

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
May 18, 2010**

The City Council of the City of Gainesville, Texas met in regular session on May 18, 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 Charles Draper, Jim Goldsworthy, Carolyn Hendricks, Ray Nichols, Vince Rippy, Beverly Snuggs

STAFF PRESENT: Barry Sullivan, City Manager; Kay Lunnon, City Secretary; Dan Parker, Finance Director;

OTHERS PRESENT: County Judge John Roane, Municipal Judge Chris Cypert, Bill Black, Faisal Reza, David Hersman, CJ Durbin-Higgins, Tom Hall, Jerry Chapman, Ryan Gleason, Justin Thompson, Harold Cook, Stephanie Davidson, Ryan Gleason, Doris Rippy, Clarence Fletiman.

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

Brother Bill Black, Grand Avenue Baptist Church, gave the invocation. Mayor Loch led the pledge to the flag.

CANVASS OF ELECTION RETURNS OF MAY 8, 2010 GENERAL ELECTION AND SPECIAL ELECTION

Returns from the May 8, 2010 General Election and Special Election were read by the City Secretary. In the General Election of Officers, unopposed candidate Nathan Dempsey, received 78 votes and was declared elected to the Council Ward 3 position; unopposed candidate Ray Nichols received 68 votes and was declared elected to the Council Ward 5 position; unopposed candidate Vince Rippy received 59 votes and was declared elected to the Council Ward 6 position; Christopher F. Cypert, running opposed for the position of Municipal Judge, received 307 votes and was declared elected.

In the Special Election, Question 1, For/Against authorizing the City to sell 9.14 acres of land located in what is known as Fair Park, received 153 votes FOR and 219 votes AGAINST. The question was declared defeated.

Question 2, For/Against authorizing the City to lease 9.14 acres of land located in what is known as Fair Park, received 192 votes FOR and 166 votes AGAINST. The question was declared approved.

A total of 85 voters cast ballots during Early Voting and 309 voters cast ballots on Election Day.

RESOLUTION NO. 05-18-2010 – DECLARING AND APPROVING OFFICIAL RESULTS OF CANVASS OF ELECTION RETURNS

A RESOLUTION AND ORDER CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL AND SPECIAL ELECTION HELD MAY 8, 2010.

With no further discussion, Councilmember Goldsworthy moved to **approve the Resolution declaring the official results of the canvass of election returns**, and was seconded by Councilmember Nichols. Motion carried by vote of 7 Ayes, 0 Nays, 0 absent.

RESOLUTION NO. 05-18-2010 A – ACCEPTING LETTER FROM NATHAN DEMPSEY DECLINING ACCEPTANCE OF ELECTED COUNCIL POSITION IN WARD 3

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE ACCEPTING A LETTER FROM NATHAN DEMPSEY DECLINING ACCEPTANCE OF HIS ELECTED CITY COUNCIL POSITION IN WARD 3.

Mayor Loch read a letter from Nathan Dempsey declining his newly elected position as City Council Member, Ward 3. Mr. Dempsey stated he no longer meets residency qualifications for the position because he sold his home and no longer resides in Ward 3. Dempsey expressed appreciation for the support received from residents and voters in Ward 3.

Councilmember Goldsworthy moved to **approve the Resolution**, and was seconded by Councilmember Nichols. Motion carried by vote of 7 Ayes, 0 Nays, 0 absent.

OATHS OF OFFICE TO NEWLY ELECTED OFFICIALS

Cooke County Judge, John Roane, administered the Oath of Office to newly elected City officials Christopher F. Cypert, Municipal Judge; Ray Nichols, City Councilman, Ward 5; and Vince Rippy, City Councilman, Ward 6.

RECOGNITIONS

Mayor Loch read and presented a plaque to outgoing City Councilman Charles Draper in appreciation and recognition of his service to the City of Gainesville from May 2006 to May 2010.

Tom Hall was recognized was recognized as May 2010 City Employee of the Month and was presented a Certificate recognizing his landscaping expertise, planning and direction that accomplished renovation of the No. 1 and No. 6 greens at the Municipal Golf Course. Hall saved the City more than twenty-five thousand dollars for the project due to the renovations being accomplished by city personnel. The City Manager presented Hall an Employee of the Month certificate and a redeemable certificate good for one day off with pay.

