

**MINUTES  
CITY OF GAINESVILLE  
CITY COUNCIL MEETING  
200 South Rusk  
Gainesville, Texas 76240  
August 19, 2008**

The City Council of the City of Gainesville, Texas met in regular session on August 19, 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, Beverly Snuggs

**MEMBERS ABSENT:** Ray Nichols, Vince Rippy

**STAFF PRESENT:** Barry Sullivan, City Manager; Kay Lunnon, City Secretary; Bill Harris, City Attorney; Dan Parker, Finance Director; Steve Fleming, Police Chief; Ron Sellman, Public Services Director

**OTHERS PRESENT:** Larry and Jane Pool, Jodelle Greiner, Geoff Howland, Justin, Janice, Shelby, and Krista Brewer, Stephen Monahans, Jay Osborne, Kit Chase, Jason Beck

**CALL TO ORDER**

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

**INVOCATION & PLEDGE OF ALLEGIANCE**

Reverend Mark Fuller, First Baptist Church, gave the invocation. Mayor Loch led the pledge to the flag.

**PROCLAMATION**

A proclamation declaring September 6, 2008 as Krista Erin Brewer Day in the City of Gainesville was read by Mayor Loch and presented to Krista, her parents and her sister. Eleven year old Krista has been battling cancer since birth.

**REPORTS**

Sam West, Industrial Waste Supervisor, presented the Annual Drinking Water Quality Report, which has been mailed to all City water customers. West reported that the City water supply was issued a rating of "Superior" by the Texas Commission on Environmental Quality (TCEQ).

**CITIZEN COMMENTS**

Larry Pool addressed the Council about a drainage problem on West Star Street. He said the area drains from north of the railroad to the west through a culvert that runs under the old Katy Railroad and floods his neighborhood. Earth on east side of the culvert is eroding and needs fill dirt to prevent the roadway from washing away. A solution Mr. Pool suggested was for the City to install a round pipe inside the culvert with an ell that would redirect the water into the creek bed. The creek bed would also need to be cleared of timber and debris.

**CONSENT AGENDA**

Council reviewed the Minutes of the Regular City Council Meeting of August 5, 2008 and approved them as written.

**BOARD APPOINTMENTS:**

**RESOLUTION NO. 08-19-2008 – APPOINTMENTS TO GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION BOARD**

Joe Wallace and Tommy James were appointed and Keith Clegg and Frank Morris were re-appointed to the GEDC Board, to two-year terms expiring August 2010. Charles Brown and Charles Woolfolk were named as ex-officio to the Board.

Councilmember Draper **moved to approve the Consent Agenda**, was seconded by Councilmember Goldsworthy. Motion carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, and 2 Absent (Nichols, Rippy).

**PUBLIC HEARING ON PROPOSED TAX RATE OF \$0.647 PER \$100 VALUATION**

Mayor Loch opened the Public Hearing at 6:44 p.m. and called for public comment on the proposed tax rate. No person came forward to speak either for or against.

With no further discussion, Councilmember Snuggs **moved to close the Public Hearing**, seconded by Councilmember Draper. The motion carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, and 2 Absent (Nichols, Rippy). The Public Hearing was closed at 6:45 p.m.

**RESOLUTION NO. 08-19-2008 A – AUTHORIZE CORPS OF ENGINEERS TO CONTINUE WITH PROJECT IMPLEMENTATION OF THE PECAN CREEK LOCAL FLOOD DAMAGE REDUCTION PROJECT**

A RESOLUTION AUTHORIZING THE DEPARTMENT OF THE ARMY CORPS OF ENGINEERS TO CONTINUE WITH PROJECT IMPLEMENTATION OF THE PECAN CREEK LOCAL FLOOD DAMAGE REDUCTION PROJECT.

City Manager Barry Sullivan advised that according to the agreement with the U. S. Army Corps of Engineers (COE), if the project exceeds nine million dollars (\$9,000,000.00) the City must acknowledge the new estimated cost to the COE and authorize in writing to continue implementation of the project. This resolution acknowledges the new estimated cost of the Pecan Creek Flood Reduction Project to be twelve million, three hundred seventy-one thousand, eight hundred ninety-eight dollars (\$12,371,898.00) and authorizes the COE to continue implementation of the project at the new estimated cost. The City's share is 50% of the total, \$6,185,949, and includes credit for expenditures by TXDOT for replacement of the Broadway and California Street bridges.

Councilmember Goldsworthy **moved to approve the resolution**, and was seconded by Councilmember Snuggs. Motion carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, and 2 Absent (Nichols, Rippy).

