

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
September 19, 2006
6:30 P.M.**

The City Council of the City of Gainesville, Texas met in regular session on September 19, 2006 at 6:30 p.m. with the following persons in attendance:

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

STAFF PRESENT: Mike Land, City Manager; Kay Lunnon, City Secretary; Dan Parker, Finance Director, Mary Jarvis, Controller, Ron Sellman, Public Services Director, John Noblitt, Planning Technician, Chris Cypert, Municipal Court Judge, Gordon Walker, Court Marshal

VISITORS PRESENT: Bill Branum, GISD, Allen Fleitman, Stephen L. Koch, Trisa Koch, Rod Tyler, Johnny Glass, Jerry Henderson, Gary Conaway, Kathy Floyd, Barbara Bloom, Jack Dyer, Bobby Rawlings, Stevie Dutton

CALL TO ORDER

Mayor Loch called the meeting to order. All members were present.

INVOCATION & PLEDGE OF ALLEGIANCE

The invocation was given by the Reverend Don Yeager of First United Methodist Church. Councilmember Goldsworthy led the pledge to the flag.

CONSENT AGENDA

Council reviewed the Minutes of the September 5, 2006 Regular City Council Meeting and approved them as written.

BOARD APPOINTMENTS:

RESOLUTION NO. 09-19-2006 – APPOINTMENTS TO KEEP GAINESVILLE BEAUTIFUL BOARD

A RESOLUTION APPROVING APPOINTMENTS TO THE KEEP GAINESVILLE BEAUTIFUL BOARD.

Phyllis Griffin was appointed to the board to a term expiring December 2008. Mibs Powell was appointed to a term expiring December 2007 and Donna Hertel was appointed as alternate, to a term expiring December 2007.

Councilmember Goldsworthy **made the motion for approval of the Consent Agenda**, seconded by Councilmember Draper. Motion carried unanimously.

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, and Williams.

Nays: None.

ITEMS CONSIDERED

RESOLUTION NO. 09-19-2006A – APPROVING CCAD BUDGET FY 2006-2007

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING OR DISAPPROVING THE PROPOSED FY 2006-2007 BUDGET FOR THE COOKE COUNTY APPRAISAL DISTRICT.

Council approved the Cooke County Appraisal District budget for Fiscal Year 2006-2007 as presented, and authorized the CCAD to use the City's portion of reserve funds from FY 2005 to pay for pictometry.

Councilmember Draper **made the motion for approval of the Resolution**, seconded by Councilmember Williams. Motion carried.

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, and Williams.

Nays: None.

RESOLUTION NO. 09-19-2006 B – APPROVING TASWA BUDGET FY 2006-2007

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING THE ANNUAL BUDGET AS PRESENTED BY THE TEXOMA AREA SOLID WASTE AUTHORITY (TASWA) FOR FISCAL YEAR 2006-2007.

The TASWA budget for Fiscal Year 2006-2007 was approved as presented.

Councilmember Goldsworthy **made the motion for approval of the Resolution**, seconded by Councilmember Rippy. Motion carried unanimously.

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, and Williams.

Nays: None.

RESOLUTION NO. 09-19-2006 C – APPROVAL OF SITE PLAN FOR GISD HIGH SCHOOL

CONSIDERATION OF AND ACTION ON A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, GRANTING APPROVAL OF THE SITE PLAN IN THE I-35 CORRIDOR, FOR THE DEVELOPMENT OF A PUBLIC SCHOOL, AS SUBMITTED BY THE GAINESVILLE INDEPENDENT SCHOOL DISTRICT.

Bill Branum, GISD, said in accordance with recommendations by the Planning and Zoning Commission, trees have been added on the north and south sides of the building, and drainage detention area will be a part of the landscaping—a gradual, shallow incline with aesthetic beauty. Branum said GISD's goal is for the facility to provide a distinctive visibility to the community. The GISD has worked with TXDOT on ingress and egress to the new facility and Branum stated safety is a number one concern for the District. He said the front of the building will face I-35 and the front parking will be for visitors, staff, and parents dropping off students. Students and busses will enter and exit from FM 1306, and student parking will be located behind the school building. Branum said TXDOT is making many improvements to the corner of Hwy 51 and FM1306 to accommodate safe access to the school site.

Councilmember Draper **made the motion for approval of the Resolution**, seconded by Councilmember Snuggs. Motion carried.

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, and Williams.

Nays: None.

