

**MINUTES**  
**CITY OF GAINESVILLE**  
**CITY COUNCIL MEETING**  
**200 South Rusk**  
**Gainesville, Texas 76240**  
**March 6, 2018**

The City Council of the City of Gainesville, Texas met in regular session on March 6, 2018 at 6:30 p.m. with the following persons in attendance.

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

**MEMBERS ABSENT:** Carolyn Hendricks

**STAFF PRESENT:** Barry Sullivan, City Manager; Caitlyn Huddleston, City Secretary; Kevin Phillips, Chief of Police; Arleene Loyd, Gainesville Economic Development Corporation; Julie Smith, Community Development Director; Belvin Harris, City Attorney

**OTHERS PRESENT:** Mike Gordon, Bernie Gordon, Mike Williams, Debbie Faulkner, Breck Hudson, Joe Bob Jones, Ruthie Partin, Charles Partin, Jeff Wilson, Vicky Hestand, Virginia Rhodes, Megan Gray-Hatfield, Nikki King, Tony Dresser (Videographer)

**CALL TO ORDER**

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

**INVOCATION & PLEDGE OF ALLEGIANCE**

Diaconal Candidate Mike Williams, St. Paul's Episcopal Church gave the invocation. Mayor Jim Goldsworthy led the pledge to the flag.

**RECOGNITIONS/PROCLAMATIONS**

**Manufacturer Spotlight, GAF**

The Gainesville Economic Development Corporation recently launched their Manufacturing Matters Program, where they focus on manufacturing businesses located in Gainesville. GAF is the first business to be "spotlighted." Mayor Goldsworthy read and presented a proclamation noting GAF's history in Gainesville and their expansions, highlighting their accomplishment of being the largest roofing manufacturer in North America, and thanked them for being a community leader through their active participation in Leadership Gainesville and the Manufacturing Consortium, which demonstrates their commitment to inspire students to learn about careers in advanced manufacturing technology where education can result in good paying jobs close to home.

**CONSENT AGENDA**

Council reviewed the Minutes of the regularly scheduled City Council of February 20, 2018 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 (Hendricks).

**RESOLUTION 03-06-2018 – APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION FOR THE SALE OF PROPERTY LOCATED AT THE CORNER OF CULBERSON AND BIRD STREETS (PID 19475) TO THE CITY OF GAINESVILLE, ISSUING A WARRANTY DEED, AND FOR FUNDS FROM THE SALE TO BE REMITTED TO THE CITY OF GAINESVILLE FOR STATE SALES TAX REBATE.**

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION FOR THE SALE OF PROPERTY LOCATED AT THE CORNER OF CULBERSON AND BIRD STREETS (PID 19475) TO THE CITY OF GAINESVILLE, ISSUING A WARRANTY DEED, AND FOR FUNDS FROM THE SALE TO BE REMITTED TO THE CITY OF GAINESVILLE FOR STATE SALES TAX REBATE.

Council approved actions of the Gainesville Economic Development Corporation which voted to sell property located at the corner of Culberson and Bird Street to the City of Gainesville. Funds from the sale will be remitted to the City of Gainesville for a portion of the state sales tax rebate. The City will use funds from the 2018 General Obligation Bonds for the purchase in the amount of \$168,500 as the site will be used for the construction of Fire Station 3.

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

**RESOLUTION 03-06-2018 A – REVIEWING AND APPROVING THE DISASTER FINANCE POLICY AND PROCEDURE MANUAL.**

CONSIDERATION OF AND ACTION ON A RESOLUTION REVIEWING AND APPROVING THE DISASTER FINANCE POLICY AND PROCEDURE MANUAL.

Adopted the Disaster Finance Policy and Procedure Manual. City of Gainesville Emergency Management staff wrote the Disaster Finance Plan in late 2016 and conducted several testing workshops involving key City personnel, City of Gainesville Emergency Management staff, and the Texas Division of Emergency Management (TDEM). The plan will improve the City of Gainesville’s ability to recover financially from a disaster. The Fire Department will submit the manual to TDEM upon approval by Council. Mayor Goldsworthy commended City Manager Barry Sullivan and staff for their response to the recent ice storm.

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

**ORDINANCE 1425-03-2018 – APPROVING A TARIFF AUTHORIZING AN ANNUAL RATE REVIEW MECHANISM AS NEGOTIATED BETWEEN ATMOS ENERGY CORP., MID-TEX DIVISION AND THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS.**

CONSIDERATION OF AND ACTION ON THE FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, APPROVING A TARIFF AUTHORIZING AN ANNUAL RATE REVIEW MECHANISM (“RRM”) AS A SUBSTITUTION FOR THE ANNUAL INTERIM RATE ADJUSTMENT PROCESS DEFINED BY SECTION 104.301 OF THE TEXAS UTILITIES CODE, AND AS NEGOTIATED BETWEEN ATMOS ENERGY CORP., MID-TEX DIVISION (“ATMOS MID-TEX” OR “COMPANY”) AND THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS; REQUIRING THE COMPANY TO REIMBURSE CITIES’ REASONABLE RATEMAKING EXPENSES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS

ORDINANCE TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE.

