

CITY OF SULPHUR SPRINGS, TEXAS

**REGULAR MEETING OF THE
CITY COUNCIL**

MAY 3, 2016

7:00 p.m.

Mayor Kayla Price called the regular meeting of the Sulphur Springs City Council to order at 6:33 p.m. Councilman Walker moved to adjourn to executive session in accordance with Texas Government Code, Title 5, Chapter 551.074, Personnel Matters, as it specifically relates to the position of the Presiding Municipal Court Judge and the Associate Municipal Court Judge. Councilman Johnson seconded. There was no one present to speak to the issue. The vote was unanimous. The following council members and staff were present:

Mayor Kayla Price
Mayor Pro Tem Emily Glass
Councilman Craig Johnson
Councilman Clay Walker
Councilman Oscar Aguilar
Councilman Freddie Taylor
Councilman John Sellers

Absent: Marc Maxwell, City Manager

Staff: Gale Roberts, City Secretary
Jim McLeroy, City Attorney
Shane Shepard, Director Community Development – 7P
Jason Ricketson, SSPD Captain – 7P
Gordon Frazier, Director Human Resources – 7P
Lesa Smith, Budget Analyst – 7P

RECONVENE

Mayor Price reconvened the meeting into open session at 7:00 p.m.

PLEDGE AND INVOCATION

Mayor Price led in the pledge of allegiance to the United States Flag, the Pledge to the Texas Flag, and Councilman Taylor led the invocation.

PRESENTATIONS, ANNOUNCEMENTS AND PROCLAMATIONS

Motorcycle Safety and Awareness

WHEREAS, today's society is finding more citizens involved in motorcycling on the roads of our country; and

WHEREAS, motorcyclists are roughly unprotected and therefore more prone to injury or death in a crash than other vehicle drivers; and

WHEREAS, campaigns have helped inform riders and motorists alike on motorcycle safety issues to reduce motorcycle related risks, injuries, and, most of all, fatalities, through a comprehensive approach to motorcycle safety; and

WHEREAS, it is the responsibility of all who put themselves behind the wheel to become aware of motorcyclists, regarding them with the same respect as any other vehicle traveling the highways of this country; and it is the responsibility of riders and motorists alike to obey all traffic laws and safety rules; and

WHEREAS, urging all citizens of our community to become aware of the inherent danger involved in operating a motorcycle, and for riders and motorists alike to give each other the mutual respect they deserve.

NOW, THEREFORE, I, Kayla Price, Mayor of the City of Sulphur Springs, Texas, do hereby proclaim the month of May as

“MOTORCYCLE SAFETY and AWARENESS MONTH”

in this city. Further, I urge all residents to do their part to increase safety and awareness in our community.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the City to be affixed this 3rd day of May in the year 2016.

Older Americans Month

WHEREAS, Sulphur Springs, Texas, includes a community of older Americans who deserve recognition for their contributions to our nation; and

WHEREAS, the City of Sulphur Springs recognizes that older adults are trail blazers – advocating for themselves, their peers, and their communities – paving the way for future generations; and

WHEREAS, the City of Sulphur Springs is committed to raising awareness about issues facing older Americans and helping individuals to thrive in communities of their choice for as long as possible; and

WHEREAS, we appreciate the value of inclusion and support in helping older adults successfully contribute to and benefit from their communities; and

WHEREAS, our community can provide opportunities to enrich the lives of individuals of all ages by:

- Promoting and engaging in activity, wellness, and social involvement.
- Emphasizing home and community based services that support independent living.
- Ensuring community members can benefit from the contributions and experience of older adults.

NOW, THEREFORE I, Kayla Price, by virtue of the authority vested in me as Mayor of the City of Sulphur Springs, Texas do hereby proclaim May 2016 to be

“OLDER AMERICANS MONTH”

In our community and urge every resident to take time this month to acknowledge older adults and the people who serve them as powerful and vital individuals who greatly contribute to our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Sulphur Springs, Texas, to be affixed this 6th day of May of the year of our Lord, two thousand and sixteen.

Put On Purple Day

WHEREAS, an estimated 1.5 million Americans suffer from Lupus, the chronic inflammatory, autoimmune disease that can affect various parts of the body, especially the skin, joints, blood and kidneys; and

WHEREAS, Lupus can be difficult to diagnose because its symptoms are similar to those of many other illnesses, and major gaps exist in understanding the causes and consequences; and

WHEREAS, the Lupus Foundation of America, Lone Star Chapter, is part of a national force devoted to solving the cruel mystery of lupus while providing caring support to those who suffer from its brutal impact; and

WHEREAS, the Chapter rallied the Sulphur Springs community to wear the color purple and to further unify their support for those living with the disease; and

WHEREAS, awareness is vital in raising funds for research for those affected by lupus and it is our responsibility as a community to advocate on their behalf and to further encourage educational programs so everyone affected by lupus can have an improved quality of life.

