

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
March 7, 2023**

The City Council of the City of Gainesville, Texas met in regular session March 7, 2023 at 6:30 p.m. with the following persons in attendance.

MEMBERS PRESENT: Mayor Tommy Moore, Mayor Pro Tem Ken Keeler, Brandon Eberhart, Michael Hill, Martin Phillips, and Mary Jo Dollar.

MEMBERS ABSENT: Carolyn Hendricks

STAFF PRESENT: Barry Sullivan, City Manager; Diana Alcalá, City Secretary; J.I. Johnson, Finance Director; Mike Doughty, Community Development Director; William Myers, Economic Development Director.

OTHERS PRESENT: Delania Raney, Anna Beall, Mike Gordon, Aubrey Eberhart, Colton Hermes, Marty Shew, Darrell McIntyre, and Tony Dresser (Videographer).

CALL TO ORDER

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

INVOCATION & PLEDGE OF ALLEGIANCE

Darrell McIntyre gave the invocation, Mayor Tommy Moore led the pledge to the flag.

CONSENT AGENDA

The following Consent Agenda items were approved by Council.

- A. Approve Minutes of February 20, 2023 City Council Workshop
- B. Approve Minutes of February 21, 2023 City Council Meeting
- C. Consideration of and action on a Resolution approving actions of the Gainesville Economic Development Corporation of the City of Gainesville to amend the GEDC Budget for Fiscal Year 2022-2023.
- D. Consideration of and action on a Resolution approving actions of the Gainesville Economic Development Corporation of the City of Gainesville, which approved an amendment to the employment contract between the GEDC and the GEDC Director.
- E. Consideration of and action on a Resolution of the City Council of the City of Gainesville, Texas approving the actions of the Gainesville Economic Development Corporation, which voted to approve the fourth amendment to the Purchase Agreement Option for the sale of property, located at FM 1202, Gainesville, Texas, also known as Gateway Industrial Park; authorizing the President and Executive Director to execute said fourth amendment and any and all documents to sell and convey said property; and providing for an effective date.
- F. Consideration of and action on a Resolution of the City Council of the City of Gainesville, Texas, authorizing the Mayor of the City of Gainesville to execute a Hangar Lease Agreement with 2F Trade, LLC. for commercial aeronautical sales at the Gainesville Municipal Airport.

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

RESOLUTION 03-07-2023D - A RESOLUTION AUTHORIZING THE CITY MANAGER, FOR AND ON BEHALF OF THE CITY OF GAINESVILLE, TO EXECUTE AN AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES FOR IMPLEMENTATION OF INDIVIDUAL PROJECT ORDER 2023 MILL AND OVERLAY, OF THE STREET AND UTILITY MAINTENANCE PROGRAM FOR THE CITY OF GAINESVILLE.

This resolution authorizes the City Manager to execute an agreement with Kimley-Horn and Associates in total amount of one hundred thirty three thousand dollars (\$133,000) with Kimley-Horn and Associates for professional services for implementation of the Gainesville 2023 Mill and Overlay Project.

Councilmember Dollar **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.

RESOLUTION 03-07-2023E - A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN THE KIMLEY-HORN AMENDMENT NUMBER 01 FOR THE 2022 SUMP L AGREEMENT FOR ENGINEERING SERVICES ASSOCIATED WITH PROJECTS IDENTIFIED IN THE 2020 STREET AND UTILITY MAINTENANCE PROGRAM.

This Resolution authorizes the City Manager to execute an agreement in the amount of eighty seven thousand dollars (\$87,000.00) with Kimley-Horn and Associates for drainage design needed between Wine St. and Tennie.

Councilmember Dollar **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.

RESOLUTION 03-07-2023F - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, APPROVING A BID FROM LYNN VESSELS CONSTRUCTION FOR THE SUMP BOND BID PACKAGE L PROJECT.

This resolution approves a bid for reconstructing Field Street from Lynn Vessels Construction.

Councilmember Keeler **moved to approve the Resolution with an amendment to only approve the construction contract on Field Street.** 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 GRANTING A SPECIAL USE PERMIT (SUP) TO OPERATE A SHORT-TERM RENTAL (STR) LOCATED AT 1010 LOCUST, LEGALLY DESCRIBED AS PLUS OR MINUS 0.16 ACRES, GAINESVILLE ADDITION, BLOCK 126, TRACT 16, COOKE COUNTY PROPERTY ID NUMBER 9240; PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING.

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

No citizen came forward to speak on behalf of the item.

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

The public hearing was closed at 6:46 p.m.

ORDINANCE 1530-03-2023 - AN ORDINANCE GRANTING A SPECIAL USE PERMIT (SUP) TO OPERATE A SHORT-TERM RENTAL (STR) LOCATED AT 1010 LOCUST, LEGALLY DESCRIBED AS PLUS OR MINUS 0.16 ACRES, GAINESVILLE ADDITION, BLOCK 126, TRACT 16, COOKE COUNTY PROPERTY ID NUMBER 9240; PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING.

This ordinance allows for the operation of a Short-Term Rental (STR) located within a Single-Family District (SF2) zoning district located at 1010 Locust St.

Councilmember Keeler **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 Keeler **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 03-07-2023G - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS APPROVING THE ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION, WHICH VOTED TO APPROVE THE PERFORMANCE AGREEMENT WITH MARCHING USA, LLC. TO FUND A JOB CREATION INCENTIVE; AUTHORIZING THE PRESIDENT AND EXECUTIVE DIRECTOR TO EXECUTE SAID PERFORMANCE AGREEMENT AND ALL RELATED DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

This Resolution approves the actions of the GEDC, which voted to approve the Performance Agreement with Marching USA LLC to provide a job creation incentive for Marching USA's relocation to the property at 251 FM 1201 in Gainesville, Texas.

