

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
November 6, 2007**

The City Council of the City of Gainesville, Texas met in regular session on November 6, 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; Roy Lewis, Building Official; John Noblitt, Planning Technician; Patrick McCage, Parks Supervisor; Lynette Pettigrew, Main Street Director; Kent Sharp, GEDC Executive Director; Ron Sellman, Public Services Director; Chris Cypert, Municipal Court Judge; Steven Fleming, Interim Police Chief

VISITORS PRESENT: Lennie Sewell, Ruth Nicholson, Margaret Flowers, Florence Islas, William J. Carter, Frank Lorne, Robert Richardson, Tricia West, Adam Glatz, Barry Hunter, Steve Schmitz, Paula Durnberger, Lana Lashley, Steve Morrison, Brooke Horton, Nona Stanley, Tona Avila, Lisa Metzger, Patty Haayen, Bob Rawlings, Regina Ivie, Lisa Garcia, Jana Parker, Gordon Walker.

CALL TO ORDER

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

INVOCATION & PLEDGE OF ALLEGIANCE

Pastor Duke Dowling, Southside Baptist Church, gave the invocation and Mayor Loch led the pledge to the flag.

PROCLAMATION

A Proclamation honoring Municipal Court personnel and proclaiming the week of November 5-9, 2007 as Municipal Court Week, was read and presented to Municipal Judge Chris Cypert and his staff, Lisa Garcia, Jana Parker, Gordon Walker and Regina Ivie.

REPORTS

Patty Haayen, Parks Board Chair, presented a draft Parks Master Plan, requesting Council to review and add their input over the next few weeks. The plan outlines enhancements and improvements to the Gainesville parks system through the year 2017. Haayen read a working list of priorities and said the Parks Board is ready to move forward. She requested to bring to Council's consideration at their next regular meeting a resolution for selection of a landscape architect in order to obtain a professional analysis of the scope of work and costs. Haayen said members of the Parks Board are forward thinking and enthusiastic about making the Gainesville Park System a reason for young families to want to move to Gainesville and a reason for citizens to take pride in Gainesville.

CITIZEN COMMENTS

Lennie Sewell asked Council not pass the flood ordinance tonight on second reading to allow her additional time for research and study of the new flood ordinance. Sewell said she learned of City plans to purchase properties along Pecan Creek from an appraiser who was on her property without her permission. She said her home on North Schopmeyer Street flooded in 1989 and as a result she was required by the City to elevate her home. Sewell expressed concern that residents who were flooded in June are repairing their homes without having to elevate them. Sewell said new structures have been built in the floodplain since 1989 and have contributed to flooding by constricting the floodway. She questioned whether a variance will still be allowed by the new ordinance, if the structure restricts the flow of water. She said the City of Gainesville has the responsibility to keep Pecan Creek clear of debris, but challenged when has the Pecan Creek been cleaned out from the Belcher Street Y Bridge to Highway 82, or from Belcher Street to the Scott Street Bridge? She said to her knowledge it has never been done.

Frank Lorne expressed concerns about inconsistency in enforcement of the city codes such as traffic citations, code enforcement, and information responses to flood victims. Lorne said the city enforcement should be done evenly and fairly to everyone. He said he shares many of Sewell's concerns and said the City should be fair to property owners when it purchases their properties in the floodway. He added that the ordinance restricting residents from parking vehicles in their yards has resulted in more crowded streets and has made them a safety hazard.

CONSENT AGENDA

Council reviewed the Minutes of the October 16, 2007 City Council Meeting and approved them as written.

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

RESOLUTION NO. 11-06-2007 – DISAPPROVING THE CANCELLATION OF SAFEWAY TAXI FRANCHISE

CONSIDERATION OF AND ACTION ON A RESOLUTION OF FORFEITURE AND CANCELLATION OF SAFEWAY TAXI FRANCHISE.

Interim City Manager, Dan Parker reported the Safeway Taxi Company has brought up to date each of the areas cited for non-compliance. The taxi vehicle and driver have met inspection requirements and now have current permits to operate; commercial insurance is in force; gross receipts reports have been brought up to date. Ms. Lashley, owner of Safeway Taxi, needs only to pay the City portion of her gross receipts taxes. Councilman Williams suggested she make the payments in twelve monthly installments and Ms. Lashley agreed to do that. She thanked the Council for working with her in allowing her time to address the non-compliance issues.

