

CITY OF SULPHUR SPRINGS, TEXAS

**REGULAR MEETING OF THE
CITY COUNCIL**

MARCH 1, 2011

7:00 p.m.

Mayor Spraggins called the regular meeting of the Sulphur Springs City Council to order at 7:03 p.m. The following council members and staff were present:

Mayor Gary Spraggins
Mayor Pro Tem Craig Johnson
Councilman Clay Walker
Councilman Oscar Aguilar
Councilman Freddie Taylor
Councilwoman Kayla Price
Councilman Charles Oxford

Absent: None

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
Phyllis Rogers, Municipal Court Judge
Jim Bayuk, Chief of Police
Jay Sanders, Captain S.S.P.D.
Jason Ricketson, Lt.S.S.P.D.

PLEDGE AND INVOCATION

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

MANAGER'S REPORT

HOUSTON STREET - Phase 3 is progressing well. Water, sewer and drainage utilities have now passed under the rail spur, and progress continues to the west.

MUNICIPAL AIRPORT - the runway/taxiways project is 99.9% complete. The contractor is in the process of planting grass and taking care of a few punch-list items, but the airport is open for business once again.

THRU-TRUCK ROUTES – TXDOT has approved our proposed routes for thru trucks. Some of the signs are in; others are not. When we have all of the signs we will install them and begin enforcing the ordinance.

CLAIMS - We had no liability claims and no worker's compensation claims in February.

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

MISCELLANEOUS – Elsewhere around the City, employees:

- Sold 985 gallons of AvGas and 4,700 gallons of jet fuel.
- Made 68 arrests, responded to 49 accidents, recorded 57 offenses and wrote 483 tickets.
- Processed 550 tickets through municipal court.
- Responded to 136 fire/rescue calls including 3 structure fires.
- Performed preventative maintenance on 96 fire hydrants and conducted 34 fire inspections.
- Performed annual ladder testing and certification.
- Repaired potholes at 66 locations.
- Made 8 street repairs following utility repairs.
- Broadcast sand at various intersections during snow storms.
- Repaired plumbing at various city facilities.
- Conducted 21 health inspections and 34 nuisance inspections.
- Conducted 26 building inspections, 22 electrical inspections, 33 plumbing inspections, 16 mechanical inspections, 10 miscellaneous inspections and issued 14 building permits.
- Abated 3 substandard structures, bringing the total to 456 since the program's inception.
- Repaired 26 water main ruptures, installed 4 water taps, replaced 14 water meters, repaired 2 fire hydrants, unstopped 46 sewer mains, repaired 9 sewer mains, and installed 2 new sewer taps.
- Washed 58,000 feet of sewer mains.
- Repaired Cantex lift station and the airport lift station.
- Reset clocks on school zone warning lights.
- Repaired lights at the waste water treatment plant.
- Performed repairs and preventative maintenance on various items at the wastewater treatment plant.

- Hauled 375 cubic yards of sludge to the landfill.
- Treated wastewater effluent to a daily average total suspended solids reading of 7.26 mg/L.
- Hired a new dispatcher, Brenda Murphy.
- Received SWAT training, child abuse investigation training and crisis intervention training.
- Made 2 felony arrests in the special crimes unit (drug unit).
- Achieved an 82% adoption rate at the animal shelter.
- Checked out 1,186 items at the Library.
- Performed extensive repairs and placed mulch at Kids Kingdom.

CONSENT AGENDA

The following items on the Consent Agenda were reviewed: Consider for approval the regular City Council meeting minutes of February 1, 2011; the Planning and Zoning Commission meeting minutes of February 21, 2011; and the Zoning Board of Adjustments meeting minutes of February 22, 2011. 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 RESOLUTION NO. 1007 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 must use the DRE equipment in our elections to comply with the requirements of Section 301(a)(3)(B) of the Help America Vote Act. This year the City of Sulphur Springs has requested pre-clearance from the Department of Justice to use the eScan instead of hand counting paper ballots. This change is not designed to adversely impact 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. In an effort to better serve the public the calculations in this agreement are for three electronic voting units, one with a “DAU” (disabled access unit) and two without. This agreement is 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. There was no one to speak to the issue. Councilman Oxford moved to pass and approve the resolution as presented. Councilman Taylor seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1008 SUPPORTING THE SUBMISSION OF AN APPLICATION FOR GRANT FUNDING FOR LAW ENFORCEMENT SPECIAL EQUIPMENT

Chief of Police Jim Bayuk presented the staff report. Captain Jay Sanders and Lieutenant Jason Ricketson were also available to answer any questions. The resolution supports the submission of an application to the Criminal Justice Division requesting the amount of \$159,573.00. If we receive the grant the funds will be used to purchase new and replacement equipment including 35 Motorola Hand Units, 2 vehicles and Imprest Funds which are used for surveillance, evidence, and payments to confidential informants. There are no matching funds required for this grant. There were many questions and a general discussion. There was no one else to speak to the issue. Councilman Taylor moved to pass and approve the resolution as presented. Councilman Oxford seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FINAL PLAT OF CAPITOL LAND MANAGEMENT ADDITION, A REQUEST BY OWNERS PAT GERALD AND RICHARD POGUE TO REPLAT PROPERTY LOCATED AT 1797 WEST INDUSTRIAL DRIVE, BEING FURTHER DESCRIBED AS LOTS 5 AND 6 OF BLOCK 608, INTO ONE LOT

