

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
June 15, 2010**

The City Council of the City of Gainesville, Texas met in regular session on June 15, 2010 at 6:30 p.m. in accordance with the posted agenda and with the following persons in attendance:

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

STAFF PRESENT: Barry Sullivan, City Manager; Kay Lunnon, City Secretary; Dan Parker, Finance Director; Steven Fleming, Police Chief; John Noblitt, Community Development Director;

OTHERS PRESENT: Phil Schenk, Travis Lokker, Harriett Dickson, Lydia Ansley, Margie Askew, Rod Tyler, Dean Patterson, Geraldine Williams, David Sicking, Regan Gore, Leah Gore, Hali Smith, Jennifer Ware, Chris Cypert, Matt Milner, Dee Blanton, Rebecca Lawson, Kit Chase, Delania Trigg

CALL TO ORDER

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

INVOCATION & PLEDGE OF ALLEGIANCE

Reverend Eddie Chennault, Temple Baptist Church, gave the invocation. Mayor Loch led the pledge to the flag.

RECOGNITIONS

Jennifer Ware was recognized as June 2010 City Employee of the Month and was presented a Certificate recognizing her efforts in developing City training online for City employees. The City Manager presented Ware an Employee of the Month certificate and a redeemable certificate good for one day off with pay.

REPORTS

Dean Patterson, Phil Schenk, and Jeri Williams thanked the City Council on behalf of the Cooke County Arts Council for funding support their organizations are receiving in the current fiscal year and requested consideration for funding in the City's fiscal year 2010-2011 budget. They presented information regarding cultural activities provided to the community by the four organizations comprising the Cooke County Arts Council – Cooke County Orchestra, North Central Texas Chorale, Gainesville Council of Garden Clubs, and Gainesville Area Visual Arts (GAVA).

Harriett Dickson, President of the Cooke County Heritage Society, thanked the City for its funding support for the Morton Museum and the Santa Fe Depot Museum and requested continued funding in the City's fiscal year 2010-2011 budget.

CITIZEN COMMENTS

Rod Tyler addressed Council regarding the proposed Animal Control Ordinance, speaking against the provision allowing dogs to be restrained on a chain. Tyler said the practice is cruel and a dog is often more dangerous on a chain, citing a statistic that seventy-five percent of dog bites occur because the animal is restrained on a chain. He requested that Council review their standing on this portion of the new ordinance.

David Sicking spoke to Council on the proposed amendment to the Animal Control Ordinance that requires five acres for one head of livestock plus additional one acre per head of livestock. Sicking said he has five acres inside the city limits and grazes three to four head of livestock on the property during the growing season rather than mowing it. He requested Council's consideration of increasing the number of livestock allowed on five acres.

CONSENT AGENDA

MINUTES OF JUNE 1, 2010 REGULAR COUNCIL MEETING

Council reviewed the Minutes of the City Council Meeting of June 1, 2010 and approved them as written.

RESOLUTION NO. 06-15-2010 – APPROVING APPOINTMENTS TO THE BUILDING AND STANDARDS COMMISSION

Tommy Robinson and Raymond Root were re-appointed to two-year terms on the Building and Standards Commission. Jock Conner was appointed to fill the unexpired term of John Broyles. Buster Bezner, Jess Cason, and Michael Blake were appointed as Alternate members on the Board. Appointments expire for Robinson, Root, and Bezner in May 2012; and for Conner, Cason, and Blake in May 2011.

RESOLUTION NO. 06-15-2010 A – APPROVING APPOINTMENTS TO THE ZONING APPEALS BOARD

Don Hawkins was appointed to complete the unexpired term of Terry Herrmann on the Board of Zoning Appeals. His appointment expires October 2011.

Councilmember Goldsworthy moved to **approve the items on the Consent Agenda**, and was seconded by Councilmember Nichols. Motion carried by vote of 6 Ayes, 0 Nays, 0 Absent, 1 Vacancy.

