

MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
September 4, 2007
6:30 P.M.

The City Council of the City of Gainesville, Texas met in regular session on September 4, 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 Rippey, Beverly Snuggs, Woody Williams

STAFF PRESENT: Dan Parker, Interim City Manager; Kay Lunnon, City Secretary; Bill Harris, City Attorney; Roy Lewis, Building Official; Ron Sellman, Public Services Director; John Noblitt, Planning Technician; Steve Boone, Fire Chief; Jody Henry, Fire Marshal; Dave Vinton, Airport Manager; Patrick McCage, Parks Supervisor; Kevin Phillips, Communications Supervisor

VISITORS PRESENT: Earl Williams, Kathy Williams, Cheryl Brooks, Doug Brooks, Mark Mask, Rod Tyler, Marcus Taylor, Kit Chase, Andy Hogue

CALL TO ORDER

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

INVOCATION & PLEDGE OF ALLEGIANCE

Councilmember Charles Draper gave the invocation. Mayor Loch led the pledge to the flag.

RECOGNITION

A Water Quality Award from the Texas Commission on Environmental Quality was read and presented to City employees representing the Water Production Division. Earl Williams, Doug Brooks, Mark Mask, and Marcus Taylor received the award on behalf of the department. The award is for meeting TCEQ requirements for sixty consecutive months and recognizes the effort, dedication, and contribution made by the City to the state and citizens of Texas in protecting public health. The Gainesville Public Drinking Water System is one of fourteen thousand out of sixty thousand water systems statewide to receive the award. Mayor Loch congratulated the department for this significant accomplishment.

REPORTS

A report by Planning Technician John Noblitt, Building Official Roy Lewis, and Fire Marshal Jody Henry regarding permitting for rebuilding in the floodway and floodplain provided a lengthy discussion between City staff and Council. The objective of Council is to save the City and its citizens from being put back into the same position it was in on June 18, and they do not want to lose the opportunity to relocate people out of the flood areas instead of remodeling and rebuilding homes that will be flooded again.

Noblitt and Lewis said they have been following City ordinances and adopted FEMA guidelines. Noblitt reported that 578 properties were affected by the flood. Of the 578, about 88 properties are red-tagged as unsafe to inhabit, but nearly half of these 88 properties have obtained rebuilding permits. Noblitt said twenty-eight percent of the 578 properties have obtained permits. The FEMA fifty percent guidelines distinguish between floodway and floodplain. In the floodway, a home that sustains damage of fifty percent or more of its appraised value is required to have a hydraulic certification before being repaired, or to be raised to above the flood level. A home in the floodway that is damaged less than fifty percent of its appraised value needs only a permit and to abide by City code to make repairs. In the floodplain, a home that is damaged over fifty percent of appraised value must receive certification by an architect or engineer and be raised above the base flood elevation. If the home in the floodplain receives less than fifty percent damage the homeowner may rebuild to its pre-flood condition. Lewis confirmed that the City uses appraised values from the Cooke County Appraisal District.

Councilman Goldsworthy said allowing rebuilding in the flood areas may not be in the best interests of the community, and the City's permit system needs to be improved regarding the fifty percent rule. He said the City has an opportunity right now, with FEMA here, and assistance ready and available from churches and private groups, to relocate people out of the flood areas instead of remodeling and rebuilding homes that will be flooded again. Goldsworthy called for examination of the permit process, stating the City needs to have a tighter permitting process and a tighter process on rebuilding that will give these people a helping hand to get them to higher ground.

In discussion about repair estimates, currently being provided to the City by contractors and property owners, Council suggested that the City make certain that estimates are not just being written in order to obtain the permit, and Councilwoman Snuggs recommended that City inspectors go back to perform a final inspection after repairs have been made to verify the repairs are according to our guidelines.

Some homes that have been rebuilt already may be ultimately purchased through grant funds, and Council inquired how those repair expenses would be handled in the grant process. Noblitt said his understanding is that the City is not responsible for FEMA money spent by the homeowner. He said an independent appraisal of the property will be made and his understanding is that the City will not be liable for FEMA monies the homeowner spent for improvements. Noblitt and Lewis will attend a class on September 14 regarding FEMA standards. Councilman Draper said we need to find out from FEMA what the City's options are in the whole process. Mayor Loch stated that homes should be built to equal to or above the 1981 flood level. Lewis added that FEMA has updated the flood map of the City and he is in the process of writing a new floodplain ordinance for the City. Council's input on the ordinance is welcomed.

Admitting hindsight, Goldsworthy stated that immediately after the flood the City should have hired an independent damage assessor to go in after tagging the homes to write the estimates. He said right now fifty homes in the focus area remain un-permitted and are probably being rebuilt. He advised staff not to issue more permits, but to go out and inspect the homes not permitted, to get damage appraisals only from registered qualified contractors, and then follow City ordinance.

When asked what assistance the department needed for this process, Lewis responded that they would need to hire another full time inspector for an indefinite period. Interim City Manager

Parker is to look into that and let Council know at next meeting. Staff was advised to meet with the long-term recovery group in order to coordinate efforts between the City, caseworkers, and the homeowner regarding decisions on rebuilding of homes.