Councilmember Draper **moved to disapprove the resolution canceling the franchise** and was seconded by Councilmember Snuggs. The motion carried unanimously.

RESOLUTION NO. 11-06-2007 A – CASTING BALLOTS FOR CCAD BOARD MEMBER

CONSIDERATION OF AND ACTION ON A RESOLUTION CASTING BALLOTS FOR COOKE COUNTY TAX APPRAISAL DISTRICT BOARD MEMBER FOR THE 2008-2009 TERM.

The resolution casts all 485 city votes for the city's nominee, Beverly Snuggs, to serve on the CCAD Board of Directors for the 2008-2009 term.

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

RESOLUTION NO. 11-06-2007 B – APPROVING PARTICIPATION IN TEXAS BUY BOARD PURCHASING PROGRAM

CONSIDERATION OF AND ACTION ON A RESOLUTION AUTHORIZING CITY OF GAINESVILLE PARTICIPATION IN THE TEXAS BUY BOARD PURCHASING PROGRAM.

Parker recommended participation in the Buy Board Program to provide the City another avenue to get bids throughout the state in compliance with state procurement requirements and to save money on equipment purchases. Participation at this time is at no charge.

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

RESOLUTION NO. 11-06-2007 C – ACCEPTING SUB-RECIPIENT AWARD FOR HOMELAND SECURITY GRANT

CONSIDERATION OF AND ACTION ON A RESOLUTION ACCEPTING SUB-RECIPIENT AWARD OF FUNDS FROM THE GOVERNORS DIVISION OF EMERGENCY MANAGEMENT, HOMELAND SECURITY GRANT PROGRAM 2007, AND AUTHORIZING EXPENDITURE OF FUNDS IN ACCORDANCE WITH THE 2007 TEXAS HOMELAND SECURITY GRANT PROGRAM GUIDELINES.

Captain Wally Cox said the grant funds are administered through the Texoma Council of Governments. He reviewed the projects the grant would fund, including portable radio communications equipment; UHF and VHF mobile radio equipment for vehicles; telephone, computer, and audio/visual enhancements for the Emergency Operations Center; and a P-25 VHF Digital Repeater System.

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

RESOLUTION NO. 11-06-2007 D – COUNCIL SUPPORT FOR RESTORATION OF THE COOKE COUNTY COURTHOUSE

CONSIDERATION OF AND ACTION ON A RESOLUTION OF CITY OF GAINESVILLE IN SUPPORT OF THE RESTORATION OF THE COOKE COUNTY COURTHOUSE.

The resolution is in support of Cooke County's application for a grant from the Texas Historical Commission for interior renovation of the courthouse.

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

RESOLUTION NO. 11-06-2007 E – APPLICATION FOR HAZARD MITIGATION GRANT PROGRAM FUNDS

CONSIDERATION OF AND ACTION ON A RESOLUTION IN SUPPORT OF THE SUBMITTAL OF AN APPLICATION FOR HAZARD MITIGATION GRANT PROGRAM FUNDS DR-1709 TO BE USED FOR ACQUISITION OF THOSE PROPERTIES AND STRUCTURES THAT CURRENTLY EXIST WITHIN THE FEMA DESIGNATED FLOODWAY, APPOINTING PRIMARY AND SECONDARY PROJECT OFFICERS AND PROVIDING CERTIFICATION FOR CITY FUNDS IN THE AMOUNT OF TWENTY-FIVE PERCENT OF THE PROJECT WITH IN KIND SERVICES, GENERAL FUND DOLLARS, OFFICE OF RURAL COMMUNITY AFFAIRS GRANT DOLLARS OR OTHER MEANS IF AVAILABLE.

The resolution is to approve submittal of an application for Hazard Mitigation Grant Program Funds to be used for acquisition of properties and structures that currently exist within the FEMA designated floodway. The City would be responsible for twenty-five percent of the project, approximately four hundred twenty-nine thousand dollars. John Noblitt, Planning Technician, said the grant funds would be used to acquire high risk properties located in the floodway. He said there are forty-two floodway properties located in the focus area between E. Belcher, East Scott, Railroad Avenue, and North Schopmeyer. This area is the highest concentration of properties in the city located in the floodway. Noblitt said the acquisition process will require appraisals of the properties and negotiation with the property owners, whose participation will be on a voluntary basis. The Resolution designates John Noblitt as the Primary Project Officer, and Dan Parker as the Secondary Project Officer. If the city is notified that it qualifies for the grant funds, the project will come back before the Council for acceptance, and public hearings on the program.

