

**Town Council Minutes
November 14, 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 14^h day of November 2011 with the following members present:

**Melody Paradise
Don Surratt
Jane Barrett
Russell Brewster
Don Funderlic
Duane Smith**

**Mayor
Mayor Pro Tem
Council Members**

constituting a quorum. Public Works Director Ron Edwards was excused from tonight's meeting. The following staff members were present:

**Sean Fox
Lindsay Wells
Jim Jeffrey
Joel McKinney
Tom Griffith
Chad Joyce**

**City Manager
City Secretary
City Attorney
Police Chief
Fire Chief
Building Inspector**

WORK SESSION 6:30 P.M.

Mayor Paradise called the work session into order at 6:35 p.m.

1. City Manager Report

- Town Staff Changes-Chad Watson will be joining the police department November 28, 2011. Sgt. Michelle Brown tendered her resignation to pursue educational endeavors.
- ICSC Conference-PEDC President Bill Brown, City Manager Sean Fox and Pam Mundo attended the conference November 2-4, 2011 in San Antonio. Conference was successful in establishing contacts with various brokers, developers and business owners.
- Pantego Business Owners Breakfast-First meeting with business owners was held November 9, 2011 with approximately half a dozen businesses in attendance. Business owners stated that they love doing business in Pantego and have high regard for city services, especially the police department.
- Town Cell Phones Consolidated-Departmental cell phone service will be consolidated beginning December 1, 2011 with Verizon as the chosen provider. An estimated \$1,200 a year will be saved by consolidating.
- Tarrant County Commissioner-Commissioner Andy Nguyen has requested more information regarding the largest of the projects presented to Tarrant County. Tarrant County has proposed breaking up the project into smaller projects from a financial standpoint.

Council discussed and directed staff to contact businesses and obtain quotes from business owners on what they love about Pantego for use in promotional materials.

2. Monthly Staff Reports

Council discussed the financial statements presented by Finance Director Fitzhugh Newsome and received clarification on investments, transfers and revenues. Chief McKinney discussed burglaries presented in his report as well as clarified a letter of commendation to Eric Alvarez for Council.

Chief Joel McKinney mentioned a program that the police department will be taking part in this year called, "Tickets for Tots." During the holiday season, officers will have the discretion to offer drivers with minor offenses the option of donating a new, unwrapped toy in lieu of paying a traffic fine.

3. Approval of Bills Payable and Purchase Orders in Excess of \$1,000

Council discussed bills payable as well as the purchase order for Watts Drilling to pay for the Lane Well repairs with City Manager Sean Fox.

**4. Minutes: P&Z-September 9, 2011
PEDC-September 14, 2011
PEDC-September 28, 2011
Town Council-October 24, 2011**

Council next discussed agenda item #5 regarding the Park Row Development project with City Manager Sean Fox. Mr. Fox informed Council that PEDC approved the bid submitted by Whiting-Turner for the Gateway Arch along Park Row Drive and a monument along Pioneer Pkwy. Council received an updated bid from the chosen bidder, Whiting-Turner, for review with clarified amounts. Council directed staff to obtain letters of recommendation from CMA endorsing Whiting-Turner.

Council discussed agenda item #6 regarding a proposed water rate increase. City Manager Sean Fox stated that the Town has excellent water service but has not kept up with infrastructure improvements. The Ad Hoc Water Committee listed infrastructure structure projects it deemed necessary to maintain and improve the water system. Mr. Fox took that information and created a 10 year plan, 15 year plan and 20 year plan for completing these projects. Historical data was reviewed to determine the average volume of water used and sold each year and how the associated fees could pay for these projects. Winter averaging was presented as an option to help offset increases in water rates.

Council discussed agenda #7 regarding the election of the TAD Board of Directors. Mayor Paradise stated that the Board of Directors is elected on a biennial basis and Council has the option to vote for one or two candidates from the provided list or abstain from voting entirely.

Mayor Paradise adjourned the work session at 7:25 p.m.

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

Mayor Paradise called the regular session to order at 7:39 p.m.

INVOCATION BY:

Terry Cagle, Christ Community Church

PLEDGE OF ALLEGIANCE

MAYOR/COUNCIL/STAFF COMMENTS OF COMMUNITY INTERESTS

Councilmember Brewster welcomed those in attendance and thanked the staff and the Community Relations Board for a job well done at the Halloween event. Councilmember Barrett thanked the assembled citizens in attendance for their community interest. She also expressed her appreciation for the Police and Fire Departments in helping to save her neighbor's life.

