

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
December 2, 2008**

The City Council of the City of Gainesville, Texas met in regular session on December 2, 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, Vince Rippey, Beverly Snuggs

MEMBERS ABSENT: Councilman Ray Nichols

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; Lynette Pettigrew, Main Street Director; John Noblitt, Planning Technician

OTHERS PRESENT: Cheryl Walker, Natalia Jones, Jack Schulze, Maxie Bilyer, Maegan Puetz, Megan Turbeville, Thomas Harris, Stephen Monahan

CALL TO ORDER

Mayor Loch called the meeting to order at 6:30 p.m. with a quorum of members present. The absence of Councilman Nichols was noted.

INVOCATION & PLEDGE OF ALLEGIANCE

Reverend Hubert Wright, Associate Pastor at First Baptist Church, gave the invocation. Mayor Loch led the pledge to the flag.

REPORTS

The City of Gainesville Water Treatment Plant received two Texas Optimization Program awards from the Texas Commission on Environmental Quality for achievements in special monitoring and reporting for public drinking water quality for two six-month consecutive periods. Jack Schulze, TCEQ, Austin presented the awards and explained that out of four hundred thirty-five water treatment plants in the state, Gainesville is one of only twelve cities to earn this recognition. The program is completely voluntary and Gainesville water treatment plant employees were commended for their participation and efforts in earning these prestigious awards. Water treatment plant employees present to receive the awards were Ron Sellman, Director, Earl Williams, Marcus Taylor, Jeff Henzler, Darrell Lewis, Mark Mask.

Main Street Director, Lynette Pettigrew, reported the Gainesville Main Street Program received first time recognition as a National Main Street City from the Texas Historical Commission and the National Trust for Historic Preservation. Gainesville Main Street was one of fifty-three cities in Texas to be recognized nationally for their active and successful efforts in meeting performance standards for commercial district revitalization. Gainesville participated in the Main Street program from 1982 to 1985 and then dropped out and re-joined and has participated in the Main Street Program since 2001.

CONSENT AGENDA

Council reviewed the Minutes of the City Council Workshop Meeting of November 18, 2008, and the Regular City Council Meeting of November 18, 2008, and approved them as written.

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

RESOLUTION NO. 12-02-2008 - AWARDING BID TO GRANT KRAHL FOR AN AIRPORT GRAZING LEASE

A RESOLUTION AWARDING BID NO. 2008-9 FOR AN AIRPORT GRAZING LEASE.

A five-year contract for lease of pastureland at the Gainesville Municipal Airport was recommended and approved for award to Grant Krahl in the amount of five thousand seven hundred eighty dollars (\$5,780) per year. Only two bids were received in response to the advertised sealed bid request for the 360 acre lease. Krahl's bid was the highest amount bid for the lease.

Councilmember Goldsworthy moved to **approve the resolution**, and was seconded by Councilmember Rippey. Motion carried by vote of 6 Ayes, 0 Nays, 1 Absent (Nichols).

RESOLUTION NO. 12-02-2008 A - INTERLOCAL PARTICIPATION AGREEMENT FOR PARTICIPATION IN THE TARRANT COUNTY PURCHASING PROGRAM.

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL PARTICIPATION AGREEMENT FOR CITY OF GAINESVILLE PARTICIPATION IN THE TARRANT COUNTY PURCHASING PROGRAM

The City Manager recommended approval of an interlocal agreement for City participation in a cooperative purchasing program administered by Tarrant County. The agreement updates the City's membership, enabling continued use of the FuelMan fuel system for City owned vehicles. The fuel system saves the City eight to twelve cents per gallon, or about \$8,000 to \$12,000 per year, on gasoline.

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

SECOND READING APPROVAL OF ORDINANCE TO REZONE 15.912 ACRES IN E. YEAMAN SURVEY FROM TWO FAMILY (2F) TO MULTIPLE FAMILY (MF2)

SECOND 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 TWO FAMILY (2F) TO MULTIPLE-FAMILY 2 (MF-2), 15.912 ACRES IN THE E. YEAMAN SURVEY, ABSTRACT 1173, 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.

