

**MINUTES  
CITY OF GAINESVILLE  
CITY COUNCIL MEETING  
200 South Rusk  
Gainesville, Texas 76240  
September 5, 2006  
6:30 P.M.**

The City Council of the City of Gainesville, Texas met in regular session on September 5, 2006 at 6:30 p.m. with the following persons in attendance:

**MEMBERS PRESENT:** Mayor Glenn Loch  
Council Members Charles Draper, Jim Goldsworthy, Carolyn Hendricks, Beverly Snuggs, Vince Rippy, Woody Williams

**STAFF PRESENT:** Mike Land, City Manager; Kay Lunnon, City Secretary; Dan Parker, Finance Director, Ron Sellman, Public Services Director, John Noblitt, Planning Technician, Leah Gore, Human Resources Director, Chris Cypert, Municipal Court Judge

**VISITORS PRESENT:** Kathy Floyd, Kit Chase, Andy Hogue, Erin Trammell, Jennifer Dickerson, Mark Simpson, Nancy Murray, Martha Milburn, Susan Cuadra.

**CALL TO ORDER**

Mayor Loch called the meeting to order. All members were present.

**INVOCATION & PLEDGE OF ALLEGIANCE**

The invocation was given by Pastor Jerry Elliott, First Assembly of God. Councilmember Hendricks led the pledge to the flag.

**CONSENT AGENDA**

Council reviewed the Minutes of the August 15, 2006 Regular City Council Meeting and the Special Called Meeting of August 22, 2006 and approved them as written.

**BOARD APPOINTMENTS:**

**RESOLUTION NO. 09-05-2006 – APPOINTMENT TO MAIN STREET BOARD**

Lucy Haverkamp was appointed to serve on the Main Street Board to fill the vacancy left by Thomas Guest, who resigned. The term is three years, expiring December 2009.

Councilmember Snuggs **made the motion for approval of the Consent Agenda**, seconded by Councilmember Williams. Motion carried.

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, and Williams.

Nays: None.

**ITEMS CONSIDERED**

**RESOLUTION NO. 09-05-2006 A – EMPLOYEE SECTION 125 PLAN**

CONSIDERATION OF AND ACTION ON A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF GAINESVILLE, TEXAS, AN ADOPTION AGREEMENT FOR SECTION 125 PREMIUM ONLY PLAN.

City Manager, Mike Land, said the City has participated in a Section 125 plan for several years. The plan allows city employees to have certain insurance premiums and health savings account contributions deducted from their pay on a pre-tax basis. Employees save on taxes, and the City saves in payment of FICA taxes.

Councilmember Draper **made the motion for approval of the Resolution**, seconded by Councilmember Goldsworthy. Motion carried.

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippey, Snuggs, and Williams.

Nays: None.

**RESOLUTION NO. 09-05-2006 B – APPROVAL OF FY 2006-2007 BUDGET FOR STANFORD HOUSE**

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING ACTIONS OF THE STANFORD CHARITABLE CORPORATION APPROVING AND ADOPTING THE FY 2006-2007 BUDGET FOR THE STANFORD HOUSE.

The Fiscal Year 2006-2007 budget for the Stanford House was approved earlier in the evening by the Board of Directors of the Stanford Charitable Corporation. Approval of the \$78,600 budget by the City Council is recommended.

Councilmember Snuggs **made the motion for approval of the Resolution**, seconded by Councilmember Williams. Motion carried.

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippey, Snuggs, and Williams.

Nays: None.

**RESOLUTION NO. 09-05-2006 C – APPROVAL OF FY 2006-2007 BUDGET FOR GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION**

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING ACTIONS OF THE GEDC WHICH VOTED TO ADOPT THE FY 2006-2007 GEDC BUDGET.

The Fiscal Year 2006-2007 budget for the Gainesville Economic Development Corporation was approved by the GEDC Board of Directors at their meeting on August 21, and City Council approval is recommended. City Manager, Mike Land, said the budget includes funding of the zoning and comprehensive plan update. Council approval of the approximately \$1.5 million budget is requested.

Councilmember Goldsworthy **made the motion for approval of the Resolution**, seconded by Councilmember Draper. Motion carried.

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippey, Snuggs, and Williams.

Nays: None.

**ORDINANCES**

**PUBLIC HEARING ON FINAL PLAT FOR VINTAGE SQUARE**

The Mayor announced the public hearing at 6:39 p.m. and called for comments either for or against the final plat.

Mark Simpson, Owner Developer of Simpson Homes, said he is excited about this project and that it is a fantastic opportunity for contractors. Simpson said Gainesville will be proud of this development, which will include a community center, swimming pool, cabana, playground, walking trail, and landscaping. Simpson estimated the homes

to be constructed in the \$120,000 to \$180,000 range, custom or tract built, with some multi-family units.

