

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
WebEx Web Meeting
Gainesville, Texas
April 21, 2020**

The City Council of the City of Gainesville, Texas met in regular session on April 21, 2020 at 6:30 p.m. with the following persons attending the virtual meeting.

MEMBERS PRESENT: Mayor Jim Goldsworthy, Mayor Pro Tem Tommy Moore Carolyn Hendricks, Ken Keeler, Brandon Eberhart, Keith Clegg, Mary Jo Dollar

MEMBERS ABSENT: None

STAFF PRESENT: Barry Sullivan, City Manager; Belvin Harris, City Attorney; Kevin Phillips, Chief of Police; Wayne Twiner, Fire Chief; J.I. Johnson, Finance Director; Calvin Manuel, Community Development Director; Diana Alcala, City Secretary

OTHERS PRESENT: Megan Gray-Hatfield

CALL TO ORDER

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

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Jim Goldsworthy gave the Invocation and led the pledge to the flag.

CONSENT AGENDA

Council reviewed the Minutes of the regularly scheduled City Council Meeting on April 7, 2020 and approved them as written.

Councilmember Keeler **moved to approve the Consent Agenda.** The motion was seconded by Councilmember Clegg and carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

RESOLUTION NO. 04-21-2020 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TX, AUTHORIZING THE CITY MANAGER TO APPROVE AN AGRICULTURE GROUND LEASE WITH LARRY BRANDON FOR PROPERTY REGARDING HAY CROP PRODUCTION AT THE GAINESVILLE MUNICIPAL AIRPORT.

CONSIDERATION OF AND ACTION ON A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TX, AUTHORIZING THE CITY MANAGER TO APPROVE AN AGRICULTURE GROUND LEASE WITH LARRY BRANDON FOR PROPERTY REGARDING HAY CROP PRODUCTION AT THE GAINESVILLE MUNICIPAL AIRPORT. Approved a resolution of the City Council of the City of Gainesville, TX, authorizing the City Manager to approve an Agriculture Ground Lease with Larry Brandon for property regarding hay crop production at the Gainesville Municipal Airport for 35% of the value of the hay yield.

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

RESOLUTION NO. 04-21-2020A - A RESOLUTION OF THE CITY OF GAINESVILLE, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH ONCOR CITIES STEERING COMMITTEE; AUTHORIZING THE HIRING OF LEGAL COUNSEL AND CONSULTING SERVICES; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

CONSIDERATION OF AND ACTION ON A RESOLUTION OF THE CITY OF GAINESVILLE, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH ONCOR CITIES STEERING COMMITTEE; AUTHORIZING THE HIRING OF LEGAL COUNSEL AND CONSULTING SERVICES; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

Approved a resolution of the City of Gainesville, Texas finding that Oncor Electric Delivery Company LLC's application for approval to amend its distribution cost recovery factor to increase distribution rates within the City should be denied.

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

RESOLUTION NO. 04-21-2020 B- A RESOLUTION OF THE CITY OF GAINESVILLE, TEXAS AUTHORIZING THE CITY MANAGER TO SIGN GRANT TERMS AND CONDITIONS WITH THE TEXAS DIVISION OF EMERGENCY MANAGEMENT FOR THE COVID-19 PANDEMIC.

CONSIDERATION AND ACTION ON A RESOLUTION OF THE CITY OF GAINESVILLE, TEXAS AUTHORIZING THE CITY MANAGER TO SIGN GRANT TERMS AND CONDITIONS WITH THE TEXAS DIVISION OF EMERGENCY MANAGEMENT FOR THE COVID-19 PANDEMIC.

Approved a resolution of the City Council of the City of Gainesville, Texas, authorizing the City Manager to sign Grant Terms and Conditions with the Texas Division of Emergency Management for the COVID-19 Pandemic.

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

RESOLUTION NO. 04-21-2020 C- A RESOLUTION OF THE CITY OF GAINESVILLE, TEXAS AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING BETWEEN CITY OF GAINESVILLE AND COOKE COUNTY FOR THE USE OF IPAWS.

CONSIDERATION AND ACTION ON A RESOLUTION OF THE CITY OF GAINESVILLE, TEXAS AUTHORIZING THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING BETWEEN CITY OF GAINESVILLE AND COOKE COUNTY FOR THE USE OF IPAWS.

Approved a resolution of the City of Gainesville, Texas, authorizing the City Manager to sign a Memorandum of Understanding between the City of Gainesville and Cooke County for the use of IPAWS.

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

PUBLIC HEARING ON AN ORDINANCE AMENDING APPENDIX A: ZONING, ARTICLE II. NONCONFORMING LOTS, STRUCTURES, AND USES. SECTION 2.1. PROVISIONS REGULATING NONCONFORMING USE, SUBSECTION 2.1.02 [NONCONFORMING USES REGULATED.] OF THE CITY OF GAINESVILLE CODE OF ORDINANCES TO PROVIDE AN EXCEPTION FOR SINGLE FAMILY RESIDENTIAL USES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A CONFLICT RESOLUTION CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.

