

**MINUTES  
CITY OF GAINESVILLE  
CITY COUNCIL MEETING  
200 South Rusk  
Gainesville, Texas 76240  
April 1, 2008**

The City Council of the City of Gainesville, Texas met in regular session on April 1, 2008 at 6:30 p.m. with the following persons in attendance:

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

**STAFF PRESENT:** Barry Sullivan, City Manager; Kay Lunnon, City Secretary; Bill Harris, City Attorney; Steve Fleming, Police Chief; Ron Sellman, Public Services Director; Patrick McCage, Parks Supervisor; Kent Sharp, GEDC Executive Director

**OTHERS PRESENT:** Jerry Chapman, Kelly Kaatz, Rod Tyler, Suzanne McCann, Andy Hogue, Kathy Floyd, Stephen Monahan, Mike McHorse, Elaine McHorse

**CALL TO ORDER**

Mayor Loch called the meeting to order with all members present.

**INVOCATION & PLEDGE OF ALLEGIANCE**

Councilman Charles Draper gave the invocation. Mayor Loch led the pledge to the flag.

**PROCLAMATIONS**

Mayor Loch read and presented a proclamation declaring the week of April 13-19 as National Public Safety Telecommunications Week honoring Gainesville Public Safety telecommunicators. Chief Steven Fleming received the proclamation on behalf of the department.

**CITIZENS COMMENTS**

Mike McHorse thanked City Council members for their past and continuing support for the Medal of Honor Host City Program, and then he reviewed the activities and events to take place this week for Medal of Honor. Eleven Medal of Honor recipients are expected to arrive in Gainesville as guests of the City. McHorse said the banquet on Saturday night is sold out and the Saturday morning parade is expected to run a couple of hours. Each Council member and the City Manager were presented a first edition Medal of Honor Challenge Coin.

Suzanne McCann talked about the new homes constructed by John Beck on the two Scott Street properties as part of the Gainesville Revitalization Program. McCann informed that she is assisting Beck with marketing the homes, which he built pro bono.

**CONSENT AGENDA**

Council reviewed the Minutes of the Regular City Council Meeting of March 18, 2008, and approved them as written.

Councilmember Snuggs **moved to approve**, and was seconded by Councilmember Draper. The motion carried by unanimous vote.

**RESOLUTION NO. 04-01-2008 AUTHORIZE LEGAL REPRESENTATION REGARDING THE FORMATION OF A GROUNDWATER MANAGEMENT DISTRICT BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ).**

A RESOLUTION TO AUTHORIZE EXPENDITURE FOR LEGAL REPRESENTATION ON BEHALF OF THE CITY OF GAINESVILLE REGARDING THE FORMATION OF A GROUNDWATER MANAGEMENT DISTRICT BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ).

Jerry Chapman, General Manager, GTUA, reported that the coalition of cities and groundwater providers located in Cooke, Grayson and Fannin Counties are continuing their opposition to TCEQ recommendation for their inclusion in a state groundwater control district (GCD) that will regulate groundwater wells and impose fees. Chapman said the City of Sherman approved expenditure for legal representation at the TCEQ contested hearing in May. Chapman indicated Gainesville's portion of the legal costs would be approximately \$3-\$4,000. Chapman said how the GCD will be structured and governed is important and the May 12 hearing will question the evidence and facts TCEQ used to create the proposed district. Barry Sullivan said Senator Estes has indicated he could be of assistance to Gainesville with future legislation on groundwater. Sullivan said our hope is for legislation that would allow the City greater control with rules and regulations within the GDC, and that it could be customized to meet our needs.

Councilmember Draper **moved to authorize expenditure not to exceed \$4,000 for legal expenses**, and was seconded by Councilmember Rippy. The motion carried by unanimous vote.

**RESOLUTION NO. 04-01-2008 A - DECLARE USED ESTEEM MODEMS AT THE GAINESVILLE PUBLIC SAFETY CENTER TO BE SURPLUS AND AUTHORIZE SALE**

A RESOLUTION DECLARING USED ESTEEM MODEMS AT THE GAINESVILLE PUBLIC SAFETY CENTER TO BE SURPLUS AND AUTHORIZING SALE OF SURPLUS PROPERTY AND DEPOSIT OF PROCEEDS OF SALE INTO THE GENERAL FUND.

Sullivan recommended the modems be declared surplus property in order to be sold. The modems are an earlier technology that provided remote connectivity to patrol cars and fire units but are no longer used. In order to be sold, the equipment must first be declared as surplus.

Councilmember Goldsworthy **moved to approve**, and was seconded by Councilmember Williams. The motion carried by unanimous vote.

**RESOLUTION NO. 04-01-2008 B – DECLARE EXPECTATION TO REIMBURSE EXPENDITURES FROM PROCEEDS OF FUTURE DEBT**

A RESOLUTION DECLARING EXPECTATION TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT.

