

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
June 16, 2009**

The City Council of the City of Gainesville, Texas met in regular session on June 16, 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, Ray Nichols, Vince Rippy, Beverly Snuggs

STAFF PRESENT: Barry Sullivan, City Manager; Kay Lunnon, City Secretary; Bill Harris, City Attorney; Steven Fleming, Police Chief; Dan Parker, Finance Director; Lynette Pettigrew, Main Street Director; Ron Sellman, Public Services Director; Kent Sharp, GEDC Executive Director

OTHERS PRESENT: Janet Morris, Phil Schenk, Jan Fox, Linda Coursey, Dean Patterson, Bryan Ferrell, Lydia Ansley, Margie Askew, Maxine Scott, Dee Blanton, Kit Chase, Natalia Jones, Ken Leach, Juanita Leach, Kelly Kaatz

CALL TO ORDER

Mayor Loch called the meeting to order at 6:30 p.m. All members were present.

INVOCATION & PLEDGE OF ALLEGIANCE

Pastor Larry Eberhart, Family Life Church, gave the invocation. Mayor Loch led the pledge to the flag.

REPORTS

Janet Morris, President of the Cooke County Arts Council, made a request for funding in the City's 2009-2010 fiscal year budget in the amount of \$17,408. She said the monies will be used to support the four organizations within the Arts Council and will be divided according to the bylaws of the Arts Council.

MINUTES OF JUNE 2, 2009 REGULAR COUNCIL MEETING

Council reviewed the Minutes of the City Council Meeting of June 2, 2009 and approved them as written.

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

RESOLUTION NO. 06-16-2009 TASK ORDER NO. 9 WITH HDR ENGINEERING FOR PECAN CREEK UTILITY RELOCATION DESIGN, PRIVATE UTILITY AND RIGHT OF WAY COORDINATION, AND DISPOSAL AREA PLAN AS PART OF PECAN CREEK DAMAGE REDUCTION PROJECT

A RESOLUTION AUTHORIZING THE CITY MANAGER, FOR AND ON BEHALF OF THE CITY OF GAINESVILLE, TO EXECUTE TASK ORDER NO. 9 AGREEMENT WITH HDR ENGINEERING, INC. FOR PROFESSIONAL SERVICES FOR PECAN CREEK UTILITY RELOCATION DESIGN, PRIVATE UTILITY COORDINATION, RIGHT-OF-WAY

COORDINATION, AND DISPOSAL AREA PLAN AS PART OF THE PECAN CREEK FLOOD DAMAGE REDUCTION PROJECT FOR THE CITY OF GAINESVILLE.

Task Order No. 9 for Engineering services by HDR Engineering was authorized for the Pecan Creek Damage Reduction Project, for design of water and wastewater utility relocation, coordination of design of private utility relocations at Broadway Street, Scott Street, California Street, and Garnett Street, coordination of right-of-way acquisitions for the parcels required for the project, and preparation of topographic and boundary surveys for the disposal area per requirements of the U. S. Army Corps of Engineers. Construction on the water and wastewater utility relocations should begin as soon as the contract is awarded. The sanitary sewer interceptor will be ready for bidding and construction as soon as the sanitary sewer easements are acquired. The City Manager said the channelization project is expected to follow after all parcels are acquired for the project. The total amount of Task Order No. 9 is \$168,200 and will be funded with proceeds from 2008 General Obligation Bonds.

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

RESOLUTION NO. 06-16-2009 A – AWARD BID TO BOWLES CONSTRUCTION FOR RELOCATION OF UTILITIES ALONG PECAN CREEK AS PART OF THE PECAN CREEK DAMAGE REDUCTION PROJECT

A RESOLUTION AWARDED BID NO. 2009-9 FOR THE PECAN CREEK UTILITY RELOCATION PROJECT.

Bowles Construction of Wichita Falls was awarded the bid for relocation of water and wastewater utilities as part of the Pecan Creek Damage Reduction Project. Three bidders responded to the advertised request for bids. Bowles was the low bidder and was recommended by the City Manager, city staff, and HDR Engineering for approval in the amount of \$266,900. Contract time is 90 days to final completion.

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

RESOLUTION NO. 06-16-2009 B – AUTHORIZE APPLICATION FOR TEXAS DEPARTMENT OF AGRICULTURE GO TEXAN GRANT AND DESIGNATE CITY OFFICIAL RESPONSIBLE FOR GRANT

A RESOLUTION OF THE CITY OF GAINESVILLE, TEXAS AS APPLICANT AUTHORIZING APPLICATION AND DESIGNATING AN OFFICIAL AS BEING RESPONSIBLE FOR THE APPLICANT IN DEALING WITH THE TEXAS DEPARTMENT OF AGRICULTURE, FOR THE PURPOSE OF PARTICIPATING IN TDA'S GO TEXAS RURAL COMMUNITY HOMETOWN STARS PROGRAM AND CERTIFYING THAT THE APPLICANT IS ELIGIBLE TO RECEIVE PROGRAM ASSISTANCE.

Application by the Main Street Director for a GO TEXAN grant from the Texas Department of Agriculture was authorized. The Main Street Director was designated as the responsible official for the grant application. The grant could provide as much as \$10,000 for the promotion of the annual Depot Day festival.

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

RESOLUTION NO. 06-16-2009 C – APPROVE AIRPORT GROUND LEASE TO KONROE STAHL

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TX, AUTHORIZING THE CITY MANAGER OF THE CITY OF GAINESVILLE TO EXECUTE A GROUND LEASE AGREEMENT WITH KONROE STAHL FOR A PRIVATE HANGAR AT THE GAINESVILLE MUNICIPAL AIRPORT.

