

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
October 16, 2007**

The City Council of the City of Gainesville, Texas met in regular session on October 16, 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: Dan Parker, Interim City Manager; Kay Lunnon, City Secretary; Bill Harris, City Attorney; Steven Fleming, Interim Police Chief; Roy Lewis, Building Official; John Noblitt, Planning Technician; Patrick McCage, Parks Supervisor

VISITORS PRESENT: Bill and Sheila Cox, Lana Lashley, Jerry Chapman, Carolyn Bennett, William Carter, B. Rohmer, Leon Russell, Gayla Russell, Kit Chase, Andy Hogue, Jim Robertson, Angela Betancourt, Richard McCaslin.

CALL TO ORDER

Mayor Loch called the meeting to order with a quorum of members present. The absence of Councilmember Williams was noted.

INVOCATION & PLEDGE OF ALLEGIANCE

Reverend Betsy Stillwell, Chaplain at North Texas Medical Center, gave the invocation and Mayor Loch led the pledge to the flag.

CITIZEN COMMENTS

William Carter, 1001 South Clements, came before Council regarding damage to residential streets, particularly in his neighborhood in the area of South Clements and Leach Street. He said the damage is caused by large semi trucks turning around there. Carter asked whether there are any laws to prevent heavy trucks from using residential streets.

CONSENT AGENDA

Council reviewed the Minutes of the September 27, 2007 Special Called City Council Meeting, and the October 2, 2007 Regular City Council Meeting and approved them as written.

BOARD APPOINTMENTS:

RESOLUTION NO. 10-16-2007 - APPOINTMENT TO PLANNING & ZONING COMMISSION

Ray Nichols was appointed to the Planning and Zoning Commission to the unexpired term of Randy Jones, who resigned. The term expires April 2009.

Councilmember Draper **moved to approve the Consent Agenda**, and was seconded by Councilmember Snuggs. The motion carried unanimously.

HEARING ON ALLEGATIONS OF VIOLATIONS BY SAFEWAY TAXI COMPANY

Mayor Loch opened the Hearing at 6:35 p.m. and called for comments regarding Safeway Taxi Company.

Mayor Loch read allegations of violations against Safeway Taxi that included failure to meet insurance requirements, failure to obtain an annual permit for each taxicab, failure to meet general requirements for taxi vehicles and periodic inspection of vehicles, failure to pay quarterly gross receipts tax to the City of Gainesville and to file annual reports, allegations of violation in charging of fares, and failure to post in the vehicle a card of rates to be charged.

Lana Lashley, owner of Safeway Taxi, explained that she alone has been operating the taxi service since the death of her husband ten months ago. Lashley stated that she does have insurance and that a rate card is displayed in the taxi vehicle. She apologized for failure to provide the reporting paperwork to the City as required by the franchise agreement, but said she has been working full time and did not take the time to do the reporting. Interim Police Chief, Steven Fleming, confirmed that Lashley had brought the taxi in for the vehicle inspection in November 2006 but failed to complete the entire process to receive the permit, due to receiving a phone call that day about her husband. At present, Lashley said she does not have a current vehicle inspection permit from the City, or a light on top of the vehicle, or taxi signage on the vehicle. Fleming stated the taxi vehicle would not have passed the inspection last November. Dan Parker, Interim City Manager, added that Safeway has been non-compliant on franchise reporting and taxes for a few years. During discussion regarding the charging of fares, Ms. Lashley said she was not aware that the Gainesville Municipal Airport is inside the city limits. Lashley confirmed she had received a letter from the City on October 5, 2007, hand-delivered by a Gainesville Police officer, advising her of each of the non-compliance issues.

With no further discussion, Councilmember Snuggs **moved to close Public Hearing**, and was seconded by Councilmember Williams, the motion carried. The Hearing was closed at 6:58 p.m.

TABLED RESOLUTION REGARDING FRANCHISE AGREEMENT WITH SAFEWAY TAXI COMPANY

A RESOLUTION OF FORFEITURE AND CANCELLATION OF SAFEWAY TAXI FRANCHISE.

Lashley was advised by Council that they must adhere to the guidelines of the taxi franchise to have an effective taxi service, and she must bring Safeway Taxi into compliance or risk cancellation of the franchise. Council instructed Lashley to have the vehicle inspected by the Interim Police Chief, in order to obtain a temporary two-week permit under City Code. She is also to bring all violation issues into compliance. Lashley is to appear at the next regular council meeting to report on the taxi service's compliance with the franchise agreement.

With no further discussion, Councilmember Goldsworthy **moved to table the item to the next regular meeting** and was seconded by Councilmember Snuggs. The motion carried unanimously.

RESOLUTION NO. 10-16-2007 A - APPROVING CARNIVAL USE AT 1500 LAWRENCE STREET

RESOLUTION APPROVING THE RECREATIONAL USE OF 1500 LAWRENCE STREET PARKING LOT BY SUMMERTIME AMUSEMENTS ON OCTOBER 25 THROUGH OCTOBER 28, 2007.

Patrick McCage, Parks Supervisor, stated the request is for use of the parking lot on Lawrence Street by Summertime Amusements for their annual carnival. Summertime Amusements has provided liability insurance coverage. Council advised that the next time the company makes a request a company representative would need to attend the council meeting.

Councilmember Hendricks **moved to approve** and was seconded by Councilmember Goldsworthy. The motion carried by a vote of 6 ayes, 1 nay (Snuggs), 0 abstentions, 0 absent.

RESOLUTION NO. 10-16-2007 B – DENYING REQUEST FOR ALCOHOL CONSUMPTION AT LEONARD PARK PAVILION

RESOLUTION DENYING A REQUEST FOR CONSUMPTION OF ALCOHOL IN THE LEONARD PARK PAVILION.

