

**MINUTES  
CITY OF GAINESVILLE  
CITY COUNCIL MEETING  
200 South Rusk  
Gainesville, Texas 76240  
May 7, 2013**

The City Council of the City of Gainesville, Texas met in regular session on May 7, 2013 at 6:30 p.m. with the following persons in attendance.

**MEMBERS PRESENT:** Mayor Jim Goldsworthy  
Keith Clegg, Carolyn Hendricks, Ken Keeler, Ray Nichols, Vince Rippy, Beverly Snuggs

**STAFF PRESENT:** Barry Sullivan, City Manager; Kay Lunnon, City Secretary; Dan Parker, Finance Director; John Noblitt, Community Development Director; Ron Sellman, Public Services Director; Polly Boone, Solid Waste Supervisor; Jody Henry, Fire Marshal, Keith Rigsby, City Marshal; Kent Sharp, GEDC Executive Director, Tony Dresser, Videographer

**OTHERS PRESENT:** Tiffany Robledo, Barney Gilbreath, Tommy, Dick and Patty Haayen, Andrew Ploeger, Cheryl Pollard, Scott and Jennie Richardson, Leslie Nichols, Craig Evins, John Harp, Dolores Hennesy, Chris Baugh, Mark Mask, Billy Burgan, Carl Stockard, Herschel Austin, Larry Downe, Jackie Jones, Bonnie Schumacher, Jan Autry, Allen Phillips, Dr. Jeffrey Brasher, David Glancy, Terry Ashby, Courtney Stevens, Tammy Fuhrmann, Sharon Norwood, April Waggoner, Aaron Smith, Charles Draper, Johnny Glass, Ruth Anne Chrustawka, Danny Crow, Kyle Monett, Rod Tyler, Kristi Rigsby

**CALL TO ORDER**

Mayor Goldsworthy called the meeting to order at 6:30 p.m. All Council members were present.

**INVOCATION & PLEDGE OF ALLEGIANCE**

Reverend Bill Black, Grand Avenue Baptist Church, gave the invocation. Mayor Goldsworthy led in the pledge to the flag.

**RECOGNITIONS/PROCLAMATIONS**

**National Public Works Week, May 19-25, 2013**

Mayor read a proclamation declaring the week of May 19-25, 2013 as National Public Works Week in the City of Gainesville, recognizing the important role of public works personnel in keeping city basic infrastructure working. Special recognition was given to the late Gary Schumacher, City public works employee, who dedicated twenty-five years (1988-2013) to the City and its citizens.

**National Travel and Tourism Week, May 4-12, 2013**

Mayor read a proclamation recognizing the economic benefits of the travel industry and presented it to Allen Phillips and Jan Autry of the Gainesville Texas Travel Information Center.

**Star of North Texas Award Certificates and medallions.**

Mayor Goldsworthy read a certificate of recognition and presented Star of North Texas medallions to Gainesville Independent School District administrators: Dr. Jeffrey Brasher, Superintendent of Schools; David Glancy, Principal, Gainesville High School; Terry Ashby, Principal, Gainesville Middle School; Courtney Stevens, Principal, Robert E. Lee Intermediate

School; Tammy Fuhrmann, Principal, W.E. Chalmers Elementary School; Sharon Norwood, Principal, Edison Elementary School; and April Waggoner, Principal, Head Start. The award recognizes their educational leadership in the community.

## **REPORTS**

### **Report on Joint Neighborhood Task Force**

Keith Rigsby and Jody Henry reported on the mission, goals, and progress of the Joint Neighborhood Task Force, which was created to improve the visual appearance and safety of neighborhoods in the city that are in most need of improvement. The program utilizes a multi-department approach in focusing efforts to address each issue that causes neighborhoods to fall below standards. The program started with the old middle school neighborhood, which has been significantly improved.

## **CITIZEN COMMENTS**

Aaron Smith spoke in support of the smoking ordinance and read various statistics due to smoking and the dangers of second hand smoke. Smith said he hoped Council would be aggressive with the smoking ordinance.

Cherilyn Pollard spoke as a volunteer for American Cancer Society and said she would like for the smoking ordinance to be completely comprehensive by including bars in the smoking ban for the protection of employees. Ms. Pollard stated citizens would be appreciative of council's efforts with the passage of the smoking ordinance.

Johnny Glass advised council they could not pass the smoking ordinance in its current form because it discriminates against businesses by allowing smoking in some businesses but not in others.