A ground lease with Konroe Stahl for a private hangar at the Gainesville Municipal Airport was approved for a primary term of twenty years with two five-year options to extend. The lease rate is 16 cents per square foot per year with Consumer Price Index adjustments every five years. The Airport Advisory Board recommended approval of the long-term lease with Mr. Stahl.

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

PUBLIC HEARING ON CITY PARTICIPATION IN JUSTICE ASSISTANCE GRANT PROGRAM

Mayor Loch opened the Public Hearing at 6:43 p.m. and called for public comment regarding the City's participation in the Justice Assistance Grant Program.

Police Chief Fleming explained that the Gainesville Police Department will apply for a Justice Assistance Grant and will use the funds to purchase seven hand-held radios. The new radios will be narrowband compliant and will increase communication interoperability for the department.

No person came forward to speak either for or against participation in the grant program. With no further discussion, Councilmember Snuggs **moved to close the Public Hearing**, and was seconded by Councilmember Draper. Motion carried by vote of 7 Ayes, 0 Nays, 0 absent. The Public Hearing was closed at 6:45 p.m.

RESOLUTION NO. 06-16-2009 D – AUTHORIZE PARTICIPATION IN JUSTICE ASSISTANCE GRANT PROGRAM FOR PURCHASE OF HAND-HELD RADIOS FOR GAINESVILLE POLICE DEPARTMENT

A RESOLUTION AUTHORIZING PARTICIPATION IN A JUSTICE ASSISTANCE GRANT PROGRAM FOR THE PURPOSE OF PURCHASING SEVEN HAND-HELD RADIOS FOR THE GAINESVILLE POLICE DEPARTMENT.

Participation in a Justice Assistance Grant was approved for the Gainesville Police Department to apply for grant funds in the amount of \$11,831.97 for the purchase of seven hand-held radios. The grant will fund 100% of the project with no budgeted funds from the City of Gainesville.

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

RESOLUTION NO. 06-16-2009 E – AUTHORIZE AGREEMENT WITH COOKE COUNTY FOR ENFORCEMENT AND REGULATION OF ON-SITE SEWAGE FACILITIES WITHIN THE CITY LIMITS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH COOKE COUNTY DESIGNATING THE COUNTY AS THE AUTHORIZED AGENT FOR REGULATION AND ENFORCEMENT OF REGULATIONS FOR ON-SITE SEWAGE FACILITIES WITHIN THE JURISDICTIONAL LIMITS OF THE CITY.

An interlocal agreement with Cooke County was approved that designates Cooke County as the City's authorized agent for regulation and enforcement of regulations for on-site sewage facilities within the city limits of Gainesville. TCEQ (Texas Commission on Environmental Quality) requires the agreement in order for Cooke County to continue to perform inspections of on-site sewage facilities within the city.

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

RESOLUTION NO. 06-16-2009 F – AUTHORIZING OFFER TO PURCHASE REAL ESTATE PROPERTIES AS PART OF THE PECAN CREEK FLOOD DAMAGE REDUCTION PROJECT.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO MAKE OFFER TO PURCHASE REAL ESTATE PROPERTIES AS PART OF THE PECAN CREEK LOCAL FLOOD DAMAGE REDUCTION PROJECT.

The City Manager was authorized to make offers to property owners to purchase eight real estate properties and easements as part of the Pecan Creek Flood Project. The property appraisals were completed by Merit Appraisals and have been approved by the Corps of Engineers for acquisition. Purchase offers are based on the appraised value for each parcel. The total appraised value for the eight parcels is \$6,530.

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

RESOLUTION NO. 06-16-2009 G – AUTHORIZE AGREEMENT WITH DENTON COUNTY CRIMINAL DISTRICT ATTORNEY FOR DISPOSITION OF ASSET SEIZURES AND FORFEITURES

A RESOLUTION AUTHORIZING THE CITY MANAGER OF THE CITY OF GAINESVILLE, TEXAS TO ENTER INTO AN INTERLOCAL AGREEMENT WITH DENTON COUNTY CRIMINAL DISTRICT ATTORNEY'S OFFICE FOR DISPOSITION OF ASSET SEIZURES AND FORFEITURES.

An interlocal agreement with the Denton County Criminal District Attorney's Office was authorized for disposition of asset seizures and forfeitures in Denton County by the Gainesville Police Department. The contract provides for the GPD to receive a percentage of the value of contraband seized and forfeited in Denton County under Chapter 59 of the Texas Code of Criminal Procedure. Under the contract, GPD is to receive 80% of value of seizures and forfeitures.

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

RESOLUTION NO. 06-16-2009 H – APPROVE GEDC ACTIONS FOR EXPENDITURE FOR DEMOLITION OF TWO WATER TANKS, SAND TANKS AND RESTORATION OF THE WATER SHOP PROPERTY SITE AT 1001 WEST CALIFORNIA

A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION WHICH APPROVED EXPENDITURE FOR THE WATER SHOP PROPERTY CONSISTING OF DEMOLITION OF TWO WATER TANKS, SAND TANKS AND RESTORATION OF THE SITE WITH SELECT FILL AT 1001 WEST CALIFORNIA, ALSO KNOWN AS THE WATER SHOP PROPERTY.

Expenditure of \$104,899 by the Gainesville Economic Development Corporation was approved for improvements on the former Water Shop property at 1001 West California. The improvements consist of demolition of two water tanks, sand tanks and restoration of the site with select fill. GEDC owns the property and will pay City crews to perform the work. Executive Director Kent Sharp said the site preparation work is necessary for future sale and development of the property.

