

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
March 6, 2012**

The City Council of the City of Gainesville, Texas met in regular session on March 6, 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; Mary Jarvis, Controller; Steven Fleming, Police Chief; Ron Sellman, Public Services Director; Kent Sharp, GEDC Executive Director

OTHERS PRESENT: Heather Pilkington, Kit Chase, Rod Tyler, Brek Hudson, Doug Pohli, Tom Schalk, Judy Smith, Daniel Orr

CALL TO ORDER

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

INVOCATION & PLEDGE OF ALLEGIANCE

David Gray, Hillcrest Church of Christ, gave the invocation. Mayor Goldsworthy led in the pledge to the flag.

PROCLAMATIONS

Poison Prevention Week, March 18-24, 2012

Mayor Goldsworthy proclaimed the Week of March 18-24, 2012 as Poison Prevention Week. The proclamation will be mailed as requested to the North Texas Poison Center located at Parkland Health and Hospital System in Dallas. No one was present to receive the proclamation.

REPORTS

Update on Street and Utility Maintenance Program (SUMP) projects A, B, and C.

Public Services Director, Ron Sellman reported on the status of the Street Utility Maintenance Program (SUMP). Construction is completed for Package A projects for water, sewer, and drainage utilities work on portions of Broadway Street (Denison to Taylor), Bone Street (Taylor to Preston), and Jefferson Street (Broadway to Elm). Package B projects, reconstruction of Refinery Road and Old Sivells Bend Road, was completed in February. Sellman reported the engineering design work for Package C is complete and will be ready for bid this month. Package C includes street reconstruction and rehabilitation of water and sewer lines for Dixon Street (Broadway to Cummings) for reconstruction of two lanes of asphalt and rehabilitation of water line, and Church Street (Dixon to Denton) for reconstruction of two lanes of asphalt and rehabilitation of water line. The projects are being paid from 2010 Certificates of Obligation. To date, Sellman said, approximately fifty percent of the bond funds has been expended for the SUMP projects.

CONSENT AGENDA

Council members reviewed the Minutes of the regular City Council Meeting of February 21, 2012, and approved them as written.

RESOLUTION NO. 03-06-2012 – APPOINTMENTS TO PLANNING AND ZONING COMMISSION

Appointment of Scott Richardson, Lynette Scruggs, and Nathan Dempsey was approved to the Planning and Zoning Commission, each to two-year terms expiring April 2014.

RESOLUTION NO. 03-06-2012 A – APPOINTMENTS TO GAINESVILLE HOUSING AUTHORITY BOARD

Patty Haayen was re-appointed and Joe Wallace was appointed to the Housing Authority Board. These are two-year appointments expiring April 2014.

Councilmember Nichols **made the motion to approve the Consent Agenda**, and was seconded by Councilmember Neelley. Motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

RESOLUTION NO. 03-06-2012 B – ACCEPT AUDIT FOR FISCAL YEAR ENDING SEPTEMBER 30, 2011, AS PREPARED BY SCHALK & SMITH, CERTIFIED PUBLIC ACCOUNTANTS

A RESOLUTION ACCEPTING THE AUDIT, FINANCE STATEMENT AND OPINION FOR FISCAL YEAR ENDING SEPTEMBER 30, 2011, AS PREPARED BY SCHALK & SMITH, CERTIFIED PUBLIC ACCOUNTANTS, AND AUTHORIZING THE CITY SECRETARY TO FILE THE AUDIT IN ACCORDANCE WITH THE PROVISIONS OF LOCAL GOVERNMENT CODE SUBTITLE A CHAPTER 103.

Council received and accepted the annual audit for Fiscal Year ending September 30, 2011, as prepared by the accounting firm of Schalk & Smith, Certified Public Accountants. Tom Schalk presented and reviewed the audit, and said the City is fiscally sound and in very good shape. The accounting firm issued the City a clean, unqualified audit, the highest level possible to give an entity.

Councilmember Snuggs **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.

FIRST READING OF GEDC ACTIONS FOR ECONOMIC DEVELOPMENT FINANCIAL INCENTIVES FOR GAF

A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION WHICH APPROVED GAF AS AN ECONOMIC DEVELOPMENT PROJECT AND ELIGIBLE FOR FINANCIAL INCENTIVE.

First reading was completed for a resolution approving the decision of the Gainesville Economic Development Corporation in adopting GAF as an economic development project and approving financial incentives for an amount up to \$355,000 for the acquisition of land, relocation of existing utility lines and professional services including legal, engineering and surveying as needed. GAF is a roofing materials manufacturer located on Corporate Drive. The company has been in Gainesville for several years and currently employs 31 individuals at the Gainesville plant. They desire to expand their present facility and increase the number of employees. GEDC Executive Director, Kent Sharp, said Gainesville is in competition with other cities for the GAF facility. Per State law, City Council took no action on this first reading of the resolution. Second reading and action on the resolution is scheduled for the March 20, 2012 City Council meeting.

RESOLUTION NO. 03-06-2012 C – APPROVING GEDC ACTIONS FOR CONTRACT WITH CHAMBER OF COMMERCE FOR PROFESSIONAL SERVICES

A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION OF THE CITY OF GAINESVILLE IN AUTHORIZING A CONTRACT BETWEEN THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION AND THE GAINESVILLE AREA CHAMBER OF COMMERCE FOR PROFESSIONAL SERVICES.