Scott Richardson expressed gratitude for council's consideration of the smoking ordinance. He said there is no safe level of second hand smoke, any exposure is harmful because it contains fifty types of carcinogens known to cause cancer and heart disease.

Ruth Anne Chrustawka stated she is not a smoker and she does not disagree with anything said about the dangers of smoking, however, smoking is legal, and she has a choice whether or not to go into a restaurant that allows smoking. She said it comes down to choice and everyone should have the choice.

Charles Draper spoke in favor of the smoking ordinance. He said people who choose to smoke make a conscious decision to do so regardless of the hazards, but they do not give that same choice to the people who breathe in the second hand smoke. Draper said more people die from second hand smoke in this country every year than from car accidents. Smoking is a serious issue and he supports Council's efforts in adopting the smoking ordinance.

## **CONSENT AGENDA**

Council reviewed the Minutes of the regular City Council Meeting of April 16, 2013, and the Minutes of the April 27, 2013 City Council Budget Workshop Meeting and approved them as written.

### **RESOLUTION NO. 05-07-2013 – APPOINTMENTS TO HOUSING AUTHORITY BOARD**

Re-appointments to the Gainesville Housing Authority Board were approved for Judy Ann Wheeler, Peggy Holt, and Keith Clegg, to terms expiring April 2015.

Councilmember Nichols **moved for approval of all items on the Consent Agenda**, and was seconded by Councilmember Keeler. Motion carried by vote of 7 Ayes, 0 Nays.

**ORDINANCE NO. 1313-05-2013 SMOKING REGULATIONS ORDINANCE**

THIRD READING OF AN ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AMENDING CHAPTER 8 OF THE CODE OF ORDINANCES, ESTABLISHING ARTICLE IV SMOKING REGULATIONS; PROVIDING FOR CONTROL AND REGULATION OF SMOKING IN PUBLIC PLACES; PROVIDING FOR PENALTY NOT TO EXCEED \$2000 FOR EACH OFFENSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS FINDING.

Council adopted the ordinance regulating smoking in public places within the City limits and banning smoking in most indoor public places as well as in city parks and facilities. During the Citizens Comments segment of the agenda, Council received additional input from six citizens, with one speaking against the ordinance in favor of choice and one speaker stating the ordinance is discriminatory toward businesses. The other speakers expressed their support for the smoking regulations and praised council efforts to adopt an ordinance. During final review and discussion of the ordinance, Council removed e-cigarettes from the ban. The smoking regulations ordinance becomes effective within thirty days from and after the date of adoption. Mayor and Councilmembers agreed the ordinance is a step in the right direction and a dramatic improvement for the health and safety of the community. The new ordinance can be viewed online at [www.gainesville.tx.us](http://www.gainesville.tx.us) under City Code, Newly Adopted Ordinances.

Councilmember Nichols **moved for adoption of the Ordinance, with the amendment for removal of e-cigarettes from the ban.** His motion was seconded by Councilmember Keeler, and carried by vote of 7 Ayes, 0 Nays.

**RESOLUTION NO. 05-07-2013 A – AUTHORIZE PURCHASE OF HYDRAULIC EXCAVATOR FOR SOLID WASTE DIVISION**

A RESOLUTION AUTHORIZING EXPENDITURE FOR PURCHASE OF ONE (1) 2013 JOHN DEERE 130G HYDRAULIC THUMB EXCAVATOR WITH REVERSE FAN FOR THE SOLID WASTE DIVISION.

Purchase of a 2013 John Deere 130G Hydraulic Thumb Excavator with Reverse Fan, was authorized for the Solid Waste Division through the Buyboard local government purchasing cop. The equipment is to be purchased from RDO Equipment (\$134,568.63), and will be used at the transfer station to prepare municipal waste for transporting to the landfill.

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

**RESOLUTION NO. 05-07-2013 B – MAKING AMENDMENTS TO CITY PERSONNEL POLICIES AND PROCEDURES MANUAL**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, APPROVING AMENDMENTS TO THE CITY OF GAINESVILLE PERSONNEL POLICIES AND PROCEDURES MANUAL (2009), CHAPTER 2, REFERENCE NUMBERS 2.10 AND 2.11.

