

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
July 3, 2007
6:30 P.M.**

The City Council of the City of Gainesville, Texas met in regular session on July 3, 2007 at 6:30 p.m. with the following persons in attendance:

MEMBERS PRESENT: Mayor Glenn Loch
Council Members Charles Draper, Jim Goldsworthy, Carolyn Hendricks, Vince Rippy, Beverly Snuggs, Woody Williams

STAFF PRESENT: Mike Land, City Manager; Kay Lunnon, City Secretary; Bill Harris, City Attorney; Steve Boone, Fire Chief; John Noblitt, Planning Technician; Leda Furrh, Code Enforcement Officer;

VISITORS PRESENT: Mary Ann Carlisle, Brad Craine, Andy Hogue, Kathy Floyd, Rod Tyler, Dave Ozuna, Steve Schmitz.

CALL TO ORDER

Mayor Loch called the meeting to order with a quorum of members present.

INVOCATION & PLEDGE OF ALLEGIANCE

Pastor Luke Smith, Calvary Baptist Church gave the invocation. Mayor Loch led the pledge to the flag.

REPORTS

Fire Chief Steve Boone gave a summary report on the flood of June 18. According to the National Weather Service, Gainesville received from ten to twelve inches of rain in just a few hours that morning, causing flash flooding on the Pecan, Elm, and Wheeler Creeks. All off duty fire personnel were paged in for response and rescue. Three firefighters responding to a water rescue call in the 500 block of Schopmeyer along the Pecan Creek became victims also and needed to be rescued as the flood waters rose extremely fast. The Emergency Operation Center was activated at approximately 6:45 a.m. Calls for assistance were made and twenty-two fire departments from other cities responded with 167 personnel and 61 pieces of equipment, including hovercraft, boats, ladder trucks and various other rescue equipment. Many local citizens assisted also, responding with boats, life vests, food, and water. Boone said his personnel performed unbelievable tasks. Department personnel suffered several minor injuries. Unfortunately, there were three fatalities in the city resulting from the flood. Costs are still being determined for equipment damaged or lost. Three Gainesville Fire Department trucks are out of service. Responding cities lost boats, jet skis, and other equipment. Inspections have been performed on 590 structures affected by the flood, including nearly one hundred businesses. Damage assessment of public facilities is estimated at nearly 4.7 million dollars. To date, City crews have removed nearly three million pounds of debris, with much more expected as repairs

and reconstruction begins. The Presidential Disaster Declaration was received on June 29 and opened up Federal programs for assistance to individuals, homeowners and businesses.

Mary Ann Carlisle, FEMA Community Relations representative, stated that she wants to ensure that every person who suffered damages and losses in the flood knows that FEMA assistance is available and that they receive assistance they need in accessing FEMA programs. She emphasized that in order to receive the assistance, persons must call the FEMA 800 number to register. Registration with FEMA automatically generates an inspection call for the person, and activates an SBA information packet that is sent to the individual. Carlisle stated the importance of following through with the process and providing the information requested. She said typically, many people discard the information, thus stopping the process of assistance. She said everyone affected, regardless of income should call FEMA, and follow through with the process. A Disaster Recovery Center has been set up at the Gainesville Outlet Mall on North I-35, where individuals can receive personal assistance with registration and paperwork, and receive referrals to other assistance organizations. Carlisle said the DRC would remain open as long as people utilize the center.

City Manager Mike Land provided a brief review of the financial impact on the City to date as a result of the flood. Land said further reporting and discussion would be included in budget sessions, which begin next week.

CONSENT AGENDA

Council reviewed the Minutes of the June 19, 2007 Regular City Council Meeting and approved them as written.

With no further discussion, Councilmember Draper **moved to approve the Consent Agenda**, and was seconded by Councilmember Snuggs. The motion carried by unanimous vote.

RESOLUTION NO. 07-03-2007 – EMERGENCY PURCHASE TO B & W WATER WELL SERVICE FOR WATER WELL NO. 8

A RESOLUTION AUTHORIZING AN EMERGENCY PURCHASE TO B & W WATER WELL SERVICE FOR PULLING & REPLACING THE WATER PUMP ON WATER WELL NO. 8 LOCATED ON NORTH WEAVER STREET IN THE CITY OF GAINESVILLE, TEXAS.

City Manager Mike Land stated the pump at Well No. 8 located on North Weaver Street was damaged, possibly by lightning, during the storm on June 18. Approval of an emergency expenditure to B & W Water Well Service is recommended for pulling and replacing the water pump. The well is a major production well for the City. Land stated the expenditure would be included in a Public Assistance request for reimbursement under FEMA, if public assistance funds become available under the Disaster Declaration.

Councilmember Goldsworthy **moved to approve** and was seconded by Councilmember Williams. The motion carried by unanimous vote.

RESOLUTION NO. 07-03-2007 A – EMERGENCY PURCHASE TO NORTEX MODULAR SPACE FOR MOBILE BUILDING FOR FRANK BUCK ZOO

A RESOLUTION AUTHORIZING AN EMERGENCY PURCHASE TO NORTEX MODULAR SPACE FOR A MOBILE BUILDING FOR THE FRANK BUCK ZOO IN THE CITY OF GAINESVILLE, TEXAS.

Emergency expenditure to Nortex Modular Space was recommended to replace a mobile building that serves as a small animal holding, classroom and office at the Frank Buck Zoo. During the storm, the building was not flooded, but the heavy rains entered the walls of the education trailer/classroom, causing the floors and walls to warp and cave in, and also mold. All classroom and education artifacts and materials, and animals had to be removed due to rapid mold growth. Susan Kleven, Zoo Director, said Zoological Society is contributing funds to this purchase. Land added that the expenditure would be included in a Public Assistance request for reimbursement under FEMA, if public assistance funds become available under the Disaster Declaration.

