

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
April 16, 2019**

The City Council of the City of Gainesville, Texas met in regular session on April 16, 2019 at 6:30 p.m. with the following persons in attendance.

MEMBERS PRESENT: Mayor Jim Goldsworthy, Mayor Pro Tem 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 Executive Director; Calvin Manuel, Community Development Director; Ron Sellman, Public Works Director

OTHERS PRESENT: Mike Gordon, Paula Moore, Susan Price, James Price, Connie Lancaster, John Lancaster, Ben Hawkins, Darrell McIntyre, Dean Smith, Joy Stateson, Adam Stateson, Rod Tyler, Ellen Sackett, Megan Gray-Hatfield, Delania Raney, Tony Dresser (videographer)

CALL TO ORDER

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

INVOCATION & PLEDGE OF ALLEGIANCE

Darrell McIntyre, Westminster Presbyterian 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 April 2, 2019 and approved them as written.

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

RESOLUTION 04-16-2019 – DENYING THE DISTRIBUTION COST RECOVERY FACTOR APPLICATION PROPOSED BY ONCOR.

CONSIDERATION OF AND ACTION ON A RESOLUTION DENYING THE DISTRIBUTION COST RECOVERY FACTOR APPLICATION PROPOSED BY ONCOR.

On April 8, 2019, Oncor Electric Delivery Company LLC (“Oncor” or “Company”) filed an Application for Approval to Amend its Distribution Cost Recovery Factor (“DCRF”) in Public Utility Commission of Texas (“Commission”) Docket No. 49427. In the filing, the Company is seeking an increase in distribution revenues of \$29,433,804. This is Oncor’s second DCRF filing under a law adopted in 2011 allowing electric utilities to file limited issue, limited review cases.

OCSC has engaged the services of a consultant, Mr. Karl Nalepa, to review the Company's filing. Mr. Nalepa will review the filing and identify adjustments that should be made to the Company's request. We are recommending that cities retaining original jurisdiction deny the requested relief.

The Commission's rules allow cities 60 days to act on this application. That deadline is June 7, 2019. Council approved a resolution denying the rate factor and it will be forwarded to the appropriate parties.

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

RESOLUTION 04-16-2019 A – AWARDING BID NO. 2018-06 FOR O'NEAL STREET IMPROVEMENTS.

CONSIDERATION OF AND ACTION ON A RESOLUTION AWARDING BID NO. 2018-06 FOR O'NEAL STREET IMPROVEMENTS.

Council awarded Bid No. 2018-06 for O'Neal Street Rehabilitation to Jagoe Public Co. Jagoe was the lowest qualified bidder for the project, submitting a bid amount of \$392,573.76.

The project consists of 4,800 LF of asphalt mill and overlay with limited full-depth trench repair on an existing water line and curb replacement and other incidental improvements.

Kimley-Horn and Associates reviewed the bids submitted and recommend that the bid be awarded to Jagoe-Public Co. This project is a result of the presentation by Kimley-Horn at the December 4, 2018 meeting and Council's direction to Staff at the December 18, 2018 meeting.

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

RESOLUTION 04-16-2019 B – REPEAL AWARDING BID NO. 2019-01 TO MIDWEST DOZER FOR THE DEMOLITION OF THE FORMER BOYS AND GIRLS CLUB FACILITY, AND AWARD BID NO. 2019-01.

CONSIDERATION OF AND ACTION ON A RESOLUTION TO REPEAL AWARDING BID NO. 2019-01 TO MIDWEST DOZER FOR THE DEMOLITION OF THE FORMER BOYS AND GIRLS CLUB FACILITY, AND AWARD BID NO. 2019-01.

Council repealed the award of Bid No. 2019-01 for the demolition of the formers Boys and Girls Club facility, located at 315 W Hird, to Midwest Dozer. Council awarded the bid at their March 19, 2019 meeting. Eight bids were received in total and Midwest Dozer was the lowest bidder. Midwest Dozer was unable to complete the requirements of the contract. Staff recommended repealing awarding the bid to Midwest Dozer and awarding the bid to the next lowest, qualified bidder, Midwest Wrecking Co. (A lower bid was received by Mike Jones Trucking, but they advised they would not be able to complete the project due to scheduling conflicts.)

Staff will work with Midwest Wrecking Co. to confirm liability coverage and obtain a performance bond.

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

PUBLIC HEARING ON AN ORDINANCE GRANTING A SPECIAL USE PERMIT (SUP) AS REQUESTED BY JOHN AND CONNIE LANCASTER TO OPERATE A SHORT

TERM RENTAL (STR) AT THEIR PROPERTY LOCATED AT 1306 EAST CALIFORNIA STREET (PID# 20397).

