

**CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
May 20, 2008**

The City Council of the City of Gainesville, Texas met in regular session on May 20, 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, Ray Nichols, Beverly Snuggs, Vince Rippy

MEMBERS ABSENT: Woody Williams (outgoing Council member)

STAFF PRESENT: Barry Sullivan, City Manager; Kay Lunnon, City Secretary; Bill Harris, City Attorney; Dan Parker, Finance Director; Steven Fleming, Police Chief; Ron Sellman, Public Services Director; Chris Cypert, Municipal Judge

OTHERS PRESENT: Kathy Floyd, Stephen Monahan, Andy Hogue, Judge John Morris, Gaylene Morris, Bob Smith, Beverly Smith, Barbara Bloom, Suzanne McCann, Rod Tyler, Boyd London

CALL TO ORDER

Mayor Loch called the meeting to order at 6:30 p.m. with a quorum of members present. Woody Williams, outgoing Councilmember was absent.

INVOCATION & PLEDGE OF ALLEGIANCE

Reverend Ray Smith, Chaplain at North Texas Medical Center gave the invocation. Mayor Loch led the pledge to the flag.

OATH OF OFFICE TO NEWLY ELECTED OFFICIALS

Judge John Morris, Cooke County Court at Law, administered the Oath of Office to newly elected officials Chris Cypert, Municipal Judge, Charles Draper, Councilmember Ward 3, Ray Nichols, Councilmember Ward 5, and Vince Rippy, Councilmember Ward 6.

ELECTION OF MAYOR PRO TEM

Mayor Loch called for nominations for Mayor Pro Tem for the next Council year. Councilmember Draper nominated Jim Goldsworthy as Mayor Pro Tem. Councilmember Snuggs seconded the motion. With no further discussion Jim Goldsworthy was elected Mayor Pro Tem by a vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

PROCLAMATIONS

Mayor Loch read a Proclamation declaring **Public Works Week** in the City of Gainesville during the week of May 18th through 24th. Public Services Staff receiving the Proclamation were Ron Sellman, Craig Evins, John Harp, Sam West, Earl Williams, David Garner, Polly Boone, and John Nusbaum. The Mayor commended them for the great service the department performs for the community.

CONSENT AGENDA

Council reviewed the Minutes of the Regular City Council Meeting of May 6, 2008, and approved them as written.

BOARD APPOINTMENTS:

RESOLUTION NO. 05-20-2008 – APPOINTMENTS TO MAIN STREET BOARD

Paige Davidson was appointed to the Main Street Board, to a term expiring December 2010, to fill the position left by Jan Russell.

Councilmember Goldsworthy **moved to approve the items on the Consent Agenda.** The motion was seconded by Councilmember Snuggs, and carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

RESOLUTION NO. 05-20-2008 A – APPOINTMENTS TO GAINESVILLE HOUSING AUTHORITY BOARD

Patty Haayen and W. J. Idell were re-appointed to the Gainesville Housing Authority Board, each to two-year terms expiring April 2010.

Councilmember Draper **moved to approve,** and was seconded by Councilmember Rippy. The motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

RESOLUTION NO. 05-20-2008 B – SUPPORT OF TEXOMA REGIONAL PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS PROJECT FOR FIRE DEPARTMENT

A RESOLUTION IN SUPPORT OF TEXOMA REGIONAL PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS PROJECT.

City Manager Barry Sullivan, in recommending approval for the project, said the grant will provide equipment interoperability that is not possible for us at the present time between local UHF and VHF responders and mutual aid partners, enabling increased radio communication capability with other municipalities and government agencies during an emergency. Fire Chief Steve Boone said by state law we are required to reach the level of communication that this equipment will provide. The project includes seven other communication/dispatch centers in the three-county region of the Texoma Council of Governments. The funds will be budgeted in the 2008-2009 fiscal year. The resolution approves 20% local match funds in support of a Homeland Security grant application by TCOG to provide funding for radio equipment for the Gainesville dispatch center.