**RESOLUTION NO. 08-19-2008 B – TASK ORDER NO. 8 WITH HDR ENGINEERING FOR DESIGN OF PECAN CREEK SANITARY SEWER RELOCATION**

A RESOLUTION AUTHORIZING THE CITY MANAGER, FOR AND ON BEHALF OF THE CITY OF GAINESVILLE, TO EXECUTE TASK ORDER NO. 8 AGREEMENT WITH HDR ENGINEERING, INC. FOR PROFESSIONAL SERVICES FOR PECAN CREEK SANITARY

**SEWER RELOCATION DESIGN AS PART OF THE PECAN CREEK FLOOD DAMAGE REDUCTION PROJECT FOR THE CITY OF GAINESVILLE.**

The resolution approves engineering services for design of relocation of the Pecan Creek Sanitary Sewer from Belcher Street to the south end of Lindsay Street as part of the Pecan Creek Flood Damage Reduction Project. The City is required as part of the project to relocate a sewer trunk line that runs parallel to the Pecan Creek. The sewer line will be upgraded and relocated to an alignment that does not conflict with the channel enlargement. Actual construction cost for the relocation is estimated at \$3,000,000. Design of the sewer relocation could eliminate a lift station on the south end of the project, for additional cost, but would be bid as an option. Sullivan stated that elimination of the lift station could save the City money in future energy and maintenance costs. Completion of the design work for Task Order No. 8 is targeted for January 2009.

Councilmember Hendricks **moved to approve the resolution**, was seconded by Councilmember Draper. Motion carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, and 2 Absent (Nichols, Rippy).

**RESOLUTION NO. 08-19-2008 C – THIRTY-DAY EXTENSION OF MORATORIUM ON BUILDING PERMITS**

A RESOLUTION ORDERING A NINETY-DAY 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.

A thirty-day extension of the moratorium was approved. During that time no building permits will be issued by any department of the City of Gainesville for 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. The City Manager said a new zoning ordinance is nearly ready for consideration that will control the type of accessory structures that can be built on residential lots. Councilman Goldsworthy recommended letting the moratorium lapse and, until the new ordinance is adopted, returning to existing rules on a case by case basis. In his motion to approve extending moratorium for thirty days, Councilman Draper stipulated that the issue be re-visited at the Council meeting on September 2.

Councilmember Draper **moved to extend the moratorium for thirty (30) days and stipulated that the issue be re-visited by the Council on September 2.** This motion was seconded by Councilmember Snuggs, and carried by vote of 4 Ayes, 1 Nay (Goldsworthy), 0 Abstentions, and 2 Absent (Nichols, Rippy).

**RESOLUTION NO. 08-19-2008 D – ACCEPTING REAL ESTATE PROPERTIES FROM GAINESVILLE HABITAT FOR HUMANITY**

A RESOLUTION AUTHORIZING THE CITY MANAGER, FOR AND ON BEHALF OF THE CITY OF GAINESVILLE, TO ACCEPT DEEDS OF CERTAIN REAL ESTATE PROPERTIES AS REQUESTED BY GAINESVILLE HABITAT FOR HUMANITY.

Eight properties were accepted by the City as requested by the Gainesville Habitat for Humanity. The City Manager said the properties are located either in the 100 year or the 500 year floodplain, and if accepted would require maintenance by the City. The addresses are 801 Truelove, 804 East Main, 804 East Pecan, 806 East Pecan, 811 East Pecan, 818 East Pecan, 208 South Schopmeyer and 404 ½ South Schopmeyer. Council discussed the City's cost to maintain the properties, and the possibility of offering these properties to adjoining property owners, and

working with the other taxing units to get these and other properties owned by the City back into private ownership.

Councilmember Goldsworthy **moved to accept the properties and to authorize the City Manager to pursue options to get these and other City owned properties back into private ownership.** The motion was seconded by Councilmember Draper, and carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, and 2 Absent (Nichols, Rippy).

**RESOLUTION NO. 08-19-2008 E – APPROVAL OF GEDC PURCHASE OF WATERSHOP PROPERTY FROM CITY OF GAINESVILLE**

SECOND 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.

The decision of the Gainesville Economic Development Corporation to purchase the former watershop property on West California Street from the City of Gainesville for the amount of \$25,000 was approved by Council. This is the second and final reading of the resolution as required by state law for GEDC expenditures. The City Manager stated for clarification that the GEDC held a forty year lease on the property and had already paid the City \$410,000 for the lease in addition to the purchase cost.

Councilmember Snuggs **moved to approve the resolution,** was seconded by Councilmember Goldsworthy. Motion carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, and 2 Absent (Nichols, Rippy).

