

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
January 17, 2017**

The City Council of the City of Gainesville, Texas met in regular session on January 17, 2017 at 6:30 p.m. with the following persons in attendance.

MEMBERS PRESENT: Mayor Jim Goldsworthy, Keith Clegg, Mary Jo Dollar, Carolyn Hendricks, Ken Keeler, Tommy Moore

MEMBERS ABSENT: Steve Gordon

STAFF PRESENT: Barry Sullivan, City Manager; Bill Harris, City Attorney; Caitlyn Huddleston, City Secretary; Kevin Phillips, Police Chief; Julie Smith, Community Services Director; Polly Boone, General Services Superintendent

OTHERS PRESENT: Charles Lawson, Jeff Stubbs, Karon Sullivan, David Fulton, Dean Smith, Rod Tyler, John Walterscheid, Chandra McMahan, Travis Johannsen, Steve Schmitz, Chris McCrone, Mindi Jones, Michael Pass, Matt Edington, Jeff Serna, Stacey Evans, Rahim Metaewala, Shannon Jeffcoat, Dolores Hennesy, Jeff Graves, Megan Gray-Hatfield, Nikki King, Mike Gordon, Tony Dresser (Videographer)

CALL TO ORDER

Mayor Jim Goldsworthy called the meeting to order at 6:30 p.m.

INVOCATION & PLEDGE OF ALLEGIANCE

Father Jeff Stubbs, St. Paul's Episcopal Church, gave the invocation. Mayor Jim Goldsworthy led the pledge to the flag.

PROCLAMATIONS/RECOGNITIONS

Presentation of Star of North Texas Award

Mayor Jim Goldsworthy presented Karon Sullivant with a Star of North Texas Medal and Certificate of Recognition for her spirit, volunteerism, and leadership that enhances the lives of her neighbors and community. Karon has been an active participant throughout the years in Abigail's Arms, the Gainesville Area Chamber of Commerce, and North Central Texas College. Mayor Goldsworthy explained the award was created to recognize men and women who go above and beyond what is expected for years. Mrs. Sullivan added that she is "very honored and thankful" for the award and that she has worked with many talented people in the Gainesville community over the years.

Employee of the Month, January 2017

Charles Lawson of the General Services Department was named January 2017 Employee of the Month. Charles was recognized for his dedication to the City of Gainesville and demonstration for care for the community through thoughtful actions. Recently, a resident contacted the General Services Department to express their appreciation for Charles doing a great job and going above and beyond what is expected of him, and commended him for his integrity and selflessness. Charles has the ability to anticipate the needs of the community and take action as needed. City Manager Barry Sullivan read and presented the recognition certificate to Lawson along with a certificate for an additional one day of vacation.

CITIZEN COMMENTS

Councilmember Mary Jo Dollar presented City Secretary Caitlyn Huddleston with a congratulatory basket to celebrate the birth of her first child. Dollar welcomed the “newest Gainesville citizen.”

CONSENT AGENDA

Council reviewed the Minutes of the regularly scheduled City Council Meeting of December 20, 2016 and approved them as written.

Councilmember Clegg **moved to approve the consent agenda**, seconded by Councilmember Moore, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Gordon).

RESOLUTION 1-17-2017 – AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF GAINESVILLE, TEXAS, THE CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH CLEAR CREEK RETAIL, LLC.

CONSIDERATION OF AND ACTION ON A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF GAINESVILLE, TEXAS A CHAPTER 380 AGREEMENT WITH CLEAR CREEK RETAIL, LLC TO DEMOLISH THE IMPROVEMENTS ON THE LAND LOCATED AT 901 EAST U.S. HIGHWAY 82 IN THE CITY.

Council approved a resolution authorizing the Mayor to sign an Economic Development Agreement with Clear Creek Retail, LLC for the demolition of the former China King Buffet building at 901 US Hwy 82. City Manager Barry Sullivan explained that the City agrees to reimburse Clear Creek Retail up to \$23,500 for demolition expenses that must be conducted in a legal manner.

Councilmember Hendricks **moved to approve the resolution**. The motion was seconded by Councilmember Clegg and carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Gordon).