Ron Sellman reported on the status of tasks involved in the Pecan Creek Flood Damage Reduction Project. Topographical and utility surveys are basically completed and Sellman is meeting with the Corps of Engineers and HDR Engineering on September 12 for a review of survey data. He will have a better idea then about the properties identified that are located in the scope of the project. He said plans and specifications for the California and Broadway Street bridges will be ready by Spring of 2008. Sellman reported all geotechnical work is completed for the data needed on the bridge replacements.

Sellman presented a street project list that Public Services Department is working on. The department is presently working in the Ridge Addition replacing bad sections and rebuilding the roadway. At the same time they are addressing road base failures on Harris Street. Drainage has been improved on Harris near Kent Street.

CONSENT AGENDA

Council reviewed the Minutes of the August 21, 2007 Regular City Council Meeting and the August 28, Special Called City Council Meeting and approved them as written.

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

RESOLUTION NO. 09-04-2007 – APPROVING THE STANFORD HOUSE BUDGET FOR FY 2007-2008.

A RESOLUTION APPROVING ACTIONS OF THE STANFORD CHARITABLE CORPORATION APPROVING AND ADOPTING THE FY 2007-2008 BUDGET FOR THE STANFORD HOUSE.

The resolution is for Council approval of the action of the Board of Directors of the Stanford Charitable Corporation, adopting the Fiscal Year 2007-2008 budget for the Stanford House.

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

RESOLUTION NO. 09-04-2007 A – APPROVING SUPPORT FOR A HOMELAND SECURITY GRANT PROGRAM PROJECT INVESTMENT FOR FY 2007

A RESOLUTION IN SUPPORT OF FY 2007 HOMELAND SECURITY PROJECT INVESTMENT.

Steve Boone, Fire Chief, recommended approval for participation in the FY 2007 Homeland Security Grant Program for projects proposed by Gainesville Emergency Management, in the total amount of seventy-seven thousand, five hundred forty-five and 49/100 dollars (\$77,545.49). Four projects are being submitted, including portable radio communications equipment; UHF and VHF mobile radio equipment for vehicles; telephone, computer, and audio/visual enhancements for the Emergency Operations Center; and a P-25 VHF Digital Repeater System.

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

RESOLUTION NO. 09-04-2007 B – APPROVING OF A SITE PLAN FOR MOLDED FIBERGLASS COMPANIES/TEXAS FOR PROPERTY LOCATED AT 3333 NORTH IH-35

A RESOLUTION GRANTING APPROVAL OF THE SITE PLAN IN THE I-35 CORRIDOR FOR THE PROPERTY LOCATED AT 3333 NORTH IH-35 FOR THE PLACEMENT OF AN INDUSTRIALIZED MODULAR OFFICE BUILDING AS SUBMITTED BY MOLDED FIBERGLASS COMPANIES/TEXAS.

Approved a site plan presented by Molded Fiberglass Companies/Texas in the I-35 corridor for construction of professional office space. MFG proposes to construct a modular office structure to be used for office space. Existing in-plant production offices will be demolished to make room for an additional blade mold assembly area, and the increased capacity will necessitate an additional seventy-five production personnel. Planning and Zoning Commission recommended approval of the plan.

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

ORDINANCE NO. 1182-09-2007 – AMENDMENT TO MEETING REQUIREMENTS FOR THE AIRPORT ADVISORY BOARD

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE II, DIVISION I, AIRPORT BOARD, SECTION 4-24 OF THE CITY OF GAINESVILLE CODE OF ORDINANCES; PROVIDING FOR MEETINGS OF THE AIRPORT ADVISORY BOARD; MAKING FINDINGS OF FACT; PROVIDING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; MAKING AN OPEN MEETING FINDING; AND PROVIDING FOR SUSPENSION OF THE CHARTER REQUIREMENT OF READING THE ORDINANCE ON THREE SEPARATE OCCASIONS.

Council suspended the City Charter and approved adoption on first reading an ordinance amending City Code regarding meeting requirements for the Airport Advisory Board. The amendment requires the Board to meet at least once every sixty days, or at the call of the Chairperson of the Airport Advisory Board or three members of the board. Airport Director, David Vinton, said the board wants to stay in compliance with City Code, but does not always need to meet monthly.

Councilmember Draper **moved for Suspension of Charter** and was seconded by Councilmember Goldsworthy. The motion carried by unanimous vote.

Councilmember Rippy **moved to adopt the ordinance** and was seconded by Councilmember Snuggs. The motion carried by unanimous vote.

SECOND PUBLIC HEARING ON PROPOSED TAX RATE

Mayor Loch announced the Public Hearing at 7:35 p.m. and began by reading amounts of the 2007 effective tax rate, rollback tax rate, proposed tax rate, and current year adopted tax rate. He then called for comments either for or against the proposed 2007 tax rate of \$0.647000/\$100.

No person came forward to speak either for or against the ordinance.

With no further discussion, Councilmember Draper **moved to close the Public Hearing**, and was seconded by Councilmember Snuggs. The Public Hearing was closed at 7:37 p.m. by unanimous vote.

PUBLIC NOTICE

