

MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
December 4, 2018

The City Council of the City of Gainesville, Texas met in regular session on December 4, 2018 at 6:30 p.m. with the following persons in attendance.

MEMBERS PRESENT: Mayor Jim Goldsworthy, Tommy Moore, Keith Clegg, Carolyn Hendricks, Ken Keeler, Steve Gordon

MEMBERS ABSENT: Mary Jo Dollar

STAFF PRESENT: Barry Sullivan, City Manager; Bill Harris, City Attorney; Caitlyn Huddleston, City Secretary; Kevin Phillips, Chief of Police; J. I. Johnson, Finance Director; Ron Sellman, Public Works Director; Arleene Loyd, Gainesville Economic Development Corporation Director

OTHERS PRESENT: Kyle Kubista, John Answorth, Mike Todd, Allen Fomby, Dean Smith, Vicky Hestand, Virginia Rhodes, John Fleming, Delania Raney, Megan Gray-Hatfield, Tony Dresser (Videographer)

CALL TO ORDER

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

INVOCATION & PLEDGE OF ALLEGIANCE

John Fleming, Pastor, First United Methodist Church, gave the invocation. Mayor Jim Goldsworthy led the pledge to the flag.

CONSENT AGENDA

Council reviewed the Minutes of the regularly scheduled City Council Meeting of November 6, 2018 and approved them as written.

RESOLUTION 12-04-2018 – APPROVING APPOINTMENTS TO THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION BOARD

FIRST READING OF A RESOLUTION APPROVING APPOINTMENTS TO THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION BOARD

Council voted to appoint Gainesville Independent School District Superintendent Dr. Des Stewart to an Ex-Officio position on the Gainesville Economic Development Board. His term will expire August 2020.

RESOLUTION 12-04-2018 A – AWARDING BID NO. 2018-07 FOR AIRPORT GRAZING LEASE

FIRST READING OF A RESOLUTION AWARDING BID NO. 2018-07 FOR AIRPORT GRAZING LEASE

Council voted to award Bid No. 2018-07 for the Airport Grazing Lease to Scott Schumacher. Schumacher was the lone bidder. The lease will begin December 2018.

RESOLUTION 12-04-2018 B – APPROVING APPOINTMENTS TO THE PLANNING AND ZONING COMMISSION

FIRST READING OF A RESOLUTION APPROVING APPOINTMENTS TO THE PLANNING AND ZONING COMMISSION

Council voted to appoint Gina Dill to the Planning and Zoning Commission. Her term will expire April 2019.

Councilmember Keeler **moved to approve the consent agenda**, seconded by Councilmember Moore, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Dollar).

DISCUSSION ON O'NEAL STREET REHABILITATION PROJECT.

DISCUSSION ON O'NEAL STREET REHABILITATION PROJECT.

Kyle Kubista and John Answorth, Kimley-Horn and Associates, discussed the results of a drainage study on O'Neal Street related to the rehabilitation project, as the drainage options are extremely limited for this area for the estimated project cost. The current engineered design will handle just less than a two-year rain event. If Council desires to have the drainage system to handle a larger event, Wheeler Creek will have to be dredged or a much larger drainage box will have to be routed down adjoining streets. This expanded drainage system could increase the cost of the project by two million dollars or more. Kubista and Answorth presented several alternatives to the O'Neal Street Rehabilitation Project.

ORDINANCE 1446-12-2018 – AMENDING THE EXISTING GAS FRANCHISE BETWEEN THE CITY OF GAINESVILLE AND ATMOS ENERGY CORPORATION TO PROVIDE FOR DIFFERENT PAYMENT DATES.

CONSIDERATION OF AND ACTION OF AN ORDINANCE AMENDING THE EXISTING GAS FRANCHISE BETWEEN THE CITY OF GAINESVILLE, COOKE COUNTY, AND ATMOS ENERGY CORPORATION TO PROVIDE FOR DIFFERENT PAYMENT DATES; PROVIDING AN EFFECTIVE DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

Council amended the franchise recently adopted with Atmos Energy Corporation. The payment dates for franchise fees changed from 30 days to 45 days after the quarter ends. Atmos will be responsible for the cost of attorneys to review the amendments and for publication of the ordinance.

Councilmember Keeler **moved to Suspend the Charter requirement of three readings**, seconded by Councilmember Moore, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Dollar).

Councilmember Keeler **moved to Adopt the Ordinance**, seconded by Councilmember Moore, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Dollar).

ORDINANCE 1447-12-2018 – AMENDING THE CODE OF ORDINANCES, CHAPTER 2, ARTICLE I – IN GENERAL, SECTIONS 2-11, MARKET SQUARE, AND 2-12, NONPROFIT USE OF MARKET SQUARE.

CONSIDERATION OF AND ACTION THE FIRST READING AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 2, ARTICLE I – IN GENERAL, SECTIONS 2-11, MARKET SQUARE, AND 2-12, NONPROFIT USE OF MARKET SQUARE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND MAKING AN OPENING MEETINGS FINDING.

