

**MINUTES  
CITY OF GAINESVILLE  
CITY COUNCIL MEETING  
200 South Rusk  
Gainesville, Texas 76240  
April 20, 2010**

The City Council of the City of Gainesville, Texas met in regular session on April 20, 2010 at 6:30 p.m. in accordance with the posted agenda and with the following persons in attendance:

**MEMBERS PRESENT:** Mayor Glenn Loch  
Council Members Charles Draper, Jim Goldsworthy, Carolyn Hendricks, Ray Nichols, Vince Rippy, Beverly Snuggs

**STAFF PRESENT:** Barry Sullivan, City Manager; Kay Lunnon, City Secretary; Dan Parker, Finance Director; Steven Fleming, Police Chief; Kent Sharp, Executive Director, GEDC; Chris Cypert, Municipal Court Judge; Lynette Pettigrew, Main Street Director; Susan Kleven, Zoo Director

**OTHERS PRESENT:** Kit Chase, Delania Trigg, Dick Sparkman, Karen Cook

**CALL TO ORDER**

Mayor Loch called the meeting to order at 6:30 p.m. All Council members were present.

**INVOCATION & PLEDGE OF ALLEGIANCE**

Councilman Charles Draper gave the invocation. Mayor Loch led the pledge to the flag.

**PROCLAMATIONS**

Mayor Loch read a proclamation designating the weekend of May 1, 2010, in Gainesville as "Our Elusive Ancestor's Weekend". Dick Sparkman received the proclamation on behalf of the Cross Timbers Genealogical Society.

**CONSENT AGENDA**

**MINUTES OF APRIL 6, 2010**

Council reviewed the Minutes of the Regular City Council Meeting of April 6, 2010, and approved them as written.

**RESOLUTION APPROVING APPOINTMENTS TO PLANNING AND ZONING COMMISSION**

A RESOLUTION MAKING APPOINTMENTS TO THE PLANNING AND ZONING COMMISSION.

David Wright, Jim Hatcher, and David Estes were re-appointed to the Planning and Zoning Commission, each to a two-year term expiring April 2012.

Councilmember Snuggs moved to **approve the Consent Agenda**, and was seconded by Councilmember Nichols. Motion carried by vote of 7 Ayes, 0 Nays, 0 absent.

**RESOLUTION NO. 04-20-2010 A – AUTHORIZING AGRICULTURAL GROUND LEASE FOR HAYCROP PRODUCTION AT AIRPORT**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TX, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGRICULTURAL GROUND LEASE FOR HAY CROP PRODUCTION ON PROPERTY LOCATED AT THE GAINESVILLE MUNICIPAL AIRPORT.

Larry Brandon was approved for a five-year lease for hay crop production on the infield areas at the municipal airport. The City received five bids in response to the advertised request for bids. Brandon's was the best bid, and the City will receive 34% market value of the hay crop produced.

Councilmember Goldsworthy moved to **approve the Resolution**, and was seconded by Councilmember Rippy. Motion carried by vote of 7 Ayes, 0 Nays, 0 absent.

**RESOLUTION NO. 04-20-2010 B- REVENUE SHARING AGREEMENT WITH ORTEQ ENERGY SERVICES, LLC ALONG WITH PROFUEL, LLC, RESOURCE TRANSPORT, LLC AND TEXAS SPECIALTY SANDS, LLC.**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE AUTHORIZING THE MAYOR TO EXECUTE A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT FOR A REVENUE SHARING ARRANGEMENT WITH ORTEQ ENERGY SERVICES, LLC. ALONG WITH PROFUEL, LLC, RESOURCE TRANSPORT, LLC AND TEXAS SPECIALTY SANDS, LLC.

Sullivan stated that since Council's first consideration of the agreement at the previous meeting, language changes have been made to the assignment section, the rebate period adjusted, and the agreement has been reviewed and approved by the City Attorney and Orteq. Councilman Rippy stated he was satisfied with the changes as written. The Chapter 380 Economic Development agreement was approved allowing Orteq Energy to receive 0.50% and the City to retain 0.75% of sales taxes on qualifying sales generated between October 1, 2010 and September 30, 2020 by their sales office in Gainesville.

Councilmember Rippy moved to **approve the Resolution**, and was seconded by Councilmember Snuggs. Motion carried by vote of 7 Ayes, 0 Nays, 0 absent.

**RESOLUTION NO. 04-20-2010 C - APPROVING GEDC ACTIONS APPROVING A REVENUE SHARE AGREEMENT WITH ORTEQ ENERGY SERVICES LLC.**

SECOND READING OF A RESOLUTION APPROVING ACTIONS OF THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION WHICH VOTED TO APPROVE A REVENUE SHARE AGREEMENT BETWEEN THE GAINESVILLE EDC AND ORTEQ ENERGY SERVICES, LLC.

