

**WORK SESSION MINUTES
GREENVILLE CITY COUNCIL
TUESDAY, MARCH 27, 2012**

I. CALL TO ORDER

Mayor Oliver called the March 27, 2012, Work Session to order at 5:01 p.m. Present were Councilmembers Perkins, Perks, Dailey, Herrin, and Franklin. Also present were City Manager Steve Alexander, City Attorney Brent Money, and Deputy City Secretary Carole Kuykendall. Councilmember Del Bosque-Hobdy was absent.

II. ITEMS TO BE DISCUSSED

Senior Housing Presentation was discussed before the Audit Presentation.

A. Audit Presentation (*Cliff Copeland, Finance Director*)

Finance Director Cliff Copeland introduced John DeBurro and Marlon Williams from Weaver and Tidwell who were present for this discussion. DeBurro stated this audit wraps up the audit conducted for the year ended September 30, 2011. This audit did not identify any deficiencies in internal control over financial reporting or compliance that is considered to be material weakness. Councilmember Perkins asked what the City's "grade" would be and Marlin stated it would be an "A" and next year the goal would be an "A+". City Staff was praised for their quality of work.

Williams stated in the Management Letter that four areas were identified as needing attention: GEUS Capital Assets Records, Inventory Valuation Method for GEUS, AMPY Customer Deposits, and 4A EDC Accounting Records. In addition, comments/recommendations made by Weaver from last year's audit were implemented or resolved by the City.

Williams passed out copies of the CAFR and stated the unqualified opinion of the audit shows the City is following generally accepted accounting principles; correct controls in place; and it is appropriately managed.

B. Senior Housing Presentation (*John Adel, Assistant City Manager*)

Mark Feaster, Jim Markel, and Andrea Winter were present to discuss the proposed Residences of Greenville development located at Traders Road. This development was originally intended for a 55+ senior housing development, but after City Staff raised concerns, it is now being planned for a 62+ development. This development will consist of 78, 1-2 bedroom units built out on 14 acres. A \$9 million project. Taxes at approximately \$80,000 will be paid on these units as well as impact fees at approximately \$60,000. Included in the development is a 2,000 sq. ft. recreation center which houses a business center, fitness facility, and library. This development will be 62+ for at least 40 years. Letters or recommendations from communities with the same development were received from O'Fallon, MO., Columbia, MO., and Bastrop, Texas. In addition, pictures were shown of the same type of project in communities that had been built 10 years ago as well as 2 years ago.

C. **Items on the regular agenda of March 27, 2012**

No items from the regular agenda were discussed.

III. EXECUTIVE SESSION AS NEEDED FOR AGENDA ITEMS OR EXECUTIVE SESSION ITEMS AS LISTED ON THE REGULAR AGENDA - SECTIONS 551.071, 551.087, 551.072, 551.074, OR 551.073

The time being 5:40 p.m., the City Council went into Executive Session under item 551.087 (1) – Economic Development/Greenville Biomass Power Plant.

IV. ADJOURN

After reconvening in open session, the Work Session was adjourned at 6:01 p.m.

**REGULAR COUNCIL MEETING MINUTES
GREENVILLE CITY COUNCIL
TUESDAY, MARCH 27, 2012**

I. CALL TO ORDER

Mayor Oliver called the March 27, 2012, Regular Meeting to order at 6:02 p.m. Present were Councilmembers Perkins, Perks, Dailey, Herrin, and Franklin. Also present were City Manager Steve Alexander, City Attorney Brent Money, and Deputy City Secretary Carole Kuykendall. Councilmember Del Bosque-Hobdy was absent.

II. INVOCATION

Reverend Stephen Cotten from Kavanaugh United Methodist Church delivered the invocation.

