

CITY OF SULPHUR SPRINGS, TEXAS

**REGULAR MEETING OF THE
CITY COUNCIL**

FEBRUARY 1, 2011

7:00 p.m.

Mayor Gary Spraggins called the regular meeting of the Sulphur Springs City Council to order at 6:06 p.m. Councilman Oxford 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 Gary Spraggins
Councilman Clay Walker
Councilman Oscar Aguilar - 7PM
Councilman Freddie Taylor
Councilwoman Kayla Price
Councilman Charles Oxford

Absent: Mayor Pro Tem Craig Johnson

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

OPEN SESSION

Mayor Spraggins reconvened the meeting in open session at 7:01 p.m.

PLEDGE AND INVOCATION

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

OATH OF OFFICE TO BE ADMINISTERED TO KAYLA PRICE

City Secretary Roberts administered the Oath of Office to Kayla Price. Ms. Price was appointed by the City Council to fulfill the vacated term of Chris Brown.

MANAGER’S REPORT

The Manager’s Report was not presented as inclement weather had caused many delays and closings around the City. Consequently, departmental reports were not submitted in a timely fashion and the City Manager could not assimilate his report. Also, there was no financial report presented by Mr. Karstens as it was the first day of the month and data had not been submitted.

CONSENT AGENDA

The following items on the Consent Agenda were reviewed: Consider for approval the regular City Council meeting minutes of January 4, 2011; the Downtown Revitalization Board meeting minutes of January 18, 2011; and the Economic Development Corporation meeting minutes of November 22 and December 27, 2010. There was no one to speak to the issue. Councilman Taylor moved to approve the consent agenda as presented. Councilman Oxford seconded the motion and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON SECOND AND FINAL READING OF ORDINANCE NO. 2588 ESTABLISHING AN APPLICATION FOR A FLOODPLAIN DEVELOPMENT PERMIT, WHICH SHALL BE PRESENTED TO THE FLOOD PLAIN ADMINISTRATOR FOR APPROVAL PURSUANT TO THE RULES AND REGULATIONS SET FORTH IN PARAGRAPH 60.3 (d) OF THE NATIONAL FLOOD INSURANCE PROGRAM AND BEING GUIDED BY THE REGULATIONS OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE

This ordinance adopts the New Flood Maps which have been prepared by the Federal Emergency Management Agency (FEMA) through a five-year map modernization program. The mapping program added the newly annexed City Limits but did not change the map. This is an update of the Flood Insurance Rate Maps (FIRMs) to produce GIS-Based Digital Firms or DFIRMs. The ordinance is required by FEMA and includes some updated terms and definitions. The last ordinance was passed in 1989. The new ordinance proposes changing the finished floor requirement from one foot or more above the Base Flood Elevation (BFE) to two feet. 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 RESOLUTION NO. 1005 SUSPENDING THE FEBRUARY 14, 2011, EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY COMPANY'S REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATIONS AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE

The resolution suspends the February 14, 2011 effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with the Steering Committee of Cities Served by Oncor, to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue. The law provides that a rate request made by an electric utility cannot become effective until at least 35 days following the filing of the application to change rates. The law permits the City to suspend the rate change for 90 days after the date the rate change would otherwise be effective. There was no one else to speak to the issue. Councilman Oxford moved to pass and approve the resolution. Councilman Aguilar seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1006 CALLING FOR ELECTION FOR PLACES 6 AND 7, NAMING ELECTION JUDGES, AND SETTING DATES FOR EARLY VOTING

(La discusión/acción en la Resolución el numero 1006(S) pidiendo la elección coloca 6 y 7, llamando a jueces de elección, y poniendo fechas para la votación temprana.)

Resolution No. 1006 calls for a City Council election for places 6 and 7 to be held Saturday, May 14, 2011. The resolution also sets the dates for making application for place on the ballot, for early voting, and for mail ballot deadlines as well as naming the Early Voting election clerk and voting judge. There was no one else to speak to the issue. Councilman Taylor moved to pass and approve the resolution as presented. Councilwoman Price seconded and the vote was unanimous.

Resolución el numero 1006(S) ordeno para una elección de ayuntamiento para sitios 6 y 7 ser sostenida el sábado el día 14 de Mayo 2011. La resolución también pone las fechas para hacer la aplicación para el lugar en las votaciones, para la votación temprana, y durante fecha limites de votación de correo así como nombramiento del oficinista de elección de votación temprano y el juez de votación. No había más para hablar a la

cuestión. El concejal Taylor se movió para aprobar la resolución como presentado. El concejal Price estuvo de acuerdo y el voto era unánime.

The motion carried.