Councilmember Rippy **moved to approve,** and was seconded by Councilmember Goldsworthy. The motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

RESOLUTION NO. 05-20-2008 C – ANNUAL COMPENSATION FOR MUNICIPAL COURT JUDGE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS PROVIDING FOR ANNUAL COMPENSATION FOR THE MUNICIPAL COURT JUDGE OF THE CITY OF GAINESVILLE, TEXAS IN ACCORDANCE WITH ARTICLE IV, SECTION 4.05, OF THE CHARTER OF THE CITY OF GAINESVILLE, TEXAS.

Sullivan stated the Municipal Court Judge job is full time and the Judge travels to the jail several days per week in performance of magistrate duties. By City Charter, the City Council designates the compensation for the Municipal Judge. The resolution approves a six percent increase in annual compensation for the Municipal Judge and increases the monthly car allowance to four hundred dollars per month.

Councilmember Snuggs **moved to approve,** and was seconded by Councilmember Draper. The motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

TABLED RESOLUTION REGARDING GEDC FUNDS TO NCTC FOR EQUIPMENT AND SCHOLARSHIP FUNDS

A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION TO FUND THE PURCHASE OF EQUIPMENT FOR THE CAREER AND TECHNOLOGY CENTER AT NCTC AND TO PROVIDE SCHOLARSHIP FUNDS.

Mayor Loch announced this item would be tabled and will go back before the GEDC for a public hearing as required by new legislation prior to approval of the project. The item will be brought back for City Council approval on a future agenda.

RESOLUTION NO. 05-20-2008 D – SITE PLAN FOR FAIRFIELD INN & SUITES AT 1701 NORTH I-35

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 1701 NORTH I-35 FOR THE DEVELOPMENT OF A FAIRFIELD INN AND SUITES, SUBMITTED BY PLATINUM GAINESVILLE, LLC.

The site plan submitted by Platinum Gainesville, LLC, for the development of a Fairfield Inn and Suites located at 1701 North I-35, in the I-35 corridor, was approved as recommended by staff and the Planning and Zoning Commission.

Councilmember Goldsworthy **moved to approve**, and was seconded by Councilmember Draper. The motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

RESOLUTION NO. 05-20-2008 E – SITE PLAN FOR PHYSICIANS OFFICE AT 818 WEST HIGHWAY 82

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 818 WEST HIGHWAY 82 FOR THE DEVELOPMENT OF A PHYSICIANS OFFICE, SUBMITTED BY DR. RICHARD JOLLY.

The site plan submitted by Dr. Richard Jolly for development of a physician's office at 818 West Highway 82, located in the I-35 corridor, was approved. The site plan meets all requirements and was recommended for approval by Planning and Zoning Commission. Councilman Goldsworthy inquired about the status of I-35 frontage improvements project with TXDOT. The City Manager said he is still working with them on getting the utility work done and is planning to meet with TXDOT in a couple of weeks.

Councilmember Snuggs **moved to approve**, and was seconded by Councilmember Goldsworthy. The motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

RESOLUTION NO. 05-20-2008 F – NINETY DAY MORATORIUM ON BUILDING PERMITS IN THE CITY OF GAINESVILLE

A RESOLUTION ORDERING THAT FOR A PERIOD OF NINETY DAYS FROM THE DATE OF THIS RESOLUTION, NO BUILDING PERMITS SHALL BE ISSUED BY ANY DEPARTMENT OF THE CITY OF GAINESVILLE, TEXAS, FOR THE CONSTRUCTION OR BUILDING OF ANY SHED, GARAGE, CARPORT, SHOP OR SHELTER WHICH IS NOT ATTACHED TO A RESIDENCE ON ANY LOT OR PARCEL OF LAND WITHIN SAID CITY.

Sullivan said a ninety-day moratorium on building permits is necessary while City staff re-writes the zoning ordinance that will control the type of accessory structures that can be built on residential lots. The moratorium will allow time for Council consideration of the new zoning ordinance. During the moratorium, no permits will be issued by any department of the City of Gainesville for construction or building of any shed, garage, carport, shop or shelter which is not attached to a residence on any lot or parcel of land within said city.

