

**Town Council Minutes
September 12, 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 12th day of September 2011 with the following members present:

**Melody Paradise
Don Surratt
Donna Arlington
Jane Barrett
Russell Brewster
Duane Smith**

**Mayor
Mayor Pro Tem
Council Members**

constituting a quorum. The following staff members were present:

**Sean Fox
Lindsay Wells
Jim Jeffrey
Joel McKinney
Tom Griffith
Ron Edwards
Robert Newsome
Chad Joyce**

**City Manager
City Secretary
City Attorney
Police Chief
Fire Chief
Public Works Director
Finance Director
Building Inspector**

WORK SESSION 6:30 P.M.

Mayor Paradise called the work session into order at 6:34 p.m.

1. City Manager Report

- Water/Sewer Infrastructure Rate Proposal-Met with two members of the Citizens Ad Hoc Water Committee regarding infrastructure improvements.
- Employee Handbook-The new employee handbook is in the process of being reviewed. The final version will be presented to Council in October.
- Town Credit Card Policy-Currently, the Town has 10-12 different credit card accounts. City Manager Sean Fox is in the process of eliminating all accounts except for a purchasing card, a Voyager gas card and a Sam's credit card.
- Smith Barry House Update-The property owner went before a judge in August to request more time to clear the property and was given until September 17, 2011. Mr. Fox confirmed that the owner cleaned out the backyard the weekend of September 10th and 11th.

2. City Secretary Report

- SB 100-Since the last Council meeting, Tarrant County has agreed to contract with the municipalities and school districts for the May 2012 elections.
- TML Conference-All reservations have been made for those employees and officials who will be attending the conference. Councilmembers Arlington and Barrett have confirmed they will be unable to attend.
- Office of Communications-The City Secretary's office will now include the Office of Communications to create and issue press releases to the media on events in Pantego.

**Town Council Minutes
September 12, 2011**

3. **Monthly Staff Reports**
4. **Approval of Bills Payable and Purchase Orders in Excess of \$1,000**
5. **Minutes: Park & Recreation Board-July 12, 2011
PSAB-August 2, 2011
PEDC-August 10, 2011
Town Council-August 22, 2011 and August 29, 2011**

Council discussed the Town clean-up day scheduled for October 8, 2011 and inquired about the enforcement of approved and unapproved refuse.

Council discussed agenda items 6 and 7 regarding the MSDs requested by Terracon Consultants. City of Arlington Deputy City Manager Bob Byrd came before Council to present Arlington's position on MSDs. Mr. Byrd stated that the City of Arlington feels that approving the MSDs are beneficial to economic development. He stated that the MSDs that have come before Arlington's Council previously for approval have had exhaustive research performed on the ground in the vicinity of each location and each underground plume is well documented. The City of Arlington agrees that leaving pollution sitting underground is undesirable but they would rather see developed property than empty fields.

Council discussed their concerns with Mr. Byrd including the possibility of holding the current property owner responsible for cleanup, possibility for future contamination and businesses redeveloping the land.

Council next discussed agenda item 8 regarding the wading pool and public Works Director Ron Edwards informed Council of the three options available including demolishing the current structure completely, bringing the current structure into compliance and demolishing the current structure and replacing it with an in-ground pool. Council discussed the options presented and the corresponding costs.

Mayor Paradise adjourned the work session at 7:32 p.m.

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

Mayor Paradise called the regular session to order at 7:40 p.m.

INVOCATION BY:
Randy Todd, Woodland West Church
PLEDGE OF ALLEGIANCE
COUNCIL RECOGNITION

Mayor Paradise issued a proclamation recognizing the week of September 17th through the 23rd as Constitution Week.

MAYOR/COUNCIL/STAFF COMMENTS OF COMMUNITY INTERESTS

Councilmember Brewster thanked the assembled audience and staff and commended the 9/11 memorial on display outside the fire station. Councilmember Barrett mentioned Cleanup Day scheduled for Saturday, October 8, 2011 from 8:00 a.m. to 4:00 p.m. and encouraged everyone to participate. Councilmember Arlington thanked the staff and acknowledged the Pantego paramedics who assisted Arlington paramedics in saving a life and were recognized for their efforts.

Mayor Pro Tem Surratt praised the 9/11 memorial as well and hoped everyone was able to take a moment to remember the events of September 11, 2001.

Police Chief Joel McKinney discussed the upcoming Public Safety Forum scheduled for September 29, 2011 at Pantego Christian Academy which will focus on teen drug awareness and prevention. Chief McKinney also discussed National Night Out which will take place Tuesday, October 4, 2011. Fire Chief Tom Griffith discussed the tributes that Pantego has created in the past and explained that the memorial

**Town Council Minutes
September 12, 2011**

was built to be a more permanent reminder that can be displayed every year. Chief Griffith explained that all materials were donated. Lowe's Hardware donated the lumber; Anton Cabinetry donated the woodworking on the description and a friend of Firefighter Pat Burnett donated her time to paint the memorial.

