

**MINUTES  
CITY OF GAINESVILLE  
CITY COUNCIL MEETING  
200 South Rusk  
Gainesville, Texas 76240  
July 18, 2023**

The City Council of the City of Gainesville, Texas met in regular session July 18, 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, Jeff Johnson, and Mary Jo Dollar.

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Barry Sullivan, City Manager; Diana Alcala, City Secretary; Allen McDonald, Public Works Director; Amanda Arnold, Zoo Staff; Angie Tull, Zoo Staff; Billy Burgan, Water Production Supervisor; Brenda Cryer, Administrative Asst. Frank Buck Zoo; Chris Cypert, Municipal Judge; Chris Garner, Police Captain; Jay Borowy, Zoo Staff; JI Johnson, Finance Director; Kevin Phillips, Chief of Police; Kelsey Aguilar, Zoo Staff; Mike Doughty, Community Development Director; Rachel Hughes, Zoo Staff; Sarah Sprowls, Zoo Staff; Stephanie Striplin, GEDC Executive Asst.; Tom Reynolds, Police Captain; William Myers, GEDC Director.

**OTHERS PRESENT:** Anna Beall, Aubrey Eberhart, Cheryl Gomez, Connie Lancaster, David Hardin, Delania Raney, Greg Dobson, John Lancaster, Landon Darwin, Lanita Dobson, Mark Newman, Michael Blank, Mike Gordon, Pam Johnson, Paul Terrel, Teresa Blank, Tiffani Norman, Walker Dyess, Tony Dresser (Videographer).

**CALL TO ORDER**

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

**INVOCATION & PLEDGE OF ALLEGIANCE**

Barry Sullivan gave the invocation, Mayor Tommy Moore led the pledge to the flag.

**OATHS OF OFFICE TO NEWLY ELECTED OFFICIALS**

Municipal Judge Christopher Cypert administered the Oath of Office to newly elected City Official Jeff Johnson, Councilmember Ward 5.

**RECOGNITION & PROCLAMATIONS**

Mayor Tommy Moore proclaimed July 26, 2023 as Americans with Disabilities Act Awareness Day.  
Mayor Tommy Moore proclaimed July 18-24, 2023 as National Zoo Keeper Appreciation Week.

**REPORTS**

Allen McDonald, Public Works Director, gave the 2022 Water Quality Report.  
Shelly Gomulak gave a report on Noah's Ark funds and budget.

## CONSENT AGENDA

The following Consent Agenda items were approved by Council.

- A. Approve Minutes of June 20, 2023 City Council Meeting.
- B. Approve Minutes of July 8, 2023 City Council Workshop.
- C. Consideration of and action on a Resolution making an appointment to the Texoma Community Center Board of Trustees.
- D. Consideration of and action on a Resolution authorizing the City Manager of the City of Gainesville, Texas to enter into an interlocal agreement with the Texoma Council of Governments (TCOG) for E9-1-1 Public Safety Answering Point Services.
- E. Consideration of and action on a Resolution of the City Council of the City of Gainesville, Texas authorizing the City of Gainesville, Texas to open an account with First State Bank for Federal Seizure Funds.
- F. Consideration of and action on a Resolution of the City Council of the City of Gainesville making appointments to the Parks and Recreation Board.
- G. Consideration of and action on a Resolution making an appointment to the Planning and Zoning Commission.
- H. Consideration of and action on a Resolution waiving impact fees for the construction of a property owned by Habitat for Humanity, located at 907 South Taylor.
- I. Consideration of and action on a Resolution waiving impact fees for the construction of a splash pad at the Boys and Girls Club of Cooke County.

Councilmember Keeler **moved to approve the Consent Agenda**. The motion was seconded by Councilmember Franklin 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 COUNCIL OF THE CITY OF GAINESVILLE, TEXAS AUTHORIZING THE REZONE FROM AN INDUSTRIAL (I) ZONING DISTRICT TO A LOW DENSITY MULTI-FAMILY (MF-1) ZONING DISTRICT OF PLUS OR MINUS 0.37 ACRES; COOKE COUNTY APPRAISAL DISTRICT PROPERTY ID NUMBER 20010; COMMONLY KNOWN AS 1128 N COMMERCE STREET.

