

**MINUTES  
CITY OF GAINESVILLE  
CITY COUNCIL MEETING  
200 South Rusk  
Gainesville, Texas 76240  
August 5, 2008**

The City Council of the City of Gainesville, Texas met in regular session on August 5, 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, Ray Nichols, Vince Rippy

**MEMBERS ABSENT:** Beverly Snuggs

**STAFF PRESENT:** Barry Sullivan, City Manager; Kay Lunnon, City Secretary; Bill Harris, City Attorney; Dan Parker, Finance Director; Leah Gore, Human Resources Director

**OTHERS PRESENT:** Bob and Melinda Cheatham, Rita Greer, Andy Hogue, Kathy Floyd, Stephen Monahans, Rod Tyler, Jimmy Mosman, Jim Huneycutt, Armondo Landin, Diane Landin, John Webb, Kevin Phillips, Jason Beck, Nora McCann, Luke Smith, Jerry Duggan, Rhonda Arend

**CALL TO ORDER**

Mayor Loch called the meeting to order at 6:30 p.m. with a quorum of members present. The absence of Beverly Snuggs was noted.

**INVOCATION & PLEDGE OF ALLEGIANCE**

Pastor Luke Smith, Calvary Baptist Church, gave the invocation. Mayor Loch led the pledge to the flag.

**CITIZEN COMMENTS**

Jimmy Mosman requested in the Moss Lake Amendments, Section 5-250, to replace the word may with either shall or will, to state that the City shall or will waive boat permits for boats participating in the annual Moss Lake Volunteer Fire Department Fishing Tournament.

Jim Huneycutt requested reconsideration for closed docks at Moss Lake for security reasons, and also consideration of allowing larger size pumps for lake water withdrawal to homes at higher elevations.

Nora McCann complained about multiple citations she received from the City for high grass and trash on a lot she owns in Gainesville that she wants to move a house on to. She was advised to discuss this with the City Manager.

**CONSENT AGENDA**

Council reviewed the Minutes of the Council Workshop on July 12, 2008 and the Minutes of the Regular City Council Meeting of July 15, 2008 and approved them as written.

**BOARD APPOINTMENTS:**

**RESOLUTION NO. 08-05-2008 – APPOINTMENTS TO PARKS BOARD**

A RESOLUTION APPROVING APPOINTMENTS TO THE PARKS AND RECREATION BOARD.

Philip Neelley and Doug Wade were appointed to the Parks and Recreation Board, to terms expiring March 2010 and 2009 respectively. McNeelley replaces Mike Schmitz and Wade replaces Rob Spencer on this board.

Councilmember Draper **moved to approve the Consent Agenda**, and was seconded by Councilmember Goldsworthy. Motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, and 1 Absent (Snuggs).

**RESOLUTION NO. 08-05-2008 A – APPROVE SECTION 125 CAFETERIA PLAN**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF GAINESVILLE, TEXAS, AN ADOPTION AGREEMENT FOR SECTION 125 PREMIUM ONLY (CAFETERIA) PLAN.

The IRS Section 125 agreement was approved that allows employees to have certain insurance premiums and health savings account contributions as payroll deductions on a pre-tax basis. In recommending approval, City Manager Barry Sullivan said the plan also saves the City money in payroll taxes.

Councilmember Nichols **moved to approve**, seconded by Councilmember Rippy. The motion carried by vote 6 Ayes, 0 Nays, 0 Abstentions, and 1 Absent (Snuggs).

**RESOLUTION NO. 08-05-2008 B – REJECT ALL BIDS FOR GROUP HEALTH, DENTAL, VISION, LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT BENEFITS**

A RESOLUTION TO REJECT ALL BIDS RECEIVED FOR RFP NO. 2008-2, SPECIFICATIONS ON GROUP HEALTH, DENTAL, VISION, LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT BENEFITS.

Sullivan stated the Request for Proposals for group health, dental, vision, life and accidental death and dismemberment benefits for employees was advertised and received only one response. Ameritas Life submitted a proposal for a dental plan only. Sullivan said there is no reason for the city to change providers and recommended continuing with the Texas Municipal League Risk Pool for employee health care and benefits coverage. The resolution rejects the bid received.

