

CITY OF SULPHUR SPRINGS, TEXAS

**REGULAR MEETING OF THE
CITY COUNCIL**

SEPTEMBER 6, 2011

7:00 p.m.

Mayor Craig Johnson called the regular meeting of the Sulphur Springs City Council to order at 7:01 p.m. The following council members and staff were present:

Mayor Craig Johnson
Mayor Pro Tem Freddie Taylor
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
Phyllis Rogers, Municipal Court Judge

PLEDGE AND INVOCATION

Mayor Johnson led in the pledge and Mayor Pro Tem Taylor led in the invocation.

**SPECIAL RECOGNITION OF LIEUTENANT CLEVE (BUDDY) WILLIAMS BY
POLICE CHIEF JIM BAYUK**

Chief Bayuk addressed the City Council explaining Lt. Buddy Williams, after thirteen years and two months as an Interdiction Officer for the City of Sulphur Springs, would be returning to Sulphur Springs Police Department as a Patrol Officer. Texas Department of Public Safety Senior Corporal Bruce Roberts along with Troopers Ryan Hailey, Scott Lee, David Reynolds, Danny Kelly, and Joseph Hogue joined with Sulphur Springs Police Chief Jim Bayuk in recognizing Lt. Williams for his outstanding service in

interrupting drug traffic through Hopkins County as an interdiction officer. They shared a few stories and expressed a lot of kind words and praises for Lt. Williams and his canine companion Atos. Lt. Williams received a standing ovation. Sulphur Springs Police Chief Jim Bayuk then spoke recognizing Buddy's wife, Tracy Williams, thanking her for supporting her husband in his job making it possible for him to defend the troopers, officers, and citizens. Chief Bayuk presented Buddy with a plaque and thanked him for the years he has served as an interdiction officer. He then welcomed Buddy to patrol. Lt. Williams thanked everyone for their kind words and stated he wasn't going anywhere. Then he asked his wife to join him at the podium where he thanked her for all her support and told her that he loves her. He also told Lt. Ricketson that he felt he was leaving the position in very capable hands.

SPECIAL RECOGNITION OF 2011 SULPHUR SPRINGS BEAUTIFICATION AWARD PROGRAM WINNERS

Winners of the City of Sulphur Springs Beautification Award Program for 2011 were announced. The Jose and Mireya Santacruz family was named winner in the residential division for their home at 720 College Street. In the commercial division first place recognition went to Locust Street Apartments located at 214 South Locust Street. First place winners were presented with trophies, a yard sign and \$1,250 in prize money.

Second place award winners each received a trophy and \$500 in prize money. Second place awards were presented in the residential division to Jacky and Debra Garner for their home located at 1611 Airport Road and in the commercial division to Heritage Park located at 416 North Jackson Street.

An ad hoc committee appointed by the Hopkins County Chamber of Commerce officials judged the entries.

MANAGER'S REPORT

HOUSTON STREET - Phase 3 is completed.

JEFFERSON STREET DIAGONAL - The sub-grade is set and cement-stabilized. Electrical conduits are in place. The Capital Construction Division will now begin forming up for concrete.

SUMMER PAVING PROGRAM – It looks like our summer paving program will become a fall paving program. Our paving contractor R.K. Hall expects to do all of the paving this month after they finish paving the state highways. Expect the following streets to be paved with asphalt: 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 one workers' compensation claim for heat exhaustion and one liability claim for a minor vehicle accident.

REVENUES AND EXPENDITURES – Finance Director, Peter Karstens will present a brief year-to-date summary of revenues and expenditures. Expect a more detailed summary of FY 2010-2011 revenues and expenditures next month.

MISCELLANEOUS – Elsewhere around the City, employees:

- Aerated soccer fields at Coleman Park.
- Boom-shredded around Coleman Lake.
- Sprayed for American Lotus and Giant Cutgrass in Coleman Lake and Peavine Pinion pond.
- Repaired 76 water main breaks.
- Installed 5 water taps and replaced 14 water meters.
- Unstopped 23 sewer mains and repaired 1 sewer main.
- Installed 2 sewer taps.
- Washed 65,000 feet of sewer mains.
- Treated 219 million gallons of drinking water.
- Repaired Raintree lift station.
- Repaired waterfall pump at Coleman Lake.
- Removed old lighting fixtures from old library building and put in storage.
- Serviced emergency generator at Fire Station #1.
- Serviced and energized school zone lights.
- Welcomed new Utility Director Johnny Bellamy.
- Pressed 1215 cubic yards of sludge.
- Treated Wastewater effluent to an average total suspended solids (TSS) count of 1.59 mg/L.
- Processed 657 tickets through Municipal Court.
- Responded to 137 fire/rescue calls including 1 structure fire.
- Conducted 38 fire inspections.
- Performed preventative maintenance on 28 fire hydrants.
- Wrote 561 traffic tickets, recorded 56 offenses, responded to 40 accidents and made 108 arrests.
- Made 5 felony arrests in the special crimes unit.
- Responded to 292 animal control calls; took in 84 dogs and cats at the shelter and attained a 54% adoption rate.
- Made 11 street repairs following utility repairs.

