

**MINUTES  
CITY OF GAINESVILLE  
CITY COUNCIL MEETING  
200 South Rusk  
Gainesville, Texas 76240  
March 17, 2015**

The City Council of the City of Gainesville, Texas met in regular session on March 17, 2015 at 6:30 p.m. with the following persons in attendance.

**MEMBERS PRESENT:** Mary Jo Dollar, Carolyn Hendricks, Ken Keeler, Keith Clegg, Ray Nichols, Beverly Snuggs

**MEMBERS ABSENT:** Mayor Jim Goldsworthy

**STAFF PRESENT:** Barry Sullivan, City Manager; Bill Harris, City Attorney; Caitlyn Huddleston, City Secretary; Kevin Phillips, Police Chief; Dan Parker, Finance Director; Arleene Loyd, Gainesville Economic Development Director; Wally Cox, Fire Chief; Julie Smith, Community Services Director.

**OTHERS PRESENT:** Kit Chase, Lisa Dritschler, Terry Shepard, Suzanne Fulton, Maria Clayton, Stephen McPeek, Mark Martin, Brandon Martino, Judge Chris Cypert, Parker Yarbrough, Rod Tyler, Aaron Smith, Lennie Sewell, Gordon Smith, Jeffrey Valentine, Jane Fulton, Eric Erlandson, Jennifer Dougherty, Scott Dougherty, Mac Jerrell, Kris Jarrell, Tracy Dietz, Nadine Creswell, Juan Najera, Florence Islas, Tamara Sieger, Chad Sieger, Battalion Chief Randy Roye, Captain Randy Prestage, Lieutenant Michael Allison, Doug Anderle, Apparatus Operators Brent Ivie, Kenneth Watson, Kelly Vaughn, Damon Stewart, Jake Chambers, Firefighters Zane Ferguson, Pierson Sizelove, Fire Marshal Jason Botcher, Kristin Nill, Tony Dresser (Videographer)

**CALL TO ORDER**

Mayor Pro Tem Ray Nichols called the meeting to order at 6:30 p.m.

**INVOCATION & PLEDGE OF ALLEGIANCE**

Susan Beall, Whaley United Methodist Church, Youth Minister, gave the invocation. Mayor Pro Tem Ray Nichols led the pledge to the flag.

**RECOGNITIONS**

**Employee of the Month, March 2015**

City Manager Barry Sullivan presented Tamara Sieger, Fire Department, with a certificate for March 2015 Employee of the Month and recognized for efforts in adjusting to new personnel during a nearly complete turnover of administrative positions in the Fire Department. Tamara provided direction in processes and procedures to the new personnel and took on a number of new temporary and permanent responsibilities. Tamara has coordinated a number of events this year including retirement receptions, badge pinning ceremonies and blood drives. She was recently recognized by the Insurance Services Office personnel for the accuracy and professional presentation of the documents she provided to ISO during the city's recent review. Tamara is participating in the Gainesville University and has voluntarily taken on the beautification of the front of the Public Safety Center. Tamara is very active in the local American Cancer Society,

Relay for Life event, and was invited to go to New York City where she gave a presentation from a patient's viewpoint to a group of medical professionals. City Manager Barry Sullivan read and presented the recognition certificate to Sieger along with a certificate for an additional one day of vacation.

### **CITIZEN COMMENTS**

Aaron Smith, 233 McClain, spoke to Council about the proposed ordinance to allow chickens within residential zones. He is in support of allow laying hens and stated that prohibiting them from all is not fair to responsible owners. He also reported that several local children are raising chickens for show and aren't able to receive any praise or recognition because it is illegal.

Brenda Valentine, 405 Ritchey St, spoke to Council about the proposed ordinance to create a TNR program. She is a 23 year resident of the City of Gainesville and has a neighbor whose house has a hole under it where cats deliver their kittens and the problem is worsening. She claims that she and her husband have trapped as many as 32 cats, if not more, in one year. This also creates a problem with skunks and possums. She is concerned about the costs to neuter or spay and vaccinate the animals.

Lennie Sewell, 537 N Schopmeyer, spoke to Council about the proposed ordinance to rezone an area of the City at the Scott and Broadway Streets intersection. She commended the expending of time, money, and effort to beautify Gainesville and provide a safe environment for children, evidenced by the new Boys and Girls Club facility. She feels the rezoning would contradict our efforts and would cause the children's safety to suffer, that the increased 18-wheeler truck traffic would damage the streets, and advised she believed this to a moot point as there would be no new construction at the site allowed, even if the rezoning was approved.

