

**CITY OF SULPHUR SPRINGS, TEXAS**

**REGULAR MEETING OF THE  
CITY COUNCIL**

**APRIL 5, 2011**

**7:00 p.m.**

Mayor Spraggins 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 Gary Spraggins  
Mayor Pro Tem Craig Johnson  
Councilman Clay Walker  
Councilman Oscar Aguilar  
Councilman Freddie Taylor  
Councilwoman Kayla Price  
Councilman Charles Oxford

Absent: None

Staff: Marc Maxwell, City Manager  
Gale Roberts, City Secretary  
Jim McLeroy, City Attorney  
Gordon Frazier, Director of Human Resources  
Dave Reed, City Engineer  
Mike Allen, Engineering Technician

**RECOGNITION**

Mayor Spraggins expressed our deep regret and sympathy at the passing of Councilman Walker's father. We paused for a few moments of silence to remember Wesley Paul Walker.

**PLEDGE AND INVOCATION**

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

**MANAGER'S REPORT**

**SPRING CLEAN-UP** – The annual spring clean-up event is underway, and it will continue through Saturday April 09. The location is the same as always, about ¼ mile

east of Flowserve. The hours of operation are from 7 a.m. to 7 p.m. No household hazardous waste will be accepted. No paint, solvents, chemicals, tires, batteries, etc.

**HOUSTON STREET** - Phase 3 is progressing well. Water, sewer and drainage utilities have now passed under the rail spur and are nearly to Rosemont Street. Progress continues to the west.

**THRU-TRUCK ROUTES** - Some of the thru-truck route signs are up. Others are not. We should have all of the signs up within 2 weeks and begin a vigorous enforcement campaign then.

**CLAIMS** - We had 2 fleet accidents this month, one involving a police car and one involving a community development vehicle. Both resulted in damage to the City vehicles and to other vehicles and property. One city employee sustained minor injuries in the accident. All claims have been submitted to TML.

**REVENUES AND EXPENDITURES** – Finance Director, Peter Karstens is not present at tonight’s meeting, so the monthly report of revenues and expenditures will be delayed until next month.

**T-BALL FIELD** – The field is nearly complete. All we lack is the sod.

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

- Sold 13,100 gallons of jet fuel and 1,508 gallons of AvGas.
- Continued working with Crappie USA to promote a crappie tournament at Lake Fork and an associated kids’ tournament at Coleman Lake on April 30<sup>th</sup>.
- Received police training regarding active shooter situations, accident investigations and SWAT training.
- Conducted a warrant round-up in conjunction with Municipal Court.
- Seized 32 pounds of marijuana.
- Made 8 arrests through the Special Crimes Unit.
- Responded to 258 animal control calls, and achieved an adoption rate of 80%.
- Responded to 42 accidents, made 106 arrests, wrote 690 citations, and recorded 74 offenses.
- Treated 112 million gallons of drinking water.
- Made repairs to the #6 filter at the water treatment plant.
- Flushed 35 dead-end water mains.
- Repaired the #2 variable frequency drive at the Cooper Lake pump station.
- Made repairs to the Carter Street water tower.
- Pulled and inspected the #1 raw water pump at the Cooper Lake pump station.
- Patched pot holes at 76 locations.

- Made extensive street repairs following 13 utility repairs.
- Prepared for spring clean-up.
- Swept 21 streets.
- Conducted 34 health inspections and 38 public nuisance inspections.
- Conducted 42 building inspections, 43 electrical inspections, 38 plumbing inspections, 33 mechanical inspections, 40 miscellaneous inspections and issued 31 building permits.
- Oversaw the abatement of 2 substandard structures, both by owner demolition. This brings the total to 458 since the program's inception.
- Responded to 140 fire/rescue calls including 1 structure fire.
- Conducted 41 fire inspections.
- Performed preventative maintenance on 120 fire hydrants.
- Began preparations for the annual Friends of the Library book sale, to be held April 29<sup>th</sup> from 9 am to 6 pm.
- Processed 803 tickets through Municipal Court.
- Repaired 14 water main ruptures.
- Installed 4 water taps.
- Replaced 19 water meters.
- Unstopped 18 sewer mains.
- Repaired 9 sewer mains/services.
- Washed 81,000 feet of sewer mains.
- Raised 4 manholes.
- Inspected all lift stations and made repairs to 2 of them.
- Achieved a total monthly total suspended solids reading of 3.55 mg/L at the wastewater treatment plant.
- Made repairs to wastewater clarifiers and aerators.
- Hauled 870 cubic yards of sludge to the landfill.

