

**THE CITY COUNCIL OF THE CITY OF POTTSBORO, TEXAS MET  
TUESDAY, OCTOBER 4th, 2011 6:00 P.M. AT 528 HWY 120 EAST.  
FOR A REGULAR SESSION.**

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Present: Mayor: Frank Budra; Mayor Pro-Tem: David Waller, Council Members, Landon Goins Mary Helen Chapin, and Lucy Hansen. 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, October 4th, 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 included on the agenda. 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 Any item requiring additional discussion may be withdrawn from the Consent Agenda by the Mayor, Council member or City Manager, and acted upon separately.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 September 6<sup>th</sup> and 13<sup>th</sup>, 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 and carried unanimously.

**ACTION ITEMS:**

**2. Solid Waste Collection Matters**

- A. Consideration and/or action on all matters related to IESI annual rate adjustments.
- B. Receive a report from IESI, hold a discussion, and take action on a proposed alternative solid waste collection method including, but not limited to, establishing a rate structure and executing a solid waste collection contract extension.

**Kevin M. Farley, City Manager**

Kevin M. Farley, City Manager and Rick West from IESI informed the Council that IESI is requesting an annual rate increase of 7.2%, which 4.2% is for CPI and 3% is for the increase to landfill fees at hillside. Rick West purposed changing the contract to allow for cart system for the recycling and regular waste collection, extending the contract, change the threshold for the fuel surcharge, change the requirements for increasing the rates and providing recycling at the school. The rate increase will be postponed until a new contract is agreed upon.

Landon Goins motioned to authorize City Manager Kevin M. Farley to negotiate, amend and processed with extend the solid waste contract with IESI which would include providing a cart system for the recycling and regular waste collection. The motion was seconded by Lucy Hansen and carried unanimously.

**3. Request to Vacate, Abandon and Close Alley for Private Purchase**

Consideration and/or action on all matters related to a request by Milton McAllister to vacate, abandon, and close an alley located north of Texas Street and authorize the subsequent private purchase of same.

**Kevin M. Farley, City Manager**

Kevin M. Farley, City Manager reviewed the process with the City Council for closing the alley and disposing of the property. Mr. McAllister was not present at the meeting.

Landon Goins motioned to table this item to allow Milton McAllister to be present. The motion was seconded by David Waller and carried unanimously.

**4. Extraterritorial Jurisdiction Boundary Agreement**

Consideration and/or action on all matters related to amending the current Extraterritorial Jurisdiction Boundary Agreement with the City of Denison.

**Kevin M. Farley, City Manager**

Kevin M. Farley, City Manager informed the City Council that the purposed extraterritorial jurisdiction boundary agreement with the City of Denison would change the northern and southern boundary lines.

Mary Helen Chapin motioned to approve the extraterritorial jurisdiction boundary agreement with the City of Denison as presented. The motion was seconded by David Waller and carried unanimously.

**5. Taxation of Goods-In-Transit Personal Property**

**Public Hearing**

Conduct a public hearing to obtain citizen input on proposed Ordinance No. 1277 relating to the taxation of goods-in-transit as personal property.

**Kevin M. Farley, City Manager**

A public hear was held and no comments were made.

**6. Taxation of Goods-In-Transit Personal Property**

Consideration and/or action on all matters related to adoption of Ordinance No. 1277 relating to the taxation of goods-in-transit as personal property.

**Kevin M. Farley, City Manager**

David Waller motioned to approve Ordinance No. 1277 relating to the taxation of goods-in-transit as personal property. The motion was seconded by Landon Goins and carried unanimously.

**7. Traffic Control at Intersection of FM 120 and Spur 316**

Consideration and/or action on all matters related to a formal request to the Texas Department of Transportation to alter the traffic control method currently in use at FM 120 and Spur 316.

**Kevin M. Farley, City Manager**

General discussion on requesting Texas Department of Transportation to remove the stop signs on FM 120 at the intersection of FM 120 and Spur 316. No Action taken

**8. Grayson Central Appraisal District**

Consideration and/or action on all matters related to the nomination of candidate(s) to serve on the Grayson Central Appraisal District Board of Directors.

**Kevin M. Farley, City Manager**

No nominations were made. No action taken.

**9. Electric Reliability Council of Texas**

Consideration and/or action on continuing the City's membership with the Electric Reliability Council of Texas (ERCOT).

**Kevin M. Farley, City Manager**

Landon Goins motioned to approve the City to continue participation with the Electric Reliability Council of Texas (ERCOT) membership for 2012. The motion was seconded by David Waller and carried unanimously.

**10. Establishing New Residential Brush Chipping Schedule**

Consideration and/or action on all matters related to establishing a new, city-wide residential brush chipping schedule.

**Kevin M. Farley, City Manager**

David Waller motioned to approve changing the City's brush pick up to twice a year with exceptions for storm damage if we have one. The motion was seconded by Mary Helen Chapin and carried unanimously.

**11. EXECUTIVE (CLOSED) SESSION:**

Pursuant to Chapter 551, Texas Government Code, the Council reserves the right to convene in Executive Session(s), from time to time as deemed necessary during this meeting for any posted agenda item as permitted by law, or to discuss the following:

**A. Deliberations Regarding Economic Development Negotiations - Incentives** pursuant to Section § 551.087 of the Texas Government Code: Consider incentives, if any, for Project Food.

Following the closed Executive Session, the Council will reconvene in open and public session and take any such action as may be desirable or necessary as a result of the closed deliberations, namely: Consider incentives, if any, for Project Food.

Mary Helen Chapin motioned to go into Executive Session at 6:38 p.m. The motion was seconded by David Waller and carried unanimously

Mary Helen Chapin motioned to into Open Session at 7:21 p.m. The motion was seconded by Lucy Hansen and carried unanimously.

Landon Goins motioned to authorized the City Manager Kevin M. Farley to processed with pursuing the Texas Capital Fund for infrastructure improvements, start the process for a Chapter 380 agreement and sales tax exemption on related construction expenditures for Project Food. The motion was seconded by Lucy Hansen and carried unanimously.

**ADJOURNMENT:**

Motion by Landon Goins to adjourn, seconded by David Waller and carried unanimously. Meeting adjourned at 8:02 p.m.

*Frank Budka*

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Mayor

*Denise Smith*

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City Secretary

