

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
February 16, 2010**

The City Council of the City of Gainesville, Texas met in regular session on February 16, 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; Belvin Harris, City Attorney; Dan Parker, Finance Director; Steven Fleming, Police Chief; John Noblitt, Planning Director; Kent Sharp, GEDC Executive Director

OTHERS PRESENT: Kit Chase, Dee Blanton, Delania Trigg, Rod Tyler, Loyd Jackson, Tom Kristof

CALL TO ORDER

Mayor Loch called the meeting to order at 6:30 p.m. with all Council members present.

INVOCATION & PLEDGE OF ALLEGIANCE

Pastor Phillip Helms, Eastside Church of Nazarine, gave the invocation. Mayor Loch led the pledge to the flag.

REPORTS

Kent Sharp, Executive Director of the Gainesville Economic Development Corporation, presented the GEDC annual report, including status of projects and commitments for financial incentives and a history of major projects.

A public information video on the City's new fully automated solid waste collection system was viewed. The video will air on government Channel 2 and is designed to educate residents regarding proper trash disposal and to publicize schedules and contact information. Carts are currently being delivered to each residence in the city, and City Manager, Barry Sullivan reminded residents to not use their new carts until March 1 because City crews are not able to lift the large carts and because the automated trucks are not yet in service.

CONSENT AGENDA

MINUTES OF FEBRUARY 2, 2010

Council reviewed the Minutes of the Regular City Council Meeting of February 2, 2010, and approved them as written.

RESOLUTION NO. 02-16-2010 – APPOINTMENTS TO GAINESVILLE MAIN STREET BOARD

Sue Hundt and Barry Otts were appointed to the Main Street Advisory Board to the unexpired terms of Tyrone Hodges and Lucy Haverkamp, who have resigned. Their terms expire 2011 and 2012 respectively.

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

RESOLUTION NO. 02-16-2010 A – AWARD BID TO WINDOWCRAFT, INC. FOR BUTTERFIELD STAGE WINDOW REPAIR & REPLACEMENT PROJECT

A RESOLUTION AWARDED BID NO. 2010-1 FOR REPLACEMENT OF WINDOWS ON THE BUTTERFIELD STAGE FACILITY AT 201 SOUTH DENTON STREET.

Sullivan reported five bids were received in response to the advertised request for sealed bids for repair and replacement of windows on the Butterfield Stage facility. WindowCraft, Inc. of Gainesville submitted the lowest bid in the amount of \$38,920. WindowCraft was recommended for award of bid. Sullivan stated funding for this project is an approved expenditure from Hotel Motel Tax revenues and meets state requirements for use of funds.

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

PUBLIC HEARING ON REQUEST TO REZONE 1410 O'NEAL STREET AND 1016 RITCHEY STREET FROM SINGLE FAMILY 2 (SF2) TO GENERAL COMMERCIAL (C2)

Mayor Loch opened the Public Hearing at 6:53 p.m. and called for public comment regarding the proposed zoning district change.

No one came forward to speak either for or against the rezoning. With no further discussion, Councilmember Draper **moved to close the Public Hearing**, and was seconded by Councilmember Nichols. Motion carried by vote of 7 Ayes, 0 Nays, 0 absent. The Public Hearing was closed at 6:54 p.m.

FIRST READING OF ORDINANCE TO REZONE 1410 O'NEAL AND 1016 RITCHEY FROM SINGLE FAMILY TWO (SF-2) TO RESTRICTED COMMERCIAL (C1)

FIRST READING OF AN ORDINANCE 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 (SF-2) TO RESTRICTED COMMERCIAL (C1) 5.47 ACRES IN THE T. TOBY SURVEY ABSTRACT 1059, CITY OF GAINESVILLE, COOKE COUNTY, TEXAS; 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.

Sullivan stated the original request was for a zoning district change to General Commercial (C2) for the property located at 1410 O'Neal and 1016 Ritchey, the site of the former Gainesville Memorial Hospital. Planning and Zoning Commission and City Staff recommended approval of the more restrictive (C1) Restricted Commercial designation to allow for quality re-development and to protect the neighborhood from larger retail uses and heavy traffic. The Restricted Commercial (C1) designation will allow the type of uses proposed by the developer, and is compliant with the goals and objectives of the comprehensive land use plan. Developer Tom Kristof proposes to use the site for a film editing and distribution center or an assisted living facility. Mayor Loch recommended a second reading on the project to allow time to receive any additional public response before Council makes a final decision, and he requested that

Council receive for the next meeting a list of the specific types of uses allowed in (C1) Restricted Commercial zoning. Councilwoman Snuggs reported she has spoken to residents in the area who expressed concerns regarding the vacant building and vandalism and would like for a business to occupy the facility. Snuggs said she has not heard any opposition to development of the property.

