

**MINUTES  
CITY OF GAINESVILLE  
CITY COUNCIL MEETING  
200 South Rusk  
Gainesville, Texas 76240  
September 7, 2021**

The City Council of the City of Gainesville, Texas met in regular session September 7, 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, Martin Phillips.

**MEMBERS ABSENT:** Mary Jo Dollar

**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.

**OTHERS PRESENT:** Mike Gordon, Kelly Cain, Janice Hill, Aubrey Eberhart, Rod Tyler, Frank Lorne, Linda Moore, Roslyn Eugster, John Powell, Shana Powell.

**CALL TO ORDER**

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

**INVOCATION & PLEDGE OF ALLEGIANCE**

Gregory Smith gave the invocation. Mayor Tommy Moore led the pledge to the flag.

**CONSENT AGENDA**

Council reviewed the Minutes of the City Council Meeting on August 17, 2021 and approved them as written.

**RESOLUTION 09-07-2021 - A RESOLUTION MAKING AN APPOINTMENT TO THE TEXOMA COMMUNITY CENTER BOARD OF TRUSTEES.**

This Resolution reappoints Mark Brazelton to the Texoma Community Center Board of Trustees.

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

**ORDINANCE 1500-09-2021 - AN ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 8 – HEALTH, CREATING ARTICLE V. PUBLIC AND SEMIPUBLIC SWIMMING POOLS AND SPAS FOR THE REGULATION OF PUBLIC & SEMI-PRIVATE POOLS AND PUBLIC INTERACTIVE WATER FEATURES; PROVIDING FOR A FINDINGS CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE, PROVIDING FOR A SAVINGS CLAUSE, PROVIDING FOR A CUMULATIVE REPEALER; PROVIDING FOR A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

This ordinance adopts Texas Administrative Code, Title 25-Health Services, Part I- Department of State Health Services, Chapter 265-General Sanitation, Subchapter L - Standards for Public Pools and Spa.

The ordinance would also establish an annual permit for all public and semi-private pools and spas. Currently, the City of Gainesville has 13 public swimming pools including the pool owned by the City of Gainesville. A fee will be proposed in the forthcoming annual fee schedule change.

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, 1 Absent (Dollar).

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

**PUBLIC HEARING ON A RESOLUTION ESTABLISHING THE CITY OF GAINESVILLE PACE PROGRAM**

Mayor Tommy Moore opened the public hearing at 6:38 p.m. and called for public comment on the Ordinance.

No one came forward to speak on behalf of the proposed Ordinance

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

The public hearing was closed at 6:39 p.m.

**RESOLUTION 09-07-2021A - A RESOLUTION ESTABLISHING THE CITY OF GAINESVILLE PACE PROGRAM**

The Resolution of Intent to Establish the Property Assessed Clean Energy (PACE) Program that was approved at the August 17, 2021 City Council Meeting declares the boundary of the program to be the City limits. It also declares that the City will not spend funds on a project because a third party (found by the owners) will provide the loans and a third party (Texas PACE Authority) will work as the City's authorized representative to administer the program. All fees to cover these costs are to be paid from the property owners that borrow money through this program.

Councilmember Eberhart **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 (Dollar).

**RESOLUTION 09-07-2021B - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE SECOND AMENDMENTS TO WATER TOWER LEASE AGREEMENTS WITH NEW CINGULAR WIRELESS PCS, LLC. FOR COMMUNICATIONS PURPOSES.**

This resolution authorizes the City Manager to execute second amendments to Water Tower Lease Agreements with Cingular Wireless to increase the size of their leased premises by 40 sq. ft. to add a generator in the area.

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, 1 Absent (Dollar).

**ORDINANCE 1501-09-2021 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, DESIGNATING THE INTERSECTION OF SOUTH CLEMENTS STREET AND YOUNG STREET IN THE CITY OF GAINESVILLE, TEXAS, AS A TWO-WAY STOP INTERSECTION, TO BE CONTROLLED BY STOP SIGNS FOR NORTHBOUND AND SOUTHBOUND TRAFFIC ON SOUTH CLEMENTS STREET AT THE INTERSECTION OF YOUNG STREET; AUTHORIZING THE ERECTION OF SIGNS AT THE INTERSECTION; 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 designates South Clements Street and Young Street as a two-way stop intersection, controlled by stop signs for northbound and southbound traffic on South Clements Street at the intersection of Young Street.

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

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

**PUBLIC HEARING ON AN ORDINANCE ESTABLISHING APPROPRIATIONS FOR THE SUPPORT, MAINTENANCE, BUILDINGS AND IMPROVEMENTS FOR THE CITY OF GAINESVILLE, TEXAS, FOR THE FISCAL YEAR FROM OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2022 AND REVISING THE BUDGET FOR OCTOBER 1, 2020 THROUGH SEPTEMBER 30, 2021; PROVIDING AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING; AND PROVIDING FOR RATIFICATION OF THE PROPERTY TAX INCREASE REFLECTED IN THE FISCAL YEAR 2021-2022 OPERATING BUDGET BY SEPARATE VOTE.**

Mayor Tommy Moore opened the public hearing at 6:44 p.m. and called for public comment on the Ordinance.

