

MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
February 19, 2008

The City Council of the City of Gainesville, Texas met in regular session on February 19, 2008 at 6:30 p.m. with the following persons in attendance:

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

MEMBERS ABSENT: Woody Williams

STAFF PRESENT: Barry Sullivan, City Manager; Kay Lunnon, City Secretary; Bill Harris, City Attorney; Dan Parker, Finance Director, Steve Fleming, Interim Police Chief; John Noblitt, Planning Technician; Patrick McCage, Parks Supervisor, Kent Sharp, GEDC Executive Director; Ron Sellman, Public Services Director; Chris Cypert, Municipal Judge

OTHERS PRESENT: Lisa Henry, Lennie Sewell, Rod Tyler, Lori and Landin Prestage, Jana James, David Patterson, Randy Roye, Andy Hogue, Kathy Floyd

CALL TO ORDER

Mayor Loch called the meeting to order with a quorum of members present. The absence of Councilman Williams was noted.

INVOCATION & PLEDGE OF ALLEGIANCE

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

COMMENDATIONS

Mayor Loch read and presented Certificates of Commendation to City employees and departments for their actions and responses during the June flood of 2007. Receiving the commendation on behalf of the Gainesville Police Department Personnel were Sarah Payton, Justin Armstrong, and Steven Fleming. Firefighters Michael Allison, Chase Graves, Brian Beaudin, Randy Prestage, and Dayne Tatum received individual commendations for their actions. Polly Boone, Solid Waste Director and Jackie Jones, Garage Supervisor received individual commendations for leadership and teamwork. John Nusbaum received the commendation on behalf of the General Services Department. Public Services Department received a commendation for coordinated efforts and was represented by Ron Sellman, Gary Schumacher, John Harp, Chris Baugh, Marcus Taylor, and Sam West. Receiving the commendation for the Frank Buck Zoo staff and volunteers were Susan Kleven, Shannon Lenerose, Lori Grahl, Jason Streeter, and Beverly Marshall for evacuation and protection of the animal collection at the zoo.

CONSENT AGENDA

Council reviewed the Minutes of the Regular City Council Meeting of February 5, 2008, and approved them as written.

Councilmember Snuggs **moved to approve the Consent Agenda**, and was seconded by Councilmember Draper. The motion carried by a vote of 6 Ayes: 0 Nays, and 1 absent: Williams.

RESOLUTION NO. 02-19-2008 - RECOMMENDING DENIAL OF TAX CREDIT HOUSING APPLICATION BY THE STERLING HEIGHTS APARTMENTS, LTD. THROUGH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

A RESOLUTION RECOMMENDING DENIAL OF THE STERLING HEIGHTS APARTMENTS, LTD. TAX CREDIT HOUSING DEVELOPMENT APPLICATION FOR ALLOCATION OF FUNDS THROUGH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS.

Barry Sullivan recommended approval of the resolution stating the City's official opposition to the Sterling Heights Apartments, Ltd. to build a tax credit housing development at 1991 I-35 South in Gainesville and recommending to the Texas Department of Housing and Community Affairs (TDHCA) that they deny the application. He said Gainesville has a Housing Authority and other housing options available to meet local needs. Sullivan urged local businesses, organizations and individuals to write letters to the TDHCA in opposition to the proposed tax credit housing development. Sullivan said he has addressed the local AARP and the Optimist Club about opposition to the project, and is available to speak to other service clubs about the development.

Councilmember Goldsworthy **moved to approve**, and was seconded by Councilmember Rippy. The motion carried by a vote of 6 Ayes: 0 Nays, and 1 absent: Williams.

RESOLUTION NO. 02-19-2008 A - APPROVING THE RECREATIONAL USE OF PROPERTY INSIDE THE GAINESVILLE CITY LIMITS FOR A CIRCUS BY CARSON AND BARNES CIRCUS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE APPROVING THE RECREATIONAL USE OF PROPERTY INSIDE THE GAINESVILLE CITY LIMITS FOR A CIRCUS BY CARSON AND BARNES CIRCUS

Council approved an application by Carson and Barnes Circus to bring their circus to the Cooke County Fairgrounds on March 27. Carson and Barnes has met City requirements for tent set up, security, police and fire protection, temporary water service, trash and clean up service, and has provided liability insurance coverage. Lisa Henry, representative from Carson and Barnes, said they have an outdoor, tented circus that can seat up to 2000 people and they will offer performances at 4:30 p.m. and at 7:30 p.m. on March 27.

Councilmember Hendricks **moved to approve**, and was seconded by Councilmember Snuggs. The motion carried by a vote of 6 Ayes: 0 Nays, and 1 absent: Williams.