Councilmember Goldsworthy **moved to approve**, seconded by Councilmember Nichols. The motion carried by vote 6 Ayes, 0 Nays, 0 Abstentions, and 1 Absent (Snuggs).

**CONSIDERATION OF A TAX RATE OF \$0.647 FOR FISCAL YEAR 2008-2009**

Sullivan stated the proposed budget was received by the City Secretary as of July 25, and has been posted to the city website. He said the proposed budget is based on the same tax rate as the current year tax rate.

Councilmember Goldsworthy **moved to consider a tax rate of \$0.647 per \$100 of property value for Fiscal Year 2008-2009**, and was seconded by Councilmember Draper. The motion carried by vote 6 Ayes, 0 Nays, 0 Abstentions, and 1 Absent (Snuggs).

**PUBLIC HEARING DATES FOR PROPOSED TAX RATE FOR FY 2008-2009**

State law requires two public hearings prior to voting on the budget and tax rate. Due to publication requirements the recommended dates for the two Public Hearings are Tuesday, August 19, and Tuesday, September 2, 2008.

Councilmember Nichols **moved to schedule public hearings on August 19, 2008 and on September 2, 2008 at Gainesville City Hall, 200 South Rusk at 6:30 p.m.**, and was seconded by Councilmember Goldsworthy. The motion carried by vote 6 Ayes, 0 Nays, 0 Abstentions, and 1 Absent (Snuggs).

**RESOLUTION NO. 08-05-2008 C – APPROVE PARTICIPATION IN GO TEXAS RURAL COMMUNITY BOOTSTRAP BUCKS PROGRAM**

A RESOLUTION OF THE CITY OF GAINESVILLE, TEXAS (THE “APPLICANT”), DESIGNATING OFFICIAL(S) AS BEING RESPONSIBLE FOR THE APPLICANT IN DEALING WITH THE TEXAS DEPARTMENT OF AGRICULTURE (“TDA”), FOR THE PURPOSE OF PARTICIPATING IN THE TDA “GO TEXAN RURAL COMMUNITY BOOTSTRAP BUCKS PROGRAM” (THE “PROGRAM”) AND CERTIFYING THAT THE APPLICANT IS ELIGIBLE TO RECEIVE PROGRAM ASSISTANCE.

Application for a grant through the Texas Department of Agriculture (“TDA”) under the “GO TEXAN Rural Community Bootstrap Bucks Program” was approved. The program provides assistance for promotional activities associated with marketing local tourism events. The Gainesville Main Street Program is submitting Depot Day for possible funding assistance.

Councilmember Hendricks **moved to approve**, seconded by Councilmember Draper. The motion carried by vote 6 Ayes, 0 Nays, 0 Abstentions, and 1 Absent (Snuggs).

**RESOLUTION NO. 08-05-2008 D – APPROVE GEDC AMENDMENTS TO CORPORATE BYLAWS**

A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION OF THE CITY OF GAINESVILLE, WHICH VOTED TO APPROVE AMENDMENTS TO THE GEDC BYLAWS.

Sullivan said the amendments deal with board membership eligibility and term limits. Councilman Rippey expressed his concern with the change that now requires that five board members need only be residents of the county or to own or operate a business within the city limits of Gainesville. In further discussion, Council members stated that the change is to encourage participation on the board from a wider area, and that the board operates with the best intentions for Gainesville. Council makes final decision on appointment of board members.

Councilmember Nichols **moved to approve**, seconded by Councilmember Goldsworthy. The motion carried by vote 5 Ayes, 1 Nay (Rippey), 0 Abstentions, and 1 Absent (Snuggs).

**RESOLUTION NO. 08-05-2008 E – APPROVE GEDC ADOPTION OF BUDGET FOR FY 2008-2009**

A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION OF THE CITY OF GAINESVILLE, WHICH VOTED TO ADOPT THE 2008-2009 GEDC BUDGET.

Council approved the Gainesville Economic Development Corporation Fiscal Year 2008-2009 budget, which the GEDC board adopted on July 21.

