

**MINUTES  
CITY OF GAINESVILLE  
CITY COUNCIL MEETING  
200 South Rusk  
Gainesville, Texas 76240  
February 5, 2019**

The City Council of the City of Gainesville, Texas met in regular session on February 5, 2019 at 6:30 p.m. with the following persons in attendance.

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

**STAFF PRESENT:** Barry Sullivan, City Manager; Caitlyn Huddleston, City Secretary; Kevin Phillips, Chief of Police; J. I. Johnson, Finance Director; Arleene Loyd, Gainesville Economic Development Corporation Director

**OTHERS PRESENT:** Chris Garner, Mike Gordon, John Hare, Daniel Orr, Rod Tyler, Dean Smith, Megan Gray-Hatfield, Delania Raney, Jeff Johnson, Lauri Johnson, Tony Dresser (Videographer)

**CALL TO ORDER**

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

**INVOCATION & PLEDGE OF ALLEGIANCE**

John Hare gave the invocation. Mayor Jim Goldsworthy led the pledge to the flag.

**RECOGNITIONS AND PROCLAMATIONS**

**Employee of the Month, January 2019**

Police Sergeant Chris Garner was awarded the January 2019 Employee of the Month. Garner has been instrumental in the implementation and success of the department's physical readiness program. He attended a six-week training from the Texas Department of Public Safety Fitness institute in Austin, Texas. During that time he was physically and mentally tested in many aspects and he was tested and passed the American College of Sports Medicine (ACSM) exam earning a certification. He graduated from the institute on November 2, 2018, receiving a Diploma from the Advanced Physical Fitness and Readiness Assessment Instructor Program. These are amazing accomplishments and Sergeant Garner continues to be dedicated in helping with the department's goals in educating its staff in physical fitness and nutrition. City Manager Barry Sullivan read and presented the recognition certificate to Garner along with a certificate for an additional one day of vacation.

**CONSENT AGENDA**

Council reviewed the Minutes of the regularly scheduled City Council Meeting of January 15, 2019 and approved them as written.

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.

**RESOLUTION 02-05-2019 – CALLING FOR THE GENERAL MUNICIPAL ELECTION TO BE HELD BY THE CITY OF GAINESVILLE, TEXAS ON MAY 4, 2019;**

**PROVIDING FOR THE GENERAL ELECTION OF COUNCIL PERSONS FOR WARD 1, WARD 2, WARD 4 AND MAYOR; ADOPTING A VOTING SYSTEM AS APPROVED BY SECRETARY OF STATE; AND DESIGNATING POLLING LOCATIONS FOR EARLY VOTING AND ELECTION DAY.**

CONSIDERATION OF AND ACTION ON A RESOLUTION CALLING FOR THE GENERAL MUNICIPAL ELECTION TO BE HELD BY THE CITY OF GAINESVILLE, TEXAS ON MAY 4, 2019; PROVIDING FOR THE GENERAL ELECTION OF COUNCIL PERSONS FOR WARD 1, WARD 2, WARD 4 AND MAYOR; ADOPTING A VOTING SYSTEM AS APPROVED BY SECRETARY OF STATE; AND DESIGNATING POLLING LOCATIONS FOR EARLY VOTING AND ELECTION DAY.

Council approved a resolution calling the 2019 General Election of officers for Saturday, May 4, 2019 to elect council positions in the General Election for Wards 1, 2, and 4, and Mayor. The resolution also designates the polling location for Early Voting at City Hall from April 22 through April 30, 2019, and the polling place for voting on Election Day at the Civic Center. As required by law, two days were designated for extended hours during early voting. The period for a candidate to apply for a place on the ballot is from January 16 through February 15, 2019.

Councilmember Gordon **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 A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION TO AMEND GAINESVILLE NORTHTOWN PLAZA, LLC'S LIBERTY CROSSING REDEVELOPMENT PROJECT.**

CONSIDERATION OF THE FIRST READING ON A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION TO AMEND GAINESVILLE NORTHTOWN PLAZA, LLC'S LIBERTY CROSSING REDEVELOPMENT PROJECT.

