

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
April 2, 2013**

The City Council of the City of Gainesville, Texas met in regular session on April 2, 2013 at 6:30 p.m. with the following persons in attendance.

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

STAFF PRESENT: Barry Sullivan, City Manager; Kay Lunnon, City Secretary; Dan Parker, Finance Director; John Noblitt, Community Development Director; Ron Sellman, Public Services Director; Patrick McCage, Parks & Recreation Director; Lynette Pettigrew, Main Street Director; Tony Dresser, Videographer

OTHERS PRESENT: Gregg Russell, Keith King, Tim Hitchcock, Mark Hitchcock, Aaron Smith, Galene Morris, Carol Hermes, Patrick Hermes, Cecil Harper, Vicki Robertson, Brent Reed, Andrew Ploeger, Mike Allison

CALL TO ORDER

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

INVOCATION & PLEDGE OF ALLEGIANCE

Reverend Duke Dowling, Southside Baptist Church, gave the invocation. Mayor Goldsworthy led in the pledge to the flag.

PROCLAMATIONS

Child Abuse Awareness and Prevention Month, April 2013

Mayor Goldsworthy proclaimed April 2013 as Child Abuse Awareness and Prevention Month in the City of Gainesville, urging citizens to participate in efforts to support families and prevent child abuse. CASA Director Vickie Robertson and CASA advocates and volunteers were present to receive the proclamation.

REPORT

Michael Allison, representing Hughes Tune VFW Post 1922, made a report on research performed by Tom Carson of the Cooke County Historical Society that has identified the names of five WWI war dead from Cooke County who are not listed on the granite monument in Leonard Park. VFW Post 1922 has reviewed and confirmed the data compiled by Carson and is presenting the names to the City for possible addition to monument in Leonard Park. Allison said the cost is quoted at \$750 for the work to be performed by Richards Monuments, who created the original monument. The VFW post is requesting the City to approve addition of these names to the monument and to pay half the cost for the additions.

CONSENT AGENDA

Council reviewed the Minutes of the regular City Council Meeting of March 19, 2013, and approved them with correction to note the absence of Councilman Rippy.

RESOLUTION 04-02-2013 - APPOINTMENTS TO PARKS AND RECREATION BOARD

A RESOLUTION MAKING APPOINTMENTS TO THE PARKS AND RECREATION BOARD

Doug Wade, Robbie Baugh, and Angel Madrid were re-appointed to the Parks and Recreation Board, to terms that run through March 2016.

Councilmember Clegg **moved for approval of all 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 04-02-2013 A - PURCHASE OF ONE MAINTENANCE TRAILER FOR STREET DEPARTMENT

A RESOLUTION AUTHORIZING EXPENDITURE TO R. B. EVERETT & COMPANY, INC. FOR THE PURCHASE OF ONE MAINTENANCE DISTRIBUTOR TRAILER FOR STREET DEPARTMENT.

Purchase of one maintenance distributor trailer for the Street Department was approved in the amount of \$54,361.60 from current year budgeted funds. The cost for the trailer is under the budgeted amount of \$60,000. The trailer will replace forty year-old trailer that is used for transporting asphalt tack materials to job sites.

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

RESOLUTION 04-02-2013 B - APPROVING PARTIAL ASSIGNMENT OF ALLIED PRODUCTION SOLUTIONS TAX ABATEMENT IN REINVESTMENT ZONES 13 AND 14

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 FORUM US, INC. 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.

Council approved partial assignment of a tax abatement agreement in Reinvestment Zones 13 and 14 (located along north I-35) with Allied Production Solutions, LP, (Allied) to Forum US, Inc. (Forum). Allied notified the City that through a series of mergers, Forum is the successor-in-interest to Allied Production Solutions and Titan Tanks and Vessels (Titan). The resolution formalizes Allied's and Titan's assignment of their respective portions of the abatement agreement, applicable to the tangible personal property, to Forum. The assignment does not extend the period of the agreement or alter any other terms of the Agreement.

Councilmember Nichols **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.

FIRST READING APPROVAL OF SMOKING ORDINANCE

FIRST READING OF AN ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AMENDING CHAPTER 8 OF THE CODE OF ORDINANCES, ESTABLISHING ARTICLE IV SMOKING REGULATIONS; PROVIDING FOR CONTROL AND REGULATION OF SMOKING IN PUBLIC PLACES; PROVIDING FOR PENALTY NOT TO EXCEED \$2000 FOR EACH OFFENSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS FINDING.

