

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
December 15, 2009**

The City Council of the City of Gainesville, Texas met in regular session on December 15, 2009 at 6:00 p.m. in accordance with the posted agenda and with the following persons in attendance:

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

MEMBERS ABSENT: Jim Goldsworthy

STAFF PRESENT: Barry Sullivan, City Manager; Kay Lunnon, City Secretary; Belvin Harris, City Attorney; Dan Parker, Finance Director; Mary Jarvis, Controller; Steven Fleming, Police Chief

OTHERS PRESENT: Keith King, Frank Lorne, Stephen Monahan

CALL TO ORDER

Mayor Loch called the meeting to order at 6:00 p.m. with a quorum of members present. The absence of Councilman Goldsworthy was noted.

INVOCATION & PLEDGE OF ALLEGIANCE

Reverend Jim Goodwin, Whaley United Methodist Church, gave the invocation. Mayor Loch led the pledge to the flag.

RECOGNITIONS

Mayor Loch read a Certificate of Achievement for Excellence in Financial Reporting for the City's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2008. Finance Director, Dan Parker, and Controller, Mary Jarvis, were present to receive the award from the Government Finance Officers Association of the United States and Canada to government units whose reports (CAFRs) achieve the highest standards in government accounting and financial reporting.

Mayor Loch announced the City received a Certificate of Flight and an American Flag from Master Gunnery Sergeant Tim Cortes, USMC, Baghdad, Iraq. The certificate was given to the City for exceptional patriotism and certifies that the flag was flown over Al Faw Palace in Baghdad, Iraq on November 10, 2009. The flag was flown for 234 seconds, representing the 234th birthday of the United States Marine Corps.

CONSENT AGENDA

MINUTES OF DECEMBER 1, 2009

Council reviewed the Minutes of the Regular City Council Meeting of December 1, 2009, and approved them as written.

Councilmember Nichols moved to **approve the Consent Agenda**, and was seconded by Councilmember Snuggs. Motion carried by vote of 6 Ayes, 0 Nays, 1 absent.

RESOLUTION NO. 12-15-2009 – APPROVE APPLICATION TO TEXAS WATER DEVELOPMENT BOARD FOR STATE PARTICIPATION PROGRAM ASSISTANCE

A RESOLUTION BY THE GAINESVILLE CITY COUNCIL RELATING TO FINANCING OF WATER SYSTEM IMPROVEMENT PROJECTS THROUGH THE GREATER TEXOMA UTILITY AUTHORITY.

City Manager recommended approval of the resolution authorizing the Greater Texoma Utility Authority (GTUA) to proceed with an application on behalf of the City to the Texas Water Development Board (TWDB) seeking funding assistance for water system improvement projects in the total amount of \$7,096,490, of which \$5,604,314 will be under the State Participation Program and \$1,492,176 will be from the TWDB Development Fund. Sullivan said if the application is successful, the City would have up to a year and a half to determine if it wants the funding and to actually start spending the money. Final acceptance of the financing, if approved by TWDB, will be subject to approval by the City Council. The water system improvements projects include expansion of the surface water supply system by adding one million gallons per day capacity to the Moss Lake Water Treatment Plant; installing larger water lines in the northwest water distribution area; and constructing a new water line along Hwy 82 between FM 1201 and Weber Drive.

Councilmember Draper made a motion to **approve the Resolution**, and was seconded by Councilmember Rippy. Prior to Council's vote, City Manager Sullivan requested amendment to the motion to state approval of an application for the total project cost of \$7.1 million, of which \$5,604,314 will be for the State Participation Grant. **Draper amended his motion to approve making application for funding assistance in the amounts as stated.** Rippy repeated his second. The amended motion carried by vote of 6 Ayes, 0 Nays, 1 absent.

TABLED RELEASE OF LIEN FOR PROPERTY AT 510 NORTH HOWETH

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE RELEASE OF LIEN FOR THE PROPERTY AT 510 NORTH HOWETH AS REQUESTED BY KEN BEAVER.

