

CITY OF SULPHUR SPRINGS, TEXAS

**REGULAR MEETING OF THE
CITY COUNCIL**

AUGUST 7, 2012

7:00 p.m.

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

Absent: None

Staff: Marc Maxwell, City Manager
Gale Roberts, City Secretary
Jim McLeroy, City Attorney
Gordon Frazier, Director Human Services – 7P
Shane Shepard, Director Community Development -7P
Peter Karstens, Director of Finance– 7P

PLEDGE AND INVOCATION

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

ANNOUNCEMENTS

Mayor Pro Tem Sellers read a letter from City National Bank regarding the downtown square. It read as follows:

Thank you seems very inadequate to describe what has been constructed on the downtown square. To have vision and then to take that vision and enlist the cooperation of many to construct the project is truly remarkable! The downtown square and Veterans Memorial is something we should be extremely proud of, not only for ourselves, but our

children and their children.

It is a “shining” example of what the people of Hopkins County can do!

This letter was addressed to the Sulphur Springs City Council, Hopkins County Commissioners Court, and the Hopkins County Veterans Committee. The letter was signed by the Board of Directors, Officers and Employees of City National Bank.

Mayor Johnson presented a proclamation to Jeanette Moser, Manager of Public Affairs, Atmos Energy, recognizing August 11th (8/11) as Underground Damage Prevention Day in the City of Sulphur Springs.

Mayor Johnson also presented a proclamation to the Sulphur Springs Golden K Kiwanis Club as their last meeting was held July 25, 2012. He recognized Ira Black, the only surviving charter member. He also recognized Jim Tully, Kerry Craig, Dan Hamiter, Jimmy Goldsmith, and John Cooper.

MANAGER’S REPORT

THE SQUARE - Oak Street will begin this month, and it will include Oak/College intersection. After that we will reconstruct the Oak/Jefferson intersection and the segment of Jefferson from Oak to Church. Then we will reconstruct the Church/Jefferson intersection.

BUFORD PARK WALKING PATH – The Capital Construction Division has completed this project.

EAST SHANNON WATERLINE PROJECT – This project will begin within the next few days. It should be completed before our next regularly scheduled council meeting.

SUMMER PAVING PROGRAM – Thomas, Majors, Holiday and Century Lake roads have all been cement-stabilized. Vicki, Bettie, Highland and Holiday have had curb and gutter repairs made in preparation for milling and asphalt. Milling began on Buford and Connally today. Bell, Hines, Irwin and Georgia are awaiting milling and asphalt. Lee, League and South Davis will not be milled until the paving contractor is actually in town paving the other streets.

NEW CITY HALL – Construction will begin this month.

HOME GRANT PROGRAM – Two new applicants for Home Grant funding have been approved, L.G. & Edith Hankins, and Deborah Prewitt. We are waiting for approval on a third applicant, Patricia Franklin.

CLAIMS - We had one minor workers' compensation claim in July for poison ivy.

We had two liability claims in July. One was for a sewer overflow in a building. The other was for damage to a car, apparently caused by a city mowing crew.

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

MISCELLANEOUS – Elsewhere around the City, employees:

- Responded to 142 fire/rescue calls including 3 structure fires.
- Performed preventative maintenance on 70 fire hydrants.
- Tested all bunker gear.
- Issued 17 weed tickets.
- Replaced 5 faded street signs and 4 missing street signs.
- Patched 30 potholes.
- Made 22 street repairs following utility repairs.
- Swept 39 streets.
- Demolished and removed the sidewalks around the new city hall.
- Demolished a house at 708 Whitworth.
- Conducted 36 health inspections and 71 public nuisance inspections.
- Conducted 45 building inspections, 25 electrical inspections, 20 plumbing inspections, 10 mechanical inspections, 13 miscellaneous inspections and issued 21 building permits.
- Repaired 5 sewer taps identified by our new sewer camera and identified 7 more.
- Repaired 22 ruptured water mains.
- Replaced 19 water meters and made 3 water taps.
- Unstopped 16 sewer mains and repaired 4 sewer mains.
- Made 1 sewer tap.
- Inspected 5,555 feet of sewer main with new camera and washed 71,000 feet of sewer mains.
- Treated 176 million gallons of drinking water.
- Returned primary clarifier to service at wastewater treatment plant.
- Hauled 1,125 cubic yards of sludge to the landfill.
- Achieved a monthly average total suspended solids reading of 8.6 mg/L.
- Wrote 496 traffic tickets, responded to 36 accidents, recorded 80 offenses and made 91 arrests.
- Processed 603 tickets through municipal court.
- Hosted 2 adult softball tournaments.
- Removed dead trees from Pacific Park and Buford Park.

