

**MINUTES  
CITY OF GAINESVILLE  
CITY COUNCIL MEETING  
200 South Rusk  
Gainesville, Texas 76240  
June 4, 2013**

The City Council of the City of Gainesville, Texas met in regular session on June 4, 2013 at 6:30 p.m. with the following persons in attendance.

**MEMBERS PRESENT:** Mayor Pro Tem Ray Nichols  
Keith Clegg, Carolyn Hendricks, Ken Keeler, Beverly Snuggs

**MEMBERS ABSENT:** Mayor Jim Goldsworthy, Vince Rippy

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

**OTHERS PRESENT:** Tony Dresser (Videographer), Gregg Russell, Tiffany Robledo, Jeffrey Watson, Kelly Fiore-Watson, Kathy Kirby, Karon Sullivant, Sadie Kelley, Carmen Rubio, Virginia Johnson, Linda Lewis, Leslie Nichols, Ron Strebeck, Phil King, Steven Perez.

**CALL TO ORDER**

Mayor Pro Tem Nichols called the meeting to order at 6:30 p.m. Mayor Goldsworthy and Councilman Rippy were noted as absent.

**INVOCATION & PLEDGE OF ALLEGIANCE**

Reverend Eddie Chennault, Temple Baptist Church, gave the invocation. Mayor Pro Tem Nichols led in the pledge to the flag.

**PROCLAMATIONS**

**Domestic Violence Awareness Month**

Mayor Pro Tem Nichols read and presented a Proclamation naming June 2013 as Domestic Violence Awareness Month and urging local residents to join in activities and programs sponsored by Abigail's Arms to work toward elimination of personal and institutional violence against women and children. Staff and board members of Abigail's Arms who were present to receive the proclamation, include Kelly Fiore-Watson, Jeffrey Watson, Kathy Kirby, Karon Sullivant, Sadie Kelley, Carmen Rubio, Virginia Johnson, Linda Lewis, Leslie Nichols.

**CITIZENS COMMENTS**

Kelly Fiore-Watson, representing Abigail's Arms, spoke to re-emphasize Domestic Violence Awareness Month, and cited nationwide and Cooke County statistics. Fiore-Watson urged community awareness and involvement with the goal to reduce and remove Cooke County from these statistics.

**CONSENT AGENDA**

Council reviewed the Minutes of the regular City Council Meeting of May 21, 2013, and approved them as written.

Councilmember Snuggs **moved to approve the Consent Agenda.** Seconded by Councilmember Keeler, the motion carried by vote of 5 Ayes, 0 Nays, 2 absent (Goldsworthy, Rippy)

**RESOLUTION NO. 06-04-2013 – ACCEPTING LETTER FROM COUNCILMAN VINCE RIPPY, WARD 6**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE ACCEPTING A LETTER FROM VINCE RIPPY RESIGNING HIS ELECTED CITY COUNCIL POSITION IN WARD 6.

Council accepted and took action on a letter received from Councilman Vince Rippy, stating his resignation from his elected position as City Council Member, Ward 6. Rippy's letter notifies the Council that he no longer resides in the ward and therefore does not meet residency qualifications for the position. He expressed appreciation for the support he received from residents and voters during his tenure as Councilman. The Council resolution is the formal action to accept his resignation. Mr. Rippy has served on the City Council since May 2006. Councilmembers expressed regret in losing him from the Council.

Councilmember Clegg **moved to accept the letter and to approve the Resolution**, and was seconded by Councilmember Snuggs. Motion carried by vote of 5 Ayes, 0 Nays, 2 absent (Goldsworthy, Rippy).

**RESOLUTION NO. 06-04-2013 A - 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.

The Ward 6 Council position on the City Council was declared vacant due the resignation of Vince Rippy, and officially established the beginning of the ninety-day period (per City Charter) for the City Council to fill the position by appointment. Mayor Pro Tem Nichols announced the appointee must be a qualified voter of the City, reside in Ward 6, and not hold any office or employment in city government. The successor will serve until the next regular City election is held in May 2014, when the voters will elect a Council member to represent Ward 6.

