

**MINUTES  
CITY OF GAINESVILLE  
CITY COUNCIL MEETING  
200 South Rusk  
Gainesville, Texas 76240  
June 3, 2008**

The City Council of the City of Gainesville, Texas met in regular session on June 3, 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, Ray Nichols, Beverly Snuggs, Vince Rippy

**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; Lynette Pettigrew, Main Street Director; Patrick McCage, Parks Director; Kent Sharp, GEDC Executive Director; John Broyles, Chamber Director

**OTHERS PRESENT:** Don Hobbs, Kathy Floyd, Steve Monahan, Andy Hogue, Boogie Cullum, J. D. Dutton, Tamera Broyles, Bill Forsythe

**CALL TO ORDER**

Mayor Loch called the meeting to order at 6:30 p.m. with a quorum of members present.

**INVOCATION & PLEDGE OF ALLEGIANCE**

Pastor Garry Way, Fair Avenue Baptist Church, gave the invocation. Mayor Loch led the pledge to the flag.

**PROCLAMATIONS**

Mayor Loch read a Proclamation declaring the month of June as **Cigarette Litter Prevention Month** in the City of Gainesville. Boogie Cullum, Chairman of Keep Gainesville Beautiful, received the proclamation. She reported that KGB received fifteen hundred dollars in grant funds, which will be used for cigarette litter prevention in the downtown area.

**REPORTS**

Lynette Pettigrew, Main Street Director, presented a report outlining plans for historic preservation of brick streets in the city. The report ranks the brick streets based on historical and aesthetic significance of each street block. The report recommends maintenance of brick streets and preservation of as many brick streets as possible, but recognizes that it may not be economically feasible, and brick streets with low priority may have to be sacrificed to save the others. Pettigrew said a firm underlying foundation is important for long lasting brick streets.

Council received a request for funding consideration in the City's 2008-2009 fiscal year budget for the Cooke County Arts Council, presented by Tamera Broyles, Vice President. The funds would support four organizations in the Arts Council: the Gainesville Swing Orchestra, Butterfield Stage, Gainesville Area Visual Arts (GAVA), and the North Central Texas Chorale. Broyles said the four organizations are important to the culture of the City.

Kent Sharp, Executive Director of the GEDC, and John Broyles, Chamber of Commerce Director, presented architectural concept drawings for construction of an addition to the Civic Center that would add office space and conference area for the Chamber of Commerce and the

GEDC. The Chamber of Commerce property is proposed to be rented or sold to help fund construction of the addition to the Civic Center.

**CONSENT AGENDA**

Council reviewed the Minutes of the Regular City Council Meeting of May 20, 2008. Councilman Draper made a correction (on page 6) to his statement during first reading of the parking ordinance, to state that he spoke in support of the ordinance and strongly suggested it not be passed in one reading.

**BOARD APPOINTMENTS:**

**RESOLUTION NO. 06-03-2008 – APPOINTMENT TO PLANNING & ZONING COMMISSION**

Van Knight was appointed to the Planning and Zoning Commission to fill the unexpired term of Ray Nichols.

**RESOLUTION NO. 06-03-2008 – APPOINTMENT TO TEXOMA COUNCIL OF GOVERNMENTS GOVERNING BODY**

Councilman Charles Draper was appointed to a three-year term on the Governing Body of the Texoma Council of Governments.

Councilmember Snuggs **moved to approve the items on the Consent Agenda, including correction to the minutes as made by Councilman Draper.** The motion was seconded by Councilmember Nichols, and carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

**RESOLUTION NO. 06-03-2008 B – AUTHORIZING CODERED SYSTEM SERVICES CONTRACT**

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SERVICES AGREEMENT FOR LICENSED CODERED EMERGENCY NOTIFICATION SYSTEM SERVICES.

City Manager Barry Sullivan said funding for the CodeRED Emergency Notification System services is budgeted in the current fiscal year. The system can be activated city-wide to inform citizens of major emergencies, or used to reach only certain sections of the city with emergency information. Sullivan stated that this system provides another layer of warning system security in addition to the city's warning sirens. Citizens are encouraged to also have a weather radio.

Councilmember Hendricks **moved to approve,** and was seconded by Councilmember Rippy. The motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

**RESOLUTION NO. 06-03-2008 C – ACCEPT DONATION OF FUNDS FROM FORSYTHE TRANSPORTATION FOR A SKATE PARK**

A RESOLUTION AUTHORIZING THE CITY MANAGER, FOR AND ON BEHALF OF THE CITY OF GAINESVILLE, TO ACCEPT A DONATION OF FUNDS FROM FORSYTHE TRANSPORTATION INC FOR A DESIGNATED USE UNDER TERMS AND CONDITIONS.

