

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
June 5, 2012**

The City Council of the City of Gainesville, Texas met in regular session on June 5, 2012 at 6:30 p.m. with the following persons in attendance.

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

STAFF PRESENT: Barry Sullivan, City Manager; Kay Lunnon, City Secretary; Bill Harris, City Attorney; Dan Parker, Finance Director; Steven Fleming, Police Chief; Kent Sharp, GEDC Executive Director; Tony Dresser, Videographer

OTHERS PRESENT: Greg Russell, Kit Chase, Janet Morris, Frank Morris, Dean Patterson, Kim Cook, Karon Sullivant, Leslie Nichols, Jason Henry, Kevin Lombardozzi, Joe Connor, Jan Fox, Margie Askew, Bill Black, Gerri Williams, Brenda Kitchens

CALL TO ORDER

Mayor Goldsworthy called the meeting to order at 6:30 p.m. All Council members were present.

INVOCATION & PLEDGE OF ALLEGIANCE

Brother Bill Black, Grand Avenue Baptist Church, gave the invocation. Mayor Goldsworthy led in the pledge to the flag.

REPORTS

Cooke County Arts Council

Janet Morris gave a brief summary of the activities of the organizations in the Arts Council and made a funding request for \$4500 from Hotel Motel Tax Occupancy Revenues in the fiscal year budget 2012-2013. Arts Council organizations included in the funding request are Cooke County Orchestra/Gainesville Swing Orchestra, North Central Texas Chorale, Gainesville Area Visual Arts Association (GAVA).

CITIZENS COMMENTS

Kim Cook, Executive Director of Abigail's Arms, thanked the City for allowing her agency to display purple banners in the downtown area during June in observance of National Domestic Violence Awareness Month. Abigail's Arms is currently running a capital campaign to fund construction of a women's shelter in Gainesville. Cook distributed purple ribbons to Council members to increase local awareness about domestic violence.

CONSENT AGENDA

Council reviewed Minutes of the regular City Council Meeting of May 15, 2012, and the Minutes of the Council Workshop Meeting of May 19, 2012, and approved them as written.

Councilmember Nichols moved to **approve the Minutes of the May 15 City Council meeting and the May 19 Workshop meeting**, and was seconded by Councilmember Snuggs. Motion carried by vote of 6 Ayes, 0 Nays, 0 absent, 1 Vacancy.

RESOLUTION NO. 06-05-2012 – AWARD BID TO CURTCO FOR 2012 CRACK SEAL PROGRAM

A RESOLUTION AWARDED BID NO. 2012-2 FOR THE 2012 CRACK SEAL PROGRAM FOR THE CITY OF GAINESVILLE.

Council approved award of Bid No. 2012-2 to Curtco, Inc. of Centerpoint, Texas, for the 2012 Crack Seal Program. Five contractors responded to the advertised bid on May 8, 2012. Kimley Horn and Associates Engineering reviewed all bids and qualifications and recommended Curtco, Inc. as the lowest responsive bidder with their proposal of \$158,550. Their bid came in under budget, which Kimley-Horn Engineer Jason Henry attributed as an economic efficiency due to Curtco being already mobilized locally. The program will be implemented through work orders issued for crack seal projects on streets according to the priorities established in the Street and Utility Maintenance Program (SUMP). City Manager Barry Sullivan recommended approval of the contract with Curtco and advised encumbering the remaining budgeted funds into the next fiscal year to be used specifically on street and SUMP projects.

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

RESOLUTION NO. 06-05-2012 A - ANNUAL COMPENSATION FOR MUNICIPAL COURT JUDGE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS PROVIDING FOR ANNUAL COMPENSATION FOR THE MUNICIPAL COURT JUDGE OF THE CITY OF GAINESVILLE, TEXAS IN ACCORDANCE WITH ARTICLE IV, SECTION 4.05, OF THE CHARTER OF THE CITY OF GAINESVILLE, TEXAS.

A 3% percent increase in annual compensation was approved for the Municipal Court Judge. The current salary of \$46,011 for this position was approved in July 2009. Under the City Charter, the City Council sets the compensation for the Municipal Judge, which is an elected position.

Councilmember Hendricks **made the motion for a 3% increase**, and was seconded by Councilmember Snuggs. Motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 0 Absent, and 1 Vacancy.

