

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
April 5, 2011**

The City Council of the City of Gainesville, Texas met in regular session on April 5, 2011 at 6:30 p.m. with the following persons in attendance.

MEMBERS PRESENT: Mayor Glenn Loch
Jim Goldsworthy, Carolyn Hendricks, Philip Neelley, Ray Nichols,
Vince Rippy, Beverly Snuggs

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

OTHERS PRESENT: Joseph Schmitz, Ken Keeler, Dean Smith, Delania Trigg, Kit Chase, Aubrey Estes, Philip Helms

CALL TO ORDER

Mayor Loch called the meeting to order at 6:30 p.m., with all Council members present.

INVOCATION & PLEDGE OF ALLEGIANCE

Reverend Phillip Helms, Eastside Nazarene Church gave the invocation. Mayor Loch led in the pledge to the flag.

PROCLAMATION

Mayor Loch read a Proclamation declaring the week of April 10-16, 2011 as National Public Safety Telecommunications Week. Police Communications Supervisor, Mark Brazelton was present to receive the proclamation on behalf of Gainesville Police Department communications personnel.

CONSENT AGENDA

Council reviewed the Minutes of the regular City Council Meeting of March 15, 2011 and approved them as written.

RESOLUTION NO. 04-05-2011 - APPOINTMENTS TO PARKS AND RECREATION BOARD

A RESOLUTION MAKING APPOINTMENTS TO THE PARKS AND RECREATION BOARD.

Robbie Baugh, Brad Herr, and Doug Wade were re-appointed to the Parks and Recreation Board, each to a two year term expiring March 2013.

Councilmember Snuggs **moved to approve the Consent Agenda**, and was seconded by Councilmember Goldsworthy. Motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

RESOLUTION NO. 04-05-2011A - APPROVE GEDC CONVEYANCE OF REAL ESTATE AT GAINESVILLE MUNICIPAL AIRPORT TO ORTEQ ENERGY TECHNOLOGIES, LLC FOR ECONOMIC DEVELOPMENT

A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION OF THE CITY OF GAINESVILLE, WHICH VOTED TO APPROVE CONVEYANCE OF REAL ESTATE AT THE GAINESVILLE MUNICIPAL AIRPORT TO ORTEQ ENERGY TECHNOLOGIES, LLC. FOR ECONOMIC DEVELOPMENT.

Council acted on second reading approving the decision of the Gainesville Economic Development Corporation (GEDC) to convey 14.66 acres of real property in the Orteq Highway 82 Addition to Orteq Energy Technologies, LLC for economic development. Orteq is to construct additional manufacturing space and a headquarters building at the location. The acreage was previously conveyed to the GEDC by the City of Gainesville, and, in exchange, the GEDC is to transfer 20 acres along FM 1201 at the airport to the City, plus \$10,000 which is fair market value of the difference between the two properties. If Orteq fails to construct a headquarters on the 14.66 acres, they are required to pay \$16,000 (the estimated value of the 0.66 acres) to the GEDC.

Councilmember Goldsworthy **moved to approve the Resolution**, was seconded by Councilmember Rippy. Motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

PUBLIC HEARING ON PROPOSED ORDINANCE TO REZONE 216 WEST PECAN STREET FROM SINGLE FAMILY TWO (SF-2) TO GENERAL COMMERCIAL (C-2)

Mayor Loch opened the Public Hearing at 6:39 p.m. City Manager Barry Sullivan reviewed details of the zoning request for the property located at 216 West Pecan, stating the property, currently being used as the Cooke County Clerk's office, abuts both General and Central Area Commercial Districts, making the zoning change permissible. Sullivan said the proposed zoning is both consistent with its existing use, and is contiguous to similar zoning districts. Mayor called for public comment regarding the proposed re-zoning ordinance.

No person came forward to speak either for or against the rezoning. With no further discussion, Councilmember Nichols moved to close the Public Hearing, and was seconded by Councilmember Snuggs. Motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent. The Public Hearing was closed at 6:40 p.m.

FIRST READING APPROVAL OF ORDINANCE TO RE-ZONE 216 WEST PECAN STREET FROM SINGLE FAMILY TWO (SF-2) TO GENERAL COMMERCIAL (C-2)

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 (SF-2) TO GENERAL COMMERCIAL (C-2) THE PROPERTY IDENTIFIED AS 216 WEST PECAN STREET, GAINESVILLE, TEXAS; 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.

First reading was approved on an ordinance to re-zone 216 West Pecan Street from Single Family Two (SF-2) to General Commercial (C-2), as requested by the property owner, R.R. Land & Investments, LLC. Planning and Zoning approved the re-zoning at their meeting in March and recommended Council approval. Second reading of the ordinance is scheduled for the regular City Council meeting on April 19.

