

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
November 15, 2011**

The City Council of the City of Gainesville, Texas met in regular session on November 15, 2011 at 6:30 p.m. with the following persons in attendance.

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

MEMBERS ABSENT: Philip Neelley

STAFF PRESENT: Barry Sullivan, City Manager; Kay Lunnon, City Secretary; Bill Harris, City Attorney; Dan Parker, Finance Director; Steven Fleming, Police Chief; Steve Boone, Fire Chief; Chris Cypert, Municipal Court Judge

OTHERS PRESENT: Heather Pilkington, Kit Chase, Bryan Beaudin and daughters

CALL TO ORDER

Mayor Goldsworthy called the meeting to order at 6:30 p.m. Councilman Neelley was absent.

INVOCATION & PLEDGE OF ALLEGIANCE

Reverend Jerry Elliott, First Assembly of God, gave the invocation. Mayor Goldsworthy led in the pledge to the flag.

RECOGNITIONS

City Employee of the Month, November 2011

Bryan Beaudin received recognition as the City Employee of the Month for November 2011. City Manager Barry Sullivan read and presented a Certificate citing Beaudin for his leadership and assistance with Fire Department projects, efforts and participation, and for the pride and dedication shown in his job and to the City of Gainesville. Beaudin was also presented a certificate for one day off with pay.

CONSENT AGENDA

Council members reviewed the Minutes of the regular City Council Meeting of November 1, 2011. Councilman Nichols corrected the meeting date in the opening paragraph. Council approved the minutes as corrected.

Councilmember Snuggs **moved to approve the items on the Consent Agenda**, and was seconded by Councilmember Keeler. Motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, and 1 Absent (Neelley).

RESOLUTION NO. 11-15-2011 – ADOPTING ETHICAL AND TRAINING STANDARDS FOR JUVENILE CASE MANAGERS EMPLOYED BY CITY OF GAINESVILLE

A RESOLUTION ADOPTING ETHICAL AND TRAINING STANDARDS FOR JUVENILE CASE MANAGERS EMPLOYED BY THE CITY OF GAINESVILLE, PROVIDING FOR IMPLEMENTATION OF SAID STANDARDS, AND PROVIDING FOR PERIODIC REVIEW TO ENSURE IMPLEMENTATION OF THE REQUISITE STANDARDS.

The resolution adopts ethical and training standards for juvenile case managers employed by the City, as required by new legislation under the Code of Criminal Procedure. City Manager Barry Sullivan reported that Gainesville has the training standards in place, but the new legislation requires that cities who employ juvenile case managers must officially adopt the education and training standards. Adoption of the training standards allows the City to continue to collect a \$5 fee on citations as established by the State of Texas.

Councilmember Hendricks **moved to approve the Resolution**, and was seconded by Councilmember Keeler. Motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, and 1 Absent (Neelley).

RESOLUTION NO. 11-15-2011 A – AWARDING BID FOR PURCHASE OF A SUPER TANKER TRUCK FOR GAINESVILLE FIRE DEPARTMENT

A RESOLUTION AWARDING BID NO. 2011-07 FOR PURCHASE OF A SUPER TANKER TRUCK FOR THE GAINESVILLE FIRE DEPARTMENT.

Award of Bid No. 2011-07 was approved to Fouts Bros. Fire in the amount of \$194,600 for purchase of a 3000 gallon super tanker truck for the Gainesville Fire Department. The City received six bids in response to the advertised bid. The bid from Fouts Bros. Fire was the second lowest bid. Deep South Fire Trucks, Inc. bid \$189,550. Fire Chief Boone said both bids meet or exceed specifications, however, delivery time is critical for his department because they are currently working without a tank truck. He recommended purchase from Fouts Bros. as the most advantageous for the City because the truck can be ready in six weeks, whereas the truck from Deep South Fire Trucks will take six to seven months to receive. Boone said the Fouts Bros. bid is still \$5400 under the amount he budgeted for the truck.

Councilmember Nichols **moved to approve the Resolution**, and was seconded by Councilmember Keeler. Motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, and 1 Absent (Neelley).

ORDINANCE NO. 1283-11-2011 - ESTABLISHING DESIGNATED TRUCK ROUTES IN THE CITY OF GAINESVILLE

SECOND 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.

Ordinance was adopted on second reading, establishing 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, taking the most direct route possible, starting from the closest truck route to the point of delivery, and remaining on the designated truck route, leaving it only to make a delivery

off the route. Designated truck routes are: 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). These routes are planned to limit commercial truck traffic to streets designed for larger, heavy load traffic, and to help keep them out of residential areas, thus protecting residential street infrastructure.

Councilmember Snuggs **moved to Suspend the Charter requirement of three readings**, seconded by Councilmember Nichols, the motion carried by vote of 6 Ayes, 0 Nays, 1 absent (Neelley).

Councilmember Snuggs **moved to adopt the ordinance**. The motion was seconded by Councilmember Nichols and carried by vote of 6 Ayes, 0 Nays, 1 absent (Neelley).

PUBLIC HEARING ON A PROPOSED ORDINANCE REGARDING AD VALOREM TAXATION OF FREEPORT GOODS/GOODS-IN-TRANSIT

PUBLIC HEARING ON AN ORDINANCE MAKING PROPERTY DEFINED AS “FREEPORT GOODS” OR “GOODS IN TRANSIT” SUBJECT TO AD VALOREM TAXATION PURSUANT TO THE TERMS AND CONDITIONS UNDER THE TEXAS TAX CODE, SECTION 11.253.

Mayor Goldsworthy opened the Public Hearing at 6:41 p.m. and called for public comment. No person came forward to speak either for or against the proposed taxation.

City Manager Sullivan explained that new legislation requires any city that wishes to collect property taxes on Super Freeport goods in transit in 2012 must hold a public hearing and adopt an ordinance for taxation, regardless of any previously adopted ordinance or resolution. He said Gainesville adopted an ordinance in 2007 maintaining ad valorem taxation of Super Freeport goods, and this new ordinance would simply continue taxation of these goods.

With no further discussion, Councilmember Snuggs **moved to close the Public Hearing**, seconded by Councilmember Keeler. Motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, and 1 Absent (Neelley). The Public Hearing was closed at 6:42 p.m.

ORDINANCE NO. 1284-11-2011 – ADOPTING AD VALOREM TAXATION OF SUPER FREEPORT GOODS IN TRANSIT

FIRST READING OF AN ORDINANCE AMENDING ORDINANCE NO. 1192-12-2007 AND SECTION 18.7.1 OF CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, TEXAS, TO REFLECT THE CHANGES IN THE TEXAS TAX CODE, SECTION 11.253, PASSED AND ADOPTED BY THE LEGISLATURE IN 2011 SPECIAL SESSION CONCERNING THE AD VALOREM TAXATION AND EXEMPTION FROM TAXATION OF GOODS IN TRANSIT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES AND CODE SECTIONS IN CONFLICT WITH THIS ORDINANCE, PROVIDING AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION; AND PROVIDING FOR CHARTER SUSPENSION.

Ad valorem taxation of Super Freeport goods/goods-in-transit as defined in Texas Tax Code, Section 11.253 was adopted with this ordinance. Super Freeport goods in transit become subject to ad valorem taxation beginning January 1, 2012.

