

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
July 6, 2021**

The City Council of the City of Gainesville, Texas met in regular session July 6, 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 Alcala, City Secretary; J.I. Johnson, Finance Director; Kevin Phillips, Police Chief; Calvin Manuel, Community Development Director; Audrey Schroyer, GEDC Director; Christopher Cypert, Municipal Judge.

OTHERS PRESENT: Mike Gordon, Kelly Cain, Aubrey Eberhart, Delania Raney, Julian Pam Johnson, Sharon Newberry, Charlotte Henessy, Craig Hughes, Dennis Noblett, Pete Kelly, Lynn Huchton, JoAnn Huchton, Dolores Zimmerer, Frank Lorne, Alan Brown, Tony Dresser (videographer).

CALL TO ORDER

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

INVOCATION & PLEDGE OF ALLEGIANCE

Dennis Noblett gave the invocation. Mayor Tommy Moore led the pledge to the flag.

RECOGNITION & PROCLAMATIONS

Municipal Judge Christopher Cypert administered the Oath of Office to newly appointed City Councilmember Martin Phillips, Ward 5.

Mayor Tommy Moore presented a proclamation to Mt. Olive Church for their 150th anniversary.

CONSENT AGENDA

Council reviewed the Minutes of the City Council Meeting on June 15, 2021 and approved them as written.

RESOLUTION 07-06-2021 - A RESOLUTION MAKING APPOINTMENTS TO THE AIRPORT ADVISORY BOARD.

This Resolution reappoints Joe Bland, Jason Snuggs, Brandon Ayers, and Carroll Johnson to the Airport Advisory Board.

RESOLUTION 07-06-2021A - A RESOLUTION MAKING APPOINTMENTS TO THE GAINESVILLE HOUSING AUTHORITY BOARD OF THE CITY OF GAINESVILLE.

TO THE AIRPORT ADVISORY BOARD.

This Resolution appoints Keith Clegg to the Housing Authority Board.

RESOLUTION 07-06-2021B - A RESOLUTION MAKING APPOINTMENTS TO THE PLANNING AND ZONING COMMISSION OF THE CITY OF GAINESVILLE.

This Resolution appoints Andrew Ploeger to the Planning and Zoning Commission.

Councilmember Keeler **moved to approve the Consent Agenda.** The motion was seconded by Councilmember Eberhart and carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

RESOLUTION 07-06-2021C - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TX, AUTHORIZING THE MAYOR OF THE CITY OF GAINESVILLE TO EXECUTE A HANGAR LEASE AGREEMENT WITH CFDI AERO, FOR THE MULTI-USE HANGAR AT THE GAINESVILLE MUNICIPAL AIRPORT.

This Resolution authorizes the Mayor to execute a Hangar Lease Agreement with CFDI Aero, which operates a maintenance, repair, and overhaul facility to work on aircraft. The term of the hangar lease will be for two (2) years with two (2), two (2) year extensions. The lease rate for year 1 will be One Thousand Eight Hundred Fifty (1,850.00) dollars per month; year 2, One Thousand Nine Hundred Fifty (1,950.00) dollars per month and so on. CFDI Aero has also submitted a Hangar Improvement Program to help maintain the premises.

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

ORDINANCE 1495-07-2021- AN ORDINANCE OF THE CITY OF GAINESVILLE AMENDING CHAPTER 3 – ANIMAL CONTROL OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE TO PROVIDE FOR ENFORCEMENT ACTIONS REGARDING AGGRESSIVE DOGS AND PUBLIC NUISANCE DOGS; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTY; PROVIDING FOR PUBLICATION; PROVIDING FOR SUSPENSION OF THE CHARTER PROVISION REQUIREMENT OF READING ON THREE SEPARATE OCCASIONS; PROVIDING AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.

This Ordinance will amend City of Gainesville Ordinance Chapter 3 – Animal Control, by adding definitions to Section 3-1 and adding Sections 3-33 and 3-34 which details violation verbiage to provide for enforcement actions regarding aggressive dogs and public nuisance dogs.

Councilmember Hill **moved to suspend the Charter.** The motion was seconded by Councilmember Eberhart and carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

Councilmember Eberhart **moved to approve the Ordinance.** The motion was seconded by Councilmember Hill and carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

RESOLUTION 07-06-2021D - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE APPROVING THE ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION, WHICH APPROVED THE PURCHASE AGREEMENT OPTION FOR THE SALE OF PROPERTY LOCATED AT FM 1202, GAINESVILLE, TEXAS (ALSO KNOWN AS GATEWAY INDUSTRIAL PARK) AND ACCOMPANYING ECONOMIC DEVELOPMENT INCENTIVE NOTE.

This Resolution approves Strategic Rail Finance to purchase Gateway Industrial Park for five million dollars (\$5,000,000), of which two million five hundred thousand dollars (\$2,500,000) will

be cash payable at closing and two million four hundred seventy-five thousand dollars (\$2,475,000) will be payable according to financing set forth in an economic development note. (\$25,000 non-refundable option will be paid by Strategic Rail at the signing of the contract. The \$25,000 will be applied to the payment for the property if Strategic rail makes the decision to purchase the property during the option period.)

Strategic Rail Finance and subsequent companies will develop Gateway Industrial Park into a rail-served industrial campus including but not limiting to developments of: common-area infrastructure, railroad infrastructure, a non-proprietary rail-truck transfer facility; and

Strategic Rail Finance and subsequent companies will recruit tenants to Gateway Industrial Park that meet the defined terms of primary job creation set by the Gainesville Economic Development Corporation and the North American Industry Classification System.

