

**MINUTES  
CITY OF GAINESVILLE  
CITY COUNCIL MEETING  
200 South Rusk  
Gainesville, Texas 76240  
September 21, 2010**

The City Council of the City of Gainesville, Texas met in regular session on September 21, 2010 at 6:30 p.m. in accordance with the posted agenda and with the following persons in attendance:

**MEMBERS PRESENT:** Mayor Glenn Loch,  
Council Members Jim Goldsworthy, Carolyn Hendricks, Philip Neelley, Ray Nichols, Vince Rippey, Beverly Snuggs

**STAFF PRESENT:** Barry Sullivan, City Manager; Kay Lunnon, City Secretary; Dan Parker, Finance Director; Kent Sharp, Executive Director, GEDC; Steven Fleming, Police Chief; Steve Boone, Fire Chief; David Vinton, Airport Manager

**OTHERS PRESENT:** Delania Trigg, Kit Chase, Dee Blanton, Hanna Outlaw, Scott Richardson, Georgia Hinojosa, Mike Shelton, Karen Cook.

**CALL TO ORDER**

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

**INVOCATION & PLEDGE OF ALLEGIANCE**

Reverend Scott Sundbye, Faith Lutheran Church, gave the invocation. Mayor Loch led the pledge to the flag.

**RECOGNITIONS**

Richard Nichols was recognized as September 2010 City Employee of the Month and was presented a Certificate recognizing his professional and courteous customer service, his dedication, dependability and excellent work ethics. Barry Sullivan presented Nichols an Employee of the Month certificate and a redeemable certificate good for one day off with pay.

**CONSENT AGENDA**

**MINUTES OF AUGUST 17, 2010 CITY COUNCIL MEETING**

The Minutes of the regular City Council Meeting of August 17, 2010 were approved as written.

**RESOLUTION NO. 09-21-2010 – APPOINTMENT TO GAINESVILLE ECONOMIC DEVELOPMENT BOARD OF DIRECTORS**

A RESOLUTION APPROVING APPOINTMENT TO THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION BOARD FOR THE CITY OF GAINESVILLE, TEXAS.

Robert Bloom was appointed to the GEDC Board of Directors, to a two-year term expiring August 2012.

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

## **OTHER ITEMS CONSIDERED**

### **RESOLUTION NO. 09-21-2010 A – RECOMMENDING THE PREFERRED SOUTHERN ROUTE FOR ONCOR’S KRUM WEST TO ANNA TRANSMISSION LINE**

CONSIDERATION OF AND ACTION ON A RESOLUTION OF THE CITY OF GAINESVILLE, TEXAS RECOMMENDING THAT ONCOR FOLLOW THE PREFERRED ROUTE FOR THE KRUM WEST – ANNA CCN 345KV TRANSMISSION LINE.

The City Manager said the City has a responsibility to help keep electric delivery charges low for its citizens, and the resolution expresses the City of Gainesville’s support for ONCOR’s preferred route for the Krum West – Anna CCN 345 kV Transmission Line project. The preferred transmission route or an alternate route that runs south of Cooke County is the most direct, cost effective, efficient, environmentally friendly route, and will impact the least amount of property. Council approved unanimously. The resolution will be sent to Oncor and the Public Utility Commission.

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

### **RESOLUTION NO. 09-21-2010 B - APPROVING ANNUAL FEE SCHEDULE UPDATE**

A RESOLUTION UPDATING AND APPROVING THE ANNUAL FEE SCHEDULE FOR CITY OF GAINESVILLE SERVICES FOR FISCAL YEAR 2010-2011 AND PROVIDING AN EFFECTIVE DATE.

Council approved updated fee schedules for city services to become effective October 1, 2010 or as specified in the schedule. The fee schedule attached to the resolution lists all city services with the fees as included in the proposed budget for the new fiscal year. There are several changes from the current year throughout the schedule. The Airport is increasing lease fees by \$0.01 per square foot. Cemetery charges for burial lots and the burial fees are increased, and a new \$100 charge has been added for cemetery services after 3pm Monday – Friday. The charge has been added because services after 3 p.m. require City employees to work overtime. Community Service fees have been increased to increase the department’s reliance on fees and less on other revenues. Entry fees at the zoo are increased by \$0.50 and many of the special programs are increased by \$5. Most Solid Waste fees are increased 3%. Sullivan explained that City residential fees are increasing because TASWA has increased rates to the City three times in the last two years. In 2010, TASWA increased rates 16.67% at the beginning of the year and an additional 7.14% in the middle of the year, and has already increased rates an additional 9.09% starting October 2010. Water and sewer rates are not increasing. A 3.5% fee for use of credit card is being implemented in all departments except Airport, Golf and Zoo. The adopted fee schedule will be posted on the City website [www.gainesville.tx.us](http://www.gainesville.tx.us).

