

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
April 3, 2012**

The City Council of the City of Gainesville, Texas met in regular session on April 3, 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; Kent Sharp, GEDC Executive Director; Lynette Pettigrew, Main Street Director

OTHERS PRESENT: Barry Otts, Macy Perry, Ranee Morrison, Kit Chase, Breck Hudson, Dennis Hart

CALL TO ORDER

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

INVOCATION & PLEDGE OF ALLEGIANCE

Reverend Duke Dowling, Southside Baptist Church, gave the invocation. Mayor Goldsworthy led in the pledge to the flag.

PROCLAMATIONS

Mayor Goldsworthy read a proclamation declaring the week of April 8 – 14, 2012 as National Public Safety Telecommunications Week in Gainesville in honor of the men and women who work in public safety communications centers. Officer Tom Reynolds received the proclamation on behalf of the Gainesville Police Department.

CONSENT AGENDA

Council reviewed Minutes of the City Council Workshop held on March 20, 2012 and the regular City Council Meeting of March 20, 2012, and approved them as written.

Councilmember Snuggs **made the motion to approve all items on 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. 04-03-2012 - APPROVE MAIN STREET PROGRAM SALE OF ALCOHOL IN 100 BLOCK OF SOUTH COMMERCE STREET DURING SUMMER SOUNDS 2011 CONCERT SERIES

CONSIDERATION OF AND ACTION ON A RESOLUTION OF THE CITY COUNCIL APPROVING THE SALE OF ALCOHOL IN THE 100 BLOCK OF SOUTH COMMERCE STREET BY THE CITY OF GAINESVILLE MAIN STREET PROGRAM DURING SUMMER SOUNDS CONCERT SERIES MAY 25, JUNE 29, AND JULY 27, 2012.

Council approved a resolution for the Gainesville Main Street Program to sell alcohol between 5 p.m. and midnight in the 100 block of South Commerce Street during the 2012 Summer Sounds Concert Series. Concert dates this year are May 25, June 29, and July 27 in historic downtown Gainesville. This is the third year for Summer Sounds events, which include live music,

concession type food and alcohol sales. Summer Sounds was created to promote a sense of community and pride in our historic downtown and offer a fun evening to enjoy friends and good music while experiencing Gainesville's charm. Moreover, the event attracts tourists to Gainesville's historic downtown.

Councilmember Keeler **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.

PUBLIC HEARING ON AN ORDINANCE TO ADOPT RULES REGULATING ON-SITE SEWAGE FACILITIES IN THE CITY OF GAINESVILLE

Mayor Goldsworthy read the ordinance caption. City Manager Barry Sullivan explained the ordinance renews the City's current ordinance providing for Cooke County Health to perform all inspections and duties regarding onsite sewage facilities within the city limits of Gainesville, and to implement and enforce the rules and regulations according to 30 TAC 285. Mayor opened the Public Hearing at 6:36 p.m. and called for public comment. No one 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 Snuggs. Motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent. The Public Hearing was closed at 7:37 p.m.

ORDINANCE NO. 1291-04-2012 – ADOPTING RULES REGULATING ON SITE SEWAGE FACILITIES IN THE CITY OF GAINESVILLE

CONSIDERATION AND ACTION ON FIRST READING ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE ADOPTING CHAPTER 366 OF THE TEXAS HEALTH AND SAFETY CODE; ADOPTING THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES "DESIGN CRITERIA FOR ON-SITE SEWAGE FACILITIES" AND ADMINISTRATIVE RULES 30 TAC 285.1-285.91 RELATIVE TO REGULATING THE PROPER PLANNING OF THE LOCATION, DESIGN, CONSTRUCTION, INSTALLATION, ALTERATION, EXTENSION, REPAIR, OPERATION, AND MAINTENANCE OF ON-SITE SEWAGE FACILITIES; ESTABLISHING MORE STRINGENT RULES FOR ON-SITE SEWAGE FACILITIES; ESTABLISHING DUTIES AND POWERS AND PROVIDING FOR ENFORCEMENT; PROVIDING FOR COLLECTION OF FEES; PROVIDING FOR AN APPEAL; ESTABLISHING PENALTIES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND SPECIFYING EFFECTIVE DATE; AND PROVIDING FOR SUSPENSION OF THE CHARTER REQUIREMENTS OF READING ON THREE SEPARATE OCCASIONS; AND MAKING AN OPEN MEETING FINDING.

