

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
November 4, 2014**

The City Council of the City of Gainesville, Texas met in regular session on November 4, 2014 at 6:30 p.m. with the following persons in attendance.

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

STAFF PRESENT: Barry Sullivan, City Manager; Bill Harris, City Attorney; Kay Lunnon, City Secretary; Caitlyn Huddleston, Administrative Assistant; Kevin Phillips, Police Chief; Dan Parker, Finance Director; Karen Dixon, Controller; Arlene Loyd, Executive Director, GEDC; Patrick McCage, Parks and Recreation Director

OTHERS PRESENT: Cathy Mounce, Keith King, Sabrina Easley, Jennifer Vinton, David Vinton, Megan Vinton, Shane P. Christian, Officer Tom Reynolds, Tony Dresser (Videographer)

CALL TO ORDER

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

INVOCATION & PLEDGE OF ALLEGIANCE

City Manager Barry Sullivan gave the invocation. Mayor Goldsworthy led the pledge to the flag.

RECOGNITIONS

Certificate of Achievement for Excellence in Financial Reporting, FY 2013

City Manager Barry Sullivan presented the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting to Dan Parker and Karen Dixon for the City's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2013. Sullivan noted that the Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government body and its management. Dan Parker thanked the Council for their support.

Star of North Texas

Mayor Goldsworthy read a certificate of recognition and presented a Star of North Texas medallion to Jennifer Vinton for her efforts in remodeling several rooms at the Gainesville Municipal Airport. Vinton contributed her design talents and personal time on the project. The Star of North Texas award expresses appreciation for outstanding voluntary efforts that complement our community and its patriotic programs.

CONSENT AGENDA

Council reviewed the Minutes of the regular City Council Meeting of October 21, 2014, and approved them as written.

RESOLUTION NO. 11-04-2014 – APPROVING APPOINTMENT TO MEDAL OF HONOR HOST CITY BOARD

Re-appointment of Bobby Balthrop as the City's representative to the Medal of Honor Host City Board was approved. His re-appointment is to a term of two years expiring October 2016.

Councilmember Clegg **moved to approve the Consent Agenda**, and seconded by Councilmember Dollar, the motion carried unanimously.

PUBLIC HEARING ON AN ORDINANCE GRANTING TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC POWER FRANCHISE TO USE THE PRESENT AND FUTURE STREETS, ALLEYS, HIGHWAYS, PUBLIC UTILITY EASEMENTS, PUBLIC WAYS AND PUBLIC PROPERTY OF THE CITY OF GAINESVILLE, TEXAS.

Mayor Goldsworthy read the ordinance caption, opened the public hearing, and called for public comment at 6:34 p.m. regarding a proposed ordinance granting an electric power franchise to Oncor Electric Delivery Company.

No one came forward to speak either for or against the granting of the franchise. With no further discussion, Councilmember Snuggs moved to close the Public Hearing and was seconded by Councilmember Keeler. The motion carried by vote of 7 Ayes, 0 Nays, 0 absent. The Public Hearing was closed at 6:35 p.m.

ORDINANCE NO. 1356-11-2014 – GRANTING ELECTRIC FRANCHISE TO ONCOR ELECTRIC DELIVERY COMPANY LLC

CONSIDERATION OF AND ACTION ON FIRST READING OF AN ORDINANCE GRANTING TO ONCOR ELECTRIC DELIVERY COMPANY LLC, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC POWER FRANCHISE TO USE THE PRESENT AND FUTURE STREETS, ALLEYS, HIGHWAYS, PUBLIC UTILITY EASEMENTS, PUBLIC WAYS AND PUBLIC PROPERTY OF THE CITY OF GAINESVILLE, TEXAS, PROVIDING FOR COMPENSATION THEREFORE, PROVIDING FOR AN EFFECTIVE DATE AND A TERM OF SAID FRANCHISE, PROVIDING FOR THE REPEAL OF ALL EXISTING FRANCHISE ORDINANCES TO ONCOR ELECTRIC DELIVERY LLC, ITS PREDECESSORS AND ASSIGNS, AND FINDING THAT THE MEETING AT WHICH THIS IS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC.

Council granted electric franchise to Oncor Electric Delivery LLC, allowing Oncor Electric Delivery LLC to use city right-of-ways and alleys to serve Gainesville. The agreement is for ten years with a renewal of five years. Oncor is required to pay the City a fee factor of \$0.002914 per kilowatt hour of electricity delivered by the Company to Gainesville customers. In addition to the fee factor, Oncor is required to pay the City 4% of gross revenue for other discretionary service charges.

Councilmember Nichols **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.

Councilmember Nichols **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. 11-04-2014 A – AUTHORIZING SETTLEMENT AND RELEASE AGREEMENT BETWEEN ONCOR ELECTRIC DELIVERY AND CITY OF GAINESVILLE FOR AUDIT DISCREPANCIES

CONSIDERATION OF AND ACTION ON A RESOLUTION AUTHORIZING THE CITY MANAGER OF THE CITY OF GAINESVILLE, TEXAS TO EXECUTE A SETTLEMENT AND RELEASE AGREEMENT BETWEEN ONCOR ELECTRIC DELIVERY LLC AND THE CITY OF GAINESVILLE.

Oncor Electric Delivery recently completed an audit that showed discrepancies between the number and types of lights for which the City was being billed. Under the settlement, Oncor found they owe the City and will pay the City of Gainesville \$27,886.20. City Manager Barry Sullivan noted that they worked with several other cities and franchise attorneys who approved the settlement, which, once signed, will close the issue.