Sullivan said the City will issue General Obligation Bonds and Certificates of Obligation in 2008 to cover expenditures for the drainage project (the GO) and for expenditures directly related to the equipment, structures, and software (the CO) approved in the 2007-2008 budget. This resolution must be in place in order for the City to be able to reimburse itself with bond proceeds.

Councilmember Goldsworthy **moved to approve**, and was seconded by Councilmember Snuggs. The motion carried by unanimous vote.

**RESOLUTION NO. 04-01-2008 C - ALL MATTERS INCIDENT AND RELATED TO APPROVE AND AUTHORIZE PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION**

ACTION ON ALL MATTERS INCIDENT AND RELATED TO APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION, INCLUDING THE ADOPTION OF A RESOLUTION PERTAINING THERETO.

The resolution approves publication of the public notice stating that Council will consider passage of an ordinance on May 20, 2008, to issue the Certificates of Obligation. The bond issue is stated not to exceed \$2.5 M.

Councilmember Goldsworthy **moved to approve**, and was seconded by Councilmember Snuggs. The motion carried by unanimous vote.

**RESOLUTION NO. 04-01-2008 D - TASK ORDER NO. 4 AGREEMENT WITH HDR ENGINEERING, INC. SERVICES FOR PECAN CREEK BRIDGE REPLACEMENT DESIGN FOR SCOTT STREET, MAIN STREET, GARNETT STREET, BELCHER STREET, AND PARK PEDESTRIAN BRIDGE**

A RESOLUTION AUTHORIZING THE CITY MANAGER, FOR AND ON BEHALF OF THE CITY OF GAINESVILLE, TO EXECUTE TASK ORDER NO. 4 AGREEMENT WITH HDR ENGINEERING, INC. FOR PROFESSIONAL SERVICES FOR PECAN CREEK BRIDGE REPLACEMENT DESIGN FOR SCOTT STREET, MAIN STREET, GARNETT STREET, BELCHER STREET, AND PARK PEDESTRIAN BRIDGE AS PART OF THE PECAN CREEK FLOOD DAMAGE REDUCTION PROJECT FOR THE CITY OF GAINESVILLE.

Kelly Kaatz, HDR Engineering, presented the task order for engineering services for bridge replacement design for the bridges in the Pecan Creek Flood Damage Reduction Project: Scott Street, Main Street, Garnett Street, and the Jaycee Park Pedestrian Bridge. HDR Engineering will design the demolition, removal, and roadway re-alignment of the Belcher Street Bridge. HDR will coordinate the design of the bridges with the channel design being performed for the U. S. Army Corps of Engineers. Cost for engineering services is \$358,000. The California Street Bridge and the Broadway Street Bridge are being replaced by TXDOT.

Councilmember Draper **moved to approve**, and was seconded by Councilmember Williams. The motion carried by unanimous vote.

**RESOLUTION NO. 04-01-2008 E - TASK ORDER NO. 5 AGREEMENT WITH HDR ENGINEERING, INC. FOR PROFESSIONAL SERVICES FOR BROADWAY STREET DRAINAGE IMPROVEMENTS**

A RESOLUTION AUTHORIZING THE CITY MANAGER, FOR AND ON BEHALF OF THE CITY OF GAINESVILLE, TO EXECUTE TASK ORDER NO. 5 AGREEMENT WITH HDR ENGINEERING, INC. FOR PROFESSIONAL SERVICES FOR BROADWAY STREET DRAINAGE IMPROVEMENTS PRELIMINARY DESIGN AS PART OF THE PECAN CREEK FLOOD DAMAGE REDUCTION PROJECT FOR THE CITY OF GAINESVILLE.

Sullivan said this task order is for engineering services for preliminary design and planning for implementation of drainage improvements along Broadway Street from Fair Avenue to California Street. HDR Engineering will prepare construction plans and capital cost estimate for construction of a proposed storm drainage project.

Councilmember Draper **moved to approve**, and was seconded by Councilmember Goldsworthy. The motion carried by unanimous vote.

**RESOLUTION NO. 04-01-2008 F - RELEASE OF CITY LIENS AT 431 THROCKMORTON STREET IN FAVOR OF LOUIS HENDERSON.**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A RELEASE OF CITY MOWING AND SUBSTANDARD STRUCTURE REMOVAL LIENS AT 431 THROCKMORTON STREET IN FAVOR OF LOUIS HENDERSON.

Sullivan stated the property owner is deceased and the City is maintaining the property. Release of city mowing and debris cleanup liens against the property will facilitate its sale at the next Sheriff's Sale.

Councilmember Goldsworthy **moved to approve**, and was seconded by Councilmember Draper. The motion carried by unanimous vote.

**TABLED RESOLUTION REGARDING SALE OF FORECLOSED PROPERTY KNOWN AS 431 THROCKMORTON STREET.**

A RESOLUTION AUTHORIZING SALE OF FORECLOSED PROPERTY KNOWN AS 431 THROCKMORTON STREET.