Mac Jarrell, 311 S Clements, spoke to Council in support of the proposed ordinance to allow chickens within residential zones. He spoke about the benefits of the chickens, claiming that the natural compost is good for your yard and better than most store-bought fertilizers. He believes that allowing laying hens in town would be more beneficial than banning them.

Dan Doss, 611 S Lindsay, quickly addressed Council to express support of the proposed ordinance to allow chickens within residential zones.

Jennifer Dougherty, 1015 N Dixon, spoke to Council in agreement with Aaron Smith and Mac Jarrell and in support of allowing chickens within residential zones.

Scott Dougherty, 1015 N Dixon, spoke to Council about the proposed ordinance to allow chickens within residential zones. He is a Youth Minister and would like to teach youth about connecting with their physical life. He believes allowing them to learn the responsibility of raising a living being is exciting.

Lisa Dritschler, 102 N Highland Dr, McClintock Homes, Granite Properties, spoke to Council regarding the lease of Locke Field to be addressed later in the meeting. She questioned the proposed terms of the lease and claimed that it was a "back room, sweetheart deal." Ms. Dritschler quoted several excerpts from previous City Council meetings and minutes, offered that the proposed lease would not meet at market rates, and, subsequently not be "good stewardship of the tax payer's dollars." She urged councilmembers to vote against the lease of Locke Field with Orison Holdings.

Gordon Smith, 924 S Denton, spoke to Council about the proposed ordinance to allow chickens within residential zones. He spoke fondly of a writer for the *Dallas Morning News* who writes about her chickens and of a childhood family friend who had chickens within the City of Gainesville.

Jane Fulton, 700 & 717 Scott, spoke to Council in opposition of the proposed ordinance to rezone an area of the City at the Scott and Broadway Streets intersection. She explained that when her husband first purchased the property where the old Coke facility was, it was in poor shape but her husband allowed their son to talk him into purchasing it. She believes that the property should stay as it is currently zoned as she is concerned about safety for small children near the facilities.

Terry Shepard, 525 E Broadway, an employee of Fulton Supply and Recycling, spoke to Council in opposition of the proposed zoning ordinance. She claims that Fulton Recycling has operated under the rules and regulations and were even harassed and nitpicked by previous City Administration. She produced several pictures to make the case that the intersection would become more dangerous as she believes visibility would be obstructed. She feels that DEF Recycling (one of the companies requesting the rezone) is receiving special treatment.

Suzanne Fulton, 525 E Broadway, spoke to Council in opposition of the proposed zoning ordinance. Originally, she was part of the group requesting the rezone, but has since pulled out of the request as some of the requesting companies are not currently operating within the code. Fulton Supply and Recycling has operated at its current location for 34 years. She believes that both Fulton Supply and DEF Recycling contribute to truck traffic and would like a traffic study to be conducted to find an alternate route to the Boys and Girls Club facility.

#### **CONSENT AGENDA**

Council reviewed the Minutes of the regular City Council Meeting of March 3, 2015, and approved them as written.

#### **RESOLUTION NO. 03-17-2015 – APPROVE APPOINTMENTS TO THE PARKS AND RECREATION BOARD**

Reappointments of Patty Haayen, Tracy Holman, and Jerry Don Henderson to the Parks and Recreation Board were approved. The terms will expire March 2016. Appointment of Chance Huddleston and reappointments of Robbie Baugh, Angel Madrid, and Doug Wade to the Parks and Recreation Board were approved. The terms will expire March 2017.

Councilmember Keeler **moved to approve the Consent Agenda**, seconded by Councilmember Dollar, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Mayor Jim Goldsworthy).

#### **RESOLUTION NO. 03-17-2015 A – ACCEPTING THE AUDIT, FINANCIAL STATEMENT AND OPINION FOR FISCAL YEAR ENDING SEPTEMBER 30, 2014, AS PREPARED BY SCHALK & SMITH, CERTIFIED PUBLIC ACCOUNTANTS, AND AUTHORIZING THE CITY SECRETARY TO FILE THE AUDIT IN ACCORDANCE WITH THE PROVISIONS OF LOCAL GOVERNMENT CODE SUBTITLE A, CHAPTER 103.**

CONSIDERATION OF AND ACTION ON A RESOLUTION ACCEPTING THE AUDIT, FINANCIAL STATEMENT AND OPINION FOR FISCAL YEAR ENDING SEPTEMBER 30, 2014, AS PREPARED BY SCHALK & SMITH, CERTIFIED PUBLIC ACCOUNTANTS, AND AUTHORIZING THE CITY SECRETARY TO FILE THE AUDIT IN ACCORDANCE WITH THE PROVISIONS OF LOCAL GOVERNMENT CODE SUBTITLE A, CHAPTER 103.