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Mayor Paradise welcomed the newest Councilmember, Don Funderlic, who was appointed at the previous Council meeting. Mayor Paradise stated that Donna Arlington resigned her position when she moved out of the city limits and became ineligible. Council had the option to leave her seat vacant until the May 2012 elections but chose to appoint Mr. Funderlic as they felt he was the best choice. Councilmember Funderlic thanked the Mayor and Council for the opportunity to serve and is looking forward to working with the citizens.

Mayor Pro Tem Surratt thanked the assembled citizens for taking time out of their evening to participate in the Council meeting and stated it is gratifying to see so many citizens providing their input and opinions. Mayor Paradise mentioned the 4th annual Red Kettle Challenge taking place on Saturday, December 17, 2011 at Wal-Mart. The mayors of Arlington, Mansfield, Kennedale and Pantego will compete to raise funds for the Salvation Army. Mayor Paradise stated that City Manager Sean Fox and City Secretary Lindsay Wells will be coordinating the Town's efforts and encouraged everyone to participate.

Police Chief Joel McKinney discussed the "Tickets for Tots" program previously mentioned during work session. Mayor Paradise thanked Mayor Pro Tem Surratt making her aware of this program.

COUNCIL LIAISON TO BOARD REPORT

- **Community Relations Board**

Mayor Pro Tem Surratt mentioned that the board discussed the Halloween event and agreed it was a success. Mr. Surratt stated that the board has money set aside in the budget for a youth event and requested direction on spending those funds. He also stated that the board will be meeting on Tuesday, November 22, 2011 at 6:30 p.m. to stuff stockings for the Candy Train event and encouraged anyone interested to help. Stockings for both children and dogs will be assembled.

Mayor Paradise directed staff to include the youth event on the next Community Relations Board agenda and confirmed that Candy Train will take place on Saturday, November 26, 2011.

- **Pantego Youth Leadership Council**

Mayor Paradise stated that the PYLC is meeting tomorrow, Tuesday, November 15, 2011. During their last meeting held in October, they elected their Council and the students will learn about board and commissions tomorrow night.

PEDC REPORTS

City Manager Sean Fox informed Council that PEDC discussed a previously approved performance agreement as well as bids received for landscaping town hall. Mr. Fox informed Council that PEDC approved Whiting-Turner's bid for the Park Row development project and a proposal for a Park Master Plan.

CITIZENS OPEN FORUM

Bob Griffin, 2 Country Club Ct. Pantego, TX 76013 - Mr. Griffin discussed the trouble with letting everyone know about things happening in town and expressed disappointment that the town continued to utilize the Commercial Recorder as the Town's paper of record. He would like Council to revisit notifying people and recommended working with the Arlington Citizen-Journal and the Fort Worth Star-Telegram and buy column space to discuss upcoming Town events and issues.

APPROVAL OF CONSENT AGENDA ITEMS

Mayor Pro Tem Surratt moved to approve Consent Agenda Items 1, 2, 3, and 4. Councilmember Funderlic seconded the motion.

The vote was as follows:

Ayes: Surratt, Barrett, Brewster, Funderlic and Smith

Nays:

Abstentions:

Mayor Paradise declared the motion passed unanimously.

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

5. Discuss, review and consider bids received for the Park Row Development project-Gateway Arch and Monument

This item was discussed during work session. Building Inspector Chad Joyce presented Council with an artist rendering of the Gateway Arch. Mayor Pro Tem Surratt stated that he agrees with earlier statements made regarding transparency and feels that the public has been given many opportunities to make their voices heard about the Park Row Development project.

Bob Griffin, 2 Country Club Ct. Pantego, TX 76013 - Mr. Griffin questioned how PEDC is allowed to approve projects on Town property.

City Attorney Jim Jeffrey informed Mr. Griffin and Council that since any expenditure over \$10,000 approved by PEDC must come before Council for approval, at which time Council is giving their approval for use of the land by PEDC.

Diane Robertson, 1603 Arrowhead Dr. Pantego, TX 76013 - Ms. Robertson feels that saying citizens are not against the project is not true and says her neighbors are all against it. She stated that she did not realize the project was so close to being finalized. She feels that she is not informed enough of things happening.

Council discussed with staff issues including ownership of the gateway arch and possible liabilities.

City Manager Sean Fox informed the assembled citizens about PEDC funds and explained that these are restricted funds which can only be used for certain things as identified by the state.

Charles Robertson, 1603 Arrowhead Dr. Pantego, TX 76013 – Mr. Robinson stated that while volunteering for the Super Bowl earlier in the year, he had the opportunity to meet many people and discuss Pantego. He feels that people are aware of where Pantego is and this project is not necessary.

