

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
September 4, 2018**

The City Council of the City of Gainesville, Texas met in regular session on September 4, 2018 at 6:30 p.m. with the following persons in attendance.

MEMBERS PRESENT: Keith Clegg, Carolyn Hendricks, Ken Keeler, Mary Jo Dollar, Steve Gordon, Tommy Moore

MEMBERS ABSENT: Mayor Jim Goldsworthy

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

OTHERS PRESENT: Mike Gordon, Tim Cortes, Bill Mashieu Kushey, Molly Guard, Delania Raney, Dean Smith, Sarah Einselen, Tony Dresser (Videographer)

CALL TO ORDER

Mayor Pro Tem Keith Clegg called the meeting to order at 6:30 p.m.

INVOCATION & PLEDGE OF ALLEGIANCE

City Manager Barry Sullivan gave the invocation. Mayor Pro Tem Keith Clegg led the pledge to the flag.

CONSENT AGENDA

Council reviewed the Minutes of the regularly scheduled City Council Meeting of August 21, 2018 and the special called City Council Meeting of August 28, 2018 and approved them as written.

RESOLUTION 09-04-2018 – APPROVING APPOINTMENTS TO THE AIRPORT ADVISORY BOARD.

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING APPOINTMENTS TO THE AIRPORT ADVISORY BOARD.

Council reappointed Ryan Green, Tim Fogle, and Nancy Brannon to the Airport Advisory Board to terms expiring July 2020.

RESOLUTION 09-04-2018 A – APPROVING THE SALE OF ALCOHOL AT THE SANTA FE DEPOT AND MUSEUM AND PORTIONS OF DEPOT LANE AND ELM STREET BY THE FRANK BUCK ZOOLOGICAL SOCIETY DURING ZOOBILEE ON OCTOBER 6, 2018.

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING THE SALE OF ALCOHOL AT THE SANTA FE DEPOT AND MUSEUM AND PORTIONS OF DEPOT LANE AND ELM STREET BY THE FRANK BUCK ZOOLOGICAL SOCIETY DURING ZOOBILEE ON OCTOBER 6, 2018.

Council approved the sale of alcohol by the Frank Buck Zoological Society during their annual Zoobilee event at the Santa Fe Depot and surrounding streets on October 6, 2018.

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

PUBLIC HEARING ON THE PROPOSED BUDGET FOR CITY OF GAINESVILLE FOR THE FISCAL YEAR 2017-2018.

PUBLIC HEARING ON THE PROPOSED BUDGET FOR CITY OF GAINESVILLE FOR THE FISCAL YEAR 2017-2018.

Mayor Pro Tem opened the public hearing at 6:31 p.m. and called for public comment on the proposed budget for the City of Gainesville for Fiscal Year 2018-2019.

No one came forward to speak either for or against the proposed budget.

Councilmember Hendricks **moved to close the public hearing**, seconded by Councilmember Gordon, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Goldsworthy).

Mayor Pro Tem Keith Clegg announced that Council will vote on the budget at their regularly scheduled meeting on September 18, 2018 at 6:30 p.m. in the Municipal Building, Council Chambers, at 200 South Rusk Street.

SECOND PUBLIC HEARING ON THE PROPOSED TAX RATE OF \$0.72254 PER \$100 VALUATION FOR CITY OF GAINESVILLE FOR THE FISCAL YEAR 2017-2018.

SECOND PUBLIC HEARING ON THE PROPOSED TAX RATE OF \$0.72254 PER \$100 VALUATION FOR CITY OF GAINESVILLE FOR THE FISCAL YEAR 2017-2018.

Mayor Pro Tem opened the public hearing at 6:34 p.m. and called for public comment on the proposed Tax Rate of \$0.72254 for the City of Gainesville for Fiscal Year 2018-2019.

No one came forward to speak either for or against the proposed tax rate.

Councilmember Gordon **moved to close the public hearing**, seconded by Councilmember Moore, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Goldsworthy).

Mayor Pro Tem Keith Clegg announced that Council will vote to set the tax rate at their regularly scheduled meeting on September 18, 2018 at 6:30 p.m. in the Municipal Building, Council Chambers, at 200 South Rusk Street.

RESOLUTION 09-04-2018 B – APPROVING ACTIONS OF THE STANFORD CHARITABLE CORPORATION BOARD OF DIRECTORS APPROVING AND ADOPTING THE FY 2018-2019 BUDGET FOR THE STANFORD HOUSE.

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING ACTIONS OF THE STANFORD CHARITABLE CORPORATION BOARD OF DIRECTORS APPROVING AND ADOPTING THE FY 2018-2019 BUDGET FOR THE STANFORD HOUSE.

