

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
October 4, 2011**

The City Council of the City of Gainesville, Texas met in regular session on October 4, 2011 at 6:30 p.m. with the following persons in attendance.

MEMBERS PRESENT: Mayor Jim Goldsworthy
Carolyn Hendricks, Ken Keeler, Ray Nichols, Vince Rippy,
Beverly Snuggs

MEMBERS ABSENT: Philip Neelley

STAFF PRESENT: Barry Sullivan, City Manager; Kay Lunnon, City Secretary; Bill Harris, City Attorney; Dan Parker, Finance Director; John Noblitt, Community Services Director; Ron Sellman, Public Services Director; Polly Boone, Solid Waste Director; Kent Sharp, GEDC Executive Director

OTHERS PRESENT: Jerry Chapman, Larry Covington

CALL TO ORDER

Mayor Goldsworthy called the meeting to order at 6:30 p.m. The absence of Councilman Neelley was noted.

INVOCATION & PLEDGE OF ALLEGIANCE

Reverend Luke Smith, Calvary Baptist Church, gave the invocation. Mayor Goldsworthy led in the pledge to the flag.

CONSENT AGENDA

Council reviewed the Minutes of the Workshop Meeting of September 20, 2011 and for the regular City Council Meeting of September 20, 2011 and approved them as written.

Councilmember Nichols **moved to approve the items on the Consent Agenda**, and was seconded by Councilmember Keeler. Motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, and 1 Absent.

ORDINANCE NO. 1278-10-2011 – APPROVING ISSUANCE OF THE GREATER TEXOMA UTILITY AUTHORITY (GTUA) CONTRACT REVENUE BONDS, SERIES 2011A

CONSIDER ALL MATTERS INCIDENT AND RELATED TO THE APPROVING THE ISSUANCE OF THE “GREATER TEXOMA UTILITY AUTHORITY CONTRACT REVENUE BONDS, SERIES 2011A (CITY OF GAINESVILLE PROJECT)”, INCLUDING THE ADOPTION OF AN ORDINANCE PERTAINING THERETO.

Council approved and adopted Ordinance authorizing the Greater Texoma Utility Authority (GTUA) to sell \$2,000,000 in Contract Revenue Bonds, Series 2011 A, on behalf of the City of

Gainesville, to be used for the expansion of the Moss Lake Treatment Plant and the Northwest Water Distribution System. The bonds will be sold through the Texas Water Development Board's Water Infrastructure Fund (WIF) at an average interest rate of 2.37%. With this contract, the City agrees to repay the GTUA for the bonds. Jerry Chapman, General Manager of the GTUA, said this is the second issuance toward the City's approved WIF Program funding of \$7,235,000. The first issuance was approved by Council in April 2011 in the amount of \$4,100,000. Chapman said he has received approval from the state for the remaining funds, in the amount of \$1,135,000, which he will present for Council's consideration in the near future.

Councilmember Keeler **moved to Suspend the Charter requirement of three readings**, seconded by Councilmember Rippy, the motion carried by vote of 6 Ayes, 0 Nays, 1 absent (Neelley).

Councilmember Rippy **moved to adopt the ordinance**. The motion was seconded by Councilmember Keeler and carried by vote of 6 Ayes, 0 Nays, 1 absent (Neelley).

ORDINANCE NO. 1279-10-2011 – RESTRICTING THE 1000 BLOCK OF BONE STREET BETWEEN NORTH TAYLOR STREET AND NORTH MORRIS STREET TO ONE-WAY VEHICULAR TRAFFIC, PROHIBITING TRAFFIC FROM EAST TO WEST

FIRST READING OF AN ORDINANCE RESTRICTING THE 1000 BLOCK OF BONE STREET BETWEEN NORTH TAYLOR STREET AND NORTH MORRIS STREET TO ONE-WAY VEHICULAR TRAFFIC, PROHIBITING TRAFFIC FROM EAST TO WEST; DECLARING AN EFFECTIVE DATE AND MAKING AN OPEN MEETING FINDING.

Ordinance was adopted to restrict the 1000 block of Bone Street, between North Taylor Street and North Morris Street, to one-way vehicular traffic, west to east. Traffic east to west is prohibited. City Manager Sullivan said this section of Bone Street is fifteen feet wide and was recently re-constructed with curbs to aid in drainage. Due to the narrow width of the street this section of Bone was recommended for one way traffic for safety reasons. Sullivan added that parking restrictions in this section of Bone was not addressed in this ordinance, but will be presented to Council at their next meeting.