### **CONSENT AGENDA**

The following items on the Consent Agenda were reviewed: Consider for approval the regular City Council meeting minutes of March 1, 2011; and the Economic Development Corporation meeting minutes of January 24 and February 28, 2011. There was no one to speak to the issue. Mayor Pro Tem Johnson moved to approve the consent agenda as presented. Councilman Oxford seconded the motion and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON PUBLIC HEARING FOR SECOND AND FINAL READING OF ORDINANCE NO. 2591, A REQUEST BY OWNERS AARON FAULKNER, DAN LEUNA, DICK POGUE, AND PAT GERALD TO REZONE PROPERTY LOCATED AT 1797 WEST INDUSTRIAL DRIVE, BEING**

**FURTHER DESCRIBED AS LOTS 5 AND 6 OF BLOCK 608, FROM HEAVY COMMERCIAL AND LIGHT INDUSTRIAL TO ALL LIGHT INDUSTRIAL**

The owners want to rezone the property so it can be used for a recycling center business. Wyvonne McDaniel stated she appreciated the City Council considering this issue. Rob Parks and Aaron Faulkner made a presentation showing how they intended to resolve grievances aired at the previous meeting. They also submitted a draft site plan including landscaping. Jeanette Moser, representing Atmos Energy, spoke against the zone change. Chris Gibbins, adjoining property owner, spoke against the zone change. Clint Bulkley, owner of 55 acres west of the subject property, stated he is “pro” business and very excited about the potential of 50 new jobs but he has concerns. He suggested a common sense approach by checking on previous grievances and how the company responded to those grievances. He also has concerns about this being the entry way into the city. There was a general discussion regarding noise, landscaping, ingress, egress, run-off, trash, offensive odor, and various other items. A Zoning Amendment Protest Form had been submitted which was duly signed and acknowledged by the owners of 20% or more of the adjoining properties. This action requires the City Council to pass this item with a super majority vote. There was no one else to speak to the issue. Councilman Oxford moved to approve the ordinance on the first reading. Councilwoman Price seconded and the vote was as follows:

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

**The motion failed due to lack of super majority vote.**

**DISCUSSION/ACTION ON REPLAT OF LOT 1R, LUMSDEN, 24.75 AC. LOT SPLIT, A REQUEST BY OWNER, HOLT TEXAS LTD, FOR PROPERTY LOCATED AT 1109 INDUSTRIAL BLVD., BEING FURTHER DESCRIBED AS LOTS 6A, 6B, AND 6C OF BLOCK 213, TO REPLAT EXISTING THREE LOTS INTO ONE LOT**

This is a 6 acre light commercial development at the existing Bailey’s Tractor site. Water exists along the front service road and sewer is only available to the east and will require a private on-site lift station. Joseph Willrich and Mike Puryear made a presentation of the site plan and intended use of the property. The Planning and Zoning Commission conducted a public meeting and recommend approval. Staff also recommends approval. There was no one else to speak to the issue. Councilman Walker moved to approve the replat. Mayor Pro Tem Johnson seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2592, A REQUEST BY OWNER, HOLT TEXAS LTD., TO REZONE PROPERTY LOCATED AT 1109 WEST INDUSTRIAL BLVD., BEING FURTHER DESCRIBED AS LOT 1R, LUMSDEN 24.75 ACRE LOT SPLIT, FROM HEAVY COMMERCIAL (HC) AND LIGHT COMMERCIAL (LC) TO ALL LIGHT COMMERCIAL (LC)**