SECOND READING OF ORDINANCE TO PROHIBIT REGISTERED SEX OFFENDERS FROM RESIDING WITHIN 2,000 FEET OF PREMISES WHERE CHILDREN GATHER

SECOND READING OF AN ORDINANCE OF CITY OF GAINESVILLE, TEXAS, AMENDING THE CITY OF GAINESVILLE CODE OF ORDINANCES BY ADDING

ARTICLE V, ENTITLED "REGISTERED SEX OFFENDERS", TO CHAPTER 13, TO PROHIBIT CERTAIN DESIGNATED PERSONS FROM RESIDING WITHIN 2,000 FEET OF PREMISES WHERE CHILDREN GATHER; PROVIDING DEFINITIONS; PROVIDING OFFENSES; PROVIDING EVIDENTIARY MATTERS AND MEASUREMENTS AND ADOPTING A MAP OF LOCATIONS; PROVIDING THAT A CULPABLE MENTAL STATE IS NOT REQUIRED FOR COMMITTING AN OFFENSE; PROVIDING AFFIRMATIVE DEFENSES; PROVIDING A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; PROVIDING A SAVINGS AND REPEALER CLAUSE; PROVIDING SEVERABILITY; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

Sullivan in reviewing the ordinance said it does not affect current sex offenders who live within the boundary that will be adopted by this ordinance, but it will impact them when they move. Only those offenders whose crimes involved minors age 17 and under are affected by this ordinance. At the first reading the City Council set the boundary at 2,000 feet around each identified premise where children gather. State law already makes 1,000 feet an offense.

City Attorney Harris said Council can extend the boundary to 2,000 feet, but he stated some concern that it may be a little strong because the boundaries around the identified facilities would overlap and cover most of the city, leaving few places for them to reside. Harris said the primary benefit of the ordinance is that it gives the City the power to make an offender move from a location that is inside the 2,000-foot boundary.

Councilman Rippy inquired how the ordinance would be enforced. Interim Police Chief Steven Fleming stated that sex offenders are required by law to register with the Police Department every time they move, and at that time the offender would be informed about boundary limits and locations of identified facilities, and the penalty for violation. Fleming said the Police Department maintains a list of where offenders reside and they periodically check that the offender lives where they are registered.

Clarification was made that violation of this ordinance would constitute a violation of city code, not zoning code, and that the ordinance would be enforced by the Police Department, not by Zoning Code Enforcement.

Following discussion of boundary distances being set by other cities, the consensus of Council was to set the boundary at 2,000 feet.

John Noblitt presented a revised list of fifty-five identified facilities that include schools, childcare, public parks and playgrounds, video arcades and youth centers. Noblitt said the ordinance would require annual review and the location map would be updated annually also. HDR Engineering is preparing the maps showing the boundaries at 1,000 feet, 1500 feet, and 2,000 feet and will be available at the next meeting for Council to make their decision.

With no further discussion, Councilmember Draper **moved to approve second reading of the ordinance with the 2,000-foot distance boundary.** The motion was seconded by Councilmember Snuggs and carried by a vote of 6 Ayes: 0 Nays, and 1 absent: Williams

EXECUTIVE SESSION

Mayor Loch announced at 7:19 p.m. that Council would adjourn into closed executive session for discussion under Government Code §551.087 Economic Development and §551.071 attorney consultation.

RECONVENE INTO OPEN SESSION

Council reconvened into open session at 8:04 p.m. and Mayor Loch announced that no action was taken during executive session.

No further action was taken following executive session.

CITY MANAGER'S COMMENTS

Barry Sullivan said the Corps of Engineers has commissioned HDR Engineering for the engineering drawings for the Pecan Creek Drainage Project. The 35% drawings are finished and have received comments from the Corps of Engineers, and they are now working on the 65% drawings. Public Hearings on the engineering plans are expected to begin in June or July. Estimates of costs for the project have gone up to approximately \$10 million, an increase of \$1.2 million. He said it is a Corps of Engineers project and they determine the requirements of the project. The City is working closely with HDR to save on costs as much as possible. The City will issue the remaining \$5.425 million in bonds for this project in the next few months.

The adopted cell phone ordinance has been sent to the school district, and the signage that must be posted according to the ordinance in the school zones has been developed and is being made.

Public Services Department will begin working in the next couple of weeks on street improvements at the intersection of Culberson and Carnes.

ADJOURN

With no further business to come before the City Council, the meeting adjourned at 8:08 p.m.

/S/
Glenn Loch, Mayor

Attest:

/S/
Kay Lunnon, City Secretary