NOW, THEREFORE, I, KAYLA PRICE, Mayor of the City of Sulphur Springs, Texas, do hereby proclaim May 20, 2016 as:

“PUT ON PURPLE DAY”

throughout the City of Sulphur Springs and urge all citizens to support the cause of raising awareness of lupus, so that we can have a world with NO lupus.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the City of Sulphur Springs, Texas, to be affixed this 3rd day of May in the year 2016.

After the three proclamations were presented, Mayor Price reminded everyone of the Heritage Christian Counseling Center Hamburger Luncheon that will be held Friday, May 6th from 11A – 1P on the Celebration Plaza.

Councilman Sellers reminded everyone that Meredith Caddell is leaving the Chamber of Commerce and a reception will be held for her May 5th from 9A – 2P.

City Attorney McLeroy reminded everyone of the Reds, Whites, and Brews event downtown this Saturday, May 7th.

Community Development Director Shepard reminded everyone that the Farmers Market would start up again Saturday, May 7th.

MANAGER’S REPORT

STREETS, WATER AND SEWER - Bill Bradford Road is progressing slowly but steadily. Utilities work continues from west to east. The road is closed to through traffic, but open to customers of the businesses located in the closed portion of the road, namely Village Pawn and Gun Shop and Sulphur Springs Floral Etc.

This \$1.4 million project includes water and sewer utilities, underground drainage on the western end of the street and complete reconstruction of the street. Previously I reported that the street would be paved in asphalt with 500' feet of concrete at both ends. Staff is presently evaluating whether to construct the entire street with concrete. We recently got a great bid on concrete on Rockdale Road, and the contractor who performed the work did a good job. We are going to bid the job both ways and bring it to the City Council at the June meeting.

EZ MART SEWER PROJECT – At a previous meeting, the city council approved a sewer project on Mockingbird Lane between Furr's and EZ-Mart that would divert wastewater flow from three fast food restaurants and one apartment away from the Mockingbird sewer main and toward the trunk line that parallels South Town Branch. The new line would also carry flow from any new development south and east of Chili's. We are nearing the end of this project, and Capital Construction Division crews are currently working behind Whataburger. We should have all of the sewer line installed by the end of the week. When this project is completed, we will move these crews over to Bill Bradford Road, and the pace of work will increase there.

DAVIS/TOMLINSON PARKING LOT – Conduit is installed for the Tesla charging station, and work is progressing from south to north.

JEFFERSON STREET PARKING LOT - This is a County project at the northeast corner of Jefferson and Rosemont Streets. The new lot will have 77 spaces. The County is constructing the lot in concrete and the City is installing lights and landscaping per our earlier agreement at the time the tax increment reinvestment zone was created. When the County opted into the zone, the City committed to beautification of the lot when it was built.

CLAIMS – We did not have any workers' compensation claims, or liability claims in April.

WASTEWATER TREATMENT PLANT - Total suspended solids (TSS) came in at 7.74 mg/L, well within the limit of 15 mg/L.

REVENUES AND EXPENDITURES – Budget Analyst Lesa Smith will present a year-to-date summary of revenues and expenditures.

Elsewhere around the city, employees:

- Sold 1,300 gallons of AvGas and 3,187 gallons of JetA fuel.
- Began leveling the soccer fields.

- Sprayed for weeds in Coleman Park.
- Made repairs at Kids Kingdom.
- Repaired the boardwalk at Peavine Pinion Pond.
- Fertilized the athletic fields.
- Patched 284 potholes.
- Repaired 9 street cuts following utility repairs.
- Conducted spring clean-up.
- Cement-stabilized 2 spots on Como Street.
- Responded to 174 animal control calls and achieved an adoption rate of 29%.
- Made 78 arrests, responded to 42 accidents, recorded 73 offences and wrote 528 citations.
- Made 12 felony arrests in the special crimes unit.
- Responded to 122 fire/rescue calls including 2 structure fires and 4 water rescues.
- Conducted 72 fire inspections.
- Prepared 70 pre-fire plans.
- Performed preventative maintenance on 90 fire hydrants.
- Repaired runway lights at the airport.
- Installed two light poles at the wastewater treatment plant.
- Repaired water leak at the airport terminal.
- Performed preventative maintenance and repairs on the wastewater treatment plant lift station.
- Made repairs on the wastewater treatment plant screens and presses.
- Repaired 4 water main ruptures.
- Replaced 10 water meters.
- Unstopped 30 sewer mains.
- Washed 72,000 feet of sewer mains.
- Flushed 36 dead-end water mains.
- Treated 115 million gallons of potable water.
- Checked out 2,506 items from the Library.