Mayor Pro Tem Surratt made a motion to approve the bid received from Whiting-Turner for the Park Row Development project as previously approved by PEDC at a cost of \$122,000 for the Gateway Arch and \$30,000 for the monument. Councilmember Brewster seconded the motion.

The vote was as follows:

Ayes: Surratt, Barrett, and Brewster

Nays: Funderlic, and Smith

Abstentions:

Mayor Paradise declared the motion passed 3-2 with Surratt, Barrett and Brewster approving and Funderlic and Smith denying.

6. Discuss and consider a proposed water rate increase.

This item was discussed during work session. City Manager Sean Fox confirmed that he is not looking for any action from Council at this time.

Council discussed differences between a rate increase of \$18.72 and \$23.37. Mr. Fox informed Council how the cost of the projects and the proposed rate increase were configured.

RESOLUTIONS

7. Consider any action on a proposed resolution casting votes for candidates to serve as Board of Directors for the Tarrant Appraisal District.

This item was discussed during work session. Council discussed the lack of information available about the listed candidates and directed staff to work with the Tarrant County Appraisal District to learn more about the candidates.

Item failed due to lack of motion.

8. Consider any action on a resolution authorizing the City Manager to enter into a one year contract with Blackboard Connect for the communication service to be used to reach residents in minutes regarding town functions, events, and/or emergencies.

City Secretary Lindsay Wells informed Council about the Blackboard Connect contract. Council discussed the Blackboard Connect service and how it has been helpful in informing citizens. Ms. Wells stated that the new Town website will have the capability to inform citizens of many things important to citizens but encouraged the continued use of the Blackboard Connect service due to the capability of making a telephone call with information relevant to citizens in an emergency.

Councilmember Brewster moved to approve a resolution authoring the City Manager to enter into a one year contract with Blackboard Connect for the communication service to be used to reach residents in minutes regarding town functions, events, and/or emergencies. Councilmember Barrett seconded the motion.

The vote was as follows:

Ayes: Surratt, Barrett, Brewster, Funderlic and Smith

Nays:

Abstentions:

Mayor Paradise declared the motion passed unanimously

ORDINANCES

9. Discuss and consider any action on a proposed ordinance amending Chapter 4, "Business Regulations," Article 4.06 "Gas Drilling and Production," of the Code of Ordinances of the Town of Pantego, Texas, amending regulations governing gas well site work hours, noise limitations, landscaping and screening; providing for an administrative fee for periodic inspections; providing for additional regulations governing the operation of gas lift and line compressors; and providing for definitions.

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Building Inspector Chad Joyce updated Council on the specifics of what has been updated in the ordinance including work hours, noise limitations, protected use and baseline analysis.

Rob Allibon, gas well attorney for the City of Haslet, spoke to Council on behalf of Bryn Meredith.

Council discussed with Mr. Allibon issues including ordinance wording, grandfathering in, similarities between the proposed ordinance presented and other cities current gas well ordinances. Council discussed with citizens and staff the option of delaying decision and allowing Carrizo the opportunity to review the ordinance.

Bob Griffin, 2 Country Club Ct. Pantego, TX ,76013 - Mr. Griffin thinks that it is unlikely that more wells will be drilled unless and until gas rates increase so it is not unreasonable to require certain things. Mr. Griffin feels that Carrizo should be notified and allowed time to review the ordinance.

David Nelson, 1910 Sarah Ct. Pantego, TX 76013 - Dr. Nelson does not feel that Carrizo should be given the consideration of reviewing the proposed ordinance prior to approval. Work done by Carrizo has disturbed his children's sleep. He feels the Town Council failed the citizens with the original ordinance and approving the ordinance as presented would help to rectify that.

Mayor Pro Tem moved to approve the proposed ordinance amending Chapter 4, "Business Regulations," Article 4.06 "Gas Drilling and Production," of the Code of Ordinances of the Town of Pantego, Texas, and amending regulations governing gas well site work hours, noise limitations, landscaping and screening; providing for an administrative fee for periodic inspections; providing for additional regulations governing the operation of gas lift and line compressors; and providing for definitions. Councilmember Brewster seconded the motion.

The vote was as follows:

Ayes: Surratt and Brewster

Nays: Smith

Abstentions: Barrett and Funderlic

Mayor Paradise declared the motion passed with Surratt and Brewster approving, Smith denying, and Barrett and Funderlic abstaining.

10. Public hearing and consider any action on zoning case Z-158, a proposed change of zoning from C-1 to C-2 as requested by Shirley Bryant, for the property at 2500 Smith Barry Road, Tract 9D1 of the Nathan Smith Survey, Abstract Number A-1432, Pantego, Tarrant County Texas. The property is generally located on the southwest corner of Smith Barry Road and South Bowen Road.