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

Councilmember Dollar **moved to close the public hearing**, seconded by Councilmember Eberhart, the motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

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

## ORDINANCE 1538-07-2023 - AN ORDINANCE AMENDING ORDINANCE: 1219-12-2008; THE ZONING ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS AUTHORIZING THE REZONE FROM AN INDUSTRIAL (I) ZONING DISTRICT TO A LOW DENSITY MULTI-FAMILY (MF-1) ZONING DISTRICT OF PLUS OR MINUS 0.37 ACRES; COOKE COUNTY APPRAISAL DISTRICT PROPERTY ID NUMBER 20010; COMMONLY KNOWN AS 1128 N COMMERCE STREET; 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 0.37 acres located at Sparks Addition; Block 20; Lot 1; Tract B; Property ID Number 20010; commonly known as 1128 N Commerce Street, from the current Industrial (I) zoning district to a Low-Density Multi-Family (MF-1) zoning district.

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.

**PUBLIC HEARING ON AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, PROVIDING FOR THE APPROVAL OF A SPECIAL USE PERMIT (SUP) LOCATED IN THE LINDSAY ADDITION; LOTS 7-9; BLOCK 5; COMMONLY KNOWN AS 311 S DENTON STREET; LOCATED IN THE SINGLE-FAMILY ZONING DISTRICT; TO OPERATE A SHORT-TERM RENTAL WITHIN THE CITY LIMITS OF GAINESVILLE, COOKE COUNTY, TEXAS.**

Mayor Tommy Moore opened the public hearing at 6:47 p.m. and called for public comment.

Councilmember Keeler **moved to close the public hearing**, seconded by Councilmember Franklin, the motion carried by vote of 7 Ayes, 0 Nays, 0 Abstentions, 0 Absent.

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

**ORDINANCE 1539-07-2023 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, PROVIDING FOR THE APPROVAL OF A SPECIAL USE PERMIT (SUP) LOCATED IN THE LINDSAY ADDITION; LOTS 7-9; BLOCK 5; COMMONLY KNOWN AS 311 S DENTON STREET; LOCATED IN THE SINGLE-FAMILY ZONING DISTRICT; TO OPERATE A SHORT-TERM RENTAL WITHIN THE CITY LIMITS OF GAINESVILLE, COOKE COUNTY, TEXAS; PROVIDING FOR AN EFFECTIVE DATE; CONTAINING A SEVERABILITY CLAUSE AND MAKING AN OPEN MEETING FINDING.**

This Ordinance grants a special use permit for a short-term rental located at 311 S Denton, located in a Single-Family District, to operate a short-term rental within the city limits of Gainesville, Texas.

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

**ORDINANCE 1540-07-2023 - AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE, TEXAS PROVIDING FOR THE REPEAL OF ARTICLE III – JUVENILE CURFEW, PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.**

Texas Governor Greg Abbott signed Texas House Bill 1819 on June 9, 2023, which prohibits a political subdivision from adopting or enforcing an order, ordinance, or other measure that imposes a curfew to regulate the movements or actions of persons younger than 18 years of age. This new law, Texas Local Government Code 370.007, will take effect on September 1, 2023. The repeal of the current City of Gainesville curfew ordinance is necessary to comply with the pending state law and legislative intent.

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

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

**RESOLUTION 07-18-2023G - A RESOLUTION OF THE CITY OF GAINESVILLE, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR AND UPDATE GENERATION RIDERS TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AUTHORIZING HIRING OF LEGAL COUNSEL; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.**

This Resolution approves the denial of the change of electric rates within the City of Gainesville.

Councilmember Dollar **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 REZONING OF PLUS OR MINUS 5.0315 ACRES TO A PLANNED DEVELOPMENT (PD) ZONING DISTRICT INCLUDING THE REZONE FROM SINGLE-FAMILY (SF-2) ZONING DISTRICT TO PLANNED DEVELOPMENT (PD) ZONING DISTRICT OF PROPERTY LEGALLY DESCRIBED AS CLEMENTS I ADDITION; BLOCK 4; LOT 1 W PT, LOT 2, LOT 1 NEC, LOT 1 W PT; COOKE COUNTY APPRAISAL DISTRICT PROPERTY ID NUMBERS (PID) 14054, 3530, 1679, 1813; COMMONLY KNOWN AS 120 N CLEMENTS, 200 N CLEMENTS, 115 RITCHEY, 1305 E CALIFORNIA; AND THE REZONE FROM GENERAL COMMERCIAL (C-2) LOFT OVERLAY DISTRICT TO PLANNED DEVELOPMENT (PD) ZONING DISTRICT OF CLEMENTS 1 ADDITION BLOCK 3 PT OF PID 10251, COMMONLY KNOWN AS 206 N GRAND AVENUE; WITHIN THE CITY OF GAINESVILLE, COOKE COUNTY, TEXAS.**

Mayor Tommy Moore opened the public hearing at 6:55 p.m. and called for public comment.