Councilmember Snuggs **moved to Suspend the Charter requirement of three readings**, seconded by Councilmember Nichols, the motion carried by vote of 6 Ayes, 0 Nays, 1 absent (Neelley).

Councilmember Snuggs **moved to adopt the ordinance**. The motion was seconded by Councilmember Keeler and carried by vote of 6 Ayes, 0 Nays, 1 absent (Neelley).

PUBLIC HEARING ON A PROPOSED ZONING DISTRICT CHANGE TO REZONE 140 ACRES LOCATED SOUTH OF HARRIS STREET AND EAST OF WHEELER CREEK FROM SINGLE FAMILY TWO (SF-2) TO AGRICULTURE (A).

Mayor Goldsworthy opened the Public Hearing at 6:46 p.m. and called for public comment on the proposed zoning district change.

No person came forward to speak either for or against the proposed re-zoning, and with no further discussion, Councilmember Snuggs moved to close the Public Hearing, seconded by Councilmember Nichols. Motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, and 1 Absent. The Public Hearing was closed at 6:47 p.m.

DISAPPROVED ORDINANCE TO REZONE 140 ACRES LOCATED SOUTH OF HARRIS STREET AND EAST OF WHEELER CREEK FROM SINGLE FAMILY TWO (SF-2) TO AGRICULTURE (A)

FIRST READING OF AN ORDINANCE AMENDING ORDINANCE 1219-12-2008; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AUTHORIZING THE CITY OF GAINESVILLE, TEXAS, TO REZONE FROM SINGLE FAMILY TWO (SF-2) TO AGRICULTURE (A) APPROXIMATELY 140 ACRES LOCATED SOUTH OF HARRIS STREET AND EAST OF WHEELER CREEK; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF GAINESVILLE; PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING.

The City Manager explained that the zoning change had been placed before the Planning & Zoning Commission for consideration based on requests to build barns, shops and other buildings that are not allowed in single family (SF2) zoning. At their meeting on September 27, the P & Z received public comment from property owners who expressed concern and opposition to the proposed zoning change. P & Z denied the re-zoning request and recommended City Council disapproval. Subsequently, Council received a written protest petition, signed by 30% of property owners adjoining the area, against the proposed rezoning. Sullivan recommended Council disapprove the ordinance.

Councilmember Nichols **moved to disapprove the ordinance.** The motion was seconded by Councilmember Snuggs and carried by vote of 6 Ayes, 0 Nays, 1 absent (Neelley).

RESOLUTION NO. 10-04-2011 – AUTHORIZING RELEASE OF LIENS AGAINST PROPERTIES TO BE SOLD AT SHERIFF’S SALE IN NOVEMBER 2011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE RELEASE OF LIENS AGAINST PROPERTIES TO BE SOLD AT SHERIFF’S SALE IN NOVEMBER 2011.

The City Manager was authorized to release City liens against seven real estate properties that are scheduled to be sold at Sheriff’s sale in November. The property locations are 1310 Witherspoon, 420 South Schopmeyer Street, 1119 Witherspoon, 529 North Commerce, 915 Foreman, 1820 South Lindsay, and 725 Mill. The City Manager said the liens are for mowing, cleanup, and demolitions of substandard structures. He said the City currently maintains these properties and the lien amount against each property is higher than the actual property value. He recommended release of the liens so the properties can be sold and put back on the tax roll. Current owners of each property will not be allowed to purchase the property at the Sheriff’s sale.

Councilmember Keeler **moved to approve the Resolution,** and was seconded by Councilmember Snuggs. Motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, and 1 Absent (Neelley).

RESOLUTION NO. 10-04-2011 A - AUTHORIZING EXPENDITURE FOR PURCHASE OF ONE (1) 2012 JOHN DEERE 544K LOADER WITH WASTE HANDLER PACKAGE FOR THE SOLID WASTE DIVISION

A RESOLUTION AUTHORIZING EXPENDITURE FOR PURCHASE OF ONE (1) 2012 JOHN DEERE 544K LOADER WITH WASTE HANDLER PACKAGE FOR THE SOLID WASTE DIVISION.

Solid Waste Department was approved to purchase a new solid waste loader with waste handler package from RDO Equipment, Fort Worth, Texas. Polly Boone, Solid Waste Director,

recommended the purchase through the Buy Board Purchasing Co-op in the amount of \$172,015.30 and will be paid from funds budgeted in the current fiscal year and with remaining funds in the 2008 Certificates of Obligation. The equipment is needed to load waste at the transfer station.

