

MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
March 20, 2018

The City Council of the City of Gainesville, Texas met in regular session on March 20, 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; Karen Dixon, Interim Finance Director; Belvin Harris, City Attorney

OTHERS PRESENT: Mike Gordon, Judy Smith, 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

City Manager 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 of March 6, 2018 and approved them as written.

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 (Hendricks).

RESOLUTION 03-20-2018 – ACCEPTING THE AUDIT, FINANCIAL STATEMENT, AND OPINION FOR FISCAL YEAR END SEPTEMBER 30, 2017.

CONSIDERATION OF AND ACTION ON A RESOLUTION ACCEPTING THE AUDIT, FINANCIAL STATEMENT, AND OPINION FOR FISCAL YEAR END SEPTEMBER 30, 2017.

Council voted to accept the annual audit for Fiscal Year ending September 30, 2017, as prepared by the accounting firm of Schalk & Smith, Certified Public Accountants, which provided an unqualified opinion on the financial statements. An “unqualified opinion” is the highest level opinion that can be provided by an auditor. Judy Smith highlighted several sections of the audit. City Council and City Manager Barry Sullivan commended staff, especially Karen Dixon, Controller, for their hard work towards completing the audit.

Councilmember Keeler **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 1427-03-2018 – RECEIVING THE CERTIFICATION OF THE CITY SECRETARY RELATING TO THE REGULAR GENERAL AND SPECIAL ELECTION ON MAY 5, 2018; FINDING THAT THE CANDIDATES WHO HAVE FILED FOR A PLACE ON THE BALLOT ARE UNOPPOSED; DECLARING THE RESULTS OF THE ELECTION.

CONSIDERATION OF AND ACTION ON THE FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS RECEIVING THE CERTIFICATION OF THE CITY SECRETARY RELATING TO THE REGULAR GENERAL AND SPECIAL ELECTION MAY 5, 2018; FINDING THAT THE CANDIDATES WHO HAVE FILED FOR A PLACE ON THE BALLOT ARE UNOPPOSED; DECLARING THE RESULTS OF THE ELECTION; FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS PASSED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND SUSPENDING THE CHARTER REQUIREMENT OF THREE SEPARATE READINGS AND MAKING AN OPEN MEETING FINDING.

Council approved cancellation of the General Election called for May 5, 2018, due to all candidates for office being unopposed, and with no propositions on the ballot. The City Secretary certified that the positions to be elected in the General Election received none or only one applicant. The ordinance makes the finding that the candidates for Wards 3, 5, 6, and Municipal Court Judge are unopposed; cancels the election and declares Keith Clegg, Tommy Moore, Mary Jo Dollar, and Chris Cypert elected, respectively, to two-year terms that will begin with their oath of office which will be administered at the regularly scheduled City Council meeting on May 15, 2018. No one filed for candidacy in Ward 2; Steve Gordon will remain as Councilmember for Ward 2. The Texas Constitution contains a clause known as the Holdover Provision, wherein the current councilmember must remain in office until a qualified successor is appointed. Mayor Jim Goldsworthy thanked Clegg, Moore, Dollar and Cypert for their willingness to serve and what they do for the community.

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

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

RESOLUTION 03-20-2018 A – AUTHORIZING CHANGE ORDER NO. 2 TO THE CONTRACT WITH LYNN VESSELS CONSTRUCTION, LLC FOR THE SUMP BOND BID PACKAGE I PROJECT.

Council approved Change Order 2 to the SUMP I project, adding a parking lot at the corner of Weaver and Broadway. The City previously procured that property to increase downtown parking and provide parking for the Farmers Market area. City manager Barry Sullivan noted that beginning construction on the lot now will offer parking during construction for the Farmers Market area improvements. Kimley-Horn and Associates, the City's engineer for the project, recommended approval of the cost as they found it to be reasonable. Sullivan added that lighting was not included in the cost, but that conduit would be installed during construction so that it could be easily added in the future. One streetlight currently exists at the corner of Weaver and Broadway. The City will review the lighting once construction is complete to determine if more should be added for the safety of the lot.