- Made 7 felony arrests on the Special Crimes Unit.
- Achieved a 50% adoption rate at the animal shelter.
- Installed a new variable frequency drive (dimmer switch) at the Cooper Lake pump station.
- Flushed 37 dead-end water mains.
- Repaired altitude valve at Coleman Park water tower.
- Sold 1,722 gallons of AvGas and 7,503 gallons of JetA fuel.

CONSENT AGENDA

The following items on the Consent Agenda were reviewed: Consider for approval the regular City Council meeting minutes of June 5 and July 3, 2012; the special City Council minutes of June 26 and July 10, 2012; Planning and Zoning Commission meeting minutes of July 16, 2012; Zoning Board of Adjustments and Appeals minutes of July 17, 2012; and the Economic Development Corporation meeting minutes of June 25, 2012. There was no one to speak to the issue. Councilman Spraggins moved to approve the consent agenda as presented. Mayor Pro Tem Sellers seconded the motion and the vote was unanimous.

The motion carried.

At this time Mayor Johnson moved Item #9 and Item #10 in front of Item #5.

DISCUSSION/ACTION ON RESOLUTION NO. 1040 ORDERING A LOCAL OPTION ELECTION FOR THE LEGAL SALE OF MIXED BEVERAGES IN RESTAURANTS BY FOOD AND BEVERAGE HOLDERS ONLY

Texas law provides for local option elections on the sale of alcoholic beverages. On June 20, 2012 two petitions were returned to the City Secretary requesting that a special election be called on the legal sale of mixed beverages in restaurants by food and beverage certificate holders only and the legal sale of beer and wine for off-premise consumption only in the current city limits of Sulphur Springs, Texas. State law sets out the requirements for calling such elections. One of the requirements is that the petition requesting it be signed by at least 35% of the registered voters who live within the area. For these two elections, the number required for each petition is 1,176, based on the number of voters who voted in the last Governor's election. The City Secretary has verified that the minimum number of required signatures has been turned in for each petition, so now State law requires that the matter of calling a Special Election be presented to the City Council. State law sets the dates for all Texas elections and the next time for this type of special election is November 6, 2012. There was no one to speak to the issues. 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. 1041 ORDERING A LOCAL OPTION ELECTION FOR THE LEGAL SALE OF BEER AND WINE FOR OFF PREMISE CONSUMPTION ONLY

Texas law provides for local option elections on the sale of alcoholic beverages. On June 20, 2012 two petitions were returned to the City Secretary requesting that a special election be called on the legal sale of mixed beverages in restaurants by food and beverage certificate holders only and the legal sale of beer and wine for off-premise consumption only in the current city limits of Sulphur Springs, Texas. State law sets out the requirements for calling such elections. One of the requirements is that the petition requesting it be signed by at least 35% of the registered voters who live within the area. For these two elections, the number required for each petition is 1,176, based on the number of voters who voted in the last Governor's election. The City Secretary has verified that the minimum number of required signatures has been turned in for each petition, so now State law requires that the matter of calling a Special Election be presented to the City Council. State law sets the dates for all Texas elections and the next time for this type of special election is November 6, 2012.

Mr. Billy Horton addressed the City Council against this issue. He stated there were not enough signatures on the petition due to several signers being on the voter registrar's suspense list and requesting that the City Council deny this issue.

Mr. John Reed addressed the City Council in favor of this issue. He stated that Mr. Horton's argument on the lack of qualified voters is invalid. He asked the City Council to adhere to the laws of the State of Texas and call for this election.

City Attorney Jim McLeroy addressed the City Council stating the laws and rebuked the statements of Mr. Horton with several pieces of supporting documentation.