Councilmember Dollar **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.

RESOLUTION 03-07-2023H - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS CONSENTING TO THE CREATION OF ELM FORK MUNICIPAL UTILITY DISTRICT NO. 1 OF COOKE COUNTY, OR MULTIPLE MUNICIPAL UTILITY DISTRICTS ENCOMPASSING THE SAME PROPERTY, WHICH CURRENTLY LIES PARTIALLY WITHIN THE CORPORATE LIMITS OF THE CITY OF GAINESVILLE, PARTIALLY WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF GAINESVILLE, AND PARTIALLY LOCATED OUTSIDE THE CORPORATE LIMITS OR EXTRATERRITORIAL JURISDICTION OF ANY CITY, TOWN OR VILLAGE.

This Resolution approves the consent to the creation of Elm Fork Municipal Utility District No. 1.

Councilmember Keeler **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 03-07-2023I - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS APPROVING THE ACTIONS OF THE GAINESVILLE ECONOMIC

DEVELOPMENT CORPORATION, WHICH VOTED TO APPROVE A MEMORANDUM OF UNDERSTANDING WITH WORKFORCE SOLUTIONS TEXOMA AND NORTH CENTRAL TEXAS COLLEGE FOR A TEXAS WORKFORCE COMMISSION HIGH DEMAND JOB TRAINING GRANT

This Resolution approves the actions of the GEDC, which voted to approve a Memorandum of Understanding with Workforce Solutions Texoma and North Central Texas College to expend economic development funds in the amount of \$150,000.00 for the Texas Workforce Commission High Demand Job Training Grant Program.

Councilmember Keeler **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 03-07-2023J - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH NORTH CENTRAL TEXAS COLLEGE (NCTC) FOR A SHARED ELECTION POLLING LOCATION AND RELATED EXPENSES.

This Resolution authorizes the City Manager to execute an agreement between the City and NCTC for the purpose of sharing a polling location and related expenses for the Election on May 6, 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.

ORDINANCE 1531-03-2023 - AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF GAINESVILLE, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2023; LEVYING AN ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID CERTIFICATES; ENGAGING BOND COUNSEL; APPROVING A PAYING AGENT/ REGISTRAR AGREEMENT AND AN OFFICIAL STATEMENT; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT.

This Ordinance authorizes the issuance and sale of \$9.5 million in CO bonds for the purpose of improving the waterworks and sewer system including treatment facilities, storage facilities, drainage facilities, lines, wells, pumps, valves, lift stations, manholes, fire hydrants, service connections, electrical improvements, and related infrastructure improvements.

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, 1 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, 1 Absent.

RESOLUTION 03-07-2023K - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE CITY MANAGER TO SIGN INDIVIDUAL PROJECT ORDER NUMBER 2023 CHALMERS SANITARY SEWER LINE WITH KIMLEY-HORN AND ASSOCIATES.

This Resolution authorizes the City Manager to execute an agreement with Kimley-Horn and Associates in total amount of three hundred seventeen thousand five hundred dollars (\$317,500) with Kimley-Horn and Associates for professional services for the Chalmers Sanitary Sewer Line Project.

Councilmember Hill **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 03-07-2023L - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE RELEASE OF DEMOLITION LIENS AGAINST PROPERTIES LOCATED AT 316 S. TAYLOR STREET AND 317 FAIR STREET TO BE SOLD AT SHERIFF'S SALE.

This Resolution authorizes the City Manager to release demolition liens for properties located at 316 S. Taylor Street and 317 Fair Street to be sold at sheriff's sale.

Councilmember Eberhart **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 03-07-2023M - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, APPROVING A CONSTRUCTION AT RISK CONTRACTOR FOR THE GAINESVILLE CIVIC CENTER ADDITION.

This Resolution awards the Construction Manager-at-Risk for the Civic Center Addition to Piazza Construction based on qualifications.

Councilmember Dollar **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.

RESOLUTION 03-07-2023N - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH P3 WORKS FOR TAX INCREMENT REINVESTMENT ZONE CONSULTING FOR THE GAINESVILLE MUNICIPAL AIRPORT.

This Resolution authorizes the City Manager to sign an agreement with P3 Works for TIRZ Consulting Services for the Gainesville Municipal Airport.

Councilmember Keeler **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.

ORDINANCE 1532-03-2023 - AN ORDINANCE RECEIVING THE CERTIFICATION OF THE CITY SECRETARY RELATING TO THE REGULAR GENERAL ELECTION ON MAY 6, 2023 FINDING THAT THE CANDIDATES WHO HAVE FILED FOR A PLACE ON THE BALLOT ARE UNOPPOSED; DECLARING THE RESULTS OF THE ELECTION.

This ordinance makes the finding that candidates for Wards 1, 2, 4, and Mayor are unopposed; cancels the election; and declares Keanna Franklin, Brandon Eberhart, Ken Keeler, and Tommy Moore elected to two-year terms.

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, 1 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, 1 Absent.

EXECUTIVE SESSION

At 7:21 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:

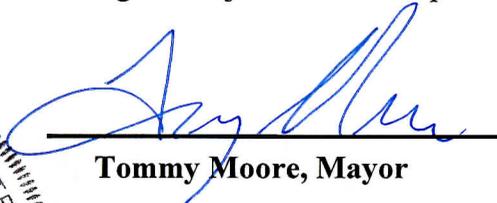
Under Government Code §551.074 Personnel Matters- City Attorney

Council reconvened into open session at 8:07 p.m. and Mayor Tommy Moore announced no action was taken during executive session.

With no further business to come before the City Council, the meeting was adjourned at 8:07 p.m.
Respectfully submitted,



Diana Alcalá, City Secretary



Tommy Moore, Mayor