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

### **ORDINANCE NO. 1258-09-2010 - ADOPTING BUDGET APPROPRIATIONS FOR FY OCTOBER 1, 2010- SEPTEMBER 30, 2011**

AN ORDINANCE ESTABLISHING APPROPRIATIONS FOR THE SUPPORT, MAINTENANCE, BUILDINGS AND IMPROVEMENTS FOR THE CITY OF GAINESVILLE, TEXAS, FOR THE FISCAL YEAR FROM OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2011 AND REVISING THE BUDGET FOR OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2010; PROVIDING AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.

City Manager Barry Sullivan stated the budget for Fiscal Year 2010-2011, in the amount of \$28.5 million, is a balanced budget that does not require a tax increase and he feels the City can

operate efficiently and effectively under this budget. Councilman Nichols added his appreciation to City Staff for holding to the same tax rate with fewer dollars of taxation available. The budget takes effect October 1, 2010, and is posted on the City website.

Councilmember Snuggs **moved to suspend the Charter requirement of three readings**, seconded by Councilmember Goldsworthy. Motion carried by vote of 7 Ayes, 0 Nays, 0 absent.

Councilmember Snuggs **moved to adopt the ordinance**, seconded by Councilmember Goldsworthy. Motion carried by vote of 7 Ayes, 0 Nays, 0 absent.

**ORDINANCE NO. 1259-09-2010 - ASSESSING TAX LEVY FOR FY 2010-2011**

AN ORDINANCE LEVYING, ASSESSING AND FIXING THE AD VALOREM TAX RATE FOR THE CITY OF GAINESVILLE, TEXAS GENERAL FUND AND INTEREST AND SINKING FUND FOR THE FISCAL YEAR FROM OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2011; APPROPRIATING EACH LEVY FOR THE SPECIFIC PURPOSE; PROVIDING FOR THE ASSESSMENT OF ALL ANNUAL OCCUPATIONAL TAXES PROVIDED BY LAW; REQUIRING PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.

Ordinance was adopted setting the ad valorem tax levy for Fiscal year 2010-2011 for the City of Gainesville, Texas at \$0.647000 per \$100 valuation, which will be divided between the General Fund (\$0.432356 cents) and the Interest and Sinking Fund (\$0.214644 cents). The tax rate is roughly 2.1 cents below the effective tax rate of \$0.6681. The City Manager said the City will actually receive less money from the same tax rate than it received in the current year because overall property values dropped for the City.

Councilmember Nichols **moved to suspend the Charter requirement of three readings**, seconded by Councilmember Rippy. Motion carried by vote of 7 Ayes, 0 Nays, 0 absent.

Councilmember Nichols **moved to adopt the ordinance**, seconded by Councilmember Rippy. Motion carried by vote of 7 Ayes, 0 Nays, 0 absent.

**RESOLUTION NO. 09-21-2010 C - APPROVING AGENCY HOTEL MOTEL TAX REVENUE USE AGREEMENTS FOR FY 2010-2011**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH EACH OF THE AGENCIES RECEIVING HOTEL/MOTEL OCCUPANCY TAX PURSUANT TO CHAPTER 351 OF THE TAX CODE; APPROPRIATING CERTAIN AMOUNTS FROM SAID HOTEL/MOTEL FUND; AND AUTHORIZING PAYMENT ON THE TERMS AND CONDITIONS CONTAINED THEREIN.

The resolution approves contracts in accordance with State Law with each of the agencies receiving Hotel/Motel Occupancy Tax revenue appropriations in the FY 2010-2011 Budget. Reduced funding levels for the agencies are reflected in the adopted budget and are based on reduced availability of funds. Local agencies approved for hotel motel revenue funds are Butterfield Stage Players (\$9,500), Cooke County Heritage Society/Morton Museum (\$7,000), Cooke County Heritage Society/Santa Fe Depot (\$9,000), and Gainesville Area Chamber of Commerce (\$45,000). Council noted that the Arts Council was not funded in the budget this year but could be added back into the budget if funds become available during the fiscal year.

