

CITY OF SULPHUR SPRINGS, TEXAS

REGULAR MEETING OF THE

CITY COUNCIL

JULY 6, 2010

7:00 p.m.

Mayor Spraggins called the regular meeting of the Sulphur Springs City Council to order at 7:05 p.m. The following council members and staff were present:

Mayor Gary Spraggins
Councilman Clay Walker
Councilman Freddie Taylor
Councilman Chris Brown
Councilman Charles Oxford

Absent: Mayor Pro Tem Craig Johnson
Councilman Oscar Aguilar

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
Craig Vaughn, Director of Utilities
Jim Bayuk, Police Chief
Harold McClure, Sergeant/Police Dept./S.C.U.
Phyllis Rogers, Municipal Court Judge

PLEDGE AND INVOCATION

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

OATH OF OFFICE WILL BE GIVEN TO COUNCILMAN FREDDIE TAYLOR

The Oath of Office was given to Councilman Freddie Taylor by City Secretary Gale Roberts.

MANAGER'S REPORT

HOUSTON STREET - Water and sewer improvements are completed all the way to League Street. The Capital Construction Division is now constructing the underground drainage system between Sunset Street and League Street. The concrete street and sidewalks will be constructed from Sunset to League after the drainage improvements are completed. This will complete Phase II of the Houston Street project. After that crews will start on the third and final phase, Church to Jackson.

MUNICIPAL AIRPORT - The taxiway reconstruction is completed. The runway reconstruction project is underway. Austin Road and Bridge is the contractor. This \$3.7 million project is 90% grant funded. Expect the runway to be completed this fall.

CONNALLY STREET - Work is progressing quickly on Connally Street. The street concrete work is 2/3 completed. The brick seat-walls are completed. Expect sidewalk construction soon. We are still expecting to be completed in September.

CLAIMS – We had one minor worker's compensation claim in June for a police officer who was stuck with an uncapped needle. The officer was treated and released for duty.

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

MISCELLANEOUS – Elsewhere around the City, employees:

- Sold 1,963 gallons of jet fuel and 1,491 gallons of aviation gas.
- Conducted summer reading program for 160 children.
- Responded to 86 fire/rescue calls.
- Conducted 56 fire inspections.
- Performed preventative maintenance on 114 fire hydrants including 3 structure fires.
- Completed Visitors' Guide and distributed 4,700 copies.
- Made 6 street repairs following Atmos utility repairs.
- Abated 3 sub-standard structures, two by owner-demolition, and one by owner rehab.
- Conducted 25 health inspections and 70 public nuisance inspections.
- Conducted 29 building inspections, 35 electrical inspections, 36 plumbing inspections, 21 mechanical inspections, 16 miscellaneous inspections and issued 10 building permits.
- Installed a roof over the new animal shelter incinerator.
- Repaired the sludge press at the wastewater treatment plant.
- Repaired runway lights at the municipal airport.
- Repaired the airport gate.
- Repaired 12 water breaks.

- Installed 6 water taps.
- Replaced 20 water meters.
- Raised 10 valve stands.
- Unstopped 25 sewer mains.
- Repaired 2 sewer mains and 5 service laterals.
- Washed and vacuumed sewer mains in segments 16 and 17 for a total of 83,000 linear feet.
- Repaired #2 tertiary filter at wastewater treatment plant.
- Passed TCEQ inspection of water treatment plant and wastewater treatment plant and an EPA inspection of our airport fuel farm with flying colors.
- Treated wastewater to a daily average total suspended solids count of 2.41mg/L (parts per million), well within our allowable limits of 12 mg/L.
- Lowered the level of Lake Sulphur Springs 2 feet to assist with runway construction, and discovered a void in the dam. The same engineering firm that designed the dam is evaluation the problem and potential solutions.
- Flushed 39 dead end water mains.
- Repaired #2 raw water pump at Cooper Lake Pump Station.
- Calibrated all flowmeters and level transmitters at water treatment plant and water towers.
- Processed 707 tickets through municipal court.
- Treated 154 million gallons of drinking water.
- Prepared the ball fields for a state tournament.
- Responded to 242 animal control calls and achieved an animal adoption rate of 84%.
- Attended police training on SWAT, supervising, cultural diversity, and firearms training.
- Executed a high-risk search warrant (SWAT) for Rains County Sheriffs Department.
- Made 4 felony arrests in the special crimes unit and seized 448 grams of methamphetamine.
- Wrote 582 traffic tickets, made 67 arrests, responded to 49 accidents and recorded 56 offenses.

