

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
October 1, 2013**

The City Council of the City of Gainesville, Texas met in regular session on October 1, 2013 at 6:30 p.m. with the following persons in attendance.

MEMBERS PRESENT: Mayor Pro Tem Ray Nichols
Keith Clegg, Mary Jo Dollar, Carolyn Hendricks, Ken Keeler,
Beverly Snuggs

MEMBERS ABSENT: Mayor Jim Goldsworthy

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

OTHERS PRESENT: Darrell McIntyre, Greg Russell, Keith King, Jim Robertson, Paula Winters, Joe Bob Jones, Danyale Webb, Tony Dresser (Videographer)

CALL TO ORDER

Mayor Pro Tem Nichols called the meeting to order at 6:30 p.m. The absence of Mayor Goldsworthy was noted.

INVOCATION & PLEDGE OF ALLEGIANCE

Reverend Darrell McIntyre, Westminster Presbyterian Church gave the invocation. Mayor Pro Tem Nichols led the pledge to the flag.

CONSENT AGENDA

Council reviewed the Minutes of the regular City Council Meeting of September 17, 2013, and approved them as written.

Councilmember Clegg **moved to approve the Consent Agenda**, and was seconded by Councilmember Snuggs. The motion carried by vote of 6 Ayes, 0 Nays, 1 Absent.

RESOLUTION NO. 10-01-2013 – APPROVE CONTRACT WITH JIM ROBERTSON FOR COLLECTION OF DELINQUENT TAXES

A RESOLUTION AUTHORIZING THE CITY MANAGER OF THE CITY OF GAINESVILLE, TEXAS TO ENTER INTO A CONTRACT FOR THE COLLECTION OF DELINQUENT TAXES; PROVIDING FOR COMPENSATION FOR SERVICES REQUIRED THEREUNDER; PROVIDING FOR A CONTRACT PERIOD AND OTHER TERMS AND CONDITIONS CONTAINED THEREIN.

A three-year contract (January 1, 2014 – December 31, 2016) was approved with Attorney Jim Robertson to provide delinquent tax collection services for the City. Robertson's current contract expires December 31, 2013. City Manager Sullivan said Robertson works well with the City and does a good job in collection of back taxes, working out pay agreements with property owners, and in placing properties on Sheriff sales in order to get the properties back onto the tax rolls. Robertson's compensation is paid by the taxpayer based on the amount collected and paid to the Appraisal District.

Councilmember Hendricks moved for **approval of the resolution**, and was seconded by Councilmember Keeler. Motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent.

ORDINANCE NO. 1327-10-2013 – ADOPTING ATMOS ENERGY MID-TEX DIVISION RATE TARIFFS

FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2013 ANNUAL RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES’ REASONABLE RATEMAKING EXPENSES; REPEALING CONFLICTING RESOLUTIONS OR ORDINANCES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; PROVIDING A MOST FAVORED NATIONS CLAUSE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE’S LEGAL COUNSEL.

Council adopted a negotiated rate change with Atmos Energy Corporation, Mid-Tex Division, implementing rate tariffs effective November 1, 2013. The Atmos Cities Steering Committee (ACSC) legal counsel and executive committee recommended that all ACSC member cities (includes Gainesville) adopt the ordinance implementing the rate change. The new rates reflect a compromise settlement that reduced Atmos’ initial \$22.7 million rate increase to a \$16.6 million increase. The new rates are expected to increase the average residential customer’s bill by approximately \$0.74 per month.

With no further discussion, Councilmember Clegg **moved to suspend Charter requirement of three readings of the Ordinance**. The motion was seconded by Councilmember Keeler and carried by vote of 6 Ayes, 0 Nays , 0 Abstentions, 1 Absent (Goldsworthy).

Councilmember Clegg **moved to adopt the Ordinance**, seconded by Councilmember Keeler, and the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Goldsworthy).

PUBLIC HEARING ON A PETITION FILED BY CP 14 (TX) LLC TO ANNEX 1.817 ACRES OF LAND TO THE CITY OF GAINESVILLE.

Mayor Pro Tem Nichols read the ordinance caption, opened the public hearing, and called for public comment at 6:36 p.m. regarding a petition filed by CP 14 (TX) LLC requesting voluntary annexation into the City of Gainesville.

Danyale Webb, Design Manager for CP Homes, came forward in favor of the proposed annexation and to respond to any questions. The company is planning to build an assisted living facility on the site. Ms. Webb presented building design renderings and copies of the site plan for the proposed facility. Sullivan confirmed that C-2 zoning does allow for this type of facility and said the annexation would be a win for the City and the company. There were no other speakers presenting either for or against the proposed annexation.

There being no further discussion, Councilmember Keeler **moved to close the Public Hearing**, seconded by Councilmember Snuggs. Motion carried by vote of 6 Ayes, 0 Nays, 1 Absent. The Public Hearing was closed at 6:39 p.m.

ORDINANCE NO. 1328-10-2013 – GRANTING THE PETITION FILED BY CP 14 (TX) LLC TO ANNEX 1.817 ACRES OF LAND TO THE CITY OF GAINESVILLE, TEXAS

AN ORDINANCE GRANTING THE PETITION FILED BY CP 14 (TX, LLC) TO ANNEX 1.817 ACRES OF LAND TO THE CITY OF GAINESVILLE, TEXAS AND DECLARING THAT SAID 1.817 ACRES SHALL HEREAFTER BE A PART OF THE CITY OF GAINESVILLE, TEXAS.

Ordinance was adopted granting the petition filed by CP 14 (TX) LLC for voluntary annexation of 1.817 acres into the City of Gainesville. The property is owned by CP 14 (TX) LLC and is located on the west side of Hwy 51, adjoining the south property line of the Woolf Den. The annexed 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. Upon annexation, the property is zoned C-2 General Commercial and incorporated into City Council Ward 4. Sullivan said the City has received no opposition from the community

With no further discussion, Councilmember Clegg **moved to suspend Charter requirement of three readings of the Ordinance.** The motion was seconded by Councilmember Snuggs and carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent.

Councilmember Clegg **moved to adopt the Ordinance,** seconded by Councilmember Snuggs, and the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent.

EXECUTIVE SESSION

Council did not convene into closed session.

ADJOURN

With no further business to come before the City Council, the meeting was adjourned at 6:40 p.m.

Respectfully submitted,

/S/
Kay Lunnon, City Secretary

/S/
Ray Nichols, Mayor Pro Tem