

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
December 18, 2012**

The City Council of the City of Gainesville, Texas met in regular session on December 18, 2012 at 6:30 p.m. with the following persons in attendance.

MEMBERS PRESENT: Mayor Jim Goldsworthy
Keith Clegg, 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; Mary Jarvis, Controller; Steven Fleming, Police Chief; Patrick McCage, Recreation Development Director; Municipal Court Judge Chris Cypert; Keith Rigsby, City Marshal; Tony Dresser, Videographer

OTHERS PRESENT: Gregg Russell, Kit Chase, Rickey Linn, Laird Markland, Mike Hallum, Jeff Isbell

CALL TO ORDER

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

INVOCATION & PLEDGE OF ALLEGIANCE

Father Jeff Stubbs, St. Paul's Episcopal Church, gave the invocation. Mayor Goldsworthy led in the pledge to the flag.

RECOGNITIONS/PROCLAMATIONS

City Employee of the Month, December 2012

City Manager Barry Sullivan read and presented an Employee of the Month certificate to Rickey Linn, custodian at the Public Safety Center, in recognition and appreciation of his dedication to his work and responsibilities in keeping the Public Safety facility neat and clean, and for his excellent customer service, anticipating and meeting the daily needs of the facility and its visitors and special events. Mr. Linn was cited as an asset to the City of Gainesville.

Certificate of Achievement for Excellence in Financial Reporting, FY 2011

Sullivan read and presented a Certificate of Achievement for Excellence in Financial Reporting (CAFR) for the fiscal year ended September 30, 2011, which was awarded by the Government Finance Officers Association of the United States and Canada (GFOA) to the City of Gainesville. Dan Parker, Finance Director, and Mary Jarvis, City Controller, received the award on behalf of the City. The award is presented to governmental units whose reports (CAFRs) achieve the highest standards in government accounting and financial reporting.

REPORTS

Mayor Goldsworthy added a quick report on the first project of a task force put together by City Staff for a new program entitled "Because We Care." Forty-five GISD students gathered on

Saturday, December 15, with City crews and staff from Code Enforcement and Solid Waste, to clean up a neighborhood in the former middle school area on North Denton Street. Ten roll-off dumpsters of debris were hauled off. Goldsworthy said the residents were incredibly grateful for the assistance and proud of the results. He praised the program and everyone's effort and said the kids really enjoyed the project. Mayor added it was great to see the youth participation in the community.

CONSENT AGENDA

Council reviewed the Minutes of the City Council Workshop Meeting of December 4, 2012, and the Minutes of the regular City Council Meeting of December 4, 2012, and approved them as written.

Councilmember Snuggs **moved to approve all items on the Consent Agenda**, and was seconded by Councilmember Keeler. Motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

RESOLUTION NO. 12-18-2012 – AUTHORIZE AGREEMENT WITH MCCREARY, VESELKA, BRAGG & ALLEN, P.C. FOR PROFESSIONAL SERVICES FOR THE COLLECTION OF DELINQUENT FINES FOR THE MUNICIPAL COURT.

A RESOLUTION AUTHORIZING THE CITY MANAGER, FOR AND ON BEHALF OF THE CITY OF GAINESVILLE, TO EXECUTE AN AGREEMENT WITH MCCREARY, VESELKA, BRAGG & ALLEN, P.C. FOR PROFESSIONAL SERVICES FOR THE COLLECTION OF DELINQUENT FINES FOR THE MUNICIPAL COURT.

An agreement was authorized with McCreary, Veselka, Bragg, and Allen, Attorneys at Law, (MVBA) for collection of delinquent fines and costs for the Municipal Court. Municipal Judge Chris Cypert recommended the contract and reported the Municipal Court currently has approximately \$941,082.41 in delinquent fines. MVBA charges thirty (30) percent of the amount collected for their services. The collection fee is paid by the defendant and there is no cost to the City.

