

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
May 21, 2013**

The City Council of the City of Gainesville, Texas met in regular session on May 21, 2013 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; Dan Parker, Finance Director; Polly Boone, Solid Waste Supervisor; Kent Sharp, GEDC Executive Director, Tony Dresser, Videographer

OTHERS PRESENT: Chris Cypert, Mary Onugha, Kianna Franklin, Jennifer Goldsworthy, Joe Bob Jones, Gregg Russell, Tiffany Robledo

CALL TO ORDER

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

INVOCATION & PLEDGE OF ALLEGIANCE

Father Victor Cruz, Saint Mary's Catholic Church, gave the invocation. Mayor Goldsworthy led in the pledge to the flag.

OATH OF OFFICE TO NEWLY ELECTED OFFICIALS

Municipal Judge, Chris Cypert administered the Oath of Office to the newly elected City officials: Mayor Jim Goldsworthy, Carolyn Hendricks, Council Ward 1, Beverly Snuggs, Council Ward 2, Keith Clegg, Council Ward 3, and Ken Keeler, Council Ward 4.

ELECTION OF MAYOR PRO TEM

Mayor Goldsworthy called for nominations for Mayor Pro Tem to serve the next Council year, May 2013 to May 2014. Councilmember Snuggs nominated Ray Nichols, and Councilmember Clegg seconded the nomination. Nominations ceased. Mayor called for the vote. Nichols was elected Mayor Pro Tem by vote of 7 Ayes, 0 Nays.

RECOGNITIONS/PROCLAMATIONS

City Employee of the Month, May 2013

Jo Ann Mendez, Human Resources Coordinator, was named Employee of the Month for May 2013. She received recognition for being an exemplary employee who is diligent, dependable and dedicated, effectively building and maintaining cooperative working relationships with City employees and staff, always willing to help others when needed, and meeting all her deadlines. As Employee of the Month, Mendez receives a certificate for one extra day of paid vacation.

CONSENT AGENDA

Council reviewed the Minutes of the regular City Council Meeting of May 7, 2013, and approved them as written.

RESOLUTION NO. 05-21-2013 – APPOINTMENTS TO PLANNING AND ZONING COMMISSION

Bill Williams, Lynn Monden, Marcus Parkhill, and Teresa McElreath were re-appointed to the Planning and Zoning Commission for additional two-year terms expiring April 2015.

RESOLUTION NO. 05-21-2013 A – APPOINTMENTS TO BUILDING AND STANDARDS COMMISSION

Jock Conner, Michael Blake, Robbie Baugh, and John Hendrik were re-appointed to the Building and Standards Commission for additional two-year terms expiring May 2015.

Councilmember Snuggs **moved for approval of all items on the Consent Agenda.** Seconded by Councilmember Keeler, the motion carried by vote of 7 Ayes, 0 Nays.

RESOLUTION NO. 05-21-2013 B – AUTHORIZING PURCHASE OF CAB, CHASSIS AND 30 CUBIC YARD AUTOMATED SIDE LOAD FOR SOLID WASTE DIVISION

A RESOLUTION AUTHORIZING EXPENDITURES FOR PURCHASE OF ONE (1) 2014 AUTOCAR ACX64 CAB & CHASSIS AND ONE (1) 2014 SCORPION ASL 30 CUBIC YARD BODY AUTOMATED SIDE LOAD FOR THE SOLID WASTE DIVISION.

Purchase was approved for the Solid Waste Division to buy a cab and chassis and thirty (30) cubic yard packer body with automated side load. The equipment is to be purchased through two local government purchasing co-ops for a combined total purchase amount of \$261,580. The new fully automated truck will replace equipment that was involved in an accident in April 2013. Payment for the new equipment will be from insurance received (\$155,412.50 for the damaged equipment) and with excess revenues from the current fiscal year or budgeted for in FY 2014. Replacement of the equipment is necessary to enable commercial/residential trash collection system to be collected with a one-man operation.

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

RESOLUTION NO. 05-21-2013 C – AUTHORIZE LEASE AGREEMENT WITH PNC EQUIPMENT FINANCE LLC FOR GOLF CARTS

A RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH PNC EQUIPMENT FINANCE LLC FOR TWENTY-FIVE (25) GOLF CARTS AS AWARDED BY BID NO. 2013-10.