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

**RESOLUTION NO. 09-21-2010 D – APPROVING FIVE-YEAR CAPITAL IMPROVEMENT PLAN (FY2011-2015)**

A RESOLUTION APPROVING THE CITY OF GAINESVILLE FIVE-YEAR CAPITAL IMPROVEMENT PLAN (FY 2011 – 2015).

City Manager Sullivan presented a Five-Year Capital Improvements Plan (CIP) for identified projects and equipment needs in City Departments for Fiscal Years 2011 through 2015. The CIP includes a description of the project, its cost, details and goals. It is a detailed plan that provides a budgeting tool for City Departments. Sullivan stated the plan would be reviewed each year to adjust and implement according to current needs and the current economic situation.

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

**RESOLUTION NO. 09-21-2010 E – APPROVING GEDC ACTIONS FOR FUNDING INCENTIVE FOR GAINESVILLE CINEMA, LLC**

A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION WHICH VOTED TO APPROVE GAINESVILLE CINEMA, LLC AS AN ECONOMIC DEVELOPMENT PROJECT AND TO APPROVE FUNDING A \$400,000.00 INCENTIVE FOR GAINESVILLE CINEMA, LLC.

Council adopted on second reading its approval of the Gainesville Economic Development Corporation's designation of Gainesville Cinema, LLC as an economic development project and financial incentive of \$400,000 for a movie theater. Kent Sharp, GEDC Executive Director, said the company is ready to submit construction plans to the City and anticipates a May 1 opening.

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

**RESOLUTION NO. 09-21-2010 F – APPROVE STANFORD CHARITABLE CORPORATION BUDGET FOR 2010-2011**

A RESOLUTION APPROVING ACTIONS OF THE STANFORD CHARITABLE CORPORATION APPROVING AND ADOPTING THE FY 2010-2011 BUDGET FOR THE STANFORD HOUSE.

Council approved action of the Board of Directors of the Stanford Charitable Corporation in adopting the Fiscal Year 2010-2011 budget of \$86,650 for the Stanford House.

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

**RESOLUTION NO. 09-21-2010 G – AWARD OF RFQ FOR ENGINEERING SERVICES FOR SUMP TO KIMLEY HORN & ASSOCIATES**

A RESOLUTION AWARDED RFQ NO. 2010-5 ENGINEERING SERVICES FOR THE STREET AND UTILITY MAINTENANCE PROGRAM (SUMP).

Sullivan said the City received and reviewed 16 statements of qualifications from engineering firms in response to a Request for Qualifications for engineering services for implementation of Gainesville's Five-Year Street and Utility Maintenance Program (SUMP). Staff recommended Kimley-Horn and Associates, Inc., the firm that completed the SUMP study and already has detailed knowledge of the city's road and utility systems. Staff said Kimley-Horn understands the city's goals and has completed this type of project in numerous cities. Under this contract the City will approve specific task orders for the specific jobs to be completed by Kimley-Horn. The City will use the 2010 Certificates of Obligation and annual budgets to cover the engineering costs.

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

**RESOLUTION NO. 09-21-2010 H - APPROVE SALE OF ALCOHOL IN FRANK BUCK ZOO FOR ZOOBILEE ON OCTOBER 2, 2010**

A RESOLUTION OF THE CITY COUNCIL APPROVING THE SALE OF ALCOHOL IN THE FRANK BUCK ZOO LOCATED AT 1000 WEST CALIFORNIA STREET BY THE FRANK BUCK ZOOLOGICAL SOCIETY DURING ZOOBILEE ON OCTOBER 2, 2010.

A request was approved for the Frank Buck Zoological Society to sell alcohol during Zoobilee at the Frank Buck Zoo on October 2<sup>nd</sup>. Karen Cook, of the Frank Buck Zoological Society, stated the Society is requesting to sell alcohol during the Zoobilee from 5:00 p.m. until 12:00 a.m. in the Frank Buck Zoo. Cook said the event is a good way to showcase and raise funds for the zoo. Gainesville Police Department will provide security for the event.

