

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
October 18, 2011**

The City Council of the City of Gainesville, Texas met in regular session on October 18, 2011 at 6:30 p.m. with the following persons in attendance.

MEMBERS PRESENT: Mayor Jim Goldsworthy
Carolyn Hendricks, Ken Keeler, Philip Neelley, Ray Nichols,
Vince Rippy, Beverly Snuggs

STAFF PRESENT: Barry Sullivan, City Manager; Kay Lunnon, City Secretary; Bill Harris, City Attorney; Dan Parker, Finance Director; Ron Sellman, Public Services Director; Kent Sharp, GEDC Executive Director; Steven Fleming, Police Chief

OTHERS PRESENT: Karen Cook, Kianna Franklin, Greg Russell, Kit Chase, Mr. and Mrs. Ronald Alford

CALL TO ORDER

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

INVOCATION & PLEDGE OF ALLEGIANCE

Reverend Don Yeager, First United Methodist Church, gave the invocation. Mayor Goldsworthy led in the pledge to the flag.

RECOGNITIONS

City Employee of the Month, October 2011

Ronald Alford was recognized as City Employee of the Month for October 2011. City Manager Barry Sullivan read and presented a Certificate citing Alford for consistently doing more than required in his job position. Alford, a Gainesville Police Officer, was recognized for exceeding his job duties while assisting a motorist on I-35, exhibiting professionalism and providing a positive reflection on the GPD. As part of the City's recognition program, Officer Alford also received a certificate for one day off with pay.

Star of North Texas Award Presentation

Karen Cook received the Star of North Texas Medallion from Mayor Goldsworthy, who read and presented a certificate to Cook recognizing her spirit and passion for the success of the Gainesville community; her participation in numerous community events; and her service as President of the Frank Buck Zoological Society, Vice President of the Medal of Honor Host City Board of Directors, and in the local chapter of Kiwanis. The Star of North Texas award recognizes individuals who demonstrate volunteerism that enhances the lives of our neighbors and community.

CONSENT AGENDA

Council reviewed the Minutes of the Workshop Meeting of October 4, 2011 and for the regular City Council Meeting of October 4, 2011 and approved them as written.

RESOLUTION NO. 10-18-2011 – APPOINTMENTS TO THE BOARD OF APPEALS

A RESOLUTION MAKING APPOINTMENTS TO THE BOARD OF ZONING APPEALS.

Appointments to the Board of Appeals were approved, re-appointing Merle Currie, Don Hawkins, and Van Knight (as alternate) to two-year terms expiring October 2013. Tim Camp was appointed to replace Jan Russell, who retired from the board. Camp's appointment is for two years expiring October 2013.

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

RESOLUTION NO. 10-18-2011 A – COUNCIL SUPPORT OF STATE PROPOSITION 2 PROVIDING FINANCIAL ASSISTANCE FOR WATER AND WASTEWATER INFRASTRUCTURE IMPROVEMENTS

A RESOLUTION BY THE CITY OF GAINESVILLE SUPPORTING PROPOSITION 2 PROVIDING FOR FINANCIAL ASSISTANCE FOR WATER AND WASTEWATER INFRASTRUCTURE IMPROVEMENTS.

A resolution was approved supporting Proposition 2, which will be on the November 2011 election ballot. Proposition 2 would amend the Texas Constitution to authorize the Texas Water Development Board (TWDB) to issue additional general obligation bonds on a continuing basis for accounts with the Water Development Fund. City Manager, Barry Sullivan, said the TWDB has been a resource utilized by the City of Gainesville and other municipalities and local governments to finance water infrastructure and water-related projects. Access to funding through the TWDB is beneficial to municipalities because the TWDB can issue the loans at a lower rate of interest. The loans are paid back by the cities utilizing the funding.

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

RESOLUTION NO. 10-18-2011 B – DECLARING SURPLUS EQUIPMENT AND DIRECTING SALE BY INTERNET AUCTION

A RESOLUTION DECLARING CERTAIN EQUIPMENT TO BE SURPLUS; FINDING THAT THE ITEMS MAY BEST BE SOLD AT AUCTION OVER THE INTERNET; AND DIRECTING THE DEPARTMENT DIRECTOR TO SELL THEM ACCORDINGLY, DEPOSITING THE PROCEEDS OF SALE INTO THE FUND THAT PROVIDED THE FUNDING.