CONSENT AGENDA

The following items on the Consent Agenda were reviewed: Consider for approval the regular City Council meeting minutes of June 1, 2010; the Planning and Zoning Commission meetings minutes of June 21, 2010; the Economic Development Corporation meeting minutes of May 24, 2010; and the Economic Development Corporation special meeting minutes of June 21, 2010. There was no one to speak to the issue. Councilman Brown moved to approve the consent agenda as presented. Councilman Oxford seconded the motion and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO.2574 ESTABLISHING REASONABLE AND PRUDENT RATES OF SPEED ON CERTAIN PORTIONS OF STATE HIGHWAY 11

City Manager Marc Maxwell told the City Council that there was an error on the ordinance but not the map submitted by the Texas Department of Transportation. Therefore an amended ordinance was at their respective places for their review. Councilman Brown requested additional signage or a signal for the intersection of State Highway 11 bypass and Arbala Road. The new Area Engineer for Texas Department of Transportation (TxDOT), Brad Martin, reiterated that the construction has not been completed but a traffic study will probably be conducted. There was no one else to speak to the issue. Councilman Taylor moved to approve the amended ordinance on the first reading. Councilman Walker seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON THE FIRST READING OF ORDINANCE NO. 2575 PROHIBITING THE SALE OR DELIVERY OF RESTRICTED SMOKING MATERIALS TO INDIVIDUALS BELOW THE AGE OF TWENTY-ONE (21); PROHIBITING THE SALE WITHIN 1,000 FEET OF PROTECTED AREAS; MATERIALS SUBJECT TO THIS REGULATION SHALL BE THOSE SUBSTANCES KNOWN AS SYNTHETIC CANNABINOIDS OR SALVIA DIVINORUM; PROVIDING A REPEALING CLAUSE; PROVIDING FOR PENALTY; AND PROVIDING FOR AN EFFECTIVE DATE

The City Manager apologized because this issue surfaced so quickly there was no time to create an agenda cover sheet for the City Council packets. He went on to say that there is a new synthetic marijuana which is several times more potent than marijuana. It is absolutely legal to buy anywhere in the United States of America and it is being sold in Sulphur Springs, Texas. The City of Mansfield, Texas, recently passed an ordinance outlawing the sale of this synthetic marijuana. Our state legislature can't outlaw synthetic marijuana until they are in session next spring. A draft ordinance for the City of Sulphur Springs was in the City Council packets. The draft ordinance was one that had been based from the one the City of Mansfield adopted. At this time Sergeant Harold McClure of the Sulphur Springs Police Department made a presentation to the City Council which included information from the City of Mansfield as well as the Mansfield and Allen Police Departments, Texas Police Chief's Association, and various other sources. Sergeant McClure explained the effects of K2 and Salvia Divinorum, explained the herbal compounds, listed various product names and gave the current cost per gram. He also talked about the symptoms and stated that this synthetic marijuana is much more dangerous than marijuana. Dr. Lavelle Hendricks, who has also written a book about this issue, addressed the City Council stating that thirty percent (30%) of users are under the

age of 20 in the State of Texas. It is the desire of Dr. Hendricks to see this drug completely banned in the City of Sulphur Springs, Texas. A general discussion followed with a general consensus the endeavor, to ban the product completely, would be too expensive. There was also a general discussion about required and requested changes to the ordinance. There was no one else to speak to the issue. Councilman Walker moved to approve the ordinance on the first reading with the requirement that the City Attorney make the necessary and required changes before the second reading. Councilman Brown seconded and the vote was unanimous.

The motion carried.

DISCUSSION ON RESOLUTION NO. 997 SUPPORTING THE TEXAS DEPARTMENT OF TRANSPORTATION'S PROPOSAL TO REROUTE A SECTION OF STATE HIGHWAY 11 FROM ITS CURRENT COURSE THROUGH TOWN TO AN ALIGNMENT RUNNING ALONG THE APPROXIMATE SOUTHWESTERN BOUNDARY OF THE CITY OF SULPHUR SPRINGS, TEXAS

City Manager Maxwell explained that years ago when TxDOT, Hopkins County, and the City of Sulphur Springs decided to build the State Highway 11 bypass it was agreed that TxDOT would construct the Highway, Hopkins County would purchase the right-of-way and move any gas and electric utilities, and the City would move water and sewer utilities. It was also agreed that the City would assume ownership and maintenance of the existing State Highway 11 route, namely Connally Street, Houston Street, and the portion of League that connects Houston and Connally Streets. Now that the new bypass is open TxDOT would like to officially redesignate State Highway 11. This resolution expresses the City Council's support for the new route. Councilman Walker reiterated that the portion the City would now be responsible for would include Connally Street from Davis Street to Buford Park, League Street North to Houston Street, and Houston Street west to the light at Highway 19. There was no one else to speak to the issue. Councilman Taylor moved to approve the resolution as presented. Councilman Oxford seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FINAL REPLAT OF LOT 7-02 OF BLOCK 127, A REQUEST BY OWNERS SCOTT HEMBY AND REECE BOOHER TO REPLAT PROPERTY LOCATED ON THE EAST SIDE OF HIGHWAY 19 (ALSO KNOWN AS NORTH HILLCREST) AND NORTH OF HIGHWAY 11, BEING FURTHER DESCRIBED AS LOT 7-02 OF BLOCK 127 INTO TWO LOTS

