

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
March 20, 2007
6:30 P.M.**

The City Council of the City of Gainesville, Texas met in regular session on March 20, 2007 at 6:30 p.m. with the following persons in attendance:

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

MEMBERS ABSENT: Jim Goldsworthy

STAFF PRESENT: Mike Land, City Manager; Kay Lunnon, City Secretary; Bill Harris, City Attorney; Dan Parker, Finance Director; Ron Sellman, Public Services Director; Lynette Pettigrew, Main Street Director; John Noblitt, Planning Technician; Roy Lewis, Building Official

VISITORS PRESENT: Alphy Jurarim, Kathy Floyd, A. C. Copling, Melanie Plemons, Michelle Plemons, Garry Way, Andy Hogue, Frank McCowan

CALL TO ORDER

Mayor Loch called the meeting to order. A quorum of members was present.

INVOCATION & PLEDGE OF ALLEGIANCE

Pastor Garry Way, Fair Avenue Baptist Church, gave the invocation. Councilmember Williams led in the pledge to the flag.

REPORTS

At the request of Council and in accordance with the franchise agreement, Alphy Jurarim, Assistant Manager of Suddenlink, reported on company operations in Gainesville. Jurarim said his company is very involved in the community and local events and does everything they can to support development of the community. He said the Gainesville office currently has nine employees who live in Gainesville and the surrounding area. Under the cable franchise, Suddenlink collects and remits franchise fees to the City on a quarterly basis. Suddenlink provides free advertisement to non-profit organizations in the city. The company provides high speed internet service, and will launch high definition television service later this week. Jurarim invited everyone to visit the Suddenlink website at www.suddenlink.com.

CITIZEN COMMENTS

A. C. Copling related to Council his recent experience with Gainesville Police Department involving his filing a complaint on noise in his neighborhood. Copling described the complaint filing process as lengthy and inconvenient for citizens. Copling said police officers should just issue a citation to noise offenders without citizens having to file complaints.

Frank McCowan informed Council that the minimum wage is not high enough for people to survive, and is possibly the cause for crime. Mayor Loch responded that the minimum wage amount is set by the U. S. Government and urged Mr. McCowan to contact Congressman Michael Burgess.

CONSENT AGENDA

Council reviewed the Minutes of the March 6, 2007 Workshop Meeting and the March 6, 2007 Regular City Council Meeting and approved them as written.

BOARD APPOINTMENTS:

RESOLUTION NO. 03-20-2007- APPOINTMENT TO GTUA BOARD

Ray Nichols was appointed to the Greater Texoma Utility Authority Board of Director to a term expiring December 2008. Nichols will replace David Wright, who resigned in December.

RESOLUTION NO. 03-20-2007 A – RE-APPOINTMENTS TO PARKS AND RECREATION BOARD

Rob Spencer, Brad Herr, Robbie Baugh, and Barry Hunter were re-appointed to the Parks and Recreation Board, to two-year terms expiring March 31, 2009.

With no further discussion, Councilmember Draper **moved for approval of the Consent Agenda**, and was seconded by Councilmember Williams. The motion carried.

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

Nays: None.

Absent: Goldsworthy

DISCUSSION REGARDING THE PROPOSED CAPITAL IMPROVEMENTS PLAN FOR FISCAL YEARS 2006 - 2012.

City Manager Mike Land presented the annual Capital Improvements and Capital Equipment Plan for identified projects and equipment needs in City Departments for Fiscal Years 2006 through 2012. Land requested that Council members review the proposed plans during the next two weeks and make their comments to him. A resolution for acceptance of the CIP and CEP will be presented for Council consideration on the next agenda.

RESOLUTION NO. 03-20-2007 B - RELEASE OF A PAVING LIEN AT 330 NORTH HOWETH AS REQUESTED BY KARON VAIL

CONSIDERATION OF AND ACTION ON A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RELEASE OF A PAVING LIEN FOR THE PROPERTY AT 330 NORTH HOWETH AS REQUESTED BY KARON VAIL.

Land reported he had re-contacted the property owner who has countered with a request to release the lien for the principal amount plus four years interest, a total of three thousand, one hundred twenty-three and forty-nine/100 dollars (\$3,123.49). Land said the offer amount with percentage of interest is consistent with releases granted in previous considerations by the Council. Land said that, ultimately, any request to release a lien for an amount other than what is owed has to have Council approval, as City staff does not have the authority to release a lien for any amount other than the amount owed. Following a short discussion on setting precedence, Council approved the release for the amount as requested by Vail.