The resolution was approved for the City Manager to execute a forty-eight month lease agreement with PNC Equipment Finance LLC for lease of twenty-five (25) golf carts in the amount of \$1651.50 per month. The bid for the golf carts was awarded in February 2013 to EZ-GO Golf Cart Company, which subsequently presented a third-party lease (finance) agreement through PNC Equipment Finance LLC. PNC requested City Council to officially authorize the lease agreement with them. There is no change in cost for lease of the carts.

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

ORDINANCE NO. 1316-05-2013 – ADOPTING RATE SCHEDULE RRM-RATE REVIEW MECHANISM FOR ATMOS ENERGY CORPORATION, MID-TEX DIVISION

FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, APPROVING AND ADOPTING RATE SCHEDULE “RRM – RATE REVIEW MECHANISM” FOR ATMOS ENERGY CORPORATION, MID-TEX DIVISION TO BE IN FORCE IN THE CITY FOR A PERIOD OF TIME AS SPECIFIED IN

THE RATE SCHEDULE; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENT OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND ACSC LEGAL COUNSEL.

Ordinance was adopted approving the Rate Review Mechanism (RRM) for Atmos Energy Corporation, Mid-Tex Division (Atmos Mid Tex) which will be the rate tariff in effect for a four-year period from 2013 to 2017. The new rate tariff allows for moderated rate adjustment over the period by Atmos Mid Tex without a full rate case filing. The RRM tariff process was originally approved by Atmos Cities Steering Committee (ASCS) member cities (including Gainesville) as part of the settlement agreement resolving the Atmos Mid-Tex 2007 system-wide rate filing at the Railroad Commission. ACSC recommended approval of the new RRM tariff by all ACSC member cities. Under the revised RRM tariff, Atmos Mid Tex has agreed to no increase to the residential customer charge in the first filing, and in subsequent years, the residential customer charge will not increase by more than \$0.50 per month. The RRM becomes effective October 15, 2013.

Councilmember Clegg **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.

Councilmember Clegg **moved for adoption of the Ordinance**, and was seconded by Councilmember Snuggs, and the motion carried by vote of 7 Ayes, 0 Nays.

PUBLIC HEARING ON A PETITION FILED BY THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION TO ANNEX 142.88 ACRES OF LAND TO THE CITY OF GAINESVILLE.

Mayor Goldsworthy read the ordinance caption and called for public comment at 6:49 p.m.

Kent Sharp, GEDC Executive Director, presented the request for voluntary annexation. The property is owned by the GEDC and is located north and east of the Gainesville Municipal Airport.

No others 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. The Public Hearing was closed at 6:51 p.m.

ORDINANCE NO. 1317-05-2013 – GRANTING THE PETITION FILED BY GEDC TO ANNEX 142.88 ACRES OF LAND TO THE CITY OF GAINESVILLE, TEXAS

AN ORDINANCE GRANTING THE PETITION FILED BY GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION TO ANNEX 142.88 ACRES OF LAND TO THE CITY OF GAINESVILLE, TEXAS AND DECLARING THAT SAID 142.88 ACRES SHALL HEREAFTER BE A PART OF THE CITY OF GAINESVILLE, TEXAS.

Council adopted the ordinance granting the petition filed by the Gainesville Economic Development Corporation (GEDC) for voluntary annexation of 142.88 acres into the City of Gainesville. The area is less than one-half mile in width and is contiguous to the present boundary of the City of Gainesville. The land is vacant and without residents. The property is owned by the GEDC.

Councilmember Nichols **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.

Councilmember Nichols **moved for adoption of the Ordinance**, and was seconded by Councilmember Keeler, and the motion carried by vote of 7 Ayes, 0 Nay.

RESOLUTION NO. 05-21-2013 D – AWARDING BID 2013-12 FOR SALE OF 13.169 ACRES AT MOSS LAKE

A RESOLUTION AWARDING BID NO. 2013-12 FOR THE SALE OF 13.169 ACRES AT MOSS LAKE.

Award of Bid No. 2013-12 was approved, authorizing the City Manager to execute closing documents for the sale of 13.169 acres owned by the City at Moss Lake to Steve Watson, Argyle, Texas. The City received two bids for the property, with Watson submitting the high bid of \$801,500. The City Manager recommended sale to Watson, allowing thirty days for due diligence and thirty days for closing. The funds will be placed in the General Fund as Restricted Cash, which can be used for any projects that are voted for by Council.