Councilmember Hendricks **moved to approve the Resolution**, and was seconded by Councilmember Keeler. Motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, and 1 Absent (Neelley).

RESOLUTION NO. 10-04-2011 B - AUTHORIZING EXPENDITURES FOR PURCHASE OF ONE (1) 2011 MACK MRU613 CAB & CHASSIS AND ONE (1) NEW WAY 40 YARD PACKER BODY FOR THE SOLID WASTE DIVISION

A RESOLUTION AUTHORIZING EXPENDITURES FOR PURCHASE OF ONE (1) 2011 MACK MRU613 CAB & CHASSIS AND ONE (1) NEW WAY 40 YARD PACKER BODY FOR THE SOLID WASTE DIVISION.

Solid Waste Department was authorized to purchase a Mack cab and chassis and a forty-yard New Way packer body, combined to build one truck, for use in servicing commercial dumpsters. Polly Boone recommended purchase from two separate dealers in order to get the equipment they need. Both purchases will be made through the Houston Galveston Area Co-op (HGAC), a government purchasing co-op that pre-qualifies vendors for cost quotations. The total combined purchase amount is \$205,954 for the cab and chassis (East Texas Mack Sales \$126,560) and packer body (Dickson Equipment \$79,394) and will be paid from funds budgeted in the current fiscal year.

Councilmember Snuggs **moved to approve the Resolution**, and was seconded by Councilmember Keeler. Motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, and 1 Absent (Neelley).

RESOLUTION NO. 10-04-2011 C - AUTHORIZING AMENDMENT TO AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, FOR ADDITIONAL SERVICES IN PACKAGE C OF THE STREET AND UTILITY MAINTENANCE PROGRAM (SUMP), AND INCREASING THE TOTAL CONTRACT AMOUNT

A RESOLUTION AUTHORIZING THE CITY MANAGER, FOR AND ON BEHALF OF THE CITY OF GAINESVILLE, TO AMEND AN AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, FOR ADDITIONAL SERVICES IN PACKAGE C OF THE STREET AND UTILITY MAINTENANCE PROGRAM, AND INCREASING THE TOTAL CONTRACT AMOUNT.

Amendment to the Street and Utility Maintenance Program (SUMP) Package C contract with Kimley-Horn and Associates was approved to add engineering services in the amount of \$22,500 for costs associated with reconstruction of 490 linear feet of two lane brick roadway on Dixon Street from Gorham to Broadway. Sullivan said additional engineering services are necessary for the brick portion of Dixon Street for roadway design, utility design, bidding, and construction contract administration. He said the bricks will be stored for use in other brick street areas in town. Total estimated construction cost for Dixon Street (Gorham to Broadway) is \$89,000. SUMP Package C includes: 1) Dixon Street (Cummings to Gorham) – reconstruction of 910 LF of two lane asphalt road and rehabilitation of 6-inch water line; 2) Church Street (Dixon to Denton) – reconstruction of 890 LF of two lane asphalt road and rehabilitation of 6-inch water line; and 3) Star Street (Commerce to Dixon) – reconstruction of 320 LF of two lane asphalt road and rehabilitation of 6 inch sewer line.

Councilmember Keeler **moved to approve the Resolution**, and was seconded by Councilmember Rippy. Motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, and 1 Absent (Neelley).

RESOLUTION NO. 10-04-2011 D - NOMINATING CANDIDATE(S) FOR THE COOKE COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS

A RESOLUTION NOMINATING CANDIDATE(S) FOR THE COOKE COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS.

Council nominated Beverly Snuggs as the City's candidate for the Board of Directors of the Cooke County Appraisal District (CCAD). Nominees from all taxing units in Cooke Council will be voted on by December 8, and five CCAD board members will be elected to serve two-year terms beginning January 1, 2012.

Councilmember Nichols **moved to approve a Resolution nominating Beverly Snuggs**, and was seconded by Councilmember Keeler. Motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, and 1 Absent (Neelley).

EXECUTIVE SESSION

Council did not convene into executive session.

ADJOURN

With no further business to come before the City Council, the meeting was adjourned at 7:02 p.m.

Respectfully submitted,

/S/
Kay Lunnon, City Secretary

/S/
Jim Goldsworthy, Mayor