Holt Texas, LTD has replatted these three lots into one lot. Consequently, only one zoning classification can be allowed. They are requesting Light Commercial. This is the previous site of Bailey's Tractor Company. Holt intends to construct a new facility for its equipment dealership. Mike Puryear made a brief presentation. There was a general discussion. There was no one else to speak to the issue. Councilman Taylor moved to approve the ordinance on the first reading. Councilman Aguilar seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON BIDS AND AWARD OF CONTRACT FOR BUILDER FOR THE HOME GRANT PROGRAM, CONTRACT #1001152**

Five bids for a construction contract for five (5) new homes, per bid specifications, were opened March 17<sup>th</sup>. HOME grant participants choose plan their designs after the award of contract to a building contractor. Lee's Construction had the lowest bid for plan design #1. However, Whitaker Homes had the lowest total bid which includes plan designs 1, 2, and 3. Rachel Edwards, Resource Management & Consulting Company, was available to answer any questions. There was a general discussion. There was no one else to speak to the issue. Councilman Taylor moved to accept the bids and award the contract to Whitaker Homes. Mayor Pro Tem Johnson seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON BIDS AND AWARD OF CONTRACT FOR CONCRETE HOUSTON STREET PHASE III**

On March 22, 2011 at 10:00 a.m. staff conducted a public bid opening for concrete for Houston Street Phase III. The following are the bids that were placed:

<b>Transit Mix</b>	
3000 psi 5 sack mix	\$79.50
4400 psi	\$84.50
Curb and Gutter Grout Mix	\$82.50

**Bell Concrete**

3000 psi 5 sack mix	\$80.00
4400 psi	\$85.00
Curb and Gutter Grout Mix	\$90.00

Staff recommends the low bid submitted by Transit Mix. There was no one else to speak to the issue. Councilman Oxford moved to accept the bids and award the contract to Transit Mix. Councilman Taylor seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON BIDS AND AWARD OF CONTRACT FOR ROCK FOR ANNUAL SUPPLY**

Staff conducted a public bid opening for Flex Base. The following bid is the only bid that was placed:

**Martin Marietta Materials**

Flexible Base	
Red Rock, Type A, Grade 1	\$15.63 TN
Flexible Base	
Limestone, Type A, Grade 2	\$16.07 TN
Aggregate, Grade 1	
¾ minus, type D bedding, Grade 1	\$20.03 TN
Sand	
Washed Sand	\$16.28 TN
Bedding Material	
Crushed Rock	\$19.78 TN
Bedding Material	
Crushed Screenings	\$15.53 TN
Rock, Rip Rap	
12” Down Rip Rap, course	\$30.25 TN
Rock, Filter Rock	
3”x6” Filter Dam Rock	\$24.23 TN

Packets were sent to Smith Crushed Stone, Little Sand and Gravel, Inc., Morton Brother Spreading Martin Marietta Materials, and Norton Crushing, Inc., as well being advertised in the newspaper. Staff recommendation is to accept the bid submitted by Martin

Marietta Materials. There was no one else to speak to the issue. Councilman Oxford moved to accept the bid and award the contract to Martin Marietta Materials. Councilman Aguilar seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON BIDS AND AWARD OF CONTRACT FOR ASPHALT FOR CAPITAL IMPROVEMENTS PROGRAM FOR SURFACING**

Staff conducted a public bid opening for Asphalt Surfacing materials for the Capital Improvements Program for 2011. The following bids were received:

		<b>Unit Price</b>	<b>Total Price</b>
<b>R.K. Haul Construction, Ltd.</b>			
Furnish & Install ½” Type ‘D’			
HMAC Surface	3000 TN	\$72.60	\$217,800.00
Wedge Mill for Overlay	5000 SY	\$3.00	\$15,000.00
Tack Coat	2000 Gal	\$2.96	\$5,920.00
Prime Coat	1000 Gal	\$5.00	\$5,000.00
Furnish & Install Plant Seal			
Mix (PMS)	2000 TN	\$84.25	\$168,500.00
Remove and Replace Soft Spots	1000 TN	\$80.00	<u>\$80,000.00</u>
<b>Total</b>			<b>\$492,220.00</b>
<b>Texana Land &amp; Asphalt, Inc.</b>			
Furnish & Install ½” Type ‘D’			
HMAC Surface	3000 TN	\$91.11	\$273,330.00
Wedge Mill for Overlay	5000 SY	\$4.00	\$20,000.00
Tack Coat	2000 Gal	\$3.33	\$6,660.00
Prime Coat	1000 Gal	\$5.25	\$5,250.00
Furnish & Install Plant Seal			
Mix (PMS)	2000 TN	\$109.20	\$218,400.00
Remove and Replace Soft Spots	1000 TN	\$107.35	<u>\$107,350.00</u>