PUBLIC HEARING ON AN ORDINANCE AMENDING APPENDIX A: ZONING, ARTICLE II. NONCONFORMING LOTS, STRUCTURES, AND USES. SECTION 2.1. PROVISIONS REGULATING NONCONFORMING USE, SUBSECTION 2.1.02 [NONCONFORMING USES REGULATED.] OF THE CITY OF GAINESVILLE CODE OF ORDINANCES TO PROVIDE AN EXCEPTION FOR SINGLE FAMILY RESIDENTIAL USES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A CONFLICT RESOLUTION CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.

Mayor Jim Goldsworthy opened the public hearing at 6:48 p.m. and called for public comment on the amendment.

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

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

The public hearing was closed at 6:48 p.m.

ORDINANCE 1474-04-2020 - AN ORDINANCE AMENDING APPENDIX A: ZONING, ARTICLE II. NONCONFORMING LOTS, STRUCTURES, AND USES. SECTION 2.1. PROVISIONS REGULATING NONCONFORMING USE, SUBSECTION 2.1.02 [NONCONFORMING USES REGULATED.] OF THE CITY OF GAINESVILLE CODE OF ORDINANCES TO PROVIDE AN EXCEPTION FOR SINGLE FAMILY RESIDENTIAL USES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A CONFLICT RESOLUTION CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.

CONSIDERATION AND ACTION ON AN ORDINANCE AMENDING APPENDIX A: ZONING, ARTICLE II. NONCONFORMING LOTS, STRUCTURES, AND USES. SECTION

2.1. PROVISIONS REGULATING NONCONFORMING USE, SUBSECTION 2.1.02 [NONCONFORMING USES REGULATED.] OF THE CITY OF GAINESVILLE CODE OF ORDINANCES TO PROVIDE AN EXCEPTION FOR SINGLE FAMILY RESIDENTIAL USES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A CONFLICT RESOLUTION CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.

Approved the adoption of an Ordinance amending Appendix A: Zoning, Article II. Nonconforming lots, structures, and uses. Section 2.1. Provisions regulating nonconforming use, subsection 2.1.02 [nonconforming uses regulated.] of the City of Gainesville Code of Ordinances to provide an exception for single-family residential uses. This will allow houses that are legal non-conforming to be expanded and improved even though they are not located in the proper zone.

Councilmember Clegg **moved to suspend the Charter requirement of three readings.** The motion was seconded by Councilmember Keeler and carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

Councilmember Clegg **moved to adopt the Ordinance.** The motion was seconded by Councilmember Moore and carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

PUBLIC HEARING ON AN ORDINANCE AMENDING APPENDIX A: ZONING, ARTICLE III USE OF LAND OR PREMISES, SECTION 3.4 ACCESSORY USES AND STRUCTURES OF THE CITY OF GAINESVILLE CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A CONFLICT RESOLUTION CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.

PUBLIC HEARING ON AN ORDINANCE AMENDING APPENDIX A: ZONING, ARTICLE III USE OF LAND OR PREMISES, SECTION 3.4 ACCESSORY USES AND STRUCTURES OF THE CITY OF GAINESVILLE CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A CONFLICT RESOLUTION CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.

Mayor Jim Goldsworthy opened the public hearing at 6:54 p.m. and called for public comment on the amendment.

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

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

The public hearing was closed at 6:54 p.m.

ORDINANCE 1475-04-2020 - AN ORDINANCE AMENDING APPENDIX A: ZONING, ARTICLE III USE OF LAND OR PREMISES, SECTION 3.4 ACCESSORY USES AND STRUCTURES OF THE CITY OF GAINESVILLE CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A CONFLICT RESOLUTION CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.

CONSIDERATION AND ACTION ON AN ORDINANCE AMENDING APPENDIX A: ZONING, ARTICLE III USE OF LAND OR PREMISES, SECTION 3.4 ACCESSORY USES AND STRUCTURES OF THE CITY OF GAINESVILLE CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A CONFLICT RESOLUTION CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.

Approved the adoption of an Ordinance amending Appendix A: Zoning, Article III Use of Land or Premises, Section 3.4 Accessory uses and Structure of the City of Gainesville Code of Ordinances. This Ordinance brings city code into compliance with state law which recently changed. This will allow the use of any materials approved by the building codes that have been adopted by the City.

Councilmember Keeler **moved to suspend the Charter requirement of three readings.** The motion was seconded by Councilmember Clegg and carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

Councilmember Keeler **moved to adopt the Ordinance.** The motion was seconded by Councilmember Eberhart and 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 6:57 p.m.

Respectfully submitted,

Diana Alcala, City Secretary
Mayor

Jim Goldsworthy,

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