Councilmember Draper **moved to approve**, and was seconded by Councilmember Snuggs. The motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

PUBLIC HEARING ON AN ORDINANCE FOR A SPECIFIC USE PERMIT AT 817 SOUTH DENTON STREET FOR THE OPERATION OF A BED AND BREAKFAST

Mayor Loch opened the Public Hearing at 7:02 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 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent. The Public Hearing was closed at 7:02 p.m.

ORDINANCE NO. 1201-05-2008 - SPECIFIC USE PERMIT AT 817 SOUTH DENTON STREET FOR THE OPERATION OF A BED AND BREAKFAST

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 SUSANNE MCCANN, ALLOWING FOR THE OPERATION OF A BED AND BREAKFAST AT 817 SOUTH DENTON STREET; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF GAINESVILLE; PROVIDING FOR SUSPENSION OF THE CITY CHARTER REQUIREMENT OF READING ON THREE SEPARATE OCCASIONS; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND CONTAINING A SEVERABILITY CLAUSE; AND MAKING AN OPEN MEETING FINDING.

Sullivan recommended approval of the two-year specific use permit, as requested by Susanne McCann, allowing for the operation of a bed and breakfast at 817 South Denton Street. The City has received no phone calls or comments from the public either for or against the permit. The Planning and Zoning Commission recommended approval.

Councilmember Draper **moved to suspend the Charter**, and was seconded by Councilmember Goldsworthy. The motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

Councilmember Rippy **moved to adopt the ordinance**. The motion was seconded by Councilmember Draper and carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

TABLED PUBLIC HEARING ON AN ORDINANCE TO REZONE FROM AGRICULTURE (A) TO COMMERCIAL (C), 38.633 ACRES IN THE SARAH SMITH SURVEY ABSTRACT 913, COOKE COUNTY, TEXAS

Mayor Loch announced the public hearing would not be held and the following ordinance would be tabled.

TABLED ORDINANCE REGARDING REZONING 38.633 ACRES IN SARAH SMITH SURVEY ABSTRACT 913 FROM AGRICULTURE (A) TO COMMERCIAL (C)

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 FROM AGRICULTURE (A) TO COMMERCIAL (C), 38.633 ACRES IN THE SARAH SMITH SURVEY ABSTRACT 913, 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; PROVIDING FOR SUSPENSION OF THE CHARTER REQUIREMENT OF

READING THE ORDINANCE ON THREE SEPARATE OCCASIONS; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING.

Sullivan stated the purchaser is currently negotiating with the GEDC regarding financial incentives and needs time to complete those negotiations prior to consideration by the City Council. The ordinance will be presented to the City Council on its June 3 agenda.

ORDINANCE NO. 1202-05-2008 – ISSUING COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2008

AN ORDINANCE FOR ALL MATTERS INCIDENT AND RELATED TO THE ISSUANCE AND SALE OF "CITY OF GAINESVILLE, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2008", INCLUDING THE ADOPTION OF AN ORDINANCE AUTHORIZING THE ISSUANCE OF SUCH CERTIFICATES OF OBLIGATION.

Boyd London, Financial Advisor, First Southwest Company, reviewed the bond ratings received by the City from Standard and Poor's and Moody Investors, stating that both are very positive in tone and that both companies commented that City management continues to move forward in building reserves. Standard and Poor's upgraded the City's bond rating to "A", while Moody Investors Service stayed at Baa2.

Sullivan recommended Suspension of Charter and passage in one reading. The Ordinance approves all matters related to issuance and sale of Combination Tax and Revenue Certificates of Obligation, Series 2008. The \$2,323,265 in funds will be used for equipment, repairs, and construction that are already approved by Council in the current fiscal year budget.

Councilmember Goldsworthy **moved to suspend the Charter**, and was seconded by Councilmember Snuggs. The motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

Councilmember Goldsworthy **moved to adopt the ordinance**. The motion was seconded by Councilmember Snuggs and carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

ORDINANCE NO. 1203-05-2008 – ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2008

AN ORDINANCE FOR ALL MATTERS INCIDENT AND RELATED TO THE ISSUANCE AND SALE OF "CITY OF GAINESVILLE, TEXAS, GENERAL OBLIGATION BONDS, SERIES 2008", INCLUDING THE ADOPTION OF AN ORDINANCE AUTHORIZING THE ISSUANCE OF SUCH BONDS.

