

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

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

MEMBERS PRESENT: Mayor Pro Tem, Jim Goldsworthy
Council Members Charles Draper, Carolyn Hendricks, Vince Rippy, Beverly Snuggs, Woody Williams

MEMBERS ABSENT: Mayor Glenn Loch

STAFF PRESENT: Mike Land, City Manager; Kay Lunnon, City Secretary; Bill Harris, City Attorney, Dan Parker, Finance Director, John Noblitt, Planning Technician

VISITORS PRESENT: Jenny Rene, Azzam Hussami, Johnny Glass, David Bone, Paula Winter, Jim Robertson, Bob Rollings, Jack Dyer, Andy Hogue, Kathy Floyd, Maria Urbina, Don Yeager

CALL TO ORDER

Mayor Pro Tem Jim Goldsworthy called the meeting to order. A quorum of members was present.

INVOCATION & PLEDGE OF ALLEGIANCE

Reverend Darrell McIntyre, Westminster Presbyterian Church, gave the invocation, then Goldsworthy led in the pledge to the flag.

CITIZENS COMMENTS

Johnny Glass said he did not agree with placing restrictions on his Specific Use Permit unless every other permit is restricted in the same way. Glass stated ordinances should be fair across the board for everyone. He noted that the Turner Hotel is a residential property located in a commercially zoned district, and that he has a commercial business doing what he is supposed to do in a commercial zone.

CONSENT AGENDA

Council reviewed the Minutes of the November 21, 2006 Regular City Council Meeting and approved them as written.

BOARD APPOINTMENTS:

RESOLUTION NO. 12-05-2006 - APPOINTMENT OF DAVID WRIGHT TO THE BOARD OF DIRECTORS OF THE GREATER TEXOMA UTILITY AUTHORITY

David Wright was re-appointed to serve on the Greater Texoma Utility Authority Board of Directors, to a term expiring December 2008.

RESOLUTION NO. 12-05-2006 A - APPOINTMENTS TO THE KEEP GAINESVILLE BEAUTIFUL BOARD

Duwayna Cullum, Linda Williams, and Martha Modkins were re-appointed to terms expiring December 2008.

RESOLUTION NO. 12-12-2006 B - APPOINTMENTS TO THE MAIN STREET BOARD

Karon Sullivant was re-appointed and Barry Otts was appointed to three-year terms expiring December 2009.

Councilmember Rippy **moved to approve the Consent Agenda**, and was seconded by Councilmember Williams. The motion was approved unanimously.

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

Nays: None.

Absent: Loch

RESOLUTIONS

RESOLUTION NO. 12-05-2006 C – GEDC AMENDMENT TO LAZART EXPANSION AND RELOCATION PROJECT AGREEMENT TO ALLOW ADDITIONAL FUNDS FOR CONTINUED REMODELING COSTS

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION OF THE CITY OF GAINESVILLE AMENDING THE TERMS OF THE LAZART PRODUCTION, INC. EXPANSION AND RELOCATION PROJECT AGREEMENT TO ALLOW ADDITIONAL FUNDING FOR CONTINUED REMODELING COSTS.

The GEDC requested Council approval of amendment to the agreement with Lazart Production, Inc. allowing additional funds to complete remodeling costs. Executive Director, Kent Sharp, said the GEDC Board thought the request for additional funding was reasonable and Lazart has met all requirements.

Councilmember Draper **moved for approval**, seconded by Councilmember Rippy. The motion was approved unanimously.

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

Nays: None.

Absent: Loch

RESOLUTION NO. 12-05-2006 D – GEDC SALE OF 1304 LOADMASTER CIRCLE TO RICHARD KLEMENT AND/OR ASSIGNS

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION OF THE CITY OF GAINESVILLE WHICH APPROVED THE SALE OF PROPERTY OWNED BY THE GEDC LOCATED AT 1304 LOADMASTER CIRCLE, GAINESVILLE, TEXAS 76240 (A.K.A. LAZART BUILDING) TO RICHARD KLEMENT AND/OR ASSIGNS.

GEDC requested Council approval of sale of the former Valenite building to Richard Klement and / or his assigns. Sharp said the GEDC wants to return building ownership back to the private sector.

Councilmember Draper **moved for approval**, was seconded by Councilmember Williams. Motion carried unanimously.

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

Nays: None.

