



CITY OF GAINESVILLE
NOTICE OF REGULAR CALLED CITY COUNCIL MEETING
Tuesday, September 2, 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

AGENDA

- 1. CALL TO ORDERMayor Glenn Loch**
- 2. INVOCATIONPastor Jerry Elliott, First Assembly of God**
- 3. PLEDGE TO THE FLAG**
- 4. PROCLAMATIONS / RECOGNITIONS**
- 5. REPORTS**
- 6. CITIZEN COMMENTS**
- 7. CONSENT AGENDA**
 - A. Minutes of August 19, 2008 Regular City Council Meeting
 - B. Appointments to Airport Advisory Board

ITEMS TO BE CONSIDERED

- 8.** Second Public Hearing on the Proposed Tax Rate (\$0.647 per \$100 valuation) for City of Gainesville for the Fiscal Year 2008-2009.
- 9.** Public Hearing on the Proposed Budget for City of Gainesville for the Fiscal Year 2008-2009.
- 10.** Consideration of and action on a Resolution authorizing an addendum to the contract with Jim A. Robertson for the collection of delinquent taxes, to add services for collection of demolition and mowing liens; providing for compensation for services required thereunder; providing for a contract period and other terms and conditions contained therein.

11. Consideration of and action on a Resolution approving/disapproving the proposed Cooke County Appraisal District 2008-2009 Budget.
12. Consideration of and action on a Resolution approving the annual budget as presented by the Texoma Area Solid Waste Authority (TASWA) for Fiscal Year 2008-2009.
13. Consideration of and action on a Resolution approving actions of the Stanford Charitable Corporation approving and adopting the FY 2008-2009 budget for the Stanford House.
14. Consideration of and action on a Resolution ordering extension of the moratorium on building permits for the construction or building of any shed, garage, carport, shop or shelter which is not attached to a residence on any lot or parcel of land within said city.
15. Consideration of and action on a Resolution granting approval of the site plan in the Grand Avenue Corridor, for the property located at 406 North Grand Avenue for commercial development, submitted by Bill Hamilton.
16. Consideration of and action on a Resolution of the City Council of the City of Gainesville, Texas, recognizing the annual Depot Day celebration in the City of Gainesville and requesting temporary closure of a portion of California Street in accordance with agreement with the Texas Department of Transportation.
17. Consideration of and action on a Resolution authorizing the City Manager to make an offer to purchase real estate property at 729 Gossett Street as part of the Pecan Creek Local Flood Damage Reduction Project.
18. Public Hearing on Specific Use Permit as requested by Roy Lee Fuhrmann for replacement of a mobile home to be used as a single family residence located at 1278 FM 1201.
19. Consideration of and action on FIRST READING of an Ordinance amending Ordinance No. 25-2-71; 154-12-79; the Zoning Ordinance of the City of Gainesville, Texas, authorizing the City Council of the City of Gainesville, Texas, to grant a specific use permit, as requested by Mr. Roy Lee Fuhrmann for the replacement of a mobile home to be used as a single family residence located at 1278 FM 1201 for a period of time to be determined by city council or until the property changes ownership, and/or primary use; providing for amendment of the official zoning map of the City of Gainesville; providing for suspension of the city charter requirement of reading on three separate occasions; providing for publication; providing an effective date; containing a severability clause; and making an open meeting finding.
20. Public Hearing on rezoning of 35.695 acres in the A.C.C Bailey Survey, Abstract 44, Cooke County, Texas, from Agriculture (A) to Multiple-family 2 (MF-2)
21. Consideration of and action on FIRST READING of an Ordinance amending Ordinance 25-2-71; 101a-8-76; 154-12-79; the zoning ordinance of the City of Gainesville, Texas

authorizing the rezoning of 35.695 acres in the A.C.C Bailey Survey, Abstract 44, Cooke County, Texas, from Agriculture (A) to Multiple-family 2 (MF-2); providing for amendment of the official zoning map of the City of Gainesville; providing for stipulations; providing for publication; providing for an effective date; providing for suspension of the charter requirement of reading the ordinance on three separate occasions; containing a severability clause and making an open meeting finding.

22. Consideration of and action on SECOND READING of an Ordinance amending the City of Gainesville Code of Ordinances, Chapter 2 Administration, Article 1 In General; adding Section 2-3(h)(10) Fee Schedule; providing an effective date; providing for repeal of conflicting ordinances; providing for severability; providing an effective date; and making an open meeting finding.
23. Consideration of and action on FIRST READING of an ordinance of the City Council of the City of Gainesville, Texas, ("City") approving a negotiated resolution between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "the company") regarding the company's rate review mechanism filing in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; approving Atmos' proof of revenues; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas open meetings act; declaring an effective date; and requiring Delivery of this ordinance to the company and legal counsel.
24. Consideration of and action on SECOND READING of an Ordinance providing for the approval of the final plat of 14.37 acres in the W.C. Winters Survey Abstract 1086, City of Gainesville, Cooke County, Texas to be known as the Sam Enderby Office Park; providing for a severability clause; providing for publication; providing an effective date; providing for an open meeting; and providing for suspension of the charter requirement of reading on three separate days.
25. Discuss long-term power purchase agreement between Big Brown Power Company, LLC; Oak Grove Management Company, LLC; Luminant Generation Company, LLC; and Cities Aggregation Power Project, Inc. (CAPP)

EXECUTIVE SESSION

Adjourn into closed or executive session in compliance with Vernon's Texas Codes Annotated, Government Code, Chapter 551 (Open Meetings Act), to discuss the following:

- Under Government Code §551.071 Consultation with Attorney
- Under Government Code §551.072 Real Property

RECONVENE INTO OPEN SESSION

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

CITY MANAGER'S COMMENTS

CITY ATTORNEY'S COMMENTS

MAYOR'S COMMENTS

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.

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

Notary Public, State of Texas
My Commission expires: _____