ELECTION OF MAYOR PRO TEM

Mayor Loch called for nominations for Mayor Pro Tem for the next Council year, May 2010 to May 2011. Councilmember Nichols nominated Jim Goldsworthy as Mayor Pro Tem, and Councilmember Snuggs seconded the nomination. Nominations ceased. Mayor called for the vote. Jim Goldsworthy was elected Mayor Pro Tem by vote of 6 Ayes, 0 Nays, 0 Abstentions, and 1 Vacancy.

CONSENT AGENDA

MINUTES OF MAY 4, 2010 REGULAR COUNCIL MEETING

Council reviewed the Minutes of the City Council Meeting of May 4, 2010 and approved them as written.

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

RESOLUTION NO. 05-18-2010 B – DECLARING A VACANCY ON THE CITY COUNCIL

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE DECLARING A VACANCY ON THE CITY COUNCIL.

In accordance with City Charter, Council declared the Ward 3 Council position, declined by Nathan Dempsey, to be vacant, and thus established the beginning of a ninety-day period for the City Council to fill the position by appointment. Mayor Loch announced that the City Council will appoint a successor to the Ward 3 position, who will serve until the next annual City election is held on May 14, 2011, when the voters will elect a Council member to represent Ward 3. The appointee must possess all qualifications required for the office. Mayor announced that persons interested in appointment as Ward 3 Council Member should contact City Secretary Kay Lunnon for an application form.

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. 05-18-2010 C – APPROVING COOKE COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE APPROVING THE COOKE COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN.

CJ Durbin-Higgins, Planner for the Texoma Council of Governments, presented the Cooke County Hazard Mitigation Plan which was developed with the assistance of the Texoma Council Government. The Plan includes Cooke County and all the cities in the county. After each jurisdiction has taken action on the Plan, it will be submitted to the Federal Emergency Management Agency (FEMA) for approval. The Plan expresses proposed mitigation actions and document risks and capabilities of the community. Local governments are required to have FEMA approved local hazard mitigation plan in order to be eligible to receive federal funding through FEMA's Hazard Mitigation Grant Program.

Councilmember Nichols 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. 05-18-2010 D – APPROVING SALE OF ALCOHOL IN THE 100 BLOCK OF SOUTH COMMERCE DURING THE SUMMER SOUNDS CONCERT SERIES, MAY 28, JUNE 25, AND JULY 30, 2010

A RESOLUTION OF THE CITY COUNCIL APPROVING THE SALE OF ALCOHOL IN THE 100 BLOCK OF SOUTH COMMERCE STREET BY THE CITY OF GAINESVILLE MAIN STREET PROGRAM DURING SUMMER SOUNDS CONCERT SERIES MAY 28, JUNE 25, AND JULY 30, 2010.

Council approved a request by Gainesville Main Street Advisory Board to sell beer and wine in the 100 block of South Commerce during the Summer Sounds Series, to be held on May 28, June 25, and July 30. Summer Sounds events will be held on South Commerce Street between California Street and Main Street.

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

RESOLUTION NO. 05-18-2010 E – APPROVE CONTRACT WITH PATRICIA ADAMS FOR MUNICIPAL COURT ATTORNEY SERVICES

A RESOLUTION AUTHORIZING THE CITY MANAGER, FOR AND ON BEHALF OF THE CITY OF GAINESVILLE, TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH PATRICIA ADAMS FOR MUNICIPAL COURT ATTORNEY SERVICES; SAID AGREEMENT FOR THE CONSIDERATION AND TERMS AND CONDITIONS STATED THEREIN IN A FORM ACCEPTABLE TO BOTH PARTIES.

City Manager, Barry Sullivan, recommended approval of renewing the contract with Attorney Patricia Adams for Municipal Court Attorney services. Sullivan said Adams works well with the Municipal Court and City officers. The contract is for two-years and runs concurrent with the Municipal Judge's elected term.

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.

PUBLIC HEARING ON AMENDMENTS TO ZONING CODE

City Manager Barry Sullivan reviewed the proposed amendments and history of the zoning ordinance. Mayor Loch opened the Public Hearing at 7:04 p.m. and called for public comment regarding proposed amendments to the Zoning Code.