No one came forward to speak on behalf of the proposed Ordinance

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

The public hearing was closed at 6:45 p.m.

**ORDINANCE 1502-09-2021 - AN ORDINANCE ESTABLISHING APPROPRIATIONS FOR THE SUPPORT, MAINTENANCE, BUILDINGS AND IMPROVEMENTS FOR THE CITY OF GAINESVILLE, TEXAS, FOR THE FISCAL YEAR FROM OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2022 AND REVISING THE BUDGET FOR OCTOBER 1, 2020 THROUGH SEPTEMBER 30, 2021; PROVIDING AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING; AND PROVIDING FOR RATIFICATION OF THE PROPERTY TAX INCREASE REFLECTED IN THE FISCAL YEAR 2021-2022 OPERATING BUDGET BY SEPARATE VOTE.**

Adopted the Budget for Fiscal Year 2021-2022 and revised the budget for FY 2020-2021 for the City of Gainesville. The total Revenues for the budget are \$40,559,769 while Expenditures equal \$43,793,482.

The adopted City budget document will be posted on the City of Gainesville website [www.Gainesville.tx.us](http://www.Gainesville.tx.us) under Financial Transparency.

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, 1 Absent (Dollar).

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

Councilmember Keeler **“moved to ratify the increase in property tax revenue as reflected in the FY 2021-2022 Budget”.** The motion was seconded by Councilmember Hill and carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Dollar).

**PUBLIC HEARING ON AN ORDINANCE LEVYING, ASSESSING AND FIXING THE AD VALOREM TAX RATE FOR THE CITY OF GAINESVILLE, TEXAS GENERAL FUND AND INTEREST AND SINKING FUND FOR THE FISCAL YEAR FROM OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2022; APPROPRIATING EACH LEVY FOR THE SPECIFIC PURPOSE; PROVIDING FOR THE ASSESSMENT OF ALL ANNUAL OCCUPATIONAL TAXES PROVIDED BY LAW; REQUIRING PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.**

Mayor Tommy Moore opened the public hearing at 6:48 p.m. and called for public comment on the Ordinance.

No one came forward to speak on behalf of the proposed Ordinance

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

The public hearing was closed at 6:49 p.m.

**ORDINANCE 1503-09-2021 - AN ORDINANCE LEVYING, ASSESSING AND FIXING THE AD VALOREM TAX RATE FOR THE CITY OF GAINESVILLE, TEXAS GENERAL FUND AND INTEREST AND SINKING FUND FOR THE FISCAL YEAR FROM OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2022; APPROPRIATING EACH LEVY FOR THE SPECIFIC PURPOSE; PROVIDING FOR THE ASSESSMENT OF ALL ANNUAL OCCUPATIONAL TAXES PROVIDED BY LAW; REQUIRING PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.**

This ordinance sets the tax rate at \$0.6721 per \$100.

\$0.4974 for General Fund

\$0.1747 for Interest and Sinking Fund

Councilmember Eberhart **moved to suspend the Charter.** The motion was seconded by Councilmember Hill and carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Dollar).

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

**RESOLUTION 09-07-2021C - A RESOLUTION UPDATING AND APPROVING THE ANNUAL FEE SCHEDULE FOR CITY OF GAINESVILLE SERVICES FOR FISCAL YEAR 2021-2022 AND PROVIDING AN EFFECTIVE DATE.**

Approved the annual schedule of fees for City services for Fiscal Year 2021-2022. The adopted rates are effective October 1, 2021. The newly adopted fee schedule will be posted on the City website [www.gainesville.tx.us](http://www.gainesville.tx.us) under the link to Fee Schedule.

Councilmember Eberhart **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 (Dollar).

**RESOLUTION 09-07-2021D - A RESOLUTION APPROVING THE CITY OF GAINESVILLE FIVE (5) YEAR CAPITAL IMPROVEMENT PLAN (FY 2022-2026).**

Approved the five-year Capital Improvements Plan (CIP) for Fiscal Years 2022 through 2026. The CIP projects future capital expenditures and serves as a planning document for budgeting and planning in future years. The capital improvement program (CIP) shall be used as a planning document for succeeding budget periods. The CIP shall not bind the city council to any commitment of funds for any project or any budget period.

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

**RESOLUTION 09-07-2021E - A RESOLUTION APPROVING A FIVE (5) YEAR BUDGET MODEL (FY 2022-2026) FOR CITY OF GAINESVILLE.**

Approved the Five (5) Year Budget. The Five (5) Year Budget should be viewed as a model to help council and staff anticipate the impact of current decisions on future budgets. When Council and staff want to make changes in operations, including but not limited to personnel changes, benefit changes, capital expenditures, and debt service payments, these changes should be applied to the model in order to determine the consequence of the decision in the coming five (5) years. The Five (5) Year Budget does not bind the City Council to any commitment of funds for any project or budget period. Moreover, this budget should not be viewed as a goal for future spending.

