

**MINUTES  
CITY OF GAINESVILLE  
CITY COUNCIL MEETING  
200 South Rusk  
Gainesville, Texas 76240  
December 4, 2007**

The City Council of the City of Gainesville, Texas met in regular session on December 4, 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, Mayor Pro Tem

**STAFF PRESENT:** Dan Parker, Interim City Manager; Kay Lunnon, City Secretary; Bill Harris, City Attorney; John Noblitt, Planning Technician; Lynette Pettigrew, Main Street Director; Kent Sharp, GEDC Executive Director; Steven Fleming, Interim Police Chief

**OTHERS PRESENT:** Lennie Sewell, Andy Hogue, Kathy Floyd, Mike Murphree, William Carter, Bill Holmberg, Mary Jarvis, Chris Cypert, Marilyn Wilson, Frank Lorne, Paula Durnberger

**CALL TO ORDER**

Mayor Loch called the meeting to order with a quorum of members present. The absence of Jim Goldsworthy, Mayor Pro Tem, was noted.

**INVOCATION & PLEDGE OF ALLEGIANCE**

Reverend Mark Loewen of First Christian Church gave the invocation. Mayor Loch led the pledge to the flag.

**RECOGNITION**

A financial reporting achievement award was read and presented by Mayor Loch to the Finance Department, represented by Dan Parker, Finance Director, Mary Jarvis, Controller, and Bill Holmberg, Purchasing Agent. The Comprehensive Annual Financial Report (CAFR), is issued by the Government Finance Officers Association of the United States and Canada to governmental entities that achieve the highest standards in government accounting and financial reporting. The City of Gainesville has received this award sixteen times in the past eighteen years.

**CITIZEN COMMENTS**

Lennie Sewell came before the Council and asked when Pecan Creek will be cleaned out from Belcher Street to Highway 82. She said she asked this question at the Council meeting last month and has not been answered, nor has Pecan Creek been cleaned out. Quoting from the newly adopted flood ordinance, Sewell said that the City is responsible for removing weeds, brush, trees and debris from creek and drainage channels and their banks. She said the same statement was contained in the 1987 flood ordinance, yet Pecan Creek has never been cleaned out. Sewell asked why it is that citizens are required to comply with City ordinances when the City itself does not comply? Sewell requested that Council place this issue on the next regularly

scheduled meeting agenda to be answered publicly by the Council. She said procrastination is a detrimental enemy.

**CONSENT AGENDA**

Council reviewed the Minutes of the Regular City Council Meeting on November 20, 2007, and approved them as written.

Councilmember Snuggs **moved to approve the Consent Agenda**, and was seconded by Councilmember Draper. The motion carried by a vote of 6 Ayes: Draper, Hendricks, Loch, Rippy, Snuggs, Williams; 0 Nays, and 1 Absent: Goldsworthy.

**RESOLUTION NO. 12-04-2007 - CONTRACT WITH CITY OF LINDSAY FOR TEMPORARY USE OF BRUSH TRUCK**

A RESOLUTION AUTHORIZING A CONTRACT WITH THE CITY OF LINDSAY FOR THE TEMPORARY USE OF EQUIPMENT BY THE GAINESVILLE FIRE DEPARTMENT.

Captain Mike Murphree said the City of Lindsay and the Lindsay Volunteer Fire Department has offered temporary loan of a brush truck to the Gainesville Fire Department, which will allow Gainesville to be able to provide this level of fire protection if needed. Gainesville's brush truck is out of service. A new brush truck has been ordered but will not be received until mid-January.

Councilmember Draper **moved to approve** and was seconded by Councilmember Williams. The motion carried by a vote of 6 Ayes: Draper, Hendricks, Loch, Rippy, Snuggs, Williams; 0 Nays, and 1 Absent: Goldsworthy.

**RESOLUTION NO. 12-04-2007 A - TWO (2) GROUND LEASES WITH JOHN BROWN FOR PRIVATE HANGARS AT THE GAINESVILLE MUNICIPAL AIRPORT**

CONSIDERATION OF AND ACTION ON A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF GAINESVILLE TO EXECUTE TWO (2) GROUND LEASE AGREEMENTS WITH JOHN BROWN FOR THE PURPOSE OF CONSTRUCTING TWO (2) PRIVATE HANGARS AT THE GAINESVILLE MUNICIPAL AIRPORT.