Ordinance was adopted regulating on-site sewage facilities in the City of Gainesville, renewing the City's order for an authorized agent to administer the program for onsite sewage facilities located within the city limits of Gainesville, as requested by the Texas Commission on Environmental Quality (TCEQ). Through an agreement with Cooke County, the City authorizes the County Health Inspector to implement and enforce the rules and regulations according to 30 TAC 285 and to perform all duties for inspection of onsite sewage facilities. The County may establish and collect fees for this service.

Councilmember Nichols **moved to Suspend the Charter requirement of three readings**, and was 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.

ORDINANCE NO. 1292-04-2012 – AMENDING THE CITY CODE OF ORDINANCES, CHAPTER 5, SECTIONS 5-148 AND 5-149 AND SECTIONS 6.8 AND 6.90 OF ORDINANCE NO. 442-4-90 TO ESTABLISH A JUDICIAL REVIEW PROCESS FOR DEMOLITION ORDERS OF THE BUILDING AND STANDARDS COMMISSION

CONSIDERATION AND ACTION ON FIRST READING OF AN ORDINANCE AMENDING SECTION 5-148 AND 5-149 OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, TEXAS AND SECTIONS 6.8 AND 6.90 OF ORDINANCE NUMBER 442-4-90 OF THE ORDINANCES OF THE CITY OF GAINESVILLE, TEXAS; REPEALING ALL CODE SECTIONS AND ORDINANCES IN CONFLICT WITH THIS ORDINANCE; SUSPENDING THE RULE THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND DECLARING AN OPEN MEETING.

The Ordinance adopted amends City Code, Chapter 5, Sections 5-148 and 5-149 and Ordinance No. 442-4-90, Sections 6.8 and 6.90 to establish a judicial review process for demolition of substandard structures orders issued by the Building and Standards Commission of the City of Gainesville. The City Manager advised that the Supreme Court of Texas has ruled that cities must provide for appeal of demolition orders to a District Court. This ordinance brings the City Code into agreement with the Supreme Court ruling, giving an aggrieved property owner right to appeal a decision to a district court of Cooke County and provides the court full right to examine the case “de novo” and make a new determination.

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

RESOLUTION NO. 04-03-2012 A – AUTHORIZE NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION, SERIES 2012

CONSIDER ALL MATTERS INCIDENT AND RELATED TO THE APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION, INCLUDING THE ADOPTION OF A RESOLUTION PERTAINING THERETO.

Council authorized publication of Notice of Intention to Issue Certificates of Obligation, Series 2012, for up to \$3.5 million in bonds for the stated purpose of funding street and drainage improvements. Sullivan made recommendation for sale of bonds up to the amount that can be financed at a cost of not more than \$200,000 annually, which is the amount the City will have available for debt service beginning next fiscal year.

Councilmember Nichols **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.

EXECUTIVE SESSION

At 6:44 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

Mayor requested Kent Sharp, Executive Director of the Gainesville Economic Development Corporation to attend the Executive Session.

RECONVENE INTO OPEN SESSION

Council reconvened into open session at 7:16 p.m. Mayor Goldsworthy announced no action was taken during executive session.

PUBLIC HEARING ON AN ORDINANCE DESIGNATING REINVESTMENT ZONE 16 WITHIN THE CITY LIMITS OF GAINESVILLE

Mayor read the caption of the proposed Ordinance to designate Reinvestment Zone No. 16 within the city limits of Gainesville. Sullivan explained that a Reinvestment Zone is required to be created before consideration of tax abatement, and the ordinance establishes the reinvestment zone within the described boundaries for two adjoining parcels located at 1301 West Corporate Drive, and provides eligibility requirements for commercial-industrial tax abatement within the described zone.

