

**MINUTES  
CITY OF GAINESVILLE  
CITY COUNCIL MEETING  
200 South Rusk  
Gainesville, Texas 76240  
April 15, 2008**

The City Council of the City of Gainesville, Texas met in regular session on April 15, 2008 at 6:30 p.m. with the following persons in attendance:

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

**MEMBERS ABSENT:** Vince Rippy

**STAFF PRESENT:** Barry Sullivan, City Manager; Kay Lunnon, City Secretary; Bill Harris, City Attorney; Ron Sellman, Public Services Director; Patrick McCage, Parks Supervisor

**OTHERS PRESENT:** Kathy Floyd, Andy Hogue, Stephen Monahans, Kathey Scott, Marge Tittsworth, Merle Currie, Bernice Sicking, Heather Moster, Nathan Hogan, Diane Knauf, Don Knauf, John Carter

**CALL TO ORDER**

Mayor Loch called the meeting to order with a quorum of members present and noting the absence of Rippy.

**INVOCATION & PLEDGE OF ALLEGIANCE**

Councilman Draper gave the invocation. Mayor Loch led the pledge to the flag.

Before going into Citizens Comments, Mayor Loch called forward and introduced Heather Moster and John Carter, who are government students at North Central Texas College, and in attendance at the Council meeting for course credit.

**CITIZENS COMMENTS**

Bernice Sicking spoke about the Meals on Wheels Program and said they are presently operating out of the First Christian Church, but are completing renovation of their new location on South Weaver Street and plan to be in operation there by May. She requested City fund to assist Meals on Wheels with utility bills and also asked if the City could mow the property. Sicking said any assistance would be appreciated. Mayor advised contacting the City Manager to work toward a solution.

**CONSENT AGENDA**

Council reviewed the Minutes of the Regular City Council Meeting of April 1, 2008. Councilmember Snuggs corrected the order of occurrence of three items, moving the Invocation and Pledge, and Proclamations ahead of Citizens Comments.

**BOARD APPOINTMENTS:**

**RESOLUTION NO. 04-15-2008 – APPOINTMENTS TO PARKS & RECREATION BOARD**

David Cornett and Patty Haayen were re-appointed to two-year terms on the Parks and Recreation Board. Their terms expire March 2010. Mike Schmitz has submitted his resignation from the Board.

Councilmember Draper **moved to approve the items on the Consent Agenda, including corrections to the Minutes as noted by Snuggs.** The motion was seconded by Councilmember Snuggs, and carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, and 1 Absent (Rippy).

**RESOLUTION NO. 04-15-2008 A - CONTRACT WITH UTILITY SERVICE CO., INC. FOR RENOVATION AND MAINTENANCE OF GROUND STORAGE TANK ON NORTH WEAVER STREET**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AGREEMENT WITH UTILITY SERVICE CO., INC. FOR THE RENOVATION AND MAINTENANCE OF THE GROUND STORAGE TANK ON NORTH WEAVER STREET.

Barry Sullivan said the company presently maintains other City tanks and we want to extend this service to two additional locations, Pump Stations 8 and 10A. Public Services Director, Ron Sellman, recommended approval of the water tank maintenance contract with Utility Service Co., Inc. for the ground storage tank on North Weaver Street. He said the 400,000 gallon G.S.T. will receive annual inspections, tank cleaning, re-painting of the interior and/or exterior as needed, and other necessary annual tank maintenance and repairs that meet the requirements of the Texas Commission on Environmental Quality (TCEQ). The expenditure is budgeted in the current fiscal year.

Councilmember Hendricks **moved to approve,** and was seconded by Councilmember Goldsworthy. The motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, and 1 Absent (Rippy).

**RESOLUTION NO. 04-15-2008 B – CONTRACT WITH UTILITY SERVICE CO., INC. FOR RENOVATION AND MAINTENANCE OF GROUND STORAGE TANK ON NORTH RADIO HILL ROAD**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AGREEMENT WITH UTILITY SERVICE CO., INC. FOR THE RENOVATION AND MAINTENANCE OF THE GROUND STORAGE TANK ON NORTH RADIO HILL ROAD.