III. PLEDGE OF ALLEGIANCE

IV. PRESENTATIONS

V. CITIZENS TO BE HEARD

Jim Campbell, 5300 Hilltop, *Rubbermaid – money spent on lawyers*; Lawrence Jennings, 5005 Utah Drive, *residential inspection*; John Kelso, 3503 Highmeadow, *playground locations*; Keith Smith, 6803 Gamecock, *residential inspection*; Monty White, *residential housing*; Mike Heine, *housing inspect*; Dennisha Denney, *residential taskforce*; Richard Hutchins, *task force*; Robert Smith, 3303 W FM1570, *annexation*; JoAnn Weatherly, *residential inspection*; Joseph Alcande, 2803 CR 3306, *residential inspection*; Fleta Tidwell, 1707 Langford, *in favor of rental inspection*.

VI. NEW BUSINESS

A. CONSENT CALENDAR- All items listed are considered to be routine by the City Council and will be enacted by one motion.

1. City Council Meeting Minutes – March 13, 2012
2. Announce the name of Richard Bays (Place 4) and Dave Dreiling (Place 5) to be nominated to the GEUS Board of Directors Board (*City Council*)
3. Resolution authorizing the mayor to sell delinquent property at Travis Street R108181 (*City Council*)

Resolution 12-11: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE, TEXAS, AUTHORIZING THE MAYOR TO SELL DELINQUENT PROPERTIES; AND SETTING AN EFFECTIVE DATE.**

Councilmember Perkins moved, Councilmember Herrin seconded for the adoption of the consent Calendar. Motion passed by unanimous vote of the City Council present.

B. PUBLIC HEARINGS

C. ACTION ITEMS

1. Consideration and action of an ordinance authorizing approval of contract for East Mount Cemetery and Forest Park Cemetery mowing (*Colby VanGundy, Director of Parks and Recreation*)

Director of Parks and Recreation Colby VanGundy briefed the City Council on this item. The City of Greenville began contracting for mowing services for East Mount and Forest Park Cemeteries beginning the 2008/2009 fiscal year. Bids were received for new mowing services with Crew Cut Lawn Care being the second lowest bid after taking into account the Location of Bidders Principal Place of Business. Crew Cuts also provides a quality service and is a reputable company.

Councilmember Herrin moved to enter into a mowing contract with T. Hyde Enterprises, Councilmember Perkins seconded for the enactment of Ordinance 12-018: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE, TEXAS, AUTHORIZING APPROVAL OF A CONTRACT FOR EAST MOUNT CEMETERY AND FOREST PARK CEMETERY MOWING; AND PROVIDING AN EFFECTIVE DATE.** Motion carried by unanimous vote of the City Council present.

2. Consideration and action on an ordinance awarding bid for construction of Graham Park and approving Change Order No. 1 (*Colby VanGundy, Director of Parks and Recreation*)

Director of Parks and Recreation Colby VanGundy briefed the City Council on this item. The City of Greenville applied for and received a matching outdoor recreation grant from Texas Parks and Wildlife Department in the amount \$1,000,000 to remodel Graham Park. La Terra Studio, Inc., was awarded the bid for preparation, design, and construction documents; these documents have been completed and the next phase of this project is to award a construction contract.

Sports Facility Construction Company Inc. (SFCC) was the lowest bid with a base amount of \$815,900; however, bids did not include the playground equipment, the splash pad, or any site furnishings.

After reviewing the bids, City Staff met with the architect and representatives from SFCC to discuss possible changes to the park design that could be incorporated to bring the project closer to the original projected budgeted amount. Modifications include (1) Road Demolition: Take-out the demolition/removal of 7,600 SY of existing parking/asphalt from the original contract document. (*This work to be conducted by City crews, saving \$35,000*); (2) Erosion Control Logs; (3) Decomposed Granite Supplier; (4) Decomposed Granite Quantity: Deduct quantity of decomposed granite by 7400 SF; (5) Sand Volleyball Court Change; (6) Playground Area; (7) Fishing Pier; (8) Solar Lighting; (9) Tree Protection; (10) Concrete Entrance: Change concrete entrance to asphalt; and (11) Pond Fountain.