Councilmember Keeler **moved to approve the Resolution**, and was seconded by Councilmember Clegg. Motion carried by vote of 5 Ayes, 0 Nays, 2 Absent (Goldsworthy, Rippy).

**RESOLUTION NO. 06-04-2013 B – DESIGNATED THE AUTHORIZED SIGNATORY OFFICERS FOR CITY BANK ACCOUNTS AT FIRST STATE BANK**

A RESOLUTION DESIGNATING AUTHORIZED SIGNATORY OFFICERS OF THE CITY OF GAINESVILLE TO TRANSACT BANKING ACTIVITIES ON BEHALF OF THE CITY OF GAINESVILLE.

Authorized signatory officers for City bank accounts at First State Bank were designated as Mayor Jim Goldsworthy, City Manager Barry Sullivan, Finance Director Dan Parker, and City Controller Karen Dixon. The City Manager said the action was necessary in order to add the new Controller for the City.

Councilmember Hendricks **moved to approve the Resolution**, and was seconded by Councilmember Snuggs. Motion carried by vote of 5 Ayes, 0 Nays, 1 Absent (Goldsworthy), 1 Vacancy.

**RESOLUTION NO. 06-04-2013 C – AUTHORIZE WATER TOWER LEASE AGREEMENTS WITH NEW CINGULAR WIRELESS PCS, LLC**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE WATER TOWER LEASE AGREEMENTS WITH NEW CINGULAR WIRELESS PCS, LLC FOR COMMUNICATIONS PURPOSES.

The City Manager was authorized to execute agreements with New Cingular Wireless PCS, LLC for communications transmissions and reception on two City water towers located on North Clements Street and on Bonner Road. The initial term for each lease is five (5) years at \$1500 per month per tower, with automatic renewal options for four (4) additional five year terms, unless either party decides to terminate the agreement. Terms and conditions for each renewal will be the same except that the rent will be increased 15% after each term.

Councilmember Keeler **moved to approve the Resolution**, and was seconded by Councilmember Snuggs. Motion carried by vote of 5 Ayes, 0 Nays, 1 absent (Goldsworthy), 1 vacancy.

**RESOLUTION NO. 06-04-2013 D – APPROVING ACTIONS OF THE GEDC FOR RENEWAL OF LEASE TO SCHLUMBERGER TECHNOLOGY CORPORATION AT 2600 AND 2601 AIRPORT DRIVE**

A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION OF THE CITY OF GAINESVILLE, WHICH VOTED TO APPROVE RENEWAL OF THE LEASE OF THE LAND AND BUILDING LOCATED AT 2600 AND 2601 AIRPORT DRIVE, GAINESVILLE, TEXAS TO SCHLUMBERGER TECHNOLOGY CORPORATION.

Council approved the Gainesville Economic Development Corporation for their renewal of the lease of the land and building located at 2600 and 2601 Airport Drive, to Schlumberger Technology Corporation, for a three year period, June 1, 2013 to May 31, 2016, for \$265,200 per year.

Councilmember Clegg **moved to approve the Resolution**, and was seconded by Councilmember Keeler. Motion carried by vote of 5 Ayes, 0 Nays, 1 absent (Goldsworthy), 1 vacancy.

**PUBLIC HEARING ON AN ORDINANCE TO AMEND THE ZONING CODE**

Mayor Pro Tem Nichols read the ordinance caption and called for public comment at 6:46 p.m. Steven Perez, representing Louisiana Pacific Corporation, 5711 Preston Oaks No. 1045, Dallas, Texas 75254, spoke to Council about his product “Smart Side”, which is an engineered wood siding. Perez said the product is in use locally but it does not count as masonry under city ordinance requirements. The company is requesting design flexibility with construction using their product in meeting ordinance requirement for 80% masonry on each side of residential structures.

There being no other speakers and with no further discussion, Councilmember Snuggs **moved to close the Public Hearing**, seconded by Councilmember Clegg. Motion carried by vote of 5 Ayes, 0 Nays, 1 absent (Goldsworthy), 1 vacancy. The Public Hearing was closed at 6:50 p.m.