Mayor opened the Public Hearing at 7:17 p.m. and called for public comment. No one came forward to speak either for or against the proposed ordinance. With no further discussion, Councilmember Snuggs **moved to close the Public Hearing**, seconded by Councilmember Keeler. Motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent. The Public Hearing was closed at 7:18 p.m.

ORDINANCE NO. 1293-04-2012 – DESIGNATING REINVESTMENT ZONE 16 FOR COMMERCIAL-INDUSTRIAL TAX ABATEMENT WITHIN THE CITY LIMITS OF GAINESVILLE

CONSIDERATION OF AND ACTION ON FIRST READING OF AN ORDINANCE MAKING FINDINGS; DESIGNATING A CERTAIN AREA AS A REINVESTMENT ZONE FOR COMMERCIAL-INDUSTRIAL TAX ABATEMENT; ASSIGNING THE NAME “REINVESTMENT ZONE NUMBER 16 (SIXTEEN) OF THE CITY OF GAINESVILLE, TEXAS” TO SAID ZONE; DESCRIBING THE BOUNDARIES THEREOF; PROVIDING FOR ELIGIBILITY REQUIREMENTS FOR TAX ABATEMENT WITHIN SAID ZONE; PROVIDING TERMS FOR ABATEMENT WITHIN THE ZONE; PROVIDING REQUIREMENTS FOR TAX ABATEMENT AGREEMENTS; PROVIDING FOR SUSPENSION OF THE CITY CHARTER REQUIREMENT OF READING ON THREE SEPARATE OCCASIONS; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND MAKING AN OPEN MEETING FINDING.

The Ordinance adopted with no further discussion.

Councilmember Rippy **moved to Suspend the Charter requirement of three readings**, and was seconded by Councilmember Snuggs. The motion carried by vote of 7 Ayes, 0 Nays, 0 absent.

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

RESOLUTION NO. 04-03-2012 B – APPROVING AGREEMENT FOR TAX ABATEMENT FOR BMCA GAINESVILLE LLC (GAF) WITHIN REINVESTMENT ZONE 16

CONSIDERATION OF AND ACTION ON A RESOLUTION MAKING FINDINGS AND APPROVING AN AGREEMENT BY AND BETWEEN THE CITY OF GAINESVILLE, TEXAS, AND BMCA GAINESVILLE, LLC; PROVIDING FOR AD VALOREM TAX ABATEMENT FOR SAID BUSINESS WITHIN REINVESTMENT ZONE NUMBER 16 (SIXTEEN) OF THE CITY OF GAINESVILLE, TEXAS; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT FOR AND ON BEHALF OF THE CITY, FOR THE CONSIDERATION AND ON THE TERMS AND CONDITIONS STATED THEREIN.

An agreement between the City of Gainesville and BMCA Gainesville, LLC (GAF) was approved for commercial-industrial tax abatement in Reinvestment Zone No. 16, located on two adjoining parcels at 1301 West Corporate Drive. Sullivan reported GAF intends an estimated investment of at least \$26,000,000 for construction of a new manufacturing facility and creation and retention of jobs on the described parcels. The tax abatement agreement allows a 70% exemption from ad valorem taxation for a period of ten (10) years, and takes effect for values of the new manufacturing facility and new tangible personal property established after January 1, 2012. As required by law, each of the taxing units affected by the abatement, Cooke County, Gainesville Independent School District, North Texas Medical Center, and North Central Texas College was delivered notice and copies of the required information regarding designation of the reinvestment zone and the tax abatement.

Councilmember Hendricks **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.

ADJOURN

With no further business to come before the City Council, the meeting was adjourned at 7:22 p.m.

Respectfully submitted,

/S/
Kay Lunnon, City Secretary

/S/
Jim Goldsworthy, Mayor