

**MINUTES  
CITY OF GAINESVILLE  
CITY COUNCIL MEETING  
200 South Rusk  
Gainesville, Texas 76240  
May 18, 2021**

The City Council of the City of Gainesville, Texas met in regular session on May 18, 2021 at 6:30 p.m. with the following persons in attendance.

**MEMBERS PRESENT:** Mayor Tommy Moore, Mayor Pro Tem Ken Keeler, Carolyn Hendricks, Brandon Eberhart, Michael Hill, Mary Jo Dollar.

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Barry Sullivan, City Manager; Belvin Harris, City Attorney; Diana Alcalá, City Secretary; J.I. Johnson, Finance Director; Kevin Phillips, Police Chief; Calvin Manuel, Community Development Director; Dusty Luton, Cemetery Director.

**OTHERS PRESENT:** Mike Gordon, Janice Hill, Kelly Cain, Aubrey Eberhart, Wray Westbrook, Spencer Padgett, John Hare, Frank Lorne, Rod Tyler, Heather Goins, Eric Hook, Billy Burgan, Lynn Huchton, Joann Huchton, Tony Dresser (videographer).

**CALL TO ORDER**

Mayor Tommy Moore called the meeting to order at 6:30 p.m.

**INVOCATION & PLEDGE OF ALLEGIANCE**

John Hare gave the invocation. Mayor Tommy Moore led the pledge to the flag.

**CITIZEN COMMENTS**

Wray Westbrook came forward to speak in opposition of allowing wireless fencing in city limits.

Spencer Padgett came forward to speak on current zoning ordinances not allowing food trucks in C-2 zoned areas.

**CONSENT AGENDA**

Council reviewed the Minutes of the City Council Meeting on May 4, 2021 and approved them as written.

**RESOLUTION 05-18-2021 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE DECLARING A VACANCY ON THE CITY COUNCIL.**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE DECLARING A VACANCY ON THE CITY COUNCIL.

This Resolution declares a vacancy for Councilmember Ward 5. The vacancy shall be filled within 90 days from approval.

Councilmember Dollar **moved to approve the Consent Agenda.** The motion was seconded by Councilmember Keeler and carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

**RESOLUTION 05-18-2021A - A RESOLUTION AUTHORIZING THE PURCHASE OF AUTONOMOUS MOWERS FOR THE FAIRVIEW CEMETERY.**

A RESOLUTION AUTHORIZING THE PURCHASE OF AUTONOMOUS MOWERS FOR THE FAIRVIEW CEMETERY.

This Resolution approves the purchase of thirty-eight (38) autonomous mowers, including reference and charging stations, to enhance grounds maintenance at the Fairview Cemetery for a total purchase of one hundred ninety eight thousand three hundred thirty eight dollars and thirty nine cents (\$198,338.39). This purchase will save the city one hundred twenty nine thousand four hundred eighty dollars and sixty one cents in hard cost savings over a period of ten years and six hundred forty one thousand four hundred dollars and sixty one cents (\$641,400.61) in total savings.

Councilmember Keeler **moved to approve the Resolution.** The motion was seconded by Councilmember Hill and carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

**PUBLIC HEARING ON A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, APPROVING THE LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN RELATING TO POSSIBLE ADOPTION OF IMPACT FEES FOR THE CITY OF GAINESVILLE AND GAINESVILLE'S EXTRATERRITORIAL JURISDICTION.**

PUBLIC HEARING ON A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, APPROVING THE LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN RELATING TO POSSIBLE ADOPTION OF IMPACT FEES FOR THE CITY OF GAINESVILLE AND GAINESVILLE'S EXTRATERRITORIAL JURISDICTION.

Mayor Tommy Moore opened the public hearing at 6:45 p.m. and called for public comment on the amendment.

Pete Kelly came forward to discuss the Ordinance and next steps in possible adoption of Impact Fees. It was also explained that the adoption would come back for a vote on July 6, 2021.

Councilmember Dollar **moved to close the public hearing,** seconded by Councilmember Hill, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 0 Absent.  
The public hearing was closed at 7:02 p.m.

**RESOLUTION 05-18-2021B- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, APPROVING THE LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN RELATING TO POSSIBLE ADOPTION OF IMPACT FEES FOR THE CITY OF GAINESVILLE AND GAINESVILLE'S EXTRATERRITORIAL JURISDICTION.**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, APPROVING THE LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLAN RELATING TO POSSIBLE ADOPTION OF IMPACT FEES FOR THE CITY OF GAINESVILLE AND GAINESVILLE'S EXTRATERRITORIAL JURISDICTION.

This Resolution approves the Land Use Assumptions and Capital Improvements Plan relating to possible adoption of Impact Fees for the City of Gainesville and Gainesville's Extraterritorial Jurisdiction.

