

MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
May 17, 2016

The City Council of the City of Gainesville, Texas met in regular session on May 17, 2016 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, Tommy Moore, Steve Gordon

STAFF PRESENT: Barry Sullivan, City Manager; Caitlyn Huddleston, City Secretary; Kevin Phillips, Chief of Police; Dan Parker, Finance Director; Arleene Loyd, Gainesville Economic Development Corporation Director; Chris Cypert, Municipal Court Judge

OTHERS PRESENT: Bernie Gordon, Ray Nichols, Beverly Snuggs, Paula Moore, Leslie Nichols, Joe Bob Jones, Terry Tombaugh, Judge John Morris, Megan Gray-Hatfield, Nikki King, Lisa Clegg, Marisol Canam, Charles Dollar, Adriana Dollar, Tony Dresser (Videographer)

CALL TO ORDER

Mayor Jim Goldsworthy called the meeting to order at 6:30 p.m.

INVOCATION & PLEDGE OF ALLEGIANCE

Duke Dowling, Southside Baptist Church, gave the invocation. Mayor Jim Goldsworthy led the pledge to the flag.

RECOGNITIONS

Mayor Jim Goldsworthy presented both outgoing Councilmember Beverly Snuggs and Mayor Pro Tem Ray Nichols with plaques commemorating their time served on the City Council and thanked them both for selfless service on the council and other boards. He recognized the many events they've attended and phone calls received to make our community better. Snuggs served for thirteen years as Councilmember, Ward 2, and Nichols served for eight years as Councilmember representative for Ward 5 and for five years as Mayor Pro Tem, concurrently.

OATH OF OFFICE TO NEWLY ELECTED OFFICIALS

Judge John Morris, Cooke County Court at Law, administered the Oath of Office to the newly elected City officials: Chris Cypert, Municipal Court Judge; Steve Gordon, Councilmember Ward 2; Keith Clegg, Councilmember Ward 3; Tommy Moore, Councilmember Ward 5; and Mary Jo Dollar, Councilmember, Ward 6.

ELECTION OF MAYOR PRO TEM

Mayor Goldsworthy called for nominations for Mayor Pro Tem for the next Council year, May 2016 to May 2017. Councilmember Keeler nominated Keith Clegg for Mayor Pro Tem, and Councilmember Hendricks seconded the nomination. Nominations ceased and Mayor Pro Tem was elected by vote of 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

CITIZENS COMMENTS

Ray Nichols, 1002 S Denton, addressed several topics concerning progress in the City of Gainesville. Nichols, former Councilmember and Mayor Pro Tem, thanked the current council that he served with, as well as past Councilmembers and Mayors. He explained that he had heard and councilmembers will continue to hear comments on action taken on behalf of City Council. However, there are several great things the council has done that should be highlighted. The City of Gainesville's bond rating has increased six steps in eight years and bonds are selling at a premium. The City receives more money with their bonds and is able to refund portions of bonds. Nichols reminded everyone of the funds received and matched by the US Army Corps of Engineers for Pecan Creek flood damage reduction projects. Because of the excellent bond rating, the Corps matched \$7 million. Nichols asked what kind of damage could have been done in 2015 with the record rainfall and flooding if not for those funds.

He went on to explain that even though voters approved a \$10 million bond in 2014, work would not begin immediately. Quotes for cost, engineering, and other tasks must be completed before work can begin. Nichols expounded on the Wastewater and Water System improvements and commented that he was most proud of these. Bonds to purchase water from Lake Texoma will allow for enough water through current lifetimes. Nichols also pointed out the vision of past council who voted to build Moss Lake, another premium water supply for the citizens of Gainesville.

Capital items such as the Leonard Park Aquatic Center, Fire Department Ladder Truck, building improvements to City Hall and other facilities, city-wide camera systems, and new streets around the new Boys and Girls Club facility have all been funded by the Assigned Fund, Nichols advised. \$1,456,000 was spent to improve streets surrounding the newly constructed Boys and Girls facility, a project near and dear to Nichols' heart.

Nichols summed up his address and advised 302 structures have been demolished since October 2012. The progress is thanks to a good manager, good staff, and good employees, per Nichols. He named several training opportunities available to employees now and systems put in place to make the City of Gainesville more efficient. Nichols challenged everyone to consider what they say and write to combat negativity and only spread facts. He expressed concern for future citizens if they only hear negative comments about our city.

CONSENT AGENDA

Council reviewed the Minutes of the regularly scheduled City Council Meeting of May 3, 2016 and approved them as written.

Councilmember Clegg **moved to approve the Consent Agenda**, seconded by Councilmember Keeler, the motion carried by vote of 6 Ayes, 0 Nays, 1 Abstentions (Gordon), 0 Absent.

RESOLUTION 05-17-2016 – PROVIDING FOR ANNUAL COMPENSATION FOR THE MUNICIPAL COURT JUDGE.

