



**CITY OF GAINESVILLE  
NOTICE OF REGULAR CALLED CITY COUNCIL MEETING  
Tuesday, October 21, 2008, 6:30 P.M.  
MUNICIPAL BUILDING, 200 SOUTH RUSK, GAINESVILLE, TEXAS**

*Glenn Loch, Mayor*

*Carolyn Hendricks, Councilmember, Ward 1  
Beverly Snuggs, Councilmember, Ward 2  
Charles Draper, Councilmember, Ward 3*

*Jim Goldsworthy, Mayor Pro Tem  
Ray Nichols, Councilmember, Ward 5  
Vince Rippy, Councilmember, Ward 6*

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**AGENDA**

- 1. CALL TO ORDER .....Mayor Glenn Loch**
- 2. INVOCATION**
- 3. PLEDGE TO THE FLAG**
- 4. PROCLAMATIONS / RECOGNITIONS**
- 5. REPORTS.....Medal of Honor Program**
- 6. CITIZEN COMMENTS**
- 7. CONSENT AGENDA**
  - A. Minutes of October 7, 2008 Regular City Council Meeting
  - B. Appointment to Gainesville Housing Authority Board

**ITEMS TO BE CONSIDERED**

- 8.** Consideration of and action on a Resolution of the City Council of the City of Gainesville, Texas, adopting a written identity theft program policy and authorizing the City Manager to approve changes in the policy.
- 9.** Consideration of and action on a Resolution instructing the City Attorney to institute condemnation proceedings, if necessary, to obtain title to all properties located in the city of Gainesville, Texas, to be utilized in the Pecan Creek Flood Damage Reduction Project as described in an agreement, between the United States Army Corp of Engineers and the City of Gainesville, Texas.
- 10.** Consideration of and action on a Resolution of the City of Gainesville, Texas finding that Oncor Electric Company's requested increases to its electric transmission and distribution rates and charges within the city should be denied; finding that the city's

reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel.

11. Consideration of and action on a Resolution of the City of Gainesville, Texas, authorizing the Cities Aggregation Power Project, Inc. (CAPP) to negotiate an electric supply agreement for deliveries of electricity and necessary, related services effective January 1, 2009; authorizing CAPP to act as an agent on behalf of the city to enter into a contract for electricity; approving CAPP contracting with FPL Energy and Direct Energy and authorizing the chairman of CAPP to execute an electric supply agreement for deliveries of electricity effective January 1, 2009; committing to budget for energy purchases and to honor the city's commitments to purchase power through CAPP for its electrical needs beginning January 1, 2009 through December 31, 2013.
12. Consideration of and action on SECOND READING of an Ordinance of the City of Gainesville, Texas approving an electric power contract with Cities Aggregation Power Project, Inc. ("CAPP") for electric capacity and energy, providing capacity payments as public property finance contractual obligations of the City, pledging and levying an ad valorem tax to such payments, providing for energy payments for electric energy subject to annual appropriation by the City, providing for the assignment of such capacity payments to support debt issued by CAPP incurred to acquire electric capacity rights from Luminant Generation Company and related entities pursuant to a 24-year power purchase agreement ("PPA"); authorizing the City Manager or other appropriate City officer or employee to execute and deliver the member contract; further authorizing the City Manager or other appropriate city officer or city employee to sign additional agreements arranged by CAPP for electric power needed by the City in the period 2009-2011 in excess of the amount obtained under the member contract; acknowledging, authorizing and directing the City Manager or appropriate City officer or City employee to sign and return CAPP's disclosure letter; further authorizing the City Manager or appropriate City officer or other City employee to accept conforming changes to the member contract dependent on the final terms of the CAPP PPA; providing for validity and sufficiency of City employee's or City officer's signature if the officer or employee leaves office or employment prior to the delivery of the member contract; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act.
13. Consideration of and action on FIRST READING of an Ordinance amending the City of Gainesville Code of Ordinances, Chapter 2 Administration, Article I In General, Section 2-14 Investment Funds Policy, Section 2-14.1 Introduction; providing for repeal of Section 2-14.2 thru Section 2-14.10; providing an effective date; providing for repeal of conflicting ordinances; providing for severability; and an open meeting finding.
14. Consideration of and action on a Resolution of the City Council of the City of Gainesville, Texas, adopting a written investment policy and a written investment strategy and designating the Administrative Services Director as the City Investment Officer.
15. Consideration of and action on a Resolution authorizing waiver of special use permit application fees for Abigail's Arms emergency shelter facility.

**EXECUTIVE SESSION  
RECONVENE INTO OPEN SESSION**

Consideration of and action on item(s) discussed in Executive Session.

**ADJOURN**

*At any time during the meeting and in compliance with the Texas Open Meetings Act, Chapter 551, Government Code, Vernon's Texas Codes, Annotated, the City Council may meet in executive session on any of the above agenda items for consultation concerning attorney-client matters (§551.071); deliberation regarding real property (§551.072); deliberation regarding prospective gift (§551.073); personnel matters (§551.074); deliberation regarding security devices (§551.076); and deliberation regarding economic development negotiations (§551.087). Any subject discussed in executive session may be subject to action during the open meeting.*

- i. Citizen comments will be limited to persons who have registered with the City Secretary in advance, except by majority vote of the City Council. In accordance with the Open Meetings Act, the Council will hear comments of public interest, but any discussion shall be limited to placing the item on a future agenda for consideration.*
- ii. Items on the Consent Agenda will be voted on in one motion unless request is made for separate discussion and approved by the City Council.*
- iii. In order to be fair to all persons who have items on the agenda or interest in one or more of the items, the Council may impose time limitations on speakers in Public Hearings. Applicants must limit presentations to 5 minutes. The Mayor may impose other time constraints at his discretion, depending on other prevailing factors. Speakers will be notified by the Mayor Pro Tem when their time has expired.*
- iv. The Council reserves the right to retire into executive session concerning any of the items listed on this Agenda, whenever it is considered necessary and legally justified under the Open Meetings Act.*
- v. Persons with disabilities who plan to attend this meeting and who may need assistance should contact the City Secretary at (940) 668-4500 two working days prior to the meeting so that appropriate arrangements can be made.*

I, Kay Lunnon, City Secretary, posted this Agenda on the official City of Gainesville bulletin board in the Municipal Building, 200 S. Rusk Street, Gainesville, Texas 76240, which is accessible to the public twenty-four hours each day at \_\_\_\_\_ a.m./p.m. on \_\_\_\_\_, 2008.

Sworn to and subscribed before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 2008. \_\_\_\_\_  
Kay Lunnon

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Notary Public, State of Texas  
My Commission expires: \_\_\_\_\_