

**MINUTES
CITY OF GAINESVILLE
CITY COUNCIL MEETING
200 South Rusk
Gainesville, Texas 76240
October 5, 2010**

The City Council of the City of Gainesville, Texas met in regular session on October 5, 2010 at 6:30 p.m. in accordance with the posted agenda and with the following persons in attendance:

MEMBERS PRESENT: Mayor Pro Tem Jim Goldsworthy,
Council Members Carolyn Hendricks, Ray Nichols, Vince Rippy,
Beverly Snuggs

MEMBERS ABSENT: Mayor Glenn Loch, Councilman Philip Neelley

STAFF PRESENT: Barry Sullivan, City Manager; Kay Lunnon, City Secretary; Dan Parker, Finance Director; Steven Fleming, Police Chief

OTHERS PRESENT: Scott Richardson, Kit Chase, Delania Trigg, Dean Smith

CALL TO ORDER

Mayor Pro Tem Goldsworthy called the meeting to order at 6:30 p.m. Mayor Loch and Councilman Neelley were noted as absent.

INVOCATION & PLEDGE OF ALLEGIANCE

Reverend Mark Fuller, First Baptist Church, gave the invocation. Mayor Pro Tem Goldsworthy led the pledge to the flag.

CONSENT AGENDA

MINUTES OF SEPTEMBER 7 AND SEPTEMBER 21, 2010 CITY COUNCIL MEETINGS

The Minutes of the regular City Council Meeting of September 7, 2010 were reviewed and approved as written.

The Minutes of the regular City Council Meeting of September 21, 2010 were reviewed and approved as written.

Councilmember Nichols moved to **approve the items on the Consent Agenda**, and was seconded by Councilmember Snuggs. Motion carried by vote of 5 Ayes, 0 Nays, 2 Absent.

OTHER ITEMS CONSIDERED

RESOLUTION NO. 10-05-2010 – CITY COUNCIL OPPOSITION TO FENCO CONTRACTORS GROUP LLC WASTE DISPOSAL SITE APPLICATION BEFORE THE TEXAS RAILROAD COMMISSION OIL AND GAS DOCKET

A RESOLUTION OF THE CITY OF GAINESVILLE OPPOSING AN APPLICATION FILED BY FENCO CONTRACTORS GROUP, LLC BEFORE THE TEXAS RAILROAD COMMISSION, OIL AND GAS DOCKET NUMBER 09-0262737.

City Manager Barry Sullivan presented a resolution expressing opposition to a waste disposal permit application filed with the Railroad Commission of Texas by Fenco Contractors Group, LLC for a waste disposal site to be located in Montague County near the City of Saint Jo. A

letter from the Oil and Gas Division of the Railroad Commission of Texas, denies the permit administratively citing that the disposal site is at or near the contact with the Antlers Sand Formation, which is a recharge area for the Trinity Aquifer (the source for Gainesville's groundwater). In addition, the location is on a topographic high with intermittent streams at lower elevations to the north, south, east, and west, and drainageways on and adjacent to the disposal site have the potential for waste from the site to percolate through the fractured limestone until reaching a confining layer, and then move laterally to emerge down slope. The letter states that disposal of oil and gas waste at the proposed facility offers potential for the pollution of surface water and subsurface water. A memo from Jerry Chapman, Executive Director of the Greater Texoma Utility Authority (GTUA), encourages member cities to protest the Fenco application because the location of the disposal site could be detrimental to any water user groups on the Trinity formation for groundwater resources. Fenco's application has been twice rejected administratively by the Oil and Gas Environmental Permits Division and now the company is appealing directly to the Railroad Commission. The City Manager recommended passage of the resolution opposing issuance of the permit. A copy of this resolution will be sent to the Railroad Commission.

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

RESOLUTION NO. 10-05-2010 A - APPROVING AND RECOGNIZING THE CERTIFIED, LICENSED PEACE OFFICER POSITIONS IN GAINESVILLE POLICE DEPARTMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, APPROVING, ESTABLISHING, AND RECOGNIZING THE NUMBER OF CERTIFIED (LICENSED) PEACE OFFICER POSITIONS FOR THE CITY OF GAINESVILLE POLICE DEPARTMENT.

Council approved a resolution recognizing the number of certified (licensed) peace officer positions in the Gainesville Police Department, licensed through the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE). TCLEOSE requires the Gainesville Police Department (GPD) as a law enforcement agency to list the number of certified (licensed) peace officer positions it provides. The resolution allows the Police Department to carry up to 45 certified police officer positions in the current year budget.

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

RESOLUTION NO. 10-05-2010 B – COUNCIL RECOGNITION OF SUPPORT FOR THE COMMUNITY BASED SERVICES OF TEXOMA MHMR

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS RECOGNIZING AND SUPPORTING COMMUNITY BASED SERVICES OF TEXOMA MHMR.

The services of the locally governed Mental Health Mental Retardation Services of Texoma was recognized by resolution of the City Council as the most effective and cost efficient means to manage and deliver services for Texans with intellectual and developmental disabilities, and serious mental illness. A letter from the Executive Director of Mental Health Mental Retardation Services of Texoma states that many agencies affiliated with the state are facing significant funding reductions as a result of the state's current budgetary crisis and the City Council resolution will be presented to legislators as a request to "do no harm" to funding for MHMR centers and their communities during the upcoming legislative session.

Councilmember Nichols moved to **approve the Resolution**, and was seconded by Councilmember Rippy. Motion carried by vote of 5 Ayes, 0 Nays, 2 Absent.

ORDINANCE NO. 1261-10-2010 - APPROVAL OF RE-ZONING 14.667 ACRES IN MARY E CLARK SURVEY FROM SINGLE FAMILY (SF-2) TO AGRICULTURE

(A)

SECOND READING OF AN ORDINANCE AMENDING ORDINANCE 1219-12-2008, THE ZONING ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS AUTHORIZING THE CITY OF GAINESVILLE, TEXAS, TO REZONE FROM SINGLE FAMILY TWO (SF-2) TO AGRICULTURE (A) 14.667 ACRES IN THE MARY E. CLARK SURVEY, ABSTRACT 231, COOKE COUNTY, TEXAS; PROVIDING FOR 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.

Ordinance was adopted that approves re-zoning of 14.667 acres in the Mary E. Clark Survey from Single Family Two (SF-2) to Agriculture (A). The property is located in the floodplain and floodway off Garnett Street and the owner is currently using the property to board personal livestock. Planning and Zoning Commission unanimously approved the re-zoning request. City staff recommended approval of re-zoning it to agricultural use due to the floodplain issues.

Councilmember Snuggs **moved to suspend the Charter requirement of three readings**, seconded by Councilmember Nichols. Motion carried by vote of 5 Ayes, 0 Nays, 2 absent.

Councilmember Snuggs **moved to adopt the ordinance**, seconded by Councilmember Nichols. Motion carried by vote of 5 Ayes, 0 Nays, 2 absent.

EXECUTIVE SESSION

The City Council did not convene into executive session.

ADJOURN

With no further business to come before the City Council, the meeting adjourned at 6:40 p.m.

Respectfully submitted,

/S/
Kay Lunnon, City Secretary

/S/
Jim Goldsworthy, Mayor Pro Tem