RESOLUTION NO. 06-15-2010 B – AUTHORIZE CONTINUED PARTICIPATION WITH THE ONCOR STEERING COMMITTEE

A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF 10 CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY LLC.

City Manager Barry Sullivan recommended continuing the City's membership on the Oncor Steering Committee. He said the membership fee of ten cents (\$.10) per capita is low cost compared to the service received by the City. The Committee serves as primary public interest advocates that appear before the Public Utility Commission, the Courts, and the Legislature on electric utility regulation matters. The Committee is actively involved in rate cases, appeals, rulemakings, and legislative efforts impacting the rates charged by Oncor Electric Delivery Company within the City.

Councilmember Snuggs moved to **approve the Resolution**, and was seconded by Councilmember Rippy. Motion carried by vote of 6 Ayes, 0 Nays, 0 absent, 1 Vacancy.

RESOLUTION NO. 06-15-2010 C – AUTHORIZE OFFERS TO PURCHASE 814 O’NEAL AND 504 NORTH SCHOPMEYER OR INITIATE CONDEMNATION PROCEEDINGS IF NECESSARY TO ACQUIRE FOR PECAN CREEK FLOOD DAMAGE REDUCTION PROJECT

A RESOLUTION AUTHORIZING THE CITY MANAGER TO MAKE AN OFFER TO PURCHASE REAL ESTATE PROPERTIES AT 814 O’NEAL STREET AND 504 NORTH SCHOPMEYER STREET AS PART OF THE PECAN CREEK LOCAL FLOOD DAMAGE REDUCTION PROJECT AND INSTRUCTING THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS IF NECESSARY.

Council authorized the City Manager to offer to purchase properties located at 814 O’Neal and 504 North Schopmeyer at their full appraised value for the Pecan Creek Flood Damage Reduction Project. If necessary, the City Attorney is instructed to begin the condemnation process to acquire the properties for the project. The Corps of Engineers has reviewed the full appraised values and issued Authorizations to Proceed with Offer to purchase the properties. Full appraised values are \$12,000 for 814 O’Neal and \$4,000 for 540 North Schopmeyer. The City is required to acquire property for the Pecan Creek Flood Damage Reduction Project.

Councilmember Goldsworthy moved to **approve the Resolution**, and was seconded by Councilmember Snuggs. Motion carried by vote of 6 Ayes, 0 Nays, 0 absent, 1 Vacancy.

RESOLUTION NO. 06-15-2010 D – RECOGNIZE ANNUAL DEPOT DAY FESTIVAL AND REQUEST MULTI-YEAR TEMPORARY STREET CLOSURE AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, RECOGNIZING THE ANNUAL DEPOT DAY CELEBRATION IN THE CITY OF GAINESVILLE AND TEMPORARY CLOSURE OF A PORTION OF CALIFORNIA STREET IN ACCORDANCE WITH AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION.

Sullivan recommended the agreement with TXDOT, stating it expedites temporary closure of California Street during Depot Day. The resolution officially recognizes Depot Day, which is held annually on the second Saturday in October, and approves the City’s request for a multi-year agreement (2010 through 2014) with TXDOT for closing California Street on Depot Day.

Councilmember Nichols moved to **approve the Resolution**, and was seconded by Councilmember Goldsworthy. Motion carried by vote of 6 Ayes, 0 Nays, 0 absent, 1 Vacancy.