Council approved action of the Board of Directors of the Stanford Charitable Corporation in adopting their Fiscal Year 2018-2019 budget for operation of the Stanford House. The City Council also serves as the Board of Directors for the Corporation. Executive Director Kathi Kirby-Husereau presented the budget.

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

RESOLUTION 09-04-2018 C – APPROVING PLACEMENT OF A BELL MONUMENT OF “THE GREAT HANGING” IN THE GEORGIA DAVIS BASS PARK.

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING PLACEMENT OF A BELL MONUMENT OF “THE GREAT HANGING” IN THE GEORGIA DAVIS BASS PARK.

Council granted permission for a group of area residents to place a bell monument in the Georgia Davis Bass Park in recognition of “The Great Hanging” which took place in Gainesville in October 1862. Councilmember Steve Gordon provided explanation on how the area became a park, as it was a donation from the heirs to the estate of Georgia Davis Bass at the request of her brother Bob Davis, and that former Gainesville Mayor and historian Margaret Parks Hayes had conducted research to conclude that was the site of the tragic event.

Stamped engineered drawings will be required prior to construction due to the bell’s weight and it being a suspended object. The construction must meet City requirements, as well.

The approved resolution includes standard language that stipulates the City is not required to maintain the monument and can have it removed from the location if it becomes dilapidated or a danger to the public.

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

RESOLUTION 09-04-2018 D – CASTING BALLOTS FOR CANDIDATES FOR THE TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL BOARD OF TRUSTEES.

CONSIDERATION OF AND ACTION ON A RESOLUTION CASTING BALLOTS FOR CANDIDATES FOR THE TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL BOARD OF TRUSTEES.

Council approved the City of Gainesville ballot for election of Bert Lumbreras for Place 12 on the Board of Trustees for the Texas Municipal League Intergovernmental Employee Benefits Pool. As a member city of the TML Risk Pool, Gainesville is entitled to vote for Board of Trustee members.

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

RESOLUTION 09-04-2018 E – AUTHORIZING THE MAYOR TO EXECUTE A RESTRICTIVE COVENANT ON PROPERTY OWNED BY THE CITY OF GAINESVILLE LOCATED AT 2300 N I-35, GAINESVILLE, TEXAS.

CONSIDERATION OF AND ACTION ON A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RESTRICTIVE COVENANT ON PROPERTY OWNED BY THE CITY OF GAINESVILLE LOCATED AT 2300 N I-35, GAINESVILLE, TEXAS.

Council authorized the Mayor to execute a Restrictive Covenant on 2300 N I-35 to restrict the use of the 0.02 acre portion of a street to commercial/industrial use. This area is zoned Industrial, but the covenant will prohibit any residential structures, including homes, apartments, and nursing homes, from being built there in the future. This will allow a company that polluted the area over two decades ago to complete their required steps to abate the issues with the site.

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

RESOLUTION 09-04-2018 F – RESOLUTION AUTHORIZING THE DECLARATION OF GAINESVILLE POLICE DEPARTMENT EQUIPMENT, 98 EXPIRED BODY ARMOR

BALLISTIC PANELS, AS SURPLUS SO THEY CAN BE TRANSFERRED TO THE ARMOR OF GOD PROJECT, INC. AND AUTHORIZING THE CITY MANAGER TO SIGN AN ACKNOWLEDGEMENT AND RELEASE AGREEMENT BETWEEN THE CITY OF GAINESVILLE AND THE ARMOR OF GOD PROJECT, INC.

CONSIDERATION OF AND ACTION ON A RESOLUTION AUTHORIZING THE DECLARATION OF GAINESVILLE POLICE DEPARTMENT EQUIPMENT, 98 EXPIRED BODY ARMOR BALLISTIC PANELS, AS SURPLUS SO THEY CAN BE TRANSFERRED TO THE ARMOR OF GOD PROJECT, INC. AND AUTHORIZING THE CITY MANAGER TO SIGN AN ACKNOWLEDGEMENT AND RELEASE AGREEMENT BETWEEN THE CITY OF GAINESVILLE AND THE ARMOR OF GOD PROJECT, INC.

Council authorized the declaration of 98 body armor ballistic panels as surplus from the Gainesville Police Department that have expired and been removed from service to be transferred to The Armor of God Project, Inc., who accepts expired body armor to provide to officers who cannot afford the equipment. City Manager Barry Sullivan and Police Chief Kevin Phillips both expressed thanks to the City Council for providing this equipment on behalf of the Gainesville Police Department employees.

