

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
May 16, 2023**

The City Council of the City of Gainesville, Texas met in regular session May 16, 2023 at 6:30 p.m. with the following persons in attendance.

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

MEMBERS ABSENT: None

STAFF PRESENT: Barry Sullivan, City Manager; Diana Alcala, City Secretary; Chris Cypert, Municipal Judge; Mike Doughty, Community Development Director; William Myers, GEDC Director.

OTHERS PRESENT: Amy Onugha, Anna Beall, Arthur Warren, Aydan Onugha, Bennie Lockridge, Courtney Jones, Debra Beavers, Gertie Calhoun, Isabella Hendricks, Mary Onugha, Mike Gordon, Pam Johnson, Reina Hendricks, Robert Jr. Hendricks, Sandra Robinson, Will Presson, Trevor Sims, and Alex Sims (Videographer)

CALL TO ORDER

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

INVOCATION & PLEDGE OF ALLEGIANCE

Tom Martin from the Church of Christ gave the invocation, Mayor Tommy Moore led the pledge to the flag.

OATH OF OFFICE TO ELECTED OFFICIAL

Municipal Judge Christopher Cypert administered the Oath of Office to newly elected City officials: Tommy Moore, Mayor; Keanna Franklin, Ward 1; Brandon Eberhart, Ward 2; and Ken Keeler, Ward 4. Mayor Tommy Moore thanked Judge Cypert for administering the oaths and thanked the Council members for their service.

ELECTION OF MAYOR PRO TEM

Councilmember Ken Keeler was nominated to serve as Mayor Pro Tem for the next Council year, May 2023 to May 2024.

Councilmember Dollar nominated Ken Keeler for Mayor Pro Tem, and Councilmember Eberhart seconded the nomination. Nominations ceased and Mayor Pro Tem was elected by vote of 6 Ayes, 0 Nays, 1 Abstentions (Keeler), 0 Absent.

RECOGNITIONS

Former Council Member Carolyn Hendricks was recognized with a plaque for her 20 years of service to the citizens of Gainesville.

CONSENT AGENDA

The following Consent Agenda items were approved by Council.

- A. Approve Minutes of May 2, 2023 Regular City Council Meeting
- B. Consideration of and action on a Resolution of the City Council approving the distribution of alcohol at the Frank Buck Zoo and Leonard Park, located at 1000 W. California Street, by the Frank Buck Zoo during World Giraffe Day 5k Walk/Run on June 24, 2023.

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

RESOLUTION 05-16-2023A - A RESOLUTION AND ORDER CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE SPECIAL ELECTION HELD MAY 6, 2023.

This Resolution canvasses the results of the election held on May 6, 2023. A total of 481 votes (392 For and 89 Against) were cast for this election.

Councilmember Dollar **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 05-16-2023B - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, APPROVING A FINAL PLAT OF 6.30 ACRES LOCATED AT HUNT COUNTY SCHOOL LAND SURVEY, ABSTRACT 0440, LOT 20, COOKE COUNTY APPRAISAL DISTRICT PROPERTY ID NUMBER 320148; COMMONLY KNOWN AS 3511 S IH-35; WITHIN THE CITY OF GAINESVILLE EXTRATERRITORIAL JURISDICTION (ETJ), COOKE COUNTY, TEXAS; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

This Resolution approves a Final Plat being plus or minus 6.30 acres of land located at the Hunt County School Land Survey, Abstract Number 0440, Lot 20, Cooke County Appraisal District Property ID Number 320148; commonly known as 3511 S I-35 within the City of Gainesville ETJ, Cooke County, Texas.

Councilmember Keeler **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.

PUBLIC HEARING 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 GAINESVILLE, TEXAS ECONOMIC DEVELOPMENT PLAN.

Mayor Tommy Moore opened the public hearing at 6:42 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 Phillips, the motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

The public hearing was closed at 6:44 p.m.

RESOLUTION 05-16-2023C - 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 GAINESVILLE, TEXAS ECONOMIC DEVELOPMENT PLAN.

This Resolution approves the actions of the GEDC, which voted to approve the Gainesville, Texas Economic Development Plan. An Action Plan is a plan guiding the direction and prioritized efforts of an Economic Development Organization in the near term, typically 1-5 years. This multi-year plan will be managed and updated on a yearly basis with major updates coming every 2-5 years as needed.

Councilmember Hill **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.

