

CITY OF SULPHUR SPRINGS, TEXAS

**REGULAR MEETING OF THE
CITY COUNCIL**

AUGUST 2, 2011

7:00 p.m.

Mayor Craig Johnson called the regular meeting of the Sulphur Springs City Council to order at 6:30 p.m. The following council members and staff were present:

Mayor Craig Johnson
Mayor Pro Tem Freddie Taylor – 7:07PM
Councilman Clay Walker
Councilman Oscar Aguilar
Councilman Gary Spraggins
Councilwoman Kayla Price
Councilman John Sellers

Absent: None

Staff: Marc Maxwell, City Manager
Gale Roberts, City Secretary
Jim McLeroy, City Attorney
Peter Karstens, Director of Finance
Gordon Frazier, Director of Human Resources
Jim Bayuk, Chief of Police
Jay Sanders, Capt. Police Department

EXECUTIVE SESSION

Mayor Johnson called the meeting to order at 6:30 p.m. Councilwoman Price moved to enter into executive session in accordance with Texas Government Code 551.074, Personnel Matters, specifically relating to the Zoning Board of Adjustments and Appeals. Councilman Sellers seconded the motion and the vote was unanimous.

OPEN SESSION

Mayor Johnson reconvened the meeting in open session at 7:00 p.m.

PLEDGE AND INVOCATION

Mayor Johnson led in the pledge and Councilman Spraggins led in the invocation.

Mayor Johnson took a few minutes to publicly thank the Sulphur Springs Police Department and Police Chief Jim Bayuk for having the lowest crime rate in several years.

MANAGER'S REPORT

TWO WAY CONVERSION - The conversion is complete. There were no major incidents; for that matter, there were no minor incidents. Most of the orange barrels will disappear soon, except for those at the Oak/Gilmer split. Three of the message boards will remain warning truckers to detour. We are stepping up truck-route enforcement once more on the square.

HOUSTON STREET - Phase 3 is nearly completed. The intersection with Church is open for northbound and southbound traffic. We are pouring sidewalk and driveway approaches east and west of the Church Street intersection. We will be completely done with the Houston Street project very soon.

JEFFERSON STREET DIAGONAL - Demolition has begun. The old bricks have been palletized and stored. The statue has been moved to a safe place for storage. Expect the project to take 4 months.

SUMMER PAVING PROGRAM – We will undertake a substantial summer paving program this year. Expect the following streets to be paved with asphalt this summer: Park, Brinker from Lee to Industrial, Davis from Hinnant to Kyle, Vaughn, Carter from MLK to Fuller, Fisher from Spence to Kyle, Georgia from Lee to concrete section, Clayton, Dena, Elizabeth, Seventh and Jackson from College to MLK. We will also be able to include a portion of Lamar Street in the program, and possibly Gladys Alexander Drive.

CLAIMS - We had six workers compensation injuries in July. Three were from heat exhaustion. The remaining three were for a minor eye injury, back injury and a rash from exposure to raw sewage....yuck!

We had two liability claims in July. One of our meter readers backed into a car. He'll be attending remedial driving school. In the other claim, a motorist drove into a hole caused by a leaking water main causing damage to the front and rear of the vehicle. Both claims have been submitted to TML.

REVENUES AND EXPENDITURES – Finance Director, Peter Karstens will not present a year-to-date summary of revenues and expenditures. Instead he will present a more detailed review when he presents the budget on August 9, 2011 at 6:00 p.m.