McCage said the Parks and Recreation Board recommended denial of the request for alcohol consumption in the Leonard Park Pavilion during the reunion event, scheduled from 10 a.m. to 2 p.m., because Leonard Park and the Frank Buck Zoo are open to the public during these hours, and further, that allowing alcohol in the pavilion may set a precedent. Councilman Rippy stated the requestors were not a group that would cause a problem. Councilman Williams suggested the Santa Fe Depot as a possible alternative location for the reunion event. Mayor Loch wanted it to be clear that Council's denial is regarding the consumption of alcohol only, not the reunion event itself. Staff was instructed to work with the requestors and to offer an alternative location for their reunion event.

Councilmember Goldsworthy **moved to adhere to the recommendation by the Parks Board to deny the request** and was seconded by Councilmember Draper. The motion carried by a vote of 4 ayes, 3 nays (Hendricks, Rippy, Williams), 0 abstentions, 0 absent.

RESOLUTION NO. 10-16-2007 C – APPROVING COMMEMORATION EVENT IN BASS PARK

RESOLUTION ALLOWING A COMMEMORATION EVENT IN GEORGIA DAVIS BASS PARK IN THE CITY OF GAINESVILLE AS REQUESTED BY LEON RUSSELL.

McCage introduced Mr. Russell who discussed his request, stating that he has studied the history of Gainesville and wants to hold a service in remembrance of those unfortunates who were caught up in the event known as the Great Hanging. Russell said the commemoration will be non-partisan. He will place temporary crosses at the site of the Great Hanging in Bass Park on October 19 in remembrance of those who were hanged in October 1862. Cooke County Historical Society has recommended approval of his request. Sheila Cox, a member of the Cooke County Heritage Society, spoke in support of the event, stating the importance of embracing history, both the good and the not so good.

Councilmember Draper **moved to approve** and was seconded by Councilmember Rippy. The motion carried unanimously.

RESOLUTION NO. 10-16-2007 D – APPROVING MULTI-YEAR AGREEMENT WITH TXDOT FOR TEMPORARY CLOSURE OF CALIFORNIA STREET ON DEPOT DAY

RESOLUTION RECOGNIZING THE ANNUAL DEPOT DAY CELEBRATION IN THE CITY OF GAINESVILLE; AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR

TEMPORARY CLOSURE OF A PORTION OF CALIFORNIA STREET, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT.

The resolution is for a multi-year agreement through the year 2011 with TXDOT for temporary closure of a portion of California Street on Depot Day. The resolution recognizes the annual Depot Day Festival as the second Saturday in October. During the term of the agreement, the City will annually provide a Certificate of Insurance and traffic control plan.

Councilmember Snuggs **moved to approve** and was seconded by Councilmember Goldsworthy. The motion carried unanimously.

ORDINANCE ON FLOOD PRONE AREA REGULATIONS – FIRST READING APPROVED

ORDINANCE TO BE KNOWN AS THE CITY OF GAINESVILLE FLOOD PRONE AREA REGULATIONS ORDINANCE OF 2007; PROVIDING FOR REGULATIONS AND SPECIFICATIONS OF ALL DEVELOPMENT IN FLOOD PRONE AREAS WITHIN THE CITY OF GAINESVILLE.

Building Official, Roy Lewis, reviewed the sections of the ordinance that have been updated from the previous floodplain ordinance adopted in 1987. This new ordinance has been reviewed and approved by FEMA. Changes included in the new ordinance: 1) The substantial damage threshold is 40% of market value (down from 50% in the previous ordinance), requiring that structures in the floodplain that are damaged more than 40% of their market value must be elevated to two feet (previous requirement was one foot) above the base flood elevation in the .01% (formerly called the 100 year floodplain) area. 2) Structures substantially damaged (over 40% of market value) in the .02% area (formerly called the 500 year floodplain) are required to be raised to one foot above the base flood elevation. 3) No floodplain development permits of any kind are to be issued in the floodway (area of fast running water within the floodplain). The Building Official has the authority to require estimates by contractors and to ensure the validity of repair estimates.

Councilmember Draper **moved to approve first reading of the ordinance** and was seconded by Councilmember Snuggs. The motion carried unanimously.

EXECUTIVE SESSION

Mayor Loch announced at 7:45 p.m. that Council would adjourn into closed executive session for discussion of tax litigation and qualifications for appraisers under Government Code §551.071, Attorney-client matters; and for discussion regarding the City Manager position under Government Code §551.074, Personnel matters.

RECONVENE INTO OPEN SESSION

Council reconvened into open session at 9:36 p.m. and Mayor Loch announced no action was taken during executive session.

RESOLUTION NO. 10-16-2007 E – APPROVING CONTRACT FOR APPRAISAL SERVICES FOR PROPERTIES IN THE PECAN CREEK FLOOD DAMAGE REDUCTION PROJECT

RESOLUTION AUTHORIZING THE MAYOR, FOR AND ON BEHALF OF THE CITY OF GAINESVILLE, TO EXECUTE A CONTRACT FOR APPRAISAL REPORTS FOR SERVICES ASSOCIATED AND IN ACCORDANCE WITH THE PROJECT COOPERATION AGREEMENT BETWEEN THE CITY OF GAINESVILLE AND THE ARMY CORPS OF ENGINEERS FOR PECAN CREEK FLOOD DAMAGE REDUCTION PROJECT.

Pursuant to the agreement between the City and the U. S. Army Corps of Engineers, the City must obtain appraisals for all interests in real property required for the Pecan Creek Flood