With these modifications, City Staff was able to reduce the overall cost of the Graham Park project without sacrificing the concept and overall flow of the park as follows:

SFCC	\$	628,459.00
La Terra Studio	\$	61,700.00
Miracle (play ground)	\$	333,840.13
Total	\$	1,028,999.13

John Kelso, 3705 Highmeadow, addressed the City Council and stated he supports this project and would eventually like to see some of the more open area filled in with individual playground equipment.

Councilmember Franklin moved, Councilmember Perks seconded for the enactment of Ordinance 12-019: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE, TEXAS,**

AWARDING BID FOR CONSTRUCTION OF GRAHAM PARK AND APPROVING CHANGE ORDER NO. 1; AND PROVIDING AN EFFECTIVE DATE. Motion carried by unanimous vote of the City Council present.

3. Consideration and action of an ordinance amending the Code of Ordinances of the City of Greenville, Chapter 14: Offenses and Additional Provisions: Article 14.04 Noise, Section 14.04.001(10) (*Daniel J. Busken, Police Chief*)

Assistant Police Chief Scott Smith briefed the City Council. This item was discussed at the Work Session on March 13, 2012, and the Council asked City Staff to draft an ordinance allowing ice cream vendors to be able to play music or jingles to attract attention. Council asked that hours be amended to reflect the compliance time of 10:00 a.m. to 9:00 p.m. and no music or jingles shall be played while a sale is in progress.

Steve Bridges, Cornelia Street, said the music from the ice cream vendor in his neighborhood is so loud he can hear it coming from blocks away. Fleeta Tidwell, Langford Street, said she is not offended by the music from ice cream trucks, but is offended by the noise of 4-wheelers riding in the streets and fields around her house and would like something to be done about that.

Councilmember Franklin moved, Councilmember Perkins seconded for the enactment of Ordinance 12-020: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE, CHAPTER 14: OFFENSES AND ADDITIONAL PROVISIONS; ARTICLE 14.04 NOISE, SECTION 14.01.001(10); PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000); AND PROVIDING FOR AN EFFECTIVE DATE.** Motion carried by unanimous consent of the City Council present.

4. Consideration and action of a resolution supporting the Residences of Greenville for the development of 78 multi-family (senior) residential affordable housing units located at the 2100 block of Traders Road, comprised of 25 one-bedroom and 53 two-bedroom apartments and approval of the revitalization plan for the property (*John Adel, Assistant City Manager*)

Even though this item was discussed during the Work Session, City Council and City Staff wished to discuss it further during the regular session. Assistant City Manager John Adel stated this area is currently zoned MF-1 which means it is zoned for approximately 330 units by right. JES Development is proposing to build 78 units over the 14 acres which will include an approximately 2,000 sq. foot community center. This proposed senior residential housing unit would serve as a buffer between commercial businesses to the west and private single family residences to the east.

At this time, Mayor Oliver opened up the floor for questions and discussion from audience members. Asa Cascavilla, along with his father, own the apartment complex located at 4700 King Street and said they are only 80% full and the complex pays gas and water with their residents paying electricity. Martha Taylor, property manager for these apartments, stated when people call they say they are 100% occupied but they are really only about 80% occupied and she doesn't see how there is a need for new senior residential housing. Philip Cascavilla said the proposed housing is a wonderful project and beautiful, he just doesn't see the need.

Councilmember Franklin moved, Councilmember Perks seconded for the adoption of Resolution 12-12: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE, TEXAS, SUPPORTING THE RESIDENCES OF GREENVILLE FOR THE DEVELOPMENT OF 78 MULTI-FAMILY (SENIOR) RESIDENTIAL AFFORDABLE HOUSING UNITS LOCATED AT THE 2100 BLOCK OF TRADERS ROAD, COMPRISED OF 25 ONE-BEDROOM AND 53 TWO-BEDROOM APARTMENTS AND APPROVING AN AREA REVITALIZATION PLAN FOR THE**

PROPERTY; AND PROVIDING AN EFFECTIVE DATE. Motion carried by majority 5-1 vote of the City Council with Councilmember Dailey voting against.