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

RESOLUTION NO. 05-21-2013 E – AWARDING BID 2013-13 FOR SALE OF 2.6274 ACRES AT MOSS LAKE

A RESOLUTION AWARDING BID NO. 2013-13 FOR THE SALE OF 2.6274 ACRES AT MOSS LAKE.

Bid No. 2013-13 was awarded to Steve Watson, Argyle, Texas, in the amount of \$235,000 for 2.6274 acres at Moss Lake. The City Manager is authorized to execute closing documents. The City received one bid on May 8, 2013, for the property in response to the advertised bid. The City Manager recommended sale to Watson, allowing thirty days for due diligence and thirty days for closing. Proceeds from the sale will be placed in the General Fund as Restricted Cash, which can be used for any projects that are voted for by Council.

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

RESOLUTION NO. 05-21-2013 F – APPROVING SELECTION OF ENGINEERING SERVICES FOR WASTEWATER TREATMENT PLANT IMPROVEMENTS

A RESOLUTION APPROVING SELECTION OF ENGINEERING SERVICES FOR WASTEWATER TREATMENT PLANT IMPROVEMENTS.

Selection was approved for the firm of Kimley-Horn and Associates to design improvements to the Wastewater Treatment Plant. Five engineering firms responded to the Request for Qualifications (RFQ) on May 10, 2013. Kimley-Horn was recommended as the best choice due to their familiarity with our current system and they completed the master plan for the facility. The Project consists of improvements to the existing Wastewater Treatment Plant (WWTP) located on South Weaver Street, in order to position the City to meet new Texas Commission on Environmental Quality requirements.

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

RESOLUTION NO. 05-21-2013 G – AWARDING BID NO. 2013-11 FOR THE RE-ROOF PROJECT FOR THE GAINESVILLE CIVIC CENTER

A RESOLUTION AWARDING BID NO. 2013-11 FOR THE RE-ROOF PROJECT FOR THE GAINESVILLE CIVIC CENTER.

Council approved award of a contract in the amount of \$130,303 to Griffith Roofing Company for installation of a new roof on the Gainesville Civic Center. The five bids received were

evaluated through weighted criteria by City staff to provide the best value for the City. Based on their submitted qualifications, Griffith Roofing Co. was selected due to their having completed many similar projects, experience with working with cities, and ability to work on multiple projects simultaneously.

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

PUBLIC HEARING ON AN ORDINANCE TO REZONE 9.14 ACRES IN THE B.F. CARPENTER SURVEY, ABSTRACT 228, LOCATED AT 401 SOUTH WEAVER, FROM GENERAL COMMERCIAL (C-2) TO HIGH DENSITY MULTIFAMILY RESIDENTIAL (MF-2)

Mayor Goldsworthy read the ordinance caption and called for public comment at 6:59 p.m.

No one came forward to speak either for or against the proposed zoning change.

With no further discussion, Councilmember Snuggs **moved to close the Public Hearing**, seconded by Councilmember Clegg. Motion carried by vote of 7 Ayes, 0 Nays. The Public Hearing was closed at 7:00 p.m.

ORDINANCE NO. 1318-05-2013 – RE-ZONING 9.14 ACRES IN THE B.F. CARPENTER SURVEY, ABSTRACT 228, LOCATED AT 401 SOUTH WEAVER, FROM GENERAL COMMERCIAL (C-2) TO HIGH DENSITY MULTIFAMILY RESIDENTIAL (MF-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 GENERAL COMMERCIAL (C-2) TO HIGH DENSITY MULTIFAMILY RESIDENTIAL (MF-2) 9.14 ACRES IN THE B.F. CARPENTER SURVEY ABSTRACT 228, CITY OF GAINESVILLE, COOKE COUNTY, 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.

The ordinance was approved and adopted on first reading to re-zone the 9.14 acres known as Locke Field, located at 401 South Weaver, from General Commercial (C-2) to High Density Multifamily Residential (MF-2). The re-zoning is necessary in order to proceed with the multifamily housing project initiated by the City at 401 South Weaver, which is owned by the City of Gainesville.

Councilmember Keeler **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.

Councilmember Keeler **moved for adoption of the Ordinance**, and was seconded by Councilmember Snuggs, and the motion carried by vote of 7 Ayes, 0 Nay.

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 7:01 p.m.

Respectfully submitted,

/S/

Kay Lunnon, City Secretary

Gainesville City Council Minutes of May 21, 2013

/S/

Jim Goldsworthy, Mayor