City Manager Barry Sullivan advised Council that approval of the requested zoning district change would conflict with the proposed consolidated designations in the new zoning ordinance. He said adoption of this ordinance would attach a current zoning designation that has been re-defined in the proposed new zoning ordinance. Under the proposed zoning ordinance, the 15.912 acres is located in a district that will allow for the multi-family development as requested

by Yarbrough. Council discussed the traffic pattern and high-density traffic in the area and requested staff to contact Yarbrough and confirm the number of apartment units the developer is proposing to construct on the property. A new traffic study may be necessary prior to the proposed construction. Third reading of the ordinance will be considered on December 16, 2008.

Councilmember Draper **moved to approve second reading of the ordinance.** The motion was seconded by Councilmember Goldsworthy and carried by vote of 6 Ayes, 0 Nays, 1 Absent (Nichols).

SECOND READING APPROVAL OF NEW ZONING ORDINANCE

SECOND READING OF AN ORDINANCE REPEALING IN ITS ENTIRETY THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, AS PASSED AND APPROVED BY THE CITY COUNCIL FEBRUARY 2, 1971, TOGETHER WITH ALL AMENDMENTS THERETO AND ESTABLISHING APPENDIX A ZONING TO THE CITY OF GAINESVILLE'S MUNICIPAL CODE AND ADOPTING AS SAID APPENDIX AN ORDINANCE ESTABLISHING AND PROVIDING FOR ZONING REGULATIONS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR PENALTIES; AND PROVIDING A SAVINGS CLAUSE.

A new map of proposed zoning districts was presented and discussed, showing the zoning changes requested during public comment at the Council meeting on November 18, with the exception of the Anthony and Rice Avenue area retaining single family zoning. The City Manager said he has received a letter from Abigail's Arms removing their request for restricted commercial zoning in that area. Commercial zoning designation was discussed for Culberson Street, from Carnes Street to Highway 82. Three existing mobile home Specific Use Permits, one on FM 1201 and two on East Highway 82, were recommended to be "grandfathered" into the new ordinance as legal non-conforming structures. Council requested a change in ordinance language to state that an affirmative vote of a simple majority of City Council members is required to overrule a recommendation of disapproval by the Planning and Zoning Commission. Council received ordinance changes recommended by the City Manager: 1) to clarify that the fifteen (15) foot fence setbacks from property lines apply only to property lines abutting public streets and that interior lot fencing may be placed on the property line; 2) the setback requirement between buildings in the multi-family two (MF2) zoning district will to the City's current building code; 3) contiguous lots under single ownership may be considered as a single lot; 4) increase masonry requirements to eighty percent (80%) coverage on all sides of a structure, excluding windows and doors, for zoning districts (CA) central area, (C1) restricted commercial, and (C2) general commercial. The proposed zoning map will be posted on the city website www.gainesville.tx.us. The news media was encouraged to publish the map to get this information out to the public. Third reading of the ordinance will be considered on December 16, 2008.

Councilmember Draper **moved to approve second reading of the ordinance.** The motion was seconded by Councilmember Snuggs and carried by vote of 6 Ayes, 0 Nays, 1 Absent (Nichols).

EXECUTIVE SESSION

Mayor Loch announced that Council would convene into Executive Session at 7:50 p.m. under Government Code §551.072 Real Property.

RECONVENE INTO OPEN SESSION

Council reconvened into open session at 8:12 p.m. and Mayor Loch announced that no action had been taken during Executive Session.

No further action was taken on items following Executive Session.

CITY MANAGER COMMENTS

Sullivan praised the City Council for their decision in October to participate in the five-year electric power contract with the Cities Aggregated Power Project (CAPP). He reported that the price for power has come in at a much better cost than was anticipated in the twenty-four year contract they also considered. Sullivan said the cost averages 7.6 cents per kilowatt over the five-year period.

In response to public comment about the drainage fee at the previous Council meeting, Sullivan reported that the fee is a user fee, not a tax. He said the fee was increased this fiscal year beginning October 1 from two dollars (\$2.00) per drainage unit to three dollars fifty cents (\$3.50) per drainage unit. A drainage unit is one residential property or 1895 square feet of impervious surface in commercial areas. Sullivan said the monies support debt service for the Pecan Creek Flood Reduction Project.

ADJOURN

With no further business to come before the City Council, the meeting adjourned at 8:16 p.m.

/S/

Glenn Loch, Mayor

Attest:

/S/

Kay Lunnon, City Secretary