

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
May 6, 2014**

The City Council of the City of Gainesville, Texas met in regular session on May 6, 2014 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; Dan Parker, Finance Director; Kevin Phillips, Police Chief;

OTHERS PRESENT: Cathy Mounce, Keith King, Cathy Walker, Tina Bindel, Joe Stout, Joe Bob Jones, Drew Satterwhite, Tony Dresser (Videographer)

CALL TO ORDER

Mayor Pro Tem Ray Nichols called the meeting to order at 6:30 p.m. with a quorum of members present. The absence of Mayor Goldsworthy was noted.

INVOCATION & PLEDGE OF ALLEGIANCE

Reverend Eddie Chennault, Temple Baptist Church, gave the invocation. Mayor Pro Tem Nichols led the pledge to the flag.

PROCLAMATIONS

Motorcycle Safety & Awareness Month, May 2014

Mayor Pro Tem Nichols read the proclamation for May 2014 as Motorcycle Safety and Awareness Month, urging increased safety and awareness by motorcycle riders and motorists alike. The proclamation was presented to Joe Stout, President of the Law Dogs Law Enforcement Motorcycle Club.

National Travel and Tourism Week, May 3-11, 2014

Mayor Pro Tem Nichols read the proclamation for National Travel and Tourism Week, May 3-11, 2014, in recognition of the economic benefits of the travel industry. The proclamation was presented to Cathy Walker and Tina Bindel of the Gainesville Texas Travel Information Center.

CONSENT AGENDA

Council reviewed items on the Consent Agenda, including the Minutes of the regular City Council Meeting of April 15, 2014, and Resolutions for appointments to the Board of Zoning Appeals and to the Planning and Zoning Commission.

RESOLUTION NO. 05-06-2014 – APPOINTMENTS TO BOARD OF ZONING APPEALS

A RESOLUTION MAKING APPOINTMENTS TO THE ZONING APPEALS BOARD. Tim Camp, Don Hawkins, and Van Knight (alternate member) were re-appointed to the Board of Zoning Appeals. Emmanuel Albarado was appointed to replace outgoing member, Merle Currie. The term for all appointments run through October 2015.

RESOLUTION NO. 05-06-2014 A- APPOINTMENTS TO PLANNING AND ZONING COMMISSION

A RESOLUTION MAKING APPOINTMENTS TO THE PLANNING AND ZONING COMMISSION.

Cal Koontz was appointed to the Planning and Zoning Commission for a term through April 2016. Mr. Koontz replaces Scott Richardson who moved outside the city limits.

Councilmember Snuggs **moved to approve all items on the Consent Agenda as presented**, and was seconded by Councilmember Keeler. The motion carried by vote of 6 Ayes, 0 Nays, 1 Absent (Goldsworthy).

RESOLUTION NO. 05-06-2014 B – DENYING RATE INCREASE REQUEST BY ATMOS ENERGY CORPORATION, MID-TEX DIVISION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, DENYING THE RATE INCREASE REQUESTED BY ATMOS ENERGY CORP., MID-TEX DIVISION UNDER THE COMPANY’S 2014 ANNUAL RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; REQUIRING THE COMPANY TO REIMBURSE CITIES’ REASONABLE RATEMAKING EXPENSES PERTAINING TO REVIEW OF THE RRM; AUTHORIZING THE CITY’S PARTICIPATION WITH ATMOS CITIES STEERING COMMITTEE IN ANY APPEAL FILED AT THE RAILROAD COMMISSION OF TEXAS BY THE COMPANY; REQUIRING THE COMPANY TO REIMBURSE CITIES’ REASONABLE RATEMAKING EXPENSES IN ANY SUCH APPEAL TO THE RAILROAD COMMISSION; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE STEERING COMMITTEE’S LEGAL COUNSEL.

Council approved a resolution denying a proposed gas rate increase filed by Atmos Mid-Tex Division. Denial of the increase was recommended by the City’s legal consultants working on behalf of member cities of the Atmos Cities Steering Committee (ACSC), which includes the City of Gainesville. ACSC investigated the requested rate increase and reported that evidence does not support the \$45.7 million increase requested by Atmos, although they do agree that Atmos can justify an increase of \$19 million. Because Atmos and ACSC could not reach a compromise settlement, the ACSC cities’ remaining option is to deny the rate increase request in its entirety, and let Atmos appeal the decision to the Railroad Commission. Atmos must file their appeal within thirty (30) days of the cities’ action.

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

RESOLUTION NO. 05-06-2014 C - APPROVE MAIN STREET PROGRAM SALE OF ALCOHOL IN 100 BLOCK OF SOUTH COMMERCE STREET DURING SUMMER SOUNDS 2014 CONCERT SERIES

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 30, JUNE 27, AND JULY 25, 2014.

Gainesville Main Street Program was approved to sell alcohol between 5 p.m. and midnight in the 100 block of South Commerce Street during the 2014 Summer Sounds Concert Series on May 30, June 27, and July 25. Summer Sounds Concerts include live music, concession type food and beer and wine sales for the enjoyment of historic downtown Gainesville.

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

ORDINANCE NO. 1343-05-2014 – AMENDING CITY CODE TO PROVIDE FOR ANNUAL TESTING FOR BACKFLOW PREVENTION DEVICES

FIRST READING OF AN ORDINANCE AMENDING CITY OF GAINESVILLE CODE OF ORDINANCES, CHAPTER 19 WATER AND SEWERS, ARTICLE VII CONNECTIONS TO THE PUBLIC DRINKING WATER SUPPLY, SECTIONS 194 TESTING OF ASSEMBLIES, AND SECTION 202 REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION ASSEMBLY (RP); PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND MAKING AN OPENING MEETINGS FINDING.

