CITY OF SULPHUR SPRINGS, TEXAS

REGULAR MEETING OF THE

CITY COUNCIL

MARCH 2, 2010

7:30 p.m.

Mayor Spraggins called the regular meeting of the Sulphur Springs City Council to order at 7:35 p.m. The following council members and staff were present:

Mayor Gary Spraggins
Councilman Craig Johnson
Councilman Clay Walker
Councilman Oscar Aguilar
Councilman Freddie Taylor

Absent: Mayor Pro Tem Chris Brown
Councilman Charles Oxford

Staff: Marc Maxwell, City Manager
       Gale Roberts, City Secretary
       Jim McLeroy, City Attorney
       Gordon Frazier, Director of Human Resources
       Johnny Vance, Director of Community Development
       Peter Karstens, Director of Finance
       Jim Bayuk, Chief of Police
       Norman Colyer, Police Department Captain

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

MANAGER’S REPORT
ANIMAL SHELTER - At the 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. We have purchased and received most of the supplies. We should receive the actual euthanasia drug within the next few days. After that we will remove the carbon monoxide chamber and begin euthanasia by lethal injection.
HOUSTON STREET - Phase II of the Houston Street project has progressed to Sunset Street with water and sewer improvements. As for street construction, we are held up at the intersection of Houston and Locust. An Atmos gas line is in the way, and we need them to relocate it before we can continue.

CONNALLY STREET - I am still not sure when we will be able to begin on the Connally Street improvements. In January the Hopkins County Commissioners’ Court tabled an item to approve the Tax Increment Reinvestment Zone #1 (TIRZ) Project Plan and Financing Plan. At this point the Project and Financing Plans have not been placed on a Commissioners’ Court agenda. The Project Plan and Financing Plan is the controlling document for the TIRZ. Until the Commissioners approve the document we should not proceed any further.

CLAIMS - We did not receive any workers’ compensation claims in February.

We received two liability claims in February. One claim is the result of a sewer blockage and overflow into a residence. Another claim is the result of a collision last August. A city vehicle backed into a Verizon bucket truck. The operator of the truck was in the bucket at the time. He is claiming to have been injured in the incident. Both claims have been submitted to the TML Intergovernmental Risk Pool.

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

MISCELLANEOUS – Elsewhere around the City, employees:
  o Removed dead trees from Coleman Park.
  o Removed fallen limbs from all parks.
  o Prepared for Kids Fishing day at Peavine Pinion Lake.
  o Replaced vandalized toilets in several restrooms.
  o Repaired tennis nets.
  o Received police training in the areas of methamphetamine lab investigation, homeland security and tornado spotting.
  o Received 5 new patrol cars.
  o Wrote 599 citations, made 66 arrests, recorded 60 offenses, and responded to 42 accidents.
  o Treated 101 million gallons of drinking water.
  o Performed preventative maintenance on multiple apparatuses at the water treatment plant.
  o Checked out 4,898 books.
  o Made preparations for centennial library celebration.
  o Opened bids for the runway construction project.
- Sold 5,984 gallons of JetA fuel and 1,020 gallons of AvGas.
- Cooperated with Crappie USA on a crappie tournament at Lake Fork and a crappie rodeo for kids at Coleman Lake.
- Processed 621 tickets through Municipal Court.
- Responded to 173 animal control calls.
- Received 32 dogs and cats at the shelter, returned 2 to their owners and found homes for 24 more for an 80% adoption rate.
- Responded to 94 fire/rescue calls including 3 structure fires.
- Made 42 fire inspections.
- Performed preventative maintenance on 60 hydrants.
- Made 11 street repairs following utility repairs.
- Made a futile effort to patch numerous potholes.
- Conducted 35 health inspections and 35 public nuisance inspections.
- Conducted 30 building inspections, 55 electrical inspections, 58 plumbing inspections, 29 mechanical inspections, and issued 22 building permits.
- Began moving electrical services for Connally Street building to the rear of buildings.
- Repaired #3 tertiary filter at the wastewater treatment plant.
- Repaired 5 water main ruptures and installed 2 new water taps.
- Repaired 2 water services and replaced 6 water meters.
- Unstopped 34 sewer mains and cleaned 81,000 feet of sewer mains.
- Repaired 6 sewer services.
- Hauled 585 loads of sludge to the landfill.
- Treated wastewater to a daily average total suspended solids count of 4.67 mg/L.

CONSENT AGENDA
The following items on the Consent Agenda were reviewed: Consider for approval the regular City Council meeting minutes of February 2, 2010; the Planning and Zoning Commission meeting minutes of February 15, 2010; the Tourism and Promotion Board meeting minutes of December 9, 2009; the Downtown Revitalization Board meeting minutes of February 18, 2010; and the Economic Development Corporation meeting minutes of January 25, 2010. There was no one to speak to the issue. Councilman Taylor moved to approve the consent agenda as presented. Councilman Aguilar seconded the motion and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FIRST 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). Dale McMahan addressed the City Council and spoke in favor of his request.
Cynthia Loftis addressed the City Council and spoke in opposition of the zone change
request. A general discussion was conducted. There was no one else to speak to the
issue. Mayor Spraggins moved to approve the ordinance on the first reading. Councilman Aguilar seconded and the vote was as follows:

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

The motion carried.