Council adopted an ordinance authorizing an agreement with Atmos Energy Corporation, Mid-Tex Division. The agreement was presented by the Steering Committee of Cities Served by Atmos, representing around 170 other similarly-situated Mid-Tex municipalities. City Manager Sullivan advised the Rate Review Mechanism is the best path and provides fair returns for Atmos and reasonable rates for their customers in Gainesville.

Mayor Goldsworthy thanked Joe Bob Jones for his attendance at the meeting.

Councilmember Clegg **moved to Suspend the Charter requirement of three readings**, seconded by Councilmember Moore, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Hendricks).

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

**PUBLIC HEARING ON AN ORDINANCE GRANTING A SPECIAL USE PERMIT AS REQUESTED BY CHARLES AND RUTHANNA PARTIN TO OPERATE A TATTOO, PERMANENT MAKE-UP, AND TATTOO REMOVAL STUDIO AT 5026 E HWY 82.**

PUBLIC HEARING ON AN ORDINANCE GRANTING A SPECIAL USE PERMIT AS REQUESTED BY CHARLES AND RUTHANNA PARTIN TO OPERATE A TATTOO, PERMANENT MAKE-UP, AND TATTOO REMOVAL STUDIO AT 5026 EAST HIGHWAY 82; PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING.

Mayor Goldsworthy opened the public hearing at 6:38 p.m. on the issuance of a Special Use Permit to operate a tattoo, permanent make-up, and tattoo removal studio at 5026 W Hwy 82, Gainesville, TX.

Ruthie Partin spoke in support of granting the SUP and explained their business model and choice of location. Currently, the Partin family does not live in Gainesville, but it is a halfway point between their residence and Denton, Texas, where she is finishing her Masters Degree. She expressed wishes to eventually make Gainesville their home. The Partin's would like to bring a clean, elegant tattoo studio to Gainesville.

With no further comments, Councilmember Keeler **moved to close the public hearing at 6:40 p.m.**, seconded by Councilmember Dollar, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Hendricks).

**ORDINANCE 1426-03-2018 – GRANTING A SPECIAL USE PERMIT AS REQUESTED BY CHARLES AND RUTHANNA PARTIN TO OPERATE A TATTOO, PERMANENT MAKE-UP, AND TATTOO REMOVAL STUDIO AT 5026 E HWY 82.**

CONSIDERATION OF AND ACTION ON THE FIRST READING OF AN ORDINANCE GRANTING A SPECIAL USE PERMIT AS REQUESTED BY CHARLES AND RUTHANNA PARTIN TO OPERATE A TATTOO, PERMANENT MAKE-UP, AND TATTOO REMOVAL STUDIO AT 5026 EAST HIGHWAY 82; PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING.

Council granted a Special Use Permit to Charles and Ruthanna “Ruthie” Partin to operate a tattoo, permanent make-up, and tattoo removal studio at 5026 E Hwy 82 in Gainesville. The Planning and Zoning Commission held a public hearing at their February 13, 2018 meeting, where no one spoke in opposition to the request. The Commission unanimously voted to recommend City Council grant the request for the SUP. Staff reported that all criteria had been met.

Councilmember Keeler **moved to Suspend the Charter requirement of three readings**, seconded by Councilmember Dollar, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Hendricks).

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

**PUBLIC HEARING ON AN ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, AMENDING SECTIONS 5-3, SPECIFIC AMENDMENTS TO APPENDIX A-ZONING, ARTICLE II. - NONCONFORMING LOTS, STRUCTURES, USES AND SPECIAL USE PERMITS; AMENDMENTS TO THE 2015 INTERNATIONAL BUILDING CODE, CHAPTER 5, ARTICLE I; AND AMENDING SECTION 5-5, SPECIFIC AMENDMENTS TO THE 2015 INTERNATIONAL FIRE CODE, CHAPTER 5, ARTICLE I; AND AMENDING SECTION 18-42, DEFINITIONS, HOTEL OCCUPANCY TAX, CHAPTER 18, ARTICLE III; AND AMENDING SECTION 3.3, SPECIAL USE PERMITS, APPENDIX A, ARTICLE II; AND AMENDING GENERAL DEFINITIONS, APPENDIX A, ARTICLE IV.**

