

**CITY OF SULPHUR SPRINGS, TEXAS**

**REGULAR MEETING OF THE**

**CITY COUNCIL**

**DECEMBER 7, 2010**

**7:00 p.m.**

Mayor Pro Tem Johnson called the regular meeting of the Sulphur Springs City Council to order at 6:35 p.m. Councilman Brown moved to adjourn to executive session in accordance with Texas Government Code 551.071, consultation with attorney regarding pending litigation. Councilman Taylor seconded the motion. There was no one present to speak to the issue. The vote was unanimous. The following council members and staff were present:

Mayor Pro Tem Johnson  
Councilman Oscar Aguilar  
Councilman Freddie Taylor  
Councilman Chris Brown  
Councilman Charles Oxford  
Councilman Clay Walker – **7:00P**

Absent: Gary Spraggins, Mayor

Staff: Marc Maxwell, City Manager  
Gale Roberts, City Secretary  
Larry Friday, City Attorney  
Johnny Vance, Director of Community Development  
Peter Karstens, Director of Finance – **7:00P**  
Gordon Frazier, Director of Human Resources – **7:00P**

**OPEN SESSION**

Mayor Pro Tem Johnson reconvened the meeting in open session at 7:01 p.m.

Mayor Pro Tem Johnson welcomed the Adult Leadership Class to the City Council meeting.

**PLEDGE AND INVOCATION**

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

## **MANAGER'S REPORT**

**HOUSTON STREET** - Phase 3 has begun. Water and sewer mains have been installed between Jackson Street and the rail spur. This is where the project has been stalled waiting for a permit from KCS to pass the utilities under the tracks. We have now concluded negotiations with the railroad regarding the permit for utility easements, and we expect to receive a permit soon. The bore should begin in mid-January. Work will progress from east to west.

**MUNICIPAL AIRPORT** - The runway reconstruction project is nearing completion. The concrete runway and cross-taxiways are now completed and the contractor is working on miscellaneous punch-list items. This \$3.85 million project was 90% grant funded. Expect the runway to be opened in a few weeks.

This, however, will not be the end of construction at the airport. TXDOT approved funding for the reconstruction of two additional taxiways at a cost of \$350,000. Work on the taxiways will begin soon and should last for 3 months. The work will be performed as a change order on the original contract.

**GILMER AT CONNALLY** - This project was completed in November and is now open.

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

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

- Installed 16 no parking signs on Houston Street.
- Replaced a section of sewer main from Davis Street to Church Street through the back yards on Middle Street.
- Made 11 major street repairs as a result of utility repairs and patched potholes at 26 locations.
- Repaired sinking underground drainage channel behind City Hall.
- Helped set-up for Wild Cat pep rally.
- Conducted 22 health inspections and 54 public nuisance inspections.
- Conducted 23 building inspections, 20 electrical inspections, 25 plumbing inspections, 11 mechanical inspections, 11 miscellaneous inspections and issued 23 building permits.
- Abated one substandard structure, bringing the total to 453 since the program's inception.
- Made 87 arrests, recorded 85 offences, wrote 823 citations and responded to 38 accidents.
- Made 6 felony arrests in the Special Crimes Unit.

- Responded to 228 animal control calls, received 47 dogs and cats at the shelter, returned 2 to their owners and found homes for 41, making a 91% adoption rate.
- Received training in euthanasia procedures, white supremacy groups and child abuse investigation.
- Seized 15 pounds of marijuana and 168 grams of cocaine.
- Processed 979 tickets through municipal court.
- Treated 117 million gallons of drinking water.
- Flushed 38 dead end water mains.
- Lowered the level of Lake Sulphur Springs to accommodate construction at the airport.
- Performed preventative maintenance on numerous items at water treatment plant.
- Unstopped 37 sewer mains.
- Repaired 12 water breaks.
- Installed 2 water taps and 1 sewer tap.
- Replaced 27 water meters.
- Cleared 3,500 feet of utility easement on FM 2285 below the dam.
- Repaired 12 sewer mains.
- Repaired 2 manholes.
- Cleaned 86,000 feet of sewer mains.
- Prepared fields at Coleman Park for softball, baseball and soccer.
- Winterized swimming pool.
- Sold 687 gallons of AvGas and 102 gallons of Jet A.
- Received no worker's compensation claims and no liability claims.
- Began making preparations to relocate or place underground remaining utilities on the square.
- Reset school zone lights.
- Treated wastewater to a daily average total suspended solids reading of 3.87 mg/L.
- Performed preventative maintenance and repairs on several wastewater treatment mechanisms.

