

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
January 5, 2010**

The City Council of the City of Gainesville, Texas met in regular session on January 5, 2010 at 6:30 p.m. in accordance with the posted agenda and with the following persons in attendance:

MEMBERS PRESENT: Mayor Glenn Loch
Council Members Charles Draper, Jim Goldsworthy, Carolyn Hendricks, Ray Nichols, Vince Rippy, Beverly Snuggs

STAFF PRESENT: Barry Sullivan, City Manager; Kay Lunnon, City Secretary; Belvin Harris, City Attorney; Dan Parker, Finance Director; Steven Fleming, Police Chief; Ron Sellman, Public Services Director; Polly Boone, Solid Waste Director

OTHERS PRESENT: John Hare, Angie Hare, Earl Williams, Mark Gregorek, David Jordan, Kit Chase, Dee Blanton, Pam Robinson

CALL TO ORDER

Mayor Loch called the meeting to order at 6:30 p.m. with all Council members present.

INVOCATION & PLEDGE OF ALLEGIANCE

Reverend John Hare, First Presbyterian Church, gave the invocation. Mayor Loch led the pledge to the flag.

RECOGNITIONS

City Manager Barry Sullivan presented Ron Sellman, Public Services Director, and Earl Williams, Moss Lake Water Treatment Plant Operator, two certificates from the Texas Commission on Environmental Quality (TCEQ) citing award to Gainesville City staff for operating the Moss Lake surface water treatment plant to meet the very stringent goals of the Texas Optimization Program (TOP) Recognition program and providing water cleaner than minimum standards for two six-month periods, from September 2008 through February 2009, and from March 2009 through September 2009. Sullivan said Gainesville has earned this award for two years and is one of only twelve cities in Texas that meet this standard.

REPORTS

Sullivan updated Council on the Pecan Creek Flood Reduction Project. He said the City is working on property acquisition for the project and, to date, seventy properties have been acquired of the ninety-eight parcels required for the project. Nine of the remaining parcels have issues and the City may have to condemn due to undetermined ownership, clouded titles, bankruptcies with bank liens, inability to contact the owner, or inability to reach agreement.

CONSENT AGENDA

MINUTES OF DECEMBER 15, 2009

Council reviewed the Minutes of the Regular City Council Meeting of December 15, 2009, and approved them as written.

RESOLUTION NO. 01-05-2010 - APPOINTMENTS TO KEEP GAINESVILLE BEAUTIFUL BOARD

Duwayna Cullum, Marla Bentley, and Martha Modkins were re-appointed to three-year terms and Mary Davis was appointed for a three-year term as alternate member on the Keep Gainesville Beautiful Board. All terms expire December 2012.

Councilmember Goldsworthy moved to **approve the Consent Agenda**, and was seconded by Councilmember Snuggs. Motion carried by vote of 7 Ayes, 0 Nays, 0 absent.

RESOLUTION NO. 01-05-2010 A – APPROVE GROUND LEASE AGREEMENT WITH JOSEPH M. AND ANITA G. SEPKO III FOR A PRIVATE HANGAR AT THE GAINESVILLE MUNICIPAL AIRPORT.

A RESOLUTION AUTHORIZING THE CITY MANAGER OF THE CITY OF GAINESVILLE TO EXECUTE A GROUND LEASE AGREEMENT WITH JOSEPH M. SEPKO III AND HIS WIFE ANITA G. SEPKO FOR THE PURPOSE OF PURCHASING A PRIVATE HANGAR AT THE GAINESVILLE MUNICIPAL AIRPORT.

A thirty-year ground lease with Mr. and Mrs. Joseph M. Sepko III at the Gainesville Municipal Airport was approved. Sullivan stated the Sepkos have entered an agreement to purchase a private hangar at the airport from John Brown. The City owns the land and the ground lease agreement is for 4200 square feet at an annual rate of seventeen (17) cents per square foot with Consumer Price Index (CPI) adjustments every five years. The Airport Board recommended approval of the lease, which includes option to extend the lease for up to two (2) five (5) year terms if agreed upon by both parties.

Councilmember Nichols moved to **approve the Resolution**, and was seconded by Councilmember Draper. Motion carried by vote of 7 Ayes, 0 Nays, 0 absent.

