

**MINUTES  
CITY OF GAINESVILLE  
CITY COUNCIL MEETING  
200 South Rusk  
Gainesville, Texas 76240  
December 17, 2013**

The City Council of the City of Gainesville, Texas met in regular session on December 17, 2013 at 6:30 p.m. with the following persons in attendance.

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

**MEMBERS ABSENT:** Mary Jo Dollar, Ken Keeler

**STAFF PRESENT:** Barry Sullivan, City Manager; Kay Lunnon, City Secretary; Bill Harris, City Attorney; Dan Parker, Finance Director; Kevin Phillips, Interim Police Chief; Julie Smith, Community Services Director;

**OTHERS PRESENT:** Keith King, Cathy Mounce, William Carter, Cale Kennedy, Craig Evins, Tony Dresser (Videographer)

**CALL TO ORDER**

Mayor Goldsworthy called the meeting to order at 6:30 p.m. The absence of councilmembers Mary Jo Dollar and Ken Keeler was noted.

**INVOCATION & PLEDGE OF ALLEGIANCE**

City Manager Barry Sullivan gave the invocation. Mayor Goldsworthy led the pledge to the flag.

**RECOGNITIONS**

**Employee of the Month, December 2013**

Caitlyn Huddleston, Administrative Assistant, was named Employee of the Month for December 2013. The City Manager read and presented a certificate recognizing Caitlyn for her excellent customer service, positive attitude, dependability and professionalism. She was commended for going to extra effort to provide informed and friendly front desk customer service and quality administrative assistance. As employee of the month, Caitlyn also received a certificate for one day of paid vacation.

**Commendation to Barry Sullivan, City Manager**

Mayor Goldsworthy read and presented a certificate of commendation to City Manager Barry Sullivan, citing personal actions he performed on December 6 during the winter storm event to ensure the safety of citizens and employees. Sullivan was seen shoveling ice from the sidewalks at City Hall before customers and employees arrived, and following that, he assisted with ice removal at the Public Safety Center. The recognition stated that it is uncommon for a City Manager to participate on a personal level, and such actions are above and beyond the call of duty.

**CONSENT AGENDA**

Council reviewed the Minutes of the regular City Council Meeting of December 3, 2013, and approved them as written.

Councilmember Snuggs **moved to approve the Consent Agenda**, and was seconded by Councilmember Clegg. The motion carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, 2 Absent (Dollar, Keeler)

**RESOLUTION NO. 12-17-2013 – APPROVE ANIMAL SHELTER AGREEMENT FOR FY 2013-2014 WITH NOAH’S ARK**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE APPROVING AN ANIMAL SHELTER AGREEMENT WITH NOAH’S ARK FOR ADDITIONAL FUNDING FOR OPERATION OF THE ANIMAL SHELTER DURING FY 2013-2014.

An animal shelter agreement was approved with Noah’s Ark for distribution of the \$50,000 in additional funding the City budgeted in FY 2013-2014 for operation of the animal shelter. The agreement provides that the City will pay Noah’s Ark \$100 per animal that it takes to the shelter between October 1, 2013 and September 30, 2014, with the funding cap set at \$50,000. When the cap is reached, Noah’s Ark will continue receiving animals at the shelter from the City. This funding agreement does not impact the existing shelter operation and maintenance agreement between Noah’s Ark and the City of Gainesville, in which the City provides utility payments for the shelter. The City Manager said the partnership for operating the animal shelter is good for citizens and the City, and Noah’s Ark does a great job.

Councilmember Clegg moved for **approval of the resolution**, and was seconded by Councilmember Hendricks. Motion carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, 2 Absent.

**PUBLIC HEARING ON PROPOSED ORDINANCE TO REZONE FROM GENERAL COMMERCIAL (C-2) TO INDUSTRIAL (I) THE ENTIRETY OF THE PROPERTY, 4.54 ACRES, IDENTIFIED AS 1301 OLD SIVELLS BEND ROAD.**

City Manager Sullivan explained the proposed ordinance and described the historic use of the area. Sullivan said the property is in an area that has historically supported manufacturing businesses, and is located to the west of I-35 but does not front on I-35.

Mayor Goldsworthy opened the Public Hearing at 6:38 p.m. and called for public comment on the proposed re-zoning of the property, 4.54 acres, identified as 1301 Old Sivells Bend Road, from General Commercial (C-2) to Industrial (I).

No one came forward to speak either for or against the proposed re-zoning. With no further discussion, Councilmember Snuggs moved to close the Public Hearing, and was seconded by Councilmember Nichols. Motion carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, and 2 Absent. The Public Hearing was closed at 6:40 p.m.