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

RESOLUTION FOR SANITARIAN SERVICES TABLED

CONSIDERATION OF AND ACTION ON A RESOLUTION AUTHORIZING THE MAYOR, FOR AND ON BEHALF OF THE CITY OF GAINESVILLE, TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH GLENN COMER FOR SANITARIAN SERVICES; SAID AGREEMENT FOR THE CONSIDERATION AND TERMS AND CONDITIONS STATED THEREIN IN A FORM ACCEPTABLE TO BOTH PARTIES.

Mayor Loch stated the resolution would be tabled because the City Manager had not been able to review the contract with Mr. Comer.

RESOLUTION NO. 11-06-2007 G – AUTHORIZING TASK ORDER NO. 2 FOR CHANNEL EASEMENT AND LAND TITLE PROFESSIONAL SURVEY SERVICES

CONSIDERATION OF AND ACTION ON A RESOLUTION AUTHORIZING THE MAYOR, FOR AND ON BEHALF OF THE CITY OF GAINESVILLE, TO EXECUTE TASK ORDER NO. 2 AGREEMENT WITH HDR ENGINEERING, INC. FOR CHANNEL EASEMENT AND LAND TITLE PROFESSIONAL SURVEY SERVICES AS PART OF THE PECAN CREEK FLOOD DAMAGE REDUCTION PROJECT FOR THE CITY OF GAINESVILLE.

Kelly Kaatz, HDR Engineering, said as part of the Pecan Creek Flood Damage Reduction Project with the Corps of Engineers, the City is responsible for right of way acquisition. This Task Order No. 2 is for channel easement and land title professional survey services as part of the project.

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

PUBLIC HEARING ON AN ORDINANCE FOR PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM AND NOMINATION OF ALLIED PRODUCTION SOLUTIONS AS A TEXAS ENTERPRISE ZONE PROJECT

Mayor Loch opened the Public Hearing at 7:24 p.m. and called for comments either for or against ordinance. No person came forward to speak either for or against the ordinance.

With no further discussion, Councilmember Snuggs **moved to close the Public Hearing**, and was seconded by Councilmember Goldsworthy, the motion carried unanimously. The Public Hearing was closed at 7:25 p.m.

ORDINANCE NO. 1187-11-2007 – PARTICIPATION IN TEXAS ENTERPRISE ZONE PROGRAM AND NOMINATION OF ALLIED PRODUCTION SOLUTIONS AS AN ENTERPRISE ZONE PROJECT

CONSIDERATION OF AND ACTION ON FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE CITY OF GAINESVILLE TO PARTICIPATE IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE (“ACT”), PROVIDING TAX INCENTIVES, DESIGNATING A LIAISON FOR COMMUNICATION WITH THE INTERESTED PARTIES, AND NOMINATING ALLIED PRODUCTION SOLUTIONS, LP TO THE OFFICE OF THE GOVERNOR, ECONOMIC DEVELOPMENT AND TOURISM (“OOGEDT”) THROUGH THE ECONOMIC DEVELOPMENT BANK (“BANK”) AS AN ENTERPRISE PROJECT (“PROJECT”); PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SUSPENSION OF THE CHARTER REQUIREMENT OF READING THE ORDINANCE ON THREE SEPARATE OCCASIONS.

Steve Schmitz, Allied Production Solutions, introduced Adam Glatz from Ryan Company, consultants for Allied. Schmitz said Ryan Company will prepare and submit all required paperwork for the Enterprise Zone Project. During discussion, Schmitz and Glatz stated the list of incentives attached to the ordinance represent what is currently available in the community, but is not what has been offered to Allied, or inclusive of what Allied expects to be offered or will request to be offered. When asked by Councilman Rippey whether or not it was his intent to ask for a city sales tax refund in the future, Schmitz responded that he would only ask for what was available under the 4B incentive package. Glatz assured that his company will provide assistance to the City for the annual reporting. Glatz reiterated that the program will not cost the City any dollars above what Allied has already received from the City. As a Texas Enterprise Project, Allied will be eligible to receive refund of the state portion of sales and use taxes paid for items used at Allied’s Gainesville facilities. The project and incentives are in place through the year 2012.