Airport Director David Vinton, reported Mr. Brown would construct two private hangars with the intention of leasing or selling them. Each lease is for a primary thirty-year term, with two five-year extensions if agreed by both parties. Rental rate is fourteen cents per square foot per year. Lease payments are subject to review and adjustment at five-year intervals throughout the term of the lease.

Mayor Loch commented about the Transportation Summit Meeting hosted by Congressman Michael Burgess at the Texas Motor Speedway in November and praised Vinton for his representation and promotion of the Gainesville Municipal Airport at the meeting.

Councilmember Hendricks **moved to approve the resolution** and was seconded by Councilmember Snuggs. The motion carried by a vote of 6 Ayes: Draper, Hendricks, Loch, Rippy, Snuggs, Williams; 0 Nays, and 1 Absent: Goldsworthy.

**RESOLUTION NO. 12-04-2007 B – CANCELED CITY COUNCIL MEETING OF JANUARY 1, 2008**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS TO RESCHEDULE OR CANCEL THE REGULAR COUNCIL MEETING OF JANUARY 1, 2008.

Council discussed whether to re-schedule or cancel the first regular City Council meeting in January, scheduled for Tuesday, January 1, 2008, and agreed to cancel the meeting unless an item of business came up that would make it necessary to hold the meeting.

Councilmember Draper **moved to cancel the January 1, 2008 City Council meeting** and was seconded by Councilmember Snuggs. The motion carried by a vote of 6 Ayes: Draper, Hendricks, Loch, Rippy, Snuggs, Williams; 0 Nays, and 1 Absent: Goldsworthy.

**RESOLUTION NO. 12-04-2007 C – EXPECTATION TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT**

A RESOLUTION DECLARING EXPECTATION TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT.

Interim City Manager Dan Parker stated the City would issue General Obligation bonds in 2008 to cover expenses directly related to the equipment, structures, and software approved in the 2007-2008 budget. Prior to the issuance of the obligations, the City will make expenditures from existing funds on hand, and it is the intent of the City to reimburse the funds from the proceeds of the sale of bonds. This resolution must be in place to be able to reimburse the expenditures.

Councilmember Snuggs **moved to approve** and was seconded by Councilmember Williams. The motion carried by a vote of 6 Ayes: Draper, Hendricks, Loch, Rippy, Snuggs, Williams; 0 Nays, and 1 Absent: Goldsworthy.

**PUBLIC HEARING ON AN ORDINANCE TO REZONE 703 HANCOCK**

Mayor Loch opened the Public Hearing at 6:47 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 Draper **moved to close the Public Hearing**, and was seconded by Councilmember Snuggs, the motion carried. The Public Hearing was closed at 6:48 p.m.

**ORDINANCE TO REZONE 703 HANCOCK**

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 THE CITY OF GAINESVILLE, TEXAS, TO REZONE 703 HANCOCK STREET FROM SINGLE FAMILY-3 (SF-3) TO TWO FAMILY (2F); PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF GAINESVILLE; PROVIDING FOR STIPULATIONS; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING; PROVIDING FOR SUSPENSION OF THE CHARTER REQUIREMENT OF READING THE ORDINANCE ON THREE SEPARATE OCCASIONS.

Planning Technician, John Noblitt stated the Planning and Zoning Commission has recommended disapproval due to the actual land use being inconsistent with the current City Comprehensive Land Use Plan and the possibility of it being viewed as spot zoning. Noblitt said the area would be looked at later in a broader scope as Planning and Zoning is working to adopt a new zoning ordinance and a new land use plan. Noblitt said the requestors are willing to hold off until the new comprehensive plan is in place. Frank Lorne requested to speak and said the City has been inconsistent with re-zoning because a property located just four blocks from 703 Hancock has been re-zoned. He added that his family home place is located within the 200 foot

perimeter of 703 Hancock and they did not receive a notice letter from the City. Noblitt confirmed the notice was mailed to 1001 Field Street.