Council accepted the annual audit for Fiscal Year ending September 30, 2014, as prepared by the accounting firm of Schalk & Smith, Certified Public Accountants. Judy Smith said the firm has issued the City a clean, unqualified opinion - the highest level of attestation they can give an entity. Smith explained several donations were received within the fiscal year, to include the MRAP (Mine-Resistant Ambush Protected) Vehicle received by the Police Department and

Pecan Creek Channelization project assets as received by the Stormwater Fund. Mayor Pro Tem Ray Nichols praised the outstanding efforts of the City Manager, City Staff, and all city employees in running the city efficiently.

Councilmember Snuggs **moved for approval of the resolution**, seconded by Councilmember Clegg, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Mayor Jim Goldsworthy).

**RESOLUTION NO. 03-17-2015 B – APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION WHICH VOTED TO APPROVE A FIRST AMENDMENT PURCHASE AGREEMENT WITH THE RIB CRIB BBQ, INC.**

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION WHICH VOTED TO APPROVE A FIRST AMENDMENT PURCHASE AGREEMENT WITH THE RIB CRIB BBQ, INC.

Council approved actions of the Gainesville Economic Development Corporation which voted to approve the first amendment purchase agreement with The Rib Crib BBQ, Inc to extend the Due Diligence Period. The period shall be calculated to be one hundred and twenty (120) days from the effective date. Arlene Loyd, GEDC Director, explained that the original due diligence period expired on February 15, 2015. Delays were due to extended environmental and geotechnical analysis and survey work. The GEDC met on Monday, March 2, 2015, and approved an extension of the due diligence period with Rib Crib BBQ, Inc.

Councilmember Hendricks **moved for approval of the resolution**, seconded by Councilmember Keeler, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Mayor Jim Goldsworthy).

**ORDINANCE NO. 1362-03-2015 – RECEIVING THE CERTIFICATION OF THE CITY SECRETARY RELATING TO THE REGULAR GENERAL ELECTION CALLED FOR MAY 9, 2015; FINDING THAT THE CANDIDATES WHO HAVE FILED FOR A PLACE ON THE BALLOT ARE UNOPPOSED; DECLARING THE RESULTS OF THE ELECTION; FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS PASSED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND SUSPENDING THE CHARTER REQUIREMENT OF THREE SEPARATE READINGS AND MAKING AN OPEN MEETING FINDING.**

CONSIDERATION OF AND ACTION ON FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL, OF THE CITY OF GAINESVILLE, TEXAS, RECEIVING THE CERTIFICATION OF THE CITY SECRETARY RELATING TO THE REGULAR GENERAL ELECTION CALLED FOR MAY 9, 2015; FINDING THAT THE CANDIDATES WHO HAVE FILED FOR A PLACE ON THE BALLOT ARE UNOPPOSED; DECLARING THE RESULTS OF THE ELECTION; FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS PASSED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND SUSPENDING THE CHARTER REQUIREMENT OF THREE SEPARATE READINGS AND MAKING AN OPEN MEETING FINDING.

Council voted to approve cancellation of the General Election called for May 9, 2015 due to all candidates for office being unopposed, and with no propositions on the ballot. The City Secretary certified that the positions to be elected in the General Election received none or only one applicant only. The ordinance makes the finding that the candidates for Wards 1, 4 and Mayor are unopposed; cancels the election and declares Carolyn Hendricks, Ken Keeler and Jim Goldsworthy elected to two-year terms that will begin with their oath of office which will be administered at the regularly scheduled City Council meeting on May 19, 2015.

City Secretary Caitlyn Huddleston also explained that no resident signed up for the position which Beverly Snuggs currently holds. As such, Councilmember Snuggs will remain a current councilmember through the date at which the election would have been canvassed. At that time, her term will technically end and Council will need to appoint a new representative within 90 days, per City Charter. Because of the Holdover Provision of the Texas Constitution, Councilmember Snuggs will remain in office until the appointment is made. Once the appointment is made and the new councilmember takes office, they will serve until the next regularly scheduled election (May 2016). At that point, they would be up for re-election for a term to complete the remaining year of the unexpired term.

