

**CITY OF SULPHUR SPRINGS, TEXAS**

**REGULAR MEETING OF THE**

**CITY COUNCIL**

**APRIL 6, 2010**

**7:00 p.m.**

Mayor Spraggins 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 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  
Johnny Vance, Director of Community Development  
Peter Karstens, Director of Finance  
Jim Bayuk, Chief of Police  
Craig Vaughn, Director of Utilities

**PLEDGE AND INVOCATION**

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

**MANAGER'S REPORT**

**ANIMAL SHELTER** - At a previous City Council meeting the council approved a motion directing staff to convert from carbon monoxide gas to lethal injection as a means of animal euthanasia. I am happy to announce that the conversion is complete and that we are now using lethal injection as a means to euthanize animals.

**HOUSTON STREET** - We have now completed the intersection at Houston and are continuing to work westward.

**CONNALLY STREET** - Work will begin on Monday, April 12. Water and Sewer improvements will be first followed by street and then sidewalks. Expect the project to last 4 months, weather permitting.

**SPRING CLEANUP** - The annual Spring Cleanup event is underway now through April 10<sup>th</sup>. The same rules apply, no household hazardous waste, no tires. Bring a water bill and a photo ID for proof of residency. The location is the same as always, about a quarter-mile east of Flow Serve. Hours of operation are 7am to 7pm.

**CLAIMS** – We did not receive any workers’ compensation claims in March.

We received two liability claims in March. A dump truck driver backed into another driver, and TML paid the claim. Also, a local motorcyclist claimed that a bump in the road made him wreck. TML denied that claim.

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

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

- Made preparations for the summer reading program on Tuesdays beginning June 8<sup>th</sup>.
- Treated 109 million gallons of drinking water.
- Responded to 102 fire/rescue calls including 1 structure fire.
- Conducted 50 fire inspections.
- Maintained 118 fire hydrants.
- Replaced 10 street signs.
- Responded to 433 vehicle accidents, wrote 545 citations, recorded 77 offenses and made 84 arrests.
- Processed 613 tickets through municipal court.
- Made preparations for “opening day” at Coleman Park.
- Responded to 224 animal control calls.
- Received 42 animals at the shelter, returned 3 to their owners and found homes for 35 making a 90% adoption rate.
- Received police training in the areas of: use of force; arrest search and seizure; and downed power-line safety.
- Received 1<sup>st</sup> place in the USPCA 201 Narcotics Detection trials (Lt. Williams and “Atos”).

- Made 4 felony arrests in the special crimes unit.
- Patched potholes at 59 locations.
- Made 13 street repairs as a result of utility repairs.
- Swept 57 streets.
- Conducted 25 health inspections and 38 public nuisance inspections.
- Conducted 29 building inspections, 26 electrical inspections, 30 plumbing inspections, 17 mechanical inspections, 9 miscellaneous inspections and issued 10 building permits.
- Demolished 2 substandard structures. One was at 214 Moris Drive, and the other was at 448 Houston.
- Relocated electrical services on Connally Street buildings to T-Bone Alley.
- Switched school zone lights to daylight savings time.
- Repaired 9 water breaks.
- Installed 3 water taps and replaced 18 water meters.
- Unstopped 38 sewer mains.
- Repaired 1 sewer main and 6 sewer services.
- Cleaned 80,000 feet of sewer mains and raised 2 manholes.
- Performed preventative maintenance on various apparatuses at the wastewater treatment plant.
- Conducted a composting trial program on municipal sludge.
- Treated wastewater to a total suspended solids count of 7.39 mg/L.
- Attended surface water treatment training.
- Flushed 38 dead-end water mains.
- Performed annual maintenance on Lake Sulphur Springs flood gates.
- Removed trees from dam on Lake Sulphur Springs.

