

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
February 19, 2013**

The City Council of the City of Gainesville, Texas met in regular session on February 19, 2013 at 6:30 p.m. with the following persons in attendance.

MEMBERS PRESENT: Mayor Pro Tem Ray Nichols
Carolyn Hendricks, Ken Keeler, Vince Rippy, Beverly Snuggs

MEMBERS ABSENT: Mayor Goldsworthy, Councilman Keith Clegg

STAFF PRESENT: Barry Sullivan, City Manager; Kay Lunnon, City Secretary; Dan Parker, Finance Director; Mary Jarvis, Controller; Steven Fleming, Chief of Police; Kent Sharp, Executive Director, GEDC; David Hughes, Golf Course Operations Manager; Tony Dresser, Videographer

OTHERS PRESENT: Keith King, Gregg Russell, Tom Schalk, Judy Smith, Mary Sue Nutter, Kevin Gann

CALL TO ORDER

Mayor Pro Tem Ray Nichols called the meeting to order at 6:30 p.m. with quorum of members present. The absence of Mayor Goldsworthy and Councilman Clegg was noted.

INVOCATION & PLEDGE OF ALLEGIANCE

Reverend Charles Aaron, Whaley Methodist Church, gave the invocation. Mayor Pro Tem Nichols led in the pledge to the flag.

CITIZEN COMMENTS

Mary Sue Nutter expressed disappointment with city ordinance that does not allow her to move an older home onto a lot she purchased at 1406 Anthony Street. Nutter said she cleaned out the existing structure on the lot and hauled off several tons of debris. She said she wanted to bring in a home to replace the older structure and renovate it for a rental property. Nutter said she was told she will not be able to do this under current city ordinance.

CONSENT AGENDA

Council reviewed the Minutes of the regular City Council Meeting of February 5, 2013, and approved them as written.

Councilmember Snuggs **moved to approve the minutes on the Consent Agenda**, and was seconded by Councilmember Keeler. Motion carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, and 2 Absent (Goldsworthy and Clegg).

RESOLUTION NO. 02-19-2013 – ACCEPTING THE AUDIT FOR FISCAL YEAR ENDING SEPTEMBER 30, 2012, AS PREPARED BY SCHALK & SMITH, CERTIFIED PUBLIC ACCOUNTANTS

A RESOLUTION ACCEPTING THE AUDIT, FINANCIAL STATEMENT AND OPINION FOR FISCAL YEAR ENDING SEPTEMBER 30, 2012, AS PREPARED BY SCHALK & SMITH, CERTIFIED PUBLIC ACCOUNTANTS, AND AUTHORIZING THE CITY SECRETARY TO FILE THE AUDIT IN ACCORDANCE WITH THE PROVISIONS OF LOCAL GOVERNMENT CODE SUBTITLE A CHAPTER 103.

The annual audit for Fiscal Year ending September 30, 2012, was received and accepted as prepared by the accounting firm of Schalk & Smith, Certified Public Accountants. Tom Schalk said he is very pleased to report this audit is probably the best report he has seen in many years for the City of Gainesville. Schalk highlighted three points: 1) there are no deficit fund balances; 2) a special capital fund was created for construction of the swimming pool; and 3) the general fund balance is \$9,134,000. Schalk & Smith has issued the City a clean, unqualified audit - the highest level of attestation they can give an entity. Mayor Pro Tem Ray Nichols added that the report is a reflection on the outstanding job the city manager, finance staff, and all city departments have done in running the city efficiently.

Councilmember Hendricks **moved to approve the Resolution**, and was seconded by Councilmember Snuggs. Motion carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, and 2 Absent (Goldsworthy and Clegg).

RESOLUTION NO. 02-19-2013 A – APPROVE AIRPORT GROUND LEASE WITH ERIC MALZER

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TX, AUTHORIZING THE CITY MANAGER TO EXECUTE A GROUND LEASE AGREEMENT WITH ERIC MALZER FOR THE PURPOSE OF PURCHASING A PRIVATE HANGAR AT THE GAINESVILLE MUNICIPAL AIRPORT.