Councilmember Goldsworthy **moved to approve**, and was seconded by Councilmember Williams. The motion carried by unanimous vote.

RESOLUTION NO. 07-03-2007 B – APPROVE GEDC 4B INCENTIVE GRANT AND FUTURE SALES TAX REBATES FOR ALLIED PRODUCTION SOLUTIONS

A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION OF THE CITY OF GAINESVILLE WHICH APPROVED A 4B INCENTIVE GRANT AND FUTURE SALES TAX REBATES FOR ALLIED PRODUCTION SOLUTIONS, L.P.

Executive Director, Kent Sharp, presented a recommendation for approval of the GEDC's 4B incentive grant and future sales tax rebates for Allied Production Solutions, L.P. The GEDC Board approved incentive grant payments to Allied, payable upon achievement of four performance components: 1) receipt of Certificate of Occupancy for the proposed steel tank and surface equipment manufacturing facility, \$125,000; 2) receipt of Certificate Occupancy for the proposed fiberglass assembly manufacturing facility, \$125,000; 3) creation and retention of 75 new jobs, payable no earlier than March 2009, \$125,000; and 4) creation and retention of 50 additional news jobs (a cumulative total of 125 new jobs created), payable no earlier than June 2009, \$125,000. GEDC also granted a performance-based rebate of their .25% local 4B (Economic Development) sales tax generated by Allied, up to \$500,000. The rebate is only for the ED sales tax portion, not City or County sales tax portions. Actual rebates will not be payable until the City and the GEDC receives its quarterly sales tax remittance. If by December 31, 2015, Allied does not generate at least \$500,000 in local 4B sales tax, Allied is required to repay the difference between the amount of 4B sales tax generated and \$500,000. Allied projects the company will generate \$11.9 million in direct sales taxes for Gainesville and Cooke County over a ten-year period.

Following discussion, Council added stipulation that incentive payments (payments 3 and 4) for new jobs created must be supported by Allied's employment reports submitted to the State, before any payment is made to Allied.

Councilmember Rippy made the **motion for approval, with stipulation that incentive payments three and four, for new jobs created, must be supported by Allied's 941 quarterly employment reports submitted to the State before any payment is made to Allied.** Councilmember Goldsworthy seconded this motion. Motion carried by vote of 6 ayes, 0 nays, with Councilman Draper abstaining from the vote.

RESOLUTION NO. 07-03-2007 C – EMERGENCY PURCHASE FOR REPLACEMENT OF SANITARY SEWER LINES ON ELM CREEK

A RESOLUTION AUTHORIZING AN EMERGENCY PURCHASE TO TEAGUE NALL AND PERKINS, INC. FOR REPLACEMENT OF SANITARY SEWER LINES ON ELM CREEK.

Emergency expenditure was recommended to replace the sanitary sewer line on Elm Creek. During the June 18 flooding, the inverted siphon along Elm Creek that carries wastewater from the southwest side of town was damaged, necessitating its immediate repair and replacement. Land stated that Texas Commission on Environmental Quality has been contacted and is aware of the situation. Because of erosion of the creek banks, manholes will be relocated farther back from the creek, and larger, encased line will be installed to prevent damage in the future. Payment for the project will be drawn from funds budgeted for capital improvements, and the expenditure will be included in a Public Assistance request for reimbursement under FEMA, if public assistance funds become available under the Disaster Declaration.

Councilmember Draper **moved to approve**, and was seconded by Councilmember Goldsworthy. The motion carried by unanimous vote.

EXECUTIVE SESSION

Mayor Loch announced at 7:43 p.m. that Council would adjourn into closed executive session to discuss under Government Code §551.071, Attorney-Client matters: 1) Attorney Services Contracts.

RECONVENE INTO OPEN SESSION

Council reconvened into open session at 8:52 p.m. and the Mayor announced no action was taken during executive session.

RESOLUTION NO. 07-03-2007 D - MUNICIPAL ATTORNEY SERVICES AGREEMENT

A RESOLUTION AUTHORIZING THE MAYOR, FOR AND ON BEHALF OF THE CITY OF GAINESVILLE, TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH BELVIN HARRIS FOR MUNICIPAL ATTORNEY SERVICES; SAID AGREEMENT FOR THE CONSIDERATION AND TERMS AND CONDITIONS STATED THEREIN IN A FORM ACCEPTABLE TO BOTH PARTIES.

With no further discussion, an agreement with Belvin Harris for City Attorney services was approved for a twenty-four month period beginning May 2007 and ending in May 2009.

Councilmember Goldsworthy **moved to approve** and was seconded by Councilmember Draper. The motion carried by vote of 5 ayes, and 2 nays, Councilmembers Snuggs and Williams voting nay.

RESOLUTION NO. 07-03-2007 E - MUNICIPAL COURT ATTORNEY SERVICES AGREEMENT

A RESOLUTION AUTHORIZING THE MAYOR, FOR AND ON BEHALF OF THE CITY OF GAINESVILLE, TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH PATRICIA ADAMS FOR MUNICIPAL COURT ATTORNEY SERVICES; SAID AGREEMENT FOR THE CONSIDERATION AND TERMS AND CONDITIONS STATED THEREIN IN A FORM ACCEPTABLE TO BOTH PARTIES.

With no further discussion, an agreement with Patricia Adams for services as Municipal Court Attorney was approved for a one-year term expiring in May 2008.

