

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
September 20, 2022**

The City Council of the City of Gainesville, Texas met in regular session September 20, 2022 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, and Mary Jo Dollar.

MEMBERS ABSENT: None

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

OTHERS PRESENT: Michael Williams, Mike Gordon, Kelly Cain, Andrie Krahl, Janice Hill, John Hunter, Billy Burgan, Nancy Brannon, Eric Hook, Scott Grove, Wenzal Hardwick, Willa Knuckles, Aubrey Eberhart, Delania Raney, Anna Beall, and Tony Dresser (Videographer).

CALL TO ORDER

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

INVOCATION & PLEDGE OF ALLEGIANCE

Michael Williams gave the invocation, Mayor Tommy Moore led the pledge to the flag.

RECOGNITIONS/PROCLAMATIONS

City of Gainesville Wastewater Treatment Plant Peak Performance Award

Mayor Tommy Moore recognized Eric Hook for receiving the Gold Award from the National Association of Clean Water Agencies in recognition of complete and consistent permit compliance during the year 2021.

September Employee of the Month

City Manager Barry Sullivan recognized John Hunter as the September Employee of the Month

REPORTS

Report on Gainesville Water and Sewer Bond Rating Upgrade

City Manager Barry Sullivan gave a report on the City of Gainesville Water and Sewer Bond Rating Upgrade. He shared that the City Bond Rating improved and the rating went from A- to A.

Semi-Annual Report on the Capital Improvements Plan and Implementation of Impact Fees in the City of Gainesville

City Manager Barry Sullivan gave the Semi-Annual Report on the Capital Improvements Plan and Implementation of Impact Fees in the City of Gainesville.

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 approving the sale of alcohol at the Gainesville Farmers Market during the Depot Day after Dark Concert.
- C. A Resolution of the City Council approving the sale of alcohol at the Gainesville Farmers Market during the Zoobilee Outback Fundraiser.

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

ORDINANCE NO. 1518-09-2022 - AN ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AMENDING THE CODE OF ORDINANCES CHAPTER 3 – ANIMAL CONTROL, SECTION 3.6 - REGISTRATION, SECTION 3.7 - REVOCATION AND DENIAL OF REGISTRATION, SECTION 3.8 - IMPOUNDMENT, SECTION 3.9 – REDEMPTION OF AN ANIMAL, SECTION 3.11 – ADOPTION OF DOGS AND CATS, AND SECTION 3.12 – ANIMAL QUARANTINE/ANIMAL BITES OF THE CITY OF GAINESVILLE CODE OF ORDINANCES

This ordinance removes the requirement to register animals in the City of Gainesville.

Councilmember Dollar **moved to SUSPEND THE CHARTER.** The motion was seconded by Councilmember Keeler and carried by vote of 7 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 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

ORDINANCE 1519-09-2022 - AN ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AMENDING THE CODE OF ORDINANCES CHAPTER 13 – OFFENSES-MISCELLANEOUS, ARTICLE 5 – NOISE CONTROL, SECTION 13.102 – RESTRICTON ON DECIBEL LEVELS AND SECTION 13-104 – EXEMPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETING FINDING

This Ordinance amends our current code for noise to not exceed 85 decibels on industrial zoned property.

Exemptions will be updated to include:

- Necessary construction or property maintenance, including the use of lawnmowers, during daytime.
- For a person to perform construction work at nighttime a permit must be sought and obtained from the City Building Official, and if the Building Official concludes that because of the construction operations involved construction at the time is reasonable and necessary.
- Use of properly maintained air conditioning units.

Councilmember Keeler **moved to SUSPEND THE CHARTER.** The motion was seconded by Councilmember Phillips 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.

RESOLUTION 09-20-2022B – A RESOLUTION APPROVING ACTIONS OF THE BOARD OF DIRECTORS OF THE STANFORD CHARITABLE CORPORATION, WHICH VOTED TO ADOPT THE FY 2022-2023 STANFORD HOUSE BUDGET.

This Resolution approves the FY 2022-2023 Stanford House Budget.

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

RESOLUTION 09-20-2022C – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF GAINESVILLE, TEXAS, A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT FOR IMPACT FEES WITH SUMMA TERRA VENTURES, LLC.

This Resolution approves a Chapter 380 Economic Development Agreement with Summa Terra Ventures, LLC. for an upfront payment equal to the amount that would go toward impact fees for expanding the City's sewer capacity. The funds paid by Summa Terra Ventures, LLC. will help with economic development from the proposed rail-served industrial part in the North of Gainesville to businesses building on East Hwy 82. It will allow for all 760 apartment units and for an 850 housing development near the Chalmer's Addition.

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.

RESOLUTION 09-20-2022D – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF GAINESVILLE, TEXAS, A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT FOR SALES TAX REBATE WITH SUMMA TERRA VENTURES, LLC.

This Resolution approves a Chapter 380 Economic Development Agreement with Summa Terra Ventures, LLC. for an incentive to rebate 40% of the City's portion of sales tax paid by Summa Terra Ventures, LLC. The City Manager stated that this company purchases their material from outside of the City, so Gainesville would not receive any sales tax. This agreement provides an incentive for the company to directly pay sales taxes from the construction site, which means the city can receive the sales tax.

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

RESOLUTION 09-20-2022E – A RESOLUTION AUTHORIZING THE CITY MANAGER OF THE CITY OF GAINESVILLE, TEXAS TO APPROVE THE SUBMISSION OF GRANT APPLICATION 4635901 FOR BULLET-RESISTANT SHIELDS TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION.

This Resolution approves the submission of a grant for bullet-resistant shields for the Police Department. This equipment would greatly enhance the safety of law enforcement personnel who respond to a high-risk situation such as a barricaded person or an active shooter event.

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

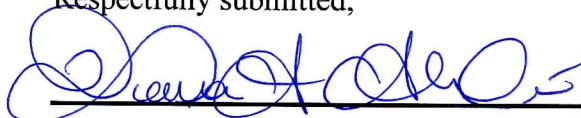
RESOLUTION 09-20-2022F – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF , TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES

STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2022 RATE REVIEW MECHANISM FILING; 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 ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; 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.

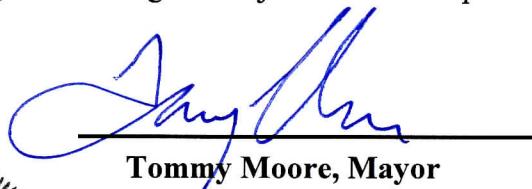
This Resolution approves a settlement between the Atmos Cities Steering Committee (ACSC) and Atmos Energy Corp, Mid-Tex division regarding the company's 2022 Rate Review Mechanism Filing. Atmos requested an increase of \$141.3 million from ACSC Cities. The Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$115 million applicable to ACSC Cities with an Effective Date of October 1, 2022. This settlement saves ACSC Cities \$26.3 million. The average residential rate will increase \$4.60 (6.7%) per month, while the average commercial rate will increase \$14.34 (4.3%).

Councilmember Keeler **moved to approve the Resolution.** 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 6:53 p.m.
Respectfully submitted,



Diana Alcalá, City Secretary



Tommy Moore, Mayor

