

**CITY OF SULPHUR SPRINGS, TEXAS**

**REGULAR MEETING OF THE**

**CITY COUNCIL**

**MAY 5, 2009**

**7:00 p.m.**

Mayor Aguilar called the regular meeting of the Sulphur Springs City Council to order at 7:03 p.m. The following council members and staff were present:

Mayor Oscar Aguilar  
Mayor Pro Tem Gary Spraggins  
Councilman Garry Jordan (left at 8:30p.m.)  
Councilman Clay Walker  
Councilman Freddie Taylor  
Councilman Chris Brown  
Councilman Charles Oxford

Absent: None.

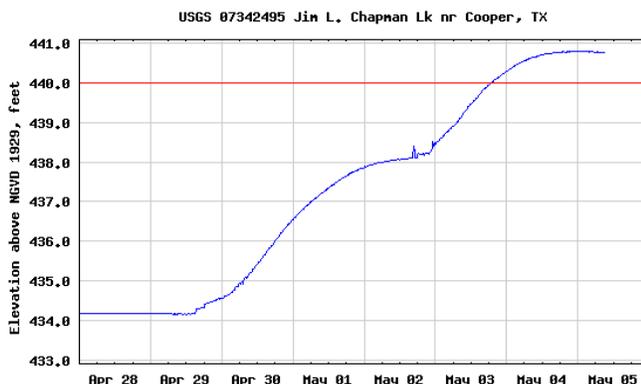
Staff: Marc Maxwell, City Manager  
Gale Roberts, City Secretary  
Jim McLeroy, City Attorney  
Peter Karstens, Director of Finance  
Johnny Vance, Director of Community Development  
Craig Vaughn, Director of Utilities  
Gordon Frazier, Director of Human Resources

**PLEDGE AND INVOCATION**

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

**MANAGER’S REPORT**

**COOPER LAKE** - As you know, we switched over to Lake Sulphur Springs water a couple of weeks ago when the transformer failed at Cooper Lake. Recently we switched back to Cooper



Lake on our emergency generator because we had some electrical problems at Lake Sulphur Springs. The electrical problems at Lake Sulphur Springs have been repaired and we are evaluating whether to remain on Cooper Lake water until the transformer arrives. The transformer shipped today.

Also, Cooper Lake is now full. As recently as one week ago the lake was 6 feet low, but now it is about 9 inches high.

**HOUSTON STREET** - The Houston Street project is underway. The capital construction crew is currently laying sewer and water mains for Phase I between Mulberry and Davis.

**CLAIMS** – We had one very minor workers compensation claim in April.

We had one minor liability claim resulting from a fender bender involving a city vehicle.

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

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

- Repaired 80 potholes
- Made 12 street repairs after utility repairs.
- Conducted 5 health inspections and 55 public nuisance inspections.
- Abated 1 substandard structure, bringing the total to 420.
- Conducted 34 building inspections, 44 electrical inspections, 40 plumbing inspections, 31 mechanical inspections, 21 miscellaneous inspections and issued 20 building permits.
- Replaced 4 fire hydrants and repaired 6.
- Conducted spring cleanup.
- Opened bids for airport taxiway reconstruction project.
- Sold 7,833 gallons of jet fuel and 1802 gallons of AvGas.
- Received police training in the fields of SWAT tactics, record keeping, and homicide investigations.
- Seized 15 pounds of marijuana.
- Made 121 arrests, worded 36 accidents, wrote 593 citations, and recorded 108 offenses.
- Made 9 arrests as a result of Special Crimes Unit investigations.
- Achieved a 78% adoption rate at the animal shelter.
- Repaired and performed preventative maintenance on tornado warning sirens.
- Repaired 9 water main ruptures.
- Replaced 21 water meters.
- Unstopped 20 sewer mains.

- Performed maintenance and repairs on several wastewater treatment apparatuses.
- Treated wastewater to a daily average total suspended solids reading of 4.09 mg/L. (4 parts per million)
- Flushed 39 dead end water mains.
- Conducted annual wastewater pre-treatment inspections at local industries.
- Performed preventative maintenance on several pumps at the water treatment plant and at the Cooper Lake pump station.
- Prepared swimming pool for lifeguard classes to begin in May.
- Treated 114 million gallons of drinking water.
- Processed 606 tickets through municipal court.
- Responded to 95 fire/rescue calls including 1 structure fire.
- Conducted 43 fire inspections.
- Maintained 89 fire hydrants.

Councilman Brown requested that item #8 be moved up to #3 and item #13 be moved to #4. Mayor Aguilar accepted the request.