Councilmember Snuggs **moved to suspend the Charter**, and was seconded by Councilmember Rippy. The motion carried by a vote of 6 Ayes: Draper, Hendricks, Loch, Rippy, Snuggs, Williams; 0 Nays, and 1 Absent: Goldsworthy.

Councilmember Snuggs **moved to disapprove the ordinance**, and was seconded by Councilmember Williams. The motion carried by a vote of 5 Ayes: Draper, Loch, Rippy, Snuggs, Williams; 1 Nay: Hendricks; and 1 Absent: Goldsworthy.

**PUBLIC HEARING ON AN ORDINANCE TO RENEW A SPECIFIC USE PERMIT FOR MOBILE HOME AT 3611 EAST HWY 82**

Mayor Loch opened the Public Hearing at 6:53 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 Williams **moved to close the Public Hearing**, and was seconded by Councilmember Hendricks, the motion carried. The Public Hearing was closed at 6:54 p.m.

**ORDINANCE FOR A SPECIFIC USE PERMIT FOR A MOBILE HOME AT 3611 EAST HWY 82**

FIRST READING OF AN ORDINANCE AMENDING ORDINANCE 25-2-71; 101A-8-76; 154-12-79; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, AUTHORIZING THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, TO GRANT A SPECIFIC USE PERMIT RENEWAL, AS REQUESTED BY MR. MATTHEW AND MRS. RANDALYNE DUKE FOR A MOBILE HOME TO BE USED AS A SINGLE FAMILY RESIDENCE LOCATED AT 3611 E. HWY. 82 FOR A PERIOD OF TIME TO BE DETERMINED BY CITY COUNCIL OR UNTIL THE PROPERTY CHANGES OWNERSHIP; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF GAINESVILLE; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE; MAKING AN OPEN MEETING FINDING; PROVIDING FOR SUSPENSION OF THE CITY CHARTER REQUIREMENT OF READING ON THREE SEPARATE OCCASIONS.

Noblitt stated the Planning and Zoning Commission approved the mobile home for renewal of a two-year permit. The applicants have met all requirements and there are no violations on record. This mobile home is one of two mobile homes located on the property along with a brick home. Mayor Loch and Councilmember Snuggs said they had viewed the location and this mobile home appeared to be well maintained. They noted however, that the second mobile home, permitted earlier this year, appeared to be vacant and that little progress had been made on remodeling it. Noblitt was instructed to review the terms of the permit and bring it back before the Council if necessary.

Councilmember Draper **moved to approve first reading of the ordinance**. The motion was seconded by Councilmember Snuggs. The motion carried by a vote of 6 Ayes: Draper, Hendricks, Loch, Rippy, Snuggs, Williams; 0 Nays, and 1 Absent: Goldsworthy.

**PUBLIC HEARING ON AN ORDINANCE FOR TAXATION OF SUPER FREEPORT GOODS IN TRANSIT**

Mayor Loch opened the Public Hearing at 6:59 p.m. and called for comments either for or against ordinance.

No person came forward to speak either for or against the ordinance.

Mayor Loch requested that Dan Parker explain the ordinance. Parker said that the legislation regarding taxation of Super Freeport goods in transit is an “opt out” situation for the City, and exemption from Super Freeport taxation will apply automatically unless the City “opts out” before December 31. Super Freeport goods reside temporarily in a city or in a warehouse to be shipped to another location inside or outside of Texas. The City has received no fiscal information regarding the impact of the taxes. Parker said the taxation can be re-considered annually by Council.

With no further discussion, Councilmember Draper **moved to close the Public Hearing**, and was seconded by Councilmember Snuggs, the motion carried. The Public Hearing was closed at 7:02 p.m.

### **ORDINANCE FOR TAXATION OF SUPER FREEPORT GOODS IN TRANSIT**

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 18, ARTICLE I, OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, TEXAS, BY ADDING SECTION 18.7.1 ENTITLED TAXATION OF “SUPER FREEPORT” TANGIBLE PERSONAL PROPERTY IN TRANSIT; PROVIDING FOR THE AD VALOREM TAXATION OF TANGIBLE PERSONAL PROPERTY IN TRANSIT OR “SUPER FREEPORT” GOODS PURSUANT TO SECTION 11.253 OF THE TEXAS TAX CODE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT WITH THE CODES ADOPTED HEREIN; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION; AND PROVIDING FOR CHARTER SUSPENSION.