There was no one to speak to the issues. Councilman Spraggins moved to approve the resolution as presented. Councilman Sellers seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON PUBLIC HEARING FOR SECOND AND FINAL READING OF ORDINANCE NO. 2618 PROHIBITING THE USE AND CONTACT WITH DESIGNATED GROUNDWATER FROM BENEATH CERTAIN PROPERTY WITHIN THE CITY OF SULPHUR SPRINGS, TEXAS, TO FACILITATE CERTIFICATION OF A MUNICIPAL SETTING DESIGNATION OF THE PROPERTY BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) PURSUANT TO THE TEXAS HEALTH AND SAFETY CODE; PROVIDING A PENALTY; AND PROVIDING FOR SEVERABILITY

This item remained on the table.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2620 AUTHORIZING THE ISSUANCE AND SALE OF CITY OF SULPHUR SPRINGS, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2012, TO PROVIDE FUNDS FOR THE PURPOSE OF REFUNDING OUTSTANDING OBLIGATIONS OF THE CITY ISSUED FOR VARIOUS PUBLIC IMPROVEMENTS AND FOR PAYING COSTS OF ISSUANCE OF BONDS; BEARING INTEREST AT THE RATES HEREINAFTER SET FORTH; PRESCRIBING THE FORM OF BONDS; LEVYING AD VALOREM TAXES FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE BONDS; MAKING CERTAIN COVENANTS OF THE CITY IN REFERENCE TO THE BONDS AND THE FUNDS FROM WHICH SAID BONDS ARE TO BE PAID; APPROVING AN OFFICIAL STATEMENT AND EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT; AWARDED SALE OF SAID BONDS; PROVIDING AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING THERETO

Finance Director Peter Karstens presented the staff report and was available to answer any questions. Mark McLiney of Southwest Securities, Inc. Addressed the City Council explaining the process. Leroy Grawunder of McHall, Parkhurst & Horton, LLP, was also available to address any questions. This ordinance authorizes sale of these new bonds to replace or refund the original issue which occurred in 2002. There was a general discussion. There was no one else to speak to the issue. Mayor Pro Tem 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 THE FIRST READING OF ORDINANCE NO. 2021 AMENDING THE CITY OF SULPHUR SPRINGS CODE OF ORDINANCES BY AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES BY AMENDING ARTICLES I AND II AND BY ADDING ARTICLE IV, BY CHANGING THE TITLE OF SAID CODE TO THE ENVIRONMENTAL & HEALTH CODE; REPEALING CHAPTER 17, ARTICLE II THROUGH IV, AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith

This new ordinance would combine Chapter 15 and most of Chapter 17 of the Code of Ordinances changing the name to Environmental and Health Code. It will provide the ability to begin addressing substandard buildings and junk vehicles, tall grass and weeds, etc. This will allow for the protection and safety of our residents. City Attorney Jim McLeroy presented the staff report and was available to answer any questions. There was a brief discussion. There was no one else to speak to the issue. Councilman

Spraggins 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 REINSURANCE FOR CITY OF SULPHUR SPRINGS HEALTH INSURANCE PROGRAMS FOR EMPLOYEES

Finance Director Karstens presented the staff report. The City of Sulphur Springs continues a partially self-funded program of health insurance for its employees. Similar to the last three years, we went out for proposals for reinsurance coverage only. We received proposals from two reinsurance carriers, Blue Cross and Highmark. Blue Cross, as the incumbent, is the only firm bid (renewal) while Highmark is conditional on July claim experiences (as well as a list of conditions) before their rate is finalized. This is the second year in a row that the overall claim history appears like it will end up at or below our funding level. There was a general discussion. There was no one else to speak to the issue. Councilman Aguilar moved to accept the bids and award the contract to Blue Cross with a renewal bid at a \$60,000, specific stop loss at a fixed cost of \$277,457 and a total maximum plan cost of \$1,139,382 and accepting their offer to lower the maximum costs to \$1,095,220. Mayor Pro Tem Sellers seconded and the vote was unanimous.

The motion carried.

VISITORS/PUBLIC FORUM

Charles Oxford complimented the authors of the letter from City National Bank. He also stated that the downtown square was masterfully crafted and highly recommends the workers be recognized for their hard work.

ADJOURN

With all business complete the meeting was adjourned at 8:13 p.m.