

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
November 1, 2011**

The City Council of the City of Gainesville, Texas met in regular session on November 1, 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; Leah Gore, Human Resources Director; Kent Sharp, GEDC Executive Director; Steven Fleming, Police Chief; John Noblitt, Community Development Director; Jody Henry, Fire Marshal

OTHERS PRESENT: Heather Pilkington, Kit Chase, Jan Russell, Earl Russell, Kianna Franklin

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 Scott Sundbye, Faith Lutheran Church, gave the invocation. Mayor Goldsworthy led in the pledge to the flag.

RECOGNITIONS

Star of North Texas Award Presentation

Mayor Goldsworthy presented the Star of North Texas Certificate of Recognition and medallion to Jan Russell, in recognition of her thirty years of service on City of Gainesville Advisory Boards and Commissions. Russell was recognized for serving on the Building and Standards Commission from 1990 to 2009; on the Planning and Zoning Commission from 1993 to 2009; on the Main Street Advisory Board from 2005 to 2007; and on the Zoning Appeals Board from 2009 to 2011. Mayor commended her for leadership and community involvement.

CONSENT AGENDA

Council members reviewed the Minutes of the regular City Council Meeting of October 18, 2011 and approved them as written.

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

ORDINANCE NO. 1281-11-2011 - AMENDING AND ADOPTING 2009 BUILDING AND TECHNICAL CODES AND 2011 NATIONAL ELECTRIC CODE NFPA 70

SECOND 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.

Council suspended Charter and adopted on second reading, new Technical Codes and specified amendments including the 1) 2009 International Building Code with appendixes C, E, F, I and J; 2) 2009 International Residential Code for one and two family dwellings with appendixes A, B, C, G, H, J, K, M, N, O and P; 3) 2009 International Plumbing Code with appendixes C, E, F and G, and including the 2009 International Private Sewage Disposal Code; 4) 2009 International Fuel Gas Code with appendixes A, B and C; 5) 2009 International Mechanical Code with appendix A; 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 with appendixes; and 10) 2011 National Electric Code NFPA 70. Adoption of this ordinance updates Building and Technical Codes, and replaces those currently in effect. Mayor Goldsworthy said the updated codes are necessary to maintain our ISO (Insurance Service Office) rating, which affects local fire insurance rates.

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

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

ORDINANCE NO. 1282-11-2011 – REMOVING TEXAS MUNICIPAL RETIREMENT SYSTEM STATUTORY MAXIMUM CONTRIBUTION RATE LIMIT

FIRST READING OF AN ORDINANCE ELECTING FOR THE CITY OF GAINESVILLE TO MAKE CURRENT SERVICE AND PRIOR SERVICE CONTRIBUTIONS TO THE CITY'S ACCOUNT IN THE MUNICIPAL ACCUMULATION FUND OF THE TEXAS MUNICIPAL RETIREMENT SYSTEM AT THE ACTUARIALLY DETERMINED RATE OF TOTAL EMPLOYEE COMPENSATION.

Ordinance was adopted on first reading for the City of Gainesville to remove the current statutory maximum contribution rate limit (state statute adopted in 1947) and to allow the City to set its own limit on its contribution rate into the City's account in the Texas Municipal Retirement System (TMRS). The City of Gainesville participates in the TMRS to provide certain retirement, death and disability benefits to its employees. City Manager, Barry Sullivan, said the City has surpassed the maximum limit on contributions supporting retirement benefits, and TMRS allows overriding the maximum rate by City Council adoption. By removing the maximum rate limit, the City can make its contributions based on the annual actuarially calculated employee contribution rate.

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

FIRST READING APPROVAL OF ORDINANCE TO ESTABLISH TRUCK ROUTES IN THE CITY OF GAINESVILLE

FIRST READING OF AN ORDINANCE ESTABLISHING TRUCK ROUTES; PROVIDING FOR DEFINITIONS; PROVIDING FOR COMPLIANCE; PROVIDING FOR DESIGNATED ROUTES; PROVIDING FOR PROCEEDING DIRECTLY TO ROUTES; PROVIDING FOR DEPARTING FROM ROUTES; PROVIDING FOR EXCEPTIONS; PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING.

First reading was approved for an Ordinance to establish designated truck routes throughout the city for commercial trucks, which is defined as any vehicle with a gross vehicle weight in excess of 10,000 pounds or carrying capacity exceeding one ton and used for delivery of passengers, tools, materials, or livestock. A "recreational vehicle" is not considered a commercial vehicle, and emergency vehicles, public utility vehicles, government vehicles, school and church busses are excluded. The ordinance requires commercial trucks to travel through the City on designated truck routes. Commercial trucks must take the most direct route possible, starting from the closest truck route to the point of delivery, and remain on the designated truck route, leaving it only to make a delivery off the route. The following are designated truck routes: 1) I-35; 2) Highway 82; 3) US 51 (California Street); 4) FM 372 (Grand Avenue); 5) FM 678 (Woodbine Road); 6) FM 2071 (Old Denton Road); 7) FM 3092 (Radio Hill Road); 8) the 600, 700, 800, 900, 1000, and 1100 blocks of Scott Street (from FM 372/ Grand Avenue to Railroad Avenue); 9) the 900, 1000, 1100, 1200, 1300, 1400, 1500, and 1600 blocks of Dixon Street (from US 82 to Foreline); 10) the 1000 block of East Old Sivells Bend Road (from I-35 Access Road to Refinery Road); 11) the 3600, 3700, 3800, 3900, 4000, and 4100 block of North Weaver from FM 372 /Grand Avenue to I-35). The City Manager said in planning for street improvements in the city, the streets that bear heavy load traffic need to be constructed differently than residential streets. These routes are planned for trucks and will help to keep commercial trucks out of residential areas. This should help protect street infrastructure and public safety because residential streets are not designed for large trucks. Second reading consideration of this ordinance will be held at the regular City Council meeting on November 15, 2011.

Councilmember Snuggs **moved to approve FIRST READING of the Ordinance**, and was seconded by Councilmember Keeler, 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 6:48 p.m.

Respectfully submitted,

/S/
Kay Lunnon, City Secretary

/S/
Jim Goldsworthy, Mayor