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).

ORDINANCE 1428-03-2018 – AMENDING CHAPTER 15 – PLANNING AND DEVELOPMENT TO DELETE ARTICLE V – MAIN STREET PROGRAM.

CONSIDERATION OF AND ACTION ON THE FIRST READING OF AN ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AMENDING CHAPTER 15 – PLANNING AND DEVELOPMENT TO DELETE ARTICLE V – MAIN STREET PROGRAM; PROVIDING SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE AND MAKING AN OPEN MEETING FINDING.

Council adopted an ordinance removing the Main Street Program and details from City Code. City Manager Barry Sullivan explained that during the budget adoption process and by working with the Chamber of Commerce, the Main Street Program was dissolved and a Downtown Development Committee was formed. Local efforts will continue for the revitalization of the downtown area and the City will no longer be required to pay in a small fee or submit reports to the state.

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 Gordon, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Hendricks).

ORDINANCE 1429-03-2018 – FOR THE OPERATION OF SHORT TERM RENTALS.

CONSIDERATION OF AND ACTION ON THE SECOND 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 adopted an ordinance allowing for Short Term Rentals (STRs), including Airbnb, Home Away, Vacation Rental by Owner, etc. in the City of Gainesville. Staff and the Planning and Zoning Commission worked diligently with the community to create an ordinance allowing homeowners to provide short term rentals to visitors to the City while at the same time preserving the integrity of the City’s neighborhoods. The ordinance addresses parking, occupancy limits, events, days allowed for rental, occupancy of the owner, and requires STRs to register with the City of Gainesville regardless of number of days the home is rented. Owners of STRs will also be required to file a report for the previous year regarding the number of days the STR was rented. City Council thanked Community Development Director Julie Smith for her hard work in developing the ordinance.

First reading consideration and a public hearing was held at the March 6, 2018 regular meeting. No one spoke in support or opposition of the ordinance. Council requested the Planning and

Zoning Commission be presented with the ordinance for their review at their March 13, 2018, at which time they unanimously approved the ordinance.

Councilmember Gordon **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 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).

RESOLUTION 03-20-2018 B – AWARDING RFP 2018-04 ADMINISTRATION AND PROFESSIONAL SERVICES TO TRAYLOR AND ASSOCIATES, INC.

CONSIDERATION OF AND ACTION ON A RESOLUTION AWARDING RFP 2018-04 ADMINISTRATION AND PROFESSIONAL SERVICES TO TRAYLOR AND ASSOCIATES, INC.

Council awarded Request for Proposals 2018-04 to Traylor and Associates, Inc. for professional services related to grant application and administration for a Texas Capital Grant. Gainesville Economic Development Director Arlene Loyd advised the grant would be for infrastructure improvements to the Gateway Industrial Park, including a new gas line and other street improvements. She added that they would only move forward with the grant once a business committed to locating there, as funding is contingent on employment in the park.

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

RESOLUTION 03-20-2018 C – AWARDING AN RFQ FOR ENGINEERING, ARCHITECTURE, AND SURVEYING SERVICES TO EIKON CONSULTING GROUP, LLC.

CONSIDERATION OF AND ACTION ON A RESOLUTION AWARDING AN RFQ FOR ENGINEERING, ARCHITECTURE, AND SURVEYING SERVICES TO EIKON CONSULTING GROUP, LLC.

Council awarded a Request for Qualification for engineering, architecture, and surveying services to Eikon Consulting Group, LLC. Gainesville Economic Development Director Arlene Loyd advised services would be related to the previously mentioned grant for infrastructure improvements. The City must have selected an engineer prior to grant application. Loyd stated the RFQ had been emailed to several firms which Sullivan clarified were all firms the City had previously worked with.

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

EXECUTIVE SESSION

At 6:56 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 §551.071 Attorney Privilege
- Under Government Code §551.072 Real Property

RECONVENE INTO OPEN SESSION

Council reconvened into open session at 7:13 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 7:13 p.m.

Respectfully submitted,

Caitlyn Huddleston, City Secretary

Jim Goldsworthy, Mayor