RESOLUTION NO. 09-19-2006 D – AUTHORIZING PARTICIPATION IN TXDOT RAMP GRANT FOR THE MUNICIPAL AIRPORT

CONSIDERATION OF AND ACTION ON A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A GRANT FOR THE ROUTINE AIRPORT MAINTENANCE PROGRAM (RAMP), PROVIDING FOR THE CITY OF GAINESVILLE MATCHING FUNDS UP TO \$50,000 FROM THE GAINESVILLE MUNICIPAL AIRPORT FUND.

An agreement with the Texas Department of Transportation was approved for the FY 2007 Routine Airport Maintenance Program (RAMP) grant. Various repair and maintenance items are included, such as the automated weather observation system (AWOS) for required monitoring and certification; monthly connection fee and scheduled maintenance of the NADIN; the TXDOT herbicide program, semi-annual inspections & repairs to the NDB, work related to storm water pollution prevention plan, repairs to city-owned hangars. The City will provide match funds up to \$50,000 from the Gainesville Municipal Airport Fund.

Councilmember Snuggs **made the motion for approval of the Resolution**, seconded by Councilmember Williams. Motion carried by unanimous vote.

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, and Williams.

Nays: None.

RESOLUTION NO. 09-19-2006 E – APPROVING PRELIMINARY PLAT FOR TUSCANY VILLAS

CONSIDERATION OF AND ACTION ON A RESOLUTION PROVIDING FOR THE APPROVAL OF THE PRELIMINARY PLAT FOR TUSCANY VILLAS, LOTS 1 THROUGH 52, IN THE 2400 BLOCK OF FM 1306; BEING 16.31 ACRES IN THE E. YEAMAN SURVEY, ABSTRACT 1173, CITY OF GAINESVILLE, COOKE COUNTY, TEXAS.

Council approved the Preliminary Plat for Tuscany Villas in the 2400 block of FM 1306, for development of 52 lots. Streets and drainage within the subdivision will be privately owned and maintained through a Homeowners Association. The streets will be 26 feet in width, of reinforced concrete with stabilized construction, and will be designated as fire lanes with no street parking. P & Z recommended approval. Developer Bobby Rawlings stated he is ready to begin work.

Councilmember Rippy **made the motion for approval of the Resolution**, seconded by Councilmember Goldsworthy. Motion carried by unanimous vote.

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, and Williams.

Nays: None.

RESOLUTION NO. 09-19-2006 F – AUTHORIZING PARTICIPATION IN HOMELAND SECURITY REGIONAL GRANT WITH TCOG

CONSIDERATION OF AND ACTION ON A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING PARTICIPATION IN AN APPLICATION FOR A HOMELAND SECURITY REGIONAL GRANT WITH THE TEXOMA COUNCIL OF GOVERNMENTS (TCOG) FOR THE PROGRAM YEAR 2006.

Fire Chief Steve Boone said the application is for program year 2006 and the grant funds will be pooled by the cities of Sherman, Denison, Gainesville, and the county of Grayson to purchase a communications vehicle which will be utilized by first responders in the Texoma region, in accordance with interlocal agreements between the participating entities.

Councilmember Goldsworthy **made the motion for approval of the Resolution**, seconded by Councilmember Draper. Motion carried.

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippey, Snuggs, and Williams.

Nays: None.

ORDINANCES

PUBLIC HEARING ON SPECIFIC USE PERMIT FOR SALE OF ALCOHOL AT SEAFOODVILLE LOCATED AT 424 EAST CALIFORNIA STREET

The Mayor announced the public hearing at 6:51 p.m. and called for comments either for or against the permit.

Barbara Bloom, 3710 North Weaver, spoke in opposition. Ms. Bloom introduced herself as a teacher at the Learning Tree, a private school, and pointed out the school's location on the map, stating that the children dropped off and picked up from the school are well within 1000 feet of Seafoodville. She expressed concern for the safety of the children and urged council to consider the seventy children who attend the school and will be exposed to potential dangers from the nearby sales of mixed beverages if the specific use permit is approved.

Jerry Henderson, Executive Director of the Gainesville Housing Authority, came forward to express opposition to the permit on behalf of the residents of the Turner Hotel, which is located directly across the street from Seafoodville. Henderson requested Council consideration of the rights of residents to the quiet enjoyment of their home, and stated the noise from the restaurant is a nuisance to them.

