

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
September 18, 2012**

The City Council of the City of Gainesville, Texas met in regular session on September 18, 2012 at 6:30 p.m. with the following persons in attendance.

MEMBERS PRESENT: Mayor Jim Goldsworthy
Keith Clegg, Carolyn Hendricks, Ken Keeler, Ray Nichols, Vince Rippy, Beverly Snuggs

STAFF PRESENT: Barry Sullivan, City Manager; Kay Lunnon, City Secretary; Bill Harris, City Attorney; Dan Parker, Finance Director; Patrick McCage, Parks Director; John Noblitt, Community Development Director; Lynette Pettigrew, Chamber of Commerce Director

OTHERS PRESENT: Kit Chase, Greg Russell, Rod Tyler, Jeff Koval, Bill Williams, Gordon Smith, Pam Henderson, Charles Brown, Parker Yarbrough, Sue Hundt, Robin Rose, Tim Leach, Stephen Harlow, Doug Lilliard, Charles Henderson, Chad Henderson, Lynette Scruggs, Mark Scruggs, Guy and Kay George, Stanton Field, Rebecca Parker, David Parker, Lesley McCord, Susie Reed, Stacey and Will Andrews, Jen and Bob Smelcer, Bernie Gordon

CALL TO ORDER

Mayor Goldsworthy called the meeting to order at 6:30 p.m. with a quorum of members present.

INVOCATION & PLEDGE OF ALLEGIANCE

Reverend Steve Roach, Minister of Education and Missions, First Baptist Church, gave the invocation. Mayor Goldsworthy led in the pledge to the flag.

RECOGNITIONS/PROCLAMATION

Rebecca Parker, Frank Buck Zoo employee, received Employee of the Month for September 2012. Parker was commended for stepping up to cover a vacant position at the zoo, by directing the summer camp, hosting birthday parties and overseeing volunteer projects at the zoo. Her leadership allowed zoo staff to move forward with planned and established summer programs rather than having to cancel them.

CONSENT AGENDA

Council reviewed the Minutes of the regular City Council Meeting of September 4, 2012 and approved them as written.

Councilmember Nichols **moved 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.

ORDINANCE NO. 1300-09-2012 – ADOPTING CITY BUDGET FOR FY 2012-2013

FIRST READING OF AN ORDINANCE ESTABLISHING APPROPRIATIONS FOR THE SUPPORT, MAINTENANCE, BUILDINGS AND IMPROVEMENTS FOR THE CITY OF GAINESVILLE, TEXAS, FOR THE FISCAL YEAR FROM OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013 AND REVISING THE BUDGET FOR OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2012; PROVIDING AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING; AND PROVIDING FOR RATIFICATION OF THE PROPERTY TAX INCREASE REFLECTED IN THE FISCAL YEAR 2012-2013 OPERATING BUDGET BY SEPARATE VOTE.

The Fiscal Year 2012-2013 Budget was adopted for the City of Gainesville. City Manager Barry Sullivan said the \$31.2 M budget is a balanced budget formulated for no increase in the tax rate. Sullivan reported the City's water and sewer fund bond rating has been upgraded two positions to an A- by Standard and Poors. Mayor Goldsworthy commended Sullivan and City staff for their hard work maintaining a balanced budget with no increase in the tax rate.

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

In accordance with Local Government Code requiring a separate vote to ratify an increase in property tax revenue, Councilmember Snuggs **made a motion to ratify the increase in property tax revenue as reflected in the FY 2012-2013 budget**, and was seconded by Councilmember Keeler. The motion carried by vote of 7 Ayes, 0 Nays, 0 absent.

Sullivan clarified the motion statement ratifying an increase in property tax revenue, stating the tax rate is the same rate as the previous year, but personal business property revenues have increased while most residential values decreased. He said the increased commercial values shows economic development efforts are working to lower the tax burden on the resident while spreading the burden through increased economic activity at the business level.

ORDINANCE NO. 1301-09-2012 – SETTING CITY AD VALOREM TAX LEVY FOR FY 2012-2013

FIRST READING OF AN ORDINANCE LEVYING, ASSESSING AND FIXING THE AD VALOREM TAX RATE FOR THE CITY OF GAINESVILLE, TEXAS GENERAL FUND AND INTEREST AND SINKING FUND FOR THE FISCAL YEAR FROM OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013; APPROPRIATING EACH LEVY FOR THE SPECIFIC PURPOSE; PROVIDING FOR THE ASSESSMENT OF ALL ANNUAL OCCUPATIONAL TAXES PROVIDED BY LAW; REQUIRING PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.

Council adopted and set the ad valorem tax levy for the City of Gainesville at \$0.647000 per \$100 valuation for maintenance and support of the General Fund (\$0.458500) and Interest and Sinking Fund (\$0.188500). The City has adopted the same tax levy for several years.

Councilmember Snuggs **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.

