

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
August 20, 2024**

The City Council of the City of Gainesville, Texas met in regular session August 20, 2024 at 6:30 p.m. with the following persons in attendance.

MEMBERS PRESENT: Mayor Tommy Moore (virtual), Mayor Pro Tem Ken Keeler, Dakota Nichols, Randy Jones, Jeff Johnson and Mary Jo Dollar.

MEMBERS ABSENT: None.

STAFF PRESENT: Barry Sullivan, City Manager; Diana Alcala, City Secretary; Amanda Kogan, Zoo Staff; Brianna Wilkerson, Zoo Staff; JI Johnson, Finance Director; Kevin Phillips, Chief of Police; Polly Boone, Solid Waste Director; Sarah Seabaugh, Zoo Staff; Susan Kleven, Zoo Director; Wayne Twiner, Fire Chief; William Myers, GEDC Director; Tony Dresser (Videographer).

OTHERS PRESENT: Alan Powers, Anna Beall, David Kleven, Delania Raney, Eli Hollandsworth, Leslie Nichols, Lynette Pettigrew, Mary Houston, Michael Williams, Mike Gordon, Nancy Moore, Ocie Vest, Pete Moore, Tom Bradshaw.

CALL TO ORDER

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

INVOCATION & PLEDGE OF ALLEGIANCE

Deacon Michael Williams from the St. Paul Episcopal Church gave the invocation. Mayor Pro Tem Ken Keeler led the pledge to the flag.

REPORTS

Chief Kevin Phillips gave a report on the Gainesville Emergency Services Radio Project.

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 6, 2024 City Council Meeting.
- B. Consideration of and action on a Resolution making appointments to the Gainesville Economic Development Corporation Board of Directors of the City of Gainesville, Texas
- C. Consideration of and action on a Resolution appointing a Council Member for Ward 1 on the Gainesville City Council; said appointee to hold office until the General Election of City Officers on May 3, 2025.
- D. Consideration of and action on a Supplemental Ordinance of the City Council of the City of Gainesville, Texas approving the 2024 Annual Assessment Plan and Assessment Roll for the Liberty Pointe Public Improvement District including the collection of the 2024 Annual Installments; waiving the requirement of three separate readings per Section 3.13 of the Charter of the City of Gainesville.

- E. Consideration of and action on a Resolution of the City Council of the City of Gainesville, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy 2024 Rate Review Mechanism Filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates 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.

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

ORDINANCE NO. 1573-08-2024 - AN ORDINANCE GRANTING THE REQUEST FILED BY MESA REAL ESTATE PARTNERS, L.P., TO ANNEX 40.263 ACRES OF LAND TO THE CITY OF GAINESVILLE, TEXAS AND DECLARING THAT SAID 40.263 ACRES SHALL HEREAFTER BE A PART OF THE CITY OF GAINESVILLE, TEXAS.

This Ordinance approves the request by Mesa Real Estate to annex 40.263 acres of land, which is located on the east side of N. Grand Avenue across the road from Fastenal.

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

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

ORDINANCE NO. 1574-08-2024 - AN ORDINANCE AMENDING ORDINANCE: 1219-12-2008; THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AUTHORIZING THE REZONING OF APPROXIMATELY 65 ACRES FROM COMMERCIAL (C-2) ZONING DISTRICT TO PLANNED DEVELOPMENT (PD) ZONING DISTRICT AND REZONING APPROXIMATELY 40 ACRES FROM TEMPORARY ZONING OF AGRICULTURE (A) ZONING DISTRICT TO PLANNED DEVELOPMENT (PD) ZONING DISTRICT; INCLUDING COOKE CAD PROPERTY IDS 146408, 146409, 9050, AND 69661 ALL WITHIN THE CITY OF GAINESVILLE, COOKE COUNTY, TEXAS AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT A ATTACHED HERETO; 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 approves the rezoning of approximately 105.5 acres as Planned Development (PD).

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

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

RESOLUTION NO. 08-20-2024C - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS; APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT RELATING TO THE ELM FORK MUNICIPAL UTILITY DISTRICT.

This resolution approves the second amendment to the development agreement for the Elm Fork MUD to account for specifics for the MESA 108 development that is being annexed and rezoned to a Planned Development. The amendments agree with the requirements in the Planned Development and establish the HOA's responsibility for enforcing certain rules and maintaining certain infrastructure.

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

RESOLUTION NO. 08-20-2024D - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS CONSENTING TO THE ADDITION OF CERTAIN LAND INTO ELM FORK MUNICIPAL UTILITY DISTRICT NO. 1 OF COOKE COUNTY OR ANY OTHER MUNICIPAL UTILITY DISTRICT CREATED AS A RESULT OF THE SUBDIVISION OF ELM FORK MUNICIPAL UTILITY DISTRICT NO. 1 OF COOKE COUNTY; AND PROVIDING AN EFFECTIVE DATE.

This resolution expands the MUD back over the 40 acres to have an in-city MUD as originally planned. By state law, the City cannot annex a portion of the MUD without the entire mud, calling for the removal and then addition by the approval of this resolution.

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

RESOLUTION NO. 08-20-2024E - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING EXPENDITURES FOR PURCHASE OF ONE (1) 2024 JCB 220X L 4F EXCAVATOR FROM SOUTH STAR JCB OF LEWISVILLE FOR THE SOLID WASTE DIVISION.

This resolution authorizes the purchase of a 2024 JCB excavator from South Star JCB for a price of \$197,259.20 for the Solid Waste Division.

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

RESOLUTION NO. 08-20-2024F - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINSEVILLE, TEXAS DENYING A PETITION FOR REMOVAL FROM THE CITY'S EXTRA-TERRITORIAL JURISDICTION PURSUANT TO SENATE BILL 2038

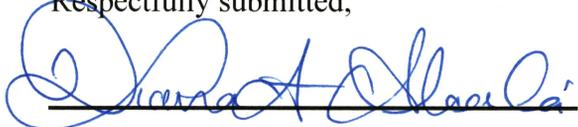
This Resolution denies a petition for removal from our Extra-Territorial Jurisdiction received on July 10, 2024 by T. Frank Cudd for 40.5 acres located at County Road 218, Gainesville, Texas, Property IDs R#3652 and R#2693.

Councilmember Dollar **moved that the City Council approves the resolution denying T. Frank Cudd's petition to remove property from the City's extraterritorial jurisdiction because Senate Bill 2038 is an unconstitutional delegation of legislative authority and it conflicts with the city's grant of discretionary legislative authority in Local Government Code section 42.023. The City does not consent to the reduction of its ETJ.** The motion was seconded by Councilmember Jones and carried by vote of 5 Ayes, 1 Nays (Dakota Nichols), 0 Abstentions, 0 Absent, 1 Vacancy.

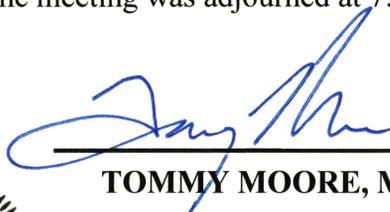
DISCUSSION ON THE POSSIBLE EXPANSION OF FRANK BUCK ZOO

Zoo Director Susan Kleven discussed the possible expansion of Frank Buck Zoo and gave a presentation of the possibility of adding a reserve for a selected few endangered species.

With no further business to come before the City Council, the meeting was adjourned at 7:18 p.m.
Respectfully submitted,



DIANA ALCALA, CITY SECRETARY



TOMMY MOORE, MAYOR

