

**MINUTES  
CITY OF GAINESVILLE  
CITY COUNCIL MEETING  
200 South Rusk  
Gainesville, Texas 76240  
April 6, 2010**

The City Council of the City of Gainesville, Texas met in regular session on April 6, 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; John Noblitt, Community Services Director; Kent Sharp, Executive Director, GEDC; Chris Cypert, Municipal Court Judge; Keith Rigsby, City Marshal

**OTHERS PRESENT:** Kit Chase, Dee Blanton, Delania Trigg, Sabrina Taylor

**CALL TO ORDER**

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

**INVOCATION & PLEDGE OF ALLEGIANCE**

John Noblitt, Community Services Director, gave the invocation. Mayor Loch led the pledge to the flag.

**PROCLAMATIONS / RECOGNITIONS**

Mayor Loch read a Proclamation designating the week of April 11-17, 2010 as National Public Safety Telecommunications Week honoring Gainesville Public Safety Communications Operators who are the first contact on all emergency calls and bear the responsibility of ensuring a timely response to each citizen's call for assistance. Gainesville Police Department personnel in attendance to receive the proclamation were Travis Achorn, Sarah Payton, Kim Heon, Heather Neighbors, Bill Johnson, Jeri May, Adam Payeur, and Captain Mark Brazelton, Communications Supervisor.

Tommy McPherson was recognized as March 2010 City Employee of the Month and was presented a Certificate for his commitment to providing zoo visitors with the best surroundings possible, in making a safe work environment for employees and continually working toward making the zoo as financially efficient as possible. The City Manager presented the Employee of the Month certificate to McPherson and a redeemable certificate good for one day off with pay.

**REPORTS**

Municipal Judge Chris Cypert spoke to Council about a new juvenile case manager fund, the establishment of which allows a court cost of five dollars to be added to a conviction by Municipal Court. The fund can only be used by the Municipal Court to support a juvenile court clerk salary. Cypert said he will present an ordinance for Council's consideration at a later date.

City Marshal Keith Rigsby gave a brief report on the success of the Warrant Roundup conducted February 15 through March 15. During the roundup 704 warrants were cleared and \$112,000 collected in fines. Rigsby thanked the Gainesville Police Department for the officers who helped with the program.

### **CITIZENS COMMENTS**

Sabrina Taylor, Area Manager of Oncor Electric Delivery, invited Council and the public to an Oncor Open House event to be held at the Gainesville Civic Center, on Thursday, April 15, from 5 to 7 p.m. She said the event will be an opportunity for the public to meet with Oncor representatives, ask questions about electric issues, and learn safety tips and other information that impact their families.

### **CONSENT AGENDA**

#### **MINUTES OF MARCH 16, 2010 AND MARCH 23, 2010**

Council reviewed the Minutes of the Regular City Council Meeting of March 16, 2010, and the City Council Workshop on March 23, 2010, and approved them as written.

Councilmember Draper 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. 04-06-2010 – APPROVE LEASE WITH GEDC FOR A PORTION OF THE GAINESVILLE CIVIC CENTER**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, AUTHORIZING THE MAYOR OF THE CITY OF GAINESVILLE TO EXECUTE A LEASE AGREEMENT WITH THE GAINESVILLE ECONOMIC DEVELOPMENT CORPORATION FOR A PORTION OF THE GAINESVILLE CIVIC CENTER.

A twenty-year lease agreement was approved between the City and the GEDC for lease of a portion of the Gainesville Civic Center for office space for the GEDC and including a sublease of office space for the Gainesville Area Chamber of Commerce. Sullivan said in exchange for the GEDC funding of the Civic Center office expansion project, the former Chamber of Commerce property (0.434 acres) is to be deeded to the GEDC. The former Chamber building is to be razed.

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

### **PUBLIC HEARING ON UPDATED DRUG-FREE ZONE MAP**

City Manager Barry Sullivan explained the creation of drug-free zones allows for higher punitive charges to those who commit drug offenses within the zones. Mayor Loch opened the Public Hearing at 6:55 p.m. and called for public comment regarding the updated drug-free zone map.

No one came forward to speak either for or against the updated map. With no further discussion, Councilmember Snuggs **moved to close the Public Hearing**, and was seconded by Councilmember Goldsworthy. Motion carried by vote of 7 Ayes, 0 Nays, 0 absent. The Public Hearing was closed at 6:56 p.m.

### **RESOLUTION NO. 04-06-2010 A – APPROVING UPDATED DRUG-FREE ZONE MAP**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, APPROVING THE DRUG-FREE ZONE MAP ATTACHED TO THIS RESOLUTION AS THE OFFICIAL RECORD OF THE LOCATION AND BOUNDARIES OF THE DRUG FREE

ZONES WITHIN THE CITY OF GAINESVILLE AS DEFINED BY SECTION 481.134, TEXAS HEALTH AND SAFETY CODE AND DIRECTING THAT SAID MAP BE FILED WITH THE COUNTY CLERK OF COOKE COUNTY.

Sullivan said the Drug-free Zone map has been updated to identify current facilities inside the city limits of Gainesville. The updated map supersedes the previously adopted map and will be filed with Cooke County Clerk's Office. The map is used by City and County law enforcement under the provisions of the Texas Health and Safety Code.

