

MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
June 7, 2016

The City Council of the City of Gainesville, Texas met in regular session on June 7, 2016 at 6:30 p.m. with the following persons in attendance.

MEMBERS PRESENT: Keith Clegg, Mary Jo Dollar, Carolyn Hendricks, Ken Keeler, Tommy Moore, Steve Gordon

MEMBERS ABSENT: Mayor Jim Goldsworthy

STAFF PRESENT: Barry Sullivan, City Manager; Caitlyn Huddleston, City Secretary; Kevin Phillips, Chief of Police; Dan Parker, Finance Director; Arleene Loyd, Gainesville Economic Development Corporation Director; Ron Sellman, Public Services Director; Chris Cypert, Municipal Court Judge; Bill Harris, City Attorney

OTHERS PRESENT: Phil Schenk, Megan Gray-Hatfield, Nikki King, John Hambrecht, Ashley Murillo, Tony Avila, Rod Tyler, Jan Fox, Margie Askew, Ray Kinney, Jim Hatcher, Brian Gasperson, Rebecca Hatcher, Bonnie Friedrich, Rebecca Lawson, Stephanie Chandler, Shirley Ward, Lisa Dritschler, Mike Todd, Jalise Middleton, Mark Middleton, Tim McCann, Kathryn McCann, Ben Willingham (Videographer)

CALL TO ORDER

Mayor Pro Tem Keith Clegg called the meeting to order at 6:30 p.m.

INVOCATION & PLEDGE OF ALLEGIANCE

Shirley Ward, Abigail's Arms Family Crisis Center, gave the invocation. Mayor Pro Tem Clegg led the pledge to the flag.

RECOGNITIONS

Employee of the Month, May 2016

Ashley Murillo, Municipal Court Clerk, was named May 2016 Employee of the Month and recognized for her consistent excellent customer service in the Municipal Court and her willingness to assist other City of Gainesville departments. Ashley is especially helpful in her Spanish/English bilingual communications and was commended for a recent 9-1-1 emergency call where she was able to assist the Police Department in communicating with an individual who could not speak English. City Manager Barry Sullivan read and presented the recognition certificate to Murillo along with a certificate for an additional one day of vacation.

REPORTS

Cooke County Arts Council Presentation, Bonnie Friedrich

Received a presentation by Bonnie Friedrich, President of the Cooke County Arts Council, regarding the cultural activities of the Arts Council organizations, which include the Gainesville

Swing Orchestra, North Central Texas Chorale, Gainesville Area Visual Arts (GAVA), and Butterfield Stage Theater. Friedrich made a budget funding request of \$4,950 for support to the Arts Council during fiscal year 2016-2017.

CITIZENS COMMENTS

Jalise Middleton, 365 CR 326, Forestburg, Texas, addressed council regarding parking around the courthouse square. Ms. Middleton advised there are four available handicapped parking spaces to accommodate sixteen businesses, and went on to explain the location and direction of each. Middleton noted that she has had three tickets, two court dates, and made four trips to the Gainesville Police Department as a result of the limited availability of handicapped spaces. She said that if she occupies the one closest to her place of employment, then patrons are not allowed to use the space. Ms. Middleton went on to suggest that handicapped spaces requiring parallel parking are unsafe – if the disabled person is driving, they must exit their vehicle into the street, or if they are a passenger, they are unable to exit onto a sidewalk that does not have a ramp. She provided City Council members with photographs showing local government vehicles parked in spaces reserved for handicapped individuals. Middleton concluded and asked that City Council adopt an ordinance allowing for unlimited time parking in two-hour spaces to individuals with disabilities who have a valid handicapped license plate or placard appropriately placed on the rearview mirror, or that they consider diagonal parking along Main Street or converting the handicapped space south of the courthouse to ADL compliance by removing the curb and making a wheelchair ramp access at that space.

Jim Hatcher, 109 W California, Gainesville, Texas, spoke in support of his wife and stepson regarding an issue at Moss Lake. Rebecca Hatcher and Brian Gasperson’s adjoining property owner built a dock on an extension of their property. Mr. Hatcher explained that Mr. Probasco (the adjoining property owner) completed an application to the City of Gainesville for the construction of the dock and explained the setup. He advised that the City Manager and other city officials had viewed the dock and that there was discussion of Mr. Probasco cutting the dock, but Mr. Hatcher says that won’t solve the issue. He noted that current city ordinances cite one dock per property and asked that the issue be resolved.

