

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
March 3, 2009**

The City Council of the City of Gainesville, Texas met in regular session on March 3, 2009 at 6:30 p.m. with the following persons in attendance:

MEMBERS PRESENT: Mayor Glenn Loch
Council Members Carolyn Hendricks, Ray Nichols, Vince Rippy,
Beverly Snuggs

MEMBERS ABSENT: Charles Draper, Jim Goldsworthy

STAFF PRESENT: Barry Sullivan, City Manager; Kay Lunnon, City Secretary; Bill Harris,
City Attorney; Steven Fleming, Police Chief; Steve Boone, Fire Chief;
Polly Boone, Solid Waste Director

OTHERS PRESENT: Maudi Roberts, Brian F. Roberts, Vida Roberts, Rod Tyler, Joe Kiker, Dorothy Kiker, Jim Onstott, Irene Wilson, Julie Cummings, Mary Jeffries, Kit Chase, Stephen Monahan, Natalia Jones

CALL TO ORDER

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

INVOCATION & PLEDGE OF ALLEGIANCE

Reverend Frank Lorne, Corinth Baptist Church, gave the invocation. Mayor Loch led the pledge to the flag.

REPORTS

City Manager Barry Sullivan reported on the proposed expansion project for the Civic Center to add office space for the Gainesville Economic Development Corporation and the Chamber of Commerce. The proposed project is an addition to the Civic Center of 3900 square feet for office space to house the GEDC and Chamber of Commerce staff. Estimated cost for the project is six hundred forty thousand dollars (\$640,000). The GEDC proposes to fund the project, but would request the proceeds for the sale of the land on which the Chamber building is located, to reimburse the GEDC funding. The Chamber of Commerce would also help by donating one hundred thousand dollars (\$100,000) of its pledges raised to help with the facility. Sullivan said the building would be an asset to the City, owned by the City. Sullivan encouraged Council members to contact GEDC Executive Director, Kent Sharp, with their questions. Sullivan said he would prepare a timeline for the project for the Council.

CITIZEN COMMENTS

Mary Jeffries spoke about an ongoing problem with people smoking in city parks and requested the Council to consider a smoking ban for city parks.

CONSENT AGENDA

MINUTES OF FEBRUARY 17, 2009 REGULAR COUNCIL MEETING

Council reviewed the Minutes of the City Council Meeting of February 17, 2009 and approved them as written.

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

RESOLUTION NO. 03-03-2009 - ACCEPT AUDIT FOR FISCAL YEAR ENDING SEPTEMBER 30, 2008

A RESOLUTION ACCEPTING THE AUDIT, FINANCE STATEMENT AND OPINION FOR FISCAL YEAR ENDING SEPTEMBER 30, 2008, AS PREPARED BY SCHALK & SMITH, CERTIFIED PUBLIC ACCOUNTANTS, AND AUTHORIZING THE CITY SECRETARY TO FILE THE AUDIT IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 1023A, VERNON'S ANNOTATED CIVIL STATUTES.

Tom Schalk presented and reviewed the audit, financial statement and opinion for fiscal year ending September 30, 2008, as prepared by Schalk & Smith, certified public accountants. The City was issued an "unqualified opinion" rating, with no new audit findings reported for the fiscal year.

Councilmember Snuggs moved to **approve the Resolution**, and was seconded by Councilmember Rippy. Motion carried by vote of 5 Ayes, 0 Nays, and 2 absent (Draper, Goldsworthy).

RESOLUTION NO. 03-03-2009 A - AGREEMENT FOR TEMPORARY CLOSURE OF CALIFORNIA STREET ON APRIL 4 FOR THE MEDAL OF HONOR HEROES WELCOME

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, RECOGNIZING THE HEROES WELCOME CELEBRATION IN THE CITY OF GAINESVILLE AND REQUESTING TEMPORARY CLOSURE OF A PORTION OF CALIFORNIA STREET IN ACCORDANCE WITH AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION.

Council officially recognized the Medal of Honor Heroes Welcome scheduled for April 4 at the State Theater and approved an agreement with TXDOT for temporary closure of California Street between Dixon Street and Denton Street from 5:00 p.m. to 10:00 p.m. Staff recommended the street closure as necessary to provide a safe environment for spectators and event attendees. The event will debut a documentary film "A Heroes Welcome" about Gainesville and the Medal of Honor Host City Program, and focuses on the oldest living Medal of Honor recipient, John Finn, who is expected to attend.

Councilmember Nichols moved to **approve the Resolution**, and was seconded by Councilmember Hendricks. Motion carried by vote of 5 Ayes, 0 Nays, and 2 absent (Draper, Goldsworthy).