PUBLIC HEARING ON AN ORDINANCE AMENDING ORDINANCE: 1219-12-2008; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AUTHORIZING THE REZONE FROM INDUSTRIAL (I) ZONING DISTRICT TO A MULTI-FAMILY LOW DENSITY (MF1) ZONING DISTRICT OF PLUS OR MINUS 0.862 ACRES; LEGALLY DESCRIBED AS SPARKS ADDITION; BLOCK 26; LOT(S) 9, 10, AND 11; AND PRAIRIE ADDITION, LOT(S) 7, 9, AND 11, BLOCK 1, COOKE COUNTY APPRAISAL DISTRICT PROPERTY ID NUMBER(S) 8682, 8674, 8673, 19306, COMMONLY KNOWN AS 1026 N DIXON, 1030 N DIXON AND 1027 MORAN; WITHIN THE CITY OF GAINESVILLE, COOKE COUNTY, TEXAS.

Mayor Tommy Moore opened the public hearing at 6:46 p.m. and called for public comment.

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

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 6:47 p.m.

ORDINANCE 1534-05-2023 - AN ORDINANCE AMENDING ORDINANCE: 1219-12-2008; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AUTHORIZING THE REZONE FROM INDUSTRIAL (I) ZONING DISTRICT TO A MULTI-FAMILY LOW DENSITY (MF1) ZONING DISTRICT OF PLUS OR MINUS 0.862 ACRES; LEGALLY DESCRIBED AS SPARKS ADDITION; BLOCK 26; LOT(S) 9, 10, AND 11; AND PRAIRIE ADDITION, LOT(S) 7, 9, AND 11, BLOCK 1, COOKE COUNTY APPRAISAL DISTRICT PROPERTY ID NUMBER(S) 8682, 8674, 8673, 19306, COMMONLY KNOWN AS 1026 N DIXON, 1030 N DIXON AND 1027 MORAN; WITHIN THE CITY OF GAINESVILLE, COOKE COUNTY, TEXAS; PROVIDING FOR AN AMENDMENT OF THE OFFICIAL ZONING MAP OF THE CITY OF GAINESVILLE; PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING.

This Ordinance changes the zoning district of plus or minus 0.862 acres located at Sparks Addition; Lot(s) 9, 10, and 11, Block 26; and Prairie Addition, Lot(s) 7, 9, and 11, Block 1; Property ID Number(s) 8682, 8674, 8673, 19306; Commonly known as 1026 N Dixon, 1030 N Dixon and 1027 Moran, from the current Industrial (I) zoning district to a Multi-Family Low Density (MF1) zoning district.

Councilmember Hill **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 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.

EXECUTIVE SESSION

At 6:48 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 Privilege
Under Government Code §551.072 Real Property

Council reconvened into open session at 7:08 p.m. and Mayor Tommy Moore announced no action was taken during executive session.

RESOLUTION 05-16-2023D - A RESOLUTION REGARDING THE CREATION OF LIBERTY POINTE PUBLIC IMPROVEMENT DISTRICT AND ORDERING PUBLIC IMPROVEMENTS TO BE MADE FOR THE BENEFIT OF SUCH DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND CONTAINING OTHER MATTERS RELATING TO THE SUBJECT.

This resolution creates the Liberty Pointe Public Improvement District (PID). This will allow the City to create a special assessment against the property within the district to pay the costs of public improvements that confer a special benefit on the property. This allows for a nicer development.

The land is owned by one company at this time. People that purchase land or homes in the district will have to pay the special assessment. No one outside of the district will have to pay this fee.

It is estimated that the total costs of the Authorized Improvements is \$46,996,780.

The City will be able to issue bonds in the future to pay for these improvements. The bonds will be backed by the PID (not the City). The City's bond ratings are not impacted by issuing PID bonds.

Councilmember Keeler **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.

RESOLUTION 05-16-2023E - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS; APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT RELATING TO THE LIBERTY POINTE PUBLIC IMPROVEMENT DISTRICT; AND RESOLVING OTHER MATTERS RELATED THERETO.

This Resolution authorizes the Mayor to execute a Development Agreement establishing how the Liberty Pointe Subdivision will develop, outlining the responsibilities of both the developer and the City.

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

RESOLUTION 05-16-2023F - A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, APPROVING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF GAINESVILLE AND LACKLAND LIBERTY POINTE

DEVELOPMENT, LLC, A TEXAS LIMITED LIABILITY CORPORATION; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.

This Resolution approves a Chapter 380 economic development agreement between the City and Lackland Liberty Pointe Development, LLC. The agreement calls for the City to rebate 40% of the sales tax paid by the company.

In most cases, developers purchase their material outside of the City limits. This means that the City would not receive the sales tax for the material. The company will have to establish a direct payment for sales tax through the state in order for the sales tax to be remitted to the City. In exchange for the company reporting the sales in the City, we will provide a 40% rebate.

