

**CITY OF SULPHUR SPRINGS, TEXAS**

**REGULAR MEETING OF THE**

**CITY COUNCIL**

**NOVEMBER 6, 2007**

**7:30 p.m.**

Mayor Yolanda Williams called the regular meeting of the Sulphur Springs City Council to order at 7:33 p.m. The following council members and staff were present:

Mayor Yolanda Williams  
Mayor Pro Tem Oscar Aguilar  
Councilman Garry Jordan  
Councilman Clay Walker  
Councilman Gary Spraggins

Absent: Councilman Freddie Taylor  
Councilman Chris Brown

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  
Rusty Stillwagoner, Lt. C. I. D.

**PLEDGE AND INVOCATION**

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

**PRESENTATION OF PROCLAMATION FOR MUNICIPAL COURT WEEK**

Mayor Williams read and presented a proclamation to Municipal Court Judge Phyllis Rogers declaring the week of November 5 – 9, 2007 as Municipal Court Week in the City of Sulphur Springs, Texas.

## **MANAGER'S REPORT**

**AIRPORT** - Contractors finished construction of 1,900 linear feet of security fence. Work continues on a project to construct 10 new hangars at the airport. Both projects are funded primarily through TxDOT aviation grants. City employees also cleared a large amount of brush from property recently acquired by the airport, and along the lakeshore. Airport staff sold more than 15,000 gallons of jet fuel in October; that's more than twice the sales for the same period last year.

**SKATE PARK** - This project is nearly completed. The skate park itself is completed with the exception of a little landscaping, but the project also includes basketball courts, a volleyball court and improvements to the small playground. These items will be constructed next. The Council authorized \$100,000 for the construction of a skate park. The City then successfully applied for a \$50,000 grant from Texas Parks and Wildlife.

**T-BONE ALLEY UTILITY PROJECT** - This is a slow, labor intensive project. City crews have replaced more than half of the water lines and sewer lines in the alley. It should take another month or so to complete the project. This project has a budget of \$50,625.

## **CLAIMS AND ACCIDENTS**

We had one minor Workers Compensation claim when an employee cut his leg on a barbed wire fence.

The City received one claim for damages alleging that the City incorrectly condemned a structure on the 300 block of Oak Avenue.

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

- Made 19 street repairs.
- Trimmed trees at 41 locations for street sweeper clearance.
- Poured concrete bollards on Spring Street over the new drainage ditch.
- Cleared trees to make way for a sewer project for the EDC.
- Conducted 35 building inspections, 36 electrical inspections, 45 plumbing inspections, 20 mechanical inspections, 21 miscellaneous inspections, and issued 30 building permits.
- Abated 4 substandard structures, bringing the total to 372.
- Conducted 6 health inspections and 60 public nuisance inspections.
- Sent out requests for proposals for engineering services for the Houston Street reconstruction project.
- Worked with the Downtown Business Alliance on the recent car show.
- Continued work on tourism website.

- Responded to 115 fire/rescue calls.
- Performed 52 fire inspections.
- Maintained 119 fire hydrants.
- Installed outlet plugs on light standards in the downtown square.
- Performed preventative maintenance at the water treatment plant and the wastewater treatment plant.
- Repaired 12 water main ruptures.
- Installed 10 new water taps.
- Replaced 150 feet of water main behind 105 N. Davis.
- Unstopped 30 sewer mains.
- Washed 60,000 feet of sewer main.
- Inspected and smoke tested several sewer mains.
- Treated wastewater to a daily average total suspended solids reading of .73 mg/L.
- Performed preventative maintenance on the College Street water tower.
- Flushed 37 dead-end water mains.
- Checked out 4,857 books, tapes, etc.
- Saw computer usage of 1,045 hours at library.
- Applied pre-emergent to athletic fields at Coleman Park.
- Shredded around Coleman Lake.
- Purchased 2 new patrol cars for the K-9 division, and 1 for the patrol division.
- Seized 10 pounds of marijuana.
- Conducted a Special Crimes Unit sweep netting 19 drug related arrests.
- Responded to 220 animal control calls, picked up 34 dogs and cats, found homes for 16 and released 8 to their owners.
- Made 95 arrests, recorded 77 offenses, worked 41 accidents, and wrote 614 citations.
- Treated 136 million gallons of drinking water.
- Processed 756 tickets.