MISCELLANEOUS – Elsewhere around the City, employees:

- Received police training in the areas of Taser use, border violence, asset forfeiture, identity crimes, crime scene search and National Incident Management Systems.
- Responded to 47 accidents (none were the result of two-way traffic).
- Made 74 arrests, wrote 499 citations and recorded 105 offenses.
- Made 4 arrests in the special crimes unit.
- Responded to 178 animal control calls, and achieved a 73% adoption rate at the animal shelter.
- Treated 199 million gallons of drinking water.
- Repaired 60 water main ruptures.
- Installed 4 water taps.
- Replaced 10 water meters.
- Unstopped 13 sewer mains.
- Repaired 5 sewer mains.
- Washed 83,000 feet of sewer mains.
- Sold 7,550 gallons of jet fuel and 2,050 gallons of aviation gas.
- Processed 571 tickets through Municipal Court.
- Responded to 154 fire/rescue calls including 1 structure fire.
- Performed preventative maintenance on 118 fire hydrants.
- Replaced 22 street signs.
- Inspected and tested all bunker gear.
- Made 41 fire inspections.
- Checked out 3,958 materials from the library.
- Repaired potholes at 21 locations.
- Made 8 major street repairs following utility repairs.

CONSENT AGENDA

The following items on the Consent Agenda were reviewed: Consider for approval the regular City Council meeting minutes of July 5, 2011; Planning and Zoning Commission minutes of July 18, 2011; the Zoning Board of Adjustments and Appeals minutes of July 19, 2011; and the Economic Development Corporation meeting minutes of June 27, 2011. There was no one to speak to the issue. Councilman Spraggins moved to approve the consent agenda as presented. Councilman Sellers seconded the motion and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON PUBLIC HEARING FOR SECOND AND FINAL READING OF ORDINANCE NO. 2594, A REQUEST BY OWNER ROSE ENIX TO REZONE PROPERTY LOCATED AT 1337 ARBALA ROAD, BEING

FURTHER DESCRIBED AS LOT 4-01 OF BLOCK 235, FROM SINGLE FAMILY (SF-6) TO HEAVY COMMERCIAL (HC)

The owner wants to rezone the back half of the property to Heavy Commercial to match the zoning classification of the front half. The Planning and Zoning Commission conducted a public hearing and recommends approval. There was no one to speak to the issue. Councilman Sellers moved to adopt the ordinance on the second and final reading. Councilwoman Price seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2595 APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STERRING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID TEX DIVISION (“COMPANY”) REGARDING THE COMPANY’S FOURTH ANNUAL RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES’ REASONABLE RATEMAKING EXPENSES; REPEALING CONFLICTING RESOLUTIONS OR ORDINANCES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVING CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND STEERING COMMITTEE LEGAL COUNSEL.

The Atmos Mid-Tex RRM filing sought a \$15.7 million rate increase. The City worked with ACSC to analyze the schedules and evidence offered by Atmos Mid-Tex to support its request to increase rates. The ordinance and attached rate and RRM tariffs are the result of negotiations between ACSC and the Company to resolve issues raised by ACSC during the review and evaluation of RRM filing. The ordinance resolves the Company’s RRM filing by authorizing supplemental revenue of \$6.6 million to be recovered through the customer charge component of rates to cover direct incremental costs associated with a steel service line replacement program approved as part of last year’s rate adjustment. All other relief requested by Atmos Mid-Tex is denied. The average residential customer (using 4.5 Mcf a month) will have an increase of \$0.31 per month or 0.66% and the average commercial customer (using 34.8 Mcf a month) will have an increase of \$0.88 per month or 0.88%. There was no one else to speak to the issue. Councilman Spraggins moved to approve the ordinance on the first reading. Councilwoman Price seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1012 RENAMING PORTIONS OF COUNTY ROADS 1101 AND 1103 TO VAUGHN DRIVE

This item will rename the portions of County Roads 1101 and 1103 that are located in the City Limits to Vaughn Drive. There was no one to speak to the issue. Councilman Spraggins moved to approve the resolution as presented. Councilwoman Price seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1013 RENAMING A PORTION OF COUNTY ROAD 1103 TO MAJORS DRIVE

This item will rename the portion of County Road 1103 that is located in the City Limits to Majors Drive. There was no one to speak to the issue. Councilwoman Price moved to approve the resolution as presented. Councilman Aguilar seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1014 RENAMING WOOL STREET TO MELBA LANE

