

**MINUTES  
CITY OF GAINESVILLE  
CITY COUNCIL MEETING  
200 South Rusk  
Gainesville, Texas 76240  
March 4, 2014**

The City Council of the City of Gainesville, Texas met in regular session on March 4, 2014 at 6:30 p.m. with the following persons in attendance.

**MEMBERS PRESENT:** Mayor Jim Goldsworthy  
Keith Clegg, Carolyn Hendricks, Ken Keeler, Ray Nichols,  
Beverly Snuggs

**MEMBERS ABSENT:** Mary Jo Dollar

**STAFF PRESENT:** Barry Sullivan, City Manager; Kay Lunnon, City Secretary; Dan Parker, Finance Director; Kevin Phillips, Interim Police Chief; Julie Smith, Community Development Director; Susan Kleven, Zoo Director; Kent Sharp, Executive Director, Gainesville Economic Development Corporation

**OTHERS PRESENT:** Reverend Duke Dowling, Hodge Cherry, Mary Ann Peckinpaw, Crystal Salisbury, Jason Streeter, Karen Cook, Keith King, Cathy Mounce, Tony Dresser (Videographer)

**CALL TO ORDER**

Mayor Jim Goldsworthy called the meeting to order at 6:30 p.m. with all members of the council present.

**INVOCATION & PLEDGE OF ALLEGIANCE**

Reverend Duke Dowling, Southside Baptist Church, gave the invocation. Mayor Goldsworthy led the pledge to the flag.

**RECOGNITIONS**

**Employee of the Month, February 2014**

City Manager Barry Sullivan read and presented the Employee of the Month certificate to Hodge Cherry, who is a zookeeper at the Frank Buck Zoo, recognizing him for his volunteer assistance to fellow employees and zoo animals during the December cold and ice when other employees were unable to work. Hodge also organized a winter cook out on zoo grounds to boost morale and join his fellow coworkers in this time of great distress. As employee of the month, Hodge receives one day of paid vacation.

**REPORTS**

Julie Smith, Community Services Director, made a report to the City Council on status of the Substandard Structure Demolition Program for the Fiscal Year beginning October 1, 2013 to the present date. Smith reported the program has ninety-one (91) structures enrolled, of which thirty-four (34) have been taken down by the City or by a third party contractor for salvage. Nearly all are voluntary demolitions. Smith compared the progress to last fiscal year's total of sixty-six structures demolished. Smith expressed her appreciation for Craig Evins, Street Department, and Polly Boone, Solid Waste Department, for the interdepartmental assist with the demolition program.

## **CONSENT AGENDA**

Council reviewed the Minutes of the City Council Workshop Meeting of February 18, 2014, and Minutes of the regular City Council Meeting of February 18, 2014, and approved them as written.

Councilmember Clegg **moved to approve the Consent Agenda**, and was seconded by Councilmember Keeler. The motion carried by vote of 6 Ayes, 0 Nays, 1 Absent (Dollar).

## **RESOLUTION NO. 03-04-2014 – APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A GROUND LEASE AGREEMENT WITH CORE PROFESSIONAL SERVICES, LLC FOR A PRIVATE HANGER AT THE GAINESVILLE MUNICIPAL AIRPORT**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TX, AUTHORIZING THE MAYOR OF THE CITY OF GAINESVILLE TO EXECUTE A GROUND LEASE AGREEMENT WITH CORE PROFESSIONAL SERVICES, LLC FOR A PRIVATE HANGER AT THE GAINESVILLE MUNICIPAL AIRPORT.

A ground lease with Core Professional Services, LLC was authorized and approved for a private hanger at the Gainesville Municipal Airport. Core Professional Services, LLC is purchasing the private hangar from Circuit Breaker Sales to store and work private aircraft. The ground lease with the City will be for a primary term of thirty (30) years, with two five (5) year options to extend if agreed upon by both parties.