DISCUSSION/ACTION ON THE CONSENT AGENDA

Consider for approval the special City Council meeting minutes of March 7, 2016; the regular City Council meeting minutes of April 5, 2016; Planning and Zoning Commission meeting minutes of April 18, 2016; and the Economic Development Corporation meeting minutes of March 28, 2016. There was no one to speak to the issue. Councilman Johnson made a motion to approve the minutes as presented. Councilman Taylor seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON PUBLIC HEARING FOR SECOND AND FINAL READING OF ORDINANCE NO. 2679, A BUDGET AMENDMENT TO INCREASE THE BUDGET

This is the second reading for this ordinance which will increase the budget. There was no one to speak to the issue. Councilman Taylor moved to adopt the ordinance on the second and final reading. Councilman Johnson seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON PUBLIC HEARING FOR SECOND AND FINAL READING OF ORDINANCE NO. 2680, AN ORDINANCE OF THE CITY OF SULPHUR SPRINGS, TEXAS, LIMITING PARKING ON BOTH SIDES OF ENTERPRISE LANE TO TWO (2) HOURS

This ordinance will limit parking on either side of the street for two hours which will facilitate better accommodation of truck traffic. There was a brief discussion. Councilman Sellers moved to adopt the ordinance as presented. Councilman Taylor seconded. Councilman Walker moved to amend the motion to “NO PARKING”. Councilman Johnson seconded. There was no one else to speak to the issue.

The motion to amend the ordinance carried and the vote was unanimous.

The motion to adopt the ordinance on the second and final reading with the amendment of “NO PARKING” carried and the vote was unanimous.

Both motions carried.

DISCUSSION/ACTION ON FIRST READING OF ORDINANCE NO. 2681, A REQUEST FROM REZONING FOR PROPERTY LOCATED AT 530 SOUTH DAVIS, BEING FURTHER DESCRIBED AS LOT 3B OF BLOCK 35, FROM MULTIPLE FAMILY (MF) TO LIGHT COMMERCIAL (LC)

Community Development Director Shepard presented the staff report. The owner, Ricky Berry, addressed the city council stating he was available to answer any questions. The location is directly behind Mr. Berry’s business at 511 and 525 Gilmer Street. The Planning and Zoning Commission conducted a public hearing and recommended approval. Staff recommended denial based on the Land Use Plan. There was a brief discussion. There was no one else to speak to the issue. Councilman Johnson moved to approve the ordinance on the first reading. Mayor Pro Tem Glass seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON PLAT APPROVAL FOR BRIAN TOLIVER FORD LOCATED AT 1040 GILMER STREET FOR LOTS 4A, PART OF LOT 41, 42, 43, 44, 45, 46, AND 11A OF BLOCK 47 3, COMBINING THESE EIGHT LOTS INTO ONE LOT

Community Development Director Shepard presented the staff report. This plat serves to combine all the property currently being used by Toliver Ford into a single lot which will ease building code and development requirements. The Planning and Zoning Commission conducted a public hearing and recommends approval. Staff also recommends approval. There was no one to speak to the issue. Councilman Johnson moved to approve the plat as presented. Mayor Pro Tem Glass seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1107 DIRECTING ONCOR DELIVERY COMPANY, LLC, TO FILE CERTAIN INFORMATION WITH THE CITY OF SULPHUR SPRINGS, TEXAS; SETTING A PROCEDURAL SCHEDULE FOR THE GATHERING AND REVIEW OF NECESSARY INFORMATION IN CONNECTION THEREWITH; SETTING DATES FOR THE FILING OF THE CITY'S ANALYSIS OF THE COMPANY'S FILING AND THE COMPANY'S REBUTTAL TO SUCH ANALYSIS; RATIFYING THE HIRING OF LEGAL COUNSEL AND CONSULTANTS; RESERVING THE RIGHT TO REQUIRE THE REIMBURSEMENT OF THE CITY OF SULPHUR SPRINGS' RATE CASE EXPENSES; SETTING A PUBLIC HEARING FOR THE PURPOSES OF DETERMINING IF THE EXISTING RATES OF ONCOR ELECTRIC DELIVERY COMPANY ARE UNREASONABLE OR IN ANY WAY IN VIOLATION OF ANY PROVISION OF LAW AND THE DETERMINATION BY THE CITY OF SULPHUR SPRINGS OF JUST AND REASONABLE RATES TO BE CHARGED BY ONCOR DELIVERY COMPANY, LLC

This item was pulled from the agenda until a later date as determined by legal counsel.

