

**CITY OF SULPHUR SPRINGS, TEXAS**

**REGULAR MEETING OF THE**

**CITY COUNCIL**

**FEBRUARY 2, 2010**

**7:00 p.m.**

Mayor Spraggins 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 Gary Spraggins  
Mayor Pro Tem Chris Brown  
Councilman Craig Johnson  
Councilman Clay Walker  
Councilman Oscar Aguilar  
Councilman Freddie Taylor  
Councilman Charles Oxford

Absent: None

Staff: Marc Maxwell, City Manager  
Gale Roberts, City Secretary  
James Litzler, City Attorney  
Gordon Frazier, Director of Human Resources  
Craig Vaughn, Director of Utilities  
Jim Bayuk, Chief of Police  
Norman Colyer, Police Department Captain  
Denise Stinson, Animal Control Officer

**PLEDGE AND INVOCATION**

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

**MANAGER'S REPORT**

**HOME GRANT** - We got the grant! As you may recall we applied to the Texas Department of Housing and Community Affairs (TDHCA) for the \$450,000 grant last fall. The purpose of the grant is to rebuild dilapidated homes for 6 or 7 low to moderate

income families in Sulphur Springs. We will now begin the process of organizing our partnership with the Nehemiah Foundation to implement the grant.

**HOUSTON STREET** - Phase II of the Houston Street project is now at Locust Street. This intersection requires extensive drainage improvements. Expect us to be working at this location for awhile.

**CONNALLY STREET** - At this point I am not sure when we will begin on the Connally Street improvements. The Hopkins County Commissioners Court tabled an item to approve the Tax Increment Reinvestment Zone #1 (TIRZ) Project Plan and Financing Plan at its January 19<sup>th</sup> meeting. I am not sure when or if the commissioners will approve the document. The Project Plan and Financing Plan is the controlling document for the TIRZ. Until the commissioners approve the document we should not proceed any further.

**CLAIMS –**

We received no workers' compensation claims in January.

We received no liability claims in January.

We received hail damage to the City fleet and roofs, and we have filed a claim with TML.

We were served with one lawsuit. We will discuss it at the March City Council meeting.

**REVENUES AND EXPENDITURES** – Finance Director, Peter Karstens will present a report on year-to-date revenues and expenditures.

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

- Responded to 42 accidents.
- Made 119 arrests.
- Wrote 570 tickets.
- Recorded 79 offenses.
- Treated 120 million gallons of drinking water.
- Processed 538 tickets through municipal court.
- Received police training in the areas of child abuse investigation, crime scene investigation, use of force, and search and seizure.
- Made 40 felony arrests in the Special Crimes Unit.
- Responded to 194 animal control calls.
- Achieved a 63% adoption rate at the animal shelter.
- Responded to 108 fire/rescue calls including 7 structure fires.

- Performed preventative maintenance on 78 fire hydrants.
- Performed 34 fire inspections.
- Assisted residents with tornado damage clean-up.
- Removed Christmas decorations.
- Made preparations for the library's gala and centennial celebration.
- Checked out 2,365 books to library patrons.
- Made preparations in T-Bone Alley to relocate electrical services for buildings on the South side of Connally Street.
- Repaired waterfall pump at Coleman Lake.
- Repaired 24 water main ruptures.
- Replaced 12 water meters.
- Repaired 6 water main valves.
- Unstopped 43 sewer mains.
- Cleaned 79,000 feet of sewer mains.
- Performed preventative maintenance on numerous apparatuses at the wastewater treatment plant and the water treatment plant.
- Flushed 39 dead-end water mains.
- Made 27 pothole repairs.
- Repaired 13 streets after utility repairs.
- Conducted 24 health inspections and 34 public nuisance inspections.
- Conducted 23 building inspections, 27 electrical inspections, 40 plumbing inspections, 19 mechanical inspections and issued 16 building permits.

### **CONSENT AGENDA**

The following items on the Consent Agenda were reviewed: Consider for approval the regular City Council meeting minutes of January 5, 2010; the Downtown Revitalization Board meeting minutes of January 19, 2010; and the Economic Development Corporation meeting minutes of November 23, 2009 and December 21, 2009. There was no one to speak to the issue. Mayor Pro Tem 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 EUTHANASIA METHOD USED BY THE CITY OF SULPHUR SPRINGS ANIMAL SHELTER**

The Sulphur Springs animal shelter uses a gas chamber to euthanize animals. Lethal injection is considered more humane for the animals and is safer for the officers to administer. The estimated cost of changing methods is approximately \$2,347.90. This total includes building repairs after the gas chamber is removed. It is possible that some supplies may be donated to the shelter from various rescue groups which will lower the estimated cost. Dr. John J. Pippin, M.D., F.A.C.C., Dr. Chuck Lay, DVM, and Susan Jones addressed the City Council speaking in favor of the euthanasia by lethal injection.