DISCUSSION/ACTION ON THE FINAL PLAT OF THE SSISD MIDDLE
SCHOOL ADDITION, A REQUEST BY SSISD AND SUPERINTENDENT PATSY
BOLTON TO REPLAT PROPERTY LOCATED ON THE SOUTH SIDE OF S.H.11 AND THE EAST SIDE OF COUNTY ROAD 1101 BETWEEN S.H.19 AND FM 2297, BEING FURTHER DESCRIBED AS TRACT 231 OF ABSTRACT 1102, INTO LOT 1 OF BLOCK 1 OF THE SSISD MIDDLE SCHOOL ADDITION
The Director of Community Development, Johnny Vance, presented the staff report. The
SSISD proposes to plat approximately 32 acres for the new Middle School. The staff
recommendation is to approve the plat contingent upon the execution of a Community
Facilities Contract and approved offsite utilities plans with the stipulations that the 8”
sewer is increased to 12” and extended across frontage, and the addition of the “no access
until roads are developed to City standards” note on the plat. The SSISD Superintendent,
Patsy Bolton, addressed the City Council answering their questions and speaking in favor
of the final plat. There was no one else to speak to the issue. Councilman Taylor moved
to approve the final plat with the staff recommendations as stated. Councilman Johnson
seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON BIDS AND AWARD OF CONTRACT FOR
ADMINISTRATIVE SERVICES FOR THE TEXAS DEPARTMENT OF
HOUSING AND COMMUNITY AFFAIRS (TDHCA) HOME PROGRAM GRANT
The only bid received was from Resource Management & Consulting Company. The
total amount of the fee for administering the HOME grant program is $17,307.00.
Charles Edwards of the Resource Management & Consulting Company was available to answer any questions. There was no one else to speak to the issue. Councilman Taylor moved to accept the bid and award the contract for administering the HOME grant program to Resource Management & Consulting Company. Councilman Johnson seconded and the vote was unanimous.

The motion carried.

**DISCUSSION/ACTION ON RESOLUTION NO. 991 AUTHORIZING RESOURCE MANAGEMENT & CONSULTING COMPANY TO PREPARE AN APPLICATION TO THE TEXAS DEPARTMENT OF RURAL AFFAIRS (TDRA) FOR A 2011/2012 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT**

This resolution authorizes Resource Management & Consulting Company to prepare an application on behalf of the city of Sulphur Springs to submit to the Texas Department of Rural Affairs for a 2011/2012 Texas Community Development Block Grant. Charles Edwards of the Resource Management & Consulting Company was available to answer any questions. There was no one to speak to the issue. Councilman Taylor moved to approve the resolution as presented. Councilman Aguilar seconded and the vote was unanimous.

The motion carried.

**DISCUSSION/ACTION ON RESOLUTION NO. 992 AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH HOPKINS COUNTY FOR THE PURPOSE OF LEASING STATE MANDATED ELECTRONIC VOTING EQUIPMENT FOR EARLY VOTING AND ELECTION DAY**

The City of Sulphur Springs requested pre-clearance prior to the 2006 election from the Department of Justice to change our election procedures to include the DRE’s that are mandated by the Texas Secretary of State to comply with the requirements of Section 301(a)(3)(B) of the Help America Vote Act. The City of Sulphur Springs must use the DRE equipment in our elections. We will continue to use paper ballots and hand count as well. This change is not designed nor will it have an adverse effect upon minority citizens residing within the city limits. All calculations in the agreement are based on all three entities conducting an election. The electronic voting equipment has been very popular with the voters in the past. In an effort to better serve the public the calculations in this agreement are for two electronic voting units, one with a “DAU” (disabled access unit) and one without. This is the cost for leasing the equipment from Hopkins County only and does not include other costs involved with this election or the possibility of a run-off election. This agreement will not be necessary in the event there is no election conducted. There was no one to speak to the issue. Councilman Johnson moved to
approve the resolution as presented. Councilman Walker seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 993 SUPPORTING THE APPLICATION OF GRANT FUNDING FOR A SPECIAL CRIMES UNIT FROM THE JUSTICE ASSISTANCE GRANT FOR THE 2010/2011 GRANT YEAR
This is an application that will be submitted to the Governor’s Office in the amount of $307,828 to fully fund the Special Crimes Unit. The City of Sulphur Springs finds it in the best interest its citizens that the Special Crimes Unit be continued for the 2010/2011 grant year. Chief Jim Bayuk was available to answer any questions. Councilman Taylor asked if the same team would be employed and Chief Bayuk told him that was correct. There was no one else to speak to the issue. Councilman Taylor moved to approve the resolution as presented. Councilman Johnson seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON CORRECTION OF REPORT REGARDING TRAFFIC STOPS AND ARRESTS
This is an amendment to the Annual Report regarding traffic stops and arrests correcting the number of arrests made as a result of traffic stops. Chief Bayuk spoke to the issue apologizing for the error and that it would not happen again. There was no one else to speak to the issue. Councilman Johnson moved to accept the corrected report. Councilman Taylor seconded and the vote was unanimous.

The motion carried.

VISITORS/PUBLIC FORUM
Art Romanat stated he was just visiting and was interested to see what material would be covered at the meeting.

AN EXECUTIVE SESSION WILL BE HELD IN ACCORDANCE WITH TEXAS GOVERNMENT CODE 551.071, CONSULTATION WITH ATTORNEY REGARDING PENDING LITIGATION
Councilman Taylor moved to adjourn into executive session in accordance with Texas Government Code 551.071, Consultation with Attorney regarding pending litigation. Councilman Aguilar seconded and the vote was unanimous. The Mayor stated the time was 8:08 p.m.

The motion carried.
OPEN SESSION
The Mayor reconvened the meeting at 8:31 p.m.

The Director of Finance, Peter Karstens, suggested a workshop or meeting be conducted prior to the regular City Council meeting of April 6, 2010 regarding the downtown design.

ADJOURN
With all business complete the meeting was adjourned at 8:33 p.m.