Council approved on second reading the Gainesville Economic Development Corporation's revenue sharing agreement with Orteq Energy, LLC. This agreement is for GEDC and Orteq Energy to share (rebate) 50% of the 4B local economic development sales tax (.25%) generated by Orteq Energy Services' sales office in Gainesville. The rebate period will be for qualifying sales between October 1, 2010 and September 30, 2020.

Councilmember Nichols moved to **approve the Resolution**, and was seconded by Councilmember Snuggs. Motion carried by vote of 7 Ayes, 0 Nays, 0 absent.

**RESOLUTION NO. 04-20-2010 D - APPROVING TRIPLE T AMUSEMENTS FOR SPRING FLING APRIL 29 – MAY 2, 2010**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE APPROVING THE RECREATIONAL USE OF LEONARD PARK BY TRIPLE "T" AMUSEMENTS TO BE

SPONSORED BY THE PARKS AND RECREATION DEPARTMENT FOR SPRING FLING APRIL 29-MAY 2, 2010.

Triple T Amusements was approved to bring carnival rides to Leonard Park during Spring Fling, April 29 through May 2, 2010. Parks and Recreation Department will retain 15% of the gross ticket sales on all rides.

Councilmember Goldsworthy moved to **approve the Resolution**, and was seconded by Councilmember Nichols. Motion carried by vote of 7 Ayes, 0 Nays, 0 absent.

**RESOLUTION NO. 04-20-2010 E – APPROVING SALE OF ALCOHOL IN FRANK BUCK ZOO BY ZOOLOGICAL SOCIETY IN CONJUNCTION WITH SPRING FLING 2010**

A RESOLUTION OF THE CITY COUNCIL REGARDING THE SALE OF ALCOHOL IN THE FRANK BUCK ZOO LOCATED AT 1000 WEST CALIFORNIA STREET BY THE FRANK BUCK ZOOLOGICAL SOCIETY DURING SPRING FLING ON MAY 1, 2010.

The Frank Buck Zoological Society was approved to sell alcohol in the Frank Buck Zoo as part of their fundraising activities on May 1 during Spring Fling in Leonard Park. Alcohol sales and consumption will be allowed to occur only in the Zoo area between the hours of 10:00 a.m. and 5:00 p.m. Council's approval is with the stipulation that Zoological Society provide the required liability insurance to the City prior to May 1.

Councilmember Snuggs moved to **approve the Resolution with stipulation that Zoological Society provide the required insurance to the City prior to May 1**, and was seconded by Councilmember Goldsworthy. Motion carried by vote of 7 Ayes, 0 Nays, 0 absent.

**ORDINANCE NO. 1246-04-2010 – ESTABLISHING MUNICIPAL COURT JUVENILE CASE MANAGER FUND**

AN ORDINANCE ESTABLISHING A MUNICIPAL COURT JUVENILE CASE MANAGER FUND; PROVIDING FOR THE ASSESSMENT AND COLLECTION OF A MUNICIPAL COURT JUVENILE CASE MANAGER FEE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Council established a Municipal Court Juvenile Case Manager Fund that provides for a fee of five dollars to be added to the fine of each defendant convicted of a fine-only misdemeanor offense in the Municipal Court. The fund is established under the Texas Code of Criminal Procedure and may be used only toward salary and benefits of a juvenile case manager. Municipal Judge Cypert said the fund is anticipated to add about \$10,000 in annual revenues. Cypert said he presently has a clerk who is handling juvenile cases.

Councilmember Draper **moved to suspend the Charter requirement of three readings**, seconded by Councilmember Goldsworthy, the motion carried by vote of 7 Ayes, 0 Nays, 0 absent.

Councilmember Draper **moved to adopt the ordinance**. The motion was seconded by Councilmember Goldsworthy and carried by vote of 7 Ayes, 0 Nays, 0 absent.

**RESOLUTION NO. 04-20-2010 F – APPROVE AMTRAK'S ADA IMPROVEMENTS PLAN FOR THE GAINESVILLE SANTA FE DEPOT**

A RESOLUTION SUPPORTING AMTRAK'S MOBILITY FIRST ADA IMPROVEMENT PLAN FOR THE GAINESVILLE SANTA FE DEPOT STATION SITE AND PLATFORM BY AMTRAK AS PART OF THEIR NATIONAL STATIONS IMPROVEMENT PROGRAM.

Sullivan reported that Amtrak has notified the City of their intention to use federal stimulus monies to make ADA accessibility improvements to the Gainesville Santa Fe Depot station site