**FIRST READING APPROVAL OF AMENDMENTS TO ZONING CODE APPENDIX A**

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 1 – GENERAL PROVISIONS, SECTION 1.6 - EFFECT OF THE ORDINANCE, ARTICLE III - USE OF LAND OR PREMISE, SECTION 3.1.07 - MF-2 HIGH DENSITY MULTIFAMILY DISTRICT DEFINED, SECTION 3.1.09 – CA CENTRAL AREA DISTRICT DEFINED, SECTION 3.1.10 – C1 RESTRICTED COMMERCIAL DISTRICT DEFINED, SECTION 3.1.11 – C2 GENERAL COMMERCIAL DISTRICT DEFINED, SECTION 3.1.12 - C3 OUTDOOR COMMERCIAL DISTRICT DEFINED, SECTION 3.4 - ACCESSORY USES AND STRUCTURES, SECTION 3.5 - SCREENING WALLS AND FENCES, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE, AND FINDING THE MEETING WAS OPEN TO THE PUBLIC.

The City Manager reviewed the proposed changes to current zoning code, and received Council direction. Proposed ordinance amendments receiving first reading approval include:

- clarification of masonry requirements to cover 80 percent of each side of the first floor of all residential structures excluding doors and windows.
- minimum living area requirements for apartments in multifamily residential districts – 650 square feet for a one bedroom unit; 950 square feet for a two bedroom unit; 1100 square feet for a three bedroom unit; additional 100 square feet for each bedroom over three. Council requested the following changes: 1) reduce square feet for a two bedroom to 925, and 2) limit that one bedroom apartments may comprise a maximum of 50% of the total number of units.
- Accessory buildings or structures constructed or placed within the MF-2 High Density Multifamily Residential Districts must mimic the architectural style of the principle structure including rooflines, pitch, construction materials and colors. For developments with garages for 25% of the units, accessory carports may be constructed of metal, including the awning.
- Snow Cone Stands will be allowed in the CA Central Area District and the C1 Restricted Commercial District from April 1 through September 30. Definition of a Snow Cone Stand is to be added for second reading of the ordinance.
- Mobile vending units are allowed to conduct business only in the C3 Outdoor Commercial District, and must meet provisions for allowable signage and restriction that only one vendor may occupy a single or group of lots under common ownership.
- Fencing material. Aluminum and metal solid panel fencing allowed only in the Industrial (I) Zoning Districts. Fences that are not required as screening under the provisions of the ordinance are to be constructed of a) permanent, solid masonry material; b) treated or decay-resistant wood fencing material; c) vinyl fencing material. Decorative rail aluminum or wrought iron required in the Heritage Preservation Overlay District only.

During Council discussion, representatives of Longtide Homes requested change to the masonry requirement that would allow their product “Smart Side” to be used on 80% of the total home not 80% of each side of the home. Council advised the company provide product information to the City Manager prior to the second reading of the ordinance.

The City Manager will incorporate the Council’s changes for the second reading of the ordinance, which will be held at the next regular meeting of the Council on June 18, 2013. The proposed ordinance is to be posted on the city website [www.gainesville.tx.us](http://www.gainesville.tx.us) under City Code, Proposed Ordinances.

Councilmember Snuggs **moved to approve first reading of the Ordinance**, and was seconded by Councilmember Keeler, and the motion carried by vote of 5 Ayes, 0 Nays, 1 Absent (Goldsworthy), 1 Vacancy.

**EXECUTIVE SESSION**

At 7:03 p.m. Mayor Pro Tem Nichols announced that Council would convene into Executive Session in compliance with Vernon's Texas Codes Annotated, Government Code, Chapter 551 (Open Meetings Act), to discuss the following:

Under Government Code §551.071 Attorney Client Matters

**RECONVENE INTO OPEN SESSION**

Council reconvened into open session at 7:26 p.m. and Mayor Pro Tem Nichols announced no action was taken during executive session.

**ADJOURN**

With no further business to come before the City Council, the meeting was adjourned at 7:26 p.m.

Respectfully submitted,

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

/S/  
**Ray Nichols, Mayor Pro Tem**