RESOLUTION NO. 01-05-2010 B - AUTHORIZING AGREEMENT WITH STATE OF TEXAS FOR MAINTENANCE, CONTROL, SUPERVISION AND REGULATION OF CERTAIN STATE HIGHWAYS AND/OR PORTIONS OF STATE HIGHWAYS IN THE CITY OF GAINESVILLE

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT BY AND BETWEEN THE STATE OF TEXAS, AND THE CITY OF GAINESVILLE FOR MAINTENANCE, CONTROL, SUPERVISION AND REGULATION OF CERTAIN STATE HIGHWAYS AND/OR PORTIONS OF STATE HIGHWAYS IN THE CITY OF GAINESVILLE.

A Municipal Maintenance Agreement was approved with the State of Texas for maintenance, control, supervision, and regulation of non-controlled access and controlled access State Highways within the city limits of Gainesville. The new agreement supersedes an existing 1989 agreement, updating the city limits, and defining authority and responsibility for maintenance and operation of State highways through the City. The City Manager pointed out in the agreement that the State has passed responsibility to the City for mowing, litter pickup, and snow and ice control on the non-controlled access highways, with the State to provide assistance to supplement City resources when requested and if State resources are available. The agreement

identifies non-controlled access highways as US 82, FM 51, FM 372, FM 678, FM 1200, FM 1201, FM 1202, FM 2071, FM 3092, and FM 1306. Interstate Highway 35 is identified as a controlled access highway.

Councilmember Draper moved to **approve the Resolution**, and was seconded by Councilmember Goldsworthy. Motion carried by vote of 7 Ayes, 0 Nays, 0 absent.

ORDINANCE NO. 1236-01-2010 - ORDINANCE PROVIDING FOR SPEED LIMIT ON FM 1306 AT GAINESVILLE HIGH SCHOOL

SECOND READING OF AN ORDINANCE OF THE CITY COUNCIL, OF THE CITY OF GAINESVILLE, TEXAS, PROVIDING FOR A MAXIMUM SPEED LIMIT ON F.M. 1306 AT GAINESVILLE HIGH SCHOOL; AUTHORIZING THE ERECTION OF SIGNS AT THE LOCATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.

Council suspended the Charter on second reading and adopted an ordinance establishing concurrence with speed zone recommendations from the Texas Department of Transportation (TXDOT) for FM 1306 between FM 51 and I-35. The ordinance provides for a 35 MPH school zone on FM 1306 at the Gainesville High School for a distance of 0.414 miles (from mile post 1.552 to mile post 1.966). TXDOT recommends 55 MPH speed limit on FM 1306, from FM 51 to the school zone, and 55 MPH from the school zone to I-35. The City Manager reported that flashing lights are installed at the school zone and are timed for operation during school hours. TXDOT is planning on using this current system to control the school zone. Adoption of the ordinance is required in order for City Police to enforce the speed limit.

Councilmember Draper **moved to Suspend the Charter requirement of three readings**, seconded by Councilmember Snuggs, the motion carried by vote of 7 Ayes, 0 Nays, 0 absent.

Councilmember Draper **moved to adopt the ordinance**. The motion was seconded by Councilmember Snuggs and carried by vote of 7 Ayes, 0 Nays, 0 absent.

RESOLUTION NO. 01-05-2010 C – AUTHORIZING PURCHASE OF SOLID WASTE CARTS FOR THE RESIDENTIAL AUTOMATED COLLECTION SYSTEM

A RESOLUTION ON PURCHASING GARBAGE CARTS FOR THE NEW FULLY AUTOMATED COLLECTION SYSTEM.

Following some discussion regarding their ability to provide a quality product within the required timeframe, Council re-authorized purchase of solid waste carts from Rotonics Manufacturing for the new residential automated collection system that will allow residential refuse to be collected with a one-man operation. Council emphasized that the city wishes to do business with the local company, but must receive a quality product. The resolution authorizes the City Manager to outline deadlines for cart delivery, liquidated damages, and other program details for Rotonics. Sullivan stated the City needs the carts to be of uniform size and he would still like to work with the local company. He said the new deadline will set back the City's automated program a month, but, Sullivan said, if Rotonics agrees to meet the deadline of February 8 for final delivery of the complete order of 4490 carts, or pay liquidated damages, then he recommends staying with Rotonics. Sullivan said if Rotonics cannot meet these requirements, then he would recommend purchase of the carts from Rehrig Pacific of Dallas, a company the City has done business with in the past and that states they can deliver the complete order of carts by January 21. Mark Gregorek, Rotonics Director of Sales and Marketing, spoke to Council and accepted responsibility for the delays in delivery of a quality product to the City

