

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

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

MEMBERS PRESENT: Mayor Pro Tem, Jim Goldsworthy
Carolyn Hendricks, Philip Neelley, Ray Nichols, Vince Rippy,
Beverly Snuggs

MEMBERS ABSENT: Mayor Glenn Loch

STAFF PRESENT: Barry Sullivan, City Manager; Kay Lunnon, City Secretary; Dan Parker, Finance Director; Mary Jarvis, Controller; Steve Fleming, Police Chief; Ron Sellman, Public Services Director

OTHERS PRESENT: Greg Russell, Sharon Findley, Dean Smith, Kit Chase, Tom Schalk, Judy Smith, B.S.A. Troop 668 Scoutmasters Royce D. Bryan and Gary Hess, Nic Bohac (BSA), John Hess (BSA), Austin Bryan (BSA).

CALL TO ORDER

Mayor Pro Tem Goldsworthy called the meeting to order at 6:30 p.m., with a quorum present. Mayor Loch was absent.

INVOCATION & PLEDGE OF ALLEGIANCE

Father Charles Hough, St. Paul's Episcopal Church, gave the invocation. Mayor Pro Tem Goldsworthy led in the pledge to the flag.

PROCLAMATIONS/RECOGNITIONS

Mayor Pro Tem Goldsworthy read and presented a proclamation declaring March 1, 2011 as Shriners Hospitals for Children Day in the City of Gainesville, encouraging citizens to visit the Gainesville International House of Pancakes (IHOP) in support of Shriners Hospitals. Gainesville IHOP Manager, Sharon Findley, received the proclamation.

Marsha Sheffield, Accounts Receivables Clerk, was recognized as City Employee of the Month for February 2011. Barry Sullivan read and presented a Certificate of Recognition to Marsha for her professionalism, dependability and support to all City Departments and staff. In addition, Marsha received a redeemable certificate for one day off with pay.

REPORTS

Status of Pecan Creek Flood Damage Reduction Project

Public Services Director Ron Sellman, reported on the progress of the Pecan Creek Flood Damage Reduction Project. Contractors are currently working on relocation of underground utilities in the channelization area, which must be done before the channelization project can begin. Contractors are making utility bores on California Street, Broadway Street, Cole Street, Rice Avenue, and under the railroad on South Lindsay Street. Sellman said the borings are at a depth that allow for gravity flow as the system crosses from one basin to another. A lift station

currently in use is planned to be eliminated and will save money over the long term. Sellman said the utility relocations should be substantially completed in August, with final completion in September. Sellman anticipates beginning work with the Corps of Engineers in July on contracts for the channelization work. Sellman said the project is on schedule for final completion in the summer of 2013.

Status of Street Utility Maintenance Program (SUMP)

Sellman reported next on the status of the Street Utility Maintenance Program (SUMP). Kimley Horn Engineering continues preparing plan design, specifications, and estimates for the street reconstruction and drainage work included in Bid Package A (Broadway, Bone, Jefferson and Taylor Streets) and for Bid Package B (reconstruction of Refinery Road and Old Sivells Bend Road). Sellman anticipates letting engineering bids on Package C (Dixon, Church, and Star Streets) in mid May.

Racial Profiling Report

Police Chief Steve Fleming reviewed and presented the Racial Profiling Report, an analysis of traffic stop data by the Gainesville Police Department for 2010. The Tier 1 Partial Exemption Racial Profiling Report entails all motor vehicle stops, which are recorded by video camera and electronic citations. This report is required by law to be submitted annually by March 1 to the governing body.

CONSENT AGENDA

Council reviewed the Minutes of the regular City Council Meeting of February 1, 2011 and approved them as written.

Councilmember Nichols **moved to approve the Consent Agenda**, and was seconded by Councilmember Rippy. Motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, and 1 Absent (Loch).

RESOLUTION NO. 02-15-2011 – ACCEPT AUDIT FOR FISCAL YEAR ENDING SEPTEMBER 30, 2010, AS PREPARED BY SCHALK & SMITH, CERTIFIED PUBLIC ACCOUNTANTS

A RESOLUTION ACCEPTING THE AUDIT, FINANCE STATEMENT AND OPINION FOR FISCAL YEAR ENDING SEPTEMBER 30, 2010, 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, 2010, as prepared by the accounting firm of Schalk & Smith, Certified Public Accountants. In his presentation of the audit, Tom Schalk said the City's finances are sound, and they have issued the City a clean, unqualified audit, which is the highest level possible to give an entity.