Council amended the code of ordinances concerning Market Square. With the improvements to the Farmers Market area, staff recommended allowing entertainment and other merchandise that is not considered farm or homemade products. Musicians will be allowed to sell their band merchandise and accept tips. The area will be available on a first come, first served basis but will allow for reservations, as well. The traffic patterns for the area were also updated per the

architectural renderings. Mayor Pro Tem Keith Clegg recommended extending times for entertainment to 10:00 a.m. to 10:00 p.m. Monday through Thursday and 10:00 a.m. to Midnight Friday and Saturday.

Councilmember Moore **moved to Suspend the Charter requirement of three readings**, seconded by Councilmember Gordon, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Dollar).

Councilmember Gordon **moved to Adopt the Ordinance with the extended times for entertainment**, seconded by Councilmember Clegg, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Dollar).

FIRST READING OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 5 BUILDINGS AND BUILDING REGULATIONS, ARTICLE VI ACTIVITIES UPON MOSS LAKE PROPERTIES; AMENDING SECTION 5-235 IMPROVEMENTS; AMENDING SECTION 5-236 CONSTRUCTION OF FIXED STRUCTURES; AMENDING SECTION 5-237 RESERVED.

FIRST READING OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 5 BUILDINGS AND BUILDING REGULATIONS, ARTICLE VI ACTIVITIES UPON MOSS LAKE PROPERTIES; AMENDING SECTION 5-235 IMPROVEMENTS; AMENDING SECTION 5-236 CONSTRUCTION OF FIXED STRUCTURES; AMENDING SECTION 5-237 RESERVED.

Council approved the first reading of an ordinance regarding dredging, the construction of docks, and construction in the flood, trash, and debris easement at Moss Lake. The ordinance would allow dredging as approved by the Corps of Engineers and the City, limits the maximum dock length to fifty feet, and allows construction in the City's flood, trash and debris easement so long as there is mitigation in the event of a flood. The changes would help residents of the lake, regulate construction, and protect the water quality. Council voted to table the ordinance to provide another instance for input from the public. Second reading consideration will take place at the December 18, 2018 meeting.

Councilmember Clegg **moved to Approve the First Reading of the Ordinance**, none seconded, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Dollar).

FIRST READING OF A RESOLUTION APPROVING REVISION OF THE CITY OF GAINESVILLE RATES FEE SCHEDULE FOR FISCAL YEAR 2018-2019 AND PROVIDING AN EFFECTIVE DATE.

FIRST READING OF A RESOLUTION APPROVING REVISION OF THE CITY OF GAINESVILLE RATES FEE SCHEDULE FOR FISCAL YEAR 2018-2019 AND PROVIDING AN EFFECTIVE DATE.

Council voted to table a resolution relating to amending the fee schedule for FY 2018-2019. The fees to be amended included the aforementioned Moss Lake dredging, construction, and developing in the flood, trash, and debris easement. Council voted to table the resolution to provide another instance for input from the public. Consideration will take place at the December 18, 2018 meeting.

Councilmember Clegg **moved to table the resolution**, none seconded, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Dollar).

FIRST READING OF A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION WHICH VOTED TO

APPROVE A SALES TAX REBATE AGREEMENT WITH SELECT ENERGY SERVICES, LLC.

FIRST READING OF A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION WHICH VOTED TO APPROVE A SALES TAX REBATE AGREEMENT WITH SELECT ENERGY SERVICES, LLC.

Council considered the Gainesville Economic Development Corporation's (GEDC) actions to provide a sales tax rebate to Select Energy Services. GEDC Director Arleene Loyd advised the rebate agreement mirrors the agreement recently approved by the City and the rebate is a benefit to the taxing entities.

Per state law, council takes no action on first reading. Second reading consideration will take place at the December 18, 2018 meeting.

FIRST READING OF A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION WHICH VOTED TO APPROVE A BUSINESS EXPANSION INCENTIVE TO TRIDENT PROCESS SYSTEMS, LLC.

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Council considered the GEDC's actions to provide a business expansion incentive to Trident Process Systems, LLC in the amount of \$35,000. GEDC Director Arleene Loyd explained that the grant is for infrastructure improvements and that Trident is expected to invest \$4 million and add around 50 jobs.

Per state law, council takes no action on first reading. Second reading consideration will take place at the December 18, 2018 meeting.

RESOLUTION 12-04-2018 C – AUTHORIZING THE CITY MANAGER TO EXECUTE A PUBLIC UTILITY EASEMENT AT THE GAINESVILLE MUNICIPAL AIRPORT.

FIRST READING OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PUBLIC UTILITY EASEMENT AT THE GAINESVILLE MUNICIPAL AIRPORT.

Council authorized the City Manager to execute a utility easement at the Gainesville Municipal Airport. With the recent development of multiple hangars at the airport, an easement is required for all utilities, including electric, gas, water, sewer, and internet and phone.

Councilmember Hendricks **moved to approve the resolution.** The motion was seconded by Councilmember Gordon and carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Dollar).

EXECUTIVE SESSION

At 7:05 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
- Under Government Code §551.072 Real Property
- Under Government Code §551.087 Economic Development

RECONVENE INTO OPEN SESSION

Council reconvened into open session at 7:43 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 7:43 p.m.
Respectfully submitted,

Caitlyn Huddleston, City Secretary

Jim Goldsworthy, Mayor