

**MINUTES  
CITY OF GAINESVILLE  
CITY COUNCIL MEETING  
200 South Rusk  
Gainesville, Texas 76240  
February 7, 2017**

The City Council of the City of Gainesville, Texas met in regular session on February 7, 2017 at 6:30 p.m. with the following persons in attendance.

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

**MEMBERS ABSENT:** Tommy Moore

**STAFF PRESENT:** Barry Sullivan, City Manager; Bill Harris, City Attorney; Caitlyn Huddleston, City Secretary; Kevin Phillips, Police Chief; Julie Smith, Community Services Director

**OTHERS PRESENT:** Wylyian McGee, Betty Feagris, Mike Gordon, Johnny Bittick, Joanie Bittick, Dale Lloyd, Randy Martz, Jennifer Martz, Nikki King, Kathy Blerghtol, Salle Westbury, Mark Rogers, Lynn Rogers, Jeanne Greathouse, Bob Greathouse, Karen Endres, Rebecca Hatcher, Tirve Muony, Jean Bush, John Christian, Chris Garner, Lisa Dritschler, Mike Todd, Tom Reynolds, Eric Cragg, Jeff Wilson, Darren West, Susan Case, Sunday Sizelove, Jane Boyle, Pattie Gray, Joe Schad, Dean Smith, Scott Brown, Lucy Sutton, Afton Vieth, Kim McConner, Tony Dresser (Videographer)

**CALL TO ORDER**

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

**INVOCATION & PLEDGE OF ALLEGIANCE**

Mark Loewen, First Christian Church, gave the invocation. Mayor Jim Goldsworthy led the pledge to the flag.

**REPORTS**

**Annual Racial Profiling Report, Chief Kevin Phillips**

Police Chief Kevin Phillips reviewed the annual racial profiling report that the Police Department is required to submit. Per Chief Phillips, compared to the Census, the report shows no outstanding disparities and everything is in line. The Police Department issues a press release each year encouraging citizens to report suspected profiling as this matter is taken very seriously and is investigated.

**CITIZEN COMMENTS**

Johnny Bittick had requested to address council regarding the Moss Lake Boat Dock Permit Fee. He agreed to provide his address at the time council considered the item later in the meeting.

**CONSENT AGENDA**

Council reviewed the Minutes of the regularly scheduled City Council Meeting of January 17, 2017 and approved them as written.

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

**RESOLUTION 02-07-2017 – AUTHORIZING THE CITY MANAGER TO ENTER INTO A LOCAL AGREEMENT WITH THE COOKE COUNTY DISTRICT ATTORNEY’S OFFICE FOR DISPOSITION OF ASSET SEIZURES AND FORFEITURES.**

CONSIDERATION OF AND ACTION ON A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LOCAL AGREEMENT WITH THE COOKE COUNTY DISTRICT ATTORNEY’S OFFICE FOR DISPOSITION OF ASSET SEIZURES AND FORFEITURES.

Council approved a contract with the Cooke County District Attorney’s office for the disposition of asset seizures and forfeitures. Property and guns are awarded at a 100% to the Gainesville Police Department, currency is 70% to the Police Department 30% to the District Attorney’s Office, a fee of \$300 will be remitted to the District Attorney’s office for each final judgement obtained for vehicles, and real property will be negotiated on a case by case basis. No changes have been made to the current contract, but Council was asked to consider the agreement because a new District Attorney took office in January 2017.

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

**PUBLIC HEARING ON AN ORDINANCE AMENDING ORDINANCE 1219-12-2008, GRANTING A SPECIAL USE PERMIT AS REQUESTED BY JEFF WILSON ALLOWING FOR THE OPERATION OF A BED AND BREAKFAST AT 205 MELODY LANE; PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING.**

PUBLIC HEARING ON THE FIRST READING OF AN ORDINANCE AMENDING ORDINANCE 1219-12-2008, GRANTING A SPECIAL USE PERMIT AS REQUESTED BY JEFF WILSON ALLOWING FOR THE OPERATION OF A BED AND BREAKFAST AT 205 MELODY LANE; PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING.

Mayor Goldsworthy opened the Public Hearing at 6:35 p.m. and called for public comment on the proposed special use permit. Jeff Wilson, 205 Melody Lane, owner of the property spoke in support of the SUP. He mentioned that he was aware one person objected to the Bed and Breakfast, but didn’t think they understood the reason for it. Mr. Wilson noted that he would like to preserve the neighborhood. With no further discussion, Councilmember Keeler moved to close the Public Hearing, with second by Councilmember Gordon, and the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Moore).The Public Hearing was closed at 6:37 p.m.