Bill Black came forward and expressed that square footage requirements on apartments are too restrictive and requested that Council consider small size apartments.

Faisal Reza came forward and requested that square footage requirements for apartments be reduced. Reza said Gainesville has a need for student housing.

Harold Cook, 1201 Magnolia, requested Council consideration of a zoning requirement that allows only homes to be constructed on vacant residential lots in order to keep the integrity of neighborhoods.

No other persons came forward to speak either for or against the zoning amendments. With no further discussion, Councilmember Nichols **moved to close the Public Hearing**, and was seconded by Councilmember Snuggs. Motion carried by vote of 6 Ayes, 0 Nays, 0 absent, 1 Vacancy. The Public Hearing was closed at 7:10 p.m.

FIRST READING APPROVAL OF AMENDMENTS TO ZONING CODE

FIRST 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.

Council approved first reading of proposed amendments to the Zoning Ordinance. Amendments recommended by Planning and Zoning include clarification of outdoor commercial uses and limitations; clarification of masonry requirements; removal of the requirement for signage and

awnings review by the Heritage Preservation Committee; a requirement of a special use permit for wind turbines; addition of a clause allowing tree removal for public protection; and clarification of the alcohol application submittal. P & Z did not make recommendation for special setback requirements on nonconforming lots of record or for options to reduce square footage requirements for apartments. Additional recommendations by City Staff request Council's consideration of new setback requirements for non-conforming lots and also reconsideration of square footage requirements for apartments.

Sullivan said consideration of the setback requirements for non-conforming lots is due to variance requests coming before the Board of Adjustments by owners building new structures on existing non conforming lots. He said current zoning regulations are impractical for these lots and make them difficult to build on. Sullivan said setbacks regulations for non-conforming lots could be made specific and based either on square footage of the lot and/or a percentage of the lot size. The City Manager was requested to bring recommendation on setback requirements at the second reading of the ordinance.

During discussion regarding apartment square footage requirements in other cities, Sullivan said City staff sees a need for 700 to 750 square foot options and a change recommendation would make it easier for developers, but he asked if smaller square footage would meet the goals of the Council and P & Z. Sullivan requested Council's goals for multifamily housing before recommending changes to the current apartment size requirements.

Second reading consideration of this ordinance will be held at the regular City Council meeting on June 1, 2010.

Councilmember Goldsworthy **moved to approve first reading of the ordinance**, seconded by Councilmember Nichols. Motion carried by vote of 6 Ayes, 0 Nays, 0 absent, 1 Vacancy.

ORDINANCE NO. 1247-05-2010 – APPROVING A CONTRACT FOR WATER SUPPLY SERVICES WITH THE GTUA FOR PURCHASE OF WATER RIGHTS FOR LAKE TEXOMA

FIRST READING OF AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A “CONTRACT FOR WATER SUPPLY SERVICES” WITH THE GREATER TEXOMA UTILITY AUTHORITY IN RELATION TO THE LAKE TEXOMA WATER STORAGE PROJECT; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE EXECUTION AND DELIVERY OF SUCH CONTRACT.

GTUA General Manager, Jerry Chapman reviewed the importance and necessity of planning for future water supply. The ordinance approves a contract for City of Gainesville to purchase 10,804 acre-feet of water from Lake Texoma through the GTUA, which has an approved contract with the U. S. Corp of Engineers that allows GTUA member cities to purchase rights to draw up to 50.4 million gallons of water per day from the lake. The City's cost is estimated to be \$4.5 million with annual debt payment of \$296,000 per year for 20 years. Sullivan recommended for the purchase because, he said, it's the right long-term decision for the City. Councilman Nichols added this is the last chance for the City to obtain water rights from Lake Texoma.

Councilmember Rippy **moved to suspend the Charter requirement of three readings**, seconded by Councilmember Goldsworthy. Motion carried by vote of 6 Ayes, 0 Nays, 0 absent, 1 Vacancy.

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

EXECUTIVE SESSION

The City Council did not convene into executive session.

ADJOURN

With no further business to come before the City Council, the meeting adjourned at 7:45 p.m.

Respectfully submitted,

Kay Lunnon, City Secretary

Glenn Loch, Mayor