ORDINANCE NO. 1249-06-2010 – ADOPTING AMENDMENTS TO ZONING CODE APPENDIX A

THIRD READING OF AN ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AMENDING APPENDIX A-ZONING OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE , ARTICLE II – NONCONFORMING LOTS, STRUCTURES USES AND SPECIAL USE PERMITS, SECTION 2.1.04-NONCONFORMING LOTS OF RECORD, ARTICLE III - USE OF LAND OR PREMISE, SECTION 3.1.09 – CA CENTRAL AREA DISTRICT DEFINED, SECTION 3.1.1–C1 RESTRICTED COMMERCIAL DISTRICT DEFINED, SECTION 3.1.11 – C2 GENERAL COMMERCIAL DISTRICT DEFINED, SECTION 3.1.12 - C3 OUTDOOR COMMERCIAL DISTRICT DEFINED, SECTION 3.2.01 HP HERITAGE PRESERVATION OVERLAY DISTRICT, SECTION 3.3.03 – ALLOWABLE SPECIAL USES AND CONDITIONS, SECTION 3.4.02 GENERAL PROVISIONS FOR ALL

DISTRICTS, SECTION 3.4.03 RESIDENTIAL PROVISIONS, SECTION 3.6.02–TREE PRESERVATION, SECTION 3.10.03–ALCOHOLIC BEVERAGE SALES, ARTICLE IV – GENERAL DEFINITIONS, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE, AND FINDING THE MEETING WAS OPEN TO THE PUBLIC.

Amendments to the Zoning Code, Appendix A, of the City of Gainesville Code of Ordinances were adopted on third reading of the ordinance. The amendments clarify outdoor commercial uses and limitations; clarify masonry requirements for buildings in the general commercial district (C2); remove the requirement for review by the Heritage Preservation Committee of signage and awnings in the Heritage Preservation Overlay District (HP); adds wind turbines as an allowable special use requiring a permit; adds a clause allowing tree removal for public protection on trees that extend into the right-of-way, obstruct signs, interfere with municipal or utility services, interfere with traffic flow, or cause hazardous conditions to pedestrians and vehicles; and clarifies the alcohol license application submittal process. Setback requirements for new dwellings built on current nonconforming lots of record 6500 square feet or less are established requiring sideyard setbacks to be 10% of the width of the lot, but no side setback shall be less than 5 feet, and the minimum street yard setbacks shall be 15 feet. This applies only to current nonconforming lots of record. The square footage requirement for new apartment development was not amended.

Councilmember Snuggs **moved to adopt the ordinance**, seconded by Councilmember Goldsworthy. Motion carried by vote of 6 Ayes, 0 Nays, 0 absent, 1 Vacancy.

SECOND READING APPROVAL OF AMENDMENTS TO ANIMAL CONTROL ORDINANCE

SECOND READING OF AN ORDINANCE REPEALING CHAPTER 3 OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, ESTABLISHING AN ANIMAL CONTROL ORDINANCE FOR THE CITY OF GAINESVILLE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.

Second reading of the proposed Animal Control Ordinance was approved. City Manager Sullivan said the new ordinance will make it easier for City staff to enforce animal control rules and easier for the public to understand. Amendments include definition of Dangerous Dogs and requirement for their removal from the city limits if declared dangerous by court process; establishment of a five acre requirement for keeping of one head of livestock within the city limits; specifications of sanitary conditions for keeping of livestock; establishing a limit of four animals per household, with no more than two permanent outside dogs per household; placing authority for enforcement with the Animal Control Officer of the City; and appointing the City Animal Control Officer as the Local Rabies Control Authority (LRCA). Councilman Rippy expressed agreement with the comments by Rod Tyler regarding restraining dogs on a chain, and said the City would do itself well to outlaw the chaining of dogs. Rippy said leashing or chaining of a dog lends itself to cruelty. Councilman Nichols added that several people have contacted him and expressed that chaining a dog is cruel. Rippy also suggested a revision to the ordinance section that restricts cats to their owners' yards, stating it would be impossible to enforce because it is not in the nature of a cat to be confined to a yard. On the request by Mr. Sicking about livestock allowed per acre, Sullivan said that Sicking should register his current livestock with the City in order to be grandfathered under the new ordinance. Similarly, Councilman Goldsworthy pointed out that citizens who currently exceed the limit of four animals per household would have thirty (30) days from the time the ordinance is adopted to notify the City or they will fall under the guidelines of the new ordinance. Sullivan said to be