A list of City equipment was declared surplus and approved to be sold through auction over the internet. City departments recommended sale of certain equipment that is no longer economical to operate or is too costly to maintain. The City Manager recommended approval of declaring the equipment surplus and selling it through internet auction. He said the auction firm of Renee Bates has been used successfully by the City for several years. The proceeds generated from sale of the equipment will go back to the fund that provided for purchase of the equipment.

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

RESOLUTION NO. 10-18-2011 C – AWARD BID TO ASHLAR CONTRACTING COMPANY FOR REPLACEMENT OF PECAN CREEK BRIDGES

A RESOLUTION AWARDED BID NO. 2011-6 FOR THE PECAN CREEK BRIDGE REPLACEMENTS.

Ashlar Contracting Company was awarded a contract in the amount of \$1,699,241.92 for replacement of bridges over Pecan Creek. The project is a part of the Pecan Creek Flood Damage Reduction Project. Seven bids were received in response to Bid No. 2011-6. Ashlar provided the lowest bid and was recommended for award by HDR Engineering. The project consists of replacing the bridges on Garnett Street, Scott Street, Main Street, the Jaycee Park pedestrian bridge, as well as removal of the Belcher Street bridge over Pecan Creek.

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

RESOLUTION NO. 10-18-2011 D – APPROVE PARTIAL ASSIGNMENT OF TAX ABATEMENT IN ENTERPRISE AND REINVESTMENT ZONES 13 AND 14 TO MESA REAL ESTATE PARTNER, L.P. AND TITAN TANK VESSELS LLC

A RESOLUTION APPROVING PARTIAL ASSIGNMENT OF TAX ABATEMENT PURSUANT TO AN AGREEMENT BY AND BETWEEN THE CITY OF GAINESVILLE, TEXAS, NORTH CENTRAL TEXAS COLLEGE, NORTH TEXAS MEDICAL CENTER, THE COUNTY OF COOKE, AND ALLIED PRODUCTION SOLUTIONS, LP, PROVIDING FOR AD VALOREM TAX ABATEMENT TO MESA REAL ESTATE PARTNERS, L.P. AND TITAN TANK & VESSELS LLC WITHIN THE ESTABLISHED ENTERPRISE AND REINVESTMENT ZONES 13 AND 14 OF THE CITY OF GAINESVILLE; AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS ON BEHALF OF THE CITY, FOR THE CONSIDERATION AND ON THE TERMS AND CONDITIONS STATED THEREIN; AND PROVIDING AN EFFECTIVE DATE.

Partial assignment was approved for the current ad valorem tax abatement agreement between the City of Gainesville and Allied Production Solutions, LP, to include Mesa Real Estate Partners and Titan Tank and Vessels. Allied requested to assign a portion of the abatement agreement, which applies to both real property and tangible personal property, to Mesa Real Estate Partners and to Titan Tank and Vessels, affiliate companies of Allied. Mesa owns the land and buildings in Enterprise and Reinvestment Zones 13-14 and leases them to Allied and Titan. The City Manager said the partial assignment does not affect Allied's compliance requirements related to performance, employment and payroll criteria of the abatement agreement.

Councilman Neelley filed an affidavit with the City Secretary and abstained from discussion and vote. Councilmember Nichols **moved to approve the Resolution**, and was seconded by Councilmember Keeler. Motion carried by vote of 6 Ayes, 0 Nays, 1 Abstention (Neelley), and 0 Absent.

RESOLUTION NO. 10-18-2011 E – APPROVE PARTIAL ASSIGNMENT OF TAX ABATEMENT IN REINVESTMENT ZONE 15 TO MESA REAL ESTATE PARTNER, L.P. AND SES HOLDINGS LLC

A RESOLUTION APPROVING PARTIAL ASSIGNMENT OF TAX ABATEMENT PURSUANT TO AN AGREEMENT BY AND BETWEEN THE CITY OF GAINESVILLE, TEXAS, NORTH CENTRAL TEXAS COLLEGE, NORTH TEXAS MEDICAL CENTER, THE COUNTY OF COOKE, AND SES HOLDINGS, LLC/B-29 PROPERTIES, LLC, PROVIDING FOR AD VALOREM TAX ABATEMENT TO MESA REAL ESTATE PARTNERS, L.P. WITHIN THE ESTABLISHED REINVESTMENT ZONE 15 OF THE CITY OF GAINESVILLE; AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS ON

BEHALF OF THE CITY, FOR THE CONSIDERATION AND ON THE TERMS AND CONDITIONS STATED THEREIN; AND PROVIDING AN EFFECTIVE DATE.