Sellman recommended approval of this water tank maintenance contract with Utility Service Co., Inc. for the 400,000 gallon ground storage tank on North Radio Hill Road. This contract also will cover annual inspections, tank cleaning, re-painting of the interior and/or exterior as needed, and other necessary annual tank maintenance and repairs that meet the requirements of the Texas Commission on Environmental Quality (TCEQ). Funds are budgeted in the current fiscal year.

Councilmember Williams **moved to approve,** and was seconded by Councilmember Snuggs. The motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, and 1 Absent (Rippy).

**RESOLUTION NO. 04-15-2008 C - TASK ORDER NO. 6 AGREEMENT WITH HDR ENGINEERING, INC. FOR SANITARY SEWER DESIGN AND RIGHT-OF-WAY SURVEY AS PART OF PECAN CREEK FLOOD DAMAGE REDUCTION PROJECT**

A RESOLUTION AUTHORIZING THE CITY MANAGER, FOR AND ON BEHALF OF THE CITY OF GAINESVILLE, TO EXECUTE TASK ORDER NO. 6 AGREEMENT WITH HDR ENGINEERING, INC. FOR PROFESSIONAL SERVICES FOR THE PECAN CREEK SANITARY SEWER DESIGN AND RIGHT OF WAY SURVEY AS PART OF THE PECAN CREEK FLOOD DAMAGE REDUCTION PROJECT FOR THE CITY OF GAINESVILLE.

Sullivan said the task order deals with the wastewater trunk line along the Pecan Creek that will need to be re-located and additional design and planning is necessary. The engineering agreement is for a right-of-way survey and design of a sanitary sewer trunk line interceptor

necessary to connect into the City's system south of Moss Street as part of the Pecan Creek Flood Damage Reduction Project.

Councilmember Draper **moved to approve**, and was seconded by Councilmember Goldsworthy. The motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, and 1 Absent (Rippy).

**RESOLUTION NO. 04-15-2008 D - TASK ORDER NO. 7 AGREEMENT WITH HDR ENGINEERING, INC. FOR PECAN CREEK MITIGATION AREA RIGHT OF WAY SURVEY AS PART OF PECAN CREEK FLOOD DAMAGE REDUCTION PROJECT**

A RESOLUTION AUTHORIZING THE CITY MANAGER, FOR AND ON BEHALF OF THE CITY OF GAINESVILLE, TO EXECUTE TASK ORDER NO. 7 AGREEMENT WITH HDR ENGINEERING, INC. FOR PROFESSIONAL SERVICES FOR PECAN CREEK MITIGATION AREA RIGHT OF WAY SURVEY AS PART OF THE PECAN CREEK FLOOD DAMAGE REDUCTION PROJECT FOR THE CITY OF GAINESVILLE.

This task order is for engineering services for a property boundary survey and legal descriptions for environmental impact mitigation area right-of-way, defined as 150 feet each side of Pecan Creek from near Smith Street north to U. S. Hwy 82. The survey is required by the Corps of Engineers as part of the Pecan Creek Flood Damage Reduction Project. Goldsworthy inquired when the Pecan Creek Project would begin. Sullivan said dirt moving would start May 2009, beginning with moving the bridges and then work would begin on the channel. Engineering plans should be ready for Public Hearings this June or July.

Councilmember Goldsworthy **moved to approve**, and was seconded by Councilmember Williams. The motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, and 1 Absent (Rippy).

**PUBLIC HEARING ON AN ORDINANCE FOR A SPECIFIC USE PERMIT AT 4539 IH-35 NORTH FOR AN OFFICE AND PIPE YARD IN THE I-35 CORRIDOR FOR HEP OIL COMPANY**

Mayor Loch opened the Public Hearing at 6:57 p.m. and called for comments either for or against the Specific Use Permit. 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 by vote of 6 Ayes, 0 Nays, 0 Abstentions, and 1 Absent (Rippy). The Public Hearing was closed at 6:58p.m.

