

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

The City Council of the City of Gainesville, Texas met in regular session on September 15, 2009 at 6:30 p.m. with the following persons in attendance:

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

MEMBERS ABSENT: Ray Nichols

STAFF PRESENT: Barry Sullivan, City Manager; Kay Lunnon, City Secretary; Steven Fleming, Police Chief; Dan Parker, Finance Director; Lynette Pettigrew, Main Street Director; John Noblitt, Planning Technician

OTHERS PRESENT: Kit Chase, Dee Blanton, Natalia Jones, Rod Tyler

CALL TO ORDER

Mayor Loch called the meeting to order at 6:30 p.m. with a quorum of members present. The absence of Councilman Nichols was noted.

INVOCATION & PLEDGE OF ALLEGIANCE

Pastor Jerry Elliott, First Assembly of God, gave the invocation. Mayor Loch led the pledge to the flag.

CONSENT AGENDA

MINUTES OF SEPTEMBER 1, 2009

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

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

RESOLUTION NO. 09-15-2009 – APPROVING ANNUAL FEE SCHEDULE UPDATE

A RESOLUTION UPDATING AND APPROVING THE ANNUAL FEE SCHEDULE FOR CITY OF GAINESVILLE SERVICES FOR FISCAL YEAR 2009-2010 AND PROVIDING AN EFFECTIVE DATE.

The updated fee schedules for city services was approved, to be effective October 1, 2009 or as otherwise specified in the schedule. The fee schedule attached to the resolution lists all city services with the fees as included in the proposed budget for the new fiscal year. There are no increases in water, sewer, or storm water fees. City Manager Barry Sullivan said most fees are staying the same with just a few changes. There will be a 5% increase in commercial solid waste service rates to support the actual cost for this service. Golf Course fees will increase April 1, 2010, but will apply to non-Gainesville residents only. Sullivan announced the biggest changes will be in solid waste when the service goes to a once a week, fully automated pick-up system. At that time the residential solid waste pick up rate will be reduced \$1. Savings up to \$3 will be

possible for residents under a “pay as you throw” solid waste cart service. The adopted fee schedule will be posted on the City website at www.gainesville.tx.us .

Councilmember Draper moved to **approve the Resolution**, and was seconded by Councilmember Rippy. Motion carried by vote of 6 Ayes, 0 Nays, 1 absent (Nichols).

ORDINANCE NO. 1230-09-2009 - ADOPTING BUDGET APPROPRIATIONS FOR FY 2009-2010

FIRST READING OF AN ORDINANCE ESTABLISHING APPROPRIATIONS FOR THE SUPPORT, MAINTENANCE, BUILDINGS AND IMPROVEMENTS FOR THE CITY OF GAINESVILLE, TEXAS, FOR THE FISCAL YEAR FROM OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2010 AND REVISING THE BUDGET FOR OCTOBER 1, 2008 THROUGH SEPTEMBER 30, 2009; PROVIDING AN EFFECTIVE DATE; MAKING AN OPEN MEETING FINDING; AND PROVIDING FOR RATIFICATION OF THE PROPERTY TAX INCREASE REFLECTED IN THE FISCAL YEAR 2009-2010 OPERATING BUDGET BY SEPARATE VOTE.

The Fiscal Year 2009-2010 Budget for the City of Gainesville was adopted and the increase in property tax revenue reflected in the operating budget was ratified by separate vote.

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

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

In accordance with State Law, Councilmember Goldsworthy **made the motion to ratify the increase in property tax revenue as reflected in the FY 2009-2010 budget**, and was seconded by Councilmember Snuggs. The motion carried by vote of 6 Ayes, 0 Nays, 1 absent (Nichols).

ORDINANCE NO. 1231-09-2009 - ASSESSING TAX LEVY FOR FY 2009-2010

FIRST READING OF AN ORDINANCE LEVYING, ASSESSING AND FIXING THE AD VALOREM TAX RATE FOR THE CITY OF GAINESVILLE, TEXAS GENERAL FUND AND INTEREST AND SINKING FUND FOR THE FISCAL YEAR FROM OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2010; APPROPRIATING EACH LEVY FOR THE SPECIFIC PURPOSE; PROVIDING FOR THE ASSESSMENT OF ALL ANNUAL OCCUPATIONAL TAXES PROVIDED BY LAW; REQUIRING PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.

The ad valorem tax levy for the City of Gainesville was set at \$0.647000 per \$100 valuation for maintenance and support of the General Fund (42.5 cents) and Debt Service (22.1 cents). Following the vote for adoption of the tax rate, Mayor Loch said he wanted to make it clear to everyone that the motion statement made in adopting the tax levy is required language that Council must use for adoption of the tax rate, but he said, the tax rate they have adopted is not an increase; it is the same tax rate as the current year.

