

**Town Council Minutes
April 25, 2011**

STATE OF TEXAS §
COUNTY OF TARRANT §
TOWN OF PANTEGO §

The Town Council of the Town of Pantego, Texas, met in regular session at 7:30 p.m. in the Council Chamber of Town Hall, 1614 South Bowen Road, Pantego, on the 25th day of April 2011 with the following members present:

Melody Paradise
Donna Arlington
Jane Barrett
Russell Brewster
Don Surratt

Mayor
Council Members

constituting a quorum. Mayor Pro Tem Duane Smith and Director of Public Works Ron Edwards were excused from tonight's meeting. The following staff members were present:

Tom Griffith
Gayla McNair
Jim Jeffrey
Bryn Meredith
Joel McKinney
Robert Newsome
Chad Joyce

Interim City Manager
City Secretary
City Attorney
Gas & Oil Attorney
Police Chief
Finance Director
Building Inspector

Also in attendance:

Jim Staples

PEDC Vice President

WORK SESSION 6:30 P.M.

1. Interim City Manager Report
2. Acceptance of Purchase Orders: BUDGETED ITEMS
3. Approval of Bills Payable for Professional Services
4. Minutes: PEDC and Town Council

Mayor, Council, and staff discussed the consent and regular agenda items.

Mayor Paradise adjourned the work session at 7:31 p.m.

REGULAR SESSION 7:30 P. M.
CALL TO ORDER/WELCOME

Mayor Paradise called the regular session to order at 7:42 p.m.

INVOCATION BY: COUNCILMEMBER DONNA ARLINGTON
PLEDGE OF ALLEGIANCE

MAYOR/COUNCIL/STAFF COMMENTS OF COMMUNITY INTERESTS

Councilmember Barrett said that the Easter egg event was great and the kids enjoyed themselves.

Councilmember Arlington was unable to attend the Easter celebration; however heard from friends that the event was wonderful. She thanked Jane's son for volunteering to be the Easter bunny again this year. She ate at Nana's Restaurant and the food was very good. When speaking with the owner she was informed that it is a family owned restaurant and they commute all the way from Rockwall just to have their business in Pantego. Councilmember Arlington received notes from a 5th grade class from Pantego Christian Academy and she read one representative's letter thanking her for all of her hard work and dedication to the town.

Town Council Minutes
April 25, 2011

Councilmember Surratt stated that he was absent from the Easter celebration due to scheduling conflicts.

Mayor Paradise mentioned that Mayor Pro Tem Smith said that the new popcorn machine was flawless at the Easter event. The event was well attended and thanked staff for all of their hard work. The PYLC meeting consisted of wonderful presentation from the Police Department, Fire Department, and Court followed by tours of each facility. It was a wonderful evening.

COUNCIL LIAISON TO BOARDS REPORTS

- **Park & Recreation Board**

Councilmember Arlington stated that the Easter celebration went well and now the board is focusing on the next event, which will be the Memorial Day Event. It is a patriotic event, and the board's intent is to make it more meaningful. Guest speaker Rear Admiral George W. Ballance will come and speak, along with some representatives from the schools to play patriotic music from each branch of the military. The board really wants to make it a special Memorial Day.

- **Public Safety Advisory Board**

Councilmember Brewster mentioned that they have not had a meeting since the last council session. The next meeting will be Tuesday, May 3rd and he will have something to report after that meeting.

PEDC REPORTS

Vice President Staples stated that PEDC had their regular session on April 20th and the Interim Executive Director Tom Griffith gave his report updating the board on the Park Row Project. We are still waiting for completion of the documentation by CMA. The contracts on the comprehensive plan are signed and in the process of being delivered soon. There was a presentation by Mundo & Associates regarding the Economic Development Director Position and the board asked President Bill Brown to clarify cost and scope of services that the firm will provide. Interim Executive Director Griffith provided the board with two applicant's resumes that had been submitted. The PEDC board convened into an executive session to discuss deliberating an offer of financial or other incentives to a business prospect which no action was taken.

CITIZENS OPEN FORUM

David Nelson, 1910 Sarah Court, expressed his disappointment in the gas well drilling ordinance. The fact that there was not some type of system included or implemented that would allow the town to make changes if the company behaved in the manner at which was not acceptable. He gave examples of sleepless nights due to the gas company conducting business after the hours of operation. He is not in favor of the 7:00 a.m. start time. Neighbors have stated that they do not know who to make the complaints to, so they have designated him. He has reviewed the City of Arlington's ordinance, and it is much better, but he isn't sure if it's effective enough. He would like for this ordinance to be revisited and changes be made before future drilling occurs. Something needs to change about this issue.

REMOVAL OF CONSENT AGENDA ITEMS TO BE CONSIDERED LATER IN THE AGENDA.

Councilmember Surratt made a motion for removal of the Park & Recreation Board Minutes. Councilmember Brewster seconded the motion.

The vote was as follows:

Ayes: Arlington, Barrett, Brewster, and Surratt

Nays:

Abstentions:

Mayor Paradise declared the motion passed unanimously.

APPROVAL OF CONSENT AGENDA ITEMS 1, 2, 3, and 4.