PUBLIC HEARING ON AN ORDINANCE AN ORDINANCE GRANTING A SPECIAL USE PERMIT (SUP) AS REQUESTED BY JOHN AND CONNIE LANCASTER TO OPERATE A SHORT TERM RENTAL (STR) AT THEIR PROPERTY LOCATED AT 1306 EAST CALIFORNIA STREET (PID# 20397); PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING. Mayor Goldsworthy opened the public hearing at 6:36 p.m. and called for public comment on the Short Term Rental.

No one came forward to speak either for or against the Short Term Rental. The public hearing was closed at 6:36 p.m.

Councilmember Keeler **moved to close the public hearing**, seconded by Councilmember Dollar, the motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

ORDINANCE 1454-04-2019 – GRANTING A SPECIAL USE PERMIT (SUP) AS REQUESTED BY JOHN AND CONNIE LANCASTER TO OPERATE A SHORT TERM RENTAL (STR) AT THEIR PROPERTY LOCATED AT 1306 EAST CALIFORNIA STREET (PID# 20397).

CONSIDERATION OF AND ACTION ON THE FIRST READING OF AN ORDINANCE GRANTING A SPECIAL USE PERMIT (SUP) AS REQUESTED BY JOHN AND CONNIE LANCASTER TO OPERATE A SHORT TERM RENTAL (STR) AT THEIR PROPERTY LOCATED AT 1306 EAST CALIFORNIA STREET (PID# 20397); PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING.

Council granted a Special Use Permit to John and Connie Lancaster to operate a Short-Term Rental at their property located at 1306 East California Street. The rental will be occupied by the owner's and previously had a permit for operation of a bed and breakfast but the ownership changed, resulting in the need for a new permit to be issued. The property at 1306 East California has adequate on-site and off-site parking.

The Planning and Zoning Commission held a public hearing at their April 9, 2019 meeting and unanimously recommended approving the operation of the short term rental.

Councilmember Gordon **moved to Suspend the Charter requirement of three readings**, seconded by Councilmember Hendricks, 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.

PUBLIC HEARING ON AN ORDINANCE AMENDING ORDINANCE 1219-12-2008; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE REZONE FROM OUTDOOR COMMERCIAL (C-3) ZONING AND SINGLE-FAMILY TWO DISTRICT (SF-2) ZONING TO INDUSTRIAL DISTRICT (I) ZONING FOR 8.626 ACRES OF LAND ON COUNTY ROAD 451 (PID# 160474), AS REQUESTED BY H&N VENTURES, LLC.

PUBLIC HEARING ON AN ORDINANCE AMENDING ORDINANCE 1219-12-2008; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE

REZONE FROM OUTDOOR COMMERCIAL (C-3) ZONING AND SINGLE-FAMILY TWO DISTRICT (SF-2) ZONING TO INDUSTRIAL DISTRICT (I) ZONING FOR 8.626 ACRES OF LAND ON CR 451 (PID#160474), AS REQUESTED BY H&N VENTURES, LLC; PROVIDING FOR AN AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF GAINESVILLE; PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING.

Mayor Goldsworthy opened the public hearing at 6:39 p.m. and called for public comment on the rezoning.

Rod Tyler approached council and questioned what the development would be and why it would not be located in the Gateway Industrial Park. City Manager Barry Sullivan explained that the City Council would consider the best of land for the rezoning. Mayor Goldsworthy advised the owners intend to develop storage units at the site. Tyler was also under the impression the land in question was located on FM 1202 – Mayor Goldsworthy advised that was not the case and the property, per the agenda, is on FM 451, just east of the Cooke County Jail.

The public hearing was closed at 6:40 p.m.

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

ORDINANCE 1455-04-2019 – AMENDING ORDINANCE 1219-12-2008; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE REZONE FROM OUTDOOR COMMERCIAL (C-3) ZONING AND SINGLE-FAMILY TWO DISTRICT (SF-2) ZONING TO INDUSTRIAL DISTRICT (I) ZONING FOR 8.626 ACRES OF LAND ON COUNTY ROAD 451 (PID# 160474), AS REQUESTED BY H&N VENTURES, LLC.

CONSIDERATION OF AND ACTION ON THE FIRST READING OF AN ORDINANCE AMENDING ORDINANCE 1219-12-2008; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE REZONE FROM OUTDOOR COMMERCIAL (C-3) ZONING AND SINGLE-FAMILY TWO DISTRICT (SF-2) ZONING TO INDUSTRIAL DISTRICT (I) ZONING FOR 8.626 ACRES OF LAND ON CR 451 (PID#160474), AS REQUESTED BY H&N VENTURES, LLC; PROVIDING FOR AN AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF GAINESVILLE; PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING.