- Made extensive repairs to Como Street.
- Conducted 28 health inspections and 18 public nuisance inspections.
- Conducted 37 building inspections, 44 electrical inspections, 34 plumbing inspections, 23 mechanical inspections, 28 miscellaneous inspections and issued 21 building permits.
- Repaired raw water pump at Cooper Lake.
- Installed a remote-read water level indicator at Lake Sulphur Springs.
- Flushed 37 dead-end water mains.
- Pumped 2529 gallons of AvGas.
- Pumped 11167 gallons of JetA.

CONSENT AGENDA

The following items on the Consent Agenda were reviewed: Consider for approval the regular City Council meeting minutes of August 2, 2011; Special City Council meeting minutes of August 9, 23, and 30, 2011; Planning and Zoning Commission minutes of August 15, 2011; the Zoning Board of Adjustments and Appeals minutes of August 16, 2011 and August 30, 2011; and the Economic Development Corporation meeting minutes of July 25, 2011. There was no one to speak to the issue. Councilman Spraggins moved to approve the consent agenda as presented. Councilwoman Price seconded the motion and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON REVISED FINAL PLAT OF BRODY'S GOSSETT LANE ADDITION

This is a request by the owner, S. S. Seniors, LLC, for property located on Gossett Lane, being further described as Lot 7-03 of Block 215, a revised plat to add public easements. The plat, along with a Community Facilities Agreement, serves as the mechanism for the installation and dedication of the proposed water and sewer mains to the City of Sulphur Springs. This plat includes the addition of public easements for water and sewer improvements. The engineering plans which have been submitted and approved will become a part of the Communities Facilities Agreement covering the installation of the public improvements. There was no one to speak to the issue. Councilman Sellers moved to approve the plat and dedication of public utilities as set forth in the Community Facilities Contract. Councilman Spraggins seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2596, A REQUEST BY OWNERS, S. S. SENIORS, LLC, TO REZONE PROPERTY LOCATED AT 668 GOSSETT LANE, BEING FURTHER DESCRIBED AS LOT 7-03 OF BLOCK 215, FROM HEAVY COMMERCIAL (HC) TO MULTIPLE FAMILY (MF)

The owner would like to rezone the property so they don't have to tear down the trees to put in a masonry fence. Brian Rumsey, Cross Architects, was present to speak to the issue. There was a brief discussion. There was no one else to speak to the issue. Councilwoman Prices moved to approve the ordinance on the first reading. Councilman Sellers seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2597 FISCAL YEAR 2011 BUDGET AMENDMENT

Finance Director Peter Karstens presented the staff report. During the Fiscal Year 2011 Municipal Court fines have seen a sizeable increase in revenue receipts. About 37% of revenue received from fines is sent to the state comptroller's office and is shown as a budget expenditure. Thus the general fund will expend \$170,000 more than budgeted in Municipal Court which will push the overall budget above the expenditure limitation should we not amend the budget to recognize this increase. There was no one to speak to the issue. Mayor Pro Tem Taylor moved to approve the ordinance on the first reading. Councilman Aguilar seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2598, THE APPROPRIATIONS ORDINANCE FOR THE CITY OF SULPHUR SPRINGS FISCAL YEAR 2011-2012

Finance Director Peter Karstens presented the staff report. This is the first reading of the budget which is the same as presented at the budget workshop with the two changes mentioned at the end. First, the hiring of the new police dispatcher and the elimination of the full time position in the parks department will occur in March 2012 instead of October 2011. Secondly, \$45,000 has been added to page 32 for a walking sidewalk in Pacific Park. The Street CIP from which we typically take sidewalks was reduced accordingly. There was no one to speak to the issue. Councilman Spraggins moved to approve the ordinance on the first reading. Mayor Pro Tem Taylor seconded and the vote was unanimous.

The motion carried.

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2599
SETTING THE TAX RATE FOR THE CITY OF SULPHUR SPRINGS FOR 2011**

Finance Director Peter Karstens presented the staff report. This ordinance sets the tax rate for the City of Sulphur Springs for the fiscal year 2011-2012. The property tax rate is lower slightly below the effective rate at 43.92 cents per \$100 of valuation. The taxes in the ordinance are actually assessed on property as of January 1, 2011, though they are due after the tax rate is set. There was no one to speak to the issue. Councilwoman Price moved to approve the ordinance on the first reading. Councilman Sellers seconded and the vote was unanimous.