First reading of an ordinance to prohibit smoking in public places within the City limits was approved. The proposed ordinance bans smoking in most indoor public places as well as in city parks and facilities. Council members reported they have received no negative responses from citizens in their wards.

First reading of the proposed ordinance prohibits smoking 1) in all enclosed public places within the city limits of Gainesville; 2) in all enclosed facilities including buildings and vehicles owned or occupied by the City of Gainesville; 3) all City parks and recreational areas; 4) all outdoor sporting arenas, stadiums, and amphitheaters, as well as in bleachers and grandstands for use by spectators at sporting and other public events; 5) within twenty (20) feet of any entrance or exit of a facility where smoking is prohibited.

Facilities exempted from the smoking regulation include 1) private residences; 2) bars, meeting the definition of an establishment that has more than 70% of its annual gross sales in alcoholic beverages sales. Food establishments that contain a bar are not considered a “bar”; 3) retail tobacco stores and tobacco bars which meet the required definitions; 4) no more than 25% of the rooms in a hotel or motel facility.

The ordinance carries a maximum penalty of \$2000 for violation. “No Smoking” signage or the international pictorial no smoking symbol will be required to be posted where smoking is prohibited. Mayor Goldsworthy said many other cities have banned smoking years ago and this ordinance is modeled from those enacted in other cities. Citizens are encouraged to contact their council member to let their voice be heard. The proposed ordinance is posted on the city website www.gainesville.tx.us under City Code, Proposed Ordinances. Second reading of the smoking ordinance will be held at the City Council meeting on April 16, 2013.

Councilmember Nichols **moved for approval of first reading of the Ordinance**, and was seconded by Councilmember Clegg, and the motion carried by vote of 7 Ayes, 0 Nays, 0 absent.

FIRST READING APPROVAL OF ORDINANCE AMENDING BUILDING CODE SECTION FOR MOVING BUILDINGS

FIRST READING OF AN ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AMENDING CHAPTER 5- BUILDINGS AND BUILDING REGULATIONS ARTICLE I - BUILDING STANDARDS OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE, AND FINDING THE MEETING WAS OPEN TO THE PUBLIC.

First reading of an ordinance amending current building codes to allow buildings to be moved into and within the city was considered and approved. The proposed ordinance will receive second reading consideration at the Council meeting on April 16. Under the ordinance as proposed, a structure can be moved into/inside the City with a permit issued by the City. The owner must provide basic information and base level insurance to get the permit. A building permit is also required before the structure is moved, and an engineered foundation must be in place prior to the structure being moved. The proposed ordinance is posted on the city website www.gainesville.tx.us under City Code, Proposed Ordinances.

Councilmember Snuggs **moved for approval of first reading of the Ordinance**, and was seconded by Councilmember Clegg, and the motion carried by vote of 7 Ayes, 0 Nays, 0 absent.

EXECUTIVE SESSION

At 6:55 p.m. Mayor Goldsworthy announced that Council would convene into Executive Session in compliance with Vernon's Texas Codes Annotated, Government Code, Chapter 551 (Open Meetings Act), to discuss the following:

Under Government Code §551.087 Economic Development

RECONVENE INTO OPEN SESSION

Council reconvened into open session at 7:11 p.m. Mayor Goldsworthy announced no action was taken during executive session.

RESOLUTION 04-02-2013 C – AUTHORIZING ECONOMIC DEVELOPMENT AGREEMENT WITH GAINESVILLE REDEVELOPMENT COMPANY LLC

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF GAINESVILLE, TEXAS, THE CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH GAINESVILLE REDEVELOPMENT COMPANY LLC.

An Economic Development Agreement was authorized with Gainesville Redevelopment Company LLC for demolition of the J. M. Lindsay School Building and development of a subdivision in the block bounded by Lanius, Gordon, Lindsay and Denton Streets. The City agrees to provide \$95,000 to Gainesville Redevelopment Company LLC in two payments. The first payment (\$70,000) will occur after the J.M. Lindsay School Building is demolished and the final plat for the subdivision has been accepted. The second payment of \$25,000 will be made after a concrete alley is installed. City Manager strongly recommended approval and said the project meets Council's economic development goals and objectives for housing development and improving the visual appearance of the city.

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.

ADJOURN

With no further business to come before the City Council, the meeting was adjourned at 7:13 p.m.

Respectfully submitted,

/S/
Kay Lunnon, City Secretary

/S/
Jim Goldsworthy, Mayor