foundation and its objectives. The Nehemiah Foundation, a community development corporation under the leadership of Valanderous Bell, has obtained 501(c)(3) status and they are ready to proceed with some low to moderate income housing projects. The City has an inventory of vacant lots that may be suitable for residential development. With the proposed ordinance the City could pursue a partnership with the Nehemiah Foundation or any other qualifying community development corporation that works like this:

- (1) the city donates property to the foundation;
- (2) the foundation in conjunction with a qualifying applicant builds a home on the donated property for a low/moderate applicant;
- (3) if the home is not built in 5 years the property reverts to the city.

It's a win/win situation where the foundation meets their objective, the city gets a property back on the tax rolls, and a fortunate citizen buys a home for below market cost. This ordinance does not approve the conveyance of any real property. Rather, it establishes a framework for the city to convey properties in the future. All future conveyances will require the approval of the City Council. There was a general discussion. There was no one else to speak to the issue. Councilman Taylor moved to approve the ordinance on the first reading. Councilman Oxford seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FINAL PLAT FOR ORWOSKY ADDITION, A REQUEST BY OWNERS JEFF ORWOSKY AND SUE CAMERON-ORWOSKY TO REPLAT PROPERTY LOCATED AT THE SOUTHWEST CORNER OF ROCKDALE ROAD AND VAUGHN DRIVE, BEING FURTHER DESCRIBED AS LOT 3-50 OF BLOCK 232, INTO TWO LOTS

The Director of Community Development, Johnny Vance, presented the staff report. This plat contains over 20 acres of land which is being divided into two lots. There is existing water and sewer along Rockdale Road to serve these two lots. This plat contains over 2,000 feet of frontage along substandard roads. The staff recommendation is to deny approval of the plat because of the substandard streets. There was no one else to

speak to the issue. Councilman Brown moved to approve the plat as presented. Councilman Jordan seconded and the vote was as follows:

Ayes: Brown, Jordan, Walker, Taylor
Nays: Oxford
Abstain: None

The motion carried.

DISCUSSION/ACTION ON BOARD APPOINTMENT TO FILL AN UNEXPIRED TERM ON THE TOURISM AND PROMOTIONS BOARD

Director of Tourism Joey Baker presented the staff report. Deborah Balkcom was serving as the representative for the Civic Center Board but her term on that board expired January 1, 2009. The Civic Center Board has nominated Jackie Thorton to fill the unexpired term of Deborah Balkcom on the Tourism and Promotion Board. There was no one to speak to the issue. Councilman Jordan moved to appoint Jackie Thornton to the Tourism and Promotion Board. Councilman Taylor seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 971 AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH HOPKINS COUNTY FOR THE PURPOSE OF LEASING STATE MANDATED ELECTRONIC VOTING EQUIPMENT FOR EARLY VOTING AND ELECTION DAY

The City of Sulphur Springs requested pre-clearance prior to the 2006 election from the Department of Justice to change our election procedures to include the DRE's that are mandated by the Texas Secretary of State to comply with the requirements of Section 301(a)(3)(B) of the Help America Vote Act. The City of Sulphur Springs must use the DRE equipment in our elections. We will continue to use paper ballots and hand count as well. This change is not designed nor will it have an adverse effect upon minority citizens residing within the city limits. All calculations in the agreement are based on all three entities conducting an election. The electronic voting equipment was very popular with the voters last year. In an effort to better serve the public the calculations in this agreement are for three electronic voting units, one with a "DAU" (disabled access unit) and two without. This is the cost for leasing the equipment from Hopkins County only and does not include other costs involved with this election or the possibility of a run-off election. Councilman Brown suggested that we urge the county to provide a paper trail. There was no one to speak to the issue. Councilman Oxford moved to approve the resolution as presented. Councilman Taylor seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON ABATEMENT PROCEEDINGS FOR 217 MAIN STREET

Director of Community Development Johnny Vance presented the staff report. The City Council declared this property a public nuisance, ordered abatement, and required a submittal with an appropriate plan of action and to obtain a permit for rehabilitation on or before March 2, 2009. Staff recommends that the City Council extend the order for abatement and rehabilitation for an additional 90 days until June 1, 2009. There was no one else to speak to the issue. Councilman Taylor moved to extend the order for abatement and rehabilitation for an additional 90 days to June 1, 2009. Councilman Walker seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON ABATEMENT PROCEEDINGS FOR 224 MAIN STREET

Director of Community Development Johnny Vance presented the staff report. The City Council declared this property a public nuisance, ordered abatement, and required a submittal with an appropriate plan of action and to obtain a permit for rehabilitation on or before March 2, 2009. Staff recommends that the City Council extend the order for abatement and rehabilitation for an additional 90 days until June 1, 2009. There was no one else to speak to the issue. Councilman Taylor moved to extend the order for abatement and rehabilitation for an additional 90 days to June 1, 2009. Councilman Oxford seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON ABATEMENT PROCEEDINGS FOR 226 MAIN STREET

Director of Community Development Johnny Vance presented the staff report. The City Council declared this property a public nuisance, ordered abatement, and required a submittal with an appropriate plan of action and to obtain a permit for rehabilitation on or before March 2, 2009. Staff recommends that the City Council extend the order for abatement and rehabilitation for an additional 90 days until June 1, 2009. There was no one else to speak to the issue. Councilman Taylor moved to extend the order for abatement and rehabilitation for an additional 90 days to June 1, 2009. Councilman Oxford seconded and the vote was unanimous.

The motion carried.

VISITORS/PUBLIC FORUM

Jordan Krause distributed a 6-page summary of information to the City Council regarding negative effects of fluoridation. He also stated that he was available if anyone had any questions regarding the material.

Councilman Oxford stated the DVD the City Manager had distributed to the City Councilmen has a very appealing concept of city development with about 25 years of history behind it. He summarizes by saying it creates pocket parks and pocket centers all around the city. This concept would meet many of the everyday needs of our citizens and within walking distance. Councilman Oxford believes the ordinances regarding subdivisions and zoning need to be reworked and new policies created in order to have planning steps in place for the future. He also stated an overall review of the ordinances should be done to eliminate irrelevant ordinances that long since have become obsolete.

Councilman Walker recognized March 2, 1836, as Texas Independence Day stating there has not been much mention of this historical event in the last few years.

Valanderous Bell distributed additional information to the City Council regarding the Nehemiah Foundation.

ADJOURN

With all business complete the meeting was adjourned at 7:45 p.m.