CONSIDERATION OF AND ACTION ON A RESOLUTION A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS PROVIDING FOR ANNUAL COMPENSATION FOR THE MUNICIPAL COURT JUDGE OF THE CITY OF GAINESVILLE, TEXAS IN ACCORDANCE WITH ARTICLE IV, SECTION 4.05, OF THE CHARTER OF THE CITY OF GAINESVILLE, TEXAS.

Council approved a three percent (3%) increase in annual compensation for the Municipal Court Judge Chris Cypert, the highest merit raise for the current fiscal year. Under the City Charter, the

City Council sets the compensation for the Municipal Judge, which is an elected position. Mayor Goldsworthy praised the court for their outstanding job and thanked Judge Cypert.

Councilmember Clegg **moved to approve the Resolution**, seconded by Councilmember Moore, the motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

RESOLUTION 05-17-2016 A – AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH PATRICIA ADAMS FOR MUNICIPAL COURT ATTORNEY SERVICES.

CONSIDERATION OF AND ACTION ON A RESOLUTION A RESOLUTION AUTHORIZING THE CITY MANAGER, FOR AND ON BEHALF OF THE CITY OF GAINESVILLE, TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH PATRICIA ADAMS FOR MUNICIPAL COURT ATTORNEY SERVICES; SAID AGREEMENT FOR THE CONSIDERATION AND TERMS AND CONDITIONS STATED THEREIN IN A FORM ACCEPTABLE TO BOTH PARTIES.

Council approved renewal of the contract with Attorney Patricia Adams for Municipal Court Attorney services. Sullivan said the prosecutor contract is \$1,000 per month for two years and is set up to run concurrently with the Municipal Judge's elected term. Judge Cypert commented that Ms. Adams has never billed the City for more than the \$1,000 retainer.

Councilmember Hendricks **moved to approve the Resolution**, seconded by Councilmember Keeler, the motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

RESOLUTION 05-17-2016 B – AUTHORIZING THE CITY MANAGER TO EXECUTE A DEED WITHOUT WARRANTY CONVEYING 2.14 ACRES OF PROPERTY AT THE NORTHEAST CORNER OF INTERSTATE HIGHWAY 35 AND US HIGHWAY 82 TO CLEAR CREEK RETAIL, LLC.

CONSIDERATION OF AND ACTION ON A RESOLUTION AUTHORIZING THE CITY MANAGER, FOR AND ON BEHALF OF THE CITY OF GAINESVILLE, TO EXECUTE A DEED WITHOUT WARRANTY CONVEYING 2.14 ACRES OF PROPERTY AT THE NORTHEAST CORNER OF INTERSTATE HIGHWAY 35 AND US HIGHWAY 82 TO CLEAR CREEK RETAIL, LLC.

Authorized the City Manager to execute a Deed without Warranty to Clear Creek Retail, LLC, as requested by the business. Council approved the sale of this property at their meeting on April 19, 2016. A quitclaim deed was executed following approval. City Manager Barry Sullivan advised there have been no changes to the property conveyed or the sale price, but this deed is to be issued in lieu of the previous quitclaim deed.

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

RESOLUTION 05-17-2016 C – APPROVING ACTIONS OF THE GEDC WHICH VOTED TO APPROVE AN ECONOMIC DEVELOPMENT INCENTIVE FOR PETROFLEX NA, INC.

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION WHO VOTED TO APPROVE AN ECONOMIC DEVELOPMENT INCENTIVE FOR PETROFLEX NA, INC. FOR BUSINESS RETENTION.

Completed second reading of and adopted the Gainesville Economic Development Corporation (GEDC) approval of an economic development incentive for Petroflex NA, Inc. in the amount of

\$300,000 for business retention. GEDC Director Arleene Loyd explained that Petroflex is considering relocating as they will soon be forced to purchase their office location they currently rent or move. She added that to determine the amount of the incentive, the board considered what they would offer a similar incoming business. Unlike other incentives, the funds would be paid upfront and not over a length of time as Petroflex would need the money for closing costs. Negotiations are still ongoing. Loyd did add that funds to provide such incentives come from one quarter of a penny of the sales tax generated within the City of Gainesville.

Councilmember Hendricks **moved to approve the Resolution**, seconded by Councilmember Clegg, the motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 8 – HEALTH, ARTICLE IV - SMOKING REGULATIONS; AMENDING SECTION 8-300 DEFINITIONS; AMENDING SECTION 8-301 NONSMOKING AREAS IN PUBLIC PLACES; AMENDING SECTION 8-302 REASONABLE DISTANCE; AMENDING SECTION 8-304 POSTING OF SIGNS.

CONSIDERATION OF FIRST READING OF AN ORDINANCE AMENDING CHAPTER 8 – HEALTH, ARTICLE IV - SMOKING REGULATIONS; AMENDING SECTION 8-300 DEFINITIONS; AMENDING SECTION 8-301 NONSMOKING AREAS IN PUBLIC PLACES; AMENDING SECTION 8-302 REASONABLE DISTANCE; AMENDING SECTION 8-304 POSTING OF SIGNS; PROVIDING SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE; AND MAKING AN OPEN MEETINGS FINDING.