### **CONSENT AGENDA**

The following items on the Consent Agenda were reviewed: Consider for approval the regular City Council meeting minutes of November 2, 2010; the Planning and Zoning Commission meeting minutes of November 15, 2010; and the Economic Development Corporation meeting minutes of October 25, 2010. There was no one to speak to the issue. Councilman Oxford moved to approve the consent agenda as presented. Councilman Taylor seconded the motion and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON PUBLIC HEARING FOR SECOND AND FINAL READING OF ORDINANCE NO. 2585 A ZONE CHANGE REQUEST BY OWNER COY JOHNSON TO REZONE PROPERTY LOCATED AT 513 OAK AVENUE, BEING FURTHER DESCRIBED AS LOT 2A OF BLOCK 40-2, FROM MULTIPLE FAMILY (MF) TO PROFESSIONAL OFFICE (PO)**

Due to a conflict of interest the Mayor Pro Tem appointed Councilman Taylor to conduct the business for this item. This area is shown on the Land Use Plan to be used for commercial development. Changing the zoning of this property would help to begin that process. This rezoning is requested to accommodate business development in the downtown area. There was no one else to speak to the issue. Councilman Brown moved to adopt the ordinance on the second and final reading. Councilman Oxford seconded and the vote was as follows:

Ayes: Walker, Aguilar, Taylor, Brown, Oxford  
Nays: None  
Abstain: Johnson

**The motion carried.**

**DISCUSSION/ACTION ON PUBLIC HEARING FOR SECOND AND FINAL READING OF ORDINANCE NO. 2586 AMENDING CHAPTER 25 OF THE CODE OF ORDINANCES OF THE CITY OF SULPHUR SPRINGS, TEXAS, BY AMENDING SECTION 25-54, TRUCK ROUTES AND PARKING; REPEALING AND RESERVING SECTIONS 25-55 THROUGH 25-56; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION**

The proposed ordinance accomplishes the following:

- Establishes thru-truck routes in the City of Sulphur Springs. (map attached)
- Defines “through commercial vehicles” and requires them to use thru-truck routes.
- Maintains existing truck routes for local truck traffic.
- Requires the placement of signs on truck routes and thru-truck routes.
- Provides a penalty of up to \$500 for violating this ordinance.

Councilman Oxford asked if any changes were made since the first reading and there were none. There was no one else to speak to the issue. Councilman Oxford moved to adopt the ordinance on the second and final reading. Councilman Aguilar seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON PUBLIC HEARING FOR SECOND AND FINAL READING OF ORDINANCE NO. 2587 ESTABLISHING MAXIMUM, REASONABLE AND PRUDENT RATES OF SPEED FOR CERTAIN PORTIONS OF HIGHWAY 19**

In 2006 the City annexed 1,274.6 acres along its southern boundary. Since then, TXDOT has also constructed the new S.H. 11 bypass. These two events combined have caused TXDOT to conduct a review of speed limits along S.H. 19

The previous and proposed speed limits are as follows:

<b>From</b>	<b>To</b>	<b>Previous</b>	<b>Proposed</b>
Church St.	FM 2285	65	65
FM 2285	Jeldwen	60	60
Jeldwen	Airgas	55	55
Airgas	Woodbridge	50	50
Woodbridge	Cowboy Church	60	60
Cowboy Church	City Limits	70	65

The school zone times and speed limits will remain unchanged. There was no one else to speak to the issue. Councilman Oxford moved to adopt the ordinance on the second and final reading. Councilman Taylor seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2589 A CITY INITIATED REZONING REQUEST TO REZONE PROPERTY LOCATED AT 503, 519, AND 527 OAK AVENUE AND 602 GILMER STREET, BEING FURTHER DESCRIBED AS LOTS 1A, 1B, 2AA, 2B, 2C, 3, AND 3A OF BLOCK 40-2, FROM MULTIPLE FAMILY (MF) TO PROFESSIONAL OFFICE (PO)**

On October 18, 2010, the Planning and Zoning Commission approved a zone change request for property located at 513 Oak Avenue from Multiple Family to Professional Office. This request is to rezone the property abutting 513 Oak Avenue to Professional Office to accommodate business development in the area. This area is shown on the Land Use Plan to be used for commercial development. Changing the zoning of this property will help to begin that process. Councilman Oxford asked if this zone change request was by the owner and was informed that it is considered a City initiated request but the owner desires this zone change as well. There was no one else to speak to the

issue. Councilman Brown moved to approve the ordinance on the first reading. Councilman Walker seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2590 ESTABLISHING MAXIMUM, REASONABLE AND PRUDENT RATES OF SPEED FOR CERTAIN PORTIONS OF STATE HIGHWAY 11 BETWEEN STATE HIGHWAY 19 AND STATE HIGHWAY 154**

This ordinance reduces the existing speed limits on the new State Highway 11 Bypass by 10 mph. It sets the speed limit at 35 mph from State Highway 154 to just west of Holiday Drive. There it would change to 50 mph all the way to State Highway 19. These speed limits are proposed by the Texas Department of Transportation as a result of the traffic survey requested by the City Council. There was some discussion about signage and changes that may occur when school starts once the Middle School is completed. There was no one else to speak to the issue. Councilman Brown moved to approve the ordinance on the first reading. Councilman Oxford seconded and the vote was unanimous.

