

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
December 18, 2018**

The City Council of the City of Gainesville, Texas met in regular session on December 18, 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, 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; Arlene Loyd, Gainesville Economic Development Corporation Director; Patrick McCage, Parks and Recreation Supervisor; Wayne Twiner, Fire Chief

OTHERS PRESENT: Rod Tyler, Mike Gordon, Dean Smith, Kenneth Bryant, Taylor Wallace, Stephen Wallace, 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

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

RECOGNITIONS AND PROCLAMATIONS

Employee of the Month, December 2018

Kenneth Bryant, Civic Center Building Technician, was awarded December 2018 for outstanding customer service. Kenneth consistently provides outstanding customer service to all external and internal customers. He always goes above and beyond his regular job duties to assist other City departments in whatever is asked of him. City Manager Barry Sullivan said Kenneth is an excellent example for all employees. Sullivan read and presented the recognition certificate to Bryant along with a certificate for an additional one day of vacation. Bryant was commended by City Council, as well.

CITIZEN COMMENTS

Arthur Green, 1005 Gladney St, Gainesville, Texas, gave the history of the property at 326 N Howeth, Gainesville, Texas. The property was owned by his mother, who had borrowed against the home for repairs and a lien existed against the home. Mr. Green did pay over \$7,000 for the lien to be released, in hopes of having a clear title so he could do a voluntary demolition as the home had been declared substandard. He does have a party interested in purchasing the lot, but will not make much, if any, profit once he has to pay the City's lien for the demolition of the property. Mr. Green request the City forgive the interest accrued on the lien and the principal.

CONSENT AGENDA

Council reviewed the Minutes of the regularly scheduled City Council Meeting of December 4, 2018 and approved them as written.

RESOLUTION 12-18-2018 – CANCELLING THE JANUARY 1, 2019 REGULAR CITY COUNCIL MEETING

Council voted to cancel the first regular city council meeting of January 2019 as it falls on the New Year's Day Holiday.

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

DISCUSSION ON O'NEAL STREET REHABILITATION PROJECT.

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Staff requested Council's direction on which of the proposed improvements for drainage to request construction bids on for the O'Neal Street Rehabilitation project. Council advised to raise the curbs in hopes to reduce erosion in yards.

PUBLIC HEARING ON AN ORDINANCE GRANTING A SPECIAL USE PERMIT (SUP) AS REQUESTED BY THOMAS AND PAULA MOORE TO OPERATE A SHORT TERM RENTAL (STR) AT THEIR PROPERTY LOCATED AT 309 SOUTH COMMERCE (PID#11199)

PUBLIC HEARING ON AN ORDINANCE GRANTING A SPECIAL USE PERMIT (SUP) AS REQUESTED BY THOMAS AND PAULA MOORE TO OPERATE A SHORT TERM RENTAL (STR) AT THEIR PROPERTY LOCATED AT 309 SOUTH COMMERCE (PID#11199); PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING.

Mayor Goldsworthy opened the public hearing at 6:41 p.m. and called for public comment on the special use permit.

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

Councilmember Clegg **moved to close the public hearing**, seconded by Councilmember Gordon, the motion carried by vote of 6 Ayes, 0 Nays, 1 Abstentions (Moore), 0 Absent.

ORDINANCE 1448-12-2018 – GRANTING A SPECIAL USE PERMIT (SUP) AS REQUESTED BY THOMAS AND PAULA MOORE TO OPERATE A SHORT TERM RENTAL (STR) AT THEIR PROPERTY LOCATED AT 309 SOUTH COMMERCE (PID#11199)

CONSIDERATION OF AND ACTION ON THE FIRST READING OF ON AN ORDINANCE GRANTING A SPECIAL USE PERMIT (SUP) AS REQUESTED BY THOMAS AND PAULA MOORE TO OPERATE A SHORT TERM RENTAL (STR) AT THEIR PROPERTY LOCATED AT 309 SOUTH COMMERCE (PID#11199); PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING.

Council granted a Special Use Permit for a Short Term Rental at 309 S Commerce, as requested by Thomas and Paula Moore. The Planning and Zoning Commission unanimously recommended awarding the permit. Special consideration for Short Term Rentals is given to zoning, number of bedrooms, and parking and the Moore's application meets the requirements. Short term rentals may be occupied no more than 180 days per year. Mayor Pro Tem Keith Clegg expressed his excitement to see the "Totally Texas Getaway" come to the downtown area and hoped it would be an economic boost.