Susan Cuadra inquired about the number of homes to be built in the development. Simpson responded 112 homes.

No other person came forward to speak either for or against the ordinance.

Councilmember Snuggs **moved to close the Public Hearing**, seconded by Councilmember Draper. The Public Hearing was closed at 6:44 p.m. by the following votes:

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippey, Snuggs, and Williams

Nays: None.

### **ORDINANCE NO. 1149-09-2006 - APPROVING FINAL PLAT FOR VINTAGE SQUARE**

CONSIDERATION OF AND ACTION ON AN ORDINANCE PROVIDING FOR THE APPROVAL OF THE FINAL PLAT FOR VINTAGE SQUARE, BLOCKS 1 THROUGH 6 LOCATED ON THE SOUTHEAST CORNER OF HARRIS STREET AND KENT DRIVE; BEING 21.498 ACRES IN THE B.P. TICKNOR SURVEY, ABSTRACT 1033, AND THE W.C. BROWN SURVEY, ABSTRACT 102, COOKE COUNTY, TEXAS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR AN OPEN MEETING; AND PROVIDING FOR SUSPENSION OF THE CHARTER REQUIREMENT OF READING ON THREE SEPARATE DAYS.

Mike Land, City Manager, said Planning & Zoning has approved the project being developed by Simpson Homes. Land pointed out that rather than handle by separate ordinance, approval of the final plat includes approval of street names within the development, Vintage Avenue, Montrose Avenue, Bersand Avenue, Silver Oaks Drive, Vallana Drive, Bella Serra Avenue, and approval of Stop Signs intersections. Mayor Loch called for any additional questions or comments and there were none.

Councilmember Draper **moved for Suspension of Charter**, and was seconded by Councilmember Snuggs. The motion carried unanimously:

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippey, Snuggs, and Williams

Nays: None

Councilmember Goldsworthy **moved to approve adoption of the Ordinance**, seconded by Councilmember Williams. The motion carried by the following votes:

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippey, Snuggs, and Williams

Nays: None

### **ORDINANCE FOR REVISIONS TO WATER AND WASTEWATER RATES**

CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING CHAPTER 19, ARTICLE II, SECTIONS 19-51, 19-52 AND 19-64, OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE; PROVIDING FOR REVISIONS TO WATER AND WASTEWATER RATES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE; PROVIDING

FOR SUSPENSION OF THE CHARTER REQUIREMENT OF READING ON THREE SEPARATE DAYS; AND MAKING AN OPEN MEETING FINDING.

Land stated the ordinance follows recommendations in accordance with the City's adopted Utility Business Plan, which includes revisions to water and wastewater rates over a five year period. This year, a 4% increase in water and sewer rates is recommended, and also establishment of a per unit connection fee for multi family units consisting of four or more living units under the same ownership, including apartments, condominiums, townhouses, mobile home parks, nursing homes and apartment complexes.

Councilmember Snuggs **moved to approve First Reading of the Ordinance**, seconded by Councilmember Rippy. The motion carried unanimously:

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, and Williams

Nays: None

**PUBLIC HEARING ON A SPECIFIC USE PERMIT FOR CHILD CARE FACILITY AT 110 SOUTH HOWETH STREET**

The Mayor announced the public hearing at 6:48 p.m. and called for comments either for or against the special use permit.

No person came forward to speak either for or against.

Councilmember Snuggs **moved to close the Public Hearing**, seconded by Councilmember Williams. The Public Hearing was closed at 6:49 p.m. by the following votes:

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, and Williams

Nays: None.

**ORDINANCE NO. 1150-09-2006 - GRANTING A SPECIFIC USE PERMIT TO NITA MURPHY CHILD CARE FACILITY AT 110 SOUTH HOWETH STREET**

CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING ORDINANCE NO. 25-2-71; 101A-8-76; 154-12-79; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, TO RENEW A SPECIFIC USE PERMIT, AS REQUESTED BY NITA MURPHY FOR A CHILD CARE FACILITY IN A REGISTERED FAMILY HOME LOCATED AT 110 SOUTH HOWETH STREET; MAKING FINDINGS OF FACT; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF GAINESVILLE; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR SUSPENSION OF THE CITY CHARTER REQUIREMENT OF READING ON THREE SEPARATE OCCASIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Land said the permit was approved by Planning and Zoning Commission at their meeting on August 8, 2006. All required notices and public hearing requirements have been met, and no problems have been expressed by adjoining property owners. Mrs. Murphy is currently in compliance with all other city ordinances. The permit is a renewal for a two year period.