City staff is to develop for Council its recommendation of minimum criterion for consideration in releasing liens.

Councilmember Williams **moved for approval of the release**, and was seconded by Councilmember Snuggs. The motion carried.

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

Nays: None.

Absent: Goldsworthy

RESOLUTION NO. 03-20-2007 C – LEASE PURCHASE OF CAT COMPACTOR AND TRAIL KING TRAILER

CONSIDERATION OF AND ACTION ON A RESOLUTION AUTHORIZING EXPENDITURE TO LEASING 2, INC. FOR LEASE PURCHASE OF ONE CAT COMPACTOR AND ONE TRAIL KING TRAILER.

Land and Ron Sellman, Public Services Director, recommended approval and said funds are budgeted in the current fiscal year for the lease purchase of the compactor and trailer for Street Department. The agreement is a three-year lease purchase. The new equipment will replace a 1967 static roller and a 1953 trailer.

Councilmember Snuggs **moved for approval**, and was seconded by Councilmember Rippy. The motion carried.

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

Nays: None.

Absent: Goldsworthy

RESOLUTION NO. 03-20-2007 D – CONTRACT WITH MUNICIPAL RESOURCES PLANNING GROUP FOR DEVELOPMENT AND UPDATE OF COMPREHENSIVE LAND USE PLAN AND UNIFIED ZONING CODE

CONSIDERATION OF AND ACTION ON A RESOLUTION AUTHORIZING THE MAYOR, FOR AND ON BEHALF OF THE CITY OF GAINESVILLE, TO EXECUTE AN AGREEMENT WITH MUNICIPAL RESOURCES PLANNING GROUP FOR PROFESSIONAL SERVICES RELATED TO DEVELOPMENT AND UPDATE OF THE COMPREHENSIVE LAND USE PLAN AND UNIFIED ZONING CODE OF ORDINANCES.

Land said funds are included in the current budget to update the Comprehensive Land Use Plan and develop a Unified Zoning Code. The Comprehensive Plan was written in 1997 and needs to be brought up to date. The Zoning Code was adopted in 1979, and since then has had many amendments, making it difficult to interpret, and needs to be updated, simplified and clarified. The process will take several months and involve many public hearings before the Planning and Zoning Commission and the City Council. Both projects are anticipated to be completed by late December and the new code in place by January 2008.

Councilmember Draper **moved for approval**, and was seconded by Councilmember Snuggs. The motion carried.

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

Nays: None.

Absent: Goldsworthy

RESOLUTION NO. 03-20-2007 E – AGREEMENT BETWEEN CITY, COUNTY, GISD, AND NTMC FOR SHARED POLLING LOCATION ON ELECTION DAY

CONSIDERATION OF AND ACTION ON A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH COOKE COUNTY, 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 AND CONSTITUTIONAL AMENDMENT ELECTION ON MAY 12, 2007.

This is the same agreement approved in February for the shared polling location at the Civic Center on Election Day, May 12, by the City, GISD, and NTMC. Cooke County will hold a Constitutional Amendment Election on May 12, and the new agreement adds the County to share the polling location.

Councilmember Williams **moved for approval**, and was seconded by Councilmember Hendricks. The motion carried.

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

Nays: None.

Absent: Goldsworthy

ORDINANCE NO. 1167-03-2007 – AMENDMENTS TO THE NUISANCE ENFORCEMENT CODE

CONSIDERATION OF AND ACTION ON SECOND READING OF AN ORDINANCE MAKING AMENDMENTS TO CHAPTER 8, ARTICLE II, NUISANCE ENFORCEMENT CODE OF THE CITY OF GAINESVILLE; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION OF NOT MORE THAN TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH SEPARATE OFFENSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

Land reviewed that the ordinance allows City greater flexibility in working with senior citizens and disabled persons to correct code violations. Additionally, the City may order grass and weeds over 48” in height to be immediately mowed and to have a lien placed against the property for the City’s cost in resolution of the issue. Property owners are responsible for overhanging trees and bushes, dense brush and undergrowth along fence lines, and landscaping to the back of the curb, or to edge of the pavement, and to centerline of adjacent alleys. A notice of violation will be considered as delivered when mailed certified with return receipt requested to the property owner as recorded in appraisal district records, whether or not such mail is returned unclaimed or refused.

Land stated that the City has received no comments regarding the amendments since the first reading of the ordinance. Council suspended the Charter and adopted the ordinance on second reading.

Councilmember Draper **moved to suspend the Charter**, and was seconded by Councilmember Williams. The motion carried.

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

Nays: None.

