

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
September 6, 2022**

The City Council of the City of Gainesville, Texas met in regular session September 6, 2022 at 6:30 p.m. with the following persons in attendance.

MEMBERS PRESENT: Mayor Tommy Moore (Virtual Presence), Mayor Pro Tem Ken Keeler, Carolyn Hendricks, Brandon Eberhart, Martin Phillips, and Mary Jo Dollar.

MEMBERS ABSENT: Michael Hill

STAFF PRESENT: Barry Sullivan, City Manager; Diana Alcalá, City Secretary; J.I. Johnson, Finance Director; Kevin Phillips, Police Chief; Polly Boone, General Services Director; William Myers, GEDC Director.

OTHERS PRESENT: Pam Johnson, Linda Moore, Janice Hill, Drew Satterwhite, Paul Egle, Angie Hare, John Hare, Pam Dill, Edna Slater, Chris Igo, Andrew Simonsen, Aubrey Eberhart, Delania Raney, Anna Beall, and Tony Dresser (Videographer).

CALL TO ORDER

Mayor Pro Tem Ken Keeler called the meeting to order at 6:30 p.m.

INVOCATION & PLEDGE OF ALLEGIANCE

John Hare gave the invocation, Mayor Pro Tem Ken Keeler led the pledge to the flag.

RECOGNITIONS/PROCLAMATIONS

Constitution Week September 17-23, 2022

Mayor Pro Tem Ken Keeler recognized September 17-23, 2022 as Constitution Week. The Daughters of the American Revolution, Rebecca Crockett Chapter were in attendance to receive the proclamation.

CONSENT AGENDA

The following Consent Agenda items were approved by Council.

- A. Approve Minutes of August 16, 2022 City Council Meeting.
- B. A Resolution of the City Council of the City of Gainesville, Texas, making reappointments to the Planning and Zoning Commission of the City of Gainesville.
- C. A Resolution of the City Council of the City of Gainesville, Texas, making reappointments to the Building and Standards Commission of the City of Gainesville.
- D. A Resolution of the City Council of the City of Gainesville, TX, authorizing the Mayor of the City of Gainesville to execute a Ground Lease Agreement with Clayton Boyd Agricultural Equipment, LLC. for a private hangar at the Gainesville Municipal Airport.

- E. A Resolution approving appointments to the Gainesville Economic Development Board and approving the actions of the GEDC, which voted to approve elected slate of officers for 2022-2023.

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

PUBLIC HEARING ON AN ORDINANCE MAKING FINDINGS; DESIGNATING A CERTAIN AREA AS A REINVESTMENT ZONE FOR COMMERCIAL-INDUSTRIAL TAX ABATEMENT; ASSIGNING THE NAME "REINVESTMENT ZONE NUMBER 23 (TWENTY-THREE) OF THE CITY OF GAINESVILLE, TEXAS" TO SAID ZONE; DESCRIBING THE BOUNDARIES THEREOF; PROVIDING FOR ELIGIBILITY REQUIREMENTS FOR TAX ABATEMENT WITHIN SAID ZONE; PROVIDING TERMS FOR ABATEMENT WITHIN THE ZONE; PROVIDING REQUIREMENTS FOR TAX ABATEMENT AGREEMENTS; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND MAKING AN OPEN MEETING FINDING.

Mayor Pro Tem Ken Keeler 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 Dollar, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent.

The public hearing was closed at 6:38 p.m.

ORDINANCE NO. 1514-09-2022 - AN ORDINANCE MAKING FINDINGS; DESIGNATING A CERTAIN AREA AS A REINVESTMENT ZONE FOR COMMERCIAL-INDUSTRIAL TAX ABATEMENT; ASSIGNING THE NAME "REINVESTMENT ZONE NUMBER 23 (TWENTY-THREE) OF THE CITY OF GAINESVILLE, TEXAS" TO SAID ZONE; DESCRIBING THE BOUNDARIES THEREOF; PROVIDING FOR ELIGIBILITY REQUIREMENTS FOR TAX ABATEMENT WITHIN SAID ZONE; PROVIDING TERMS FOR ABATEMENT WITHIN THE ZONE; PROVIDING REQUIREMENTS FOR TAX ABATEMENT AGREEMENTS; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND MAKING AN OPEN MEETING FINDING.