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

ORDINANCE NO. 1268-04-2011 - AMENDING APPROPRIATIONS IN THE FISCAL YEAR 2010-2011 BUDGET

FIRST READING OF ORDINANCE AMENDING APPROPRIATIONS FOR THE SUPPORT, MAINTENANCE, BUILDINGS AND IMPROVEMENTS FOR THE CITY OF GAINESVILLE, TEXAS, FOR THE FISCAL YEAR FROM OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2011 AND REVISING THE BUDGET FOR OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2011; PROVIDING AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.

A Budget Amendment Ordinance was approved and adopted, amending the current fiscal year budget to recognize an increase in sales tax revenues of an estimated \$767,508. The City Manager proposed to utilize the opportunity to carry out a Council priority for City employees by using \$222,415 of the increase for a 2% (one time only) across the board bonus to employees in the general fund, zoo fund and golf fund and also provide a compensatory time buyback program. Employees in all other budgetary funds would also be provided the bonus and comp time buyback through increases in revenues or decreases in other expenditure line items. Sullivan explained that the bonus is just a small recognition and appreciation to City employees who have received no pay increase during the past two budget years. He said the comp time buyback would benefit the City by reducing payroll liabilities, and although the estimated increase in sales tax is \$767,508, the City is only budgeting increased expenses of \$222,415. He said the remaining \$545,093 would be reallocated at the end of the fiscal year, and would allow the City to cover additional expenditures such as higher fuel prices, emergency purchases, and provide some cushion if sales tax revenues do not perform as budgeted for the remaining months of the year. If any additional funds remain, the City could use the revenues to pay down other City liabilities. Mayor and Council members expressed their pleasure in being able to award the 2% payment to employees for their help in getting the City through tough economic times over the past two years while working with fewer resources.

Councilmember Snuggs **moved to suspend the Charter requirement of three readings,** seconded by Councilmember Nichols. Motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

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

ORDINANCE NO. 1269-04-2011 - CANCELLING THE GENERAL ELECTION AND THE SPECIAL ELECTION CALLED FOR MAY 14, 2011; FINDING THAT ALL CANDIDATES ARE UNOPPOSED; AND DECLARING THE RESULTS OF THE ELECTION

FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS RECEIVING THE CERTIFICATION OF THE CITY SECRETARY RELATING TO THE REGULAR GENERAL ELECTION AND THE SPECIAL ELECTION CALLED FOR MAY 14, 2011; FINDING THAT THE CANDIDATES WHO HAVE FILED FOR A PLACE ON THE BALLOT ARE UNOPPOSED; DECLARING THE RESULTS OF THE ELECTION; FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS PASSED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND SUSPENDING THE CHARTER REQUIREMENT OF THREE SEPARATE READINGS AND MAKING AN OPEN MEETING FINDING.

Council approved cancellation of the General Election and Special Election called for May 14, 2011 due to all candidates for office being unopposed. Certification from the City Secretary was received and acknowledged that all positions to be elected, Wards 1, 2, 3, 4 City Council and the office of Mayor received one applicant only. The ordinance makes the finding that candidates for Wards 1, 2, 3, 4 and Mayor are unopposed; cancels both elections; and declares Carolyn Hendricks, Beverly Snuggs, Philip Neelley, Ken Keeler and Jim Goldsworthy elected to office for two-year terms that will begin May 17, the first Council meeting following Election Day. The Oath of Office will be administered at the regular Council meeting on May 17.

Councilmember Snuggs **moved to suspend the Charter requirement of three readings**, seconded by Councilmember Nichols. Motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

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

EXECUTIVE SESSION

At 6:53 p.m. Mayor Loch 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 §551.072 Real Property

RECONVENE INTO OPEN SESSION

Council reconvened into open session at 7:17 p.m. Mayor Loch announced no action was taken during executive session.

RESOLUTION NO. 04-05-2011 B - AUTHORIZING CITY MANAGER TO SETTLE LAND OWNERSHIP ISSUE REGARDING FORMER MKT RAILROAD PROPERTY AND EXECUTE A DEED IF NECESSARY IN CONNECTION WITH THE SETTLEMENT

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SETTLE A LAND OWNERSHIP ISSUE REGARDING FORMER MKT RAILROAD PROPERTY, AND TO EXECUTE A DEED IF NECESSARY TO TRANSFER TITLE TO A PORTION OF SUCH PROPERTY IN CONNECTION WITH THE SETTLEMENT.

City Manager Barry Sullivan was authorized to settle a land ownership issue regarding former MKT railroad property and to execute a deed if necessary regarding the title to the property. Sullivan said the City has received an offer of \$40,000 to relinquish its quit claim deed to Dave Sanders, who also has title to the property.

Councilmember Goldsworthy **moved to approve the Resolution**, was seconded by Councilmember Neelley. Motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

ADJOURN

With no further business to come before the City Council, the meeting adjourned at 7:20 p.m.

Respectfully submitted,

/S/
Kay Lunnon, City Secretary

/S/
Glenn Loch, Mayor