

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
May 1, 2018**

The City Council of the City of Gainesville, Texas met in regular session on May 1, 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; Carolyn Hendricks

STAFF PRESENT: Barry Sullivan, City Manager; Caitlyn Huddleston, City Secretary; Kevin Phillips, Chief of Police; J.I. Johnson, Finance Director; Arlene Loyd, Gainesville Economic Development Executive Director; Bill Harris, City Attorney

OTHERS PRESENT: Mike Williams, Aaron Smith, Jan Autry, Shana Powell, Bill Cox, Sheila Cox, Kelly Egan, Jewel Morrow, Conner McKinney, Megan Gray-Hatfield, Mike Gordon, 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

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

PROCLAMATIONS & COMMENDATIONS

National Day of Prayer, May 3, 2018

Mayor Goldsworthy read and presented a certificate proclaiming May 3, 2018 as National Day of Prayer in Gainesville. The third annual Day of Prayer event for Cooke County will be held on Thursday, May 3, 2018 on the Cooke County Courthouse east lawn at noon.

Travel and Tourism Week, May 6 – 12, 2018

Mayor Goldsworthy read and presented a certificate proclaiming May 6-12, 2018 as National Travel and Tourism Week in Gainesville and urging the citizens of Gainesville to join in this special observance with appropriate events and commemorations. Mayor Goldsworthy reminded all not to text and drive. Jan Autry and Shana Powell, Texas Travel Information Center, accepted the proclamation.

CONSENT AGENDA

Council reviewed the Minutes of the regularly scheduled City Council of April 17, 2018 and approved them as written.

Councilmember Keeler **moved to approve the consent agenda**, seconded by Councilmember Moore, the motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

PUBLIC HEARING ON THE UPDATED ADA SELF-EVALUATION AND TRANSITION PLAN.

PUBLIC HEARING ON THE UPDATED ADA SELF-EVALUATION AND TRANSITION PLAN.

Mayor Goldsworthy opened the public hearing at 6:36 p.m. on the updated ADA Self-Evaluation and Transition Plan dated April 6, 2018.

No one came forward to speak in support or opposition of the plan. With no further comments, Councilmember Hendricks **moved to close the public hearing at 6:36 p.m.**, seconded by Councilmember Gordon, the motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

RESOLUTION 05-01-2018 – APPROVING THE UPDATED ADA SELF-EVALUATION AND TRANSITION PLAN.

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING THE UPDATED ADA SELF-EVALUATION AND TRANSITION PLAN.

Council approved the updated ADA Self-Evaluation and Transition Plan. Regular changes, such as changes to the project schedule, can be made by Staff without Council consideration or a public hearing. City Manager Barry Sullivan walked Council through the plan and highlighted several points, including the City not take action for accessibility if it requires undue financial and administrative burden, the projects timeline, and the grievance process. Mayor Goldsworthy encouraged citizens to not wait for a public hearing to request accommodations or changes to the plan.

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

RESOLUTION 05-01-2018 A – AUTHORIZING THE CITY MANAGER, FOR AND ON BEHALF OF THE CITY OF GAINESVILLE, TO EXECUTE AN AGREEMENT WITH EIKON CONSULTING GROUP, LLC FOR CONSULTING SERVICES FOR FIRE STATION 3.

CONSIDERATION OF AND ACTION ON A RESOLUTION AUTHORIZING THE CITY MANAGER, FOR AND ON BEHALF OF THE CITY OF GAINESVILLE, TO EXECUTE AN AGREEMENT WITH EIKON CONSULTING GROUP, LLC FOR CONSULTING SERVICES FOR FIRE STATION 3.

Council authorized the City Manager to execute a contract with Eikon Consulting Group, LLC for Fire Station 3. City Council previously awarded the Request for Qualifications to Eikon, but terms of the agreement had not been finalized. City Manager Sullivan explained that contract terms cannot be discussed until the firm has been selected based solely on qualifications. The cost of the contract is not to exceed \$273,300.

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

RESOLUTION 05-01-2018 B – APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION TO EXECUTE AN ACCESS EASEMENT TO THE GEDC RIGHT OF WAY AT THE SOUTHWEST CORNER OF I-35 AND HIGHWAY 82 FOR INGRESS AND EGRESS TO THE PEERY CEMETERY, ITS HEIRS AND ASSIGNS.

