

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

The City Council of the City of Gainesville, Texas met in regular session on March 6, 2007 at 6:30 p.m. with the following persons in attendance:

**MEMBERS PRESENT:** Mayor Glenn Loch  
Council Members Jim Goldsworthy, Carolyn Hendricks, Vince Rippy, Beverly Snuggs, Woody Williams

**MEMBERS ABSENT:** Charles Draper

**STAFF PRESENT:** Mike Land, City Manager; Kay Lunnon, City Secretary; Bill Harris, City Attorney; Dan Parker, Finance Director; Carl Dunlap, Police Chief

**VISITORS PRESENT:** Rod Tyler, Melissa Hillis, Misty Dill, Tricia West, Andy Hogue, Kathy Floyd, Susan Case, Steven Fleming, Tim Green, Jack Jones, Mark Brazelton, Kevin Phillips.

**CALL TO ORDER**

Mayor Loch called the meeting to order. A quorum of members was present. City Attorney Harris arrived following the consent agenda.

**INVOCATION & PLEDGE OF ALLEGIANCE**

City Manager Mike Land gave the invocation. Councilmember Rippy led in the pledge to the flag.

**REPORTS**

Police Chief Carl Dunlap introduced Investigator Tim Green who narrated a powerpoint report presentation on Gang Crime in the City of Gainesville. Gang activity was first recognized in Gainesville in the early 1990's and problems with gang crime continue to grow. Green cited as contributing factors to gang membership, cultural division and diversity, financial need, drug availability; and breakdown of family life. In their efforts to curb gangs and violence, the Gainesville Police Department has increased patrols specifically focused on gang areas and activities; works more closely with state and federal agencies, and have increased their documentation and tracking of local gang activities and movement. Although the number of gang members in Gainesville is not known, Green said police have identified seventy members and many others known to be associates of gangs. Chief Dunlap added that the problem is nationwide, in rural areas as well as big cities.

Tricia West, Director of the Cooke County Youth Center, gave a progress report on the Street Smart Program, which the Youth Center and Gainesville PD are currently instructing at Chalmers Elementary. Students at Lee Elementary will begin the program after Spring Break. West reported 160 students participating weekly at Chalmers Elementary. Initial testing revealed

that a surprising number of the students are knowledgeable about gang culture. West said students are being encouraged to discuss the program with their parents and that response from the parents has been very supportive of the program and they want more information. West observed that parental involvement is the key.

### **CONSENT AGENDA**

Council reviewed the Minutes of the February 20, 2007 Regular City Council Meeting and approved them as written.

Councilmember Goldsworthy **moved for approval of the Consent Agenda**, and was seconded by Councilmember Williams. The motion carried:

Ayes: Goldsworthy, Hendricks, Loch, Rippy, Snuggs, Williams.

Nays: None.

Absent: Draper

### **RESOLUTION NO. 03-06-2007 – AUDIT FOR FISCAL YEAR ENDING SEPTEMBER 30, 2006**

CONSIDERATION OF AND ACTION ON A RESOLUTION ACCEPTING THE AUDIT, FINANCE STATEMENT AND OPINION FOR FISCAL YEAR ENDING SEPTEMBER 30, 2006, AS PREPARED BY SCHALK & SMITH, CERTIFIED PUBLIC ACCOUNTANTS, AND AUTHORIZING THE CITY SECRETARY TO FILE THE AUDIT IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 1023A, VERNON'S ANNOTATED CIVIL STATUTES.

Tom Schalk presented the annual audit, finance statement and opinion as prepared by Schalk & Smith, Certified Public Accountants, for the Fiscal Year ending September 30, 2006. The City received a "clean" audit opinion. Schalk said there were no current year findings and findings from previous years have been improved or corrected. He reported the City to be fiscally sound. Council reviewed the audit in workshop session prior to the Council meeting.

Councilmember Goldsworthy **moved for approval**, and was seconded by Councilmember Snuggs. The motion carried.

Ayes: Goldsworthy, Hendricks, Loch, Rippy, Snuggs, Williams

Nays: None.

Absent: Draper

### **RESOLUTION NO. 03-06-2007 A – REJECT ALL BIDS RECEIVED FOR BID NO. 2007-3 SALE OF 312 WEST SCOTT**

CONSIDERATION OF AND ACTION ON A RESOLUTION TO REJECT ALL BIDS RECEIVED FOR BID NO. 2007-3 SALE OF 312 WEST SCOTT STREET.