An airport ground lease with Eric Malzer was approved. Mr. Malzer has entered into an agreement with Kevin Brown to purchase a private hangar located on city property to store his aircraft. The ground lease with the City is for a primary thirty (30) year term, and two potential five (5) year extensions if agreed upon by both parties. The Airport Board recommended approval of the long term lease.

Councilmember Keeler **moved to approve the Resolution**, and was seconded by Councilmember Rippy. Motion carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, and 2 Absent (Goldsworthy and Clegg).

RESOLUTION NO. 02-19-2013 B – APPROVE MULTI-USE HANGAR LEASE WITH RW AIRFRAMES, INC

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TX, AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH RW AIRFRAMES, INC. FOR THE PURPOSE OF LEASING THE MULTI-USE HANGAR AT THE GAINESVILLE MUNICIPAL AIRPORT.

A lease with RW Airframes, Inc. for a city owned multi-use hangar at the Gainesville Municipal Airport. Terry G. Rogers, President of RW Airframes, said his company will use the hangar to restore and rebuild WWII and Korean Era military aircraft. The lease is for a primary ten (10) year term at one thousand dollars per month (\$1000) with two potential five (5) year extensions if agreed upon by both parties. The Airport Board recommended approval of the lease.

Councilmember Snuggs **moved to approve the Resolution**, and was seconded by Councilmember Keeler. Motion carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, and 2 Absent (Goldsworthy and Clegg).

RESOLUTION NO. 02-19-2013 C – AUTHORIZE LEASE PURCHASE CONTRACT WITH EZ-GO GOLF CAR COMPANY FOR BID NO. 2013-10

A RESOLUTION AWARDED BID NO. 2013-10 TO EZ-GO GOLF CAR COMPANY FOR THE LEASE OF TWENTY-FIVE (25) GOLF CARTS FOR THE GAINESVILLE GOLF COURSE FOR A PERIOD OF FORTY-EIGHT (48) MONTHS AT A COST OF SEVENTY-NINE THOUSAND TWO HUNDRED SEVENTY-TWO DOLLARS AND NO CENTS (\$79,272.00).

The contract for Bid No. 2013-10 was awarded to EZ-GO Golf Car Company for the lease of twenty-five (25) golf carts for the Gainesville Golf Course for a period of forty-eight (48) months at a cost of seventy-nine thousand two hundred seventy-two dollars and no cents (\$79,272.00). Four bids were received on February 7, 2013, in response to the advertised request for bids. Staff recommended award to EZ-GO.

Councilmember Hendricks **moved to approve the Resolution**, and was seconded by Councilmember Keeler. Motion carried by vote of 4 Ayes, 1 Nay (Snugs), 0 Abstentions, and 2 Absent (Goldsworthy and Clegg).

TABLED SECOND READING CONSIDERATION OF GEDC REVENUE SHARING AGREEMENT WITH TURNER FOREST INDUSTRIES

A RESOLUTION OF THE CITY COUNCIL APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION WHICH VOTED TO APPROVE A REVENUE SHARING AGREEMENT WITH TURNER FOREST INDUSTRIES. Second reading consideration of a sales tax revenue sharing agreement between the GEDC and Turner Forest Industries (TFI) was tabled. Kent Sharp, GEDC Executive Director, said he was notified that TFI owner John Turner recently passed away. Turner's son said TFI still intends to relocate their sales office to Gainesville, but requested a six month extension before final consideration of the agreement. The agreement provides for a rebate of fifty percent (50%) of the one quarter percent (0.25%) local 4B sales tax directly generated from qualifying sales paid to GEDC.

Councilmember Snuggs **moved to table the Resolution**, and was seconded by Councilmember Keeler. Motion carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, and 2 Absent (Goldsworthy and Clegg).