**DISCUSSION/ACTION ON RESOLUTION NO. 975 REPEALING OR OTHERWISE AMENDING RESOLUTION NO. 807 WHICH SET FORTH RULES FOR PROCEDURE FOR THE SULPHUR SPRINGS CITY COUNCIL**

Councilman Oxford stated he would like to see this item in a workshop with at least five councilmen present and that item #14 regarding recycling be removed from the agenda for this meeting. Councilman Brown made a motion to amend the current code of conduct by amending Section 3.1(f) striking the word “beverage”, striking Section 4.6, and striking the statement regarding the “Deputy Mayor Pro Tem” from Section 5.1. Mayor Pro Tem Spraggins seconded the motion. There was a general discussion among the City Council. Councilman Oxford withdrew his request for a roll call vote for every item but believes the rules of conduct contain flaws and needs to be amended. The vote was as follows:

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

**The motion was defeated.**

**DISCUSSION/ACTION ON RESOLUTION NO.977 RENAMING THE STREET NOW KNOWN AS JERRY STREET TO KANDIE LANE**

Councilman Jordan made a motion to approve the resolution as presented. Councilman Walker seconded and the vote was unanimous.

**The motion carried.**

Mayor Aguilar read the resolution to the audience which included the Aguilar/Redding families. The Mayor stated the request was made by the late Frances Aguilar Redding prior to her death in 2007. The Mayor also presented a street sign to Jeff Redding with the new street name of Kandie Lane. The Aguilar/Redding families were very grateful for this dream that had come true for Frances Aguilar Redding.

### **CONSENT AGENDA**

The following items on the Consent Agenda were reviewed: Consider for approval regular City Council meeting minutes of April 7, 2009; the Downtown Revitalization Board meeting minutes of April 21, 2009; and the Economic Development Corporation meeting minutes of March 23, 2009. There was no one to speak to the issue. Councilman Jordan 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 PUBLIC HEARING FOR THE SECOND AND FINAL READING OF ORDINANCE NO. 2555, ESTABLISHING MAXIMUM, REASONABLE AND PRUDENT RATES OF SPEED ON CERTAIN PORTIONS OF STATE HIGHWAY 154**

The Texas Department of Transportation performed an engineering and traffic study and survey to determine the maximum, reasonable and prudent speeds for vehicles traveling upon the above named highways and parts thereof, to facilitate the most effective use of said streets and highways and the safe and effective movement of vehicular traffic.

This ordinance would regulate speed upon entering the City of State Highway 154 (Church St.) southerly from the intersection of State Highway 19 and State Loop 301 to sixty (60) mph decreasing to fifty-five (55) mph, decrease again to fifty (50) mph, then to forty (40) mph and then southerly to the intersection with Jefferson Street thirty (30) mph except for a school zone speed limit of twenty (20) mph on school days. There is no change to Church Street.

Upon leaving the City at the south intersection of State Highway 11 traveling south on Broadway, a speed limit of forty (40) mph (a decrease from 45), increasing to fifty (50) mph (a decrease from 60), increasing to sixty (60) mph (a decrease from 65) is proposed with this ordinance. Basically this lowers the speed limit in front of Lowe's and WalMart from 50 to 40 mph and lowers the speed limit from Rock Creek past the sale barn from 60 to 50 mph. There was no one else to speak to the issue. Councilman Taylor moved to adopt the ordinance on the second and final reading. Councilman Jordan seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON PUBLIC HEARING FOR THE SECOND AND FINAL READING OF ORDINANCE NO. 2556 ESTABLISHING MAXIMUM, REASONABLE AND PRUDENT RATES OF SPEED ON CERTAIN PORTIONS OF STATE HIGHWAY 11**

The Texas Department of Transportation performed an engineering and traffic study and survey to determine the maximum, reasonable and prudent speeds for vehicles traveling upon the above named highways and parts thereof, to facilitate the most effective use of said streets and highways and the safe and effective movement of vehicular traffic.