Councilmember Keeler **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 1535-05-2023 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, APPROVING A FINAL TAX INCREMENT REINVESTMENT ZONE PROJECT AND FINANCE PLAN FOR REINVESTMENT ZONE NUMBER ONE, CITY OF GAINESVILLE, TEXAS; MAKING CERTAIN FINDINGS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

This Ordinance approves a final Tax Increment Reinvestment Zone Project and Finance Plan for Reinvestment Zone Number One.

Councilmember Hill **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 Dollar **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 05-16-2023G - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS CALLING FOR A PUBLIC HEARING IN ACCORDANCE WITH CHAPTER 26 OF THE TEXAS PARKS AND WILDLIFE CODE TO HEAR FROM THE PUBLIC ON THE PROPOSED USE OR TAKING OF SESQUICENTENNIAL PARK; AUTHORIZING AND DIRECTING THE PUBLICATION OF NOTICE OF THE PUBLIC HEARING; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

This Resolution calls for a Public Hearing on proposed use or taking of Sesquicentennial Park. The Public Hearing is scheduled to be held on the June 20, 2023 City Council Meeting.

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 05-16-2023H - A RESOLUTION AUTHORIZING THE CITY MANAGER TO ADVERTISE THE SALE, CONVEYANCE, OR EXCHANGE OF A 58,154 SQUARE FOOT PARCEL OF LAND LOCATED ON THE SOUTH SIDE OF BROADWAY ST., THE EAST SIDE OF N. CLEMENTS ST., THE NORTH SIDE OF GRIBBLE ST., AND THE WEST SIDE OF RITCHEY ST. AND CONTAINING THE FORMER SESQUICENTENNIAL PARK AND THE FIRE STATION LOCATED AT 200 N. CLEMENTS STREET, FOR THE PURPOSES OF

ECONOMIC DEVELOPMENT IN THE CITY, ACQUIRING AND IMPROVING PROPERTY FOR A NEW FIRE STATION, AND IMPLEMENTING PARK IMPROVEMENTS

This Resolution instructs the City Manager to advertise the sale or exchange of Sesquicentennial Park.

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

RESOLUTION 05-16-2023I - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS AUTHORIZING THE CITY MANAGER TO SIGN AN OPTIONS AND PURCHASE AGREEMENT TO SELL PARCEL NUMBERS 26341, 27209, AND 25433, WHICH COMPRISES OF APPROXIMATELY 82.94 ACRES.

This Resolution authorizes the City Manager to sign an Options and Purchase Agreement to sell parcels of land totaling to approximately 82.94 acres located in Tax Increment Reinvestment Zone No. 1. This land was included in the TIRZ in order for the land to develop. At this time HRH Gainesville Partners, one of the owners and managing partners of Camp Howze Development, would like to have an option to purchase the City land.

Councilmember Keeler **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 05-16-2023J - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS; AUTHORIZING THE MAYOR TO SIGN A FINANCING AGREEMENT FOR PAYMENT OF COMMUNITY BENEFIT CONTRIBUTION BETWEEN THE CITY OF GAINESVILLE, TEXAS AND LACKLAND LIBERTY POINTE DEVELOPMENT, LLC.

The Resolution approves an agreement on the manner in which bonds may be issued for the Liberty Pointe PID. This insures that the developer will cover all the costs for issuing bonds.

If the City issues over \$10 million in bonds during a calendar year, it cannot sell bank qualified bonds. This will cost the City around 25 basis points on interest. This agreement ensures the developer would also pay this cost for the City.

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

RESOLUTION 05-16-2023K - A RESOLUTION SUPPORTING THE CITY OF GAINESVILLE'S APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION'S 2023 TRANSPORTATION ALTERNATIVES SET-ASIDE (TA) CALL FOR PROJECTS.

This Resolution officially declares The City Council's approval to submit a grant to TXDOT for a \$3.5 million sidewalk that will extend along FM 1306 from the high school to (California/US 51) North Central Texas College and then to downtown. There is no matching requirement for the grant, the installation should not cost the City any funding.

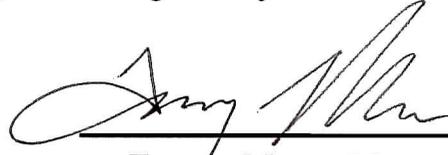
The Resolution states that the City will pay for the maintenance of the sidewalk once it is installed in the state's right-of-way. This is expected to get the City more points for the grant. This could also encourage the District Engineer to write a letter approving the installation of the sidewalk in the State right-of-way, which is required for the City to be eligible to receive the grant.

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 7:22 p.m.
Respectfully submitted,



Diana Alcalá, City Secretary



Tommy Moore, Mayor



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