Council considered the first reading of a resolution to amend the incentive agreement with Northtown Plaza, Liberty Crossing. The \$1 million in incentive payments for infrastructure work to the facility were to be paid over 5 years. The Gainesville Economic Development Corporation board voted at their January meeting to expedite the final payment – at this time, the GEDC has enough cash on hand to pay out the agreement without jeopardizing future projects.

GEDC Director Arlene Loyd spoke about the progress at the venue and the tourist attraction that it has become. She added that the entertainment center in the former food court is under construction and should be completed by April.

(Per State law, Council takes no action on first reading. Second reading will be held February 19, 2019.)

**RESOLUTION 02-05-2019 A – 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 voted to amend the current fee schedule to include updated fees for the improved Farmers Market: \$250 per year for food truck space rental and \$100 per year per space for vendors soliciting at the pavilion. Food truck spaces will include water and electricity. Staff will work on

creating policies for cleanliness of spaces, occupancy requirements and when the City can rent their space to another vendor if they are not present. The improvements are expected to be completed in spring 2019.

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.

### **EXECUTIVE SESSION**

At 6:37 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 §551.072 Real Property

Under Government Code §551.087 Economic Development

### **RECONVENE INTO OPEN SESSION**

Council reconvened into open session at 6:55 p.m. and Mayor Jim Goldsworthy announced no action was taken during executive session.

### **RESOLUTION 02-05-2019 B – AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR THE SALE OF 0.012 ACRES OF REAL ESTATE PROPERTY ALONG THE 1100 BLOCK OF TRUELOVE.**

CONSIDERATION OF AND ACTION ON A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR THE SALE OF 0.012 ACRES OF REAL ESTATE PROPERTY ALONG THE 1100 BLOCK OF TRUELOVE.

Council approved the sale of 0.012 acres at 417 S Grand Ave, where the swimming pool is encroaching the public utility right of way. Local Government Code Chapter 272(b)(1) allows municipalities to sell narrow strips of land that cannot be used independently to be sold to adjoining property owners. Because electric utilities exist in the right of way, the City cannot abandon the property. The City is willing to sell the approximately 0.012 acres of city right of way along Truelove Street while maintaining a public utility easement for the property for \$5,000, which is not less than the fair market value, per an appraisal.

Council was concerned a precedent would be set for others to construct in City rights of way and then request to pay the appraised value for small pieces of land.

Property owner Lauri Johnson addressed council regarding the price. Mrs. Johnson advised she works for the nation's largest commercial appraisal firm and has not seen a markup of ten times (the appraised value of the land is \$600), but she could understand a markup of five times the appraised value. Mrs. Johnson added that her and her husband, Jeff, have invested in the community by renovating homes to sell – she said they have renovated six homes in eight months in Gainesville – and considers them partners with the City. Mayor Goldsworthy clarified that Council appreciates their investment, but confirmed that the investments were for profit and proceeds from the sale of their properties did not go to charity. Goldsworthy further asked Mrs. Johnson to consider “ten times what” when it came to the final amount the City will sell land for. “It’s not ten times \$10,000. It’s ten times \$500,” he said.

Mayor Pro Tem Keith Clegg did speak concerning title insurance and why a policy was not used in the purchase of the home, as Mrs. Johnson stated five loans had been issued at the home since the pool was installed. Johnson advised the home was purchased with cash after a foreclosure and that they would not pay the additional cost for title insurance as they had purchased six properties in a fairly short time period. Clegg also added that the appraised value is \$600, so the City's offer of

\$5,000 was a markup of 8.3 times the value, not ten. Mrs. Johnson concluded by stating that she and her husband were interested in two other properties in the City, but would no longer be proceeding with those investments.

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.

**ADJOURN**

With no further business to come before the City Council, the meeting was adjourned at 7:04 p.m. Respectfully submitted,

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**Caitlyn Huddleston, City Secretary**

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**Jim Goldsworthy, Mayor**