

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
June 1, 2010**

The City Council of the City of Gainesville, Texas met in regular session on June 1, 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 Carolyn Hendricks, Ray Nichols, Vince Rippy,
Beverly Snuggs

MEMBERS ABSENT: Jim Goldsworthy

STAFF PRESENT: Barry Sullivan, City Manager; Kay Lunnon, City Secretary; Dan Parker, Finance Director; Mary Jarvis, Controller; Steven Fleming, Police Chief; John Noblitt, Community Development Director; Kent Sharp, GEDC Executive Director

OTHERS PRESENT: Dee Blanton, Darrell McIntyre, Kit Chase, Delania Trigg, Wayne Jarvis, Rod Tyler, Justin Thompson, Faisal Reza, Susan Thomas

CALL TO ORDER

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

INVOCATION & PLEDGE OF ALLEGIANCE

Reverend Darrell McIntyre, Westminster Presbyterian Church, gave the invocation. Mayor Loch led the pledge to the flag.

RECOGNITIONS

City Manager, Barry Sullivan, recognized Mary Jarvis, Controller, and Dan Parker, Finance Director, for receiving the Distinguished Budget Presentation Award from the Government Finance Officers Association for the current fiscal year budget. This is a first time award for the City of Gainesville in this category from the GFOA. In commending Jarvis and Parker for their achievement, the City Manager remarked that the award sets the City of Gainesville apart from other cities in that only 1200 governmental entities in the United States have received this award. In Texas, Gainesville is one of only 104 cities that have received both the Financial Presentation Award and the Budget Presentation Award. Sullivan presented Jarvis and Parker each with a Medal of Distinction from the City recognizing their efforts in reaching this goal on their first time submission.

CONSENT AGENDA

MINUTES OF MAY 18, 2010 REGULAR COUNCIL MEETING

Council reviewed the Minutes of the City Council Meeting of May 18, 2010 and approved them as written.

RESOLUTION NO. 06-01-2010 – APPROVING APPOINTMENTS TO THE GAINESVILLE HOUSING AUTHORITY BOARD

Patty Haayen and Linda Beaudine were re-appointed to two-year terms on the Gainesville Housing Authority Board of Directors.

RESOLUTION NO. 06-01-2010 A – APPROVING APPOINTMENT TO THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION BOARD

Ray Nichols was appointed to the GEDC Board of Directors to complete the unexpired term of Charles Draper.

Councilmember Snuggs moved to **approve the items on the Consent Agenda**, and was seconded by Councilmember Rippy. Motion carried by vote of 5 Ayes, 0 Nays, 1 Absent (Goldsworthy), 1 Vacancy.

RESOLUTION NO. 06-01-2010 B – AUTHORIZE CONTRACT WITH HDR ENGINEERING TO PREPARE EMERGENCY ACTION PLAN FOR FISH CREEK DAM

A RESOLUTION AUTHORIZING THE CITY MANAGER, FOR AND ON BEHALF OF THE CITY OF GAINESVILLE, TEXAS TO EXECUTE AN AGREEMENT WITH HDR ENGINEERING, INC. FOR PROFESSIONAL SERVICES FOR THE PREPARATION OF AN EMERGENCY ACTION PLAN FOR FISH CREEK DAM.

The City Manager was authorized to execute a contract for \$36,000.00 with HDR Engineering for preparation of an Emergency Action Plan for the Fish Creek Dam. Sullivan said the Plan is necessary in order to comply with the Texas Commission on Environmental Quality (TCEQ) rules and regulations for a large size dam that would pose a significant hazard if breached. The Emergency Action Plan determines potential conditions and events that would constitute unusual and emergency conditions at the dam, identifies nearby resources and develops the response plan of actions. Sullivan recommended HDR as the best qualified for this task due to their significant knowledge of the Fish Creek Dam, having performed a spillway improvement study for the dam in 1997, and engineered improvements that were made to repair the emergency spillway to meet safety requirements in 2000.

Councilmember Nichols moved to **approve the Resolution**, and was seconded by Councilmember Snuggs. Motion carried by vote of 5 Ayes, 0 Nays, 1 absent (Goldsworthy), 1 Vacancy.

PUBLIC HEARING ON CITY PARTICIPATION IN A JUSTICE ASSISTANCE GRANT TO ESTABLISH A K-9 UNIT IN THE GAINESVILLE POLICE DEPARTMENT

City Manager Barry Sullivan stated Justice Assistance Grant funding is for law enforcement use for specific purposes. The Gainesville Police Department desires to establish a K-9 Unit to enhance their capabilities for detection and apprehension. Mayor Loch opened the Public Hearing at 6:41 p.m. and called for public comment regarding City participation in a grant for establishment of a K-9 Unit in the Gainesville Police Department.

No person came forward to speak either for or against establishment of a K-9 Unit. With no further discussion, Councilmember Nichols **moved to close the Public Hearing**, and was seconded by Councilmember Rippy. Motion carried by vote of 5 Ayes, 0 Nays, 1 absent (Goldsworthy), 1 Vacancy. The Public Hearing was closed at 6:42 p.m.