DISCUSSION/ACTION ON PRO RATA CONTRACT FOR WATER MAIN WITH THE SULPHUR SPRINGS INDEPENDENT SCHOOL DISTRICT

Section 15, Paragraph of the Community Facilities Policies of the Development Management Manual of the City of Sulphur Springs, Texas, provides for a refund to eligible developers who participate in the cost of an “approach main” for either water or sanitary sewer, as defined by the Development Management Manual. It would exist for a period of ten years after completion. A developer is eligible for refunds equal to, but no greater than, 100% of his participation in the cost of the approach main, based on criteria recommended by the City Manager. Sulphur Springs Independent School District (SSISD), herein after called “Developer” on or about January 2011, provided compensation for construction of an approach main from Arbala Road to the West along the North right-of-way of West Posey Lane (Highway 11 bypass) and along the east right-of-way of Highway 19 including 16,891 feet of property frontage on both sides of Posey Lane (highway 11) and Highway 19, for the purpose of providing water services. The developer is deemed eligible for a refund for the ten year period from January 2011 through January 2021, when and if other users connect to the approach water main. The City of Sulphur Springs deems developer as being eligible for a refund in an amount not to exceed \$1,052,867. Any funds collected by the City that remain uncollected by the developer for one year after the ten-year refund, shall become the property of the City. There was no one else to speak to the issue. Councilman Taylor moved to approve the contract as presented. Councilwoman Price seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON BOARD APPOINTMENT TO THE PLANNING AND ZONING COMMISSION

The appointment of Kayla Price to the City Council left a vacancy on the Planning and Zoning Commission. Councilwoman Price moved to appoint Cody Stewart to serve on the Planning and Zoning Commission. Councilman Taylor seconded. Mayor Spraggins commented that he thought Mr. Stewart would serve the community well. There was no one else to speak to the issue. The vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON BOARD APPOINTMENT TO THE ARK-TEX COUNCIL OF GOVERNMENTS

Chris Brown was one of three representatives for the City of Sulphur Springs on the Ark-Tex Council of Governments Board. He no longer serves on the City Council as he is now serving in the elected position of Hopkins County Judge which creates a vacancy for the City on this board. Mayor Spraggins moved to appoint Councilman Oxford to the Ark-Tex Council of Governments Board. Councilman Taylor seconded. Councilman Oxford said he had previously attending meetings and was very interested in serving in this capacity. There was no one else to speak to the issue. The vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON BOARD APPOINTMENT TO THE TAX INCREMENT FINANCING REINVESTMENT ZONE #1 BOARD OF DIRECTORS

The City of Sulphur Springs appoints three representatives to this board every other year. The representatives were Gary Spraggins, Oscar Aguilar, and Chris Brown. Gary Spraggins and Oscar Aguilar are willing to continue serving on this board. Since Chris Brown is no longer on the City Council, another member must be appointed to fulfill this vacancy. There was no one else to speak to the issue. Mayor Spraggins moved to appoint himself, Oscar Aguilar, and Kayla Price to serve on the board. Councilman Taylor seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON APPOINTMENT OF CHAIRMAN TO THE TAX INCREMENT FINANCING REINVESTMENT ZONE #1 BOARD OF DIRECTORS

Each year the City Council of the City of Sulphur Springs appoints the chairman to this committee. There was no one to speak to the issue. Councilman Aguilar move to appoint Councilwoman Price as chairperson to this board. Councilman Taylor seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON REPORT REGARDING TRAFFIC STOPS AND ARRESTS

In accordance with Article 2.134(b) of the Texas Code of Criminal Procedures all law enforcement agencies must submit information collected under Article 2.133, Code of Criminal Procedure, to the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE). Chief of Police Jim Bayuk presented the staff report. There was a general discussion and Chief Bayuk answered a few questions. The Police

Department received several compliments by members of the City Council. There was no one else to speak to the issue. Councilman Taylor moved to approve the report as presented. Councilman Walker seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON APPROVAL OF ENVIRONMENTAL ENGINEERING CONSULTANT TO OVERSEE THE BROWNFIELD CLEANUP

There were three firms which responded to the “Request for Qualifications” including Terracon, Eco Systems and Brady Services. The selection grading committee consisted of Johnny Vance, Director of Community Development, Dave Reed, City Engineer, and Peter Karstens, Director of Finance. The committee definitely chose Terra Con not only because of their overall strengths in lead based paint and asbestos cleanup but because of their extensive history of successful Brownfield cleanups in conjunction with EPA Brownfield grants. The estimated financial impact to the city is \$43,685.00. The staff recommendation is to select Terra Con as the environmental engineering consultant to oversee the Old Library’s Brownfield cleanup. Peter Karstens presented the staff report and answered a few questions. There was no one else to speak to the issue. Councilman Oxford moved to approve the selection of Terracon Consultants, Inc. Councilwoman Price seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON APPROVAL OF CHANGE TO CITY COUNCIL ELECTION PROCEDURES

City Secretary Roberts presented the staff report. Leasing the optical scanner as a part of the election equipment leased each year from Hopkins County would eliminate the need to hire people to hand count voted ballots. The optical scanner can be programmed for multiple ballots and/or elections. The optical scanner will reject an inaccurate ballot allowing the voter to resolve any error. The cost to lease this piece of equipment for early voting and Election Day will cost \$720.00. If the SSISD and/or HCMH boards should choose to use the optical scanner and eliminate hand counting ballots the total price could be split two or three ways making the total cost \$360 or \$240, respectively. There was a general discussion. There was no one else to speak to the issue. Councilman Oxford moved to approve the change. Councilwoman Price seconded and the vote was unanimous.

The motion carried.

VISITORS/PUBLIC FORUM

Stan McKee, Oncor Electric Delivery Company, stated he was willing to answer any questions regarding Resolution No. 1005. He also spoke regarding power outages due to the snow and ice.

ADJOURN

With all business complete the meeting was adjourned at 7:36 p.m.