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION TO EXECUTE AN ACCESS EASEMENT TO THE GEDC RIGHT OF WAY AT THE SOUTHWEST CORNER OF I-35 AND HIGHWAY 82 FOR INGRESS AND EGRESS TO THE PEERY CEMETERY, ITS HEIRS AND ASSIGNS.

Council approved the Gainesville Economic Development Corporation's actions to execute an access easement to the GEDC Right of Way at the southwest corner of I-35 and Hwy 82 for ingress and egress to the Peery Cemetery. GEDC Director Arleene Loyd explained the easement comes not at the request of the cemetery owner, but per Texas Health and Safety Code that requires reasonable ingress and egress over property to visit the cemetery. The area will hopefully be developed soon.

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

PUBLIC HEARING ON AN ORDINANCE GRANTING A SPECIAL USE PERMIT AS REQUESTED BY SHAWN ROCKENBAUGH WITH TNP, INC., TO INSTALL AND OPERATE A 185-FOOT-TALL COMMUNICATION TOWER WITH A 12-FOOT LIGHTNING ROD FOR A TOTAL HEIGHT OF 197 FEET AND INSTALL AN ELECTRICAL CONTROL STRUCTURE AT THE NORTHWEST CORNER OF IH-35 AND FM 1202 (PID#30763).

PUBLIC HEARING ON AN ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS GRANTING A SPECIAL USE PERMIT AS REQUESTED BY SHAWN ROCKENBAUGH WITH TNP, INC., TO INSTALL AND OPERATE A 185-FOOT-TALL COMMUNICATION TOWER WITH A 12-FOOT LIGHTNING ROD FOR A TOTAL HEIGHT OF 197 FEET AND INSTALL AN ELECTRICAL CONTROL STRUCTURE AT THE NORTHWEST CORNER OF IH-35 AND FM 1202 (PID#30763); PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING.

Mayor Goldsworthy opened the public hearing at 6:45 p.m. on an ordinance to the granting of a Special Use Permit for a communication tower at FM 1202 and I-35.

Shawn Rockenbaugh, 825 Watters Drive, Allen, Texas, spoke in support of the SUP, as he made the application on behalf of Brazos Electric Cooperative. He explained the tower is necessary for the electric substations to communicate to each other and the extended height is necessary for a clear line of sight between towers. Mayor Pro Tem Keith Clegg requested confirmation of the tower type – Rockenbaugh advised it would be a three legged tower.

With no further comments, Councilmember Keeler **moved to close the public hearing at 6:46 p.m.**, seconded by Councilmember Moore, the motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

ORDINANCE 1430-05-2018 – GRANTING A SPECIAL USE PERMIT AS REQUESTED BY SHAWN ROCKENBAUGH WITH TNP, INC., TO INSTALL AND OPERATE A 185-FOOT-TALL COMMUNICATION TOWER WITH A 12-FOOT LIGHTNING ROD FOR A TOTAL HEIGHT OF 197 FEET AND INSTALL AN ELECTRICAL CONTROL STRUCTURE AT THE NORTHWEST CORNER OF I-35 AND FM 1202 (PID#30763).

CONSIDERATION OF AND ACTION ON THE FIRST READING OF AN ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS GRANTING A SPECIAL USE PERMIT AS REQUESTED BY SHAWN ROCKENBAUGH WITH TNP, INC., TO INSTALL AND OPERATE A 185-FOOT-TALL COMMUNICATION TOWER WITH A 12-FOOT LIGHTNING ROD FOR A TOTAL HEIGHT OF 197 FEET AND INSTALL AN ELECTRICAL CONTROL STRUCTURE AT THE NORTHWEST CORNER OF IH-35 AND FM 1202 (PID#30763);

PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING.

Council voted to grant a Special Use Permit for a communications tower as requested by TNP, Inc. at the northwest corner of I-35 and FM 1202. The issuance of the permit is contingent upon approval by the Federal Communications Commission, per City Code. The SUP will no longer be valid if ownership of the property changes. The tower will be used for the nearby Brazos Electric substation to communicate to other substations. Brazos is the main transmission company for local electric cooperatives.

Councilmember Clegg **moved to Suspend the Charter requirement of three readings**, seconded by Councilmember Gordon, the motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

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

EXECUTIVE SESSION

At 6:48p.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 7:02 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 7:02 p.m.

Respectfully submitted,

Caitlyn Huddleston, City Secretary

Jim Goldsworthy, Mayor