### **CONSENT AGENDA**

The following items on the Consent Agenda were reviewed: Consider for approval the regular City Council meeting minutes of March 2, 2010; the Tourism and Promotion Board meeting minutes of February 17, 2010; and the Economic Development Corporation meeting minutes of February 22, 2010. There was no one to speak to the issue. Councilman Taylor moved to approve the consent agenda as presented. Mayor Pro Tem Brown seconded the motion and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON PUBLIC HEARING FOR SECOND AND FINAL READING OF ORDINANCE NO. 2572, A ZONE CHANGE REQUEST BY OWNERS DALE MCMAHAN AND SCOTT HEMBY TO REZONE PROPERTY LOCATED AT THE CORNER OF HILLCREST AND AZALEA LANE, BEING FURTHER DESCRIBED AS LOTS 1, 2, AND 10 OF BLOCK 215-5, FROM SINGLE FAMILY 6,000 SQ. FT. (SF-6) TO PROFESSIONAL OFFICE (PO)**

The Director of Community Development, Johnny Vance, presented the staff report. The property owners originally requested to rezone the property to Light Commercial (LC) so it could be marketed as retail/office space. The Planning and Zoning Commission conducted a public hearing and recommended approval to rezone to Professional Office (PO). Councilman Oxford stated that he had been asked about gasoline but was assured gasoline production is not allowed in Professional Office zoning. There was no one else to speak to the issue. Councilman Aguilar moved to adopt the ordinance on the second and final reading. Councilman Taylor seconded and the vote was as follows:

Ayes: Spraggins, Aguilar, Walker, Taylor, Oxford  
Nays: Johnson  
Abstain: Brown

**The motion carried.**

**DISCUSSION/ACTION ON ACCEPTING THE CERTIFICATE OF UNOPPOSED CANDIDATE FOR PLACES 4 AND 5 AND ADOPTING THE ORDER OF CANCELLATION OF THE ELECTION FOR PLACES 4 AND 5**

In accordance with Section 2.053(a) of the Texas Election Code the City Council election for Places 4 and 5 will not need to be conducted. The candidates, Freddie Taylor, Place 4, and Gary Spraggins, Place 5, are unopposed. Mayor Pro Tem moved to accept the Certificate of the Unopposed Candidate for Places 4 and 5 and to adopt the Order of Cancellation of the election for Places 4 and 5. Councilman Johnson seconded and the vote was unanimous.

**The motion carried.**

Councilman Taylor and Mayor Spraggins have been duly elected and will take their Oath of Office at the regular City Council meeting of June 1, 2010.

**DISCUSSION/ACTION ON BIDS AND AWARD OF CONTRACT FOR 18 NEW SCOTT AIR PAK 75, 2007 EDITION, EQUIPPED PER BID SPECIFICATIONS, FOR THE SULPHUR SPRINGS FIRE AND RESCUE DEPARTMENT**

The Fire Marshal, Gerry Cleaver, and Assistant Fire Marshal, Eric Hill, were available to answer any questions. Two bids were submitted, one from MES (Municipal Emergency Services) and the other from Hoyt Breathing Air Products. The bids were as follows:

MES	\$92,066.60
Hoyt	\$98,394.05

Assistant Fire Marshal Hill explained that a FEMA grant would cover \$87,463.27 and the cost to the City of Sulphur Springs would be \$4,603.33. There was no one else to speak to the issue. Councilman Oxford moved to accept the bids and award the contract to MES. Councilman Taylor seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON APPROVAL OF BACK-IN PARKING ON THE DOWNTOWN SQUARE**

Councilman Walker moved to **reject** back-in parking on the downtown square. Councilman Johnson seconded the motion. Prior to the vote several citizens addressed the City Council. Roy Pelton spoke in favor of the back-in parking. Jorene Orr and Robert Mercer spoke against back-in parking. Councilman Oxford stated he performed an opinion survey which concluded that 98.26% of the respondents were against back-in parking and 97% of the respondents of the Front Porch News Texas website survey were against back-in parking. There was no one else to speak to the issue. The vote was unanimous to reject back-in parking.

**The motion carried.**

The Mayor reiterated that head-in parking is approved and back-in parking is rejected.

**DISCUSSION/ACTION ON APPROVAL OF TWO-WAY TRAFFIC VERSUS ONE-WAY TRAFFIC**

Councilman Oxford moved to reject two-way traffic around the square along with Gilmer and Oak Streets.

**The motion failed due to a lack of a second.**

Mayor Pro Tem Brown moved to approve two-way traffic. Councilman Aguilar seconded the motion.

Prior to the vote several citizens addressed the City Council.