Councilmember Hendricks moved for **approval of the resolution**, and was seconded by Councilmember Nichols. Motion carried by vote of 6 Ayes, 0 Nays, 1 Absent (Dollar).

## **PUBLIC HEARING ON A PROPOSED ORDINANCE TO AMEND THE CITY CODE OF ORDINANCES, APPENDIX A “ZONING CODE” SECTION 3.4.06 “CARGO CONTAINERS”.**

Mayor Goldsworthy read the ordinance caption, opened the public hearing, and called for public comment at 6:39 p.m. regarding a proposed ordinance to amend the City Code of Ordinances, Appendix A, “Zoning Code” Section 3.4.06 “Cargo Containers”.

No one came forward to speak either for or against the proposed ordinance. There being no further discussion, Councilmember Nichols **moved to close the Public Hearing**, seconded by Councilmember Clegg. Motion carried by vote of 6 Ayes, 0 Nays, 1 Absent. The Public Hearing was closed at 6:40 p.m.

## **ORDINANCE NO. 1335-03-2014 - AMENDING CITY CODE, ZONING APPENDIX A, REQUIREMENTS FOR “CARGO CONTAINERS”.**

FIRST READING OF AN ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AMENDING SECTION 3.4.06 “CARGO CONTAINERS” – ACCESSORY BUILDINGS, COMMERCIAL PROVISIONS OF APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE, AND FINDING THE MEETING WAS OPEN TO THE PUBLIC.

Ordinance was adopted and approved amending Zoning Appendix A of the Code of Ordinances to allow commercial businesses to use cargo containers up to forty (40) feet in length, on a temporary basis, after meeting annual permit and other requirements relating to cargo containers. The amendment changes the current code requirement that cargo containers not exceed thirty (30) feet in length.

Councilmember Clegg **moved to Suspend the Charter requirement of three readings**, seconded by Councilmember Keeler, the motion carried by vote of 6 Ayes, 0 Nays, 1 Absent (Dollar).

Councilmember Clegg **moved to adopt the ordinance**. The motion was seconded by Councilmember Keeler and carried by vote of 6 Ayes, 0 Nays, 1 Absent (Dollar).

**PUBLIC HEARING ON A PROPOSED ORDINANCE TO AMEND THE CITY CODE OF ORDINANCES, APPENDIX A “ZONING CODE” SECTION 3.4.04 ACCESSORY BUILDINGS, COMMERCIAL PROVISIONS”; ADDING SECTION 3.4.04.01 “INDUSTRIAL PROVISIONS”; AND AMENDING SECTION 4.1 “DEFINITIONS” TO ADD DEFINITION FOR PORTABLE COMMERCIAL TRAILERS.**

Mayor Goldsworthy read the ordinance caption, opened the public hearing, and called for public comment at 6:42 p.m. regarding a proposed ordinance to amend City Code, Appendix A, Zoning Code to add industrial provisions for accessory buildings and add definition for portable commercial trailers.

No one came forward to speak either for or against the proposed ordinance. There being no further discussion, Councilmember Nichols **moved to close the Public Hearing**, seconded by Councilmember Clegg. Motion carried by vote of 6 Ayes, 0 Nays, 1 Absent. The Public Hearing was closed at 6:43 p.m.

**ORDINANCE NO. 1336-03-2014 - AMENDING CITY CODE, ZONING APPENDIX A, ACCESSORY BUILDINGS, COMMERCIAL PROVISIONS, ADDING INDUSTRIAL PROVISIONS; ADDING DEFINITION AND REQUIREMENTS FOR PORTABLE COMMERCIAL TRAILERS.**

FIRST READING OF AN ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, APPENDIX A, ARTICLE III, SECTION 3.4.04 “ACCESSORY BUILDINGS, COMMERCIAL PROVISIONS” AND ADDING SECTION 3.4.04.01 “INDUSTRIAL PROVISIONS”; AMENDING ARTICLE IV, SECTION 4.1 “DEFINITIONS” ADDING DEFINITION FOR PORTABLE COMMERCIAL TRAILER; PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE, AND FINDING THE MEETING WAS OPEN TO THE PUBLIC.