Town Council Minutes
April 25, 2011

Councilmember Arlington moved to approve Consent Agenda Items, 1, 2, 3, and 4 with the removal of the Park & Recreation Board Minutes and to include Councilmember Arlington's time of arrival to the executive session meeting around 9:00 p.m. Councilmember Barrett seconded the motion.

The vote was as follows:

Ayes: Arlington, Barrett, Brewster, and Surratt
Nays:
Abstentions:

Mayor Paradise declared the motion passed unanimously.

NEW BUSINESS FOR DISCUSSION, REVIEW, APPROVAL AND / OR DIRECT STAFF

5. Consider any action on a proposed resolution approving the renewal of the contract with the Tarrant County Tax assessor/Collector for assessment and collection of ad valorem taxes.

Councilmember Surratt made a motion to approve the resolution authorizing the city manager to enter into an agreement with and between the Town of Pantego and Tarrant County Tax assessor/Collector for assessment and collection of ad valorem taxes. Councilmember Brewster seconded the motion.

The vote was as follows:

Ayes: Arlington, Barrett, Brewster, and Surratt
Nays:
Abstentions:

Mayor Paradise declared the motion passed unanimously.

6. Review and discussion of the Town of Pantego Gas Well Drilling Ordinance.

Mayor Paradise stated that this had been discussed in great detail during work session and we learned a lot. She asked Bryn Meredith, Pantego Oil & Gas Attorney, to make some statement on the record.

Bryn Meredith said that the important thing to know is that there is a statutory frame on which cities operate. The ordinances that are currently in place apply to the current operations. Cities typically and frequently amend gas drilling regulations to account for development issues that occur at the drill sites. In fact, discussion of six possible revisions that council may address for some of the nuisances that affects associated with gas well sites. The unfortunate aspect of council's authority really lies with the parameters established by the Texas Legislature on our ability to change the rules on existing development. If anyone is interested in retrieving the statutory regulations they can go to the Texas Vested Rights Act found in Chapter 245 of the Local Government Code. This was legislation adopted to insulate developer's development from the changing winds of local government and political subdivisions of the states. Cities were included in that definition as a political subdivision.

There was discussion on six possible changes that council may entertain: Hours of Operations, Annual Administrative Fee, Fence/Walls/Screening, Landscaping, Periodic Reports, and Noise Restrictions.

Council directed staff to draft an amendment to the gas well ordinance that reflects the items discussed in regular session. In addition, requested Bryn Meredith present examples from other municipalities.

COUNCIL INQUIRY

Mayor Paradise inquired about the outcome of the order of direction given to Jim Jeffrey and/or Bryn Meredith regarding the HB 3105 and SB 875 and their potential impact on municipalities.

City Attorney Jim Jeffrey stated that he was directed to the TML website and was taken to what is referred to as the legislative program. This providing a long list of things they always support, a long list of things they oppose, and a short list of things they have a neutral position on. Mayor Paradise asked where these two bills fall under and Mr. Jeffrey said under oppose.

Town Council Minutes
April 25, 2011

City Oil & Gas Attorney Bryn Meredith added by assuring Council that after a conversation with Jim Keffer of Eastland that the legislature will not support voting for this bill out of the committee. This bill was meant to give cities the authority to regulate gas drilling. Drilling ordinances affecting the value of the mineral estate by more than 25% that ordinance would result in taking the property that would be subject to compensation in the fair market value. He did talk with Scott Houston with TML regarding SB 875, the "pay me" bill in the House, is a substitute bill that has been modified to address only nuisance and trespass actions that allege green house gases to be the source of the nuisance. As a result, as of last Thursday, because of the change to the scope of the bill, it no longer affects all of the nuisances associated with environmental contamination by a gas well. TML has decided to change from an opposition, to a neutral position.

Mayor Paradise asked for confirmation on these items being a dead subject. Mr. Meredith said yes.

SCHEDULED EXECUTIVE SESSION

The Council will convene in the City Secretary's Office pursuant to the Texas Government Code for an executive session as follows:

- Pursuant to Government Code Section 551.071, the Council will meet in private or non-public executive session with its attorney for consultation, discussion, and to receive advice regarding potential litigation involving a complaint by Michelle Brown.
- Pursuant to Government Code Section 551.071 meeting with Town Attorney for consultation, discussion, and to receive advice regarding potential litigation involving a citizen claim arising from an arrest incident.
- Pursuant to Government Code Section 551.074, to deliberate the appointment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee – City Manager, Municipal Judge, City Attorney, City Engineer, City Secretary.
 1. Discussion of position of City Manager
 2. Discussion of position of City Secretary

The council reconvened from executive session into regular session at 11:30 p.m.

Mayor Paradise stated that regarding the item of Michelle Brown's complaint and the arrest, there was no action taken. City Secretary item, staff is directed to prepare an offer package to the city secretary candidate with a potential start date of May 16, 2011. City Manger item, there was no action taken.

ADJOURNMENT

Mayor Paradise adjourned the regular session at 11:36 p.m.

ATTEST:


Gayla McNair, City Secretary



APPROVED:

Melody Paradise, Mayor