Kenneth Stovall spoke against two-way traffic as did Ruth Davis, Jorene Orr, Myra Grant, Brad Massey, Robert Mercer, and Jerry Stubblefield. Councilman Oxford spoke again of the opinion survey he had performed which indicated that 93.9% of the respondents were against two-way traffic. Rita Edwards, Billie Ruth Standbridge, and Wilfred Pobursky addressed the City Council speaking in favor of two-way traffic.

Councilman Johnson asked for clarification as to whether or not the motion included Gilmer Street, Oak Avenue and the square? Mayor Pro Tem Brown stated that it was his

intent to move to approve two-way traffic around the square, Oak Avenue and Gilmer Street. Mayor Pro Tem Brown also added that he would like to see the downtown more pedestrian friendly as well as help save a vital and important part of Sulphur Springs. Councilman Walker explained that all of the councilmen had sought the opinions of many people. He also added that the downtown is the face of the city and two-way traffic will work to benefit the city and the county. Councilman Aguilar stated that a turnaround at the “Y” of Gilmer Street and Oak Avenue would really enhance the two-way traffic design. Councilman Taylor stated that it is one of the responsibilities of the City Council to improve and revitalize our downtown area. Mayor Spraggins added that extensive research had been conducted and the City Council brought in people who have studied this all across the country. He also stated that City Council has put in many hours and a lot of effort to find the best solutions for improving and revitalizing the downtown area. There was no one else to speak to the issue. The vote was as follows:

Ayes: Spraggins, Johnson, Walker, Aguilar, Taylor, Brown  
Nays: Oxford

**The motion carried.**

**DISCUSSION/ACTION ON APPROVAL OF DOWNTOWN DESIGN**

Don Roundtree addressed the City Council presenting the new and improved design of the Veterans’ Memorial. The design has been moved and is more symmetrical. The memorial will be located on the east side of the square instead of the southeast corner. There will be a wall erected to separate the mechanical equipment from the memorial stones. A water feature has been added to create soft noise to mask the noisy equipment. Councilman Walker moved to approve the downtown design with the new alternate plan for the Veterans’ Memorial subject to approval by the design professionals. Councilman Taylor seconded the motion. Councilman Oxford asked how flexible the plan would be and Finance Director Karstens stated the plan would be sent to the designers to ensure the new alternate plan is within acceptable limits. There was a general discussion regarding this issue. City Manager Maxwell stated the plan would be brought back to the City Council at least two more times before it is finalized. There was no one else to speak to the issue. The vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 994 ENDORSING THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR'S 2010 SUNSET ADVOCACY**

The Steering Committee has formulated recommendations for the Sunset Advisory Commission as it conducts its PUC and ERCOT reviews. The Steering Committee's recommendations are intended to improve competition in the electric market place by making the PUC and ERCOT more accountable to consumers, by limiting market power, and by creating competitive options for all customers. The Steering Committee's recommendations reflect the organization's desire for a truly healthy electric market where consumers can save and competition can flourish. Such a market — one where power remains affordable and reliable — will mean more economic development for Texas cities and a better standard of living for our citizens. There was no one else to speak to the issue. Councilman Taylor moved to approve the resolution as presented. Mayor Spraggins seconded and the vote was unanimous.

**The motion carried.**

**VISITORS/PUBLIC FORUM**

City Manager Maxwell recognized the Boy Scouts. Ryan Moore was in attendance and stated that he is a Star Scout and his attendance to this meeting would help to advance in his rank.

Jerry McGraw addressed the City Council requesting to know when the portion of Rockdale Road by ETOX would be repaired or upgraded. City Manager Maxwell said we would get to it as soon as we can but it will definitely be after Houston Street is completed.

Mayor Pro Tem Brown asked about the disrepair of Broadway in front of CVS Pharmacy. City Manager Maxwell said TxDOT is going to make the repairs soon.

Clayton McGraw thanked the City Council for putting the Veterans' Memorial on the square. The idea came from Iola, Kansas, and Mr. McGraw guarantees that people will come to see it. When they celebrated the grand opening of the Veterans' Memorial in Iola, Kansas, they fired a cannon blowing out every window from all the nearby stores and banks. We will not do this.

**ADJOURN**

With all business complete the meeting was adjourned at 9:16 p.m.