

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
August 7, 2007
6:30 P.M.**

The City Council of the City of Gainesville, Texas met in Regular Session on August 7, 2007 at 6:30 p.m. with the following persons in attendance:

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

MEMBERS ABSENT: Charles Draper

STAFF PRESENT: Mike Land, City Manager; Kay Lunnon, City Secretary; Dan Parker, Finance Director; David Vinton, Airport Manager; Polly Boone, Solid Waste Supervisor

VISITORS PRESENT: Kathy Floyd, Andy Hogue, Wayne Shearer, Dorothy Shearer, Jerry Elliott, Rod Tyler, Christopher Brackeen, Jessica McClure, Angie Hare, John Hare, Dee Dee Martin.

CALL TO ORDER

Mayor Loch called the meeting to order with a quorum of members present. The absence of Councilman Draper was noted.

CITIZEN COMMENTS

Rod Tyler complimented the City and the Solid Waste Department for the awesome job they did removing debris after the flood. The purpose for his visit was to inform Council that a house he was in the process of purchasing to remodel and sell had been demolished by the City. He said the demolition took place due to miscommunication between City departments. Tyler said no notice was posted on the house advising of its pending demolition. Tyler observed that everyone lost in the deal. He said the neighborhood would have been improved and the house would have been back on the tax roll.

CONSENT AGENDA

Council reviewed the Minutes of the July 17, 2007 Regular City Council Meeting, the July 23 Special Called City Council Meeting, and the August 1, 2007 Special Called Council Meetings and approved them as written.

RESOLUTION NO. 08-07-2007 – APPOINTMENT TO TEXOMA AREA PARATRANSIT SYSTEM BOARD

Jerry Elliott was appointed to the TAPS Board of Directors to complete the unexpired term of Reagan Vestal, who resigned.

RESOLUTION NO. 08-07-2007 A – APPOINTMENTS TO BUILDING AND STANDARDS COMMISSION

Raymond Root and Robbie Baugh were appointed to terms expiring May 2008 and May 2009 respectively. These appointments replace Donna Doty and Jim Myrick, who both reside outside the city limits of Gainesville and are ineligible to serve on the board due to the residency requirement. Councilmember Goldsworthy noted that both Doty and Myrick are Gainesville business owners and taxpayers and that perhaps in the future the board membership criteria could be expanded.

With no further discussion, Councilmember Goldsworthy **moved to approve the Consent Agenda**, and was seconded by Councilmember Snuggs. The motion carried by vote of 6 ayes, 0 nays, and 1 absent.

RESOLUTION NO. 08-07-2007 B - APPOINTMENT OF DAN PARKER AS INTERIM CITY MANAGER

A RESOLUTION APPOINTING AN INTERIM CITY MANAGER.

City Finance Director, Dan Parker was recommended to serve as the Interim City Manager. Parker's salary will be increased to one hundred five thousand dollars (\$105,000) until such time as a new City Manager is hired. Parker will be handling both positions as Finance Director and Interim City Manager.

With no further discussion, Councilmember Goldsworthy **moved to approve the Resolution**, and was seconded by Councilmember Williams. The motion carried by vote of 6 ayes, 0 nays, and 1 absent.

RESOLUTION NO. 08-07-2007 C – MULTIPLE PROJECT AGREEMENT WITH HDR ENGINEERING FOR DESIGN SERVICES FOR PECAN CREEK BRIDGE REPLACEMENTS

A RESOLUTION AUTHORIZING THE MAYOR, FOR AND ON BEHALF OF THE CITY OF GAINESVILLE, TO EXECUTE A MULTIPLE PROJECT AGREEMENT WITH HDR ENGINEERING, INC. FOR DESIGN SERVICES FOR PECAN CREEK BRIDGE REPLACEMENTS AS PART OF THE PECAN CREEK FLOOD DAMAGE REDUCTION PROJECT FOR THE CITY OF GAINESVILLE.

City Manager Mike Land presented the master agreement with HDR Engineering for design services for all tasks to be undertaken in the Pecan Creek Flood Damage Reduction Project. He said the City is responsible for the design and engineering of the bridges and utilities and any betterments brought into the project. This master agreement addresses the bridges. All bridge designs will be to TXDOT standards. The California bridge is one hundred percent TXDOT and the City will be reimbursed by TXDOT for costs incurred. Replacement of the Broadway Street bridge, considered an off system bridge, will be reimbursed at ninety percent by TXDOT with ten percent of the cost to the City. The master agreement lays out the tasks involved in the project and public meetings will be held. Total engineering costs for all tasks involved in this agreement is five hundred fifteen thousand dollars (\$515,000). Land said a reimbursement resolution will be presented on the next regular Council agenda by financial consultant, First Southwest Company that will allow proceeds from the bonds to reimburse City expenditures for the project. Land said the City is waiting on updated cost estimates for this project from the Corps of Engineers. He said the bridge on Belcher Street may be considered for elimination and removal from the project, and a sewer line could be pulled from the project also, but Council will have opportunity for these considerations as they come up in the project.