Public Work Director Ron Edwards discussed the bids received for the Park Row redevelopment project and informed Council that he would be presenting the information to PEDC at their next scheduled meeting, Wednesday, September 14, 2011.

Building Inspector Chad Joyce discussed the second public meeting for the Comprehensive Plan with Jacobs Engineering scheduled for Sunday, October 2, 2011 at the Lions Club.

Finance Director Fitzhugh Newsome wanted to thank Council and staff for all of the hard work in preparing this year's budget.

Mayor Paradise mentioned that the Community Relations Board will meet tomorrow night, September 13, 2011 in Council chambers. She also stated that the Pantego Youth Leadership Council will have their first meeting of the new school year next Tuesday, September 20, 2011 and their meetings will be 3rd Tuesday of each month.

COUNCIL LIAISON TO BOARD REPORT

- **Community Relations Board**

Mayor Pro Tem Surratt mentioned that officers were elected at the first official meeting held Tuesday, August 23, 2011 and is looking forward to the first full meeting of the Community Relations Board scheduled for Tuesday, September 13, 2011.

PEDC REPORTS

Nothing to report at this time.

CITIZENS OPEN FORUM

No open forum discussion.

APPROVAL OF CONSENT AGENDA ITEMS

Councilmember Brewster moved to approve Consent Agenda Items 1, 2, 3, 4 and 5. Councilmember Arlington seconded the motion.

The vote was as follows:

Ayes: Surratt, Arlington, Barrett, Brewster, and Smith

Nays:

Abstentions:

Mayor Paradise declared the motion passed unanimously.

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

6. Consider any action on a proposed resolution in support of the application of Terracon Consultants, Inc. to the Texas Commission on Environmental Quality for a Municipal Setting Designation for its property on 2544 E. Abram Street Arlington, Texas.

Agenda item #6 was discussed during work session with City of Arlington Deputy City Manager Bob Byrd.

Town Council Minutes
September 12, 2011

Council discussed with staff their concerns and issues presented by Mr. Byrd. Public Works Director Ron Edwards informed Council of the potential problems of pollution in the Town's aquifers.

Councilmember Smith moved to approve the resolution in support of the application of Terracon Consultants, Inc. to the Texas Commission on Environmental Quality for a Municipal Setting Designation for its property on 2544 E. Abram Street Arlington, Texas. Councilmember Barrett seconded the motion.

The vote was as follows:

Ayes: Surratt, Arlington, Barrett, Brewster, and Smith

Nays:

Abstentions:

Mayor Paradise declared the motion passed unanimously.

7. Consider any action on a proposed resolution in support of the application of Terracon Consultants, Inc. to the Texas Commission on Environmental Quality for a Municipal Setting Designation for its property on 804 North Collins Street Arlington, Texas.

Agenda item #7 was discussed during work session with City of Arlington Deputy City Manager Bob Byrd. Council discussed their concerns and issues presented by Mr. Byrd.

Councilmember Barrett moved to approve the resolution in support of the application of Terracon Consultants, Inc. to the Texas Commission on Environmental Quality for a Municipal Setting Designation for its property on 804 North Collins Street Arlington, Texas. Councilmember Arlington seconded the motion.

The vote was as follows:

Ayes: Surratt, Arlington, Barrett, Brewster, and Smith

Nays:

Abstentions:

Mayor Paradise declared the motion passed unanimously.

8. Discuss, review and consider the wading pool at Bicentennial Park.

Agenda item #8 was discussed during work session. Council discussed the information presented by Public Works Director Ron Edwards and eliminated option #3 which called for construction of a new in-ground pool. Option #1 involved demolishing the structure entirely and Option #2 included spending \$15,000 to bring the wading pool into current legal compliance.

Council discussed the options available as well as alternatives and came to the consensus to direct staff to demolish the structure entirely as recommended by option #1 and place the dolphin sculpture into storage.

9. Discuss, review and consider the proposed website design by CivicPlus for a new Town website.

City Manager Sean Fox presented Council with the proposed website design presented by CivicPlus and discussed the details. Council discussed the design and came to the consensus to direct staff to move forward in the design process.

ORDINANCES

10. Consider any action on a first and final reading of a proposed ordinance amending the fiscal year 2010/2011 budget.

Finance Director Fitzhugh Newsome detailed the proposed amendments to the current 2010/2011 fiscal year budget. Mr. Newsome is requesting a transfer of funds from the General Fund to the Capital Purchases budget of \$105,000. Second, a transfer of \$250,000 from the General Fund to the Water and Sewer Construction Fund. Mr. Newsome clarified that by transferring these amounts in the current budget, the 2011/2012 budget balances can start with positive amounts rather than a deficit.