Rebecca Hatcher, 32 Chaparral Drive, Gainesville, Texas, began her address to City Council by stating that Mr. Probasco does not own property as sworn and ascribed to on his application to construct a dock. According to Mrs. Hatcher, prior to construction, the dock builder verified ownership and Mr. Probasco advised that the City owned the property. Mrs. Hatcher displayed examples of surveys provided and argued that Mr. Probasco owns 52 feet of lakefront property, instead of the 92 feet he claimed for the construction of the dock. Mrs. Hatcher also explained that this dock would make it difficult to sell this property and that they have offered to purchase it from their neighbor. She cited a conversation with City of Gainesville Community Services Director Julie Smith and Code Enforcement Officer Jennifer Eckstrand as witness where Smith advised that “as long as the catwalk is on their property, the dock can be in front of their neighbor’s because the City owns the water.”

Brian Gasperson, 32 Chaparral Drive, Gainesville, Texas, advised he lives on Lake Lewisville, owns property on Lake Bridgeport, as well as, Moss Lake, so he is familiar with lakefront property. He noted that protecting property value is the most important task we have, and that he pays taxes on lakefront property that he doesn’t get to use. He currently owns 8.5 acres at Moss Lake and has put \$300,000 in the property and plans to put \$1 million over ten years. But, if there are no rules on the property, then the value will go down as no one will want to live there.

CONSENT AGENDA

Council reviewed the Minutes of the regularly scheduled City Council Meeting of May 17, 2016 and of the Budget Workshop City Council Meeting on May 21, 2016 and approved them as written.

RESOLUTION 06-07-2016 – APPROVE APPOINTMENTS TO THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION BOARD.

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING APPOINTMENTS TO THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION BOARD.

Approved appointment of Keith Clegg, Mayor Pro Tem, to the Gainesville Economic Development Corporation Board for a term to expire August 2017. Approved appointment of Beverly Snuggs to ex-officio position to a term to expire August 2017.

RESOLUTION 06-07-2016 A – APPROVE APPOINTMENTS TO THE GOVERNING BODY OF TEXOMA COUNCIL ON GOVERNMENTS BOARD.

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING APPOINTMENTS TO THE GOVERNING BODY OF TEXOMA COUNCIL ON GOVERNMENTS BOARD.

Approved reappointment of Keith Clegg, Mayor Pro Tem, to the Texoma Council on Governments Board to a term to expire May 2018.

RESOLUTION 06-07-2016 B – APPROVE APPOINTMENTS TO THE GAINESVILLE HOUSING AUTHORITY BOARD.

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING APPOINTMENTS TO THE GAINESVILLE HOUSING AUTHORITY BOARD.

Approved appointment of Councilmember Steve Gordon and reappointment of Patty Haayen to the Gainesville Housing Authority Board to terms to expire April 2018.

Councilmember Gordon **moved to approve the Consent Agenda**, seconded by Councilmember Dollar, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Goldsworthy).

TABLED AN ORDINANCE AMENDING CHAPTER 8 – HEALTH, ARTICLE IV - SMOKING REGULATIONS; AMENDING SECTION 8-300 DEFINITIONS; AMENDING SECTION 8-301 NONSMOKING AREAS IN PUBLIC PLACES; AMENDING SECTION 8-302 REASONABLE DISTANCE; AMENDING SECTION 8-304 POSTING OF SIGNS.

SECOND READING CONSIDERATION OF AND ACTION ON AN ORDINANCE AN ORDINANCE OF THE CITY OF GAINESVILLE TEXAS AMENDING CHAPTER 8 – HEALTH, ARTICLE IV - SMOKING REGULATIONS; AMENDING SECTION 8-300 DEFINITIONS; AMENDING SECTION 8-301 NONSMOKING AREAS IN PUBLIC PLACES; AMENDING SECTION 8-302 REASONABLE DISTANCE; AMENDING SECTION 8-304 POSTING OF SIGNS; PROVIDING SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE; AND MAKING AN OPEN MEETINGS FINDING.

Council tabled the second reading of an ordinance prohibiting vaping (the use of an electronic cigarette through inhalation or exhalation of vapor from an electronic cigarette, or by holding or otherwise activating an electronic cigarette such that any vapor is being emitted from it) in City parks, along the walking trail, and City buildings. This ordinance does not ban vaping in public or in non-City owned buildings, nor does it prohibit businesses from banning vaping inside their buildings. Boy's Baseball of Cooke County requested that Council ban e-cigarettes from the

baseball field area (at least during the baseball season.) First reading consideration took place at the regularly scheduled City Council meeting on May 17, 2016.