Moving to adopt the ordinance, and in accordance with language prescribed in Tax Code Section 26.05(b), Councilmember Nichols **moved that the property tax rate be increased by the adoption of a tax rate of \$0.647 per \$100 valuation, which is effectively a 12.4 percent increase in the tax rate.** The motion was seconded by Councilmember Snuggs and carried by vote of 7 Ayes, 0 Nays, 0 absent.

RESOLUTION NO. 09-18-2012 – APPROVING FIVE-YEAR CAPITAL IMPROVEMENT PLAN (FY 2013-2017)

A RESOLUTION APPROVING THE CITY OF GAINESVILLE FIVE-YEAR CAPITAL IMPROVEMENT PLAN (FY 2013 – 2017).

The five-year Capital Improvements Plan (CIP) for fiscal years 2013 through 2017 was approved. The CIP projects capital expenditures and serves as a planning document for budgeting and planning in future years. The document does not bind the City Council to any commitment of funds for any project or any budget period.

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. 09-18-2012 A – APPROVING FIVE-YEAR BUDGET MODEL (FY 2013-2017) FOR CITY OF GAINESVILLE

A RESOLUTION APPROVING A FIVE-YEAR BUDGET MODEL (FY 2013 – 2017) FOR CITY OF GAINESVILLE.

The five-year budget model for fiscal years 2013-2017 for the City of Gainesville, was approved as presented by the City Manager. The model is a planning tool to help council and staff to anticipate impact of current decision on future budgets.

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

RESOLUTION NO. 09-18-2012 B – APPROVE AGREEMENTS WITH AGENCIES RECEIVING HOTEL/MOTEL OCCUPANCY TAX REVENUES IN FY 2012-2013 BUDGET

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH EACH OF THE AGENCIES RECEIVING HOTEL/MOTEL OCCUPANCY TAX PURSUANT TO CHAPTER 351 OF THE PROPERTY TAX CODE; APPROPRIATING CERTAIN AMOUNTS FROM SAID HOTEL/MOTEL FUND; AND AUTHORIZING PAYMENT ON THE TERMS AND CONDITIONS CONTAINED THEREIN.

Annual tourism and promotion contracts were approved for each of the agencies appropriated Hotel/Motel Occupancy Tax revenues in the FY 2012-2013 Budget. The agencies to receive hotel/motel revenues, are Butterfield Stage Players, Cooke County Arts Council, Cooke County Heritage Society/Morton Museum, Cooke County Heritage Society/Santa Fe Depot, and Gainesville Area Chamber of Commerce.

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

RESOLUTION NO. 09-18-2012 C – APPROVE STANFORD HOUSE BUDGET FOR FY 2012-2013

A RESOLUTION APPROVING ACTIONS OF THE STANFORD CHARITABLE CORPORATION APPROVING AND ADOPTING THE FY 2012-2013 BUDGET FOR THE STANFORD HOUSE.

Council approved the action of the Board of Directors of the Stanford Charitable Corporation in adopting the Fiscal Year 2012-2013 budget, in the amount of \$85,635 for operation of the Stanford House. The budget receives partial funding from the City's adopted budget in the amount of Ten thousand dollars (\$10,000).

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. 09-18-2012 D – APPROVE ANNUAL FEE SCHEDULE FOR FISCAL YEAR 2012-2013

A RESOLUTION UPDATING AND APPROVING THE ANNUAL FEE SCHEDULE FOR CITY OF GAINESVILLE SERVICES FOR FISCAL YEAR 2012-2013 AND PROVIDING AN EFFECTIVE DATE.

The annual schedule of fees for City services for Fiscal Year 2012-2013 was approved. The adopted rates are effective October 1, 2012. Sullivan reported on major changes in the schedule: a new \$2 per transaction fee for online payments through the City website (when this service becomes available later in the year); stormwater fees increase of 5%; Civic Center 3.5% increase to cover credit card fees; a barricade fee for placing barricades at non-city sponsored events; an industrial waste charge of \$0.05 per 1,000 gallons for private hauler waste deposited at the water treatment plant; 4% solid waste increase for all charges. The transfer station is extending its hours until 5 p.m. in order to increase access to the facility.

Councilman Clegg questioned the proposed new charge at the Transfer station of \$30 per 15 minute increment a person remains at the transfer station to offload after closing time. Sullivan explained the fee was created to offset overtime cost for employees serving customers who arrive just at closing and then need additional time for unloading. Sullivan recommended removing this fee from the schedule. Clegg stated his motion to approve the fee schedule to specifically stipulate elimination of the new \$30 per 15 minute increment after hours transfer station charge. The adopted fee schedule will be posted on the City website.