Council approved action of the Gainesville Economic Development Corporation for their annual contract with the Gainesville Area Chamber of Commerce for the professional services provided by the GEDC to the Chamber of Commerce. The contract is the working agreement between the GEDC and Chamber for the GEDC to promote Gainesville in order to expand and enhance Chamber membership and membership services. Each entity (GEDC & Chamber) compensates its own employees. Council approval of the contract does not require two readings because this is not an economic development contract.

Councilmember Neelley **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. 03-06-2012 D - AUTHORIZE AGREEMENT BETWEEN CITY, GISD, AND NTMC FOR SHARED POLLING LOCATION FOR MAY 2011 ELECTIONS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE GAINESVILLE INDEPENDENT SCHOOL DISTRICT (GISD), AND THE NORTH TEXAS MEDICAL CENTER (NTMC), TO SHARE A POLLING LOCATION IN CERTAIN VOTING PRECINCTS FOR THE GENERAL ELECTION ON MAY 12, 2012.

The agreement was approved between the City, GISD, and the North Texas Medical Center to share the Civic Center as a joint polling location on Election Day May 12, 2012.

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.

RESOLUTION NO. 03-06-2012 E – AUTHORIZE QUIT CLAIM DEED AND RELEASE OF EASEMENTS IN RETURN FOR BUFFER ZONE EASEMENT AT WATER TREATMENT FACILITY

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM DEED CONVEYING AN 8.13 ACRES SEWER SYSTEM PROPERTY TO JO ANNE KEETER, TRUSTEE OF THE FRANCES-JO ANNE LIFETIME TRUST, AND THE PAUL, SR.-JO ANNE LIFETIME TRUST, AND PAUL PARKER YARBROUGH, TRUSTEE OF THE FRANCES-PARKER LIFETIME TRUST, AND THE PAUL, SR.-PAUL, JR. LIFETIME TRUST, AND TO EXECUTE A RELEASE OF THE EASEMENTS USED IN CONNECTION THEREWITH IN RETURN FOR A BUFFER ZONE EASEMENT AROUND THE WATER TREATMENT FACILITY EXECUTED BY JO ANNE KEETER, TRUSTEE OF THE FRANCES-JO ANNE LIFETIME TRUST, AND THE PAUL, SR.-JO ANNE LIFETIME TRUST, AND PAUL PARKER YARBROUGH, TRUSTEE OF THE FRANCES-PARKER LIFETIME TRUST, AND THE PAUL, SR.-PAUL, JR. LIFETIME TRUST, AND DELIVERED TO THE CITY OF GAINESVILLE, TEXAS.

City Manager Barry Sullivan recommended approval authorizing him to execute documents quitclaiming and releasing a utility easement of 8.13 acres on the Yarbrough property located

north of the Moss Lake Water Treatment Plant. The City of Gainesville was awarded this easement following World War II, but has not used the easement in over 60 years and does not need it for any future plans. The easement will be released and conveyed back to the Yarbroughs in exchange for a 100-foot wide buffer zone easement around the Moss Lake water treatment plant. Sullivan said the buffer zone easement will allow the city to develop a larger portion of the land on which the treatment plant is located.

Councilmember Nichols **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.

ORDINANCE NO. 1289-03-2012 - AMENDING CHAPTER 9 OF CITY CODE OF ORDINANCES TO REQUIRE ELECTRONIC RECORDKEEPING FOR PAWNBROKERS AND CERTAIN OTHER BUSINESSES

FIRST READING OF AN ORDINANCE ADDING ARTICLE VIII TO CHAPTER 9 OF THE CITY OF GAINESVILLE CODE OF ORDINANCES, ENTITLED “PAWNBROKERS AND OTHER BUSINESSES,” REQUIRING ELECTRONIC RECORDKEEPING BY OWNERS OR OPERATORS OF PAWNSHOPS AND CERTAIN OTHER BUSINESSES IN THE CITY; PROVIDING ADDITIONAL PROVISIONS TO PREVENT OR CURTAIL TRANSACTIONS IN STOLEN PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.

Council suspended Charter requirement of three readings and adopted on first reading, an Ordinance repealing the City Code of Ordinances, Chapter 9, Article I, Section 9.2 Pawnbrokers and Section 9.3 Junk Dealers and amending by adding Article VIII entitled Pawnbrokers and Other Dealers, to require electronic reporting of property purchased, traded, or sold by owners and operators of pawnshops and certain other secondhand property businesses. The purpose of the ordinance is to require these types of businesses located within the city limits of Gainesville to maintain an electronic inventory-tracking system, which will provide local law enforcement the ability to query transactions for investigations that may involve stolen property. Police Chief Steven Fleming said under the current city ordinance, his department investigates these transactions through paper reports, which requires many hours to process the information. He said the internet based record keeping program is available at no cost to the business owner. Under the new ordinance these businesses are required to report electronically and there is a penalty for those that do not comply. The newly adopted ordinance states: except as otherwise herein provided, every person licensed or transacting any business as a crafted precious metal dealer, metal recycling entity, pawnbroker, secondhand dealer or secondhand metal dealer within the city limits shall, beginning sixty (60) days following the effective date of this ordinance, maintain an electronic inventory-tracking system and transmit all information required by this article via computer to the entity designated by the chief of police.

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

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

Mayor reminded of approaching severe weather season and urged citizens to register for weather alerts through the Code Red system, by accessing the city website www.gainesville.tx.us.

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 7:08 p.m.

Respectfully submitted,

/S/
Kay Lunnon, City Secretary

/S/
Jim Goldsworthy, Mayor