Councilmember Goldsworthy **moved to approve first reading of the ordinance**, and was seconded by Councilmember Nichols. The motion carried by vote of 7 Ayes, 0 Nays, 0 absent. The ordinance will receive second reading consideration at the regular City Council meeting on March 2, 2010.

PUBLIC HEARING ON REQUEST TO REZONE 205 SOUTH MORRIS STREET FROM SINGLE FAMILY 2 (SF2) TO GENERAL COMMERCIAL (C2)

Mayor Loch opened the Public Hearing at 7:23 p.m. and called for public comment regarding the proposed zoning district change.

No one came forward to speak either for or against the rezoning. With no further discussion, Councilmember Snuggs **moved to close the Public Hearing**, and was seconded by Councilmember Goldsworthy. Motion carried by vote of 7 Ayes, 0 Nays, 0 absent. The Public Hearing was closed at 7:24 p.m.

FIRST READING OF ORDINANCE TO REZONE 205 SOUTH MORRIS FROM SINGLE FAMILY TWO (SF-2) TO GENERAL COMMERCIAL (C2)

FIRST READING OF AN ORDINANCE 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 (SF-2) TO GENERAL COMMERCIAL (C2) THE PROPERTY IDENTIFIED AS 205 SOUTH MORRIS STREET; 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.

Sullivan said Planning and Zoning Commission recommended approval of the request for zoning district change for the property located at 205 South Morris from Single Family Two (SF-2) to General Commercial (C2). The request was made by Darren Rogers, who proposes construction of a commercial parking lot for Landmark Bank. Sullivan said the rezoning is in compliance with the goals and objectives of the comprehensive land use plan.

Councilmember Nichols **moved to approve first reading of the ordinance**. The motion was seconded by Councilmember Snuggs and carried by vote of 7 Ayes, 0 Nays, 0 absent. The ordinance will receive second reading consideration at the City Council meeting on March 2, 2010.

PUBLIC HEARING ON REQUEST TO REZONE 2700 EAST HIGHWAY 82 FROM GENERAL COMMERCIAL (C2) TO OUTDOOR COMMERCIAL (C3)

Mayor Loch opened the Public Hearing at 7:26 p.m. and called for public comment regarding the proposed zoning district change.

No one came forward to speak either for or against the rezoning. With no further discussion, Councilmember Snuggs **moved to close the Public Hearing**, and was seconded by Councilmember Goldsworthy. Motion carried by vote of 7 Ayes, 0 Nays, 0 absent. The Public Hearing was closed at 7:27 p.m.

FIRST READING OF ORDINANCE TO REZONE 2700 EAST HIGHWAY 82 FROM GENERAL COMMERCIAL (C2) TO OUTDOOR COMMERCIAL (C3)

FIRST READING OF AN ORDINANCE AMENDING ORDINANCE 1219-12-2008; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AUTHORIZING THE CITY OF GAINESVILLE, TEXAS, TO REZONE FROM GENERAL COMMERCIAL (C2) TO OUTDOOR COMMERCIAL (C3) THE PROPERTY IDENTIFIED AS 2700 EAST HIGHWAY 82; 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.

Planning and Zoning Commission recommended approval of a request for zoning district change for the property identified as 2700 East Highway 82 from General Commercial (C2) to Outdoor Commercial (C3). The request was made by James Woods who proposes construction of an automotive dealership. Sullivan recommended approval and said the rezoning is in compliance with the comprehensive land use plan.

Councilmember Goldsworthy **moved to approve first reading of the ordinance.** The motion was seconded by Councilmember Nichols and carried by vote of 7 Ayes, 0 Nays, 0 absent. The ordinance will receive second reading consideration at the City Council meeting on March 2, 2010.

PUBLIC HEARING ON PROPOSED SUBDIVISION REGULATIONS

Mayor Loch opened the Public Hearing at 7:28 p.m. and called for public comment regarding the proposed Subdivision Regulations.

No one came forward to speak either for or against the rezoning. With no further discussion, Councilmember Nichols **moved to close the Public Hearing,** and was seconded by Councilmember Draper. Motion carried by vote of 7 Ayes, 0 Nays, 0 absent. The Public Hearing was closed at 7:29 p.m.

FIRST READING APPROVAL OF SUBDIVISION REGULATIONS ORDINANCE

FIRST READING OF AN ORDINANCE REPEALING IN ITS ENTIRETY, THE GAINESVILLE SUBDIVISION ORDINANCE AS PASSED AND APPROVED BY THE CITY COUNCIL, SEPTEMBER 4, 1990, TOGETHER WITH ALL AMENDMENTS THERETO AND ESTABLISHING APPENDIX B TO THE CITY OF GAINESVILLE'S MUNICIPAL CODE AND ADOPTING AS SAID APPENDIX AN ORDINANCE ESTABLISHING AND PROVIDING FOR SUBDIVISION REGULATIONS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR PENALTIES; AND PROVIDING A SAVINGS CLAUSE.

