

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
July 1, 2008**

The City Council of the City of Gainesville, Texas met in regular session on July 1, 2008 at 6:30 p.m. with the following persons in attendance:

MEMBERS PRESENT: Mayor Glenn Loch
Council Members Charles Draper, Carolyn Hendricks, Ray Nichols, Beverly Snuggs, Vince Rippy

MEMBERS ABSENT: Jim Goldsworthy

STAFF PRESENT: Barry Sullivan, City Manager; Kay Lunnon, City Secretary; Bill Harris, City Attorney; Dan Parker, Finance Director; Steven Fleming, Police Chief; Kent Sharp, GEDC Executive Director

OTHERS PRESENT: Rod Tyler, Kathy Floyd, Jim Hatcher, Harriett Dickson, Cathy Farquhar, Bob Cheatham, Melinda Cheatham, Cory Reitingner, Brad Reitingner, Dr. John A. Webb, Jr., Sandy Hess, Sherry Hasty, Joanne Lewis, Tom and Mary Seebeck, Rick and Kathy Beightol, Lynn Rogers, Wanda Rose, Patricia and Jerry Dugger, Don Hobbs, Johnny and Jamie Bittick, Frank and Louise Mahnich, Dusty and Lauren Turner, Clint Corbin, Zach Bowman, Chris Klement, Gary Hanks, Trudy Hanks, Michael Hutchins, Stacy Hutchins, Darren Voth, Ronnie Vich, Ann Sims, Joel Hellman, Dale Lloyd, Jason Snuggs, Bill Martin, Steve Nunno, Brenda Oshel, Tom and Jan Shambo, Billy B. McGee, Mindy Klement, Jack and Loretta DeBorde, Rita Greer, Norma Frick, Frank Kudlac, Steve Smith, Janice Warder, Larry and Gail Noland, Stephen Monahan, and students from North Central Texas College – Patti White, Julie Hanson, Colton Hermes, Jennifer Turner, Andrew White.

CALL TO ORDER

Mayor Loch called the meeting to order at 6:30 p.m. with a quorum of members present.

INVOCATION & PLEDGE OF ALLEGIANCE

Pastor Bill Jones, Sonrise Church, gave the invocation. Mayor Loch led the pledge to the flag.

REPORTS

Harriett Dickson, President of the Cooke County Heritage Society, made a presentation for funding assistance for the 2008-2009 fiscal year for the Morton Museum and Santa Fe Depot Museum.

CITIZENS COMMENTS

Mayor announced that all the people who had signed up to speak during Citizens Comments regarding the Moss Lake Amendment Ordinance would be allowed to speak later during Moss Lake ordinance presentation on the agenda.

CONSENT AGENDA

Council reviewed the Minutes of the Regular City Council Meeting of June 17, 2008 and approved them as written.

Councilmember Draper **moved to approve the Consent Agenda**, was seconded by Councilmember Snuggs. Motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, and 1 Absent (Goldsworthy).

RESOLUTION NO. 07-01-2008 - TEMPORARY CLOSURE OF CALIFORNIA STREET AT LEONARD PARK FOR INDEPENDENCE DAY CELEBRATION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, RECONGNIZING THE INDEPENDENCE DAY CELEBRATION IN THE CITY OF GAINESVILLE AND REQUESTING TEMPORARY CLOSURE OF A PORTION OF CALIFORNIA STREET IN ACCORDANCE WITH AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORATION.

The resolution was approved to officially recognize the annual July 4th celebration at Leonard Park and request temporary closure of California Street (Hwy 51) for the fireworks display, in accordance with the agreement with TXDOT.

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

ORDINANCE NO. 1206-07-2008 REZONE 38.633 ACRES IN SARAH SMITH SURVEY ABSTRACT 913 FROM AGRICULTURE (A) TO COMMERCIAL (C)

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; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING.

The ordinance rezoning 38.633 acres from Agriculture (A) to Commercial (C) was adopted on third and final reading. Leadership Properties plans to develop an apartment complex at 4316 North I-35, adjacent to CR 137.

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

TABLED MOSS LAKE AMENDMENTS ORDINANCE

SECOND READING OF AN ORDINANCE AMENDING THE CITY OF GAINESVILLE CODE OF ORDINANCES, CHAPTER 5 BUILDINGS AND BUILDING REGULATIONS, ARTICLE VI ACTIVITIES UPON MOSS LAKE PROPERTIES; AMENDING SECTION 5-236 CONSTRUCTION OF FIXED STRUCTURES; AMENDING SECTION 5-238 FLOATING FACILITIES; SECTION 5-240 PRIVATE USE OF LAKE WATER; SECTION 5-250 BOATS GENERALLY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.

Sullivan reviewed the purpose of the amendments due to increased development and activity, and the need for code enforcement at Moss Lake.

Prior to citizen input, Mayor Loch suggested that Moss Lake residents designate three representatives to a committee, which would meet next week with the City Manager and two members of the City Council to work on the ordinance.

Janice Warder expressed concern that the ordinance had been put together too quickly and needed further study and research before passage. She questioned the number of hours police spend to patrol the lake, when they are needed in Gainesville. She said the proposed insurance requirement for boats would impact visitors to the lake, fishing tournaments, and drive away business, which could close down the Moss Lake Store. Warder said she would like to see more research, study and deliberation put into the ordinance before its passage. She requested that Council pass an ordinance now that addresses the uncompleted docks so that people could complete their docks and enjoy their summer. Warder said under the ordinance public use of the lake would suffer more than the lake residents. She said no other public lake requires insurance on a boat. She recommended Council slow down the process and work with Moss Lake residents to come up with an ordinance that will be good for the future of Moss Lake.

Tom Shambo concurred with Warder's statements and requested additional time for selection of the Moss Lake committee before beginning meetings with the City regarding the ordinance.

Mayor responded that meetings should begin soon. He said docks under construction are grandfathered in and can be completed. Councilman Nichols added that owners with docks currently under construction do need to come in now and file for a permit from the City to complete their docks.

Steve Smith, owner of the Moss Lake Store, said the requirement for boat insurance would be a mistake and that people will not come back to the lake if insurance is required for boats.

Steve Nunno, owner of Moss Lake Marina, had concerns about operating a marina at the lake. He was advised to work with the City Manager about commercial use at the lake.

Charlie Pickett said he personally has seen no problems with crime or safety issues at the lake. He wanted clarity about the purpose of City patrols at the lake and whether patrolling would be year round or seasonal. He questioned whether safety or revenue issues were driving the ordinance changes and said he did not like the provisions of the ordinance that give the power of sole discretion to the City. Pickett requested representation from Moss Lake and Gainesville residents, and more citizen input in developing the new ordinance regulations.

No other person came forward to speak about the ordinance. Mayor asked Janice Warder to take the lead in selecting Moss Lake residents to a committee to meet with the City Manager and two Council Members for further work on the ordinance. Following audience suggestion, the committee will consist of five residents from Moss Lake. Mayor appointed Council Members Ray Nichols and Jim Goldsworthy to represent the City Council in meeting with the City Manager and the Moss Lake Committee. The ordinance is expected to return to Council in August for second reading.

Councilmember Draper **moved to table the ordinance.** Seconded by Councilmember Snuggs, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, and 1 Absent (Goldsworthy).

EXECUTIVE SESSION

Mayor Loch announced that Council would convene into Executive Session at 7:08 p.m. under Government Code §551.072 Real Property.

RECONVENE INTO OPEN SESSION

Council reconvened into open session at 7:49 p.m. and Mayor Loch announced that no action had been taken during Executive Session.