Councilmember Snuggs **moved for Suspension of Charter**, seconded by Councilmember Goldsworthy. The motion carried by the following votes:

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, and Williams

Nays: None

Councilmember Snuggs **moved to approve adoption of the Ordinance**, seconded by Councilmember Goldsworthy. The motion carried by the following votes:

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, and Williams

Nays: None

**ORDINANCE NO. 1151-09-2006 - ESTABLISHING TREE PRESERVATION REGULATIONS FOR NEW DEVELOPMENT**

CONSIDERATION OF AND ACTION ON THIRD READING OF AN ORDINANCE OF THE CITY OF GAINESVILLE AMENDING THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE; BY ESTABLISHING REGULATIONS AND DEFINITIONS THEREOF AN ORDINANCE TO BE KNOWN AS THE CITY OF GAINESVILLE TREE PRESERVATION REGULATIONS FOR NEW DEVELOPMENT; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN INTERPRETATION; PROVIDING FOR PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR PENALTIES FOR VIOLATION; PROVIDING FOR PUBLICATION; PROVIDING FOR AN OPEN MEETING FINDING.

Land said the regulations went back to Planning and Zoning, at Council's request, for clarification and revision. John Noblitt, Planning Technician, reviewed the changes made to the ordinance by the Planning and Zoning Commission since Council last read it in February 2006. The new regulations include mitigation standards based on the standard for the tree rather than on diameter at breast height (dbh) equivalents; street trees are required for new development along public or private streets, with the spacing of trees based on tree size; a comprehensive list of acceptable trees classified by size has been included in the regulations; stepped penalties for violation; relief provisions were removed and will be handled by alternate tree plans as presented by the developer, or through the existing City appeals process. Williams asked for clarification on the penalties for violation. Noblitt responded that each tree removed in violation constitutes a separate offense, and the amount of the fine increases per violation up to the amount of \$2000 for the fifth tree and \$2000 for each tree removed thereafter in violation. Land pointed out that the ordinance excludes properties on which a single-family or two-family residential dwelling unit(s) exists, and Mayor Loch emphasized that the regulations are for new development.

Councilmember Snuggs **moved to Adopt the Ordinance**, and was seconded by Councilmember Goldsworthy. The motion carried by the following votes:

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, and Williams

Nays: None

**PUBLIC HEARING ON PROPOSED TAX RATE OF \$0.6491**

The Mayor announced the public hearing at 7:00 p.m. and called for comments either for or against the proposed tax rate.

No person came forward to speak either for or against the proposed tax rate.

Councilmember Draper **moved to close the Public Hearing**, seconded by Councilmember Snuggs. The Public Hearing was closed at 7:01 p.m. by vote of:

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, and Williams

Nays: None.

**ANNOUNCED PUBLIC HEARING AND ACTION ON SEPTEMBER 19, 2006, 6:30 P.M.  
AT CITY HALL FOR THE FY 2006-2007 BUDGET AND TAX LEVY**

Mayor Loch announced that at the Regular Council meeting on September 19, 2006, a Public Hearing on the FY 2006-2007 Budget will be held, and Council will consider and take action on adoption of the FY 2006-2007 Budget and Tax Levy.

**RESOLUTION NO. 09-05-2006 D – APPROVAL OF EMPLOYMENT AGREEMENT  
FOR EXECUTIVE DIRECTOR OF THE GAINESVILLE ECONOMIC  
DEVELOPMENT CORPORATION**

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING ACTIONS OF THE GEDC AND AUTHORIZING THE MAYOR, FOR AND ON BEHALF OF THE CITY OF GAINESVILLE, TO EXECUTE AN EMPLOYMENT AGREEMENT WITH KENT SHARP AS EXECUTIVE DIRECTOR OF THE GEDC WITH ALL COSTS TO BE PAID BY GEDC.

Land reported that the GEDC Board of Directors met today and voted to approve the agreement to employ Kent Sharp as Executive Director of the Corporation. Mr. Sharp will begin work in Gainesville on Monday, October 2. Councilmember Goldsworthy said the GEDC Board interviewed numerous applicants and feels that Mr. Sharp has much to offer the City of Gainesville and will make a difference in our community.

Councilmember Draper **made the motion for approval of the Resolution**, seconded by Councilmember Goldsworthy. Motion carried by unanimous approval.

Ayes: Draper, Goldsworthy, Hendricks, Loch, Rippy, Snuggs, and Williams.

Nays: None.

**EXECUTIVE SESSION**

The City Council did not convene into executive session.

**MAYOR'S COMMENTS**

Mayor Loch announced the City of Gainesville webpage will be up and running by the end of the week. The website address is [www.gainesville.tx.us](http://www.gainesville.tx.us).

**ADJOURNMENT**

There being no further business to come before the City Council, the meeting was adjourned at 7:04 p.m.

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**Glenn Loch, Mayor**

Attest:

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**Kay Lunnon, City Secretary**