RESOLUTION NO. 03-03-2009 B - APPROVE AMENDMENT TO FEE SCHEDULE FOR CEMETERY FEES

A RESOLUTION APPROVING A CHANGE TO THE FEE SCHEDULE FOR THE CEMETERY THAT HAS BEEN RECOMMENDED BY THE CEMETERY COMMITTEE

The City Manager recommended amending the fee structure for graveside services at the Fairview Cemetery by increasing grave opening and closing fees by \$50 and eliminating the graveside service fee of \$100. The new fee structure will allow for either graveside or pavilion services. The Cemetery Committee met on February 5, 2009, and expressed that the new fee structure would give a unified cost approach for services.

Councilmember Snuggs moved to **approve the Resolution**, and was seconded by Councilmember Nichols. Motion carried by vote of 5 Ayes, 0 Nays, and 2 absent (Draper, Goldsworthy).

PUBLIC HEARING ON PROPOSED RENAMING A STREET KNOWN AS KENT CIRCLE TO BAKER CIRCLE, LOCATED IN ITS ENTIRETY EAST OF KENT DRIVE

Mayor Loch opened the Public Hearing at 7:01 p.m. and called for public comment either for or against the proposed renaming of Kent Circle to Baker Circle.

Dorothy Kiker, came forward to speak on behalf of her daughter Helen Gross who lives at 912 Kent Circle, stating that Ms. Gross objects to the name change and had sent a letter of opposition to the City. Ms. Kiker said the change of street name would result in a long process of changing personal documents.

Julie Cummings, 908 Kent Circle, spoke in opposition to the street name change and requested the reason for the proposed change. Council Member Rippy explained that he was contacted by a constituent about
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changing the name due to similarity of house numbers and street names on Kent Circle and Kent Drive. Police Chief Steven Fleming was called on and stated that the department had received a complaint regarding incident response to an incorrect address involving Kent Circle and Kent Drive.

Jim Onstott spoke in opposition to the name change on behalf of Helen Gross. He asked who would pay the expenses in getting the street name changed on personal documents. He said it would involve phone calls and letters for the affected residents to get their personal documents changed.

With no further discussion, Councilmember Nichols **moved to close the Public Hearing**, seconded by Councilmember Snuggs. Motion carried by vote of 5 Ayes, 0 Nays, and 2 absent (Draper, Goldsworthy). The Public Hearing was closed at 7:13 p.m.

DISAPPROVE ORDINANCE PROVIDING FOR THE RENAMING OF A STREET KNOWN AS KENT CIRCLE TO BAKER CIRCLE, LOCATED IN ITS ENTIRETY EAST OF KENT DRIVE

FIRST READING OF AN ORDINANCE PROVIDING FOR THE RENAMING OF A STREET KNOWN AS KENT CIRCLE TO BAKER CIRCLE, LOCATED IN ITS ENTIRETY EAST OF KENT DRIVE; PROVIDING FOR PLACEMENT OF STREET SIGNS; PROVIDING FOR AMENDMENT OF THE OFFICIAL CITY LIMITS MAP AND THE CITY ZONING MAP; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETING FINDING.

Fire Chief Steve Boone explained that similar street names could pose a very real danger for emergency response services. Councilman Rippy said the renaming was presented to avoid confusion in delivery and emergency response services, due to similarity of house numbers and street names on Kent Circle and Kent Drive. Residents affected by the proposed name change spoke overwhelmingly against renaming their street, and no person spoke in favor of changing the street name. Rippy advised the affected residents not to hesitate to contact the City Council in the future if the similar street names became a problem or concern.

Observing that public response was decidedly opposed to the name change, Councilmember Rippy moved to **disapprove the Ordinance**, and was seconded by Councilmember Snuggs. Motion carried by vote of 5 Ayes, 0 Nays, and 2 absent (Draper, Goldsworthy).

PUBLIC HEARING ON PROPOSED RENAMING A STREET KNOWN AS DOVER CIRCLE TO DOWNING COURT, LOCATED IN ITS ENTIRETY NORTH OF DOVER DRIVE

Mayor Loch opened the Public Hearing at 7:18 p.m. and called for public comment either for or against the proposed renaming of Dover Circle to Downing Court.

Natalie Roberts, 906 Dover Circle, spoke against the proposed name change, stating she is a long time resident on Dover Circle, and she does not want the burden and expenses of changing personal documents.

Brian Roberts, 906 Dover Circle, added that they have experienced no difficulties with emergency response of delivery services.

Irene Wilson, 908 Dover Circle, and Vida Roberts, 904 Dover Circle, stated they oppose the street name change.