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

ORDINANCE 1496-07-2021- AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES, SECTION 14-6 PROHIBITED ACTS, SUBSECTION (H); PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

This Ordinance brings the City into compliance with the Texas State Law for constitutional carry of firearms, where people who are allowed to legally carry weapons may do so in our parks and cemetery. It is still illegal to discharge carried weapons on said properties without consent of the City Manager or City Council.

Councilmember Keeler **moved to suspend the Charter.** The motion was seconded by Councilmember Eberhart and carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

Councilmember Keeler **moved to approve the Ordinance.** The motion was seconded by Councilmember Eberhart and carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

PUBLIC HEARING ON AN ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AMENDING APPENDIX A: ZONING, SECTION 3.3: SPECIAL USE PERMITS, SUBSECTION 3.3.03 [ALLOWABLE SPECIAL USES AND CONDITIONS]; PROVIDING FOR REGULATION ALLOWING RECREATIONAL VEHICLE PARK AS A SPECIAL USE; PROVIDING FOR REGULATIONS OF APPROVED RECREATIONAL VEHICLE PARKS THROUGH THE SPECIAL USE PERMIT PROCESS; PROVIDING FOR A FINDINGS CLAUSE; PROVIDING FOR AN ENACTMENT CLAUSE; PROVIDING FOR A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR THE ENROLLMENT AND ENGROSSMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Tommy Moore opened the public hearing at 7:04 p.m. and called for public comment on the Ordinance.

Jim Zimmerer came forward to speak in favor of the proposed Ordinance

Councilmember Dollar **moved to close the public hearing**, seconded by Councilmember Keeler, the motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent.
The public hearing was closed at 7:09 p.m.

ORDINANCE 1497-07-2021- AN ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AMENDING APPENDIX A: ZONING, SECTION 3.3: SPECIAL USE PERMITS, SUBSECTION 3.3.03 [ALLOWABLE SPECIAL USES AND CONDITIONS]; PROVIDING FOR REGULATION ALLOWING RECREATIONAL VEHICLE PARK AS A SPECIAL USE; PROVIDING FOR REGULATIONS OF APPROVED RECREATIONAL VEHICLE PARKS THROUGH THE SPECIAL USE PERMIT PROCESS; PROVIDING FOR A FINDINGS CLAUSE; PROVIDING FOR AN ENACTMENT CLAUSE; PROVIDING FOR A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR THE ENROLLMENT AND ENGROSSMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

This Ordinance allows for special use requests for RV Parks in the C-3, Outdoor Commercial Zoning District, and I, Industrial Zoning District. The ordinance would limit stays in approved RV Parks to 14 days at a time over a three month period.

Councilmember Eberhart **moved to suspend the Charter**. The motion was seconded by Councilmember Hill and carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

Councilmember Eberhart **moved to approve the Ordinance**. The motion was seconded by Councilmember Keeler and carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

PUBLIC HEARING ON AN ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AMENDING THE CODE OF ORDINANCES, BY ADDING PART II APPENDIX C IMPACT FEE REGULATIONS RELATING TO THE APPLICATION OF IMPACT FEES TO NEW DEVELOPMENT; PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

Mayor Tommy Moore opened the public hearing at 7:27 p.m. and called for public comment on the Ordinance.

Tim Fleet and Craig Hughes came forward to speak in favor of the proposed Ordinance

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

The public hearing was closed at 7:32 p.m.

ORDINANCE 1498-07-2021- AN ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AMENDING THE CODE OF ORDINANCES, BY ADDING PART II APPENDIX C IMPACT FEE REGULATIONS RELATING TO THE APPLICATION OF IMPACT FEES TO NEW DEVELOPMENT; PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

The Capital Improvement Advisory Committee recommended that the City collect 40% of the maximum assessable impact fees for water and wastewater. The Committee wanted to keep the impact fee the same for the entire City, so they recommended collection 40% of the maximum

impact fee for roads in Service Area B (south of US 82) and a collection rate of 81% for roads in Service Area A (north of US 82).

Each impact fee is based per state law on a service unit cost. A single service unit (3/4 inch meter) for water is \$388. A single service unit (3/4 inch water meter) for wastewater is \$1,269. A single service unit (vehicle mile per development unit) for roads are \$867.

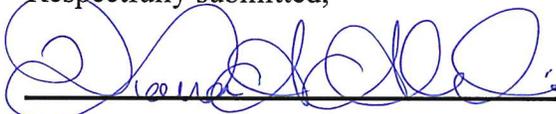
A single family house with a 3/4 inch meter would have an impact fee of \$4,232.

Councilmember Keeler **moved to suspend the Charter.** The motion was seconded by Councilmember Dollar and carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

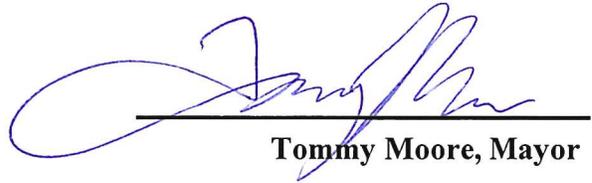
Councilmember Keeler **moved to approve the Ordinance.** The motion was seconded by Councilmember Phillips and carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

With no further business to come before the City Council, the meeting was adjourned at 7:37 p.m.

Respectfully submitted,



Diana Alcala, City Secretary



Tommy Moore, Mayor



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