

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
December 6, 2016**

The City Council of the City of Gainesville, Texas met in regular session on December 6, 2016 at 6:30 p.m. with the following persons in attendance.

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

MEMBERS ABSENT: Tommy Moore

STAFF PRESENT: Barry Sullivan, City Manager; Caitlyn Huddleston, City Secretary; Bill Harris, City Attorney; Jonathan Frith, Police Captain; Karen Dixon, Controller; Julie Smith, Community Services Director; Arleene Loyd, GEDC Director; Jason Botcher, Fire Marshal; Jo Ann Mendez, Executive Secretary

OTHERS PRESENT: Mike Doughty, Megan Gray-Hatfield, Nikki King, Darrin Allred, Mike Gordon, Officer Mark Linnell, Mike Doughty, Rod Tyler, Lloyd Reiter, Jim Robertson, James Moss, Shelley Ritchey, Joe McElreath, Judi McElreath, Javier Bustar, 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 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 15, 2016 and approved them as written.

RESOLUTION 12-06-2016 A - APPROVING APPOINTMENTS TO THE GAINESVILLE MAIN STREET ADVISORY BOARD.

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING APPOINTMENTS TO THE GAINESVILLE MAIN STREET ADVISORY BOARD.

Council reappointed Lucy Sutton, Jennifer Fuller, and Donna Hertel to the Gainesville Main Street Board to terms expiring December 2019.

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

RESOLUTION 12-06-2016 B - AMENDING GUIDELINES AND CRITERIA FOR GRANTING TAX ABATEMENT IN A REINVESTMENT ZONE CREATED WITHIN THE CITY OF GAINESVILLE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETING FINDING.

CONSIDERATION OF FIRST READING OF A RESOLUTION AMENDING GUIDELINES AND CRITERIA FOR GRANTING TAX ABATEMENT IN A REINVESTMENT ZONE CREATED WITHIN THE CITY OF GAINESVILLE; PROVIDING A SEVERABILITY

CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETING FINDING.

Council approved amending guidelines and criteria for granting tax abatement in a reinvestment zone in the City of Gainesville. Current guidelines expire February 2017. Changes included the amount of the abatement based on value and payments in lieu of taxes.

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

RESOLUTION 12-06-2016 C - MAKING FINDINGS AND APPROVING AN AGREEMENT BY AND BETWEEN THE CITY OF GAINESVILLE, TEXAS, AND FIRST STATE BANK; PROVIDING FOR AD VALOREM TAX ABATEMENT FOR SAID BUSINESS WITHIN THE ENTERPRISE ZONE OF THE CITY OF GAINESVILLE, TEXAS; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT FOR AND ON BEHALF OF THE CITY, FOR THE CONSIDERATION AND ON THE TERMS AND CONDITIONS STATED THEREIN.

CONSIDERATION OF FIRST READING OF A RESOLUTION MAKING FINDINGS AND APPROVING AN AGREEMENT BY AND BETWEEN THE CITY OF GAINESVILLE, TEXAS, AND FIRST STATE BANK; PROVIDING FOR AD VALOREM TAX ABATEMENT FOR SAID BUSINESS WITHIN THE ENTERPRISE ZONE OF THE CITY OF GAINESVILLE, TEXAS; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT FOR AND ON BEHALF OF THE CITY, FOR THE CONSIDERATION AND ON THE TERMS AND CONDITIONS STATED THEREIN.

Council approved a tax abatement agreement between the City of Gainesville and First State Bank in the Enterprise Zone, as established by the Governor's office. City Manager Barry Sullivan said the tax abatement agreement allows a 90% exemption from taxation for a period of ten (10) years. First State Bank plans to build a new 5-story headquarter facility at the northeast corner of Hwy 82 and I-35. Construction is expected to be complete by January 2018, when the abatement would go into effect.

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

RESOLUTION 12-06-2016 D - AUTHORIZING THE CITY MANAGER OF THE CITY OF GAINESVILLE, TEXAS TO ENTER INTO A CONTRACT FOR THE COLLECTION OF DELINQUENT TAXES; PROVIDING FOR COMPENSATION FOR SERVICES REQUIRED THEREUNDER; PROVIDING FOR A CONTRACT PERIOD AND OTHER TERMS AND CONDITIONS CONTAINED THEREIN.

CONSIDERATION OF FIRST READING OF A RESOLUTION AUTHORIZING THE CITY MANAGER OF THE CITY OF GAINESVILLE, TEXAS TO ENTER INTO A CONTRACT FOR THE COLLECTION OF DELINQUENT TAXES; PROVIDING FOR COMPENSATION FOR SERVICES REQUIRED THEREUNDER; PROVIDING FOR A CONTRACT PERIOD AND OTHER TERMS AND CONDITIONS CONTAINED THEREIN.

A three-year contract (January 1, 2017 – December 31, 2019) was approved with Robertson and Moss Attorneys, LLP to provide delinquent tax collection services for the City. The current contract expires December 31, 2016. City Manager Sullivan said Robertson works well with the City and does a good job in collection of back taxes, working out pay agreements with property owners, and in placing properties on Sheriff Sales in order to get the properties back onto the tax rolls.

Robertson's compensation is paid by the taxpayer based on the amount collected and paid to the Appraisal District.