VII. BOARD AND COMMISSION MINUTES/CITY STAFF OR COUNCIL REPORTS

February 2012 Financials

Glen Steed approached the City Council and state he would like a line item on the financials for Jackson-Walker and wanted to know how much had been paid to them this year. City Manager Steven Alexander stated he would be prepared to give that information at the next Council meeting.

VIII. EXECUTIVE SESSION

The Mayor announced the time as 8:28 p.m and stated the City Council would now go into Executive Session under Section 551.071 (1) - L-3 Communications vs. City of Greenville Lawsuit; Section 551.072 – Paul Mathews Exchange Building; Section 551.074 – Evaluation of City Council Appointees; Section 551.086: TMPA and Section 551.087 (1) - Economic Development/Greenville Biomass Power Plant.

IX. Take any action on any item discussed in Executive Session as needed.

Upon reconvening into open session at 11:12 p.m., Councilmember Franklin made a motion to amend the City Manager’s contract:

“BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE, TEXAS THAT:

SECTION 1. *The Mayor be, and he is hereby authorized to execute on behalf of the City, this First Amendment to the Agreement for Professional Services and Employment as City Manager attached as Exhibit "A", by and between the City and Steven J. Alexander, City Manager.*

SECTION 2. *This Ordinance shall take effect and be in full force immediately upon its passage and approval, **AND IT IS SO ORDAINED.***

PASSED AND APPROVED, this the 27th of March, 2012.

**FIRST AMENDMENT TO THE
AGREEMENT FOR PROFESSIONAL SERVICES AND EMPLOYMENT AS CITY MANAGER**

THIS FIRST AMENDMENT TO THE CITY MANAGER AGREEMENT (“First Amendment”) is made and entered into effective the 27th day of March, 2012, by and between the City of Greenville, Texas, a Texas municipal corporation (the “City”) and Steven J. Alexander (the “Manager”).

WITNESSETH:

WHEREAS, the City Council of the City (the “Council”) and the Manager are parties to an Agreement for Professional Services and Employment dated August 6, 2007 (the “Agreement”);

WHEREAS, the Council and the Manager desire to amend the Agreement as further set forth in this First Amendment;

NOW, THEREFORE, in recognition of Manager’s superior job performance, and for other good and valuable consideration, including the mutual covenants herein contained, the City and the Manager hereby contract, covenant, and agree as follows:

1. Amendment. Section 6.1. a. is hereby amended to read in its entirety as follows
 - a. Five members of the governing body vote to terminate the Manager at a duly authorized public meeting; or
2. Remainder of Agreement Unchanged. Except as amended by this Amendment the Agreement remains unchanged.”

Councilmember Dailey stated he would like to see this item put on another agenda as he doesn't think this was posted properly in order to take action. City Attorney Brent Money cited information from the Attorney General stating it was properly posted. Councilmember Perks seconded for the enactment of Ordinance 12-021: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY, AN AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL SERVICES AND EMPLOYMENT AS CITY MANAGER BY AND BETWEEN THE CITY AND STEVEN J. ALEXANDER, CITY MANAGER; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE IMMEDIATELY UPON ITS PASSAGE AND APPROVAL.** Motion carried by majority 4-2 vote with Councilmembers Perkins and Dailey voting “against”.

The City Council returned to Executive Session at 11:35 p.m. under Section 551.071(1) L-3 Communications vs. City of Greenville Lawsuit; Section 551.072 Paul Mathews Exchange Building; and Section 551.086: TMPA.

X. ADJOURN

After reconvening into open session and being no further business, the City Council adjourned at 11:45 p.m. by unanimous consent of the City Council present.