Councilmember Hendricks **moved to approve the resolution.** The motion was seconded by Councilmember Clegg and carried by vote of 7 Ayes, 0 Nays, 0 Absent.

RESOLUTION NO. 11-04-2014 B – ASSIGNMENT, BILL OF SALE, AND CONVEYANCE FROM ONCOR ELECTRIC DELIVERY TO CITY FOR ELECTRIC DISTRIBUTION AND TRANSMISSION FACILITIES AT LEONARD PARK

CONSIDERATION OF AND ACTION ON A RESOLUTION AUTHORIZING THE CITY MANAGER FOR AND ON BEHALF OF THE CITY OF GAINESVILLE, TO EXECUTE AN ASSIGNMENT, BILL OF SALE, AND CONVEYANCE FROM ONCOR ELECTRIC DELIVERY COMPANY, LLC TO CITY OF GAINESVILLE FOR ELECTRIC DISTRIBUTION AND/OR TRANSMISSION FACILITIES AT LEONARD PARK.

Council authorized City Manager Barry Sullivan to execute an assignment, bill of sale, and conveyance from Oncor Electric Delivery Company, LLC to the City for electric distribution and/or transmission facilities (poles and lights) at Leonard Park that have been added over the years but not metered. The agreement gives all the fixtures to the City and Oncor will install a meter for the park system.

Councilmember Keeler **moved to approve the resolution.** The motion was seconded by Councilmember Dollar and carried by vote of 7 Ayes, 0 Nays, 0 Absent.

RESOLUTION NO. 11-04-2014 C - APPROVE ANGLE PARKING ON NORTH DENTON STREET AND NORTH RED RIVER STREET AT THE BOYS AND GIRLS CLUB OF COOKE COUNTY

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING THE BOYS AND GIRLS CLUB'S REQUEST TO PROVIDE ANGLE PARKING ALONG DENTON AND RED RIVER STREETS TO EXPEDITE PARKING AND TRAFFIC FLOW FOR THE CLUB'S FACILITY.

Council approved the Boys and Girls Club's request to provide angle parking along North Denton and North Red River Streets to expedite parking and traffic flow for the Club's facility. At the October 21, 2014 meeting, City Council approved changing the direction of the one-way traffic on Red River Street to accommodate the anticipated traffic flow and drop-off traffic pattern for the new facility. City staff believes the angle parking proposal is the best solution and will not only benefit the facility's patrons, but will also minimize overflow parking for the

neighboring properties.

Councilmember Dollar **moved to approve the resolution.** The motion was seconded by Councilmember Keeler and carried by vote of 7 Ayes, 0 Nays, 0 Absent.

RESOLUTION NO. 11-04-2014 D – APPROVING AGREEMENT BETWEEN CITY AND BOYS AND GIRLS CLUB OF COOKE COUNTY FOR EXCHANGE OF REAL PROPERTY

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF GAINESVILLE AND THE BOYS AND GIRLS CLUB OF COOKE COUNTY FOR EXCHANGE OF REAL PROPERTY.

Council approved an agreement between the City and the Boys and Girls Club of Cooke County for exchange of real property. The City will convey 3.48 acres located at 421 N Denton to the Boys and Girls Club, and the Boys and Girls Club will convey three tracts of land located at 315 W Hird to the City. The transfer will take place within 120 days after the new facility receives its certificate of occupancy.

Councilmember Dollar **moved to approve the resolution.** The motion was seconded by Councilmember Snuggs and carried by vote of 7 Ayes, 0 Nays, 0 Absent.

EXECUTIVE SESSION

At 6:45 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 §551.071 Attorney-client matters
- Under Government Code §551.072 Real Estate

RECONVENE INTO OPEN SESSION

Council reconvened into open session at 7:09 p.m. and Mayor Goldsworthy announced no action was taken during executive session.

DISCUSSION REGARDING LED SIGN AT LEONARD PARK.

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Parks and Recreation Director Patrick McCage presented cost and design quotes for a LED sign at Leonard Park. The signs will help to promote City events, and possibly non-profit organization's events. This would help to eliminate sign clutter at the corner of California Street and Culberson Street, where vinyl banners are currently being placed for advertisement purposes. The LED signs would be part of a brick structure that would be constructed to mimic the Gateway entrance, Medal of Honor Park, and Leonard Park entrance. The structure would be built at the southwest corner of California Street and I-35, with visibility by traffic on FM 51, southbound I-35, and California Street.

No action was taken on this item.

RESOLUTION NO. 11-04-2014 E – AUTHORIZING A CONTRACT FOR CITY PURCHASE OF 0.7136 ACRE TRACT LOCATED AT 503 NORTH I-35

CONSIDERATION OF AND ACTION ON A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT ON BEHALF OF THE CITY OF GAINESVILLE FOR PURCHASE OF REAL ESTATE PROPERTY.

Council authorized the City Manager to execute a contract on behalf of the City for purchase of 0.7136 acre tract of real estate property, located at 503 N I-35, adjoining the City Transfer Station.

Councilmember Clegg **moved to approve the resolution, per the property description.** The motion was seconded by Councilmember Snuggs and carried by vote of 7 Ayes, 0 Nays, 0 Absent.

ADJOURN

With no further business to come before the City Council, the meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Kay Lunnon, City Secretary

Jim Goldsworthy, Mayor