Councilmember Keeler **moved to approve the Resolution.** The motion was seconded by Councilmember Eberhart and carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

**RESOLUTION 05-18-2021C- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, ESTABLISHING A PUBLIC HEARING DATE TO DISCUSS THE IMPOSITION OF IMPACT FEES FOR THE CITY OF GAINESVILLE AND GAINESVILLE'S EXTRATERRITORIAL JURISDICTION.**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, ESTABLISHING A PUBLIC HEARING DATE TO DISCUSS THE IMPOSITION OF IMPACT FEES FOR THE CITY OF GAINESVILLE AND GAINESVILLE'S EXTRATERRITORIAL JURISDICTION.

This Resolution establishes a public hearing date to discuss the imposition of Impact Fees for the City of Gainesville and Gainesville's Extraterritorial Jurisdiction, to be held on July 6, 2021 at 6:30 p.m. at City Hall, 200 S. Rusk Gainesville, Texas.

Councilmember Hendricks **moved to approve the Resolution.** The motion was seconded by Councilmember Keeler and carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

**PUBLIC HEARING ON AN ORDINANCE AMENDING ORDINANCE 1219-12-2008; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE REZONE FROM OUTDOOR COMMERCIAL (C-3) ZONING DISTRICT TO MODERATE DENSITY MULTI-FAMILY (MF-1) ZONING DISTRICT OF PLUS OR MINUS 3.38 ACRES, LOCATED ON JUSTICE CENTER BOULEVARD, AS REQUESTED BY BIG ELLUM PROPERTIES, LLC; PROVIDING FOR AN AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF GAINESVILLE; PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AND OPEN MEETING FINDING.**

PUBLIC HEARING ON AN ORDINANCE AMENDING ORDINANCE 1219-12-2008; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE REZONE FROM OUTDOOR COMMERCIAL (C-3) ZONING DISTRICT TO MODERATE DENSITY MULTI-FAMILY (MF-1) ZONING DISTRICT OF PLUS OR MINUS 3.38 ACRES, LOCATED ON JUSTICE CENTER BOULEVARD, AS REQUESTED BY BIG ELLUM PROPERTIES, LLC.

Mayor Tommy Moore opened the public hearing at 7:12 p.m. and called for public comment on the amendment.

A representative from Big Ellum Properties came forward to explain the purpose of the rezone request is for the development of duplexes and quadriplexes.

Councilmember Hendricks **moved to close the public hearing,** seconded by Councilmember Eberhart, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

The public hearing was closed at 7:13 p.m.

**ORDINANCE 1489-05-2021- AN ORDINANCE AMENDING ORDINANCE 1219-12-2008; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE REZONE FROM OUTDOOR COMMERCIAL (C-3) ZONING DISTRICT TO MODERATE DENSITY MULTI-FAMILY (MF-1) ZONING DISTRICT**

**OF PLUS OR MINUS 3.38 ACRES, LOCATED ON JUSTICE CENTER BOULEVARD, AS REQUESTED BY BIG ELLUM PROPERTIES, LLC; PROVIDING FOR AN AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF GAINESVILLE; PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AND OPEN MEETING FINDING.**

AN ORDINANCE AMENDING ORDINANCE 1219-12-2008; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE REZONE FROM OUTDOOR COMMERCIAL (C-3) ZONING DISTRICT TO MODERATE DENSITY MULTI-FAMILY (MF-1) ZONING DISTRICT OF PLUS OR MINUS 3.38 ACRES, LOCATED ON JUSTICE CENTER BOULEVARD, AS REQUESTED BY BIG ELLUM PROPERTIES, LLC.

This Ordinance rezones the 3.38 acre property, legally described as Sam Enderby Office Park Addition, Lots 9 through 15, from Outdoor Commercial (C-3) zoning to Moderate Density Multi-Family (MF-1) zoning to allow for duplexes and quadriplexes.

Councilmember Keeler **moved to suspend the Charter.** The motion was seconded by Councilmember Hill and carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

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

**RESOLUTION 05-18-2021D- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, APPROVING THE BELLUM ESTATES ADDITION PRELIMINARY PLAT, BEING PLUS OR MINUS 6.25 ACRES OUT OF THE W.C. WINTERS SURVEY, ABSTRACT NUMBER 1086, GENERALLY LOCATED ON JUSTICE CENTER BOULEVARD, WITHIN THE CITY LIMITS OF GAINESVILLE, COOKE COUNTY, TEXAS; PROVIDING FOR A REPEALING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, APPROVING THE BELLUM ESTATES ADDITION PRELIMINARY PLAT.

This Resolution approves the Bellum Estates Addition Preliminary Plat being plus or minus 6.25 acres out of the W.C. Winters Survey, Abstract Number 1086 in Gainesville, Texas.