RESOLUTION 1-17-2017 A – REVIEWING AND APPROVING THE INVESTMENT POLICY FOR 2017.

CONSIDERATION OF AND ACTION ON A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE REVIEWING AND APPROVING THE INVESTMENT POLICY FOR 2017.

Council reviewed and approved the City’s Investment Policy for the current Fiscal Year 2016-2017. The policy was approved with no changes from the previous year’s policy. The City is required by the state and by local code to have an investment policy and to review the policy on an annual basis, approving any changes or modifications. The policy will be available on the City’s website at www.gainesville.tx.us.

Councilmember Dollar **moved to approve the resolution**. The motion was seconded by Councilmember Keeler and carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Gordon).

RESOLUTION 1-17-2017 B – APPROVING A VARIANCE FROM THE ZONING ORDINANCE RELATD TO THE MINIMUM LOT WIDTH IN THE RESTRICTED COMMERCIAL ZONING DISTRICT FOR A REPLAT OF THE SOZO CENTER (FORMERLY THE OLD HOSPITAL), LOTS 1 AND 2, AND LOCATED IN THE SOUTHEAST CORNER OF RITCHEY AND ONEAL STREETS; BEING 5.47 ACRES IN THE IN THE T. TOBY SURVEY, ABSTRACT NO. 1059.

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING A VARIANCE FROM THE CITY OF GAINESVILLE ZONING ORDINANCE RELATED TO THE

MINIMUM LOT WIDTH IN THE RESTRICTED COMMERCIAL ZONING DISTRICT FOR A REPLAT OF THE SOZO CENTER (FORMERLY THE OLD HOSPITAL), LOTS 1 AND 2, AND LOCATED IN THE SOUTHEAST CORNER OF RITCHEY AND ONEAL STREETS; BEING 5.47 ACRES IN THE T. TOBY SURVEY, ABSTRACT NO. 1059; THE SUBDIVISION ORDINANCE NUMBER 1244-03-2010 OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE CITY OF GAINESVILLE, TEXAS, TO GRANT VARIANCES FROM THE SUBDIVISION REGULATIONS BASED ON PECULIAR CONDITIONS SPECIFIC TO THE SITE THAT RESULT IN UNNECESSARY AND EXTRAORDINARY HARDSHIP; PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING.

Council approved a variance for the lot width of 1410 Oneal and 1016 Ritchey. This is the site of the Sozo Center, LLC, formerly the site of the "Old Hospital." City code allows for the granting of variances from the subdivision regulations based on "peculiar conditions specific to the site that result in unnecessary and extraordinary hardship." Currently, the property is comprised of two parcels and the property line divides the old hospital building in two. The property owner proposes replatting the property so that the hospital and its accessory buildings are all located on one lot. The Planning and Zoning Commission unanimously approved the plat at their December 13, 2016 meeting. City Manager Sullivan added that the proposed plat is better than the current one and that staff also recommends approval.

Councilmember Keeler **moved to approve the resolution.** The motion was seconded by Councilmember Moore and carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Gordon).

TABLED A RESOLUTION APPROVING REVISION OF MOSS LAKE BOAT DOCK PERMIT ANNUAL FEE SCHEDULE FOR CITY OF GAINESVILLE FOR FISCAL YEAR 2016-2017 AND PROVIDING AN EFFECTIVE DATE.

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING REVISION OF MOSS LAKE BOAT DOCK PERMIT ANNUAL FEE SCHEDULE FOR CITY OF GAINESVILLE FOR FISCAL YEAR 2016-2017 AND PROVIDING AN EFFECTIVE DATE.

Council tabled revision of the City of Gainesville Fee Schedule to reflect a lower Moss Lake Boat Dock Permit Annual Fee. The fee schedule was adopted in September 2016 and revised in October 2016, when the fee was raised to \$500. However, because the permit fee is due annually, no Moss Lake residents have been billed the higher amount. City Council cited the fee being higher than necessary as reason to lower it. Community Services Director Julie Smith noted that there are a number of docks that are not permitted and current development requires a higher permit fee. Mayor Pro Tem Keith Clegg suggested that staff research and present the proposed costs and revenue. Mayor Goldsworthy added that he would like to have a discussion including the public on the fee.