Council approved and adopted the ordinance amending Zoning Appendix A of the Code of Ordinances, to add definition of portable commercial trailers, designed and constructed for industrial use-related purposes including offices and storage, and to permit portable commercial trailers to be located in Industrial Zones without requirement to mimic the architectural style of the principal structure. Approval of the ordinance was recommended by the City Manager.

Councilmember Snuggs **moved to Suspend the Charter requirement of three readings**, seconded by Councilmember Keeler, the motion carried by vote of 6 Ayes, 0 Nays, 1 Absent (Dollar).

Councilmember Snuggs **moved to adopt the ordinance**. The motion was seconded by Councilmember Keeler and carried by vote of 6 Ayes, 0 Nays, 1 Absent (Dollar).

**PUBLIC HEARING ON A PETITION FILED BY THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION TO ANNEX 3.996 ACRES AND 0.357 TRACTS OF LAND TO THE CITY OF GAINESVILLE.**

Mayor Goldsworthy read the ordinance caption, opened the public hearing, and called for public comment at 6:46 p.m. regarding a proposed ordinance to annex 3.996 acre and 0.357 acre tracts of land into the City of Gainesville.

No one came forward to speak either for or against the proposed ordinance. There being no further discussion, Councilmember Snuggs **moved to close the Public Hearing**, seconded by Councilmember Clegg. Motion carried by vote of 6 Ayes, 0 Nays, 1 Absent. The Public Hearing was closed at 6:46 p.m.

**ORDINANCE NO. 1337-03-2014 – GRANTING THE PETITION FILED BY GEDC TO ANNEX 0.357 ACRES AND 3.996 ACRES OF LAND TO THE CITY OF GAINESVILLE, TEXAS**

FIRST READING OF AN ORDINANCE GRANTING THE PETITION FILED BY GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION TO ANNEX A 3.996 ACRES TRACT OF LAND AND A 0.357 ACRE TRACT OF LAND TO THE CITY OF GAINESVILLE, TEXAS AND DECLARING THAT SAID 3.996 ACRES TRACT AND SAID 0.357 ACRE TRACT SHALL HEREAFTER BE A PART OF THE CITY OF GAINESVILLE, TEXAS.

The petition filed by the Gainesville Economic Development Corporation (GEDC) to voluntarily annex 0.357 acres and 3.996 acres into the City was granted by ordinance adoption. The two tracts are owned by the GEDC and located north of the GEDC Industrial Park and south of FM 1202. The area is less than one-half mile in width, contiguous to the present boundary of the City of Gainesville, and is vacant and without residents. Upon annexation, the two described tracts are zoned (I) Industrial, and incorporated into City Council Ward 2.

Councilmember Nichols **moved to Suspend the Charter requirement of three readings**, seconded by Councilmember Clegg, the motion carried by vote of 6 Ayes, 0 Nays, 1 Absent (Dollar).

Councilmember Nichols **moved to adopt the ordinance**. The motion was seconded by Councilmember Clegg and carried by vote of 6 Ayes, 0 Nays, 1 Absent (Dollar).

**RESOLUTION NO. 03-04-2014 A – AUTHORIZING AGREEMENT WITH COOKE COUNTY FOR RENTAL OF VOTING MACHINE(S) FOR THE MAY 2014 CITY GENERAL ELECTION AND BOND ELECTION**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING AN AGREEMENT WITH COOKE COUNTY TO PROVIDE VOTING MACHINE(S) FOR THE MAY 2014 GENERAL ELECTION AND BOND ELECTION.

A lease agreement was approved between the City and Cooke County for rental of voting machine(s) as required by law for the City's election in May 2014. The County charges no rental fee to the City for use of the voting machine.