**Total** **\$630,990.00**

**Richard Drake Construction Company, L.P.**

Furnish & Install ½” Type ‘D’

HMAC Surface	3000 TN	\$83.50	\$250,500.00
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Wedge Mill for Overlay	5000 SY	\$5.50	\$27,500.00
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Tack Coat	2000 Gal	\$3.50	\$7,000.00
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Prime Coat	1000 Gal	\$5.00	\$5,000.00
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Furnish & Install Plant Seal

Mix (PMS)	2000 TN	\$125.00	\$250,000.00
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Remove and Replace Soft Spots	1000 TN	\$125.00	<u>\$125,000.00</u>
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**Total** **\$665,000.00**

Staff recommends approval of the low bid submitted by R. K. Hall Construction, Ltd. There was no one else to speak to the issue. Councilman Oxford moved to accept the bids and award the contract to R. K. Hall Construction, Ltd. Councilman Taylor seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON FINAL PLAT OF WESLEY PARTNERS ADDITION, A REQUEST BY OWNERS, WESLEY PARTNERS, FOR PROPERTY LOCATED ON THE EAST SIDE OF CHURCH STREET AND WEST SIDE OF NORTH JACKSON STREET, BEING FURTHER DESCRIBED AS LOTS 8A, 8B, 9A, 9B, 9E, 13A, 13B, 14, AND 15B OF BLOCK 74, INTO ONE LOT**

This is a 12.5 acre plat at the site of the existing Wesley Partners development. Streets and utilities are available along Church Street. There was no one to speak to the issue. Councilman Taylor moved to approve the final plat as presented. Councilwoman Price seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON REPLAT OF LOT 3, BLOCK 1, GREEN ACRES ADDITION, SECTION 3, A REQUEST BY OWNER, LEONARD H. BOGGS, FOR PROPERTY LOCATED AT 405 VONDA DRIVE, BEING FURTHER DESCRIBED AS LOT 3 OF BLOCK 211-3-1, REPLATTING LOTS TO REMOVE SETBACK AND UTILITY EASEMENT ENCROACHMENT**

This is an existing residence on the corner of Vonda and Junell in the Green Acres Addition. There are existing streets and utilities. This replat is required to remove setback and utility easement encroachments. The original plat required a 40' setback and included a 15' utility easement. This replat revises the Junell Street setback to 23.5' and the easement to 10' to bring the existing buildings into compliance. There was no one to speak to the issue. Councilwoman Price moved to approve the replat as presented. Councilman Taylor seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON ACCEPTING THE CERTIFICATE OF UNOPPOSED CANDIDATE FOR PLACE 6 AND ADOPTING THE ORDER OF CANCELLATION OF THE ELECTION FOR PLACE 6**

In accordance with Section 2.053(a) of the Texas Election Code the City Council election for Place 6 will not need to be conducted. The candidate, Kayla Price, is unopposed. There was no one else to speak to the issue. Councilman Oxford moved to accept the Certificate of Unopposed Candidate and adopt the Order of Cancellation of the Election for Place 6. Councilman Aguilar seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON APPROVAL OF BOARD APPOINTMENT TO THE TOURISM AND PROMOTIONS ADVISORY BOARD**

Jackie Thornton's term on the Civic Center Board recently expired. The Civic Center Board of Directors and the Hopkins County Commissioners' Court have requested that Tracy Dennis be appointed to fill the remainder of the term. There was no one to speak to the issue. Councilman Oxford moved to approve the appointment of Tracy Dennis to the Tourism and Promotions Advisory Board. Councilwoman Price seconded and the vote was unanimous.

**The motion carried.**

**VISITORS/PUBLIC FORUM**

None.

**ADJOURN**

With all business complete the meeting was adjourned at 8:43 p.m.