

**MINUTES  
CITY OF GAINESVILLE  
CITY COUNCIL MEETING  
200 South Rusk  
Gainesville, Texas 76240  
June 5, 2007  
6:30 P.M.**

The City Council of the City of Gainesville, Texas met in regular session on June 5, 2007 at 6:30 p.m. with the following persons in attendance:

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

**STAFF PRESENT:** Mike Land, City Manager; Kay Lunnon, City Secretary; Bill Harris, City Attorney; Dan Parker, Finance Director; Lynette Pettigrew, Main Street Director; David Vinton, Airport Manager; John Noblitt, Planning Technician; Dusty Luton, Cemetery Sexton

**VISITORS PRESENT:** Kathy Floyd, Andy Hogue, Frank McCowan, J. L. Williams, Bernie Edinger

**CALL TO ORDER**

Mayor Loch called the meeting to order with a quorum of members present.

**INVOCATION & PLEDGE OF ALLEGIANCE**

Reverend J. L. Williams, First Baptist Church, gave the invocation. Mayor Loch led the pledge to the flag.

**PROCLAMATIONS**

A proclamation to the City of Gainesville from Texas Municipal League Intergovernmental Employee Benefits Pool Board of Trustees was read into the record in appreciation of the City's continued membership, support, participation, and ongoing education of its employees in reducing and managing health care costs.

**REPORTS**

Dusty Luton, Cemetery Sexton, reported the new iron fencing along Fair Avenue and the new Cemetery entrance has been completed, and extended special thanks to Johnny Leftwich for all his efforts on this project. He said pedestrian gates were not installed in the new fence because they make it impossible to secure the Cemetery between the hours of 8 p.m. to 8 a.m. Luton stated that, at Council's request, Cemetery staff has held off on strict enforcement of cemetery rules that limit objects placed on graves. During the past year he and the Cemetery Committee have met with concerned citizens about the rules. The Cemetery Committee continues to recommend that ordinances be enforced. City Manager Mike Land confirmed that the Cemetery Committee has met with public representatives in open discussion about cemetery rules, and notice has been posted at the Cemetery advising everyone about the rules. The Cemetery

Committee consistently recommends enforcement of existing ordinances. Land said City staff is ready now to either go forward with enforcement or to amend the ordinance as Council desires. Goldsworthy suggested trying to reach some common ground with the public and to make small concessions, if necessary. Land pointed out that such concessions would require ordinance amendment and requested Council's direction on the changes they desire to be made. After further discussion, Luton was advised again to post thirty days notice at the Cemetery informing the public of the date that existing ordinances will be enforced, and then to begin enforcement after that date. Luton wanted everyone to know that items removed from gravesites would not immediately be thrown away, but would be stored temporarily for owners to pick them up.

The new Airport Director, David Vinton, was introduced. Vinton has been on the job for two weeks.

### **OATH OF OFFICE**

Mayor Loch administered the Oath of Office to newly elected Jim Goldsworthy, Councilmember Ward 4.

### **CONSENT AGENDA**

Council reviewed the Minutes of the May 15, 2007 Regular City Council Meeting and approved them as written.

#### **BOARD APPOINTMENTS:**

#### **RESOLUTION NO. 06-05-2007 – APPOINTMENT TO TEXOMA AREA PARATRANSIT SYSTEM BOARD**

Reagan Vestal was appointed to the Texoma Area Paratransit System Board to fill the unexpired term of Reverend Herman Plott.

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

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

Nays: None.

### **DISCUSSION ON HABITAT FOR HUMANITY PROPOSAL FOR A LOT ACQUISITION AND CONSTRUCTION PROGRAM**

No action was taken. Council discussed a request from Gainesville Habitat for Humanity for the City to build a street with cul-de-sac off Taylor Street that would allow Habitat to develop the area. Land reported that the Council Economic Development Committee, consisting of Snuggs, Draper, and Williams, met with Habitat representatives regarding their proposal, and the committee recommends favorable consideration of this project as part of the 2007-2008 budget process. Land said Habitat will need a resolution of acceptance of the project in order to proceed with acquisition of properties. Land said the estimated cost to the City for the cul-de-sac and engineering is about \$61,000. He added that the project will require re-platting of the area. Land recommended a resolution and contract to be placed on the next Council agenda for consideration.

### **RESOLUTION NO. 06-05-2007 A – AGREEMENT WITH PREMIER PYROTECHNICS, INC. FOR FIREWORKS DISPLAYS**

A RESOLUTION AUTHORIZING THE MAYOR, FOR AND ON BEHALF OF THE CITY OF GAINESVILLE, TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH PREMIER

PYROTECHNICS, INC. FOR PROFESSIONAL FIREWORKS DISPLAY SERVICES; SAID AGREEMENT FOR THE CONSIDERATION AND TERMS AND CONDITIONS STATED THEREIN IN A FORM ACCEPTABLE TO BOTH PARTIES.