Johnny Vance, Director of Community Development, presented the staff report. This property will share an access driveway. There is existing water along Highway 19 frontage but there is no sewer available in this area. The east side of this plat has an

unused R.O.W. Since no improvements are planned along the unused R.O.W. a note will be added stating “No Access – Substandard Street”. Septic tanks will require county approval when installed. There was no one else to speak to the issue. Councilman Brown moved to approve the replat. Councilman Oxford seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FINAL PLAT OF FBC CAMPUS ADDITION, A REQUEST BY OWNER FIRST BAPTIST CHURCH OF SULPHUR SPRINGS, TEXAS, TO REPLAT PROPERTY LOCATED ON THE EAST SIDE OF GILMER STREET, SOUTH SIDE OF TOMLINSON STREET, SOUTH SIDE OF COLLEGE STREET, AND WEST SIDE OF BOOMER RAILROAD SPUR, BEING FURTHER DESCRIBED AS LOT 1-A, PART OF LOT 1-B, LOTS 2, 4-A, 6-A, 4, 5, AND 8 OF BLOCK 37, LOTS 1-A, 1-B, AND 1-E OF BLOCK 38, LOTS 1, 1-A, 1-10, 2, 11, 12, 13, 15, 16, 17, 20, AND 22 OF BLOCK 44, AND LOTS 1-A, 1-B, 1-C, 1-D, 2-A, AND 2-B OF BLOCK 45 TO COMBINE ABOVE LOTS INTO ONE TRACT

Johnny Vance, Director of Community Development presented the staff report. This plat covers over nine and one-half acres in Original Town and identifies the First Baptist Church campus at 116 Oak Avenue. Infrastructure such as streets and utilities are in place but do not meet subdivision standards. No infrastructure improvements are proposed and no additional R.O.W. is being dedicated. The existing structure which is located at College Street and Oak Avenue currently encroaches the setback requirement of twenty-five feet. The area along Town Branch is, for the most part, in a flood plain and contains a city sewer outfall line approximately thirty feet off of Town Branch. Staff has requested a forty-foot strip of land be designated as a drainage and utility easement to encompass the Town Branch drainage and the outfall sewer line. There was no one to speak to the issue. Councilman Oxford moved to approve the plat as presented. Councilman Taylor seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON BIDS AND AWARD OF PROPOSAL FOR THE BRIGHT STAR CENTER

On June 30, 2010 at 2:00 p.m. staff conducted a public bid opening for the construction of the Bright Star Center. The lowest bid submitted was for \$931,809.00. It is the staff recommendation to reject any and all bids due to lack of funding at this time. There was no one else to speak to the issue. Councilman Taylor moved to reject all bids. Councilman Oxford seconded and the vote was unanimous.

The motion carried.

VISITORS/PUBLIC FORUM

Sonia Clayton, 3645 FM 2297, addressed the City Council expressing her concerns over the intersection of Arbala Road and the new State Highway 11 bypass. She had already spoken with the TxDOT Area Engineer Brad Martin but wanted the City Council to be aware that it is a very dangerous intersection.

Lyn Russell, 4612 FM 269, Pickton, Texas, addressed the City Council regarding the Municipal Court Judge. Mrs. Russell stated the judge had spoken out of turn and should be ethically sound and hear both sides prior to her response. She stated the judge had apologized to her but she wanted the City Council to know about this incident. City Manager Maxwell explained that the City Council can not interact since this is not an agenda item. City Manager Maxwell added that he did not know what happened or the details of this event but spoke in defense of Judge Rogers. He stated this is only the second complaint he has ever received on Judge Rogers in all the many, many years she has been employed by the City of Sulphur Springs. He added that had not always been the case with previous Municipal Court Judges.

Gordon Frazier, 871 FM 2297, addressed the City Council with his concerns for the intersection at Arbala Road and the new State Highway 11 bypass. He stated it is a very dangerous intersection and he doesn't want to be one the one to prove that point. He would like for TxDOT to expedite the study for the intersection.

ADJOURN

With all business complete the meeting was adjourned at 8:07 p.m.