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

PUBLIC HEARING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE AUTHORIZING THE CITY TO CREATE AN OVERLAY ZONE BOUNDED BY OLD SIVELLS BEND ROAD ON THE NORTH; SCOTT STREET ON THE SOUTH; REFINERY ROAD, BREWER LANE AND FIELD STREET ON THE EAST; AND TRACY STREET, ENDERBY DRIVE, AND THE CITY LIMITS ON THE WEST; TO PERMIT BUILDINGS IN THE OVERLAY ZONE TO BE 130 FEET TALL AND REQUIRE COUNCIL APPROVAL FOR ANY BUILDINGS HIGHER PRIOR TO CONSTRUCTION.

PUBLIC HEARING ON AN ORDINANCE AMENDING ORDINANCE 1219-12-2008; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE CITY TO CREATE AN OVERLAY ZONE BOUNDED BY OLD SIVELLS BEND ROAD ON THE NORTH; SCOTT STREET ON THE SOUTH; REFINERY ROAD, BREWER LANE AND FIELD STREET ON THE EAST; AND TRACY STREET, ENDERBY DRIVE, AND THE CITY LIMITS ON THE WEST; TO PERMIT BUILDINGS IN THE OVERLAY ZONE TO BE 130 FEET TALL AND REQUIRE COUNCIL APPROVAL FOR ANY BUILDINGS HIGHER PRIOR TO CONSTRUCTION.

Mayor Jim Goldsworthy opened the Public Hearing at 6:39 p.m. and called for public comment on the proposed overlay district. No one came forward to speak in support or opposition of the ordinance.

With no further discussion, Councilmember Hendricks moved to close the Public Hearing, with second by Councilmember Dollar, and the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Moore).

The Public Hearing was closed at 6:40 p.m.

ORDINANCE 1400-12-2016 – AMENDING ORDINANCE 1219-12-2008; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE CITY TO CREATE AN OVERLAY ZONE BOUNDED BY OLD SIVELLS BEND ROAD ON THE NORTH; SCOTT STREET ON THE SOUTH; REFINERY ROAD, BREWER LANE AND FIELD STREET ON THE EAST; AND TRACY STREET, ENDERBY DRIVE, AND THE CITY LIMITS ON THE WEST; TO PERMIT BUILDINGS IN THE OVERLAY ZONE TO BE 130 FEET TALL AND REQUIRE COUNCIL APPROVAL FOR ANY BUILDINGS HIGHER PRIOR TO CONSTRUCTION.

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 CITY TO CREATE AN OVERLAY ZONE BOUNDED BY OLD SIVELLS BEND ROAD ON THE NORTH; SCOTT STREET ON THE SOUTH; REFINERY ROAD, BREWER LANE AND FIELD STREET ON THE EAST; AND TRACY STREET, ENDERBY DRIVE, AND THE CITY LIMITS ON THE WEST; TO PERMIT BUILDINGS IN THE OVERLAY ZONE TO BE 130 FEET TALL AND REQUIRE COUNCIL APPROVAL FOR ANY BUILDINGS HIGHER PRIOR TO CONSTRUCTION.

Council adopted an ordinance creating an overlay district permitting buildings in General Commercial and Industrial Zoning districts located generally along I-35 between Old Sivells Bend Road and Scott Street to be built to a height of one-hundred thirty (130) feet. Any buildings higher than that would require City Council approval. Currently these zones limit the height of buildings to forty-five (45) feet. This section of I-35 is experiencing commercial growth that includes requests for office and hotel multi-story buildings, and staff recommends the overlay district as a way to “tip-toe” into the change,

according to City Manager Barry Sullivan. This is specific to this area of the city and does not apply to all commercial zoning.

Councilmember Keeler **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 (Moore).

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

FIRST READING OF AN ORDINANCE REPEALING CHAPTER 5, ARTICLE I SECTIONS 5-1 THROUGH 5-8 AND 5-10; RENUMBERING SECTION 5-9 TO 5-12, SECTION 5-11 TO 5-13, AND SECTIONS 5-12 - 5-25 TO 5-14 - 5-25; ADDING CHAPTER 5, ARTICLE I. BUILDING STANDARDS, SECTIONS 5-1 THROUGH 5-11.

CONSIDERATION OF AND FIRST READING OF AN ORDINANCE REPEALING CHAPTER 5, ARTICLE I SECTIONS 5-1 THROUGH 5-8 AND 5-10; RENUMBERING SECTION 5-9 TO 5-12, SECTION 5-11 TO 5-13, AND SECTIONS 5-12 - 5-25 TO 5-14 - 5-25; ADDING CHAPTER 5, ARTICLE I. BUILDING STANDARDS, SECTIONS 5-1 THROUGH 5-11; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONFLICTS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Considered first reading of an ordinance adopting 2015 International Building Codes and assorted other codes, including Residential Code, Fire Code with Appendices, Plumbing Code, Fuel Gas Code, Mechanical Code, Energy Conservation Code, Property Maintenance Code, and the 2014 National Electric Code NFPA 70. The International Code Council updates these codes every three years. Recommendations were made by City Staff and the North Central Texas Council on Governments. City Council held a workshop session prior to the regular meeting to discuss adoption of said codes.

Second reading consideration will take place at the next regularly scheduled City Council meeting on December 20, 2016.

Councilmember Dollar **moved to approve first reading of the ordinance**. The motion was seconded by Councilmember Clegg and carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Moore).

ADJOURN

With no further business to come before the City Council, the meeting was adjourned at 6:47 p.m.

Respectfully submitted,

Jo Ann Mendez, Executive Secretary

Jim Goldsworthy, Mayor