

MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
November 6, 2018

The City Council of the City of Gainesville, Texas met in regular session on October 16, 2018 at 6:30 p.m. with the following persons in attendance.

MEMBERS PRESENT: Keith Clegg, Carolyn Hendricks, Ken Keeler, Mary Jo Dollar, Steve Gordon,

MEMBERS ABSENT: Mayor Jim Goldsworthy, Tommy Moore

STAFF PRESENT: Barry Sullivan, City Manager; Bill Harris, City Attorney; Caitlyn Huddleston, City Secretary; Kevin Phillips, Chief of Police; J. I. Johnson, Finance Director; Patrick McCage, Parks and Recreation Supervisor

OTHERS PRESENT: Tommy James, Rod Tyler, Shelley Zimmerer, Elizabeth Zimmerer, Mike Gordon, Delania Raney, Megan Gray-Hatfield, Debbie Faulkner, Tony Dresser (Videographer)

CALL TO ORDER

Mayor Pro Tem Keith Clegg called the meeting to order at 6:30 p.m.

INVOCATION & PLEDGE OF ALLEGIANCE

City Manager Barry Sullivan gave the invocation. Mayor Pro Tem Keith Clegg led the pledge to the flag.

RECOGNITIONS AND PROCLAMATIONS

Free Little Library Program

Shelley Zimmerer of Era spoke to Council regarding the Little Free Library Project her daughters completed as part of their Girl Scouts service. The libraries will be placed in B.P. Douglas Park and Edison Park, as well as other locations on private properties. The libraries are intended to increase childhood literacy and will be placed strategically so that children who cannot travel to the public library can have close access to books.

CONSENT AGENDA

Council reviewed the Minutes of the regularly scheduled City Council Meeting of October 16, 2018 and approved them as written.

RESOLUTION 11-06-2018 – CANCELLING REGULARLY SCHEDULED MEETING FOR NOVEMBER 20, 2018.

CONSIDERATION OF AND ACTION ON A RESOLUTION CANCELLING REGULARLY SCHEDULED MEETING FOR NOVEMBER 20, 2018.

Council voted to cancel the regularly scheduled meeting for November 20, 2018. The meeting falls during the week of Thanksgiving and no items are expected for consideration.

Councilmember Gordon **moved to approve the consent agenda**, seconded by Councilmember Keeler, the motion carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, 2 Absent (Goldsworthy and Moore).

ORDINANCE 1444-11-2018 – PROVIDING FOR THE ABANDONMENT OF AN ALLEY IN THE CITY OF GAINESVILLE, BEING AN ALLEY LOCATED IN BLOCK 31 OF THE GEORGE SPARKS ADDITION.

CONSIDERATION OF AND ACTION ON AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF AN ALLEY IN THE CITY OF GAINESVILLE, COOKE COUNTY, TEXAS, BEING AN ALLEY LOCATED IN BLOCK 31 OF THE GEORGE SPARKS ADDITION, TO THE ADJOINING PROPERTIES OWNER; PROVIDING FOR TERMS AND CONDITIONS OF THE ABANDONMENT; PROVIDING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.

Council abandoned an alley in Block 31 of the George Sparks addition, between Highway 82 and Santa Fe Streets and Weaver and Dixon Streets. The abandonment came at the request of the adjoining properties owner. A list of abandoned alleys compiled by the City showed that the alley was previously abandoned, but no ordinance was adopted and no minutes include such action. No city utilities are in the alleyway.

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

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

RESOLUTION 11-06-2018 A – APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION WHICH APPROVED EXTENSION OF THE EMPLOYMENT CONTRACT BETWEEN THE GEDC AND THE GEDC EXECUTIVE DIRECTOR.

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION WHICH APPROVED EXTENSION OF THE EMPLOYMENT CONTRACT BETWEEN THE GEDC AND THE GEDC EXECUTIVE DIRECTOR.

Council approved actions of the GEDC to extend the employment contract between the GEDC and Executive Director Arlene Loyd for an additional twelve months. The contract will now be in effect until September 30, 2019. GEDC Board President Tommy James and Mayor Pro Tem Keith Clegg, who also serves on the GEDC Board, both commended Arlene for a job well done in the City of Gainesville.

Councilmember Hendricks **moved to approve the resolution**. The motion was seconded by Councilmember Gordon and carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, 2 Absent (Goldsworthy and Moore).

RESOLUTION 11-06-2018 B – APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION WHICH VOTED TO AMEND THE FY 2018-2019 GEDC BUDGET.

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION WHICH VOTED TO AMEND THE FY 2018-2019 GEDC BUDGET.

Council approved actions of the GEDC to amend their fiscal year 2018-2019 budget. The amendment includes \$20,000 to be budgeted for improvements to businesses surrounding the Farmers Market area. The funds are not currently earmarked for any particular businesses, the GEDC just wanted to make them available.

Councilmember Hendricks **moved to approve the resolution.** The motion was seconded by Councilmember Gordon and carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, 2 Absent (Goldsworthy and Moore).

RESOLUTION 11-06-2018 C – APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION, WHICH VOTED TO APPROVE AMENDMENTS TO THE GEDC BYLAWS.

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION, WHICH VOTED TO APPROVE AMENDMENTS TO THE GEDC BYLAWS.