This ordinance would regulate speed on State Highway 11 easterly from the intersection with State Highway 154 and Business 67 V to a speed limit of thirty (30) mph increasing to forty (40) mph and increasing again to forty-five (45) mph before leaving the City Limits. This will lower the speed limit on Broadway from Joyce to Posey Lane from 45 to 40 mph. There was no one else to speak to the issue. Councilman Jordan 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 PUBLIC HEARING FOR THE SECOND AND FINAL READING OF ORDINANCE NO. 2557 AMENDING THE CITY OF SULPHUR SPRINGS 2008-2009 BUDGET**

The Director of Finance, Peter Karstens, presented the staff report. During the budget process last summer, staff noted that we would return to the City Council with a list of equipment and vehicles to purchase. These purchases require a budget amendment. There was a general discussion. There was no one else to speak to this issue. Councilman Oxford 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. 2558 APPROVING A PROJECT AND FINANCING PLAN FOR THE CITY OF SULPHUR SPRINGS TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER ONE**

This ordinance will adopt the Project and Financing Plan for the City of Sulphur Springs Tax Increment Financing Reinvestment Zone Number One and with the authorization of the Certificates of Obligations initiate the downtown revitalization effort. There was a general discussion that included several comments, some were positive and others were negative. Phil Smith spoke against the ordinance stating his concern for a lack of parking. Billie Ruth Standbridge spoke in favor of the ordinance and reiterated her understanding that additional parking would be created to offset the parking issue.

Mayor Pro Tem Spraggins made a motion to approve the ordinance on the first reading. Councilman Brown seconded and the vote was as follows:

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

**The motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 976 GIVING NOTICE FOR THE ISSUANCE OF CITY OF SULPHUR SPRINGS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION IN THE AMOUNT OF \$4,410,000**

This resolution starts the process to sell new Certificates of Obligation to fund the first part of the Downtown Revitalization (TIFRZ) effort. The total of the Series is \$4,410,000. The cost of issuance is built into the process of underwriting and selling the bonds. The issue also includes the equipment and vehicle purchases as discussed last month and listed in Ordinance No. 2557. The debt service term on the vehicles and equipment purchase is for seven (7) years; downtown improvements for thirty (30) years. Director of Finance, Peter Karstens, presented the staff report. Dan Almon, of Southwest Securities, Inc., also made a presentation to the City Council explaining the steps that need to be taken for compliance. Mr. Karstens went over the timetable with the City Council. There was no one else to speak to the issue. Mayor Pro Tem Spraggins moved to approve the resolution as presented. Councilman Taylor seconded and the vote was as follows:

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

**The motion carried.**

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2559 PROVIDING FOR THE ISSUANCE OF CITY OF SULPHUR SPRINGS, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2009, FOR THE PURPOSE OF REFUNDING A PORTION OF THE CITY'S OUTSTANDING BONDS AND CERTIFICATES OF OBLIGATION**

Director of Finance, Peter Karstens, presented the staff report. This ordinance authorizes the sale of bonds to refund two Series of Certificates of Obligation and one General Obligation Bond issue to gain savings from lower interest rates and to lengthen out terms by three years to gain budgetary cash flow for a total of eight (8) years. An amended first page of the ordinance was distributed to the City Council by Leroy Grawunder, of

McCall, Parkhurst & Horton L.L.P., which includes required language and parameters as indicated by red ink. There was no one else to speak to the issue. Mayor Pro Tem Spraggins moved to approve the ordinance on the first reading with the inclusion of the new text. Councilman Brown seconded and the vote was unanimous.

**The motion carried.**

**(Councilman Jordan left the meeting and did not vote on this item or the rest of the items on the agenda)**

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2560 AMENDING THE SEXUALLY ORIENTED BUSINESS ORDINANCE TO ESTABLISH SIGNAGE LIMITATIONS ON ADVERTISING OR PROMOTING SUCH BUSINESSES**

This ordinance will establish signage limitations on advertising or promoting of sexually oriented businesses. Craig Johnson addressed the City Council with a couple of questions he had regarding this issue. There was no one else to speak to the issue. Councilman Oxford moved to approve the ordinance on the first reading. Councilman Taylor seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON APPROVAL TO CONVEY LOT 14B OF THE NORTH PART OF BLOCK 35 OF THE TOWN OF SULPHUR SPRINGS, BEING COMMONLY KNOWN AS 722 SOUTH DAVIS STREET, TO THE NEHEMIAH FOUNDATION**

Approval of this item will convey the property to the Nehemiah Foundation with the stipulation that if the property is not developed and returned to the tax rolls within 5 years, the property will revert to the City of Sulphur Springs. City Manager Maxwell said it had recently been discovered that the title to the property has issues and there are possibly 11 liens against the property. He also stated there is no problem for the City approving the land conveyance but the Nehemiah Foundation would want to get those issues cleared up before developing the property. Valanderous Bell addressed the City Council requesting the City retain the property until the title search is complete. There was a general discussion. Councilman Taylor moved to approve the land transfer as a quit claim deed with no warranty. Councilman Brown seconded and the vote unanimous.