Absent: Loch

RESOLUTION NO. 12-05-2006 E – GROUND LEASE AGREEMENT WITH JOHN BROWN FOR PRIVATE HANGAR CONSTRUCTION AT MUNICIPAL AIRPORT

CONSIDERATION OF AND ACTION ON A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE MAYOR OF THE CITY OF GAINESVILLE TO EXECUTE A GROUND LEASE AGREEMENT WITH JOHN BROWN FOR THE PURPOSE OF CONSTRUCTING A PRIVATE HANGAR AT THE GAINESVILLE MUNICIPAL AIRPORT.

City Manager, Mike Land, said the Airport Board reviewed the agreement and recommends approval. Mr. Brown is interested in building a private hangar. The ground lease rental rate will be for a primary thirty-year term at a rental rate of fourteen cents per square foot per year. The lease location is in accordance with the Airport Master Plan.

Councilmember Snuggs **moved for approval**, seconded by Councilmember Rippy. Motion was approved unanimously.

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

Nays: None.

Absent: Loch

RESOLUTION NO. 12-05-2006 F – PRELIMINARY PLAT FOR TUSCANY VILLAS, PHASE I, LOTS 1 THROUGH 17, LOCATED IN 2400 BLOCK OF FM 1306

CONSIDERATION OF AND ACTION ON A RESOLUTION PROVIDING FOR THE APPROVAL OF THE PRELIMINARY PLAT FOR TUSCANY VILLAS PHASE I, LOTS 1 THROUGH 17, LOCATED IN THE 2400 BLOCK OF FM 1306; BEING 16.31 ACRES IN THE E. YEAMAN SURVEY, ABSTRACT 1173 CITY OF GAINESVILLE, COOKE COUNTY, TEXAS.

Land said Planning and Zoning reviewed this plat at their meeting today and recommended approval. A plat was approved earlier in the year, but the developer now wants to construct the project in phases. Phase I includes seventeen lots, located at Blackshill Drive off Highway 51 and FM 1306.

Councilmember Williams **moved for approval**, seconded by Councilmember Snuggs. Motion carried unanimously.

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

Nays: None.

Absent: Loch

RESOLUTION NO. 12-05-2006 G – ADDENDUM TO CONTRACT WITH JIM A ROBERTSON TO PUT INTO EFFECT SECTION 33.11 OF TEXAS TAX CODE IMPOSING EARLY ADDITIONAL PENALTY FOR COLLECTION COSTS FOR TAXES ON PERSONAL PROPERTY

CONSIDERATION OF AND ACTION ON A RESOLUTION AUTHORIZING AN ADDENDUM TO THE CONTRACT IN FORCE WITH JIM A. ROBERTSON, FOR THE COLLECTION OF DELINQUENT TAXES FOR THE CITY OF GAINESVILLE, TO PUT

INTO EFFECT THE NEW SECTION 33.11 OF THE TEXAS TAX CODE, IMPOSING EARLY ADDITIONAL PENALTY FOR COLLECTION COSTS FOR TAXES IMPOSED ON PERSONAL PROPERTY.

Jim Robertson requested an amendment to his delinquent tax collection contract currently in force in order to impose the new tax code section allowing penalty on personal property to begin April 1 rather than July 1. Robertson said, basically, it changes the timing of the penalty and collection of delinquent tax could begin earlier. Robertson said the change is not an additional tax and affects only personal property, not real estate. He said he will present this same request to the other taxing units in Cooke County.

Councilmember Rippy **moved to approve the contract amendment contingent on unanimous participation of the taxing units in the Cooke County Appraisal District.** His motion was seconded by Councilmember Hendricks, and was approved by unanimous vote.

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

Nays: None.

Absent: Loch

ORDINANCES

ORDINANCE NO. 1162-12-2006 - FINAL PLAT FOR TUSCANY VILLAS PHASE I LOTS 1 THROUGH 17 LOCATED IN THE 2400 BLOCK OF FM 1306

CONSIDERATION OF AND ACTION ON FIRST READING OF AN ORDINANCE PROVIDING FOR THE APPROVAL OF THE FINAL PLAT FOR TUSCANY VILLAS PHASE I, LOTS 1 THROUGH 17, LOCATED IN THE 2400 BLOCK OF FM 1306; BEING 16.31 ACRES IN THE E. YEAMAN SURVEY, ABSTRACT 1173 CITY OF GAINESVILLE, 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.