On recommendation of City Staff, all bids received for the property located at 312 West Scott were rejected. City Manager Mike Land said the original objective of the development program for sale of city lots was to encourage building construction. This lot is only forty feet wide and not suitable for building on due to its configuration. Land recommended that City Staff reconsider this property.

Councilmember Williams **moved for approval**, and was seconded by Councilmember Goldsworthy. The motion carried.

Ayes: Goldsworthy, Hendricks, Loch, Rippy, Snuggs, Williams

Nays: None.

Absent: Draper

**TABLED RELEASE OF A PAVING LIEN AT 330 NORTH HOWETH AS REQUESTED BY KARON VAIL**

CONSIDERATION OF AND ACTION ON A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RELEASE OF A PAVING LIEN FOR THE PROPERTY AT 330 NORTH HOWETH AS REQUESTED BY KARON VAIL.

Council tabled release of a paving lien for a negotiated amount as requested by owner, Karon Vail, on the property at 330 North Howeth. Stating their concern for setting precedence by releasing a lien without payment of interest, Council tabled the resolution and requested the City Manager to contact the owner. Council requested that City Staff review outstanding liens for recommendation of minimum terms for release.

Councilmember Snuggs **moved to table the resolution**, and was seconded by Councilmember Rippy. The motion carried.

Ayes: Goldsworthy, Hendricks, Loch, Rippy, Snuggs, Williams

Nays: None.

Absent: Draper

**PUBLIC HEARING ON THE JUVENILE CURFEW ORDINANCE**

The Mayor announced the public hearing at 7:14 p.m. and called for comments for or against the juvenile curfew.

No one came forward to speak either for or against the curfew.

Councilmember Snuggs **moved to close the Public Hearing**, seconded by Councilmember Williams. The Public Hearing was closed at 7:15 p.m. by the following votes:

Ayes: Goldsworthy, Hendricks, Loch, Rippy, Snuggs, Williams

Nays: None.

Absent: Draper

**ORDINANCE NO. 1166-03-2007 – JUVENILE CURFEW ORDINANCE RE-ENACTED**

CONSIDERATION OF AND ACTION ON FIRST READING OF AN ORDINANCE REVIEWING SECTION 13-56 OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, THE JUVENILE CURFEW ORDINANCE, AND REENACTING SAID SECTION AS A NEW ARTICLE III, ENTITLED JUVENILE CURFEW, PROVIDING DEFINITIONS; MAKING IT AN OFFENSE FOR PERSONS UNDER THE AGE OF 17 YEARS TO REMAIN IN A PUBLIC PLACE OR AN ESTABLISHMENT BETWEEN 11:01 P.M. ON MONDAYS, TUESDAYS, WEDNESDAYS AND THURSDAYS AND 6:00 A.M. THE FOLLOWING DAY OR BETWEEN 12:01 A.M. AND 6:00 A.M. ON SATURDAYS AND SUNDAYS; PROVIDING DEFENSES; PROVIDING A PENALTY OF UP TO \$500 FOR EACH VIOLATION; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE; MAKING AN OPEN MEETING FINDING; AND PROVIDING FOR SUSPENSION OF THE CHARTER REQUIREMENT OF READING ON THREE SEPARATE DAYS.

The Juvenile Curfew Ordinance was approved, adopted, and re-enacted on first reading of the ordinance. Police Chief Carl Dunlap provided a report of juvenile arrest data indicating the

curfew ordinance assists in lowering juvenile crime during curfew hours. Dunlap recommended continuance of the Juvenile Curfew.

Councilmember Williams **moved to suspend the Charter**, and was seconded by Councilmember Snuggs. The motion carried.

Ayes: Goldsworthy, Hendricks, Loch, Rippy, Snuggs, Williams

Nays: None.

Absent: Draper

Councilmember Snuggs **moved for adoption of the ordinance**, and was seconded by Councilmember Goldsworthy. The motion was carried.

Ayes: Goldsworthy, Hendricks, Loch, Rippy, Snuggs, Williams

Nays: None.

Absent: Draper

### **FIRST READING ON AN ORDINANCE AMENDING THE NUISANCE ENFORCEMENT CODE**

CONSIDERATION OF AND ACTION ON FIRST READING OF AN ORDINANCE MAKING AMENDMENTS TO CHAPTER 8, ARTICLE II, NUISANCE ENFORCEMENT CODE OF THE CITY OF GAINESVILLE; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION OF NOT MORE THAN TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH SEPARATE OFFENSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

City Manager Mike Land said amendments to this ordinance and following ordinances are to clarify, define, and otherwise make clear what constitutes code enforcement and inspection violations.

