

**THE CITY COUNCIL OF THE CITY OF POTTSBORO, TEXAS MET
TUESDAY, APRIL 5th, 2011 6:00 P.M. AT 528 HWY 120 EAST.
FOR A REGULAR SESSION.**

Present: Mayor: Frank Budra; Mayor Pro-Tem: David Waller, Council Members Landon Goins and Mary Helen Chapin. Gary Watkins was absent.

REGULAR SESSION

CALL TO ORDER

Notice is hereby given that the City Council of the City of Pottsboro, Texas has met in Regular called Session on **Tuesday, April 5th, 2011** at 6:00 p.m. at 528 Hwy 120 E Pottsboro TX in the Council Chambers, pursuant to the Open Meeting Laws of the State of Texas.

Frank Budra called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE - to the flag of the United States.

CITIZENS TO BE HEARD

This time is set aside for any person having business before the Council that is not scheduled on the agenda to speak to the Council. Please submit a completed Speaker's Request Form to the City Secretary at the beginning of the council meeting. All comments must be directed toward the Presiding Officer rather than an individual council member or staff. Each speaker must limit their comments to the subject matter listed on the Speaker's Request Form and must refrain from personal attacks toward any individual. Speakers are limited to five minutes. Council may not comment publicly on matters brought to their attention during the Citizens' participation. Council may direct the City Manager to resolve or request the matter to be placed on a future agenda. Such public comments shall not include any "*deliberation*" as defined by Chapter 551 of the government Code, as now or hereafter amended. If you have a subject that may require City Council action, you may obtain a form from the City Secretary's office and request to have the item placed on a future agenda.

No comments were made.

CONSENT AGENDA:

Consent Agenda Items are considered to be routine in nature and may be acted upon in one motion. Any item requiring additional discussion may be withdrawn from the Consent Agenda by the mayor, council member or city manager, and acted upon separately.

1. Minutes

Consideration and/or action on the Minutes from the March 1st and 23rd, 2011 Council meeting.

Denise Smith, City Secretary/ Comptroller

David Waller motioned to approve the Consent Agenda Item as presented. The motion was seconded by Mary Helen Chapin. Motion carried unanimously.

ACTION ITEMS:

2. Capital Improvement Program

Consideration and/or action on all matters relating to a Capital Improvement Program for the City of Pottsboro.

- a. Discussion of the potential issuance of Certificates of Obligation.
- b. Consideration of a Resolution Approving and Authorizing the Publication of Notice of Intention to Issue Certificates of Obligation.

Kevin M. Farley, City Manager

Kevin M. Farley, City Manager and Steven Adams, Managing Director of Specialized Public Finance Inc. reviewed information regarding the purposed Certificates of Obligation to fund the City's Capital improvement needs.

After much discussion, David Waller motioned to approve issuing Certificates of Obligation for the City's Capital improvement needs and also approve Resolution 1134 authorizing the publication of notice of intention to issue Certificates of Obligation. The motion was seconded by Mary Helen Chapin. Motion carried unanimously.

3. Outdoor Burning request

Consideration and/or action on a request by Laura Thomas and Jim Wright for a variance to the regulation on outdoor burning.

Kevin M. Farley, City Manager

Mr. Wright addressed the City Council and requests a variance from the 10 acre requirement to be allowed to burn. Mr. Wright currently has about 3.5 acres. The collection of brush over time has grown and he would like to burn it when the conditions are right.

Landon Goins motioned to approve granting a variance to Laura Thomas and Jim Wright, owners of 30035 N SH 289 to allow a one-time burning permit for brush only. The motion was seconded by David Waller. Motion carried unanimously.

4. Specific Use Permit -302 FM 120 East

Public Hearing

Consideration and/or action on a request by Discount Liquor Barn, Inc. for a Specific Use Permit to sell alcoholic beverages for off-premises consumption on the property located at 302 Hwy 120 East Pottsboro, Texas.

Denise Smith, City Secretary/ Comptroller

Public hearing was held. No comments were made.

The Planning and Zoning commission reviewed the request and makes a recommendation for approval to the City Council. The City has received five response forms back; two had no objections and three objected. The building is 596 feet away for the school's property line.

After much discussion, Landon Goins motioned to table this item to re-send notices to the property owners who did not respond to the first notice. The motion was seconded by Mary Helen Chapin. Motion carried unanimously.

5. Fountain Creek Plat Review

Consideration and/or action on a request by Ceci-Bates Homes for a Preliminary Plat review on Fountain Creek Estates Phase Two.

Denise Smith, City Secretary/ Comptroller

The Planning and Zoning commission reviewed the request and makes a recommendation for approval to the City Council.

Landon Goins motioned to approve the Preliminary Plat for Fountain Creek Estates Phase Two. The motion was seconded by David Waller. Motion carried unanimously.

6. Speed Limit Change

Public Hearing

Consideration and/or action on Ordinance 1257 establishing speed limits for FM 120 West based on a new speed zone study conducted by the Texas Department of Transportation.

Kevin M. Farley, City Manager

Mary Helen Chapin motioned to approve Ordinance 1257 establishing speed limits for FM 120 West based on a new speed zone study conducted by the Texas Department of Transportation. The motion was seconded by Landon Goins. Motion carried unanimously.

7. Cancellation of Election

Consideration and/or action on Ordinance 1269 cancelling the May 14th, 2011 General Election for the City of Pottsboro.

Denise Smith, City Secretary/ Comptroller

Mary Helen Chapin motioned to approve Ordinance 1269 cancelling the May 14th, 2011 General Election for the City of Pottsboro due to candidates being unopposed and declared the following candidates as elected for a two-year term; Frank Budra, Mayor, David Waller and Lucy Hansen as Council member. The motion was seconded by Landon Goins. Motion carried unanimously.

8. Interlocal agreement with TML-IEBP for Health Insurance

Consideration and/or action on the rates and the Interlocal agreement with TML-IEBP for the City's Health Insurance.

Denise Smith, City Secretary/ Comptroller

TML-IEBP health insurance rates went up by 9% for the 2011-2012 plan year; however, if the City chooses option 1 which would increase the deductible from \$100 to \$200 per year the rates would decrease by 2.57%.

Mary Helen Chapin motioned to approve the rates with TML-IEBP selecting Option 1 and approving the Interlocal agreement with TML-IEBP for the City's Health Insurance. The motion was seconded by Landon Goins. Motion carried unanimously.

9. Emergency Notification System (Code Red)

Consideration and/or action on amending the Interlocal Agreement with Grayson County relating to the Emergency Notification System (Code Red).

Kevin M. Farley, City Manager

Mary Helen Chapin motioned to approve amending the Interlocal Agreement with Grayson County relating to the Emergency Notification System (Code Red) as presented . The motion was seconded by David Waller. Motion carried unanimously.

10. House Bill 3302

Consideration and/or action on supporting House Bill 3302 regarding 4A Economic Development Corporation eligible expenditures.

Kevin M. Farley, City Manager

Mary Helen Chapin motioned to approve Resolution 1133 which supports House Bill 3302 regarding 4A Economic Development Corporation eligible expenditures. The motion was seconded by David Waller. Motion carried unanimously.

ADJOURNMENT:

Motion by David Waller to adjourn; second by Landon Goins; motion carried unanimously. Meeting adjourned at 6:55 p.m.

Frank Budtz

Mayor

Denise Smith

City Secretary