Sullivan presented the proposed Subdivision Regulations Ordinance that will repeal and replace existing subdivision regulations with updated regulations. Development of the new regulations involved multiple City departments and includes street and drainage criteria and platting procedures that provide better specifications for development in the City.

Councilmember Draper **moved to approve first reading of the ordinance.** The motion was seconded by Councilmember Snuggs and carried by vote of 7 Ayes, 0 Nays, 0 absent. Second reading of the ordinance will be held at the regular City Council meeting on March 2, 2010.

ORDINANCE NO. 1238-02-2010 - REPEALING AND AMENDING CHAPTER 16 SOLID WASTE, ARTICLE I "IN GENERAL" AND ARTICLE II "SERVICE CHARGES"

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TX, REPEALING ARTICLE I "IN GENERAL" AND ARTICLE II "SERVICE CHARGES" OF

CHAPTER 16 “SOLID WASTE”; CHAPTER 16 “SOLID WASTE” ARTICLE I “IN GENERAL” AND ARTICLE II “SERVICE CHARGES”; PROVIDING FOR PENALTIES; REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR AN OPEN MEETING FINDING.

Council considered second reading on amendments to Chapter 16 of the Code of Ordinances for Solid Waste collection and charges for solid waste service. The amendments are necessary for the changeover to a fully automated waste collection system on March 1, 2010, and state the City will provide solid waste customers with waste collection carts to be used with the automated collection system, and all items, except those placed in the specific plastic bags sold by the City, must be placed in the waste cart provided by the City. Outdated waste collection charges are deleted from the code and referenced to the annual Fee Schedule determined by the City Council. A video explaining the new fully automated waste collection program will be aired on Channel 2 and residents of the city have been mailed information on the new collection system. Carts are currently being delivered to each residence in the city, and the City Manager reminded residents to not use the new carts until March 1 because City crews are not able to lift the large carts and because the automated trucks are not in service yet. Adoption of the ordinance was recommended in order to be in place for the March 1 implementation of the new system.

Councilmember Nichols **moved to suspend the Charter requirement of three readings**, seconded by Councilmember Goldsworthy, the motion carried by vote of 7 Ayes, 0 Nays, 0 absent.

Councilmember Nichols **moved to adopt the ordinance**. The motion was seconded by Councilmember Goldsworthy and carried by vote of 7 Ayes, 0 Nays, 0 absent.

ORDINANCE NO. 1239-02-2010 – GRANTING FRANCHISE TO COOKE COUNTY ELECTRIC COOPERATIVE

FIRST READING OF AN ORDINANCE GRANTING A FRANCHISE TO COOKE COUNTY ELECTRIC COOPERATIVE ASSOCIATION, ITS SUCCESSORS AND ASSIGNS, TO ERECT, MAINTAIN AND OPERATE AN ELECTRIC SYSTEM IN THE CITY OF GAINESVILLE, TEXAS, AND TO USE AND OCCUPY THE PUBLIC RIGHTS-OF-WAY THEREIN FOR ITS ELECTRIC SYSTEM; PRESCRIBING CONDITIONS FOR THE OCCUPANCY OF THE PUBLIC RIGHTS-OF-WAY BY GRANTEE; REQUIRING INSURANCE AND INDEMNIFICATION OF CITY BY GRANTEE; PROVIDING FOR PAYMENT OF A FRANCHISE FEE BY GRANTEE TO CITY; PRESCRIBING RECORD-KEEPING AND ACCOUNTING REQUIREMENTS; PROVIDING FOR A TERM OF THE FRANCHISE GRANTED HEREIN; PROVIDING FOR OTHER RELATED MATTERS; AND PROVIDING FOR SUSPENSION OF THE CITY CHARTER REQUIRING READING ON THREE SEPARATE DATES.

Sullivan recommended adoption of the Ordinance granting a five-year, non-exclusive franchise to Cooke County Electric Cooperative Association, to operate an electric system in the City of Gainesville, Texas, and to use the public rights-of-way for its electric system. With the new agreement, Cooke County Cooperative will pay the City a franchise fee of 5% of their service charge. Sullivan said the agreement requires the company to trim trees to arborist standards and they must notify the City in advance of performing tree trimming activities, except during an emergency or during recovery after an emergency.

Councilmember Draper **moved to suspend the Charter requirement of three readings**, seconded by Councilmember Snuggs, the motion carried by vote of 7 Ayes, 0 Nays, 0 absent.