Forsythe Transportation offered nine thousand three hundred dollars (\$9300) to the City to be used to finance a concrete slab for a skate park located on city property at Schopmeyer and Truelove. Conditions of the agreement specify Company recognition of the donation by naming the skate park the "Forsythe Transportation Skate Park"; and call for completion of the park by August 1, 2008. Bill Forsythe said the reason for the August 1 deadline is that he wants kids to have a safe location to skate board this summer. As additional incentive for the City to complete the skate park by the deadline, Forsythe will pay an additional ninety-three dollars per day for every day the park is open before August 1. Sullivan estimated the total cost for the skate park at

forty-five thousand dollars (\$45,000). Parks Director, Patrick McCage, said recommended rules and regulations will be posted at the park, but the skate park will not be staffed.

Councilmember Goldsworthy **moved to approve acceptance of the donation**, and was seconded by Councilmember Draper. The motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

**RESOLUTION NO. 06-03-2008 D – ACCEPT DONATION OF REAL PROPERTY AT 700 EAST GARNETT STREET**

A RESOLUTION AUTHORIZING THE CITY MANAGER, FOR AND ON BEHALF OF THE CITY OF GAINESVILLE, TO ACCEPT DONATION OF REAL ESTATE PROPERTY KNOWN AS BELMONT ADDITION, BLOCK 2, LOTS 16-18, 700 EAST GARNETT AS REQUESTED BY BEN AND MARY TURBEVILLE.

The property is adjacent to the City walking trail and is offered by Ben and Mary Turbeville. Sullivan said the property is not specified by the donors for use as park land and the only cost to the city is for mowing the lots.

Councilmember Draper **moved to approve**, and was seconded by Councilmember Nichols. The motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

**FIRST READING OF A RESOLUTION REGARDING GEDC FUNDS TO NCTC FOR EQUIPMENT AND SCHOLARSHIP FUNDS**

FIRST READING OF A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION TO FUND THE PURCHASE OF EQUIPMENT FOR THE CAREER AND TECHNOLOGY CENTER AT NCTC AND TO PROVIDE SCHOLARSHIP FUNDS.

Mayor Loch read the resolution caption. GEDC Executive Director, Kent Sharp, described the agreement as a partnership with the North Central Texas College to provide funding for much needed equipment for training in new technologies, and funding for needs-based scholarships. In accordance with new state legislation, the GEDC held a public hearing on the project at their May 27 meeting. The City Council must consider approval of the GEDC decision in two readings, and take action only on the second reading. Second reading of the resolution is scheduled for June 17.

**FIRST READING OF A RESOLUTION REGARDING GEDC FINANCIAL INCENTIVES FOR SURFACE UPGRADE OF CR 137**

FIRST READING OF A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION WHICH ADOPTED FINANCIAL INCENTIVES FOR A PROJECT WITH THE CITY OF GAINESVILLE AND COOKE COUNTY FOR UPGRADING CR 137 (NORTH WEAVER) TO A CHIP-SEAL SURFACE.

Mayor Loch read the resolution caption. Kent Sharp said the GEDC project provides funds for a project with the City of Gainesville and Cooke County to upgrade CR 137 (North Weaver) to a chip-seal surface. The upgrade will reduce dust and make the area suitable for an apartment complex. The GEDC adopted the project following a public hearing on May 27. The City Council must consider it in two readings. Second reading for Council action is scheduled for June 17.

**RESOLUTION NO. 06-03-2008 E – WAIVER OF DELINQUENT TAX ON PROPERTY KNOWN AS 410 NORTH SCHOPMEYER**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, PROVIDING FOR THE WAIVER OF DELINQUENT TAXES ON PROPERTY KNOWN AS

410 NORTH SCHOPMEYER STREET CONVEYED TO THE CITY OF GAINESVILLE THROUGH SHERIFF'S DEED.

This property was offered by the Sheriff at public auction on May 6 but did not receive sufficient bid as required by law. Sullivan said the City will use the property as part of the Pecan Creek Damage Reduction Project. This resolution and the three resolutions following are presented for approval to waive the City's portion of delinquent ad valorem taxes. The City will request the other taxing jurisdictions to waive their portions of delinquent taxes and quitclaim deed the land to the City.

Councilmember Snuggs **moved to approve**, and was seconded by Councilmember Draper. The motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

**RESOLUTION NO. 06-03-2008 F – WAIVER OF DELINQUENT TAX ON PROPERTY KNOWN AS 412 NORTH SCHOPMEYER**

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

The property was offered by the Sheriff at public auction on May 6 but did not receive sufficient bid as required by law. The City will use the property as part of the Pecan Creek Damage Reduction Project.

