

**MINUTES  
CITY OF GAINESVILLE  
CITY COUNCIL MEETING  
200 South Rusk  
Gainesville, Texas 76240  
February 21, 2012**

The City Council of the City of Gainesville, Texas met in regular session on February 21, 2012 at 6:30 p.m. with the following persons in attendance.

**MEMBERS PRESENT:** Mayor Jim Goldsworthy  
Carolyn Hendricks, Ken Keeler, 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; Lynette Pettigrew, Main Street Director

**OTHERS PRESENT:** Ranee Morrison, Mary Perry, Judy London, Greg Russell, Kit Chase, Joe Bob Jones, Jim Bleything, Mark Blankenship, Barry and Laura Otts, Jerry Chapman, Daniel, Jennifer, Payton and Paige Orr, Mark Lowen

**CALL TO ORDER**

Mayor Goldsworthy called the meeting to order at 6:30 p.m. All members were present.

**INVOCATION & PLEDGE OF ALLEGIANCE**

Pastor Mark Loewen, First Christian Church, gave the invocation. Mayor Goldsworthy led in the pledge to the flag.

**RECOGNITIONS**

**Star of North Texas Awards to Laura and Barry Otts**

Mayor Goldsworthy presented individual “Star of North Texas” certificates and medallions to Laura and Barry Otts, in recognition of their commitment, efforts, and participation in events and projects promoting Gainesville. The certificates commended their leadership and service on the Main Street Board and the Chamber of Commerce Board, and their many volunteer hours organizing and participating in annual events and special projects, such as the Summer Sounds Concert Series, Depot Day, Art Walk, Depot Dash, Disco Bike Rally, Children’s Playground Build 1999 and 2011, Chamber of Commerce Banquet, holiday parades and others.

**City Employee of the Month, February 2012**

Daniel Orr received recognition as City Employee of the Month for February 2012. Orr is an investigations officer in the Gainesville Police Department. City Manager Barry Sullivan read and presented a Certificate of Recognition to Orr for his outstanding performance, exceptional quality work, and case management. As Employee of the Month, Orr also receives one extra day of paid vacation.

**CITIZEN COMMENTS**

Judy London, 403 Hillside Drive, came before Council requesting code enforcement for single family residences that are used as multifamily rental properties. London said her neighborhood includes a rented residence that is occupied by several unrelated adults who park six to eight vehicles along the curb in the neighborhood, utilizing parking space in front of other homes, and

also causing a traffic safety hazard. London requested Council to pass an ordinance or authorize City staff to develop a policy that would address this issue. She said multifamily rental property in single family zoning is a problem to homeowners throughout Gainesville.

### **CONSENT AGENDA**

Council members reviewed the Minutes of the regular City Council Meeting of February 7, 2012, and approved them as written.

Councilmember Nichols **made the motion to approve the Consent Agenda**, and was seconded by Councilmember Keeler. Motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

### **RESOLUTION NO. 02-21-2012 – APPROVE SUSPENSION OF ATMOS ENERGY PROPOSED RATE INCREASE TO ALLOW TIME TO STUDY AND ESTABLISH REASONABLE RATES**

A RESOLUTION OF THE CITY OF GAINESVILLE SUSPENDING THE MARCH 6, 2012, EFFECTIVE DATE OF ATMOS ENERGY CORP., MID-TEX DIVISION (“ATMOS MID-TEX”) REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND OTHER CITIES IN THE ATMOS MID-TEX SERVICE AREA TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING REIMBURSEMENT OF CITIES’ RATE CASE EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND ACSC’S LEGAL COUNSEL.

Council approved a 90-day suspension of the effective date for a proposed rate increase requested by Atmos Energy Corporation. The resolution suspends the effective date of March 6, 2012 rate increase to allow time for the City to review the rate-filing package and determine reasonable rates. The City will work in conjunction with other member cities of the Atmos Cities Steering Committee (ACSC) to evaluate the filing and determine reasonable rates. ACSC legal counsel advised approval of suspension. City Manager Barry Sullivan said Atmos is requesting an increase of 13.6%, excluding gas costs, for its residential customers. Additionally, the application would change the way that rates are collected, by increasing the residential fixed-monthly (or customer) charge from \$7.50 to \$18.00 and decreasing the consumption charge from \$0.25 per 100 cubic foot to \$0.07 per cubic foot.

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

### **RESOLUTION NO. 02-21-2012 A – DECLARE POLICE UNIT PARTITION SHIELD SURPLUS PROPERTY AND APPROVE TRANSFER TO CITY OF MUENSTER POLICE DEPARTMENT**

A RESOLUTION DECLARING CERTAIN EQUIPMENT TO BE SURPLUS AND AUTHORIZING THE GAINESVILLE POLICE DEPARTMENT TO TRANSFER SURPLUS EQUIPMENT, ONE POLICE PATROL UNIT PARTITION SHIELD, TO THE CITY OF MUENSTER POLICE DEPARTMENT.

The resolution was approved declaring a police unit partition shield as surplus property as requested by the Gainesville Police Department (GPD) and authorizing transfer of the surplus equipment to the Muenster Police Department at no cost. The partition shield is used in patrol vehicles to separate and protect officers from transported prisoners. Chief Steven Fleming said

the partition shield fits a Ford Crown Victoria vehicle and is no longer needed due to the department's changeover to Chevrolet Tahoe patrol vehicles. Muenster PD owns a Crown Victoria patrol unit that does not have a partition. City Manager Barry Sullivan recommended approval of the transfer. Muenster Police Chief, Mark Blankenship, attended the meeting and expressed his appreciation for the donation of this equipment to his department.

