

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
April 15, 2014**

The City Council of the City of Gainesville, Texas met in regular session on April 15, 2014 at 6:30 p.m. with the following persons in attendance.

MEMBERS PRESENT: Mayor Jim Goldsworthy
Keith Clegg, Mary Jo Dollar, Carolyn Hendricks, Ken Keeler, Ray Nichols, Beverly Snuggs

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

OTHERS PRESENT: Keith King, Kerry and Randy Gowin, Larry Claxton, Deanna Tucker, Donna Allen, Raymond David, Tony Dresser (Videographer)

CALL TO ORDER

Mayor Jim Goldsworthy called the meeting to order at 6:30 p.m. with all members of the council present.

INVOCATION & PLEDGE OF ALLEGIANCE

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

RECOGNITIONS

Employee of the Month, April 2014

Tom Fogwell was named as City Employee of the Month of April 2014, in recognition of his outstanding mechanical skills and innovative fabricating skills in performing equipment maintenance and repairs on Golf Course equipment. He was also recognized for his positive attitude, dependability, professionalism and willingness to go the extra mile to meet demands and set an example for others. As Employee of the Month, Fogwell received a certificate for one day of paid vacation.

CONSENT AGENDA

Council reviewed items on the Consent Agenda, including the Minutes of the regular City Council Meeting of April 1, 2014. Mayor Goldsworthy announced he needed to table the appointments to the Board of Zoning Appeals.

Councilmember Snuggs **moved to approve the Council Minutes as written**, and was seconded by Councilmember Clegg. The motion carried by vote of 7 Ayes, 0 Nays, 0 Absent.

RESOLUTION NO. 04-15-2014 – APPROVING SALE OF ALCOHOL AT THE LEONARD PARK PAVILION FOR THE NOAH’S ARK FUNDRAISER ON JULY 12, 2014

CONSIDERATION OF AND ACTION ON A RESOLUTION OF THE CITY COUNCIL REGARDING THE SALE OF ALCOHOL IN LEONARD PARK LOCATED AT 1000 WEST

CALIFORNIA STREET BY NOAH'S ARK DURING THEIR ANNUAL TROPICAL CRUISE FUNDRAISER EVENT ON JULY 12, 2014.

Sale and consumption of alcohol at the Leonard Park Pavilion was approved for Noah's Ark during their Tropical Cruise Fundraising Event on July 12, 2014. Alcohol will be allowed only within the pavilion and the roped off area immediately south of the pavilion for people attending the fundraising event. The area will be supervised by security police officers. Larry Claxton presented the request on behalf of Noah's Ark and said it is the sixth year for the fundraiser that benefits the Noah's Ark SPCA/Humane Society Shelter.

Councilmember Hendricks moved for **approval of the resolution**, and was seconded by Councilmember Keeler. Motion carried by vote of 7 Ayes, 0 Nays, 0 Absent.

PUBLIC HEARING ON A PROPOSED ORDINANCE TO RE-ZONE FROM SINGLE FAMILY TWO (SF-2) TO GENERAL COMMERCIAL (C-2), THE ENTIRETY OF THE PROPERTIES, 0.828 ACRES, IDENTIFIED AS 1301, 1307, 1311A, 1311B, 1317, AND 1319 EAST BROADWAY STREET.

Mayor Goldsworthy read the ordinance caption, opened the public hearing, and called for public comment at 6:40 p.m. regarding a proposed ordinance to re-zone the entirety of the properties identified as 1301, 1307, 1311A, 1311B, 1317, and 1319 East Broadway Street, comprising 0.828 acres, from Single Family Two (SF-2) to General Commercial (C-2).

Applicant/owner Raymond David, CEO of Point Bank, addressed Council in favor of the proposed re-zoning. There being no further discussion, Councilmember Nichols **moved to close the Public Hearing**, seconded by Councilmember Snuggs. Motion carried by vote of 7 Ayes, 0 Nays, 0 Absent. The Public Hearing was closed at 6:43 p.m.

ORDINANCE NO. 1340-04-2014 - APPROVING A ZONING DISTRICT CHANGE FROM SINGLE FAMILY TWO (SF-2) TO GENERAL COMMERCIAL (C-2) FOR THE PROPERTIES IDENTIFIED AS 1301, 1307, 1311A, 1311B, 1317 AND 1319 EAST BROADWAY STREET.

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 SINGLE FAMILY TWO DISTRICT (SF-2) TO GENERAL COMMERCIAL DISTRICT (C-2) THE ENTIRETY, .823 ACRE, OF THE PROPERTIES IDENTIFIED AS 1301, 1307, 1311A, 1311B, 1317 & 1319 EAST BROADWAY 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.

A zoning district change was approved and adopted for six adjoining properties on East Broadway Street, from Single Family Two (SF-2) to General Commercial (C-2). The properties, identified as street addresses 1301, 1307, 1311A, 1311B, 1317, and 1319, together comprising 0.828 acres under one ownership (Point Bank), are located along East Broadway Street (across to the northeast of the Tom Thumb Store), beginning at Clements Street and east toward Ritchey Street. The property owner requested the zoning district change in order to incorporate the area into the commercial zoning district immediately adjacent on the west. The Planning and Zoning Commission received no opposition to the re-zoning at a public hearing held on April 8 and recommended approval.

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

Councilmember Clegg **moved to adopt the ordinance**. The motion was seconded by Councilmember Keeler and carried by vote of 7 Ayes, 0 Nays, 0 Absent.

PUBLIC HEARING ON A PROPOSED ORDINANCE TO AMEND CITY CODE, APPENDIX A, SECTION 2.1.04 NONCONFORMING LOTS OF RECORD.