Councilmember Draper **moved to approve**, seconded by Councilmember Goldsworthy. The motion carried by vote 6 Ayes, 0 Nays, 0 Abstentions, and 1 Absent (Snuggs).

**FIRST READING OF RESOLUTION REGARDING GEDC APPROVAL OF PURCHASE OF WATERSHOP PROPERTY FROM CITY OF GAINESVILLE**

FIRST READING OF A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION OF THE CITY OF GAINESVILLE, WHICH VOTED TO APPROVE PURCHASE OF THE WATERSHOP PROPERTY FROM THE CITY OF GAINESVILLE FOR THE AMOUNT OF \$25,000.

Mayor Loch read the resolution caption. Per state law, the City Council considers approval of GEDC expenditures in two readings, and takes action only on the second reading. Second reading of the resolution is scheduled for August 19.

**SECOND READING APPROVAL OF MOSS LAKE ORDINANCE AMENDMENTS**

SECOND READING OF AN ORDINANCE AMENDING THE CITY OF GAINESVILLE CODE OF ORDINANCES, CHAPTER 5 BUILDINGS AND BUILDING REGULATIONS, ARTICLE VI ACTIVITIES UPON MOSS LAKE PROPERTIES; AMENDING SECTION 5-230 DEFINITIONS; AMENDING SECTION 5-236 CONSTRUCTION OF FIXED STRUCTURES; AMENDING SECTION 5-238 FLOATING FACILITIES; SECTION 5-240 PRIVATE USE OF LAKE WATER; SECTION 5-246 BOATING AND PERSONAL WATERCRAFT REGULATIONS; SECTION 5-250 BOATS GENERALLY; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.

Second reading of amendments to the Moss Lake Ordinance was approved with the following changes made since first reading: 1) Docks are limited to a total of 1000 square feet instead of being limited to the width of dock decking. 2) Boats that are required to register with the State of Texas are also required to have a Moss Lake boat permit. 3) There is a \$50 fine for boats that do not have a boat permit. 4) Temporary boat permits are eliminated. 5) Dock or boat insurance is not required. 6) An exception is provided to boat permits for participation in the annual Moss Lake Volunteer Fire Department Fishing Tournament.

Sullivan said docks are basically limited to 50 feet in length unless that length does not get them into a reasonable depth of water for a boat, which the city suggests at 715 feet lake elevation to be seven (7) feet of water. In that case the owner can request a dock extension in ten foot segments, but because the city will have to go out to measure the water depth, a section fee of ten dollars (\$10) per ten foot section will be added on top of the regular dock fee. This will be added to the ordinance.

Sullivan pointed out that after review by the City Attorney, Section 5-246 specifically states that violations to the Texas Water Safety Act are required to be filed with the City Municipal Court.

On the request to allow permanent waiver of boat permits for Moss Lake VFD fishing tournament, it was recommended no change to the ordinance in order to encourage annual communication with the city regarding the tournament.

Regarding the request to allow a larger pump size for water withdrawal, it was not recommended as it could affect water supply. The volume cost for water withdrawal has been reduced. Sullivan added that the ordinance allows Council to suspend water withdrawals from the lake at any time.

Councilman Goldsworthy said in meeting with the Moss Lake Committee, they considered the dock storage area allowed by ordinance was adequate. However, Council added that the closed dock issue could be reviewed for the security and safety aspect.

Third reading of the ordinance is scheduled for August 19.

Councilmember Draper **moved to approve second reading of the ordinance.** The motion was seconded by Councilmember Nichols and carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, and 1 Absent (Snuggs).

**EXECUTIVE SESSION**

Mayor Loch announced that Council would convene into Executive Session at 7:29 p.m. under Government Code §551.071 consultation with attorney, and under Government Code §551.072 Real Property.

**RECONVENE INTO OPEN SESSION**

Council reconvened into open session at 7:48 p.m. and Mayor Loch announced that no action had been taken during Executive Session.

No further action was taken on items following Executive Session.

**ADJOURN**

With no further business to come before the City Council, the meeting adjourned at 7:49 p.m.

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/S/  
**Glenn Loch, Mayor**

Attest:

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/S/  
**Kay Lunnon, City Secretary**