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

Councilmember Draper **moved that the property tax rate be increased by the adoption of a tax rate of \$0.647 per \$100 valuation, which is effectively a 7.37 percent increase in the tax**

rate. The motion was seconded by Councilmember Snuggs and carried by vote of 6 Ayes, 0 Nays, 1 absent (Nichols).

RESOLUTION NO. 09-15-2009 A - APPROVING AGENCY HOTEL MOTEL TAX REVENUE USE AGREEMENTS FOR FY 2009-2010

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH EACH OF THE AGENCIES RECEIVING HOTEL/MOTEL OCCUPANCY TAX PURSUANT TO CHAPTER 351 OF THE PROPERTY TAX CODE; APPROPRIATING CERTAIN AMOUNTS FROM SAID HOTEL/MOTEL FUND; AND AUTHORIZING PAYMENT ON THE TERMS AND CONDITIONS CONTAINED THEREIN.

Tourism and promotion contracts were approved for each of the agencies to receive Hotel/Motel Occupancy Tax revenue appropriations in the 2009-2010 Budget. The agencies approved for hotel motel revenue funding are Butterfield Stage Players, Cooke County Arts Council, Cooke County Heritage Society/Morton Museum, Cooke County Heritage Society/Santa Fe Depot, and Gainesville Area Chamber of Commerce.

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

RESOLUTION NO. 09-15-2009 B – CONCESSION LEASE AT FRANK BUCK ZOO

A RESOLUTION AWARDED BID NO. 2009-12 FOR LEASE OF THE CONCESSION STAND IN THE FRANK BUCK ZOO.

The City Manager was authorized to negotiate a lease agreement with J & J Food Service of Gainesville to operate the concession stand inside the Frank Buck Zoo entrance building and gift shop. A Request for Proposals for operation of the concession stand was advertised by the City and three bids were received. Sullivan recommended the bid from J & J Food Service, in the amount of \$6000 per year, as the best qualified bid. The Zoo concession menu will not compete with the gift shop or other concessionaires in the park. J & J will be offered a one-year contract for lease of the concession stand with up to two additional one-year extensions.

Councilmember Goldsworthy moved to **approve the Resolution**, and was seconded by Councilmember Rippy. Motion carried by vote of 6 Ayes, 0 Nays, 1 absent (Nichols).

RESOLUTION NO. 09-15-2009 C – EXPENDITURES FROM HOTEL MOTEL FUND FOR FLOOD REPAIRS TO SANTA FE DEPOT

A RESOLUTION AUTHORIZING EXPENDITURES FROM THE HOTEL MOTEL FUND FOR FLOOD DAMAGE REPAIRS TO THE SANTA FE DEPOT.

Expenditure from the Hotel Motel Fund was approved to pay for flood damage repairs to the Santa Fe Depot. Sullivan explained that insurance monies received for covered damages were deposited into the Hotel Motel Fund and Council is requested to ratify the payments made out of the Hotel Motel Fund for the repairs.

Councilmember Draper moved to **approve the Resolution**, and was seconded by Councilmember Goldsworthy. Motion carried by vote of 6 Ayes, 0 Nays, 1 absent (Nichols).

RESOLUTION NO. 09-15-2009 D – RECOGNITION OF ANNUAL DEPOT DAY AND TEMPORARY CLOSURE OF CALIFORNIA STREET

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, RECOGNIZING THE ANNUAL DEPOT DAY CELEBRATION IN THE CITY OF GAINESVILLE AND TEMPORARY CLOSURE OF A PORTION OF CALIFORNIA

STREET IN ACCORDANCE WITH AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION.

Council approved a resolution recognizing the annual Depot Day Festival on October 10. Under the terms of the multi-year agreement with TXDOT, the City must officially recognize the event and the need for temporary closure of a portion of California Street (U. S. Hwy 51) for the festivities held around the Courthouse square.

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

RESOLUTION NO. 09-15-2009 E – APPROVE SALE OF ALCOHOL IN FRANK BUCK ZOO FOR ZOOBILEE, SEPTEMBER 19, 2009

A RESOLUTION OF THE CITY COUNCIL APPROVING THE SALE OF ALCOHOL AT THE FRANK BUCK ZOO IN LEONARD PARK FOR ZOOBILEE ON SEPTEMBER 19, 2009.

A request from the Frank Buck Zoological Society to sell alcohol during Zoobilee at the Frank Buck Zoo on September 19th was approved. Per City Ordinance, Council must approve a special event permit in order for alcohol to be sold inside a city park.