Councilmember Clegg **moved to table the resolution.** The motion was seconded by Councilmember Moore and carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Gordon).

ORDINANCE 1402-01-2017 – PROVIDING FOR THE ABANDONMENT OF A PORTION OF HOOVER STREET AND AUTHORIZING THE MAYOR TO EXECUTE A DEED WITHOUT WARRANTY.

CONSIDERATION OF AND ACTION ON THE FIRST READING OF AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF HOOVER STREET AND AUTHORIZING THE MAYOR TO EXECUTE A DEED WITHOUT WARRANTY; PROVIDING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE.

Council adopted an ordinance abandoning a 0.141 acre portion of Hoover Street right of way. The land will be sold to the surrounding property owner who plans to develop a hotel and gas station

on the property. City Manager Sullivan said that the City has never developed this land and selling it will place the land back on the tax roll and allow improvements to be made to the land for additional revenue to the City. Merit Advisors appraised the 0.141 acre site for \$720.00.

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

Councilmember Clegg **moved to Adopt the Ordinance on the First Reading**, seconded by Councilmember Keeler, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Gordon).

PUBLIC HEARING ON AN ORDINANCE AUTHORIZING THE CITY TO CREATE A LOFT OVERLAY ZONING DISTRICT ALONG CALIFORNIA STREET AND GRAND AVENUE CURRENTLY ZONED GENERAL COMMERCIAL (C-2) AND RESTRICTED COMMERCIAL (C-1); TO PERMIT TWO OR MORE STORIED COMMERCIAL BUILDINGS IN THE LOFT OVERLAY ZONE TO USE THE UPPER STORIES AS LOFT APARTMENTS.

PUBLIC HEARING ON THE 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 CREATE A LOFT OVERLAY ZONING DISTRICT ALONG CALIFORNIA STREET AND GRAND AVENUE CURRENTLY ZONED GENERAL COMMERCIAL (C-2) AND RESTRICTED COMMERCIAL (C-1) AND CONTAINED IN AN AREA STARTING AT ONEAL STREET, SOUTH ON RITCHEY STREET AND INCLUDING THE C-2 PARCEL THAT GOES TO CUNNINGHAM STREET AT CALIFORNIA STREET, WEST ON TRUELOVE STREET, NORTH ON MORRIS STREET, WEST ON MAIN STREET, NORTH ALONG THE RAILROAD TRACKS, EAST ON BROADWAY STREET AND NORTH ON MORRIS STREET TO ONEAL STREET; TO PERMIT TWO OR MORE STORIED COMMERCIAL BUILDINGS IN THE LOFT OVERLAY ZONE TO USE THE UPPER STORIES AS LOFT APARTMENTS; 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.

Mayor Goldsworthy opened the Public Hearing at 6:51 p.m. and called for public comment on the proposed overlay zoning district. No one came forward to speak either for or against the Loft Overlay District. With no further discussion, Councilmember Hendricks moved to close the Public Hearing, with second by Councilmember Clegg, and the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Gordon). The Public Hearing was closed at 6:51 p.m.

ORDINANCE 1403-01-2017 – AUTHORIZING THE CITY TO CREATE A LOFT OVERLAY ZONING DISTRICT ALONG CALIFORNIA STREET AND GRAND AVENUE CURRENTLY ZONED GENERAL COMMERCIAL (C-2) AND RESTRICTED COMMERCIAL (C-1); TO PERMIT TWO OR MORE STORIED COMMERCIAL BUILDINGS IN THE LOFT OVERLAY ZONE TO USE THE UPPER STORIES AS LOFT APARTMENTS.