Mayor Goldsworthy read the ordinance caption, opened the public hearing, and called for public comment at 6:45 p.m. regarding a proposed ordinance to amend City Code, Appendix A, Section 2.1.04 Nonconforming Lots of Record.

No speakers came forward to speak either for or against the proposed ordinance. With no further discussion, Councilmember Nichols **moved to close the Public Hearing**, seconded by Councilmember Clegg. Motion carried by vote of 7 Ayes, 0 Nays, 0 Absent. The Public Hearing was closed at 6:45 p.m.

ORDINANCE NO. 1341-04-2014 – AMENDING ZONING APPENDIX A, SECTION 2.1.04 NONCONFORMING LOTS OF RECORD REQUIREMENTS

FIRST READING OF AN ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AMENDING SECTION 2.1.04 [NONCONFORMING LOTS OF RECORD.], PROVISIONS REGULATING NONCONFORMING USE OF APPENDIX A 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 amending City Code, Zoning Appendix A, Nonconforming Lots of Record was approved and adopted, allowing for new construction of dwellings on 6,500 to 7,500 square foot lots in Single Family Two (SF-2) Districts, to be situated on the lot so as to conform to the front setbacks of existing dwellings on the same street, with a minimum street yard setback of fifteen (15) feet; and to have side yard setbacks that are ten (10) percent of the width of the lot, or no less than five (5) feet. City Manager Barry Sullivan said the City receives applications to build homes on nonconforming lots, and the challenge for owners of small lots less than 7,500 square-foot is to design a home that can meet the current Single Family Two District (SF-2) set-back and minimum square footage requirements and also fit on the smaller lot. Current code provides for smaller setbacks on nonconforming lots 6,500 square feet or less, but does not address lots between 6,500 and 7,500 square feet. The Planning and Zoning Commission received no opposition to the amendment at the public hearing on April 8 and unanimously recommended for Council approval.

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

Councilmember Nichols **moved to adopt the ordinance**. The motion was seconded by Councilmember Keeler and carried by vote of 7 Ayes, 0 Nays, 0 Absent.

PUBLIC HEARING ON A PETITION FILED BY A & P CONVENIENCE STORES TO ANNEX 1.95 ACRES TO THE CITY OF GAINESVILLE.

Mayor Goldsworthy read the ordinance caption, opened the public hearing, and called for public comment at 6:48 p.m. regarding a proposed ordinance to annex a 1.95 acre tract of land into the City of Gainesville.

No one came forward to speak either for or against the proposed ordinance. There being no further discussion, Councilmember Snuggs **moved to close the Public Hearing**, seconded by Councilmember Clegg. Motion carried by vote of 7 Ayes, 0 Nays, 0 Absent. The Public Hearing was closed at 6:48 p.m.

ORDINANCE NO. 1342-04-2014 - GRANTING THE PETITION FILED BY A & P CONVENIENCE STORES, INC. TO ANNEX 1.95 ACRES OF LAND TO THE CITY OF GAINESVILLE

FIRST READING OF AN ORDINANCE GRANTING THE PETITION FILED BY A & P CONVENIENCE STORES, INC., TO ANNEX 1.95 ACRES OF LAND TO THE CITY OF GAINESVILLE, TEXAS AND DECLARING THAT SAID 1.95 ACRES SHALL HEREAFTER BE A PART OF THE CITY OF GAINESVILLE, TEXAS.

The petition filed by A & P Convenience Stores, Inc. to voluntarily annex 1.95 acres into the City was granted by adoption of the ordinance. Council voted their approval of granting the petition filed by A & P Convenience Stores, Inc. (A & P) to voluntarily annex 1.95 acres into the City of Gainesville. The property is owned by A & P and adjoins their 3.79 acre parcel that was previously annexed (July 2013) located on the Northeast corner of Hwy 82 and FM 371 (Walnut Bend Road). The 1.95 acre parcel is less than one-half mile in width, contiguous to the present boundary of the City of Gainesville, vacant and without residents. Upon annexation, the described property is zoned C-3 outdoor commercial and will be incorporated into City Council Ward 3.

Councilmember Snuggs **moved to Suspend the Charter requirement of three readings**, seconded by Councilmember Dollar, the motion carried by vote of 7 Ayes, 0 Nays, 0 Absent.

Councilmember Snuggs **moved to adopt the ordinance**. The motion was seconded by Councilmember Dollar and carried by vote of 7 Ayes, 0 Nays, 0 Absent.

RESOLUTION NO. 04-15-2014 A – AUTHORIZING AN ADVANCE FUNDING AGREEMENT WITH TXDOT FOR MAINTENANCE OF THE CALIFORNIA STREET OVERPASS

A RESOLUTION AUTHORIZING THE CITY MANAGER OF THE CITY OF GAINESVILLE, TEXAS, TO ENTER INTO AN ADVANCE FUNDING AGREEMENT WITH TXDOT FOR MAINTENANCE OF THE CALIFORNIA STREET OVERPASS.

The City Manager was approved and authorized to execute an Advance Funding Agreement with the Texas Department of Transportation (TXDOT) for painting the I-35 / California Street Bridge to match the intersection, including curbs, medians, city gateway, Medal of Honor Park and future LED sign in Leonard Park.

Councilmember Hendricks moved for **approval of the resolution**, and was seconded by Councilmember Dollar. Motion carried by vote of 7 Ayes, 0 Nays, 0 Absent.

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 7:51 p.m.

Respectfully submitted,

/S/
Kay Lunnon, City Secretary

/S/
Jim Goldsworthy, Mayor