Councilmember Williams **moved to suspend the Charter**, and was seconded by Councilmember Snuggs. The motion carried by a vote of 6 ayes, 0 nays, 0 absent, with Councilman Draper abstaining.

Councilmember Snuggs **moved to adopt the ordinance**, and was seconded by Councilmember Goldsworthy. There was no further discussion. The motion carried by a vote of 5 ayes, 0 nays, 0 absent, and Councilman Draper abstaining.

PUBLIC HEARING ON AN ORDINANCE TO RE-PLAT LOT 1, BLOCK 1 OF THE WAL-MART ADDITION

Mayor Loch opened the Public Hearing at 7:34 p.m. and called for comments either for or against ordinance. No person came forward to speak either for or against the ordinance.

With no further discussion, Councilmember Snuggs **moved to close the Public Hearing**, and was seconded by Councilmember Williams, the motion carried. The Public Hearing was closed at 7:35 p.m.

ORDINANCE NO. 1188-11-2007 – APPROVING RE-PLAT OF LOT 1, BLOCK 1 OF WAL-MART ADDITION

CONSIDERATION OF AND ACTION ON FIRST READING OF AN ORDINANCE PROVIDING FOR THE APPROVAL OF THE RE-PLAT OF LOT 1, BLOCK 1 OF THE

WAL-MART ADDITION AS RECORDED IN CABINET A, SLIDE 115, PLAT RECORDS, COOKE COUNTY, TEXAS, SITUATED IN THE R. ALEXANDER SURVEY, ABSTRACT NUMBER 13, 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 OCCASIONS.

Noblitt stated that notice letters were sent to all surrounding property owners. No comments were received either for or against. The re-platting meets all city codes and is recommended for approval by the Planning and Zoning Commission. The re-plat, requested by Wal-Mart, will allow for possible sale of the Murphy Oil Station by the Wal-Mart Corporation.

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

Councilmember Goldsworthy **moved to adopt the ordinance**, and was seconded by Councilmember Williams. There was no further discussion. The motion carried unanimously.

PUBLIC HEARING ON AN ORDINANCE TO RE-ZONE 7.56 ACRES IN E. YEAMAN SURVEY ABSTRACT 1173 FROM COMMERCIAL (C) TO SINGLE FAMILY-1 (SF-1)

Mayor Loch opened the Public Hearing at 7:39 p.m. and called for comments either for or against ordinance. No person came forward to speak either for or against the ordinance.

With no further discussion, Councilmember Hendricks **moved to close the Public Hearing**, and was seconded by Councilmember Snuggs, the motion carried. The Public Hearing was closed at 7:40 p.m.

ORDINANCE NO. 1189-11-2007 – APPROVING RE-ZONING OF 7.56 ACRES IN E. YEAMAN SURVEY ABSTRACT 1173 FROM COMMERCIAL (C) TO SINGLE FAMILY-1 (SF-1)

CONSIDERATION OF AND ACTION ON FIRST READING OF AN ORDINANCE AMENDING ORDINANCE 25-2-71; 101A-8-76; 154-12-79; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AUTHORIZING A RE-ZONING FROM COMMERCIAL (C) TO SINGLE FAMILY-1 (SF-1), 7.56 ACRES IN THE E. YEAMAN SURVEY ABSTRACT 1173, COOKE COUNTY, TEXAS; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF GAINESVILLE; PROVIDING FOR STIPULATIONS; PROVIDING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE; MAKING AN OPEN MEETING FINDING; PROVIDING FOR SUSPENSION OF THE CHARTER REQUIREMENT OF READING THE ORDINANCE ON THREE SEPARATE OCCASIONS.

Noblitt said the change is requested due to realignment by TXDOT and GISD to interchange at FM 1306 and Highway 51, which changed the traffic flow and dynamics of the area. Originally the developer had planned commercial development along the frontage, but had to redesign the entryway. The re-zoning will allow single family homes, consistent with the development of the Tuscany Ridge Subdivision. Noblitt said the request was initiated by the Planning and Zoning Commission to re-zone to single family.

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