This property contains 13.318 acres along the north side of I-30 west. No drainage information or topographic contours which would indicate site run-off were included with the plat. Site plans/grading plans which are required with commercial building plan submittals can be reviewed concurrent with the building permit. Existing 12" water is located across the south frontage. This site has no existing sewer and no sewer has been proposed. Existing sewer is located approximately 200' to the east. Development policy would require sewer to be extended to and across the property. Staff recommends approval contingent upon the submittal and approval of engineered plans for sewer, and the execution of a Community Facilities Contract. The Planning and Zoning Commission held a public hearing and recommended approval. Director of Community Development Johnny Vance was available to answer any questions and present the staff report. There was no one else to speak to the issue. Councilman Oxford moved to approve the plat with the staff recommended contingencies. Councilwoman Price seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2591, A REQUEST BY OWNERS AARON FAULKNER, DAN LEUNA, DICK POGUE, AND PAT GERALD TO REZONE PROPERTY LOCATED AT 1797 WEST INDUSTRIAL DRIVE, BEING FURTHER DESCRIBED AS LOTS 5 AND 6 OF BLOCK 608, FROM HEAVY COMMERCIAL AND LIGHT INDUSTRIAL TO ALL LIGHT INDUSTRIAL

The owners want to rezone the property so it can be used for a recycling center business. The Zoning Board of Adjustments met February 22, 2011, and approved a request for a Special Use Permit contingent upon site plan approval by staff. City Secretary Roberts stated a Zoning Amendment Protest Form had been submitted and it was duly signed and acknowledged by the owners of 20% or more of the adjoining properties. Chris Gibbins, adjoining property owner to the north, and Jeanette Moser, representing Atmos Energy, each spoke at length expressing their concerns regarding the zone change request. Rob Parks, part owner of the recycling center, spoke in favor the zone change and expressed intentions to be good neighbors in the community. There was a general discussion. There was no one else to speak to the issue. Councilman Oxford moved to approve the ordinance on the first reading. Councilwoman Price seconded and the vote was as follows:

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

The motion carried.

DISCUSSION/ACTION ON FINAL PLAT OF PLC PROPERTIES ADDITION, A REQUEST BY PLC PROPERTIES REPRESENTED BY JAIME HARPER TO REPLAT PROPERTY LOCATED AT 937 CHURCH STREET, BEING FURTHER DESCRIBED AS LOTS 7A AND 5A OF BLOCK 73, INTO ONE LOT

Johnny Vance, Director of Community Development, was available to answer any questions as well as Jaime Harper of PLC Properties. These lots have frontage on Park Street and Church Street. Utilities exist along Park and Church Streets. The Planning and Zoning Commission conducted a public meeting and recommend approval. Staff also recommends approval. There was no one else to speak to the issue. Councilman Taylor moved to approve the plat. Councilman Oxford seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON BIDS AND AWARD OF CONTRACT FOR THE BANK DEPOSITORY FOR THE CITY OF SULPHUR SPRINGS

During February the City of Sulphur Springs published the request for applications

(proposals) for a bank to serve as our Depository Bank. One application was received from Guaranty Bond Bank. Finance Director Peter Karstens presented the staff report and Craig Roberts, President of the Sulphur Springs Guaranty Bond Bank, was available to answer any questions. There was a general discussion. There was no one else to speak to the issue. Mayor Spraggins moved to approve Guaranty Bond Bank as the Depository Bank per the terms of Guaranty Bond Bank's application bid with the alternative bid activated at the City Manager's direction as soon as the market crosses the 2% threshold and the conversion is in the City's interest. The City Manager is also given the authority to move back and forth between both alternatives should it be necessary as long as all appropriate conditions (such as the FDIC unlimited coverage continues or is extended) are met. Councilman Oxford seconded the motion adding the stipulation that staff keeps the City Council apprised of fluctuations as they are about to occur. The vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON PAY RATE FOR ELECTION JUDGE AND ALTERNATE

City Secretary Roberts presented the staff report and was available to answer any questions. Nell Furney, Election Judge for Early Voting and Election Day, and her alternate have not had a rate increase in several years. The Sulphur Springs Independent School District and the Hopkins County Hospital Board pay, or plan to pay, their judges \$10 per hour. The current rate paid by the City of Sulphur Springs is \$8 per hour. It is important for all the entities to be on the same page. Nell Furney has done an excellent job as Election Judge as well as her alternate for Early Voting, Sue Rogers, and her alternate for Election Day, Edna Mabe. There was no one else to speak to the issue. Councilman Walker moved to approve the rate of \$10 per hour. Councilman Oxford seconded and the vote was unanimous.

The motion carried.

VISITORS/PUBLIC FORUM

None.

ADJOURN

With all business complete the meeting was adjourned at 8:12 p.m.