**The motion carried.**

**DISCUSSION/ACTION ON RESOLUTION NO. 1003 AUTHORIZING SUBMISSION OF REQUEST TO BECOME A RESERVATION SYSTEM PARTICIPANT TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR HOME FUNDS**

Under the current HOME grant program the City must apply first for grant funding. If approved for funds, we must then find qualified applicants to receive the funding until we run out of funding for that year. Once the funds are spent our program is over until we are approved for funding in subsequent years. There is no guarantee that the City will be approved for funding in any year and each year requires a new application. The reservation system is different. Once we are in the program there is no need for reapplication. Funds are simply reserved for the City and we can access those funds (when and if they are available) when we have a qualified homeowner. This will substantially simplify the process. Rachel Edwards, Resource Management & Consulting Co., is our consultant for this project and was available to answer questions about this process. There was a brief discussion regarding this issue. There was no one else to speak to the issue. Councilman Oxford moved to approve the resolution as presented. Councilman Aguilar seconded and the vote was unanimous.

**The motion carried.**

**READ, AS A MATTER OF RECORD, THE LIST OF RECIPIENTS ELIGIBLE TO RECEIVE ASSISTANCE THROUGH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS HOME PROGRAM CONTRACT NO. 1001152 OWNER-OCCUPIED HOUSING ASSISTANCE**

Texas Department of Housing and Community Affairs HOME program is for applicants who meet the following eligibility criteria:

- Individual must reside in the City Limits
- Own their home with a clear and marketable title
- Live in a substandard home
- Be current on property taxes
- Be willing to relocate during the demolition and reconstruction
- Make their own arrangements to relocate
- Be below 30% or 50% of the area median income
- Remain eligible throughout the application process

The following applicants appear to be eligible based on the information they have provided to the HOME Program. The applicants must remain eligible throughout the application process:

- Ricardo and Maria Contrera- 819 Carter St., Sulphur Springs, TX 75482
- Georgia Brooks- 308 W. Beckham St., Sulphur Springs, TX 75482
- Mozelle Williams (Lewis)- 500 Lamar St., Sulphur Springs, TX 75482
- Rebecca Barela- 108 Mark St., Sulphur Springs, TX 75482
- Phillip Coyle- 205 Maxwell St., Sulphur Springs, TX 75482
- Kathleen Bandy- 1114 Fisher St., Sulphur Springs, TX 75482

**DISCUSSION/ACTION ON RESOLUTION NO. 1004 DEVELOPING AND ADOPTING THE SULPHUR SPRINGS BEAUTIFICATION AWARD PROGRAM**

This program has been developed to recognize individuals and businesses that display improvement in outstanding pride of ownership, landscaping and attentive maintenance of buildings as well as other structures. There was a general discussion about funding and the committee selection. There was no one else to speak to the issue. Mayor Pro Tem Johnson moved to approve the resolution as submitted and to place the City's level of funding participation and the committee selection to the January 2011 agenda. Councilman Walker seconded and the vote was as follows:

Ayes: Johnson, Walker, Aguilar, Taylor, Brown,  
Nays: Oxford  
Abstain: None

**The motion carried.**

**DISCUSSION/ACTION ON SPECIFIC USE PERMIT REQUEST FOR 326 EAST INDUSTRIAL DRIVE**

Dean Falls has made application for a Specific Use Permit for the purpose of selling alcoholic beverages. Director of Community Development Johnny Vance was available to answer questions and present the staff report. The facility is located at 326 East Industrial Drive and is zoned Heavy Commercial which meets the requirements to apply for a Specific Use Permit. Dean Falls was available to answer any questions. Councilman Oxford quoted statistics from U.S. News and World Reports regarding teen driver deaths due to alcohol and rankings from various states. Councilman Brown asked City Attorney Larry Friday if the application process was complete and if there were any legal grounds to deny this request. Mr. Friday said there were no grounds to deny the request. Mayor Pro Tem Johnson asked Mr. Falls what his restaurant would be called and what he planned to serve. Mr. Falls said the place will be called Dean's Kitchen and they plan to serve slow cooked barbeque. There was no one else to speak to the issue. Councilman Aguilar made a motion to approve the Specific Use Permit request. Councilman Brown seconded and the vote was as follows:

Ayes: Aguilar, Brown, Walker, Johnson  
Nays: Oxford, Taylor  
Abstain: None

**The motion carried.**

**VISITORS/PUBLIC FORUM**

Harry Tyson thanked City Manager Maxwell and Director of Community Development Johnny Vance for the improvements to Houston Street. He stated there are many noisy vehicles, especially those with loud mufflers, that travel Houston Street and he would like for the City to enforce the existing laws against noise.

Wilford Pobursky addressed the City Council regarding growth in Sulphur Springs. He also stated Councilman Oxford had some good comments and that he would look into it. He congratulated Councilman Brown on winning the race for Hopkins County Judge.

**ADJOURN**

With all business complete the meeting was adjourned at 7:42 p.m.