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

**RESOLUTION NO. 02-21-2012 B – AUTHORIZE SALE OF PROPERTY CONVEYED TO CITY THROUGH SHERIFF'S DEED**

A RESOLUTION AUTHORIZING SALE OF PROPERTY CONVEYED TO CITY OF GAINESVILLE THROUGH SHERIFF'S DEED.

Real property known as 315 Gorham and held in trust by the City of Gainesville through Sheriff's Deed was authorized for resale at the next scheduled Sheriff's sale. The property was offered in the Sheriff's sale in January 2006 but did not receive a sufficient bid. This resolution authorizes the property to be re-offered for sale, with no minimum bid required.

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

**RESOLUTION NO. 02-21-2012 C - AUTHORIZE AGREEMENT WITH COOKE COUNTY TO PROVIDE VOTING MACHINES FOR THE MAY 2012 ELECTION**

A RESOLUTION OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING AN AGREEMENT WITH COOKE COUNTY TO PROVIDE VOTING MACHINE(S) FOR THE MAY 2012 GENERAL ELECTION.

A lease agreement was authorized with Cooke County for rental of voting machine(s) as required for the City's election in May 2012. The County charges no rental fee to the City for use of the voting machine.

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

**RESOLUTION NO. 02-21-2012 D – APPROVE FIVE-YEAR BUDGET MODEL (FY 2012-2016) FOR CITY OF GAINESVILLE**

A RESOLUTION APPROVING A FIVE-YEAR BUDGET MODEL (FY 2012 – 2016) FOR CITY OF GAINESVILLE.

Council approved a five-year budget model for fiscal years 2012-2016, as presented by the City Manager. Sullivan explained the budget model will help council and staff to anticipate the impact of current decisions on future budgets. When Council and staff want to make changes in operations, including but not limited to personnel changes, benefit changes, capital expenditures, and debt service payments, these changes should be applied to the model in order to determine the consequence of the decision in the coming five years. The budget model does not bind the City Council to any commitment of funds for any project or budget period, and should not be viewed as a goal for future spending. He added that it shows the rating agencies that Council not only approves the budget but also understands the methodology that is being used to determine the financial impacts on future years.

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

**ORDINANCE NO. 1288-02-2012 - APPROVING THE ISSUANCE OF THE GREATER TEXOMA UTILITY AUTHORITY (GTUA) CONTRACT REVENUE BONDS, SERIES 2012**

CONSIDER ALL MATTERS INCIDENT AND RELATED TO THE APPROVING THE ISSUANCE OF THE “GREATER TEXOMA UTILITY AUTHORITY CONTRACT REVENUE BONDS, SERIES 2012 (CITY OF GAINESVILLE PROJECT)”, INCLUDING THE ADOPTION OF AN ORDINANCE PERTAINING THERETO.

Ordinance was approved authorizing the Greater Texoma Utility Authority (GTUA) to sell \$1,135,000 in Contract Revenue Bonds, Series 2012, on behalf of the City of Gainesville, to be used for the expansion of the Moss Lake Treatment Plant and the Northwest Water Distribution System. The bonds will be sold through the Texas Water Development Board’s Water Infrastructure Fund (WIF) at an average interest rate of 1.28%. The Series 2012 Bonds are being issued to secure remaining funds needed as part of the city’s total approved WIF Program funding of \$7,235,000 for this project. In April 2011, Council approved issuance of \$4,100,000 (Bond Series 2011), at an interest rate of 2.15%. In October 2011, Council approved issuance of \$2,000,000 (Bond Series 2011 A), at 2.37% interest. The City will repay GTUA for the bonds.

Councilmember Nichols **moved to Suspend the Charter requirement of three readings**, seconded by Councilmember Neelley, 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 Neelley and carried by vote of 7 Ayes, 0 Nays, 0 absent.

**THIRD READING DENIAL OF ORDINANCE TO REZONE TEN (10) ACRES IDENTIFIED AS 3074 HARRIS STREET FROM SINGLE FAMILY TWO (SF-2) TO AGRICULTURE (A)**

THIRD 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 AGRICULTURE (A) 10 ACRES IDENTIFIED AS 3074 HARRIS 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.

Council denied passage of a proposed ordinance on third and final reading to rezone ten (10) acres identified as 3074 Harris Street from Single Family Two (SF-2) to Agriculture (A). Mayor Goldsworthy announced that since Council’s last consideration on February 7, the proposed rezoning has received opposition from adjacent property owners, and City Staff recommends denial of the zoning request. With no further discussion, Council voted to disapprove the ordinance

Councilmember Snuggs **moved to disapprove the ordinance**. The motion was seconded by Councilmember Rippy and carried by vote of 7 Ayes, 0 Nay, 0 absent.

**EXECUTIVE SESSION**

At 6:55 p.m. Mayor Goldsworthy 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 §551.087 Economic Development

Under Government Code §551.071 Attorney-client matters

**RECONVENE INTO OPEN SESSION**

Council reconvened into open session at 7:27 p.m., and Mayor Goldsworthy announced no action was taken during executive session.

There was no action following executive session.

**ADJOURN**

With no further business to come before the City Council, the meeting was adjourned at 7:28 p.m.

Respectfully submitted,

/S/  
**Kay Lunnon, City Secretary**

/S/  
**Jim Goldsworthy, Mayor**