DISCUSSION/ACTION ON RESOLUTION NO. 1108 ADOPTING A MUNICIPAL MAINTENANCE AGREEMENT BETWEEN THE TEXAS DEPARTMENT OF TRANSPORTATION AND THE CITY OF SULPHUR SPRINGS

Every city in Texas has a Municipal Maintenance Agreement (MMA) with TxDOT. In the agreement the duties of both the City and TxDOT with respect to highway maintenance duties are delineated. We are proposing to amend our current agreement with TxDOT. There was a brief discussion. There was no one else to speak to the issue. Councilman Walker moved to approve the resolution as presented. Councilman Taylor seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1109 CREATING A CULTURAL ARTS DISTRICT

Community Development Director Shepard presented the staff report. This resolution would designate a Cultural Arts District for at least ten (10) years and will be named *The Celebration Cultural Arts District of Sulphur Springs*. By designating a cultural arts district we can apply for grant funding from the Texas Commission on the Arts. Cultural districts are special zones that harness the power of cultural resources to stimulate economic development and community revitalization. These districts can become focal points for generating businesses, attracting tourists, stimulating cultural development and fostering civic pride. There was a brief discussion. There was no one else to speak to the issue. Mayor Price moved to approve the resolution as presented. Councilman Taylor seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1110 AUTHORIZING APPLICATION FOR CERTIFICATION OF A CULTURAL ARTS DISTRICT

Previously the City Council designated a Cultural Arts District named *The Celebration Cultural Arts District of Sulphur Springs*. This resolution allows the city to apply for certification from the Texas Commission on the Arts to recognize the newly created cultural arts district. There was a brief discussion. There was no one else to speak to the issue. Councilman Taylor moved to approve the resolution as presented. Mayor Pro Tem Glass seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON RESOLUTION NO. 1111, A RESOLUTION OF THE CITY OF SULPHUR SPRINGS, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND THE ATMOS ENERGY CORPORATION, MID-TEX DIVISION REGARDING THE COMPANY’S 2016 RATE REVIEW MECHANISM FILINGS; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING

DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL

The ACSC Executive Committee and its designated legal counsel and consultants recommend that all Cities adopt the Resolution with its attachments approving the negotiated rate settlement resolving the 2016 RRM filing, and implementing the rate change. There was a brief discussion. Jeanette Moser, Manager of Public Affairs, Atmos Energy Corporation, was available to answer any questions and distributed a single sheet summary. There was no one else to speak to the issue. Mayor Price moved to approve the resolution as presented. Councilman Taylor seconded and the vote was unanimous.

The motion carried.

DISCUSSION/ACTION ON EXECUTIVE SESSION ITEM – PRESIDING MUNICIPAL COURT JUDGE AND ASSOCIATE MUNICIPAL COURT JUDGE

City Attorney McLeroy stated that Resolution No. 1112 considered in Executive Session would appoint a Municipal Court Judge and Associate Court Judge to serve since Judge Rogers' retirement after many successful years. He also stated that Justice of the Peace for Precinct #1 B. J. Teer and Justice of the Peace for Precinct #2 Brad Cummings had been filling in for arraignments, etc. and agreed to enter into a contract of 14 months allowing them to complete the term of Judge Rogers through June 30, 2017. They also agreed to \$1000 per month each which significantly reduces the salary structure for that office and staff recommends approval. There was no one to speak to the issue. Councilman Walker moved to approve the resolution as presented and appoint B. J. Teer as Presiding Municipal Court Judge and Brad Cummings as Associate Municipal Court Judge. Councilman Sellers seconded.

Councilman Johnson commented that he hopes this will be one among many agreements that we make in collaborative efforts with Hopkins County to save significant amounts of money. This is the first step and hopefully there will be many more.

The vote to approve Resolution No. 1112 was unanimous.

The motion carried.

Mayor Price-Mitchell introduced B. J. Teer who was in the audience as the newly appointed Municipal Court Judge. There was applause and congratulations.

VISITORS AND PUBLIC FORUM

Charles Oxford stated his question had been about the item pulled from the agenda.

ADJOURN

With all business complete the meeting was adjourned at 7:39 p.m.