Sullivan stated the property listed in this resolution and in the two resolutions following were offered at Sheriff's Sale but did not receive sufficient bid as set by law. Approval of the resolutions would authorize Attorney Jim Robertson to sell the properties to the highest bidder even if the bid is less than the market value.

Council discussed the possibility of offering these properties in a re-development program such as the Gainesville Revitalization Program. The City Manager was requested to contact the other taxing units for possible waiver of delinquent taxes on the properties and to determine whether each property is located in the floodplain or to be included in the channelization project that would make it ineligible for re-development.

This resolution and the two resolutions following regarding sale of foreclosed properties known as 431 Throckmorton, 412 Preston Street; and 809 Gossett were tabled in one motion.

Councilmember Draper **moved to table three resolutions with one motion**, and was seconded by Councilmember Snuggs. The motion carried unanimously.

**TABLED RESOLUTION REGARDING SALE OF FORECLOSED PROPERTY KNOWN AS 412 PRESTON STREET.**

A RESOLUTION AUTHORIZING SALE OF FORECLOSED PROPERTY KNOWN AS 412 PRESTON STREET.

**TABLED RESOLUTION REGARDING SALE OF FORECLOSED PROPERTY KNOWN AS 809 GOSSETT STREET.**

A RESOLUTION AUTHORIZING SALE OF FORECLOSED PROPERTY KNOWN AS 809 GOSSETT STREET.

**TABLED RESOLUTION FOR RELEASE OF LIEN AT 706 THROCKMORTON IN FAVOR OF LULA MAE BIGGERS**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A RELEASE OF LIEN FOR THE PROPERTY AT 706 THROCKMORTON AS REQUESTED BY LULA MAE BIGGERS

Sullivan said the owner is trying to sell the property has requested that the City release the lien for less than the amount due. Sullivan said the City completed work on the property and should be paid. Council requested the City Manager to contact the property owner to negotiate the lien amount due.

Councilmember Goldsworthy **moved to table to allow the City Manager to re-negotiate with the property owner**. The motion was seconded by Councilmember Williams, and carried by unanimous vote.

**ORDINANCE NO. 1198-04-1008 - CANCELING THE GENERAL ELECTION CALLED FOR MAY 10, 2008; FINDING THAT CANDIDATES WHO HAVE FILED FOR PLACE ON THE BALLOT TO BE UNOPPOSED; DECLARING THE RESULTS OF THE ELECTION**

FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS RECEIVING THE CERTIFICATION OF THE CITY SECRETARY RELATING TO THE REGULAR GENERAL ELECTION CALLED FOR MAY 10, 2008; FINDING THAT THE CANDIDATES WHO HAVE FILED FOR A PLACE ON THE BALLOT TO BE UNOPPOSED; DECLARING THE RESULTS OF THE ELECTION; FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS PASSED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND SUSPENDING

**THE CHARTER REQUIREMENT OF THREE SEPARATE READINGS AND MAKING AN OPEN MEETING FINDING.**

The City Secretary certified that all candidates who filed for City of Gainesville positions are unopposed in the General Election scheduled for May 10, 2008. The ordinance cancels the election and declares the candidates to be elected: Charles Draper, Ward 3 Councilman; Ray Nichols, Ward 5 Councilman; Vince Rippey, Ward 6 Councilman; and Chris Cypert, Municipal Judge. The Oath of Office will be administered at the May 20, 2008 Regular City Council Meeting.

Councilmember Snuggs **moved to suspend the Charter**, and was seconded by Councilmember Hendricks. The motion carried by unanimous vote.

Councilmember Snuggs **moved to adopt the ordinance**. The motion was seconded by Councilmember Hendricks and carried by unanimous vote.

**EXECUTIVE SESSION**

Mayor Loch announced that Council would convene into Executive Session at 7:42 p.m. under Government Code §551.072 Real Property.

**RECONVENE INTO OPEN SESSION**

Council reconvened into open session at 7:58 p.m. and Mayor Loch announced that no action had been taken during Executive Session.

No further action was taken following executive session.

**CITY MANAGER'S COMMENTS**

Sullivan announced that the signs prohibiting cell phone use in active school zones are being installed and a press release has been issued to the media. He said police will patrol the school zones and give warning tickets for a couple of weeks before issuing citations for violation of the ordinance.

Work continues on Culberson Street and Carnes Street.

The Police Department will be enforcing City parking ordinance and issuing citations. Residents are advised to not park in yards or leave vehicles on streets more than 72 hours.

Sullivan announced the official Oath of Office Ceremony for newly appointed Police Chief Steven Fleming will take place Tuesday, April 8, at a Meet & Greet Reception, from 5 p.m. to 6:30 p.m. The public is invited.

**ADJOURN**

With no further business to come before the City Council, the meeting adjourned at 8:00 p.m.

/S/

**Glenn Loch, Mayor**

Attest:

/S/

**Kay Lunnon, City Secretary**