Establishing that passage of this ordinance does provide for taxation of Super Freeport goods in transit, Draper said he wants to pass the ordinance because the City should not leave a blank check to abate taxes.

Councilmember Draper **moved to approve first reading of the ordinance**. The motion was seconded by Councilmember Williams. The motion carried by a vote of 6 Ayes: Draper, Hendricks, Loch, Rippey, Snuggs, Williams; 0 Nays, and 1 Absent: Goldsworthy.

### **PUBLIC HEARING ON AN ORDINANCE TO ESTABLISH ARCHITECTURAL DESIGN GUIDELINES FOR HISTORIC COMMERCIAL AND RESIDENTIAL STRUCTURES**

Mayor Loch opened the Public Hearing at 7:04 p.m. and called for comments either for or against ordinance. Mayor requested that John Noblitt explain the ordinance. John Noblitt said the guidelines are necessary to provide guidance for the Main Street Advisory Board to be able to make decisions and recommendations to Planning and Zoning regarding changes, renovation and demolition of historic structures. He said the document itself is an overlay that currently covers only the area zoned (CA) Central Area, which covers approximately from the Santa Fe Depot to Weaver Street, and from Pecan Street to Broadway Street. However, the document has been written to cover both historic commercial and residential uses within the City as more areas are adopted into the Heritage Overlay.

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 Draper, the motion carried. The Public Hearing was closed at 7:08 p.m.

**ORDINANCE TO ESTABLISH ARCHITECTURAL DESIGN GUIDELINES FOR HISTORIC COMMERCIAL AND RESIDENTIAL STRUCTURES**

FIRST READING OF AN ORDINANCE ADDING ARTICLE VII. HISTORIC DISTRICT TO CHAPTER 15 PLANNING AND DEVELOPMENT OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE; ESTABLISHING ARCHITECTURAL GUIDELINES FOR HISTORIC COMMERCIAL AND RESIDENTIAL DEVELOPMENT WITHIN THE CITY OF GAINESVILLE; ESTABLISHING A FEE FOR APPLICATION REVIEW; DESIGNATING A PRESERVATION OFFICER; PROVIDING FOR PUBLICATION; PROVIDING 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.

Councilman Rippey voiced his concern that under the guidelines, preservation of historic buildings might not be a high priority because preservation can be expensive, and instead, historic buildings would come down and development of newer structures might be favored. He asked if the ordinance would allow older buildings to be torn down due to economics. Noblitt said that while the guidelines would not prevent that from happening, the intent is to put a process in place that provides the opportunity for review of historic structures before they can be removed, but also to not prevent a structure from being able to be removed and replaced as it becomes dilapidated. He said Main Street Board and the Planning and Zoning Commission are interested in maintaining the heritage of surrounding areas. Under these guidelines, historic structures would be reviewed before changes, destruction or replacement. If the structure is to be replaced, it is to be replaced with a quality structure. To initiate any new construction, addition or reconstruction to property, applicants must follow a process that receives review and input from the Historic Commission and the Planning and Zoning Commission, and a Certificate of Appropriateness must be issued before any work can begin. Noblitt assured that economic hardship is not an allowable reason to take down a building.

Rippey asked what the City could do to help alleviate and to promote the rehabilitation of historic buildings. Noblitt responded that the Main Street Board is working with the Gainesville Economic Development Corporation on a grant program that would offer some assistance for that purpose and they are interested in the preservation of historic buildings. Main Street is working toward an overall plan for redevelopment and preservation of historic buildings. Rippey added that it might be in the City's interest to help in the process to save historic structures. Noblitt said the desire is to provide for the safety of historic buildings and still have quality structures that maintain the distinct character of our town.

The ordinance provides for the City Manager to designate a Preservation Officer, and Noblitt said Main Street Director, Lynette Pettigrew, would be a logical choice.

Councilmember Draper **moved to approve first reading of the ordinance**. The motion was seconded by Councilmember Snuggs. The motion carried by a vote of 6 Ayes: Draper, Hendricks, Loch, Rippey, Snuggs, Williams; 0 Nays, and 1 Absent: Goldsworthy.

**EXECUTIVE SESSION**