Councilmember Goldsworthy **moved to approve the Resolution**, and was seconded by Councilmember Rippy. The motion carried by vote of 6 ayes, 0 nays, and 1 absent.

RESOLUTION NO. 08-07-2007 D – CONTRACT WITH HDR ENGINEERING FOR TASK ORDER NO. 1 PROFESSIONAL SURVEY SERVICES FOR PECAN CREEK FLOOD REDUCTION PROJECT

A RESOLUTION AUTHORIZING THE MAYOR, FOR AND ON BEHALF OF THE CITY OF GAINESVILLE, TO EXECUTE TASK ORDER NO. 1 AGREEMENT WITH HDR ENGINEERING, INC. FOR PROFESSIONAL SURVEY SERVICES FOR PECAN CREEK BRIDGE REPLACEMENTS AS PART OF THE PECAN CREEK FLOOD DAMAGE REDUCTION PROJECT FOR THE CITY OF GAINESVILLE.

An agreement with HDR Engineering for Task Order No. 1 was presented and approved for professional land surveying services for each bridge replacement in the Pecan Creek Project in order to collect right-of-way and design survey data. Land pointed out that each bridge in the project is to be extended about two and a half times its current length.

Councilmember Snuggs **moved to approve the Resolution**, and was seconded by Councilmember Williams. The motion carried by vote of 6 ayes, 0 nays, and 1 absent.

RESOLUTION NO. 08-07-2007 E – AGREEMENT WITH GREATER TEXOMA UTILITY AUTHORITY FOR RIGHT OF WAY ACQUISITION AND RELATED SERVICES FOR PECAN CREEK FLOOD REDUCTION PROJECT

A RESOLUTION AUTHORIZING THE MAYOR, FOR AND ON BEHALF OF THE CITY OF GAINESVILLE, TO EXECUTE A RIGHT OF WAY ACQUISITION AND RELATED SERVICES AGREEMENT WITH THE GREATER TEXOMA UTILITY AUTHORITY FOR SERVICES ASSOCIATED AND IN ACCORDANCE WITH THE PROJECT COOPERATION AGREEMENT BETWEEN THE CITY OF GAINESVILLE AND THE ARMY CORPS OF ENGINEERS FOR PECAN CREEK FLOOD DAMAGE REDUCTION PROJECT.

Land said the Army Corps of Engineers requires a particular process to be followed for acquisition of right of way and easements in this project, and recommended the assistance of GTUA due to their extensive experience and expertise in negotiating and acquiring right of way for utilities. GTUA will serve as the City's representative in contacting all property owners and upon direction of the Council, will conduct all negotiations. GTUA will report to the Council during each step of the process, and provide a monthly report. All costs incurred associated with the services of GTUA are credited towards the City's required match for the project. GTUA will begin work when surveying has been completed, which is anticipated in late September.

Councilmember Goldsworthy **moved to approve the Resolution**, and was seconded by Councilmember Snuggs. The motion carried by vote of 6 ayes, 0 nays, and 1 absent.

RESOLUTION NO. 08-07-2007 F – LEASE PURCHASE OF HINO TRUCK WITH CONTAINER CARRIER FOR SOLID WASTE DIVISION

A RESOLUTION AUTHORIZING EXPENDITURE TO LEASING 2, INC. FOR LEASE PURCHASE OF ONE (1) HINO TRUCK WITH CONTAINER CARRIER FOR SOLID WASTE DIVISION.

A three-year lease purchase was approved for one (1) truck with container carrier for the Solid Waste Department. This is a budgeted item in the Solid Waste Department. Polly Boone said the new truck will provide faster service to commercial customers.

Councilmember Hendricks **moved to approve the Resolution**, and was seconded by Councilmember Snuggs. The motion carried by vote of 6 ayes, 0 nays, and 1 absent.

RESOLUTION NO. 08-07-2007 G – CITY INTENT TO PARTICIPATE WITH GAINESVILLE HABITAT FOR HUMANITY FOR STREET AND UTILITY IMPROVEMENTS

A RESOLUTION OF CITY OF GAINESVILLE INTENT TO PARTICIPATE WITH GAINESVILLE HABITAT FOR HUMANITY FOR STREET AND UTILITY IMPROVEMENTS FOR NEIGHBORHOOD DEVELOPMENT.

A Council committee comprised of Snuggs, Draper, and Williams met with officers from Gainesville Habitat for Humanity in June regarding a proposed Neighborhood Construction Program and recommended favorable consideration of the project. Land said this resolution provides a commitment by the City to construct streets and extend utility service infrastructure in the area off South Taylor Street at Pecan Street for neighborhood home development by Habitat. Habitat will proceed with acquisition of the properties and intends to build one home per year over the next twelve years.