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

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

**CONSIDERATION OF AND ACTION ON SECOND READING AMENDING ORDINANCE 1219-12-2008; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE CITY OF GAINESVILLE, TEXAS TO REZONE FROM SINGLE-FAMILY TWO DISTRICT (SF-2) TO OUTDOOR COMMERCIAL DISTRICT (C-3) ONE PROPERTY ADDRESSED AS 701 E BROADWAY, AND TO REZONE FROM SINGLE-FAMILY TWO DISTRICT (SF-2) TO INDUSTRIAL DISTRICT (I) EIGHT PROPERTIES ADDRESSED AS 508 NORTH DENISON, 512 NORTH DENISON, 314 NORTH DENISON, 700 EAST SCOTT, 708 EAST SCOTT, 709 EAST SCOTT; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF GAINESVILLE; PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING.**

CONSIDERATION OF AND ACTION ON SECOND READING OF AN ORDINANCE OF THE CITY COUNCIL, OF THE CITY OF GAINESVILLE, TEXAS, AMENDING ORDINANCE 1219-12-2008; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE CITY OF GAINESVILLE, TEXAS TO REZONE FROM SINGLE-FAMILY TWO DISTRICT (SF-2) TO OUTDOOR COMMERCIAL DISTRICT (C-3) ONE PROPERTY ADDRESSED AS 701 E BROADWAY, AND TO REZONE FROM SINGLE-FAMILY TWO DISTRICT (SF-2) TO INDUSTRIAL DISTRICT (I) EIGHT PROPERTIES ADDRESSED AS 508 NORTH DENISON, 512 NORTH DENISON, 314 NORTH DENISON, 700 EAST SCOTT, 708 EAST SCOTT, 709 EAST SCOTT; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF GAINESVILLE; PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING.

Council disapproved adoption of a proposed ordinance to change the zoning districts for 701 East Broadway from Single-Family Two District (SF-2) to Outdoor Commercial District (C-3); and eight properties addressed as 700, 708, and 709 East Scott and 314, 508 and 512 North Denison from Single-Family Two District (SF-2) to Industrial District (I). First reading was considered at the March 3, 2015 Council meeting.

Councilmember Snuggs **moved to Suspend the Charter requirement of three readings**, seconded by Councilmember Keeler, the motion carried by vote of 5 Ayes, 1 Nays (Ray Nichols), 0 Abstentions, 1 Absent (Mayor Jim Goldsworthy).

Councilmember Snuggs **moved to disapprove second reading of the ordinance.** The motion was seconded by Councilmember Keeler and carried by vote of 4 Ayes, 2 Nays (Keith Clegg, Ray Nichols), 0 Abstentions, 1 Absent (Mayor Jim Goldsworthy).

**ORDINANCE NO. 1363-03-2015 – AN ORDINANCE AMENDING CHAPTER 3 ANIMAL CONTROL OF THE CODE OF THE CITY OF GAINESVILLE, TEXAS; AMENDING SECTION 3-1 DEFINITIONS TO CHANGE OR ADD DEFINITIONS OF FERAL ANIMAL, TNR CAREGIVER, TNR PROGRAM CAT AND TRAP-NEUTER-RETURN PROGRAM; AMENDING SECTION 3-8 IMPOUNDMENT TO CLARIFY PROCEDURES FOR TNR CATS AND WILD ANIMALS; AMENDING SECTION 3-10 DISPOSITION OF ANIMALS TO CLARIFY THE DISPOSITION OF TNR CATS; AMENDING SECTION 3-14 ANIMAL NUISANCE TO ALLOW TNR CAREGIVERS TO FEED TNR CATS; AMENDING SECTION 3-20 LIVESTOCK TO ALLOW POULTRY TO BE KEPT IN RESIDENTIAL AREAS; ADDING SECTION 3-31 TO CREATE A TRAP-NEUTER-RETURN PROGRAM; PROVIDING A CONFLICTING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.**

CONSIDERATION OF AND ACTION ON SECOND READING OF AN ORDINANCE OF THE CITY COUNCIL, OF THE CITY OF GAINESVILLE, TEXAS, AMENDING CHAPTER 3 ANIMAL CONTROL OF THE CODE OF THE CITY OF GAINESVILLE, TEXAS; AMENDING SECTION 3-1 DEFINITIONS TO CHANGE OR ADD DEFINITIONS OF FERAL ANIMAL, TNR CAREGIVER, TNR PROGRAM CAT AND TRAP-NEUTER-RETURN PROGRAM; AMENDING SECTION 3-8 IMPOUNDMENT TO CLARIFY PROCEDURES FOR TNR CATS AND WILD ANIMALS; AMENDING SECTION 3-10 DISPOSITION OF ANIMALS TO CLARIFY THE DISPOSITION OF TNR CATS; AMENDING SECTION 3-14 ANIMAL NUISANCE TO ALLOW TNR CAREGIVERS TO FEED TNR CATS; AMENDING SECTION 3-20 LIVESTOCK TO ALLOW POULTRY TO BE KEPT IN RESIDENTIAL AREAS; ADDING SECTION 3-31 TO CREATE A TRAP-NEUTER-RELEASE PROGRAM; PROVIDING A CONFLICTING CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

