

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
October 3, 2006
6:30 P.M.**

The City Council of the City of Gainesville, Texas met in regular session on October 3, 2006 at 6:30 p.m. with the following persons in attendance:

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

STAFF PRESENT: Mike Land, City Manager; Kay Lunnon, City Secretary; Dan Parker, Finance Director, Lynette Pettigrew, Main Street Director, Ron Sellman, Public Services Director, John Noblitt, Planning Technician

VISITORS PRESENT: Kathy Floyd, Andy Hogue, Joe Knox, Kent Sharp

CALL TO ORDER

Mayor Loch called the meeting to order. All members were present.

INVOCATION & PLEDGE OF ALLEGIANCE

The invocation was given by the Pastor Joe Knox of Gainesville Bible Church. Councilmember Rippy led in the pledge to the flag.

RECOGNITIONS

Kent Sharp was welcomed to Gainesville as the new Executive Director of the Gainesville Economic Development Corporation.

CONSENT AGENDA

Council reviewed the Minutes of the September 19, 2006 Regular City Council Meeting and approved them as written.

Councilmember Goldsworthy made the **motion to approve the Consent Agenda**, and seconded by Councilmember Draper. Motion carried unanimously.

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, and Williams.

Nays: None.

ITEMS CONSIDERED

RESOLUTION NO. 10-03-2006 – AUTHORIZE PURCHASE OF ASPHALT ZIPPER

CONSIDERATION OF AND ACTION ON A RESOLUTION AUTHORIZING THE EXPENDITURE OF \$91,807.00 TO FIRST SECURITY LEASING, INC FOR THE PURCHASE OF ONE (1) ASPHALT ZIPPER 500 ATTACHMENT.

City Manager Mike Land said funds for this lease-purchase are budgeted in the FY 2006-07 adopted budget. The equipment will be used by the Streets and Utilities Departments, saving time in the asphalt removal process by eliminating the need to saw cut, remove and haul asphalt.

Councilmember Snuggs **made the motion for approval of the Resolution**, seconded by Councilmember Williams. Motion carried.

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippey, Snuggs, and Williams.

Nays: None.

RESOLUTION NO. 10-03-2006 A- APPROVING CHANGE ORDER #1 TO O'NEAL STREET EXTENSION PROJECT

CONSIDERATION OF AND ACTION ON A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NO. 1 TO THE CONTRACT WITH B.J. COMPANY CONTRACTORS, INC. RELATING TO THE O'NEAL STREET EXTENSION PROJECT FOR THE CITY OF GAINESVILLE, FOR A NET CHANGE OF \$9,825.00 AND INCREASING THE CONTRACT SUM TO A TOTAL CONTRACT AMOUNT OF \$494,731.25.

Land reported the change order was initiated by the City, and the addition of the guardrail is a safety issue. Ron Sellman, Director of Public Services, said the change order eliminates one box culvert and modifies another box culvert to combine the drainage structures, resulting in a decrease in contract amount. The guardrail system, approved by TXDOT, is added at the Wheeler Creek Crossing, and increases the contract amount. Net change to the contract by approving Change Order No. 1 is an increase of \$9,825.00 to the total contract sum.

Councilmember Draper **made the motion to approve**, seconded by Councilmember Goldsworthy. Motion carried unanimously.

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippey, Snuggs, and Williams.

Nays: None.

RESOLUTION NO. 10-03-2006 B – APPROVING RECIPROCAL AGREEMENT WITH ATMOS ENERGY FOR DAMAGE TO DISTRIBUTION FACILITIES

CONSIDERATION OF AND ACTION ON A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A RECIPROCAL AGREEMENT WITH ATMOS ENERGY, MID-TEX DIVISION, ON DAMAGE TO DISTRIBUTION FACILITIES.

Sellman said the agreement formalizes a process already used, which is basically that the City agrees to repair any damages to its own facilities within the public rights-of-way owned by the City, and Atmos Mid-Tex agrees to repair damages to its facilities at no cost to the City.

Councilmember Snuggs **made the motion for approval of the Resolution**, seconded by Councilmember Goldsworthy. Motion carried.

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippey, Snuggs, and Williams.

Nays: None.

RESOLUTION NO. 10-03-2006 C - APPROVING CARNIVAL USE AT 1500 LAWRENCE STREET

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING THE RECREATIONAL USE OF 1500 LAWRENCE STREET PARKING LOT BY SUMMERTIME AMUSEMENTS ON OCTOBER 26 - 29, 2006.

Land said a permit for use is required by ordinance. Summertime Amusements has requested to use the parking lot for a carnival, and has provided liability insurance coverage.

Councilmember Hendricks **made the motion for approval of the Resolution**, seconded by Councilmember Goldsworthy. Motion carried by unanimous vote.

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, and Williams.

Nays: None.

ORDINANCES

SECOND READING OF AN ORDINANCE TO BE KNOWN AS THE 2006 GAINESVILLE SIGN CODE

SECOND READING CONSIDERATION OF AND ACTION OF AN ORDINANCE TO BE KNOWN AS THE 2006 GAINESVILLE SIGN CODE PROVIDING FOR REGULATIONS AND SPECIFICATIONS OF ALL SIGNS WITHIN THE CITY OF GAINESVILLE, IN ORDER TO PROMOTE AND SECURE THE SAFETY, HEALTH AND WELFARE OF ALL THE CITIZENS OF THE CITY OF GAINESVILLE; ACHIEVING A MORE DESIRABLE LIVING ENVIRONMENT; PROTECTING AND ENHANCING THE AESTHETICS OF THE CITY WITH BETTER SIGN USAGE; PROVIDING FOR REDUCTION OF NONCONFORMING SIGNS; REPEALING ALL PREVIOUS SIGN REGULATIONS; MAKING FINDINGS OF FACT; PROVIDING FOR PUBLICATION; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Land reported that following first reading of the ordinance, the City has received comments in opposition to prohibiting flashing LED signs. Councilmember Rippy added that he has received comments from his Ward that the flashing signs, especially in residential locations, are annoying. Land said if Council desires to allow the LED signs to flash, then ordinance language will need to be changed. He said this decision can be made during the third reading of the ordinance by including it with their motion. Staff was instructed to prepare language choices for the LED signs, to allow or prohibit, with or without exception, for Council's decision at the third reading of the ordinance on October 17.

Councilmember Goldsworthy **moved to approve second reading of the Ordinance**, seconded by Councilmember Williams. The motion carried by the following votes:

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, and Williams

Nays: None

EXECUTIVE SESSION

Council did not convene into executive session.

CITY MANAGER'S COMMENTS

Land said at the October 17 Council meeting, Council will receive it's first in a series of reports on activities of City Boards. The Planning and Zoning Commission will report on October 17, and other boards are scheduled for reports at the second Council meeting each month.

MAYOR'S COMMENTS

Mayor Loch commented on the upcoming Depot Day Festival, which will be Saturday, October 14. This year Depot Day will include ceremonies for re-dedication of the Courthouse and placement of an historic marker at the Santa Fe Depot honoring the Fort Sill Road.

ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 6:46 p.m.

Attest:

Kay Lunnon, City Secretary

Glenn Loch, Mayor