Councilmember Williams **moved to approve the Resolution**, and was seconded by Councilmember Snuggs. The motion carried by vote of 6 ayes, 0 nays, and 1 absent.

RESOLUTION NO. 08-07-2007 H – FINAL PAYMENT TO CAPITOL INDEMNITY AND CLOSEOUT OF PUBLIC SERVICES BUILDING PROJECT

A RESOLUTION COMPLETING THE CONTRACT AND AUTHORIZING FINAL PAYMENT TO CAPITOL INDEMNITY CORPORATION FOR THE RENOVATION OF THE PUBLIC SERVICES BUILDING PROJECT.

Final payment to Capitol Indemnity Corporation was approved for the completed renovation of the Public Services Building on Hird Street. The architect and staff have inspected the project and recommend approval of final payment and closeout of the project.

Councilmember Goldsworthy **moved to approve the Resolution**, and was seconded by Councilmember Williams. The motion carried by vote of 6 ayes, 0 nays, and 1 absent.

ORDINANCE NO. 1180-08-2007 - AMENDING CEMETERY RULES AND REGULATIONS PROVIDING FOR PLACEMENTS OF OBJECTS IN THE CEMETERY

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE I, SECTION 6-13, OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, BY REPEALING SAID SECTION AND SUBSTITUTING A COMPLETE REVISION OF SAID SECTION; PROVIDING FOR PLACEMENT OF OBJECTS IN THE CEMETERY; PROVIDING A SEVERABILITY 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.

The ordinance revises Cemetery Rules and Regulations to allow for placement of objects in the cemetery. Amendments allow in certain sections of the Cemetery, the creation of an offset concrete base for the headstone that will accommodate placement of no more than four separate items of statuettes and memorabilia, and two individual containers for flowers. Containers must be approved by the Cemetery Sexton. Statuettes and memorabilia can be no more than twenty-four inches in height. All items must fit entirely and securely on the concrete ledge or be permanently attached to the headstone. Also allowed is one hanging pole or hook per gravesite

and hanging objects must be securely attached to the hanging pole so that they cannot fly off. Items are subject to removal by the sexton upon deterioration or displacement by forces of nature. Land said Richards Monuments has been consulted regarding construction of the concrete ledge under the headstone.

Snuggs suggested language that 1) any object placed should be approved by the Cemetery Sexton; 2) remove resin as an approved construction material, because it is too lightweight; 3) specify that glass containers are not allowed; 4) discoloration or deterioration of flowers is as determined by the Cemetery Sexton; 5) hanging poles and hooks, and objects should be approved by the Cemetery Sexton prior to being placed.

Councilmember Goldsworthy **moved to Suspend the Charter**, and was seconded by Councilmember Snuggs. The motion carried by vote of 6 ayes, 0 nays, and 1 absent.

Councilmember Goldsworthy **moved to adopt the Ordinance with changes as recommended by Snuggs**, and was seconded by Councilmember Snuggs. The motion carried by vote of 6 ayes, 0 nays, and 1 absent.

ORDINANCE NO. 1181-08-2007 - SPECIFIC USE PERMIT FOR MOBILE HOME TO BE USED AS A SINGLE FAMILY RESIDENCE LOCATED AT 3611 E. HWY. 82, AS REQUESTED BY CHRISTOPHER BRACKEEN

SECOND 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. CHRISTOPHER BRACKEEN FOR A MOBILE HOME TO BE USED AS A SINGLE FAMILY RESIDENCE TO BE LOCATED AT 3611 E. HWY. 82 FOR A PERIOD OF TIME TO BE DETERMINED BY CITY COUNCIL OR UNTIL THE PROPERTY CHANGES OWNERSHIP; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF GAINESVILLE; PROVIDING FOR PUBLICATION; 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.

Planning Technician, John Noblitt verified the mobile home is not presently occupied and said the remodeling will include new underpinning, new doors, new paint, and a new roof. Noblitt said building permits for remodeling allow thirty days to begin the work and six months to complete. Property owner Jessica McClure said her son, Christopher Brackeen, will be living in the mobile home, and intends to apply immediately for the building permit and begin the remodeling. The Planning and Zoning Commission recommended approval of the Specific Use Permit for a term of two years. The property is currently zoned Agriculture and placement of a mobile home as a fixed dwelling is an applicable use with the SUP. Noblitt confirmed the City has received no calls or complaints regarding the use of the property.

Councilmember Goldsworthy **moved to Suspend the Charter**, and was seconded by Councilmember Williams. The motion carried by vote of 6 ayes, 0 nays, and 1 absent.