**The motion carried.**

**DISCUSSION/ACTION OB RECYCLING PROGRAM**

Councilman Oxford requested this item to be removed from the agenda earlier until the City Council looks at options, one of which includes no cost to the city whatsoever. This

item has to be removed from the table and there is a pending motion once it is removed from the table. The Mayor asked if anyone would like to make a motion to remove this item from the table. Mayor Pro Tem Spraggins moved to remove the item from the table. No one seconded the motion.

**The motion failed.**

**DISCUSSION/ACTION AND PUBLIC HEARING ON FIRST READING OF ORDINANCE NO. 2561 ADOPTING ONCOR ELECTRIC DELIVERY COMPANY LLC TARIFF SECTION 6.1.1.16 – RIDER UNDERGROUND FACILITIES COST RECOVERY FACTOR (UFCRF) AND TARIFF SECTION 6.3.16 – AGREEMENT FOR UNDERGROUND FACILITIES AND COST RECOVERY; REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY; AUTHORIZING THE CITY MANAGER TO SIGN RELATED DOCUMENTS; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF**

City Manager Maxwell said this item had to be pulled from the agenda because he is still waiting on additional data from Oncor.

**DISCUSSION/ACTION ON AMENDMENT TO PROPOSAL FOR BENEFICIAL REUSE OF TREATED EFFLUENT BY THE SULPHUR SPRINGS COUNTRY CLUB**

In May of 2007, the City Council approved a proposed draft agreement which would give up to 5% of the City's treated effluent for a minimum of 5 years and possibly up to 20 years (depending on whether the City is able to develop a market for the effluent) to the Sulphur Springs Country Club (SSCC). A final agreement was never signed because the SSCC has not yet obtained a permit from the TCEQ, and the City will need that permit to include certain mandatory language in the final agreement. The SSCC is getting closer to making this project a reality, and before making the expenditure for pipeline and pumps, they would like to extend the proposed term of the agreement. Staff proposes 35 years. There was no one else to speak to the issue. Councilman Taylor moved to approve the amendment extending the term to 35 years. Councilman Brown seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON ABATEMENT PROCEEDINGS FOR 205 COLLEGE STREET**

The Director of Community Development, Johnny Vance, presented the staff report. Councilman Taylor moved to declare the property a public nuisance and order abatement by demolition to be completed within thirty (30) days. Councilman Walker seconded the motion. Robert Barnett addressed the City Council requesting more time and perhaps

some help from the City. There was a general discussion among the City Council, Johnny Vance, and Mr. Barnett. There was no one else to speak to the issue. Councilman Taylor amended his motion to declare the property a public nuisance and order abatement by demolition to be completed within sixty (60) days. Councilman Walker seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON ABATEMENT PROCEEDINGS FOR 107 FORE STREET**

The Director of Community Development, Johnny Vance, presented the staff report. Councilman Taylor moved to declare the property a public nuisance and order abatement by demolition to be completed within thirty (30) days. Mayor Pro Tem Spraggins seconded the motion. Ed Rosamond addressed the City Council requesting 180 days instead of 30 days. There was a general discussion. There was no one else to speak to the issue. Councilman Taylor amended his motion to declare the property a public nuisance and order abatement by rehabilitation to be completed within one hundred and eighty (180) days, further stating that immediate abatement by demolition will occur if the work is not completed within the 180 days. Mayor Pro Tem Spraggins seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON ABATEMENT PROCEEDINGS FOR 303 ROBERTSON STREET**

The Director of Community Development, Johnny Vance, presented the staff report. Councilman Taylor moved to declare the property a public nuisance and order abatement by demolition to be completed within thirty (30) days. Councilman Oxford seconded the motion. Dan Hamiter addressed the City Council requesting more time to rehabilitate the structure. There was a general discussion. Mr. Hamiter was told that he was taking a tremendous risk and was asked if he was aware of the risk involved. Mr. Hamiter stated he was willing to take the risk and had already purchased materials. There was no one else to speak to the issue. Councilman Taylor amended his motion to declare the property a public nuisance and order abatement by rehabilitation to be completed within one hundred twenty (120) days, further stating that immediate abatement by demolition will occur if the work is not completed within the 120 days. Councilman Walker seconded and the vote was as follows:

Ayes: Walker, Aguilar, Taylor, Spraggins, Brown  
Nays: Oxford  
Abstain: None

**The motion carried.**

**VISITORS/PUBLIC FORUM**

Jordan Krause presented a 5-page summary of Chapter 5, “Musculoskeletal Effects” of the National Research Council’s report on “Fluoride in Drinking Water – A Scientific Review of EPA’s Standards” to the City Council.

**ADJOURN**

With all business complete the meeting was adjourned at 9:46 p.m.