This ordinance declares 4321 N. Interstate 35 and 4323 N. Interstate 35 as a reinvestment zone (Old Outlet Mall).

Councilmember Dollar **moved to SUSPEND THE CHARTER.** The motion was seconded by Councilmember Eberhart and carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent.

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

ORDINANCE 1515-09-2022 - AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A "CONTRACT OF INDEMNIFICATION" WITH THE GREATER TEXOMA UTILITY AUTHORITY IN CONNECTION WITH THE ISSUANCE OF

CONTRACT REVENUE BONDS ON BEHALF OF THE CITY; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE EXECUTION AND DELIVERY OF SUCH CONTRACT.

This Ordinance authorizes Greater Texoma Utility Authority (GTUA) to enter into an agreement with the Texas Water Development Board (TWDB) to issue \$2,705,000 in bonds for the City of Gainesville to replace 4,580 feet of water line between Foundry Road and I-35.

Councilmember Hendricks **moved to SUSPEND THE CHARTER.** The motion was seconded by Councilmember Phillips and carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent.

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

RESOLUTION 09-06-2022D – A RESOLUTION TO APPROVE THE PROPOSED THE COOKE COUNTY APPRAISAL DISTRICT FY 2022-2023 BUDGET.

Approved the Cooke County Appraisal District's Proposed Budget for fiscal year 2022-2023.

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

PUBLIC HEARING ON THE PROPOSED BUDGET FOR CITY OF GAINESVILLE FOR FISCAL YEAR 2022-2023.

Mayor Pro Tem Ken Keeler opened the public hearing at 6:47 p.m. and called for public comment on the Ordinance.

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

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

The public hearing was closed at 6:47 p.m.

ORDINANCE 1516-09-2022 - AN ORDINANCE ESTABLISHING APPROPRIATIONS FOR THE SUPPORT, MAINTENANCE, BUILDINGS AND IMPROVEMENTS FOR THE CITY OF GAINESVILLE, TEXAS, FOR THE FISCAL YEAR FROM OCTOBER 1, 2022 THROUGH SEPTEMBER 30, 2023 AND REVISING THE BUDGET FOR OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2022; PROVIDING AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING; AND PROVIDING FOR RATIFICATION OF THE PROPERTY TAX INCREASE REFLECTED IN THE FISCAL YEAR 2022-2023 OPERATING BUDGET BY SEPARATE VOTE.

Adopted the Budget for Fiscal Year 2022-2023 and revised the budget for FY 2021-2022 for the City of Gainesville. The total Revenues for the budget are \$42,260,699 while Expenditures equal \$45,706,465.

The adopted City budget document will be posted on the City of Gainesville website www.Gainesville.tx.us under Financial Transparency.

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

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

Councilmember Phillips “**moved to ratify the increase in property tax revenue as reflected in the FY 2022-2023 Budget**”. The motion was seconded by Councilmember Dollar and carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent.

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, 2022 THROUGH SEPTEMBER 30, 2023; 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 Pro Tem Ken Keeler opened the public hearing at 6:51 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 Phillips, the motion carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent.

The public hearing was closed at 6:51 p.m.

ORDINANCE 1517-09-2022 - 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, 2022 THROUGH SEPTEMBER 30, 2023; 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 \$0.6239 per \$100.

\$0.4666 for General Fund

\$0.1573 for Interest and Sinking Fund

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

Councilmember Eberhart made the 2nd motion “**I move that the property tax rate be increased by the adoption of a tax rate of \$0.6239, which is effectively a 5.26 increase in the tax rate.**” The motion was seconded by Councilmember Dollar and carried by vote of 6 Ayes, 0 Nays, 0 Abstentions, 1 Absent.

RESOLUTION 09-06-2022E - A RESOLUTION UPDATING AND APPROVING THE ANNUAL FEE SCHEDULE FOR CITY OF GAINESVILLE SERVICES FOR FISCAL YEAR 2022-2023 AND PROVIDING AN EFFECTIVE DATE.

Approved the annual schedule of fees for City services for Fiscal Year 2022-2023. The adopted rates are effective October 1, 2022. The newly adopted fee schedule will be posted on the City website www.gainesville.tx.us under the link to Fee Schedule.