Council approved the rezoning of 8.626 acres of land on County Road 451. H&N Ventures has requested to change the zoning of their land from Outdoor Commercial (C-3) and Single-Family Two District (SF-2) zoning to Industrial District (I) zoning.

H&N Ventures is requesting this zoning change in order to develop a boat/RV storage facility and is seeking Industrial Zoning due to the construction requirements. Community Development Director Calvin Manuel explained that Industrial Zoning does not allow for manufacturing or industrial uses that produce foul odors. Further, given the proximity to the jail, staff does not believe residential development would occur on the property and recommends approval for the rezoning.

The Planning and Zoning Commission held a public hearing at their April 9, 2019 meeting and unanimously recommended approving the rezoning of the property.

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

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

PUBLIC HEARING ON AN ORDINANCE AMENDING ORDINANCE 1219-12-2008; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE REZONE FROM SINGLE FAMILY TWO DISTRICT (SF-2) ZONING TO MODERATE DENSITY MULTIFAMILY RESIDENTIAL DISTRICT (MF-1) ZONING OF 6.88 ACRES SOUTH OF CR 451 AND WEST OF FLORAL DRIVE (PID#160474), AS REQUESTED BY H&N VENTURES, LLC.

PUBLIC HEARING ON AN ORDINANCE AMENDING ORDINANCE 1219-12-2008; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE REZONE FROM SINGLE FAMILY TWO DISTRICT (SF-2) ZONING TO MODERATE DENSITY MULTIFAMILY RESIDENTIAL DISTRICT (MF-1) ZONING OF 6.88 ACRES SOUTH OF CR 451 AND WEST OF FLORAL DRIVE (PID#160474), AS REQUESTED BY H&N VENTURES, LLC.; PROVIDING FOR AN AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF GAINESVILLE; PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING. Mayor Goldsworthy opened the public hearing at 6:43 p.m. and called for public comment on the rezoning.

No one came forward to speak either for or against the ordinance. The public hearing was closed at 6:43p.m.

Councilmember Dollar **moved to close the public hearing**, seconded by Councilmember Keeler, the motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

ORDINANCE 1456-04-2019 – AMENDING ORDINANCE 1219-12-2008; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE REZONE FROM SINGLE FAMILY TWO DISTRICT (SF-2) ZONING TO MODERATE DENSITY MULTIFAMILY RESIDENTIAL DISTRICT (MF-1) ZONING OF 6.88 ACRES SOUTH OF COUNTY ROAD 451 AND WEST OF FLORAL DRIVE (PID# 160474), AS REQUESTED BY &N VENTURES, LLC.

CONSIDERATION OF AND ACTION ON THE FIRST READING AN ORDINANCE AMENDING ORDINANCE 1219-12-2008; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE REZONE FROM SINGLE FAMILY TWO DISTRICT (SF-2) ZONING TO MODERATE DENSITY MULTIFAMILY RESIDENTIAL DISTRICT (MF-1) ZONING OF 6.88 ACRES SOUTH OF CR 451 AND WEST OF FLORAL DRIVE (PID#160474), AS REQUESTED BY H&N VENTURES, LLC.; PROVIDING FOR AN AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF GAINESVILLE; PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING.

Council approved the rezoning of 6.88 acres of land south of County Road 451 and west of Floral Drive. H&N Ventures have requested to change the zoning of their land from Single-Family Two District (SF-2) zoning to Moderate Density Multifamily Residential District (MF-1) zoning.

H&N Ventures is requesting this zoning change in order to plan a duplex development. They are projecting to develop a Cul-de-sac off of Poinsettia/Old Sivells Bend and Floral to accommodate six to seven duplexes. Community Development Director Calvin Manuel advised this property is immediately south of the property Council approved for rezoning in the previous ordinance. The proposed zoning of Moderate Density Multifamily Residential is more similar to the surrounding Single-Family Two zoning than the Industrial zoning just approved. City Manager Barry Sullivan reiterated that the MF-1 designation is a good barrier between the Industrial and SF-2 zonings.

The Planning and Zoning Commission held a public hearing at their April 9, 2019 meeting and unanimously recommended approving the rezoning of the property.

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

Councilmember Dollar **moved to Adopt the Ordinance**, seconded by Councilmember Moore, 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 6:46 p.m.
Respectfully submitted,

Caitlyn Huddleston, City Secretary

Jim Goldsworthy, Mayor