The agreement is a multi-year proposal for fireworks displays for July 4 celebrations in 2007, 2008, and 2009. Under the agreement, Premier Pyrotechnics, Inc. will secure, prepare, and deliver fireworks each July 4<sup>th</sup> and perform the fireworks display in accordance with applicable Federal, State, and local laws. Pyrotechnics will establish the safety distance factors and perform an onsite inspection of the shooting location. The City will provide adequate police protection to maintain the safety distance factors. The cost for the fireworks display is to be underwritten by local sponsors. Approval was recommended.

Councilmember Goldsworthy **moved for approval**, and was seconded by Councilmember Williams. The motion was approved.

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

Nays: None.

**ORDINANCE NO. 1176-06-2007 AMENDMENTS TO 2006 SIGN CODE**

THIRD READING OF AN ORDINANCE AMENDING THE 2006 GAINESVILLE SIGN CODE; PROVIDING REGULATIONS AND SPECIFICATIONS OF ALL SIGNS WITHIN THE CITY OF GAINESVILLE, IN ORDER TO PROMOTE AND SECURE THE SAFETY, HEALTH AND WELFARE OF ALL THE CITIZENS OF THE CITY OF GAINESVILLE; ACHIEVING A MORE DESIRABLE LIVING ENVIRONMENT; PROTECTING AND ENHANCING THE AESTHETICS OF THE CITY WITH BETTER SIGN USAGE; PROVIDING FOR REDUCTION OF NONCONFORMING SIGNS; MAKING FINDINGS OF FACT; PROVIDING FOR PUBLICATION; PROVIDING PENALTIES UP TO \$5000 FOR VIOLATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR SUSPENSION OF THE CHARTER REQUIREMENT OF READING THE ORDINANCE ON THREE SEPARATE OCCASIONS.

Land reported the City sent letters to all billboard companies affected and has received no further comments. A representative from Lamar Advertising in Sherman was present and stated he had not received his letter from the City. Goldsworthy asked City Attorney Harris if the three-year amortization period for the billboards could be enforced. Harris responded that most amortizations are five years, but three years is fine.

With no further discussion, Councilmember Snuggs **moved to adopt the ordinance**, seconded by Councilmember Rippy. Motion carried by vote of:

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

Nays: Goldsworthy

**ORDINANCE NO. 1177-06-2007 DESIGNATING FOUR-WAY STOP INTERSECTIONS AT LANIUS AND MORRIS AND YOUNG AND MORRIS**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, DESIGNATING THE INTERSECTIONS OF LANIUS STREET AND MORRIS STREET AND YOUNG STREET AND MORRIS STREET IN THE CITY OF GAINESVILLE, TEXAS, AS FOUR-WAY STOP INTERSECTIONS, TO BE CONTROLLED BY STOP SIGNS; AUTHORIZING THE ERECTION OF SIGNS AT THE INTERSECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR PUBLICATION; PROVIDING FOR SUSPENSION OF THE CHARTER PROVISION REQUIREMENT OF READING ON

THREE SEPARATE OCCASIONS; PROVIDING AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.

An ordinance designating stop signs to be placed at the intersections of Lanius and Morris and Young Morris was approved and adopted on first reading. Land said the stop signs had been requested by the public.

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

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

Nays: None.

Councilmember Draper **moved to adopt the ordinance**, and was seconded by Councilmember Goldsworthy. The motion was approved unanimously.

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

Nays: None.

**ORDINANCE NO. 1178-06-2007 ESTABLISHING GUIDELINES AND CRITERIA FOR GRANTING TAX ABATEMENTS**

AN ORDINANCE ESTABLISHING GUIDELINES AND CRITERIA FOR GRANTING TAX ABATEMENT IN A REINVESTMENT ZONE CREATED WITHIN THE CITY OF GAINESVILLE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING FOR SUSPENSION OF THE CHARTER REQUIREMENT OF READING ON THREE SEPARATE DAYS; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETING FINDING.

An ordinance re-establishing Tax Abatement Guidelines and Criteria was approved and adopted on first reading. The ordinance is a renewal of currently existing Guidelines and Criteria for Granting Tax Abatement, which sunsets every two years. The ordinance and guidelines maintain the same program that has been in place for seven years, with a modification to the guidelines that addresses the recapture of abated taxes. New language inserted deals with repayment of previously abated taxes, specifically details how interest and penalties are calculated, and, should payment not be made, the process of how a lien is secured through the Property Tax Code.

Councilmember Goldsworthy **moved to suspend the Charter**, and was seconded by Councilmember Williams. The motion was approved unanimously.

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

Nays: None.

Councilmember Rippy **moved to adopt the ordinance with an amendment to the tax abatement application form, to request payroll information in Section IV, as part of the economic impact**, and was seconded by Councilmember Snuggs. There was no further discussion. The motion carried unanimously.

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

Nays: None.

**EXECUTIVE SESSION**

The City Council did not convene into executive session.

**CITY MANAGER'S COMMENTS**