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

RESOLUTION 09-06-2022F - A RESOLUTION APPROVING THE CITY OF GAINESVILLE FIVE (5) YEAR CAPITAL IMPROVEMENT PLAN (FY 2023-2027).

Approved the five-year Capital Improvements Plan (CIP) for Fiscal Years 2023 through 2027. 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 Eberhart **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.

RESOLUTION 09-06-2022G - A RESOLUTION APPROVING A FIVE (5) YEAR BUDGET MODEL (FY 2023-2027) 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 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.

RESOLUTION NO. 09-06-2022H - 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 2022-2023 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 Dollar **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.

RESOLUTION NO. 09-06-2022I - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, CASTING BALLOTS FOR CANDIDATES FOR THE TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL BOARD OF TRUSTEES.

Voted Mike Land, former Gainesville City Manager, for Place 8 on the Texas Municipal League Intergovernmental Risk Pool Board of Trustees.

Councilmember Dollar **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.

CONSIDERATION OF AND ACTION ON A RESOLUTION APPROVING ACTIONS OF THE BOARD OF DIRECTORS OF THE STANFORD HOUSE CHARITABLE CORPORATION, WHICH VOTED TO ADOPT THE FY 2022-2023 STANFORD HOUSE BUDGET.

Tabled a Resolution approving the FY 2022-2023 Stanford House Budget. The item will be placed on the September 20, 2022 City Council Meeting Agenda.

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

RESOLUTION NO. 09-06-2022J - A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION OF THE CITY OF GAINESVILLE, WHICH VOTED TO ADOPT THE BUDGET FOR FISCAL YEAR 2022-2023.

This Resolution approves the actions of the GEDC, which voted to adopt the budget for fiscal year 2022-2023.

Councilmember Dollar **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.

RESOLUTION NO. 09-06-2022K - A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN THE INDIVIDUAL PROJECT ORDER NUMBER 2022 ELKINS LIFT STATION, FORCE MAIN, AND GRAVITY LINES FROM KIMLEY-HORN AND ASSOCIATES, INC.

This Resolution approves a \$950,000 contract with Kimley-Horn to design, bid and review construction of the Southern Sewer Line, the Elkins Lift Station, and a portion of the Wheeler Creek Sewer Line. This line will allow additional development in the east and central portions of the City.

Councilmember Phillips **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.

RESOLUTION NO. 09-06-2022L - A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN THE INDIVIDUAL PROJECT ORDER NUMBER 2022 I-35 UTILITY RELOCATIONS FOR TXDOT CSJ 0194-02-092.

This Resolution approves a \$886,700 contract with Kimley-Horn to design, bid and review construction of the I-35 Utility Relocation for TXDOT. The project will include the installation of approximately 20,700 linear feet of waterline and 11,560 linear feet of sanitary sewer. TXDOT will reimburse the cost once plans are approved.

Councilmember Phillips **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.

RESOLUTION NO. 09-06-2022M - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING EXPENDITURES FOR PURCHASE OF ONE (1) 2023 MACK TE64 CHASSIS FROM VOLVO & MACK TRUCKS OF WACO & (1) WITTKE

STARLIGHT COMMERCIAL AUTOMATED FRONT LOAD BODY FROM RELIANCE TRUCK & EQUIPMENT FOR THE SOLID WASTE DIVISION.

This Resolution approves the purchase of one (1) 2023 Mack TE64 chassis from Volvo & Mack Trucks of Waco in the amount of one hundred seventy-seven thousand & nine hundred dollars (\$177,900.00) and one (1) Wittke Starlight Commercial Automated Front Load Body from Reliance Truck & Equipment in the amount of one hundred fifty-seven thousand & five hundred dollars (\$157,500.00) for the Solid Waste Division to replace a seven-year-old Commercial Solid Waste Truck. The combined total purchase amount will be \$335,400.00.

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.

EXECUTIVE SESSION

At 7:25 p.m. Mayor Pro Tem Ken Keeler 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 §551.087 Economic Development

Council reconvened into open session at 7:37 p.m. and Mayor Pro Tem Ken Keeler announced no action was taken during executive session.

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

Respectfully submitted,



Diana Alcalá, City Secretary



Tommy Moore, Mayor



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