Council approved adoption of an ordinance to amend existing code regarding Chapter 3 Animal Control. This ordinance creates a policy that allows a Trap-Neuter-Release (TNR) Program for feral cats. The policy requires a sponsor to establish a record keeping system to monitor the TNR Program Cats and train TNR Caregivers to properly provide care for a TNR cat colony. Texas Coalition for Animal Protection (TCAP) has offered to be the Sponsor for the TNR Caregivers. All cats in the program will have to be spayed or neutered, vaccinated, and eartipped (cut ¼ off of the cat's left ear). Caregivers are also required to feed, monitor the colony and have the animals vaccinated as required by state law.

This ordinance also amends Section 3-20 Livestock to allow chickens to be kept within city limits. Residents will be allowed 12 chickens, but the following poultry is still prohibited: roosters, ducks, turkeys, geese, guinea fowl, and peacocks, unless in an Agricultural Zone.

Councilmember Clegg **moved to Suspend the Charter requirement of three readings,** seconded by Councilmember Snuggs, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Mayor Jim Goldsworthy).

Councilmember Clegg **moved to approve second reading of the ordinance.** The motion was seconded by Councilmember Keeler and carried by vote of 5 Ayes, 1 Nays (Beverly Snuggs), 0 Abstentions, 1 Absent (Mayor Jim Goldsworthy).

### **EXECUTIVE SESSION**

At 7:40 p.m. Mayor Pro Tem Ray Nichols announced that Council would convene into Executive Session in compliance with Vernon's Texas Codes Annotated, Government Code, Chapter 551 (Open Meetings Act), to discuss the following:

Under Government Code §551.087 Economic Development  
Under Government Code §551.072 Real Property

### **RECONVENE INTO OPEN SESSION**

Council reconvened into open session at 8:17 p.m. and Mayor Pro Tem Ray Nichols announced no action was taken during executive session.

### **TABLED APPROVING THE SELECTION OF A LEASE PROPOSAL FOR 9.14 ACRES OF LAND KNOWN AS LOCKE FIELD AND APPROVING THE CITY MANAGER TO SIGN A LEASE AGREEMENT WITH ORISON HOLDINGS.**

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING THE SELECTION OF A LEASE PROPOSAL FOR 9.14 ACRES OF LAND KNOWN AS LOCKE FIELD AND APPROVING THE CITY MANAGER TO SIGN A LEASE AGREEMENT WITH ORISON HOLDINGS.

Tabled consideration of a resolution selecting a lease proposal for 9.14 acres of land known as Locke Field and approving the City Manager to sign a lease agreement with Orison Holdings.

Councilmember Clegg **moved to table the resolution,** seconded by Councilmember Snuggs, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Mayor Jim Goldsworthy).

### **RESOLUTION NO. 03-17-2015 C – SUPPORTING A LOCAL BILL IN THE LEGISLATURE TO ALLOW COOKE COUNTY JUDGE TO RETAIN THE ABILITY TO ACT AS A MAGISTRATE**

CONSIDERATION OF AND ACTION ON A RESOLUTION SUPPORTING A LOCAL BILL IN THE LEGISLATURE TO ALLOW COOKE COUNTY JUDGE TO RETAIN THE ABILITY TO ACT AS A MAGISTRATE

Council approved support of a local bill that will allow the Cooke County Judge to act as a magistrate. City Manager Barry Sullivan explained that local bills are generally introduced at legislature only if local entities support it. He advised County Judge Jason Brinkley was very helpful in his previous position as Justice of the Peace in signing warrants to make arrests, especially for DWI charges. Mayor Pro Tem Ray Nichols thanked Judge Brinkley for his assistance to the City of Gainesville.

Councilmember Hendricks **moved for approval of the resolution,** seconded by Councilmember Keeler, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Mayor Jim Goldsworthy).

### **ADJOURN**

With no further business to come before the City Council, the meeting was adjourned at 8:20 p.m.

Respectfully submitted,

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**Caitlyn Huddleston, City Secretary**

*Gainesville City Council Minutes of March 17, 2015*

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**Ray Nichols, Mayor Pro Tem**

