

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
February 7, 2012**

The City Council of the City of Gainesville, Texas met in regular session on February 7, 2012 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; Steven Fleming, Police Chief; John Noblitt, Community Services Director

OTHERS PRESENT: Bill Williams, Jim Hatcher, Kim Noblitt, Jared Noblitt, Julie Rauschuber, Arianna Johnston, Steve Schmitz, Misty Schmitz, Kenadie Schmitz, Kit Chase, Heather Pilkington

CALL TO ORDER

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

INVOCATION & PLEDGE OF ALLEGIANCE

Father Jeff Stubbs, St. Paul's Episcopal Church, gave the invocation. Mayor Goldsworthy led in the pledge to the flag.

REPORTS

Presentation on Catholic School Week

Arianna Johnston, Kenadie Schmitz, and Jared Noblitt read their essays praising Catholic education which focuses on faith, academics and service, and how their education at Saint Mary's School in Gainesville meets these standards and benefits their lives.

Annual Racial Profiling Report

Chief Steven Fleming presented and reviewed the annual Racial Profiling Report on traffic stop data for the Gainesville Police Department for 2011. Fleming said the Tier 1 Partial Exemption Racial Profiling Report deals with all motor vehicle stops, which are recorded by video camera and electronic citations. The racial profiling report is required by law to be submitted annually by March 1 to the governing body.

CONSENT AGENDA

Council members reviewed the Minutes of the regular City Council Meeting of January 17, 2012, and approved them as written.

Councilmember Snuggs **made the motion to approve 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. 02-07-2012 - AUTHORIZE CONTRACT FOR TASK ORDER NO. 16 WITH HDR ENGINEERING FOR CONSTRUCTION PHASE SERVICES FOR PECAN CREEK BRIDGE REPLACEMENTS

A RESOLUTION AUTHORIZING THE CITY MANAGER, FOR AND ON BEHALF OF THE CITY OF GAINESVILLE, TO EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES WITH HDR ENGINEERING, INC. FOR TASK ORDER NO. 16 FOR CONSTRUCTION PHASE SERVICES FOR PECAN CREEK BRIDGE REPLACEMENTS.

The resolution was approved authorizing an agreement with HDR Engineering to provide construction phase services for the bridge replacements included in the Pecan Creek Flood Damage Reduction Project. Bridges to be replaced are located at Scott Street, Main Street, Garnett Street and the Jaycee Park Pedestrian Bridge. The Belcher Street bridge will be demolished, removed and the roadway realigned. The task order is for \$92,000 with a supplemental amount not to exceed \$30,000 for inspection services on bridge elements. The supplemental inspections are on an as needed basis. The contract period of service is through December 31, 2013. Proceeds from the 2008 General Obligation Bond will be used to fund this phase of the project.

Councilmember Nichols **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. 02-07-2012 A – AUTHORIZE PURCHASE OF ONE (1) FORD-650 TRUCK WITH A 6 YARD DUMP FOR WATER DISTRIBUTION DEPARTMENT

A RESOLUTION AUTHORIZING PURCHASE OF ONE (1) 2011 FORD-650 TRUCK WITH A 6 YARD DUMP FOR WATER DISTRIBUTION DEPARTMENT.

Council approved and authorized purchase of one (1) new Ford-650 truck with a six yard dump for the Water Distribution from Sam Pack's Five Star Ford in the amount of \$63,963.82. The purchase is through the Texas Local Government Purchasing Co-op Buy Board, and payment for the truck will be from budgeted funds in the current fiscal year and from funds remaining in the 2008 Certificates of Obligation.

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

RESOLUTION NO. 02-07-2012 B - CALLING ANNUAL GENERAL ELECTION FOR ELECTION OF OFFICERS OF THE CITY OF GAINESVILLE ON MAY 12, 2012

A RESOLUTION CALLING FOR THE GENERAL MUNICIPAL ELECTION TO BE HELD BY THE CITY OF GAINESVILLE, TEXAS ON MAY 12, 2012; PROVIDING FOR THE GENERAL ELECTION OF COUNCILPERSONS FOR WARD 3, WARD 5, WARD 6 AND MUNICIPAL JUDGE; ADOPTING A VOTING SYSTEM AS APPROVED BY SECRETARY OF STATE; AND DESIGNATING POLLING LOCATIONS FOR EARLY VOTING AND ELECTION DAY.

The annual General Election of Officers for the City was ordered to be held on Saturday, May 12, 2012, for the purpose of electing Councilpersons for Ward 3, Ward 5, Ward 6 and Municipal Judge. Candidates may file for office during the filing period February 4 through March 5. Early Voting will take place April 30 through May 8 at City Hall, 200 South Rusk Street. Election Day voting will take place at the Civic Center.

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

SECOND READING APPROVAL OF ORDINANCE TO REZONE TEN (10) ACRES IDENTIFIED AS 3074 HARRIS STREET FROM SINGLE FAMILY TWO (SF-2) TO AGRICULTURE (A)

SECOND READING OF AN ORDINANCE AMENDING ORDINANCE 1219-12-2008; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AUTHORIZING THE CITY OF GAINESVILLE, TEXAS, TO REZONE FROM SINGLE FAMILY TWO (SF-2) TO AGRICULTURE (A) 10 ACRES IDENTIFIED AS 3074 HARRIS STREET; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF GAINESVILLE; PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING.

Second reading of an ordinance was approved with a vote of 6-1, to rezone ten (10) acres identified as 3074 Harris Street from Single Family Two (SF-2) to Agriculture (A). City Manager Barry Sullivan reviewed the concerns from Planning and Zoning Commission regarding their recommendation for denial of this request: 1) that the request is not a substantial change from the zoning request submitted two months earlier; 2) it may be considered as spot zoning; 3) the request is principally based upon financial considerations rather than true hardship; and 4) the request is not consistent with the City's Comprehensive Land Use Plan. Sullivan said City Staff recommends approval of the rezoning, because: 1) the request is a substantial change from the earlier request because the ten acres is less than 10% of acreage included in the original request; 2) the amount of acreage, location, and nature of the stated hardship alleviate concerns regarding spot zoning issues; 3) the applicant requests the zoning change so that the property might be used in a manner consistent with surrounding properties; and 4) the rezoning would not negatively impact the long-range land use plan. Council discussed all concerns. The City Attorney held that the rezoning would not be spot zoning. Following discussion, Council voted to approve second reading of the ordinance. Councilman Rippy spoke in favor of following the recommendation of the P & Z. Third reading consideration will be scheduled for the February 21, 2012 City Council meeting.

Councilmember Nichols **moved to approve second reading of the ordinance.** The motion was seconded by Councilmember Snuggs and carried by vote of 6 Ayes, 1 Nay (Rippy), 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 7:09 p.m.

Respectfully submitted,

/S/

Kay Lunnon, City Secretary

/S/

Jim Goldsworthy, Mayor