Amendment to City Personnel Policies and Procedures was approved, reducing the minimum age requirement for seasonal and temporary employees to age fifteen (15), and exempting seasonal and temporary employees from the nepotism policy. City Manager Sullivan said the recommended changes deal mainly with the hiring process for the lifeguard positions at the swimming pool. Reduction of the minimum age is anticipated to increase the number of eligible applicants, and excluding these seasonal and/or temporary employees from the nepotism policy will allow hiring applicants who are related to current full time employees, temporary seasonal employees, and elected officials of the City.

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

**RESOLUTION NO. 05-07-2013 C - AUTHORIZING ISSUANCE OF DRILLING LICENSE TO TEXAS CES, INC. FOR A NON PRODUCTION WELL INSIDE THE CITY LIMITS**

A RESOLUTION AUTHORIZING THE CITY MANAGER OF THE CITY GAINESVILLE TO ISSUE TO TEXAS CES, INC. A LICENSE TO DRILL A NON PRODUCTION WELL FOR TRAINING AND EQUIPMENT TESTING PURPOSES WITHIN THE CITY LIMITS OF GAINESVILLE.

The City Manager was authorized to issue a license to Texas CES, Inc. to drill a well which the company intends to use for training and equipment testing purposes on location at the National Industrial Complex on North I-35, inside the city limits of Gainesville. The company provided the City with verification/certification the well will be cased and cemented with no contamination of the water supply. The approving resolution states Council approval is contingent upon Texas CES meeting all requirements from the Texas Railroad Commission and the TCEQ; and requires Texas CES to acquire all permits required by the City's Community Development Department. City Code requires City Council approval to drill a well inside the city limits.

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

**ORDINANCE NO. 1314-05-2013 - REZONING 1219, 1221, AND 1223 SOUTH CLEMENTS STREET FROM RESTRICTED COMMERCIAL (C-1) TO SINGLE-FAMILY TWO (SF-2)**

SECOND 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 (SF-2) THE ENTIRETY OF THE PROPERTIES IDENTIFIED AS 1219, 1221, AND 1223 SOUTH CLEMENTS 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.

Ordinance was adopted to rezone the properties identified as 1219, 1221, and 1223 South Clements Street from Restricted Commercial (C-1) to Single-family Two (SF-2). The properties are abutted to the north, south, and west by Restricted Commercial (C1) and by Single-Family Two (SF-2) to the east. Planning and Zoning Commission recommended approval for the zoning district change. Applicant/property owner Barney Gilbreath requested the rezoning to allow for residential housing in order to sell the properties.

Councilmember Nichols **moved to Suspend the Charter requirement of three readings**, and was seconded by Councilmember Keeler, the motion carried by vote of 7 Ayes, 0 Nays.

Councilmember Nichols **moved for adoption of the Ordinance**, and was seconded by Councilmember Keeler, and the motion carried by vote of 7 Ayes, 0 Nay.

**ORDINANCE NO. 1315-05-2013 REZONING 1427 THROCKMORTON STREET FROM GENERAL COMMERCIAL (C-2) TO MULTI-FAMILY LOW DENSITY (MF-1)**

SECOND 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 (C-2) TO MULTI-FAMILY LOW DENSITY (MF-1) THE PROPERTY IDENTIFIED AS 1427 THROCKMORTON 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.

Re-zoning was approved for the property identified as 1427 Throckmorton Street from General Commercial (C-2) to Multi-family Low Density (MF-1). This property is abutted by General Commercial (C2) Zoning Districts on all sides. Planning and Zoning Commission recommended for Council approval. The zoning change allows for 2-4 unit buildings. Councilwoman Hendricks made the motion to suspend the third reading of the ordinance and adopt the rezoning, stating that duplexes in that location would be good for the area.

Councilmember Hendricks **moved to Suspend the Charter requirement of three readings**, and was seconded by Councilmember Rippy, the motion carried by vote of 7 Ayes, 0 Nays.

Councilmember Hendricks **moved for adoption of the Ordinance**, and was seconded by Councilmember Rippy, and the motion carried by vote of 6 Ayes, 0 Nays, 1 Abstention (Clegg). Councilman Clegg filed a conflict of interest affidavit and abstained from discussion and vote.

**EXECUTIVE SESSION**

Council did not convene into executive session.

**ADJOURN**

With no further business to come before the City Council, the meeting was adjourned at 7:42 p.m.

Respectfully submitted,

/S/  
**Kay Lunnon, City Secretary**

/S/  
**Jim Goldsworthy, Mayor**