

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
December 18, 2007**

The City Council of the City of Gainesville, Texas met in regular session on December 18, 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 Rippey, Beverly Snuggs, Woody Williams

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

OTHERS PRESENT: Andy Hogue, Kathy Floyd, Matthew and Randalyne Duke, Lennie Sewell, Paula Durnberger

CALL TO ORDER

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

INVOCATION & PLEDGE OF ALLEGIANCE

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

CONSENT AGENDA

Council reviewed the Minutes of the Regular City Council Meeting on December 04, 2007, and the Minutes of the Special Called Meeting on December 10, 2007, and approved them as written.

BOARD APPOINTMENTS:

RESOLUTION NO. 12-18-2007 – APPOINTMENTS TO MAIN STREET ADVISORY BOARD

Randy Harper was re-appointed and Johnny Leftwich was appointed to three-year terms on the Main Street Board. Their terms expire December 2010.

RESOLUTION NO. 12-18-2007 A – APPOINTMENTS TO KEEP GAINESVILLE BEAUTIFUL BOARD

Melinda Powell and Donna Hertel were re-appointed and Marla Bentley was appointed to the Keep Gainesville Beautiful Board, each to three-year terms, expiring in December 2010. Hertel and Bentley are appointed as alternate members.

RESOLUTION NO. 12-18-2007 B – APPOINTMENT TO MENTAL HEALTH MENTAL RETARDATION BOARD

Appointment of Mark Loewen to the MHMR Board of Directors was approved to a term that expires August 2009.

Councilmember Goldsworthy **moved to approve the Consent Agenda**, and was seconded by Councilmember Williams. The motion carried by unanimous vote.

ORDINANCE NO. 1191-12-2007 - SPECIFIC USE PERMIT FOR A MOBILE HOME AT 3611 EAST HWY 82

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 no changes have occurred since first reading of this ordinance. Planning and Zoning Commission approved the mobile home for renewal of a two-year permit. The applicants have met all requirements; there are no violations on record; and the City has received no objections to the use permit for the Duke's mobile home. Following up with information on the second mobile home as requested, Noblitt reported the owners of the second mobile home have replaced their roof but the mobile home remains vacant. There were no stipulations with Council's approval of the permit.

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

Councilmember Snuggs **moved to adopt the ordinance**. The motion was seconded by Councilmember Goldsworthy and carried by unanimous vote.

ORDINANCE NO. 1192-12-2007 – ADOPTING TAXATION OF SUPER FREEPORT GOODS IN TRANSIT

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.

Interim City Manager Parker confirmed the deadline for Council action is December 31 to either pass or reject the ordinance "opting out" of the exemption of taxation of Super Freeport goods-in-transit, and added that Chief Appraiser Doug Smithson has no information regarding the financial impact of Super Freeport taxation to the City. Parker stated that he has received no calls or contacts from the business community regarding the ordinance or the taxation. With the adoption of this ordinance, Super Freeport goods in transit become subject to ad valorem taxation beginning January 1, 2008.

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

Councilmember Draper **moved to adopt the ordinance**. The motion was seconded by Councilmember Goldsworthy and carried by unanimous vote.

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

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. Pictometry showing the Central Area (CA) affected by the ordinance was viewed. Noblitt reported members the Downtown Development Association have not expressed any objections to the proposed guidelines, and Main Street Board members and Planning and Zoning Commission members favor the guidelines. No objections have been received from the public. Main Street Director, Lynette Pettigrew noted that the guideline document uses the words “historic” and “heritage” interchangeably throughout the document, but she said that, for consistency, the word historic will be replaced with heritage for the third reading of the ordinance.

In discussion regarding the origin and need for the overlay guidelines, Noblitt said establishment of these guidelines will provide consistency for recommendation and decision making to the Main Street Board and Planning and Zoning. He said the City’s adoption of the International Building Code added recommendation by Main Street Board to the Planning & Zoning Commission for any changes to structures, but it did not establish guidelines for making recommendation. The proposed overlay currently covers only the Central Area (CA) which is also designated in the Zoning Code as an historic area. The overlay can be expanded to include other areas in the City and will protect preservation of and provide a standard review process for heritage structures in the City. While the desire is to preserve historic structures, Noblitt said the ordinance does not necessarily hamstring new development - it adds opportunity for the City to review new development. Goldsworthy inquired whether the people in the area have been informed about the ordinance, and Noblitt stated he has communicated with the local newspaper, but notices were not sent out to property owners. Noblitt said the application review fee was kept in range to not pose a real burden.

Councilmember Snuggs **moved to approve second reading of the ordinance**. The motion was seconded by Councilmember Rippy and carried by unanimous vote.

EXECUTIVE SESSION

Mayor Loch announced at 6:51 p.m. that Council would adjourn into closed executive session for discussion under Government Code §551.074, Personnel matters.

RECONVENE INTO OPEN SESSION

Council reconvened into open session at 7:01 p.m. Mayor Loch announced no action was taken during executive session.

No further action was taken following executive session.

INTERIM CITY MANAGER’S COMMENTS

Dan Parker stated John Noblitt and Ron Sellman are responding to the questions asked by Mrs. Lennie Sewell at the previous Council meeting. He said Noblitt and Ron Sellman have contacted the Army Corps of Engineers for proper procedure to gain access to Pecan Creek properties for clean out of creek areas as requested.

Parker advised that the Delinquent Tax Collection Contract is expiring and will be presented for renewal on the next regular Council meeting agenda.

A draft ordinance addressing use of cell phones in school zones was emailed to Council members for their input and comments.

CITY ATTORNEY COMMENTS

Bill Harris wished everyone a Merry Christmas and Happy New Year.

MAYORS COMMENTS

Mayor Loch wished a Merry Christmas on behalf of the City Council and urged everyone to remember that we celebrate Christmas because it is Christ’s birthday.

ADJOURNMENT

With no further business to come before the City Council, the meeting adjourned at 7:03 p.m.

/S/
Glenn Loch, Mayor

Attest:

/S/
Kay Lunnon, City Secretary