**FIRST READING APPROVAL OF AN ORDINANCE FOR A SPECIFIC USE PERMIT AT 4539 IH-35 NORTH FOR AN OFFICE AND PIPE YARD IN THE I-35 CORRIDOR FOR HEP OIL COMPANY**

FIRST READING OF AN ORDINANCE AMENDING ORDINANCE NO. 25-2-71; 154-12-79; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, TO GRANT A SPECIFIC USE PERMIT, AS REQUESTED BY HEP OIL COMPANY GP, LLC, ALLOWING THE OPERATION OF AN OFFICE AND PIPE YARD IN THE IH-35 DEVELOPMENT CORRIDOR LOCATED AT 4539 IH-35 NORTH; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF GAINESVILLE; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND CONTAINING A SEVERABILITY CLAUSE; MAKING AN OPEN MEETING FINDING; AND PROVIDING FOR SUSPENSION OF THE CITY CHARTER REQUIREMENT OF READING ON THREE SEPARATE OCCASIONS.

Sullivan stated the project is located in an industrial area. Sullivan said he hopes in the future to zone land in the City with strict requirements for use so that permits for special uses will not be

required. Planning and Zoning Commission recommended approval of the SUP for the life of the property. The owners are to locate all pump jacks to the back of the yard, and maintain louvers in the fencing along the eastern property line to screen the property from I-35. If the property changes ownership or property use, the SUP will be reviewed for determination of a new application.

Councilmember Draper **moved to approve first reading**, and was seconded by Councilmember Snuggs. The motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, and 1 Absent (Rippy).

**ORDINANCE NO. 1199-04-2008 - PROHIBITING CHILD SEX OFFENDERS FROM ENTERING ANY CITY PARK AND FROM LOITERING WITHIN 300 FEET OF A CITY PARK**

FIRST READING OF AN ORDINANCE AMENDING CITY OF GAINESVILLE CODE OF ORDINANCE, CHAPTER 14, PARKS AND RECREATION, ARTICLE I, BY ADDING SECTION 14-11, PROHIBITING CHILD SEX OFFENDERS FROM ENTERING ANY CITY PARK AND FROM LOITERING ON A PUBLIC WAY WITHIN 300 FEET OF A CITY PARK; DEFINING CHILD SAFETY ZONE, CITY PARK, CHILD SEX OFFENDER, LOITER AND PUBLIC WAY; PROVIDING FOR ENFORCEMENT PROCEDURES; PROVIDING FOR PENALTY OF VIOLATION NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00); PROVIDING A SAVINGS AND REPEALER CLAUSE; PROVIDING SEVERABILITY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

Sullivan presented the ordinance on behalf of Councilmember Rippy who requested consideration of the ordinance. The ordinance makes it a crime for a child sex offender to loiter in a city park or on a public way within 300 feet of a city park. Public way is defined as any place to which the public or a substantial group of the public has access and includes, but is not limited to streets, common areas of schools, shopping centers, parking lots, parks, playgrounds, transportation facilities, theaters, restaurants, shops, bowling alleys, taverns, cafes, arcades, and similar areas that are open to the use of the public.

Councilmember Goldsworthy **moved to suspend the Charter**, and was seconded by Councilmember Williams. The motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, and 1 Absent (Rippy).

Councilmember Goldsworthy **moved to adopt the ordinance**. The motion was seconded by Councilmember Williams and carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, and 1 Absent (Rippy).

**RESOLUTION NO. 04-15-2008 E – APPROVING SITE PLAN AT 217 NORTH WEAVER AS SUBMITTED BY BENGFORT CONSTRUCTION**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, GRANTING APPROVAL OF THE SITE PLAN IN THE I-35 CORRIDOR, FOR THE PROPERTY LOCATED AT 217 NORTH WEAVER STREET FOR THE CONSTRUCTION OF A COMMERCIAL BUSINESS, SUBMITTED BY BENGFORT CONSTRUCTION.

Sullivan said the site plan is for construction of a commercial business at 217 North Weaver Street. The business is currently located in Gainesville but is changing location. Planning and Zoning Commission reviewed the plan and recommended approval. The plan meets all requirements of the I-35 Corridor Development Ordinance.

Councilmember Williams **moved to approve**, and was seconded by Councilmember Goldsworthy. The motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, and 1 Absent (Rippy).