The Ordinance approves all matters related to issuance and sale of General Obligation Bonds, Series 2008, authorizing the sale of the remaining \$5,425,000 in voter-approved bonds for storm drainage improvements. The funds will be used to complete the Pecan Creek Project and to move the sewer trunk line along Pecan Creek.

With no further discussion Councilmember Draper **moved to suspend the Charter**, and was seconded by Councilmember Goldsworthy. The motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

Councilmember Goldsworthy **moved to adopt the ordinance**. The motion was seconded by Councilmember Rippey and carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

ORDINANCE NO. 1204-05-2008 - INCREASE THE ATMOS ENERGY GAS FRANCHISE FEE TO FIVE (5) PERCENT

AN ORDINANCE AMENDING THE EXISTING GAS FRANCHISE BETWEEN THE CITY AND ATMOS ENERGY CORPORATION TO PROVIDE FOR A DIFFERENT

CONSIDERATION; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ACCEPTANCE BY ATMOS ENERGY CORPORATION; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Sullivan confirmed that the City has received no comments either for or against the ordinance since the first reading of the ordinance. The ordinance amends the existing gas franchise between the City and Atmos Energy Corporation, increasing the franchise fee to the City from four (4) percent to a total of five (5) percent on gross revenues for gas sold within the city limits. It is estimated the average residential customer's bill will increase fifty to sixty cents per month.

Councilmember Goldsworthy **moved to suspend the Charter**, and was seconded by Councilmember Snuggs. The motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

Councilmember Goldsworthy **moved to adopt the ordinance**. The motion was seconded by Councilmember Snuggs and carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

FIRST READING APPROVAL ON AMENDMENTS TO PARKING ORDINANCE

CONSIDERATION OF AND ACTION ON FIRST READING OF AN ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AMENDING CHAPTER 11 – MOTOR VEHICLES AND TRAFFIC OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, ARTICLE V - STOPPING, STANDING, PARKING - SECTION 11-66 DEFINITIONS, SECTION 11-67 OWNER'S RESPONSIBILITY, SECTION 11-68 TIME LIMIT FOR STANDING OF UNATTENDED VEHICLE, SECTION 11-69 PROHIBITED GENERALLY, SECTION 11-70 SPECIAL TEMPORARY PARKING PERMITS, SECTION 11-71 STOP INTERSECTIONS, SECTION 11-72 MARKING OF PARKING SPACES, TIME LIMIT AND PROHIBITED AREAS, SECTION 11-73 ANGLE PARKING, SECTION 11-74 STANDING BACKED TO CURB, SECTION 11-75 DESIGNATION OF LOADING ZONES, SECTION 11-76 IMPOUNDMENT OF VEHICLES, DELETING SECTIONS 11-77 THROUGH SECTION 11-83.

Sullivan said the ordinance re-writes existing parking ordinances in City Code and the Property Maintenance Code to combine them into one ordinance and to make them clearer and easier to understand. He encouraged Council's input and discussion. Sullivan added that most of the amendments are not actually changes to current law. The major amendment in this ordinance sets a 72-hour time limit for a vehicle to be left standing or unattended before it must be moved at least 1000 feet distant from where it was last parked.

Draper spoke in support of the ordinance and supported passage on the first reading but did not want the Council to suspend the Charter in order to allow time for citizen's comments. ^(kl/06/03/08)

~~Draper spoke in support of the ordinance and strongly suggested its passage on first reading.~~ He said parking is a major issue throughout the City, where vehicles are parked in front yards and back yards, on the grass, along streets, and hanging out of driveways into the street. They give the City an unsightly appearance that impedes business growth, detracts from property values and is a disincentive for people to want to buy into a neighborhood and to take pride in what they have.

Goldsworthy said the City is trying to improve the aesthetics of the community and he agrees with the need to address abandoned and derelict vehicles that remain parked. He stressed that now is the time, before the ordinance is adopted, for the community to voice their opinion, and he hopes to receive citizen input on this ordinance.