Councilmember Ken Keeler suggested council allow for the Parks and Recreation Advisory Board to meet and make a recommendation before adopting the ordinance. Two meetings of the board have been scheduled but a quorum was not present on either instance.

Councilmember Keeler **moved to table the ordinance**, seconded by Councilmember Moore, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Goldsworthy).

TABLED AN ORDINANCE AMENDING CHAPTER 14 – PARKS AND RECREATION AND SECTION 14-5 - VEHICLES AND ANIMALS IN PARKS.

SECOND READING CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING CHAPTER 14 – PARKS AND RECREATION, SECTION 14-5 - VEHICLES AND ANIMALS IN PARKS; PROVIDING SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE AND MAKING AN OPEN MEETING FINDING.

Council voted to table the second reading of an ordinance restricting dogs from going within 200 feet of the baseball fields at Leonard Park and the baseball fields at Fair and Broadway. (The baseball fields at Fair and Broadway are actually on cemetery land, but people refer to them as the baseball fields at Edison Park.) Boy’s Baseball of Cooke County requested that dogs not be allowed around the baseball fields because of animal feces that is being left behind, even though current City code provides that persons should clean up after their pets. First reading consideration took place at the regularly scheduled City Council meeting on May 17, 2016.

Councilmember Ken Keeler suggested council allow for the Parks and Recreation Advisory Board to meet and make a recommendation before adopting the ordinance. Two meetings of the board have been scheduled but a quorum was not present on either instance.

Councilmember Keeler **moved to table the ordinance**, seconded by Councilmember Moore, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Goldsworthy).

PUBLIC HEARING ON A PROPOSED ORDINANCE AMENDING ORDINANCE 1219-12-2008, THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, TO REZONE FROM GENERAL COMMERCIAL (C-2) TO INDUSTRIAL (I) TWO ADJACENT TRACTS ADDRESSED AS 1315 COLUMBINE (PIDS #15733 AND 149413).

PUBLIC HEARING ON 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) TWO ADJACENT TRACTS ADDRESSED AS 1315 COLUMBINE (PIDS #15733 AND 149412); 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.

Mayor Pro Tem Clegg opened the Public Hearing at 6:59 p.m. and called for public comment on the proposed zoning district change.

Ray Kinney, one of Circuit Breaker Sales’ principal owners, spoke in support of the zoning change. He explained that since the company began in 1985, it has added to the employment and tax base for the city of Gainesville. The plans for the lot include expanding to a 30,000 square foot facility.

Circuit Breaker Sales will utilize the building for training purposes, and then possibly to offer employment to those who have gone through their program.

With no further discussion, Councilmember Keeler moved to close the Public Hearing, with second by Councilmember Moore, and the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Goldsworthy).

The Public Hearing was closed at 7:01 p.m.

ORDINANCE 1389-06-2016 – AMENDING ORDINANCE 1219-12-2008, THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, TO REZONE FROM GENERAL COMMERCIAL (C-2) TO INDUSTRIAL (I) TWO ADJACENT TRACTS ADDRESSED AS 1315 COLUMBINE (PIDS #15733 AND 149413).

FIRST READING CONSIDERATION OF AND ACTION ON 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) TWO ADJACENT TRACTS ADDRESSED AS 1315 COLUMBINE (PIDS #15733 AND 149412); 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.

Council approved the zoning district change as requested by Circuit Breaker Sales (CBS) at 1315 Columbine, Gainesville, Texas from General Commercial (C-2) to Industrial (I). City Manager Barry Sullivan explained that the concerns of not permitting an expansion since CBS has utilized the entire parcel it currently occupies. The only space to expand lies to the east on the adjacent tract. Also, should CBS leave and another manufacturer not move into the space within six months, the structure and property would no longer be grandfathered as industrial and the structure could then only be utilized for general commercial purposes. Sullivan advised that the Planning and Zoning Commission unanimously recommended the change. Mayor Pro Tem Keith Clegg expressed his excitement for the opportunities to come by allowing the zoning change.

Councilmember Keeler **moved to Suspend the Charter requirement of three readings**, seconded by Councilmember Moore, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Goldsworthy).

Councilmember Keeler **moved to adopt the ordinance**. The motion was seconded by Councilmember Moore and carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Goldsworthy).