Councilmember Draper **moved to approve**, and was seconded by Councilmember Goldsworthy. The motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

**RESOLUTION NO. 06-03-2008 G – WAIVER OF DELINQUENT TAX ON PROPERTY KNOWN AS 722 EAST MAIN**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, PROVIDING FOR THE WAIVER OF DELINQUENT TAXES ON PROPERTY KNOWN AS 722 EAST MAIN STREET CONVEYED TO THE CITY OF GAINESVILLE THROUGH SHERIFF'S DEED.

The property was offered by the Sheriff at public auction on May 6 but did not receive sufficient bid as required by law. The City will use the property as part of the Pecan Creek Damage Reduction Project.

Councilmember Hendricks **moved to approve**, and was seconded by Councilmember Snuggs. The motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

**RESOLUTION NO. 06-03-2008 H – WAIVER OF DELINQUENT TAX ON PROPERTY KNOWN AS 1704 SOUTH LINDSAY STREET**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, PROVIDING FOR THE WAIVER OF DELINQUENT TAXES ON PROPERTY KNOWN AS 1704 SOUTH LINDSAY STREET CONVEYED TO THE CITY OF GAINESVILLE THROUGH SHERIFF'S DEED.

The property was offered by the Sheriff at public auction on May 6 but did not receive sufficient bid as required by law. Sullivan said this property is needed for the re-location of the sewer trunk line associated with the Pecan Creek Damage Reduction Project.

Councilmember Snuggs **moved to approve**, and was seconded by Councilmember Nichols. The motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

**PUBLIC HEARING ON AN ORDINANCE TO REZONE 38.633 ACRES IN THE SARAH SMITH SURVEY ABSTRACT 913, COOKE COUNTY, TEXAS, FROM AGRICULTURE (A) TO COMMERCIAL (C).**

Mayor Loch opened the Public Hearing at 7:50 p.m. and called for comments on the ordinance. No person came forward to speak either for or against the ordinance.

With no further discussion, Councilmember Snuggs **moved to close the Public Hearing**, and was seconded by Councilmember Draper, the motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent. The Public Hearing was closed at 7:51 p.m.

**FIRST READING APPROVAL OF REZONING 38.633 ACRES IN SARAH SMITH SURVEY ABSTRACT 913 FROM AGRICULTURE (A) TO COMMERCIAL (C)**

FIRST READING OF AN ORDINANCE AMENDING ORDINANCE 25-2-71; 101A-8-76; 154-12-79; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AUTHORIZING THE CITY OF GAINESVILLE, TEXAS, TO REZONE FROM AGRICULTURE (A) TO COMMERCIAL (C), 38.633 ACRES IN THE SARAH SMITH SURVEY ABSTRACT 913, COOKE COUNTY, TEXAS; PROVIDING FOR AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF GAINESVILLE; PROVIDING FOR STIPULATIONS; PROVIDING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SUSPENSION OF THE CHARTER REQUIREMENT OF READING THE ORDINANCE ON THREE SEPARATE OCCASIONS; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING.

Leadership Properties is requesting the rezoning to allow for development of an apartment complex at 4316 North I-35. Sullivan said the property is tied in with the CR 137 surface upgrade project with the GEDC. He recommended approval of first reading.

Councilmember Draper **moved to approve first reading of the ordinance**. The motion was seconded by Councilmember Goldsworthy and carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

**SECOND READING APPROVAL ON AMENDMENTS TO PARKING ORDINANCE**

SECOND READING OF AN ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AMENDING CHAPTER 11 – MOTOR VEHICLES AND TRAFFIC OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, ARTICLE V - STOPPING, STANDING, PARKING - SECTION 11-66 DEFINITIONS, SECTION 11-67 OWNER’S RESPONSIBILITY, SECTION 11-68 TIME LIMIT FOR STANDING OF UNATTENDED VEHICLE, SECTION 11-69 PROHIBITED GENERALLY, SECTION 11-70 SPECIAL TEMPORARY PARKING PERMITS, SECTION 11-71 STOP INTERSECTIONS, SECTION 11-72 MARKING OF PARKING SPACES, TIME LIMIT AND PROHIBITED AREAS, SECTION 11-73 ANGLE PARKING, SECTION 11-74 STANDING BACKED TO CURB, SECTION 11-75 DESIGNATION OF LOADING ZONES, SECTION 11-76 IMPOUNDMENT OF VEHICLES, DELETING SECTIONS 11-77 THROUGH SECTION 11-83.

Sullivan reported the changes that were made to the ordinance following first reading. The requirement was removed that a car that has been parked in the street for over 72 hours must be moved 1000 feet. A section was added that forbids vehicles from being parked in any manner that allows a portion of the vehicle to protrude into the street. Sullivan said he had received nine calls from citizens.

Council discussed input they had received from citizens, and made additional changes to ordinance: to allow registered operable recreational vehicles to be parked in driveways on an improved surface, but with a requirement (to be determined) for distance from the street that will