Mayor Pro Tem Surratt moved to authorize a transfer of funds of \$105,000 from the General Fund to the Capital Purchases Budget and a transfer of funds of \$250,000 from the General Fund to the Water and Sewer Construction Fund. Councilmember Barrett seconded the motion.

The vote was as follows:

Ayes: Surratt, Arlington, Barrett, Brewster, and Smith

Nays:

Abstentions:

Mayor Paradise declared the motion passed unanimously.

11. Discuss and consider any action on the first and final reading of a proposed ordinance amending the Town of Pantego Code of Ordinances Chapter 2, Article 2.01 regarding animal control.

Public Works Director Ron Edwards discussed the proposed ordinance and the history of this issue. Council discussed their concerns including the disposition of seized animals, definition of an enclosure, and a compliance period.

Lynn Prater, 3401 Country Club Rd, Pantego, TX 76013 - Ms. Prater thanked the staff and acknowledged being very proud to be a resident of Pantego. Ms. Prater lives in close proximity to several chickens and has literature regarding lung disease brought about by chickens and strongly recommended implementing a policy allowing no chickens whatsoever.

Pat Laurie, 3404 Country Club Rd, Pantego, TX 76013 - Ms. Laurie stated that she is a 40 year resident of Pantego and stated that she has chickens and roosters next door to her. At one point, she counted between twenty and twenty-five fowl next door. Ms. Laurie agrees with Ms. Prater and would prefer an ordinance allows no fowl.

Mayor Paradise recommended bringing this issue back to the next meeting with changes as discussed.

12. Public Hearing and consider any action on Zoning Case Z-157, a request by Karen Roberts to replat the property located at 1910 Melbourne Drive, Lot 3, Block 3 of the Smith Barry Farms Addition, Pantego, Tarrant County, Texas into Lot 3R, Block 3 of the Smith Barry Farms Addition for the purpose of abandoning most of the utility easement along the west side of her property.

Mayor Paradise opened the public hearing and the following citizens and business owners came before Council regarding the zoning change:

William Smith, Jr., 404 Mary St, Arlington, TX 76010 - Mr. Smith came before Council as the representative for Ms. Roberts. Mr. Smith stated that he was the original engineer on the Smith Barry Farms Addition and stated that he is requesting to abandon 8 feet of the 10 foot easement to help

**Town Council Minutes
September 12, 2011**

implement this plan and plans to increase the grading on the property and ensure there will be no drainage issues in the future.

Mayor Paradise closed the public hearing and gave Council the opportunity to discuss the agenda item.

Mayor Pro Tem Surratt made a motion to approve zoning case Z-157. Councilmember Brewster seconded the motion.

The vote was as follows:

Ayes: Surratt, Arlington, Barrett, Brewster, and Smith

Nays:

Abstentions:

Mayor Paradise declared the motion passed unanimously.

13. Discuss and consider any action on the first and final reading of a proposed ordinance amending the Town of Pantego Code of Ordinances Article 6.05 “Public Swimming Pools and Spas” by amending and updating this article in its entirety.

Building Inspector Chad Joyce informed Council that the Tarrant County Health Department had contacted him regarding their new requirements for swimming pools, spas and food establishments. Mr. Joyce explained that Tarrant County asked the Town to update the code of ordinances to reflect the County’s new requirements so there would be no confusion in regards to compliance.

David Jefferson, the Environmental Health Manager for Tarrant County Public Health informed Council that he is in attendance to discuss the next three agenda items as they are all interrelated. Mr. Jefferson stated that Tarrant County updates its regulations as the state amends theirs and is requesting Pantego update the Code of Ordinances so both the Town and the County have similar regulations. Mr. Jefferson discussed the new changes in relation to swimming pools, food establishments and the fees associated with each.

Council discussed the information presented by Mr. Joyce and Mr. Jefferson as well as current fees, residential versus commercial pools, county versus town fees, notification procedures and graduated fees.

Councilmember Arlington made a motion to amend the Code of Ordinances Article 6.05 “Public Swimming Pools and Spas” by amending and updating this article in its entirety with the correction of a typo in the caption for Article 6.05 on the first page of the ordinance. Mayor Pro Tem Surratt seconded the motion.

The vote was as follows:

Ayes: Surratt, Arlington, Barrett, Brewster, and Smith

Nays:

Abstentions:

Mayor Paradise declared the motion passed unanimously.

14. Discuss and consider any action on the first and final reading of a proposed ordinance amending the Town of Pantego Code of Ordinances Appendix A “Fee Schedule”, Section A7.011 “Swimming Pools and Spas” and Section A8.003 “Food Establishment Health Permit” by amending and updating these sections.