CONSIDERATION OF AND ACTION ON THE 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 CREATE A LOFT OVERLAY ZONING DISTRICT ALONG CALIFORNIA STREET AND GRAND AVENUE CURRENTLY ZONED GENERAL COMMERCIAL (C-2) AND

RESTRICTED COMMERCIAL (C-1) AND CONTAINED IN AN AREA STARTING AT ONEAL STREET, SOUTH ON RITCHEY STREET AND INCLUDING THE C-2 PARCEL THAT GOES TO CUNNINGHAM STREET AT CALIFORNIA STREET, WEST ON TRUELOVE STREET, NORTH ON MORRIS STREET, WEST ON MAIN STREET, NORTH ALONG THE RAILROAD TRACKS, EAST ON BROADWAY STREET AND NORTH ON MORRIS STREET TO ONEAL STREET; TO PERMIT TWO OR MORE STORIED COMMERCIAL BUILDINGS IN THE LOFT OVERLAY ZONE TO USE THE UPPER STORIES AS LOFT APARTMENTS; 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 voted to adopt an ordinance creating an overlay zoning district along California Street and Grand Avenue allowing for loft apartments in upper stories of multiple storied commercial buildings. This came at the request of several citizens. Public hearings and meetings considering the overlay district were conducted by the Planning and Zoning Commission, who voted to unanimously to recommend approval to City Council. The overlay district is bordered by Oneal Street, south along Ritchey Street and including the C-2 district fronting California with Cunningham on the east, then south along Ritchey Street to True Love, west on True Love to Morris, north on Morris to Main, west on Main to the railroad tracks, north along the railroad tracks to Broadway east on Broadway to Morris, and north on Morris to Oneal. This does not expand the allowance of lofts to all of Restricted Commercial and General Commercial zones, nor is the City bringing in apartments, as City Manager Sullivan added that several citizens were concerned about.

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

Councilmember Keeler **moved to Adopt the Ordinance on the First Reading**, seconded by Councilmember Dollar, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Gordon).

PUBLIC HEARING ON AN ORDINANCE REZONING FROM RESTRICTED COMMERCIAL (C-1) TO SINGLE FAMILY TWO DISTRICT (SF-2) THE ENTIRETY, .3100 ACRE, OF THE PROPERTY IDENTIFIED AS 915 SOUTH CLEMENTS.

PUBLIC HEARING ON THE 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 RESTRICTED COMMERCIAL (C-1) TO SINGLE FAMILY TWO DISTRICT (SF-2) THE ENTIRETY, .3100 ACRE, OF THE PROPERTY IDENTIFIED AS 915 SOUTH CLEMENTS; 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.

Mayor Goldsworthy opened the Public Hearing at 6:55 p.m. and called for public comment on the proposed rezoning of the property. Travis Johannsen, owner of the property, came forward to speak in support of the rezoning. He stated that he did not know the property was zoned commercial and noted that another home was being built close by that has been rezone and he is requesting the same. With no further discussion, Councilmember Keeler moved to close the Public Hearing, with second by Councilmember Moore, and the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Gordon). The Public Hearing was closed at 6:57 p.m.

ORDINANCE 1404-01-2017 – REZONING FROM RESTRICTED COMMERCIAL (C-1) TO SINGLE FAMILY TWO DISTRICT (SF-2) THE ENTIRETY, .3100 ACRE, OF THE PROPERTY IDENTIFIED AS 915 SOUTH CLEMENTS.

CONSIDERATION OF AND ACTION ON THE 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 RESTRICTED COMMERCIAL (C-1) TO SINGLE FAMILY TWO DISTRICT (SF-2) THE ENTIRETY, .3100 ACRE, OF THE PROPERTY IDENTIFIED AS 915 SOUTH CLEMENTS; 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 adopted an ordinance rezoning 915 South Clements from Restricted Commercial to Single Family 2. Though the surrounding area is zoned for commercial use, the existing grandfathered use is primarily residential, single-family homes. The property owner is requesting the rezone as the property previously had a home on it, but once removed, was zoned as commercial and does not allow for the construction of a new home. After conducting a public hearing, where only the property owner was present to speak in support of the rezone, and considering the rezone at an open meeting, the Planning and Zoning Commission unanimously voted to recommend approval of the rezone to City Council. Staff also recommended for the rezoning.

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

Councilmember Clegg **moved to Adopt the Ordinance on the First Reading**, seconded by Councilmember Keeler, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Gordon).

ADJOURN

With no further business to come before the City Council, the meeting was adjourned at 6:58 p.m.

Respectfully submitted,

Caitlyn Huddleston, City Secretary

Jim Goldsworthy, Mayor