Council approved first reading of ordinance amendments to the Nuisance Enforcement Code. Amendments include authority for the Code Enforcement Officer to allow additional time for eligible senior citizens and disabled persons to correct Code violations; definition of property owner responsibilities for overhanging trees and bushes, dense brush and undergrowth along fence lines, and landscaping to the back of the curb, or to edge of the pavement, and to centerline of adjacent alleys. Grass and weeds over 48" in height may be ordered immediately mowed and to have a lien placed against the property for the City's cost in resolution of the issue. Notice of violation will be considered as delivered when mailed certified with return receipt requested to the property owner as recorded in appraisal district records, whether or not such mail is returned unclaimed or refused.

Councilmember Goldsworthy **moved for approval of first reading**, and was seconded by Councilmember Williams. The motion carried.

Ayes: Goldsworthy, Hendricks, Loch, Rippy, Snuggs, Williams

Nays: None.

Absent: Draper

### **FIRST READING ON AN ORDINANCE MAKING AMENDMENTS TO THE INTERNATIONAL RESIDENTIAL CODE**

CONSIDERATION OF AND ACTION ON FIRST READING OF AN ORDINANCE MAKING AND ADOPTING LOCAL AMENDMENTS TO CHAPTER 5, ARTICLE I,

SECTION 5-6, OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, TEXAS, BY AMENDING THE 2000 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE WITH 2001 AMENDMENTS; PROVIDING THAT THE PENALTY FOR VIOLATION SHALL BE A FINE OF UP TO \$2,000.00 PER VIOLATION; PROVIDING THAT EACH DAY OF VIOLATION IS A SEPARATE OCCURRENCE; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY; REPEALING CODES OR ORDINANCES IN CONFLICT WITH THE CODES ADOPTED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Council approved first reading of amendments to the International Residential Code for one and two family structures, requiring inspection of single family structures under construction to be completed before occupancy; establishing a minimum of 800 square feet in living area for dwellings; defining non-conventional designs; prohibiting metal siding for residential structures; prohibiting certain materials from being used as permanent exterior siding finishes.

Councilmember Snuggs **moved for approval of first reading**, and was seconded by Councilmember Goldsworthy. The motion carried.

Ayes: Goldsworthy, Hendricks, Loch, Rippy, Snuggs, Williams

Nays: None.

Absent: Draper

#### **FIRST READING ON AN ORDINANCE MAKING AMENDMENTS TO THE INTERNATIONAL BUILDING CODE**

CONSIDERATION OF AND ACTION ON FIRST READING OF AN ORDINANCE MAKING AMENDMENTS TO CHAPTER 5, ARTICLE I, THE 2003 INTERNATIONAL BUILDING CODE RELATING TO INSPECTION ACTIVITIES AND ENFORCEMENT OF BUILDING DEPARTMENT INSPECTION PROCEDURES; PROVIDING A PENALTY FOR VIOLATION OF NOT MORE THAN TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING THAT EACH DAY OF VIOLATION CONSTITUTES A SEPARATE OFFENSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING CODES OR ORDINANCES; PROVIDING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE.

Council approved first reading amendments to the 2003 International Building Code, requiring work on a permitted construction site to commence within 30 days of issuance of the permit; defining abandonment of a project; defining building materials prohibited for use as permanent siding and for underlayment of roof coverings; and requiring that shingles or roofing materials be of the same color and style.

Councilmember Goldsworthy **moved for approval of first reading**, and was seconded by Councilmember Williams. The motion carried.

Ayes: Goldsworthy, Hendricks, Loch, Rippy, Snuggs, Williams

Nays: None.

Absent: Draper

#### **FIRST READING ON AN ORDINANCE MAKING AMENDMENTS TO THE NATIONAL ELECTRIC CODE**

CONSIDERATION OF AND ACTION ON FIRST READING OF AN ORDINANCE AMENDING CHAPTER 5, ARTICLE II, SECTION 5-27, THE 2005 NATIONAL ELECTRIC CODE, RELATING TO INSPECTION ACTIVITIES AND ENFORCEMENT OF BUILDING DEPARTMENT INSPECTION PROCEDURES; PROVIDING FOR SEVERABILITY;