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

**PUBLIC HEARING ON PROPOSED ORDINANCE TO RE-ZONE 14.667 ACRES IN MARY E CLARK SURVEY FROM SINGLE FAMILY (SF-2) TO AGRICULTURE (A)**

Mayor Loch opened the Public Hearing at 7:04 p.m. and called for public comment regarding the proposed re-zoning. Sullivan provided details regarding the request. The property is located in the floodplain and floodway off Garnett Street, and the owner currently uses the property to board personal livestock. Planning and Zoning Commission unanimously approved the re-zoning request and City staff recommends approval of re-zoning the 14.667 acres to agricultural use, due to the floodplain issues.

No person came forward to speak either for or against the re-zoning. With no further discussion, Councilmember Snuggs **moved to close the Public Hearing**, and was seconded by Councilmember Nichols. Motion carried by vote of 7 Ayes, 0 Nays. The Public Hearing was closed at 7:05 p.m.

**FIRST READING APPROVAL OF ORDINANCE TO RE-ZONE 14.667 ACRES IN MARY E CLARK SURVEY FROM SINGLE FAMILY (SF-2) TO AGRICULTURE (A)**

FIRST READING OF AN ORDINANCE AMENDING ORDINANCE 1219-12-2008, THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AUTHORIZING THE CITY OF GAINESVILLE, TEXAS, TO REZONE FROM SINGLE FAMILY TWO (SF-2) TO AGRICULTURE (A) 14.667 ACRES IN THE MARY E. CLARK SURVEY, ABSTRACT 231, COOKE COUNTY, TEXAS; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF GAINESVILLE; PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING.

There was no further discussion following the public hearing.

Councilmember Snuggs **moved to approve first reading of the ordinance**, seconded by Councilmember Rippy. Motion carried by vote of 7 Ayes, 0 Nays, 0 absent.

**ORDINANCE NO. 1260-09-2010 – AMENDMENTS TO CITY HEALTH CODE, CHAPTERS 8 AND 9**

SECOND READING OF AN ORDINANCE AMENDING CHAPTER 9 OF THE CITY OF GAINESVILLE CODE OF ORDINANCES, ABOLISHING ARTICLE IV FOOD AND FOOD

ESTABLISHMENTS; AMENDING CHAPTER 8 HEALTH, ARTICLE I, ABOLISHING SECTIONS 8-1 THROUGH 8-5; AMENDING CHAPTER 8, ARTICLE II TO ESTABLISH DIVISION 7 OBSTRUCTIONS AND ABATEMENT OF PUBLIC RIGHTS-OF-WAY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR EFFECTIVE DATE; AND PROVIDING A SAVINGS CLAUSE.

Ordinance adopting amendments to City Codes, Chapters 8 and 9, was adopted on second reading to become effective October 1, 2010. The ordinance abolishes City Code Article IV, Chapter 9 Food and Food Establishments rules and regulations in order to turn retail food inspections, including restaurants, over to the State. The City's current contract with a sanitarian is terminated effective October 1, and the State will assume responsibility for food inspection services in the City. Chapter 8 is amended to abolish the office of Health Inspector and the City Board of Health, and to add Division 7 Obstructions and Abatement of Public Rights-of-Way clarifying the City's right to remove obstructions from the public right-of-way. What constitutes an obstruction is more clearly defined, allowing the City to remove or cause to be removed any tree or plant overhang so as to provide a minimum clearance of 14 feet above the street level, or to provide an unobstructed view to passage in the public sidewalk easement. The City Manager recommended adoption of the ordinance to take effect with the beginning of the new fiscal year.

Councilmember Rippy **moved to suspend the Charter requirement of three readings**, seconded by Councilmember Snuggs. Motion carried by vote of 7 Ayes, 0 Nays, 0 absent.

Councilmember Rippy **moved to adopt the ordinance**, seconded by Councilmember Snuggs. Motion carried by vote of 7 Ayes, 0 Nays, 0 absent.

#### **EXECUTIVE SESSION**

At 7:10 p.m. Mayor Loch announced that Council would convene into Executive Session for discussion under Government Code §551.071 Attorney Consultation and Government Code §551.072 Real Property.

#### **RECONVENE INTO OPEN SESSION**

Council reconvened into open session at 7:33 p.m. Mayor Loch announced that no action was taken in Executive Session.

#### **ADJOURN**

With no further business to come before the City Council, the meeting adjourned at 7:34 p.m.

Respectfully submitted,

/S/  
**Kay Lunnon, City Secretary**

/S/  
**Glenn Loch, Mayor**