Sullivan explained that typically, liens are requested for release prior to being offered at Sheriff's sale, but in this case, the City's process of demolition of a substandard structure on the property and subsequent filing of the lien occurred during the same timeframe the property was involved in process of declared judgment for delinquent taxes. City Delinquent Tax Attorney, Jim Robertson, confirmed that the lien amount was not included in the judgment taken against the property. Robertson made no recommendation to Council for or against releasing the lien. Robertson said Mr. Beaver, the current owner, purchased the property, consisting of three lots, "as is" (without warranty deed or title policy) at the Sheriff's sale in October 2009 for \$2,000. That amount is to be distributed pro rata to the taxing units. The lien is the City's in the amount of \$3842.47, representing the City's demolition cost, and Sullivan advised Council it's their decision regarding its release.

Councilmember Snuggs expressed opposition to releasing the lien amount due the city. She said the buyer knows about the lien, or should have known about it, when he purchased the property, and should not just expect the City to release it at no cost. She said the buyer purchased the three lots at a bargain for \$2,000. Councilman Rippy said the City's demolition of the structure made the property marketable. Robertson stated the property is appraised at \$12,000 by the Cooke County Appraisal District, adding that typically, lots sell individually at Sheriff's sale for around

\$2,000 each. Robertson said the buyer was advised prior to the sale and made fully aware he was responsible for his own title search before purchasing the property. Councilman Nichols added that the purchase amount may have been market value for the property, but at an advertised Sheriff's auction a buyer knows he is buying "as is". Mayor Loch suggested the City Manager and Robertson contact Mr. Beaver to negotiate a settlement amount to bring back to Council.

Councilmember Snuggs moved to **table the resolution** and was seconded by Councilmember Rippy. Motion carried by vote of 6 Ayes, 0 Nays, 1 absent.

ORDINANCE NO. 1235-12-2009 – DESIGNATE THE INTERSECTION OF MILL STREET AND POTTER STREET AS A TWO-WAY STOP INTERSECTION TO BE CONTROLLED BY STOP SIGNS

FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, DESIGNATING THE INTERSECTION OF MILL STREET AND POTTER STREET IN THE CITY OF GAINESVILLE, TEXAS, AS A TWO-WAY STOP INTERSECTION, TO BE CONTROLLED BY STOP SIGNS; AUTHORIZING THE ERECTION OF SIGNS AT THE INTERSECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.

Council approved and adopted an ordinance designating the intersection of Mill Street and Potter Street as a two-way stop intersection to be controlled by stop signs. Police Chief Steven Fleming recommended the controlled intersection due to vehicle accidents in the location. Stop signs will be placed on Potter Street to control eastbound and westbound traffic.

Councilmember Nichols **moved to Suspend the Charter requirement of three readings**, seconded by Councilmember Draper, the motion carried by vote of 6 Ayes, 0 Nays, 1 absent.

Councilmember Nichols **moved to adopt the ordinance**. The motion was seconded by Councilmember Draper and carried by vote of 6 Ayes, 0 Nays, 1 absent.

FIRST READING APPROVAL OF ORDINANCE PROVIDING FOR SPEED LIMIT ON FM 1306 AT GAINESVILLE HIGH SCHOOL

FIRST 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.

The City Manager said the Texas Department of Transportation (TXDOT) made a request for the City to approve an increase in the speed limit on FM 1306 at the new High School. TXDOT recommends leaving the school zone speed limit at 35 MPH and establishing a 55 MPH speed limit from FM 51 to the school zone, and 55 MPH from the school zone to I-35. The school zone is a distance of 0.414 miles, from mile post 1.552 to mile post 1.966. Sullivan said he contacted school officials who stated they have no issues with the recommended change. Council questioned whether the school zone would be active twenty-four hours a day, and if a flashing light would be in place. Council requested the City Manager to contact TXDOT to determine whether a flashing light is to be installed at the school zone. Second reading of the ordinance will be considered at the regular Council meeting on January 5, 2010.

Councilmember Draper **moved to approve first reading.** The motion was seconded by Councilmember Nichols and carried by vote of 6 Ayes, 0 Nays, 1 absent.

EXECUTIVE SESSION

The City Council did not convene into executive session.

ADJOURN

With no further business to come before the City Council, the meeting adjourned at 6:40 p.m.

Respectfully submitted,

Kay Lunnon, City Secretary

Glenn Loch, Mayor