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

**PUBLIC HEARING ON UPDATED SEX OFFENDER RESTRICTED ZONE MAP**

Sullivan explained the purpose of sex offender restricted zones. Texas Code of Criminal Procedure provides that a City can establish a safety zone for children as a condition of community supervision and probation for those convicted of certain sex related offenses. The map identifies 2,000 foot zones around premises where children commonly gather, including schools, day-care facilities, playgrounds, public or private youth centers, public swimming pools, and video arcade facilities. City Ordinance established Sex Offender Restricted Zones at 2,000 feet.

Mayor Loch opened the Public Hearing at 6:58 p.m. and called for public comment regarding the updated sex offender restricted zone map.

No one came forward to speak either for or against the updated map. With no further discussion, Councilmember Snuggs **moved to close the Public Hearing**, and was seconded by Councilmember Nichols. Motion carried by vote of 7 Ayes, 0 Nays, 0 absent. The Public Hearing was closed at 7:00 p.m.

**RESOLUTION NO. 04-06-2010 B – APPROVING UPDATED SEX OFFENDER RESTRICTED ZONE MAP**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, APPROVING THE SEX OFFENDER RESTRICTED ZONES MAP ATTACHED TO THIS RESOLUTION AS THE OFFICIAL RECORD OF THE LOCATION AND BOUNDARIES OF THE SEX OFFENDER PROHIBITED ZONES WITHIN THE CITY OF GAINESVILLE AS DEFINED BY ARTICLE 42.12, SECTION 13B(A), TEXAS CODE OF CRIMINAL PROCEDURES.

With no further discussion, Council approved the updated Sex Offender Restricted Zones map. The new map supersedes the previously adopted map and will be filed with Cooke County Clerk's Office.

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

**RESOLUTION NO. 04-06-2010 C – INTERLOCAL AGREEMENT WITH COOKE COUNTY FOR DISPOSITION OF ASSET SEIZURES AND FORFEITURES**

A RESOLUTION AUTHORIZING THE CHIEF OF POLICE OF THE CITY OF GAINESVILLE, TEXAS TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE COOKE COUNTY DISTRICT ATTORNEY'S OFFICE FOR DISPOSITION OF ASSET SEIZURES AND FORFEITURES.

Sullivan and Chief Fleming recommended approval of a written contract with the Cooke County District Attorney's Office for disposition of asset seizures and forfeitures through December 31, 2010. The agreement provides for 60/40 % split between Gainesville PD and Cooke County DA

for currency or tangible property, and for vehicles and other property with Certificates of Title. Guns seized by Gainesville PD will be the property of Gainesville PD unless auctioned and then 40% will go the DA's Office. Real property will be held in the name of the City of Gainesville, and if sold, 30% to the DA's Office and 60% to Gainesville PD, plus 10% administration fee to Gainesville PD. Quarterly reports will be provided by the District Attorney's Office. The contract is renewable on an annual basis.

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

**TABLED 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.

The City Manager said Orteq requested to share sales tax revenue with the City in return for locating a sales office in Gainesville. Sullivan recommended approval, stating that anticipated sales tax revenue for the City is \$2.5 million over the next ten years. The agreement would allow Orteq Energy to receive 0.50% and the City of Gainesville to retain 0.75% of sales taxes generated by an Orteq sales office to be located off FM 1201 in Gainesville. Councilman Rippy expressed concerns regarding the language in the assignment section of the agreement. Sullivan recommended attorney review and discussion with Orteq. Councilman Goldsworthy said the City appreciates businesses in the community and emphasized that the City wants to do business with Orteq. The resolution will be considered at the next meeting of the City Council on April 20.

Councilmember Nichols moved to **table the Resolution until the next meeting**, and was seconded by Councilmember Rippy. Motion carried by vote of 7 Ayes, 0 Nays, 0 absent.

**FIRST READING OF A RESOLUTION REGARDING GEDC ACTIONS APPROVING A REVENUE SHARE AGREEMENT WITH ORTEQ ENERGY SERVICES LLC.**

FIRST 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 completed first reading of a Resolution of the Gainesville Economic Development Corporation approving a revenue share agreement between the Gainesville EDC and Orteq Energy, LLC. The 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' proposed location of its sales office in Gainesville. The rebate period would be for qualifying sales between April 1, 2010 and March 31, 2019. In accordance with state legislation, the City Council considers approval of GEDC actions in two readings, and takes action only on the second reading. Council's second reading of the resolution is scheduled for April 20, 2010.

**RESOLUTION NO. 04-06-2010 D – ENDORSE CERTAIN LEGISLATIVE CHANGES RELATING TO SUNSET REVIEW OF THE PUBLIC UTILITY COMMISSION (PUC) AND THE ELECTRIC RELIABILITY COUNCIL OF TEXAS (ERCOT)**

A RESOLUTION OF THE CITY OF GAINESVILLE, TEXAS, ENDORSING CERTAIN LEGISLATIVE CHANGES RELATING TO THE SUNSET REVIEW OF THE TEXAS PUBLIC UTILITY COMMISSION AND THE SPECIAL PURPOSE REVIEW OF THE ELECTRIC RELIABILITY COUNCIL OF TEXAS.