This item will rename Wool Street to Melba Lane as requested by Antonio R. Nash, son of Melba Nash. The Nash family owns the majority of the property on Wool Street and would like to see the name change to honor Melba Nash. Antonio Nash of Austin, Texas, spoke in favor of this item and listed some of the accomplishments of Melba Nash in the community. There was no one to speak to the issue. Councilman Spraggins moved to approve the resolution as presented. Councilwoman Price seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FINAL PLAT OF WESTWAY ADDITION

The owners, Westway Feed Productions, Inc., requested to replat property located on the east side of League Street and the west side of Moore Street, being further described as Lot 5F, C.B.C. Addition and Original Town, Block 22, Lots 10C, 16-21, and part of 16A, into one lot. The development associated with this plat will include the rerouting of an existing sewer line to accommodate the expansion of a warehouse. A new easement is also shown on the plat. There was no one to speak to the issue. Councilman Spraggins moved to approve the plat contingent on the execution of a Community Facilities Agreement. Councilwoman Price seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON BIDS FOR HEALTH INSURANCE FOR CITY EMPLOYEES

Finance Director Peter Karstens presented the staff report. The City of Sulphur Springs continues a partially self-funded program of health insurance for its employees. We requested proposals for reinsurance coverage only. Similar to the last two years we received proposals from two insurance carriers, Blue Cross and Highmark. Blue Cross, as the incumbent, is a firm proposal (renewal) while Highmark is conditional on July claim experiences before their rates are finalized. The staff recommendation is to stay with Blue Cross at a \$60,000 Specific Stop Loss at a fixed cost of \$271,381 and a total maximum plan cost of \$1,153,630. There was some general discussion. Wilfred Pobursky, 215 Rogers, spoke in favor of Blue Cross Blue Shield of Texas. Human Resource Director Gordon Frazier stated he had been in contact with the new clinic regarding getting them in network with our Texas Municipal League Intergovernmental Risk Pool which is the workers compensation insurance. There was no one else to speak to the issue. Councilman Sellers moved to approve Blue Cross at a \$60,000 Specific Stop Loss at a fixed cost of \$271,381 and a total maximum plan cost of \$1,153,630. Councilman Spraggins seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON GAP (SUPPLEMENTAL) INSURANCE FOR CITY EMPLOYEES

Finance Director Peter Karstens presented the staff report. The request for bids is very specific for the type of gap plan required. The plan has to work with our \$2,500 deductible. We received one bid from American Public Life for their Medlink II Coverage. They are the same firm we have been using the last several years. Wilfred Pobursky, 215 Rogers, asked about dental insurance. He was told that dental insurance is available to city employees. Mr. Karstens also praised Mr. Frazier for how well he assists employees with their insurance questions. There was no one else to speak to the issue. Councilman Sellers moved to approve the bid submitted from American Public Life. Councilwoman Price seconded the motion and the vote unanimous.

The motion carried.

DISCUSSION/ACTION ON EXECUTIVE SESSION ITEM FOR BOARD APPOINTMENT OF ADDITIONAL ALTERNATE TO THE ZONING BOARD OF ADJUSTMENTS AND APPEALS

Staff had difficulty in obtaining a quorum for the last scheduled Zoning Board of Adjustments meeting. The meeting did occur but cancelled meetings can cost the city a lot of money. A new notification of the meeting must be published in the newspaper with

the new meeting date. Also, new notifications with the new meeting date must be sent to adjoining property owners via regular and certified mail. The Zoning Board of Adjustments currently exists as a five-member board with two alternates. There must be at least four members present to conduct a meeting. This board appointment would create three alternates. There was no one else to speak to the issue. Councilwoman Price moved to appoint Carrie Nuckolls as an alternate. Councilman Sellers seconded and the vote was unanimous.

The motion carried.

VISITORS/PUBLIC FORUM

None.

ADJOURN

With all business complete the meeting was adjourned at 7:35 p.m.