PUBLIC HEARING ON AN ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, AMENDING SECTIONS 5-3, SPECIFIC AMENDMENTS TO APPENDIX A-ZONING, ARTICLE II. - NONCONFORMING LOTS, STRUCTURES, USES AND SPECIAL USE PERMITS; AMENDMENTS TO THE 2015 INTERNATIONAL BUILDING CODE, CHAPTER 5, ARTICLE I; AND AMENDING SECTION 5-5, SPECIFIC AMENDMENTS TO THE 2015 INTERNATIONAL FIRE CODE, CHAPTER 5, ARTICLE I; AND AMENDING SECTION 18-42, DEFINITIONS, HOTEL OCCUPANCY TAX, CHAPTER 18, ARTICLE III; AND AMENDING SECTION 3.3, SPECIAL USE PERMITS, APPENDIX A, ARTICLE II; AND AMENDING GENERAL DEFINITIONS, APPENDIX A, ARTICLE IV; PROVIDING A CONFLICTS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Goldsworthy opened the public hearing at 6:43 p.m. on an ordinance relating to the operation of short term rentals, also known as AirBNB, Home Away, Vacation Rental by Owner, etc. in the City of Gainesville.

No one came forward to speak in support or opposition of the ordinance. With no further comments, Councilmember Gordon **moved to close the public hearing at 6:44 p.m.**, seconded by Councilmember Clegg, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Hendricks).

**FIRST READING CONSIDERATION OF AN ORDINANCE FOR THE OPERATION OF SHORT TERM RENTALS (ALSO KNOWN AS AIRBNB, HOME AWAY, VACATION RENTAL BY OWNER, ETC.); AMENDING APPENDIX A-ZONING, ARTICLE II – NONCONFORMING LOTS, STRUCTURES, USES AND SPECIAL USE PERMITS; AMENDING SECTIONS 5-3, SPECIFIC AMENDMENTS TO THE 2015INTERNATIONAL BUILDING CODE, CHAPTER 5, ARTICLE I; AMENDING SECTION 5-5, SPECIFIC AMENDMENTS TO THE 2015 INTERNATIONAL FIRE**

**CODE, CHAPTER 5, ARTICLE I; AMENDING SECTION 18-42, DEFINITIONS, HOTEL OCCUPANCY TAX, CHAPTER 18, ARTICLE III; AMENDING SECTION 3.3, SPECIAL USE PERMITS, APPENDIX A, ARTICLE II; AND AMENDING GENERAL DEFINITIONS, APPENDIX A, ARTICLE IV.**

CONSIDERATION OF AND ACTION ON THE FIRST READING OF AN ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, AMENDING SECTIONS 5-3, SPECIFIC AMENDMENTS TO APPENDIX A-ZONING, ARTICLE II. - NONCONFORMING LOTS, STRUCTURES, USES AND SPECIAL USE PERMITS; AMENDMENTS TO THE 2015 INTERNATIONAL BUILDING CODE, CHAPTER 5, ARTICLE I; AND AMENDING SECTION 5-5, SPECIFIC AMENDMENTS TO THE 2015 INTERNATIONAL FIRE CODE, CHAPTER 5, ARTICLE I; AND AMENDING SECTION 18-42, DEFINITIONS, HOTEL OCCUPANCY TAX, CHAPTER 18, ARTICLE III; AND AMENDING SECTION 3.3, SPECIAL USE PERMITS, APPENDIX A, ARTICLE II; AND AMENDING GENERAL DEFINITIONS, APPENDIX A, ARTICLE IV; PROVIDING A CONFLICTS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Council approved first reading of an ordinance relating to Short Term Rentals (STRs) in the City of Gainesville. Community Development Director Julie Smith reported that many parts of the City's current code were affected by this ordinance. She said that the Planning and Zoning Commission had worked with staff and members of the community for three months to create an ordinance that allowed for the operation of STRs. The ordinance addresses parking, occupancy limits, events, days allowed for rental, and occupancy of the owner. One addition was made beyond the Commission's recommendation, requiring STRs to register with the City of Gainesville regardless of number of days the home is rented, which addresses the concern about Hotel/Motel occupancy tax collection. Owners of STRs will also be required to file a report for the previous year regarding the number of days the STR was rented. Staff recommended Council approve the first reading and request confirmation that the ordinance addressed all points the Planning and Zoning Commission recommended, as they have not reviewed the actual ordinance.

Councilmember Dollar **moved to approve the First Reading of the Ordinance**, seconded by Councilmember Moore, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Hendricks).

Prior to adjourning into executive session, Mayor Goldsworthy congratulated outgoing Fire Chief Wally Cox on his retirement after 35 years of service with the City of Gainesville.

**EXECUTIVE SESSION**

At 6:58 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

**RECONVENE INTO OPEN SESSION**

Council reconvened into open session at 7:27 p.m. and Mayor Jim Goldsworthy announced no action was taken during executive session.

**ADJOURN**

With no further business to come before the City Council, the meeting was adjourned at 7:27 p.m.

Respectfully submitted,

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**Caitlyn Huddleston, City Secretary**

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**Jim Goldsworthy, Mayor**