There was so one else to speak to the issue. Councilman Johnson moved to adopt lethal injection as the City of Sulphur Springs' method of euthanizing animals at the animal control shelter and that the City Manager immediately takes steps to implement this policy and further moved that the City Manager report back to the City Council at the March meeting that the change has been completed. Councilman Oxford seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON REPORT REGARDING TRAFFIC STOPS AND ARRESTS**

Articles 2.131 through 2.138 of the Texas Code of Criminal Procedures (the "Act") require each law enforcement agency in the State of Texas to enact policies prohibiting their officers from engaging in racial profiling. In an effort to fully comply with the law, each Sulphur Springs police officer has undergone specialized training designed to educate officers in the issues related to racial profiling. Additionally, the department has equipped vehicles used regularly by officers to make traffic and pedestrian stops with video and audio equipment. This equipment assists with officer safety as well as ensuring compliance with departmental policy and state law regarding racial profiling. The Act requires that the City of Sulphur Springs Police Department compile data related to traffic stops and arrests resulting from those stops. The data in this report is for the City Police Department calendar year 2009. Police Chief Jim Bayuk was available to answer any questions and present the staff report. There was no one else to speak to the issue. Councilman Oxford moved to approve the report as presented. Councilman Aguilar seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON BIDS AND AWARD OF CONTRACT FOR FIVE (5) NEW 2009 OR 2010 PRODUCTION MODEL FOUR-DOOR INTERCEPTOR POLICE PACKAGE VEHICLES**

On January 13, 2010 staff conducted a public bid opening for police patrol vehicles. The notice to bid was published in the Sulphur Springs News telegram on December 30, 2009 and January 3, 2010. Bid packets were received by Brian Toliver Ford and Longhorn Ford. The bids were as follows:

<b>Brian Toliver Ford-Lincoln-Mercury</b>	
2010 Ford Crown Victoria Police Interceptor	\$ 21,327.00
<b>Total for 5 vehicles</b>	<b>\$106,635.00</b>

<b>Longhorn Ford</b>	
2010 Ford Crown Victoria Police Interceptor	\$ 21,161.28
<b>Total for 5 vehicles</b>	<b>\$105,806.40</b>

Staff recommendation was to accept the low bid submitted by Longhorn Ford. Bobby Yancy addressed the City Council questioning the legality and requirements of accepting the lowest bid. He thought the city should purchase the vehicles from the Sulphur Springs vendor where he works instead of the Mineola vendor. City Attorney Litzler offered to discuss the State of Texas purchasing requirements for municipalities after the meeting. Brian Toliver addressed the City Council asking who submitted the bid from Longhorn Ford. City Manager Maxwell said the bid was submitted by Longhorn Ford in Mineola, Texas. Mr. Toliver then asked who signed the bid and if the City Council performs any research on the vendors submitting the bids. Mr. Toliver began questioning Mr. Cooper of Longhorn Ford. Councilman Taylor intervened stating that he should address his questions to the City Council and speak with Mr. Cooper after the meeting. Mike Cooper then addressed the City Council stating that he lives in Lindale, Texas, works for Longhorn Ford in Mineola, Texas, and is their certified fleet sales manager. He submitted this bid and put his name in the contact information as there was no place to sign the bids. There was no one else to speak to the issue. Councilman Taylor moved to accept the low bid submitted by Longhorn Ford. Councilman Oxford seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 990 CALLING FOR ELECTION FOR PLACES 4 AND 5, NAMING ELECTION JUDGES, AND SETTING DATES FOR EARLY VOTING**

**(La discusión/acción en la Resolución el numero 990(S) pidiendo la elección coloca 4, y 5, llamando a jueces de elección, y poniendo fechas para la votación temprana.)**

This resolution calls for a City Council election for Places 4 and 5 to be held Saturday, May 8, 2010. The resolution also sets the dates for making application for place on ballot, for early voting and for mail ballot deadlines as well as naming the Early Voting Election Clerk and the Election Judge. This resolution was presented in English and Spanish. There was no one else to speak to the issue. Councilman Taylor moved to approve the resolution as presented. Mayor Pro Tem Brown seconded and the vote was

unanimous.

**The motion carried.**

**VISITORS/PUBLIC FORUM**

City Secretary Roberts reminded the City Council that the next meeting will occur on March 2<sup>nd</sup> which is an Election Day. Since City Hall is a polling place the meeting will begin late, hopefully by 7:30 p.m.

**ADJOURN**

With all business complete the meeting was adjourned at 7:27 p.m.