Johnny Glass, owner of Seafoodville, addressed Council in favor of granting the permit. Glass, in response to Ms. Bloom's concern for the safety of the school children, stated his restaurant is not open in the morning and that most of his business occurs after 5:00 p.m. He said Ms. Bloom has a valid concern, however, the citizens voted Gainesville wet and all he is doing is re-establishing his opportunity to collect the benefit of the citizen's desires, and it would be a miscarriage of justice for him to be denied the permit based on that concern, since the location held a private club permit prior to the local option alcohol election and he has never heard an objection from the school until now. Glass said the location is zoned for the use he requests; that there have been no safety issues at the location; that he has worked, and continues to work with the City regarding noise complaints; and there is no scientific data that the sale of mixed beverages would increase the level of noise. He reiterated that granting a previously licensed location another permit does not mean the noise will get any louder, that is a separate issue, and he is willing to continue to make efforts on that issue to be a good neighbor.

Glass said he has worked with the City on the decibel level for music in order to placate a complainant at the Turner Hotel. He said in working with the City, he installed a sound barrier behind the stage area, which helped to decrease the decibel level. He said the ordinance says noise should not be an excessive level, not that there should be no noise. He added that the hotel tenant refuses to move to the opposite side of the building where space is available, and, he says, windows in the hotel are left open.

Ms. Bloom spoke again to clarify that one group of children arrive at the school in the morning and another group arrives in the afternoon. She reiterated that the location of the school is only 795 feet from the restaurant location.

No other person came forward to speak either for or against the issue.

Councilmember Snuggs **moved to close the Public Hearing**, seconded by Councilmember Draper. The Public Hearing was closed at 7:07 p.m. by unanimous vote:
Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, and Williams
Nays: None.

FIRST READING OF A ORDINANCE FOR A SPECIFIC USE PERMIT FOR SEAFOODVILLE FOR SALE OF ALCOHOL

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 ISSUE A SPECIFIC USE PERMIT, AS REQUESTED BY DAVID BONE, TO ALLOW FOR THE SALE OF ALCOHOL AT SEAFOODVILLE LOCATED AT 424 EAST CALIFORNIA STREET; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF GAINESVILLE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE CITY OF GAINESVILLE; PROVIDING AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR SUSPENSION OF THE CITY CHARTER REQUIREMENT OF READING ON THREE SEPARATE OCCASIONS; AND MAKING AN OPEN MEETING FINDING.

Mike Land said prior to the meeting, Council received a letter from Don Yeager, Senior Pastor of First United Methodist Church, requesting Council's denial of the permit, citing the location of the Learning Tree Preschool housed within the FUMC, and potential safety risks posed to the children attending the school located within the one thousand foot distance measurement.

Land clarified that the noise issue is a disturbing the peace issue, which does not relate the decibel issue to the alcohol permit request. He said in the issuance of a Specific Use Permit for alcohol sales, reference to noise or sound levels references back to the zoning ordinance. He added that a private school does have the right to request denial of a SUP if it is located within the 1000 feet measurement, and Council can disapprove a permit if it receives a request from a private school. Land said the noise issue will be addressed in the zoning ordinance, which Planning and Zoning has requested to review.

Noting the need for further readings of the ordinance, Councilmember Snuggs **moved to disapprove first reading of the Ordinance and to send it back for recommendation of Planning and Zoning Commission accompanied by the letter from the First United Methodist Church**. This motion was seconded by Councilmember Draper, and then followed by additional discussion regarding Council responsibility for final decision after Planning and Zoning. However, Councilmembers concurred that since Planning & Zoning Commission had made their recommendation without receipt of the letter from FUMC, the Commission should be given opportunity to receive the letter in making their recommendation. The vote was taken and the motion carried unanimously:

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, and Williams
Nays: None

PUBLIC HEARING ON REZONING 503 SCOTT STREET FROM SINGLE FAMILY (SF-3) TO TWO FAMILY (2F)

The Mayor announced the public hearing at 7:16 p.m. and called for comments either for or against the rezoning.

Stephen Koch, S & T Custom Homes, property owner and builder, spoke in favor of the rezoning to allow for construction of a multi family duplex home. He requested Council to approve the rezoning in one reading so he could begin work on the project.

No other person came forward to speak either for or against the issue.

Councilmember Goldsworthy **moved to close the Public Hearing**, seconded by Councilmember Snuggs. The Public Hearing was closed at 7:18 p.m. by unanimous approval:

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, and Williams

Nays: None.