Building Inspector Chad Joyce briefed Council on the background of the zoning change request and stated that the Planning & Zoning Commission recommended denying the zoning change requested by Shirley Bryant.

Mayor Paradise opened the floor for a public hearing and the following citizens came before Council regarding the zoning change request.

Shirley Bryant, 3426 Augusta Blvd. Rockwall, TX 75087 - Ms. Bryant stated that the property in question has been in her family for 47 years and has come before Council several times to request zoning changes. She stated that several businesses have approached her regarding the property but have declined to purchase due to the current zoning.

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Pearl Price, 1809 Cresthaven Dr. Pantego, TX 76013 - Ms. Price stated that she lives on the corner of Cresthaven and Smith Barry is concerned with what would be constructed if the zoning request to C-2 is approved.

Donna Allen, 1807 Cresthaven Dr. Pantego, TX 76013 - Ms. Allen stated that she had hoped the property would be developed as residential. Since it is currently zoned as commercial, Ms. Allen is concerned with increased traffic. She feels only an office building or medical office would be appropriate.

Beverly Higbee, 1805 Cresthaven Dr. Pantego, TX 76013 - Ms. Higbee discussed the potential impact to her property value and is also concerned with drainage issues.

Gary House, 1801 Cresthaven Dr. Pantego, TX 76013 – Mr. House informed Council that his parents moved to Pantego in 1963 and he believes that the town is unique. Mr. House feels that the commercial zones are clearly defined and it does not make sense for a commercial property to be situated in the middle of a residential area.

In response to concerns about drainage issues on the property, Ms. Bryant confirmed that an engineer has assured her that there is not a problem with drainage on her property. She stated that with commercial entities on either side of her property, there is no reason why a commercial development could not work and unless she requests, the property cannot be reverted back to residential zoning.

Mayor Paradise closed the public hearing and gave Council the opportunity to discuss the issues brought forth by the citizens. Council discussed with the citizens and staff issues and concerns including possible drainage problems, increased traffic and issues related to the school zone with children crossing the street, a possible planned development and the option to table the issue until the next Council meeting. City manager Sean Fox clarified what a planned development is and how the development could be created.

City Attorney Jim Jeffrey explained the options available to Council regarding voting or to table the issue.

Jim Siddens, 1710 Robin Rd. Pantego, TX 76013 - Mr. Siddens informed Council that he was not in favor of tabling the item since the concerned citizens are in attendance tonight.

Mayor Pro Tem Surratt moved to deny zoning case Z-158, a proposed change of zoning from C-1 to C-2 as requested by Shirley Bryant, for the property at 2500 Smith Barry Road, Tract 9D1 of the Nathan Smith Survey, Abstract Number A-1432, Pantego, Tarrant County Texas. Councilmember Barrett seconded the motion.

The vote was as follows:

Ayes: Surratt, Barrett, Brewster

Nays: Funderlic, and Smith

Abstentions:

Mayor Paradise declared the motion 3-2 with Surratt, Barrett and Brewster approving and Funderlic and Smith denying.

Mayor Paradise next referenced the option available to Council to waive the restriction in the Town Code of Ordinances requiring that a request for zoning change may not be made on the same property within six months of the previous request.

Councilmember Funderlic made a motion to waive the six month period and waive the application fee for the specific property in question. Councilmember Brewster seconded the motion

Ayes: Barrett, Brewster, Funderlic, Smith

Nays: Surratt
Abstentions:

Mayor Paradise declared the motion passed 4-1 with Barrett, Brewster, Funderlic and Smith approving and Surratt denying.

COUNCIL INQUIRY

Mayor Pro Tem Surratt inquired if City Manager Sean Fox would provide a weekly update to Council regarding Town happenings and Mr. Fox confirmed that he would begin immediately.

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 551.074, 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 Boards and Commissions appointments

Mayor Paradise adjourned the regular session into executive session at 10:31 p.m. and reconvened at 11:29 p.m. with council taking the action to appoint Doug Davis to the recently vacated position on the Pantego Economic Development Corporation Board.

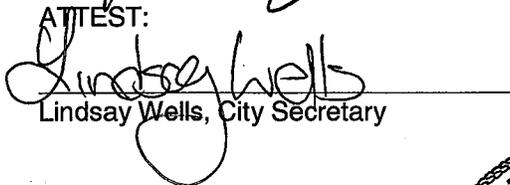
ADJOURNMENT

Mayor Paradise adjourned the regular session at 11:29 p.m.

APPROVED:


Melody Paradise, Mayor

ATTEST:


Lindsay Wells, City Secretary