Absent: Goldsworthy

Councilmember Draper **moved for adoption of the ordinance**, and was seconded by Councilmember Snuggs. The motion carried.

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

Nays: None.
Absent: Goldsworthy

ORDINANCE NO. 1168-03-2007 - AMENDMENTS TO THE INTERNATIONAL RESIDENTIAL CODE

CONSIDERATION OF AND ACTION ON SECOND READING OF AN ORDINANCE MAKING AND ADOPTING LOCAL AMENDMENTS TO CHAPTER 5, ARTICLE I, SECTION 5-6, OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, TEXAS, BY AMENDING THE 2000 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE WITH 2001 AMENDMENTS; PROVIDING THAT THE PENALTY FOR VIOLATION SHALL BE A FINE OF UP TO \$2,000.00 PER VIOLATION; PROVIDING THAT EACH DAY OF VIOLATION IS A SEPARATE OCCURRENCE; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY; REPEALING CODES OR ORDINANCES IN CONFLICT WITH THE CODES ADOPTED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

Land pointed out the main issues in the ordinance is that metal siding, unless designed for that purpose, is not allowed as exterior finish for a residential structure; and other exterior siding materials such as felt, building wrap, and plywood, except that which is manufactured as a siding product, are prohibited as being the finished exterior of a home.

Land stated that the City has received no comments regarding the amendments since the first reading of the ordinance. Council suspended the Charter and adopted the ordinance on second reading.

Councilmember Snuggs **moved to suspend the Charter**, and was seconded by Councilmember Draper. The motion carried.

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

Nays: None.

Absent: Goldsworthy

Councilmember Williams **moved for adoption of the ordinance**, and was seconded by Councilmember Snuggs. The motion carried.

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

Nays: None.

Absent: Goldsworthy

ORDINANCE NO. 1169-03-2007 - AMENDMENTS TO THE NATIONAL ELECTRIC CODE

CONSIDERATION OF AND ACTION ON SECOND READING OF AN ORDINANCE AMENDING CHAPTER 5, ARTICLE II, SECTION 5-27, THE 2005 NATIONAL ELECTRIC CODE, RELATING TO INSPECTION ACTIVITIES AND ENFORCEMENT OF BUILDING DEPARTMENT INSPECTION PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY FOR VIOLATION OF NOT MORE THAN TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH SEPARATE OFFENSE; REPEALING CONFLICTING CODES OR ORDINANCES; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Land reviewed the ordinance amendments requiring separate electrical service for separate buildings and structures; prohibiting unlawful connections; prohibiting use of generators in lieu

of electric service conductors; and prohibiting use of fuel burning lanterns or gas lights in lieu of electric lighting fixtures.

Council suspended the Charter and adopted the ordinance on second reading.

Councilmember Draper **moved to suspend the Charter**, and was seconded by Councilmember Williams. The motion carried.

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

Nays: None.

Absent: Goldsworthy

Councilmember Draper **moved for adoption of the ordinance**, and was seconded by Councilmember Snuggs. The motion carried.

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

Nays: None.

Absent: Goldsworthy

ORDINANCE NO. 1170-03-2007 - AMENDMENTS TO THE INTERNATIONAL BUILDING CODE

CONSIDERATION OF AND ACTION ON SECOND READING OF AN ORDINANCE MAKING AMENDMENTS TO CHAPTER 5, ARTICLE I, THE 2003 INTERNATIONAL BUILDING CODE RELATING TO INSPECTION ACTIVITIES AND ENFORCEMENT OF BUILDING DEPARTMENT INSPECTION PROCEDURES; PROVIDING A PENALTY FOR VIOLATION OF NOT MORE THAN TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING THAT EACH DAY OF VIOLATION CONSTITUTES A SEPARATE OFFENSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING CODES OR ORDINANCES; PROVIDING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE.

Council suspended the Charter and adopted on second reading the ordinance amending the 2003 International Building Code, requiring work on a permitted construction site to commence within 30 days of issuance of the permit; defining abandonment of a project; defining building materials prohibited for use as permanent siding and for underlayment of roof coverings; and requiring that shingles or roofing materials be of the same color and style.

Land confirmed that the City has received no comments regarding the amendments since the first reading of the ordinance.

Councilmember Draper **moved to suspend the Charter**, and was seconded by Councilmember Williams. The motion carried.

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

Nays: None.

Absent: Goldsworthy

Councilmember Snuggs **moved for adoption of the ordinance**, and was seconded by Councilmember Draper. The motion carried.

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

Nays: None.

Absent: Goldsworthy