Councilmember Eberhart **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 (Dollar).

**RESOLUTION NO. 09-07-2021F - A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH EACH OF THE AGENCIES RECEIVING HOTEL/MOTEL OCCUPANCY TAX PURSUANT TO CHAPTER 351 OF THE TAX CODE; APPROPRIATING CERTAIN AMOUNTS FROM SAID HOTEL/MOTEL FUND; AND AUTHORIZING PAYMENT ON THE TERMS AND CONDITIONS CONTAINED THEREIN.**

Approved annual tourism and promotion contracts for each of the agencies to receive anticipated Hotel/Motel Occupancy Tax revenues in the FY 2021-2022 Budget. The agencies are Butterfield Stage Players, Cooke County Arts Council, Cooke County Heritage Society/Morton Museum, Cooke County Heritage Society/Santa Fe Depot Museum, and Gainesville Area Chamber of Commerce.

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

**RESOLUTION NO. 09-07-2021G - A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION OF THE CITY OF GAINESVILLE, WHICH VOTED TO ADOPT THE BUDGET FOR FISCAL YEAR 2021-2022.**

This Resolution approves the actions of the GEDC which voted to adopt the budget for fiscal year 2021-2022.

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, 1 Absent (Dollar).

**EXECUTIVE SESSION**

At 7:01 p.m. Mayor Tommy 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  
Under Government Code §551.087 Economic Development

**RECONVENE INTO OPEN SESSION**

Council reconvened into open session at 7:18 p.m. and Mayor Tommy Moore announced no action was taken during executive session.

**RESOLUTION NO. 09-07-2021H - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS AUTHORIZING THE CITY MANAGER TO SIGN A SETTLEMENT AGREEMENT WITH SOZO CENTER, LLC AND BYC, LLC.**

The resolution authorizes the City Manager to sign a settlement agreement with the owners of the Old Hospital (Sozo Center, LLC and BYC, LLC). The agreement will eliminate all lawsuits between the City and the owners of the Old Hospital (1400 and 1420 O'Neal Street, Gainesville, Texas and formerly known as 1410 O'Neal Street, Gainesville, Texas and 1016 Ritchey Street Gainesville, Texas).

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, 1 Absent (Dollar).

**RESOLUTION NO. 09-07-2021I - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS AUTHORIZING THE CITY MANAGER TO SIGN A 380 ECONOMIC DEVELOPMENT AGREEMENT WITH SOZO CENTER, LLC AND BYC, LLC.**

The resolution authorizes the City Manager to sign a 380 Economic Development Agreement with the owners of the Old Hospital (Sozo Center, LLC and BYC, LLC). This is part of the Settlement Agreement, which is the previous agenda item. The City Manager is only authorized to sign this 380 agreement after the settlement agreement is executed by both parties.

The 380 agreement calls for the City to provide \$750,000 for the demolition of the Old Hospital. The money will be placed in an escrow account and the owner may utilize the funds for the sole purpose of demolishing the Old Hospital.

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, 1 Absent (Dollar).

**RESOLUTION NO. 09-17-2021J - A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION OF THE CITY OF**

*Gainesville City Council Minutes of September 7, 2021*

**GAINESVILLE, WHICH VOTED TO APPROVE JOB CREATION INCENTIVE REQUIREMENTS FOR 2021-2022.**

This resolution approves the actions of the Gainesville Economic Development Corporation of the City of Gainesville, which voted to approve job creation incentive requirements. The requirements will include a living wage that pays \$18.50 per hour on a full time basis and health benefits.

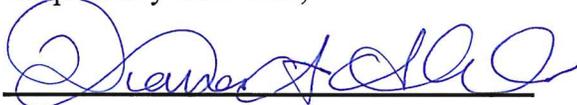
Councilmember Eberhart **moved to approve the Resolution.** The motion was seconded by Councilmember Hill and carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent (Dollar).

**RESOLUTION NO. 09-07-2021K - A RESOLUTION OF THE CITY COUNCIL APPROVING THE SALE OF ALCOHOL AT NORTH CENTRAL TEXAS COLLEGE DURING THE MEDAL OF HONOR HOST CITY PROGRAM BANQUET.**

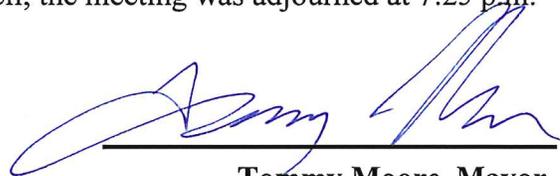
This resolution approves the sale of alcohol at North Central Texas College for the Medal of Honor Host City Program Banquet to be held on September 24, 2021 between the hours of 6:00 p.m. to 10:00 p.m..

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, 1 Absent (Dollar).

With no further business to come before the City Council, the meeting was adjourned at 7:25 p.m.  
Respectfully submitted,



**Diana Alcalá, City Secretary**



**Tommy Moore, Mayor**



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