ORDINANCE 1390-06-2016 – AMENDING ORDINANCE 1350-08-2014; TO AMEND THE BLACK HILL FARM PLANNED DEVELOPMENT DISTRICT, SPECIFICALLY PHASE II COMPRISED OF APPROXIMATELY ELEVEN (11) ACRES AND BORDERED BY RED BARN ROAD AND THE GASLINE EASEMENT, FROM PERMITTING FIFTY (50), 5,000-SQUARE-FOOT LOTS TO PERMITTING ONE HUNDRED FIVE (105) SMALL LOTS RANGING FROM 2,300 SQUARE FEET TO 5,000 SQUARE FEET IN PHASE II.

FIRST READING CONSIDERATION OF AND ACTION ON AN ORDINANCE AMENDING ORDINANCE 1350-08-2014; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE CITY OF GAINESVILLE, TEXAS, TO AMEND THE BLACK HILL FARM PLANNED DEVELOPMENT DISTRICT, SPECIFICALLY PHASE II COMPRISED OF APPROXIMATELY ELEVEN (11) ACRES AND BORDERED BY RED

BARN ROAD AND THE GASLINE EASEMENT, FROM PERMITTING FIFTY (50), 5,000-SQUARE-FOOT LOTS TO PERMITTING (ONE HUNDRED FIVE) 105 SMALL LOTS RANGING FROM 2,300 SQUARE FEET TO 5,000 SQUARE FEET IN PHASE 11; PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING.

Council adopted amendments to the Black Hill Farm Planned Development to allow for 105 detached homes on small lots, instead of 125 townhomes, as originally planned. The change was requested by the property owner and developer Mike Todd. The design offers the benefits of shared green space and therefore avoids a concrete, edge-to-edge look and feel. Council discussed several amendments to the development and adopted the ordinance to incorporate five items as proposed by the Planning and Zoning Commission. These include stipulations on maintenance of several lanes, the assumption of responsibility for larger streets and the renaming of one lane, the Homeowners Associations' requirement to maintain green spaces, the continuance of one road to allow for necessary access, and placement of utilities.

Councilmember Keeler **moved to Suspend the Charter requirement of three readings**, seconded by Councilmember Moore, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Goldsworthy).

Councilmember Gordon **moved to adopt the ordinance with incorporation of the five items as recommended by the Planning and Zoning Commission**. The motion was seconded by Councilmember Moore and carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Goldsworthy).

RESOLUTION 06-07-2016 C – AWARDING BID NO. 2016-02 TO IOWA BRIDGE AND CULVERT, LC, FOR CONSTRUCTION PROJECTS IN THE GARNETT STREET MSE RETAINING WALL REHABILITATION PROJECT.

CONSIDERATION OF AND ACTION ON A RESOLUTION AWARDING BID NO. 2016-02 TO IOWA BRIDGE AND CULVERT, LC, FOR CONSTRUCTION PROJECTS IN THE GARNETT STREET MSE RETAINING WALL REHABILITATION PROJECT.

Council voted to award bid number 2016-02 for the Garnett Street Bridge Rehab project to Iowa Bridge and Culvert, LC at an amount of \$456,984. This is the second time this project was up for bid, and only two were received. The City advertised for bids in March and received none. The project consists of grading, hot mix asphalt paving, signing, pavement markings, and removal and replacement of a portion of the MSE retaining wall system on Garnett Street between Lindsay and Pecan Creek. City Manager Barry Sullivan explained funding for this project will be provided by an insurance settlement with BNSF Railway after a derailment damaged portions of the bridge in May 2014.

Councilmember Hendricks **moved to approve the Resolution**, seconded by Councilmember Dollar, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Goldsworthy).

RESOLUTION 06-07-2016 D – AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT WITH IOWA BRIDGE AND CULVERT, LC FOR THE GARNETT STREET BRIDGE MSE RETAINING WALL REHABILITATION PROJECT.

CONSIDERATION OF AND ACTION ON A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT WITH IOWA BRIDGE AND CULVERT, LC FOR THE GARNETT STREET BRIDGE MSE RETAINING WALL REHABILITATION PROJECT.

Council authorized change order number one to the bid awarded to Iowa Bridge and Culvert, LC for the Garnett Street Bridge Rehab project for a cost savings of \$46,360. HDR Engineering and staff recommend for this change order.

Councilmember Hendricks **moved to approve the Resolution**, seconded by Councilmember Dollar, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Goldsworthy).

ADJOURN

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

Respectfully submitted,

**Caitlyn Huddleston, City Secretary
Tem**

Keith Clegg, Mayor Pro