ORDINANCE NO. 1153-09-2006 – REZONING 503 WEST SCOTT STREET FROM SF-3 TO 2F

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 CITY OF GAINESVILLE, TEXAS, TO REZONE FROM SINGLE FAMILY 3 (SF-3) TO TWO FAMILY (2F), ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE A. BOUTWELL SURVEY, ABSTRACT 99, CITY OF GAINESVILLE, COOKE COUNTY, TEXAS, BEING PARTS OF LOTS 1 AND 2 IN BLOCK 14 OF THE HAHN ADDITION (UNRECORDED); PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF GAINESVILLE; PROVIDING FOR STIPULATIONS; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE CITY OF GAINESVILLE; 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.

Land said approval of the re-zoning was recommended by the Planning and Zoning Commission on August 5, 2006, following a public hearing, at which time there were no comments for or against the re-zoning.

Councilmember Goldsworthy **moved for Suspension of Charter**, and was seconded by Councilmember Williams. The motion carried unanimously:

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, and Williams

Nays: None

Councilmember Goldsworthy **moved for adoption of the Ordinance**, seconded by Councilmember Draper. The motion carried by the following votes:

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, and Williams

Nays: None

ORDINANCE NO. 1154-09-2006 – WATER & WASTEWATER RATES REVISIONS

CONSIDERATION OF AND ACTION ON SECOND READING OF AN ORDINANCE AMENDING CHAPTER 19, ARTICLE II, SECTIONS 19-51, 19-52 AND 19-64, OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE; PROVIDING FOR REVISIONS TO WATER AND WASTEWATER RATES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SUSPENSION OF THE CHARTER REQUIREMENT OF READING ON THREE SEPARATE DAYS; AND MAKING AN OPEN MEETING FINDING. Mike Land stated the City's adopted Comprehensive Utility Business Plan includes the rate increases to finance necessary capital improvements to the water system. He said the rate increase is 4% across the board to all users of the system, and also establishes the per door charge for multi family units. Land requested suspension of charter and adoption on second reading in order to have the rates in place at the beginning of the new fiscal year.

Councilmember Goldsworthy **moved for Suspension of Charter**, and was seconded by Councilmember Rippy. The motion carried unanimously:

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, and Williams

Nays: None

Councilmember Williams **moved for adoption of the Ordinance**, seconded by Councilmember Goldsworthy. The motion carried by the following votes:

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, and Williams

Nays: None

FIRST READING OF AN ORDINANCE TO BE KNOWN AS THE 2006 GAINESVILLE SIGN CODE

FIRST READING CONSIDERATION OF AND ACTION OF AN ORDINANCE TO BE KNOWN AS THE 2006 GAINESVILLE SIGN CODE PROVIDING FOR REGULATIONS AND SPECIFICATIONS OF ALL SIGNS WITHIN THE CITY OF GAINESVILLE, IN ORDER TO PROMOTE AND SECURE THE SAFETY, HEALTH AND WELFARE OF ALL THE CITIZENS OF THE CITY OF GAINESVILLE; ACHIEVING A MORE DESIRABLE LIVING ENVIRONMENT; PROTECTING AND ENHANCING THE AESTHETICS OF THE CITY WITH BETTER SIGN USAGE; PROVIDING FOR REDUCTION OF NONCONFORMING SIGNS; REPEALING ALL PREVIOUS SIGN REGULATIONS; MAKING FINDINGS OF FACT; PROVIDING FOR PUBLICATION; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

At the request of Planning and Zoning Commission, City staff has reworked some of the provisions the existing sign code. John Noblitt, Planning Technician, said the revisions include new definitions, a fee schedule that is more comparable with other cities, allowing sandwich boards, restriction of billboards to I-35 and Hwy 82, and restriction of their placement in parking lots, and increased buffer requirements between billboards and schools. Spectacular signs, such as large balloons in shapes of animals or other objects, are prohibited in this ordinance, a change to the current sign code which allows approval on a case by case basis. However, Land said the question on the prohibition of spectacular signs needed to be clarified by the Council. Noblitt added that specific penalties for infractions have been added to the new ordinance. The ordinance is recommended to go through three readings.