Ordinance was approved and adopted on first reading amending City Code, Chapter 19, to change the requirement for testing of backflow prevention devices from every six months to annually. Performing these tests annually is in line with TCEQ (Texas Commission of Environmental Quality) requirements.

Councilmember Clegg **moved to Suspend the Charter requirement of three readings**, seconded by Councilmember Hendricks, the motion carried by vote of 6 Ayes, 0 Nays, 1 Absent.

Councilmember Clegg **moved to adopt the ordinance**. The motion was seconded by Councilmember Hendricks and carried by vote of 6 Ayes, 0 Nays, 1 Absent.

PUBLIC HEARING ON AN ORDINANCE TO RE-NAME A STREET KNOWN AS ZODIAC DRIVE TO WEBER DRIVE, LOCATED FROM U. S. HIGHWAY 82 TO COLORADO DRIVE.

Mayor Pro Tem Nichols read the ordinance caption, opened the public hearing, and called for public comment at 6:41 p.m. regarding a proposed ordinance to re-name Zodiac Drive back to Weber Drive as requested by Zodiac Seats US LLC. City Manager Barry Sullivan explained that Zodiac President and CEO, Jeffrey Johnston, stated in a letter that the company was unaware of certain obstacles and adverse impacts the name change to Zodiac Drive would cause when they requested it 2013, and that to eliminate these negative impacts, the company now requests the street name to be returned to Weber Drive.

No one came forward to speak either for or against the proposed ordinance, and with no further discussion, Councilmember Clegg **moved to close the Public Hearing**, and was seconded by Councilmember Snuggs. Motion carried by vote of 6 Ayes, 0 Nays, 1 Absent. The Public Hearing was closed at 6:43 p.m.

ORDINANCE NO. 1344-05-2014 - APPROVING RE-NAMING OF ZODIAC DRIVE TO WEBER DRIVE, FROM U.S. HIGHWAY 82 TO COLORADO DRIVE, AT THE GAINESVILLE MUNICIPAL AIRPORT

FIRST READING OF AN ORDINANCE PROVIDING FOR THE RENAMING OF A STREET KNOWN AS ZODIAC DRIVE TO WEBER DRIVE, LOCATED BETWEEN U.S. HIGHWAY 82 AND COLORADO DRIVE; PROVIDING FOR PLACEMENT OF STREET SIGNS; PROVIDING FOR AMENDMENT OF THE OFFICIAL CITY LIMITS MAP AND THE CITY ZONING MAP; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY, EFFECTIVE DATE, REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN OPEN MEETING FINDING.

Council approved re-naming the street known as Zodiac Drive, located at the Gainesville Municipal Airport back to Weber Drive, as requested by Zodiac Seats U.S. (formerly Weber Aircraft). In a letter (April 2014) to City Manager Barry Sullivan, Zodiac President and CEO, Jeffrey Johnston, explained that when they requested the name change (from Weber Drive to Zodiac Drive) last year (June 2013) his company was unaware of the obstacles and adverse impacts the street name change would cause for the company. The most significant impact is their ability to maintain regulatory compliance regarding their engineering drawings, filings and certifications with both the Federal government and aerospace suppliers and customers. To eliminate these negative impacts, Johnston requested the City to return the street name back to Weber Drive. Zodiac Drive is located in its entirety on airport property between Hwy 82 and Kansas Avenue (the portion of Weber Drive between Colorado Drive and Kansas Avenue was

not changed in 2013 and retained the name Weber Drive). Zodiac is the only property owner to be affected by the name change.

Councilmember Clegg **moved to Suspend the Charter requirement of three readings**, seconded by Councilmember Snuggs, the motion carried by vote of 6 Ayes, 0 Nays, 1 Absent.

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

RESOLUTION NO. 05-06-2014 D – AUTHORIZING GREATER TEXOMA UTILITY AUTHORITY TO EXECUTE CHANGE ORDER NO 2 TO THE CONTRACT FOR THE GAINESVILLE NORTHWEST WATER DISTRIBUTION SYSTEM IMPROVEMENTS PROJECT

A RESOLUTION AUTHORIZING THE GREATER TEXOMA UTILITY AUTHORITY TO EXECUTE CHANGE ORDER NO. 2 ON THE CONTRACT WITH S & J CONSTRUCTION INC. FOR THE GAINESVILLE NORTHWEST WATER DISTRIBUTION SYSTEM IMPROVEMENTS PROJECT.

Greater Texoma Utility Authority (GTUA) was authorized to execute Change Order No. 2 to the contract with S & J Construction, Inc. for the Gainesville Northwest Water Distribution System Improvements Project. The project consists of installing new water lines from the Moss Lake Treatment plant and along the west side of the municipal airport to Highway 82. The master agreement between the GTUA and the City of Gainesville requires approval of the change order by both parties before it becomes effective. Change Order No. 2 increases the contract in the amount of \$160,419.44. Sullivan said the majority of the change order is for boring under the ORTEQ parking lot to avoid cutting out a major portion of their parking lot and disrupting their business operations. Other expenses are for piping adjustments, additional service taps, and removal of a valve no longer needed. The change order adds 35 days on the contract, making the revised final completion date September 22, 2014. Sullivan reported the project is still within budget, including the change order.

Councilmember Keeler moved for **approval of the resolution**, and was seconded by Councilmember Snuggs. Motion carried by vote of 6 Ayes, 0 Nays, 1 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 6:46 p.m.

Respectfully submitted,

/S/
Kay Lunnon, City Secretary

/S/
Ray Nichols, Mayor Pro Tem