Councilmember Clegg **moved to approve the fee schedule, stipulating eliminating from the schedule the new after-hours charge at the transfer station of thirty dollar \$30 per 15 minute increment**. The motion was seconded by Councilmember Keeler and carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

PUBLIC HEARING ON USE OF PUBLIC LAND DESIGNATED AS PARKLAND KNOWN AS LOCKE FIELD

PUBLIC HEARING IN ACCORDANCE WITH CHAPTER 26 OF THE TEXAS PARKS AND WILDLIFE CODE ON THE USING OR TAKING OF PUBLIC LAND DESIGNATED AND USED AS PARKLAND CONSISTING OF APPROXIMATELY 398,138.40 SQUARE FEET OR 9.14 ACRES OF LAND SITUATED IN THE B.F. CARPENTER SURVEY, ABSTRACT 228 KNOWN AS LOCKE FIELD.

Mayor Goldsworthy read the caption introducing the public hearing and stated the reason for the public hearing, which is for public comment on a proposal under consideration for lease of the 9.14 acres known as Locke Field.

Mayor opened the Public Hearing at 6:50 p.m. for public comment.

Rod Tyler, 198 CR 2130, Gainesville, Texas, spoke in opposition to the proposed use of the property.

Kent Sharp, Executive Director of the Gainesville Economic Development Corporation, reviewed comparative information for Cooke County and surrounding counties for unemployment rate, labor force, and sales tax revenues.

Jeff Koval, 152 Burns City Road, Gainesville, spoke in opposition of the proposed use.

Bill Williams, 2203 Mesquite, Gainesville, spoke in opposition of the proposed use.

Gordon Smith, 924 South Denton, Gainesville, spoke in opposition of the proposed use.

Pam Henderson, 904 Aspen, Gainesville, spoke in opposition of the proposed use.

Charles Brown, 3100 Harris, Gainesville, spoke in opposition of the proposed use.

Parker Yarbrough (address not given) spoke in opposition of the proposed use.

Sue Hundt (address not given) spoke in opposition of the proposed use.

Tim Leach (address not given) spoke in opposition of the proposed use.

Stephen Harlow (address not given) spoke in opposition of the proposed use.

Doug Lilliard (address not given) spoke in opposition of the proposed use.

Chad Henderson (address not given) spoke in opposition of the proposed use.

Speakers who came to the podium voiced opposition to the proposed long term lease for construction of apartments at this location. Council also received and responded to comments from the audience between speakers at the podium. Most said they were not opposed to new apartments in Gainesville, but recommended alternate property sites (which the city does not own). Everyone who wanted to speak during the public hearing was given an opportunity.

In closing the public hearing Mayor Goldsworthy encouraged citizens to continue their discussion and contact their councilmember. Council expressed appreciation for the people attending the meeting to state their views.

No action was taken, and decision will be subject to final approval by the City Council at a future City Council meeting.

Upon motion by Councilmember Hendricks to close the Public Hearing, and second by Councilmember Keeler, the public hearing was closed at 8:09 p.m. Motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, and 0 Absent.

RESOLUTION NO. 09-18-2012 F - APPROVE DECISION OF GEDC FOR EXPENDITURE FOR EXPANSION OF WEBER AIRCRAFT PARKING FACILITIES
SECOND READING OF A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION WHICH APPROVED EXPENDITURE FOR EXPANSION OF WEBER AIRCRAFT, LLC PARKING FACILITIES.

Mayor read this caption next for council's consideration of second reading to approve Gainesville Economic Development Corporation expenditure of \$27,119 for materials to expand Weber Aircraft parking facilities at the Gainesville Municipal Airport. The City will build an approximately 57,000 s.f. gravel parking lot on airport property.

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

RESOLUTION NO. 09-18-2012 E - APPROVE DECISION OF GEDC FOR PURCHASE OF BNSF RIGHT OF WAY

SECOND READING OF A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION OF THE CITY OF GAINESVILLE, WHICH VOTED TO APPROVE PURCHASE OF RIGHT OF WAY FROM BURLINGTON NORTHERN AND SANTA FE (BNSF) IN THE AMOUNT OF \$94,500.

Decision of the Gainesville Economic Development Corporation was approved on second reading consideration to expend \$94,500 to Burlington Northern and Santa Fe Railway for purchase of right-of-way for Highway 82/I-35 frontage improvements. The area can be used to help develop the corner of I-35 and Hwy 82.

Councilmember Clegg **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. 09-18-2012 G - APPROVE DECISION OF GEDC INCREASING THE FINANCIAL INCENTIVE AMOUNT FOR GAF

A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION WHICH APPROVED INCREASING THE ECONOMIC INCENTIVE FOR GAF TO \$600,000.

Council approved on second reading consideration the decision of the Gainesville Economic Development Corporation to increase the economic development incentive for GAF for an amount up to \$600,000.

Councilmember Nichols **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.

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 8:15 p.m.

Respectfully submitted,

/S/
Kay Lunnon, City Secretary

/S/
Jim Goldsworthy, Mayor