

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
August 16, 2016**

The City Council of the City of Gainesville, Texas met in regular session on August 16, 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; Bill Harris, City Attorney; Kevin Phillips, Chief of Police; Arleene Loyd, Gainesville Economic Development Corporation Director

OTHERS PRESENT: Jonathon Frith, Brandon Buttram, Nikki King, Darin Allred, Megan Gray-Hatfield, Kelsey Hawkins, Tony Dresser (Videographer)

CALL TO ORDER

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

INVOCATION & PLEDGE OF ALLEGIANCE

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

CONSENT AGENDA

Council reviewed the Minutes of the regularly scheduled City Council Meeting of August 2, 2016 and approved them as written.

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

FIRST PUBLIC HEARING ON THE PROPOSED TAX RATE OF \$0.70503 PER \$100 VALUATION FOR CITY OF GAINESVILLE FOR THE FISCAL YEAR 2016-2017.

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Mayor Goldsworthy opened the Public Hearing at 6:32 p.m. and called for public comment regarding the proposed tax rate of \$0.70503 per \$100 valuation. No one came forward to speak either for or against the proposed tax rate. With no further discussion, Councilmember Hendricks moved to close the Public Hearing. The motion was seconded by Councilmember Dollar, and carried by vote of 7 Ayes, 0 Nays, 0 Absent. The Public Hearing was closed at 6:32 p.m. Mayor Goldsworthy made the announcement that the City Council will vote to set the tax rate at their regularly scheduled meeting on September 20, 2016, at 6:30 p.m. in the Municipal Building, Council Chambers, at 200 South Rusk Street.

RESOLUTION 08-16-2016 – APPROVING THE SALE OF ALCOHOL IN THE FRANK BUCK ZOO LOCATED AT 1000 WEST CALIFORNIA STREET BY THE FRANK BUCK ZOOLOGICAL SOCIETY DURING ZOOBILEE ON OCTOBER 1, 2016.

CONSIDERATION OF AND ACTION ON APPROVING THE SALE OF ALCOHOL IN THE FRANK BUCK ZOO LOCATED AT 1000 WEST CALIFORNIA STREET BY THE FRANK BUCK ZOOLOGICAL SOCIETY DURING ZOOBILEE ON OCTOBER 1, 2016.

Council approved sale of alcohol during Zoobilee on October 1, 2016, in the Frank Buck Zoo. The Frank Buck Zoological Society will sell alcohol during the gated event in the Frank Buck Zoo located at 1000 West California Street. Zoobilee is an annual event in its 17th year to foster attendance, revenues and awareness for the Frank Buck Zoo.

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

RESOLUTION 08-16-2016 A – APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION OF THE CITY OF GAINESVILLE WHICH APPROVED A BUSINESS EXPANSION INCENTIVE FOR TEXAS TRAILERS.

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION OF THE CITY OF GAINESVILLE WHICH APPROVED A BUSINESS EXPANSION INCENTIVE FOR TEXAS TRAILERS.

Council completed the second reading and approved actions of the GEDC to approve an economic development incentive for Texas Trailers. The GEDC approved an incentive of \$20,000 for business expansion and capital improvements. Texas Trailers has been in Gainesville for thirty years and most of their employee base resides in Gainesville or Cooke County. Their current property value is \$1.3 million and they are planning a \$1.4 million expansion. As required by state law, no action was taken by Council on first reading of the resolution. First reading consideration at the meeting of the City Council on August 2, 2016.

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

ORDINANCE 1392-08-2016 – 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 AND ACTION ON THE 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.

Council adopted an ordinance on the third reading to prohibit vaping, or the use of e-cigarettes, in City of Gainesville parks, along the walking trail, and within city buildings. This ordinance does not ban vaping in public or non-City owned buildings, nor does it prohibit business owners or businesses from banning vaping inside their buildings. Boy's Baseball of Cooke County had previously requested that Council ban e-cigarettes from the baseball field areas in the City, at least during the baseball season. The Parks and Recreation Advisory Board recommended e-cigarettes be banned in park areas. This ordinance was previously considered at two City Council meetings.

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

ORDINANCE 1393-08-2016 – AMENDING CHAPTER 14 – PARKS AND RECREATION, SECTION 14-5 - VEHICLES AND ANIMALS IN PARKS.

CONSIDERATION OF AND ACTION ON THE THIRD 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.

Council adopted an ordinance on the third reading restricting dogs from going within 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 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. The Parks and Recreation Advisory Board discussed the issue and voted not to recommend the banning of pets near the baseball fields. This ordinance was previously considered at two City Council meetings.

There was some discussion about placing dog waste stations at the baseball fields.

Councilmember Clegg moved to **disapprove the ordinance**, in keeping with the Parks and Recreation Advisory Board's recommendation. No one seconded; motion died.

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

RESOLUTION 08-16-2016 B – APPROVING THE PROPOSED COOKE COUNTY APPRAISAL DISTRICT 2016-2017 BUDGET.

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING THE PROPOSED COOKE COUNTY APPRAISAL DISTRICT 2016-2017 BUDGET.

Council voted to approve the Cooke County Appraisal District budget for 2016-2017 for assessment and collection of ad valorem taxes. The City of Gainesville's portion is a combined total of \$142,053.58 for appraisals and collections. City Manager Barry Sullivan noted that staff had no issues with the budget and that nothing was out of the ordinary.

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

ORDINANCE 1393-08-2016 – ADDING REFINERY ROAD TO THE DESIGNATED TRUCK ROUTE.

CONSIDERATION OF AND ACTION ON THE FIRST READING OF AN ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS ADDING REFINERY ROAD TO THE DESIGNATED TRUCK ROUTE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.

Council adopted an ordinance adding Refinery Road to the designated truck routes throughout the city for commercial trucks, which is defined as any vehicle with a gross vehicle weight in excess of 10,000 pounds or carrying capacity exceeding one ton and used for delivery of passengers, tools, materials, or livestock. Designated truck routes are:

- (1) Interstate Highway 35.
- (2) United State Highway 82.
- (3) Farm to Market 51.
- (4) Farm to Market 372.
- (5) Farm to Market 678.
- (6) Farm to Market 2071.
- (7) Farm to Market 3092.

- (8) The 600, 700, 800, 900, 1000, and 1100 blocks of Scott Street (from FM 372/Grand Avenue to Railroad Avenue).
- (9) The 900, 1000, 1100, 1200, 1300, 1400, 1500, and 1600 blocks of Dixon Street (from U.S. 82 to Foreline).
- (10) 1000 East Old Sivals Bend Road.
- (11) The 3600, 3700, 3800, 3900, 4000, and 4100 of North Weaver (from FM 372 to Interstate Highway 35).
- (12) Refinery Road.

These routes are planned to limit commercial truck traffic to streets designed for larger, heavy load traffic, and to help keep them out of residential areas, thus protecting residential street infrastructure.

Mayor Goldsworthy added that this is an exciting development, and Councilmember Gordon commented on the quality of concrete and streets in that area.

Councilmember Gordon **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 Dollar **moved to adopt the ordinance**. The motion was seconded by Councilmember Moore and carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

EXECUTIVE SESSION

At 6:43 p.m. Mayor Jim 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 Privilege

RECONVENE INTO OPEN SESSION

Council reconvened into open session at 7:14 p.m. and Mayor Jim Goldsworthy announced no action was taken during executive session.

ADJOURN

With no further business to come before the City Council, the meeting was adjourned at 7:14 p.m.

Respectfully submitted,

Caitlyn Huddleston, City Secretary

Jim Goldsworthy, Mayor