RESOLUTION NO. 06-05-2012 B – SUPPORTING MUNICIPAL SETTING DESIGNATION FOR SHERMAN WIRE COMPANY AT 1305 SOUTHLAND DRIVE

A RESOLUTION IN SUPPORT OF SHERMAN WIRE COMPANY TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR A MUNICIPAL SETTING DESIGNATION AT AND ABOUT 1305 SOUTHLAND DRIVE, GAINESVILLE, TEXAS.

Sherman Wire Company received Council support for their application for a Municipal Setting Designation (MSD) to the Texas Commission on Environmental Quality (TCEQ) for their property located at 1305 Southland Drive. Kevin Lombardozzi of Sherman Wire Company said they are working through the state process to complete the MSD, and at this time, they are required to contact water utilities within five-miles of the site. The resolution shows support by the City of Gainesville as a water utility company. The TCEQ will review and provide final approval of the MSD if the application meets state standards. A MSD designation identifies the property and places restrictions in the deed record, prohibiting use of shallow groundwater and

potable water, or drilling a well on the property. The City Council first approved support for Sherman Wire Company's application in December 2011.

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

ORDINANCE NO. 1299-06-2012 - ADOPTING RULES REGULATING ON SITE SEWAGE FACILITIES IN THE CITY OF GAINESVILLE

FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE ADOPTING CHAPTER 366 OF THE TEXAS HEALTH AND SAFETY CODE; ADOPTING THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES "DESIGN CRITERIA FOR ON-SITE SEWAGE FACILITIES" AND ADMINISTRATIVE RULES 30 TAC 285.1-285.91 RELATIVE TO REGULATING THE PROPER PLANNING OF THE LOCATION, DESIGN, CONSTRUCTION, INSTALLATION, ALTERATION, EXTENSION, REPAIR, OPERATION, AND MAINTENANCE OF ON-SITE SEWAGE FACILITIES; ESTABLISHING MORE STRINGENT RULES FOR ON-SITE SEWAGE FACILITIES; ESTABLISHING DUTIES AND POWERS AND PROVIDING FOR ENFORCEMENT; PROVIDING FOR COLLECTION OF FEES; PROVIDING FOR AN APPEAL; ESTABLISHING PENALTIES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND SPECIFYING EFFECTIVE DATE; AND PROVIDING FOR SUSPENSION OF THE CHARTER REQUIREMENTS OF READING ON THREE SEPARATE OCCASIONS; AND MAKING AN OPEN MEETING FINDING.

Sullivan presented the ordinance explaining that the Texas Commission on Environmental Quality (TCEQ) requested correction in two sections of the ordinance (1291-04-2012) previously adopted in April 2012. During their review, TCEQ noted that because of numbering changes, ordinance sections 3 and 5 incorrectly referred to section 8 as the On-Site Sewage Facilities Rules Adopted, instead of section 6. A public hearing was held in April prior to adoption of the ordinance. This new ordinance replaces all previously adopted ordinances and renews the City's order for an authorized agent to administer the program regulating onsite sewage facilities located within the city limits of Gainesville. Through an agreement with Cooke County, the City authorizes the County Health Inspector to implement and enforce the rules and regulations according to 30 TAC 285 and to perform all duties for inspection of onsite sewage facilities. The County may establish and collect fees for this service.

Councilmember Nichols **moved to Suspend the Charter requirement of three readings**, and was seconded by Councilmember Keeler. The motion carried by vote of 6 Ayes, 0 Nays, 0 absent, 1 Vacancy.

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

EXECUTIVE SESSION

At 6:51 p.m. Mayor Goldsworthy announced that Council would convene into Executive Session in compliance with Vernon's Texas Codes Annotated, Government Code, Chapter 551 (Open Meetings Act), to discuss the following.

Under Government Code §551.071 Attorney-Client matters

Under Government Code §551.087 Economic Development

RECONVENE INTO OPEN SESSION

Council reconvened into open session at 7:40 p.m. Mayor Goldworthy announced no action was taken during executive session.

ADJOURN

With no further business to come before the City Council, the meeting was adjourned at 7:40 p.m.

Respectfully submitted,

/S/

Kay Lunnon, City Secretary

/S/

Jim Goldworthy, Mayor