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

ORDINANCE 1436-09-2018 – AMENDING CHAPTER 11 – MOTOR VEHICLES AND TRAFFIC BY ADDING A DEFINITION OF “OVERSIZE VEHICLES” AND RESTRICTING OVERSIZE VEHICLES FROM TRAVELING ON CERTAIN ROADWAYS WITHIN THE CITY LIMITS OF GAINESVILLE, TEXAS AND PROVIDING A PENALTY FOR VIOLATION.

CONSIDERATION OF AND ACTION ON AN ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AMENDING CHAPTER 11 – MOTOR VEHICLES AND TRAFFIC BY ADDING A DEFINITION OF OVERSIZE VEHICLES AND RESTRICTING OVERSIZE VEHICLES FROM TRAVELING ON CERTAIN ROADWAYS WITHIN THE CITY LIMITS OF GAINESVILLE, TEXAS; PROVIDING FOR A PENALTY NOT TO EXCEED \$500; PROVIDING SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE AND MAKING AN OPEN MEETING FINDING.

Council adopted an ordinance that amended Chapter 11 – Motor Vehicles and Traffic of City of Gainesville Code of Ordinances to define “oversize vehicles” and to restrict oversize vehicles from traveling on certain roadways within the city limits of Gainesville, including California Street and Grand Ave. Oversize vehicles, including trucks carrying homes, windmill blades, etc., that are routed on these streets cause significant disruption to the normal flow of traffic and have required police intervention, at times, for the safety of the public. Oversize vehicle traffic can still be routed through Gainesville utilizing other routes such as U.S. Highway 82 and Interstate 35.

Councilmember Mary Jo Dollar requested clarification regarding trucks making deliveries along those routes, such as groceries to Tom Thumb. City Manager Barry Sullivan explained that this ordinance specifically defines oversize vehicles, but does allow even for those vehicles to travel along the prohibited streets if making a delivery.

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

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

RESOLUTION 09-04-2018 G – APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION, REGARDING THE COMPANY’S 2018 RATE REVIEW MECHANISM FILINGS.

CONSIDERATION OF AND ACTION ON A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2018 RATE REVIEW MECHANISM FILINGS; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.

Council approved a negotiated settlement between the Atmos Cities Steering Committee (ACSC) and Atmos Energy Corporation, Mid-Tex Division, regarding the company’s 2018 Rate Review Mechanism filings. City Manager Barry Sullivan explained that Atmos Energy could elect to go through Gas Reliability Infrastructure Program (“GRIP”) rate filings that preclude city and citizen review and are costly to the company, but have decided to work with over 170 cities, including Gainesville, through the ACSC to file a rate review mechanism, a process that provides for greater communication between Atmos and ACSC. The rate review mechanism considers items such as capital improvements, investment and operation expenses, and provides the opportunity for Atmos to recover those costs. Atmos advised they qualified for \$42 million but reduced their request to \$27.4 million; the ACSC has agreed to a negotiated amount of \$24.9 million. \$17.8 million of that amount will affect cities served by the ACSC.

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

ORDINANCE 1437-09-2018 – GRANTING A NATURAL GAS FRANCHISE TO ATMOS ENERGY CORPORATION, MID-TEX DIVISION.

CONSIDERATION OF AND ACTION ON THE FIRST READING OF AN ORDINANCE GRANTING TO ATMOS ENERGY CORPORATION, MID-TEX DIVISION, A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO FURNISH, TRANSPORT, AND SUPPLY NATURAL GAS TO THE GENERAL PUBLIC IN THE CITY OF GAINESVILLE, TO CONSTRUCT, MAINTAIN, AND OPERATE PIPELINES AND EQUIPMENT FOR THE TRANSPORTATION, DELIVERY, SALE AND DISTRIBUTION OF NATURAL GAS IN, OUT OF AND THROUGH THE CITY OF GAINESVILLE FOR ALL PURPOSES, PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAY; PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; REPEALING ALL PREVIOUS ATMOS ENERGY GAS FRANCHISE ORDINANCES; PRESCRIBING THE TERMS, CONDITIONS, OBLIGATIONS AND LIMITATIONS UNDER

WHICH SUCH FRANCHISE SHALL BE EXERCISED; A MOST FAVORED NATIONS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

This ordinance provides Atmos Energy a non-exclusive franchise to operate within the City's rights-of-way and alleys for the next 20 years for 5% of the company's gross revenues within the city limits. The State of Texas requires cities to charge for the use of municipal property. This is a rental fee, not a tax. Standard franchise agreement language is included, as well as a "favored nations" clause, which will provide the City of Gainesville with more favorable conditions of the agreement, should another city receive them.

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 (Goldsworthy).

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 (Goldsworthy).

ADJOURN

With no further business to come before the City Council, the meeting was adjourned at 7:01 p.m.

Respectfully submitted,

Caitlyn Huddleston, City Secretary

Keith Clegg, Mayor Pro Tem