Council approved amendments to the GEDC Bylaws to allow up to six Ex-Officio positions to be appointed. Previously, only four Ex-Officio positions are available. The Gainesville Independent School District Superintendent is expected to fill one spot, as it was deemed valuable to have representation from each of the taxing units at the meetings. The Ex-Officio positions do not vote.

Councilmember Hendricks **moved to approve the resolution.** The motion was seconded by Councilmember Gordon and carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, 2 Absent (Goldsworthy and Moore).

RESOLUTION 11-06-2018 D – AUTHORIZING THE MAYOR TO EXECUTE A CHAPTER 380 AGREEMENT FOR SALES TAX REBATE BETWEEN THE CITY OF GAINESVILLE AND SELECT ENERGY SERVICES, LLC.

CONSIDERATION OF AND ACTION ON A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CHAPTER 380 AGREEMENT FOR SALES TAX REBATE BETWEEN THE CITY OF GAINESVILLE AND SELECT ENERGY SERVICES, LLC.

Council approved a Chapter 380 Agreement for sales tax rebate with Select Energy Services. City Manager Barry Sullivan explained that the agreement will incentivize Select to source their sales transactions through Gainesville and will provide the City with an additional \$60,000 to \$100,000 of sales tax revenue each year. The agreement provides for a 40% sales tax rebate to Select Energy Services.

Councilmember Hendricks **moved to approve the resolution.** The motion was seconded by Councilmember Gordon and carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, 2 Absent (Goldsworthy and Moore).

PUBLIC HEARING ON AN AMENDING THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, PROVIDING FOR THE DESIGNATION OF A JUVENILE CURFEW.

PUBLIC HEARING ON AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, PROVIDING FOR THE DESIGNATION OF A JUVENILE CURFEW, PROVIDING DEFINITIONS; PROVIDING DEFENSES; PROVIDING A PENALTY OF UP TO \$500 FOR EACH VIOLATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.

Mayor Pro Tem opened the public hearing at 6:51 p.m. and called for public comment on the juvenile curfew ordinance.

No one came forward to speak either for or against the ordinance.

Councilmember Dollar **moved to close the public hearing**, seconded by Councilmember Keeler, the motion carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, 2 Absent (Goldsworthy and Moore).

ORDINANCE 1445-11-2018 – AMENDING THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, PROVIDING FOR THE DESIGNATION OF A JUVENILE CURFEW, PROVIDING DEFINITIONS; PROVIDING DEFENSES; PROVIDING A PENALTY OF UP TO \$500 FOR EACH VIOLATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.

CONSIDERATION OF AND ACTION ON THE FIRST READING OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, PROVIDING FOR THE DESIGNATION OF A JUVENILE CURFEW, PROVIDING DEFINITIONS; PROVIDING DEFENSES; PROVIDING A PENALTY OF UP TO \$500 FOR EACH VIOLATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.

Council adopted an ordinance continuing the juvenile curfew in place to help keep City of Gainesville children and streets safe. The ordinance makes it an offense for persons under the age of 17 years to remain in a public place or an establishment between 11:01 p.m. on Sundays, Mondays, Tuesdays, Wednesdays, and Thursdays and 6:00 a.m. the following day, or between 12:01 a.m. and 6:00 a.m. on Saturdays and Sundays. Police Chief Kevin Phillips provided Council with a report indicating crime has declined in the last five years and that juvenile and gang violence has declined since 2006. Phillips also explained that every three years Council must vote to amend, abolish, or continue the curfew.

Councilmember Keeler **moved to Suspend the Charter requirement of three readings**, seconded by Councilmember Dollar, the motion carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, 2 Absent (Goldsworthy and Moore).

Councilmember Keeler **moved to Adopt the Ordinance**, seconded by Councilmember Gordon, the motion carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, 2 Absent (Goldsworthy and Moore).

RESOLUTION 11-06-2018 E – GRANTING APPROVAL FOR THE CONSTRUCTION OF A CONCRETE PARKING LOT AT THE MEALS ON WHEELS OF TEXOMA FACILITY ON WEAVER STREET AND AGREEING TO PAY FOR HALF OF THE COST OF CONSTRUCTION.

CONSIDERATION OF AND ACTION ON A RESOLUTION GRANTING APPROVAL FOR THE CONSTRUCTION OF A CONCRETE PARKING LOT AT THE MEALS ON WHEELS OF TEXOMA FACILITY ON WEAVER STREET AND AGREEING TO PAY FOR HALF OF THE COST OF CONSTRUCTION.

Council approved the construction of a concrete parking lot at the Meals on Wheels facility located at 400 S Weaver. The City owns the property that is leased by Meals on Wheels of Texoma and will pay for half the cost of construction. The entire cost is not expected to exceed \$22,000.

Councilmember Hendricks **moved to approve the resolution**. The motion was seconded by Councilmember Dollar and carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, 2 Absent (Goldsworthy and Moore).

EXECUTIVE SESSION

At 6:58 p.m. Mayor Pro Tem Keith Clegg 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
- Under Government Code §551.072 Real Property
- Under Government Code §551.087 Economic Development

RECONVENE INTO OPEN SESSION

Council reconvened into open session at 7:36 p.m. and Mayor Pro Tem Keith Clegg announced no action was taken during executive session.

ADJOURN

With no further business to come before the City Council, the meeting was adjourned at 7:36 p.m.

Respectfully submitted,

Caitlyn Huddleston, City Secretary

Keith Clegg, Mayor Pro Tem