

**MINUTES  
CITY OF GAINESVILLE  
CITY COUNCIL MEETING  
200 South Rusk  
Gainesville, Texas 76240  
May 6, 2008**

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

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

**MEMBERS ABSENT:** Jim Goldsworthy, Woody Williams

**STAFF PRESENT:** Barry Sullivan, City Manager; Kay Lunnon, City Secretary; Bill Harris, City Attorney; Dan Parker, Finance Director, Steven Fleming, Police Chief, Chris Cypert, Municipal Judge

**OTHERS PRESENT:** Rebecca & Jerry Lawson, Jacqueline Alcala, Stephen Monahan, Andy Hogue, Kathy Floyd

**CALL TO ORDER**

Mayor Loch called the meeting to order at 6:33 p.m. with a quorum of members present. The absence of Goldsworthy and Williams was noted.

**INVOCATION & PLEDGE OF ALLEGIANCE**

Councilman Draper gave the invocation. Mayor Loch led the pledge to the flag.

**PROCLAMATIONS**

Chief Fleming introduced Gainesville Police Officers Travis Lockker, James Schmeidler, David Sharp, Ron Alford, and Jerry Johnson. Chief Fleming also announced that today Officer Sharp was promoted to the rank of Sergeant. Mayor Loch read a Proclamation designating May 15 as Peace Officers' Memorial Day and the week of May 11-17, 2008 as Police Week. The proclamation is in honor of those who serve in law enforcement and in respect to those who have sacrificed their lives or have become disabled in service to their community during performance of duty.

**CITIZENS COMMENTS**

Jerry Lawson requested that Council consider a variance for his accessory building at 2011 Greenbriar. Lawson said the building was under construction until he received a stop order from the City because of building height restriction and he has been held up for several weeks now waiting decision from the City. He said the building is to provide cover for his recreational vehicle which is twelve feet in height. Lawson requested a decision so he could finish construction.

**CONSENT AGENDA**

Council reviewed the Minutes of the Regular City Council Meeting of April 15, 2008, and approved them as written.

**BOARD APPOINTMENTS:**

**RESOLUTION NO. 05-06-2008 – APPOINTMENTS TO PLANNING & ZONING COMMISSION**

David Wright, Jim Hatcher and David Estes were re-appointed to the Planning and Zoning, to terms expiring April 2010.

Councilman Rippy expressed his appreciation for citizens who participate in local government by volunteering to serve on boards and commissions. He thanked Wright, Hatcher, and Estes for their service on the Planning and Zoning Commission. Mayor Loch encouraged anyone who would like to serve on a City board to contact the City Secretary for an application form.

Councilmember Draper **moved to approve the items on the Consent Agenda.** The motion was seconded by Councilmember Snuggs, and carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, and 2 Absent (Goldsworthy & Williams).

**RESOLUTION NO. 05-06-2008 A - EXPENDITURE TO DIVERSIFIED LENDERS, INC. FOR CHECK PROCESSING EQUIPMENT.**

RESOLUTION AUTHORIZING EXPENDITURE TO DIVERSIFIED LENDERS, INC. FOR CHECK PROCESSING EQUIPMENT.

Barry Sullivan said the check processing equipment and software for the Customer Service Water Utilities Department is included in the current budget, and he recommended approval of the three-year lease purchase.

Councilmember Snuggs **moved to approve,** and was seconded by Councilmember Draper. The motion carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, and 2 Absent (Goldsworthy & Williams).

**RESOLUTION NO. 05-06-2008 B - WAIVER OF DELINQUENT TAXES ON PROPERTY KNOWN AS 431 THROCKMORTON STREET**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, PROVIDING FOR THE WAIVER OF DELINQUENT TAXES ON PROPERTY KNOWN AS 431 THROCKMORTON STREET CONVEYED TO THE CITY OF GAINESVILLE THROUGH SHERIFF'S DEED.

Sullivan said this property is one of three properties acquired through Sheriff's deed that Council suggested be placed in a re-development program rather than sell it for less than market value. This property is not located in the floodplain. This resolution waives the City's portion of delinquent ad valorem taxes. The other taxing jurisdictions will be requested to waive their portions of delinquent taxes.

Councilmember Snuggs **moved to approve,** and was seconded by Councilmember Rippy. The motion carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, and 2 Absent (Goldsworthy & Williams).

**RESOLUTION NO. 05-06-2008 C - WAIVER OF DELINQUENT TAXES ON PROPERTY KNOWN AS 412 PRESTON STREET**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, PROVIDING FOR THE WAIVER OF DELINQUENT TAXES ON PROPERTY KNOWN AS 412 PRESTON STREET CONVEYED TO THE CITY OF GAINESVILLE THROUGH SHERIFF'S DEED.

Sullivan stated this property is a buildable lot that was acquired through Sheriff's deed and was also suggested by Council for placement in a re-development program. The resolution waives the City's portion of delinquent ad valorem taxes. The other taxing jurisdictions will be requested to waive their portions of delinquent taxes.

Councilmember Draper **moved to approve**, and was seconded by Councilmember Snuggs. The motion carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, and 2 Absent (Goldsworthy & Williams).