### **CONSENT AGENDA**

The following items on the Consent Agenda were reviewed: Consider for approval special City Council meeting minutes of September 25, 2007; regular City Council meeting minutes of October 2, 2007; special City Council meeting minutes of October 23, 2007; Planning and Zoning meeting minutes of October 15, 2007; Downtown Revitalization Board meeting minutes of October 16, 2007; the Zoning Board of Adjustment meeting minutes of October 16 and 23, 2007; and the Economic Development Corporation meeting minutes of September 24, 2007. Mayor Pro Tem Aguilar moved to approve the consent agenda as presented. Councilman Spraggins seconded the motion and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON PUBLIC HEARING FOR SECOND AND FINAL READING OF ORDINANCE NO. 2529 RELATING TO DEFINITIONS, RESTRICTIONS ON REGISTERED SEX OFFENDERS' RESIDENCY, PROHIBITING REGISTERED SEX OFFENDERS FROM RESIDING WITHIN 1,000 FEET OF REAL PROPERTY COMPRISING A SCHOOL, DAYCARE FACILITY OR PUBLIC PARK OR PLAYGROUND WITHIN THE CITY LIMITS; PROVIDING EXCEPTIONS; PROVIDING PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

Once a registered sex offender has completed probation or parole, state law does not address where they may live or frequent. Currently, registered sex offenders may reside wherever they wish. To address this issue, this ordinance will not allow a registered sex offender to live near schools, day care facilities or visit parks. The penalty for violation of this ordinance is a fine not to exceed \$500.00 each day of such violations constituting a separate offence. Police Chief Jim Bayuk and Lieutenant Rusty Stillwagoner were available to answer any questions. Susan Miner addressed the City Council stating that there should be stipulations. She also added that her husband is classified as a sex offender, he was 18 and the girl was 15. Phil Smith stated the ordinance was a bad idea. He stated that not all sex offenders are predators. Mr. Smith is against predators and supports the police and tough laws. However, there are those that are classified under the same premise as Mrs. Miner's husband. These people cannot take their children or grandchildren to school or watch them play baseball. Mr. Smith says the ordinance would probably be considered unconstitutional. There was no one else to speak to this issue. Councilman Jordan moved to postpone consideration of the ordinance. Councilman Walker seconded and the vote was unanimous.

**The motion to postpone carried.**

**CONDUCT A PUBLIC HEARING FOR PUBLIC COMMENT REGARDING THE CREATION OF A TAX INCREMENT REINVESTMENT ZONE**

Mayor Williams opened the public hearing. Rita Edwards, president of the Downtown Business Alliance, addressed the City Council requesting them to approve the Tax Increment Reinvestment Zone and thanked them for all the support they have shown towards the revitalization of the downtown area. There was no one else to speak to the issue. Mayor Williams closed the public hearing.

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2531 CREATING A TAX INCREMENT REINVESTMENT ZONE**

This ordinance creates a Tax Increment Reinvestment Zone to provide funding for our downtown redevelopment project. City Manager Marc Maxwell explained that we are

taking all the necessary steps to fulfill the requirements of the laws governing the creation of the Tax Increment Reinvestment Zone which is why the public hearing was conducted prior to the first reading of this ordinance. City Manager Maxwell made a brief presentation to the City Council that he had made to the other taxing entities. There was no one else to speak to the issue. Councilman Spraggins moved to approve the ordinance on the first reading. Councilman Jordan seconded and the vote was unanimous.

**The motion carried.**

**CONDUCT A PUBLIC HEARING FOR PUBLIC COMMENT REGARDING THE HOPKINS COUNTY MITIGATION ACTION PLAN**

Mayor Williams opened the public hearing. Hopkins County Judge Cletis Millsap introduced L. D. Williamson, Executive Director, and Genevieve Burtchell, Director of Special Projects, of the Ark-Tex Council of Governments and also gave a brief synopsis of the Mitigation Action Plan. Ms. Burtchell also spoke in support of the plan. There was no one else to speak to the issue. Mayor Williams closed the public hearing.