**ORDINANCE 1405-02-2017 – AMENDING ORDINANCE 1219-12-2008, GRANTING A SPECIAL USE PERMIT AS REQUESTED BY JEFF WILSON ALLOWING FOR THE OPERATION OF A BED AND BREAKFAST AT 205 MELODY LANE; PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING.**

CONSIDERATION OF AND ACTION ON THE FIRST READING OF AN ORDINANCE AMENDING ORDINANCE 1219-12-2008, GRANTING A SPECIAL USE PERMIT AS REQUESTED BY JEFF WILSON ALLOWING FOR THE OPERATION OF A BED AND BREAKFAST AT 205 MELODY LANE; PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING.

Council granted a Bed and Breakfast Special Use Permit (SUP) for 205 Melody Lane. The SUP was requested by the homeowners. The permit will expire upon sale or lease of the property.

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

**FIRST READING OF A RESOLUTION APPROVING THE ACTIONS OF THE GEDC WHICH APPROVED THE FACADE GRANT SUBMITTED BY THE MAIN STREET BOARD FOR IMPROVEMENTS OF THREE DOWNTOWN BUSINESSES.**

CONSIDERATION OF AND FIRST READING ON A RESOLUTION APPROVING THE ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION WHICH APPROVED THE FACADE GRANT SUBMITTED BY THE MAIN STREET BOARD FOR IMPROVEMENTS OF THREE DOWNTOWN BUSINESSES.

Council completed first reading of the Gainesville Economic Development Corporation (GEDC) which approved façade grants submitted by the Main Street Board for improvements to three downtown businesses: Dustin's Office Products, Sarah's on the Square, and Amelia's Attic. The Main Street Advisory Board accepts and reviews applications for grants to improve the façade of downtown businesses. The grants are paid when improvements are completed and reimburses 50% of the cost of the improvements.

As required by state law, no action was taken by Council on first reading of the resolution. Second reading consideration will be at the next regularly scheduled meeting of the City Council on February 21, 2017.

**FIRST READING OF A RESOLUTION APPROVING THE ACTIONS OF THE GEDC WHICH APPROVED ORTEQ ENERGY TECHNOLOGIES AS AN ECONOMIC DEVELOPMENT PROJECT AND APPROVED THE PURCHASE OF 20 ACRES OF REAL PROPERTY AS AN ECONOMIC DEVELOPMENT INCENTIVE TO ORTEQ ENERGY FOR AN EXPANSION.**

CONSIDERATION OF AND FIRST READING ON A RESOLUTION APPROVING THE ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION WHICH APPROVED ORTEQ ENERGY TECHNOLOGIES AS AN ECONOMIC DEVELOPMENT PROJECT AND APPROVED THE PURCHASE OF 20 ACRES OF REAL PROPERTY AS AN ECONOMIC DEVELOPMENT INCENTIVE TO ORTEQ ENERGY FOR AN EXPANSION.

Council completed first reading of the GEDC approval of an economic development incentive for Orteq Energy Technologies. The GEDC approved an incentive of 20 acres of real property at the Gainesville Municipal Airport for business expansion.

As required by state law, no action was taken by Council on first reading of the resolution. Second reading consideration will be at the next regularly scheduled meeting of the City Council on February 21, 2017.

**RESOLUTION 02-07-2017 A – APPROVING REVISION OF THE MOSS LAKE BOAT DOCK PERMIT ANNUAL FEE SCHEDULE FOR CITY OF GAINESVILLE FOR FISCAL YEAR 2016-2017 AND PROVIDING AN EFFECTIVE DATE.**

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING REVISION OF THE MOSS LAKE BOAT DOCK PERMIT ANNUAL FEE SCHEDULE FOR CITY OF GAINESVILLE FOR FISCAL YEAR 2016-2017 AND PROVIDING AN EFFECTIVE DATE.

Council approved revision of the Moss Lake Boat Dock Permit annual fee. Council tabled revision of the fee at the January 17, 2017 meeting. The fee will be for \$0.30 per square foot of dock, with funds from the fees to be applied directly to improvements and enforcement of ordinances at Moss Lake.