**RESOLUTION NO. 05-06-2008 D – WAIVER OF DELINQUENT TAXES ON PROPERTY KNOWN AS 809 GOSSETT STREET**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, PROVIDING FOR THE WAIVER OF DELINQUENT TAXES ON PROPERTY KNOWN AS 809 GOSSETT STREET CONVEYED TO THE CITY OF GAINESVILLE THROUGH SHERIFF’S DEED.

This property is located in the floodplain and is not recommended for re-construction. Sullivan recommended the City retain the property to use for access to Pecan Creek during the drainage project. The other taxing jurisdictions will be requested to waive their portions of delinquent taxes.

Councilmember Draper **moved to approve**, and was seconded by Councilmember Rippy. The motion carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, and 2 Absent (Goldsworthy & Williams).

**RESOLUTION NO. 05-06-2008 E - WAIVER OF DELINQUENT TAXES ON PROPERTY KNOWN AS 508 NORTH SCHOPMEYER**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, PROVIDING FOR THE WAIVER OF DELINQUENT TAXES ON PROPERTY KNOWN AS 508 NORTH SCHOPMEYER STREET CONVEYED TO THE CITY OF GAINESVILLE BY OWNER.

Sullivan said this property is a flood property the City needed as part of the Pecan Creek Drainage Project. The owner, Doris Reed, deeded the property to the City in lieu of payment of the delinquent taxes. The other taxing jurisdictions will be requested to waive their portions of delinquent taxes.

Councilmember Hendricks **moved to approve**, and was seconded by Councilmember Snuggs. The motion carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, and 2 Absent (Goldsworthy & Williams).

**ORDINANCE NO. 1200-05-2008 - SPECIFIC USE PERMIT AT 4539 IH-35 NORTH FOR AN OFFICE AND PIPE YARD IN THE I-35 CORRIDOR FOR HEP OIL COMPANY**

ORDINANCE AMENDING ORDINANCE NO. 25-2-71; 154-12-79; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, TO GRANT A SPECIFIC USE PERMIT, AS REQUESTED BY HEP OIL COMPANY GP, LLC, ALLOWING THE OPERATION OF AN OFFICE AND PIPE YARD IN THE IH-35 DEVELOPMENT CORRIDOR LOCATED AT 4539 IH-35 NORTH; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF GAINESVILLE; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND CONTAINING A SEVERABILITY CLAUSE; MAKING AN OPEN MEETING FINDING; AND PROVIDING FOR SUSPENSION OF THE CITY CHARTER REQUIREMENT OF READING ON THREE SEPARATE OCCASIONS.

The ordinance allows HEP Oil to continue with the current use of the property. The Planning and Zoning Commission recommended approval of the SUP for the life of the property. The owners are to locate all pump jacks to the back of the yard, and maintain louvers in the fencing

along the eastern property line to screen the property from I-35. If the property changes ownership or property use, the SUP will be reviewed for determination of a new application.

Sullivan said the City is re-drafting zoning ordinances for strict use requirements that would eliminate the need for specific use permits. He recommended approval of this permit. No comments for or against the permit for this property have been received by the City since first reading approval on April 15.

Councilmember Draper **moved to suspend the Charter on second reading**, and was seconded by Councilmember Snuggs. The motion carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, and 2 Absent (Goldsworthy & Williams).

Councilmember Snuggs **moved to adopt the ordinance**. The motion was seconded by Councilmember Draper and carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, and 2 Absent (Goldsworthy & Williams).

**FIRST READING APPROVAL OF AN ORDINANCE TO INCREASE THE ATMOS ENERGY FRANCHISE FEE TO FIVE (5) PERCENT**

FIRST READING OF AN ORDINANCE AMENDING THE EXISTING GAS FRANCHISE BETWEEN THE CITY AND ATMOS ENERGY CORPORATION TO PROVIDE FOR A DIFFERENT CONSIDERATION; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ACCEPTANCE BY ATMOS ENERGY CORPORATION; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Sullivan said under agreement with Atmos Energy the City is allowed to amend the existing gas franchise between the City and Atmos Energy Corporation to increase the franchise fee an additional one percent. In essence Atmos pays a franchise fee to the City to rent the right of way. In recommending increasing the fee, Sullivan stated the right of way is getting full and the City has to work around Atmos infrastructure in order to work on city utilities and streets. The City maintains the right of way. Sullivan recommended increasing the franchise fee to the City from four (4) percent to a total of five (5) percent on gross revenues for gas sold within the city limits. It is estimated the average residential customer's bill will increase fifty to sixty cents per month.

Councilmember Draper **moved to approve first reading of the ordinance**, and was seconded by Councilmember Rippy. The motion carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, and 2 Absent (Goldsworthy & Williams).

**EXECUTIVE SESSION**

Mayor Loch announced at 6:55 p.m. that Council would convene into Executive Session under Government Codes §551.071 Consultation with Attorney and §551.072 Real Property.

**RECONVENE INTO OPEN SESSION**

Council reconvened into open session at 7:33 p.m. and Mayor Loch announced that no action had been taken during Executive Session.

No further action was taken following executive session.

**CITY MANAGER'S COMMENTS**

Sullivan reminded that the City is enforcing parking ordinances to clean up the city and is issuing tickets for parking in yards.

Culberson and Carnes intersection utility improvements has been completed.