Councilmember Hendricks **moved to approve the Resolution**, and was seconded by Councilmember Clegg. Motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

ORDINANCE NO. 1305-12-2012 - ESTABLISHING SPEED LIMIT OF 40 MPH ON FM 2071 (OLD DENTON ROAD) FROM FM 372 (ANTHONY STREET) TO THE SOUTHERN CITY LIMITS

SECOND READING OF AN ORDINANCE OF THE CITY COUNCIL, OF THE CITY OF GAINESVILLE, TEXAS, PROVIDING FOR A MAXIMUM SPEED LIMIT OF 40 MPH ON F.M. 2071 (OLD DENTON ROAD) FROM FM 372 TO THE SOUTHERN CITY LIMITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.

Ordinance was approved on second reading and adopted, to establish a maximum speed limit of 40 miles per hour on FM 2071 (Old Denton Road) from FM 372 (Anthony Street) to the southern City Limits, a distance of 0.212 miles. Texas Department of Transportation (TXDOT) recommended the speed limit, which is inside the city limits, and requested the city ordinance as a result of their traffic study of the state highway in this area. At the previous Council meeting Councilmember Snuggs expressed concern about the increased speed limit in a residential area. TXDOT Area Engineer, Mike Hallum, was present and said they found no city ordinance or State minute order that set the speed limit at the 30 miles per hour which is currently posted. He discussed the driver percentile methodology used in determining a reasonable and prudent speed

for the area, and other considerations such as the wide roadway and the few number of driveway entrances. Hallum added that drivers currently travel faster than the 40 miles per hour speed limit TXDOT is recommending, and with the new speed limit outside the city limits coming into the city on FM 2071 at 60 miles per hour, TXDOT feels slowing down to 40 miles per hour inside the city limits is the reasonable and prudent speed for the area. Council approved and adopted the ordinance on a 5-2 vote with Councilmembers Snuggs and Keeler dissenting.

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

Councilmember Clegg **moved to adopt the ordinance with correction in the ordinance section 2 to clearly designate this speed limit on FM 2071 begins from FM 372 (Anthony Street)**. The motion was seconded by Councilmember Rippy and carried by vote of 5 Ayes, 2 Nays (Snuggs, Keeler), 0 absent.

ORDINANCE NO. 1306-12-2012 – ESTABLISHING A TEMPORARY CONSTRUCTION ZONE SPEED LIMIT OF 45 MPH ON US HIGHWAY 82 BETWEEN FM 3092 AND FM 371

FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL, OF THE CITY OF GAINESVILLE, TEXAS, PROVIDING FOR A CONSTRUCTION SPEED ZONE OF 45 MPH ON US HIGHWAY 82 BETWEEN FM 3092 (RADIO HILL ROAD) AND FM 371 (WALNUT BEND ROAD); PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.

Ordinance was adopted on first reading, to establish a construction speed zone inside the city limits on US Highway 82 between FM 3092 (Radio Hill Road) and FM 371 (Walnut Bend Road), a distance of 1.300 miles. The Texas Department of Transportation (TXDOT) will be replacing bridge structures at Wheeler Creek and Rock Creek and recommended a temporary maximum speed limit of 45 miles per hour in this area of Highway 82. Traffic will be routed off the westbound lanes onto the eastbound lanes. Mike Hallum, TXDOT Area Engineer, said they anticipate completing the bridge work in April or May 2013. On completion of the project, TXDOT will remove the speed zone signs and the ordinance will no longer be binding or enforceable.

Councilmember Snuggs **moved to Suspend the Charter requirement of three readings**, seconded by Councilmember Keeler, the motion carried by vote of 7 Ayes, 0 Nays, 0 absent.

Councilmember Snuggs **moved to adopt the ordinance with correction designating the construction speed zone affects both the westbound and eastbound lanes on US Highway 82**. The motion was seconded by Councilmember Keeler and carried by vote of 7 Ayes, 0 Nays, 0 absent.