Agenda item 14 was discussed in conjunction with agenda item 13 with David Jefferson of the Tarrant County Health Department.

**Town Council Minutes
September 12, 2011**

Councilmember Brewster made a motion to amend the Town of Pantego Code of Ordinances Appendix A "Fee Schedule", Section A7.011 "Swimming Pools and Spas" and Section A8.003 "Food Establishment Health Permit" by amending and updating these sections. Councilmember Arlington seconded the motion.

The vote was as follows:

Ayes: Surratt, Arlington, Barrett, Brewster, and Smith

Nays:

Abstentions:

Mayor Paradise declared the motion passed unanimously.

15. Discuss and consider an action on the first and final reading of a proposed ordinance amending the Town of Pantego Code of Ordinances Article 6.04 "Food Service Establishments" by amending and updating this article in its entirety.

Agenda item 15 was discussed in conjunction with item 13 with David Jefferson of the Tarrant County Health Department. Council discussed enforcement of food vendors selling food out of push carts.

Councilmember Arlington made a motion to amend the Town of Pantego Code of Ordinances Article 6.04 "Food Service Establishments" by amending and updating this article in its entirety. Councilmember Brewster seconded the motion.

The vote was as follows:

Ayes: Surratt, Arlington, Barrett, Brewster, and Smith

Nays:

Abstentions:

Mayor Paradise declared the motion passed unanimously.

16. Consider any action on the First Reading of the ordinance adopting the annual budget for the Town of Pantego, Texas for the fiscal year October 1, 2011 through September 30, 2012 Mayor Paradise stated that this will be the first reading of the proposed ordinance approving the 201/2012 fiscal year budget. The public hearings have been conducted and the second and final reading will occur on September 26, 2011.

Mayor Paradise stated that this is the first reading and first vote on the ordinance adopting the proposed budget for fiscal year 2011/2012. The public hearings were conducted August 22, 2011 and August 29, 2011 and the second and final vote will occur at the next Council meeting scheduled for Monday, September 26, 2011. Council took the opportunity to commend staff on the budget process this year.

Mayor Pro Tem Surratt moved to approve an ordinance adopting the annual budget for the Town of Pantego, Texas for the fiscal year October 1, 2011 through September 30, 2012 Councilmember Smith seconded the motion.

The vote was as follows:

Ayes: Surratt, Arlington, Barrett, Brewster, and Smith

Nays:

Abstentions:

Mayor Paradise declared the motion passed unanimously.

17. Consider any action on the First Reading of the proposed ordinance adopting the tax rate and tax exemptions for 2011 and levying the tax.

Finance Director Fitzhugh Newsome informed Council of a typo in section three of the ordinance and Mayor Paradise asked for clarification of the tax rate mentioned in the ordinance and Mr. Newsome confirmed that the correct number should be \$36.73.

Mayor Paradise stated that this is the first reading and first vote on the ordinance adopting the tax rate and tax exemptions. The public hearings were conducted August 22, 2011 and August 29, 2011 and the second and final vote will occur at the next Council meeting scheduled for Monday, September 26, 2011.

Councilmember Arlington moved to approve the proposed ordinance adopting the tax rate and tax exemptions for 2011 and levying the tax with the corrections as discussed. Councilmember Barrett seconded the motion.

The vote was as follows:

Ayes: Surratt, Arlington, Barrett, Brewster, and Smith

Nays:

Abstentions:

Mayor Paradise declared the motion passed unanimously.

COUNCIL INQUIRY

Mayor Paradise would like to see an update on the new Arlington library fees at the next meeting and informed staff of an article on the possibility of municipal courts disbanding and sending all municipal court business to Justice of the Peace courts.

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:

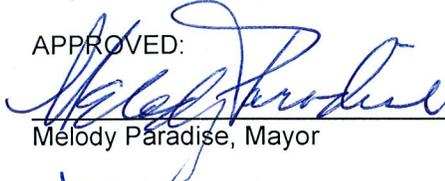
- **Pursuant to Government Code Section 551.071, the Council will meet in private or non-public executive session with its attorney for consultation, discussion, and to receive advice regarding potential litigation involving a complaint by Michelle Brown.**

Mayor Paradise adjourned the regular session into executive session at 9:55 p.m. and reconvened at 10:34 p.m. with council taking no action.

ADJOURNMENT

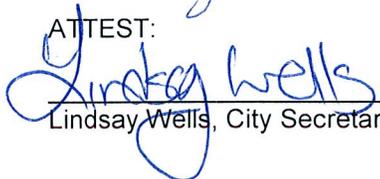
Mayor Paradise adjourned the regular session at 10:34 p.m.

APPROVED:



Melody Paradise, Mayor

ATTEST:



Lindsay Wells, City Secretary