Councilmember Clegg moved for **approval of the resolution**, and was seconded by Councilmember Keeler. Motion carried by vote of 6 Ayes, 0 Nays, 1 Absent.

**RESOLUTION NO. 03-04-2014 B – AUTHORIZING AGREEMENT WITH THE GAINESVILLE INDEPENDENT SCHOOL DISTRICT AND THE NORTH TEXAS MEDICAL CENTER FOR A SHARED POLLING LOCATION FOR THE MAY 10, 2014 ELECTION**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE GAINESVILLE INDEPENDENT SCHOOL DISTRICT (GISD) AND THE NORTH TEXAS MEDICAL CENTER (NTMC) TO SHARE A POLLING LOCATION IN CERTAIN VOTING PRECINCTS FOR THE GENERAL ELECTION AND BOND ELECTION ON MAY 10, 2014.

An agreement was approved for a shared polling location at the Civic Center between the City, GISD and NTMC for Elections to be held on May 10, 2014. The agreement allows for use of the shared location at no charge by the City to the GISD and NTMC.

Councilmember Nichols moved for **approval of the resolution**, and was seconded by Councilmember Keeler. Motion carried by vote of 6 Ayes, 0 Nays, 1 Absent.

**RESOLUTION NO. 03-04-2014 C – AUTHORIZING THE CITY MANAGER TO EXECUTE A MULTI-YEAR TEMPORARY CLOSURE AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE MEDAL OF HONOR PARADE**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, RECOGNIZING MEDAL OF HONOR HOST CITY PARADE IN THE CITY OF GAINESVILLE AND AUTHORIZING THE CITY MANAGER TO EXECUTE A MULTI-YEAR TEMPORARY CLOSURE AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR TEMPORARY CLOSURE OF CALIFORNIA STREET (FM 51).

This resolution recognizes the annual Medal of Honor Parade and approves a multi-year temporary closure agreement with TXDOT for closure of a portion of California Street (HWY 51) for the annual Medal of Honor Host City Parade. The agreement with TXDOT is for a five-year term, from 2014 – 2018 and will allow the City to handle the annual parade and submit insurance coverage as required by the agreement.

Councilmember Snuggs moved for **approval of the resolution**, and was seconded by Councilmember Nichols. Motion carried by vote of 6 Ayes, 0 Nays, 1 Absent.

**RESOLUTION NO. 03-04-2014 D – APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION IN GRANTING A CERTAIN TRACT OF LAND OWNED BY THE GEDC TO COOKE COUNTY FOR EXTENSION OF COUNTY ROAD 444 TO FM 1202.**

A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION OF THE CITY OF GAINESVILLE, WHICH VOTED TO APPROVE GRANTING OF A CERTAIN TRACT OF LAND (DESCRIBED IN EXHIBITS A AND B) OWNED BY THE GEDC TO COOKE COUNTY FOR THE PURPOSE OF EXTENDING COUNTY ROAD 444 TO FM 1202.

Council approved action of the Gainesville Economic Development Corporation, which voted approval of granting a certain tract of land (described in exhibits A and B) owned by the GEDC to Cooke County for the purpose of extending County Road 444 to FM 1202. The GEDC will transfer the described tract to Cooke County at no cost, upon agreement with Cooke County to 1) extend CR 444 to FM 1202 using the said tract transferred by the GEDC, and 2) to abandon a portion of the existing County Road 444 currently in use after the new County Road 444 extension is complete.

Councilmember Nichols moved for **approval of the resolution**, and was seconded by Councilmember Snuggs. Motion carried by vote of 6 Ayes, 0 Nays, 1 Absent.

**EXECUTIVE SESSION**

Council did not convene into Executive Session.

**ADJOURN**

With no further business to come before the City Council, the meeting was adjourned at 6:50 p.m.

Respectfully submitted,

/S/  
**Kay Lunnon, City Secretary**

/S/  
**Jim Goldsworthy, Mayor**