RESOLUTION NO. 12-18-2012 A - AWARDING BID NO. 2012-07 TO ATLANTIS AQUATIC GROUP FOR CONSTRUCTION OF A NEW AQUATIC CENTER AT LEONARD PARK.

A RESOLUTION AWARDING BID NO. 2012-07 FOR CONSTRUCTION OF A NEW AQUATIC CENTER AT LEONARD PARK.

Bid 2012-07 was awarded to Atlantis Aquatic Group, for construction of a new aquatic center at Leonard Park. The city received five bids for construction of the Leonard Park Aquatic Center,

which includes bathhouse, pool and slides. Eikon Consultants and staff recommended award to Atlantis Aquatic Group (\$2,296,318) as the lowest bid and highest qualified bidder for the project. The City Manager said though the bid for the entire project is \$831,000 over the desired budget amount of \$1,660,000 he recommended moving forward with the project. Sullivan said the City has the cash in the Capital Reserve Fund to complete the job, and he advised the project would not get less expensive as time progresses. Payment for the new aquatic center will be made from the Pool Fund (\$1,660,000), which was created in the FY 2011–2012 Budget for the pool, and from the Capital Reserve Fund (\$831,279). The new pool is anticipated to be completed in May 2013. Sullivan credited and commended City crews for the demolition work on the old pool, saving money for the City. He said the new aquatic center will be interactive and feature an 18 foot tall water slide, a 10 foot drop slide, diving board, rock climbing wall, and zero (beach type) entry.

Councilmember Keeler **moved to approve the Resolution**, and was seconded by Councilmember Clegg. Motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

FIRST READING CONSIDERATION OF GEDC ACTIONS APPROVING EXPENDITURE FOR WEBER AIRCRAFT LLC PARKING LOT LEASE

FIRST READING OF A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION WHICH APPROVED EXPENDITURE FOR PAYMENT OF YEARLY LEASE FOR WEBER AIRCRAFT, LLC PARKING LOT IN THE AMOUNT OF \$9700.00 PER YEAR FOR THE NEXT 5 YEARS.

First reading was completed of a resolution for Council approval of the decision of the Gainesville Economic Development Corporation to pay the annual lease for the Weber Aircraft, LLC parking lot that was constructed earlier this year to accommodate their expanded workforce. GEDC approved to pay the lease amount of ninety-seven hundred dollars (\$9700.00) per year for the next five (5) years. Per State law, GEDC projects receive two readings by the City Council prior to approval. Second reading consideration by the City Council will be at the next regularly scheduled meeting on January 15, 2013.

RESOLUTION NO. 12-18-2012 B – CANCELLING JANUARY 1, 2013 REGULAR CITY COUNCIL MEETING

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS TO RESCHEDULE OR CANCEL THE REGULAR COUNCIL MEETING OF JANUARY 1, 2013. Council cancelled the first regularly scheduled council meeting in January 2013, due to it being New Year's Day holiday. The cancelled meeting was not re-scheduled. The next regular meeting of the City Council will be January 15, 2013.

Councilmember Keeler **moved to cancel the meeting**, and was seconded by Councilmember Snuggs. Motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

EXECUTIVE SESSION

At 7:17 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 §551.074 Personnel – City Manager's Evaluation

RECONVENE INTO OPEN SESSION

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

RESOLUTION NO. 12-18-2012 C - APPROVE EXTENSION OF CITY MANAGER CONTRACT

A RESOLUTION AUTHORIZING THE MAYOR TO EXTEND THE CONTRACT OF EMPLOYMENT OF BARRY SULLIVAN AS CITY MANAGER

Council voted unanimous approval of a one-year extension of Barry Sullivan's contract as City Manager, including a 6% increase in salary.

Councilmember Nichols **moved to approve the Resolution to include a 6% salary increase.** This motion was seconded by Councilmember Snuggs, and carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

ADJOURN

With no further business to come before the City Council, the meeting was adjourned at 7:41 p.m.

Respectfully submitted,

/S/
Kay Lunnon, City Secretary

/S/
Jim Goldsworthy, Mayor