RESOLUTION NO. 06-01-2010 C – APPROVING PARTICIPATION IN JUSTICE ASSISTANCE GRANT TO ESTABLISH A K-9 UNIT FOR THE GAINESVILLE POLICE DEPARTMENT

A RESOLUTION AUTHORIZING PARTICIPATION IN A JUSTICE ASSISTANCE GRANT PROGRAM FOR THE PURPOSE OF ESTABLISHING A K-9 UNIT FOR THE GAINESVILLE POLICE DEPARTMENT.

Council approved City participation in a Justice Assistance Grant Program for funding assistance. Chief Steven Fleming said GPD is requesting \$11,264 in order to purchase a dog and establish a K-9 Unit to further enhance law enforcement capabilities of the department in detection and apprehension. He said currently GPD relies on other jurisdictions for K-9 assistance in detection of narcotics and apprehension of fleeing suspects. Councilman Rippy stated K-9 capabilities are needed in the community.

Councilmember Hendricks moved to **approve the Resolution**, and was seconded by Councilmember Snuggs. Motion carried by vote of 5 Ayes, 0 Nays, 1 absent (Goldsworthy), 1 Vacancy.

TABLED ACCEPTANCE OF DONATION OF REAL PROPERTY KNOWN AS THE RIVER VALLEY COUNTRY CLUB

A RESOLUTION AUTHORIZING THE CITY MANAGER, FOR AND ON BEHALF OF THE CITY OF GAINESVILLE, TO ACCEPT DONATION OF REAL PROPERTY KNOWN AS THE RIVER VALLEY COUNTRY CLUB, LOCATED ON LEASED PREMISES OF THE CITY OF GAINESVILLE IN THE D.B. DICKENSON AND D. MARTIN SURVEYS.

Decision was tabled regarding the offer of donation of real property known as the River Valley Country Club located on leased premises at the Gainesville Golf Course. Current owner Richard Klement is interested in donating the structure to the City and foregoing renewal of the land lease. Council tabled decision until the next Council meeting to allow additional research on issues involved.

Councilmember Snuggs moved to **table the Resolution until next Council meeting or later**, and was seconded by Councilmember Nichols. Motion carried by vote of 5 Ayes, 0 Nays, 1 absent (Goldsworthy), 1 Vacancy.

SECOND READING APPROVAL OF AMENDMENTS TO ZONING CODE

SECOND 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 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.

Second reading was approved for proposed changes to the Zoning Code. The City Manager recommended setback requirements on current nonconforming lots of record 6500 square feet or less: sideyard setbacks 10% of the width of the lot, but no setback less than 5 feet, minimum street yard setbacks 15 feet. This applies only to current nonconforming lots of record. Council maintained the current square footage requirement of 800 square feet for new apartment

development. Third reading consideration of this ordinance will be at the regular City Council meeting on June 15, 2010.

Councilmember Snuggs **moved to approve second reading of the ordinance**, seconded by Councilmember Nichols. Motion carried by vote of 5 Ayes, 0 Nays, 1 absent (Goldsworthy), 1 Vacancy.

ORDINANCE NO. 1248-06-2010 – REPEALING CHAPTER 10 ENTITLED “MOBILE HOMES” IN ITS ENTIRETY FROM THE CITY CODE OF ORDINANCES

FIRST READING OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, TEXAS, BY REPEALING CHAPTER 10 ENTITLED “MOBILE HOMES” IN ITS ENTIRETY; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING.

Sullivan stated the current Zoning Ordinance provides for regulation of mobile homes and overrides many sections of Chapter 10. He said the full intent is to regulated mobile homes in the Zoning Code and he recommended repeal of Chapter 10 entitled “Mobile Homes”, in its entirety from the City Code of Ordinances, to provide consistency in regulations.

Councilmember Nichols **moved to suspend the Charter requirement of three readings**, seconded by Councilmember Rippy. Motion carried by vote of 5 Ayes, 0 Nays, 1 absent (Goldsworthy), 1 Vacancy.

Councilmember Nichols **moved to adopt the ordinance**, seconded by Councilmember Rippy. Motion carried by vote of 5 Ayes, 0 Nays, 1 absent (Goldsworthy), 1 Vacancy.

FIRST READING APPROVAL OF ANIMAL CONTROL ORDINANCE

FIRST 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.

Council approved first reading of an Animal Control Ordinance repealing and replacing Chapter 3 Animal Control in the Code of Ordinances to clarify, revise, and consolidate existing laws and regulations of the City of Gainesville related to animal control. Major changes include definition of Dangerous Dogs and requirement for their removal from the city limits if declared as dangerous by court process; requiring five acres for keeping one head of livestock within the city limits; specifying 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 of Animal Control with the Animal Control Officer of the City; and appointing the Animal Control Officer of the City of Gainesville as the Local Rabies Control Authority (LRCA). Second reading consideration of the ordinance will be held at the regular City Council meeting on June 15, 2010.

Councilmember Snuggs **moved to approve first reading of the ordinance**, seconded by Councilmember Rippy. Motion carried by vote of 5 Ayes, 0 Nays, 1 absent (Goldsworthy), 1 Vacancy.

EXECUTIVE SESSION

The City Council did not convene into executive session.