Considered first reading of an ordinance prohibiting vaping in City parks, along the walking trail, and City buildings. This ordinance does not ban vaping in public or in non-City owned buildings, nor does it prohibit businesses from banning vaping inside their buildings. Boy’s Baseball of Cooke County requested that Council ban e-cigarettes from the baseball field area (at least during the baseball season.) City Manager Barry Sullivan explained that the baseball season would be over by the time the ordinance could be enforced due to the publication requirement of ten days before the ordinance could become effective. Also, the Parks and Recreation Board has not had a chance to review the ordinance to make a recommendation to Council. Mayor Goldsworthy stated he would like for the Parks Board to meet to consider the ordinance and that at this time, the ordinance would address parks and city facilities, while other buildings would be considered at a later date.

Second reading consideration will take place at the next regularly scheduled City Council meeting on June 7, 2016.

Councilmember Clegg **moved to approve first reading of the ordinance**. The motion was seconded by Councilmember Moore and carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 14 – PARKS AND RECREATION, SECTION 14-5 - VEHICLES AND ANIMALS IN PARKS.

CONSIDERATION OF AND FIRST READING OF AN ORDINANCE AMENDING CHAPTER 14 – PARKS AND RECREATION, SECTION 14-5 - VEHICLES AND ANIMALS IN PARKS; PROVIDING SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE AND MAKING AN OPEN MEETING FINDING.

Considered first reading of an ordinance restricting dogs from going within two hundred (200) feet of the baseball fields at Leonard Park and the baseball fields at Fair and Broadway. (The baseball fields at Fair and Broadway are actually on cemetery land, but people refer to them as the baseball fields at Edison Park.) Boy's Baseball of Cooke County also requested that dogs not be allowed around the baseball fields because of animal feces that is being left behind, even though current city code provides that persons should clean up after their pets. City Manager Barry Sullivan clarified that this would prohibit animals within two hundred (200) feet of the baseball facilities, not within entire parks. Mayor Goldsworthy again stated he would like for the Parks Board to meet to consider the ordinance before council takes action.

Second reading consideration will take place at the next regularly scheduled City Council meeting on June 7, 2016.

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

ORDINANCE 1387-05-2016 – APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2016 RATE REVIEW MECHANISM FILINGS.

CONSIDERATION OF AND ACTION ON THE FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2016 RATE REVIEW MECHANISM FILINGS; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; 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; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.

Council voted to adopt an ordinance approving a settlement between Atmos Energy Corp., Mid-Tex Division and the Atmos Cities Steering Committee, a group the City of Gainesville is a member of, concerning rates. The monthly bill impact for the typical residential customer consuming 46.8 Ccf will be an increase of \$1.26, or about 2.43%. The typical commercial customer will see an increase of \$3.81, or 1.43%. City Manager Barry Sullivan expounded that over two hundred cities formed a coalition (Atmos Cities Steering Committee), who then hired one attorney’s firm to represent them, creating a more efficient system of representation. This also saves ratepayers money as the cost of legal counsel would have been recouped from citizens through billing. Sullivan stated that staff recommended charter suspension and adoption.

Councilmember Keeler **moved to Suspend the Charter requirement of three readings,** seconded by Councilmember Clegg, the motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, 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 Abstentions, 0 Absent.

ORDINANCE 1388-05-2016 – ADOPTING CHAPTER 13 – OFFENSES – MISCELLANEOUS, ARTICLE VII – GARAGE SALES; PROVIDING FOR A PENALTY NOT TO EXCEED \$500; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.

CONSIDERATION OF AND ACTION ON THE FIRST READING OF AN ORDINANCE AMENDING ORDINANCE 1266-03-2011; RENEWING A SPECIFIC USE PERMIT AS REQUESTED BY SPRINT SPECTRUM LP, FOR A COMMUNICATIONS ANTENNA SYSTEM LOCATED AT 501 E CALIFORNIA ST IN THE CENTRAL AREA.

Council adopted an ordinance limiting garage sales to four times per year with a minimum of 30 days between sales, and that sales may not last longer than 72 hours. City Manager Barry Sullivan explained that several complaints have been received on homeowners having continuous garage sales, basically becoming a store. This ordinance will limit the number and length of garage sales per year by homeowners, but does not require a garage sale permit. Once a complaint is lodged, staff will investigate the claim and issue a citation, if necessary. Councilmember Mary Jo Dollar added that a permit system may not be a bad idea in the future, but that the suggested procedure is a good “in-between.” Currently, the city does not have an ordinance in place limiting garage sales.

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 Abstentions, 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 Abstentions, 0 Absent.

ADJOURN

With no further business to come before the City Council, the meeting was adjourned at 7:12 p.m.

Respectfully submitted,

Caitlyn Huddleston, City Secretary

Jim Goldsworthy, Mayor