TABLED CONSIDERATION OF A SALES TAX REVENUE SHARING AGREEMENT BETWEEN THE CITY OF GAINESVILLE AND TURNER FOREST INDUSTRIES

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE MAYOR TO EXECUTE A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT FOR A REVENUE SHARING AGREEMENT BETWEEN THE CITY OF GAINESVILLE AND TURNER FOREST INDUSTRIES.

A sales tax revenue sharing agreement between the City of Gainesville and Turner Forest Industries (TFI) was tabled. TFI owner is now deceased and his son requested a six month extension before consideration of this agreement. This revenue sharing agreement would allow TFI to receive 0.50% of the 1.25% City sales tax, while the City maintains 0.75% of the sales tax.

Councilmember Snuggs **moved to table the Resolution**, and was seconded by Councilmember Hendricks. Motion carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, and 2 Absent (Goldsworthy and Clegg).

RESOLUTION NO. 02-19-2013 D – APPROVING GEDC MATCH GRANT INCREASE FOR THE MEDAL OF HONOR PARK

A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION WHICH APPROVED A MATCHING GRANT INCREASE FOR THE MEDAL OF HONOR PARK.

Council approved the Gainesville Economic Development Corporation action increasing the amount of a previously approved grant for the Medal of Honor Park. GEDC approved an increase of \$60,000 in the form of a matching grant for funds raised by the Medal of Honor Society from this date forward. The GEDC originally adopted the project in January 2012 and approved \$150,000 for the park to be located at 101 South Culberson Street.

Councilmember Keeler **moved to approve the Resolution**, and was seconded by Councilmember Snuggs. Motion carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, and 2 Absent (Goldsworthy and Clegg).

RESOLUTION NO. 02-19-2013 E – AUTHORIZING AGREEMENT BETWEEN THE CITY, GISD, NTMC, AND NCTC FOR A SHARED POLLING LOCATION AT THE CIVIC CENTER FOR THE MAY 2013 ELECTIONS

A RESOLUTION, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE GAINESVILLE INDEPENDENT SCHOOL DISTRICT (GISD), THE NORTH TEXAS MEDICAL CENTER (NTMC), AND NORTH CENTRAL TEXAS COLLEGE (NCTC) TO SHARE A POLLING LOCATION IN CERTAIN VOTING PRECINCTS FOR THE GENERAL ELECTION ON MAY 11, 2013.

Agreement was authorized between the City, GISD, NTMC, and NCTC to share the Civic Center as a joint polling location for their Elections on May 11, 2013.

Councilmember Snuggs **moved to approve the Resolution**, and was seconded by Councilmember Rippy. Motion carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, and 2 Absent (Goldsworthy and Clegg).

RESOLUTION NO. 02-19-2013 F – APPROVED AGREEMENT WITH COOKE COUNTY FOR VOTING MACHINE(S) FOR THE CITY'S ELECTION

A RESOLUTION, AUTHORIZING AN AGREEMENT WITH COOKE COUNTY TO PROVIDE VOTING MACHINE(S) FOR THE MAY 2013 GENERAL ELECTION AND SPECIAL ELECTION.

A lease agreement was authorized between the City and Cooke County for rental of voting machine(s) as required for the City's election in May 2013. The County charges no rental fee to the City for use of the voting machine.

Councilmember Keeler **moved to approve the Resolution**, and was seconded by Councilmember Snuggs. Motion carried by vote of 5 Ayes, 0 Nays, 0 Abstentions, and 2 Absent (Goldsworthy and Clegg).

EXECUTIVE SESSION

Council did not convene into Executive Session.

ADJOURN

With no further business to come before the City Council, the meeting was adjourned at 6:52 p.m.

Respectfully submitted,

/S/

Kay Lunnon, City Secretary

/S/

Ray Nichols, Mayor Pro Tem