Partial assignment was approved for the current ad valorem tax abatement agreement for established Reinvestment Zone 15 between the City of Gainesville and SES Holdings, LLC/B-29 Properties, LLC to include Mesa Real Estate Partners. SES Holdings, LLC/B-29 Properties, LLC requested to assign a portion of the abatement agreement, which applies to both real property and tangible personal property, to Mesa Real Estate Partners, an affiliate company of SES/B-29. Mesa owns the land and buildings in Zone 15 and leases them to SES/B-29. The partial assignment does not affect compliance requirements for SES/B-29 related to performance, employment and payroll criteria of the abatement agreement.

Councilman Neelley filed an affidavit with the City Secretary and abstained from discussion and vote. Councilmember Keeler **moved to approve the Resolution**, and was seconded by Councilmember Nichols. Motion carried by vote of 6 Ayes, 0 Nays, 1 Abstention (Neelley), and 0 Absent.

ORDINANCE NO. 1280-10-2011 – ESTABLISH 1000 BLOCK OF BONE STREET BETWEEN NORTH TAYLOR STREET AND NORTH MORRIS STREET AS A NO PARKING ZONE

FIRST READING OF AN ORDINANCE PROHIBITING PARKING OF VEHICLES ON THE 1000 BLOCK OF BONE STREET; PROVIDING FOR THE ERECTION OF SIGNS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.

A No Parking Zone was established in the 1000 block of Bone Street, between North Taylor Street and North Morris Street. This block of Bone Street is fifteen feet wide and was recently re-constructed with curbs to aid in drainage. At the previous City Council meeting, vehicular traffic was restricted to one way for safety reasons because of the narrow width of the street. This ordinance prohibits parking on the street in this section of Bone. There are no residences facing Bone Street in the 1000 block.

Councilmember Keeler **moved to Suspend the Charter requirement of three readings**, seconded by Councilmember Neelley, the motion carried by vote of 7 Ayes, 0 Nays, 0 absent.

Councilmember Neelley **moved to adopt the ordinance**. The motion was seconded by Councilmember Keeler and carried by vote of 7 Ayes, 0 Nays, 0 absent.

FIRST READING APPROVAL OF ORDINANCE AMENDING AND ADOPTING BUILDING AND TECHNICAL CODES

FIRST READING OF AN ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, REPEALING CHAPTER 5, ARTICLE I; CHAPTER 5 ARTICLE II, AND CHAPTER 7 ARTICLE II; ADDING CHAPTER 5, BUILDINGS AND BUILDING REGULATIONS, ARTICLE I BUILDING STANDARDS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONFLICTS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

First reading was considered and approved on an Ordinance to adopt updated Technical Codes and amendments, as specified, including 1) 2009 International Building Code; 2) 2009 International Residential Code for one and two family dwellings; 3) 2009 International Plumbing Code, including the 2009 International Private Sewage Disposal Code; 4) 2009 International Fuel Gas Code; 5) 2009 International Mechanical Code; 6) 2009 International Property Maintenance Code; 7) 2009 International Energy Conservation Code; 8) 2009 International Existing Building Code with Resource A; 9) 2009 International Fire Code; and 10) 2011 National Electric Code NFPA 70. Adoption of this ordinance would update Building and Technical Codes and replace those currently in effect.

Second reading consideration of this ordinance will be held at the regular City Council meeting on November 1, 2011.

Councilmember Nichols **moved to approve FIRST READING of the Ordinance**, and was seconded by Councilmember Snuggs, the motion carried by vote of 7 Ayes, 0 Nays, 0 absent.

EXECUTIVE SESSION

Council did not convene into executive session.

ADJOURN

With no further business to come before the City Council, the meeting was adjourned at 6:52 p.m.

Respectfully submitted,

/S/
Kay Lunnon, City Secretary

/S/
Jim Goldsworthy, Mayor