**DISCUSSION/ACTION ON RESOLUTION NO. 948 APPROVING THE HOPKINS COUNTY MITIGATION ACTION PLAN**

This resolution approves the Hopkins County Mitigation Action Plan which is a five-year proposal directed at making Hopkins County and its citizenry safer from disasters by reducing the risks of property and lives from a variety of natural and man-made disasters. Approval of this plan makes Hopkins County eligible to receive grant funding. There was no one else to speak to the issue. Councilman Spraggins moved to approve the resolution as presented. Mayor Pro Tem Aguilar seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 949 FOR BOARD APPOINTMENT TO THE HOPKINS COUNTY APPRAISAL DISTRICT**

The City of Sulphur Springs has one member on the Hopkins County Appraisal District Board of Directors and Mike Barrett has been the city's representative since 2000. His current term on the board will expire December 31, 2007. Mr. Barrett has indicated his willingness to continue to serve in this capacity and this resolution reappoints him to the board. There was no one to speak to the issue. Councilman Jordan made a motion to approve the resolution as presented. Councilman Walker seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON REQUEST BY BILL AND MARGIE DALE HATHCOX TO REPLAT PROPERTY LOCATED AT 1201 MOCKINGBIRD LANE, BEING FURTHER DESCRIBED AS LOTS 3 AND 3A OF BLOCK 207, INTO ONE LOT**

This plat involves 2.34 acres of property and is zoned Heavy Commercial. The Planning and Zoning Commission conducted a public hearing and recommended approval contingent upon the execution of a Community Facilities Contract. 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 replat. Councilman Walker seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2532 UPDATING THE SERVICE CREDITS FOR CITY EMPLOYEES AND RETIREES**

Finance Director Peter Karstens made a presentation and was available to answer questions. He stated that over the last six months TMRS had sent letters regarding big changes authorized by the Board of Trustees which would require cities to fully fund their retirement account if cities wanted to maintain the same level of benefits as they had in the past. In other words 73.7% which is the city's current funding ratio would have to be brought up to 100% which would create a sizable "Unfunded Actuarial Liability" but TMRS will give cities up to 25 years to make up the deficit. The city has never received the letter from TMRS outlining the details but once it has been received the city will seek an opinion from the Attorney General's office advising as to whether or not this funding would violate any laws of the State of Texas. There was no one else to speak to the issue. Councilman Spraggins moved to postpone the ordinance until further information is received. Councilman Jordan seconded and the vote was unanimous.

**The motion to postpone carried.**

**DISCUSSION AND PRESENTATION OF AN ELECTRICAL UTILITY UNDERGROUNDING PROJECT ON MAIN STREET BY CITY MANAGER MARC MAXWELL**

City Manager Marc Maxwell made a presentation to the City Council about moving electrical utilities underground on Main Street. There is a unique funding program that became available in January 2006 due to our participation in the steering committee regarding TXU/Oncor rate increases and the settlement agreement. As a part of that settlement Oncor agreed to establish a tariff that would help fund projects such as this. These funds can only be used for Oncor's infrastructure costs and cannot be used to pay to move other utilities. These funds can only be used for site specific projects submitted to Oncor where they will perform the cost estimates. Each of the Oncor customers in the

City including residential, commercial, and industrial would have an additional item on their bill for a period of up to four years. Monthly tariff amounts would be used, essentially, to pay down the loan and front the money. The maximum amount the City of Sulphur Springs can spend on a project is \$81,010.00 which is \$10 per meter. This particular project would cost approximately \$48,000.00. The city would have to install the conduit and Oncor would do the rest. The cost to the rate payers depends on whether it's structured by the meter or usage. An ordinance addressing this issue will be placed on a future agenda.

**DISCUSSION/ACTION ON CANCELLING JANUARY 1, 2008 REGULARLY SCHEDULED CITY COUNCIL MEETING AND CONDUCTING A SPECIAL MEETING ON JANUARY 8, 2008**

The City of Sulphur Springs has their regularly scheduled City Council meetings the first Tuesday of every month. However, January 1, 2008 is an observed holiday, New Year's Day. The City Council can choose to cancel the regular meeting and call a special meeting to be held January 8, 2008 if they so desire. There was no one else to speak to this issue. Councilman Jordan moved to approve conducting the City Council meeting on January 8, 2008. Mayor Pro Tem Aguilar seconded and the vote was unanimous.

**The motion carried.**

**VISITORS AND PUBLIC FORUM**

Susan Jones addressed the City Council and thanked City Manager for the way he handled the skateboard park issue and his great work with the kids.

**ADJOURN**

With all business complete the meeting was adjourned at 8:45 p.m.