Councilmember Snuggs **moved to approve first reading of the Ordinance**, seconded by Councilmember Draper. The motion carried by the following votes:

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippey, Snuggs, and Williams

Nays: None

COUNCIL DISCUSSION AND DIRECTION REGARDING FISCAL YEAR 2006-2007 BUDGET

City Manager, Mike Land, presented Council with two scenarios of the proposed budget, both based on a proposed tax rate of \$.6491. Plan One allows for no addition of personnel. Plan Two allows addition of personnel positions, City Marshal, Municipal Court Clerk, Code Enforcement Officer, and two police officers, with revenues generated by the positions, with the exception of the code enforcement officer, offsetting the expenditures of the positions. In support of adding the Code Enforcement Officer position, Land said the impact to the budget is so small as it relates to the overall goals set out by Council, that it would have no impact on the tax rate, and he would be comfortable with going ahead and adding the position, based on Council's goals, even though there are no revenues to offset the position. When considering the addition of the other positions, Land said, while there is a revenue offset, it is important for Council to remember their goal is to reduce operating costs. Land said as they discuss the tax rate this evening, either budget scenario they choose will not impact the proposed tax rate of \$.6491, which is also the effective tax rate.

Land recommended the Plan One budget plus the addition of the code enforcement officer position. Land requested that Council, as they make their decision later on this agenda, to be very clear as to what positions, if any, they want to add, so that staff can deliver a budget on September 30 that represents what they asked staff to do tonight.

Councilmember Goldsworthy expressed that with gang and drug issues in the community, there is no better time to add the police officers and the marshal, because their expenses would be offset by revenues, and it makes sense to add these additional positions at this time.

Councilmember Williams stated that if the City stays on a course of keeping expenses down, and considers position vacancies as they occur during the year, not as department vacancies, but as City vacancies, and looks at moving jobs to the departments with a critical need, then both goals of controlling expenses and personnel costs, can be met.

PUBLIC HEARING ON 2006-2007 BUDGET APPROPRIATIONS TO AGENCIES RECEIVING HOTEL/MOTEL AND PUBLIC ASSISTANCE FUNDING.

The Mayor announced the public hearing at 7:31 p.m. and called for comments either for or against the appropriations that the agencies are to receive in the proposed budget. City Manager Mike Land reviewed the amounts budgeted for each agency to receive public assistance funding and each agency to receive hotel motel occupancy tax funding. To receive public assistance funds are Texoma Area Paratransit System, Stanford House, Mental Health Mental Retardation, Cooke County Friends of the Family, Cooke County Youth Center, Court Appointed Special Advocates, and Pecan Creek Senior Center. Agencies to receive hotel motel occupancy tax funding are Cooke County Arts Council, Cooke County Heritage Society, Morton Museum for the Santa Fe Depot Museum, and

the Gainesville Area Chamber of Commerce. Land said the amounts budgeted for the agencies are the same amounts as budgeted last year.

Councilmember Snuggs inquired about the services of the Arts Council, and Land replied they distribute funds to various agencies that work through the Arts Council.

No other person came forward to speak for or against the budget appropriations.

Councilmember Draper **moved to close the Public Hearing**, seconded by Councilmember Goldsworthy. The Public Hearing was closed at 7:33 p.m. by unanimous vote:

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippey, Snuggs, and Williams

Nays: None.

PUBLIC HEARING ON 2006-2007 BUDGET APPROPRIATIONS FOR CITY OF GAINESVILLE

The Mayor announced the public hearing at 7:34 p.m. and called for comments either for or against the proposed City budget.

No person came forward to speak either for or against.

Councilmember Goldsworthy **moved to close the Public Hearing**, seconded by Councilmember Williams. The Public Hearing was closed at 7:35 p.m. by the following votes:

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippey, Snuggs, and Williams

Nays: None.

ORDINANCE NO. 1155-09-2006 – ADOPTING CITY BUDGET FOR FY 2006-2007

CONSIDERATION OF AND ACTION ON AN ORDINANCE ESTABLISHING APPROPRIATIONS FOR THE SUPPORT, MAINTENANCE, BUILDINGS AND IMPROVEMENTS FOR THE CITY OF GAINESVILLE, TEXAS, FOR THE FISCAL YEAR FROM OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007 AND REVISING THE BUDGET FOR OCTOBER 1, 2005 THROUGH SEPTEMBER 30, 2006; PROVIDING AN EFFECTIVE DATE, AND SUSPENDING THE CHARTER PROVISION REQUIREMENT OF READING ON THREE SEPARATE OCCASIONS; AND MAKING AN OPEN MEETING FINDING.

Land presented the two budget scenarios and requested Suspension of Charter in order for staff present a budget on September 30 based on direction by Council.