With no further discussion, Councilmember Nichols **moved to close the Public Hearing**, seconded by Councilmember Snuggs. Motion carried by vote of 5 Ayes, 0 Nays, and 2 absent (Draper, Goldsworthy). The Public Hearing was closed at 7:25 p.m.

DISAPPROVE AN ORDINANCE PROVIDING FOR THE RENAMING OF A STREET KNOWN AS DOVER CIRCLE TO DOWNING COURT, LOCATED IN ITS ENTIRETY NORTH OF DOVER DRIVE

FIRST READING OF AN ORDINANCE PROVIDING FOR THE RENAMING OF A STREET KNOWN AS DOVER CIRCLE TO DOWNING COURT, LOCATED IN ITS ENTIRETY NORTH OF

DOVER DRIVE; PROVIDING FOR PLACEMENT OF STREET SIGNS; PROVIDING FOR AMENDMENT OF THE OFFICIAL CITY LIMITS MAP AND THE CITY ZONING MAP; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETING FINDING.

Councilman Rippy repeated his request to affected residents to contact the City Council in the future if the similar street names become a problem or concern. With no person speaking in favor of changing the street name, Council voted to disapprove the ordinance.

Councilmember Rippy moved to **disapprove the Ordinance**, and was seconded by Councilmember Nichols. Motion carried by vote of 5 Ayes, 0 Nays, and 2 absent (Draper, Goldsworthy).

PUBLIC HEARING ON PROPOSED RENAMING OF A PORTION OF A STREET KNOWN AS SANTA FE TO DEPOT LANE, WITH SAID PORTION BEING LOCATED IN ITS ENTIRETY FOR ONE BLOCK BETWEEN EAST CALIFORNIA STREET AND EAST BROADWAY STREET

Mayor Loch opened the Public Hearing at 7:28 p.m. and called for public comment either for or against the proposed renaming of Santa Fe Street, located between East California Street and East Broadway Street, to Depot Lane.

No person came forward to speak either for or against the proposed ordinance. With no further discussion, Councilmember Nichols **moved to close the Public Hearing**, seconded by Councilmember Snuggs. Motion carried by vote of 5 Ayes, 0 Nays, and 2 absent (Draper, Goldsworthy). The Public Hearing was closed at 7:29 p.m.

ORDINANCE NO. 1222-03-2009 PROVIDING FOR THE RENAMING OF A PORTION OF A STREET KNOWN AS SANTA FE TO DEPOT LANE, WITH SAID PORTION BEING LOCATED IN ITS ENTIRETY FOR ONE BLOCK BETWEEN EAST CALIFORNIA STREET AND EAST BROADWAY STREET

FIRST READING OF AN ORDINANCE PROVIDING FOR THE RENAMING OF A PORTION OF A STREET KNOWN AS SANTA FE TO DEPOT LANE, WITH SAID PORTION BEING LOCATED IN ITS ENTIRETY FOR ONE BLOCK BETWEEN EAST CALIFORNIA STREET AND EAST BROADWAY STREET; PROVIDING FOR PLACEMENT OF STREET SIGNS; PROVIDING FOR AMENDMENT OF THE OFFICIAL CITY LIMITS MAP AND THE CITY ZONING MAP; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETING FINDING.

The City Manager advised there are no property owners on this portion of Santa Fe Street that would be affected by the name change. The remainder of Santa Fe Street is located north of Highway 82, which has led to some confusion for citizens and visitors when trying to locate either the Santa Fe Depot or the Public Safety Facility. He recommended approval of the name change.

Councilmember Nichols moved to **suspend the Charter requirement of three readings**, and was seconded by Councilmember Snuggs. Motion carried by vote of 5 Ayes, 0 Nays, and 2 absent (Draper, Goldsworthy).

Councilmember Nichols moved to **adopt the Ordinance to change the name to Depot Lane**, and was seconded by Councilmember Snuggs. Motion carried by vote of 5 Ayes, 0 Nays, and 2 absent (Draper, Goldsworthy).

RESOLUTION NO. 03-03-2009 C - AWARDING BID NO. 2009-2 FOR THE TRANSFER STATION REMODEL PROJECT

A RESOLUTION AWARDING BID NO. 2009-2 FOR THE TRANSFER STATION REMODEL PROJECT

The City Manager recommended award of bid to the lowest bidder, B J Contractors, LLC, for the Transfer Station Remodel project. The contract is for a total amount of Fifty-one thousand three hundred eighty five dollars (\$51,385.00) and is to be completed in 75 calendar days. The project involves