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

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

RESOLUTION 12-18-2018 A – AWARDING BID NO. 2018-08 FOR FIRE STATION 3

CONSIDERATION OF AND ACTION ON A RESOLUTION AWARDING BID NO. 2018-08 FOR FIRE STATION 3

Council awarded Bid No. 2018-08 for construction of the new Fire Station 3 to Schmoldt Construction in an amount of \$2,170,000. Nine bids were received and Schmoldt was the lowest qualified bidder for the project. City Manager Barry Sullivan explained that consideration was given for lowest bid, experience in constructing other fire stations, and recommendations. Mayor Pro Tem Clegg noted that another bidder gave a much shorter timeframe for completion of the project, to which Sullivan explained that the days were “bought” and staff and the architect was not confident in the time given.

They are currently working on several projects in Gainesville for the city and school district.

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

ORDINANCE 1449-12-2018 – 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.

CONSIDERATION OF AND ACTION ON THE SECOND READING OF AN ORDINANCE AMENDING THE CITY OF GAINESVILLE 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; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.

Council adopted 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 the available volume in the area is not reduced. The changes would help residents of the lake, regulate construction, and protect the water quality. Council first considered the ordinance at their December 4, 2018 meeting, but wanted to allow the public another opportunity for input.

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 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 12-18-2018 B – APPROVING REVISION OF THE CITY OF GAINESVILLE RATES FEE SCHEDULE FOR FISCAL YEAR 2018-2019 AND PROVIDING AN EFFECTIVE DATE.

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

Council approved revisions to the FY 2018-2019 fee schedule to include costs to dredge, construct docks, and construct in the flood, trash, and debris easement at Moss Lake, per the previously adopted ordinance. The fees are \$250 for dredging activities and \$100 for developing in the flood, trash and debris easement.

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

RESOLUTION 12-18-2018 C – APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION WHICH VOTED TO APPROVE A SALES TAX REBATE AGREEMENT WITH SELECT ENERGY SERVICES, LLC.

CONSIDERATION OF AND ACTION ON 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 approved the Gainesville Economic Development Corporation's (GEDC) actions to provide a sales tax rebate to Select Energy Services. At the previous Council meeting, GEDC Director Arlene Loyd advised the rebate agreement mirrors the agreement recently approved by the City and the rebate is a benefit to the taxing entities.

Council first considered the resolution at their December 4, 2018 meeting.

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

RESOLUTION 12-18-2018 D – APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION WHICH VOTED TO APPROVE A BUSINESS EXPANSION INCENTIVE TO TRIDENT PROCESS SYSTEMS, LLC.

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION WHICH VOTED TO APPROVE A BUSINESS EXPANSION INCENTIVE TO TRIDENT PROCESS SYSTEMS, LLC.

Council approved the GEDC's actions to provide a business expansion incentive to Trident Process Systems, LLC in the amount of \$35,000. At the previous Council meeting, GEDC Director Arlene Loyd explained that the grant is for infrastructure improvements and that Trident is expected to invest \$4 million and add around 50 jobs. Because the improvements are to the infrastructure, the lots surrounding Trident will likely be easier to develop, as well.

Council first considered the resolution at their December 4, 2018 meeting.

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

EXECUTIVE SESSION

At 6:52 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 7:15 p.m. and Mayor Jim Goldsworthy announced no action was taken during executive session.

FIRST READING CONSIDERATION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT ON BEHALF OF THE CITY OF GAINESVILLE FOR PURCHASE OF REAL ESTATE PROPERTY AT THE NW CORNER OF FM 3092 AND O'NEAL STREET.

FIRST READING CONSIDERATION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT ON BEHALF OF THE CITY OF GAINESVILLE FOR PURCHASE OF REAL ESTATE PROPERTY AT THE NW CORNER OF FM 3092 AND O'NEAL STREET.

Council tabled allowing the City Manager to execute a contract for the purchase of real estate at the Northwest Corner of FM 3092 and O'Neal Street.

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

RESOLUTION 12-18-2018 E – AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES FOR INDIVIDUAL PROJECT ORDER NUMBER 2018 FOR SANITARY SEWER IMPROVEMENTS.

CONSIDERATION OF AND ACTION ON A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES FOR INDIVIDUAL PROJECT ORDER NUMBER 2018 FOR SANITARY SEWER IMPROVEMENTS.

Council authorized the City Manager to execute an engineering contract with Kimley-Horn and Associates for improvements at the Elm Fork of the Trinity River. The sewer crossing at the FM 51 bridge of Elm Fork of the Trinity River was damaged recently. Public Works employees have worked diligently to pump the closest manhole multiple times each day to avoid sewer leaking into the creek. Council voted to have engineering completed at a price of \$58,000.

Councilmember Moore **moved to table the resolution**, seconded by Councilmember Moore, the motion carried Keeler 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 7:23 p.m.
Respectfully submitted,

Caitlyn Huddleston, City Secretary

Jim Goldsworthy, Mayor