The motion carried.

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2600
SETTING THE WATER RATE FOR THE CITY OF SULPHUR SPRINGS FOR 2011**

Finance Director Peter Karstens presented the staff report. Water rates, as noted in the budget workshops in this budget, increase by 2.75% from last year. There was no one to speak to the issue. Councilman Spraggins moved to approve the ordinance on the first reading. Mayor Pro Tem Taylor seconded and the vote was unanimous.

The motion carried.

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2601
SETTING THE SEWER RATE FOR THE CITY OF SULPHUR SPRINGS FOR 2011**

Finance Director Peter Karstens presented the staff report. Sewer rates, as noted in the budget workshops in this budget, increase by 2.75% from last year. There was no one to speak to the issue. Councilman Spraggins moved to approve the ordinance on the first reading. Mayor Pro Tem Taylor seconded and the vote was unanimous.

The motion carried.

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2602
SETTING THE SANITATION RATE FOR THE CITY OF SULPHUR SPRINGS FOR 2011**

Finance Director Peter Karstens presented the staff report. Sanitation rates, as noted in the budget workshops in this budget, increase by 2.75% from last year. There was no one to speak to the issue. Councilman Spraggins moved to approve the ordinance on the first reading. Mayor Johnson seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON CONSIDERATION OF ADOPTION OF RESOLUTION NO. 1015 DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION

Finance Director Peter Karstens presented the staff report. This is the beginning of the process to issue Certificates of Obligations per Fiscal Year 2011-2012 budget for the Enterprise Fund as noted in the budget. Starting the process now will insure it is completed within the 2011 calendar year in an effort not to exceed the 2012 \$10,000,000 limit for bank qualified debt issues with the three projects we have in the 2012 budget. There was no one to speak to the issue. Mayor Pro Tem Taylor moved to approve the resolution as presented. Councilwoman Price seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON SPECIFIC USE PERMIT FOR 1135 MOCKINGBIRD LANE

This is a request for a Specific Use Permit for the purpose of selling alcoholic beverages by the drink. Pizza Hut is located at 1135 Mockingbird Lane and is zoned Heavy Commercial and meets the requirements to apply for a Specific Use Permit. There was no one to speak to the issue. Councilman Spraggins moved to approve the permit. Councilman Aguilar seconded and the vote was as follows:

Ayes: Spraggins, Aguilar, Johnson, Walker, Price, Sellers
Nays: Taylor
Abstain: None

The motion carried.

DISCUSSION/ACTION ON ASSET FORFEITURE BUDGET

Police Chief Jim Bayuk presented the Police Department Asset Forfeiture Budget to the City Council. Asset Forfeiture money is acquired from cash and liquidation of forfeited property from narcotic related activities. Wilfred Pobursky suggested the city try to obtain an increase from 10% to 15%. There was no one else to speak to the issue. Councilman Aguilar moved to approve the budget as presented. Councilman Sellers seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON THE ECONOMIC DEVELOPMENT CORPORATION BUDGET

Executive Director Roger Feagley presented the Sulphur Springs/Hopkins County EDC budget to the City Council. He stated the budget is similar to last year with the exception of the funds set aside for the infrastructure in the Pioneer Business Park. There was a general discussion about the budget. There was no one else to speak to the issue. Councilman Spraggins moved to approve the budget as presented. Councilwoman Price seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON THE 2011 ADOPTED HOPKINS COUNTY APPRAISAL DISTRICT BUDGET

There was a general discussion regarding this item. It was suggested a representative of the Hopkins County Appraisal District be present next time the budget is presented to answer any questions that may arise. Bill Watts is our representative on this board and this budget has been approved by their board. This budget is comprised by all the entities in the county. The City of Sulphur Springs estimated portion is \$65,353.65. There was no one else to speak to the issue. Councilman Spraggins moved to approve the budget as presented. Councilwoman Price seconded and the vote was unanimous.

The motion carried.

VISITORS/PUBLIC FORUM

Perry Altenbaumer, president of the Downtown Business Alliance and Rita Edwards, vice-president of the Downtown Business Alliance spoke in favor of the City of Sulphur Springs implementing the 2012 International Existing Building Code (IEBC) which is designed to aid those working to remodel older and historical commercial buildings.

Jerrod Williams asked about road work for Lamar and Carter. He was informed that was coming.

ADJOURN

With all business complete the meeting was adjourned at 7:56 p.m.