Mayor Loch, repeated that the City Manager's recommendation is Plan One, plus addition of the Code Enforcement Officer only, and called for comments and questions regarding the two budget scenarios.

With two proposed budget plans, both based on the a proposed tax rate of \$.6491, discussion revolved on the additional personnel positions in Plan Two, based on revenue projections offsetting position expenditures, and controlling total personnel costs. Discussion ranged from an opinion of there being no better time to add the positions than now because of the need, to an opinion that the time from hiring and training to performance can reduce the revenues projected

for the positions. Determining that budget Plan Two does not necessarily mean adding all the supplemental positions or none of them, the discussion developed into viewing the City employee population as a total number, and possibly reallocating resources for positions as vacancies occur in the system to the areas of critical need without increasing the total number of employees in the City. Councilmembers agreed to authorize the City Manager to hire the new positions when he determined it best to do so, with the stipulation that total employee numbers not be increased, and personnel costs stay as budgeted in Plan One.

Councilmember Snuggs **moved for Suspension of Charter**, and was seconded by Councilmember Williams. The motion carried unanimously:

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, and Williams

Nays: None

Councilmember Snuggs **moved to approve Budget Plan Two, with the stipulations as discussed tonight**. Williams added a **proviso to the motion that expenses and total employee population do not exceed Budget Plan One**. The motion was seconded by Councilmember Rippy, and carried by unanimous vote:

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, and Williams

Nays: None

ORDINANCE NO. 1156-09-2006 – ADOPTING TAX LEVY FOR FY 2006-2007

CONSIDERATION OF AND ACTION ON 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, 2006 THROUGH SEPTEMBER 30, 2007; 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 SUSPENDING THE CHARTER PROVISION REQUIREMENT OF READING ON THREE SEPARATE OCCASIONS AND MAKING AN OPEN MEETING FINDING.

Land recommended a tax levy of \$0.6491. He commented that tax rate is lower than the previous year by 2 ½ cents, and is the second year the City has stayed with the effective tax rate. Within the last two years, the City's tax rate has been lowered about 5 cents.

Councilmember Draper **moved for Suspension of Charter**, and was seconded by Councilmember Snuggs. The motion carried unanimously:

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, and Williams

Nays: None

Councilmember Draper **moved to approve adoption of the Ordinance with effective tax rate of \$.6491**, seconded by Councilmember Williams. The motion carried by the following votes:

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, and Williams

Nays: None

RESOLUTION NO. 09-19-2006 G – AUTHORIZING CONTRACTS FOR AGENCIES RECEIVING HOTEL/MOTEL TAX FUNDS

CONSIDERATION OF AND ACTION ON A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH EACH OF THE AGENCIES RECEIVING HOTEL/MOTEL OCCUPANCY TAX PURSUANT TO CHAPTER 351 OF THE PROPERTY

TAX CODE; APPROVING AGENCY BUDGETS; APPROPRIATING CERTAIN AMOUNTS FROM SAID HOTEL/MOTEL FUND; AND AUTHORIZING PAYMENT ON THE TERMS AND CONDITIONS CONTAINED THEREIN.

Land said the agreements are as required by law for agencies receiving hotel motel occupancy tax funding, and reviewed the amounts to be funded and each local agency receiving the funding. The agencies approved are Cooke County Arts Council, Cooke County Heritage Society, Chamber of Commerce, and the Morton Museum for the Santa Fe Depot Museum. Councilmember Snuggs inquired about the advanced related cost for the Chamber of Commerce. Land said occupancy tax funds can be used to offset building construction costs for the Chamber of Commerce, and their Board of Directors is addressing the building issue this year and would request Council approval for the funds if needed.

Councilmember Goldsworthy **made the motion for approval of the Resolution**, seconded by Councilmember Williams. Motion carried.

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippey, Snuggs, and Williams.

Nays: None.

EXECUTIVE SESSION

No executive session was held.

CITY MANAGER'S COMMENTS

Land reminded that the Gainesville High School Homecoming Parade is tomorrow evening at 6:00 p.m.

MAYOR'S COMMENTS

Mayor Loch said City staff has been working very hard on the Take Pride Campaign and it is beginning to be effective. He said he is pleased that local businesses and the community are joining with him in the Take Pride in Gainesville Campaign and he looks forward to a cleaner city, especially with the addition of another code enforcement officer.

ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 7:54 p.m.

Glenn Loch, Mayor

Attest:

Kay Lunnon, City Secretary