Councilmember Goldsworthy moved to **approve the Resolution**, and was seconded by Councilmember Rippey. Motion carried by vote of 6 Ayes, 0 Nays, 1 absent (Nichols).

RESOLUTION NO. 09-15-2009 F – APPROVE SALE OF ALCOHOL IN 100 BLOCK OF COMMERCE STREET FOR DEPOT DAY, OCTOBER 10, 2009

A RESOLUTION OF THE CITY COUNCIL APPROVING THE SALE OF ALCOHOL IN THE 100 BLOCK OF COMMERCE STREET BY THE CITY OF GAINESVILLE MAIN STREET PROGRAM DURING DEPOT DAY ON OCTOBER 10, 2009.

A request was approved for the Gainesville Main Street Program to sell beer on Depot Day beginning at 3:00 p.m. until midnight in the 100 block of Commerce Street. Lynette Pettigrew, Main Street Director, said the area for alcohol sales and consumption will be barricaded and contained and security officers will be present. The intent is to increase attendance and revenues for the “After Dark” scheduled events. The City Manager said it just makes sense to request Council’s approval of a special event permit if the City sponsors sale of alcohol on city streets. The City is covered by insurance for Depot Day and will obtain a temporary permit from the TABC to sell alcohol.

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

RESOLUTION NO. 09-15-2009 G – APPROVE STANFORD CHARITABLE CORPORATION BUDGET FOR 2009-2010

A RESOLUTION APPROVING ACTIONS OF THE STANFORD CHARITABLE CORPORATION APPROVING AND ADOPTING THE FY 2009-2010 BUDGET FOR THE STANFORD HOUSE.

Council approved the action of the Board of Directors of the Stanford Charitable Corporation in adopting the Fiscal Year 2009-2010 budget for the Stanford House. The approved budget is \$88,465 for October 2009 through September 2010. City Council members met earlier in the evening as the Stanford Charitable Corporation Board of Directors to adopt their budget.

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

RESOLUTION NO. 09-15-2009 H – APPROVE CHANGE ORDERS TO CIVIC CENTER EXPANSION PROJECT

A RESOLUTION AUTHORIZING CHANGE ORDERS FOR THE CIVIC CENTER EXPANSION PROJECT FOR ADDITIONAL DIRT WORK AND INSTALLATION OF PAVESTONE DIAMOND PRO SEGMENTAL CONCRETE BLOCK RETAINING WALL SYSTEM.

Sullivan recommended change orders to the Civic Center Expansion Project for additional dirt work and construction of a retaining wall. Earlier this year the Gainesville Economic Development Corporation and the City agreed to spend up to \$650,000 for the Civic Center expansion project. After construction began, a drainage plan (not included as part of the original construction bid) was created, and it was determined that additional dirt work (\$20,119) and the retaining wall (\$3,037.50) are necessary to ensure proper drainage of the expansion area. Sullivan said the GEDC has agreed to pay for additional expenditures up to \$25,000. He said the expenditure must also be approved by the City Council.

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

ORDINANCE NO. 1232-09-2009 – REPEALING MOBILE PHONE USE IN SCHOOL ZONES

FIRST READING OF AN ORDINANCE AMENDING THE CODE OF THE CITY OF GAINESVILLE, TEXAS, BY REPEALING SECTION 11-52 ENTITLED “USE OF HAND-HELD MOBILE TELEPHONES IN SCHOOL ZONES” UNDER CHAPTER 11, ARTICLE IV, SCHOOL ZONES; AUTHORIZING THE REMOVAL OF OLD SIGNS AND THE ERECTION OF NEW STATE-APPROVED SIGNS; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING.

This ordinance repeals a City ordinance adopted in 2008 that is no longer necessary because it has been superseded by State Law. New traffic law, which became effective state-wide on September 1, 2009, prohibits the use of hand-held mobile telephones in a school zone unless the vehicle is stopped or a hands-free device is used. To enforce this new law, cities must post a state approved sign at the beginning of each school zone to inform drivers that using a wireless communication device is prohibited and the operator is subject to a fine. The City will remove its ordinance signage, which will be replaced with the new state signage. Sullivan said the state signage will actually be better for the City because it will be standard state-wide and the rules will be the same across the board. The new signage will allow local enforcement according to state law.

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

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

EXECUTIVE SESSION

Mayor Loch announced at 7:09 p.m. that Council would convene into Executive Session under Government Code §551.072 Real Property for discussion regarding the T-Mobile Water Tower Lease, and under Government Code §551.087 regarding Economic Development.