Connie Lancaster spoke in favor of Option B for the Tom Thumb Planning and Development Site Plan. Michael Blank came forward to speak in favor of Option B.

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

The public hearing was closed at 7:09 p.m.

**ORDINANCE 1541-07-2023 - AN ORDINANCE AMENDING ORDINANCE: 1219-12-2008; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AUTHORIZING THE REZONING OF PLUS OR MINUS 5.0315 ACRES TO A PLANNED DEVELOPMENT (PD) ZONING DISTRICT INCLUDING THE REZONE FROM SINGLE-FAMILY (SF-2) ZONING DISTRICT TO PLANNED DEVELOPMENT (PD) ZONING DISTRICT OF PROPERTY LEGALLY DESCRIBED AS CLEMENTS I ADDITION; BLOCK 4; LOT 1 W PT, LOT 2, LOT 1 NEC, LOT 1 W PT; COOKE COUNTY APPRAISAL DISTRICT PROPERTY ID NUMBERS (PID) 14054, 3530, 1679, 1813; COMMONLY KNOWN AS 120 N CLEMENTS, 200 N CLEMENTS, 115 RITCHEY, 1305 E CALIFORNIA; AND THE REZONE FROM GENERAL COMMERCIAL (C-2) LOFT OVERLAY DISTRICT TO PLANNED DEVELOPMENT (PD) ZONING DISTRICT OF CLEMENTS 1 ADDITION, BLOCK 3 PT OF PID 10251, COMMONLY KNOWN AS 206 N GRAND AVENUE; 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 rezones the current Tom Thumb lot and several of the residential lots on the south side of Tom Thumb to a Planned Development. The residential lots will remain residential until the properties are replatted, at which time they will be used for commercial purposes in the Planned Development.

David Hardin, a representative of Tom Thumb, came forward to discuss proposed stipulations and answer any questions.

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

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

**RESOLUTION 07-18-2023H - A RESOLUTION OF THE CITY OF GAINESVILLE, TEXAS DETERMINING THE COSTS OF CERTAIN AUTHORIZED IMPROVEMENTS TO BE FINANCED BY LIBERTY POINTE PUBLIC IMPROVEMENT DISTRICT; APPROVING A PRELIMINARY SERVICE PLAN AND ASSESSMENT PLAN, INCLUDING PROPOSED ASSESSMENT ROLLS; CALLING A REGULAR MEETING AND NOTICING A PUBLIC HEARING FOR AUGUST 15, 2023 TO CONSIDER AN ORDINANCE LEVYING ASSESSMENTS ON PROPERTY LOCATED WITHIN LIBERTY POINTE PUBLIC IMPROVEMENT DISTRICT; DIRECTING THE FILING OF THE PROPOSED ASSESSMENT ROLLS WITH THE CITY SECRETARY TO MAKE AVAILABLE FOR PUBLIC INSPECTION; DIRECTING CITY STAFF TO PUBLISH AND MAIL NOTICE OF SAID PUBLIC HEARING; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO.**

This Resolution approves the Preliminary Service and Assessment Plan and calls a public hearing on levying assessments on the property located within Liberty Pointe PID for August 15, 2023.

Kirk McDaniel of P3 Works came forward to discuss the preliminary assessment plan.

Councilmember Keeler **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 07-18-2023I - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, APPROVING A GROUND LEASE ASSIGNMENT FROM DH & DS PROPERTIES TO DUSTIN TURNER, LOCATED AT 2301 FLORIDA, GAINESVILLE, TEXAS.**

This Resolution approves a Ground Lease Assignment from DH & DS Properties to Dustin Turner, located at 2301 Florida.

Council previously approved the Ground Lease to Turner OCTG Products Inc. at the June 6, 2023 meeting. Gainesville Title Company requested that the lessee is shown as Dustin Turner. This resolution will also nullify the previous resolution that was approved for this lease.

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.

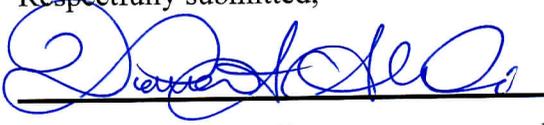
**EXECUTIVE SESSION**

At 7:41 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 §551.072 Real Property

Council reconvened into open session at 7:49 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 7:49 p.m.  
Respectfully submitted,



**Diana Alcala, City Secretary**



**Tommy Moore, Mayor**