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

RESOLUTION NO. 02-15-2011 A – AUTHORIZE AGREEMENT WITH COOKE COUNTY TO PROVIDE VOTING MACHINES FOR THE MAY 2011 ELECTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING AN AGREEMENT WITH COOKE COUNTY TO PROVIDE VOTING MACHINE(S) FOR THE MAY 2011 GENERAL ELECTION AND SPECIAL ELECTION.

A lease agreement was authorized with Cooke County for rental of voting machine(s) as required for the City's election in May 2011. The County charges no rental fee to the City for use of the voting machine.

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

RESOLUTION NO. 02-15-2011 B – AUTHORIZE AGREEMENT BETWEEN CITY, GISD, NTMC, AND NCTC FOR SHARED POLLING LOCATION FOR MAY 2011 ELECTIONS

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE GAINESVILLE INDEPENDENT SCHOOL DISTRICT (GISD), THE NORTH TEXAS MEDICAL CENTER (NTMC), AND THE NORTH CENTRAL TEXAS COLLEGE (NCTC) TO SHARE A POLLING LOCATION IN CERTAIN VOTING PRECINCTS FOR THE GENERAL ELECTION ON MAY 14, 2011.

An agreement was authorized between the City, GISD, North Texas Medical Center, and North Central Texas College to share the Civic Center as a joint polling location for their Elections on May 14, 2011.

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

PUBLIC HEARING ON PROPOSED ORDINANCE FOR RENEWAL OF A SPECIFIC USE PERMIT TO SPRINT SPECTRUM, LP FOR TELECOMMUNICATIONS TOWER LOCATED AT 501 EAST CALIFORNIA STREET

Mayor Pro Tem Goldsworthy opened the Public Hearing at 7:02 p.m. Sullivan provided details of the permit request. The Special Use Permit (SUP) was originally issued in 2006 for telecommunications equipment which is located at the Turner Hotel. No violations or complaints have been received against the permit. The SUP is required under Zoning regulations. Goldsworthy called for public comment regarding the proposed permit renewal.

No person came forward to speak either for or against the permit renewal. With no further discussion, Councilmember Nichols **moved to close the Public Hearing**, and was seconded by Councilmember Rippey. Motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, and 1 Absent. The Public Hearing was closed at 7:03 p.m.

FIRST READING APPROVAL OF ORDINANCE TO RENEW A SPECIFIC USE PERMIT TO SPRING SPECTRUM, LP FOR A TELECOMMUNICATIONS TOWER LOCATED AT 501 EAST CALIFORNIA STREET

AN ORDINANCE AMENDING ORDINANCE 1219-12-2008; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AUTHORIZING THE CITY OF GAINESVILLE, TEXAS, TO RENEW A SPECIFIC USE PERMIT AS REQUESTED BY SPRINT SPECTRUM LP, FOR A COMMUNICATIONS ANTENNAE SYSTEM LOCATED AT 501 EAST CALIFORNIA STREET IN THE (CA) CENTRAL AREA; PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING.

First reading of an Ordinance was approved for renewal of a Specific Use Permit for a telecommunications tower located at 501 East California by Sprint Spectrum, LP. The antennae system is located atop the Turner Hotel and has been in place since 2006. The City Manager reported the City has received no violations or complaints related to this permit. Planning and Zoning Commission recommended approval of renewal for a five-year period, after which time

the permit will again be reviewed. The City Manager and staff recommended approval of first reading of the ordinance. Second reading of the ordinance will be scheduled for the next regular City Council meeting, March 1.

Councilmember Snuggs recommended the ordinance receive at least two readings.

Councilmember Snuggs **moved to approve first reading of the ordinance.** The motion was seconded by Councilmember Nichols and carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, and 1 Absent (Loch).

EXECUTIVE SESSION

Council did not convene into Executive Session.

ADJOURN

With no further business to come before the City Council, the meeting adjourned at 7:05 p.m.

Respectfully submitted,

/S/
Kay Lunnon, City Secretary

/S/
Jim Goldsworthy, Mayor Pro Tem