**ORDINANCE NO. 1330-12-2013 – APPROVE ZONING DISTRICT CHANGE, FROM GENERAL COMMERCIAL (C-2) TO INDUSTRIAL (I) FOR THE PROPERTY IDENTIFIED AS 1301 OLD SIVELLS BEND ROAD**

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 (C-2) TO INDUSTRIAL (I) THE ENTIRETY OF THE PROPERTY, IDENTIFIED AS 1301 OLD SIVELLS BEND ROAD; 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 approving the re-zoning the property identified as 1301 Old Sivells Bend Road, from General Commercial (C-2) to Industrial (I). The property owner had submitted application requesting the zoning change in order to permit industrial use on the 4.54 acre tract.

Sullivan said with the new GEDC industrial park locating north of this property, he can see a benefit in zoning this area as Industrial. Planning and Zoning approved the re-zoning and recommended for Council approval.

Councilmember Nichols **moved to Suspend the Charter requirement of three readings**, seconded by Councilmember Clegg, the motion carried by vote of 5 Ayes, 0 Nays, 2 absent.

Councilmember Nichols **moved to adopt the ordinance**. The motion was seconded by Councilmember Clegg and carried by vote of 5 Ayes, 0 Nays, 2 absent.

**ORDINANCE NO. 1331-12-2013 - AMENDING CHAPTER 5 - BUILDINGS AND BUILDING REGULATIONS, ARTICLE I – BUILDING STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE TO ALLOW ONE (1) 180 DAY EXTENSION FOR MOVED IN STRUCTURES TO MEET BUILDING CODES AND OCCUPANCY REQUIREMENTS**

FIRST READING OF AN ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AMENDING CHAPTER 5 - BUILDINGS AND BUILDING REGULATIONS, ARTICLE I - BUILDING STANDARDS OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE, AND FINDING THE MEETING WAS OPEN TO THE PUBLIC.

Ordinance was approved and adopted to permit the chief building official or his designee the ability to grant, under extenuating circumstances, one extension of 180 days for a structure that has been moved into the city to meet building codes and obtain a Certificate of Occupancy. Current City code does not provide for exception and any structure not meeting building codes and occupancy requirements must be demolished as a substandard structure or moved back outside the City limits. City staff recommended for approval of the amendment to allow the one time extension.

Councilmember Clegg **moved to Suspend the Charter requirement of three readings**, seconded by Councilmember Nichols, the motion carried by vote of 5 Ayes, 0 Nays, 2 absent.

Councilmember Clegg **moved to adopt the ordinance**. The motion was seconded by Councilmember Nichols and carried by vote of 5 Ayes, 0 Nays, 2 absent.

**EXECUTIVE SESSION**

At 6:45 p.m. Mayor Goldsworthy 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 §551.074 Personnel – City Manager's Evaluation
- Under Government Code §551.087 Economic Development

**RECONVENE INTO OPEN SESSION**

Council reconvened into open session at 7:14 p.m. Mayor Goldsworthy announced no action was taken during executive session.

**RESOLUTION NO. 12-17-2013 A – APPROVE EXTENSION OF CITY MANAGER CONTRACT**

A RESOLUTION AUTHORIZING THE MAYOR TO EXTEND THE CONTRACT OF EMPLOYMENT OF BARRY SULLIVAN AS CITY MANAGER.

Council voted unanimous approval of a one-year extension of Barry Sullivan's contract as City Manager.

Councilmember Nichols moved for **approval of the resolution extending the contract for one year**, and was seconded by Councilmember Snuggs. Motion carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, 2 Absent.

**RESOLUTION NO. 12-17-2013 B – APPROVE CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT WITH ANTIQUE LUMBER COMPANY, LLC**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE AUTHORIZING THE MAYOR TO EXECUTE A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT FOR A REVENUE SHARING ARRANGEMENT WITH ANTIQUE LUMBER COMPANY, LLC.

An economic development agreement was approved with Antique Lumber Company, LLC, to operate a storage and retail facility for recycled building materials in Gainesville. Under the agreement, the company is required to employ ten (10) people, and continue to help perform demolition of structures for the City. The City will grant the company \$1,000 per demolition it does for the city, up to \$48,000 between December 18, 2013 and December 17, 2014.

Councilmember Snuggs moved for **approval of the resolution**, and was seconded by Councilmember Clegg. Motion carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, 2 Absent.

**ADJOURN**

With no further business to come before the City Council, the meeting was adjourned at 7:16 p.m.

Respectfully submitted,

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

/S/  
**Jim Goldsworthy, Mayor**