**PUBLIC HEARING ON THE FINAL PLAT FOR SAM ENDERBY OFFICE PARK**

Mayor Loch opened the Public Hearing at 7:10 p.m. and called for public comment regarding the final plat for an office park to be known as the Sam Enderby Office Park, located on Highway 82 on the Justice Center Road.

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

With no further discussion, Councilmember Snuggs **moved to close the Public Hearing,** and was seconded by Councilmember Draper, the motion carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, and 2 Absent (Nichols, Rippy). The Public Hearing was closed at 7:11 p.m.

**FIRST READING APPROVAL OF THE FINAL PLAT FOR SAM ENDERBY OFFICE PARK**

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.

First reading of an ordinance was approved that provides for the final plat of 14.37 acres to be known as the Sam Enderby Office Park. Public access to the development is under construction by the City of Gainesville and funded by Cooke County. The Plat meets all requirements by the City of Gainesville and was recommended for approval by the Planning and Zoning Commission

on July 15, 2008. Second reading of the ordinance will be held at the City Council meeting on September 2.

Councilmember Goldsworthy **moved to approve first reading of the ordinance.** The motion was seconded by Councilmember Draper and carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, and 2 Absent (Nichols, Rippy).

**ORDINANCE NO. 1207-08-2008 – AMENDMENTS TO MOSS LAKE RULES AND REGULATIONS**

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.

The ordinance amending the Moss Lake Rules and Regulations was adopted, with the following changes made on third and final reading: 1) In no case can a dock or catwalk be wider than 54 feet. 2) Toilet facilities and piped or pressurized petroleum products are not allowed on the lake or past the 715 elevation. 3) Language stating the City *shall* waive the requirement for a boat permit during the Annual *two-day* Moss Lake Volunteer Fire Department Fishing Tournament for any person that is competing in the event, with additional language that the Moss Lake VFD should notify the City of such tournament within two weeks prior to the event.

During discussion, Goldsworthy spoke for final consideration of a changing ordinance language to state the City would waive the requirement for boat permits for persons competing in the Moss Lake Volunteer Fire Department Annual two-day Fishing Tournament. The motion to adopt the ordinance stipulates this change.

Councilmember Goldsworthy **moved for approval and adoption of the ordinance on third reading, including the changes presented in third reading, and including new language in section 5-250 stating the City *shall* waive the permit fee for persons competing in the Moss Lake Volunteer Fire Department Annual *two day* Fishing Tournament, and that the Moss Lake Volunteer Fire Department should notify the City of such tournament within two weeks prior to the event.** The motion was seconded by Councilmember Snuggs and carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, and 2 Absent (Nichols, Rippy).

**FIRST READING APPROVAL OF ORDINANCE REQUIRING ANNUAL FEE SCHEDULES FOR CITY SERVICES**

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.

First reading was approved for an ordinance that requires updated fee schedules for city services to be submitted annually by the budget officer. The City Manager stated that fees for City services should be reviewed and updated annually and presented to Council. City fees for services are intended to be set at a level related to financing city programs as provided in the

annual budget. This ordinance updates fees for City services for the next fiscal year and also provides that, in the future, fee schedules will be submitted for Council approval in the form of a resolution rather than by ordinance. The schedule attached to this ordinance lists the fees for all city services and includes increases as proposed in the budget. Sullivan stated the proposed fiscal year 2008-2009 budget requires that some rates for city services be increased, such as water and sewer, but most fees have stayed the same. He said electricity and fuel costs have contributed significantly to increasing costs for services.

Councilmember Snuggs **moved to approve first reading of the ordinance.** The motion was seconded by Councilmember Draper and carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, and 2 Absent (Nichols, Rippey).

**CITY MANAGERS COMMENTS**

Sullivan reminded that a second Public Hearing on the proposed Tax Rate will be held on September 2, at 6:30 p.m. at City Hall, 200 South Rusk.

A Public Hearing on the proposed Budget for FY 2008-2009 will be held on September 2, at 6:30 p.m. at City Hall, 200 South Rusk.

On September 16, the Council will vote on the Budget for FY 2008-2009 and the Tax Rate, at 6:30 p.m. at City Hall, 200 South Rusk.

Sullivan added that the CodeRed system has been installed and staff training on the system will begin next week.

**EXECUTIVE SESSION**

The City Council did not convene into executive session.

**ADJOURN**

With no further business to come before the City Council, the meeting adjourned at 7:29 p.m.

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**/S/**  
**Glenn Loch, Mayor**

Attest:

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