Planning and Zoning recommended approval of the final plat for Phase I of Tuscany Villas with contingencies stipulated to the developer. The stipulations include changing the name of Bella Vista Street (the name is duplicated in another development in the City); resolution of drainage issues; and providing information to the City regarding the homeowners association. Land assured Council that the plat document will not be signed by the City until all stipulations have been met.

Councilmember Draper **moved for Suspension of Charter,** and was seconded by Councilmember Williams. Motion carried:

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

Nays: None

Absent: Loch

Councilmember Draper **moved to adopt the Ordinance with the contingencies as specified by Planning and Zoning,** was seconded by Councilmember Rippy, and adopted by unanimous vote:

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

Nays: None

Absent: Loch

ORDINANCE NO. 1163-12-2006 - SPECIFIC USE PERMIT FOR SALE OF ALCOHOL AT 4405 NORTH I-35, AS REQUESTED BY AZZAM HUSSAMI, HILLTOP DISCOUNT LIQUOR

CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING ORDINANCE NO. 25-2-71; 154-12-79; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, TO ISSUE A SPECIFIC USE PERMIT, AS REQUESTED BY AZZAM HUSSAMI, TO ALLOW FOR THE SALE OF ALCOHOL AT HILLTOP DISCOUNT LIQUOR LOCATED AT 4405 NORTH IH-35; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF GAINESVILLE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE CITY OF GAINESVILLE; PROVIDING AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR SUSPENSION OF THE CITY CHARTER REQUIREMENT OF READING ON THREE SEPARATE OCCASIONS; AND MAKING AN OPEN MEETING FINDING.

Mr. Hussami was present and requested that Council grant the permit on this reading of the ordinance.

Councilmember Williams **moved for Suspension of Charter**, and was seconded by Councilmember Snuggs. Motion carried:

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

Nays: None

Absent: Loch

Councilmember Snuggs **moved to adopt the Ordinance**, was seconded by Councilmember Rippy, and adopted by unanimous vote:

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

Nays: None

Absent: Loch

ORDINANCE NO. 1164-12-2006 – ONE YEAR SPECIFIC USE PERMIT FOR SALE OF ALCOHOL AT SEAFOODVILLE LOCATED AT 425 EAST CALIFORNIA STREET

CONSIDERATION OF AND ACTION ON SECOND READING OF AN ORDINANCE AMENDING ORDINANCE NO. 25-2-71; 154-12-79; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, TO ISSUE A SPECIFIC USE PERMIT, AS REQUESTED BY DAVID BONE, TO ALLOW FOR THE SALE OF ALCOHOL AT SEAFOODVILLE LOCATED AT 424 EAST CALIFORNIA STREET; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF GAINESVILLE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE CITY OF GAINESVILLE; PROVIDING AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR SUSPENSION OF THE CITY CHARTER REQUIREMENT OF READING ON THREE SEPARATE OCCASIONS; AND MAKING AN OPEN MEETING FINDING.

Council placed a one year time limit on its approval of the Specific Use Permit for Seafoodville, with no other restrictions. The permit will be reviewed in one year. Council determined the noise issue at this location to be a separate issue that will be addressed in the noise ordinance, which is currently under revision by the Planning and Zoning Commission. Seafoodville owner, Johnny Glass, requested no restrictions on the permit, stating ordinances should be fair for everyone. City Manager Mike Land said this location is unique and that noise has not been an issue with other Specific Use Permits. He said Council does have the option to place restriction on sound amplification with the permit. Following Council's vote approving the SUP, Reverend

Don Yeager inquired as to whether the issue of proximity of the First United Methodist Church Learning Tree Preschool had been addressed. Goldsworthy responded that it was discussed, and Council does have the option to deny the permit, but denial is not mandatory, and the owner has operated several years at the location without any complaints regarding the sale of alcohol.

Councilmember Williams **moved to adopt the Ordinance with the stipulation of a one year time limit.** The motion was seconded by Councilmember Snuggs, and carried by unanimous vote:

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

Nays: None

Absent: Loch

DISCUSSION WITH FIRST SOUTHWEST REGARDING REFUNDING OF CERTAIN CALLABLE DEBT

Maria Urbina from First Southwest Company made a presentation for refinancing several City bond issues. No action was taken. Council will consider the proposal on its December 19th agenda.

EXECUTIVE SESSION

Council did not convene into executive session.

ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 7:18 p.m.

Jim Goldsworthy, Mayor Pro Tem

Attest:

Kay Lunnon, City Secretary