Mayor Jim Goldsworthy began the conversation by addressing the Council's main concern at Moss Lake – the water supply. He added that it is a great asset with great people. He noted that there is more and more development on the lake, that people have filled tankers to sell water in the oilfield, built their own coves, etc. "The intent is not to police you, but to make sure you're safe," Goldsworthy said to the audience. He went on to say that no restroom facilities or fuel should be on docks. Mayor explained that when the fee schedule was adopted in September 2016, the \$500 for Moss Lake Boat Dock Permits was approved, as Gainesville residents shouldn't have to bear the burden of the lake. However, no Moss Lake residents have been required to pay that amount as billing was halted so that a fair amount could be created.

Johnny Bittick addressed Council and began by asking that dock owners be considered and not shoulder the entire burden. "The fee is for docks, not water," Mr. Bittick said. Moss Lake residents are not allowed to pump water from the lake unless they pay a fee. He claimed that there is no need for a full-time employee, and thought a weekly patrol would catch any encroachment issues. He also added that those Moss Lake residents in the audience are not the guilty ones and don't like safety hazards at the lake. Mr. Bittick suggested an advisory board of residents to improve two-way communication between them and the City Council. He concluded his address by expressing his disappointment in the lack of communication.

Mayor Goldsworthy resumed Council discussion by noting that Moss Lake is one of only five water supply lakes in Texas that allow docks and that Council does sincerely want residents to enjoy the lake. Adopting the fee is not done behind the scenes and residents are welcome to attend the meeting. He requested input from councilmembers on a price per square foot of \$0.30, \$0.40, or \$0.50, and that of an estimated 215 docks, only 150 are permitted.

Community Services Director Julie Smith noted that a square footage charge would be tedious as the Community Services Department can only verify some of the docks using pictometry. She added that the Cooke County Appraisal District does not have a complete record of all docks at the lake.

There was discussion regarding who would complete inspections of docks and the cost associated. Mayor Pro Tem Keith Clegg said that the first year would be costly, but that a database could be created to be used in the future. He also noted that the intent is not to make a profit from the fees, and that the cost per square foot could possibly be lowered in the future once maintenance of the database was the only cost.

Mayor Goldsworthy mentioned the possibility of outsourcing the inspections to Moss Lake residents and confirmed Mayor Pro Tem's previous comments that the City of Gainesville only wants to raise enough money to "cover" the docks. Julie Smith noted that Code Enforcement cases would need to be initiated during the inspection process and only a licensed Code Enforcement officer could issue a citation. Mayor Goldsworthy responded that the City would not try to recoup fees associated with the cases and that he didn't want other cleanup efforts within city limits to slow down as a result of the Moss Lake Boat Dock verifications.

City Manager Barry Sullivan offered financial figures regarding the proposed cost per square foot, and said that the first year of any project is more expensive and takes more time. Councilmember Mary Jo Dollar added that the main goal is to keep the water supply safe.

Councilmember Clegg **moved to approve the Moss Lake Boat Dock Permit fee of \$0.30 per square foot and all funds to be applied to improvements and code enforcement at Moss Lake.** The motion was seconded by Councilmember Keeler and carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Moore).

Mayor Goldsworthy added that if docks were built illegally, they would be charged twice and asked that pumps on docks be brought up at a later meeting. He also called on Moss Lake residents to be the “eyes” at the lake and to call Community Services to report any boat dock construction activity.

**RESOLUTION 02-07-2017 B – CALLING FOR THE GENERAL MUNICIPAL ELECTION TO BE HELD BY THE CITY OF GAINESVILLE ON MAY 6, 2017; PROVIDING FOR THE GENERAL ELECTION OF COUNCIL PERSONS FOR WARD 1, 2, 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 APPROVING CALLING FOR THE GENERAL MUNICIPAL ELECTION TO BE HELD BY THE CITY OF GAINESVILLE, TEXAS ON MAY 6, 2017; 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 2017 General Election of officers for Saturday, May 6, 2017 to elect council positions in the General Election for Wards 1, 2, 4 and Mayor. The resolution also designates the polling location for Early Voting at City Hall from April 24 through May 2, 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 18, 2017 to February 17, 2017.

Councilmember Dollar **moved to approve the resolution.** The motion was seconded by Councilmember Gordon 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 7:17 p.m.

Respectfully submitted,

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**Caitlyn Huddleston, City Secretary**

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**Jim Goldsworthy, Mayor**