Councilmember Eberhart **moved to approve the Resolution.** The motion was seconded by Councilmember Hill and carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

**PUBLIC HEARING ON A RESOLUTION ELECTING TO BECOME ELIGIBLE TO PARTICIPATE IN TAX ABATEMENTS; AMENDING GUIDELINES AND CRITERIA FOR GRANTING TAX ABATEMENT IN A REINVESTMENT ZONE CREATED WITHIN THE CITY OF GAINESVILLE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS FINDING.**

PUBLIC HEARING ON A RESOLUTION ELECTING TO BECOME ELIGIBLE TO PARTICIPATE IN TAX ABATEMENTS; AMENDING GUIDELINES AND CRITERIA FOR GRANTING TAX ABATEMENT IN A REINVESTMENT ZONE CREATED WITHIN THE CITY OF GAINESVILLE.

Mayor Tommy Moore opened the public hearing at 7:17 p.m. and called for public comment on the amendment.

No one came forward to speak for or against the Ordinance.

Councilmember Keeler **moved to close the public hearing**, seconded by Councilmember Dollar, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 0 Absent.  
The public hearing was closed at 7:17 p.m.

**RESOLUTION 05-18-2021E- A RESOLUTION ELECTING TO BECOME ELIGIBLE TO PARTICIPATE IN TAX ABATEMENTS; AMENDING GUIDELINES AND CRITERIA FOR GRANTING TAX ABATEMENT IN A REINVESTMENT ZONE CREATED WITHIN THE CITY OF GAINESVILLE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS FINDING.**

A RESOLUTION ELECTING TO BECOME ELIGIBLE TO PARTICIPATE IN TAX ABATEMENTS; AMENDING GUIDELINES AND CRITERIA FOR GRANTING TAX ABATEMENT IN A REINVESTMENT ZONE CREATED WITHIN THE CITY OF GAINESVILLE.

This resolution amends the City's Tax Abatement Guidelines that were approved on August 20, 2019. The only change is to Section 6 reducing the threshold from \$100,000,000 to \$50,000,000 for providing tax abatements on inventories and vehicles.

Councilmember Eberhart **moved to approve the Resolution**. The motion was seconded by Councilmember Hill and carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

**ORDINANCE 1490-05-2021- AN ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AMENDING THE PROVISIONS CHAPTER 19 – WATER AND SEWERS, ARTICLE III – INDUSTRIAL WASTES OF THE CITY'S CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A CIVIL AND CRIMINAL PENALTY; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE; AND MAKING AN OPEN MEETINGS FINDING.**

AN ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AMENDING THE PROVISIONS CHAPTER 19 – WATER AND SEWERS, ARTICLE III – INDUSTRIAL WASTES OF THE CITY'S CODE OF ORDINANCES.

This ordinance will amend Chapter 19- Water and Sewers- to meet EPA and TCEQ requirements for industrial pretreatment of wastewater.

Councilmember Keeler **moved to suspend the Charter**. The motion was seconded by Councilmember Dollar and carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

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

**ORDINANCE 1491-05-2021- AN ORDINANCE OF THE CITY OF GAINESVILLE AMENDING CHAPTER 13, SECTION V, OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE; SPECIFICALLY 13-100, 13-103, AND 13-104 TO CLARIFY THE PURPOSE OF THE ORDINANCE; AMEND THE DEFINITIONS OF PROHIBITED NOISES AND NOISE PRODUCING VIBRATIONS FROM VEHICLES; AND AMEND THE EXEMPTIONS GRANTED UNDER THE CHAPTER.**

AN ORDINANCE OF THE CITY OF GAINESVILLE AMENDING CHAPTER 13, SECTION V, OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE; SPECIFICALLY 13-100, 13-103, AND 13-104 TO CLARIFY THE PURPOSE OF THE ORDINANCE; AMEND THE DEFINITIONS OF PROHIBITED NOISES AND NOISE PRODUCING VIBRATIONS FROM VEHICLES; AND AMEND THE EXEMPTIONS GRANTED UNDER THE CHAPTER.

This ordinance will amend City of Gainesville Ordinance Chapter 13, Section V by adding the purpose of the ordinance to Section 13-100 for clarification; amending the definitions of Prohibited Noises and Noise Producing Vibrations from Vehicles which are listed under Section 13-103; and amending the exemptions listed under Section 13-104.

Councilmember Dollar **moved to suspend the Charter.** The motion was seconded by Councilmember Keeler and carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

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

#### **EXECUTIVE SESSION**

At 7:28 p.m. Mayor Moore 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-Client Matters

#### **RECONVENE INTO OPEN SESSION**

Council reconvened into open session at 7:51 p.m. and Mayor Moore announced no action was taken during executive session.

With no further business to come before the City Council, the meeting was adjourned at 7:51 p.m.  
Respectfully submitted,



Diana Alcalá, City Secretary



Tommy Moore, Mayor

